

PLANNING COMMISSION MINUTES

May 7, 2013

7:00 p.m.

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Planning Commission members Michael Allen, Sean Monson, Sharon Spratley, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland , Planning Director Aric Jensen and Recording Secretary Connie Feil.

Absent: Von Hill.

Chairman Tom Smith welcomed all those present.

1. Approval of the minutes for April 16, 2013.

Sean Monson made a motion to approve the minutes for April 16, 2013 as amended. Michael Allen seconded the motion and voting was unanimous in favor.

2. Consider approval of a Conditional Use permit letter, in written form, to operate a fast food restaurant (Starbucks) located at 416 W. 500 S., Adam Hawks, applicant.

Russell Mahan explained that sometimes a Conditional Use is recorded at the County. Mr. Mahan has written the conditions, which was given by the Planning Commission, in letter form for approval. After a motion for approval he will have Chairman Smith sign and date the document and have it recorded.

Beth Holbrook made a motion to approve the Conditional Use permit letter as amended. Dave Badham seconded the motion and voting was unanimous in favor.

3. Consider preliminary and final approval of Plat O & P of the Bountiful City Cemetery, Bountiful City, applicant.

Paul Rowland explained that each addition to the City's cemetery requires the preparation of a subdivision plat map, review by the Planning Commission and the City Council, and then recording of the plat with the Bountiful City Recorder, all before any new burial plots can be sold. This differs from regular subdivisions in that cemetery plats do not get recorded at the Davis County Recorder's office.

The roads for both of these additions, Plat O and Plat P, were constructed previously. The roads for Plat O were constructed in 2011 and the landscaping completed at the same time as the previous Plat N. Plat O contains 105 full sized lots, with each full lot containing eight individual 4 ft. by 8 ft. burial plots, and 13 partial lots. Partial lots, which contain between 1 and 7 plots, are caused when roads or other interferences cut through lots. The total count for Plat O is 888 burial plots.

Plat P is a smaller expansion and is the result of developing a small piece of the cemetery that had previously been leased and occupied by a neighbor. Plat P contains 23 full lots and one partial lot with 189 total plots.

Staff recommends that the Planning Commission send a favorable recommendation for preliminary and final approval of the Bountiful City Cemetery Plat O and Plat P, with the condition that landscaping is installed in Plat P consistent with previously approved plats.

After a brief discussion Dave Badham made a motion to recommend to the City Council preliminary and final approval for Plat O & Plat P of the Bountiful City Cemetery subject to the condition that landscaping be consistent with previously approved plats. Sean Monson seconded the motion and voting was unanimous in favor.

4. Consider preliminary and final approval of a commercial subdivision plat for Lodder Automotive, located at 560 S. 500 W., John & Scott Lodder, applicants.

John & Scott Lodder, applicants, were present. Paul Rowland explained that John & Scott Lodder, applicants, are requesting preliminary and final subdivision plat approval for a two lot commercial subdivision at approximately 560 South 500 West.

The existing site is approximately one acre in size and is located on the northwest corner of 600 South and 500 West. The Millcreek storm channel runs through the property from southeast to northwest in an underground culvert. There is an existing, 3,400 sq ft automotive repair building located on the site near 500 West, and a 6,000 sq ft automotive repair building on the west side of the property. The proposal is to split the property approximately in half, with the west half being 0.50 acres, and the east half 0.506 acres.

The property is located in the Heavy Commercial (CH) zone, and the minimum lot size is 0.50 acres, which both parcels meet. Also, both parcels well exceed the minimum street frontage and lot width requirement of 50 feet.

There are two minor issues that need to be addressed as part of this review and approval:

1. The Land Use Ordinance requires a 5 ft wide landscape area around all parking lot boundaries, and so a 5 ft wide landscape area will need to be constructed on each side of the new property line at such time either of the parcels is sold.
2. The applicant shall provide written evidence from Davis County Flood Control that they have permission to discharge into the creek (drainage canal) as required during site plan approval.

Staff recommends preliminary and final subdivision plat approval for the Lodder Commercial Subdivision Plat, with the finding that it meets the minimum criteria of Bountiful City Land Use Ordinance if the following conditions are met:

1. Any and all redline corrections are made.

2. A minimum 5 ft wide landscape area, meeting the requirements of the Land Use Ordinance, is constructed on each side of the new property line at such time either of the parcels is sold.
3. The applicant shall provide written evidence from Davis County Flood Control that they have permission to discharge into the creek (drainage canal) as required during site plan approval.

Mr. Jensen stated that after further review, he didn't believe that the subdivision triggered the need for additional landscaping.

Scott Lodder explained that they have received a permit from Davis County and installed an oil/water separator as stipulated in the permit. The building facing on 500 West is being remodeled for leasing purposes and will be a triple net lease. In order to do this it is easier to split the properties into two separate lots. Both properties will be owned by the Lodders and they prefer to have a cross-access between parking.

Michael Allen made a motion to recommend to the City Council preliminary and final commercial subdivision approval for Lodder Automotive subject to the conditions set forth by Staff with the exception of condition #2.

2. A minimum 5 ft wide landscape area, meeting the requirements of the Land Use Ordinance, is constructed on each side of the new property line at such time either of the parcels is sold.

Sean Monson seconded the motion and voting was unanimous in favor.

5. PUBLIC HEARING – Discuss revisions to Title 14, Bountiful Land Use Ordinance, including electronic message centers.

Russell Mahan explained that this item is scheduled to go before the City Council on May 14, 2013 and encouraged that the Commission act on it in this meeting.

Aric Jensen explained that the Planning Commission has reviewed this topic at length and held multiple public hearings. Oral and written comments were provided in favor and in opposition to amending the Land Use Ordinance to allow electronic message centers in zones other than the Heavy Commercial Zone. The parties in favor were primarily local business owners and electronic message center manufacturers. The parties opposed were primarily City residents.

After consultation with the City Attorney and Planning Commission Chairman, staff proposes that the Commission Members review the most recent draft of the text (02.27.2013) line by line with Mr. Jensen making live updates to the document as determined by consensus. At the end of the process, the Commission would then vote whether or not to recommend approval of the resultant document to the Council.

A public hearing has already been scheduled before the City Council on May 14, 2013; however, it could be rescheduled if necessary. Staff recommends that the Commission take a definitive

action one way or the other – either to recommend approval of a proposed amendment, or to recommend that the existing ordinance not be amended.

The public hearing was opened for all those with comments and concerns.

The public hearing was closed without comments.

Mr. Jensen gave a visual presentation reviewing line by line the updates of the draft proposal for the revisions to Title 15 Land Use Ordinance, and the Commission Members discussed each point until a consensus was received.

After a lengthy discussion, Sharon Spratley made a motion to recommend to the City Council approval of Section 14-3-102 Definitions as written. Beth Holbrook seconded the motion and voting passed 5-1 in favor; Dave Badham voting nay.

Mr. Badham explained that he felt the definition for “Animation” needed to be amended to include shapes, technology and illustrations.

There was another discussion regarding the change recommended by Mr. Badham.

Sean Monson made a motion to rescind the previous motion and recommend to the City Council approval of Section 14-3-102 with the amended definition of “Animation”. Beth Holbrook seconded the motion and voting was 6-0 in favor.

Chairman Smith asked that there be only one motion at the end, rather than individual motions on each section.

Mr. Jensen continued to review line by line Section 12-19-121 Electronic Message Center Standards.

After a lengthy discussion Tom Smith made a motion to recommend to the City Council approval of 14-19-121 Electronic Message Center Standards as discussed. Sean Monson seconded the motion and voting was unanimous in favor.

6. Planning Director’s report and miscellaneous business.

Aric Jensen mentioned that there will not be a Planning Commission meeting on May 21, 2013.

Meeting adjourned at 9:25 p.m.