

PLANNING COMMISSION MINUTES
September 21, 1999

Present: Chairman Dean Thurgood, Vice Chairman Al Hess, Dick Drescher, Lois Williams, Paul Summers, City Council Representative Barbara Holt, City Attorney Rusty Mahan, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: City Engineer Paul Rowland and Mark Green.

Dean Thurgood welcomed all those present and introduced all members. Al Hess made a motion to approve the minutes for September 7, 1999 as written. Barbara Holt seconded the motion and voting was unanimous.

Miscellaneous Items

1. Consider special signage at 70 N. Main (former Lakewood's Building)

Brian Knowlton, owner of building, and Matt Neve, owner of Club Mud, were present. Blaine Gehring explained that when Brian Knowlton and his associates brought in their plans for the site plan approval to convert the Lakewood's Building to a mixed use format, no thought was given to signage. Now, with commercial uses on the first floor and residential use on the second floor, the question has come up as to how to deal with signage for the commercial uses.

Club Mud, a pottery/ceramics business, will be taking a large area on the southwest corner of the first floor of the building. With a small landscaped plaza area in front on the south and the street trees along Main Street blocking a good portion of the walls, Mr. Knowlton feels they need to go up on the building for signage. There will also be some other businesses in the building which Mr. Knowlton feels need signage on the upper level rather than on the first floor.

The overall request is to put signs where the old Lakewoods signs have been, namely one on the north end of the Main Street facade and one on the south facade next to Main Street. The part that differs is that these signs will now be between windows to the condominium units on the second floor. There will be some other signs on the building but they will be on the first floor and do not pose a question.

Mr. Gehring's first reaction when the Club Mud sign was proposed was that the second floor of the building is now residential and should not be used for commercial purposes such as signs. Mr. Gehring has researched this situation but could find nothing in the our ordinance or other cities relating to this type of use. So, the question becomes one of the City's interpretation as to how appropriate or not this would be. Such situations the city will have are minimal. Mr. Gehring's feels that the City should treat these situations on a case by case basis as they arise beginning with this building.

To help with the overall appearance of the building, Mr. Knowlton is planning for a couple of

planters and some awnings around the window directly adjacent to Main Street on the south facade. This would be the likely place for any signage for Club Mud and it will be used for building aesthetics which Mr. Gehring can't argue against. The awnings and planters will help soften the building and provide necessary landscaping for an otherwise stark parking lot. In looking at the other views describes, Mr. Gehring has agreed that there is in fact limited visible area for a sign on the Club Mud space.

The only issues with signage, then, are the two signs which will be on the second floor. Mr. Gehring feels that if these signs can be placed on the walls such that they not interfere with or shine into any of the condominium units' windows, they could be made to compliment the building and help the commercial reuse of the first floor. Size is also a concern. Wall signs under the ordinance may not cover more than 30% of any wall face. Mr. Gehring recommends the size limit on these signs be 30% of the leasable building frontage on the first floor.

Staff recommends approving two signs on the second level of the old Lakewoods building with the following conditions:

1. Signs shall be located as shown in Exhibit A.
2. Signs shall be designed that no lighting splash over into the adjacent condominium windows occurs.
3. The size of the signs shall be no more than 30% of the leasable frontage on the first floor of the building for each wall face.

Brian Knowlton explained that he and Matt Neve have been working together with Young Electric Sign Company to make sure that there will not be any light washing into the windows of the condominiums. The signage will be a reverse pan with a defuser on it. The lighting will be reflected to the back of the sign. There will be three small over hanging lamps with shutters to reflect the light only onto the sign. These lamps will frame in the space of the sign.

There was a brief discussion making sure that there will be no light reflecting into the condominiums and the size of the sign. It was decided to change the percentage of the wall signs from 30% of the first floor wall face to 50% of the area between the windows and between the beginning of the second floor and the roof line. It was also asked if the lights will be left on all night or turned off. The business will close at 10:00 P.M. at this time the lights on the sign will go out.

Lois Williams made a motion to approve the two signs on the second level at 70 N. Main subject to the recommendation from Staff with a change to item #3 as follows:

3. The size of the two signs shall be not more than 50% of the area measuring between the windows and from the second floor to the roof.

Dick Dresher seconded the motion and voting was unanimous.

Miscellaneous

1. Blaine Gehring explained to the Board that there has been some issues that have come through the office recently that has prompted him to review the chapter on temporary uses. When the conditional use permit was granted for the Winder Dairy trailer, it was mentioned that a building permit needs to be issued before the placement of the trailer. Looking into the ordinance, the provision for a building permit for the permanent structure and before the trailer can be placed is not there. Another issue is with some concerns about the time limit for the temporary trailer in Lewis Park Estates. What happens if the homes are not all sold within the one year time limit?

This week Ivory Homes came to the City asking for a model home in Summerwood to sell their homes. Ivory will not be able to have the model home up by this winter so they are asking to put one in Bountiful Ridges. Thus, Ivory Homes is asking to place a model home on Bountiful Boulevard in a subdivision that is not related to Summerwood. The ordinance is not as clear as we would like on this issue either.

There have been more garage and yard sales throughout the City than in years past. Some of these sales have been lasting for weeks at a time. Mr. Gehring received the ordinance for temporary uses and garage sales from Farmington City. He has drafted some of their provisions into Bountiful's ordinance. Mr. Gehring gave all Planning Commission Members a copy of the changes he proposes to be more specific with all of these issues. The approval or disapproval for the changes will be put on the next Planning Commission Agenda.

2. Dick Dresher has some concerns after attending the last City Council Meeting. Mr. Dresher is not sure that the Planning Commission Members and the Staff know what the definitions to the ordinances really are. When Mr. Dresher reads the ordinance about screen trees, it means screen trees are between a parking lot and a residential area. Between Multiple Family and Commercial uses the trees are used as a screen from the residential area. In City Council Meeting, referring to the site plan approval for the new parking lot behind the Mandarin and Xcel Spa, Tom Hardy and Paul Rowland made the comment that you can't see the trees from the street so why put them in. Mr. Dresher feels that because they cannot be seen is not the purpose of the ordinance. One of the neighbors was present and mentioned that they would like the trees there to help screen them from the building and the lighting from the parking lot.

The purpose for the trees is to help screen the buildings and lighting. Mr. Dresher felt bad because the City Staff presenting this indicated that the trees are not seen, why put them in? Another comment was that it is not a required parking lot so why does it have to be landscaped? The ordinance does not refer to it as a required parking lot or not. Mr. Dresher feels that there is a purpose for the screen trees and the City needs to be more strict about the ordinance. Whatever the required ordinance is the Planning Commission needs to know what they are doing. The City should not get away without doing what is required on any other applicant. Again, the comment was made that it is not a required parking lot and the trees are not seen and it is too expensive so

why put the trees in? Every developer faces these same circumstances. Why should the developers be required to follow the ordinances and not the City?

Barbara Holt felt bad that she did not take the time to explain a few things to the Planning Commission. This was not the normal City project because in essence it was not a City project it was a city-arranged project. There is a bad parking situation on 900 North. The City spoke with Dee Winegar and he agreed to make these changes at his expense. The City arranged and put this together. If the City were doing this project at their expense then they should and would have followed the ordinance. The Mayor has sat down with Mr. Winegar to discuss the parking problem. The Mayor has offered the City property to Mr. Winegar to develop a parking but at his own expense and then lease the property from the City. Mr. Winegar will be paying for the cost of the improvements in the lease. Mr. Winegar could have told the City he did not want any part of it but he agreed with the proposal.

After talking with the City Council, Mrs. Holt agrees with the Council decision. The Council feels that the neighbors could pitch in with some of the expense (screening trees) since this is their neighborhood and Mr. Winegar is paying for the development. Mr. Winegar is doing this as a favor to the City to help get the parking off of 900 North. If Mr. Winegar refused this proposal, the taxpayers would have to pay the expenses. The Council felt that the taxpayers should not have to pay for this and it would be better to keep the expense down for Mr. Winegar. Mr. Winegar agreed because the problem with the parking is caused by the success of the two businesses.

Lois Williams mentioned that not only the neighbors but the businesses that are benefitting from this situation. It appears that Mr. Winegar is doing the City a favor when it really is the other way around. Mrs. Williams feels that the City is doing the businesses a favor. The more parking they have the more customers they have. If Mr. Winegar needs to raise the rent of these two very successful businesses to provide trees, so be it.

Barbara Holt mentioned that the deal was negotiated by the City to get the parking lot in and get the parking off of the streets. The City did not want to lose the opportunity with to have this done. The City Council, Mrs. Holt included, was resistant to request anything that would be a deal breaker and make it so the parking lot would not be done.

There was a discussion about the key issue with the parking lot and it is that the employees are to use the parking lot. Customers for both businesses are not going to use it. It is closer for the customers to use the street if parking in the main parking lot is not available. It cannot be enforced but it was recommended to the tenants to have employees use the parking lot.

Dick Dresher feels that the Planning Commission needs to be more specific with comments and requirements to the City Council as to why the recommendations have been made.

Meeting adjourned at 7:45 P.M.