

West Bountiful City

January 12, 2010

Planning and Zoning Meeting

Posting of Agenda -The agenda for this meeting was posted on the State of Utah and City of West Bountiful Web-Site and sent to Clipper Publishing Company on January 08, 2010 per state statute requirement.

Minutes of the regular session of the Planning and Zoning Commission of West Bountiful City held on Tuesday, January 12, 2010, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance: **MEMBERS PRESENT:** Chairman James Ahlstrom, Denis Hopkinson; Vice Chair, Stephen Fackrell; Dave Tovey, Commissioners, and Alan Malan (Alternate) Commissioners.

MEMBERS/STAFF EXCUSED: Craig Howe; City Administrator, Bev Haslam (Recorder) and Ed Smith; Alternate Commissioner.

STAFF PRESENT: Mike Eggett; (Planning), Ben White; City Engineer and Debbie McKean (Secretary).

VISITORS: James Bruhn, Mark Preece, John Baza; Councilmembers, Trent Vest, Dennis Vest, Bill Davis, Austin Davis, Bill Bown, Tristina Bown, Brad Green, Kevin Wood, Don Wood, Doug Layne.

The Planning and Zoning Meeting was called to order at 7:00 p.m. by Chairman James Ahlstrom. Mike Eggett offered an invocation.

Accept Agenda

Chairman Ahlstrom reviewed the agenda as posted. Dave Tovey moved to accept the agenda with the change to move Item #7 in front of Item #3. Denis Hopkinson seconded the motion. Voting was unanimous in favor among those present.

Dave Tovey moved to hear the Staff Report as Item #2a. Stephen Fackrel seconded the motion and voting was unanimous in favor.

Business Discussed:

Public Hearing to receive public comment and input regarding the addition of Legacy Overlay District to the Zoning Ordinances of the Municipal Code and Related Amendments for the Zone on the Zoning Map:

Mr. Eggett pointed out on the Zoning Map the area of discussion concerning the Public Hearing. He explained that this zone is a character design zone that outlays development design zone to enhance our community as it would like to be represented.

Commissioner binders included the Public Hearing Notice and (which was also published online at the city website, at the city hall, in the newspaper and a letter send to the required entities. Mr. Eggett also included a black and white map and a copy of a written letter of comment from Woods Cross City Manager, Tim Stephens. A copy of the draft for the most recent overlay language for the Overlay Zone.

ACTION TAKEN:

Denis Hopkinson moved to open a public hearing at 7:15 p.m. to receive public comment and input regarding the addition of Legacy Overlay District to the Zoning Ordinances of the Municipal Code and Related Amendments for the Zone on the Zoning Map. Dave Tovey seconded the motion and voting was unanimous in favor .

The following Public comments were heard by the Commission:

- Brad Green owns 2 ½ acres west of Lane Beattie and is concerned about the city annexing the property. He stated that he would like to see the property he represents stay as is. He is opposed to the city telling him what he can and can't do with his property. He feels the best use of the property is as it is today. He switched hats to represent the Nord Family who owns 20 Acres to the west and feels that this property needs to be planned and zoned as the city is planning.
- Tristina Bown took the stand and asked the commission about keeping the snow off of the trailheads and citizen's helping to keep that clear. They were denied the opportunity by the City Administrator and she wondered why. Mr. Ahlstrom stated that she should speak with Mr. Howe but he thought it maybe a liability issue.
- Denis Vest took the stand and was concerned about the land that he owns and what impact it would have on him building on his property. Denis Hopkinson pointed out that Mr. Vest's property is the only residents in this area and they are excluded because they are not part of the . Mr. Eggett corrected Mr. Hopkinson and Mr. Ahlstrom explained that this needs to be determined but that the Vest Property should not be burdened by this at all and that if any burdens there would be only minor design issues expected. Mr. Vest would like to be excluded from the Overlay Zone plan.
- Councilmember Bruhn pointed out that this would not affect the small subdivision but a larger subdivision and so Mr. Vest's property would not be affected by this Overlay Zoning at all. Mr. Tovey found the language in the Development Design under Section F. that stated the exclusion of small lot subdivision. Mr. Ahlstrom explained that small lot subdivisions would have less requirement in the process but are not totally excluded. He also stated that Mr. Vest's property has several acres in one plot and would not be considered a subdivision if he build another home on the land as it exists at present.
- Mr. Brad Green took the stand again and explained that he felt there should be an attractive berm to divide the area so as to not impact property owners.

ACTION TAKEN:

Dave Tovey moved to close the Public Hearing at 7:45 p.m. Stephen Fackrell seconded the motion and voting was unanimous in favor.

Consider recommendation to the City Council to approve the Legacy Overlay District to the Zoning Ordinances of the Municipal Code and Related Amendments for the Zone on the Zoning Map.

The following points were made by the commission after public input:

- Mr. Ahlstrom felt that the public comments made would not create a need to change any language of the proposed Overlay. He felt that the power corridor should be pulled into the zoned area.

- Stephen Fackrell agreed and thought that the power lines created natural boundary that could include trails, landscaping and other immunities.
- Alan Malan felt that if the Power Corridor was included in the developer would feel he should gain extra privileges for open space that could be included in gaining points in density for the developers. Some discussion took place regarding Mr. Malan's comment.
- Mr. Tovey recommended changing the language under Section F to exclude the small lot subdivision. Some discussion took place pondering the discussions held in previous meetings regarding this issue and why it was not excluded from the language in previous discussion.
- Mr. Ben White; City Engineer pointed out that the subdivision would only qualify if it had dedicated roadways.
- Mr. Eggett felt that it would create too much inconsistency in ordinances if we were to leave the small lot subdivision out.
- Mr. Tovey stated that he would like have small lot definition included so that it is clear as to what is exempt from this Overlay Zone.

After some discussion it was determined that Mr. Vest property would not be included in the overlay since he is not subdividing but merely planning to build another home on existing designated property. It appears that those property owners in that situation would be grandfathered in.

ACTION TAKEN:

Dave Tovey recommend to forward to the City Council for their approval the City Legacy Overlay District with the east boundary of the Zone to be moved to the east side of the Power Corridor and that language be added to the Ordinance 17.30.050(f) (1) by adding "(exclude any subdivision that qualifies for the small lot subdivisions exemption as in 16.16.020 (E) as it reads at present)" to the last sentence of the paragraph.

Steve Fackrel seconded the motion and voting was unanimous in favor and voting was unanimous in favor.

Special Note: *The commission wanted it to be noted that there were (3) Council members in the Audience. The council members were seated in the audience independent of each other and were in attendance to listen to public comment.*

Mr. Ahlstrom reviewed the current Ordinance regarding Motor Vehicle Sales and Auto Body Repairs. He explained that if there is not a break in use of property for one year that property can be grandfathered in to the conditions that exist. He also explained that conditions can be placed on the property that would be conducive to the area as the city would direct.

Chairman Ahlstrom stated that the discussion for this evening is whether or not to keep the Ordinance as written or change it so that an Auto Body/Paint Shop would be allowed within this Zone.

Mr. Ahlstrom explained that the city (Mr. Eggett) has done some research regarding why the ordinance excluded the use of Auto Body and Paint Shops. He referenced a memo from Bev Haslam who had institutional knowledge of why the Ordinance was changed. It stated that there were many problems with outside storage issues and such that lead to the change of that Ordinance.

Public Hearing to receive public comment and input regarding proposed changes to the Conditional Use language for motor vehicle sales and service as found in Chapter 17.32 of the Municipal Code.

ACTION TAKEN:

Dave Tovey moved to open the Public Hearing at 8:23 p.m. Stephen Fackrell seconded the motion and voting was unanimous in favor.

The following comments were heard by the Public:

- Tristina Bown took the stand and reiterated their need to have a spray booth for the business that would like to lease their property for an Auto Body Shop and Paint Booth. She stated that the prior concern was the old junky Auto Body Shops and this would not be one of those types as everything would be enclosed and not in appearance to the public.
- Kevin Wood joined Mrs. Bown at the stand and pointed out that there is a Body Shop existing that was there after 2002 and that there is no emission issues and everything has to be registered through the EPA and Techs have to be trained. He stated that this place will be inviting to even Mom's with their children and is very aware of the need to provide a nice clean shop in this area. It was pointed out that there is currently several of these types of businesses in this area.
- Chairman Ahlstrom noted that the Question at hand is there a need to continue to have this restriction in the CG zone.
- Councilman Bruhn stated that he does not have a preference one way or another but spoke for the staff because of all the problems staff has had in the past with Auto Body Zones. We do not always have good outstanding citizen's coming to the city for this request. Some would be individuals that would be negligent with the concerned issues.
- Don Wood took the stand asking what type of problems existed that caused this Ordinance to be enacted? Commissioners responded that junk cars were left and nothing could be done to get rid of the car and the process was extensive to do so. Mr. Wood noted that all that has been pointed out is regarding outdoor storage issues and not Paint Booth issues.
- Tristina Bown took the stand again and pointed out some of the spray booths that exist currently. She understands the need to be concerned with others but pointed out that regulations should be done through business licenses and decisions should not be made because of those that are not in compliance.
- Chairman Ahlstrom pointed out that this ordinance change will be effective for all people and not just "The Bown's" who are very trustworthy. He would like to see a win/win situation here and have some changes that would be made to regulate these types of business so that they can exist in a positive way.
- Kevin Wood took the stand and pointed out that he did not feel it was fair to have a blanket ordinance in this area and that each individual property should be considered. Mr. Ahlstrom stated that is what conditional uses permits do.

ACTION TAKEN:

Denis Hopkinson moved to close the Public Hearing at 8:45 pm. Dave Tovey moved to seconded the motion and voting was unanimous in favor.

Discussion regarding Public comments received on changes to the Conditional Use language for motor vehicle sales and service as found in Chapter 17.32 of the Municipal Code.

Discussion among the Commission concerning the Public Comments were as follows:

- Dave Tovey stated that the Auto Body concern is the outside appearance and not environmental issue and felt this could be addressed in a conditional use. He noted that Conditional Uses are reviewed yearly and can be regulated and that a business should not be automatically excluded. He also noted that additional restrictions could be placed on the conditions if needs be in the future. He felt that the Conditional of this Business could be acceptable.
- Denis Hopkinson was concerned that this request will open a Pandora's Box to a larger nightmare and is concerned about future issues. He stated that one of the reasons that the EPA is involved is that these type of businesses have not been

regulated. He feels that the community in general would be concerned. He explained that it starts with a small business and then grows into a larger one which would not be acceptable to our community. Our staff is small and we have limited enforcement to see that things are regulated. We also have limited resources financially to fight any litigation issues that may occur.

- Stephen Fackrell felt that the commission is responsible to enact good, intelligent ordinances and does not think it is fair to exclude business opportunities because of past experiences. Regulation can make the business operated successfully.
- Alan Malan agreed with Mr. Fackrell but suggested that mandatory conditions be made with the ability to add more regulations in the future as needed.
- Mr. Ahlstrom stated that he likes to provide the landowner to have the maximum amount of freedom with as little of government regulations as possible.

ACTION TAKEN:

Dave Tovey moved to modify the existing Conditional Use Ordinance to no longer exclude Auto Body repair but name that as a separate letter (F) in the ordinance and place some automatic conditions pertaining to Outdoor Storage/ Outside esthetic of the property with reference to our current Ordinances and 2) an applicant is required to provide documentation from Utah Department of Motor Vehicle, Fire Marshall approval and EPA licensing. Stephen Fackrell seconded the motion and voting was unanimous in favor.

Mr. Ahlstrom informed Mr. and Mrs. Bown and Mr. Wood that they should meet before the City Council for final approval of this conditional use permit.

Mr. Eggett approached the Commission with a matrix of things that should be included in conditions of use. He pointed out that we have a mandatory outdoor storage conditions and can add to that if necessary.

Add language to F stating ("exclude any subdivision that qualifies for the small lot subdivisions exemption as in 10.90.605 as it reads at present).

Mr. Ahlstrom stated to the public that they still have the opportunity to read the document again and direct their comments to the City Council who is the final governing body to approve this material. Mr. Vest took a copy of the document provided to him by Mr. Tovey.

STAFF REPORT

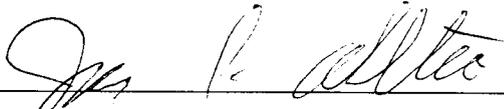
- Mike Eggett reported that several meetings would be coming up in the near future on of which will discuss the future development of the Legacy area. The hope is try to bridge the gaps that the two cities have regarding that the development (WX and WB).
- Meeting with the Davis Area Convention and Visitors Bureau to projects in the proposed Legacy Project Area.
- Meeting with Davis School District to discuss future growth.
- DUED meeting discussing the economy and planning for the future.

Approval of Minutes dated December 22, 2009

Denis Hopkinson moved to approve the minutes dated December 22, 2009 as corrected. Dave Tovey seconded the motion voting was unanimous in favor.

Adjournment

Alan Malan moved to adjourn the regular session of the Planning Commission Meeting. Stephen Fackrell seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:30 p.m.



JAMES AHLSTROM (CHAIRMAN)



BEVERLY HASLAM (CITY RECORDER)



DEBBIE MCKEAN (SECRETARY)

