

1 **Bountiful City Planning Commission**

2 **Approved Minutes**

3 August 4, 2020

4 6:30 p.m.

5

6 Present: Chair pro tem Sharon Spratley
 7 Commission Members Jim Clark, Lynn Jacobs, and Councilwoman Kendalyn Harris
 8 Planning Director Francisco Astorga
 9 City Planner Curtis Poole
 10 City Attorney Clinton Drake
 11 City Engineer Lloyd Cheney
 12 Recording Secretary Darlene Baetz

13

14 Excused Commission Members: Sean Monson (chair), Jesse Bell (vice-chair), and Sam
 15 Bawden

16

17

18 Planning Director Astorga stated the chair and vice-chair have been excused and the meeting would need to
 19 have a chair pro tem appointed for tonight only. There would be only four (4) Planning Commission
 20 members which is enough for a quorum but each item would need a 4-0 vote to pass.

21

22 Councilwoman Harris made a motion to appoint Commissioner Spratley as chair pro tem. Jim Clark
 23 seconded the motion. Voting passed 4-0 with Commission members Clark, Harris, Jacobs and Spratley
 24 voting aye.

25

26 **1. Welcome and Introductions.**

27

28 Chair pro tem Spratley opened the meeting at 6:31 pm and welcomed all those present.

29

30 **2. Approval of the minutes for July 7, 2020.**

31

32 Councilwoman Harris made a motion to approve the minutes for June 7, 2020 with two corrections.
 33 1. Page 5 line 15 should read "Mr. Murri felt that this *zone change felt more like a commercial*
 34 *zone change from the hospital zone.*".
 35 2. Page 5 line 26 should read "The Commission discussed only making changes to the sign code
 36 that would remove the maximum *square feet* allowed for a wall sign."

37

38 Commissioner Jacobs seconded the motion. Voting passed 4-0 with Commission members Clark,
 39 Harris, Jacobs, and Spratley voting aye.

40

41 **3. *This item was considered out of order from the agenda.***

42

43 **Consider approval *in written form* of a Conditional Use Permit to allow the building footprint**
 44 **of all accessory structures to exceed 10% and not exceed 15% of the lot at 329 East 1050**
 45 **North, Derk and Aneisa Phelps, applicants.**

46

47 Commissioner Clark made a motion to approve in written form of a Conditional Use Permit to
 48 allow the building footprint of all accessory structures to exceed 10% and not exceed 15% of the lot
 49 at 329 East 1050 North. Commissioner Jacobs seconded the motion. Voting passed 4-0 with
 50 Commission members Clark, Harris, Jacobs, and Spratley voting aye.

51

1 **4. PUBLIC HEARING – Consider forwarding a recommendation to the City Council - to allow**
2 **a Text Amendment for the Commercial Zone to allow an Indoor Entertainment/Firearm**
3 **Range located at 535 S Main St, Bryan Green and Kristopher Jeppsen, applicants.**
4

5 Bryan Green and Kristopher Jeppsen, applicants and Chris Hart with Action Target were present.
6 City Planner Poole presented the staff report.
7

8 The Applicants, Bryan Green and Kristopher Jeppsen, have submitted a formal request to amend
9 the Land Use Code to permit indoor shooting ranges in the commercial subzones as a Conditional
10 Use Permit. The Applicants are in negotiations to purchase the old Rite Aid site, 535 South Main
11 Street, with the purpose of redeveloping the site into a recreational indoor shooting range. The
12 property is located in the C-G (General Commercial) subzone which currently does not permit
13 indoor or outdoor shooting ranges.
14

15 The property is approximately 3.3 acres and consists of the old Rite Aid building and parking areas
16 to the west. The property is bordered by the RM-19 (Multi-Family Residential) Zone to the south,
17 the DN (Downtown) Zone to the north, RM-13 (Multi-Family Residential) Zone to the east and the
18 C-G subzone to the west. There are existing commercial uses attached to the vacant Rite Aid
19 building which would remain and are accessed from the north side of the property.
20

21 The proposed facility would be similar to the TNT Gun Range in Murray. This proposal will
22 change the exterior landscape and indoor with the possibility of a restaurant, lounge, and classroom
23 facility. To consider this tonight, the change would include all of the Commercial zone, General
24 Commercial (C-G) and Heavy Commercial (C-H) and not just this site. City Planner Poole showed
25 the Commercial zone on the screen for the audience. Heavy Commercial zone allows for the indoor
26 shooting ranges as a Conditional Use. The code for the existing Commercial zone does not have
27 specific guidance to minimize of sound or traffic.
28

29 City Planner Poole discussed research done on other cities requirements for indoor shooting ranges.
30 Farmington does allow for indoor shooting ranges with a conditional use in their commercial
31 highway and commercial recreation zone. There is no guidance for Planning Commission decision.
32 Kaysville does not allow outdoor shooting ranges within ½ mile of residential but does allow indoor
33 ranges with a conditional use. There is no specific conditions outlined for the ranges. They do
34 require the Conditional Use to be updated on a yearly basis. Murray has an existing business that is
35 similar to the type of business that the applicants are proposing. Murray does permits the indoor
36 ranges with a Conditional Use Permit in the manufacturing and commercial zone. West Valley
37 permits indoor shooting ranges in most Commercial, mixed manufacturing and industrial zones
38 without a conditional use permit. Staff investigated other states and found that Minnesota code had
39 language that was used in the proposed code in the packet.
40

41 Staff is proposing that the Fire Arm/Shooting Range – Indoor code for the C-G zone would be to
42 change the “N” to a “C” which notes that a Conditional Use Permit is required. City Planner Poole
43 discussed the following proposed changes to this text amendment.

- 44 A. *An indoor shooting range is a target range used for shooting, or for any other use involving*
45 *the discharge of handguns and/or rifles, which is open to the general public upon payment*
46 *of a fee and which is located within the confines of a building.*

- 1 B. *An indoor shooting range shall be approved as a conditional use in the C-H (Heavy*
2 *Commercial) and C-G (General Commercial) Zones, and no other zone, by the Planning*
3 *Commission and shall meet all of the following conditions of approval:*
4 1. *The range shall conform to all federal, state and industry regulations and standards*
5 *for health, safety, employment, firearm and ammunition storage, ventilation and noise*
6 *abatement for indoor shooting ranges.*
7 2. *Material and construction shall be designed and certified to capture all fired rounds.*
8 3. *No ammunition shall be permitted to be fired that exceeds the certified design*
9 *specifications of the range.*
10 4. *No alcoholic beverages shall be sold, consumed or permitted on the premises.*
11 5. *Minors shall not be permitted on the shooting range unless accompanied by an adult at*
12 *all times.*
13 6. *On-site supervision and monitoring shall be provided by the range operator in*
14 *addition to a credentialed qualified range master at all times.*
15 7. *An alarm system, cut wire protected, shall be provided for general security of the*
16 *premises.*
17 8. *Other conditions imposed by the Planning Commission or City Council that is*
18 *reasonably necessary to mitigate the potential impacts to neighboring properties.*
19 C. *In addition to the above conditions, the indoor shooting range shall provide a minimum of*
20 *two (2) of the following:*
21 1. *A retail component for the sale of firearms, ammunition and other accessories*
22 *related to firearms. Such facility shall comply with all licensing and operation*
23 *requirements of the Federal Bureau of Alcohol, Tobacco and Firearms, State*
24 *Agencies and other regulatory organizations.*
25 2. *Classroom facilities to be used for community education, public forums and seminars on*
26 *gun safety and use.*
27 3. *A restaurant or dining component.*
28 D. *Any indoor shooting range found in violation of the conditions of approval may be subject to a*
29 *revocation of the conditional use permit.*
30

31 Staff recommends the Planning Commissioners forward a positive recommendation of approval to
32 the City Council for an amendment to the Land Use Code to allow indoor shooting ranges to be
33 permitted as a conditional use in the C-G (General Commercial) zone with the conditions as
34 outlined by staff.
35

36 Commissioner Jacobs disclosed that he does live in the area of the proposed gun range site but felt
37 that he could give an unbiased opinion.
38

39 The applicants, Bryan Green and Kris Jeppsen, and their consultant, Chris Hart with Action Target
40 gave a presentation. Bryan spoke about the majority of the buyers of guns are first time gun owner
41 and the applicants would like to provide the best training and education for both public and private.
42 They would also like to contribute and give back to the City and would be able to enhance and
43 revitalize the property that has been vacant for the last 3 years. He addressed issues for the military,
44 law enforcement, sporting enthusiasts, and hunting citizens and this facility would bring these
45 benefits to the community. They would like to create more destination traffic and an entertainment
46 facility and to bring more revenue to Bountiful.
47

48 This facility would allow free police training and possible reduced noise complaints and fire due to
49 bullets from Lions Club range. Plans for the restoration of this building would have light colors on
50 the exterior and would update the landscaping on Main Street. There will be an increase in

1 community safety with the possible hiring off duty police officers in a high end environment. The
2 facility will be a family friendly environment with a restaurant, child care, training courses, and
3 community outreach. The interior would include private viewing areas, shooting lanes, air quality,
4 and restaurant.

5
6 Planning Director Astorga stated these types of facilities would need to provide 2 of the 3
7 conditions outlined in letter C. The applicants have proposed that all 3 of the conditions listed
8 under letter C would be provided.

9
10 Mr. Hart stated that he has not done any studies for this area regarding property values but has
11 spoken with other facilities about the increase of their property values.

12
13 Chair pro tem Spratley opened the **PUBLIC HEARING** at 7:42 p.m.

14
15 Dean Collinwood (1694 Stoneridge Dr) stated that he owns the property at the corner of this area
16 known as the Sessions Place. Mr. Collinwood objects to this proposal and feels that this would
17 devalue his property. His questions include:

- 18 • Do other businesses have the right to object?
- 19 • Why does the entire area need to be rezoned?
- 20 • What would the age range of the customers?
- 21 • Would the entertainment center have video games?
- 22 • What are the hours of operation?
- 23 • Number of customers at the peak time?
- 24 • Believes that his property has a parking agreement and an ease of access that would interfere
25 with the landscaping.
- 26 • What are the signage restrictions?
- 27 • Indicated that the proposal would devalue his property and believes this business would
28 harm the reputation of the City.
- 29 • Feels that this facility could be harmful to younger customers and the harm the reputation of
30 the City.
- 31 • Feels that the statement “decrease of noise” is incorrect and that it would increase the
32 number of people at the existing Lion Club Gun Range.
- 33 • Would customers be bringing guns into the store?
- 34 • Could the applicant guarantee the safety as customers are going into the building with
35 personal guns.
- 36 • Questioned how many existing businesses would be affected.
- 37 • Questioned why the zone was like that to begin with.
- 38 • Question if the business is the right business for tax revenue for the City.
- 39 • Will his office be able to hear the gun shots from his building?

40
41 Chair pro tem Spratley stated that the General Commercial zone (C-G) would still stay as a C-G
42 zone but it is being proposed that the indoor gun range would be allowed in the C-G zone as a
43 Conditional Use Permit.

44
45 Casey Miller (2626 Edgehill Dr.) is a realtor and spoke of the opportunity for a commercial
46 business to come into this area in a time where commercial businesses are failing and buildings are
47 vacated. He is an avid shooter and has been at other shooting locations and stated that he would

1 highly recommend this type of facility.
2

3 Carson Smith (Center Street) stated he is in favor of the range that would offer high quality proper
4 training. He has seen unsafe practices areas up to the existing Lions shooting range and up Skyline
5 Dr. He believes that would be a good opportunity for the zone change and to bring more business
6 to Main Street.
7

8 Derek Peterson (Center Street) stated that he would like to have a recreational facility in Bountiful
9 and this would be a good opportunity for training and safe education.
10

11 Cherie Green (1651 East Viewcrest Dr.) believes that this business would be a good experience in a
12 safe environment and this is very important to learn how to shoot and be safe with guns.
13

14 Gordon Johnson (1229 East Center) is a local business owner in Bountiful. Mr. Johnson feels that
15 this proposed indoor shooting range would be a great addition for education and feels that this
16 would be a great location.
17

18 Ken Green (1651 East Viewcrest Dr.) stated that he feels that this location would be a great mid-
19 point for the industry and people's needs. He also stated the need for this property to be updated
20 and would be favor of this change for the General Commercial zone favor.
21

22 Nate Barton (450 East 2500 South) stated that "Guns are Dangerous" without proper education. He
23 feels that this facility would be favorable in this area. Citizens need to be educated and this facility
24 would give them this opportunity.
25

26 Alex Densley (443 Jeri Dr.) agrees that he would like to see a business go into this building. He
27 questions if this proposed use may need to have more specific guidelines and feels that there may
28 be more questions that need answers for these proposed changes.
29

30 Rebecca Green (Pheasant Way) stated that the proposed facility would need to be a sizeable
31 property and Bountiful City does not have many locations with the size of property needed for these
32 types of facility. Gun sales have gone up and she feels that safe defense education is necessary
33 especially for youth and first time owners.
34

35 Todd Jacowski (500 East and 2600 South) discussed this would be a possible high level shooting
36 range and could be a possible help for the businesses and piggyback on the shooting range. He
37 believes that personal protection should be taught and likes a year round facility.
38

39 Kathleen McKonkie (1694 Stoneridge Dr.) is co-owner of the building located in the parking lot as
40 the proposed shooting range. She is opposed to this facility next to her business. She feels that her
41 building is in a Professional area and that this business is counter intuitive to what this area is.
42

43 Mike Perry (1063 East Center St) is in favor of this type of business in this area and like the fact
44 that it is easily accessible year round and have the education for gun owners.
45

46 Aaron Everett (1188 East Center St) discussed the existing approval of this type of business in high
47 traffic area in the Heavy Commercial area. He feels that the General Commercial area would be
48 more acceptable area for this facility and would not be as high traffic. He is supportive of the

1 change to the code for C-G zone and likes the fact that the business would have an education
2 program and training.
3

4 Richard Green (Viewcrest) stated his support for bringing this type of business to this area which
5 includes additional traffic and the revenue to existing businesses. He feels that this is an
6 opportunity to Bountiful and this facility would be an upgrade to the site and would like to
7 encourage the Commission to make it work.
8

9 Kevin Picket (Center St) believes that this is a great opportunity for this building and the
10 improvement of this area and bring business into Bountiful. He would like to make sure that the
11 sound and safety concerns are addressed.
12

13 Chair pro tem Spratley Closed the **PUBLIC HEARING** at 8:16 p.m.
14

15 Planning Director Astorga provided the following comments regarding questions brought up by the
16 public:
17

18 Businesses do not have the right to object at this meeting. The entire area is not being
19 rezoned. The proposal is changing the land use code which would allow the opportunity to
20 have this use in this zone.
21

22 The applicant would be able to answer the age range, allowing video games, hours of
23 operation, and number of customers allowed. These will be better answered at the
24 Conditional Use Permit setting.
25

26 Staff does not find that there will be any parking issues with this site for the proposal but a
27 detailed analysis of the parking and access would be evaluated at the site plan meeting,
28 which would also be used to analyze access, traffic, parking, and the parking easement.
29

30 Signing restrictions will follow the existing allowed sign General Commercial (C-G) sign
31 requirements which is not being changed at this time.
32

33 No data has been presented for devaluation of this business and the surrounding properties.
34 There is no comment about the 2nd amendment for this use as entertainment shooting range.
35

36 The retail for this facility is a permitted use in this area. The facility would need to abide by
37 any federal or state licensing requirements.
38

39 Explained how zoning and land use text amendments are legislative items, and that someone
40 in the past with the property authority legislated and made decisions for permitted and non-
41 permitted uses.
42

43 Planning Director Astorga indicated that after consulting with the applicants they have no objection
44 as to meeting with Mr. Collinwood to and his partners to address any questions they might have.
45

46 Planning Director Astorga indicated that the Planning Department has received some calls about
47 this site. Some have asked if self-storage units or residential would be allowed on this site. The
48 City is not interested in allowing self-storage units as they are expressly prohibited through the city.

1 The City received plenty requests of building residential development throughout the City.
2

3 City Attorney Drake was asked by Planning Director Astorga to discuss a previous personal
4 experience with the approval of shooting ranges in the northern part of Utah. City Attorney Drake
5 indicated that the facilities were located against residential and commercial areas. He stated that he
6 could not hear any shooting noise or any fumes if he was not in the shooting area. He observed the
7 facility during the regular sounds of the day and not past 10:00 p.m. His experience is solely based
8 as an anecdotal account and is not scientific by any means.
9

10 Mr. Hart spoke about sound and ventilation. The applicant will comply with the City noise
11 ordinance and will have this tested. The applicant will be building a bunker and have double walls
12 inside the proposed facility and will be quieter than new builds. The proposed shooting ranges have
13 fans and are ventilated with HEPA filters. The air returning to the outside is cleaner than the air
14 that is coming into the facility. The applicant has chosen to choose green ammo recycling. They
15 will have all the ammunition collected and recycled.
16

17 Chair pro tem Spratley asked the applicant if they had looked for a property in the C-H zone. This
18 zone amendment is for the entire C-G zone. The applicant did look in the Heavy Commercial zone
19 but stated that the zone did not have any locations that would work for their project. City Attorney
20 Drake stated that this zone amendment would be applied for the entire zone and staff has
21 recommended requiring the Conditional Use Permit for this zone would allow for the Commission
22 member to impose different conditions on different sites.
23

24 Commissioner Clark stated that he feels the applicant has a great business model but he is not
25 convinced that this is the right location for this business. All of his questions have been answered
26 but is concerned that 3 of the Planning Commissioners are excused from this meeting.

27 Commissioner Jacobs discussed that this change affects the entire zone for the city. Councilwoman
28 Harris feels that this zone amendment would limit the location for this type of business due to the
29 lot size needed for this type of business. She feels that this type of business would bring people to
30 Bountiful and that the details would be worked out with the Conditional Use Permit process.
31 Commissioner Jacobs stated the all of the proposed uses of the facility are permitted except for the
32 shooting range. The sale of guns is currently allowed in this area.
33

34 Planning Director Astorga discussed additional language that could be discussed with a minimum
35 lot size of at least 3 acres or a minimum square footage. This code text amendment request was
36 initiated from a private owner and not the City.
37

38 Commissioner Jacobs thanked the public for coming and for all the comments that were brought
39 forward. He asked Planning Director Astorga if the public hearing could be reopened if this
40 meeting was tabled. Planning Director Astorga stated that would be up to the Planning
41 Commission members.
42

43 Councilwoman Harris made a motion to forward a favorable recommendation to the City Council
44 for this text amendment. Commissioner Jacobs seconded the motion. Voting was 3-1 with
45 Commission members Harris, Jacobs and Spratley voting aye and Commissioner Clark voting nay.
46 The motion did not pass.
47

48 City Attorney Drake gave options for the Commission members voting.

- 1
- 2
- 3 1. Make a second motion which could include a motion to table this item to a future date.
- 4 2. More Discussion if the Commission members think they could have a conclusion tonight.
- 5 3. Information for staff and applicants to bring to next meeting.
- 6

7 The City Council will still have the opportunity to hear this and will be the ultimate body that
8 would vote and approve or deny this zone amendment. Bountiful City code 14-2-103-4 states “*No*
9 *official business shall be conducted by the Planning Commission unless a quorum of its members is*
10 *present. Four (4) members of the Planning Commission shall constitute a quorum. Any action*
11 *taken shall require a minimum of four (4) yes votes from members of the Planning Commission,*
12 *unless otherwise prescribed by law.” And 14-2-103-10a. “The Planning Commission shall report,*
13 *either verbally or in writing, its official acts and recommendations to the City Council. Any*
14 *member of the Planning Commission may also make a concurring or dissenting report of*
15 *recommendation to the City Council.”*

16
17 Commissioner Clark made a motion to table (continue) this item. No second was made from
18 Commission members.

19
20 City Attorney Drake stated that if this item is tabled that he strongly recommends the missing
21 Planning Commissioners listen to the meeting and public comments that were made here tonight.
22 He also suggests that Commissioners task staff with any information or answers they feel that
23 would be needed for the next meeting.

24
25 City Attorney Drake stated that the City Council feels that the Planning Commission Members are
26 on the board for a reason and have a wealth of knowledge and experience and the City Council
27 members do respect and listen to the recommendations from the Planning Commissioners.

28
29 Commissioner Jacobs made a motion to table (continue) this meeting to the next meeting on August
30 18, 2020 with the request that staff present more information about the criteria of possible lot in the
31 City that would fit within the 3 acre conditions and the possible valuation of how properties values
32 near the gun range. Commissioner Clark seconded the motion. Voting was 4-0 with Commission
33 members Clark, Harris, Jacobs, and Spratley voting aye.

34
35 Both City Attorney Drake and Planning Director Astorga acknowledged that compiling property
36 values would be difficult to accomplish due to recent market trends. Planning Director Astorga
37 stated a provision in the Bountiful City code that talks about zoning map amendments and land use
38 code amendments which reads “Failure on the Planning Commission to make a recommendation to
39 the City Council within 30 days after hearing the petition shall be deemed to constitute approval of
40 such proposed amendment or change that should then be passed on to City Council for appropriate
41 action.” That simply implies that if the Planning Commission takes too long the issue will go
42 forward to City Council.

43
44 Mr. Green asked the Commission members to give the applicant any and all information, concerns,
45 or requirements that they should bring forward and address at the next Planning Commission. He
46 feels that Bountiful is a city that cares about their businesses and would appreciate an opportunity to
47 address any questions or concerns.

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5. Planning Director’s report, review of pending applications and miscellaneous business.

- a. Accessory Dwelling Unit Discussion – Planning Director Astorga stated a text amendment will be coming to a future Planning Commission meeting and asked that the Commission member look over the Bountiful City Code - ADU section and become acquainted with it.
- b. Training Video (Time Permitting) – No video was presented due to the length of the meeting.

Chair pro tem Spratley ascertained there were no other items to discuss. The meeting was adjourned at 9:10 p.m.



Sharon Spratley
Planning Commission Chair Pro Tem