

1 **West Bountiful City**

July 26, 2011

2 **Planning Commission**

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

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

8

9 **Those in Attendance:**

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

14

15 **MEMBERS/STAFF EXCUSED:** Craig Howe; City
16 Administrator.

17

18 **STAFF PRESENT:** Ben White; City Engineer, Heidi
19 Voordeckers (City Recorder), Bev Haslam, Kathy Brightwell and
20 Debbie McKean (Secretary).

21

22 **VISITORS:** Samantha Jolley, Kevin and Angie Jolley, and Jon
23 Walker and Annalise Voordeckers.

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

26 **Accept Agenda**

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

30 **Business Discussed:**

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

33 Mr. Jon Walker presented an application for a conditional use permit for an ADU located at 687
34 West 810 North along with a diagram of the basement apartment for review of the Planning
35 Commission in the Planning Commission Packet.

36

37 City Engineer, Ben White prepared a memorandum for the Planning Commission dated July
38 22nd, 2011 in regards to an application received by Jon Walker 687 West 810 North for a
39 Conditional Use Permit for an ADU (Accessory Dwelling Unit) in the basement of his home.

40 Mr. White noted that the memorandum was prepared by the new clerk Kathy. Mr. White
41 reviewed the application for and ADU in the Moss Farm's area and pointed out that the applicant
42 meets the requirements for the ADU application with the conditions noted in the memorandum.
43 He would like to include adding the condition suggests and pointed out reasons that the request
44 for a second address is not authorized at this time but could be appealed by the applicant for
45 further review. If current residence moves the ADU license will expire and the new owners

1 would have to reapply. This would keep tabs on the ADU's in the city and make sure that all
2 ADU operators know the rules and can be in compliance with the code.

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

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

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

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

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

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

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

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

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

- 33 • Applicant will obtain and pay for an inspection by the City's building inspector to
34 confirm that the property meets current building codes.
- 35 • Applicant will provide annual documentation to the City that the Standards in 17.82.050
36 continue to apply and that no changes have been made to the property or the owner-
37 occupant status of the property. Such documentation will be due on July 1 beginning in
38 2012.
- 39 • A second address for the property will be authorized.
- 40 • If at any time the home is not occupied by the applicant or his immediate family or the
41 applicant sells his property, the permit shall be revoked pursuant to 17.60.080.

42 **ACTION TAKEN:**

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

1 **ACTION TAKEN:**

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

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

13 **Consider approval of Conditional Use Permit presented by Samantha Jolley (1226 West**
14 **400 North for Home Cosmetology:**

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

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

- 26
- Approval from Davis County Health Department
 - 27 • A site plan be submitted showing adequate parking and traffic flow
 - 28 • That business hours are kept to what was requested in the business application
 - 29 • That fees for the Home Occupation License and Conditional Use permit be paid before
30 business can begin.

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

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

42 **ACTION TAKEN:**

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

1 **Staff Report**

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

12

13 **Approval of Minutes dated July 12, 2011**

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

16

17 **Adjournment**

18 Denis Hopkinson moved to adjourn the regular session of the Planning Commission meeting.
19 Terry Turner seconded the motion. Voting was unanimous in favor. The meeting adjourned at
20 9:00 p.m.

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23 _____
JAMES AHLSTROM /CHAIRMAN

_____ HEIDI VOORDECKERS/CITY RECORDER

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25 
26 DEBBIE MCKEAN /SECRETARY

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