

1 **Bountiful City Planning Commission**

2 **Approved Minutes**

3 August 18, 2020

4 6:30 p.m.

5
6 Present: Chair Sean Monson
7 Commission Members Sam Bawden, Jesse Bell, Jim Clark, Lynn Jacobs, and Sharon
8 Spratley
9 City Planner Curtis Poole
10 Assistant City Attorney Yvette Donosso
11 City Engineer Lloyd Cheney
12 Recording Secretary Darlene Baetz

13
14 Excused Members: Councilwoman Kendalyn Harris; Clinton Drake - City
15 Attorney and Francisco Astorga – Planning Director
16

17
18 **1. Welcome and Introductions.**

19
20 Chair Monson opened the meeting at 6:30 pm and welcomed all those present.

21
22 **2. Approval of the minutes for August 4, 2020.**

23
24 Commissioner Spratley made a motion to approve the minutes for August 4, 2020 with one
25 correction.

26
27 Page 3 line 36 and 37 should read “Commissioner Jacobs disclosed that he does live in the area of
28 the proposed gun range site *but felt that he could give* an unbiased opinion.”

29
30 Commissioner Clark seconded the motion. Voting passed 6-0 with Commission members Bawden,
31 Bell, Clark, Harris, Jacobs, Monson and Spratley voting aye.

32
33 **3. Consider forwarding a recommendation to the City Council – Bahr Dermatology - Preliminary
34 and Final Site Plan approval for commercial business, located at 19 West 500 South, Andrea
35 and Brooks Bahr, applicants – Curtis Poole**

36
37 Brooks and Andrea Bahr, applicant and Spencer Anderson representing JZW Architecture were
38 present. City Planner Poole presented the staff report.

39
40 The Applicant, Spencer Anderson, requests Preliminary and Final Architectural and Site Plan
41 approval for the construction of a new multi-tenant commercial development located at 19 West
42 500 South. The property is located within the C-G (General Commercial) Zone and is surrounded
43 by commercial uses in the C-G and DN (Downtown) Zones. The property is located to the east of
44 Natural Grocers and west of the StarWest Computer building and Baskin Robbins. Multi-tenant
45 commercial buildings are located across 500 South to the north in the DN Zone and Key Bank is
46 located to the south of the property.

47
48 The proposed plan is to demo both buildings and build a new building in this location. The
49 proposal submitted by the Applicant shows the total building square footage to be 6,370, which will
50 be divided into a three (3) floors. Bahr Dermatology will be housed in the main and basement

1 floors. A future tenant, which would likely be a professional office or similar use, would occupy the
2 second floor.

3
4 The existing property has two drive entrances and the applicant proposed the east drive will be
5 closed and the west access will be revised to move it 5 ft from the property line and will create a
6 landscape berm. This will ease the traffic on 500 South. The elevations show the proposed
7 building with great color and architectural design. The northwest and west elevation of the building
8 will feature large windows and a glass entryway.

9
10 The landscape plan shows a total of 3,010 square feet of landscaping which is roughly sixteen
11 percent (16%) of the property. Code requires a minimum of fifteen percent (15%) landscaping. The
12 landscape plan also shows the Applicant is providing the required three (3) street trees and is
13 providing one (1) additional tree over the required minimum of non-street trees.

14
15 The Applicant is requesting relief of the landscape buffer along sections of the west and south east
16 property lines and side yard setback on the north east property line. This would permit the
17 Applicant to accommodate the building and required parking on the irregular shaped lot.

18
19 Staff recommends that the Planning Commission forward to the City Council a recommendation of
20 approval for the Preliminary and Final Architectural and Site Plan for the proposed Multi-Tenant
21 Commercial Development subject to the following conditions:

- 22
23 1. Complete any and all redline corrections.
24 2. Record utility easements as required by Bountiful Light and Power.
25 3. All damaged curb, gutter and sidewalk along 500 South shall be replaced.
26 4. Continue to work with Staff on location and orientation of the dumpster.
27 5. Each Tenant shall apply separately for signage meeting the standards of the Code.
28 6. Pay fees and post an acceptable bond in the amount determined by the City Engineer.
29 7. Sign a Public Improvement Development Agreement.

30
31 Commissioner Spratley asked if the landscape buffer relief needs to be added in the conditions. Mr.
32 Poole noted that the Commission would be approving the landscape reduction with the forwarding
33 to City Council.

34
35 Engineering Director Cheney noted 500 South is a City street.

36
37 Commissioner Bell discussed his concern about customers negotiating the tight fit for the parallel
38 parking against Natural Grocers parking lot. Mr. Anderson noted there is a minor grade change
39 with this property. Mr. Poole stated the proposed plan has the exact number of parking spaces of 25
40 (twenty-five) spaces needed for this site. The applicant and Natural Grocers doesn't have shared
41 parking and there is no fence between the properties.

42
43 Commissioner Bell made a motion to forward a recommendation of approval to the City Council
44 for the Preliminary and Final Architectural and Site Plan for Construction of a new Multi-Tenant
45 Commercial Development at 19 West 500 South with the seven (7) conditions outlined by staff and
46 would recommend the applicants work with staff for the shifting of the parking spaces.
47 Commissioner Jacobs seconded the motion. Voting passed 6-0 with Commission members
48 Bawden, Bell, Clark, Jacobs, Monson and Spratley voting aye.

1
2 **4. CONTINUED – Consider forwarding a recommendation to the City Council amending the**
3 **Bountiful City Land Use Code to allow indoor gun ranges via a Conditional Use in the General**
4 **Commercial (C-G) subzone. - Curtis Poole**
5

6 Bryan Green and Kristopher Jeppsen, applicants and Chris Hart with Action Target were present.
7 City Planner Poole presented the staff report.
8

9 This item has been continued from August 4. The Applicants, Bryan Green and Kristopher Jeppsen,
10 have submitted a formal request to amend the Land Use Code to permit indoor shooting ranges in the
11 commercial subzones as a Conditional Use Permit. The Applicants are in negotiations to purchase
12 the old Rite Aid site, 535 South Main Street, with the purpose of redeveloping the site into a
13 recreational indoor shooting range. The property is located in the C-G (General Commercial) subzone
14 which currently does not permit indoor or outdoor shooting ranges.
15

16 Mr. Poole stated the Commission members had reviewed this proposal and held a public hearing at
17 its August 4, 2020 meeting. The Commission voted to forward a positive recommendation of
18 approval to the City Council on a vote of 3-1; however, Code requires any action made by the
19 Planning Commission receive four (4) yes votes. The Commission voted to continue the item for a
20 future meeting where more commissioners would be present with a 4-0 vote. The Commission
21 discussed adding additional language that indoor shooting ranges would only be allowed on
22 properties greater than three (3) acres and directed Staff to review the current properties in the C-G
23 subzone where and indoor shooting range would be possible. Based upon the analysis there are
24 eight (8) properties in the C-G subzone and four (4) in the C-H subzone larger than three (3) acres.
25

26 The Planning Commission may choose to proceed with a discussion and motion to forward a
27 recommendation to the City Council, or the Commission may also choose to reopen the public
28 hearing.
29

30 The Planning Commission may consider the following recommendations:
31

- 32 1. Forward a positive recommendation to the City Council as presented by Staff or as amended.
33 2. Forward a negative recommendation to the City Council outlining reasons for the negative
34 recommendation (with some specifics why the recommendation was a negative).
35

36 Staff recommends the Planning Commission reviews and consider forwarding a positive
37 recommendation of approval for an amendment to the Land Use Code to allow indoor shooting
38 ranges to be permitted as a conditional use in the C-G (General Commercial) subzone along with
39 specified parameters for approval.
40

41 Chair Monson reviewed the options for this item:

- 42 1. Reopen the public hearing.
43 2. Reopen the public hearing but hearing only from new speakers.
44 3. Do not reopen the public hearing but letting the applicant present.
45

46 Commissioner Spratley made a motion to reopen the **PUBLIC HEARING** but hearing from new
47 speakers. Commissioner Bell seconded the motion. Voting passed 6-0 with Commission members
48 Bawden, Bell, Clark, Jacobs, Monson and Spratley voting aye.

1
2 Chair Monson opened the **PUBLIC HEARING** at 6:54 p.m.
3

4 Walter Gasser (2299 Wood Hollow Way) stated he is a realtor and is concerned about the project
5 in the commercial zone. He feels that this is an inappropriate place for the proposed shooting range
6 and the building would take a significant amount of money to redesign for a shooting range.
7

8 Melanie Jeppsen [REDACTED] wanted to ask the Commission members to look at the overall
9 picture of Bountiful City and the type of population being drawn into the city. She feels that this
10 project would be a huge economic resource for the area.
11

12 Brandon Jensen noted that when the Lions Club is closed, the people wanting to shoot are
13 continuing up the mountains and making and leaving messes. He stated he is in favor of this
14 project.
15

16 Dean Collinwood (1694 Stoneridge Dr) stated the applicants met with his to discuss the parking
17 issues. He is concerned about the distance of the building from the south residents' bedroom
18 window. He asked that the studies be made available to the Commission members on air pollution
19 and noise as discussed from Chris Hart.
20

21 Brett Hart (Monterey Circle) stated he is a firearm instructor, supporter of firearms and is the
22 chairman for the Lions Club. He is concerned about the future of the Lions Club range if the
23 shooting range is built and would like to speak with the applicants about the impact of the new
24 shooting range.
25

26 Cherie Green (1651 East Viewcrest Dr.) stated this site would be easy for citizens to get to and the
27 business would have more than just shooting. The proposed business would include a restaurant
28 with training and education of guns and would be a great opportunity to bring a unique business for
29 families to enjoy.
30

31 Mark Hutchings (260 S) noted the proposed project would be a great opportunity for a safe indoor
32 shooting range in all weather. He stated his desire to enjoy this business in this town.
33

34 Bountiful Resident (184 W 1400 South) noted the importance of gun safety and gun education and
35 should be part of this city. She feels the proposed project would be a good fit at this location in the
36 commercial zone.
37

38 Austin (Crestwood Dr) stated that he grew up shooting rifles but just bought a hand gun and has
39 had to travel a distance to receive education and training. There are some outdoor options but not
40 many indoor ranges.
41

42 Kevin Green (Viewcrest Dr) feels that this project would be a destination location with the property
43 is on a main artery for Bountiful. The customers coming to the shooting range would be likely to
44 spend more money in Bountiful.
45

46 Trevor Gasser (Farmington) manages the property next door that shares the wall of the proposed
47 project. He feels that this property could be better used for a grocery store or higher end tenant. He
48 discussed the amount of noise his current tenants are hearing between the shared wall is great.

1
2 Bret Hutchins (455 Oakview Lane) stated that he is for the shooting range. He discussed his
3 personal experience about another shooting location and stated the shooting noise was low and
4 could still carry on a normal conversation. He stated that he is not an expert but understands the
5 tenants concern about the noise and engineering but feels that it wouldn't be an issue.
6

7 Chair Monson closed the **PUBLIC HEARING** at 7:26 p.m.
8

9 Bryan Greene noted the concern for this type of business and feels that it is fair to be concerned.
10 He feels that there are a number of misconceptions and be providing the data to staff that has been
11 requested. The applicants would love to work with Bountiful in a meaningful way and bring
12 revenue to the city. There is concern about the opportunity for this space and businesses and the
13 citizen's safety.
14

15 Kris Jeppson noted the business owner does not want noise associated with this shooting range that
16 would impact the restaurant, classrooms, child care, and sales. The applicants would like to take all
17 of the noise out of this project.
18

19 Chris Hart discussed the local zoning, Osha indoor ranges, EPA covers outside of the range. The
20 filtration system would have an 99.8% for the air that is exhausted from the range. Mr. Hart noted
21 that there is no smell inside or outside. He presented the studies of the noise reports to the
22 Commission members. The project would be building a bunker inside the building to allow for the
23 lack of noise. He spoke about the normal everyday noise that includes lunchtime at the project
24 location of 96 decibels and a normal speaking voice of 70 decibels.
25

26 Commissioner Bell asked about the noise from the gun and impact of the bullet. Mr. Hart stated the
27 noise from the muzzle would be 165 decibels and the impact of the bullet would be at 110 decibels.
28

29 Commissioner Jacobs asked about the level of noise at night. Mr. Hart discussed most cities are not
30 equipped to monitor the noise from this business but could possibly hire a private entity to monitor
31 these businesses.
32

33 Commissioner Bawden discussed that he has been looking at ranges in other cities and that they are
34 in the commercial zone and that these ranges are less than 3 acres in size. He recognizes that this
35 property has been vacant for 3 years and feels that the Planning Commission members do the best
36 to determine what is best for Bountiful. He is concerned that the 3 acre parcel minimum is a really
37 good assessment but is not concerned about the noise or the build for neighbors. He would like to
38 see this business location be an extension of Main Street.
39

40 Commissioner Spratley stated the 3 acre size limit was discussed as a possible option in the last
41 meeting. This would allow stricter guidelines for shooting ranges in the General Commercial zone.
42

43 Commissioner Jacobs stated that he agrees with Commissioner Bawden that this item is a zone text
44 amendment. We need to have protections in the zone text amendments so that other applicants are
45 held to the same standards.
46

47 Chair Monson noted that the Planning Commission is an advisory board but the City Council makes
48 the final decision on this item.

1
2 Mr. Poole reminded the Commissioners that if this project is approved it will still come back to the
3 Planning Commission for a Conditional Use Permit approval and Site Plan.
4

5 Mr. Hart stated that most of the states shooting range are in the commercial zone and shares space
6 with other businesses. Some ranges in other cities have the business in residential zones and have
7 had no problems with noise or security.
8

9 Commissioner Spratley asked if the decibel level was a condition for other cities. She asked about
10 the age limit that has been proposed for this range. Mr. Greene stated five (5) years and younger
11 can't access the range but can access the child care which is available for young children. Six (6)
12 years can access the range with guardian but without shooting. Eight (8) thru seventeen (17) can be
13 on the range and shoot with guardian.
14

15 Commissioner Spratley spoke about the 3 acre minimum and likes the minimum for these types of
16 business. She would like to see the decibel maximum be noted in the amendment.
17

18 Mr. Hart feels that it would be difficult to test the decibel noise with the passing traffic.
19

20 Mr. Jeppson stated that the age limits on the shooting range is an operational decision and noting
21 the industry standards could be different.
22

23 Chair Monson commends the applicants for this presentation, and the thoughtfulness and
24 reasonableness. They have approached this issue with a manner that everyone could approach
25 every political issue. He is concerned about this type of business be allowed in all of the
26 commercial zone without the restrictions of the amended text. He stated his concern this type of
27 business being located and allowed in the heart of the city and doesn't have a problem for this
28 business in the other parts of the commercial zone but doesn't feel that this location is the right
29 location.
30

31 Commissioner Bell also commends the applicants for this presentation and how they have held
32 themselves. He feels that the businesses and technology has changed. Mr. Bell agrees that the City
33 needs to find land uses and businesses that contribute to a tax base. He didn't think that this type of
34 business would be looking at this location and had hoped for a restaurant and to demo the building
35 and to rebuild. He thinks the parking lot enhancement are important. He feels that this project is
36 thinking out of the box and likes that the applicant is proposing to invest in our City.
37

38 Commissioner Jacobs stated that he is still in favor of this text amendment. The shooting range
39 would be different from other cities who have only restaurants and stores on their Main St. He
40 thinks that is very creative and sees the value in this project bringing people to our Main Street.
41 Main Street needs to have a new use that could help other businesses.
42

43 Commissioner Clark noted that he still feels that this is not the right location for a shooting range
44 and feels that if this is allowed then the whole zone is wide open for these type of business.
45

46 Commissioner Spratley stated that she came to the meetings with thoughts about not having a
47 shooting range in this location. This is an opportunity for the city and does feel that this is a good
48 fit for this building which has been empty for too long.

1
2 Mr. Poole noted that zone amendment would make alcohol not allowed for this type of business.
3

4 Commissioner Spratley made a motion to forward a positive recommendation to City Council to
5 allow shooting ranges in the General Commercial zone and that the applicant bring data to the City
6 Council who would address the maximum decibel with internal and external maximums and an age
7 limit for the shooting range. No second was given and the motion failed.
8

9 Commissioner Jacobs made a motion to forward a positive recommendation to City Council to
10 allow shooting ranges in the General Commercial zone with the change to #7 that will read “Minors
11 shall not be permitted on the shooting range unless accompanied by an adult at all times, and at no
12 time shall a child under the age of eight (8) be allowed to discharge or handle firearms on the
13 shooting range.” and to the addition of #10 that will read “A sound study shall be performed and
14 submitted with the application indicating decibel levels at the property lines and on the interior of
15 neighboring properties if connected by a shared/party wall.”
16

17 Commissioner Bawden seconded the motion. Voting was 4-2 with Commissioners Bawden, Bell,
18 Jacobs and Spratley voting aye and Clark and Monson voting nay.
19

20 **5. Planning Director’s report, review of pending applications and miscellaneous business.**
21

- 22 a. Next Planning Commission meeting will be on Sept 1, 2020.
23

24 Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 8:41
25 p.m.
26

27
28 
29 _____
30 Sean Monson
31 Planning Commission Chair