

**West Bountiful City
Planning Commission**

July 8, 2014

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 July 3, 2014 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 8, 2014, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Mike Cottle, Laura Charchenko, and Corey Sweat.

MEMBERS/STAFF EXCUSED: Terry Turner.

STAFF PRESENT: Ben White (City Engineer), Cathy Brightwell (Acting Recorder), Duane Huffman (City Administrator), and Debbie McKean (Secretary).

VISITORS: Heather Sathers

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

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda deleting Item #3 from the agenda as requested by Staff. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Consider Conditional Use Application from D.L. Shippen Concrete Inc., to build a swimming pool at 995 West 1700 North three (3) feet from rear corner of garage.

Commissioner packets included a memorandum date July 3, 2014 from Ben White/Cathy Brightwell regarding a Conditional Use Permit for Shippen Concrete, Inc. to build a pool for the Sather's at 995 West 1700 North along with the Conditional Use Permit application and a site plan for the proposed addition of a pool.

Memorandum stated the following information:

- Mr. Shippen submitted the application on July 2, 2014 to build a pool for the Sather's at 995 West 1700 North (Ruby Way). A building permit application was submitted on June 25, 2014 but he found that the measurements he used for the side yard were not correct.
- The distance between the home and the side fence is 37 feet. There is a required 20 foot side setback and a pool width of 14 feet which will leave 3 feet between the corner of the pool and the corner of the garage. In addition, there are large trees at the rear of the property that will not allow the pool to set back any farther than the proposal.
- Section 17.24.050.B was included in the memorandum for reference.
- A list of criteria to determine if the applicant is eligible for approval.

Ben White introduced the Conditional Use application submitted by Mr. Shippen referring to the items stated in the memorandum. This is a corner lot located in the Olsen Farm subdivision. Because it is a corner lot there is a 20 foot side setback required. Applicant desires to build 3 feet from the corner of the garage. Mr. White explained that after further review he believes the 20 foot side setback does not apply beyond the corner of the garage allowing the applicant some flexibility in building this structure.

Mr. Hopkinson reviewed the options with the Commissioners. Staff recommends the commission decide on a minimum distance between the pool and garage corner and adjust the pool within that footprint.

- Laura Charchenko stated that ADA requirements are at least 4 feet and acknowledged that Mrs. Sather is in a wheelchair.
- Mike Cottle suggested a 5 feet minimum. He was concerned with safety issues.
- Alan Malan recognized the lot is pie shaped and asked how much wider it gets from the garage to the end of the pool. Some discussion took place about using the bottom edge of the pool to measure the 20 foot setback which should give them 6 feet between the corner of the garage and pool. He also asked if the 3 foot gate described on the plans was 3 feet wide or 3 feet high. Applicant responded that it is a double gate with each gate 2 - 3 feet wide and 6 feet high.
- Corey Sweat inquired which way the home was facing and Mrs. Sather's stated it was facing north.

ACTION TAKEN:

Corey Sweat moved to approved the application for David Shippen to construct a pool for the Sather's at 995 West 1700 North with the condition that the 20 foot measurement starts at the southeast corner of the pool and there will be a minimum of 5 feet from the northwest corner of the pool to the corner of the garage. The application meets the following findings. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; the proposed use, under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; the proposed use and/or accompanying

improvements will not inordinately impact schools, utilities, and streets; the proposed use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; the proposed use will comply with the regulations and conditions specified in the land use ordinance for such use; the proposed use will conform to the intent of the city's general plan; and the conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection. Alan Malan seconded the motion and voting was unanimous in favor.

III. Consider Conditional Use Application from David Vance to build a garage at 654 West 1000 North that does not meet standard setback requirements.

This item was removed due to the fact that with further study of the conditions this application met current city code and did not need a Conditional Use Permit.

IV. Discuss ordinance amendment to re-instate former supplementary regulations related to exceptions to height limitations.

Commissioner packets included a memorandum dated July 3, 2014 from Duane Huffman regarding re-instatement of Former Supplementary Regulations related to exceptions to height limitations.

Memorandum included the following:

- History of the Ordinance since 1965 regarding height restrictions.
- History of the Omission of the supplemental regulations chapter.
- Recommendation to schedule a public hearing to consider a recommendation to the City Council on re-instating this exception for the commercial and industrial zones.

Duane Huffman took the stand to address the Commission in regards to the re-instatement of the former *supplementary regulations* related to exceptions to height limitations. He referred to the supplementary regulations that were included in the previous ordinances and explained that the entire section was eliminated and each of the items within that section moved to more appropriate locations within the Municipal Code. It was discovered recently that the language addressing exceptions to height regulations was somehow eliminated entirely during this transition even though his review of record does not suggest the omission was intentional.

Mr. Huffman made a proposal for the Planning Commission to take the issue under review and make a recommendation to City Council.

- Alan Malan made comments as to whether there is a process in place to keep this from happening in the future. Mr. Huffman stated that he is not sure it can be assured. He feels that it was just an oversight. Mr. Malan feels there should be reference back to the original ordinance in order to have a trail kept. Mr. Huffman stated that with his review of past minutes and such this was not an intentional mistake.

- Mike Cottle asked what the height limitations were. Ben White responded that it is 100 feet.
- Chairman Hopkinson stated that the intent of having this in the ordinance was to give lenience to industrial. He gave some information regarding why this regulation was initially adopted. He feels the omission of the language is more a legal issue than a need for the city. He asked if we put the language back in does it have to be the same or can other conditions be added on it.
- Mr. Huffman responded that given the circumstances it should be reinstated as is with a discussion item to be put in place for a later date. Some discussion took place regarding needs of some industries to build at higher elevations.
- Mr. Hopkinson posed the question as to how this would be beneficial to our community.
- Mr. Huffman stated the higher the tower the less detriment it is to our residents. He understands that there may be a need to readdress and discuss the impacts at a further time.
- Corey Sweat asked for some clarification regarding what was eliminated in the language of the current ordinance.

Some discussion took place regarding different points of view regarding what is the best for air quality. Mr. Hopkinson stated that is why it is important to have a discussion with the community to come to a resolution of the matter.

- Ben White noted that most things dealing with emissions have to be approved by the State which looks at the overall picture. Municipalities may choose differently from the State standards.
- Mr. Huffman cautioned the Commission to reinstate the language that was left out as is and then have discussion in the future about any changes they propose to make.
- Chairman Hopkinson would like Staff to collect information regarding the effects of the downfall at various heights. Staff will try to gather that data. He would like to move quickly on this issue.
- Ben White stated that we need to hold a public hearing. Chairman Hopkinson felt that this needs to be published very well because it affects the whole community.
- Mr. Huffman restated the need to just clean up the ordinance now and then can work on it further in the near future.
- Mr. Hopkinson still wanted staff to move forward gathering information regarding the downfall as stated above. He gave examples of the type of information he desires the staff to bring back.
- Corey Sweat asked if Holly would be allowed to proceed with their expansion without this language in the ordinance.
- Duane Huffman simply explained the prior history and agreement that would allow the grandfathering of the restrictions that would be placed.

- Mr. Huffman informed them that the Council is in the process of a second amendment to the original agreement for the expansion. He stated the city cannot grant permission outside their code without a variance situation.
- Chairman Hopkinson does not want a public hearing scheduled until after the information is received.
- Cathy Brightwell noted that the earliest a public hearing could be held would be August 12th giving them the opportunity to further discuss the issue at their next meeting.
- Chairman Hopkinson asked to hold that date for the public hearing.

VI. Staff Report

- Alice Acres is slowly moving forward. Olsen Ranches received final plat approval from City Council; hard construction to begin in a few weeks.
- Hopkinson subdivision was approved last week.
- Chase Subdivision has been on hold due to some financial issues but they have been resolved and you should see some activity in the near future.
- 4th North overpass will probably not begin until Spring 2014.
- 800 West project between Pages Lane and 1900 North has been tested and water laterals should be connected next week. There will be some construction to repair old lines. An old box culvert has been found and needs to be removed.
- This week we will be seal coating throughout the city and streets will be shut down for 24 hour periods. City Hall parking lot is being done this Saturday.
- Pony Haven property has been sold but there has been no development proposals submitted.
- Cathy Brightwell informed the Commission that a new FT Public Works position has been approved and opened with an emphasis on water qualifications. If you know of any qualified applicants please send them to the city website. The ad runs through July 23.

VII. Approval of Minutes of June 24, 2014 meeting minutes

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes dated June 24, 2014 as presented. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:

Mike Cottle moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:27 pm.

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The foregoing was approved by the West Bountiful City Planning Commission on August 12, 2014, by unanimous vote of all members present.



Cathy Brightwell –City Recorder

