

**West Bountiful City
Planning Commission**

May 8, 2012

Posting of Agenda -The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on May 4, 2012 per state statutory requirement.

Minutes of the Planning and Zoning Commission of West Bountiful City held on Tuesday, May 8, 2012, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Vice Chairman Terry Turner, Steve Schmidt, Mike Cottle, Alan Malan, Planning Commissioners, and Laura Charchenko, Alternate Commissioner.

MEMBERS/STAFF EXCUSED: Chairman Denis Hopkinson, Heidi Voordeckers (City Recorder/Auditor).

STAFF PRESENT: Ben White (City Engineer), Cathy Brightwell, and Debbie McKean (Secretary).

VISITORS: Will Vandertoolen, Kimberly Healy.

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

I. Accept Agenda

Vice-Chairman Turner reviewed the agenda. Laura Charchenko moved to accept the agenda as posted. Mike Cottle seconded the motion. Voting was unanimous in favor.

Business Discussed:

II. Public Hearing to receive input on proposed changes to Title 17- Zoning. Changes include moving some duties of the Historic Preservation Commission to a new section (17.24) Historic Overlay District, miscellaneous housekeeping clean-up including moving several items from Supplementary Regulations (17.44) and then deleting the section in its entirety, and moving Home Occupation from a conditional use to a permitted use in the residential zones.

Commissioner's packets included a memorandum dated May 4, 2012 from Ben White, Cathy Brightwell, and Bev Haslam regarding Miscellaneous Clean-up of Title 17.

Recommended changes to Title 17 include:

- **Historic District** - Transferring responsibilities related to construction and rehabilitation of homes in the Historic District to city staff instead of the Historic Preservation Commission in the R-1-10 zone. These new responsibilities will be located in a new section of Title 17, Historic Overlay District. Changes will be made in Chapter 2.44 of the Historic Preservation Commission ordinance to remove the responsibilities.
- **Home Occupation Ordinance-** In March 2011 the Home Occupational ordinance was changed to allow the city recorder to approve business licenses if there were no conflicts to Section 5.28.040, no needed inspections or protests regarding the application, or if the permit was not for daycare, nursery, or pre-school. In those cases a Conditional Use

permit is required pursuant to Chapter 5.28, otherwise, a Home Occupation business license is a permitted use. Unfortunately Home Occupation was left as a conditional use in each of the residential zones and needs to be moved into the permitted use section.

- In April 2011, items in **Chapter 17.44, Supplementary Regulations**, were moved to more appropriate locations within the Municipal Code with the intent to delete the Supplementary Regulation section altogether. It was recently discovered that the section had never been deleted and, in fact, Section 200, *Location of Gasoline Pumps* had not been moved. It is now being relocated to the CG zone and also to our new CH zone. Section 210, *Utility Extensions Only to Permitted Buildings* was also not moved, but Staff has had a hard time finding a place to relocate this section. Staff recommends that this section is not necessary and be deleted. Following these changes, the Supplementary Regulation Section is empty and can be deleted.

ACTION TAKEN:

Alan Malan moved to open the Public Hearing at 7:35 p.m. Laura Charchenko seconded the motion and voting was unanimous in favor.

Introduction:

Cathy Brightwell summarized the changes needed to be made to this Ordinance as was presented in the memorandum referred to above.

Public Comment: None was given.

ACTION TAKEN:

Laura Charchenko moved to close the public hearing at 7:45 p.m. Steve Schmidt seconded the motion and voting was unanimous in favor.

III. Consider Conditional Use application for a Home Occupation business license for Silver Maple Preschool at 785 North 700 West.

Commission received a memorandum from Cathy Brightwell dated May 3, 2012 regarding a Conditional Use Permit application for a Home Occupation business for Silver Maple Preschool/Owner Kimberly Healy. A site plan, the application with neighbor signatures, and pictures of the property were submitted to the Commission for their review.

Memorandum informed the Commission that:

- Preschool will be held Tuesday through Thursday from 9:00-11:30 a.m. and 12:30-3:00 p.m. with dates coinciding with the traditional school schedule with 10 children per session. Hours of business will offset the school hours to minimize traffic congestion.
- The preschool is located on a through street.
- All neighbors have been notified and no objections were received.
- Children will not be going outside during the sessions.
- A site plan was provided showing what part of the home will be used for the preschool, parking and street access to the home.

Ms. Brightwell noted that the difference in this application from most they receive is that construction is underway to complete the basement where the Preschool will be located. Issuance of the Permit will be subject to positive inspections by the building inspector, and the Health and Fire Departments. Mr. Malan asked about the need for a State license to also be in place before the permit is issued. It was noted that when the applicant contacted the State to get the licensing requirements, she was told they do not require licenses for Preschools, only day care providers.

Kimberly Healy stated that the building permit has been approved and construction will be done shortly. She informed the commission the subdivision and surrounding neighbors were all

notified and none stated any concern or disapproval. She said she plans to begin her Preschool in September, she is a licensed teacher, and her sessions will have younger children in the morning and older children in the afternoon.

Staff has reviewed the requirements of traffic and signage with Ms. Healy. Children will not be allowed to play outdoors without adequate fencing. A younger and older session will be held.

Staff recommends that the conditional use permit be approved subject to inspections.

ACTION TAKEN:

Alan Malan moved to approve the Conditional Use Permit and Home Occupation Business License for Silver Maple Pre School subject to passing and obtaining the Building Inspection and the Health and Fire Inspection with findings that the application meets the requirements of Chapter 5.28 Home Occupation Ordinance and Chapter 17.60 Conditional Uses. Conditions imposed are that parents will be told to park in the driveway or immediately in front of home and not across the street, no external signage will be used, and children will not play in the backyard without adequate fencing. Mike Cottle seconded the motion and voting was unanimous in favor.

IV. Consider proposed miscellaneous changes to Title 17

Cathy Brightwell reviewed the documents previously discussed as part of the public hearing, above. With regard to Item 1 – Historic Overlay District, she informed the commission that the existing Historic Preservation Commission document was not available to use as a comparison with the new section because the server for the city is down. The Commission decided to table Item #1 - Historic District Ordinance for tonight.

For Item 2 – Home Occupation, Mr. Malan asked why F. on page 3 was changed to (20) twenty days instead of (30) thirty days. Ms. Brightwell explained that it was her understanding that 30 days was used because the Historic Preservation Commission met only once a month, and changing it to 20 days makes it consistent with other requirements throughout the Code. Discussion took place in regards to adding “business days” to the above as a language change. It was noted that there is language in the code that covers and clarifies “business days” but Mr. Malan suggested that we add that language to this section regardless. He also noted that on Page 5 there was a need to change (30) days to (20) days to keep consistency in the document.

Mr. Malan felt that enforcement of the code for homes along 800 West should be more stringent than homes located within a subdivision but off of 800 West. He asked staff to look at language dealing with the issue when it comes back at the next meeting.

There was discussion regarding Item 3, Supplementary Regulations, and the staff proposed changes were acceptable.

ACTION(S) TAKEN:

Mr. Malan moved to table the changes to Historic District Ordinance for further review and to implement suggested changes. Laura Charchenko seconded the motion and voting was unanimous in favor.

Alan Malan moved to send Items 3, Supplementary Regulation (17.44) and Item 2, Home Occupation to City Council for review and approval. Mike Cottle seconded the motion and voting was unanimous in favor.

V. Consider updates to Planning Commission Bylaws

Cathy Brightwell informed the Commission that the Bylaws were previously reviewed and Staff was unable to find documentation that they had been approved by the City Council. Further research found that they had been adopted in 2009 by City Council but she noted that Staff is recommending further update of the document to make it consistent with current practice:

- The position of Vice Chair is formalized and would be appointed by the Chairman of the Commission.
- Alan Malan proposed that the change under B.1-2 be kept as it previously was with the language to read “City staff is invited to provide.”
- E. Mr. Malan would like staff to look into electronic meeting requirements that were previously passed.
- Mrs. Charchenko suggested changing the meeting time from 7:00 p.m. to 7:30 p.m. to be correct as to the time the Commission is actually meeting. There was discussion that several members preferred starting at 7 p.m. but they to continue it at 7:30 p.m.

ACTION TAKEN:

Laura Charchenko moved to table this item for further review and for staff to research and make the suggested changes given by Commission Alan Malan seconded the motion and voting was unanimous in favor.

VI. Staff Report

- Cathy Brightwell reported that the City computer system and email have been down since last Thursday. Documents sent to Steve Doxey to review regarding changes made to Conditional Use Ordinance by the Planning Commission were not received in time to include in packets. She reported that one request from the Commission was to remove “detrimental” from the language in the document. She stated that Mr. Doxey informed her that “detrimental” effects is the language in LUDMA and that language should be used in our document(s) as well. Cathy asked the Commission what they would like to do because the document is scheduled to go to City Council next week. The Commission decided to leave the language as they proposed.
- Mr. White reported that next Wednesday, north of Pages Lane from city boundaries east and west will have their water shut off part of that day. Citizens will be notified prior to the shut-off at least 24 hours in advance.
- Ben reported that bids were received for DSB Canal trail
- Mr. White presented a map of the Frank Chase property and described a proposed subdivision request. He encouraged the Commission to review the Subdivision Ordinance. He explained that Mr. Chase would like to keep one lot on Pages Lane and subdivide and sell the rest. Ben noted that for development purposes the land should be 16 lots and the seller should not hold out one lot from the development. The lots will be sold as ½ acre lots.
- Cathy informed the Commission that the June 26th meeting is scheduled to be held on June 28th due to the election. There was some discussion whether or not to cancel both that meeting and the 2nd meeting in July due to the state holiday. It was decided to wait to see what the order of business would be as the holidays approach as to whether or not to cancel or reschedule the meetings that fell in conflict to holidays or other important events such as the election.

VII. Approval of Minutes of April 24, 2012

ACTION TAKEN:

Alan Malan moved to approve of the minutes dated April 24, 2012 as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

VIII. Adjournment

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Steve Schmidt seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:27 p.m.


TERRY TURNER- VICE CHAIRMAN


HEIDI VOORDECKERS/CITY RECORDER

DEBBIE MCKEAN /SECRETARY

