

Bountiful City
Administrative Committee Minutes
June 13, 2011
5:00 P.M.

Present: Chairman – Aric Jensen; Committee Member – Marc Knight; Committee Member – Lloyd Cheney; and Recording Secretary – Darlene Baetz

Excused: Assistant Planner - Dustin Wright and Assistant Planner – Mark Fallows

1. Chairman Jensen opened the meeting at 5:04 pm and all present introduced themselves.
2. Consider approval of minutes for June 6, 2011. Chairman Jensen made a motion to approve the minutes as amended. Mr. Cheney seconded the motion. Voting was 3-0 in favor.
3. **PUBLIC HEARING** - Consider a Conditional Use Permit application to allow for a Home Occupation Door/Window Installation and Finish Work business at 65 W. 1400 S., Gordon Fisher, applicant.

Gordon Fisher, applicant was not in attendance. Item was moved down on the agenda.

4. **PUBLIC HEARING** - Consider a Conditional Use Permit application to allow for a Commercial Occupation Pawn Shop business at 260 N. 500 W., Stephanie Howell, applicant.

Stephanie Howell, applicant, was present. Chairman Jensen discussed the procedure of a Public Hearing. Mr. Wright presented the staff report.

Section 14-6-103 of the Land Use Ordinance allows second-hand dealers of merchandise (pawnbroker) in the C-H zone as a conditional use. The hours of operation are an important consideration for this type of use.

10-9a-507. Conditional uses.

(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Based on findings, staff believes that the applicant complies with the zoning requirements. Staff recommends that the following conditions be applied to this Conditional Use Permit:

1. The applicant shall keep a current Bountiful City pawn broker business license. (§5-2-102)
2. The applicant shall be registered with the State of Utah Department of Commerce as a licensed pawnbroker.
3. The applicant shall conform to applicable State law (Utah Code §13-32a-101).
4. The applicant shall demonstrate record keeping as outlined in §5-2-103 of the City Code.
5. Reasonable hours of operation shall be set by the Committee.
6. This Conditional Use Permit is just for this applicant at this site and is not transferable.

Ms. Howell mentioned that they have 15 years pawn shop experience working with the state and local government. They work closely with the police and have existing shops in Ogden, Layton, and Roy. Mr. Fallows reported that the Better Business Bureau has had no problems or complaints with Ms. Howell's store in Roy and has received an A+ rating.

Chairman Jensen contacted West Valley City and spoke with the licensing department and was told that there are no problems with this company.

Chairman Jensen opened the public hearing.

Joe Steenblik at 320 N. 500 W. #201 discussed the concern of the minimum setback requirements for this building and noted that this building has a 10' clearance and not the 20' listed in the Bountiful Code. His second concern is for property owners with children located near this proposed business.

Kathy Carroll at 360 N. 500 W. #302 discussed the concern of the bars on the building, the setback requirements of this building, closeness of the condominium residents to this business, the traffic flow of this business, and a check cashing business just down the street.

Dan Carroll at 360 N. 500 W. #302 is concerned about this business affecting the home value of the neighboring area, the traffic flow generated by this business, and the signage of this business.

Jim and Barbara Malmgren at 340 N. 500 W. #204 discussed concerns with the increased congestion of traffic for the pawn shop and the possibility of changing the location of the business.

A representative from Five Guys at 255 N. 500 W discussed concerns about multiple pawn shops in Bountiful, the number of police visits to this business, the successfulness of this business, the revenue that it will generate, and if this business is the best fit for this location.

Chairman Jensen closed the public hearing

Chairman Jensen addressed the questions asked by the public.

1. 500 West is a state road and Bountiful has no jurisdiction.
2. The state law regarding Conditional Uses says “If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.” The Administrative Committee has to assume that it from it can be approved unless it is shown that there are issues that cannot be placed or effects that cannot be mitigated thru conditions.
3. Pawn shop operations – Ms. Howell has had no issues with Roy City, and the Better Business Bureau gave them an A+ rating. West Valley City has had no issues with the Hy and Mike’s Pawn Shop in their jurisdiction.
4. Proposed hours of operation will be Monday – Saturday 9 am – 6 pm.
5. The setback requirement is 20’ for new buildings. This building is an existing building and has a setback of 10’. The setbacks do not change once the building is constructed.
6. According to Ms. Howell, the Roy store does have interior bars on the windows. There would be bars on the interior of the Bountiful store. There is about 2% of the pawned items that are moved to a safety deposit box and 98% of the pawned items remain in the store. The Bountiful store to occupy the front 2000 sq ft.
7. There are no pawn shops in Bountiful. The closest pawn shop is located on Hwy 89 and 3400 S. in North Salt Lake, UT.
8. According to Ms. Howell, Pay Day Lender/Title Loans/Check Cashing facilities are considered predatory lenders with high interest rates. Pawn shops are short term loans being paid back within 60 days. This business would not be a large revenue producer other than they would need to pay sales tax on the sale of the item.
9. Pawn shops are required by law to report a list of merchandise to the police.
10. The signage allowed for this property would be 20 % of the facade facing 500 W and the area facing south would be 5%. There is space on the existing pole sign that could be used by the pawn shop.
11. Outdoor storage would not be allowed for this property, except as set forth in the outdoor display section of the code.
12. The pawn shop would have a security system at their location.

Mr. Knight made a motion to approve the Conditional Use Permit for a Commercial Occupation Pawn Shop business at 260 N. 500 W., Stephanie Howell, with the conditions set forth by staff in addition to the following conditions:

1. Hours of operation would be Monday – Saturday 9 am - 6:00 pm.
2. Outdoor displays would need to follow Code 14-6-112 B.

Mr. Cheney seconded the motion. Voting passed 3-0 in favor.

3. **PUBLIC HEARING – CONTINUED** - Consider a Conditional Use Permit application to allow for a Home Occupation Door/Window Installation and Finish Work business at 65 W. 1400 S., Gordon Fisher, applicant.

Gordon Fisher, applicant was present. Mr. Wright presented staff report.

Chairman Jensen opened and closed the hearing without comments.

Mr. Knight made a motion to approve the Conditional Use Permit for a Home Occupation Door/Window Installation and Finish Work business at 65 W. 1400 S., Gordon Fisher, with the conditions set forth by staff. Mr. Cheney seconded the motion. Voting passed 3-0 in favor.

5. **PUBLIC HEARING** - Consider a Conditional Use Permit application to allow for a Home Occupation Lawn Care business at 466 E. 1200 N., Duke Black, applicant.

Gordon Fisher, applicant was present. Mr. Wright presented staff report.

Chairman Jensen opened and closed the hearing without comments.

Mr. Cheney made a motion to approve the Conditional Use Permit for a Home Occupation Lawn Care business at 466 E. 1200 N., Duke Black, with the conditions set forth by staff. Mr. Knight seconded the motion. Voting passed 3-0 in favor.

6. Chairman Jensen ascertained that there were no other items to discuss. Mr. Knight made a motion to adjourn and Mr. Cheney seconded the motion. Voting was 3-0 in favor.

The meeting adjourned at 5:55 p.m.