

**West Bountiful City
Planning Commission**

November 26, 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 November 21, 2013 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 26, 2013, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Vice Chairman Terry Turner, Alan Malan, Mike Cottle, and Laura Charchenko.

MEMBERS/STAFF EXCUSED: Chairman Denis Hopkinson

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

VISITORS: Cory Sweat.

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

I. Accept Agenda

Vice Chairman Turner 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. Discuss Title 17 - yard regulations including setbacks, decks, area restrictions and yard obstructions; area and frontage regulation; and height regulations in residential zones.

Commissioner's packets included a zoning comparison worksheet, aerial views of different lots with sizable construction in backyard area, and images taken by Ben White of properties as examples.

Ben White discussed the following properties:

Larry Eggett - 400 North 975 West - only 15 % of rear yard is accessory building with lots of hard surface.

Bangerter - 640 West 1500 North - 29% of the rear yard is accessory building and is the largest percentage in our city.

There are 2 homes in Millbridge that are 25% of rear yard.

The property with the existing garage on 800 West would be 34% if a home is built 10 feet from existing structure.

He noted that lower buildings cause a perception to be less than those buildings that are higher.

Some discussion took place.

Cathy Brightwell prepared a comparison worksheet of zones and cities that best match what we in West Bountiful have. Most are pretty comparable to West Bountiful. She noted some of the similarities and differences between the cities. Some have different % and requirements for different zones unlike West Bountiful which is typically the same straight across the board. It may be hard to come up with some recommendations based on the comparisons, but the intent of the worksheet is to help assist the Commission in making recommendations to the City Council in the future. She noted that no other city has any requirements or restrictions for decks except Syracuse.

The Commission reviewed each of the requirements and recommended changes or no changes as follow:

Lot Width @ Setback- RECOMMENDATION - Keep at 85 % was the consensus of the Commission. No suggested changes.

Lot Depth to Width Ratio- Helps to illuminate long skinny, deep lots and reduce possibilities for flag lots. Staff sees this issue quite frequently and is a very real issue they deal with almost daily. Ben White noted that it would be easier not to have it and give the property owner the right to do as he would like on his property. He also suggested that they could require a conditional use permit to evaluate each situation. One example in our city would be the Miller home on 800 West that is about 85 feet wide and 600 ft deep and backs up to many backyards.

- Alan Malan does not see a need for this since our city is almost built out. He mentioned that other options could be considered like 5 to 1. Alan feels that there is not a problem having a situation like Miller's home.
- Mike Cottle, Laura Charchenko and Terry Turner agreed that 3 to 1 is not necessary. Pros and cons do not outweigh each other in Mr. Turner's opinion.

RECOMMENDATION on this issue was to not have the requirement in the ordinance at all.

Issue of % accessory buildings to rear yard as discussed among Commission was as follows:

- Terry Turner stated that to him it is all about aesthetics. As long as it can't be seen, he's ok with it. He appreciated the aerial views and it helped him to come to a different conclusion than he would have otherwise.
- Alan Malan would like to see the % move to 50% and does not see it as a problem. He would rather see things stored in buildings and not in open land. He noted that 45% would be okay as was with the majority of the City Council during the work session. He wants to let people have the option to do more with their property. He stated that the rural feel would be kept being able to build bigger barn like structures.
- Cathy Brightwell asked if they wanted to entertain the % of the whole property as several other cities had done instead of limiting it to rear yards. Alan Malan liked keeping it in the rear.
- Mike Cottle can go either way but feels that the property owner needs to have the right and ability to do what they will on their property, within reason.
- Laura Charchenko was concerned with the storm drain issues and felt that there should be some provisions put into place to protect neighbors from water drainage. She likes the 35-40 % range but would also entertain the higher 50% if regulations were put into place for drainage issues.

RECOMMENDATION is to increase to 35% with a Conditional Use permit required to go above that number so conditions could be in place to protect neighbors' properties.

Setbacks for main and accessory front, rear, side and corner lots were discussed together. Cathy pointed out that the first number is the minimum and the second the total.

- Laura Charchenko likes the setbacks as they are.
- Alan Malan likes the setbacks as they are, but would like a tight Conditional Use permit in place for special conditions that may arise.
- Terry Turner likes the setbacks as they are.
- Mike Cottle likes the setbacks as they are.

RECOMMENDATION is to keep setbacks as they exist in the current ordinance but entertain some thoughts on special conditions for a conditional use permit.

Height - Main Structure

- **Mike Cottle** feels 35 feet is adequate but would like setbacks to increase for additional height but limited to A1.

- **Laura Charchenko** liked 35-40' in A-1 Zone with 1 foot additional setback for each foot of height increased. She referred to the minutes from the work session regarding Councilmember Tovey and Mayor Romney's comments regarding the setbacks.
- **Alan Malan** likes it as is in smaller zones, but would make some accommodations for the A-1 zone. He feels the accessory building could be as tall as the main structure up to 40'. Alan Malan agrees with the other commissioners concerning increasing height with setback 1 for 1 on side and front yard setbacks.
- **Terry Turner** likes the 35 foot regulation with the exception of A-1 zone which could be increased as mentioned by other commissioners.

Height for Accessory Structures

Some discussion took place regarding the difference between main and accessory buildings and some scenarios.

Consensus was to leave R1-10 and R1-22 the same. Change A-1 zone that accessory building can be 40 feet as well as main structure at 40 feet with additional height requiring a greater setback.

- Laura Charchenko would like some stipulation put on A-1 zone to add footage from front to back like the side to side setback regulations. Terry Turner would consider Commissioner Charchenko's recommendation.
- Mike Cottle agreed that the front and sides should be adjusted as well for the 1 ft to 1 ft height regulation. Back yard would not be included.

RECOMMENDATION increase main and accessory structure heights to 40' in the A1 zone. Setbacks will be increased 1' on each side and on front setback for every foot above 35' for the main structure only. No setback adjustment necessary for accessory buildings

Distance Accessory from Main Structure

After some discussion among the Commission to keep the requirement at 10 feet, Alan Malan suggested it be changed to 8 ft. Laura Charchenko was okay with that if staff would check with the Fire Chief about their recommendation. Staff will check with Fire chief and building code and get back to them. Further discussion pending until information is collected and reported. No recommendation made at this point.

III. Consider setting a public hearing on January 14, 2014 for item #2.

There was discussion about when they would be ready for a public hearing. Ben White suggested this item be tabled until next meeting because it would not affect the hearing being set in January. Next meeting will be soon enough to set this hearing.

ACTION TAKEN:

Laura Charcheko moved to table agenda item # 3 until next meeting. Alan Malan seconded the motion and voting was unanimous in favor among members present.

IV. Staff Report:

- Alice Acres is moving forward quickly and is close to complying with all the requirements. Next time will be the last time Commission will review this item. Mr. White struggles with the drainage issue that the property has. Some suggestions were given by Commission and Cory Sweat.
- Doc Shupe and neighbors are trying to work out issues related to property lines that may bring an application for a subdivision to the Commission sooner than later.
- Olsen Farms 7 – no further information.
- Holly Corp - Air quality permit was approved by the State giving a green light to their expansion. Some things will be coming to us sooner and some as late as next year. Should consider whether to require curb and gutter on Holly property along the section of 800 West. Footprint is staying the same.
- Cathy Brightwell spoke of the public notice regarding a special tobacco business request to sell e-cigarettes. We will investigate the issue before making any decisions placing a 6 month moratorium on things until a study can be done. City Council will begin the discussion and send it back to the Commission because it is a land use issue.
- Senator Lee/staff will be in our small conference room from 10:00 a.m.- until noon on Tuesday, December 3rd to answer questions and share issues.

V. Approval of Minutes of November 12 meeting minutes and review of November 12, 2013 Joint work session minutes.

ACTION TAKEN:

Mike Cottle moved to approve of the minutes dated November 12, 2013 as presented. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.

Reviewed the minutes for the November 12, 2013 Joint Work Session. Suggested changes

- Alan Malan wanted Mark Preece to add his comment about being okay with the 45% of the rear yard percentage, if he so desired.

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 9:10 p.m.



TERRY TURNER/VICE CHAIRMAN



HEIDI VOORDECKERS/CITY RECORDER

DEBBIE MCKEAN /SECRETARY

