

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

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PLANNING COMMISSION MEETING

THE PLANNING COMMISSION OF WEST BOUNTIFUL CITY WILL HOLD ITS REGULARLY SCHEDULED MEETING ON **DECEMBER 10, 2013**, BEGINNING AT 7:30 PM. THE MEETING WILL BE HELD IN THE CITY OFFICES AT 550 NORTH 800 WEST, WEST BOUNTIFUL, UTAH.

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda
2. Discuss Ordinance 356-13 establishing temporary restrictions on Retail Tobacco Specialty Businesses
3. Consider setting public hearing on January 28, 2013 for item #2
4. Discuss Title 17 - yard regulations including setbacks, decks, area restrictions and yard obstructions; area and frontage regulations; and height regulations in residential zones.
5. Consider setting public hearing on January 14, 2013 for item # 4.
6. Staff Report
7. Consider Approval of November 26, 2013 meeting minutes
8. Adjournment

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and on the City's website on **December 6, 2013**.*

MEMORANDUM



TO: Mayor and Council

DATE: December 2, 2013

FROM: Duane Huffman

RE: Moratorium on Retail Tobacco Specialty Businesses

This memo briefly discusses a proposed moratorium on retail tobacco specialty businesses.

Background

Retail tobacco specialty businesses are defined in U.C.A 10-8-41.6 as a business wherein the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment. Tobacco products include cigarettes, cigars, electronic cigarettes, chewing tobacco, nicotine gum, etc. By state code, these businesses must be located at least 600 feet from a similar business, 600 feet from a residential or agricultural zone, and 1,000 feet from a community center (school, child care, arcade, park, church...). If such a business is located within a city, it must receive a special business license. See enclosed copy of U.C.A 10-8-41.6 for more information.

West Bountiful City

As U.C.A 10-8-41.6 was adopted just last year, the West Bountiful City Code does not include specific provisions for retail tobacco specialty businesses. To comply with the state law, the only feasible zones where such a business could be located are the C-H, C-G, I-G, and L-I zones. Within these zones, the C-G and C-H zones are the only to allow similar retail businesses (liquor), and these two zones also contain language that could be read to suggest that such a business could be eligible for a conditional use permit as it could be considered to be a retail business similar to those currently allowed with a conditional use permits.

Moratorium

State law allows for temporary land use ordinances which cities may use to call a "time-out" when a use is proposed that their current ordinances do not contemplate. As retail tobacco specialty businesses are not contemplated within our current ordinances, state law has singled them out as potentially needing more regulation, and we have identified potential negative impacts (potential sale of items commonly associated with drug use, the potential burden on police services, and the potential impact on the health and safety of the community's youth [see enclosed bulletin from Health Department]), it may be prudent to install the moratorium until these issues can be studied.

Another option would be to allow the Planning Commission to handle any potential negative impacts through the use of a conditional use permit.

**WEST BOUNTIFUL CITY
ORDINANCE No. 356-13**

AN ORDINANCE ESTABLISHING TEMPORARY RESTRICTIONS REGARDING LAND USE APPLICATIONS IN CONNECTION WITH RETAIL TOBACCO SPECIALTY BUSINESSES.

WHEREAS, the City is in the process of studying the impacts of retail tobacco specialty businesses, as defined in *Utah Code Ann.* § 10-8-41.6, as amended, on the public safety, health, and welfare; the general desirability of retail tobacco specialty businesses in various locations within the City limits; and any restrictions that may promote the public safety, health, and welfare with respect to retail tobacco specialty businesses (collectively, the “*Retail Tobacco Specialty Business Study*”);

WHEREAS, the City’s Retail Tobacco Specialty Business Study will focus on good land use principles, including public safety, health, and welfare; economic development; and conformity with the West Bountiful City General Plan;

WHEREAS, the City’s Retail Tobacco Specialty Business Study will specifically address the impacts of existing and contemplated uses as well as measures for mitigating such impacts;

WHEREAS, the impacts to be studied include the potential of the sale of items commonly associated with drug use, the potential burden on police services, the potential impact on the health and safety of the community’s youth, and other potential harmful impacts;

WHEREAS, the City also will study the compatibility of retail tobacco specialty businesses near other uses in light of *Utah Code Ann.* § 10-8-41.6;

WHEREAS, the City’s Retail Tobacco Specialty Business Study will be conducted in partnership with property owners, business owners, residents, and members of the Planning Commission and City Council;

WHEREAS, applicable state statutes allow the City’s legislative body to establish by ordinance temporary land use regulations regarding zoning amendments, conditional use permits, building permits, and other land use matters; and

WHEREAS, final public hearings and meetings of the Planning Commission and City Council must be held prior to formal adoption of any plan or measures to be submitted as a result of the City’s Retail Tobacco Specialty Business Study.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF WEST BOUNTIFUL CITY, UTAH, AS FOLLOWS:

(1) ***Finding of Countervailing Interest.*** Pursuant to *Utah Code Ann.* § 10-9a-504(1)(a), the City Council expressly finds that restricting land use applications and development activities with respect to retail tobacco specialty businesses, as provided in this Ordinance, while the City completes its Retail Tobacco Specialty Business Study is in the best interest of the City. The Study is necessary to address the impacts and potential impacts of retail tobacco specialty business development activities within the City limits, including the potential sale of items commonly associated with drug use, the potential burden on police services, the potential impact on the health and safety of the community's youth, and other potential harmful impacts; as well as measures for mitigating such impacts. This constitutes a compelling, countervailing public interest sufficient to justify a six-month prohibition on land use applications and development activities as specified in this Ordinance.

(2) ***Balancing of Public versus Private Interests.*** The City Council finds further that any harm to private interests from the temporary land use regulations is *de minimis*, and is outweighed by the City's interests in receiving, reviewing, and adopting the recommendations of the Retail Tobacco Specialty Business Study. The City Council finds that no retail tobacco specialty business development or other proposed land use, the completed application, plans, and fees for which were not submitted prior to 4:30 p.m. on November 21, 2013, in full compliance with existing zoning regulations, has any right to be prosecuted under existing regulations. Further, any land use application submitted prior to 4:30 p.m. on November 21, 2013, that the City has disapproved due to incompleteness, inaccuracies, or non-compliance is specifically determined to have no vested right to be prosecuted under existing regulations. The City will not accept any re-submittal of these disapproved applications during the period of prohibition under this Ordinance.

(3) ***Temporary Regulations.*** Temporary zoning and building regulations are hereby adopted, as follows:

(A) No application for any conditional use permit, building permit or any other land use permit will be accepted or issued for any new operation, construction, reconstruction, or alteration of any Retail Tobacco Specialty Business.

(B) No operation, construction, reconstruction, alteration, or other development activity with respect to an retail tobacco specialty business will be permitted, except as otherwise allowed by applicable state law, including Utah Code Ann. § 10-9a-513.

(C) These temporary regulations will expire six months from the date of adoption of this Ordinance, unless repealed earlier by action of the City Council.

(4) ***Relief from Temporary Regulations.***

(A) A property owner, lessee, or occupant may petition the Planning Commission for relief from these temporary regulations. Such petition must be in writing and contain the following information:

(i) Scope of relief desired;

(ii) Explanation of why the relief is necessary; and

(iii) Explanation of work to be performed.

(B) The Planning Commission may grant relief from the temporary regulations under the following conditions:

(i) The relief sought is to protect the structural integrity of a building;

(ii) The relief sought does not affect the potential recommendations of the City's Retail Tobacco Specialty Business Study;

(iii) The relief sought is for minor interior changes to existing structures or buildings;

(iv) The relief sought is to enable the repair of electrical, plumbing, or similar systems;

(v) The relief sought is to remedy a violation of safety codes or environmental regulations for which a land use or building permit application is required (no relief being necessary if the remedy would not otherwise require a land use or building permit application); or

(vi) The relief sought is for the placement of temporary signs, making of temporary repairs, hosting special events, or for temporary public signage.

(C) The Planning Commission's decision on a petition submitted under this Ordinance may be appealed to the City Council in the same manner and following the same procedures as an appeal from a decision of the Planning Commission on a conditional use permit application.

(5) ***Effective Date.*** This Ordinance shall become effective upon adoption and signature.

[The remainder of this page is intentionally left blank.]

ADOPTED this 3rd day of December, 2013.

By: Approved 12/3/13

Ken Romney, Mayor

Attest:

Heidi Voordeckers, City Recorder

Voting by the City Council: Aye Nay

Councilmember Ahlstrom	<u> X </u>	_____
Councilmember Bruhn	<u> X </u>	_____
Councilmember McKean	<u> X </u>	_____
Councilmember Preece	<u> X </u>	_____
Councilmember Tovey	<u> X </u>	_____

" Direct Planning Commission to
research and make proposal
as soon as possible "

2012 Utah State Code

10-8-41.6. Regulation of retail tobacco specialty business.

(1) As used in this section:

(a) "Community location" means:

- (i) a public or private kindergarten, elementary, middle, junior high, or high school;
- (ii) a licensed child-care facility or preschool;
- (iii) a trade or technical school;
- (iv) a church;
- (v) a public library;
- (vi) a public playground;
- (vii) a public park;
- (viii) a youth center or other space used primarily for youth oriented activities;
- (ix) a public recreational facility; or
- (x) a public arcade.

(b) "Retail tobacco specialty business" means a commercial establishment in

which:

(i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;

(ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and

(iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

(c) "Tobacco product" means:

(i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;

(ii) a tobacco product as defined in Section 59-14-102, including:

(A) chewing tobacco; or

(B) any substitute for a tobacco product, including flavoring or additives to tobacco; and

(iii) tobacco paraphernalia as defined in Section 76-10-104.1.

(2) The regulation of a retail tobacco specialty business is an exercise of the police powers of the state, and through delegation, to other governmental entities.

(3) (a) Except as provided in Subsection (7), and beginning July 1, 2012, a municipality shall require an entity to be licensed as a retail tobacco specialty business to conduct business as a retail tobacco specialty business in a municipality.

(b) A municipality may issue a retail tobacco specialty business license to an entity if the entity complies with the provisions of Subsection (5).

(4) Except as provided in Subsection (7), and beginning July 1, 2012, a business entity that conducts a retail tobacco specialty business in a municipality shall be licensed by the municipality as a retail tobacco specialty business.

(5) (a) A municipality may not issue a license to a retail tobacco specialty business if it is located within:

(i) 1,000 feet of a community location;

(ii) 600 feet of another retail tobacco specialty business; or

(iii) 600 feet from property used or zoned for:

(A) agriculture use; or

(B) residential use.

(b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, or agricultural or residential use, without regard to intervening structures or zoning districts.

(6) (a) Nothing in this section:

(i) requires a municipality to issue a business license to a retail tobacco specialty business; or

(ii) prohibits a municipality from adopting more restrictive requirements on a tobacco specialty business than provided for in this section.

(b) A municipality may revoke a business license issued under this section:

(i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

(ii) if a licensee violates the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or

(iii) under other provisions of state law or local ordinance.

(7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has a business license and is operating lawfully in a municipality on or before May 8, 2012, is exempt from Subsections (4) and (5).

(b) A retail tobacco specialty business may maintain an exemption under Subsection (7)(a) if:

(i) the business license is renewed continuously without relapse or permanent revocation;

(ii) the retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than 60 consecutive days;

(iii) the retail tobacco specialty business does not substantially change the business premises or its business operation; and

(iv) the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued prior to May 8, 2012.

Enacted by Chapter 154, 2012 General Session

MEMORANDUM



TO: Planning Commission

DATE: December 6, 2013

FROM: Ben White, Cathy Brightwell

RE: Title 17 – Miscellaneous setback and yard regulation changes

At the last planning commission meeting, there was much discussion about the current setback and yard regulations and how they compare to other similar cities. Recommendations were suggested to change several of the line items. The attached comparison chart reflects those discussions.

Staff was also asked to take a shot at clarifying the existing "050.J" paragraph in each of the 3 residential zones. The second attachment has reformatted and attempted to clarify the language.

ZONING SETBACKS COMPARISON WORKSHEET

	WBC	WX	NSL	CENTERVILLE	LAYTON	WEST POINT	PLNG COMM. RECOMMENDS:
	R1-10/R1-22/A-1	R1-10/A-1	R1-10/R1-12	R-M/R-H	R1-10/A	R-2/A-40	
Lot Width @ Setback	85	85 / 100	80 / 90	60 / 100	80 / 100	85 / 100	no change
Lot Depth to Width Ratio	max 3 to 1						remove
% accessory bldgs to rear yard	25%	30% / na	35% ¹	60% ²	60% ¹ / na	75% ¹ / na	CUP for >35%
Front Yard - Main structure	30'	30'	25'	25'	30	25-30 ³ / 30	no change
Rear Yard - Main structure	30'	30'	25	20	30	25-30 ³ / 30	no change
Rear Yard - corner lot	30'	30	20	20	25 / 30		no change
Rear Yard - decks	30'				20'		20' w/ CUP ⁶
Side Yard - Main Structure	10-24'	8-18	8-20	8-18 / 12-24	10-20 / 10-24	10-20	no change
Side Yard - Main Structure - corner lot	10-30'	8-28		8-28 / 12-32	10-30	10-30	no change
Height - Main structure	35'	35	35	35	30 / 35	40 ⁴	A1 - 40 ⁵
Height - Accessory Structure	20 / 20 / 35	25	25	20	18 / 25	30 ⁴	cannot exceed main
Distance Accessory from Main structure	10'	3	6		6	10	8?

1 % max coverage of lot/parcel

2 % max hard surface of lot/parcel

3 If front setback is 25 rear must be 30, **or** if front is 30 rear can be 25

4 For every foot of height above 35 for main and 20 for accessory structures, an additional one foot of setback is required

5 For every foot of height between 35 and 40, an additional foot of setback on front and each side is required

6 20 ft from rear property line, cannot encroach more than 200 sf, cannot be higher than highest finished floor of main, railing cannot be solid

R1-10, R1-22, A-1

Existing:

050-J. Yards to be unobstructed – Exceptions. Every part of a required front yard, rear yard or side yard shall be open to the sky, unobstructed except for permitted accessory structures, including buildings, in a rear yard; ordinary architectural projections of sky-lights, sills belt courses, cornices, chimneys, flues; and other ornamental features which project into a yard not more than two and one half (2 ½) feet; open or lattice-enclosed fire escapes; and fireproof outside stairways and balconies opening upon fire towers projecting into a yard no more than five (5) feet. Architectural projections are those projections not intended for occupancy which extend beyond the face of a building or structure. Landscape enhancements, including but not limited to arbors, ponds, decorative walkways, and retaining structures, with a gross area of 120 square feet or less and a height of twenty four (24) inches or less (except arbor or trellis openings width not greater than sixty (60) inches, depth not greater than twenty four (24) inches and height no greater than ninety six (96) inches) shall be allowed within any front yard, side yard or rear yard setback area. Structures identified as exempt from a building permit, with the exception of fences, retaining walls, and access walkways or driveways, shall not be placed or constructed within any front yard or corner street-side side yard setback area.

Proposed

050-J. Yards to be unobstructed – Exceptions.

Every part of a required front yard, rear yard or side yard shall be open to the sky, unobstructed except for:

1. ~~Permitted accessory structures in rear and side yards including buildings, in a rear yard; ordinary architectural projections of sky lights, sills belt courses, cornices, chimneys, flues; and other ornamental features which project into a yard not more than two and one half (2 ½) feet; open or lattice-enclosed fire escapes; and fireproof outside stairways and balconies opening upon fire towers projecting into a yard no more than five (5) feet. Architectural projections are those projections not intended for occupancy which extend beyond the face of a building or structure.~~
2. Landscape enhancements in front and side yards, including but not limited to:
 - a. arbors and trellis's less than 60" wide, 96" tall and 24" deep,
 - b. ponds, less than 120 sf,
 - c. non-covered decorative walkways, and
 - d. retaining structures, less than 4 feet tall. with a gross area of 120 square feet or less and a height of twenty four (24) inches or less (except arbor or trellis openings width not greater than sixty (60) inches, depth not greater than twenty four (24) inches and height no greater than ninety six (96) inches) shall be allowed within any front yard, side yard or rear yard setback area.

Structures identified as exempt from a building permit shall not be placed, with the exception of fences, retaining walls, and access walkways or driveways, shall not be placed or constructed within any front yard or corner street-side side yard setback area.

PENDING

1 **West Bountiful City**

November 26, 2013

2 **Planning Commission**

3

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
5 website and the West Bountiful City website, and sent to Clipper Publishing Company on
6 November 21, 2013 per state statutory requirement.

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

9

10 **Those in Attendance:**

11

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

14

15 **MEMBERS/STAFF EXCUSED:** Chairman Denis Hopkinson

16

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

19

20 **VISITORS:** Cory Sweat.

21

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

24 **I. Accept Agenda**

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

31

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

PENDING

35 Ben White discussed the following properties:

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

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

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

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

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

44 Some discussion took place.

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

53

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

56

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

59

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

66 • Alan Malan does not see a need for this since our city is almost built out. He mentioned
67 that other options could be considered like 5 to 1. Alan feels that there is not a problem
68 having a situation like Miller's home.

69 • Mike Cottle, Laura Charchenko and Terry Turner agreed that 3 to 1 is not necessary. Pros
70 and cons do not outweigh each other in Mr. Turner's opinion.

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

73

PENDING

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

- 76 • Terry Turner stated that to him it is all about aesthetics. As long as it can't be seen, he's
77 ok with it. He appreciated the aerial views and it helped him to come to a different
78 conclusion than he would have otherwise.
- 79 • Alan Malan would like to see the % move to 50% and does not see it as a problem. He
80 would rather see things stored in buildings and not in open land. He noted that 45%
81 would be okay as was with the majority of the City Council during the work session. He
82 wants to let people have the option to do more with their property. He stated that the
83 rural feel would be kept being able to build bigger barn like structures.
- 84 • Cathy Brightwell asked if they wanted to entertain the % of the whole property as several
85 other cities had done instead of limiting it to rear yards. Alan Malan liked keeping it in
86 the rear.
- 87 • Mike Cottle can go either way but feels that the property owner needs to have the right
88 and ability to do what they will on their property, within reason.
- 89 • Laura Charchenko was concerned with the storm drain issues and felt that there should be
90 some provisions put into place to protect neighbors from water drainage. She likes the
91 35-40 % range but would also entertain the higher 50% if regulations were put into place
92 for drainage issues.

93

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

96

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

99 • Laura Charchenko likes the setbacks as they are.

100 • Alan Malan likes the setbacks as they are, but would like a tight Conditional Use permit
101 in place for special conditions that may arise.

102 • Terry Turner likes the setbacks as they are.

103 • Mike Cottle likes the setbacks as they are.

104

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

107

108 **Height - Main Structure**

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

PENDING

111 Laura Charchenko – liked 35-40’ in A-1 Zone with 1 foot additional setback for each foot of
112 height increased.

113 Alan Malan likes it as is in smaller zones, but would make some accommodations for the A-1
114 zone. He feels the accessory building could be as tall as the main structure up to 40’.

115 Terry Turner- likes the 35 foot regulation with the exception of A-1 zone which could be
116 increased as mentioned by other commissioners.

117

118 **Height for Accessory Structures Structures**

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

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

124 • Laura Charchenko would like some stipulation put on A-1 zone to add footage from front
125 to back like the side to side setback regulations. She referred to the minutes from the
126 work session regarding Councilmember Tovey and Mayor Romney’s comments.

127 • Terry Turner would consider Commissioner Charchenko’s recommendation.

128 • Mike Cottle agreed that the front and sides should be adjusted as well for the 1 ft to 1 ft
129 height regulation. Back yard would not be included.

130 • Alan Malan agrees with the other commissioners concerning increasing height with
131 setback 1 for 1 on side and front yard setbacks.

132

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

136

137 **Distance Accessory from Main Structure**

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

143

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

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

148

PENDING

149 **ACTION TAKEN:**

150

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

153

154 **IV. Staff Report:**

- 155 • Alice Acres is moving forward quickly and is close to complying with all the
156 requirements. Next time will be the last time Commission will review this item. Mr.
157 White struggles with the drainage issue that the property has. Some suggestions were
158 given by Commission and Cory Sweat.
- 159 • Doc Shupe and neighbors are trying to work out issues related to property lines that may
160 bring an application for a subdivision to the Commission sooner than later.
- 161 • Olsen Farms 7 – no further information.
- 162 • Holly Corp - Air quality permit was approved by the State giving a green light to their
163 expansion. Some things will be coming to us sooner and some as late as next year.
164 Should consider whether to require curb and gutter on Holly property along the section of
165 800 West. Footprint is staying the same.
- 166 • Cathy Brightwell spoke of the public notice regarding a special tobacco business request
167 to sell e-cigarettes. We will investigate the issue before making any decisions placing a 6
168 month moratorium on things until a study can be done. City Council will begin the
169 discussion and send it back to the Commission because it is a land use issue.
- 170 • Senator Lee/staff will be in our small conference room from 10:00 a.m.- until noon on
171 Tuesday, December 3rd to answer questions and share issues.

172

173 **V. Approval of Minutes of November 12 meeting minutes and review of November 12,**
174 **2013 Joint work session minutes.**

175

176 **ACTION TAKEN:**

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

180

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

- 182 • **Alan Malan wanted Mark Preece to add his comment about being okay with the**
183 **45% of the rear yard percentage, if he so desired.**

184

PENDING

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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