

**PLANNING COMMISSION MINUTES**  
**June 20, 2000**

Present: Chairman Al Hess, Vice Chairman Paul Summers, Dean Thurgood, City Council Representative Gordon Thomas, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Mark Green, Dick Drescher and Lois Williams.

Al Hess welcomed all those present and introduced all members. Minutes for June 6, 2000 will be approved at the next meeting.

**Site Plans**

1. Consider preliminary and final site plan for the conversion of a single family home into a professional office at 915 S. Main, Dean and Robyn Waltons, owners.

Dean and Robyn Walton, owners, were present. Paul Rowland explained that this property was recently rezoned to a Professional Office Zone (P-O) by the City Council upon favorable recommendation from the Planning Commission. The Waltons are now desirous of getting the existing home turned into the legal office they wish to establish. This site plan shows the improvements to the property proposed to gain access to the rear and provide the necessary parking for the office. The improvements include demolishing the carport and garage, widening and extending the driveway and paving for the parking.

Staff has reviewed this plan with the Waltons' engineers and several revisions were made to the plan including widening the driveway and providing on-site storm water detention. With those revisions, staff recommends the Planning Commission send a favorable recommendation for preliminary and final site plan approval to the City Council with the following conditions:

1. Widen the existing drive approach to match the new driveway width.
2. Any work in the street be done by a bonded licensed contractor.
3. The owner obtain the proper permits for any work done inside of the building.
4. A minimum 6 inch curb be constructed around the asphalt parking lot.

Robyn Walton asked if the storm drain could be changed to a drain that is closer so there would not be any cuts into the sidewalk? Mr. Rowland agreed with the suggestion.

Dean Thurgood asked about the garbage and if any handicap parking is required? The Waltons will use a garbage can that is provided by the City and Mr. Mahan will look into the matter of the handicap parking.

Paul Rowland added item #5 to the recommendations of Staff as follows:

5. Provide a handicap parking stall if necessary.

Dean Thurgood made a motion to recommend to the City Council preliminary and final site plan approval for a professional office building at 915 S. Main subject to the conditions from Staff with the addition of item #5. Paul Summers seconded the motion and voting was unanimous.

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

Jason Larsen, owner, was present. Paul Rowland explained that Jason Larsen would like to develop a 10-unit condominium project on a parcel just over 3/4 of an acre in size (.7934 acres). 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 had an older single house on the property which has been 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 development 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.

Last year a storm drain was placed down 200 North which would take care of this type of development. This development drains its own water into the detention basin and into the storm drain system. There will not be a storm drain impact fee because it already exists.

This has received preliminary approval from the Planning Commission. It has now been surveyed and complete engineering done on the project to meet staff’s concerns.

The Staff recommends that the Planning Commission send a favorable recommendation for final approval of Jason Larsen Condominiums 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.
3. Payment of all required fees, including power fees, culinary water fees, posting acceptable bond or letter of credit and guarantee, and signing of a Development Agreement with the City.
4. Correction of the errors on the construction drawings.
5. Recording of a Condominium Plat with the County Recorder according to the

laws of the State of Utah when the foundation locations have been set and can be accurately located.

Gordon Thomas made a motion to send to the City Council a favorable recommendation for final site plan approval for a 10-unit condominium project at 453 W. 200 N. subject to the conditions from Staff. Dean Thurgood seconded the motion and voting was unanimous.

### **Subdivisions**

1. Consider preliminary subdivision approval of Cedar Subdivision 850 E. 500 S., Ben Rogers, owner.

Ben and Michelle Rogers, owners, were present. Paul Rowland explained that this subdivision is a four lot cul-de-sac subdivision, dividing a single large (1.25 acre) lot in separate parcels. The street is about 200 ft. long, well less than the allowable 600 ft., and a full 54 ft. wide right-of-way with a full cul-de-sac at the end.

The zoning is R-1-8 which requires a minimum 8,000 square foot lot and a minimum width of 80 feet at the building setback line. All of these lots meet that criteria.

Because this cul-de-sac is being built in an area that is already built up, it creates two conditions that require exceptions to be granted to the subdivision ordinance. First, even though the lots are all large enough to meet size and frontage requirements, lot 2 is shaped in such a way that the 30 ft. setback requirement creates a somewhat shallow building pad. (About 32 feet at the smallest dimension). A twenty foot setback on this lot would make it much more buildable. Also, lot 3 has an existing house which is located only 20 feet from the front property line. The developer of the property is also the resident of the house. He has indicated that he intends to demolish the house and rebuild when the lots sell. In the mean time, the house will need to exist with a 20 ft. setback. Thus, lots 2 and 3 should be approved with exceptions to allow the 20 ft setbacks.

The second required exception deals with a parcel of ground just west of the new road owned by Shirley Hansen. The cul-de-sac abuts this property along a short portion of the circle technically creating a double fronting lot. The Hansens have a swimming pool on their lot about 30 feet west of where the road will end up. The developers will need to work with the Hansens on the interface between the road and the property. (Grading/fencing/landscaping...etc.)

There was a discussion about the front yard setback. Ben Rogers explained that after talking with Mr. Rowland about some changes that had to be made he revised the plans and shifted the cul-de-sac. The cul-de-sac was shifted to protect some special cedar trees. The boundary line discrepancies are being worked out.

It was suggested to change the setback for all of the lots not just for lots 2 and 3. Mr. Rowland agreed with the suggestion and changed the reduced front yard setbacks on lots 2,3, and 4 to 20 ft..

Staff recommends preliminary approval of Cedar Subdivision with the following conditions and

exceptions:

#### EXCEPTIONS

1. Grant reduced front yard setbacks (to 20 ft. rather than 30 ft.) on lots 2, 3 and 4.
2. Allow a small portion of double fronting lot on Shirley Hansen property west of the cul-de-sac.

#### CONDITIONS

1. Because no onsite storm water detention is available, payment of the standard storm drain impact fee will be required.
2. All of the lots will have utility services off of the new street.

Paul Summers made a motion to send to the City Council preliminary subdivision approval of Cedar Subdivision at 850 E. 500 S. subject to the conditions of Staff. Gordon Thomas seconded the motion and voting was unanimous.

#### **Zoning Ordinance Amendments**

1. Consider rezoning the property at 1452/1462 South 200 West from R-3-13 to C-G, Renaissance Towne Properties, LLC, applicants.

Bruce Broadhead, applicant, was present. Blaine Gehring explained that the existing duplex between the IHC InstaCare building and the Continental Townhouses is in the process of being purchased or being purchased by the developers of the Renaissance Towne Center as part of the Sports Mall portion of the overall town center proposal. Including the duplex property will do two things: (1) remove a small residential use from between the town center and the multiple family townhouses which would otherwise become a very undesirable use in the future, and (2) allow for increased property for the pools proposed as part of the Sports Mall complex. The property has been included in the preliminary drawings presented to the Planning Commission in the past few weeks. This is the formal request for the rezoning of the property to General Commercial (C-G) to match the rest of the town center's zoning so that site plans can be finalized and presented to the City within the next 6-8weeks.

Staff recommends the Planning Commission send this rezoning to the City Council with a favorable recommendation.

Gordon Thomas made a motion to recommend to the City Council approval of the rezoning at 1452/1462 South 200 West from R-3-13 to C-G, Renaissance Towne Properties. Dean Thurgood seconded the motion and voting was unanimous.

2. Consider amending the zoning ordinance to allow sexually oriented businesses as

conditional uses in the C-H Zone.

Blaine Gehring explained that there have been some decisions made by the Supreme Court stating that communities have to allow sexually oriented businesses. The communities can restrict where they are located but they have to be allowed.

Bountiful has not had any requests for this type of business until recently. A request for an art studio in the old Servus Drug would like to have “undraped models.” With this request it has brought some concerns to the City. A special meeting was made with the City Council to set up a moratorium until an ordinance could be passed.

The part that affects the Planning Commission is that the zoning ordinance needs to be changed to allow as conditional uses these types of businesses in the Heavy Commercial (CH) Zone only. Most cities have an industrial zone for this type of business. Bountiful does not have an industrial zone so it must go in the C-H Zone. This type of licensing will be covered by City Codes, but an amendment to the Zoning Ordinance needs to be changed to allow these businesses as Conditional Uses in the CH Zone.

Rusty Mahan explained that the City Council will have to decide whether or not to include sexually oriented businesses to be allowed to use nude (undraped) subjects or models. There is an exception within the drafted zoning law that for Universities they are allowed to have nude models for their art classes. Universities are considered an educational institution and are exempt from the City Ordinance. There are private art studios that also have these models and they are not affiliated with any kind of an educational institution. With the private art studios the City Council will have to decide how to apply them to the ordinance. Blaine suggested that each conditional use application be granted by the City Council on a case by case basis after review.

There are general regulations that apply to all sexually oriented businesses. Then there are additional regulations for motels, escort agencies, nude model studios, a public nudity exhibition of sexually explicit films and videos. Mr. Mahan would like to add to the ordinance that there will not be any delivery of any kind of sexual services or products off premises.

Rusty Mahan mentioned that this type of business is recognized as constitutional conduct by State Law but each city can regulate where they are located. The recent Supreme Court decision has permitted cities to prohibit nudity, which Bountiful has done. A sexually oriented business cannot have nudity but can have semi-nudity. There cannot be any alcohol served on or off the premises.

There was a discussion on why the sexually oriented business had to be 1000 feet away from schools, churches and residential areas but those selling liquor of any kind is only 600 feet away? It was decided to change the distance to 600 feet away from schools, churches and residential areas the same as the liquor laws. It was also decided to remove the wording “a boundary of any residential district” from section 14-1-117. Sexually Oriented Business page 23.

Dean Thurgood is in favor of the ordinance and agrees the need to have it in place as soon as

possible.

Paul Summers made a motion to recommend to the City Council approval for amending the zoning ordinance to allow sexually oriented businesses only in the C-H Zone, and only after a Conditional Use Permit has been approved by the Planning Commission, and subject to the terms and conditions of that Conditional Use Permit with the following changes:

1. To change the distance between zones from 1000 feet to 600 feet.
2. To remove “a boundary of any residential district” from section 14-10-117. Sexually Oriented Business page 23.

Dean Thurgood seconded the motion and voting unanimous.

Meeting adjourned at 8:23 p.m.