

**West Bountiful City  
Planning Commission**

**July 26, 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 July 25, 2012 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Thursday, July 26, 2012, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice Chairman Terry Turner; Mike Cottle and Alan Malan - Planning Commissioners.

**MEMBERS/STAFF EXCUSED:** Steve Schmidt and Laura Charchenko/Alternate Commissioner.

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

**VISITORS:** Doug Davis, Trevor and Lorelee White,

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Denis Hopkinson. Mike Cottle offered a prayer. Chairman excused both Steve Schmidt and Laura Charchenko.

**I. Accept Agenda**

Chairman Hopkinson reviewed the agenda. Terry Turner moved to accept the agenda as posted. Alan Malan seconded the motion. Voting was unanimous in favor by those members present.

**Business Discussed:**

**II. Consider Conditional Use Permit for L & S Auto Brokers 1116 West 500 South/ CH Zone- Trevor White:**

Included in the Commissioner's packet was a memorandum dated July 20, 2012 from Cathy Brightwell regarding L & S Auto Brokers, LLC, located at 1112 North 550 West, West Bountiful. Memorandum included recommendation from Staff for the approval of the Conditional Use Permit with the following conditions: Copy of dealer's license, parking site plan, traffic flow plan for safe ingress/egress, proof of insurance, fire inspection and obtain a building permit for signs. Also included in the packet was a Conditional Use Permit application from Trevor White; L & S Auto Brokers, 1113 North 550 West in West Bountiful. Type of business is buying, trading, and selling cars, trucks, SUV's etc., using the 5 designated parking spots at the business location. Business will be opened Monday through Saturday 8 a.m. – 7 p.m.

Cathy Brightwell noted that to date she has received a copy of the dealer's license, parking site plan, traffic flow plan, proof of insurance, and sign permit. Fire inspection pending.

Trevor White took the stand to answer questions from the commissioners. Mike Cottle questioned about the parking stalls. Mr. White responded that two parking stalls will be for parking and three stalls will be for showing vehicles. Terry Turner commented that the permit looked good to him. Stalls will have signage on them. Alan Malan asked if it is just for auto sales. Mr. White responded that it is for sales only, no repairs.

Denis Hopkinson stated that they are trying to create a premier business area and the city would like the businesses along that corridor to clean up their areas and make it look presentable and attractive enough to draw other premier type businesses to that area. The city is trying to challenge the new and current businesses to take the task of growing the look and feel of that area to a higher level.

Chairman Hopkinson commented that the Permit looks in order and encouraged Mr. White to continue to pursue the Fire Inspection. Ben White will help with the sign permits.

#### **ACTION TAKEN:**

**Alan Malan moved to approve the Conditional Use Permit for L & S Auto Brokers, LLC./ Owner Trevor White, with the following conditions: There will be no vehicle repair, no outdoor storage, and vehicles will not exceed the parking spots presented at time of permit. In accordance to chapter 17.60.040 1-7, consideration has been given that the proposed use is necessary or desirable and will contribute to the general well being of the community; will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; will not inordinately impact schools, utilities and streets; provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection 17.60.040. Permit granted upon the Fire Marshall inspection. Mike Cottle seconded the motion. Voting was unanimous in favor among those members present.**

#### **III. Consider Conditional Use Permit for Doug Davis- Residential facility for disabled family member:**

Included in the Commissioner's packets was a memorandum dated July 20, 2012 from Ben White regarding a residential facility for disabled family member, the Chapter 17.04 definitions and the Conditional Use Permit application from Doug Davis, 1107 North 700 West, West Bountiful. Applicant is applying for a reduction in the front yard setback from 30 feet to 27 feet to construct a covered ramp to the front door to accommodate a family member with disability needs. Also included in the packet was site plan for the ramp.

Commissioners reviewed the material in the packet. Chairman Hopkinson noted that Mr. Davis has been a resident of West Bountiful for over 40 years. Mr. Davis' current residence is in need of a ramp for easier access to his front door.

Ben White noted that the area where Doug lives was built years ago when setbacks were tighter. The proposal presented this evening will fit in with the other homes that were built later in this area.

Douglas Darryl Davis took the stand to answer questions from the Commissioners.

- Terry Turner confirmed that this will fit in the area well. Ben White explained how he came to the conclusion that this will fit into the code and explained how he bridged the conditions in the language of the codes.
- Mike Cottle had no questions and is fine with the application.
- Alan Malan clarified where the ramp will be located which was unclear in the drawing presented. Ramp is located on the left side under the covered porch and will not be visible from the front.

#### **ACTION TAKEN:**

**Mike Cottle moved to approve Mr. Doug Davis' Conditional Use Permit at 1107 North 700 West with the positive findings listed in 17.84.020 2. a- j. Alan Malan seconded the motion with the friendly amendment to place special emphasis on 2.i. - having little to no impact on the neighborhood. Voting was unanimous in favor among those members present.**

#### **IV. Consider updates to Planning Commission Bylaws**

Included in the Planning Commission packets was a memorandum dated July 20, 2012 from Cathy Brightwell, Heidi Voordeckers, and Ben White regarding Planning Commission Bylaws, Policies and Procedures informing the commission that the suggestions made during the

June 28, 2012 meeting have been drafted and sent to legal counsel for review. Legal Counsel made several changes. The updated draft with the noted changes was included in the packet.

Chairman Hopkinson noted that legal counsel has once again made significant changes to this document. Cathy Brightwell explained that things have been shifted around within the document which made it look like there were more changes than there were. Mr. Hopkinson desired to have time to review it because some of the intent of the document has been changed.

#### **Comments from Cathy Brightwell on changes:**

- Paragraph #1- Used language from ULCT and another company specializing in planning commission documents.
  - Time changed from 7:00 to 7:30 p.m.
  - Removed adjourn no later than 10:00 p.m. – No legal requirements. City Council preference and resolution but doesn't have to apply to planning commission.
  - Legal Counsel prefers to use "chair" instead of "chairman".
  - Clarified no vote during public hearing. For Public Comments only.
  - Quorum - Fewer than three can adjourn a meeting.
  - Process for approving. Time frames were added for application and information given to the Planning Commission and guidelines for information to be submitted for the packets.
  - Clarified that incomplete applications will not be considered. Must be in complete form.
  - A.5.c.- LUDMA requirement- must send a copy of memorandum to applicant at least 3 days prior to the meeting.
  - Chairman will preside. If not present, Vice Chair will preside.
  - Chairman is appointed by Mayor, with consent of City Council. Vice Chair appointed by Planning Commission Chairman.
  - Meeting attendance- be prepared and attend.
  - Process to declare conflict of interest.
  - Public Participation pursuant to Open Meeting Laws. Public comments are encouraged during public hearings but during a meeting the public cannot talk unless invited by the Chairman.
  - Agenda Items process and steps taken.
  - Making Motions- used existing language taken from Robert's Rules and Procedures.
  - Voting: Must be physically present. For the Planning Commission, the electronic meeting participation is not a part of the ordinance that City Council passed.
  - Changed from "Bylaws" to "Policy and Procedures".
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- Alan Malan- Page 4, F-1 wondered if need to table discussion of this document because of attendance. Denis Hopkinson stated that the standing rules referenced are Roberts Rules and are not always used in our meetings.

- Chairman Hopkinson would like time to review and noted some of the areas of concern he would like to consider. He made the following comments regarding the new document presented this evening:
- Page 1 Paragraph 1- restating of what old paragraph used to say, with intent to change the emphasis. Wants to keep “chairman” instead of “chair”. Item 3- does not feel we need to add the language of not voting during a public hearing. Statement not relative. Unnecessary language added.
- 5.b.- If leave added language about incomplete applications not being considered, the deleted language needs to be added back in -“timely” and relevant.”
- 5.c.- New language added- LUDMA- Chairman Hopkinson wants to see the proof for that statement. Mr. Hopkinson concerned with the time frame involved in this statement. Cathy Brightwell stated that there could be a waiver signed by the applicant.
- Page 2. #7- Is the new language necessary?
- Page 2, #8- Conflict of Interest. All new language. Review and consider its content. Mr. Malan noted that normally the member having the conflict should leave the bench. Mr. Hopkinson noted that in the past a member of the commission would recuse himself and leave the room. Chairman Hopkinson noted that they could add or take away from the language that is presented. Cathy Brightwell noted that legal counsel said that they could not vote or be part of the discussion, but can stay in the meeting. Mr. Hopkinson responded that members can give information, but with caution and should be at the podium, not on the bench.

Chairman Hopkinson encouraged the commissioners to review this document against the previous document. He favors Bylaws over Policies and Procedures. He feels that Bylaws are more binding.

**-ACTION ITEM:**

**This item was tabled for further review and discussion with the deadline being August 14, 2012 to appear back on the agenda. Chairman Hopkinson encouraged the commissioners to submit their comments to Cathy to be included in the discussion.**

**Cathy Brightwell will give the commissioner’s a redlined copy for their review.**

**IV. Staff Report**

- Cathy Brightwell reported that the Farm Animal Ordinance was reviewed by the City Council and the Council decided to hold a Public Hearing on the Council Level on August 21<sup>st</sup> 2012. Postcards will be mailed out to all residents of the City to encourage a wide range of public participation. There was concern from the City Council about proposed changes other than the medium animal points. The Chairman suggested all Commissioners attend the hearing if possible.
- Ben White reported the finish date on 400 North is October 15<sup>th</sup>.
- Denis Hopkinson asked for the status on the subdivisions that had been proposed. Ben White explained that the developers were still looking at the equestrian center, especially drainage issues. Denis would like to have a meeting with the Plum developers of the Equestrian Development and Ben and the Mayor to discuss some issues and look at the Master Plan language.

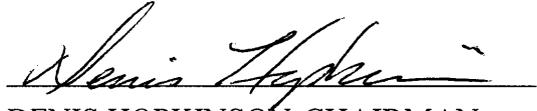
**V. Approval of Minutes of July 10, 2012.**

**ACTION TAKEN:**

**Alan Malan moved to approve of the minutes dated July 10, 2012 with one change. On the last page, line 5, need to add “lets” after conditional use process. Mike Cottle seconded the motion and voting was unanimous in favor among those members present.**

**VI. Adjournment**

**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 8:44 p.m.**

  
DENIS HOPKINSON-CHAIRMAN

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HEIDI VOORDECKERS/CITY RECORDER

  
DEBBIE MCKEAN /SECRETARY