

PLANNING COMMISSION MINUTES
June 6, 2000

Present: Chairman Al Hess, Vice Chairman Paul Summers, Dick Dresher, Dean Thurgood, Lois Williams, City Manager Tom Hardy, City Council Representative Gordon Thomas, City Prosecutor J.C. Ynchausti, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: City Attorney Rusty Mahan, Mark Green.

Al Hess welcomed all those present and introduced all members. Dean Thurgood made a motion to approve the minutes for May 16, 2000 with two corrections. Dick Dresher seconded the motion and voting was unanimous.

Conditional Use Permits

1. Consider granting a conditional use permit for a used car sales lot at 2084 S. Orchard Dr., Brian and Bobby McKane, applicants.

Brian McKane, applicant, was present. Blaine Gehring explained that this is the old gas station/tire store which has been the subject of some rezone requests over the past few years. Originally built and used as a service station, it sat vacant for several years. For the past year or so it was renovated and used as a tire store. That tenant moved to 500 West and the property has again sat vacant. Brian and Bobby McKane would like to use the site for a used car lot.

Mr. Gehring has mixed feelings on this. A couple of years ago the Planning Commission granted a used car lot on the Cavanaugh's corner. As part of the approval it was required to increase the landscaping by cutting to make 10 foot wide grass strips. It ended up looking just like grass strips. It did not add anything to the site and was removed and the asphalt replaced as soon as the car lot closed. At this location, landscaping would be nice, but the businesses in the immediate area on that side of Orchard Drive have no landscaping, including two auto related businesses on either side of this one. The lot and building have been cleaned up considerably with the previous occupant. Mr. Gehring can't see where landscaping would add anything at this time for this use. Mr. Gehring feels that with proper location of the cars for sale and customer parking, there would not be a problem with the used car sales lot. It is recommended that cars for display be no closer than 10 feet to the sidewalk and that there be at least three spaces reserved on the north of the building for customer parking. The owners have indicated that, due to space, they would not be able to display more than 25 cars. That should be placed as a limitation on the property so it does not become overcrowded as many lots do.

Staff recommends granting the conditional use permit for a used car lot with the following conditions:

1. Cars for display are no closer than 10 feet to the sidewalk and that there be at

least three spaces reserved on the north of the building for customer parking.

2. A limit of 25 cars for display at anyone time be placed on the lot due to limited space.

Brian McKane mentioned that he hopes that the sales of the cars will come to the point of having 25 cars on the lot. Until the business grows there will not be that many. Mr. McKane is leasing the property on a month to month basis with the intention of eventually buying. Mr. McKane is excited to do business in Bountiful.

Mr. Hess opened the public hearing for all those who have any comments.

Gary & Claudia Lindeburg, residing at 2057 S. Penman Lane, have no objections in having a car lot at this location. The Lindeburgs would like to have the retaining wall, which the City promised 30 years ago, on the back of this property. This property has been rezoned several times and each time the wall has not been put in place. Mrs. Lindeburg feels that it is time the City did something with this and give them the wall.

Mr. Gehring mentioned that a letter was sent from Gordon Johnson, residing at 309 W. 2300 S., stating that he has no objection with the car lot.

There were no further comments and the public hearing was closed.

There was a discussion on how to monitor keeping the cars 10 feet away from the sidewalk and landscaping. Mr. McKane explained that he is only leasing the property and would not be able to remove 10 feet of cement to replace with landscaping but he could use some type of paint markers on the cement to prevent the cars from being parked closer than the 10 feet required. Mr. McKane feels that since the property is up for sale the owner will not replace the cement with landscaping.

Dick Dresher mentioned that the City has required the businesses on the east side of the street to have landscaping, which makes the east side look a lot better than the west side. Dick's Market and the new businesses on 2200 South were also required to have landscaping. Mr. Dresher feels that since this is a change of use it should be required to have 10 feet of landscaping. Maybe by doing this it will encourage the surrounding businesses to do the same. This will also control the cars 10 feet away from the sidewalk.

Al Hess agrees with Mr. Dresher that 10 feet of landscaping should be required. The west side of the street is hard looking and not very appealing.

Paul Summers suggested tabling this item until Mr. McKane can talk to the owner about the landscaping. Mr. McKane feels that the owner will not put in landscaping and if this is tabled Mr. McKane will have to find another location. If Mr. McKane purchases the property, he will replace the cement with the 10 feet of landscaping and put a retaining wall on the back property line.

Dick Drescher made a motion to grant a conditional use permit for a used car sales lot subject to the conditions recommended from Staff with the modification to item #1 that the property be improved with the 10 feet of landscaping per the City Ordinance. Dean Thurgood seconded the motion.

Gordon Thomas feels that requiring to landscape at this time the City is putting handcuffs on Mr. McKane since he does not own the property.

Voting for the motion was three for the motion and three against the motion. With this being a tie it was a failed motion. It was suggested to make another motion.

Paul Summers made a motion to grant a conditional use permit for a used car lot subject to the conditions recommended from Staff. Lois Williams seconded the motion.

Gordon Thomas made a suggestion to amend the motion and add that if purchased by Mr. McKane the 10 feet of landscaping be put in as required by ordinance. Mr. Summers agreed to the change and Gordon Thomas seconded that motion. The motion passed by majority vote. Four votes for the motion and two against the motion.

2. Consider granting a conditional use permit for an auto paint shop at 468 W. 1600 N., Scott and Julie Berry, applicants.

Scott Berry, applicant, was present. Blaine Gehring explained that Scott and Julie Berry are the owners of Paint Master, an auto paint shop. They would like to operate their business out of the south portion of the building located on the corner of Pages Lane (1600 North) and the freeway frontage road leading into Centerville. Currently, auto paint shops are conditional uses in the Heavy Commercial (C-H) Zone. From the applicants' description, this will only be a paint shop for autos, and other items such as appliances, metal cabinets, motorcycles and ATV's, motor homes and boats. Mr. Berry would like to offer a lower priced paint job without all the expensive of auto body equipment that other auto body shops have.

Until recently, the building was used by the stone company which operates out of the north side of the building. The south side has most recently been used as a sales and construction office for companies who sell and service petroleum equipment. The lot has been entirely paved and there is a fence around the property which has been there for some time.

Mr. Gehring has two concerns with this proposal. First is the parking and storage of inoperable and dismantled vehicles on the site. Mr. Gehring has discussed this personally with Mr. Berry and he says there will not be any such storage on the property. Any autos or other items to be painted should come in a repaired state and ready to paint. Other than light sanding and finishing, no major auto body work or repair should be expected on the site.

The second concern deals with paint and other odors from the site getting into the residential areas adjacent to the site. This should, however, be taken care of with the equipment for venting

and otherwise required under the Uniform Fire Code administered by Bountiful Fire Department.

Scott Berry explained that this is not a body shop just a paint shop. There will be no storage of any cars outside the building. The entire facility is all fenced. Mr. Berry has been doing this type of work for 20 years and will work with all air quality standards, Fire and Uniform Building Codes. This is not a body shop only a paint shop.

Staff recommends granting the conditional use permit for the auto paint shop with the following conditions:

1. There will be no storage or parking of inoperable, dismantled or unlicensed vehicles on the site.
2. The building and all paint equipment must meet the requirements of the Uniform Building and Fire Codes and meet the Air Quality Standards.

The public hearing was opened for any comments or concerns.

Levelle Huffty, residing at 1585 N. 400 W., has some concerns with the fumes from the paint and dust from the sanding. Mr. Berry assured Mr. Huffty that there will not be any fumes or dust coming from his business. All painting and sanding are done inside the building. All safety and environmental concerns are passed through City and State codes on ordinances.

There were no further comments and the public hearing was closed.

There was a discussion on improvements to the building and landscaping. Dick Drescher and Paul Summer have requested that the parkstrip be landscaped according to the ordinance. Mr. Berry mentioned that he has done a lot of cleanup with the outside of the property. The weeds from the parkstrip and parking lot have been removed. Flowers will be planted in the park strip.

Lois Williams made a motion to grant a conditional use permit for an auto paint shop at 468 W. 1600 N. subject to the recommendations from Staff with the addition of the following:

3. Existing landscaping be required to meet City Ordinance.

Paul Summers seconded the motion and voting was unanimous.

3. Consider approval of a Planned Unit Development Preliminary Plan as part of a conditional use permit for the Renaissance Town Center which will take the place of the existing Five Points Mall and include the existing sites of the First Southern Baptist Church, First Security Bank, and the IHC InstaCare located north of 1500 South.

Bruce Broadhead, Sam Broadhead, Fred Babcock, Alex Schiel and Jack Balling, representing Renaissance Town Center, were present. Blaine Gehring explained that he has asked Bruce Broadhead and his associates to prepare to show the town center in detail so you can get a better

feel for the buildings, the setbacks, the height of the office tower and parking.

Mr. Gehring mentioned that there are a couple of items which need to be thought about. The fronting of retail businesses right on the sidewalks (or close to them as can be). Most of the perimeter buildings along Main Street, 1500 South and 1800 South are right out to the sidewalk or within 10 feet of the sidewalks. The height of the office tower is another concern. The ordinance currently allows a height of 45 feet on building in the C-G Zone. The office tower will far exceed that. These two items will need to be waived as part of the PUD approval.

Staff recommends granting conceptual and preliminary approval at this stage so that the first phase, the Sports Mall, can begin final drawings and preparation for construction. Conditions may be imposed if the Planning Commission feels so inclined after the presentation, public hearing and discussion.

Bruce Broadhead explained that two years ago he and his associates purchased the Five Points Mall Shopping Center in hope of redeveloping the center to benefit the community. This is a long narrow site with four sides. This requires more land planning and architectural planning to be successful. This type of project is called “new urbanism” shopping. Some of the features of new urbanism are to bring the retail buildings out to the street, create buildings with an architectural feel, provide an office structure and use a shared parking concept. The new urbanism shopping centers provide mixed uses and provides jobs, entertainment, restaurants, and retail shopping within the community. This project will provide a sports mall, entertainment, restaurants, office and retail space and eliminate shopping outside of Bountiful. Mr. Broadhead feels that this project will be a success and bring in more revenue to the City and be a benefit to the community.

Fred Babcock explained that his job is to create a project that will benefit not only the developer but those who will use it and the community around it. Mr. Babcock and Mr. Schiel feel that they have created such a project with the Renaissance Town Center. The open space parking has been reduced with a three level parking terrace and smaller areas of parking. The parking terrace will not be visually intrusive.

Alex Schiel explained that one of the concepts for this project is to create a gathering area or destination point or park area which will be located in the center. Another point is to create a building that would be an icon to bring attention to the center. This will also be located in the center of the project surrounded by open and green space, retail shops, restaurants, a speciality market etc. This type of shopping centers are very popular and successful.

The public hearing was opened for any comments or concerns.

Vernon Jensen, residing at 1415 S. Main, appreciates having a new fresh look for the mall but has some concerns with it. First, Mr. Jensen would like to know how many major stores are committed to be in this mall, what about the walkers without a covered mall, concerns with parking at Christmas time and with the sports mall, Mr. Jensen is requesting that there be no boxing of any kind be allowed.

Hal Belnap, residing at 144 W. 1500 S., has concerns with the parking. Mr. Belnap fears that there will be an overflow of parking onto the street. He would like to know if the stores will be individually owned and how will they be maintained?

Judy Noorda, residing at 1609 S. 200 W., has concerns with additional traffic.

Rachael Kagie, residing at 1309 S. 200 W., has concerns with the additional traffic. Would like speed bumps and or radar placed on 200 West to slow the speeders and place a traffic light on the Five Points intersection. She also has some concerns that this will become a teen hangout and have more crime and drug problems.

Tom Hardy explained that the Five Points intersection is the safest intersection in Bountiful and until traffic becomes a problem it will remain the same. However, the intersection on 1800 South and Main will require a traffic signal. There will be an entrance and exit off of Highway 106 which will eliminate some of the traffic.

It was explained that the same concerns with crime, drugs and teen hangout were with the citizens of Sugar House. With the revitalization of Sugar House Commons this problem has been eliminated. This project has brought new vitality to the neighborhood. More citizens from the community are shopping this area so the teens are staying away.

Claude Mills, residing at 1308 S. 200 W., have some concerns with who will police this center? Will the center have their own police or will Bountiful City cover the area?

Tom Hardy explained that the City is the law enforcement agency for this area and the City will patrol this area like all commercial areas in Bountiful. The center can hire their own security for the interior of the center. If there are any problems their security will call Bountiful Police for the law enforcement process.

Jack Billings also has some concerns with the additional traffic that will be generated from this project and will there be enough parking? Mr. Billings feels that Five Points Mall has been an eyesore for years and this project is a worthwhile and positive thing for Bountiful.

Marv Blosch feels that this is a wonderful project and can be a good opportunity to the residents of Bountiful. Mr. Blosch has some concerns about the property on the west side of this project. He would like to know if anyone has talked about some type of beautification with this area?

Mr. Gehring explained that the residential area west of the mall is in Woods Cross.

Susan Olson, residing at 166 W. 1500 S., has concern that there is not enough parking and that the parking will be done on Main Street and 1500 South.

It was explained that the parking is designed for shared parking. The shared parking concept means that during the day most of the parking will be office employees and some shopping. At

night the office space will be closed, leaving parking for the night shopping, entertainment and eating. It has been estimated there will be ample parking for day and night use of the center. There isn't any anticipation of having any parking problems.

Brad Knowlton supports this project.

Cindy Henzy has some concerns with keeping her privacy and the noise coming from the Sports Mall.

Jay Bishop does not want to drive his car from store to store in the winter, he prefers to have a covered mall not only for the parking but to be able to use the mall for walking. In the winter time no one wants to go shopping or walking outside.

The public hearing was closed and discussion opened for the Planning Commission Members.

Dick Drescher asked if any drawings showing the grading, utilities, landscaping, elevations etc. have been submitted to the City? Mr. Drescher has not seen any type of drawings on this project. Mr. Gehring mentioned that there have not been any plans submitted at this time.

There was a discussion about snow removal, landscaping, height of the building and retail next to the sidewalk. The snow will be placed in the corners of the parking lots. Some of the walkways could be heated to create a friendly winter environment. If necessary the snow will have to be hauled away. There is a problem with the drainage and level of the parking lot. When this has been worked out some type of landscaping can be provided around the perimeter of the parking lot. The upper level of the parking lot should have some type of landscaping. The city ordinance requires 10% landscaping for commercial and 15% in a PUD. This project will create a total of more than 15% of landscaping and open space.

The height of the building will be 65 feet from Main Street and 75 feet from Highway 106 which does not meet the ordinance nor does the new concept of urbanism with the retail shops next to the street. Mr. Broadhead is asking for conceptual approval for these items as well as the landscaping and shared parking. At this time it is also asked for preliminary approval so that the first phase, the Sports Mall, can begin final drawings and preparation for construction.

Mr. Gehring mentioned that there has been only one person concerned about the height of the tower, all others have been in favor of the whole project.

Lois Williams made a motion for conceptual and preliminary approval of a commercial PUD at this stage. Gordon Thomas seconded the motion.

Mr. Gehring explained that the only conditions that need to be waived are the 20-foot set backs and over 45-feet for the tower. The shared parking concept is part of the city ordinance. If the Planning Commission wants to consider the open space and landscaping together a waiver for this will not be needed.

Lois Williams amended her motion as follows: Grant conceptual and preliminary approval at this stage, with the approval to waive the 45-foot requirement and 20-foot set back requirement and include the sidewalk system as part of the open space landscaping requirement. Gordon Thomas seconded the motion as amended.

Dick Dresher mentioned that he has not seen any drawings on this project. The only thing that has been shown are pictures. He feels that a motion for preliminary approval without these drawings is contrary to City Ordinance. Conceptual approval is fine but without some type of site plans he can't grant preliminary approval.

Blaine Gehring mentioned that complete drawings have not been submitted at this time and Mr. Dresher is correct that preliminary approval should not be granted until drawings have been seen. Mr. Gehring suggested that conceptual approval be granted for the whole project and preliminary be for the project after drawings have been submitted. The final for the Sports Mall can be granted at the same time as the preliminary approval for the whole project.

Lois Williams amended her motion with agreement to Mr. Gehring's suggestions. Gordon Thomas seconded the motion and motion was unanimous.

Site Plans

1. Consider preliminary site plan approval for a 10-unit condominium project at 453 W. 200 N., Jason Larsen, owner.

Jason Larsen, owner, was present. Blaine Gehring explained that Mr. Larsen would like to develop a 10-unit condominium project on a parcel just over 3/4 of an acre in size. The property is zoned R-3-13 and would allow up to 10 units on the property. It is surrounded by commercial uses on the west and apartments on the south and east. It has an older single family house on the property which will be demolished.

The property is "flag shaped" with a smaller frontage (77 feet) area opening up to a wider area (88 feet) in the back. The developed portion of this will primarily be in the rear portion where there will be two three-unit buildings and one four-unit. There will be eight 2-bedroom units and two 3-bedroom units. Each unit will have an enclosed, attached garage and extra parking spaces are provided on the front of the property.

Because of the depth of the property, a 30 foot wide driveway has to be provided with a "turn-around" area in the rear area. Landscaping meets the 40% requirement and the landscape plan also meets the ordinance. No screening trees are being provided in the limited side and rear yard areas due to possible obstruction to fire protection.

200 North Street is currently undergoing a major face lift. A significant portion of the damaged curb and gutter has been replaced, a new 8" culinary water line has already been installed and the entire road is scheduled to be demolished and replaced in the next couple of weeks. Since the city is not going to be any too anxious to see utility cuts in a brand new road, the 6-inch fire

hydrant line has already been stubbed into the property. The gas, storm drain, irrigation water and sewer will all need to be installed prior to the road paving, and thus will require some work before a final approval. Normal fees will be required with each of these building permits and final approval with the exception of storm drain, which will be waived because on site detention is being required and provided.

Staff has reviewed this plan with Mr. Larsen and his engineers and several revisions were made to the plan including widening the driveway, providing adequate backup space between garages, adding a dumpster enclosure and some extra backup space for the two end units in the 4-plex. The only concern that staff has at this time is getting the cuts in the street made as soon as possible. Staff recommends the Planning Commission send a favorable recommendation for preliminary site plan approval to the City Council with the following conditions:

1. No more than 50% of the exterior of each building be constructed of stucco or siding.
2. The dumpster enclosure be constructed of the same material as the buildings.

There was a brief discussion before Gordon Thomas made a motion to grant preliminary site plan approval for a 10-unit condominium project at 453 W. 200 N. subject to the conditions outlined by staff. Paul Summers seconded the motion and voting was unanimous.

Subdivisions

1. Consider final subdivision approval of Lewis Park Phase 2 Subdivision.

Jack Balling and Ray Reed, representing Lewis Park, were present. Blaine Gehring explained that this subdivision is the second phase of the Lewis Park Subdivision, which was granted preliminary approval in April of 1997. Phase one, which are mainly the lots fronting North Canyon Road was completed in 1998-1999. The second phase was originally programmed to include all of the property south of North Canyon Road, including the small cul-de-sac which was broken off as 175 East Subdivision. Because of the developers interest in having the City complete the park/soccer fields as soon as possible they have decided to rearrange the project phasing to develop phase 3 as phase 2, and phase 2 as phase 3.

This phase of the subdivision includes 20 lots ranging in size from 9100 square feet to just under 14,000 square feet. A larger portion of the main road through this phase, Lewis Park Drive, is fronted on the side by the future park/soccer fields, which also acts as a regional detention basin. The city parks department has indicated that the park will receive final design work and begin construction as soon as the road is finished adjacent to the park property.

Staff recommends final approval of Lewis Park Subdivision Phase 2 with the following conditions:

1. Final review and correction of the subdivision plans.
2. Payment of all required fees including but not limited to:
 - a. Culinary water fee
 - b. Underground power fee
3. Posing of subdivision bond and signing a development agreement with the city.
4. Provide a current title report.
5. Compliance with all other City Ordinances and standards.

There was a brief discussion before Dick Dresher made a motion to grant final subdivision approval for Lewis Park Subdivision Phase 2 subject to the recommendations from Staff. Paul Summers seconded the motion and voting was unanimous.

Meeting adjourned at 9:55 p.m.