West Bountiful City
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 23, 2015 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 13, 2015, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Mike Cottle, Laura Charchenko, Terry Turner and Corey Sweat (Alternate). Councilmember Kelly Enquist.

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

VISITORS: Mayor Ken Romney and Steve Croft.

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

I. Accept Agenda.

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

Business Discussed:

II. Public Hearing to Receive Comments Regarding Proposed Changes to Title 17, Clarifying Definitions Related to Density in Planned Unit Developments.

Chairman Hopkinson introduced the proposed changes to Title 17 regarding clarifying definitions related to density in PUDs. Ben White pointed out a correction that needed to be made changing 30 X 50 square feet to 30’ X 50’.
ACTION TAKEN:

Alan Malan moved to open the public hearing at 7:35 pm to receive public input regarding proposed changes to Title 17, clarifying definitions related to density in PUDs (Planned Unit Developments). Laura Charchenko seconded the motion and voting was unanimous in favor.

PUBLIC COMMENT:

No public comment.

ACTION TAKEN:

Terry Turner moved to close the public hearing at 7:38 pm. Alan Malan seconded the motion and voting was unanimous in favor.

III. Consider Conditional Use Application for a Commercial Business License for a HVAC/Gas Fireplace Repair and Maintenance Business in the Commercial Neighborhood District.

Included in the Commissioner’s packets was a memorandum from Cathy Brightwell, dated January 23, 2015 regarding Conditional Use Application for Steve Croft Service Co., 2232 North 640 West. The memorandum stated that Mr. Croft would like to open a HVAC repair and maintenance business with most of his work taking place in the field. Customers will come by appointment only. A site plan was included with his application.

Staff stated in their memorandum that this business falls under Contractor: General, Electric, Mechanical and Plumbing, which is considered a conditional use in the C-N zone. Staff has reviewed the application and believes that it satisfies the requirements of Chapter 17.60 and recommends approval subject to the affirmative findings with the following conditions.

- Fire Inspection approval
- No outdoor storage allowed

Cathy Brightwell stated that all information was included in the Commissioner’s packet and noted that 99% of the business will be off site. She added that the condition for Fire Inspection approval has been met.

Chairman Hopkinson invited Steve Croft to the stand. He introduced himself and explained his background in HVAC and fireplace repair. He does mostly service and a little installation. The backup generator is on display because he is a Briggs and Stratton authorized dealer as well and would like to have a demo on display, but the main focus is for fireplace repair.
Commissioner's Comments included:

- Alan Malan asked about the standby generator display. Mr. Croft responded that he is a Briggs and Stratton Dealer and would like to have a display to show those who may want to see one before purchasing, although it will be by appointment only.
- Laura Charchenko, Mike Cottle and Corey Sweat had no concerns.
- Terry Turner reaffirmed that he would mostly do service and not sales.

ACTION ITEM:

Laura Charchenko moved to approve the Conditional Use Permit for Steve Croft Service Co. located at 2232 North 640 West as allowed in Chapter 17.60 with the following affirmative findings: 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 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 for proper parking and traffic circulation and be in harmony with the area; and will comply with the regulations specified in the C-N zoning ordinance; and meet the condition that no outdoor storage is allowed. Terry Turner seconded the motion and voting was unanimous in favor.

Mr. Croft wanted clarification on outdoor storage. He informed them that he has a few trailers that may be parked on site. Mr. Hopkinson saw no problem as long as he used the designated parking stalls for his business.

IV. Consider Clarifications in Title 17 Related to Definitions of Density in PUDs

A copy of proposed Density Definition language was included in the Commissioner's packet. Mr. Hopkinson asked the Commission to make comments on the language change and noted the only item to change would be the 30' X 50' language noted by Mr. White earlier in the meeting.

Commissioner Comments:

All the Commissioners gave their approval on the document. The document has been approved by city legal counsel.

ACTION TAKEN:

Alan Malan moved to approve the language in Title 17 for Density Definitions and forward the recommendation to the City Council for their review and approval. Mike Cottle seconded the motion and voting was unanimous in favor.

V. Discuss Proposed Language Changes in Title 17 to Address Modification to Nonconforming Structures.

Commissioner's received a memorandum dated January 23, 2015 from Cathy Brightwell and Ben White regarding nonconforming structures. The memo explained that residents, Clint and
Christy Straatman, requested a variance for property they own at 688 W 400 North that would allow them to have a setback of nine feet instead of our ten feet minimum for an addition they are building attached to the rear of their home. The couple appeared before the City Council last week asking for a variance to be able to accommodate their needs. Their Request did not qualify under the variance ordinance so they are not allowed to do this. City Council thought that there may be a way to review our nonconforming ordinance to allow requests meeting certain criteria. Steve Doxey drafted some language incorporating the ideas suggested from the City Council.

Chairman Hopkinson expressed his desire for all the Commissioners to have reviewed the old and new parts of this document. He explained the document was straightforward as it is. He explained that what needs to be considered is opening up a way that would allow conditional use to be approved.

**Commissioner's Comments:**

- Corey Sweat likes things to be clear and have no gray areas in the language or understanding of the document. He does not like to change code for one individual.

- Mike Cottle disagrees with changing the ordinance to accommodate one individual, and Terry Turner agreed.

- Laura Charchenko felt that the language does not need to be changed but she is fine either way.

- Alan Malan explained that the situation that brought this to their attention is an existing non-conforming issue. He noted that the City Council did not think that it was a big deal changing the language. He explained that he thinks we will probably have more than one situation that this will affect and it would be good to be able to deal with them, but he felt that coming up with the right language could be difficult.

- Chairman Hopkinson reminded the Commission about a previous request from a resident not long ago that was similar in principle. He feels as long as the language stays in the nonconforming section only he is okay to make a change that could work and make the document more understandable.

Ben White explained the difference in each situation. The one request was conforming while this recent request is nonconforming. Zoning codes did not exist when the current home was constructed 125 years ago. The resident only needed an extra six inches to a foot to make an addition to their home work. He noted that the City Council was very understanding but legally could not use the variance as a vehicle to grant that permission. They felt that the language is not real clear in the current ordinance and could use some changes to clarify and make conditions that could be considered for approval.

Mr. White noted that we need to be careful what we include and do not include in the document because both will matter greatly. Some discussion took place regarding the development of the property when it was first built. Ben White informed the Commission that the County recorder even had a hard time distinguishing the property lines.

Mayor Romney commented that he does not know of any City in the area that allows less than 8 feet for a side setback without being a PUD situation, and wondered if setting a minimum distance, such as 8 feet, would be an easier way to handle it. He asked if we know how many
properties this could potentially affect. Mr. White responded that there could be a lot of properties that could fit into the 8 foot setback on their property that are not 100 year old homes and older.

Chairman Hopkinson thought it was very important that a minimum value be included in the language and that it is clear the changes are only for nonconforming properties.

Chairman Hopkinson tasked the Staff with doing a bit more research from other cities and bring that information and research back to them for review along with any other suggestions that they feel need to be changed.

Alan Malan noted that it is important to include a requirement for a public hearing in these situations.

Staff Report

- Von Hill visited with Ben White regarding the Wild Property for development. Mr. White noted the different opinions of the Police and Public Works department regarding two versions of proposed set ups of the subdivision (flag lot or cul-de-sac option). He asked which option would be preferred among those present tonight. Most were in favor of the cul-de-sac plan or had no recommendation either way. Mr. White pointed out that this is a nine lot subdivision with the existing home to remain on the ninth lot. There will a public hearing scheduled for the next meeting.

- 400 North overpass closure is still scheduled for the end of February or first part of March and will last 90 days.

- Economic development will be a City Council item in the near future with the announcement that Shopko is closing.

- The development owner is still planning to replace the Burger King and Wingers buildings. It appears to be held up because of terms in the lease agreements with existing tenants giving them a say in how the area is designed and when construction can occur.

- Holly Refinery has a Phase I and Phase II in their expansion plan. Due to lower oil prices, they may delay at least parts of the Phase II development. They have had a surprise high sulfur laden oil delivery to the refinery through a pipeline. The high sulfur content fouled equipment resulting in problems this past month that they are still working through. They were actually shut down for a few weeks as a result.

VI. Approval of Minutes for January 13, 2015

ACTION TAKEN:

Alan Malan moved to approve of the minutes dated January 13, 2015 as presented. Mike Cottle seconded the motion and voting was unanimous in favor among those members present.
VI. Adjournment

ACTION TAKEN:
Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:35 pm. Terry Turner seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on February 10, 2015, by unanimous vote of all members present.

Cathy Brightwell - City Recorder