

PLANNING COMMISSION MINUTES
September 4, 2001

Present: Chairman Paul Summers, Vice-Chairman Dick Dresher, Mark Green, Al Hess, Lois Williams, Rodney Nordfors, City Council Representative Gordon Thomas, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Paul Summers welcomed all those present and introduced the Planning Commission Members. Gordon Thomas made a motion for approval of the minutes for August 21, 2001 as written. Al Hess seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final approval of Jeppson Subdivision. 3242 S. 200 W.

Harv Jeppson, developer, was present. Paul Rowland explained that this proposed subdivision is located on the west side of 200 West Street at 3242 South , and is a division of lot 19 of the old Val Verda Subdivision. The development splits off two lots with 7865 s.f. and 35,750 s.f. Both lots meet the minimum lot size requirements for the zone (R-1 6.5) and meet the minimum frontage requirements of 70.00 ft. Lot one is currently occupied by a house which was completed earlier this year.

Both lots front on 200 West Street, which is a paved street without a sidewalk. Since there is no sidewalk in the entire area, there is no compelling reason to require a short piece of walk in front of only one or two lots. All utilities are available in the existing street, and the curb and gutter has already been installed in front of both lots using the unusual alignment that was discussed during the Schulties subdivision approval earlier this year. The bond for the sewer lateral will be included with any building permit applied for in the future. The portion of the Schulties memo describing the alignment problem is included below.

THE PROBLEM

When the old 200 West Street was paved, long before it was annexed into the city, the street improvements appear to have been constructed about 4 feet east of where they should have been. When the four houses along the east side of the street and the five houses along the west were constructed, they were built to match the asphalt, not the dedicated right of way. The four houses on the east have curb and gutter, not great concrete, but curb and gutter none the less, along their frontage. The house on lot three and the house just south (Moss Property) were built prior to annexation and are way below the street level. As with any other subdivision, new curb and gutter will be required along the frontage of the subdivision and is scheduled to be installed at a new house currently under construction on lot 19. [this is the completed house on the proposed lot One)

Our legal council reminds me that if the city participates in changing the grade of a road, impacts on the fronting properties will need to be absorbed by the city, even if the houses were built way too low or in the wrong location. In this case, if the curb and gutter and walks were to be installed per our standard 50 ft. street cross section, the Moss house at the least, and possibly the house on lot 3, would be inaccessible, and the city would need to purchase the houses. The bottom line is, the road is what it is. In order to retain access into the properties, the new road will need to be built to a substandard x-section or deal with the houses. The finished road will have 26 ft. of paved asphalt surface with 24" curb and gutter on the west side. The Bountiful standard is 30 ft. of asphalt with curb and gutter. Because the road is narrowed by about one lane, the west side of the street will be painted and posted as NO PARKING. Twenty four-foot leaves enough room for two cars to pass, or one car to pass a parked car. It does not allow enough room for a car to pass two cars parked on opposite sides of the street.

Since lot one of the subdivision already has a house on it, no additional utilities will be required, and the utilities were stubbed into lot 2 before the curb and gutter was installed.

Staff recommends that the Planning Commission send a favorable recommendation for preliminary and final approval of the Jeppson Subdivision with the following conditions and exceptions:

EXCEPTIONS:

Allow the road x-section to include only 24 ft. of asphalt as described above.

CONDITIONS:

1. Payment of the following fees: (as determined by the City Engineer and the Power Department)

Storm Water Impact fee
Subdivision Checking fee
Subdivision Recording fee
Bond Processing Fee
Power Fees as required

The subdivision is served by south Davis Water and South Davis Sewer, and arrangements will need to be made with these utilities to pay for the new services.

2. Make necessary corrections to the plat map.
3. Supply the City with a current title report and sign a Subdivision Development Agreement with the City.

Harv Jeppson explained that his home is on lot #1 and the remaining lot might have a driveway to the rear of the property with a shed or garage. This lot will have a large yard because of no

access to it.

Gordon Thomas made a motion to send a favorable recommendation to the City Council for preliminary and final approval of Jeppson Subdivision subject to the conditions outlined by Staff and the addition of vacating lot #19 from the Val Verda Subdivision. Mark Green seconded the motion and voting was unanimous.

2. Consider final approval of Lewis Park Subdivision, Phase 5.

Dan Lewis & Roy Reed, developers, were present. Paul Rowland explained that this subdivision is the fifth phase of the Lewis Park Subdivision, which was granted preliminary approval in April of 1997. Phase One, which is mainly the lots fronting North Canyon Road were completed in 1998-1999. The second phase, which contains 20 lots and is located along the south side of the park property, was substantially completed this last summer. Phase Three is a 15 lot cul-de-sac on the north side of the development was paved earlier this summer and Phase 4 has lots on the south side of North Canyon Road and on 400 East Street which are basically complete.

This fifth phase of the subdivision includes six lots around a cul-de-sac on the south side of our park property, ranging in size from about 10,700 square feet to just over 23,000 square feet. These lots are located in the area previously occupied by the shop and office building for the Foss Lewis sand and gravel operation. They are larger than the lots in the rest of the subdivision because they include a portion of the large hill below 400 East Street. Because of that steep hill, two of these lots were granted preliminary approval as double fronting lots, facing the cul-de-sac and backing onto 400 East Street.

The staff recommends final approval of Lewis Park Subdivision Phase 5 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. Posting of Subdivision Bond and signing a Development Agreement with the city.
4. Construct the necessary walk along 400 East Street.
5. Provide a current title report.
6. Compliance with all other City ordinances and standards.

Paul mentioned that there will be a 6 ft. sidewalk adjacent to curb and gutter with no parkstrip along lot #114, #503, #504 and will extend along the City Park.

	existing residential fee
2 inch water meter	\$9,542.00
Storm sewer impact fee	\$1.02 acres X \$2,100/acre = \$2,147.50

5. All construction to meet the requirements of the Uniform Building Code and all local and state regulations.

Richard Stringham explained that the facility will have a walk out basement which will provide the kitchen, mechanical room and employee lounge. The main floor will be for the patients.

Lois Williams made a motion to send a favorable recommendation to the City Council for final site plan approval for an Alzheimer Unit at South Davis Community Hospital subject to the conditions outline by Staff. Gordon Thomas seconded the motion and voting was unanimous.

Miscellaneous

1. Consider a request to allow outdoor display for Antiques Shops, Hart Wesemann, applicant.

Hart Wesemann, applicant, was present. Also present was Leslie Gubler, owner of The Bird’s Nest. Blaine Gehring explained that the Planning and Zoning department has a Code Enforcement program that operates on a complaint basis. The City does not go looking for violations, we respond to complaints as received. Such a complaint was received concerning the outdoor display of merchandise by several businesses, including the two antique shops neat 400 N. and Main. Mr. Hart Wesemann owner of Bountiful Antiques received a violation notice. He contacted our office. Mr. Wesemann felt that he was complying with an earlier understanding from Planning and Zoning that he could in fact display goods outside. He was informed that the ordinance read: “All permitted and conditional uses established in the C-R Zone will be conducted entirely within a fully enclosed building *except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open.* Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.” Section 14-9-116 B of the Zoning Ordinance. Mr. Wesemann feels that antique shops are such a business and is petitioning the Planning Commission to allow outdoor display for antique shops.

Mr. Gehring mentioned that Kenneth Newman also received a notice and has responded with a letter. Leslie Gubler, owner of The Bird’s Nest, is present in response to the letter she received.

Rusty Mahan explained that Bountiful Antiques faces an issue where the grass areas are within the public-right-of-way. In the past the City has not allowed any signs, bus benches, newspaper stands etc. in the public-right-of-way. All parkstrips and sidewalks are considered the public-right-of-way. Mr. Mahan recommended that the public right-of-way issue either be maintained or abandoned to prevent the City from getting into a situation where some uses are allowed and other uses are not. The Planning Commission needs to exercise discretion in what is allowed and what is not allowed.

Mr. Gehring mentioned that Staff has not dealt with this issue until a couple of businesses were required to remove their temporary signs. At that time the businesses felt if they can't have the signs other businesses should not be able to have outside displays. The temporary signs have been brought before the Planning Commission and the City Council.

Mr. Mahan read the Section 14-9-116 B of the sign ordinance for all to understand.

B. Uses Within Buildings. All permitted and conditional uses established in the C-R Zone shall be conducted entirely within a fully enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.

Hart Wesemann feels that he has already had an exception granted. When Mr. Wesemann first opened his business there was a display on the front lawn. Someone from the City came to tell Mr. Wesemann that it was illegal to display on the public-right-of-way but displays could be placed on his own property. For the past 10 years Mr. Wesemann uses his back parking lot and some in front for his displays. Mr. Wesemann presented pictures from some surrounding cities which antique shops use outside displays.

Paul Summers doesn't want to get into a pick and choose situation. Mr. Summers feels that there should be some measure of consistency in deciding who can and cannot have an outside display.

Mark Green is in favor of outside displays but some businesses do too much. Newman's Antique Shop presses the envelop too far with too many items which makes it look like a garage sale.

Mr. Gehring agreed that it is too hard to pick and choose who can and cannot display their goods. The Staff is concerned with the use of the public-right-of-way and the landscaping area. These areas cannot be used for displays, signs etc. If a business has other areas for display, the Planning Commission can decide to allow it or not to allow it.

Lois Williams mentioned that most of the businesses in Bountiful are small and can't afford advertising. Small businesses have to rely on their buildings, signage, and other outdoor displays as an important means of advertising. Ms. Williams feels that if the displays are appropriate and looks good the City can't say no.

Mr. Gehring mentioned that in all fairness it would be appropriate to consider Leslie Gubler's business request (The Bird's Nest) as well as Mr. Wesemann. Mr. Mahan agreed and mentioned to the Planning Commission that they might want to make their decisions by using business by business rather than industry by industry.

Dick Dresher sees a difference between the two antique shops in the way that items are displayed. Mr. Dresher has no problem with Bountiful Antiques. The displays are placed in the parking area and areas on site. Newman's Antique Shop is a house which has no normal business type parking with a large front yard. Mr. Newman uses all the property for his displays which looks like a yard sale.

Mr. Mahan suggested to table this issue and refer this back to Staff for rewording or guidelines to modify the ordinance. After guidelines have been established then meet to decide on approvals.

Dick Dresher made a motion to refer the request to allow outdoor displays for Antique Shops back to Staff to establish some guidelines for outdoor displays. In the meantime the businesses can continue until notified. Mark Green seconded the motion and voting was unanimous.

Meeting adjourned at 8:55 p.m.