

**West Bountiful City
Planning Commission**

February 14, 2012

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 February 10 , 2012 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, February 14, 2012, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Terry Turner, Vice Chairman; Alan Malan, Mike Cottle; Commissioner. Laura Charchenko (Alternate) Commissioner.

MEMBERS/STAFF EXCUSED: Chairman Denis Hopkinson and Steve Schmidt; Planning Commissioner.

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

VISITORS: Paul Pascoe, Kelli and Rory Dean, Steve and Shirley Coon, Justin Olsen, Julie and Joseph Pascoe.

I. The Planning and Zoning Meeting was called to order at 7:30 p.m. by Vice Chairman Terry Turner. Mike Cottle offered a prayer.

II. Accept Agenda

Vice Chairman Turner reviewed the agenda. Laura Charchenko moved to accept the agenda as posted. Alan Malan seconded the motion. Voting was unanimous in favor with those members present.

Business Discussed:

III. Public Hearing to receive input on modifications to the City's Sign Code (Chapter 17.48) including, but not limited to, temporary signs.

ACTION TAKEN:

Alan Malan moved to open a public hearing at 7: 40 p.m. to receive input on modifications to the City's Sign Code (Chapter 17.48) including but not limited to temporary signs. Motion was seconded by Laura Charchenko and voting stood unanimous in favor.

Introduction:

Ben White noted the sign ordinance has been under review for about a year. During the election season there were questions raised regarding what was to be allowed. The question was raised at the City Council level if we wanted to allow the temporary signs in the right of way. There is enough difference in the suggested changes for temporary signs that it is now back before the Public for comment.

Mr. White suggested to consider restricting the use of temporary signage in the right of way for safety reasons in the Commercial Zones even if we decide to allow them in the residential zones. The safety issue involved in commercial zones is site safety for vehicles and fire lanes will continually conflict with signs in the right of way.

The reason we chose to review the sign ordinance is because what we are currently practicing does not match the current ordinance.

Public Comment:

Rory Dean; Prestige Customs of Utah, asked what the temporary period was and if business' were included. He showed a picture of a temporary business "Taco" stand which signs blow away and signs make our city look trashy. He mentioned he spoke to Ben White about an incident that occurred during the high winds where chemical ran down the asphalt into the property that the taco stand sits his business on. He questioned whether or not it was clean enough to sell food on that property. He noted that he has had a business in our city and wants to have more.

He wants to know what he can do as a business owner in regards to signage for his business. Mr. White noted at present it is restrictive and that is the reason it is being reviewed. He explained that most business' did not comply with our present code.

ACTION TAKEN:

Laura Charchenko moved to close the public hearing at 7:45 p.m. to receive input on modifications to the City's Sign Code (Chapter 17.48) including but not limited to temporary signs. Mike Cottle seconded the motion and voting stood unanimous in favor.

IV. Consider approval of Conditional Use Permit for Prestige Customs of Utah located at 1055 West 500 South.

Included in the Commissioners packets were:

- A letter from Rory Dean dated February 8, 2012 giving permission for his wife, Kelli to submit application for a Conditional Use Permit for Prestige Customs of Utah, Inc. located at 1055 West 500 South, West Bountiful, UT.
- A supplement letter from Kelli Dean regarding the application for Conditional Use Permit for the property located at the above mentioned address.
- A site map, photos and landscaping plan
- A letter dated 2/10/2012 from Jonnie Gilbert; Property Owner, stating his approval for the business.
- Business License and Conditional Use applications
- A Privileged Information Protected under Attorney-Client Privilege and Work Product Document from Steve Doxey dated February 9, 2012.

Heidi Voordeckers explained that a previous business permit was received and denied for this application. Process for appeal was not made before the deadline.

The business name was changed and a Conditional Use Permit is being requested by his wife, business owner, and the commission has received information in their packets regarding the request for this business.

Justin Olsen; Attorney representing Prestige noted that there are no physical changes being made to the building, but just the type of business. He noted that there will be less traffic than the prior

business. Upholstery work will be done. There may be some landscaping required to comply with city ordinance and they were happy to that.

Laura Charchenko asked about his request for a tent. Mr. Dean noted that the tent would be for securing vehicles and is just a temporary fix until weather permits. It would be located behind the business, be temporary until they are caught up with their work. Four cars would be stored in the tent area. All work would be done in the garage area. They have 4 employees that work each day but a total of 16 employees including his West Bountiful and Salt Lake City location. The parking will be in the back of the building and can also pull in under the covered drive area.

Craig Howe spoke to the fact that he was unaware of the outdoor tent request. He noted that tents have to be screened in. Mr. Dean noted that he is dealing with two boundary lines West Bountiful and Woods Cross. If the property is not in West Bountiful then there is no need for West Bountiful to consider this issue.

Staff has received all documents needed except for the State Tax ID. Heidi Voordeckers noted that it is okay to accept the permit and then they can collect the State Tax ID before the permit is issued. Mrs. Dean has a temporary Tax ID and has applied for a permanent one and will give that to the city upon receipt.

Mr. Turner asked if there were any chemicals to be used that would require MSDS sheets. Chemicals used were noted on the application and included no chemicals that would require MSDS sheets.

ACTION TAKEN:

Alan Malan moved to grant approval of a conditional use permit for Prestige Customs of Utah, Inc. located at 1055 West 500 South with the following conditions: 1) that they add the 25% landscape per our ordinance, 2) vehicles to be worked on will be parked in the rear of the building, 3) all work is to be done inside the building and not in the parking lot, and 4) that they get the appropriate State Tax ID. Mike Cottle seconded the motion and voting was unanimous in favor among those present.

V. Discuss City Council's latest draft of Farm Animal ordinance and application criteria for conditional use permits.

Ben noted that City Council would like to approve the draft as directed from the work session meeting, except they would like to go back to the original point total and then have the option to issue a Conditional Use permit to grant additional uses for farm animals. Staff prepared some information in regards to what the Planning Commissioners will have to consider when issuing conditional use permits. Mike Cottle would like to keep the point system as discussed in the work session held for the drafting of this ordinance and given to staff to draft.

Cost for a permit will be \$20. Ben noted that current ordinance is 1 acre for large farm animals and it has been ignored, but the new ordinance is for ½ acre and will be enforced. Alan Malan thought that permits run with the land. He would like this clarified. Mr. Howe commented that he and Mr. Doxey do not see eye to eye on this item. It would do us well to specify these conditions. Ben White noted that our current ordinance states 2 years at present. He would like to see the length of time specified as part of the Conditional Use Permit in the revised ordinance. It was noted that the Conditional Use permit is a tool necessary to issue permits.

Mr. Malan made the comment that it is interesting that the City Council seems to know best what animal owners can take care of.

Laura Charchenko asked if we will be tolerant until people come into compliance. Mr. White noted in the affirmative and stated that the City is not in business to issue fines. Letters will be sent to residents giving them time to come into compliance. Mr. White noted that this information should be put in the city newsletter to make people aware of the ordinance requirements.

Mr. Turner felt that the permit was too heavy handed. He feels the vast majority of people comply with issues of concern. Mr. White offered some scenarios that could arise that would

need to be considered. He noted some health and safety issues that are currently being violated with our storm drains and it causes our city water quality issues. Staff proposed a set of questions to be asked of applicants when requesting a Conditional Use Permit. He wants people to be aware of the issues and know that it is not criteria and they are not trying to mandate but inform people. The questions are there for information and not for conditions to qualify. Mr. White and Mrs. Brightwell noted that this is a work sheet that it will help the Planning Commission to establish the process of issuing a conditional use permit with the first few that they have.

Mr. Malan would like to see the last question reworded in regards to fencing. Staff noted his concern. Some discussion took place and Mr. White invited Mr. Malan to send his input.

Mrs. Brightwell noted that the last sentence of Section A2 has been changed to include notification from the City to the neighbors and will be pointed out to the City Council before their approval of the document. Some discussion took place regarding if the city should do this or if the resident who is applying for the condition should do this. For the most part the notifications will be sent via mail.

Mr. Malan needs further time to review and consider the materials he was given for review in regards to the suggestions give from Staff.

VI. Consider Motion to recommend to the City Council further modifications to the Sign Ordinance.

Included in the Commissioner's packet for their review:

- A memorandum dated January 20, 2012 from Ben White/Cathy Brighwell regarding Sign Code Modifications
- Copies of the drafted ordinances.
- A memorandum dated January 11, 2012 to City Council containing information for the sign ordinance discussion.
- A confidential memo from the City Attorney to the City Council regarding sign ordinance information.

Discussion before the Motion:

Heidi noted that the City Council has made their decision and criteria for Conditional Use Permit is all that is to be considered this evening and will be given to City Council for their review.

- Terry Turner likes the suggestion from Staff to segregate the zones into Commercial and Residential requirement for temporary signs/and political signs with an indefinite period of time.
- Ben White noted there should not be an issue doing this since they are two separate zonings.
- It was noted that there is a lot of use of temporary signs in the residential zones and Mr. White pointed out that most of them are illegal under the current ordinance.
- Mr. Turner wanted to know the downsides of having signs in the right of way. Mr. White noted the cluttered look and that once it is allowed you will not be able to tell people they can't do it. Home Business' are not be allowed.
- Legal Council has directed us that we can not pick and choose what signs will be allowed in the right of way. We cannot regulate content so it is all or nothing.
- Mr. Malan would like to see a height regulation on the signs.
- Staff was asked to prepare an animal application to review at the next Planning and Zoning meeting.

ACTION TAKEN:

Laura Charchenko moved to recommend the further modifications to the Sign Ordinance in the residential zone in the right of way and limit the height to 3 feet and the overall sign size to not more than 4 square feet. Alan Malan seconded the motion and voting was unanimous in favor.

VII. Staff Reports

- Ben White anticipates a subdivision on the next Planning Commission agenda and encourages the commission to review the PUD ordinance. Need to consider whether the PUD is of value to the city. The developer will get bonus' for density in improvements they offer the city in that development. Development will be in the Equestrian Center area.
- Some discussion took place regarding the CDA area and when it would be ready to be developed.

VIII. Commissioner Reports

- No reports were given.

IX. Approval of January 24, 2012 meeting minutes.

ACTION TAKEN:

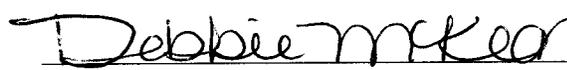
Mike Cottle moved to approve of the minutes dated, 2012 with the noted corrections. Laura Charchenko seconded the motion and voting was unanimous in favor.

X. Adjournment

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:00 p.m.


TERRY TURNER / VICE CHAIRMAN


HEIDI VOORDECKERS/CITY RECORDER


DEBBIE MCKEAN / SECRETARY

