

**West Bountiful City
Planning Commission**

December 13, 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 December 9, 2011 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, December 13, 2011, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Vice Chair Denis Hopkinson; Terry Turner, Commissioners, and Alan Malan (Alternate) Commissioner.

MEMBERS/STAFF EXCUSED: Bev Haslam; Staff and Chairman James Ahlstrom, Steve Schmidt, Tori Boggess; Planning Commissioners.

STAFF PRESENT: Craig Howe; City Administrator, Heidi Voordeckers (City Recorder) Ben White; City Engineer, Cathy Brightwell, and Debbie McKean (Secretary).

VISITORS: Cheri Dautel and husband, Kevin Thaxton, Missy and Jesse Hadley.

The Planning and Zoning Meeting was called to order at 7:30 p.m. by Vice Chair Denis Hopkinson. Chairman Ahlstrom was excused. Terry Turner offered a prayer.

Accept Agenda

Vice Chair Denis Hopkinson reviewed the agenda. Terry Turner moved to accept the agenda. Alan Malan seconded the motion. Voting was unanimous in favor with those members present.

Business Discussed:

Consider approval of conditional use permit for commercial business license- Novelty Grove Cabinets, located at 436 South 1100 West – Kevin Thaxton

Commission Packet included a memo from Heidi Voordeckers dated November 8, 2011 with a business license and conditional use application for Novelty Grove Cabinets. Under Section 17.34.030 (G) of the city code, custom woodworking is a conditional use in the C-H Zone and requires the Planning Commissions approval.

Kevin Thaxton addressed the commission introducing himself and stating that he does commercial and residential cabinetry. Alan Malan questioned the fire report in regards to if it was granted or denied. Mr. Thaxton stated that he corrected all the concerns that the Fire Chief had. Spray Booth is used and was inspected. All combustibles are located in regulated area. Mr. Malan would like the Fire Report followed through on.

Staff Comments were that the applicant has been willing to work with all the requirements and come into compliance to do business.

Mr. Turner verified the exact location of the building and would like to also see the Fire Report approved before business is resumed. Mr. Thaxton has an approved copy of the needed Fire Agency document.

Upon review and approval of the Planning Commission, the staff suggested that the following conditions be placed on the applicant and the Commission reiterated them:

- All work is to be performed inside the building
- Applicant must bring facility up to compliance with Fire Code
- No materials, supplies or equipment can be stored outside the building

ACTION TAKEN:

Alan Malan moved to approve a **conditional use permit for commercial business license- Novelty Grove Cabinets, located at 436 South 1100 West with the following conditions** all work is to be performed inside the building, applicant must bring facility up to compliance with Fire Code and no materials, supplies or equipment can be stored outside the building bringing into compliance the conditions in 17.60.040. Terry Turner seconded the motion and voting was unanimous in favor among those present.

Discussion of traffic concerns and consideration of conditional use permit for Dautel Day Care 885 West 2310 North

Commission Packets included a memorandum from Heidi Voordeckers dated December 9, 2011 regarding reapplication of a Home Occupation Permit for Dautel Daycare issued on February 27, 2008. Ms. Dautel requested a change in her license to allow her to tend 16 children. Commission granted her request.

Sherry Dautel addressed the Commission in regards of a review of her Daycare Business. Mr. Hopkinson noted some concerns that were brought forth from the staff. Staff reported that (3) three phone calls from concerned neighbors were received which requires a review of the permit. Complaints from neighbors were regarding concerns about how many children are being cared for at a given time, traffic flow and speeding the application is being presented before planning commissioners.

Mr. White has observed the traffic situation reporting that there was not a huge amount of cars, two or three parked at a time. He noted that a driveway was blocked and a car parked in front of the fire hydrant which could cause neighbors to be concerned. He suggested the following to remedy the situation.

- Communicate to parents where they can park.
- Use the straightaway part of the cult sac instead of circular part for safety issues.

Alan Malan asked questions in regards to Ben's observation and feels that Ben made proper suggestions to remedy the situation.

Terry Turner question what time Mr. White observed. Mr. White observed during the peak pick up times of 5:00 p.m. to 6:00 p.m. He desired to know how serious and specific the complaints were. Ms. Dautel noted that neighbors complained about her special needs child getting picked up by the bus in front of her home and they had to move the bus stop.

Some discussion took place regarding how to handle the permit. Staff suggested that a Conditional Use Permit be granted so that documentation is on file regarding the complaints. No additional fees will be collected.

Staff recommends that the business be issued a conditional use permit with the following conditions as stated per the memorandum:

- Restrictions to hours of operations
- Traffic flow restrictions/regulations
- Restrict 16 children on premises at a given time
- No additional children allowed on a "preschool basis" at the same time operating as a daycare.

Mr. Hopkinson reviewed the conditions and asked the business owners to apply for a Conditional Use permit with the above listed conditions.

Mr. Malan asked where the authority is to asked them to obtain a conditional use permit. Mrs. Voordeckers noted that the requirement is in Chapter. Mr. Malan does not see the need for the Conditional Use Permit and feels she would be grandfathered in from the new requirements. Heidi Voordeckers stated that a conditional use permit should have been given in 2008 because it is a daycare and they requested 16 children instead of as per 17.24 of the city code.

Mr. Dautel noted that he has spoken with all his neighbors and believes all is well with them in regards to their business.

ACTION TAKEN:

Terry Turner moved to grant and approve a conditional use permit for **Dautel Day Care 885 West 2310 North in 17.24.10 with the following conditions restrictions of parking 17.60.040 parking per staff map and alignment of the conditional use code and comply with state code and that fire code be met.** Alan Malan seconded the motion and voting was unanimous in favor with those present.

Discussion General Subdivision Approval Process

The following proposal was submitted by Ben White; City Engineer as the Subdivision Approval Process for the City's Subdivision Ordinance.

All subdivision requests must include a concept plan which will be reviewed and approved by the planning commission. Only Planning Commission will grant that approval. Mr. White suggested that the Planning Commission decide if the subdivision will be classified as Mete & Bounds, Minor or Major using the following process:

Metes & Bounds

1. Planning Commission – Application
2. City Council – Application

Minor

1. Planning Commission- Plat Application
2. City Council- Plat Application

Major

1. Planning Commission- Preliminary Plat
2. City Council – Developer has the *option of taking preliminary plat to City Council* because Staff or Planning commission cannot grant any bonus or conditions.
3. Planning Commission- Final Plat
4. City Council- Final Plat

Mr. Hopkinson liked the procedure including the Planning Commission and not eliminating any steps so that all bodies can be aware of. Mr. White noted and clarified that the planning commission will be part of the process.

Mr. Malan inquired about why we would do a metes and bounds. Mr. White responded that it is in state code and needs to be an option but would probably not be used.

Mr. Turner was concerned about the having the understanding with the developer that the general plan of the city is considered when choosing and approving applications. Mr. Hopkinson explained the process and concepts to clarify Mr. Turner's concerns.

Mr. White noted that the work meeting last week was valuable for preparing the whole ordinance. The ordinance will be done piece by piece.

ACTION TAKEN:

No action was needed.

Discuss suggested Flag Lot Language

Commission Packets included a memorandum from Ben White; City Engineer dated December 9, 2011.

Mr. White did further research in regards to Flag Lots and suggested that the following conditions apply when Flag Lots are requested:

- A. Creation of flag lots shall not be used to avoid standard development requirements
- B. No more than two lots can be served by one flag staff
- C. Flag lots are limited to single family dwelling. *Mr. White noted that he does not want assisted living conditions to take place.*
- D- Staff can only serve two house and will limit the amount of flag lots that qualify on a property. *Mr. Hopkinson felt the language needed to be changed a bit concerning the staff and feels it is important that the language not separate those two. Diagrams were drawn and discussed. Some discussion took place regarding this concept and some specific lots that it could apply to. Mr. Howe noted the staff concern is that of a public safety issue and how is it located by public safety. It was decided that some more thought and consideration would be given to this item.*
- E. The lot area for a flag lot must meet the minimum for the zone, not including the staff
- F. Minimum lot width must conform to the zone
- G. Front, side and rear setbacks must conform to the zone
- H. Lots adjacent to the flag lot staff shall meet a corner lot setback if homes on adjoining properties exist at the time the flag lot was created. *Mr. White clarified the conditions of this item for mitigation reasons.*
- I. A flag lot staff will not be less than one hundred (100) feet and not more than two hundred fifty (250) feet long
- J. Front lot line shall be the one closest to the flag staff and parallel to the public street
- K. Any garage, whether attached to or detached from the main building, shall be located in the buildable area of the lot. *Mr. White would like the front yard restricted. Mr. White will delete this section.*
- L. The flag lot staff must be nearly perpendicular to the public street right of way and cannot be an extension of a "stub street"
- M. The minimum unobstructed driveway pavement width shall be twenty (20) feet if one lot is served by the flag lot staff. Two lots served by one flag staff will require a minimum twenty-six (26) feet of driveway pavement.
- N. The furthest point on the flag lot staff cannot be more than one thousand (1000) feet from the intersection if the flag lot is on a dead end. *This needs to be more clarified in it's language. Staff will work on the language for N and D.*
- O. Turn around area for emergency vehicles must comply with the current Fire code
- P. Fire hydrant requirements must comply with the current Fire Code.
- Q. Culinary water meter shall be placed a the street right of way and outside the paved area
- R. The site shall be graded so storm water runoff from the flag lot does not negatively impact neighboring properties.
- S. All flag lots shall have the street address displayed in a prominent location where the staff portion fronts on the public street.
- T. Flag lots, including the staff shall be held in fee simple ownership. *Mr. Malan would like this language expanded.*

Mr. Hopkinson pointed out some interesting thoughts concerning individual properties and how many homes could become a part of the flag lot and if we want to create the condition. Mr. White will explore his thoughts in this regards. Mr. Hopkinson favors individual owners to be able to do what they want with their property and not dictate every condition. It was favored to limit one flag lot per driveway.

Mr. White noted that the Flag Lot Ordinance needs to be part of the Subdivision Ordinance and desires these suggested be taken back to City Council after their review.

The commissioners have discussed and reviewed the proposal from staff and will send the recommendations discussed this evening to the City Council to be reviewed at their December 20th, 2011 meeting. Suggested changes discussed this evening will be sent to the Planning Commission for review.

STAFF REPORT:

- Ben White reported that Skiddy Property owners have not come back to city council for further review
- Mr. White reported that 400 North is moving forward very quickly. Ben is trying to get written permission from each land owner on 400 North to have access to their property. Making contact with people has been challenging. Considering a 48 inch pipe at the end of 4th North for build out. Covering a 36 inch pipe is a challenge. Mr. White walked through the design and plans to be considered for this project.

Approval of Minutes dated November 10, 2011

ACTION TAKEN:

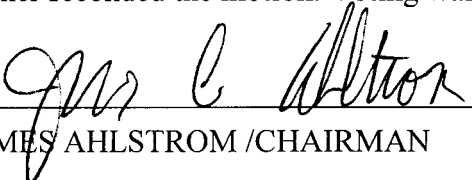
Alan Malan moved to approve the minutes dated November 10, 2011 as presented. Terry Turner seconded the motion and voting was unanimous in favor among those present.

Terry Turner shared his appreciation for Chairman Ahlstrom and Debbie McKean and Alan Malan and Denis Hopkinson also noted their appreciation.


Adjournment

ACTION TAKEN:

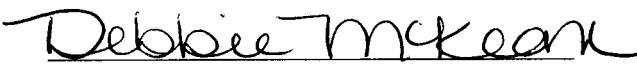
Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Terry Turner seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:13 p.m.



 JAMES AHLSTROM /CHAIRMAN



 HEIDI MOORDECKERS/CITY RECORDER



 DEBBIE MCKEAN /SECRETARY

