West Bountiful City **January 14, 2014**

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 January 10, 2014 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 14, 2014, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Terry Turner, Alan Malan, Mike Cottle, and Corey Sweat (alternate).

MEMBERS/STAFF EXCUSED: Laura Charchenko.

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

VISITORS: Dennis Higley, Stephen Fackrell and Councilmember Enquist.

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Corey Sweat offered a thought and expressed thanks for being invited to be part of this commission, then Chairman Hopkinson offered a prayer.

I. Accept Agenda

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

Business Discussed:

II. Consider final plat approval for Alice Acres Subdivision at 400 North and 1100 West requested by Destiny Homes

Commissioner's packets included a memorandum dated January 10, 2014 from Ben White/City Engineer in regards to Alice Acres Subdivision Final Plat with an attachment of several pages

from the developer regarding the details of the development. Information in the memorandum included the following:

- Alice Acres Subdivision is a 4 acre, 7 lot residential development on the northeast corner of 1100 West and 400 North. Five lots front onto 400 North and 2 lots front onto 1100 West. Lots meet the minimum half acre zoning requirement including 3 times the depth to width ratio.
- Utility infrastructure is unusual for this development. Sanitary sewer pipeline is proposed to be in the front yard to avoid cutting into the newly constructed road. One utility service (water) will need to make a cut in the road but will use bore pits and then patch with a seamless, thermal patch.
- Drainage for this area is difficult. Their drainage proposal would do away with the two current ditches that extend diagonally through the property which would require the run off water to continue to the west. Piping seems to be the logical way to drain the property but the options to do so are limited by the depth of the storm drain in 1100 West.
- Staff suggests a minimum construction and grading restriction be placed on the area that would be inundated with water.

Chairman Hopkinson invited Dennis Higley, the representative from Destiny Homes to take the stand. Stephen Fackrell took the stand as the project engineer. Mr. Hopkinson pointed out the concerns they have regarding the property.

- Drainage issues.
- Sanitary Sewer pipe proposed to run along the front property lines which will alleviate a cut in the new road.

Mike Cottle inquired how far back the pipes will be for the sewer. Mr. Fackrell replied they will be 15 feet behind the sidewalk. In regards to drainage ditches that currently drain to 400 North in the rear yards, Mr. Cottle asked if they will be filled in. Mr. Fackrell replied to the positive.

Corey Sweat asked questions regarding drainage for lots 1, 2, and 3. Mr. Fackrell explained how the drainage system will be constructed and noted that all water will not flow to Lot 1 but along each lot. Mr. White noted that the east side of Lot 1 is located a foot lower than the curb and the grade cannot be changed much. He explained that all backyards will drain to the east and drainage has been properly addressed with the developer. Homes will be higher than the drains and water will be collected before it reaches the existing homes.

Terry Turner's issues were addressed with Commissioner Cottle and Commissioner Sweat's questions.

Mr. Hopkinson requested a restriction be placed on the plat to prevent any structure from being built that would be damaged by water. Mr. Dennis Higley agreed to do so. Chairman Hopkinson would like the far end drainage system to have a grate or face on it to prevent critters from clogging the drain. Steve Fackrell felt that doing that would cause a maintenance issue in the future.

Alan Malan was concerned if the drainage plan is enough or should more be done considering the experiences our city has with water. Mr. White would like to do more, but there is nothing more than can be done. Drainage has been addressed to the fullest extent.

ACTION TAKEN:

Alan Malan moved to approved final plat for Alice Acres Subdivision as engineered, with Lot # 3 and #4 having a grading and building restriction recorded on the deed. Mike Cottle seconded the motion and voting was unanimous in favor.

Mike Cottle made a friendly amendment to the prior motion that the grading restrictions recorded on the plat be per the city engineer's recommendation and approval. Terry Turner seconded the amendment and voting was unanimous in favor.

III. **Discuss possible restrictions on Retail Tobacco Specialty Businesses pursuant to Ordinance 356-13**

Commissioner's packets included a memorandum dated January 10, 2014 from Cathy Brightwell regarding the City's Retail Tobacco Specialty Business (RTSB) study with a copy of the permitted, conditional, and prohibited uses in each of the West Bountiful's non-residential zoning districts. Information in the memorandum included:

- City Council adopted Ordinance 356-13 on December 3, 2013 establishing temporary restrictions regarding land use applications in connection with Retail Tobacco Specialty Businesses in order to conduct a study of the issues. The Planning Commission is responsible for the study and will make a recommendation to the City Council.
- A public hearing has been scheduled for January 28, 2014.
- As directed by Planning Commission, staff prepared language to prohibit Retail Tobacco Specialty businesses from all zoning districts in the City. As a housekeeping issue, Sexually Oriented Businesses were added to the Prohibited Use section of all zones except Light Industrial (L-I) as the prohibition was stated in a different section of the Code (17.64.020) but had never been specifically listed in each zone.

Chairman Hopkinson introduced the information in the commissioner's packet and proposed to have a discussion regarding what restrictions we want to put on RTSB's in West Bountiful and to discuss language updates to the current ordinances regarding sexually oriented business. Ms. Brightwell explained this housekeeping effort would clarify where the businesses could be located and make it easier for people to find in the Code.

Cathy Brightwell explained her understanding of the situation recently reported in the news about Bountiful's RTSB's. She said that Bountiful recently discovered the locations of these previously licensed businesses violate state law. They have given the business owners one year to find new locations. Ms. Brightwell also reported that she spoke with the business owner proposing to place the RTSB in West Bountiful to keep her updated on the City's efforts and to make sure she is aware of the public hearing. Due to the Bountiful situation, the business owner feels we will have additional interest in having RTSB's locate in our City.

Chairman Hopkinson took a poll of Commissioners to find out their positions on the issue.

Mike Cottle does not want this type of business in our city.

Terry Turner agrees with the other commissioners. He wants to promote business but also believes the public/community of West Bountiful does not want this type of business in our city. Mr. Turner polled many citizens over the past several weeks and 100 % support prohibiting these types of businesses.

Corey Sweat agrees that this type of business will expand into other things and does not want to see it in our city.

Alan Malan does not like to regulate business but does not want these businesses to be in a shopping area. He would prefer to allow it in the L-I zone only.

Chairman Hopkinson agrees with all the commissioners. He directed staff to prepare the proposed ordinance changes for the public hearing to be held on January 28th, 2014.

Mike Cottle requested a zoning map of our city. Ben White issued copies to each of the commissioners to keep in their packets.

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

Commissioner's packets included a memorandum dated January 10, 2014 from Ben White/Cathy Brightwell in regards to Title 17 - Miscellaneous setback and yard regulation changes. In addition, there was a draft copy of proposed changes to sections of 17.24., 17.20., and 17.16., and a zoning comparison chart.

Chairman Hopkinson turned the time over to Cathy Brightwell to explain the draft document of the proposed Title 17 changes. She walked the commissioner's through the whole document addressing each proposed change. See redlined draft dated 1/13/14 with the proposed changes.

Chairman Hopkinson reviewed past discussions with Commissioner Sweat to bring him up to speed on this issue.

Upon reviewing the draft the following suggested changes were made:

- Alan Malan noted that the height of 48 inches for the deck railing needs to be added in Yard Regulations, Rear Yard, c.
- Alan Malan questioned the "Open to the Sky Regulations" in H. Cathy informed the commission that "open to the sky language" will be deleted in the final document and noted that they are still working with Steve Doxey on this section.
- Mr. Malan wants the last sentence in H 3., Other Building and Structure restrictions to be deleted. Language can be found in other areas of the code to limit this restriction.
- Mr. Malan suggested that under height regulations on page 3, the "highest roof structure" be changed to read "highest part of the roof."
- Corey Sweat had no suggested changes.
- Terry Turner would like A-1 zone discussion on height regulations on Page 3.
- Mike Cottle does not like "open to the sky" language and supports deleting it.

- Chairman Hopkinson - page 1, Rear yard, c.iii. – height of deck. He noted that we have homes with their main grade on the second level. This creates a really high deck that could have views into a neighboring property that may be a rambler style home. This will create view issues. He does not want to see this turned into a nightmare for the city. Mr. Turner agrees this may warrant discussion.

  Some discussion took place regarding the conditional use process for increasing the height of an allowable deck. Further discussion took place regarding whether a restriction should be placed on a deck built off of a second story. Mr. Cottle asked if we could look at those on a case by case because of the conditional use. Ms. Brightwell explained that it would be very difficult to deny a conditional use application for a deck if it meets the criteria listed, including the height criteria in c.iii. If they want to look at height on a case by case basis, c.iii should be deleted from the list. Mr. Malan and Mr. Sweat do not see height as being an issue. Mr. Turner does not like telling property owners what they can do on their property unless necessary. Mike Cottle liked the idea of deleting C.3. if there was a concern about deck heights. It was decided to leave it in.

- For deck railings it was decided that a maximum height of 48 inches be included in c.5.
- Regarding 3F – area of structure and accessory building. Chairman Hopkinson wants to leave it at 25%. The remaining commissioners agreed to change it to 35%.
- H. Change "open to the sky" language as legal/staff propose.
- Page 3, Height regulations. Ben White was asked if the measuring requirements were ok or should be changed. Mr. White described how other jurisdictions measure building heights and said he hasn't had any problems with the way we do it. He likes the language we have but would also consider a %. It was decided to leave as is except to change "the highest roof structure" to "the highest part of the roof."
- Height regulations for A-1 accessory structures. Should they be allowed additional height the same as main structures? After discussion it was decided that language will include "main structure *and* accessory building."

Chairman Hopkinson asked staff to get the draft updated, distributed for review and on the website available for public review as soon as possible. Cathy agreed.

V. Staff Report

- Ben White informed the commission that they are seeing interest in development on the west side of the city.
- Mr. White reported they met with UDOT regarding construction on the I-15 project. It has been awarded to W.W.Clyde and the project will included HOV lanes from NSL to Farmington on both north and south sides of the highway. In addition, 4 bridges will be replaced along that stretch, with work completed in 2014. Mr. White briefly explained how the construction will be done.
- Legacy Project- UDOT committed $120,000 to fix drainage issues on 1200 North.

- A special request was made by Steve Fackrell to plow the Rail trail at the last City Council meeting.
- Cathy Brightwell reminded the Commission that there will be two Public Hearings on the 28th, for Retail Tobacco Specialty businesses and Title 17 setback and yard regulations.
- She told them pictures of the Planning Commission will be taken on that date as well.
- Cathy Brightwell asked that each commissioner update the Conflict of Interest disclosure and turn it into her as soon as possible.

VI. Approval of Minutes of dated December 10th, 2013.

ACTION TAKEN:

Terry Turner moved to approve of the minutes dated December 10th, 2013 as corrected. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VII. 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 9:25 p.m.

The foregoing was approved by the West Bountiful City Planning Commission by unanimous vote of all members present on Tuesday, January 28, 2014.

Cathy Brightwell

CATHY BRIGHTWELL (DEPUTY CITY RECORDER)