

**West Bountiful City
Planning Commission**

September 15, 2011

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 September 12, 2011 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, September 15, 2011, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman James Ahlstrom; Terry Turner, Tori Boggess; Commissioners, and Alan Malan (Alternate) Commissioner. Denis Hopkinson joined the meeting at 8:35 p.m.

MEMBERS/STAFF EXCUSED: Craig Howe; City Administrator, Steve Schmidt,; Planning Commissioners.

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

VISITORS: Doug Smith, Laura Charchenko, Roger Henriksen, Fred Moss, Caleb Nelson, Lynn Keddington, Morgan Philpot, Mark Preece; City Councilmember, Alan Arbuckle.

The Planning and Zoning Meeting was called to order at 7:35 p.m. by Chairman Ahlstrom. Laura Charchenko offered a prayer.

Accept Agenda

Chairman Ahlstrom reviewed the agenda moving Item 6 as a floating item. Terry Turner moved to accept the agenda as posted. Alan Malan seconded the motion. Voting was unanimous in favor with those members present.

Business Discussed:

Public Hearing

Public Hearing to receive input on Chapter 17.48 (Signs) of the West Bountiful Code.

Ben White; City Engineer explained the need for the proposed changes to be made to the current City Code regarding the Sign Ordinance. He noted the proposed ordinance will loosen the standards and be more in harmony with the needs of West Bountiful City. It is more reader friendly having some designated sections.

ACTION TAKEN:

Alan Malan moved to open the Public Hearing to receive input on Chapter 17.48 (Signs) of the West Bountiful Code at 7:40 p.m. Terry Turner seconded the motion and voting was unanimous in favor.

Public Comment Included:

- Mr. Morgan Philpot addressed the commission requesting a copy of the proposed Sign Ordinance. He reviewed the ordinance and had no comments to make in regards to it.
- No other public comment was made.

ACTION TAKEN:

Terry Turner moved to close the Public Hearing to receive input on Chapter 17.48 (Signs) of the West Bountiful Code at 7:47p.m. Torrie Boggess seconded the motion and voting was unanimous in favor.

PUBLIC HEARING:

Public Hearing to receive input on the proposed zone change on 500 South, west of the Union Pacific Railroad from a C-G Zone to a C-H Zone (Commercial Highway) Zone and to consider appropriate language to establish the C-H Zone.

Ben White explained the current zoning of the city and how one area presently in the C-G Zone has struggled to fit in with the current zone. This proposed change to add a C-H Zone would lend itself to being more compatible with the things that would be located in this commercial zone area along 500 South. He noted that the ordinance establishes landscaping codes as well in that area. A map of the area was handed out to the public for review. This public hearing is intended for both comments on the text language of the ordinance and the newly proposed zoning site map.

ACTION TAKEN:

Alan Malan moved to open the Public Hearing to receive input on the proposed zone change on 500 South, west of the Union Pacific Railroad from a C-G Zone to a C-H Zone (Commercial Highway) Zone and to consider appropriate language to establish the C-H Zone at 7:48 p.m. Terry Turner seconded the motion and voting was unanimous in favor.

No Public Comment was made.

ACTION TAKEN:

Tori Boggess moved to close the Public Hearing to receive input on the proposed zone change on 500 South, west of the Union Pacific Railroad from a C-G Zone to a C-H Zone (Commercial Highway) Zone and to consider appropriate language to establish the C-H Zone at 7:55 p.m. Alan Malan seconded the motion and voting was unanimous in favor.

PUBLIC HEARING

Public Hearing to receive input on the proposed rezone of 17.5 acres of property located in the existing R-1-22 Zone, generally described as north of 500 South, east of 1100 West, west of Holly Oil rail spur to a CH Zone.

Alan Malan moved to receive public comment on the proposed rezone of 17.5 acres of property located in the existing R-1-22 Zone, generally described as north of 500 South, east of 1100 West, west of Holly Oil rail spur to a CH Zone. Terry Turner seconded the motion and voting was unanimous in favor.

Roger Henriksen representing Holly Corporation; addressed the explaining the desire for Holly to relocate two current building that is need of repair and for a more safe working environment for their employees. He presented the public with a depiction of the office building and warehouse building they are proposing to build. He reviewed the type of business that would be done in these buildings. These buildings will replace two current structures and would create an end to the discussion on any co-generation plant(s) being located in that area, that may have been proposed to in the future. Landscaping requirements will be accommodated as required by the city.

Public Comment included:

- Laura Charchenko- Inquired with the new C-H zone and the growth would there be an increase in traffic on 1100 West. Mr. Keddington stated that there is a fire exit for emergency situations only. Roger Henriksen addressed this concern and informed the public that UDOT has been working with them on an access point on 500 South for all uses. They are required to have two access in and out of the facility, but the access on 1100 West would be used for emergency purposes only. Traffic access will be minimal on 1100 West.
- Terry Turner asked if the access had to be on 1100 West. Ben White responded that UDOT will not give two access onto 500 South.
- Alan Malan inquired about the relocation of the warehouse asking where the exact location would be for the warehouse and whether that would leave room for a co-gen facility. Roger Henriksen was not aware of any proposals for the co-gen plant to date. Mr. Malan also inquired about having hazardous materials in the warehouse and Mr. Henriksen informed him that there would be any, except for cleaning products and some welding.
- Don Foster inquired about what would be the emergency road and asked if they would be having regular traffic in and out on 1100 West. Roger Henriksen addressed the issue and insured the public that truck deliveries would be coming into 500 South. Mr. Keddington informed the public that the POTW will access that road, but employees and others will not use this except in the case of an emergency.
- No other public comments were made.

ACTION TAKEN:

Alan Malan moved to closed the public hearing to receive public comment on the proposed rezone of 17.5 acres of property located in the existing R-1-22 Zone, generally described as north of 500 South, east of 1100 West , west of Holly Oil rail spur to a CH Zone at 8:20 p.m. Terry Turner seconded the motion and voting was unanimous in favor.

Some discussion took place to whether or not the city was setting a precedence. Ben White noted that today's decision will not deter a future city council from making changes to what is decided tonight. Alan Malan noted that those accepted under the ordinance change would be grandfathered in if any future changes were made by the council.

Consider recommendation to City Council for approval of a zone change from a C-G Zone to a C-H Zone on property located on 500 South west of the Union Pacific Railroad from a C-G Zone to a C-H Zone (Commercial Highway) Zone and to consider appropriate language to establish the C-H Zone.

ACTION TAKEN:

Tori Boggess moved to recommend the approval to City Council for the zone change from a C-G Zone to a C-H Zone on property located on 500 South west of the Union Pacific Railroad from a C-G Zone to a C-H Zone (Commercial Highway) Zone and to consider text, appropriate language, and site map to establish the C-H Zone. Terry Turner seconded the motion and a roll call vote was taken.

Voting was as follows:

**Chairman Ahlstrom - Aye
Terry Turner - Aye
Alan Malan - Aye
Tori Boggess - Aye.**

Alan Malan suggested a change on Page 2 regarding the language "*not for resale*". Ben White noted that this language was intended for business' like Syro Steel and not individual small business owners.

Chairman Ahlstrom rescued and removed himself from the commission chair and stated his conflict of interest concerning Agenda Item #6. Terry Turner acted as Chairman Pro-Tem on Item 6.

Consider recommendation to City Council for approval of zone change from a C-G Zone to a C-H Zone on property located on 500 South, west of the Union Pacific Railroad and consider appropriate language for establishing the C-H Zone.

ACTION TAKEN:

Tori Boggess moved to recommend to City Council the requested zone change from a C-G Zone to a C-H Zone on property located on 500 South, west of the Union Pacific Railroad and consider to consider appropriate language for establishing the C-H Zone. Alan Malan seconded and voting was as follows:

**Terry Turner - Aye
Alan Malan - Aye
Tori Boggess - Aye
James Ahlstrom was not present for voting.**

Consider recommendation to City Council for approval of amendments to the Chapter 17.48 (Sign Ordinance)

ACTION TAKEN:

Alan Malan moved to send the recommendation on Chapter 17.48 (Signs) of the West Bountiful Code Sign Ordinance to City Council for review and approval. Terry Turner seconded the motion in a roll call vote and voting was:

**Chairman Ahlstrom - Aye
Terry Turner - Aye
Alan Malan - Aye
Tori Boggess - Aye
Denis Hopkinson- Aye**

Ben White noted the language changes on Page 4 17.4080 D.

Consider approval of a request to minimize the distance between the house and the proposed garage as requested by Caleb Nelson (686 West 810 North) Moss Farms.

Chairman Ahlstrom explained the differences of square lots vs. odd shaped lots which is found on Mr. Nelson's property. Ben White pointed out that the planning commission does have the authority to approve a lesser distance than 10 feet from the structure. They may want to consider life safety conditions. Staff provided a memorandum dated September 6, 2011 and letter from

Mr. Caleb Nelson along with site map(s) and photos were submitted in the Planner Commissioners packet.

Mr. White noted that it falls under the gore shaped lot clause. Rear and side yards are too close to the property lines. If easements are gone then he could fit within the legal requirements.

Caleb Nelson addressed the commission in regards to this request. He noted that they desire to put in a small detached garage that will come within 5 feet of the property line. Mr. White noted that the City Council has to approve any easements, but that the commission has the rights to approve distances less than 10 feet. Some discussion took place regarding the setting that this request would make and the safety of this setting.

Mr. Ahlstrom stated that the commission will address the issues they can this evening and then the City Council will have to address the issues of the vacating the easement in which currently a public hearing is schedule for at the next city council meeting.

Alan Malan inquired about the percentage of area that this would take. Mr. White responded that it will take no more than 25 %.

Terry Turner inquired about the reason for the 10 feet. It was noted that the commission is allowed to shorten that distance upon there discretion if it is found to have not safety issues.

Denis Hopkinson inquired if neighbors have been notified. Mr. Nelson stated that they have and do not have any problem with this issue. It was noted that the roofline is lower than their neighbor Mr. Holmes.

ACTION TAKEN:

Alan Malan moved to grant the approval to reduce the 10 foot lot line requirement for the garage applicant as requested. Terry Turner seconded the motion.

Voting was:

Denis Hopkinson – Nay
Chairman Ahlstrom - Aye
Terry Turner - Aye
Alan Malan - Aye
Tori Boggess – Aye

Staff Report

- Ben White noted that at the next planning commission meeting they will be addressing the Farm Animal Ordinance. Specifically, how land is divided and use in regards to farm animals and how the density of the property determined. He suggested they become familiar with the current ordinance. He noted that it is a small paragraph in the ordinance but it is a very important issue to West Bountiful. Denis Hopkinson pointed out that we do not need to change it because of one complaint. Mr. White pointed out there is many properties that fall into this situation. Mr. Hopkinson felt that we should not get into this issue that gets into people's business. Mr. White stated that the question is... Are we fine with the ordinance or does it need to be changed.
- Denis Hopkinson inquired about the 17 ½ acres involved in the footprint of the C-H Zone. He was surprised at how large of area this encompassed. Ben White noted that City Council has the right to deny this site plan. Denis thought that we should get something back from what we are giving per a prior meeting held with Holly regarding this issue.
- Denis Hopkinson encourage Councilman Preece to have discussion with his colleges regarding this footprint and what it would do to the open space around Holly that people wanted. He proposed that the distance be pushed back on the east side. Ben White noted that some of that acreage is railroad track and parking.
- Denis Hopkinson had question on the language of the C-H and inquired if they should include language prohibiting storage of flammables. Ben White will review that.

Approval of Minutes dated August 23, 2011

Tori Boggess moved to approve the minutes dated August 23, 2011 as corrected. Alan Malan seconded the motion voting was unanimous in favor.

Adjournment

Terry Turner moved to adjourn the regular session of the Planning Commission meeting. Alan Malan seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:08 p.m.



JAMES AHLSTROM /CHAIRMAN



HEIDI VOORDECKERS/CITY RECORDER



DEBBIE MCKEAN /SECRETARY

