

2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice  
4 website and the West Bountiful City website, and sent to Clipper Publishing Company on July 5,  
5 2013 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July**  
7 **9, 2013, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

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

13

14 **MEMBERS/STAFF EXCUSED:** Terry Turner.

15

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

18

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

21

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

24 **I. Accept Agenda**

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

28 **Business Discussed:**

29 **II. Application for Conditional Use Permit to open a Kumon Learning Center at 135 North**  
30 **500 West**

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

- 34
- 35 • Kumon Schools have been in business for over fifty years in 47 countries.
  - 36 • Kumon has expanded in Utah opening 3 new centers in Davis County including Layton,  
Clinton and West Bountiful.
  - 37 • They would like to begin operation in August and would enroll 20-30 students. Each  
38 student attends 2-thirty minute one-on-one sessions per week with a maximum of 10-12  
39 students in the building at one time.
  - 40 • Offices will be open 11 a.m. to 7 p.m. Tuesday through Saturdays with classes held  
41 between 3 p.m. - 7 p.m. four days a week.
  - 42 • The number of students and staff expected to use the facility will not cause unusual  
43 traffic or parking issues.

44 Cathy Brightwell introduced the Kumon Learning Center application which needs a Conditional  
45 Use Permit according to our ordinance. Caitland is an assistant manager representing Penny  
46 (manager) who was unable to be here today. Initially parking and safety of the children was a

47 concern, but after Cathy met with the manager and learned of the dynamics of the school, the  
48 concerns were resolved. Current space is being remodeled to accommodate their needs.

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

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

57 **ACTION TAKEN:**

58 **Laura Charchenko moved to approve the Conditional Use Application with the**  
59 **following affirmative findings and conditions: 1) the proposed use is desirable to**  
60 **provide a service that will contribute to the general well-being of the neighborhood**  
61 **and community, 2) the proposed use will not be detrimental to the health, safety, or**  
62 **general welfare of persons residing in the vicinity, or injurious to property in the**  
63 **vicinity, 3) the proposed use shall not inordinately impact the streets in the area, and**  
64 **4) the proposed use will comply with the regulations specified in the C-G zoning**  
65 **ordinance, and with the condition that it pass a fire marshal and building inspection**  
66 **and implement an emergency exit plan knowledgeable to all parents. Alan Malan**  
67 **seconded the motion with the friendly amendment to mark the emergency exits**  
68 **appropriately. Voting was unanimous in favor among members present.**

69

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

71

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

74

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

- 78 • Laura Charchenko liked Syracuse's definition. Her concern is that we need to  
79 differentiate between covered and uncovered decks. She is reviewing information she  
80 received from Alan Malan prior to this meeting.
- 81 • Mike Cottle asked if there is a difference in setbacks between a covered and uncovered  
82 deck and the answer was negative.
- 83 • Alan Malan commented on the following and provided a handout of things to think about  
84 in regards to definitions, setbacks, etc., before making any decision to change this  
85 ordinance.
  - 86 1. He suggested that a deck never be on a side facing a street (corner lot).
  - 87 2. He likes that the floor of the deck not be higher than the highest floor elevation  
88 level of the principal dwelling structure.
  - 89 3. The two detached decks recently approved encroached approximately 40% into  
90 the rear setback while several other cities regulations are closer to 25%.
  - 91 4. He suggests that an open deck attached to a dwelling unit project no more than 10  
92 feet into a rear setback.
  - 93 5. Decks and landings attached to the principal structure must comply with the same  
94 minimum setback requirements as the principal structure except that attached  
95 decks only need to set back 22 feet from the rear lot line if their cumulative  
96 encroachment into the 30 foot front setback does not exceed 200 sq. ft.
  - 97 6. Freestanding decks or landings located in the rear yard are typically permitted  
98 within 3 feet of the rear or side lot line.

99 Staff had a hard time finding specific regulations for decks and only had a few examples to give  
100 to the commission for their review.

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

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

109

110 **ACTION ITEMS:**

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

114

115 **IV. Staff Report**

116 • Golf Course parking lot is under construction and scheduled to be finished by the end of  
117 this month.

118 • 700 West - curb and gutter is going in.

119 • 1100 West between 5<sup>th</sup> South and 4<sup>th</sup> North will be chip sealed on Friday.

120 • Chairman Hopkinson inquired about the seal on 400 North. Ben explained it was done to  
121 UDOT specifications.

122 • Cathy Brightwell noted that "Meet the Candidates" night will be held on July 30<sup>th</sup>, 2013.

123 • New City Administrator, Duane Huffman from Kanab and will begin work on August 6<sup>th</sup>.

124 • There will be no meeting held for Planning Commission on July 22<sup>nd</sup>, 2013 if there are no  
125 applications that need immediate attention. August 13<sup>th</sup> will be Primary elections and  
126 there will be no meeting held.

127

128 **V. Approval of Minutes dated June 25, 2013**

129

130 **ACTION TAKEN:**

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

134

135 **VI. Adjournment**

136

137 **ACTION TAKEN:**

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

141

142

143

144 \_\_\_\_\_  
**DENIS HOPKINSON-CHAIRMAN**

\_\_\_\_\_ **HEIDI VOORDECKERS/CITY RECORDER**

145

146

147 \_\_\_\_\_  
**DEBBIE MCKEAN /SECRETARY**