

**BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
TUESDAY, JANUARY 21, 2025
6:30 P.M.**



Notice is hereby given that the Bountiful City Planning Commission will hold a meeting in the Council Chambers, Bountiful City Hall, located at 795 South Main Street, Bountiful, Utah, 84010, on the date and time provided. The public is invited to attend.

1. Welcome
2. Planning Commission Training – Chapter 6 of Ground Rules: Your Handbook to Utah Land Use Regulation, by Craig M. Call, J.D.
Senior Planner Corbridge
3. Meeting Minutes from November 19, 2024
 - Review
 - Action
4. Meeting Minutes from December 03, 2024
 - Review
 - Action
5. Land Use Text Amendment for Drive-Up Height Clearance
Senior Planner Corbridge
 - Review
 - Public Hearing
 - Recommendation to City Council
6. Final Architectural and Site Plan for Drive-Thru Coffee Shop at 638 North 500 West
Senior Planner Corbridge
 - Review
 - Recommendation to City Council

7. Land Use Text Amendment for Tattoo Parlors/Body Art Facilities in the Commercial Zone
Senior Planner Corbridge

- Review
- Public Hearing
- Recommendation to City Council

8. Planning Director's report, update, and miscellaneous items

9. Adjourn

Planning Commission Memo



Subject: Planning Commission Training 2025
Author: Amber Corbridge, Senior Planner
Date: January 21, 2025

Each Planning Commission member is required to meet a minimum of 4 hours of training per year. To help Commissioners meet this requirement, Staff is providing 20-minute trainings per month, for each member to complete. The goal is for Staff to provide training material documents in the Planning Commission Meeting Agenda Packet, monthly. Staff will conduct a 10-minute training lesson, based on the material provided in the packet, at the beginning of the Planning Commission meeting. Each member would be responsible for studying/attending at least 10 minutes of training on their own, monthly. They may use the training material provided or attend planning conferences/workshops. These training hours will need to be reported to the Planning Department through the Administrative Assistant.

Administrative Issues and How They are Resolved

CHAPTER 6

Once the community has hammered out the general plan and the land use ordinances, it is time to get down to the basic work of controlling land use and enforcing the rules. While much of the process is case-specific and community-defined, there are some general observations that may be made about some different types of decisions and procedures.

Again, it is important to remember that each municipality or county that has decided to manage land use has its own ordinances and procedures. When discussing ordinances, it is important to remember three things:

1. You must read the ordinance.
2. You must read the ordinance.
3. You must read the ordinance.

There is no way that a general description of Utah land use can possibly anticipate or cover all the variations that are present in individual local ordinances. The general rules and procedures established in this book relate to the general minimal standards in state statutes and case law. If you just review this chapter and fail to review the local ordinance, you will likely misunderstand the local process.

In discussing local land use procedure, municipal staff are often willing to help describe the process to you. Even though such persons may be well-intentioned, they may not understand your question, or may even misinterpret the law. While such help can often be beneficial, you should still take the time to read the ordinance, because the municipality is not bound by its employee's promises or commitments. The only law that the municipality is bound by are ordinances properly passed by a majority vote of the legislative body or land use authority. If you are misled or the person assisting you did not really understand the question you asked, you cannot fix your misunderstanding by bringing a lawsuit. Governmental entities have immunity and are usually not bound by or liable for the representations of their employees and administrators.

Which Ordinance Applies? – Vested Rights

Unique to Utah is what land use planners around the nation refer to as “early vesting”. In most states, a local government can adjust the land use regulations to respond to an application that is deemed in need of some adjustments in the public interest. In those states, an applicant is subject to changes in the zoning ordinance, map, and general plan that are made *after* the application is submitted. Not so in Utah.

In the landmark case *Western Land Equities v. Logan City*, the Utah Supreme Court declared that, in the interest of equity and fairness, a subdivision application must be reviewed under the regulations which were in place when the complete application is filed, and the relevant fees paid.¹ This rule has now been codified into state law with some embellishments.²

In *Western Land Equities*, the Supreme Court stated that “a property owner should be able to plan for developing his property in a manner permitted by existing zoning regulations with some degree of assurance that the basic ground rules will not be changed in midstream. Clearly it is desirable to reduce the necessity for a developer to resort to the courts. An applicant for approval of a planned and permitted use should not be subject to shifting policies that do not reflect serious public concerns.”³

The “vesting rule” applies to all administrative applications, but not to legislative changes. The purpose of a legislative amendment is to change the law – the zoning ordinance, the map, the general plan, or the city boundaries. Since the goal is to change the regulations, it is a given that the current regulations are on the table for amendment. The changes would not apply to applications which are already vested, of course, but would apply to development plans which have not yet been submitted with the appropriate fees paid.

But in the administrative setting – whether the land use authority appointed to make the decision on the application is the staff, the planning commission, the appeal authority, or the legislative body, the vesting rules apply. Once the application has been filed and the application fees paid, the issue before the land use authority is simply whether the application complies with the rules in place when it was filed or not. If it complies, it must be approved. It is too late to wish that the laws were

different. Changes can be made to the ordinances and other regulations before the next application is filed, but the current law applies to this one.

There are two narrow exceptions, outlined in both *Western Land Equities* and in the current statute, which allow new regulations to be applied to a “vested” application: (1) the compelling public interest exception, and (2) the pending ordinances exception.

Compelling Public Interests

The first exception to the vesting rule applies if the land use authority finds that a “compelling, countervailing public interest” would be jeopardized by approving the application as filed.

The term “compelling, countervailing public interest” is a term defined by case law. “There may be instances when an application would for the first time draw attention to a serious problem that calls for an immediate amendment to a zoning ordinance, and such an amendment would be entitled to valid retroactive effect. It is incumbent upon a city, however, to act in good faith and not to reject an application because the application itself triggers zoning reconsiderations that result in a substitution of the judgment of current city officials for that of their predecessors.”⁴

A compelling, countervailing public interest might arise when newly discovered geological hazard issues exist on the property where development is planned⁵ or where a citizen referendum has been formally initiated, as provided in the Utah Constitution, so the public can vote on a project⁶. The public interest, as stated in *Western Land Equities*, must be compelling. This requirement requires a higher public interest than changing political preferences.⁷

Pending Ordinances

The second exception applies if an ordinance was under formal consideration at the time that the application was filed and the application fees were paid. If that pending ordinance would prohibit the approval of the application as filed, then the town, city, or county may apply the pending ordinance to the application (Note the word “may”). The local government entity is not obligated to utilize the “pending ordinance rule”, but it may do so.⁸

We do not have firm case law on what “pending” means, but it is safe to state that the pending ordinance (1) must be an ordinance, and (2) It must also be “pending,”

meaning that it is in the process of formal review for adoption. It is not sufficient if the pending ordinance is a vague concept in the mind of the city planner or was discussed at the last meeting of the Chamber of Commerce.

It is sufficient, I am sure, if a draft ordinance has been on the agenda of the planning commission or council or county commission and has been discussed. It is not certain whether posting the issue on the agenda alone is sufficient for the ordinance to be “pending”. The safest way for the local entity to support an argument that it has a pending ordinance is to place a draft of the ordinance on the agenda for discussion and circulate a written form to those receiving the agenda.

The maximum time that a proposed ordinance may be applied to development applications without formal adoption is six months.⁹ A pending ordinance may not be used in conjunction with a temporary land use regulation (moratorium) to delay processing an application for more than six months.¹⁰

It is worth noting that the vesting rule does not mean that an application must be approved, but only that it must be approved if it meets the requirements in the relevant land use regulations. Where there is discretion vested in the land use authority, that discretion is not eliminated by this rule. If there are subjective considerations that must be taken into account when reviewing an application, there is no vested entitlement to approval with regard to those considerations.¹¹

1. Routine Development Applications—Staff Review

Nature of the decision

This category includes all the run-of-the-mill approvals given by the building inspector, the zoning administrator, and other staff. The Utah Legislature, in a recent major revision of the land use codes, specifically charged the planning commission in each jurisdiction to propose streamlined methods of dealing with routine administrative matters.¹²

This was envisioned to include even subdivision approvals (to the extent allowed by state statute), variances, conditional use permits, and other land use decisions. The concept is to allow uncontested matters to be handled without formality. The options chosen by the legislative body could allow any affected party, whether the city, applicant, or neighbors, to trigger a more formal review if desired of more complex or important applications. The state code only requires the appointment of a land

use authority to handle each type of application. It does not preclude the type of creativity and situation-sensitive flexibility that local governments may utilize if they wish to do so.¹³

Who makes the decision?

Each different type of routine review will be outlined in the local ordinance and may involve different decision-makers depending on the nature of the application. The building code which is adopted statewide indicates that the chief building official or his designee will issue building permits, but the land use authority who is to review other applications is not specified. Usually, in every town or county of any size, there are many routine matters that need not be considered by the municipal council or county council or commission.

For example, a site plan review is often done by a committee of staff, appointed by the legislative body. Even subdivisions and conditional use permits could be approved by staff if the local government chose to set up such a procedure. The staff might be the default land use authority for many applications, with the local code providing that the applicant, the municipal staff, or perhaps even third parties (such as the neighbors) could request that the planning commission hear the matter.

What notice is required?

Other than the standard 24-hour notice required before a public body convenes¹⁴, no notice of administrative application review is required in state law.¹⁵ The long-term policy questions have been settled on these matters, so the issuing of permits and approvals by staff should be relatively mundane and standardized. The neighbors are not legally entitled to notice of any part of the process if there is no decision-making body involved or no notice provision in the local ordinance.¹⁶

What public input is required?

None, unless a means to contest the administrative decision is provided in the local ordinance as described above.¹⁷

What are the issues?

Does the application comply with the appropriate ordinances, rules, standards, and codes? If so, it should be approved. According to statute, [an] applicant is entitled to approval of a land use application if the application conforms to the requirements

of an applicable land use ordinance in effect when a complete application is submitted,” except for narrow exceptions provided in state law.¹⁸

How is the decision appealed?

It depends on the specific issue involved. Building permit issues can be appealed to a board of appeals that is provided for in the applicable building code. Health departments also have a board of health that is designated as an appeals body for relevant staff decisions. Appeals of other land use decisions are provided for in state statute (see Chapter 15: Appealing Land Use Decisions) or local ordinances.

Tips for participants

Read the local ordinances. There are many variations on how staff decisions are to be made and how they are appealed. Those who do not agree with staff decisions must comply with the terms of the ordinance with specificity. For example, a case in Draper involved a property owner who had been given building approval. Like many cities along the Wasatch Front, Draper regulates development on steep slopes. A property owner appeared before the planning commission to get permission to build on a slope that exceeded 30 percent. Both the planning commission and the city council turned him down, much to the relief of affected neighbors.

The developer/seller of the lot suggested that the property owner give it another try, however, and so a new application was made to the planning commission. According to the statement of facts in the Court of Appeals decision, the commission was informed that the neighbors no longer opposed the construction. Taking that at face value, the commission blessed the plan. No one appealed the approval within the very short 14-day period provided for in local ordinance.

Naturally, the next step was to pour concrete. This caused an immediate uproar and the neighbors complained that the house was illegally located on the lot. The problem? The 14-day appeal period had run out before the concrete ran in. The Court of Appeals ruled that since the ordinance stated any appeals “shall” be filed within 14 days and no appeal was, in fact, filed within 14 days of the first notice the neighbors had of the issue, there was no opportunity to challenge the approval. The door for appeal was shut. Subsequent deliberations by the planning commission and city council were conducted without any ability to reconsider the matter, said the court.



Residents living in the foothills of Draper challenged the issuance of a permit for a new home on slopes greater than 30 percent. The city council heard their appeal and attempted to revoke the building permit that had been issued. Since neither the residents nor the council had filed the necessary appeal to the city's own appeal authority within the short time allowed by the local ordinance, the Utah Court of Appeals reinstated the permit and the house was completed.

According to the opinion, if the City of Draper wanted to allow more flexibility in such appeals, it could do so. But since the local ordinance said any appeal *shall* be made within 14 days, failure to do so (even by the entity which wrote the law in the first place), was fatal to such an appeal. The property owners built the house.¹⁹

2. Conditional Use Permits

Nature of the decision

In most zoning ordinances, some “permitted” uses are allowed in each zone with no more review than that required by the building code, health code, or other specific regulations. Staff can review and approve permits for permitted uses without any further input from citizen planners.

Other uses are designated as “conditional” uses, which in state statute are defined as being subject to special case-by-case scrutiny.²⁰ The conditional use may be allowed, allowed with conditions, or in narrow circumstances, denied.

Conditional uses must be approved if reasonable conditions are proposed, or can be imposed, to mitigate the potential negatives involved. Conditions must relate to applicable standards in the ordinance adopted by the local city or county to regulate conditional uses. A conditional use may not be denied unless it is shown with documented findings of fact and conclusions of law that “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.”²¹

Who makes the decision?

Usually, the local ordinance provides that the planning commission or the council or county commission considers conditional use permits. State statute does not impose that duty on any particular body, so local ordinances rule. Conditional use permit applications could be handled by staff, a hearing officer, or other land use authority.²²

What notice is required?

The local ordinance may provide for hearings, but state statute does not. If the decision is made by a public body, however, an agenda and public meeting would be required.²³

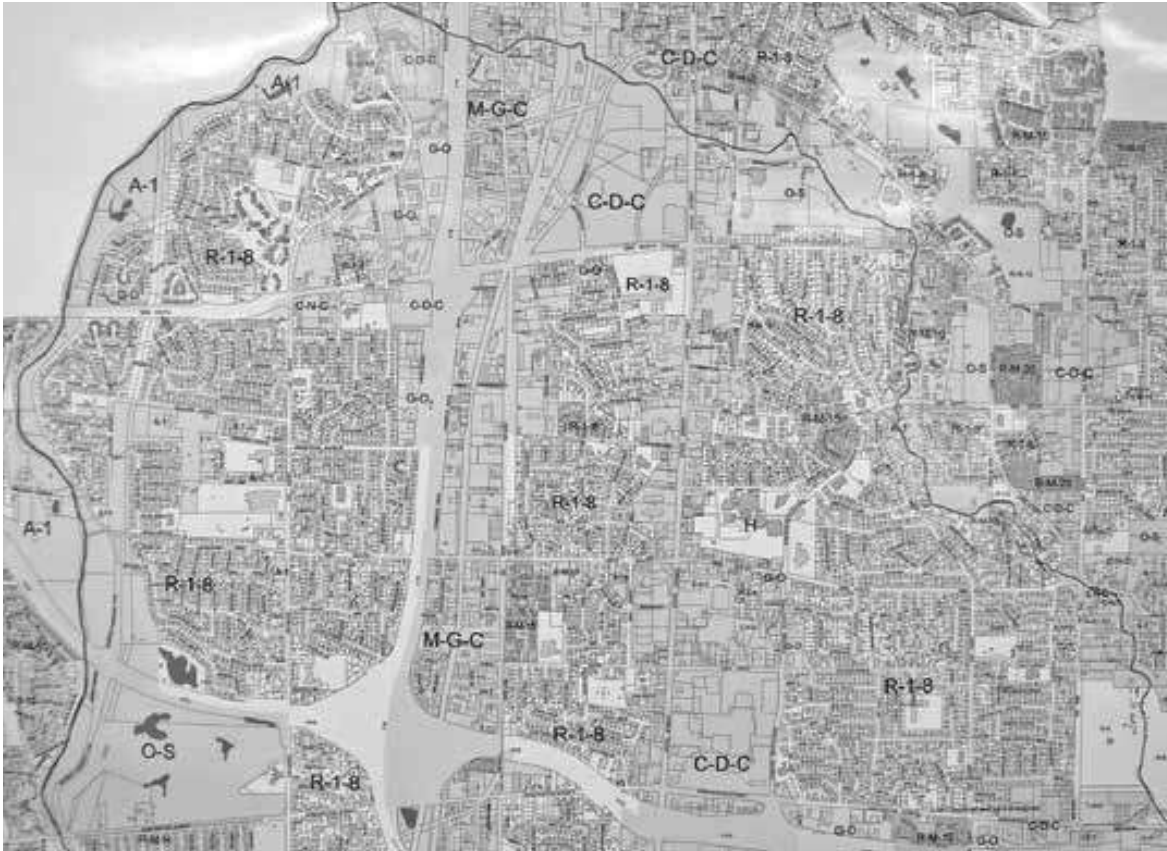
What public input is required?

None is required by state law. If the decision is made by a hearing officer or staff, no public notice or participation in the decision might occur. Local ordinance could allow for notice to the public or neighbors, could provide for an optional protest procedure that would trigger a public process, or otherwise deal with such issues with or without public or neighborhood participation.

Of course, the applicant must be notified of any meeting or hearing where the application is considered.²⁴

What are the issues?

Such a review is usually about what conditions to apply to the property, not whether the use will be approved or denied. What reasonable conditions should be imposed on the proposed use so that the negative aspects of the use make it more acceptable in the proposed location and under the proposed method of operation?



All of the commercial and manufacturing zones on the map above have been designated "C-D-C" or "M-G-C". This means, according to the local code, that every use in that zone is a conditional use. Some cities have dramatically increased their detailed management of development by such a strategy, and every proposed use must go through the process of getting a conditional use permit.

The presumption is that the use should be allowed since the ordinance would not provide for a use if the use were not deemed desirable in the first place. The decision as to whether the use is appropriate in the zoned area has already been made by the municipal council or county legislative body. When an application is filed for the permit, the time has passed to determine whether the proposed conditional use is appropriate in that zone.²⁵

If the use can be conditioned in a manner that mitigates the negative aspects of the use, then it must be so conditioned and approved. The conditions need only mitigate those negative aspects. There is no duty of the applicant to eliminate them.²⁶ If no conditions can be imposed to mitigate the negative aspects, then the conditional

use may be denied, but only based on a record including findings of fact based on substantial evidence supporting the denial.²⁷

The major issue is the conditions, so the central issue is: what conditions would be appropriate and what conditions might not? For a more thorough discussion, see “Burdens on Development” in Chapter 8. It may be helpful to consider a specific case to illustrate these points.

The significant case of *Davis County v. Clearfield City* involved a battle which was typical of the type of war that goes on when someone proposes to build group homes for the treatment of those with special challenges near a neighborhood or school.

Standards for a Conditional Use

Case Law: Davis County v. Clearfield City

Davis County proposed using a remodeled home as a center for the treatment of those suffering from substance abuse. The house was adjacent to another older home used by the Addiction Recovery Center at the time and across the street from a junior high school. Neighbors appeared and protested. The citizen planners voted to deny the required conditional use permit in response to “public clamor.”

In stating that the denial was arbitrary, capricious, and illegal, the Court of Appeals stated:

Nowhere in the transcripts . . . is there believable information or evidence on which the Clearfield City Council could have rationally believed that the proposed mental health facility would pose any special threat to Clearfield City’s legitimate interest.

The court also found that the maps presented and relied upon . . . were arbitrarily drawn and were not presented or explained to the public.

With regard to concern over real estate values . . . no studies were made and no opinions were given by professional real estate appraisers



This is one of the homes that Davis County wanted to use as treatment facilities in Clearfield. Local residents objected strenuously to the idea. Although the city council denied the conditional use permit, the Utah Court of Appeals overturned the decision since it was only supported by public clamor.

nor was any credible evidence of reduced property values produced at the hearings.

[The opposition] did not have factual support in the vague reservations expressed by either the single family owners or the commission members . . . [The] reasons did not justify denial of the permit *'even though they would have been legally sufficient had the record demonstrated a factual basis for them.'*²⁸ (*emphasis added*)

. . . [T]he denial of a permit is arbitrary when the reasons are without sufficient factual basis

. . . [T]he consent of neighboring landowners may not be made a criterion for the issuance or denial of a conditional use permit.²⁹

[T]he opposition of neighbors is not one of the considerations to be taken into account when determining whether to issue a development permit.³⁰

[Local government] must rely on facts, and not mere emotion or local opinion, in making such a decision.³¹

How is the decision appealed?

Under statute, the local council or county commission can appoint itself or some other body to hear appeals involving conditional use permits.³² Check the local ordinance to see what the appeal process is. There is no access to district court until the local appeals process has been completed.³³

Tips for participants

Conditional uses are often used, but not often understood. There is a tendency by members of a planning commission or legislative body, once a matter of some discretion is before them, to attempt to act as if they had legislative discretion and, therefore, that they may impose any decision they consider desirable. As shown in the *Clearfield* case, that is not true.

As an applicant that wants your application for a conditional use permit to be approved, come prepared with factual evidence supporting the application. Be prepared to respond to the evidence you anticipate that those against the idea will use to oppose it.

If you want a conditional use application denied or conditioned, clamor all you wish, but while you are clamoring, provide some substantial evidence that can be placed on the record to justify your opposition. The citizen planners cannot legally support your position if you fail to complete your homework and provide the evidence they need to support a vote in your favor.

If you are among the citizen planners involved, don't deny an application unless you have evidence to support your denial. With a conditional use permit application, the question you are addressing is not "Why?"—it's "Why Not?". In other words, if you intend to deny a conditional use application, make sure that you have evidence to support that you cannot mitigate the "significant anticipated detrimental effects."³⁴

Remember that substantial evidence means (1) "beyond a scintilla of evidence" and, (2) "that a reasonable mind would accept [the evidence] as adequate to support a conclusion."³⁵ While the decision does not have to be based on a majority of the evidence, it still must be based on credible evidence.

3. Subdivision Review and Approval

Nature of the decision

It is not unusual, for a subdivision application to be accompanied by a petition to rezone the property to the desired density. *If a rezone is requested at the same time a subdivision approval, the subdivision application and the rezoning request are considered separate issues, one administrative and one legislative. The two decisions to be made should each be handled according to the rules for that issue.* The information in Chapter 5 about zoning changes for individual parcels would apply just as this discussion about subdivision processes would, and both processes would have to be completed successfully if the development is to proceed.

Before proceeding with a subdivision application, there are a couple of threshold questions to consider; (1) does the proposed change in the configuration of land fall into what the state law defines as a “subdivision”, and (2), is this subdivision exempt from the requirement that it be shown on a subdivision “plat”?

Such questions matter because state law makes exceptions to the definition of “subdivision”. For example, the definition does not include changes involving two or more parcels of agricultural land where the changes are made for agricultural purposes.³⁶ Further, boundary line adjustments also are not considered subdivisions, nor are lot consolidations, so long as the resulting parcel is legal.³⁷

The local ordinance must provide for subdivisions of land.³⁸ It can also provide for some subdivisions to be exempt from a platting requirement if they include 10 or fewer lots or involve land which will remain in agricultural use.³⁹ Be sure to check the state statute if this may apply to a proposed subdivision. The consequences of creating a separate parcel of property with no building rights can be significant to a future owner and the original subdivider as well.⁴⁰ A claim that an exempt agricultural parcel is a buildable lot can result in civil liability years later when some future owner buys land and thinks it can be used for nonagricultural purpose only to find out it cannot.

In 2023, the Utah Legislature attempted to make the process of subdivision review simpler, more efficient, and more predictable for low density residential development. Every municipality and county in the state must now follow specific rules in considering most residential subdivision applications.⁴¹

Who makes the decision?

According to the new law, which takes effect in either February (larger cities and counties) or December (smaller cities and counties) of 2024, applications for preliminary subdivision approval for homes, townhomes and duplexes are reviewed by an “Administrative Land Use Authority”, which may be any number of individuals or even one individual, but may not be the legislative body or a member of the legislative body.⁴² The final plat review is deemed technical only and cannot be performed by either the planning commission or the legislative body.⁴³ For specific guidance, check the local ordinance.

What notice is required?

State law requires no public notice and no public hearing to approve a new subdivision unless a public street is to be vacated or changed as part of the subdivision approval. When a subdivision plat is amended, however, notice must be provided.⁴⁴

The local government entity must either mail, email, or otherwise notify each “affected entity” that provides a service to the owner of record of the portion of the plat which is being amended. Such notice must be provided at least ten calendar days before the amendment might be approved.⁴⁵ Notice must also be provided of at least one public meeting where the plat amendment is to be discussed. This notice may be mailed to the record owner of each parcel within specified parameters of the affected property or by means of a sign posted on the property in a visible location.⁴⁶

A public hearing must also be held within 45 days after the proposed amendment is filed if any owner of land within the affected subdivision plat objects to the amendment in writing or if all the owners in the entire platted subdivision have not signed the revised plat.⁴⁷

A hearing must also be held if the subdivision amendment would vacate or abandon a public street or public utility easement. In this instance, the notice must be

1. mailed to the record owner of each parcel accessed by the street or easement;
2. mailed to “affected entities” as defined in statute; *and*
3. posted on or near the public street or easement; *and*
4. posted on the government entity’s website and at *www.pmn.utah.gov*.⁴⁸

As with other notice requirements, local ordinance can require more notice and hearings. Be sure to check the ordinance to verify. Local governments are encouraged by the state land use statutes to develop streamlined approval processes, so while a hearing may be required for subdivision approval, that hearing may only relate to approval of a preliminary plat and cannot be before the city council or county commission. Only one public hearing is allowed and that hearing is optional based on the local ordinance. It must be conducted by the appointed “Administrative Land Use Authority.”⁴⁹

What public input is required?

No public hearing is required by state law before the appointed Administrative Land Use Authority that considers a new subdivision application. Proposed subdivision amendments may require a hearing.⁵⁰ But local ordinances may provide for the time, place, manner and format of a public hearing if the town, city, or county wishes to require a public hearing on subdivision plat applications.

What are the issues?

In the process of preliminary review of proposed low-density residential subdivisions, there will typically be only one public hearing but there may be several public meetings. (See appendix A – Open and Public Meetings). The issue in preliminary review is forthright: Does the proposed subdivision meet the requirements of the ordinance? If it does, it must be approved.⁵¹

The preliminary plat review is designed to determine generally that the subdivision concept complies with all the relevant regulations and codes. Once preliminary approval is granted, the applicant will prepare a final plat that will be reviewed by local staff or an appointed group, but not by the planning commission or legislative body.⁵²

There is no substitute for reading the local subdivision ordinance to understand how each county or municipality handles subdivision applications. Remember – the 2024 simplified subdivision review process might only apply to low-density residential subdivisions. Commercial, industrial, and multi-family subdivisions may be reviewed in another process as the local ordinances provide.”

As with other administrative decisions, the issues are defined by the local ordinance and the search for substantial evidence to support a land use decision. The applicant

proposes a division of the property that he wants approved. The staff is usually involved before the citizen planners hear the matter, but the applicant does not have to agree with staff or adopt all the suggestions made. When the Administrative Land Use Authority hears the proposal, it reviews it in light of the provisions of the applicable local ordinances. It then responds with comments and ultimately a motion to approve or deny.

At any stage, the administrative land use authority may consider the application incomplete, out of compliance with the local ordinances, or otherwise not approvable. At this point, it may simply agree to continue the item so the applicant can revise the proposal. If applicants ask for a vote, however, they are entitled to it. If the subdivision request does not comply with the ordinance, the administrative land use authority must deny it. It must be remembered, however, that under Utah law, if a subdivision application meets the conditions of the land use ordinance it must be approved.⁵³

A common issue in subdivision approval is the imposition of conditions on development. For a thorough discussion of what conditions can be legally imposed in subdivision approval, see “Burdens on Development” in Chapter 8.

Remember, the state-mandated process for subdivision review applies only to single-family, duplex and townhome subdivisions. Apartment and commercial subdivisions are reviewed in whatever manner the local jurisdiction provides by ordinance. These reviews are also administrative, of course, and if any proposed subdivision, residential or commercial, meets the requirements of local ordinance it must be approved.

At times an applicant for subdivision approval or for any other local administrative approval may conclude that the process is taking too long. The applicant has the option, for any land use administrative application, to “pull the rip cord” and demand that the application be acted upon within 45 calendar days.⁵⁴

How is the decision appealed?

An administrative appeal is first heard by the local appeal authority.⁵⁵ After the local administrative processes are “exhausted,” those who disagree with the resulting vote can appeal the matter to district court.⁵⁶ Property owners also can appeal decisions that raise constitutional issues to the Property Rights Ombudsman for mediation or arbitration. See Chapter 13.

Tips for participants

Subdivision reviews are common administrative land use issues which most local governments deal with, especially if they are booming bedroom communities. Once the subdivision is finished, the staff usually reviews and approves the construction of homes and commercial buildings without public input or notice.

Superficially, the first issue of density and suitability is resolved at the rezoning phase. The subdivision review involves a lot of technical detail from a variety of codes and regulations, but it is not about density or land use unless combined with a request for a legislative approval to change the zoning of the affected land.

There are some issues that are almost always involved in subdivision review, and appropriately so. These may include:

- Road and sidewalk standards and circulation patterns, as well as street names.
- Public utilities, including storm water management, and the manner in which they are provided and installed
- Minimum lot sizes, dimensions, setbacks, and property addresses.
- Open spaces, trails, greenways, and other amenities.
- Slopes, vistas, sensitive lands, and environmental issues.
- Covenants and restrictions, along with the nature of any homeowners association involved and common area maintenance.
- Clustering, architectural design, and density bonuses allowed in return for project enhancements.
- Completion guarantees and bonding.

Those applying for subdivision approval need to be prepared for an extended, somewhat unpredictable, process. Land use decisions can be routine, but they are notoriously hard to manage since there are many people involved and final approval is usually given with a fair degree of caution because of the finality involved. Once approval is granted, it usually cannot be revoked.⁵⁷

The less development going on in a community, the more unpredictable the process can be. It is common for a first-time, small developer to be naive about the time and cost involved. Remember that no one government official is in charge here, and no

staffer or elected official will usually be able to control the variables even if they are inclined to try. More and more control is imposed beyond the local planning department as the fire department, health department, federal Corps of Engineers, utilities, and others must sign off before development occurs. Talk to someone familiar with the process in your community before embarking on your own to do development.

For neighbors seeking to influence subdivision approval, remember earlier is better. There is a gradual “vesting” that occurs in the process, and the community may not legally roll back decisions after a property owner has expended funds and commenced development under approvals granted.

1 *Western Land Equities v. Logan City*, 617 P.2d 388 (Utah 1980).

2 Utah Code Ann. §10-9a-509 (municipalities); Utah Code Ann. §17-27a-508 (counties).

3 *Western Land Equities*, 617 P.2d 388 at 396.

4 *Id.*

5 *Gardner v. Bd. of Cty. Comm'rs of Wasatch Cty.*, 2008 UT 6, ¶ 3, 178 P.3d 893, 897, abrogated by *Utah Res. Int'l, Inc. v. Mark Techs. Corp.*, 2014 UT 59, ¶ 3, 342 P.3d 761 2008 UT 6 ¶12.

6 *Mouty v. The Sandy City Recorder*, 2005 UT 41, ¶ 15, 122 P.3d 521, 526 (Holding that the referendum right is so important that it overrides individual economic interests).

7 *Western Land Equities*, 617 P.2d 388 at 396.

8 Utah Code Ann. §10-9a-509(1)(a)(ii)(B) (municipalities); Utah Code Ann. §17-27a-508(1)(a)(ii)(B) (counties).

9 Utah Code Ann. §10-9a-509(1)(b) (municipalities); Utah Code Ann. §17-27a-508(1)(b) (counties).

10 Utah Code Ann. § 10-9a-509(1)(b)(ii)(B). (2023 General Session)

11 *Farley v. Utah Cty.*, 2019 UT App 45, ¶ 28, 440 P.3d 856, 863 (Holding that where the criteria for an application may be subjective, no protectable property interest is created).

12 Utah Code Ann. §§10-9a-302(1)(c) and (5) (municipalities); Utah Code Ann. §§17-27a-302(1)(c) and (5) (counties)(These sections allow the legislative body, with the advice of the planning commission, to designate a separate administrative person or body to act on each type of application).

13 *Id.*

14 Utah Code Ann. §52-4-202(1)(a); See also Utah Code Ann. §52-4-103(9)(a) (A staff committee designated as a land use authority is subject to the Open and Public Meetings Act since they are public bodies which make decisions regarding the public's business. Such an entity would be required to post an agenda and conduct their business in public under the Act).

15 Utah Code Ann. §10-9a-201 et seq (municipalities) and Utah Code Ann. §17-27a-201 et seq (counties) (describing the notice requirements for land use regulations and decisions. While there are specific requirements for public notice of pending legislative issues such as modifying the general plan or changing the zoning map, there are no public notice requirements provided there for any administrative decisions except for the cases where approval of the application would involve an amendment to a subdivision (section 207 in both chapters); vacation of a public street (section 208 in both chapters); or certain changes to sign regulations (section 213 in both chapters)).

16 *Brendle v. City of Draper*, 937 P.2d 1044, 1048 (Utah Ct. App. 1997) (While the City of Draper would be within its rights to require notice to the public or neighbors before approving an application, it was not obligated to do so. Since there was no such notice requirement in local ordinance, the neighbors were not entitled to notice).

17 *Id.*

18 Utah Code Ann. §10-9a-509 (municipalities); Utah Code Ann. §17-27a-508 (counties).

19 *Brendle*, supra n. 15.

20 Utah Code Ann. §10-9a-507 (municipalities); Utah Code Ann. §17-27a-506 (counties).

21 Utah Code Ann. §10-9a-507(2) (municipalities); Utah Code Ann. §17-27a-506(2) (counties) (“A land use authority shall approve a conditional use 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.” The code specifically states that the reasonable conditions are to mitigate the detrimental effects, not eliminate them).

22 Utah Code Ann. §§10-9a-302(1)(c) and (5) (municipalities); Utah Code Ann. §§17-27a-302(1)(c) and (5) (counties) (The legislative body, with the advice of the planning commission, may designate a separate administrative person or body to act on each type of application).

23 Utah Code Ann. §52-4-202(1)(a).

24 Utah Code Ann. §10-9a-202 (municipalities); Utah Code Ann. §17-27a-202 (counties).

25 Utah Code Ann. §10-9a-507 (municipalities); Utah Code Ann. §17-27a-506 (counties). See also *McElhaney v. City of Moab*, 2017 UT 65, ¶ 39, 423 P.3d 1284, 1293, (The Supreme Court holding that the City of Moab could not deem a bed and breakfast use incompatible with the general plan because the use is specifically allowed by ordinance).

26 Utah Code Ann. §10-9a-507(2) (municipalities); Utah Code Ann. §17-27a-506(2) (counties) See f. 20, supra.

27 *McElhaney v. Moab*, 2017 UT 65, at ¶¶39-41.

28 *Davis County v. Clearfield*, 756 P.2d 704, 711 (Utah Ct. App. 1988), citing *C.R. Invs., Inc. v. Village of Shoreview*, 304 N.W.2d 320 (Minn. 1981) (emphasis added).

29 *Id.*, citing *Thurston v. Cache County*, 626 P.2d 440 (Utah 1981).

30 *Id.*, citing *Bd. of County Comm’rs v. Teton County Youth Services, Inc.*, 652 P.2d 400, 411 (Wyo. 1982).

31 *Id.*

32 Utah Code Ann. §10-9a-701 (municipalities); Utah Code Ann. §17-27a-701 (counties).

33 Utah Code Ann. §§10-9a-701(2) and 10-9a-801(1) (municipalities); Utah Code Ann. §§17-27a-701(2) and 17-27a-801(1) (counties).

34 Utah Code Ann. §10-9a-507 (municipalities); Utah Code Ann. §17-27a-506 (counties). See, generally, *Staker v. Town of Springdale*, 2020 UT App 174, where the Utah Court of Appeals, with dissent, determined that substantial evidence supported the denial of a conditional use permit for parking. An extended discussion of what constitutes substantial evidence is provided. Be sure to read the dissent considering the same subject.

35 Utah Code Ann. §10-9a-103(67) (municipalities); Utah Code Ann. §17-27a-103(72) (counties).

36 Utah Code Ann. §10-9a-103(65)(c)(i) (municipalities); Utah Code Ann. §17-27a-103(70)(c)(i) (counties).

37 Utah Code Ann. §§10-9a-103(65)(c)(ii) and 10-9a-524 (municipalities); Utah Code Ann. §§17-27a-103(70)(c)(ii) and 17-27a-523 (counties).

38 Utah Code Ann. §10-9a-602 (municipalities); Utah Code Ann. §17-27a-602 (counties).

39 Utah Code Ann. §10-9a-605 (municipalities); Utah Code Ann. §17-27a-605 (counties).

40 Utah Code Ann. §10-9a-605(3) (municipalities); Utah Code Ann. §17-27a-605(3) (counties). (A metes and bounds description of a parcel, recorded at the county recorder's office, does not create a new lot for which a building permit can be obtained. Those looking to purchase property to build a home on, for example, must be sure that the lot involved is in an approved subdivision. If it is not, the local government may not be obligated to allow construction on the lot unless the parcel is an antiquated lot which was created before any subdivision laws were in effect or a nonconforming lot which was legal when it was created but would not be approved under the current law. If not exempted by local ordinance, every lot split must go through the entire formal process).

41 Senate Bill 174, 2023 General Session. The relevant language for municipalities is at lines 377-512 of the bill and enacts new Sections 10-9a-604.1 and 604.2 as well as 604.9. The relevant language for counties is at lines 911- and enacts new Sections 17-27a-604.1 and 604.2 as well as 604.9.

42 Utah Code Ann. § 10-9a-604.1(1) and (3) (municipalities) and Utah Code Ann. § 17-27a-604.1(1) and (3) (counties). The effective date is February 1, 2024 for municipalities large enough to file moderate income housing plans (Utah Code Ann. § 10-9a-604.9 and for counties within the Wasatch Front Regional Council or Mountainlands Association of Governments areas (Utah Code Ann. § 17-27a-604.9). For others, the deadline is December 31, 2024.

43 Utah Code Ann. § 10-9a-604.1(9) (municipalities) and Utah Code Ann. § 17-27a-604.1(9) (counties).

44 Utah Code Ann. §10-9a-608(1)(c) (municipalities); Utah Code Ann. §17-27a-608(1)(c) (counties). See also Utah Code Ann 10-9a-103(3) (municipalities) and Utah Code Ann. 17-27a-103(3) (counties) (The term "Affected Entity" includes other governmental agencies such as sewer districts, water districts, school districts, the county (if a city or town is making the general plan changes), and public utilities. Private property owners who have provided notice to the county or municipality that they wish to be notified of proposed changes to the land use regulations are also entitled to notice as affected entities).

45 *Id.*

46 Utah Code Ann. §10-9a-207 (municipalities); Utah Code Ann. §17-27a-207 (counties).

47 Utah Code Ann. §10-9a-608(1)(d) (municipalities); Utah Code Ann. §17-27a-608(1)(d) (counties).

48 Utah Code Ann. §10-9a-208 (municipalities); Utah Code Ann. §17-27a-208 (counties). See also Utah Code Ann 10-9a-103(3) (municipalities) and Utah Code Ann. 17-27a-103(3) (counties) (The term "Affected Entity" includes other governmental agencies such as sewer districts, water districts, school districts, the county (if a city or town is making the general plan changes), and public utilities. Private property owners who have provided notice to the county or municipality that they wish to be notified of proposed changes to the land use regulations are also entitled to notice as affected entities).

49 Utah Code Ann. § 10-9a-604.1(7) (municipalities) and Utah Code Ann. § 17-27a-604.1(7) (counties).

50 See f. 30 – 32, above

51 Utah Code Ann. § 10-9a-604.1(8) (municipalities) and Utah Code Ann. § 17-27a-604.1(8) (counties).

52 Utah Code Ann. § 10-9a-604.1(9) (municipalities) and Utah Code Ann. § 17-27a-604.1(9) (counties).

53 Utah Code Ann. §10-9a-509 (municipalities); Utah Code Ann. §17-27a-508 (counties).

54 Utah Code Ann. §10-9a-509.5(2) (municipalities); Utah Code Ann. §17-27a-509.5(2) (counties).

55 Utah Code Ann. §10-9a-701(2) (municipalities); Utah Code Ann. §17-27a-701(2) (counties).

56 Utah Code Ann. §10-9a-801(1) (municipalities); Utah Code Ann. §17-27a-801(1) (counties).

57 *Brendle*, 937 P.2d 1044 at 1047 (After approving a lot as buildable, the time to appeal that decision to the local appeal authority ran before an appeal was filed. Since the deadline passed, even the city itself could not undo the approval).

1 **DRAFT Minutes of the**
2 **BOUNTIFUL CITY PLANNING COMMISSION**
3 **Tuesday, November 19, 2024 – 6:30 p.m.**
4

5 Official notice of the Planning Commission Meeting was given by posting an agenda at City
6 Hall, and on the Bountiful City Website and the Utah Public Notice Website.
7

8 **City Council Chambers**
9 795 South Main Street, Bountiful, Utah 84010
10

11 Present: Planning Commission Chair Lynn Jacobs, Krissy Gilmore,
12 Beverly Ward, Jim Clark, and Richard Higginson
13
14 Planning Director Francisco Astorga
15 Senior Planner Amber Corbridge
16 Assistant Planner DeAnne Morgan
17 City Engineer Lloyd Cheney
18 Recording Secretary Sam Harris
19
20 Excused: Planning Commission Alan Bott and Sean Monson
21 City Attorney Bradley Jeppson
22

23 **1. Welcome**
24

25 Chair Jacobs called the meeting to order at 6:30 p.m. and welcomed everyone.
26

27 **2. Meeting minutes from October 01, 2024**
28

29 Commissioner Clark motioned to approve the minutes from October 01, 2024. Commissioner
30 Higginson seconded the motion. The motion was approved with Commissioners Jacobs,
31 Gilmore, Ward, Clark, and Higginson voting “aye.”
32

33 **3. Meeting minutes from October 15, 2024**
34

35 Commissioner Clark motioned to approve the minutes from October 15, 2024. Commissioner
36 Higginson seconded the motion. The motion was approved with Commissioners Jacobs,
37 Gilmore, Ward, Clark, and Higginson voting “aye.”
38

39 **4. Land Use Code Text Amendment for Accessory Structures and Retaining Wall Heights**
40
41

42 Planning Director Astorga recommended that the Planning Commission forward this item to a
43 date uncertain, as this staff-initiated item needed more time for research and preparation.
44

45 Commissioner Higginson motioned to continue the Public Hearing to an uncertain date.
46 Commissioner Clark seconded the motion. The motion was approved with Commissioners
47 Jacobs, Gilmore, Ward, Clark, and Higginson voting “aye.”
48

49 **5. Variance Request to Construct a driveway on Slopes over 30% at 1629 East Maple Hills**
50 **Drive**

51
52 Assistant Planner Morgan presented the item as outlined in the packet.

53
54 Chair Jacobs opened the Public Hearing at 6:42 p.m. Tian Liang (resident) questioned how to
55 make sure this variant is not going to disturb the land. Chair Jacobs closed the Public Hearing at
56 6:44 p.m.
57

58 City Engineer Cheney mentioned that as part of the building process, the applicant will be
59 required to submit a geotechnical evaluation. City Engineer Cheney also stated that any retaining
60 walls that are constructed will have to be designed by a licensed engineer and that the home
61 construction and retaining walls are permitted separately. City Engineer Cheney stated that one
62 of the responsibilities of the construction of this project is that all of the effects will have to be
63 contained or mitigated on the site with the improvements that are built, if there's damage
64 between adjacent properties, that's a civil matter, something the city doesn't get involved in.
65

66 Commissioner Higginson asked about the neighbor’s driveway being on the property line and
67 how that happened. He also asked what the elevation difference between the two proposed points
68 is.
69

70 Planning Director Astorga stated that the existing driveway could be on the property line but
71 there is no setback required for driveways.
72

73 Zachary Moore(applicant) stated that they feel comfortable that the design is safe and that they
74 plan to maintain the safe conditions for the neighbors.
75

76 Commissioner Higginson motioned to approve. Commissioner Gilmore seconded the motion.
77 The motion was approved with Commissioners Jacobs, Gilmore, Ward, Clark, and Higginson
78 voting “aye.”
79

80 **6. Zone Map Amendment from RM-19 to MXD-R at 2122 Orchard Drive**

81
82 Senior Planner Corbridge presented the item as outlined in the packet.
83

84 Commissioner Gilmore asked if they decide to tear down existing buildings and rebuild, would it
85 have to come back to planning commission. Senior Planner Corbridge stated that if it is
86 significant and different than what gets approved here, then it would have to come back through
87 planning commission.
88

89 Commissioner Higginson had concerns with the phasing process proposed and the narrow-
90 limited access at the site and the moving from back to front and front to back. Planning Director
91 Astorga explained the staff's thought process of alternating residential to non-residential and the
92 concerns of the non-residential not being complete.

93
94 Commissioner Higginson asked if there is a way for us, through an increased setback at the West
95 property line, to not be so intimidated to the neighbors on Penman. Planning Director Astorga
96 stated that they absolutely have that opportunity.

97
98 Chair Jacobs opened the Public Hearing at 7:14 p.m. A resident had concerns about the zone
99 change and people doing what they want. Another resident had concerns about the phasing, cost,
100 time and effort. Chair Jacobs closed the Public Hearing at 7:17 p.m.

101
102 Commissioner Gilmore made comments about preserving the buildings and her agreement with
103 staff on the phasing. She also brought up the possible use of Deed Restrictions.

104
105 Commissioner Ward made comments about the parking lot to the North being hard to turn
106 around in. She stated concerns regarding the staff proposed phasing plan and potential issues
107 blocking traffic if the project construction takes too much time.

108
109 Commissioner Jacobs had concerns about the phasing plan being in the best interest of the city
110 but not the best interest of the residents, stating that the proposed phasing plan will drag it out
111 and be hard for the residents living there.

112
113 Brian Knowlton (applicant) stated that they are committed to developing this section of the city
114 and that what they are doing would be beneficial for the community.

115
116 Randy Beyer (applicant) stated that their plan is to widen the parking area to help with traffic
117 flow in and out of the development. Randy Beyer also stated that they can appreciate the Deed
118 Restriction comment and that they love the idea of being able to maintain housing stock.

119
120 Staff stated that the buildings on Orchard Drive are of mixed use, they are involving residential
121 type. Staff also stated this might be enough to consider approving their phasing plan because it
122 involves residential units. Staff made a comment regarding the residential buffering, by stating
123 that they don't think they need to add any setbacks since the height isn't more than a single
124 family residential.

125
126 Commissioner Jacobs motioned that we forward a positive recommended City Council to
127 approve the zone map amendment RM-19 and C-G to MXD-R subject to the following
128 conditions:

- 129
130 1. Submit an updated parking study for review (via Site Plan Application) if the
131 proposed commercial space changes from office to a more intense permitted
132 commercial use, based on increased parking demand.
133 2. Staff recommends add inviting features/elements such as benches, tables, and/or

- 134 chairs to the public amenity areas.
135 ~~3. Follow the Staff recommended phasing plan outlined above.~~
136 4. Combine the two parcels (050020125 and 050020047) as a condition of approval
137 prior to building permit approval.
138 ~~5. Update Development Plan to show the proposed minimum setbacks from existing~~
139 ~~building and proposed building.~~
140 6. Buildings X1 and D shall be limited to two stories, and the plan be updated.
141

142 New Conditions to read as follows:

- 143
144 1. Submit an updated parking study for review (via Site Plan Application) if the
145 proposed commercial space changes from office to a more intense permitted
146 commercial use, based on increased parking demand.
147 2. Staff recommends add inviting features/elements such as benches, tables, and/or
148 chairs to the public amenity areas.
149 3. Combine the two parcels (050020125 and 050020047) as a condition of approval
150 prior to building permit approval.
151 4. Buildings x1 and D shall be limited to two stories, and the plan be updated.
152

153 Commissioner Higginson seconded the motion. The motion was approved with Commissioners
154 Jacobs, Gilmore, Ward, Clark, and Higginson voting “aye.”
155

156 **7. Planning Director’s Report/Update**
157

158 Planning Director Astorga reported on the Work Session regarding the parking gravel discussion
159 and public spaces in the R-4. Planning Director Astorga also reported that they are still working
160 on the General Plan. We also discussed Planning Commission Dinner taking place on December
161 03, 2024.
162

163 **8. Adjourn**
164

165 Chair Jacobs adjourned the meeting at 7:59 p.m.

1 **DRAFT Minutes of the**
2 **BOUNTIFUL CITY PLANNING COMMISSION**
3 **Tuesday, December 03, 2024 – 6:30 p.m.**
4

5 Official notice of the Planning Commission Meeting was given by posting an agenda at City
6 Hall, and on the Bountiful City Website and the Utah Public Notice Website.
7

8 **City Council Chambers**
9 795 South Main Street, Bountiful, Utah 84010
10

11 Present: Planning Commission Chair Lynn Jacobs, Krissy Gilmore,
12 Beverly Ward, Alan Bott, Sean Monson, and
13 Richard Higginson
14
15 Planning Director Francisco Astorga
16 Senior Planner Amber Corbridge
17 Assistant Planner DeAnne Morgan
18 City Engineer Lloyd Cheney
19 Recording Secretary Sam Harris
20
21 Excused: Planning Commission Jim Clark
22 City Attorney Bradley Jeppson
23

24 **1. Welcome**
25

26 Chair Jacobs called the meeting to order at 6:30 p.m. and welcomed everyone.
27

28 **2. Final Architectural and Site Plan for Construction Services without Outdoor Storage at**
29 **710 North 500 West**
30

31 Senior Planner Corbridge presented the item as outlined in the packet.
32

33 Commissioner Higginson questioned if the use of the adjacent property doesn't matter in this
34 zone. Senior Planner Corbridge stated that in the code it states dwelling or zone, also stating it is
35 residentially zoned but it's a school. Senior Planner Corbridge stated that Staff always interprets
36 it as if it's a dwelling or a zone, it applies, if it's not a house but a residential zone, it still applies.
37

38 Commissioner Bott had concerns with the screening material, and it being something that can
39 change, does change, and frequently changes, and therefore consider that solid screening. Senior
40 Planner Corbridge stated that if any substantial removal of the vegetation occurs, then they
41 would need to meet the code.
42

43 Harrison Cooper, property owner, stated the screening device along the property line is a heavy
44 growth of bush and trees, not just the line of trees. Commissioner Bott asked Harrison Cooper if
45 he plans to improve that in the future. Harrison Cooper stated that he doesn't plan to improve it,
46 unless it is sold, which he plans to do in the future, in five (5) plus years.

47 Planning Director Astorga stated that continuing the item for further research would not likely do
48 anything, as we would need to wait later in the season for evidence and may not be worth
49 waiting for. Planning Director Astorga gave a recommendation the Commissioners:

- 50
51 1. Deny it.
52 2. Approve it with a condition to install a fence.
53 3. Approve Staff’s recommendation; later inspect the site and determine if a
54 fence would be required to be installed.
55

56 Commissioner Jacobs stated that they need to determine if the vegetative screening meets the
57 standard, and if so then the project should move forward

58
59 Commissioner Gilmore stated that she felt it does meet that standard.

60
61 Commissioner Monson stated that he imagines that if you were the City Council when they
62 drafted this ordinance stating solid screening device, they would not be thinking about trees.
63 Commissioner Monson felt that it does not meet the standards.

64
65 Commissioner Bott motioned to forward a positive recommendation to the City Council to
66 approve, subject to the following:

- 67
68 1. Maintain the existing vegetated screening along the east property line. ~~If~~
69 ~~substantial vegetation is removed, the property shall install a solid screening~~
70 ~~device or wall of masonry, wood, vinyl or similar material along the property~~
71 ~~line.~~
72 2. Remove all junk and debris from the property.
73 3. Meet all staff to review comments.
74

75 Commissioner Higginson asked if the staff review comments will include a requirement for a
76 driving approach from 500 West. The City Engineer stated that is a UDOT decision.

77
78 Commissioner Higginson seconded the motion. The motion was approved with Commissioners,
79 Gilmore, Ward, Bott, and Higginson voting “aye”. Jacobs and Monson voting “nay”
80

81 **3. Planning Director’s Report/Update**

82
83 Planning Director Astorga stated that we need to elect a Chair and Vice-Chair. Lynn Jacobs was
84 elected as Chair and Alan Bott was elected as Vice-Chair. It was a unanimous vote. The Public
85 Notice for the Planning Commission meeting schedule to remain as meetings taking place on the
86 first and third Tuesday of every month, starting at 6:30 p.m. was voted on. It was a unanimous
87 vote. Staff invited the Planning Commission and Administrative Committee to attend an
88 appreciation dinner, taking place after the meeting is adjourned.
89

90 **4. Adjourn**

91 Chair Jacobs adjourned the meeting at 7:00 p.m.

Planning Commission Staff Report



Subject: Land Use Code Text Amendment: Drive-Up Height Clearance | 14-18-112 Stacking Lanes for Drive-Up Windows
Author: Amber Corbridge, Senior Planner
Date: January 21, 2025

Background

The applicant, Keaton Reich with Toth and Associates, is proposing to amend the language in Chapter 18 of the Land Use Code ([14-18-112](#)) to be able to reduce the minimum height clearance of drive-up window. This proposal is in conjunction with the applicant's Architectural and Site Plan Application to develop a new drive-up coffee shop along 500 West. The applicant proposes the following language (in red):

Bountiful City Land Use Code 14-18-112 (D)

14-18-112 STACKING LANES FOR DRIVE-UP WINDOWS

Uses which have drive-up service windows or devices shall provide on-site space for stacking of vehicles waiting to reach the drive-up window or device in accordance with the following:

- A. *Restaurants and Fast Food Establishments: Six (6) stacking spaces for each service window or device.*
- B. *Banks: Four (4) stacking spaces for each service window or device.*
- C. *All Other: Three (3) stacking spaces for each service window or device.*
- D. *Each space shall measure nine (9) feet by twenty (20) feet and have a height clearance of fourteen (14) feet or as determined by the Fire Marshal. Such spaces shall not interfere with other required off-street parking or traffic circulation. **The fourteen (14) clearance requirement shall be reduced to nine (9) feet if the fire apparatus can completely circulate the site/building without passing under the reduced canopy.***

Analysis

The Planning Commission will need to find that the proposed Land Use Code Text Amendment as stated above is necessary, in the interest of the public, and meets the goals and objectives of the Bountiful General Plan.

Many establishments with drive-up windows in the surrounding communities do not meet a minimum 14' height clearance, including fast-food restaurants, pharmacies, and banks/credit unions. The average drive-up window height clearance is about 9-10 feet tall (See Attachment 2). The General Plan does not state any goals or objectives regarding this

matter; however, the Plan does encourage redevelopment of commercial areas. It is common for commercial development to include drive-up windows along major commercial corridors, such as 500 West.

Additionally, the applicant is proposing language which satisfies fire needs and requirements:

The applicant states, “Fire Marshall has determined that this is an appropriate height for a canopy as long as we include a plan showing that he can circulate around the canopy easily and enter the site and make a complete pass around the building and then exit.” (See Attached Narrative)

Staff recommends modifying the proposed language to read:

- D. *Each space shall measure nine (9) feet by twenty (20) feet and have a height clearance of fourteen (14) feet or as determined by the Fire Marshal. Such spaces shall not interfere with other required off-street parking or traffic circulation. **The fourteen (14) feet clearance requirement may be reduced to nine (9) feet if the Fire Marshall determines the fire apparatus completely circulates the site/building without passing under the reduced canopy.***

Department Review

This staff report was written by the Senior Planner and has been reviewed by the Planning Director and City Attorney.

Significant Impacts

There are not significant impacts related to the proposed amendment.

Recommendation

Staff recommends that the Planning Commission review the proposed Land Use Code text amendment, hold a public hearing, and forward a positive recommendation to the City Council based on the findings drafted on the attached proposed Ordinance.

Attachments

1. Proposed Draft Ordinance No. 2025-XX
2. Examples of Drive-Up Window Height Clearances



BOUNTIFUL

Bountiful City
Draft Ordinance No. 2025-XX

MAYOR
Kendalyn Harris

CITY COUNCIL
Kate Bradshaw
Beth Child
Richard Higginson
Matt Murri
Cecilee Price-Huish

CITY MANAGER
Gary R. Hill

**An Ordinance Amending Bountiful Land Use Code Section 14-18-112 Stacking Lanes
for Drive Up Windows.**

It is the finding of the Bountiful City Council that:

1. The City Council of Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the Bountiful City Code; and
2. The Planning Department recommends that changes take place to provide order, accuracy, and clarifications for consideration; and
3. After review and a public hearing on **January 21, 2025**, the Bountiful City Planning Commission forwarded a positive recommendation to the City Council; and
4. The City Council of Bountiful City held a public hearing on this Ordinance on **February 11, 2025**, and considered the statements made from the public as well as the recommendations from the Planning Commission and the Staff.
5. The City Council of Bountiful City finds that the amendment is necessary and in harmony with the objectives and purposes of the Bountiful City Land Use Code and the General Plan; and
6. The City Council of Bountiful City reviewed the proposed ordinance and finds that the proposed amendment is in the best interest of the health, safety, and welfare of the City and the public.

Be it ordained by the City Council of Bountiful, Utah:

SECTION I. Sections 14-18-112 of the Land Use Code of Bountiful City, Title 14 of the Bountiful City Code is hereby amended as shown on Exhibit A.

SECTION II. This ordinance shall take effect immediately upon first publication.

Adopted by the City Council of Bountiful, Utah, this __th day of _____ 2025.

Kendalyn Harris, Mayor

ATTEST:

Sophia Ward, City Recorder

1 **Exhibit A**

2
3
4 **14-18-112 STACKING LANES FOR DRIVE-UP WINDOWS**

5
6 Uses which have drive-up service windows or devices shall provide on-site space for
7 stacking of vehicles waiting to reach the drive-up window or device in accordance with the
8 following:

- 9
- 10 A. Restaurants and Fast Food Establishments: Six (6) stacking spaces for each service
11 window or device.
 - 12
 - 13 B. Banks: Four (4) stacking spaces for each service window or device.
 - 14
 - 15 C. All Other: Three (3) stacking spaces for each service window or device.
 - 16
 - 17 D. Each space shall measure nine (9) feet by twenty (20) feet and have a height
18 clearance of fourteen (14) feet or as determined by the Fire Marshal. Such spaces
19 shall not interfere with other required off-street parking or traffic circulation. **The**
20 **fourteen (14) feet clearance requirement may be reduced to nine (9) feet if the Fire**
21 **Marshal determines the fire apparatus completely circulates the site/building**
22 **without passing under the reduced canopy.**

EXAMPLES OF DRIVE-UP WINDOW HEIGHT CLEARANCES IN SURROUNDING AREAS



McDonalds Drive-Up – 9'



Chick-fil-A Drive Up – 9'



Carl's Jr Drive-Up – 8'- 6"



Walgreens Pharmacy Drive-Up – 10'



America First Credit Union Drive-Up – 12’



Chase Bank – 11’

Planning Commission Staff Report



Subject: Preliminary/Final Architectural and Site Plan for a Drive-Thru Coffee Shop at 638 North 500 West
Author: Amber Corbridge, Senior Planner
Department: Planning
Date: January 21, 2025

Background

The applicant, Keaton Reich project manager for *7 Brew Drive Thru Coffee Shop*, is requesting Preliminary/Final Architectural Site Plan Approval at 638 North 500 West. The 0.5-acre site is currently vacant. (See Figure 1, below). This proposal includes a new 515 square ft. building and 250 square ft. accessory structure, both under twenty (20) feet tall. The building and site can accommodate a two-lane drive-through restaurant.

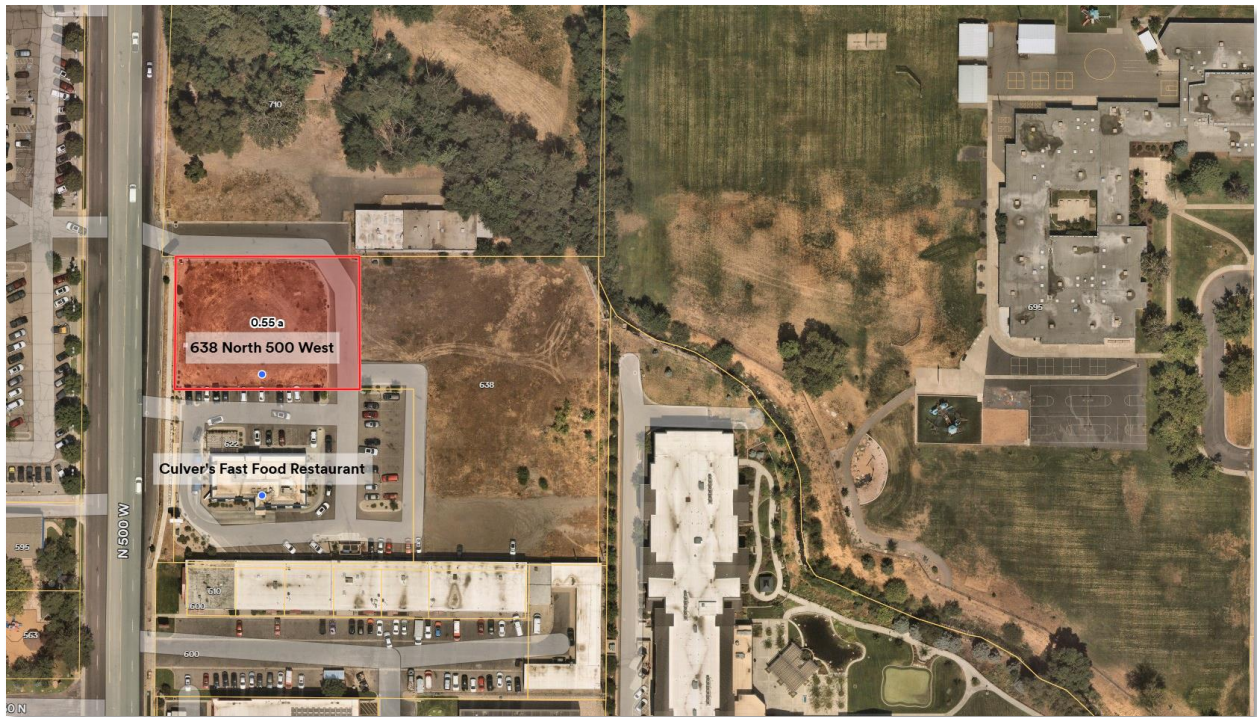


Figure 1. Aerial of 638 N 500 W August 2024

Analysis

The property is in the Heavy Commercial (C-H) Zone, where Bountiful Land Use Code 14-6-111 states that Site Plan Approval shall be required for any new construction or change in use in this zone.

Site Plan Approval Standards

The Planning Commission shall determine if the proposed architectural and site development plans submitted are consistent with the purpose and objectives of the Code (14-2-301). The purpose of the architectural and site plan review and approval process is:

1. To determine compliance with the Land Use Code;
2. To promote the orderly and safe development of land in the City;
3. To implement the policies and goals established in the Bountiful City General Plan;
4. To promote the orderly layout of buildings, landscaping, walkways, lighting, and other site improvements.

This proposal includes new plans for the main building, parking lot, landscaping, drive through, and dumpster. The exterior architectural elements include varying rooflines, projections, overhangs, columns and materials (cement siding brick and metal fascia), which are shown in the attached building elevations. This proposal meets the goals and objectives of the General Plan, where old commercial areas need to be redeveloped (Bountiful City 2009 General Plan – Land Use Master Plan pg.2).

Landscaping Requirements

The site plan shows the site meeting landscaping area, parking counts, walkway connections, and setbacks, as shown in the attached Civil Plans. However, the park strip design will need to be modified to meet 14-16-115(B), where 35-50% of the park strip area shall consist of live vegetation, including tree canopies, as shown in Figure 2 below (and in the Civil Plans attached).

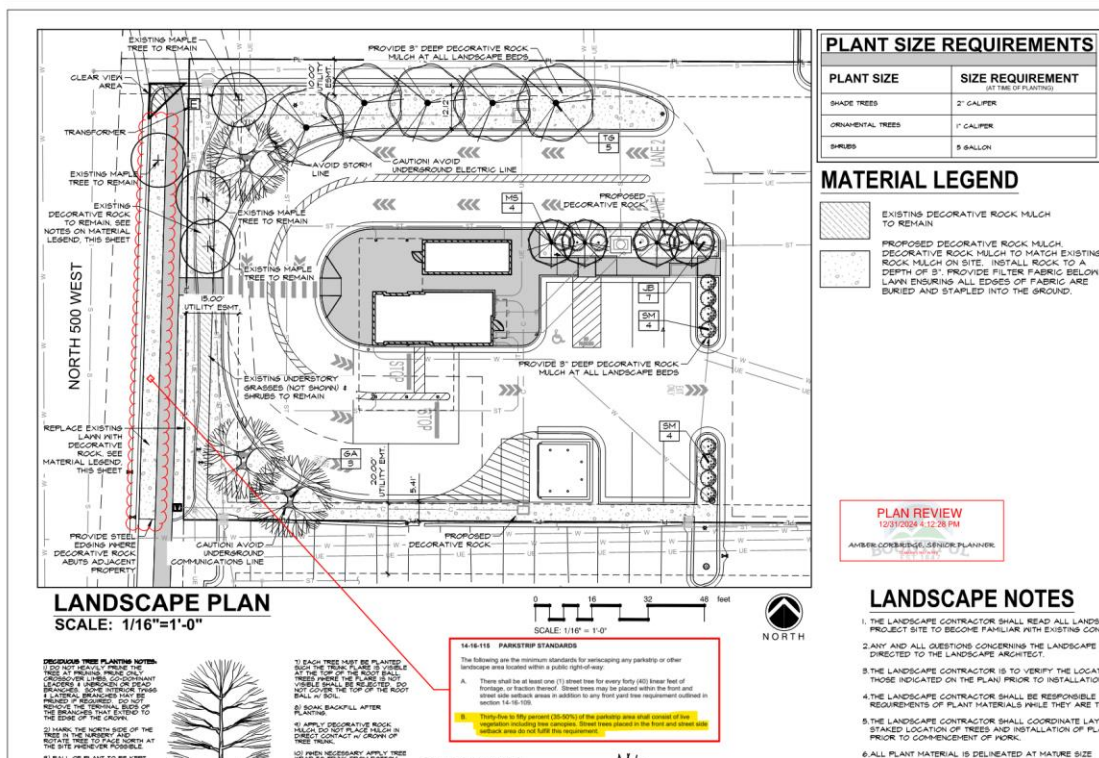


Figure 2. Landscape Plan with Staff Review Comment

Pedestrian Travel

The proposed site plan meets adequate pedestrian and vehicle access, which is an improvement of the existing site. The proposal requires pedestrian coordination and connection on and off site with the adjacent property to the east, as shown in Figure 3 below.

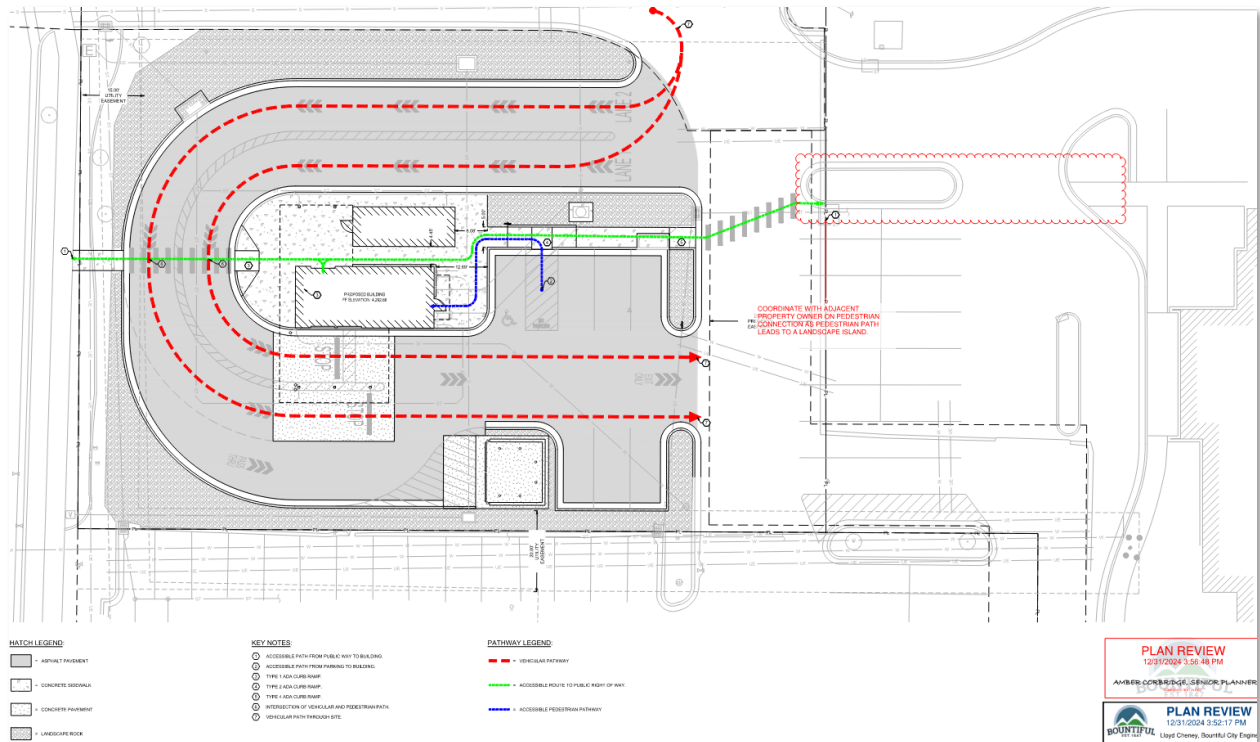


Figure 3. Pedestrian Access Plan with Staff Comment

Vehicle Access

The proposal shares an approved UDOT cross-access with the adjacent properties to the north and east. The subdivision plat for this development includes an easement and is shown on the attached Land Survey.

Drive Up Window Height Clearance

The proposed structure includes a canopy which covers a drive-up window, clearing about nine (9) feet above the ground, as shown in Figure 4, below and in the attached Architectural Plans. This does not currently meet the Land Use [Code 14-18-112\(D\)](#) where the clearance is required to meet fourteen (14) feet or determined by the Fire Marshal. The applicant submitted a Land Use Code Text Amendment application concurrently with this request to amend the clearance height for drive up windows. The applicant will need to meet this code requirement. The proposed nine (9) feet height clearance may be approved, conditional upon approval of the pending amendment to reduce the clearance height.



Figure 4. Exterior Elevation – West Side

Department Review

This staff report was written by the Senior Planner and was reviewed by the City Engineer, City Attorney, and Planning Director.

Significant Impacts

There are minimal impacts of this proposed development on the property and surrounding uses. The property is now a vacant lot and is adjacent to similar type uses along a major commercial corridor. The existing infrastructure, such as water, sewer, culinary water, and transportation are in place to support this development.

Recommendation

Staff recommends that the Planning Commission review the Preliminary/Final Architectural and Site Plan application for the fast-food restaurant, *7 Brew Drive Thru Coffee Shop – Bountiful*, and forward a positive recommendation to the City Council subject to:

1. Update the Landscape Plan to show live vegetation in the park strip (35-50% coverage) meeting 14-16-115 (B).
2. Update the Site Plan to show the pedestrian access route connecting to adjacent site pedestrian paths.
3. The canopy height is required to meet the minimum height dictated by Code 14-18-112 (D). Site Plan Approval for the canopy clearance height is contingent upon the pending ordinance amendment review and action.
4. Meet all Staff review comments.

Attachments

1. Civil Plans
2. Landscape Plan

3. Architectural Plans
4. Land Survey

SITE DEVELOPMENT PLANS FOR



BOUNTIFUL, UT

638 NORTH 500 WEST
BOUNTIFUL, UTAH 84010

PROJECT NUMBER:
99 020

Reviewed by 12/31/2024
Building Department
Don Simons, Building Official
REVIEWED, NO COMMENTS.

PLAN REVIEW
12/31/2024 3:15:59 PM
Lloyd Cheney, Bountiful City Engineer
TYPICAL COMMENTS BLUE TEXT GRAY BACKGROUND

PLAN REVIEW
12/31/2024 3:55:20 PM
AMBER CORBRIDGE, SENIOR PLANNER



ENGINEER OF RECORD:
NAME: MATTHEW MILLER
LICENSE NO. UT #PE 13117610-2020

PROJECT NUMBER:
99 020

REVISION:

7 BREW COFFEE
BOUNTIFUL, UT

638 NORTH 500 WEST
BOUNTIFUL, UTAH 84010

C0.0

COVER SHEET

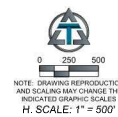
DATE: 10/15/2024

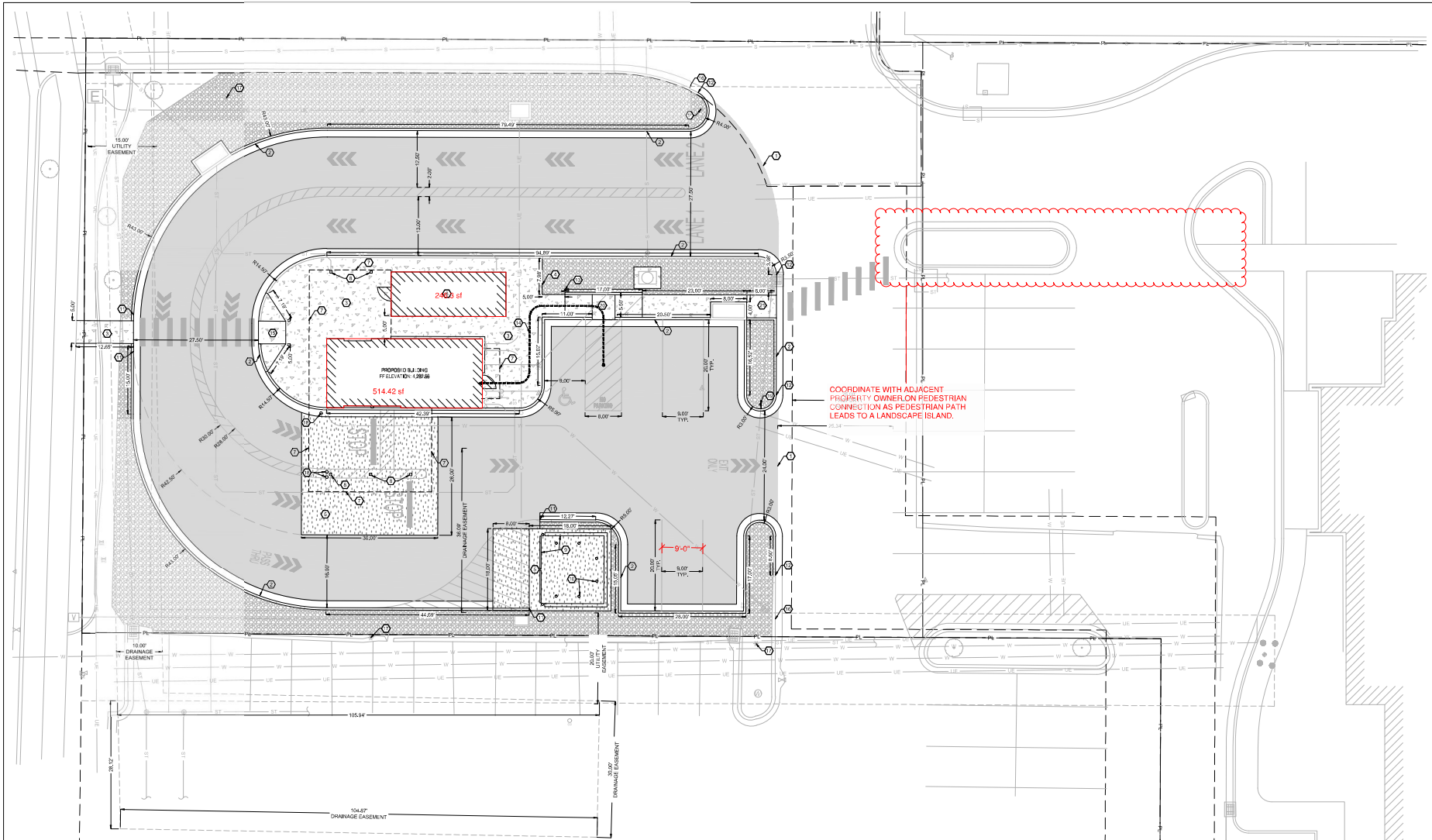
SHEET INDEX	
SHEET NAME	NUMBER
COVER SHEET	C0.0
SITE PLAN	C2.1
PEDESTRIAN ACCESS PLAN	C2.2
GRADING PLAN	C3.1
UTILITY PLAN	C4.1
DETAILS	C7.1
DETAILS	C7.2



KNOWN EXISTING UTILITIES		
UTILITY	PROVIDER	PHONE NUMBER
ELECTRIC	BOUNTIFUL CITY LIGHT & POWER	801-298-6012
WATER	BOUNTIFUL WATER DEPARTMENT	801-298-6180
SANITARY SEWER	SOUTH DAVIS SEWER DISTRICT	801-295-2469

PLANS WILL NEED TO BE REVIEWED AND APPROVED BY PLANNING COMMISSION AND CITY COUNCIL. THE DRIVE-UP WINDOW HEIGHT CLEARANCE WILL NEED TO MEET CODE. THE PROPOSED HEIGHT APPROVAL IS PENDING ADOPTION OF APPLICANT'S PROPOSED LAND USE CODE TEXT AMENDMENT TO LOWER THE CLEARANCE HEIGHT TO 9 FEET.





HATCH LEGEND:

	ASPHALT PAVEMENT PER DETAIL 2.06 SHEET C7.1.
	CONCRETE SIDEWALK PER DETAIL 2.02 SHEET C7.1.
	CONCRETE PAVEMENT PER CONCRETE PAVEMENT DETAIL 2.03 AND 2.04 SHEET C7.1.
	LANDSCAPE AREA REFER TO LANDSCAPE PLANS.

- KEY NOTES:**
- MATCH EXISTING PAVEMENT.
 - CONCRETE CURB & GUTTER PER DETAIL 2.01, SHEET C7.1.
 - SIDEWALK PER DETAIL 2.02, SHEET C7.1.
 - EDGE OF CONCRETE SLAB TO BE THICKENED CONCRETE PER STOODAWALK EDGE DETAIL 2.04, SHEET C7.1.
 - CONCRETE PAVEMENT PER CONCRETE PAVEMENT DETAILS 2.03 & 2.04, SHEET C7.1.
 - REMOTE COOLER LOCATION. COOLER TO BE INSTALLED ON 4" RECESSED CONCRETE PAD PER STRUCTURAL PLANS.
PAD ELEVATION = 426.96.
 - BUILDING CANOPY OUTLINE.
 - CANOPY COLUMN LOCATIONS, TYPICAL.
 - TRASH ENCLOSURE AND GATE, PER ARCHITECTURAL PLANS.
 - 6" PIPE BOLLARD, TYPICAL PER DETAIL 2.05, SHEET C7.1.
 - INSTALL CURB TRANSITION PER DETAIL 2.15, SHEET C7.2.
 - CONNECT TO EXISTING CURB.
 - ADA VAN ACCESSIBLE SIGN PER DETAIL 6.03, SHEET C7.1.

- ACCESSIBLE PATH FROM PARKING TO BUILDING.
- TYPE 1 ADA CURB RAMP PER DETAIL 2.11, SHEET C7.1.
- EXISTING CURB AND GUTTER, DO NOT DISTURB.
- EXISTING LIGHT POLE, TO REMAIN.
- 2" PIPE BOLLARD, TYPICAL PER DETAIL 2.05, SHEET C7.1.
- "DO NOT ENTER" SIGN PER DETAIL 5.04, SHEET C7.1.
- TYPE 2 ADA CURB RAMP PER DETAIL 2.12, SHEET C7.2.
- TYPE 4 ADA CURB RAMP PER DETAIL 2.14, SHEET C7.2.

PROPOSED USE:
RESTAURANT WITH DRIVE THRU.

ZONING:
ZONING CH-1 HEAVY COMMERCIAL.

PARKING REQUIREMENTS:
1 SPACE PER 100 SF = 6 STALLS, PROVIDED - 7 STALLS, 6 STANDARD AND 1 ADA.

STORMWATER NOTES:
PRE-PROJECT IMPERVIOUS AREA = 977 S.F.
POST-PROJECT IMPERVIOUS AREA = 14,529 S.F.

NOTE: CALCULATIONS PROVIDED FOR SURFACE LIMITS ARE NORTH, WEST AND SOUTH PROPERTY LINE, EAST SIDE BE THE PROPOSED SIGN OUT.

BUILDING AND LOT DATA:

PROJECT FOOTPRINT	19,799 S.F. = 345 ACRES
PROPOSED BUILDING (1 STORY)-RETAIL	= 583 S.F.
REMOTE COOLER	= 288 S.F.
CONSTRUCTION TYPE V48	

QUANTITIES

CURB & GUTTER	756 L.F.
ASPHALT PAVEMENT	8,705 S.F.
6" CONCRETE PAVEMENT	1,292 S.F.
4" CONCRETE SIDEWALK	1,516 S.F.
TURF GRASS SOCS	3,289 S.F.
LANDSCAPING ROCK	478 S.F.



ENGINEER OF RECORD:
NAME: MATTHEW MILLER
LICENSE NO. UT #PE 1315766-2202

PROJECT NUMBER:
99 029

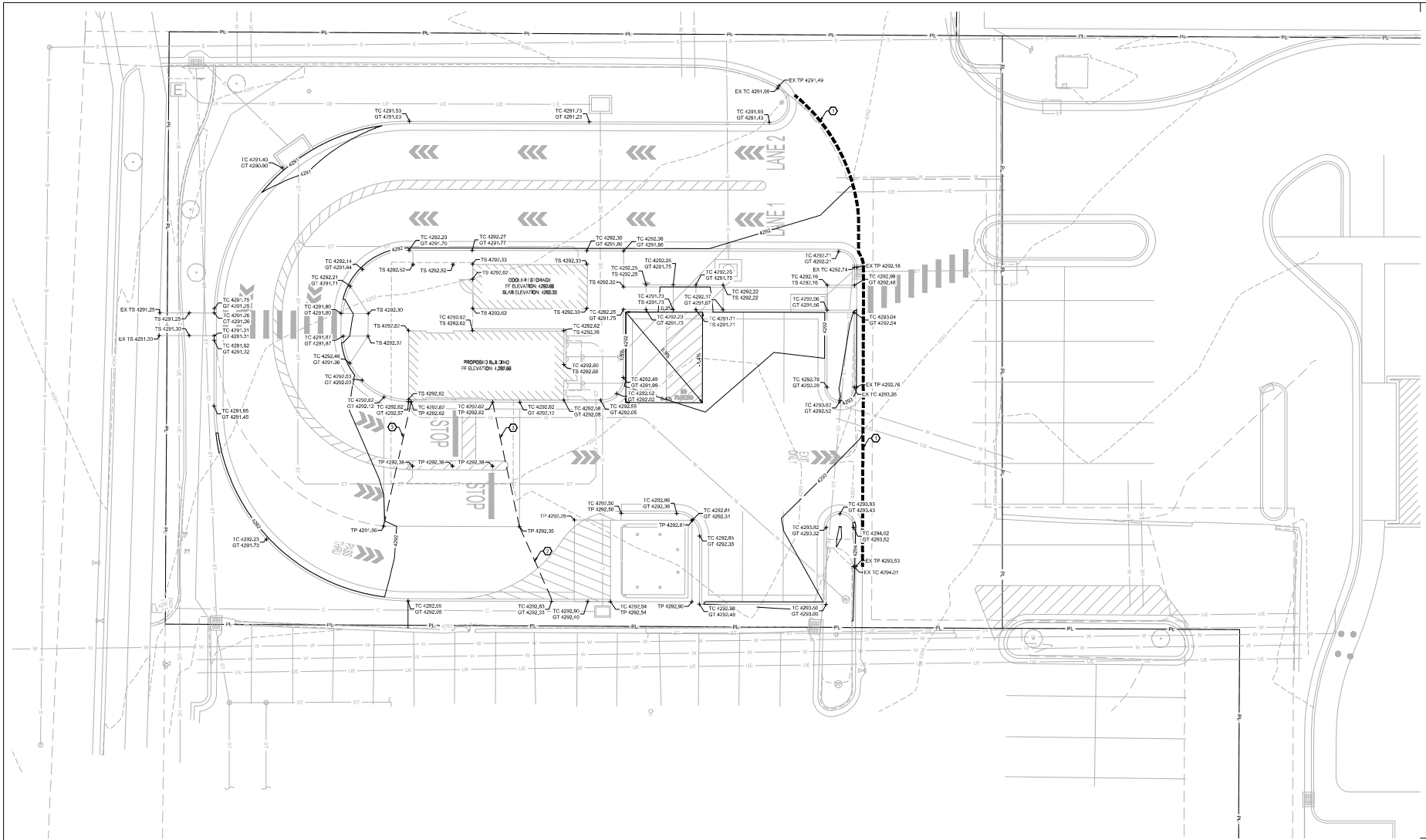
REVISION:

7 BREW COFFEE
BOUNTIFUL, UT

638 NORTH 500 WEST
BOUNTIFUL, UTAH 84010

C 2.1
SITE PLAN

DATE: 10/15/2024



- KEY NOTES**
- ① MATCH EXISTING ELEVATION
 - ② HIGH POINT IN PAVEMENT
 - ③ CENTERLINE OF GRADE BREAK IN PAVEMENT

ABBREVIATIONS

BC	BACK OF CURB	TC	TOP OF CURB
CC	STANDARD CATCH CURB	TG	TOP OF GROUND
CL	CENTERLINE	TP	TOP OF PAVEMENT
CMP	CORRUGATED METAL PIPE	TS	TOP OF SIDEWALK
EP	EDGE OF PAVEMENT	TW	TOP OF WALL
FES	FLARED END SECTION	EX TP	EXISTING TOP OF PAVEMENT
FL	FLOW LINE	EX TS	EXISTING TOP OF SIDEWALK
GT	GUTTER INVERT	→	DIRECTION OF SHEET FLOW
GY	GUY WIRE		
HDPE	HIGH DENSITY POLYETHYLENE		
INVERT	INVERT		
LF	LINEAR FEET		
MC	MOUNTABLE CURB		
PVC	POLYVINYL CHLORIDE PIPE		
R/W	RIGHT-OF-WAY		
RCP	REINFORCED CONCRETE PIPE		
SC	SPALL CURB		
TB	TOP OF BASE ROCK		



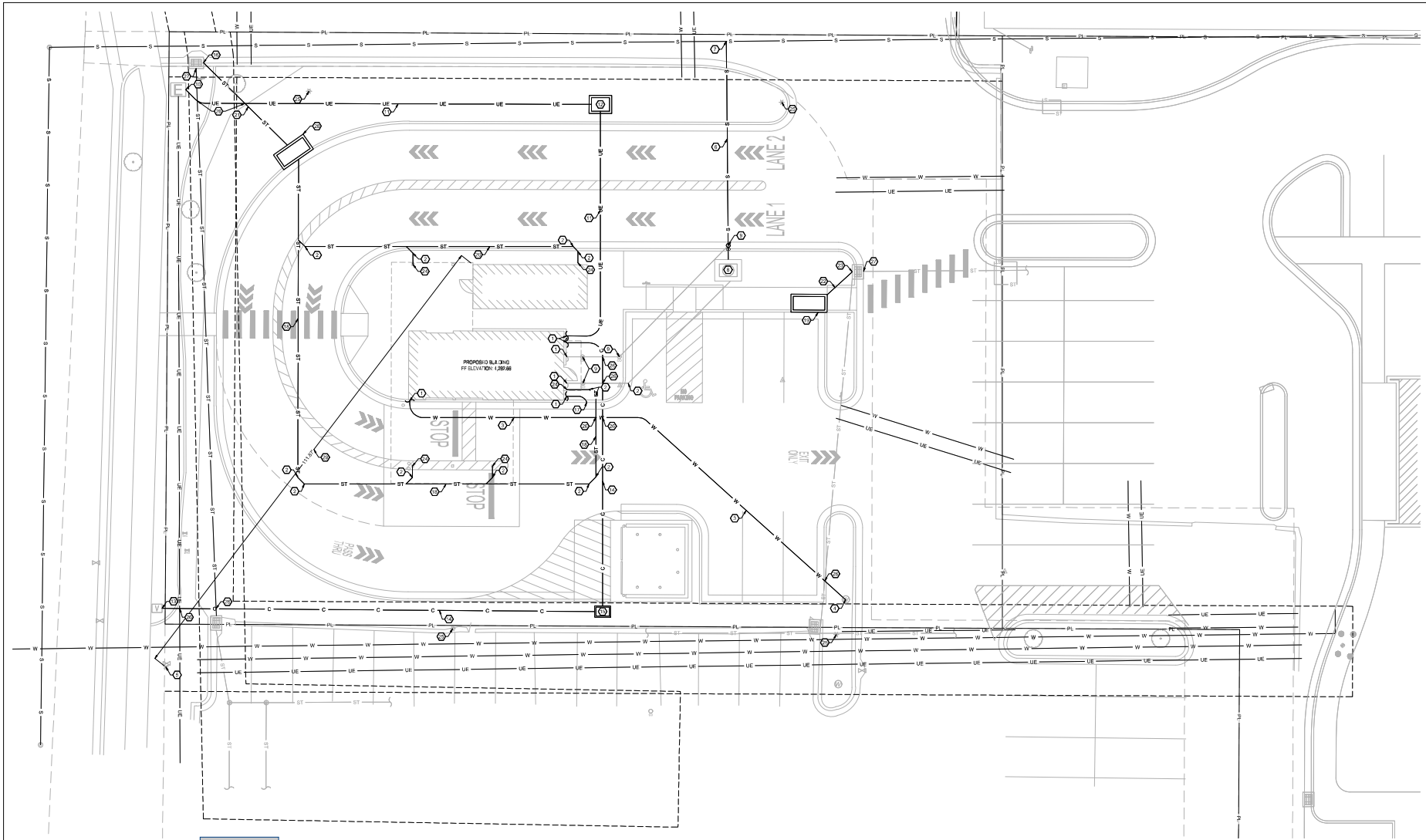
ENGINEER OF RECORD:
 NAME: MATTHEW MILLER
 LICENSE NO. UT #PE 1311760-0202
 PROJECT NUMBER:
 99-029
 REVISION:

7 BREW COFFEE
BOUNTIFUL, UT
 638 NORTH 500 WEST
 BOUNTIFUL, UTAH 84010

C3.1
 GRADING PLAN
 DATE: 10/15/2024



TO TH & ASSOCIATES
 1550 E. REPUBLIC ROAD
 SPRINGVILLE, UT 84905
 Ph: 437-260-0543 Fax: 437-260-0607
 www.tothandassociates.com
 UTA 1286022-0143
 © 2024 TO TH AND ASSOCIATES, P.C.



KEY NOTES

- 1 CONTINUATION OF UTILITY TO BUILDING.
- 2 INSTALL 1/2" BEND, TYPICAL.
- 3 INSTALL 1/4" L.F. ± OF 4" SCH. 40 PVC WATER LINE TO BE INSTALLED BY CONTRACTOR FROM WATER METER TO BUILDING PER PIPE INSTALLATION DETAIL 421 SHEET C7.2.
- 4 EXISTING 1-INCH WATER METER, CONNECTION OF WATER SERVICE TO BE COORDINATED WITH THE CITY OF BOUNTIFUL.
- 5 FIRE HYDRANT, NEAREST.
- 6 INSTALL 1/2" L.F. ± OF 4" SCH. 40 PVC SANITARY SEWER SERVICE AT A MINIMUM SLOPE OF 1.00% PER PIPE INSTALLATION DETAIL 421 SHEET C7.2.
- 7 CONTRACTOR TO CONNECT 4" SCH. 40 PVC SANITARY SEWER SERVICE LINE TO EXISTING SEWER LATERAL, CONTRACTOR TO VERIFY DEPTH AND LOCATION OF SEWER LINE TO DISPOSE IN.
- 8 125 GALLON SCHER 68-75 GREASE INTERCEPTOR WITH PEDESTRIAN RATED CAST IRON COVER, PER MEP PLANS.
- 9 ROUTING OF PROPOSED ELECTRIC UTILITY AND POINT OF CONNECTION SHOWN IS APPROXIMATE. CONTRACTOR TO COORDINATE WITH ELECTRIC UTILITY PROVIDER TO DETERMINE FINAL LOCATION PRIOR TO INSTALLATION OF ELECTRIC SERVICE LINE.
- 10 BURIED ELECTRIC LINE, SEE MEP SITE UTILITY PLANS.
- 11 PAD MOUNTED TRANSFORMER, SEE MEP SITE UTILITY PLANS, COORDINATE WITH ELECTRIC UTILITY PROVIDER.

VERIFY EQUIPMENT WITH SALT LAKE CITY SEWER DISTRICT

- 12 ROUTING OF PROPOSED COMMUNICATION UTILITY AND POINT OF CONNECTION SHOWN IS APPROXIMATE. CONTRACTOR TO COORDINATE WITH COMMUNICATION UTILITY PROVIDER TO DETERMINE FINAL LOCATION PRIOR TO INSTALLATION OF COMMUNICATION SERVICE LINE.
- 13 2" COMMUNICATIONS CONDUITS WITH PULLWAYS.
- 14 COMMUNICATIONS PULL BOX, SEE MEP SITE UTILITY PLANS, COORDINATE WITH COMMUNICATIONS UTILITY PROVIDER.
- 15 CONNECT NEW 12-INCH HOPE TO EXISTING DROP INLET, RIM 4290.61, FL IN 4288.61.
- 16 INSTALL 8" L.F. ± OF 24" DIA. SCH. 40 PVC DISCHARGE LINE FROM PUMP PLUMP, TERMINATE DISCHARGE 1" IN THROUGH FACE OF CURB.
- 17 INSTALL 1/2" L.F. ± 8-INCH HOPE DOWNSPOUT HEADER STORM LINE AT 1% SLOPE, PER PIPE INSTALLATION DETAIL 421 SHEET C7.2.
- 18 4" X 8" O.D. CONCRETE CURB INLET PER DETAIL 403 SHEET C7.2, RIM 4292.06, FL OUT 4290.06.
- 19 INSTALL 7/8" L.F. ± 8-INCH HOPE DOWNSPOUT HEADER STORM LINE AT 1% SLOPE, PER PIPE INSTALLATION DETAIL 421 SHEET C7.2.
- 20 INSTALL 2 1/2" L.F. ± 12-INCH HOPE STORM LINE AT MINIMUM 2% SLOPE, PER PIPE INSTALLATION DETAIL 401 SHEET C7.2.
- 21 INSTALL 8" L.F. ± 12-INCH HOPE STORM LINE AT 2% SLOPE, PER PIPE INSTALLATION DETAIL 401 SHEET C7.2.
- 22 CONNECT NEW 12-INCH HOPE TO EXISTING DROP INLET, RIM 4292.16, FL IN 4289.06.
- 23 DOWNSPOUT CONNECTION PER DETAIL 406 SHEET C7.2 AND ARCHITECTURAL DETAILS.
- 24 EXISTING LIGHT POLE, SEE MEP SITE UTILITIES PLANS FOR CONTINUATION FOR SITE LIGHTING.

- 25 UTILITY CROSSING, CONTRACTOR TO COORDINATE DEPTH IN FIELD.
- 26 EXISTING 16-INCH ROP STORM LINE.
- 27 4" X 8" O.D. CONCRETE CURB INLET PER DETAIL 420 SHEET C7.2, RIM 4291.40, FL OUT 4289.40.
- 28 DISTANCE TO FIRE HYDRANT, NEAREST.

EXISTING UTILITY PROVIDER CONTACT INFORMATION:

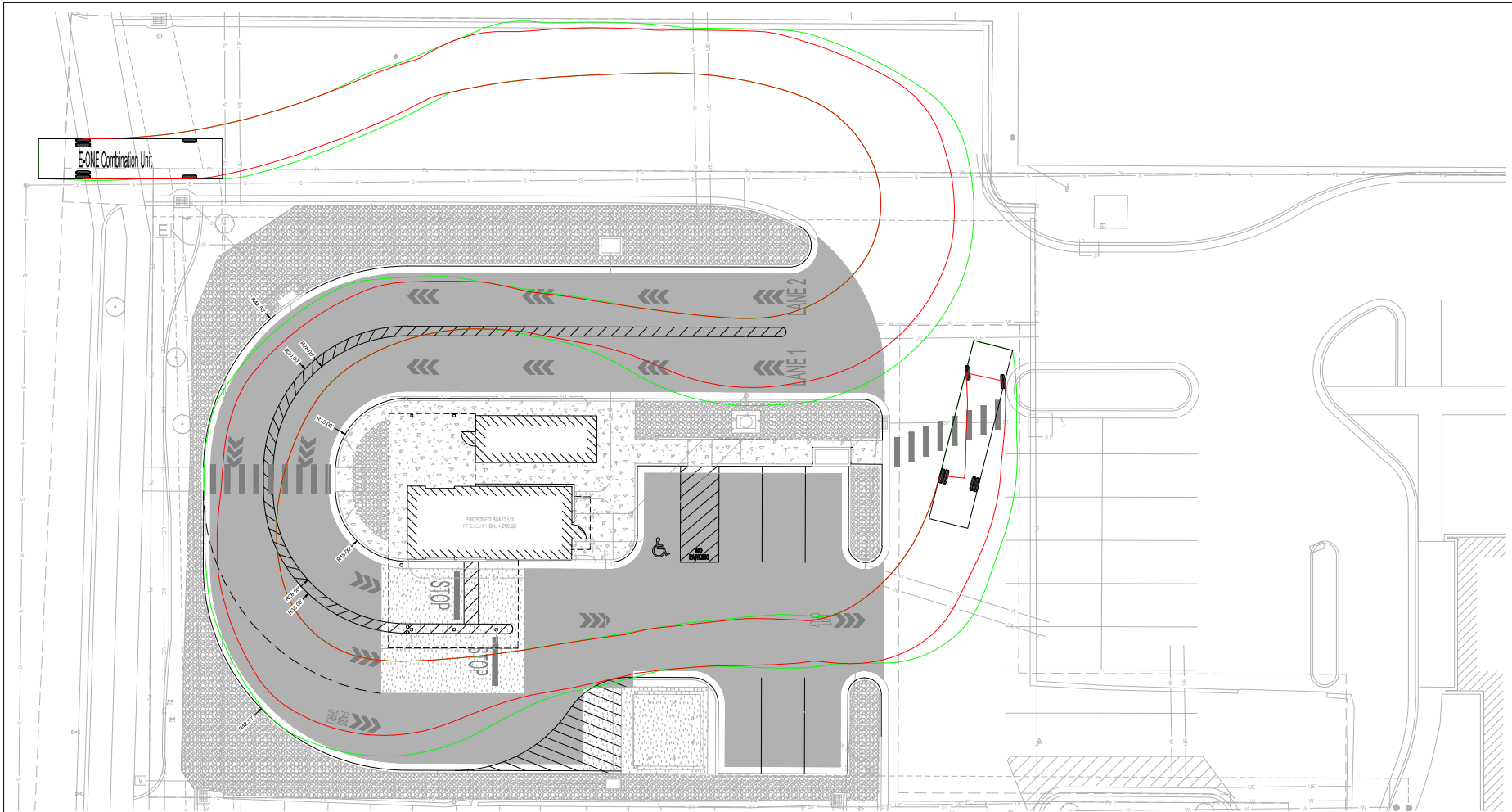
- 1. WATER BOUNTIFUL CITY UTILITY DEPARTMENT
795 SOUTH MAIN STREET
BOUNTIFUL, UT 84010
RE: 02606103
- 2. ELECTRIC BOUNTIFUL CITY UTILITY DEPARTMENT
795 SOUTH MAIN STREET
BOUNTIFUL, UT 84010
801-29549100
- 3. SEWER SANITATION DEPARTMENT
800 SOUTH 200 WEST
BOUNTIFUL, UT 84010
801-29549175



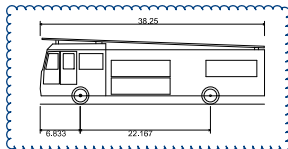
ENGINEER OF RECORD:
NAME: MATTHEW MILLED
LICENSE NO.: UT #0E 1311760-0202
PROJECT NUMBER:
99 029
REVISION:

7 BREW COFFEE
BOUNTIFUL, UT
638 NORTH 500 WEST
BOUNTIFUL, UTAH 84010

C 4.1
UTILITY PLAN
DATE: 10/15/2024



- HATCH LEGEND:**
- ASPHALT PAVEMENT
PER DETAIL 2.06 SHEET C7.1.
 - CONCRETE SIDEWALK
PER SIDEWALK DETAIL 2.02 SHEET C7.1.
 - CONCRETE PAVEMENT
PER CONCRETE PAVEMENT DETAIL 2.03 AND 2.05 SHEET C7.1.
 - LANDSCAPE AREA
REFER TO LANDSCAPE PLANS.



FIRE APPARATUS OR
RV? CR?

E-ONE Combination Unit
Overall Length 38.250ft
Overall Width 8.333ft
Overall Body Height 11.250ft
Min Body Ground Clearance 1.333ft
Track Width 8.333ft
Lock-to-lock time 6.000s
Wall to Wall Turning Radius 45.000ft

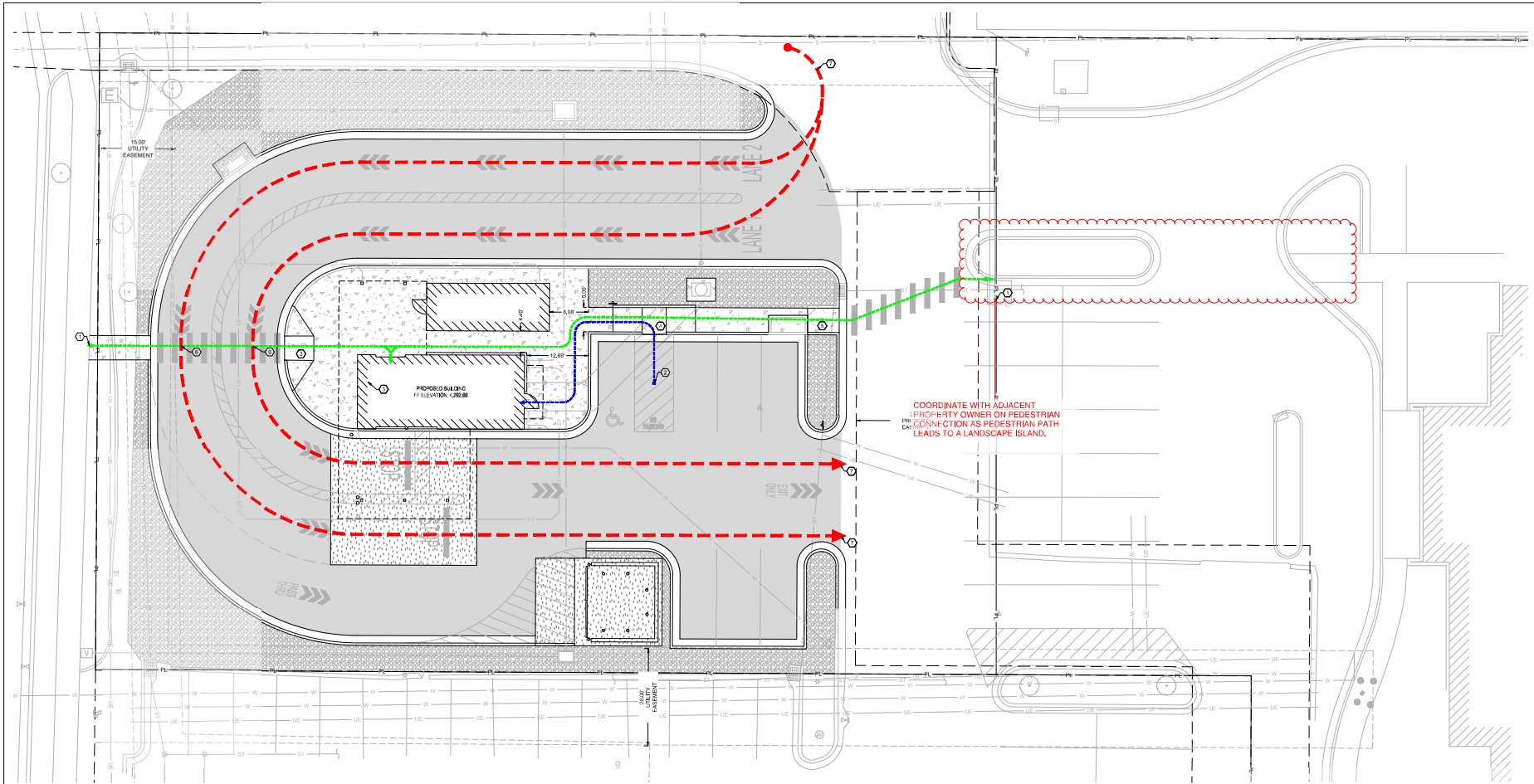
Vehicle Wheel Track - Red Line
Vehicle Overhang - Green Line



ENGINEER OF RECORD:
NAME: MATTHEW MILLER
LICENSE NO. UT #PE 13115760-2202
PROJECT NUMBER:
99 029
REVISION:

7 BREW COFFEE
BOUNTIFUL, UT
638 NORTH 500 WEST
BOUNTIFUL, UT 84010

C6.3
FIRE SWEEP PATH
ANALYSIS
DATE: 10/15/2024



HATCH LEGEND:

- ASPHALT PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE PAVEMENT
- LANDSCAPE ROCK

KEY NOTES:

- ① ACCESSIBLE PATH FROM PUBLIC WAY TO BUILDING.
- ② ACCESSIBLE PATH FROM PARKING TO BUILDING.
- ③ TYPE 1 ADA CURB RAMP.
- ④ TYPE 2 ADA CURB RAMP.
- ⑤ TYPE 4 ADA CURB RAMP.
- ⑥ INTERSECTION OF VEHICULAR AND PEDESTRIAN PATH.
- ⑦ VEHICULAR PATH THROUGH SITE.

PATHWAY LEGEND:

- VEHICULAR PATHWAY
- ACCESSIBLE ROUTE TO PUBLIC RIGHT OF WAY.
- ACCESSIBLE PEDESTRIAN PATHWAY

COORDINATE WITH ADJACENT PROPERTY OWNER ON PEDESTRIAN CONNECTION AS PEDESTRIAN PATH LEADS TO A LANDSCAPE ISLAND.

PLAN REVIEW
12/31/2024 3:58:48 PM
AMBER CORBRIDGE, SENIOR PLANNER
(Sealed 12/31/24)

PLAN REVIEW
12/31/2024 3:52:17 PM
Lloyd Cheney, Bountiful City Engineer
TYPICAL COMMENTS BLUE TEXT GRAY BACKGROUND

NO COMMENTS

Reviewed by 12/31/2024
Building Department
Don Simons, Building Official
REVIEWED, NO COMMENTS.



Blue Stakes of UTAH 811
Know what's below. Call 811 before you dig.

TO TH & ASSOCIATES
1500 E. REPUBLIC ROAD
SPRINGFIELD, MO 65804
PH: 417-889-0645 Fax: 417-889-0957
www.tothandassociates.com
UTA 12860022-0143
© 2024 Toth and Associates, Inc.



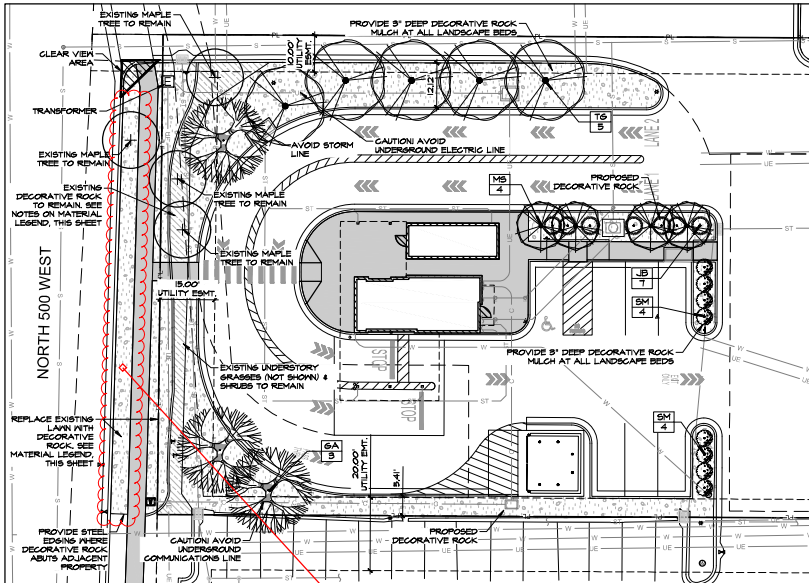
ENGINEER OF RECORD:
NAME: MATTHEW MILLER
LICENSE NO. UT #PE 13113760-2202

PROJECT NUMBER:
99 029

REVISION:

7 BREW COFFEE
BOUNTIFUL, UT
638 NORTH 500 WEST
BOUNTIFUL, UTAH 84010

C 2.2
PEDESTRIAN ACCESS PLAN
DATE: 10/15/2024



PLANT SIZE REQUIREMENTS

PLANT SIZE	SIZE REQUIREMENT (AT TIME OF PLANTING)
SHADE TREES	2" CALIPER
ORNAMENTAL TREES	1" CALIPER
SHRUBS	5 GALLON

MATERIAL LEGEND

- EXISTING DECORATIVE ROCK MULCH TO REMAIN
- PROPOSED DECORATIVE ROCK MULCH TO MATCH EXISTING ROCK MULCH ON SITE. INSTALL ROCK TO A DEPTH OF 3". PROVIDE FILTER FABRIC BELOW LAWN ENSURING ALL EDGES OF FABRIC ARE BURIED AND STAPLED INTO THE GROUND.

BOUNTIFUL, UT LANDSCAPE REQUIREMENTS

FRONT YARD TREES

CODE REQUIREMENT 14-18-04 (A) IN FRONT YARD TREES SHALL BE LOCATED IN THE FRONT AND STREET SIDE YARD SETBACKS. EACH TREE SHALL BE A MINIMUM OF 2" CALIPER AND SHALL BE PLANTED AT A MINIMUM SPACING OF 1 TREE FOR EVERY 30 LINEAR FEET OF STREET FRONTAGE OR OR FRACTION THEREOF OVER 30 FEET.

REQUIREMENT AREA	CALCULATION	PLANTING REQUIRED	PLANTING PROVIDED
150 LINEAR FT OF FRONTAGE	150/30=5(T)	4 TREES	5 PROPOSED 6"INCH TREES + 1 PROPOSED LINDEN TREE

ADDITIONAL TREES

CODE REQUIREMENT 14-18-04 (A) IN ADDITION TO REQUIRED FRONT YARD TREES, EACH LOT SHALL INCLUDE THE FOLLOWING: AT LEAST 1 ORNAMENTAL TREE OR AT LEAST 1 CALIPER FOR EACH 100 SF OF REQUIRED LANDSCAPE (SCREENING TREES OF AT LEAST 2" CALIPER FOR EACH 100 SF OF REQUIRED LANDSCAPE) 1 PERCENT MINIMUM SHALL BE FOR EACH 200 SQUARE FEET OF REQUIRED LANDSCAPE.

REQUIREMENT AREA	CALCULATION	PLANTING REQUIRED	PLANTING PROVIDED
2,896 SF REQUIRED LANDSCAPE AREA BASED ON 58% OF 14,700 SF SITE AREA	2,896 / 750 = 3.86 2,896 / 200 = 14.48	4 ORNAMENTAL TREES 4 SCREENING TREES 15 SHRUBS	4 PROPOSED ORNAMENTAL TREES (CORNUS) 4 PROPOSED SCREENING TREES (LINDEN) 24 SHRUBS

LAWN AREAS

CODE REQUIREMENT 14-18-04 (A) IN LAWN AREAS IN ALL DEVELOPMENTS SHALL NOT EXCEED 30% OF THE TOTAL LANDSCAPE AREA
14-18-04 (C) LAWN SHALL NOT BE INSTALLED IN AREAS LESS THAN 8' FROM AS MEASURED AT ITS NARROWEST POINT

REQUIREMENT AREA	CALCULATION	PLANTING REQUIRED	PLANTING PROVIDED
6,006 SF TOTAL LANDSCAPE AREA	6,006 SF x 30% = X	1,201 SF MAX LAWN AREA	700 SF LAWN AREA PROVIDED

PARKSTRIP STANDARDS

CODE REQUIREMENT 14-18-04 (A) THERE SHALL BE AT LEAST 1 STREET TREE FOR EVERY 40 LINEAR FEET OF FRONTAGE OR FRACTION THEREOF. STREET TREES SHALL BE PLANTED IN FRONT AND STREET SIDE SETBACK AREAS IN ADDITION TO ANY FRONT YARD TREE REQUIREMENT
14-18-04 (B) 80% TO 90% OF THE PARKSTRIP AREA SHALL CONSIST OF LIVE VEGETATION INCLUDING TREE CANOPIES
14-18-04 (C) LAWN SHALL NOT BE INSTALLED IN PARK STRIPS

REQUIREMENT AREA	CALCULATION	PLANTING REQUIRED	PLANTING PROVIDED
150 LINEAR FT OF FRONTAGE 152 SF PARKSTRIP AREA	150 / 40 = 3.75 152 x 80% = 121.6 152 x 90% = 276	4 TREES BETWEEN 1/8 & 2 1/2" LIVE VEGETATION IN PARKSTRIP AREA	4 EXISTING MAPLES TO REMAIN AND SATISFY THE REQUIREMENT EXISTING LAWN TO REMAIN IN PARKSTRIP



LANDSCAPE NOTES

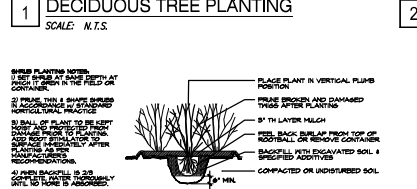
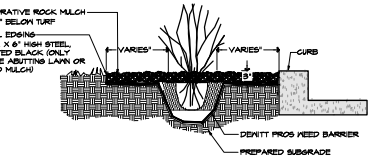
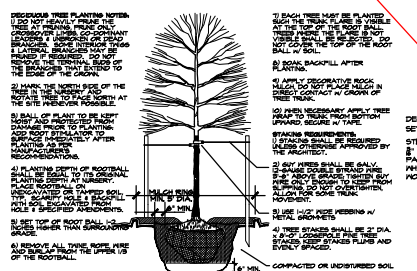
- THE LANDSCAPE CONTRACTOR SHALL READ ALL LANDSCAPE PLANS, SPECIFICATIONS AND VISIT THE PROJECT SITE TO BECOME FAMILIAR WITH EXISTING CONDITIONS PRIOR TO BEGINNING THIS PROJECT.
- ANY AND ALL QUESTIONS CONCERNING THE LANDSCAPE PLANS AND SPECIFICATIONS SHALL BE DIRECTED TO THE LANDSCAPE ARCHITECT.
- THE LANDSCAPE CONTRACTOR IS TO VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES (INCLUDING THOSE INDICATED ON THE PLAN) PRIOR TO INSTALLATION OF PLANT MATERIAL.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING, MULCHING, AND OTHER REQUIREMENTS OF PLANT MATERIALS WHILE THEY ARE TEMPORARILY STORED ON OR OFF SITE.
- THE LANDSCAPE CONTRACTOR SHALL COORDINATE LAYOUT OF PLANTING BEDS, PLANT MASSING, STAKED LOCATION OF TREES AND INSTALLATION OF PLANT MATERIAL WITH LANDSCAPE ARCHITECT PRIOR TO COMMENCEMENT OF WORK.
- ALL PLANT MATERIAL IS DELINEATED AT MATURE SIZE.
- ALL LANDSCAPE MATERIAL SHALL MEET THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-1996) PER THE AMERICAN ASSOCIATION OF NURSERYMEN.
- THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO INSPECT ALL PLANT MATERIAL AT THE NURSERY PRIOR TO SELECTION OR DIGGING, AT THE OWNER'S REQUEST.
- CONDUCT PLANTING UNDER FAVORABLE WEATHER CONDITIONS DURING EITHER THE SPRING PLANTING SEASON (MARCH 1 TO JUNE 1) OR THE FALL PLANTING SEASON (SEPTEMBER 30 UNTIL FREEZING OF THE GROUND). DURING THE FALL PLANTING SEASON, CONFORMING MATERIAL PLANTING SHALL BE CONDUCTED AUGUST 15 TO OCTOBER 1. DEVIATION FROM THE ABOVE PLANTING DATED WILL ONLY BE PERMITTED WITH APPROVAL IN WRITING BY THE LANDSCAPE ARCHITECT.
- ROOT STIMULATOR SHALL BE APPLIED TO ALL PLANT MATERIALS WITH THE EXCEPTION OF LAWN AREAS. APPLY PER THE MANUFACTURER'S SPECIFICATIONS.
- THE LANDSCAPE CONTRACTOR SHALL RESTORE FINISH GRADES IN ALL PLANTING AREAS (OVER GRADING PLANTS) WHICH MAY HAVE BEEN DISTURBED DURING PLANTING OPERATIONS.
- MULCH STAKES, 6"X 6" WIRE, PRE-EMERGENT HERBICIDES, ETC. SHALL BE SUBSIDIARY TO INDIVIDUAL PLANTS.
- LABEL EACH TREE AND SHRUB WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING LEGIBLE DESIGNATION OF BOTH BOTANICAL AND COMMON NAME. LABEL EACH ORNAMENTAL GRASS.

- GROUND COVER, PERENNIAL AND ANNUAL WITH THE LABEL PROVIDED BY THE ORIGINAL GROWER OF THE PLANT. LABELS SHALL NOT BE REMOVED UNTIL AFTER PROVISIONAL ACCEPTANCE BY LANDSCAPE ARCHITECT.
- LOOSEN SOIL FOR ALL PLANTING ISLANDS AND SHRUB/PERENNIAL BEDS TO A DEPTH OF 12".
- TOPSOIL SHALL BE FERTILE NATURAL TOPSOIL. TOPSOIL OF THE LOCALITY OBTAINED FROM WELL DRAINABLE AREAS. STERILIZED TOPSOIL MAY BE USED. IT SHALL BE WITHOUT ADMIXTURE OF SUBSOIL OR SLAG AND SHALL BE FREE OF STONES, LUMPS, STICKS, PLANTS OR THEIR ROOTS, TOXIC SUBSTANCES OR OTHER EXTRANEOUS MATTER THAT MAY BE HARMFUL TO PLANT GROWTH OR WOULD INTERFERE WITH FUTURE MAINTENANCE. TOPSOIL PH RANGE SHALL BE 5.5 TO 7.0.
- THERE SHALL BE NO ADDITIONS, DELETIONS OR SUBSTITUTION OF PLANT MATERIAL SPECIES WITHOUT THE WRITTEN APPROVAL BY THE OWNER OR LANDSCAPE ARCHITECT. ANY SUBSTITUTION THAT HAD NOT BEEN APPROVED SHALL BE REMOVED AND REPLACED WITH THE CORRECT PLANT AT LANDSCAPE CONTRACTOR'S EXPENSE.
- THE LANDSCAPE CONTRACTOR WILL BE RESPONSIBLE FOR THE COLLECTION, REMOVAL, AND PROPER DISPOSAL OF ANY AND ALL DEBRIS GENERATED DURING THE INSTALLATION OF THE LANDSCAPE CONSTRUCTION.
- COORDINATE WITH THE OWNER AND GENERAL CONTRACTOR FOR SLEEVE LOCATIONS AND THINGS OF SLEEVE INSTALLATION. ALL SLEEVES REQUIRED UNDER HANDSCAPE SURFACES FOR THE IRRIGATION SYSTEM SHALL BE THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR.
- CONTRACTOR SHALL INSTALL AN AUTOMATIC IRRIGATION SYSTEM AS FOLLOWS:
 - ALL LANDSCAPE BEDS SHALL RECEIVE DRIP IRRIGATION. DRIP LINES SHALL BE COVERED BY ROCK SUFFICIENT TO HIDE THE DRIP LINES.
 - IRRIGATION CONTRACTOR SHALL DETERMINE THE SIZE OF THE IRRIGATION CONNECTION.
 - CONTRACTOR SHALL PROVIDE DESIGN/DETAIL IRRIGATION DRAWING TO ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.
- COORDINATE LANDSCAPE PLANTING WITH IRRIGATION CONTRACTOR. SHRUBS AND PERENNIALS SHALL NOT BE INSTALLED UNTIL THE IRRIGATION SYSTEM IS FULLY FUNCTIONAL.
- STONE SHALL BE EVENLY SPREAD OVER ALL SURFACES INDICATED ON THE LANDSCAPE PLAN. TOP OF STONE SURFACE SHALL BE 1" BELOW ADJOINING PAVING.
- DRIP PIPES PER NEED BARRIER SHALL BE INSTALLED BETWEEN ALL STONE GROUND COVER AREAS AND UNDERLYING SOIL SURFACE.

LANDSCAPE PLAN

SCALE: 1/16"=1'-0"

14-18-115 PARKSTRIP STANDARDS
The following are the minimum standards for resurfacing any parkstrip or other landscape area located within a public right-of-way:
A. There shall be at least one (1) street tree for every thirty (30) linear feet of frontage, or fraction thereof. Street trees may be placed within the front and street side setback areas in addition to any front yard tree requirement outlined in section 14-18-04-109.
B. Thirty-five to fifty percent (35-50%) of the parkstrip area shall consist of live vegetation including tree canopies and shrub cover. The remaining area shall consist of lawn.



PLANT SCHEDULE

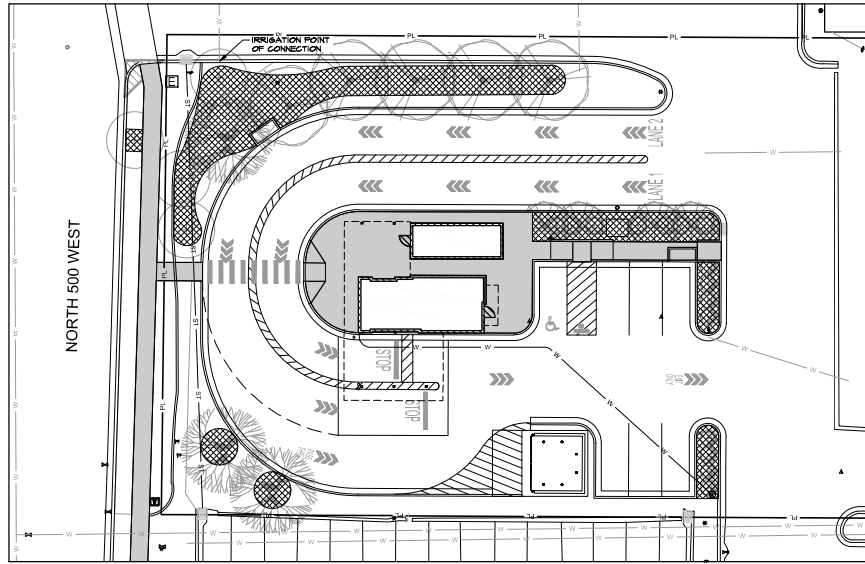
SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	QTY
TREES						
	6A	<i>Ginkgo biloba</i> 'Autumn Gold'	Autumn Gold Ginkgo	2" Cal.	B#B	3
	MS	<i>Malus</i> 'Spring Snow'	Spring Snow Crabapple	1.5" Cal.	B#B	4
	T6	<i>Tilia cordata</i> 'Greenspire'	Greenspire Littleleaf Linden	2" Cal.	B#B	5
SHRUBS						
	JB	<i>Juniperus horizontalis</i> 'Bar Harbor'	Bar Harbor Creeping Juniper	---	3 gal.	7
	SM	<i>Syringa meyeri</i> 'Palibot'	Dwarf Korean Lilac	---	5 gal.	8



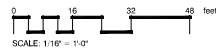
NAME: _____
LICENSE NO.: _____
PROJECT NUMBER: 19 020
REVISION: _____

7 BREW COFFEE
BOUNTIFUL, UT
638 NORTH 500 WEST
BOUNTIFUL, UTAH 84010

LANDSCAPE PLAN
L101
DATE: 11/11/2024



IRRIGATION IDENTIFICATION PLAN
SCALE: 1/16"=1'-0"



IRRIGATION LEGEND



IRRIGATION NOTES

1. IRRIGATION CONTRACTOR SHALL DETERMINE SIZE OF IRRIGATION MAIN.
2. IRRIGATION CONTRACTOR SHALL SUPPLY IRRIGATION LAYOUT AND SHOP DRAWINGS TO THE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.
3. CONTRACTOR SHALL OBTAIN ALL NECESSARY APPROVALS AND PERMITS PRIOR TO THE INSTALLATION OF THE IRRIGATION SYSTEM. IRRIGATION SYSTEM SHALL BE INSTALLED PER BOUNTIFUL, UT STANDARDS.
4. IRRIGATION SYSTEM SHALL BE EQUIPPED WITH A CONTROLLER AND RAIN SENSOR. IRRIGATION SHALL BE METERED SEPARATELY.



NAME:
 LICENSE NO:
 PROJECT NUMBER:
 99 020
 REVISION:

**7 BREW COFFEE
 BOUNTIFUL, UT**
 638 NORTH 500 WEST
 BOUNTIFUL, UTAH 84010



IRRIGATION IDENTIFICATION PLAN
L102
 DATE: 11/11/2024

11/7/2024 4:06:25 PM C:\Users\Vanessa\Documents\22.46.18_Bountiful UT - N 500 W - Entitlement_vanessaBW188.rvt

7:56 AM 11/20/2024
 2022-11-20_LAYOUT V04

© 2023

FLOOR PLAN KEYNOTES

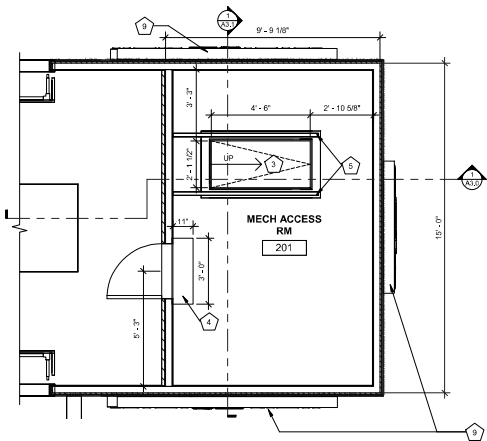
Note Number	Note Text
1	ACCESS DOOR FOR CRAWLSPACE ACCESS
2	MOP SINK; REF PLUMBING
3	MECH. ACCESS DOOR AND LADDER - SUPPLIED BY OWNER
4	STEP, CENTER ON DOOR
5	PREFABRICATED COMPLIANT MECHANICAL SERVICE GUARDRAIL PER IRC SECTION 1015 - EACH SIDE
6	PREFABRICATED COOLER BY NATIONAL MODULAR MANUFACTURING; COORD LOCATION & SPECS WITH CIVIL & STRUCT
7	ADA AUTO/MANUAL EGRESS CAPABLE
8	ELECTRICAL EQUIPMENT, PAINTED TO MATCH BUILDING; REF ELECTRICAL
9	STOREFRONT SIGNS - SUPPLIED AND INSTALLED BY SIGN CONTRACTOR
10	DOWNSPOUT CONNECTION TO STORMWATER SYSTEM; REF CIVIL
11	DOWNSPOUT SCUPPER TO GRADE; REF CIVIL
12	SITE CONTRACTOR TO COORDINATE CIVIL AND STRUCTURAL DRAWINGS TO ENSURE ALL CANOPY COLUMN FOUNDATION PLATES AND BOLTS ARE CONSTRUCTED IN A MANNER THAT CONCEALS THEIR CONNECTIONS COMPLETELY BELOW GRADE; TYP
13	DOWNSPOUT OUTLET - STORMWATER CONNECTION
14	BRK-1 COLUMN WRAP; TYP OF 5

Reviewed by 12/31/2024
Bountiful Building Department
 Don Simons, Building Official
REVIEWED, NO COMMENTS.

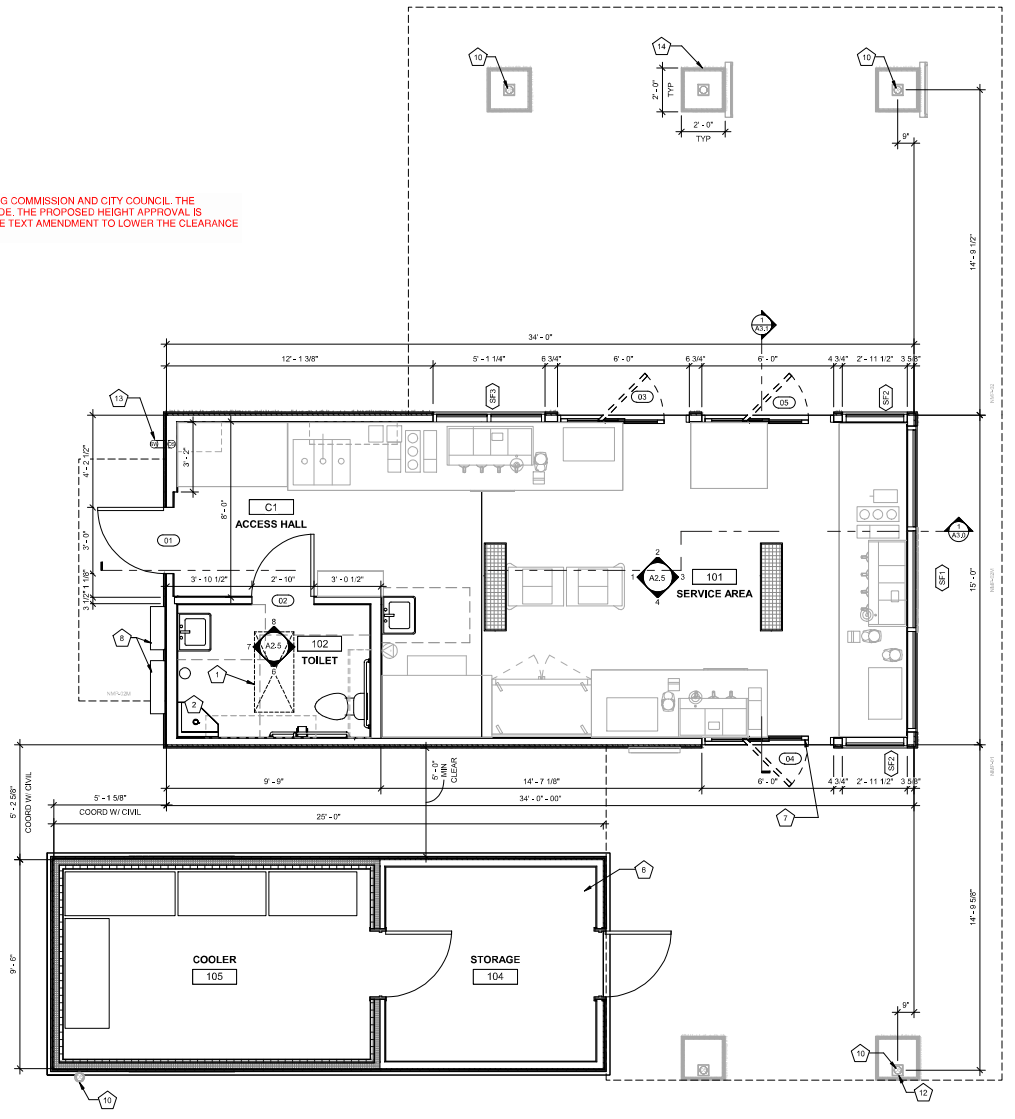
PLAN REVIEW
 12/31/2024 3:30:16 PM
 Lloyd Cheney, Bountiful City Engineer
 TYPICAL COMMENTS: BLUE TEXT GREY BACKGROUND
NO COMMENTS

PLAN REVIEW
 12/31/2024 3:41:18 PM
 AMBER CORBRIDGE, SENIOR PLANNER
 (Seal and Stamp)

PLANS WILL NEED TO BE REVIEWED AND APPROVED BY PLANNING COMMISSION AND CITY COUNCIL. THE DRIVE-UP WINDOW HEIGHT CLEARANCE WILL NEED TO MEET CODE. THE PROPOSED HEIGHT APPROVAL IS PENDING ADOPTION OF APPLICANT'S PROPOSED LAND USE CODE TEXT AMENDMENT TO LOWER THE CLEARANCE HEIGHT TO 9 FEET.



2 MECH ACCESS RM
 3/8" = 1'-0"



1 FLOOR PLAN
 3/8" = 1'-0"



707 N. 6th Street
 Kansas City, KS 66101
 www.veritas-ad.com
 913.308.1460
 Consulting Engineer

7 BREW DRIVE THRU - BOUNTIFUL UT - N 500 W
 ENCORE 7 BREW, LLC
 638 N 500 W, BOUNTIFUL, UTAH 84124

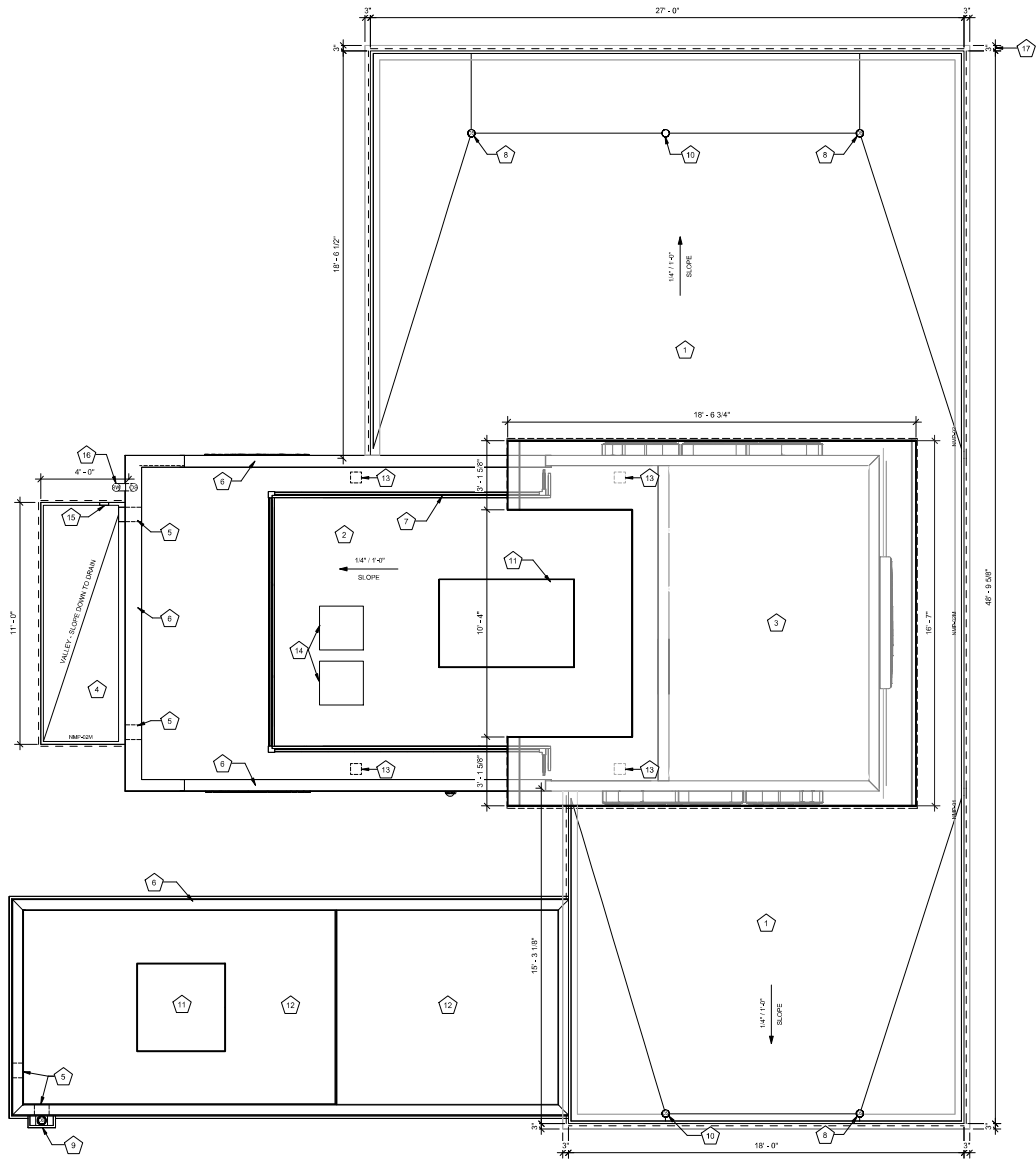
REVISIONS

No.	Description	Date

Sheet Issue Date: 11/07/2024
 Project No.: 22.46.18
 Sheet Contents: FLOOR PLAN

Sheet no.: **A1.2**

Note Number	Note Text
1	PRE-ENGINEERED CANOPY AND FRAMING; REF CANOPY SHOP DRAWINGS
2	TPO ROOFING ON 5/8" CDX ROOF SHEATHING
3	CORRUGATED ARC METAL ROOF ON #15 FELT ON PLYWOOD ROOF SHEATHING
4	TPO ROOFING ON 5/8" CDX ROOF SHEATHING ON BUILT-UP 2x CRICKET FRAMING
5	8" WIDE X 4" HIGH TPO ROOF SCUPPER WITH SHEET METAL UNDERLAYMENT
6	BRAKE METAL CAP; REF ELEVATIONS
7	3' - 6" GUARDRAIL W/ BRK-2 SCREENING PANELS ATTACHED
8	ROOF DRAIN WITHIN STRUCTURAL COLUMN, CONNECT TO STORMWATER COLLECTION SYSTEM; REF CIVIL
9	ROOF DRAIN; DOWNSPOUT TO BE GALVANIZED, PAINTED, STEEL, CONNECT TO STORMWATER COLLECTION SYSTEM; REF CIVIL
10	OVERFLOW ROOF DRAIN
11	HVAC EQUIPMENT
12	ROOFING PER COOLER MANUF
13	MODULAR BUILDING PICK POINTS WITH ROOFING COLLAR; REF STRUCT
14	ICE MACHINE CONDENSERS; SITE CONTRACTOR TO DETERMINE FINAL LOCATION
15	OVERFLOW SCUPPER TO GRADE
16	CONNECT ABOVE-GRADE DOWNSPOUT OUTLET TO SUB-GRADE STORMWATER COLLECTION SYSTEM; REF CIVIL
17	MP-2 CANOPY EXTENSION OVERHANG



1 ROOF PLAN
3/8" = 1'-0"



707 n. 6th street
kansas city, ks 66101
www.veritas-ad.com
913.308.1460
consulting engineer:

7 BREW DRIVE THRU - BOUNTIFUL UT - N 500 W
ENCORE 7 BREW, LLC
638 N 500 W, BOUNTIFUL, UTAH 84124

REVISIONS		
No.	Description	Date

sheet issue date:
11/07/2024
project no.:
22.46.18
sheet contents:
ROOF PLAN

sheet no.:
A1.6



1 EXTERIOR ELEVATION - WEST
3/8" = 1'-0"

EXTERIOR ELEVATION KEYNOTES	
Note Number	Note Text
1	PRE-ENGINEERED ALUMINUM CANOPY BY OTHERS; REF STRUCTURAL
2	SURFACE-MOUNTED LED NEON FLEX LIGHTING AS INDICATED (S/DOWN DASHED); TYP; REF ELECTRICAL
3	MOUNTED SPEAKER SYSTEM; SEE SYSTEMS PLAN
4	ADDRESS NUMBERS TO BE 8" TALL x 2" BRUSH STROKE
5	ELECTRICAL EQUIPMENT, PAINTED TO MATCH BUILDING; REF ELECTRICAL
6	FROST-PROOF FLUSH HOSE BIB
7	EXTERIOR WEATHER-PROOF OUTLET; REF ELECTRICAL
8	THROUGH-WALL ROOF SCURPER; TYP
9	SURFACE MOUNTED LIGHTED SIGN BOX
10	SAMSUNG DIGITAL DISPLAYS -INSTALLED IN FIELD BY IT PROVIDER; CHASE FOR DATA CABLE INSTALLED AT BUILDING MANUFACTURING FACILITY
11	3" - 8" GUARDRAIL W/ BRK-2 SCREENING PANELS ATTACHED
12	HVAC EQUIPMENT
13	OUTLINE OF MECHANICAL UNIT BEYOND
14	PREFABRICATED COOLER BY NATIONAL MODULAR MANUFACTURING; COORD LOCATION & SPECS WITH CIVIL & STRUCT
15	CANOPY HEATER
16	38" COOLER DOOR
17	COOLER LOCK & CONTROLS
18	KNOX BOX
19	DOWNSPOUT OUTLET; CONNECT TO SUBGRADE STORMWATER CONNECTION; REF CIVIL
20	MP-1 CANOPY EXTENSION

EXTERIOR ELEVATION MATERIALS LEGEND	
Note Number	Note Text
A	ARCHITECTURAL CEMENT BOARD SIDING (BRK-2)
B	ARCHITECTURAL CEMENT BOARD SIDING (BRK-1)
C	BRAKE METAL FASCIA (MP-2)
D	SOFFIT PANELS (MP-2)
E	STANDING SEAM ROOF PANELS (MP-2)
F	METAL BRAKE CAP (MP-3)
G	ROUND STOREFRONT SIGN; SUPPLIED AND INSTALLED BY SIGN CONTRACTOR
H	1/4" THICK ACRYLIC SIGNAGE APPLIED TO SIDING WITH VH DOUBLE SIDE TAPE
J	ILLUMINATED STOREFRONT SIGNAGE BY SIGN CONTRACTOR
M	STRUCTURAL CANOPY COLUMN W/ BRK-1 WRAP; RAINWATER DOWNSPOUT WITHIN; CONNECT BASE OF CANOPY COLUMN DOWNSPOUT TO STORMWATER MANAGEMENT SYSTEM; REF CIVIL
P	STRUCTURAL CANOPY COLUMN W/ BRK-1 WRAP; REF CIVIL
Q	EXPOSED DOWNSPOUT; GALVANIZED, PAINTED; CONNECT TO SUB-GRADE STORM WATER COLLECTION SYSTEM; REF CIVIL

707 n. 6th street
kansas city, ks 66101
www.veritas-ad.com
913.308.1460
consulting engineer:

7 BREW DRIVE THRU - BOUNTIFUL UT - N 500 W
ENCORE 7 BREW, LLC
638 N 500 W, BOUNTIFUL, UTAH 84124

REVISIONS

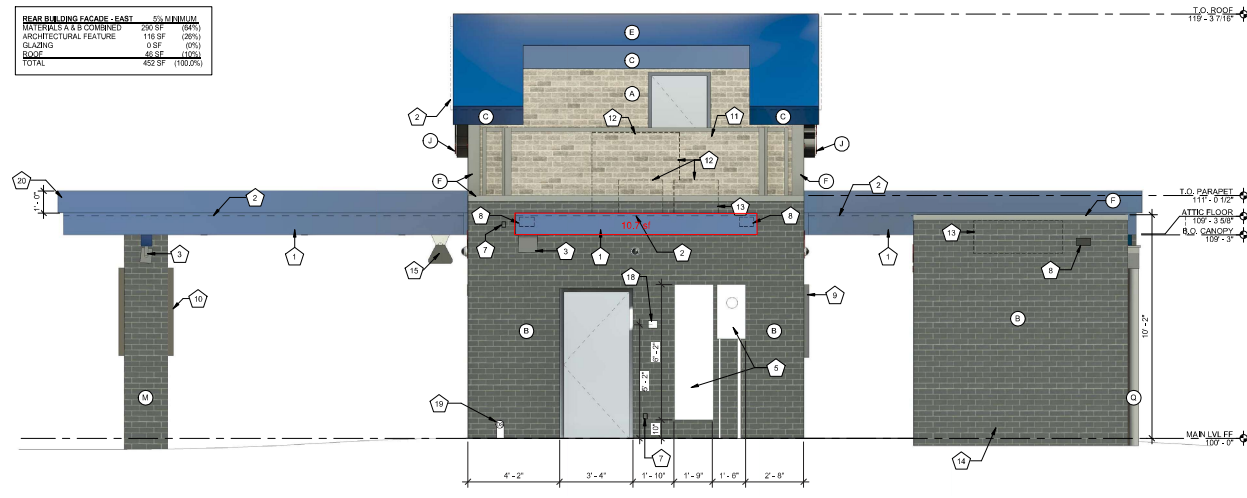
No.	Description	Date

sheet issue date: 11/07/2024
project no.: 22.46.18
sheet contents: EXTERIOR ELEVATIONS
sheet no.: A2.0

EXTERIOR ELEVATION KEYNOTES	
Note Number	Note Text
1	PRE-ENGINEERED ALUMINUM CANOPY BY OTHERS; REF STRUCTURAL
2	SURFACE-MOUNTED LED NEON FLEX LIGHTING AS INDICATED (SHOWN DASHED); TYP; REF ELECTRICAL
3	MOUNTED SPEAKER SYSTEM; SEE SYSTEMS PLAN
4	ADDRESS NUMBERS TO BE 8" TALL x 2" BRUSH STROKE
5	ELECTRICAL EQUIPMENT, PAINTED TO MATCH BUILDING; REF ELECTRICAL
6	FROST-PROOF FLUSH HOSE BIB
7	EXTERIOR WEATHER-PROOF OUTLET; REF ELECTRICAL
8	THROUGH-WALL ROOF SCURPER, TYP
9	SURFACE MOUNTED LIGHTED SIGN BOX
10	SAMSUNG DIGITAL DISPLAYS -INSTALLED IN FIELD BY IT PROVIDER; CHASE FOR DATA CABLE INSTALLED AT BUILDING MANUFACTURING FACILITY
11	3" - 8" GUARDRAIL W/ BRK-2 SCREENING PANELS ATTACHED
12	HVAC EQUIPMENT
13	OUTLINE OF MECHANICAL UNIT BEYOND
14	PREFABRICATED COOLER BY NATIONAL MODULAR MANUFACTURING; COORD LOCATION & SPECS WITH CIVIL & STRUCT
15	CANOPY HEATER
16	38" COOLER DOOR
17	COOLER LOCK & CONTROLS
18	KNOX BOX
19	DOWNSPOUT OUTLET; CONNECT TO SUBGRADE STORMWATER CONNECTION; REF CIVIL
20	MP-1 CANOPY EXTENSION

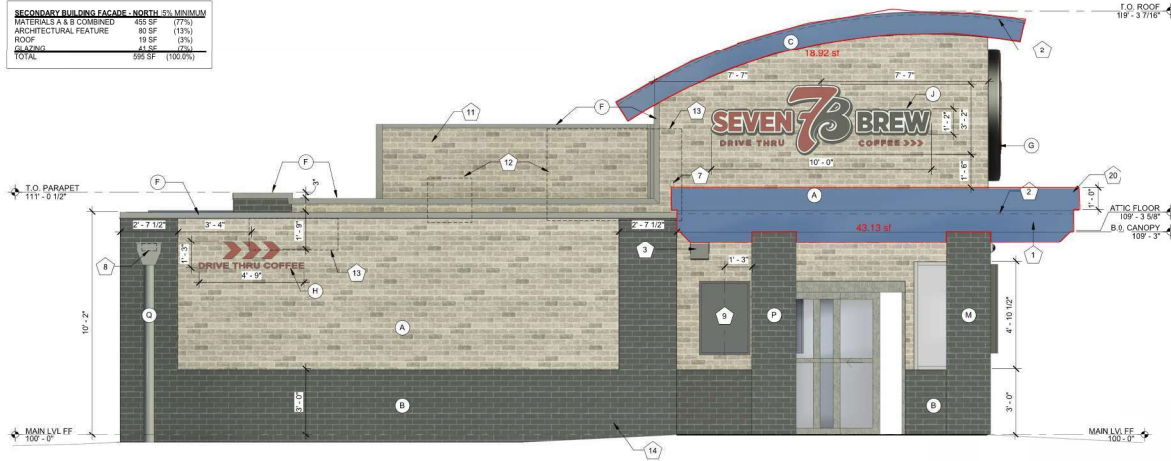
EXTERIOR ELEVATION MATERIALS LEGEND	
Note Number	Note Text
A	ARCHITECTURAL CEMENT BOARD SIDING (BRK-2)
B	ARCHITECTURAL CEMENT BOARD SIDING (BRK-1)
C	BRAKE METAL FASCIA (MP-2)
D	SOFFIT PANELS (MP-2)
E	STANDING SEAM ROOF PANELS (MP-2)
F	METAL BRAKE CAP (MP-3)
G	ROUND STOREFRONT SIGN; SUPPLIED AND INSTALLED BY SIGN CONTRACTOR
H	1/4" THICK ACRYLIC SIGNAGE APPLIED TO SIDING WITH VH DOUBLE SIDE TAPE
J	ILLUMINATED STOREFRONT SIGNAGE BY SIGN CONTRACTOR
M	STRUCTURAL CANOPY COLUMN W/ BRK-1 WRAP; RAINWATER DOWNSPOUT WITHIN; CONNECT BASE OF CANOPY COLUMN DOWNSPOUT TO STORMWATER MANAGEMENT SYSTEM; REF CIVIL
P	STRUCTURAL CANOPY COLUMN W/ BRK-1 WRAP; REF CIVIL
Q	EXPOSED DOWNSPOUT; GALVANIZED, PAINTED; CONNECT TO SUB-GRADE STORM WATER COLLECTION SYSTEM; REF CIVIL

REAR BUILDING FACADE - EAST	
MATERIALS & FINISHES	206 SF (61%)
ARCHITECTURAL FEATURE	116 SF (28%)
GLAZING	0 SF (0%)
DOOR	46 SF (11%)
TOTAL	432 SF (100%)



1 EXTERIOR ELEVATION - EAST
3/8" = 1'-0"

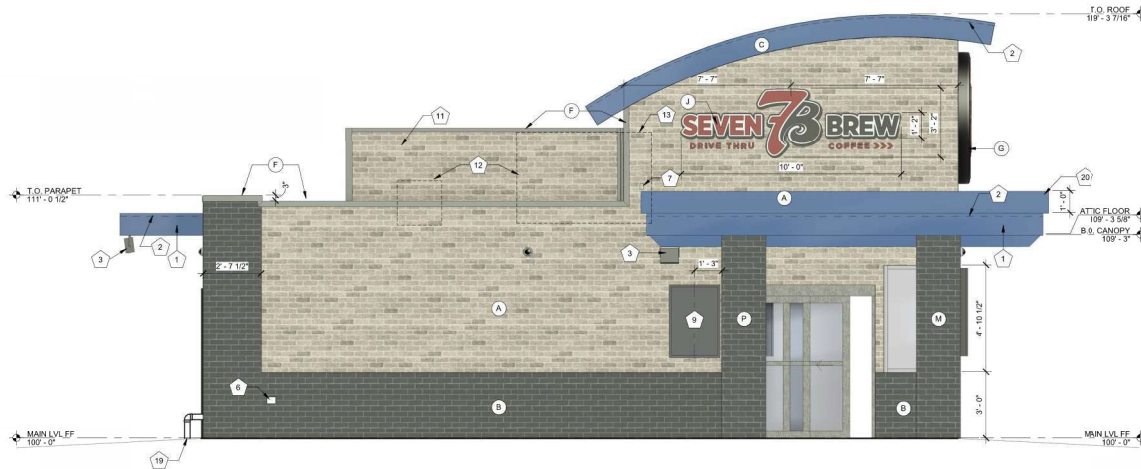
SECONDARY BUILDING FACADE - NORTH 5% MINIMUM		
MATERIALS A & B COMBINED	455 SF	(77%)
ARCHITECTURAL FEATURE	80 SF	(13%)
ROOF	19 SF	(3%)
GLAZING	41 SF	(7%)
TOTAL	595 SF	(100.0%)



2 EXTERIOR ELEVATION - NORTH W/ COOLER
3/8" = 1'-0"

EXTERIOR ELEVATION KEYNOTES	
Note Number	Note Text
1	PRE-ENGINEERED ALUMINUM CANOPY BY OTHERS; REF STRUCTURAL
2	SURFACE MOUNTED LED NEON FLEX LIGHTING AS INDICATED (SHOWN DASHED); TYP; REF ELECTRICAL
3	MOUNTED SPEAKER SYSTEM; SEE SYSTEMS PLAN
4	ADDRESS NUMBERS TO BE 8" TALL X 2" BRUSH STROKE
5	ELECTRICAL EQUIPMENT, PAINTED TO MATCH BUILDING; REF ELECTRICAL
6	FROST-PROOF FLUSH HOSE BIB
7	EXTERIOR WEATHER-PROOF OUTLET; REF ELECTRICAL
8	THROUGH-WALL ROOF SCURPER; TYP
9	SURFACE MOUNTED LIGHTED SIGN BOX
10	SAMSUNG DIGITAL DISPLAYS -INSTALLED IN FIELD BY IT PROVIDER; CHASE FOR DATA CABLE INSTALLED AT BUILDING MANUFACTURING FACILITY
11	3" GUARDRAIL W/ BRK-2 SCREENING PANELS ATTACHED
12	HVAC EQUIPMENT
13	OUTLINE OF MECHANICAL UNIT BEYOND
14	PREFABRICATED COOLER BY NATIONAL MODULAR MANUFACTURING; COORD LOCATION & SPECS WITH CIVIL & STRUCT
15	CANOPY HEATER
16	36" COOLER DOOR
17	COOLER LOCK & CONTROLS
18	KNOX BOX
19	DOWNSPOUT OUTLET; CONNECT TO SUBGRADE STORMWATER CONNECTION; REF CIVIL
20	MP-1 CANOPY EXTENSION

EXTERIOR ELEVATION MATERIALS LEGEND	
Note Number	Note Text
A	ARCHITECTURAL CEMENT BOARD SIDING (BRK-2)
B	ARCHITECTURAL CEMENT BOARD SIDING (BRK-1)
C	BRAKE METAL FASCIA (MP-2)
D	SOFFIT PANELS (MP-2)
E	STANDING SEAM ROOF PANELS (MP-2)
F	METAL BRAKE CAP (MP-3)
G	ROUND STOREFRONT SIGN; SUPPLIED AND INSTALLED BY SIGN CONTRACTOR
H	1/4" THICK ACRYLIC SIGNAGE APPLIED TO SIDING WITH VH DOUBLE SIDE TAPE
J	ILLUMINATED STOREFRONT SIGNAGE BY SIGN CONTRACTOR
M	STRUCTURAL CANOPY COLUMN W/ BRK-1 WRAP; RAINWATER DOWNSPOUT WITHIN; CONNECT BASE OF CANOPY COLUMN DOWNSPOUT TO STORMWATER MANAGEMENT SYSTEM; REF CIVIL
P	STRUCTURAL CANOPY COLUMN W/ BRK-1 WRAP; REF CIVIL
Q	EXPOSED DOWNSPOUT; GALVANIZED; PAINTED; CONNECT TO SUB-GRADE STORM WATER COLLECTION SYSTEM; REF CIVIL



1 EXTERIOR ELEVATION - NORTH
3/8" = 1'-0"



707 n. 6th street
kansas city, ks 66101
www.veritas-ad.com
913.308.1460
consulting engineer:

7 BREW DRIVE THRU - BOUNTIFUL UT - N 500 W

ENCORE 7 BREW, LLC
638 N 500 W, BOUNTIFUL, UTAH 84124

REVISIONS
No. Description Date

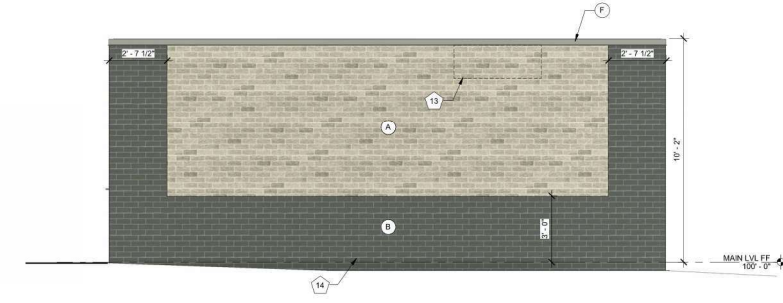
sheet issue date:
11/07/2024

project no.:
22.46.18

sheet contents:
EXTERIOR ELEVATIONS

sheet no.:

A2.2



2 COOLER ELEVATION - SOUTH
3/8" = 1'-0"



1 EXTERIOR ELEVATION - SOUTH
3/8" = 1'-0"

EXTERIOR ELEVATION KEYNOTES

Note Number	Note Text
1	PRE-ENGINEERED ALUMINUM CANOPY BY OTHERS; REF STRUCTURAL
2	SURFACE-MOUNTED LED NEON FLEX LIGHTING AS INDICATED (SHOWN DASHED); TYP; REF ELECTRICAL
3	MOUNTED SPEAKER SYSTEM; SEE SYSTEMS PLAN
4	ADDRESS NUMBERS TO BE 8" TALL x 2" BRUSH STROKE
5	ELECTRICAL EQUIPMENT, PAINTED TO MATCH BUILDING; REF ELECTRICAL
6	FROST-PROOF FLUSH HOSE BIB
7	EXTERIOR WEATHER-PROOF OUTLET; REF ELECTRICAL
8	THROUGH-WALL ROD; SCURPER; TYP
9	SURFACE MOUNTED LIGHTED SIGN BOX
10	SAMSUNG DIGITAL DISPLAYS - INSTALLED IN FIELD BY IT PROVIDER; CHASE FOR DATA CABLE INSTALLED AT BUILDING MANUFACTURING FACILITY
11	3" - 4" GUARDRAIL W/ BRK-2 SCREENING PANELS ATTACHED
12	HVAC EQUIPMENT
13	OUTLINE OF MECHANICAL UNIT BEYOND
14	PREFABRICATED COOLER BY NATIONAL MODULAR MANUFACTURING; COORD LOCATION & SPECS WITH CIVIL & STRUCT
15	CANOPY HEATER
16	36" COOLER DOOR
17	COOLER LOCK & CONTROLS
18	KNOX BOX
19	DOWNSPOUT OUTLET; CONNECT TO SUBGRADE STORMWATER CONNECTION; REF CIVIL
20	IMP-1 CANOPY EXTENSION

EXTERIOR ELEVATION MATERIALS LEGEND

Note Number	Note Text
A	ARCHITECTURAL CEMENT BOARD SIDING (BRK-2)
B	ARCHITECTURAL CEMENT BOARD SIDING (BRK-1)
C	BRAKE METAL FASCIA (MP-2)
D	SOFFIT PANELS (MP-2)
E	STANDING SEAM ROOF PANELS (MP-2)
F	METAL BRAKE CAP (MP-3)
G	ROUND STOREFRONT SIGN; SUPPLIED AND INSTALLED BY SIGN CONTRACTOR
H	1/4" THICK ACRYLIC SIGNAGE APPLIED TO SIDING WITH VH DOUBLE SIDE TAPE
J	ILLUMINATED STOREFRONT SIGNAGE BY SIGN CONTRACTOR
M	STRUCTURAL CANOPY COLUMN W/ BRK-1 WRAP; RAINWATER DOWNSPOUT WITHIN; CONNECT BASE OF CANOPY COLUMN DOWNSPOUT TO STORMWATER MANAGEMENT SYSTEM; REF CIVIL
P	STRUCTURAL CANOPY COLUMN W/ BRK-1 WRAP; REF CIVIL
Q	EXPOSED DOWNSPOUT; GALVANIZED, PAINTED; CONNECT TO SUB-GRADE STORM WATER COLLECTION SYSTEM; REF CIVIL

707 n. 6th street
kansas city, ks 66101
www.veritas-ad.com
913.308.1460
consulting engineer:

7 BREW DRIVE THRU - BOUNTIFUL UT - N 500 W
ENCORE 7 BREW, LLC
638 N 500 W, BOUNTIFUL, UTAH 84124

REVISIONS

No.	Description	Date

sheet issue date: 11/07/2024
project no.: 22.46.18
sheet contents: EXTERIOR ELEVATIONS
sheet no.: A2.3



veritas
architecture + design

707 n. 6th street
kansas city, ks 66101
www.veritas-ad.com
913.308.1460
consulting engineer:

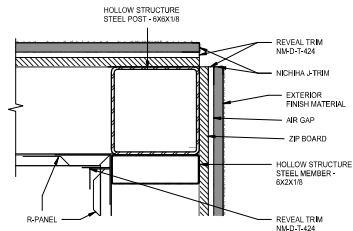


DUMPSTER ELEVATION KEYNOTES

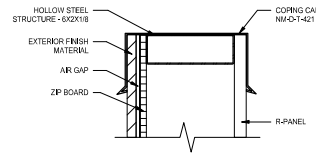
NOTE NO.	NOTE TEXT
A	NICHHA FIBER CEMENT SIDING - MIDNIGHT MODERN BRICK
B	PAINT ALL EXPOSED STEEL AND BOLLARDS WITH PT-10 SHERWIN WILLIAMS SW-6177 "SALTY DOG"
C	PAINT HINGES AND TERMINATION COPINGS PT-11 SHERWIN WILLIAMS SW-6258 "TRICORN BLACK"
D	BERRIDGE ZINC GREY COPING
E	1X6 VERTICAL CLEAR SEALED CEDAR PLANK GATE DOOR CLADDING

GENERAL NOTES:

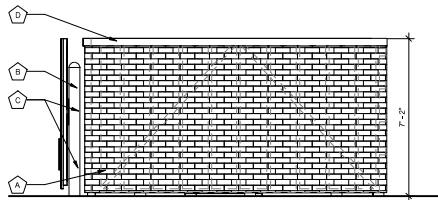
- SITE WORK AND PREPARATION TO BE PERFORMED BY SITE CONTRACTOR. COORDINATE SCOPE OF WORK WITH PREFABRICATOR.
- COMPLETE NICHHA SYSTEM AND ACCESSORIES INCLUDING MATCHING MANUF. FABRICATION CORNERS, FLASHINGS AND TRIMS. INSTALL PER MANUF. INSTALLATION INSTRUCTIONS.
- STRUCTURE DASHED BEYOND FOR REFERENCE.



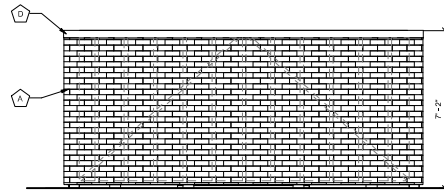
7 CORNER DETAIL
3/8" = 1'-0"



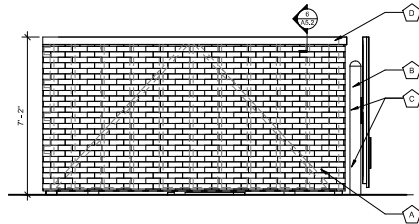
6 TOP COPING DETAIL
3/8" = 1'-0"



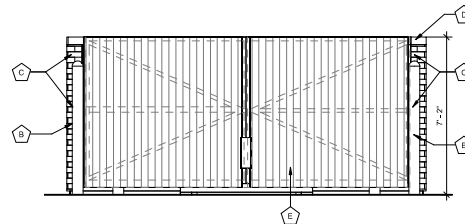
5 DUMPSTER ELEVATION - RIGHT
3/8" = 1'-0"



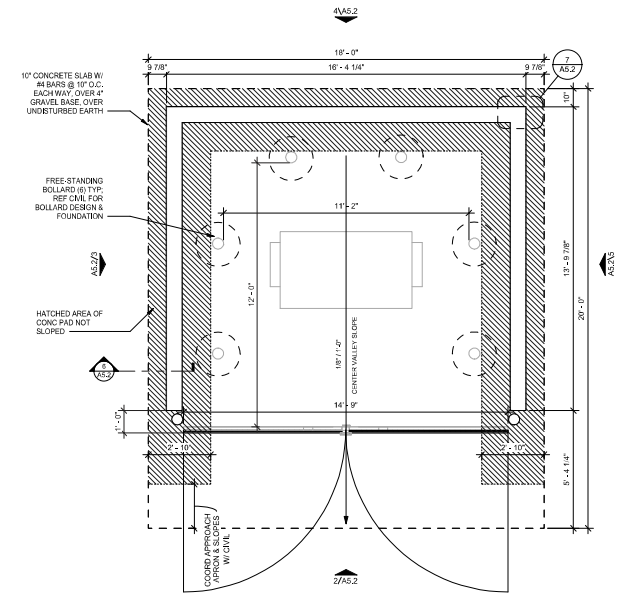
4 DUMPSTER ELEVATION - BACK
3/8" = 1'-0"



3 DUMPSTER ELEVATION - LEFT
3/8" = 1'-0"



2 DUMPSTER ELEVATION - FRONT
3/8" = 1'-0"



1 DUMPSTER FLOOR PLAN
3/8" = 1'-0"

7 BREW DRIVE THRU - BOUNTIFUL UT - N 500 W
ENCORE 7 BREW, LLC
638 N 500 W, BOUNTIFUL, UTAH 84124

REVISIONS

No.	Description	Date
-----	-------------	------

sheet issue date:

11/07/2024

project no.:

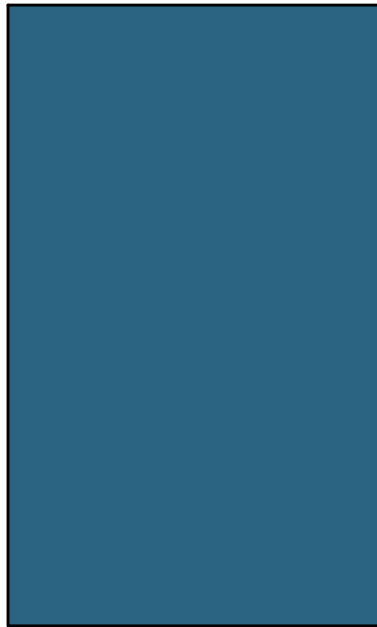
22.46.18

sheet contents:

TRASH ENCLOSURE

sheet no.:

A5.2



BLUE METAL PANEL MP-2
BRAND: BERRIDGE
COLOR: ROYAL BLUE
FINISH: LOW SHEEN SMOOTH - REFLECTIVITY .26



COPING TRIM METAL MP-3
BRAND: BERRIDGE
COLOR: ZINC GREY
FINISH: LOW SHEEN SMOOTH - REFLECTIVITY .39



FIBER CEMENT PANEL SIDING - BRK-2
BRAND: NICHIIA
COLOR: SHALE BROWN
FINISH: CANYON BRICK



FIBER CEMENT PANEL SIDING - BRK-1
BRAND: NICHIIA
COLOR: MIDNIGHT
FINISH: MODERN BRICK

22.46.18
7 BREW DRIVE THRU -
BOUNTIFUL UT - N 500
W
11/07/2024

MATERIAL COLOR
BOARD



22.46.18
7 BREW DRIVE THRU -
BOUNTIFUL UT - N 500
W
11/07/2024

RENDERINGS

SITE INFORMATION

1277001
638 N 500 W, BOUNTIFUL, UT 84010
APN: 0200000
24.155 SQ. FEET, OR 0.555 ACRES

TITLE COMMITMENT INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERMIT PROPERTY AS DESCRIBED IN STEWART TITLE GUARANTEE COMPANY, TITLE COMMITMENT #049435, DATED NOVEMBER 13, 2024 AT 03:00 AM.

SCHEDULE A DESCRIPTION

THE LAND HEREON TO BE HEREIN IS SITUATED IN THE COUNTY OF DAVIS, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:
PARCEL 1: LOT 2A, CULVERS COMMERCIAL SUBDIVISION - PHASE 2, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF THE DAVIS COUNTY RECORDER, STATE OF UTAH.

PARCEL 1A: 0.55 ACRES, PURSUANT TO THAT CERTAIN CROSS ACCESS AND EASEMENT AGREEMENT, AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, RECORDED JANUARY 23, 2015, AS ENTRY NO. 3077021, IN BOOK 8626, PAGE 132, OF PUBLIC RECORDS.

PARCEL 1B: CROSS ACCESS EASEMENT OVER AND ACROSS LOT 1, CULVERS COMMERCIAL SUBDIVISION AS DEFINED ON THE OFFICIAL PLAT RECORDED AUGUST 3, 2018 AS ENTRY NO. 3188903 OF PUBLIC RECORDS.

TAX ID NO. 020004002 (SHOWN FOR INFORMATIONAL PURPOSES ONLY)

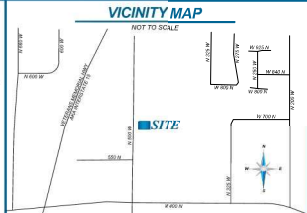
ALTANSPS LAND TITLE SURVEY

638 NORTH 500 WEST

LOCATED IN: SECTIONS 19 & 24, TOWNSHIP 2 NORTH, RANGE 1 EAST
BOUNTIFUL, DAVIS COUNTY, UTAH 84010

Reviewed by 12/31/2024
Building Department
Don Simons, Building Official
[REVIEWED, NO COMMENTS.]

PLAN REVIEW
12/31/2024 3:45-30 PM
Lloyd Cheney, Bountiful City Engineer



TEMPORARY BENCHMARK INFORMATION
TBM-1 SET AND NAME: NORTHING 3488221.71, EASTING 1323389.37, ELEVATION 4295.80'
TBM-2 SET AND NAME: NORTHING 3488223.19, EASTING 1323391.37, ELEVATION 4300.77'

PLAN REVIEW
12/31/2024 1:33:34 PM
AMBER COCHRAN, SENIOR PLANNER

GENERAL NOTES

- 1. SOME FEATURES SHOWN ON THIS PLAN MAY BE OUT OF SCALE FOR CLARITY.
2. DIMENSIONS ON THIS PLAN ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. DIMENSIONS WERE FOUND AT POINTS WHERE INDICATED.
3. IN REGARD TO ALTANSPS TABLE A ITEM 16, THERE WAS NO OBSERVABLE EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR ADJUSTMENTS EXCEPT AS SHOWN HEREON.
4. IN REGARD TO ALTANSPS TABLE A ITEM 16, THERE WAS NO OBSERVABLE EVIDENCE OF CHANGES IN HEIGHT OF BAY LINES, RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS EXCEPT AS SHOWN HEREON.
5. AT THE TIME OF THE ALTANSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY, IRRIGATED GRADE OR BURIAL GROUNDS.
6. THE DISTANCES SHOWN HEREON ARE LINE OF GROUND MEASUREMENT.
7. THE NEAREST INTERSECTING STREET IS THE INTERSECTION OF N 500 W AND N 500 W, WHICH IS APPROXIMATELY 150' FROM THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY HAS INDIRECT ACCESS VIA A CROSS ACCESS EASEMENT DESCRIBED IN ENTRY NO. 3077021 AND SHOWN PER PLAT NO. 044 TO N 500 W, BEING A PUBLICLY DEDICATED RIGHT-OF-WAY.
9. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAN, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MIGHT REVEAL.
10. NO SURVEYOR OR ANY OTHER PERSON OTHER THAN A LICENSED UTAH ATTORNEY, MAY FURNISH LEGAL ADVICE CONCERNING THE STATUS OF TITLE TO THE PROPERTY DESCRIBED IN THIS SURVEY OR THE SUBJECT PROPERTY. THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF BOUNDARIES AND PHYSICAL OBJECTS TO WHICH RELATION THEREIN TO THE EXTENT THAT THE SURVEY REVEALS THAT THE LEGAL INSTRUMENT AFFECTS THE SUBJECT PROPERTY, SUCH AS THAT WHICH IS ONLY INTENDED TO INDICATE THAT PRESENT BOUNDARIES INCLUDE SUCH SUBJECT PROPERTY INCLUDE SOME OR ALL OF THE SUBJECT PROPERTY, THE SURVEY DOES NOT PURPORT TO DETERMINE HOW SUCH INSTRUMENT AFFECTS THE SUBJECT PROPERTY OR THE ENFORCEABILITY OF LEGAL CONSEQUENCES OF SUCH INSTRUMENTS.
11. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS WERE TAKEN FROM DAVIS COUNTY GIS.
12. THE SUBJECT PROPERTY SHOWN HEREON FORMS A MATHEMATICALLY CLOSED POLYGON AND IS CONTIGUOUS WITH THE ADJOINING PUBLIC RIGHT-OF-WAY AND/OR ADJOINING PARCELS WITH NO GAPS OR OVERLAPS.
13. ELEVATIONS ESTABLISHED WITH GPS/STATIC OBSERVATIONS UTILIZING GNSS POSITIONING SYSTEMS (SPS) FOR POINT PROCESSION, VERTICAL DATA IS BASED UPON NORTH AMERICAN VERTICAL DATUM (NAVD8) IN US SURVEY FEET. CONTOURS SHOWN ARE AT 1' FOOT INTERVALS.
14. AT THE TIME OF THE ALTANSPS SURVEY THERE WERE NO FOUNDATION BUILDINGS/STRUCTURES OBSERVABLE ON THE SUBJECT PROPERTY.

LEGEND & SYMBOLS

- TEMPORARY BENCHMARK (TBM) FOUND MONUMENT AS NOTED
COMPLETED POINT
WATER MANHOLE
WIRE HYDRANT
IRRIGATION CONTROL VALVE
SPOK
BALLBEAR
UTILITY VALVE
LIGHT
POWER POLE
ELECTRIC BOX
ELECTRIC CABINET
GRADED ALLEY (G)
DRAINAGE MANHOLE (DMH)
SEWER MANHOLE (SMH)
CLEANOUT
GAS METER
CONCRETE
EDGE OF CONCRETE
TOP OF CONCRETE
CONCRETE
EDGE OF ASPHALT
TOP OF ASPHALT
EDGE OF ASPHALT
BACK OF CURB
FOLLOWING
EDGE OF ASPHALT
TOP OF ASPHALT
CROWN OF ROAD
MEASURED/CALCULATED DIMENSION
RECORDED DIMENSION
NOW OR FORMERLY
FORWARD TPOOR RELATION
COMPUTERIZED PLASTIC PIPE
POLYETHYLENE GLYCOL PIPE
ADJOINING LINE
EASEMENT LINE
HIGH-OR-IN-WAY LINE
CROWN OF ROAD
DRAIN LINE
OVERHEAD POWER LINE
UNDERGROUND STORM DRAIN LINE
UNDERGROUND SEWER LINE
SETBACK LINE

SURVEYOR'S CERTIFICATE

TO STEWART TITLE GUARANTEE COMPANY:
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR A LANDS AND TOOLS SURVEY, 2021 Y.C. 21B-101 AND 21B-101.1, AS AMENDED BY I.A.U. 2019-01, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 AND 21 OF TABLE A THEREOF.
THE FIELD WORK WAS COMPLETED ON 07/18/2024.
DATE OF PLAN OR MAP: 01/30/2024

PRELIMINARY
DENVER WINGESTER
PROFESSIONAL LAND SURVEYOR NO.: 1346203-2201
STATE OF UTAH
BLEW
Surveying | Engineering | Environmental
3825 N. SHILOH DRIVE - FAYETTEVILLE AR, 72703
EMAIL: SURVEY@BLEW.NC.COM
PHONE: 479.453.6500 FAX: 479.592.1883
WWW.BLEW.NC.COM

NOTES CORRESPONDING TO SCHEDULE B

- 10. RESOLUTION NO. 2004-112 ESTABLISHING AND ORGANIZING THE SOUTH DAVIS RECREATION BOARD, INCLUDING AND RE-ORGANIZING AND SETTING NORTH OTHER DETAILS AND MATTERS IN CONNECTION THEREWITH, RECORDED SEPTEMBER 14, 2004 AS ENTRY NO. 2078205, IN BOOK 3673, PAGE 144, RECORDS OF DAVIS COUNTY, UTAH. (AFFECTS: BLANKET IN NATURE)
11. THE TERMS AND CONDITIONS OF THAT CERTAIN CERTIFICATE OF CREATION CREATING AND ESTABLISHING THE SOUTH DAVIS METRO FIRE SERVICE AREA, AND ANY FUTURE CHANGES AND AMENDMENTS THEREIN, RECORDED DECEMBER 23, 2015 AS ENTRY NO. 3077021, IN BOOK 8626, PAGE 132, OF PUBLIC RECORDS. (AFFECTS: BLANKET IN NATURE)
12. EASEMENT AND RIGHT OF WAY AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, IN FAVOR OF BOUNTIFUL CITY, AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, IN FAVOR OF BOUNTIFUL CITY, AS SET FORTH IN ENTRY NO. 3188903, IN BOOK 8626, PAGE 133, OF PUBLIC RECORDS. (AFFECTS: BLANKET IN NATURE)
13. EASEMENT AND RIGHT OF WAY AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, IN FAVOR OF BOUNTIFUL CITY, AS SET FORTH IN ENTRY NO. 3188903, IN BOOK 8626, PAGE 133, OF PUBLIC RECORDS. (AFFECTS: BLANKET IN NATURE)
14. FUTURE RECREATIONAL CROSS ACCESS AGREEMENT AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, RECORDED OCTOBER 27, 2017, AS ENTRY NO. 3077021, IN BOOK 8626, PAGE 132, OF PUBLIC RECORDS. (AFFECTS: PLATTED AS SHOWN)
15. CROSS ACCESS AND EASEMENT AGREEMENT, AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, RECORDED JANUARY 23, 2015, AS ENTRY NO. 3077021, IN BOOK 8626, PAGE 132, OF PUBLIC RECORDS. (AFFECTS: PLATTED AS SHOWN)
16. DRAINAGE EASEMENT, AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, RECORDED JANUARY 23, 2015, AS ENTRY NO. 3077021, IN BOOK 8626, PAGE 132, OF PUBLIC RECORDS. (AFFECTS: PLATTED AS SHOWN)
17. PUBLIC UTILITY EASEMENT OVER AND ACROSS THE SUBJECT PROPERTY, AS SET FORTH IN ENTRY NO. 3077021, IN BOOK 8626, PAGE 132, OF PUBLIC RECORDS. (AFFECTS: PLATTED AS SHOWN)
18. EASEMENTS, BUILDING SETBACK LINES, NOTES, RESTRICTIONS, DEDICATIONS AND/OR CONDITIONS OF APPROVAL AS SET FORTH ON THE OFFICIAL RECORDING DOCUMENTATION PLAT RECORDED OCTOBER 27, 2017, AS ENTRY NO. 3077021, IN BOOK 8626, PAGE 132, OF PUBLIC RECORDS. (AFFECTS: PLATTED AS SHOWN)
19. STORM WATER FACILITIES MAINTENANCE AGREEMENT, AND THE TERMS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN, RECORDED JULY 23, 2018, AS ENTRY NO. 3179449, IN BOOK 7318, PAGE 488, OF PUBLIC RECORDS. (AFFECTS: APPROXIMATE LOCATION SHOWN PER ENTRY NO. 3092204)

PARKING INFORMATION

NO STRIPPED PARKING OBSERVED AT THE TIME OF SURVEY.

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE WEST LINE OF SECTION 19, T.2N, R.1E. THE BEARING IS DETERMINED AS 49°15'29.883" PER GPS COORDINATE OBSERVATIONS UTAH STATE PLANE, NORTH ZONE HAZARD.
LATITUDE = 40°31'01.041"
LONGITUDE = -111°52'29.883"
CONVERGENCE ANGLE = -09°15'29.883"

SIGNIFICANT OBSERVATIONS

NONE OBSERVED AT THE TIME OF THE ALTANSPS SURVEY.

ZONING INFORMATION

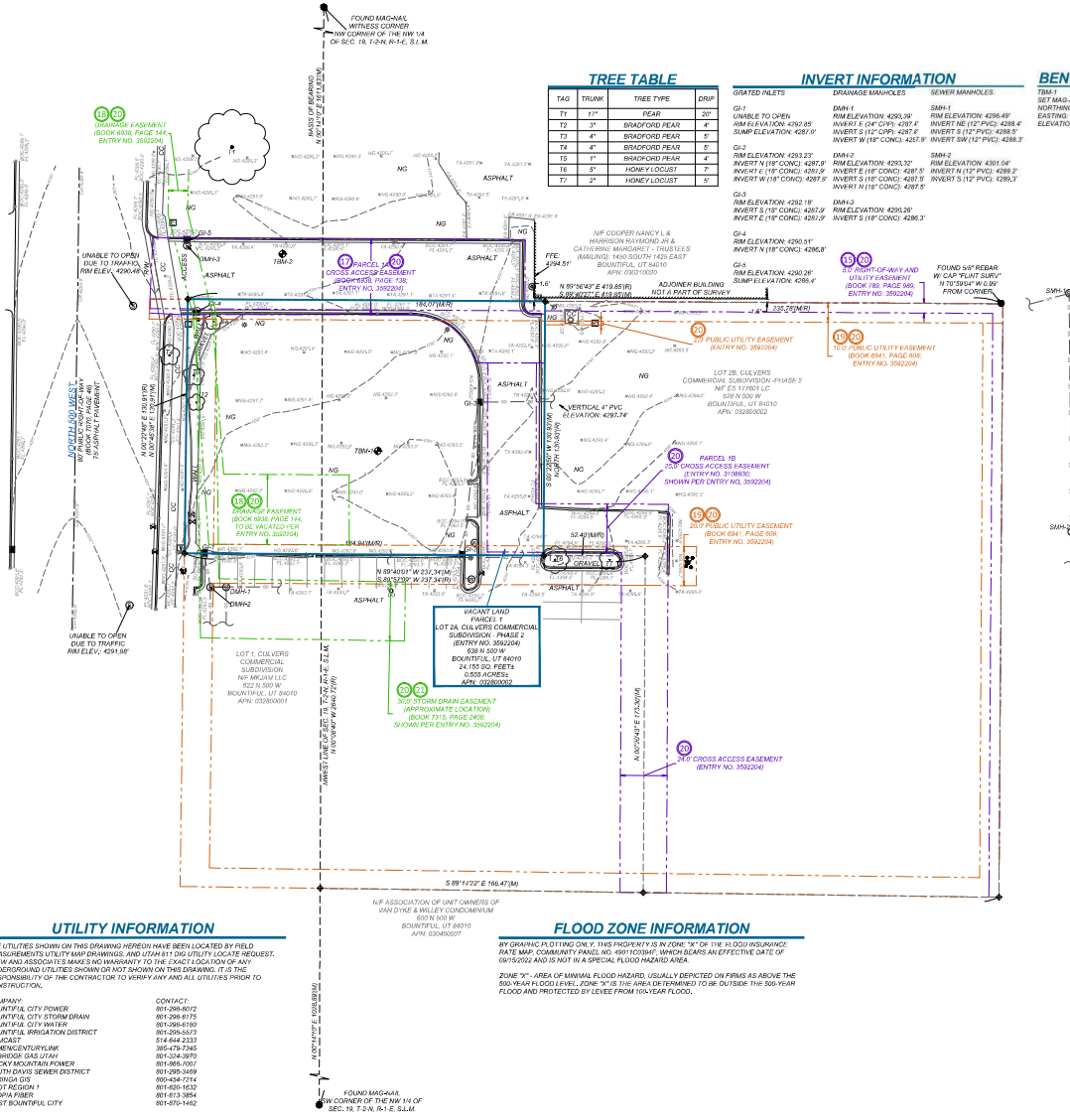
Table with columns: ITEM, REQUIRED, OBSERVED. Rows include: PERMITTED USE, MIL. ST, TRACKS FRONT, MIL. SETBACKS SIDE, MIL. SETBACKS REAR, MIL. BUILDING HEIGHT, MIL. LOT AREA, MIL. LOT WIDTH, MIL. ALSO COVERAGE, PARKING REGULAR, PARKING HANDICAP, PARKING TOTAL.

UTILITY INFORMATION

THE UTILITIES SHOWN ON THIS DRAWING HEREIN HAVE BEEN LOCATED BY FIELD MEASUREMENTS UTILITY MARK BROWNS, AND UTM WITH ONE UTILITY LOCATOR. BROWN AND ASSOCIATES MAKE NO WARRANTY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES SHOWN OR NOT SHOWN ON THIS DRAWING. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ANY AND ALL UTILITIES PRIOR TO CONSTRUCTION.
COMPANY: BOUNTIFUL CITY POWER, BOUNTIFUL CITY STORM DRAIN, BOUNTIFUL CITY WATER, BOUNTIFUL IRRIGATION DISTRICT, COUNCIL, LUMBERCITY/UR/LINK, FERRIS/ROG GAS/UTAH, ROCKY MOUNTAIN POWER, SOUTHWEST SEWER DISTRICT, SOUTHWEST WATER, UTOPIA/FIBER, WEST BOUNTIFUL CITY.

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 89110301W, WHICH BEGINS AN EFFECTIVE DATE OF 06/15/2022 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.
ZONE "X" - AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD ELEVATION, ZONE "X" IS THE AREA INTENDING TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.



Planning Commission Staff Report



Subject: Land Use Code Text Amendment: Commercial
Zone Tattoo Parlor Use Regulations
Author: Amber Corbridge, Senior Planner
Date: January 21, 2025

Background

Bountiful’s Commercial Zone lists *Tattoo Parlor* in the use table as C (Conditional) for C-H (Heavy Commercial), and N (Prohibited) in both C-G (General Commercial) and C-N (Neighborhood Commercial) Sub-Zones. The applicant, Ian Schwarting representing VARA Salon Suites located at 146 W 300 S, is proposing to 1) change the use name “***Tattoo Parlor***” to “***Body Art Facility***” and 2) allow these facilities to operate under **conditional use permits (CUP)** in the **General Commercial Sub-Zone (C-G)**.

The applicant states the following reasons (See Attached Applicant’s Narrative) for the above proposed amendments:

1. Use a less derogatory term for tattoo parlor and use something like “body art facility”.
2. Allow for more land use options to service beauty professionals, including tattooing services to keep businesses running.
3. There is no negative impact on traffic, noise, and health (regulated by Davis County Health Department) with the proposed changes.

Analysis

The Planning Commission will need to find that the proposed Land Use Code Text Amendments as stated above are necessary, in the interest of the public, and meet the goals and objectives of the Bountiful General Plan.

“Tattoo Parlor” to “Body Art Establishment”

The term “tattoo parlor” may be more causally used than “body art establishment” and may not represent the broader definition of what may be used in the body art business. These terms are used interchangeably, but there are differences. Tattoo parlors refer to a business where the primary service is tattooing and specializes in tattoo art, while body art facility may encompass not only tattooing but other forms of body art, such as piercings, permanent make up, and other forms of body modifications.

Bountiful City does not include a definition for tattoo parlor in the Code. Staff recommends combining “Body Art Establishment” and “Tattoo Parlor” as one use, as Staff does not consider the term “tattoo parlor” as derogatory; however, staff recognizes that adding the term “body art establishment” may broaden how the use may more accurately represent their services. Staff also recommends including the following definition:

BODY ART ESTABLISHMENT/TATTOO PARLOR: A facility offering services such as tattooing, body piercing, or other body modification procedures in a sterile environment.

There are other terms which may also be considered and added as uses within the umbrella of “Beauty Services”, such as “Permanent Make Up and Cosmetics”. Staff finds these services are different from Body Art/Tattooing services as they are commonly found within beauty salons/parlors and are not primary exclusive to tattoo parlors. Staff recommends adding the use and definition of beauty salon/parlor as well as the definition of permanent make up and cosmetics:

BEAUTY SALON/PARLOR: an establishment in which hairdressing, makeup, and similar cosmetic treatments are carried out professionally, including permanent makeup/cosmetics. This does not include body art/tattooing.

PERMANENT MAKE UP AND COSMETICS: A cosmetic tattooing procedure in which pigments are applied to the skin using a needle or similar tool to enhance natural facial and body features, including but not limited to eyebrow shaping including microblading, eyeliner, lip liner and coloring, micro pigmentation, scalp pigmentation, scar camouflage, etc.

Conditional Use Limitations for Tattoo Parlor/Body Art Facility

Currently, Bountiful City’s Heavy Commercial (C-H) Sub-Zone allows tattoo parlors as a conditional use, where the use would be reviewed under the general Conditional Use Permit standards ([14-2-501](#)):

DETERMINATION

A. A conditional use permit 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 the applicable standards.

B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or if the imposition of reasonable conditions to

achieve compliance with applicable standards is not possible, the conditional use permit request may be denied.

C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:

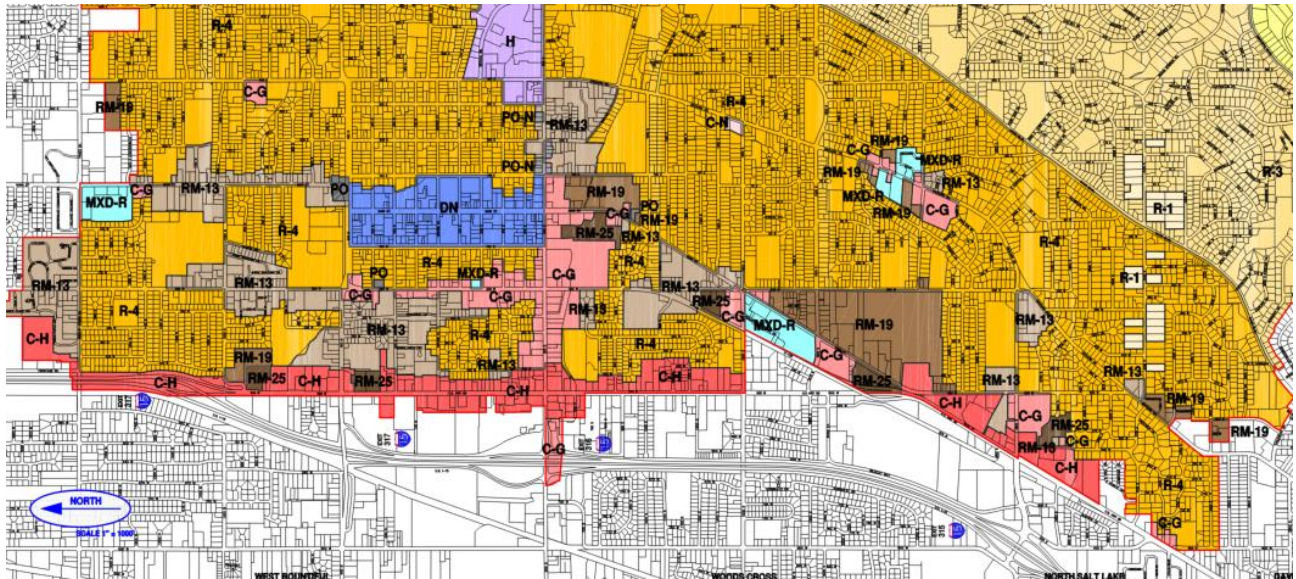
- 1. The location of the proposed use in relationship to other existing uses in the general vicinity.*
- 2. The effects of the proposed use and/or accompanying improvements on existing developments in the general vicinity;*
- 3. The appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area.*

D. The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.

The applicant is proposing that body art/tattooing services have the same classification for the General Commercial (C-G) sub-zone, as mentioned above. Surrounding cities have classified tattoo parlors/body art establishments differently; for example, some cities allow them in commercial and manufacturing zones, some list them as conditional in these zones, and some do not allow them (See Table Below).

CITY	TATTOO PARLORS ALLOWED
LAYTON	<i>Conditional in Planned Highway Commercial Zone</i>
CLEARFIELD	<i>Conditional Use in Manufacturing Zone</i>
CENTERVILLE	<i>Not Allowed</i>
HOLLIDAY	<i>Not Allowed</i>
DRAPER	<i>Permitted in 3 Commercial and 2 Manufacturing Zones</i>
MURRAY	<i>Permitted in Commercial Zones</i>
SALT LAKE	<i>Permitted in Commercial</i>
RIVERTON	<i>Permitted in Commercial</i>
MILLCREEK	<i>Not Allowed in C-1 or within 300' of an arterial/major intersection in the C-2, C-3 zones not within 500' of an establishment substantially similar in business</i>

The applicant states that many beauty professionals want to add body art services (a trending service, including permanent make up, tattooing, and piercings) to their business. Although the General Plan does not have goals and objectives regarding the proposed use, it may be beneficial to the City to allow for more opportunities for these types of businesses in the General Commercial Sub-Zones, as the demand for cosmetic and body art tattooing is increasing. Currently, the City Code allows this use in only one area of the City consisting of the commercial corridor of Highway 89. The following Zoning Map shows the C-H area in red and C-G area in dark pink:



Staff finds that allowing the Tattoo Parlor/Body Art Establishment as a conditional use in the General Commercial Zone may be in the best interest of the City, as it would need to follow the Conditional Use Permit Standards as stated above.

Additionally, Staff recommends that “Beauty Services, Permanent Make Up and Cosmetics” be added to the commercial zones (C-N, C-G, and C-H) as permitted uses, as they are considered personal service, such as barbershops, hair studios, nail salons, etc.

Department Review

This staff report was written by the Senior Planner and was reviewed by the City Engineer, City Attorney, and Planning Director.

Significant Impacts

There are no potential negative impacts to amending the Land Use Code to change the name of tattoo parlor and make it conditional in the General Commercial Zone.

Recommendation

Staff recommends the Planning Commission review the proposed Land Use Code Text Amendments, hold a Public Hearing, and forward one of the following alternatives:

1. Positive recommendation to City Council approving the attached Draft Ordinance which includes:
 - a. Tattoo Parlor use name change to Tattoo Parlor/Body Art Establishment.
 - b. Allow Beauty Services, Permanent Make Up and Cosmetics to the Commercial Zones (C-N, C-G, and C-H).
 - c. Defines
 - i. Tattoo Parlor/Body Art establishment
 - ii. Beauty Salon/Parlor
 - iii. permanent make up
 - d. Allow Tattoo Parlor/Body Art Establishment as a Conditional Use in the General Commercial (C-G) Sub-Zone.
2. Positive recommendation to City Council approving the attached Draft Ordinance to include:
 - a. Tattoo Parlor use name change to Tattoo Parlor/Body Art Establishment.
 - b. Allow Beauty Services, Permanent Make Up and Cosmetics to the Commercial Zones (C-N, C-G, and C-H).
 - c. Defines
 - i. Tattoo Parlor/Body Art establishment
 - ii. Beauty Salon/Parlor
 - iii. permanent make up

Attachments

1. Draft Ordinance
2. Applicant's Narrative



BOUNTIFUL

MAYOR
Kendalyn Harris

CITY COUNCIL
Kate Bradshaw
Beth Child
Richard Higginson
Matt Murri
Cecilee Price-Huish

CITY MANAGER
Gary R. Hill

**DRAFT Bountiful City
Ordinance No. 2025-XX**

**Amending Chapter 6 Commercial, Permitted, Conditional, and Prohibited Uses 14-6-103 and
Chapter 3 Definitions of the Land Use Code of Bountiful City**

It is the finding of the Bountiful City Council that:

1. The City Council of Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the Bountiful City Code; and
2. After review and a public hearing of the proposed Land Use Code Text Amendment on **January 21, 2025**, the Bountiful City Planning Commission forwarded a positive recommendation to the City Council; and
3. The City Council of Bountiful City finds that these amendments are necessary and are in harmony with the objectives and purposes of the Bountiful City Land Use Code and the General Plan; and
4. The City Council of Bountiful City reviewed the proposed Land Use Code Text Amendment on **February 11, 2025**, and finds that the proposed amendments are in the best interest of the health, safety, and welfare of the City and the public.

Be it ordained by the City Council of Bountiful, Utah:

SECTION 1. Chapter 6 Commercial of the Land Use Code of Bountiful City, Title 14 of the Bountiful City Code (14-4), related to permitted, conditional, and prohibited uses, is hereby adopted and enacted as shown on Exhibit A, which is attached hereto and incorporated by this reference.

SECTION 2. Chapter 3 Definitions of the Land Use Code of Bountiful City, Title 14 of the Bountiful City Code (14-3), related to definitions for tattoo parlors, is hereby adopted and enacted as shown in Exhibit B, which is attached hereto and incorporated by this reference.

Adopted by the City Council of Bountiful, Utah, this **11th day of February 2025.**

Kendalyn Harris, Mayor

ATTEST:

Sophia Ward, City Recorder

Exhibit A

14-4-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES

Subject to the provisions and restrictions of this Title, the following principal uses and structures, and no others, are allowed either as a permitted use (P) or by Conditional Use Permit (C) in the Residential zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

14-6-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES

Subject to the provisions and restrictions of this Title, the following principal uses and structures, and no others, are allowed either as a permitted use (P) or by Conditional Use Permit (C) in the Commercial zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited.

Table 14-6-103

<u>Use</u>	<u>C-H</u>	<u>C-G</u>	<u>C-N</u>
Assisted Living Center	N	N	N
ATV and Snowmobile Sales w/o Outside Storage and/or Display	P	C	N
ATV and Snowmobile Sales with Outside Display	P	N	N
Bail Bonds	C	N	N
Banks, Credit Unions	P	P	N
Bar, Tavern, Drinking Establishment	C	N	N
Beauty Services, Permanent Makeup and Cosmetics	P	P	P
Bottling, Canning, Food Production	P	C	N
Building/Construction Materials and Supplies w/ Outside Storage	C	C	N
Building/Construction Materials and Supplies w/o Outside Storage	P	C	N
Check Cashing, Title Loans	P	C	N
Construction Services w/ Outside Storage	C	N	N
Construction Services w/o Outside Storage	P	C	N
Convenience Stores	P	C	C
Dry Cleaner, Laundry Service	P	C	C
Fast Food Restaurant w/ or w/o Drive-up	P	C	N
Feed Lots, Animal Rendering, Animal Raising	N	N	N
Fire Arm/Shooting Range – Indoor	C	C	N
Fire Arm/Shooting Range – Outdoor	N	N	N
Food Preparation, Bakery	P	P	C
Funeral Parlor, Cemeteries, and Crematory Services	P	C	N
Gasoline Sales	P	P	C
General Retail w/ Outside Storage	C	C	N
General Retail w/o Outside Storage	P	P	C
Grocery Store	P	P	C

Exhibit A

Use	C-H	C-G	C-N
Hotels (Interior room access)	P	C	N
Industrial Manufacturing	N	N	N
Kennels, Animal Boarding	N	N	N
Laundromat (Self-operated)	P	P	C
Mail Order/Online Distribution Office w/ Onsite Indoor Storage	P	C	N
Mail Order/Online Distribution Office w/ Onsite Outdoor Storage	C	N	N
Medical/Dental Laboratory	P	C	N
Medical/Dental Office	P	P	C
Millwork, Cabinetry	P	C	C
Motels (Drive-up/external room access)	N	N	N
Motorized Recreation	C	N	N
Municipal Facility	P	P	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P	P	C
Pawnshop, Secondhand Merchandise,	C	N	N
Personal Services	P	P	C
Professional Services	P	P	C
Public/Private Assembly	P	P	C
Residential	N	N	N
Restaurant	P	P	C
Security Services	P	N	N
Self Storage Units or Warehouse w/o Office	N	N	N
Sexually Oriented Business, Escort Service	C	N	N
Small Engine/Appliance Repair	P	P	N
Tailor, Seamstress, Shoe Repair	P	P	C
Tattoo Parlor, Body Art Establishment	C	NC	N
Telecommunication Facility not on City Property	C	C	C
Telecommunication Facility on City property	P	P	P
Thrift Store	P	C	C
Tutoring, Dance, Preschool, Daycare	P	P	C
Vehicle Part Sales	P	P	N
Vehicle Repair	P	N	N
Vehicle Sales	P	N	N
Vehicle Salvage/Wrecking	N	N	N
Vehicle Service and Wash	P	C	N
Vehicle Storage – Indoor	P	P	C
Vehicle Storage – Outdoor	C	N	N
Warehouse w/ Office	P	N	N
Welding, Autobody, Machine Shop, Fiberglass, Painting – indoor	P	N	N
Welding, Autobody, Machine Shop, Fiberglass, Painting - Outdoor	C	N	N

Exhibit B

CHAPTER 3

DEFINITIONS

14-3-101 PURPOSE

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word building shall include the word structure; the words used or occupied shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word shall is mandatory and not directory and the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word lot includes the words plot or parcel. Words which are not included herein, but are defined in the International Building Code, shall have the meaning as defined within said International Building Code.

14-3-102 DEFINITIONS

BODY ART ESTABLISHMENT/TATTOO PARLOR: A facility offering services such as tattooing, body piercing, or other body modification procedures in a sterile environment.

BEAUTY SALON/PARLOR: an establishment in which hairdressing, makeup, and similar cosmetic treatments are carried out professionally, including permanent makeup/cosmetics. This does not include body art/tattooing.

PERMANENT MAKE UP AND COSMETICS: A cosmetic tattooing procedure in which pigments are applied to the skin using a needle or similar tool to enhance natural facial and body features, including but not limited to eyebrow shaping including microblading, eyeliner, lip liner and coloring, micro pigmentation, scalp pigmentation, scar camouflage, etc.

I, Ian Schwarting (representing VARA Salon Suites), am proposing a code text amendment to two related items:

- 1) "Tattoo Parlors" be labeled as something less derogatory such as "Body Art Facility"
- 2) Allow Tattoo Parlors ie Body Art Facilities to be allowed to operate under conditional use permits in Commercial General (C-G) zoning

Currently there are only 2 tattoo shops in Bountiful and the zoning is quite restrictive. Expanding the zoning slightly allows tattoo artists to enter more affordable spaces, and more specifically to offer body art as an additional service if they are already offering beauty services. Right now, there are a lot of spas, salons and other beauty locations in the C-G zone that can offer every other kind of beauty service; however, if these beauty professionals wanted to add body art, it would technically be illegal under Bountiful code. Making this change would have no impact on any objective indicator like traffic, noise, health concerns (body art is regulated by Davis County health department, just like permanent makeup), or any other potential issue that would be a cause of concern for city residents.

In fact, with our business specifically (VARA Salon Suites), a vast majority of our tenants are women, and many of those women are single mothers that depend on operating out of our salons for their income. As of the current code, there aren't any current offerings in the current approved zone (C-H) for tattoo artists to have a short term lease or something flexible to run their business. We offer short-term leases and all-inclusive pricing.

As a real example, we recently had a local tattoo artist reach out about her business not being able to continue because her rent was considerably increased at her current shop. She doesn't want the overhead of moving within the C-H zone and having a master lease and being responsible for utilities, property taxes, maintenance, wifi, and a long term new lease. She reached out to us about leasing one of our private spaces, but we notified her that it's illegal in our current zoning.

The ordinances built around zoning and land use are meant to promote business and at the same time prevent disruptive development and nuisances to the public. Allowing body art into C-G would expand business owners' opportunities to increase their revenue and have more flexible lease/business ownership options, without a tradeoff of any burden to the greater public.