

**West Bountiful City
Planning Commission**

June 11, 2013

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 June 7, 2013 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 11, 2013, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Vice Chairman Terry Turner, Commissioners Alan Malan, Steve Schmidt and Laura Charchenko/Alternate.

MEMBERS/STAFF EXCUSED: Commissioner Mike Cottle

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

VISITORS: Alicia Hanson, Wade Workman, Jan Workman.

The Planning Commission Meeting was called to order at 7:35 p.m. by Chairman Denis Hopkinson. Denis Hopkinson offered a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Steve Schmidt moved to accept the agenda. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Consider Approval of Conditional Use Permit for Fun Flyers Preschool – 586 W 1300 N

Commission packets included a memorandum from Cathy Brightwell dated June 3, 2013 regarding a Conditional Use Permit for a preschool at 586 W 1300 N. The memorandum contained the following information: Alicia Hanson filed a Home Occupation Business License application on June 3 and Conditional Use Permit application on June 5, including signatures from five of her surrounding neighbors. She plans to open Fun Flyer's Preschool in her home in the fall. The school will run from 9 – 11:15 am, Monday through Friday; she plans to enroll 10-12 children; and she lives in a cul-de-sac.

After reviewing her applications, site plan and map of her neighborhood, staff believes that Ms. Hanson's request meets the requirements of Chapter 5.28 Home Occupation, and Chapter 17.60 Conditional Uses and recommends approval with the following conditions. The Conditional Use Permit will be issued subject to (a) Health department inspection for food preparation, (b) Fire Marshall inspection, and (c) Parents will be told to park in driveway or immediately in front of home, not across the street; and they will be given a copy of a pick-up and drop-off diagram, and 3. No external signage will be used for the Preschool.

Laura Charchenko asked about the signage restriction and asked applicant if she thought it would be a problem. Ms. Hanson said she would like signs but understands they are prohibited.

Terry Turner supported the drop-off and pick-up plan and encouraged the applicant to make sure parents understand the requirements.

Steve Schmidt asked if there was a trampoline on the property as shown on the Google Earth map. She said they are removing it before her sessions begin to avoid liability issues.

Mr. Hopkinson commended her for bringing another preschool to the community. He explained he has a concern about traffic and kids running in the street and told her it's important to make sure kids don't get impatient and run out in front of cars. He thought everything else looked good.

ACTION TAKEN:

Steve Schmidt moved to approve the application subject to the conditions recommended by staff listed above, and the following affirmative findings. 1. The proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community; 2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity; 3. The proposed use shall not inordinately impact the streets in the area; and 3. The proposed use will comply with the regulations specified in the R-1-10 zoning ordinance. Alan Malan seconded the motion, and Chairman Hopkinson called for a Roll Call vote.

Roll Call:

Laura Charchenko- Aye

Terry Turner- Aye

Steve Schmidt- Aye

Alan Malan- Aye

Denis Hopkinson- Aye

III. Discussion of current yard regulations, particularly setbacks for attached decks.

A memorandum was included in Commission packets from Ben White/Cathy Brightwell asking for direction from the Commission about what proposals might be appropriate to change the current setback requirements. Examples of a sliding scale were provided. A public hearing has been scheduled for June 25.

Chairman Hopkinson explained we need to have this discussion because of previous decisions specifically regarding a detached deck in Moss Farms. Ben discussed the issue and suggested that if the Commission does not have an issue with decks inside the rear setback, language needs to be written to modify the existing Code, for example, if height is a concern, set a setback distance based on height.

The chairman asked for comments from each Commissioner.

Steve Schmidt – Permitting detached decks that are essentially touching the home circumvent the issue. Is the setback restriction to avoid people imposing on neighbors' privacy? He said he can't get his arms around why the setbacks were established to begin with. Maybe the ordinance needs to be junked and we can start over, but there is a permit application pending before us and it isn't fair to ask him to wait for the Code to change knowing the process will take a few months.

Laura Charchenko– Likes the idea of basing distance from the property line on the height of the deck but how do we measure when homes are raised to begin with? Should it be from the curb or foundation?

Dennis Hopkinson's biggest heartburn is how high it is especially being so visible from 1000 North. He reminded the Commission that Mr. Workman recently got approval to build a basement in this home so the home will be raised higher than normal. According to the plans, there is already a 2.5 ft offset for a bay window so the home extends farther into the setback.

Commissioner Schmidt asked Mr. Workman how high the deck will be. He said it was 63 inches but he's decided to raise the ground so now the deck will only be 43 inches above ground.

The Chairman explained he has had many people raise the issue to him of whether the previously approved deck was attached. He said if we are to approve a detached deck it will need to be obviously separate from the home, unlike the previous one. He also stated that having a stand-alone deck might not be as structurally sound as an attached deck. Mr. Workman affirmed that he would never build anything that wasn't structurally sound.

Mr. Malan feels we need to come up with a place to take the measurements from whether it be the rear property line, curb, etc., then we could use a sliding scale that allowed the rear setback to be 4 times the height of the structure. For example, if the deck was 5 feet tall, the setback could be 20 feet.

Steve Schmidt suggested angle of view from the top of the fence be considered as well. Ben White mentioned it would be more complicated but could be done.

Denis Hopkinson stated that our setbacks for R-1-10 are pretty standard and make sense but our ordinances lack options for conditional uses and individual situations.

Terry Turner agrees with what has been stated and wants some rhyme and reason behind what we allow. He would like to see some consistency and likes staff's ideas.

Mr. Workman mentioned that we allow a concrete patio to be any height as long as the dirt comes up around it. He noted that the challenge with Moss Farms is that all the lots are small and they are raised ramblers. He struggles with the controversy over him building a deck and noted that most of the homes around him have encroached on the regulations. He has built hundreds of homes in Davis County but has spent more time at our Planning Commission and City Council meetings than any other. The other Cities have very similar ordinances but enforcement is more flexible.

Laura Charchenko agrees with comments made this evening. She likes the idea of 4 times the height, if we can decide how to measure height. She also suggested we may want to consider if it is covered or not covered and consider the dynamics of the property. We need to decide, what do we really care about in regards to this ordinance?

Ben White suggested that "x" ft. above top back of curb could require a conditional use permit. He said for finished floor elevations we currently measure from the high point of the street. This particular lot is unique to the city in that it has more slope than most.

Chairman Hopkinson would like to continue to discuss the changes for this ordinance. He noted that in his discussions with elected officials and constituents he has discovered they really don't care one way or another. He would like this scheduled for the next meeting. Cathy Brightwell reminded them that this item would be heard at the next meeting during a Public Hearing. The Chairman would like to have an open discussion regarding this ordinance and the issues of concern.

ACTION TAKEN:

Alan Malan tabled for further discussion and Steve Schmidt seconded it. All in favor.

IV. Consider Approval of a Conditional Use Permit for a deck within rear setback at 973 North 700 West, Wade Workman.

Packets included a memorandum dated June 7, 2013 from Ben White/Cathy Brightwell regarding a Deck/Accessory Structure Closer than 10' to Main Structure, Code 17.24.050/Yard Regulations, A letter from Wade Workman to the Planning Commission regarding lot 22 Moss Farms and his desire to move forward with construction on the property to include a detached deck, a Conditional Use Permit Application, and site plans.

Chairman Hopkinson invited each Commissioner to comment on the proposal.

Mr. Malan inquired about the dynamics of the property and desired construction the deck.

Steve Schmidt asked what is behind the property. He was told the property is abutting the Wendell Wild property and has tall trees and enough room to almost make another lot. There is great distance and a barrier between properties.

Terry Turner had no questions and sees no problems with the request.

Laura Charchenko felt everything looked good.

Denis Hopkinson noted the memorandum from Staff and what should be included in the motion. Mr. White asked that their decision be clear regarding how far from the main structure the deck can be so some of the concern and confusion around the previously approved detached deck could be avoided.

Some discussion took place with Mr. Workman about his desires. He would like to be able to frame sooner than later. He is prepared to build a detached deck if required, and he plans to have brick on the side which will push the deck out 4 inches.

ACTION TAKEN:

Laura Charchenko moved to approve a conditional use permit for a deck at 973 North 700 West for Wade Workman (Innovative Homes) with the condition that it is structurally detached, with a minimum of ½ inch between the home and deck. Steve Schmidt seconded the motion and Chairman Hopkinson called for a Roll Call vote.

Roll Call:

Laura Charchenko- Aye

Terry Turner- Aye

Steve Schmidt- Aye

Alan Malan- Nay

Denis Hopkinson - Aye

V. Discussion of a 2 Lot Subdivision at 305 North 1100 West - Kremer

Included in the Commissioner's packet was a brief memorandum dated June 7th 2013 from Ben White/Cathy Brightwell regarding a subdivision request at 305 North 1100 West (Kremer). In addition a subdivision application a plot plan was also included. A public hearing is scheduled for June 25.

Mr. White introduced this proposed subdivision as being a 5 acre piece of ground that was previously combined together after being two separate lots. The owner desires to once again split the property down the middle, creating two separate lots of 2 ½ acres each. He said the Planning Commission would need to discuss the curb and gutter issue and whether the property owner could defer improvements of curb, gutter and sidewalk or build them now.

Some discussion took place regarding the dynamics of the whole area involved and when it might be appropriate to require the building of curb, gutter and sidewalk.

Chairman Hopkinson noted the constant dilemma it has been to decide whether to defer improvements or require them now.

Alan Malan noted that our ordinance has a specific size limit for creating a lot, regarding depth versus width. Ben White will research that and see what our regulations are.

VI. Staff Report

- Ben White reminded the commission of the changes made to the Historic District last year and how homes are to be reviewed and approved. We now have an architectural review board in place to ensure homes are built using a historical design. He explained that if the Board denies a plan it can be appealed to the Planning Commission.
- Holly Corp. will be coming before the Planning Commission in the near future in regards to their expansion and what they are doing on their property. There will

be an application from Holly to use 1100 West as an access to their new business area. Ben explained some of the conditions that will need to be considered when having this issue before them.

- Holly Corp. wants to look at their parking options on a temporary basis in regards to the north east side of the property during their expansion project period.
- Denis Hopkinson charged Mr. White to find the agreement from the prior administration regarding the Holly expansions and previous agreements.
- Last Master Plan review was in 2006 and should be updated soon.

VII. Approval of Minutes of May 28, 2013.

ACTION TAKEN:

Terry Turner moved to approve of the minutes dated May 28, 2013 as presented. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:

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 9:03 p.m.


DENIS HOPKINSON / CHAIRMAN


HEIDI VOORDECKERS / CITY RECORDER


DEBBIE MCKEAN / SECRETARY

