

**PLANNING COMMISSION MINUTES**  
**June 1, 1999**

Present: Chairman Dean Thurgood, Vice-Chairman Al Hess, Dick Dresher, Lois Williams, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Recording Secretary Connie Feil.

Absent: Mark Green, Paul Summers and Planning Director Blaine Gehring.

Dean Thurgood welcomed all those present and introduced all members. Dick Dresher made a motion to approve the minutes for May 18, 1999 with one correction. Al Hess seconded the motion and voting was unanimous.

**Subdivisions**

1. Consider preliminary and final subdivision approval for the United Shadows Condominiums at 32 E. 300 S., LaGrand Richter, developer.

LaGrand Richter, developer, was present. Paul Rowland explained that LeGrand Richter has purchased a portion of the Washington Mutual property at 32 East 300 South and would like to build a three unit condo building on the property. This area is zoned Commercial/Residential Mixed Use (C-R) and allows for this use up to 16 units per acre. These three units represent 10.5 units per acre.

The units are all three bedroom units which require 2.5 parking spaces per unit or a total of eight spaces. There will be a garage in each unit and an additional 5 spaces to meet the parking requirements.

There are some items which need correction and/or clarification on this plan. First, there is no dumpster or garbage enclosure shown on the plan because separate garbage cans will be used and stored in the garages. Fencing will be provided as follows: a solid masonry wall will be built along the west property line in conjunction with the bank and a vinyl or wood fence will be built along the south and east property lines. Last, the exterior of the building needs to conform to the ordinance allowing no more than 50% of the exterior in siding or stucco. A private area in the form of a patio needs to be provided as required in the ordinance.

There was a discussion between Mr. Richter and the Commission Members. There has been a landscape plan submitted but Mr. Rowland has not reviewed it to know if it meets the ordinance. There were some concerns that each garage will be not be large enough to store a garbage can and a car. There are some units in the City with this same situation and the cans are being stored outside the garage. If this is going to be the same situation an enclosed dumpster needs to be provided. Each unit will have approximately 628 sq. feet in the basements and 650 sq. feet for the main and top floors and will sell for about \$130,000.00 to \$140,000.00. The exterior materials will need to comply with the ordinance.

Staff recommends the Planning Commission recommend preliminary and final site plan approval to the City Council with the following conditions:

1. The exterior material on the building must conform to the Zoning Ordinance by having not more than 50% of the exterior is siding.
2. A private patio for each unit needs to be provided as per the Zoning Ordinance.
3. Recording of a Condominium Plat with the County Recorder according to the laws of the State of Utah and the signing of a Development agreement with the City.
4. Show sewer line easement across the west side of the property and the new lateral into this line.
5. Install a fire hydrant at the northeast property corner.
6. Provide 7 feet easements along the south, east and north property lines and a min. 10 foot easement to cover the sewer line along west property line.
7. Pay the following fees at the time the building permit is issued.
  - a.. Water impact fee per 1" meter=\$2,588.00
  - b. Sewer impact fee (based on \$1,556.00/ERU)
  - c. Storm drain impact fee (is used) (\$2,100 per acre X .289 acres=\$606.39)
  - d. New 6" fire hydrant

25 ' of 6" pipe @ \$20/ft.	= \$ 500.00
6" x 6" tap & valve	= 1,438.00
6" hydrant	= <u>2,061.00</u>
Total fee for hydrant	=\$3,999.00
  - e. Road patches based on actual size of patch

Dick Drescher made a motion for preliminary and final condominium approval for the United Shadows Condominiums at 32 East 300 South subject to the conditions from Staff and the addition of the following:

8. Landscaping meet the City Ordinance.
9. Provide enclosed trash container area for garbage cans if the garage is not large enough or if the cans are not being stored inside the garages.

Al Hess seconded the motion and voting was unanimous.

**Zoning Amendments**

1. Continuation of considering amending the Zoning Ordinance regarding swimming pools and fencing around them to be compatible with Davis County Health Department definitions and requirements.

Rusty Mahan explained that the City passes its own ordinances, like the Animal Control, which controls in Bountiful. However, the City hires Davis County Animal Control to enforce our ordinance and they have asked the City to adopt their ordinance. The City is in conformity with Davis County ordinances as they have asked of us. This was our decision to make the changes.

The same situation exists with the Davis County Health Department. The City passes its own ordinances but we work together with the Health Department. This is why Mr. Gehring has suggested that the City have the same pool fencing ordinance as the Health Department. It helps the City as well as the County to have the same ordinances. It will be a tightening of the ordinance for back yard pools and hot tubs which can be a danger.

The City currently excludes hot tubs by exempting pools of 1,000 gallons or less. The county ordinance does not have the 1,000 gallon exemption, but both require having a 6 foot fence around it. There are a lot of hot tubs in Bountiful without a fence around them. This is a zoning ordinance with a Grandfather affect, but could be passed as a health ordinance outside of zoning. It is being proposed in a zoning context and Grandfathering is a zoning concept.

In a previous meeting, Mr. Gehring was asked to find out what the County Health Department's policy was concerning locked covers on hot tubs. They consider these covers as temporary only and not a sufficient enough solution to waive any fencing requirements. Because the purpose for the changes in the ordinance is to have the two the same, Mr. Gehring's recommendation stands the same as proposed in his last memo.

A lengthy discussion followed. Dean Thurgood asked how will fencing a hot tub be controlled? The only way it can be controlled would be on a complaint basis or inspectors or employees catching as it is being built. Swimming pools having a fence is not a big problem because building permits are required for these.

Lois Williams mentioned that all hot tubs that she has seen have a cover on them. When you purchase a hot tub a cover is provided with it. She feels that having a cover for hot tubs should be required rather than having a fence. Swimming pools definitely should have a fence with a latch.

Al Hess feels that the ordinance needs to be practical or the people are going to ignore it and not comply with the ordinance.

Rusty Mahan suggested to table this item to consider where the fence should be located. There is another option to down size the amount of gallons required before having a fence.

Dick Drescher made a motion to table this item for Staffs review. Barbara Holt seconded the motion and voting was unanimous.

2. Consider amending the Zoning Ordinance to make Churches a permitted use in Residential Zones.

Rusty Mahan explained that until 1993 churches were a permitted use in a Residential Zone. In 1993, when the ordinances were revised, churches were put in as a Conditional Use. The Staff and the City Manager have suggested to change it back to a permitted use.

There was a brief discussion and Lois Williams made a motion to amend the Zoning Ordinance to make Churches a permitted use in Residential Zones. Al Hess seconded the motion and voting was unanimous.

3. Consider rezoning Bountiful City property at approximately 350 E. 900 N., from Single Family Residential (R-1-6.5) to General Commercial (C-G)

Paul Rowland explained that a couple of years ago, the Planning Commission granted a conditional use permit for the Xcel Fitness Center to go into the old Winegars store on the corner of 900 North and 400 East. The owners of the fitness center did not anticipate how much evening use they would get which now creates a parking problem after about 5:00 pm when they overlap with the Mandarin Restaurant. The City Manager and the Mayor have been in discussions with the owner of the property, the manager of Xcel Fitness and the owner of the Mandarin to see what can be done to help reduce the problem. One possible solution that has been agreed on by the Mayor and the property owner is for the city is to have the property owner lease the property to the south and west of the fitness center/restaurant from the city for expanded parking. The property south of the building has been used by the city as a well (now abandoned) and the property along the west has been leased out as a garden. The city would lease this property for ten years then reevaluate the situation.

Thirty-eight parking spaces could be developed on the property. New fencing would be put up along the perimeter of the property and the required landscaping would be provided around the edges.

Paul Rowland and Tom Hardy have met with the neighbors to discuss some of their concerns. The neighbors realize that the parking problem on 900 North is larger than the impact from the new parking lot. The owner of the home west of the Mandarin has concerns about having the parking lot behind her property. Options were discussed with her about ways to reduce the possible impacts near her house.

The property is .29 acres and is currently zoned Single Family Residential (R-1-6.5). To be used as parking, it needs to be rezoned to General Commercial (C-G). Staff recommends the Planning Commission send a favorable recommendation to the City Council for this rezone in order to help the parking problem which exists at Xcel Fitness and the Mandarin Restaurant.

The Mandarin Restaurant and Xcel Fitness have quite a few employees and these new parking spaces could be used by them. This will help solve a lot of problems by reducing the patron

parking on 900 North Street. The City will have ownership of the property and will pave the parking lot.

Barbara Holt made a motion to recommend to the City Council approval for the rezoning Bountiful City property at 350 E. 900 N. from Single Family Residential (R1-6.5) to General Commercial (C-G). Al Hess seconded the motion and voting was unanimous.

Meeting adjourned at 8:15 p.m.