

1 **West Bountiful City**
2 **Planning Commission**

January 27, 2015

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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 January 23, 2015 per state statutory requirement.

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

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10 **Those in Attendance:**

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

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

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19 **VISITORS:** Mayor Ken Romney and Steve Croft.

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

23 **I. Accept Agenda.**

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

27 **Business Discussed:**

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

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

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34 **ACTION TAKEN:**

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

39 **PUBLIC COMMENT:**

40 **No public comment.**

41 **ACTION TAKEN:**

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

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

48 Included in the Commissioner's packets was a memorandum from Cathy Brightwell, dated
 49 January 23, 2015 regarding Conditional Use Application for Steve Croft Service Co., 2232 North
 50 640 West. The memorandum stated that Mr. Croft would like to open a HVAC repair and
 51 maintenance business with most of his work taking place in the field. Customers will come by
 52 appointment only. A site plan was included with his application.

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

- 57 • Fire Inspection approval
 58 • No outdoor storage allowed

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

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

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68 Commissioner's Comments included:

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

74 **ACTION ITEM:**

75 **Laura Charchenko moved to approve the Conditional Use Permit for Steve Croft Service**
76 **Co. located at 2232 North 640 West as allowed in Chapter 17.60 with the following**
77 **affirmative findings: the proposed use is desirable to provide a service that will contribute**
78 **to the general well-being of the neighborhood and community; will not be detrimental to**
79 **health, safety, or general welfare of persons residing in the vicinity, or injurious to**
80 **property in the vicinity; shall not inordinately impact schools, utilities, and streets in the**
81 **area; will provide for proper parking and traffic circulation and be in harmony with the**
82 **area; and will comply with the regulations specified in the C-N zoning ordinance; and meet**
83 **the condition that no outdoor storage is allowed. Terry Turner seconded the motion and**
84 **voting was unanimous in favor.**

85 Mr. Croft wanted clarification on outdoor storage. He informed them that he has a few trailers
86 that may be parked on site. Mr. Hopkinson saw no problem as long as he used the designated
87 parking stalls for his business.
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89 **IV. Consider Clarifications in Title 17 Related to Definitions of Density in PUDs**

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

93 Commissioner Comments:

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

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97 **ACTION TAKEN:**

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

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

104 Commissioner's received a memorandum dated January 23, 2015 from Cathy Brightwell and
105 Ben White regarding nonconforming structures. The memo explained that residents, Clint and

106 Christy Straatman, requested a variance for property they own at 688 W 400 North that would
 107 allow them to have a setback of nine feet instead of our ten feet minimum for an addition they
 108 are building attached to the rear of their home. The couple appeared before the City Council last
 109 week asking for a variance to be able to accommodate their needs. Their Request did not qualify
 110 under the variance ordinance so they are not allowed to do this. City Council thought that there
 111 may be a way to review our nonconforming ordinance to allow requests meeting certain criteria.
 112 Steve Doxey drafted some language incorporating the ideas suggested from the City Council.

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

117 **Commissioner's Comments:**

- 118 • Corey Sweat likes things to be clear and have no gray areas in the language or
 119 understanding of the document. He does not like to change code for one individual.
- 120 • Mike Cottle disagrees with changing the ordinance to accommodate one individual, and
 121 Terry Turner agreed.
- 122 • Laura Charchenko felt that the language does not need to be changed but she is fine either
 123 way.
- 124 • Alan Malan explained that the situation that brought this to their attention is an existing
 125 non conforming issue. He noted that the City Council did not think that it was a big deal
 126 changing the language. He explained that he thinks we will probably have more than one
 127 situation that this will affect and it would be good to be able to deal with them, but he felt
 128 that coming up with the right language could be difficult.
- 129 • Chairman Hopkinson reminded the Commission about a previous request from a resident
 130 not long ago that was similar in principle. He feels as long as the language stays in the
 131 nonconforming section only he is okay to make a change that could work and make the
 132 document more understandable.

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

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

145 Mayor Romney commented that he does not know of any City in the area that allows less than 8
 146 feet for a side setback without being a PUD situation, and wondered if setting a minimum
 147 distance, such as 8 feet, would be an easier way to handle it. He asked if we know how many

148 properties this could potentially affect. Mr. White responded that there could be a lot of
 149 properties that could fit into the 8 foot setback on their property that are not 100 year old homes
 150 and older.

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

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

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

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159 **Staff Report**

- 160 • Von Hill visited with Ben White regarding the Wild Property for development. Mr.
 161 White noted the different opinions of the Police and Public Works department regarding
 162 two versions of proposed set ups of the subdivision (flag lot or cul-de-sac option). He
 163 asked which option would be preferred among those present tonight. Most were in favor
 164 of the cul-de-sac plan or had no recommendation either way. Mr. White pointed out that
 165 this is a nine lot subdivision with the existing home to remain on the ninth lot. There will
 166 a public hearing scheduled for the next meeting.
- 167 • 400 North overpass closure is still scheduled for the end of February or first part of
 168 March and will last 90 days.
- 169 • Economic development will be a City Council item in the near future with the
 170 announcement that Shopko is closing.
- 171 • The development owner is still planning to replace the Burger King and Wingers
 172 buildings. It appears to be held up because of terms in the lease agreements with existing
 173 tenants giving them a say in how the area is designed and when construction can occur.
- 174 • Holly Refinery has a Phase I and Phase II in their expansion plan. Due to lower oil prices,
 175 they may delay at least parts of the Phase II development. They have had a surprise high
 176 sulfur laden oil delivery to the refinery through a pipeline. The high sulfur content fouled
 177 equipment resulting in problems this past month that they are still working through.
 178 They were actually shut down for a few weeks as a result.

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180 **VI. Approval of Minutes for January 13, 2015**

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182 **ACTION TAKEN:**

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

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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.

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

Cathy Brightwell

Cathy Brightwell - City Recorder

