

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 August 9, 2013 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Thursday, August 16, 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: Vice Chairman Terry Turner.

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

VISITORS: J. Dell Holbrook, Karen Wright, Mike Wright, Wesley Argyle, Monte Widdison, Gary Jacketta, Fran Wilby, Lon Griffith, Brian Knowlton, Jacqueline and Ken Romney, Curtis Murphy, Joseph and Jan Carbone, Natalie Holmes, Betty Tuoaohe, Suna Tuoaohe.

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Denis Hopkinson. Mike Cottle offered a prayer.

I. Accept Agenda

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

Business Discussed:

II. Discuss Application to Rezone – 681 West 400 North.

Packets included a memorandum dated August 8, 2013 from Ben White/Cathy Brightwell regarding a request to rezone from R-1-10 to L-I a parcel at approximately 681 West 400 North.

Brian Knowlton presented his arguments in favor of rezoning 1.8 acres of property from a R-1-10 (Residential) zone to a L-I (Light Industrial) zone for the purpose of building storage units. The property is adjacent to the L-I zone, and is just below and to the south of the 400 North overpass.

- The best use for the property would be a self-storage facility because it is next to the freeway, railroad tracks and partially under power lines making it less desirable for residential housing.
- People are always moving into West Bountiful needing storage and there are a lot of boats and RVs in the area.
- The facility would be gate-controlled, well-lit, there would be security cameras. It would be clean, and would be an asset to the community.

Mike Cottle asked how many units were planned. Mr. Knowlton estimated 100 units of different sizes. The schematic provided with the memorandum shows hallways but Mr. Knowlton explained that it was provided as a preliminary proposal and would be different from the final plans.

Laura Charchenko asked if there is a lease on the property. Mr. Knowlton stated the property is currently being leased as horse pasture.

Alan Malan asked if there would be outdoor storage, to which Mr. Knowlton responded no.

Chairman Hopkinson asked how many acres on the property, and why Mr. Knowlton is asking the city to rezone rather than asking for a conditional use permit. Mr. Knowlton said the property is 1.79 acres, the R-1-10 does not permit conditional use for this type of facility so he would have to get a rezone anyway.

Ben White – the property is adjacent to an L-I zone, therefore would not create an island. It is a good use for the property as there are few houses close by. Other points to consider are if the zoning is changed, any business allowed in an L-I zone could go in there. Interstate 15 and the railroad create a buffer for two zones and the rezoned property would change that.

Mr. Hopkinson stated he believed the railroad splitting the existing L-I zone from this property would make the rezoned property an island.

III. Public Hearing – application to rezone from R-1-10 to L-I at 681 West 400 North.

ACTION TAKEN:

Laura Charchenko moved to open the public hearing at 7:35 p.m. to receive comment regarding Brian Knowlton's application to rezone from R-1-10 to L-I at 681 West 400 North. Alan Malan seconded the motion and voting was unanimous in favor.

Public Comment:

- **Fran Wilby** – Concerned about the additional traffic. The little road that goes under the overpass is a blind corner and the road is difficult to get in and out of depending on the time of day, and the rezone would make it worse. She is also concerned about industrializing so close to residential areas.
- **Jan Carbone** – Asked if there has been an impact and feasibility study done. The one-way traffic on the north side of 400 North has increased the traffic on the south side. Her new home is going to be close to the property. She asked if the storage unit buildings were going to be one level and wondered if they will they have electricity. She is concerned about meth labs in the units and people living in them. She said she is building her dream home for the rural atmosphere and she does not want her new property to be encroached on, which could eventually happen if the industrial zone is expanded. Also this may lead to allowing Holly to change their limits.

Mr. Knowlton stated he owns several other storage facilities and has never had problems with meth. He will have full-time people living on-site. There should only be a maximum of 20 cars per day.

Chairman Hopkinson stated they are at the preliminary stage and impact studies would happen if preliminary approvals were given.

- **Mike Wright** – As a retired police chief for West Bountiful, he has seen meth problems and people living in storage sheds. He remembered when someone wanted to put houses up on this property and the big question was where to have the access. He never came up with an access that would be safe enough. The fence along the property has been replaced several times from cars hitting it. If the only entrance would be from 400 North the traffic would be bad, and access would be impossible when school is letting out. They could come a different way but the residents along 220 North would not want cars coming through their neighborhood.
- **Heather Murphy** – 722 West 400 North – That area is the entrance to her neighborhood. She actually thought of planting something nice under the bridge to make it attractive. It would be logical to put storage units there since it is close to the freeway, but, unlike in other cities, the houses by the freeway in West Bountiful are not trashy and storage units would change the whole neighborhood.
- **Joseph Carbone** – Asked how long it would take to build. He said there are worse businesses could go in there, but six months from now UDOT will begin construction on the freeway and traffic will be impossible.

Mr. Knowlton said construction would take 5 or 6 months. He asked if anyone would want to build a house on that property, next to the train tracks and under power lines. He pointed out his facility would create a buffer and would have the least impact of any business. Houses built there would create more traffic.

- **Sue Hales** – 730 West 220 North – Her property would share a property line with the rezoned property and the Carbone's new house. The proposal of the facility being guarded sounds reasonable but that could change once the zoning is changed. She has watched her neighbor's land become locked in and that area would be the only access to his property in case he wanted to develop it.
- **J. Dell Holbrook** – Moved to West Bountiful in 1975 and was the city administrator for two years. He pointed out that Mr. Knowlton's plan does not reflect 24 hour on-site management and he is concerned about security and public safety. He has seen storage facilities collect derelict autos and outdoor storage even though they did not start out that way. He is frustrated because he approached the planning commission and city council several years ago to build storage units on his property, and was turned down. He talked about the history of the area which has led to poor planning of the roads. He also pointed out it would not be possible to turn large emergency vehicles on 220 West or any stub street to Hales' and Knudsons' properties.
- **Curtis Murphy** – 722 West 400 North – Grew up in West Bountiful. He is against the proposal because if they grant it to Mr. Knowlton, other people down the road will want the same consideration.
- **Mr. Holbrook** – There are gaps on county plot lines. Farmers would leave gaps between fence lines and the gaps still show on the county plot plats. This would have to be resolved before rezoning.
- **Ms. Wilby** – Addressed the comment about no one wanting to build a house there. She found the comment offensive because she lives just down the street from there. She does not want West Bountiful to be a dumping ground for people who want to make money.
- **Wesley Argyle** – 715 West 400 North – His house is closest to the property. Other people have voiced his concerns about access and traffic. He counted 250 units on the schematic, and the schematic shows no guard house or home for 24-hour security. Storage facilities can stay nice for about 10 years, then they get run down. There will be crime because his neighbor has security issues through his backyard frequently. The turn under the overpass is too tight for two cars coming at the same time, nor could it handle moving vans, RVs or boat trailers.
- **Gary Jacketta** – Asked if there would be a storm drain on the west side. If they have to put one in later it will cost twice as much. Once asphalt is put down water will not be able to soak into the ground.
- **Betty Tuaeone** – Concerned because the school is right there, traffic will be worse and there have been a lot of accidents. 660 West is already a race zone.

ACTION TAKEN:

Alan Malan moved to close the public hearing at 8:35 p.m. to receive comment regarding Brian Knowlton's application to rezone from R-1-10 to L-I at 681 West 400 North. Mike Cottle seconded the motion and voting was unanimous in favor.

Chairman Hopkinson noted they had good input from the public and he identified the top five issues.

- First issue: The impact of traffic in the area.
- Second issue: Public safety for children and parents because there is the blind corner.
- Third issue: They need to consider the long-term impact on home values if they change the zoning.

- Issue four: Keeping the zone intact would keep a buffer between the neighborhood and industrial use.
- Issue five: He has had discussions regarding the storm drain issue in the past when discussing homes and cul-de-sacs.

Before the matter is brought before City Council they need to solidify their findings. So far he finds that the public is not in favor of the proposal. He asked if the commission wants to table the issue and have it on the next agenda.

Mike Cottle – He values the common sense reflected in the comments.

Laura Charchenko – UDOT’s master plan for I-15 includes a sound barrier, HOV lane, etc. They need to consider how the property will be affected. She is concerned about children’s safety and she is concerned that rezoning would leave Holly an opening to expand. She would not vote to allow a storage facility on the property without being rezoned.

Alan Malan – Wants to meet prior to the next meeting and go as a group to look at the property. Mr. Hopkinson invited the homeowners on the adjacent properties to join them. They decided to meet at the property at 7:00 p.m. on August 27 at 681 West 400 North.

IV. Consider Kyle Wilson’s Application for a Conditional Use Permit for American Container, LLC to open a business at 1057 West 500 South.

Mr. Wilson was not yet present.

ACTION TAKEN:

Alan Malan moved to move agenda item #6 to #4 and #4 to #6. Laura Charchenko seconded the motion and voting was unanimous in favor.

IV(VI). Consider Natalie Holmes’ Application for a Conditional Use Permit for a Home Occupation License to open a beauty salon, Curl Up & Dye, at 812 North 900 West. (moved to Item IV)

Cathy Brightwell – Mrs. Holmes built a home in Heritage Point with the idea of having a salon in the home. Her home has been inspected and state and city requirements are met. No health inspection was necessary. Parking will not be an issue because she will only have one client at a time and they will use a separate entrance to the salon area. There will be no external signage.

Alan Malan – Asked if she will have any employees, and Mrs. Holmes said it would be just herself.

Laura Charchenko – The application looks great.

Chairman Hopkinson – The application was well thought out.

Alan Malan 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 R-1-10 zoning ordinance, and with the condition that there will be no additional employees. Mike Cottle seconded the motion. Discussion – Chairman Hopkinson asked to add the condition that clients will only park in the driveway or in front of the property. Alan Malan approved the amendment to the motion, Laura Charchenko seconded the amended motion and voting was unanimous in favor

V. Consider Jeffrey Cude’s Application for a Conditional Use Permit for Home Occupation License to open a drilling and milling business, JC Milling, at 605 N. Jessi’s Meadow Drive.

Mr. Cude was not present but Ms. Brightwell stated she was able to present his application and could answer any questions. Mr. Cude bought a mini-mill and starting doing steel milling in his garage for a hobby. His employer offered to give him small jobs to do on his equipment, but to do it legally and get paid, he has to have a license. A typical job will be 4 to 8 inches long. He is using an area that is 10'x10' in his 3 car garage. There will be no noise impact and there will be no customers coming to his house. He has gotten approval from all of his neighbors.

Mr. Hopkinson asked that all recommended conditions be included in the conditional use permit.

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 A-1 zoning ordinance. Additional conditions include an inspection by the fire marshal, no work will be done before 6:00 a.m. or after 10:00 p.m. pursuant to West Bountiful Municipal Code 8.12.020(X) Nuisances, and no external signage will be allowed. Mike Cottle seconded the motion. Discussion – Ms. Brightwell stated she spoke with the fire marshal and he does not need to inspect the property. Alan Malan asked to add the condition that there will be no outdoor storage and no employees. Laura Charchenko approve the amendment to the motion, Mike Cottle seconded the amended motion and voting was unanimous in favor.

VI(IV). Consider Kyle Wilson's Application for a Conditional Use Permit for American Container, LLC to open a business at 1057 West 500 South.

Cathy Brightwell – Mr. Wilson plans to provide containers (dumpsters) to businesses in the area. He currently owns 13 containers and has 7 of those placed in permanent locations. She and Ben White looked at the property. Mr. Wilson, who owns Wilson Trucking at the same location, has some trailers behind a chain link fence. He has agreed to make a visual barrier on 500 South by putting slats in the fence. He has indicated concern about the appearance of his business and plans to continue to improve the frontage.

Alan Malan asked if there was room for landscaping in front the fence, and Ben White responded since the road was widened the front of the building and the fence is all asphalt.

Mr. Hopkinson said he wants to include a condition that no full or partial dumpsters can be on the lot; they must all be empty.

ACTION TAKEN:

Mike Cottle moved to approve the application for a conditional use permit for American Container, LLC, 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-H zoning ordinance, and 5) dumpsters on the property must be empty. Alan Malan seconded the motion and voting was unanimous in favor.

VII. Consider changes to Section 17.24.050, 17.20.050, and 17.16.050, Yard Regulations, specifically regarding setbacks for decks.

Chairman Hopkinson – He had asked staff to provide a clean version of the regulations, and a version with their revisions. Both were in the packets. As had been suggested, a definition of "deck" was added. The code reads that all structures shall be 30 feet from the rear setback. Regarding #H, they had talked about making a percentage part of the formula but he is against that. They should just say 10 feet or 12 feet. All rear yards are the same.

Alan Malan said the definition of "deck" should not include measurements. He and Ben White discussed the conditions for covers or awnings. Mr. White stated a covering can go two feet into

the setback. Mr. Malan said awnings could be allowed but they should not have hard covers like a pergola. If the covering goes into the setback, it should be retractable. Mr. Malan also wanted to restrict square footage of the deck.

Mike Cottle likes Mr. Malan's suggested clarifications.

Chairman Hopkinson said he doesn't like the proposed language. He would rather use the conditional use process for all decks that don't meet the setback requirements so they could be looked at on a case by case basis. The language could read "Decks that step into the setback are considered a conditional use."

Laura Charchenko and Mike Cottle both agreed. Alan Malan also agreed but said they need to have a maximum number in the code on which to base their conditional use decisions.

Action Item:

Chairman Hopkinson asked Cathy to draft the language to require a conditional use permit and to apply some affirmative findings for the next meeting.

VIII. Staff Report

- A Holly representative called regarding temporary parking for upcoming construction on 800 West; they are also working on permission to exit on to 1100 West from their new office building.
- A proposed buyer of a home in the historical district wants to use the carriage house in back for a hair salon. Other carriage houses are being used that way.
- The Olsen Farms subdivision west of 1100 West and north of Pages Lane was proposed a few years ago before the economic downturn. There are issues regarding how deep the lots can be. The owners would like lots deeper than three times as deep as they are wide. Currently, that is as deep as our code will permit. One of the lots has a petrochemical pump on it. Dennis indicated 10 homes on 1100 West were purchased but remain unoccupied due to chemical odors. There is a storm drain pipeline that will need to be relocated. There will also be elevation issues. The existing ground is below the minimum elevation which a home may be constructed.

IX. Approval of July 9, 2013 meeting minutes.

Laura Charchenko moved to approve the minutes of the July 9, 2013 meeting as corrected. Alan Malan seconded the motion and voting was unanimous in favor.

X. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Mike Cottle seconded the motion. Voting was unanimous in favor. The meeting adjourned at 10:00 p.m.


DENIS HOPKINSON / CHAIRMAN


HEIDI VOORDECKERS / CITY RECORDER

NATHALIE ELLINGSON / SECRETARY

