

## PLANNING COMMISSION MINUTES

December 2, 2008

7:00 P.M.

Present: Chairman Clark Jenkins, Vice Chairman Tom Smith, Barbara Holt, Ray Keller, Dave Badham, Michael Allen, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, Youth Council Representative Bryn Sieverts, and Recording Secretary Connie Feil.

Clark Jenkins welcomed all those present.

Dave Badham made a motion to approve the minutes for November 18, 2008 as amended. Barbara Holt seconded the motion and voting was unanimous in favor.

**1. Consider Commission Findings of Fact and Conclusions of Law approval for the application for reconsideration of a conditional use permit, Mike Favatella, applicant.**

Russell Mahan explained that the City adopts Findings of Fact and Conclusions of Law in situations that may be appealed. Mr. Mahan has written what he felt were the Planning Commission findings. Mr. Favatella has not applied for an appeal and the 10 day period has past. Mr. Favatella has asked to meet with the Mayor, Mr. Jensen and Mr. Mahan will be present.

There was a discussion in regards to the size of vehicles that can be used and parked for Home Occupations. Mr. Mahan will review the requirements for a Home Occupation and for a Conditional Use Permit and bring a proposal back to the Commission for discussion.

Barbara Holt made a motion to approve the Findings as written. Michael Allen seconded the motion and voting passed by majority vote. Chairman Clark Jenkins, Vice Chairman Tom Smith, Barbara Holt, Ray Keller, Dave Badham, Michael Allen voting 'aye.' Beth Holbrook abstained from voting.

**2. Continued - Consider final amended site plan approval for Colonial Square Common Area located at 500 W. 2600 S., Colonial Square Business Association, applicants.**

Sean Macklyn, representing the Colonial Square Business Association, was present. Aric Jensen explained that on November 18<sup>th</sup>, Sean Macklyn and Blaine Smith came before the Commission and presented their proposed sign plan. Mr. Jensen reviewed the updated sign plan, copies of the sign drawings from the previous meeting, and new illustrations depicting how the signs would look when installed.

Mr. Jensen stated that the proposal appears to be consistent with the recommendation of the Commission, which was two monument signs and one pole sign on 2600 South, a project identification sign on the corner, and a project identification sign at the 500 West entrance.

Staff recommends approval of the proposed sign plan, with the condition that no sign shall be located within a clear view area, and that the exact position of the signs shall be determined by City staff at the time a sign permit is issued.

There was a discussion regarding the assurance that the location of the signs will not be in the clear vision area.

Sean Macklyn explained that the two existing windmill-style sign structures will be removed and all signs will be placed in areas with the approval of Staff.

Tom Smith made a motion to recommend to the City Council approval for the amended site plan for Colonial Square as recommended by Staff. Michael Allen seconded the motion and voting was unanimous in favor.

**3. PUBLIC HEARING - Consider a metes and bounds subdivision approval for Bountiful Lincoln Mercury located at 2773 S. Main, Mike MacDonald, applicant.**

Mike MacDonald, applicant, was present. Paul Rowland explained that Mike MacDonald is requesting preliminary and final approval of a metes and bounds subdivision for the property at 2773 S. Main Street. The property contains the existing Lincoln Mercury dealership building and a former automotive body shop that is currently used as storage for the adjacent Mazda dealership. At one time the two buildings were located on individual parcels, but Mr. MacDonald combined them into a single parcel several years ago. His proposal now is to subdivide them back into their previous form so that he can sell the Lincoln Mercury dealership but continue to use the body shop building for the Mazda dealership.

State Law allows a city to approve a metes and bounds subdivision (a subdivision without a plat), if the subdivision is composed of fewer than 10 lots, if the lots meet all of the city ordinances, and if there are no public dedications in this instance. There are no dedications of any kind, both parcels front on a public street, and the properties are already fully improved.

Staff recommends approval of a metes and bounds subdivision for 2773 S. Main Street with the findings that it meets the requirements of 10-9a-605 of the Utah State Code, and that it conforms to the provisions of the Bountiful City Code.

Mike MacDonald explained that he has sold the Bountiful Lincoln Mercury Dealership but still owns the property. An option to purchase the property is now due and Mr. MacDonald would like to sell the property.

There was a discussion regarding a shared access easement given to Mr. MacDonald with the adjoining Les Schwab property and access from 625 West.

The public hearing was opened. The public hearing was closed without comments.

Ray Keller made a motion to recommend to the City Council approval of the metes and bounds subdivision for Lincoln Mercury property with the findings that it meets the requirements of 10-9a-605 of the Utah State Code, and that it conforms to the provisions of the Bountiful City Code. Barbara Holt seconded the motion and voting was unanimous in favor.

**4. PUBLIC HEARING - Consider amended site plan and subdivision plat approval for Silver Creek Commercial Complex located at 500 N. 500 W., Jeremy Terry, applicant.**

Aric Jensen explained that he has spoken with the applicant and the applicant has asked to consider his application at a future date. However, a citizen was in attendance for this item, and chairman Jenkins opened the public hearing to allow the gentleman to voice his opinion.

Davis Chappell, resident of Bountiful, had concerns with the dislocation of the residents living in the trailer court at this location. He felt that any commercial development should occur in the existing commercial locations in Bountiful that are vacant rather than evict citizens from their homes.

Mr. Mahan explained that the property owner has the right to move ahead with his own project even if other projects are available.

No further action was taken on this item.

**5. Planning Director's report and miscellaneous report.**

Aric Jensen explained that he is still working on the update for the General Plan. He has to meet with the Downtown and Land Use committees before Christmas. After Christmas all the committees will meet and review all the drafts before presenting them to the Commission.

Russell Mahan explained that there has been a situation with conducting a business with their equipment outside. There is now a situation with a home using their full basement for their business. Neither one of these businesses are legal. The issue is, does Bountiful want to continue to prohibit these businesses that are completely indoors or change the ordinance to allow this type of business from a home.

There was a discussion regarding traffic flow in the neighborhood, impacting the neighborhood, safety issues, and what is considered a manufacturing business verses an arts and craft type business with a large volume. It was suggested to investigate the home and business before any decisions are made.

Meeting adjourned at 7:55 P.M.

