1 West Bountiful City                                  July 26, 2011
2 Planning Commission
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4 Posting of Agenda - The agenda for this meeting was posted on the State of Utah and City of
5 West Bountiful Web-Site and sent to Clipper Publishing Company on July 22, 2011 per state
6 statutory requirement.

7 Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday,
8 July 26, 2011, at West Bountiful City Hall, Davis County, Utah.

9 Those in Attendance:

10 MEMBERS PRESENT: Chairman James Ahlstrom; Denis
11 Hopkinson, Steve Schmidt, Terry Turner, Tori Boggess;
12 Commissioners, and Alan Malan (Alternate) Commissioner.

13 MEMBERS/STAFF EXCUSED: Craig Howe; City
14 Administrator.

15 STAFF PRESENT: Ben White; City Engineer, Heidi
16 Voordecker (City Recorder), Bev Haslam, Kathy Brightwell and
17 Debbie McKean (Secretary).

18 VISITORS: Samantha Jolley, Kevin and Angie Jolley, and Jon
19 Walker and Annalise Voordecker.

20 The Planning and Zoning Meeting was called to order at 7:30 p.m. by Chairman Ahlstrom.
21 Debbie McKean offered a prayer.

22 Accept Agenda

23 Chairman Ahlstrom reviewed the agenda as posted. It was suggested the order be switched from
24 Steve Schmidt moved to accept the agenda as posted. Denis Hopkinson seconded the motion.
25 Voting was unanimous in favor with those members present.

26 Business Discussed:

27 Consider approval of Conditional Use Permit presented by Jon Walker for an ADU
28 (Accessory Dwelling Unit) at 687 West 810 North:

29 Mr. Jon Walker presented an application for a conditional use permit for an ADU located at 687
30 West 810 North along with a diagram of the basement apartment for review of the Planning

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33 City Engineer, Ben White prepared a memorandum for the Planning Commission dated July
34 22nd, 2011 in regards to an application received by Jon Walker 687 West 810 North for a
35 Conditional Use Permit for an ADU (Accessory Dwelling Unit) in the basement of his home.

36 Mr. White noted that the memorandum was prepared by the new clerk Kathy. Mr. White
37 reviewed the application for and ADU in the Moss Farm’s area and pointed out that the applicant
38 meets the requirements for the ADU application with the conditions noted in the memorandum.
39 He would like to include adding the condition suggests and pointed out reasons that the request
40 for a second address is not authorized at this time but could be appealed by the applicant for
41 further review. If current residence moves the ADU license will expire and the new owners
would have to reapply. This would keep tabs on the ADU’s in the city and make sure that all ADU operators know the rules and can be in compliance with the code.

Mr. Malan inquired about how the two dwellings will be separated. Mr. Walker responded that a deadbolt will be the security between the two dwellings.

Mr. Schmidt wondered about the financial agreement with the tenant. Mr. Walker responded that it would be on a month to month basis. When the property is sold, the ADU will be void and new application will need to be made by the new owner. Mr. White noted that should be part of the conditions of the permit. A short discussion took place on the conditions of the ADU ordinance. It was noted that the dwelling needs to look like a single family dwelling. City Council approved the ordinance with the conditions that it does not matter who lives in the dwelling. Mr. Hopkinson was not pleased with the changes the city council made to the ordinance. He feels it changes the complexion of the neighborhood when single family dwellings are allowed to rent to people other than family members.

Mr. Walker noted there is a large RV pad for the additional parking. Mr. Turner was concerned that the month to month lease would encourage a more transit environment and is concerned about that issue.

In regards to having two mailboxes for the property, Ben White noted that the City Engineer assigns addresses. Appeals can be presented to the City Council and not to be considered by the Planning Commission. Mr. Ahlstrom noted that there is no restrictions in the Ordinance to restrict having a second mailbox in the current ordinance.

Heidi Voordeekers noted that it is being considered to charge a rental license fee in order to keep track of ADU’s. Mr. Ahlstrom noted that they should not put conditions on that are not part of the ordinance.

Tori Boggess questioned how the conditions are legal they place on the applicant if it is not part of the ordinance. Mr. Ahstrom noted that the conditions should be tied to the ordinance in some way and not arbitrary or capricious. Mr. White noted that the city staff is trying to over see the health, safety and welfare of the area by placing yearly review conditions on the application.

Some discussion took place in regards to the request for a second mailbox.

Tori Boggess noted that the applicant should want to make sure the renters are in good credit and civil standing.

It was noted in the memorandum that staff recommends the approval of the Conditional Use Permit under the following conditions:

- Applicant will obtain and pay for an inspection by the City’s building inspector to confirm that the property meets current building codes.
- Applicant will provide annual documentation to the City that the Standards in 17.82.050 continue to apply and that no changes have been made to the property or the owner-occupant status of the property. Such documentation will be due on July 1 beginning in 2012.
- A second address for the property will be authorized.
- If at any time the home is not occupied by the applicant or his immediate family or the applicant sells his property, the permit shall be revoked pursuant to 17.60.080.

ACTION TAKEN:

Denis Hopkinson moved to deny the application for a conditional use permit for an Accessory Dwelling Unit for Jon Walker located at 687 West 810 North based upon the commissions findings under Title 17.80.050 (L) would not an affirmative finding and that the ADU would an injurious impact the neighbors or neighborhood and does not meet the conditions of 17.60. There was no second to the motion causing the motion to motion failed.
ACTION TAKEN:

Terry Turner moved to grant the conditional use permit pursuant to obtaining approval from the Davis County Health Department, that an annual documentation be provided to the City according to 17.82.050, that there will not be a second address and the home will be occupied by the applicant or his immediate family 17.80.050 and that the applicant holds a one year lease in order to restrict transit conditions or the ADU and lease agreement would terminate early upon the sale of the home in order to meet the conditions for health safety and welfare. Steve Schmidt seconded the motion. Some discussion took place to add a suggested friendly amendment to the motion and is included in the above motion.

Chairman Ahlstrom called for a Roll Call vote. Voting included Tori Boggess, Denis Hopkinson, Terry Turner, Steve Schmidt in the affirmative with James Ahlstrom voting nay. Alan Malan did not vote.

Consider approval of Conditional Use Permit presented by Samantha Jolley (1226 West 400 North for Home Cosmetology):

Heidi Voordecker; City Recorder prepared a memorandum for the Planning Commission dated July 26, 2011 in regards to a Conditional Use Permit for a Home Occupation Business License for Skin Care and Lashes at 1226 West 400 North (Zoned A-1). It was noted in the memorandum that Home Occupations are a conditional use in this zone and require a conditional use permit.

Heidi Voordecker addressed the commission reminding them that the current ordinances requires a conditional use permit in the A-1 zone and invited the applicant to address the commission concerning her business desires. Staff had some concerns regarding requirements listed in (J) and (K) under 5.28.040 and for the provisions found in part (D) under 5.28.030 and suggested the following conditions be placed when issuing the home occupation business license.

- Approval from Davis County Health Department
- A site plan be submitted showing adequate parking and traffic flow
- That business hours are kept to what was requested in the business application
- That fees for the Home Occupation License and Conditional Use permit be paid before business can begin.

Samantha Jolley and her father, Kevin Jolley addressed the commission asking for a business at special parking for clients and entrance specific for the business eye lash extensions and makeup will be done. A site plan was included in the packet. Mr. Jolley told the commission that her business would include supplies such as soft and hard wax, tweezers, massage bed, lash glue and chemical peels/mask for facials are part of the supplies that will be used for this business.

Mr Turner asked if the material are specific to the business and if so would MSDS sheets be available on the chemicals that would be used and stored Ms. Jolley responded that the chemicals and supplies would be stored in a hidden closet, that no remodeling would be done, and that the dwelling would be in compliance with fire and building codes. In addition there will be no unusual plumbing or fixtures and no signage. If signage is desired, she must bring it to the city staff for approval.

ACTION TAKEN:

Tori Boggess moved to approve the conditional use permit for Samantha Jolley located at 1226 West 400 North West Bountiful for a home occupation permit to do business as Samie’s Skin Care with the following conditions: Davis County Health Department’s approval, site plan for parking and traffic flow, business hours to be consistent with what appears on the application, and payment of Home Occupational Business License and Conditional Use Permit. The commission finds that the requirement are satisfied for city code in 17.60.040 and 5.28.040. Denis Hopkinson seconded the motion with no further discussion and voting was unanimous in favor.
Staff Report

- Ben White reported that the sign ordinance will be brought back to the commission at the next Planning Commission meeting.
- Mr. White reported that Property owner Robert Turvo may be coming before the commission with a proposal for a possible small lot subdivision on the corner of 4th North and 1100 West.
- Heidi Voordeckers noted the Truth in Taxation Notice and informed the commission that it will be appearing in the next Clipper Edition this Thursday and again on August 4th. Taxes collected will go towards streets and capitol improvements projects.
- Commission was informed that the intersection at 4th North and 800 West will be disrupted for another week.

Approval of Minutes dated July 12, 2011
Steve Schmidt moved to approve the minutes dated July 12, 2011, Denis Hopkinson seconded the motion voting was unanimous in favor.

Adjournment
Denis Hopkinson moved to adjourn the regular session of the Planning Commission meeting. Terry Turner seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:00 p.m.

JAMES AHLSTROM /CHAIRMAN

HEIDI VOORDECKERS/CITY RECORDER

DEBBIE MCKEAN /SECRETARY