

Planning Commission Minutes
November 21, 1995

Present: Chairman Mike Holmes, Ken Cutler, Mark Green, Lois Williams, Dick Dresher; Barbara Holt, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Vice Chairman Elaine McKay, Don Milligan, and Dean Jolley.

Mike Holmes welcomed all those who were present. The minutes for October 17, 1995 were approved as written by majority vote on a motion made by Dick Dresher and seconded by Lois Williams. Mark Green abstained from voting.

Conditional Use

1. Consider granting a conditional use permit for two flag lots in a proposed subdivision at Davis Boulevard and 500 South, Smith-Brubaker, developers.

Eldon Haacke, Real Estate Broker, was present. Blaine Gehring explained that Ernie Smith of Smith-Brubaker is proposing an 11-lot subdivision on the corner of 500 South and Davis Boulevard. Because of the size and configuration of the property, a through street or a cul-de-sac cuts up the property such that double-fronting lots backing onto 500 South is the only option. Mr. Smith is proposing two side-by-side flag lots fronting on the 1000 East extension, rather than a cul-de-sac, to take advantage of the interior of the parcel. The ordinance allows two flag lot access stems to be located next to each other and each can be 25 feet wide. These two flag lots meet the ordinance along with the other requirements for flag lots. The City is requiring Mr. Smith to run 1000 East through to 500 South. The Staff has reviewed the proposed subdivision design and find it acceptable. We recommend granting the conditional use permit for the two flag lots.

A discussion was made on where the sewer will be located for the lots on Davis Boulevard. The sewer will be brought in on 1000 East. The grades on these properties are flat and do not exceed the 30%. One fire hydrant for both flag lots will probably be required but a sprinkling system in the homes will not be needed.

The Public Hearing was opened for any further comments. Mrs. Clifford Forsgren, 526 S. Davis Blvd., is concerned about her property value. Will the value go up or will this bring the value down? She is also concerned about the value and what type of homes will be built.

Mr. Haacke mentioned that these homes will be built on lots ranging from 8,000 to 16,000 sq. feet. The market value of these lots will be from \$60,000.00 too low \$70,000.00, which will

bring the value of the homes from \$200,000.00 to \$300,000.00. This subdivision will not take away from the area or take away the value of the current homes.

There were no further people present for this issue so the Public Hearing was closed. Ken Cutler

made a motion to grant approval for a condition use permit for two flag lots in a proposed subdivision at Davis Boulevard and 500 South, Smith-Brubaker, developers subject to the approval of the subdivision. Motion was seconded by Lois Williams and voting was unanimous.

2. Consider granting a conditional use permit for a live theater use of the old Queen Theater at 460 W. 500 S., James Arrington, applicant.

James Arrington, applicant, and his partners Brad Stone and Gary Frank were present. Blaine Gehring explained that Mr. Arrington wishes to reopen the old Queen Theater to stage live theater productions. Staff has expressed concerns to Mr. Arrington about the lack of parking. The Queen Theater covers the entire property on which it is located. There is no parking on the theater property nor do the owners have other property adjacent or nearby to provide any parking.

In September of this year Mr. Gehring received a letter from the Flower Patch concerning the parking. The Flower Patch owns the property on the east side of the Queen Theater which in the past has been used by the theater for parking. Owners of the Flower Patch have put the City and the owners of the theater on notice that they will no longer allow theater parking on their property.

Mr. Arrington says they anticipate a seating capacity of 500. By our ordinance, this will require 125 off-street parking spaces. The plan submitted by Mr. Arrington shows a good portion of the parking is across 500 South on the south side of the theater. This parking, in Staff's opinion, is not accessible for safe access across the street. There is one cross walk on 500 West and one on 325 West and the Staff feels these cross walks will not be used.

Agreement with Duerden's will provide 80 parking spaces for the theater. Staff is not prepared, at this time, to recommend any approval for parking on the south side of 500 South because of the access problems for pedestrians. Staff would recommend the following conditions:

1. Based on 80 parking spaces at 4 seats per stall, to approve 320 seats based on the parking available now.
2. To give the Staff the authority to approve more seating capacity if Mr. Arrington can provide more parking north of 500 South.
3. This would be temporary through the Christmas productions. If Mr. Arrington wishes to continue his productions that he bring this back to the Planning Commission for review.
4. The performances will be in the late evening starting at 7:30 P.M. or later, no

matinees. The parking available is from the businesses that will be closed after 6:00 or 7:00 P.M. and the parking used will be on a shared bases.

5. They meet all fire codes and they need to obtain a Business License before they open.

The Staff recommends these conditions to the Planning Commission.

The Public Hearing was opened for any further comments. Mr. Arrington explained that there will not be any matinee performances. This production is for the Christmas season only. If this goes well there will be the possibility of other productions. Mr. Arrington and his staff have discussed the possibility of having someone direct pedestrians to the cross walks, putting no parking signs on the east side of the building and locating additional parking on the north side and possibly on the east side of Gart Brothers which are storage units.

Rusty Mahan mentioned to Mr. Arrington that the City wants to cooperate with him but he has put the City in a difficult spot by advertising, and selling tickets without any approval. They have published tickets on where to park, across 500 South, and the Staff may discourage this parking. The Staff did not know what the parking proposal was until they called this afternoon and this has put the City in a difficult position by Mr. Arrington moving ahead without approval.

Grant Mann, property owner in the area, knows that there is a problem with the parking and hopes that the problem can be worked out.

Deloris from the Sandcastle mentioned that when a business uses another business for parking there is the extra maintenance and repairs costs on the parking lot. This business will also take away from their business. They feel that this is not a good situation.

Christian Lambert, residing at 605 S. 100 E., is an actor and play wright. Mr. Lambert feels that this business will be a great way to bring some good culture, artist, and actors into this area.

Clarence House, residing at 390 W. 200 N., is concerned about the parking problems if there is going to be any rehearsals at the theater. Mr. Arrington assured Mr. House that with this production there will not be any rehearsals. If they continue with the productions the rehearsals will be in the evening at the same time as the productions. There could be a problem on Saturdays but will deal with the problem when it comes.

The Public Hearing was closed and discussion opened with the Planning Commission Members. The discussion was about the concerns with parking and safety issues for the pedestrians. The parking available by the storage units is being filled by the customers of Christopher's Steak House. There is a restriction in the City Ordinance for parking within 150 feet of the building. There is a great concern that people will not use the cross walks and a traffic accident will occur. The City will not encourage the use of the parking south of the theater and they need to look into finding more parking on the north side of the theater. A decision was made for Mr. Arrington

to cease the promotion of parking on the south side of the theater. If the production is going to be more than the 320 seating, Mr. Arrington needs to look into further parking with Christopher's for extra parking by the storage sheds or the corner of 425 W. and 400 S..

Mark Green made a motion to grant the Conditional Use Permit to allow live theater productions in the Queen Theater at 460 W. 500 S. subject to the conditions outlined by Staff and with the addition of the following:

1. This will be a temporary use permit that will expire on January 24 at midnight.
2. Mr. Arrington will cease to promote any parking on the south side of 500 South. There will not be any restrictions on the amount of seating.
3. No productions or rehearsals before 7:00 P.M..

Ken Cutler seconded the motion, Dick Dresher and Mike Holmes opposed, voting passed by majority vote.

Subdivisions

1. Review Preliminary Approval of Bountiful Shadows Subdivision Phase 2, Papanikolas Brothers, developers.

Mr. Gehring explained that the Staff is representing this preliminary approval. This went to the City Council following the Planning Commission's recommendation for preliminary plat approval. Mr. Falvo, representing Papanikolas Brothers, was concerned about the 10-foot walkway and the 20-foot access into the substation. Staff has met with Mr. Paul Waite, Principal of Viewmont High School. They are having problems with the current walkway and don't wish to have another one. Staff has talked with Mr. Falvo about maintaining the 20-foot access into the substation and they are in agreement. This is coming back to the Planning Commission to modify their recommendation to the City Council to withdraw the requirement of a 10-foot walkway to the school. All the other recommended conditions will stand.

There was a discussion that the school prefers not to have another walkway. It causes a litter problem, the students use it to gather for smoking and it will be the most direct route to the stores in Centerville. Students seem to gather at the Subway Sandwich and this is now causing a problem. The current walkway runs by the City's substation and the school's stadium. This will need to be reviewed at a later date. When the subdivision is completed there will not be any access from the Penny's building to the school. This walkway could become a concern for the home owners as well.

Barbara Holt made a motion to recommend to the City Council the deletion of item #12 from the preliminary approval of Bountiful Shadows Subdivision Plat B. Lois Williams seconded the motion and voting was unanimous.

Site Plans

1. Consider Preliminary and Final Site Plan Approval for McDonald's Restaurant at 490 S. 500 W.

Greg Jones, project manager, was present. Jack Balling explained that Lee's Cafe will be closing and a new McDonald's Restaurant will be taking its place. This is the formal site plan review for that restaurant. Plans are to completely demolish the old cafe and build a new building on the site that will house a playland indoors. The Staff has reviewed the preliminary plan and recommends preliminary and final site plan approval with the following conditions:

1. The landscaping plan needs to show the sprinkling and irrigation systems.
2. The building plan calls for 98 fixed seats that would require 49 parking stalls by ordinance. The plan shows 43 parking stalls. Final building plans need to show 86 fixed seats or additional parking stalls.
3. A demolition permit is required for the existing building removal and all utilities must be marked and identified for future use.
4. The sanitary sewer proposed to use existing sewer lateral. The fee may be required if the drainage units are increased. The grease trap need approval of the South Davis Sewer District.
5. The existing culinary water needs to be identified (size and location). If the existing water service cannot be used a new 1 ½ inch meter will be required. The cost will be \$3,850.00.
6. Storm drainage retention must be provided on site or a run off fee of \$2,100.00 per acre is required. The total fee for 1.147 acres is \$2,409.00.
7. The site plan shows a low point that does not drain on the north side of the entrance from, 500 West. This should be corrected.
8. The entrances and exits from both streets need to be approved by U.D.O.T.. These are State highways.
9. The drainage into the U.D.O.T. storm drain needs to be approved by U.D.O.T..
10. The plans must be approved by Davis County Health Department for food handling.

11. The City needs a 7-foot wide utility easement along the frontage of both streets.
12. The Power Department will require a 10-foot easement and fees for service to this building. These items are required before issuance of a building permit.

A discussion was made on the entrance and exits, the number of parking stalls to meet the seating requirements, the dumpster is under the power lines, landscaping at the entrances for sight lines, and the landscaping ordinance requires that the parking lot have some type of berm.

Mr. Balling mentioned that there will be a traffic impact on 500 South and 500 West. Mr. Jones said that the number of seating will be reduced to meet the ordinance for parking stalls. He also mentioned that there will be a stack lane for the drive through, the sign that will be used will meet

the sign ordinance, the dumpster and all landscaping can be changed to meet the City Ordinances.

Ken Cutler made a motion to recommend preliminary and site plan approval for McDonald's Restaurant at 490 S. 500 W. subject to the conditions 1-12 from the Staff. With the addition of items 13 and 14.

13. The sight lines are to be reviewed by Staff.
14. The dumpster area and the easements for the Power Department are to be reviewed by Staff.

Barbara Holt seconded the motion and voting was unanimous.

2. Consider Final Site Plan Approval for Phase One of the Apartment Complex at 385 W. 200 N., Grant Horsley, developer.

Grant Horsley, developer, was present. Blaine Gehring explained that preliminary approval was granted in June for this 20-unit project. Mr. Horsley wants to begin the project by receiving an

approval to begin Phase I. All the plans have been received and reviewed for this phase which meets all requirements of the ordinance. Staff recommends the Planning Commission to recommend final approval of Phase I of this project to the City Council with the following conditions:

1. Adjust finish grades on curb & gutter to a uniform minimum grade of 1%.
2. Building pads must be raised to comply with the Uniform Building Code which requires a 2% grade plus 12" from foundation to curb for drainage. (Section 2907.d.5)
3. Extension of culinary water main to the phase line for Phase One and pay cost determined by the City Engineer.

4. Provide city with utility and fire access easements over the roadway and utility easements 15 ft. wide (7½ ft. on each side of the water line) for Phase One.
5. Provide storm run-off detention basin or pay city \$2,100.00 per acre for run-off water.
6. Payment of engineering checking fee of 40 cents per foot of road for that portion in Phase One as determined by the City Engineer.
7. Payment of all water and sewer connections at time building permits are issued.
8. Occupancy of buildings will not be allowed until all site improvements for Phase One, including landscaping, are completed.
9. Cooperative agreement between neighbor on the west for extension of water system.

An agreement cannot be made with the neighbor so Staff is dropping this requirement.

9. Provide irrigation system to the approval of Bountiful Water Subconservancy District.
10. Provide all required utility easements for water, sewer, power, fuel, telephone, cable TV as needed.

Lois Williams made a motion to recommend final site plan approval for Phase One of the apartment complex at 385 W. 200 N., Grant Horsley developer, subject to the items recommended by Staff items #1-11, dropping item #9, subject to items 1-10. Ken Cutler seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Continue consideration of the Creation of a New Commercial Residential Mixed Use Zone (C-R).

Blaine Gehring explained that this is a continuation of the discussion on the new proposed zone that was presented on October 17. Several members of the Planning Commission wanted to look over the lists for permitted and conditional uses before taking any further action. If more time is needed, this can be tabled for another time.

There was a discussion to clarify the boundaries of the area to be changed. Anything that is currently zoned R-3-16 between 100 East and 100 West will remain Residential. Commercial will not be allowed into the Residential area. This change will allow for Residential into the Commercial within the boundaries. Mr. Gehring will make a new map showing the boundaries

and the zone. The use of storage units will remain as a nonconforming use and will not be opened for any new ones.

This issue will be tabled until January 16, 1996.

2. Discussion regarding the parking and storage of recreational vehicles in residential areas.

Blaine Gehring explained that the number of recreational vehicles parked in driveways and on the side of homes have greatly increased. These vehicles seem to grow larger and longer each year which has created a problem when they are parked in driveways. Bountiful's old zoning ordinance did not address the parking of such vehicles. When we adopted our new ordinance we included a section specifically addressing the parking and storage of recreational vehicles. The idea behind the ordinance provision as adopted was to be consistent with the fencing ordinance that does not allow a fence that would obstruct vision next to a driveway for the first 10 feet.

To allow these large recreational vehicles to be parked within 10 feet of the sidewalk poses the same obstruction. Enforcement of this provision is going to create some very strong feelings because nothing regarding such parking has been enforced or even addressed in the past. I have discussed this with the City Attorney and City Manager and we feel it needs some review before we begin actual enforcement. Our question is do we want this provision or not? If so, are you and the City Council ready to take the heat along with the staff when we begin to enforce it?

Mr. Gehring has recently received a complaint about a trailer being parked in a driveway with the hitch tongue being right at the sidewalk. The trailer is too tall and cannot be backed further into the lot because of the roof overhang of the house. David Fuller, the person who talked to Mr. Gehring, was present. Mr. Fuller mentioned that this trailer takes up all of the front yard space and is against the property line. This trailer is permanent it is not going to go away. The owner takes it out in the summer for one or two weeks or a few days then it's parked the rest of the year. The owner has a fishing boat and construction equipment parked in his driveway and now this trailer in the front yard. Mr. Fuller mentioned that he doesn't have an issue with someone who has made provisions for their recreational vehicles to conform with a nice neighborhood look. There has been no effort from this property owner to do this. There is also a safety issue when backing out of the driveway, children on skateboards, rollerblades, bicycles etc.

The legal issue is a fence cannot be built more than 2 feet high in the front yard setback. A house cannot be built on the property line and yet there are motor homes as tall as a home parked in the front yard and on the property line. There is a big safety issue when these vehicles parked in the front yard. All Planning Commission members agreed that this provision is reasonable and to enforce the ordinance on a complaint basis.

Meeting adjourned at 9:10 P.M.

