West Bountiful City  

Planning Commission

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 5, 2013 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 9, 2013, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Mike Cottle, and Laura Charchenko.

MEMBERS/STAFF EXCUSED: Terry Turner.

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

VISITORS: Ryan and Ammon Ashby, Caitland Sawyer, Ann Foos.

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Ben White offered a thought.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as presented. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Application for Conditional Use Permit to open a Kumon Learning Center at 135 North 500 West

Commissioner’s Packet included a memorandum dated July 5, 2013 regarding Conditional Use Permit for Kumon Learning City from Cathy Brightwell, a Conditional Use Application and a site plan. The memorandum stated the following information for the commissioner’s review:

- Kumon Schools have been in business for over fifty years in 47 countries.
- Kumon has expanded in Utah opening 3 new centers in Davis County including Layton, Clinton and West Bountiful.
- They would like to begin operation in August and would enroll 20-30 students. Each student attends 2-thirty minute one-on-one sessions per week with a maximum of 10-12 students in the building at one time.
- Offices will be open 11 a.m. to 7 p.m. Tuesday through Saturdays with classes held between 3 p.m. - 7 p.m. four days a week.
- The number of students and staff expected to use the facility will not cause unusual traffic or parking issues.

Cathy Brightwell introduced the Kumon Learning Center application which needs a Conditional Use Permit according to our ordinance. Caitland is an assistant manager representing Penny (manager) who was unable to be here today. Initially parking and safety of the children was a
concern, but after Cathy met with the manager and learned of the dynamics of the school, the concerns were resolved. Current space is being remodeled to accommodate their needs.

Staff believes this request meets the requirements of Chapter 17.60 Conditional Uses and recommends approval of the Conditional Use Permit with findings that are allowed in our code. They recommend the permit to be issued subject to a Fire Marshall Inspection.

- Alan Malan asked if there was a need to have a separate fire inspection since it is being remodeled and needs a building inspection anyway.
- Laura Charchenko and Mike Cottle had no comments or concerns.
- Chairman Hopkinson wanted an emergency exit plan in place (posted) and asked that it be part of the conditions of the motion.

**ACTION TAKEN:**

Laura Charchenko moved to approve the Conditional Use Application with the following affirmative findings and conditions: 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 4) the proposed use will comply with the regulations specified in the C-G zoning ordinance, and with the condition that it pass a fire marshal and building inspection and implement an emergency exit plan knowledgeable to all parents. Alan Malan seconded the motion with the friendly amendment to mark the emergency exits appropriately. Voting was unanimous in favor among members present.

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

Chairman Hopkinson recapped the discussion that has taken place over the past several meetings. A public hearing has been held on this proposal as required.

Commissioner’s packets included a memorandum from Ben White/Cathy Brightwell regarding Setbacks—Particularly for Decks, dated July 5, 2013 outlining the research staff has done on other cities’ ordinances of this nature with an attachment of their findings.

- Laura Charchenko liked Syracuse’s definition. Her concern is that we need to differentiate between covered and uncovered decks. She is reviewing information she received from Alan Malan prior to this meeting.
- Mike Cottle asked if there is a difference in setbacks between a covered and uncovered deck and the answer was negative.
- Alan Malan commented on the following and provided a handout of things to think about in regards to definitions, setbacks, etc., before making any decision to change this ordinance.

1. He suggested that a deck never be on a side facing a street (corner lot).
2. He likes that the floor of the deck not be higher than the highest floor elevation level of the principal dwelling structure.
3. The two detached decks recently approved encroached approximately 40% into the rear setback while several other cities regulations are closer to 25%.
4. He suggests that an open deck attached to a dwelling unit project no more than 10 feet into a rear setback.
5. Decks and landings attached to the principal structure must comply with the same minimum setback requirements as the principal structure except that attached decks only need to set back 22 feet from the rear lot line if their cumulative encroachment into the 30 foot front setback does not exceed 200 sq. ft.
6. Freestanding decks or landings located in the rear yard are typically permitted within 3 free of the rear or side lot line.
Staff had a hard time finding specific regulations for decks and only had a few examples to give to the commission for their review.

Chairman Hopkinson commented that the information before them still has a lot of holes. Definitions need to be clarified and specifically defined if we want to proceed with the changes to this ordinance. He said he likes the parameters suggested but the formulas he feels makes the ordinance more complicated. Mr. Hopkinson liked Syracuse’s language on item #2 because it is a hard number (10 feet). He noted that Syracuse’s ordinance does lack the specifics of what the setback includes.

He suggested we keep working on the document, but feels that we are moving in the right direction with the proposals presented.

ACTION ITEMS:

- Alan Malan would like to move A. to definitions.
- Chairman Hopkinson wants Staff to provide the Commission with a current ordinance without redlined changes to work with.

IV. Staff Report

- Golf Course parking lot is under construction and scheduled to be finished by the end of this month.
- 700 West - curb and gutter is going in.
- 1100 West between 5th South and 4th North will be chip sealed on Friday.
- Chairman Hopkinson inquired about the seal on 400 North. Ben explained it was done to UDOT specifications.
- Cathy Brightwell noted that “Meet the Candidates” night will be held on July 30th, 2013.
- New City Administrator, Duane Huffman from Kanab and will begin work on August 6th.
- There will be no meeting held for Planning Commission on July 22nd, 2013 if there are no applications that need immediate attention. August 13th will be Primary elections and there will be no meeting held.

V. Approval of Minutes dated June 25, 2013

ACTION TAKEN:

Alan Malan moved to approve of the minutes dated June 25, 2013 as corrected. Mike Cottle seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting. Alan Malan seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:07 p.m.

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DENIS HOPKINSON-CHAIRMAN  HEIDI VOORDECKERS/CITY RECORDER

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DEBBIE MCKEAN/SECRETARY