

**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 March 7, 2014 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 11, 2014, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry Turner, Alan Malan, Laura Charchenko and Corey Sweat (alternate).

**MEMBERS/STAFF EXCUSED:** Mike Cottle.

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

**VISITORS:** Adam Jordan, Lucy Jordan, Guy Campbell, Von Hill, and Robert Holmes.

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

**I. Accept Agenda**

Chairman Hopkinson 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. Consider Conditional Use Application for Net X Cars, LLC, 1009 West 500 South, Suite B2, an automobile dealership**

Commissioner packets included a memorandum dated March 7, 2014 from Cathy Brightwell regarding Conditional Use Application – Net X Cars, LLC at 1009 W 500 S #B2, the Conditional Use Permit Application, a site plan including a few photos of the site.

Memorandum from Ms. Brightwell included the following information:

- Received request from Guy Campbell for a Conditional Use Permit
- Applicant will be doing the majority of his business over the internet with very little traffic to his business.
- No work on vehicles or outdoor storage.
- Site plan shows customer parking as well as cars that will be for sale.
- Mr. Campbell has applied for a State Dealer's license.
- Business is located in C-H zone which requires a Conditional Use Permit for Motor Vehicle Sales.
- Review of application by Staff stating that they believe this request satisfies the requirements of Chapter 17.60, Conditional Uses and recommends approval of the CUP subject to affirmative findings and conditions.
- A list of recommended conditions were to obtain a copy of Utah State Used Motor Vehicle Dealer License, proof of Motor Vehicle Dealer bond insurance, and fire inspection approval before CUP is issued or business can begin. In addition, no outdoor storage will be allowed and retail vehicle inventory will be limited to the number of parking spaces allotted making sure to leave adequate customer and employee parking.

Application for Conditional Use Permit for Guy Campbell was introduced by Chairman Hopkinson stating that the application appears to be straight forward. Chairman Hopkinson called Mr. Guy Campbell to the stand for questions from the Commissioners.

- Alan Malan and Corey Sweat had no questions.
- Terry Turner asked about the internet portion of the business and what applicant's plans are when business outgrows the space he has. Applicant responded there is additional area available to expand if necessary.
- Laura Charchenko reviewed the conditions that need to be met recommended by staff.
- Chairman Hopkinson inquired about number of spaces for business. Mr. Campbell answered there are eight on 500 South between the two entrances. Mr. Hopkinson reminded him to adhere to the required conditions and fulfill the necessary requirements before receiving his permit.
- Cathy Brightwell asked the applicant to talk about a non-profit business he is connected to. Mr. Campbell explained that he teams up with the Good Samaritan Program that provides soup to the needy on Wednesdays at the Cathedral of the Madeleine in Salt Lake. A portion of the money he receives from his business directly assists with this cause.

**ACTION TAKEN:**

Corey Sweat moved to approve the Conditional Use Permit for Net X Cars, LLC at 1009 W 500 S with the affirmative findings that the proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community; will not be detrimental

to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity; shall not inordinately impact schools, utilities, and streets in the area; will provide the proper parking and traffic circulation and be in harmony with the area; and will comply with the regulations specified in the C-H zoning ordinance. The following conditions shall be met before a conditional use permit will be issued and a business license can be purchased, 1) a copy of Utah State Used Motor Vehicle Dealer license, 2) proof of a Motor Vehicle Dealer bond insurance and 3) fire inspection approval. No business may be conducted until a business license has been issued. In addition, retail vehicle inventory will be limited to the number of parking spaces allotted to the business making sure to leave adequate customer and employee parking and no outdoor storage will be allowed. Terry Turner seconded the motion and voting was unanimous in favor.

### **III. Consider Conditional Use Application for TDC Quads, 1009 West 500 South, Suite 12, a business that dismantles motorcycle and ATVs and sells their parts via the internet**

At the applicant's request, this agenda item will be rescheduled for the next regularly scheduled meeting.

### **IV. Discuss rezone application from Woodhaven Trailer Court**

Commissioner packets included a memorandum dated March 6, 2014 from Ben White regarding Woodhaven Trailer Park Rezone Request, a statement from Adam Jordan concerning the request for rezoning, a full legal description of the property, and an aerial view of said property.

Memorandum stated that SW Wood Enterprises, LLC is the owner of the Woodhaven Trailer Park located on 500 South. They would like to have the City consider a request to rezone the property (currently C-G and L-I zone) to a multi-family or mixed use zone. Currently there is no zone in our city that would meet their request.

Ben White introduced Lucy and Adam Jordan as representatives of Woodhaven Trailer Court. The two took the stand. Lucy Jordan is one of four owners of the Woodhaven Trailer Court. Adam Jordan is her son and the listing broker.

Chairman Hopkinson asked them to share their idea for that area. Mr. Jordan stated that the depreciated trailer park has been up for sale several times over the past few years. The family does not have the capitol to put into it, but realizes it is a prime piece of property. They have had offers from investors that would need the property rezoned as a mixed use. He mentioned some potential uses that would be a win/win for our city and the property owners. The owners desire to use the property to the best of its ability.

Lucy Jordan shared a concept plan for an office complex. The property is odd shaped but has potential for 3 business properties with ample parking stalls. Mr. Jordan noted there is a potential buyer that could make this area very nice.

Chairman Hopkinson addressed Lucy and Adam and explained what is needed to go through a zone change. He shared his concern with the close vicinity they are to the Holly Refinery blast zone noting that people and blast zones don't go together. As a city we need to consider the health, safety and welfare as they consider development in that area. Mr. Hopkinson also explained that traffic has to be considered in that area along with what conditions already exist.

He asked the Jordan's if they were aware of what UDOT's plans were for the future in that area especially with I-15 construction. Lucy Jordan explained that they have met with UDOT and they informed them that there is only a small corner of their property that would be impacted.

- Chairman Hopkinson stated they should try to find investors to create a development that would limit the amount of people that were on the property to mitigate issues concerning the hazards of being within a blast zone. Examples of car dealerships, business offices or retail space were given. He felt that it would take something along those lines to favorably consider a rezone of that area. Mr. Hopkinson stated that he realizes that it could be a beautiful entrance into our city along with some marketing advantages.
- Corey Sweat would feel more comfortable about rezoning the area if he knew what UDOT has in mind for their final plans in that area. He is interested in nailing down more specific plans for what they want to put in place to occupy that area.
- Terry Turner inquired about what the area would look like when UDOT was finished. Ben White responded it will likely be a diverging diamond design within the existing asphalt area. Mr. Turner also feels the area has a lot of potential with good highway visibility and agrees with Commissioner Sweat. He likes the concept plan example that was presented tonight from the Jordan's.
- Laura Charchenko is concerned with increase of traffic in that area and would like to maintain a safe traffic flow with a possible traffic light in place. The property has very poor access in and out. She feels it is a great use for business' but not safe to have residential property. She would like to see UDOT's future plans before making a decision.
- Alan Malan agreed with the other Commissioners and also would not support residential property in that area because the safety risks are too great.
- Chairman Hopkinson stated the property is a diamond in the rough and encouraged the Jordan's to continue their quest for redeveloping that area. He feels there are some really great options for them.

Mr. Jordan asked a few questions to sum up the Commissioner's comments. He noted that commercial investors will be hard to obtain without the area being zoned for new uses. Mr. Hopkinson stated that he can propose a use and then sell the Commission on it. Mr. Hopkinson told him there was good discussion tonight and they have been given some guidelines from the Commissioners who appear to be willing to entertain the type of use that limits personal risks and creates a pleasing atmosphere for the entrance to our city.

Ben reminded the Jordan's that the C-G and C-H zones are already in place in our code. Mr. Hopkinson wants to see some ideas before they consider changing the zones. Lucy Jordan asked about a possible alternative to the flow of traffic. Some discussion took place.

Chairman Hopkinson invited them to bring any and all ideas back for consideration.

## **V. Discuss preliminary plat for Olsen Farms 7**

Commissioner's packets included a memorandum dated March 6, 2014 from Ben White regarding Olsen Ranches Preliminary Plat and a copy of the plat.

Memorandum included the following information:

- Olsen Ranches is an 8 lot, 16 acre development previously known as Olsen Farms Phase 7. The preliminary plat design has been submitted for review by Commission this evening. Final Plat will be reviewed by the Commission before being forwarded to City Council.
- Preliminary Plat approval provides partial entitlement though and consists only of the city accepting the design concept (specifically 8 lots along 1100 West) with encumbrances including a petroleum scraper facility near Pages Lane, over-head power lines located in the rear of each lot and a gas line running through the front yards, an old creek channel and a storm drain ditch. Even with all the encumbrances there appears to be an adequate building footprint for each lot.
- City has on file “will serve” letters from private utility companies, a soil report, and a wetland study which have an expiration date after 5 years. Planning Commission could request an updated study.
- The preliminary plat design package includes a 100 year flood plan, wetlands, existing easements and encumbrances, asphalt street, curb and gutter design, utility extensions including connecting to the Weber Basin irrigation line east on Pages Lane, provisions for Bruhn family to continue to irrigate, and a masonry wall which will be located around three sides of the petroleum scraper facility with chain link fencing and a gate on the fourth side.
- A list from Staff of specific points the Planning Commission should consider including street lighting, curb and gutter along Pages Lane west of 1100 West, consideration of how wide asphalt should be along 1100 West and what should be the long term care and use of Parcel A access.

Ben White introduced Von Hill and Bob Holmes as representative of the Olsen Ranches. He has met with Von and some changes have been made. Ben noted that the wetland study has expired but there is no proposed construction that would impact the wetlands in that area. He noted some concerns of which were Weber Basin needs to be looped, petroleum station safety needs to be enclosed with fencing, and curb, gutter and asphalt plan for that area, street lighting, and access to Parcel A for future access. These concerns were listed in his memorandum.

Chairman Hopkinson invited Von Hill and Bob Holmes to the stand to answer Commissioner’s questions.

- Alan Malan inquired where the wetlands were on the provided site plan and the proposed easement for Parcel 8. He asked about curb, gutter and sidewalk on Pages Lane. Public Works would just like curb and sidewalk but Ben would like to see all three required. Curb and gutter would extend to the end of Lot 8. He asked about the enclosure around the petroleum station. Mr. Holmes suggested a vinyl fence that would be similar to what home owners would have around their property.
- Laura Charchenko was concerned about the existing stream that runs through Lot 7. How far do they need to stay away from the stream when building? What would wetland studies require? Who would want to build next to the wetlands? Von Hill

responded there is adequate building area available despite the location of wetlands and stream and informed the Commission that those lots are actually in greater demand.

- Terry Turner asked if curb and gutter would be on both sides of 1100 West. Ben White answered that it would only be on west side adjacent to the subdivision. He inquired about drainage issues and if they were similar to those in the equestrian center area. Ben White stated that the houses will be raised above ground but the property may have water on it at times. Mr. Turner asked about health risks from power lines. Mr. White confirmed that there are no known health risks from them. Mr. Holmes noted that there are a lot of homes built in Davis County by power lines. The homes they are building will not be directly under power lines. Terry Turner supports a nice development in that area.
- Corey Sweat supported the comments of the other Commissioners.
- Chairman Hopkinson inquired about the ditch and its characteristics. The developer plans on piping in the ditch between Lots two and three. Mr. Hopkinson asked how high the building lot needs to be on Lot 7 because of the water issues in that area. Mr. Holmes responded that it will have to be built up and there will be no crawl space but will be built slab on slab. Chairman Hopkinson feels that in wet years the properties will be in harm's way. Mr. White informed them that there is a new diversion and better control for water in that area than there was a few years ago. Denis still has some concerns with the scraper house in that area. He also inquired about the sample pad in the drawings and asked if the pad elevation is a foot higher than the top back of curb (C-4). Mr. White explained that it will be 2 feet above the curb. He informed the Commission that an easement will have to encroach on the property owners on Lot 7 and 8 to get to Parcel A. Von Hill stated that the easement will be approximately 25 feet wide.
- Denis Hopkinson asked if piping extends to Legacy on Lot 2. Mr. Hill responded that it does and is functional.
- Alan Malan noted that the new lot owners will need to know their restrictions regarding the wetlands. Mr. Hill commented that he can't police it but it is restricted and designated. It probably would be okay to enhance the area around it without impacting the water flow. The restriction and information regarding the wetlands will be listed on each of the plats.

Mr. Hill noted that it did not make sense to have curb, gutter and sidewalk going into nothing on the side of Pages Lane as it only goes to the trailhead and there are no other improvements on the road. He stated that their development would not aggravate anything that is currently being done in that area.

Chairman Hopkinson invited the Commissioners to review the information and material they have been given regarding this development and share their desires for moving forward with this process to final consideration. Chairman Hopkinson took a straw poll vote from the Commissioners along with their comments.

- Corey Sweat would like to see curb, gutter and sidewalk wrap around 1100 West about 150 feet. Everything else looks good to him.

- Terry Turner stated the development looks good and supports Commissioner Sweat's idea regarding wrapping curb, gutter and sidewalk around the corner. He desires a few more options and bit more information on the scraper area.
- Laura Charchenko supports the other Commissioner's ideas.
- Alan Malan feels that a rail fence is not enough around the scraper. He would prefer a solid type construction. Mr. Hill responded that there will be a solid vinyl fence around it on three sides. Mr. Malan felt that they could not go much further around the corner of 1100 West with curb, gutter and sidewalk than to the scraper station. Commissioner Malan would like another street light around Lot 4 area.
- Chairman Hopkinson would like the curb, gutter and sidewalk as desired from the Commissioners to the end of lot 8. He would like to see a more substantial structure around the scraper station. Mr. Holmes will continue to work on the type of structure that would appeal to the Commission for safety.

#### **ACTION TAKEN:**

Terry Turner moved to approve the preliminary plat design for Olsen Ranches, LLC with the following stipulations: that a dedicated easement discussion to Parcel A take place prior to final approval, that additional street lighting be located between lots 4 and 5, that curb, gutter and sidewalk be placed along 1100 West and turning the corner of Pages Lane to the lot line of #8. Alan Malan made a friendly amendment to include something more substantial such as a masonry-type structure around the scraper on lot 8. Terry Turner accepted the friendly amendment and Laura Charchenko seconded the motion. Chairman Hopkinson called for a roll call vote.

#### **Roll Call Vote:**

Alan Malan- Aye

Laura Charchenko- Aye

Terry Turner- Aye

Corey Sweat – Aye

Denis Hopkinson - Aye

#### **VI. Discuss establishing a process for considering flag lot applications**

Commissioner's packets included a memorandum dated March 7, 2014 from Ben White/Cathy Brightwell in regards to Title 16 Subdivision- Flag Lots, a copy of Chapter 16.12.060 Lots, and a copy of Chapter 5 Fire Service Features.

Ben White showed an aerial view of a potential property conflict with an existing flag lot. Chairman Hopkinson noted this is typical of what is left in our city in developable lots. He feels the process needs to include Staff but he does not want to shut possibilities down that can be worked through with the Planning Commission to figure potential problems out in order to make things work for the property owners. Mr. White pointed out that all flag lots will come to the

Commission for approval he would just like some more guidance earlier in the process to decide whether or not it qualifies for a flag lot.

Some discussion took place on the possible scenarios that constitute a flag lot and possible stipulations that would preside. Staff desires some minimum guidelines in code with any additional situations being turned to the Planning Commission.

Discussion followed and Chairman Hopkinson reviewed some options the Commission could consider.

- Alan Malan spoke to the fact that putting criteria in place limits property owner's ability to qualify and work out conditions that may be unique to a certain property. He would like flag staff's clearly identified for emergency responders.
- Laura Charchenko wants some suggested criteria in place but feels there is more flexibility if it is not put into code.
- Terry Turner agrees with Commissioner Charchenko and wants to give property owners the ability to do as they wish with their property but will consider safety first and traffic issues.
- Corey Sweat feels it is not our place to restrict property owners and does not support making decisions that make property worthless. He feels Ben White should have some outlines in place but code should not be changed. He wants flag lot requests to still come before the Commission.

#### **ACTION ITEM:**

Chairman Hopkinson stated that developing a process rather than changing the code is what we want to put in place. He charged Staff to bring back some guidelines that have to do with safety and service and leave the current code as it is. He feels that restrictions should be put in place on how long the length a staff can be for safety reasons or other good reasons.

#### **VII. Staff Report**

- Cathy Brightwell passed out information on general plans for UDOT construction beginning April 2014.
- She informed the Commissioners that two Conditional Use Permits will be on the next agenda.

#### **VIII. Approval of Minutes of dated February 25, 2014**

#### **ACTION TAKEN:**

**Laura Charchenko moved to approve of the minutes dated February 25, 2014 with the proposed changes. Alan Malan seconded the motion and voting was unanimous in favor among those members present.**

**VI. Adjournment**

**ACTION TAKEN:**

**Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Corey Sweat seconded the motion. Voting was unanimous in favor. The meeting adjourned at 9:55 p.m.**

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The foregoing was approved by the West Bountiful City Planning Commission on March 25, 2014, by unanimous vote of all members present.



Cathy Brightwell – Deputy Recorder

