

Planning Commission Minutes  
September 19, 1995

Present: Chairman Mike Holmes, Lois Williams, Dick Drescher, Don Milliagan; 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, Dean Jolley, Mark Green and Ken Cutler.

Mike Holmes welcomed all those present then introduced the Staff and Planning Commission Members. The minutes for September 5, 1995 were unanimously approved as written on a motion made by Dick Drescher and seconded by Barbara Holt.

#### Conditional Uses

1. Public hearing to consider granting a conditional use permit and preliminary and final site plan approval for a church at 355 E. 900 N., Bountiful Congregation of Jehovah's Witnesses, applicant.

Blaine Gehring explained that on June 7, 1994, the Bountiful Congregation of Jehovah's Witnesses was granted a conditional use permit to construct a church in an R-1-6.5 Zone. They also received preliminary site plan approval with several conditions. One of the conditions was to contain all storm water run-off on their property and pipe overflow to the street. In seeking to meet this requirement, representatives of the church went to several neighbors seeking an easement for storm drainage purposes which was never given. Meanwhile, the one year period to begin construction under the conditional use permit lapsed and at the same time the permit expired as a result. The church has been notified that the permit must be reinstated by the Planning Commission in order for them to precede. They are seeking reinstatement of that conditional use permit and have submitted an updated site plan with drainage plan. Nothing has changed in the terms of the proposal to construct the church. They have increased the amount of green space all around the property.

Jack Balling explained that a 10 year storm frequency is required. They have provided a storage for a 50 year storm frequency which is beyond the ordinance and more than adequate. The back portion of the lot will drain into a sump and the front will drain out into the street.

Staff recommends reinstating this conditional use permit and recommending preliminary and final site plan approval to the City Council with the following conditions:

1. Provide the following utility easements:
  - a. 7 ft. along 900 North Street.

b. Other easements as required by the utility services.

Earnest Blank, representing the applicant, was present. Mr. Blank would like to start this fall with the site work, grading and leveling for the Kingdom Hall for Jehovah's Witnesses. With this being done this fall the construction can begin in early spring.

Dick Drescher mentioned concerns, from the previous permit, with the neighbors on parking from the Mandarin and fencing around the property. Mr. Blank assured the staff that there will be a fence around the property and a chain across the parking entrance. The drainage pond will be grassed and the landscaping will have grass, shrubs and trees.

Public hearing was opened for any further comments. Mark Blaisdell, owner of 297 E. 900 N., has some concerns about water drainage and damage to his property. Mr. Blaisdell asked to consider the drainage problem and privacy of the homeowners involved.

Ed Erickson, residing at 378 E. 1050 N., has concerns about the oil and anti freeze coming off the parking lot, privacy in his back yard and water drainage.

Lynn Bryson has two different properties involved with this project. Mr. Bryson's concerns are with the landscaping, drainage, curb and gutter.

Tom Hancey, residing at 965 N. 400 E., is concerned with small strip of grass for landscaping.

Jerry Howe, residing at 292 E. 1050 N., concerned about the parking lot being adjacent to his backyard. Mr. Howe would like some kind of visual and sound barrier put up for some privacy. Mr. Howe is also concerned about the liability with the drainage pond.

Geraldine Holbrook, residing at 272 E. 900 N., is angry with the City for not keeping the drain basin behind her home clean. Mrs. Holbrook has doubts about the water run off from the parking lot, increased traffic, traffic noise, and the safety and cleanliness of the draining pond. She is not happy with this project.

Sherry DeMarko, residing at 263 E. 900 N., is a daycare provider and is concerned about the safety of the drain basin, breeding of bugs from the drain basin and snow removal.

Mr. Blank mentioned that there have been many complaints about the drainage of the water from the parking lot. There has not been any of the neighbors involved offering to give a right-of-way to take the run off out to the street. He has provided a percolation test from the Davis County Health Department and has gone beyond the requirements and ordinances of the City.

Mr. Holmes added that all tests and reports have been accepted by Staff and requirements have been met. Unless any of those present have any other facts on the issues the Planning Commission will accept them also. Public hearing was closed and opened to the Planning Commission Members for discussion.

A discussion was made concerning the drain basin, type of fence and landscaping around the

property for visual barrier and security, parking area being locked and no parking from commercial property across the street.

The drain pond will be covered with grass and should drain into the ground within 1 or 2 hours after a storm. These ponds are common throughout the Bountiful area. They are required to be maintained safely by the City and by Mr. Blank and his Congregation. The pond will be sufficient to meet the ordinance and exceeds the ordinance. Mr. Blank is complying with the codes, the ordinances and Davis County Flood Control.

Trees, grass and bushes will be planted around the property for beauty and a barrier for surrounding properties. Chain link fences have been normally used for parking lots of a church and commercial areas. With this area being so small, the impact on the neighbors is greater, a visual barrier is needed. It has been recommended to use a 6 ft. fence with vinyl slates. The entrance to the parking will be chained and locked with only the use from the congregation.

Dick Dresher made a motion to grant the conditional use permit and recommend to the City Council the preliminary and final site plan approval for Jehovah's Witnesses Church at 355 East 900 North with the conditions outlined by Staff and the addition of the following items:

1. Provide the following utility easements:
  - a. 7 Ft. along 900 North Street.
  - b. Other easements as required by the utility services.
2. Parking area or the driveway be secured to not allow any commercial use.
3. A 6 ft. fence be provided around the property with vinyl slates.

Barbara Holt seconded the motion and voting was unanimous.

2. Public hearing to consider granting a conditional use permit for used car sales at 196 W. 500 S., Charles Brown, applicant.

Charles Brown, applicant, was present. Blaine Gehring explained that Mr. Brown is desirous of conducting the sale of used cars on the corner of 200 West and 500 South now owned by Mrs. Cavanaugh's. The building was once used as a gas station. The canopy still exists and the building houses the major chocolate making machine. Mr. Brown presented a letter from Mrs. Cavanaugh's saying that they plan to relocate their manufacturing from Bountiful. The move is planned to happen in about 1 Year. When they vacate the building, Mr. Brown will be given the opportunity to rent the entire building and parking lot.

Mr. Gehring is concerned about customer parking and the temporary office. The temporary office can be granted for up to 1 year by ordinance. Mr. Gehring would like a formal agreement between Mr. Brown and Mrs. Cavanaugh's saying that the building will be vacated in 1 year.

Our ordinance allows a 6-month approval with a 6-month extension if plans for a permanent building are in place. In this instance, the building is in place so the 1 year time period fits within the general guidelines of the ordinance.

Staff received a letter from Quinex Corporation directly adjacent to the site to the north. They are concerned about customers using their parking lot which is reserved for their customers and employees. Mr. Gehring feels that there should be at least four parking stalls for customers and two for employees as a minimum. These should be provided on site even though Mr. Brown will have use of the parking stalls on the west of Cavanaugh's. Those stalls are vacant most of the year. During the Christmas crunch, which begins in October, these stalls are not available and used by Cavanaugh's employees. Mr. Gehring recommends granting this conditional use permit with the conditions 1-6 on his report.

Lois Williams asked what is the temporary office like? It will be a trailer type office but not the appearance of a trailer. It will set on blocks with some type of skirting around it so it will be attractive.

Barbara Holt has a concern about not having any grass in the front along 500 South and the cars being parked along the sidewalk. Mrs. Holt feels that there should be some kind of barrier or buffer of grass to keep the cars off the sidewalk. Mr. Gehring mentioned that if this were a new business they would be required to have a 10 foot landscaping barrier. This site already exists so Mr. Gehring feels that it cannot be required by ordinance. This is a conditional use and the Planning Commission can require to have landscaping if they wish.

Don Milligan was concerned with the 1 year permit for the temporary trailer. What if Mrs. Cavanaugh's do not relocate or take longer than the 1 year? This is also Mr. Gehring's concern that is why he is requesting one of the conditions be to have a formal letter from Mrs. Cavanaugh's saying that will relocate within 1 year and Mr. Brown will have a permanent office. If this condition cannot be met then the conditional use permit becomes invalid. If the 1 year time lapses and Mrs. Cavanaugh's have not relocated then Mr. Brown will have to make other arrangements for his office.

Dick Dresher is also concerned about the landscaping of the property. All surrounding businesses have substantial landscaping. Mr. Dresher feels that landscaping should be around the parking to fit in with the rest of the commercial neighborhood. Landscaping should be required to enhance the area.

Mike Holmes feels that this corner of 500 South is a prime corner in Bountiful. Over the past few years the City has made moves to enhance 500 South. Mr. Holmes feels that this type of business is not acceptable for this prime area of Bountiful.

Don Milliagan mentioned that the idea for the ordinances was to have a beautiful town with greenery, bushes etc. and keep it beautiful. This includes the commercial area. Mr. Milligan would like to see more of a boundary of grass along the sidewalk. Bountiful is a beautiful place and should be keep that way.

Public hearing was opened for any further comments. Lawrence Barber, local businessman and property owner, is concerned about the quality of this car lot. On the north and west side if this property are two car lots that are not appealing to the City. With Mr. Barber's property next door he requests that the cars be of high quality and the lot be landscaped appropriately.

Charles Brown explained that his intentions are to have high quality cars that will be new and in the price range of \$10,000.00 to \$20,000.00. Mr. Brown is willing to do some landscaping of a 5 foot strip of grass along the in front of 500 South. He will have a sign 24 square feet as required by the State.

Public hearing was closed. Lois Williams made a motion to grant a conditional use permit for a used car sales at 196 W. 500 S. subject to the following:

1. The temporary office be allowed but only for a total period of twelve months and that Mrs. Cavanaugh's provide a written agreement that if they cannot be moved out by the time, the sales office will be moved and space provided for the sales office in the existing building.
2. Four parking stalls be provided for customer parking and two for employee parking. These stalls should be clearly marked and/or posted with signs designating them for those purposes. The stalls should also be convenient to the sales office and easily accessible from the street and not be in any access driveways as currently shown for stalls 1 and 2.
3. All parking spaces and display spaces for autos for sale which provide for back-up into a driveway space behind them must meet ordinance requirements and be painted and striped accordingly.
4. A detailed parking plan be submitted to the Planning Director for approval prior to painting and striping.
5. Any existing drive approaches which are not going to be used need to be eliminated or chained off and may not be used for parking or display of cars outside of sidewalk.
6. Existing landscaped areas may not be used for display of cars.
7. Add a 5 foot strip of landscaping on the frontage of 500 South.
8. Obtain a written easement for the access driveway at the east property line.

9. Obtain a written agreement from Mrs. Cavanaugh's that their business will be moved within a 1 year and the temporary office be removed at this time.

Motion was seconded by Barbara Holt. The motion was approved by majority vote, Dick Drescher and Mike Holmes opposed the motion.

#### Site Plans

1. Consider preliminary and final site plan approval for a tri-plex at 280 South 300 East, Allen & Cook, developers.

Allen & Cook, developers, were present. Blaine Gehring explained that this is a flat, deep piece of property off 300 east. They are proposing to build a tri-plex with each unit having two bedrooms. Adequate parking has been provided with three covered parking spaces and 4 additional spaces. A landscaping plan has been provided which meets the ordinance requirements. Mr. Gehring recommends preliminary and site plan approval subject to the conditions listed on Staff's report.

A discussion was made stating that this is a narrow lot but the tri-plex will meet all requirements. The property and surrounding property have plenty of mature trees and landscaping so fencing is not needed. It was suggested to use 3 garbage cans rather than a dumpster. The tri-plex will be brick veneer with aluminum siding.

Don Milligan made a motion to grant the preliminary and final site plan approval for a tri-plex at 280 South 300 East subject to the recommendations by Staff. Lois Williams seconded the motion and voting was unanimous.

2. Consider approval to build a single family home beyond 200 feet from a public street for Henry Marsh at 1664 S. Stone Ridge Drive.

Henry Marsh nor anyone representing Mr. Marsh was present. The Planning Commission policies call to table the issue for the next Planning Commission Meeting.

#### Zoning Ordinance Amendments

1. Consider a zone change from R-3-13 to C-H at 450 W. 200 N., Robert Arbuckle, applicant.

Robert Arbuckle, applicant, was present. Blaine Gehring explained that Mr. Arbuckle is the owner of Freeway Heating and Air Conditioning at 260 N. 500 W. His business property extends 738.25 east from 500 West. He is currently using only half of the property for his business. He owns a house at 450 W. 200 N. and uses part of this property as access to the business property. Mr. Arbuckle desires to rezone the house and property to provide an improved access to the rear portion of the property to develop some small business offices. All

the property along 200 N. west of his property is currently zoned C-H (Heavy Commercial).  
The

property to the east is vacant and owned by Keith Stahle. Mr. Gehring finds this proposal to be compatible with the surrounding and adjacent uses and recommends sending this proposal to the City Council with a favorable recommendation for rezoning from R-3-13 to C-H.

Mr. Arbuckle has held a meeting with the surrounding neighborhood. The neighborhood objects to having multiple-family units but not commercial. No one objects to this proposal.

Don Milligan made a motion to recommend to the City Council a rezone at 450 W. 200 N. from R-3-13 to C-H. , Robert Arbuckle, applicant. Seconded by Dick Drescher and voting was unanimous.

2. Consider amending the Zoning Ordinance to allow for up to 8 feet high fences to protect against deer depredation.

Blaine Gehring explained that there has been a request for a variance from a resident to construct an 8 foot fence to protect his yard from the deer. This item was heard by the Board of Adjustment who felt this was an overall city issue which should be addressed by an amendment to the Zoning Ordinance rather than individual variances. This issue is now before the Planning Commission to consider any amendments to the Zoning Ordinance.

Mr. Gehring has talked to Tom Hardy, City Manager, and has contacted the Division of Wildlife Services. Mr. Gehring met with Clay Perschon, Rory Renolds and Larry Davis from the Northern Regional Office. The answer to this problem is not 8 foot fences. The main problem is controlling the increasing numbers. The only solution is to reduce the size of the herd by exterminating the animals. Wild Life Services can come onto the property with a silencer on a 22 rifle and kill the animal. These animals cannot be tranquilized and must be killed to remove them.

The urban deer problem is not located only in Bountiful. There is an extensive deer herd along the Wasatch Front from South Davis County line to North Ogden. These deer are not mountain deer. They have been born in this area and have grown into urban deer herd, never knowing the mountains as their home. In several instances, the deer are actually encouraged to stay due by residents feeding them. There have been salt licks, apples, grain, hay etc. placed by the residents to feed the deer.

Mr. Gehring recommends doing nothing with the ordinance at this time. The problem is widespread enough that any attempt at solving it with fences will only result in shifting the problem around and creating a very unpleasant view of 8 foot fences throughout the city. The City should continue to work with the Division of Wildlife Services in reducing the actual numbers of deer and helping to lesson the problem in that way.

Don Milligan asked how do the surrounding areas handle this problem? Mr. Gehring mentioned that they have basically the same type of ordinance that Bountiful has. The Planning Directors through out Davis County meet on a quarterly basis. Mr. Gehring has suggested that they put this item on the agenda to take about the problem and some solutions on how to correct it.

Don Milliagan made a motion to recommend to the City Council to leave the current ordinance as it now reads. Seconded by Lois Williams and voting was unanimous.

Meeting adjourned at 9:30 P.M.