

**PLANNING COMMISSION MINUTES**  
**OCTOBER 4, 1988**  
**7:00 P.M.**

Present: Chairman Robert McKenzie, Mick Johnson, Berwyn Andrus, Dick Dresher, Robert Goodman, Elaine McKay, Cheryl Okubo, Harold Shafter, City Council Representative, Jack Balling, City Engineer, Jon Reed Boothe, Planning Director

Excused: Richard Sharp

Invocation: Berwyn Andrus

Upon motion of Cheryl Okubo, seconded by Elaine McKay, the minutes of September 20, 1988 were unanimously approved as amended. The amendment being as follows: On page two, top paragraph, the sentence "Other concerns were architectural impact, hours of operation and noise associated with a high vehicular activity that a drive-up restaurant develops" to be added to said paragraph.

**Conditional Use:**

**10-4-88.5A            Eat-A-Burger, 95 East 500 So., Carry over from September 20, 1988 meeting. Conditional Use Application 88-11C**

Chairman McKenzie welcomed those present and introduced the Planning Commission members and staff. He mentioned that the Planning Commission just returned from a trip to the site. He also summarized the concerns adjacent property owners had that were expressed at the public hearing held September 20, 1988, to wit: Architectural compatibility of the structure as it relates to adjacent residential uses; the potential of the view at the intersection of 500 South 100 East being blocked by landscaping; vehicular queueing at the east drive-up window; the noise generated by this land use, the hours of operation, and landscape buffering that may be created for adjacent home owners along 100 East.

Chairman McKenzie read the following conditions that are being asked for by Mr. Dan Dobbin, an adjacent property owner:

1. There will be no trash pickup or parking lot sweeping before 7:00 a.m.;
2. Landscaping will be added to the area adjacent to the east side of the parking stalls in front of the Moss home. This landscaping will be acceptable upright evergreens, (See revised landscape plan);

3. Upright evergreens will also be added to the shrub bed by the existing maple tree near the outside eating area to also act as a screen, (See revised landscape plan);

4. One additional tree to be added in the parkstrip between the driveway on 100 East and 500 South, (See revised landscape plan);

5. There will also be built by the "Eat-A-Burger" owner a trellis supported by uprights to help soften the architecture and provide shade over the outside eating area. Said structure will be built by July, 1989.

Mr. Reed Petersen, owner of the franchise, stated that "Eat-A-Burger" accepts the above Dobbin conditions and will implement them.

Frank DeLost, adjacent property owner to the west, questioned the building setback, stating that even though it meets the Zoning Ordinances it will still block the view of his business. He felt it would look better if all buildings facing 500 South Street were set back the same distance. He also questioned the hours of operation, to which Mr. Petersen stated the hours will be approximately from 10:30 a.m. to 11:00 p.m.

Berwyn Andrus asked two questions; 1. Will the signs on the building be illuminated all night? and 2, what will the visual impact of the proposed neon signs be since the building in question is on the fringe of a commercial area adjacent to single and multi-family homes?

Mr. Petersen stated that the illumination would be turned off at the close of the business day and that the neon is of a very soft pink and green glow (pastel colors) and should not be a problem to adjacent neighbors.

Mr. Bob Goodman inquired regarding area lighting to which Mr. Petersen stated that this had not been determined. Douglas Todd mentioned that the Planning Commission can request, as a condition, that shielded lighting be provided on site for safety purposes.

Mr. Jack Balling, City Engineer, mentioned that a traffic signal would be installed at the 100 East 500 South Street intersection after July 1989 if all warrants for such a device can be met. He stated that they are real close to being met at the present time.

Mr. Reed Petersen stated that the Eat-A-Burger business is a 75-80% drive-up and 20-25% sitdown type restaurant.

A motion was made by Mr. Harold Shafter that this conditional use application be approved subject to the following conditions:

1. Payment of all required fees and posting of the required bonds, including a landscape bond. Said landscape bond to be 5% of the building valuation, and must be a corporate surety or cash bond;
2. Installation of an automatic sprinkler system to guarantee the integrity of the landscaping;
3. Provide to Bountiful City all necessary utility easements;
4. Meet all requirements for connection to the City's sewer, water, and power facilities;
5. Approval of restaurant by Davis County Board of Health;
6. Area lighting to be provided with the lighting directed downward and away from adjacent properties. Light standards to be no higher than ten (10) feet above finished grade;
7. No trash pick-up or parking lot sweeping before 7:00 a.m.
8. Landscaping to be revised in the shrub bed in front of existing home and north of the 100 East Street driveway (see revised landscape plan);
9. Additional landscape revision to be accomplished in shrub bed near existing maple tree and outside eating area (see revised landscape plan);
10. One additional tree to be added to landscaping in park strip between 100 East Street driveway and 500 South Street;
11. The construction of a trellis over the outside eating area. Trellis to blend with building architecture and constructed by October 5, 1989;
12. If vehicular stacking occurs on 500 South Street as a direct result of vehicles trying to enter the lane to the east side drive-up window, Bountiful City may, in its sole discretion, eliminate said entrance at the expense of the property owner, after giving proper notice.

This motion was seconded by Mick Johnson. Voting was two (2) for the motion, four (4) against the motion, and one abstained from voting. Application for a conditional use permit was denied by the Planning Commission by majority vote.

Mr. Marvin Blosch asked the Planning Commission what was approvable. The commission responded that approval has already been given Mr. Blosch for a mixed land use, to wit: office building with retail space on ground floor.

Those Planning Commission members voting Naye felt that the proposed building design was not appropriate where proposed and that it should blend into the neighborhood in a better fashion architecturally. They also were very much concerned with the traffic turning conflicts created by patrons of the restaurant making left turns into and out of the property via 500 South Street. This latter problem being extremely critical because of the nature of the business being proposed; one that has a lot of traffic coming and going.

Mr. Blosch was informed that the Zoning Ordinance, Section 13-500 gives him the right to appeal this decision to the City Council, and that he has thirty (30) days from this date to do so.

By motion of Mick Johnson, seconded by Harold Shafter, and by unanimous vote, the meeting was adjourned at 8:00 p.m.



# BOUNTIFUL

*City of Beautiful Homes and Gardens*

**DEAN S. STAHL**  
**MAYOR**

CITY COUNCIL  
H. KEITH BARTON  
ROBERT GRAMOLL  
BARBARA HOLT  
C. HAROLD SHAFER  
PHYLLIS C SOUTH WICK

## MEMORANDUM

DATE: September 20, 1988  
TO: Planning Commission  
FROM: City Engineer  
SUBJECT: Review of "The Ridges" Preliminary Subdivision Plat

1. Average slope of ground is 28.64%; therefore, the lots must be 20,000 S.F. These lots qualify for area.
2. All lots must have buildable area (5,000 S.F. of property less than 30% slope with a least dimension of 50 ft.). These lots meet this condition; however, Lot 7 does not have buildable area within a close enough proximity of the proposed road to be of use. Even if the plat is approved, it does not give permission to build on land that has a greater slope than 30%, and a disclaimer will be put on the subdivision plat to make the potential buyers aware that construction must be on the buildable areas only. The ordinance requires a certified survey and plot plan at the time the building permit is requested.
3. The length of the dead-end road is 1320 feet. This exceeds the 600 feet required by ordinance. A variance will be required for this condition.
4. The ordinance requires two means of access when the dead-end road exceeds 600 feet, and this proposal has only one access. A variance will be required for this condition.
5. The city ordinance requires a Grading, Revegetation, and Drainage Report. This has been submitted and is acceptable (see reports of City Engineer). There are some details on the Drainage Report that do not comply with the ordinance or accepted engineering practices in Bountiful City.
  - A. They propose to use an existing detention basin. The ordinance requires the developer to provide detention for

all run-off water in excess of 0.2 cfs per acre for the total property. The basin must be enlarged to meet this condition and a controlled structure constructed to allow a release of no more than 2.8 cfs with an emergency overflow spillway.

- B. The proposed plan would run the storm drain pipe back uphill along Ridgehollow Drive to a detention basin. This will not work, and an alternate plan must be presented.
  - C. The use of corrugated metal pipe for drainage structure is not acceptable in Bountiful City.
6. There are many areas where the cut and fill for the road exceeds 10 feet, which is the maximum allowed by the ordinance. A variance will be required for this condition.
  7. Easements must be secured and given to Bountiful City for utilities proposed outside of the subdivision.

#### City Council Review

The City Council made a field trip to review this proposed development. The general expression of the City Council was to grant an exception to the dead-end road and allow the road to stub to the north property line for future extension, and to comply with all other ordinances.

Jack P. Balling  
City Engineer

JPB:ehc