

**West Bountiful City
Planning Commission**

February 10, 2015

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 February 6, 2015 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 10, 2015, 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 (Alternate). Councilmember Kelly Enquist.

MEMBERS EXCUSED: Terry Turner.

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

VISITORS: Von Hill, Wendell Wild, Mary Wild, Mayor Ken Romney, Isabel Jardin, Ken and Pam Rasmussen, Mike and Angela Roberts, Kimberly Healy, Zain Till, and Matt Draper.

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

I. Accept Agenda.

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

Business Discussed:

II. Consider Conditional Use Application for a Commercial Business License for Titan Imaging in the Commercial Neighborhood District.

Commissioner packets included a memorandum dated February 6, 2015 from Cathy Brightwell regarding Conditional Use Application- Titan Imaging, 2208 North 640 West, a conditional use permit application from Matthew Silver/Titan Imaging and a site plan. The memorandum stated

that staff reviewed the request for a conditional use permit for Matthew Silva for a printing business which is located in the Commercial Neighborhood District. The memorandum stated the following:

- Other than the actual printing, most business will be conducted in the field.
- He meets with his customers and delivers their product at their place of business.
- Site plan shows parking spaces in front of his business with access to 640 West
- The business fall under Printing and Publishing, which is a conditional use in the C-N zone per Section 17.28.020.
- Staff has reviewed the application and believes it satisfies the requirement in Chapter 17.60 and recommends approval of the permit subject to affirmative findings in the code and recommends a fire inspection approval and no outdoor storage allowed.

Cathy Brightwell presented the request for a conditional use permit for Matthew Silva/Titan Imaging in at 2208 North 640 West stating that Mr. Silva stating that it is similar to the last one approved at the last meeting and is in the same complex. She noted that there will be very little traffic. Fire inspection has not been done to date but they have been contacted.

Chairman Hopkinson invited Matthew Silvia to the stand and asked the Commissioners for their comments.

Commissioners Comments:

- Laura Charchenko inquired if there would be any employees and Mr. Silvia commented to the negative. All other Commissioners had no comment.

Isabel Jardin 1514 North 1000 West interrupted the meeting to make a comment on odors from pigs at her neighbor's home and wanted to know how to place a complaint. Chairman Hopkinson told her how to issue a complaint through the city offices. Cathy Brightwell stated that staff is currently working on the situation.

ACTION TAKEN:

Corey Sweat moved to grant the Conditional Use Permit to Matthew Silva/Titan Imaging at 2208 North 640 West with the affirmative finding in Chapter 17.60 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 conditions that there be a approval of a fire inspection and no outdoor storage is allowed. Mike Cottle seconded the motion and voting was unanimous in favor.

III. Public Comment to Receive Comments Regarding a Preliminary Plat for Stringham Subdivision at 735 West 1000 North

ACTION TAKEN:

Alan Malan moved to open the public hearing to receive comments regarding a preliminary plat for the Stringham Subdivision at 735 West 1000 North at 7:42 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

Chairman Hopkinson invited public comment at this time.

PUBLIC COMMENT:

- Zain Till 703 North 700 West, has a concern regarding the proposed flag lots that appear to be land locked. Chairman Hopkinson commented that they are lots with long driveways and it is within spec at this time.
- Kimberly Healy 785 North 700 West, with property that adjoins this area and is concerned with the construction period and odors that come from outhouses that are on site during the development. Chairman Hopkinson insured her that staff will monitor that situation. Also there are trees on both sides of the property line and she desires that the roots not be disrupted.
- Ken Rasmussen 730 West 700 North, spoke in regards to the flag lots and wondered if the city would be responsible for snow removal or property owners, and if there would be room for emergency vehicles. Chairman Hopkinson spoke to the positive. He also inquired about a fence that runs along the property and wondered if it follows the property line on file. Mr. Wild answered to the positive.
- Mayor Ken Romney noted that cul-de-sacs make a nice neighborhood and hopes that if flag lots are put in that adequate conditions are met for snow removal and trash pick-up. He knows that West Bountiful specializes in cul-de-sacs and they are a nice alternative to flag lots.

ACTION TAKEN:

Laura Charchenko moved to close the public hearing at 7:50pm. Alan Malan seconded the motion and voting was unanimous in favor.

IV. Consider Preliminary Plat for Stringham Subdivision at 735 West 1000 North

Included in the Commissioner's packet was a memorandum dated February 5, 2015 from Ben White regarding the 9 Lot Stringham Farm Subdivision located at 735 West 1000 North, information regarding flag lot guidelines, subdivision application from Wendell and Mary Wild, and a site plan. The memorandum including the following information:

- Wild family is proposing a 9 lot subdivision constructed on 3.83 acre parcel in the R-1-10 zone connecting to the two stub streets which were constructed as part of the Moss Farm development.

- Developer is requesting permission to construct two flag lots instead of a cul-de-sac at the north end of the project.
- General information regarding the subdivision which is that all lots conform to the zoning requirements and street and utility layout conform to city standards.
- Storm drainage design needs to be reviewed.
- It is assumed that the applicant will petition the city for water rights since no water rights have been offered with the application.
- Finish floor elevations for all homes will be 12" above the street with the flag lots elevation to be reviewed.
- No soil report was provided and is assumed to conform to Moss Farm requirements.
- An access through to the church property is desirable but staff understands that the Church is opposed to the connection.
- Street light on the street corner is desirable.
- 1000 North Street will have curb and sidewalk constructed to match the adjoining property (rolled curb and no park strip).

Information regarding Flag Lots was given in this memorandum by staff with the recommendation that a determination on the flag lots should be made prior to a recommendation on the subdivision as a whole.

Ben White highlighted a few things regarding all nine lots and stated that they all conform to city code. There is no need for a soil report because no basements are allowed. According to the developer, access to the church property is not favorable by the Church at this time. It is desirable to have a street light at the knuckle of the subdivision. Curb on 1000 North will be different than the standard city requirement, due to earlier City Council decisions. Drainage will be addressed at a later date.

Mr. White spoke to the flag lot situation and pointed out the guidelines that were included in their packet regarding flag lots. He noted some safety concerns regarding the approval of flag lots.

Chairman Hopkinson invited Von Hill/Engineer to the stand for the Commissioner's to address their comments/concerns:

Commissioner Comments included:

- Alan Malan asked about the distance between the two streets on 700 West. Both streets are stubbed in according to Ben White.
- Laura Charchenko inquired about the foot above grade. She asked if the lots to the east are at that grade. Mr. White stated that they are above that point and was not concerned about drainage except for the flag lots which will be addressed in later planning. She was also concerned with the safety of the flag lots.
- Chairman Hopkinson asked questions in regards to the flag lots. He invited Wendell Wild to join Von Hill at the stand. Chairman Hopkinson was concerned with the parking of multiple cars in front of lot # 6. He asked Wendell to address his thinking regarding

the flag lots. Mr. Wild stated that the property has been in the family for over 100 years and they feel as stewards of the property they wanted to maintain a farm feel on the property. In looking at the development they desire to retain and maintain those back lots with family members or close friends that value the existing landscaping. He stated that he feels the benefits will be greater and tie in with the existing lots well. He also feels that cul-de-sacs increase the amount of maintenance that is required. Parking could be limited but he thinks the benefits overall are greater to their development than a cul-de-sac. Mr. Wild commented that there are not many negatives overall with the flag lot design. He asked Mike Cottle his opinion as a realtor which situation is more desirable. Mr. Cottle responded that he feels a cul-de-sac is of greater benefit and more marketable. Von Hill felt that flag lots have better buildable area than those with a cul-de-sac. He felt the real advantage was that lots had more buildable area overall.

- Corey Sweat asked Von Hill about the curb and gutter on 1000 North and why it was different than our standard design. Mr. Hill answered that it matches the existing curb design in that area (rolled curb). Mr. White explained that it was designed that way in the past to preserve the historic look of the area.
- Mike Cottle had no comments at this time.
- Chairman Hopkinson instructed the Commission, in addition to their own feelings regarding the development, to consider the staff's comments when making their decision, including the safety concern with the flag lot at the end of the road causing confusion for drivers who may not realize the road turns. He encouraged the Wild's to consider the cul-de-sac design rather than the flag lots in regards to safety issues.
- Mike Cottle stated that he has seen flag lots put up signage that discourage traffic from following the driveway to the end.
- Chairman Hopkinson pointed out they should also consider emergency vehicle access and safety concerns they may have regarding the flag lot design.
- Corey Sweat asked about drainage issues to the flag lots. Mr. White stated that that issue would have to be addressed. Some discussion took place regarding drainage design and issues. Mr. Hill stated that this property is better drained than most property in the city and felt that any drainage issue could easily be addressed. Mr. White concurred.
- Alan Malan felt that the flag lots do not meet the flag lot guidelines because it is a subdivision. He stated that flag lots should be a last resort to a buildable lot. He pointed out some of staff's comments in their memorandum and his concern with building flag lots. He stated that there is usually no signage in front of a flag lot and in the future flag lots should have to have signage and street lights for safety concerns. He does not feel the flag lots serve the citizen's of the city well in this situation and does not make a good neighborhood.
- Chairman Hopkinson pointed out that if flag lots are a big concern at this point they need to be addressed at this time. He asked the Commissioner's for their opinions in favor or not of flag lots.
- Mike Cottle was in favor of the cul-de-sac, but is ok if the property owner wants flag lots.
- Corey Sweat was in favor for what the property owner would like to do with his property.

- Laura Charchenko concurs with Corey Sweat in regards to letting the property owner do as they wish. She felt that signage and lights were important to incorporate if a flag lot design was approved.
- Alan Malan is not in favor of flag lots and felt that conditional uses should only be used in limited circumstances and that it should be developed to city standards.

Ben White suggested that if they are unsure, they may want to table until a future meeting giving direction to the developer as to what they would desire.

Chairman Hopkinson addressed the concerns of the Commissioners regarding flag lots. He felt that a discussion regarding the cul-de-sac and drainage issues should be addressed at this point. He informed the developer that there will be conditions put upon the flag lots. Mr. Wild asked what the conditions may be. Mr. Hopkinson was not sure at this time what that would include. Chairman Hopkinson gave an example of possible driveway wars.

At this point, a site plan with the cul-de-sac design was presented from the engineer. Von Hill approached the bench with the plot plan. Commissioners reviewed the plans and some discussion took place regarding the lay out and pros and cons from the developers stand point. He pointed out that Lot # 6 loses a lot of buildable area under the cul-de-sac design.

ACTION TAKEN:

Corey Sweat made a motion to move forward with preliminary approval for Stringham Subdivision at 735 West 1000 North as proposed, per the flag lot proposal. Mike Cottle seconded the motion. Discussion: Commissioner Charchenko asked for clarification that conditions would be placed on it at a future meeting. Chairman Hopkinson confirmed that they would be. Voting was as follows: Alan Malan- Nay, and all other Commissioners present voted Aye.

Commission advised them to be considerate of the trees and existing landscaping that are standing and to communicate with abutting neighbors in those efforts.

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

Commissioner's received a memorandum dated February 5, 2015 from Cathy Brightwell and Ben White regarding nonconforming structures 17.56.030., a memorandum dated January 28, 2015 from Ben White regarding nonconforming yard regulations (listing properties that would be affected by providing a means to expanding nonconforming structures by reducing the setback requirements) and a redline draft of 17.56.030.

The February 5th memorandum addressed the following items:

- Reasons for addressing changes to this code.
- The proposed changes both grammatical and formatting.
- Modifications to nonconforming uses sections are not intended to change the substance or meaning of the code.

- The addition of new language in Paragraph 17.56.030 (3) which allows for some flexibility for modifications to structures that were legally conforming at the time of their construction, but due to code changes, are now considered nonconforming.
- The addition of paragraph 17.56.030 C which provides a mechanism for Planning Commission to impose mitigating conditions similar to a Conditional Use Permit.
- Staff's review of surrounding city codes regarding nonconforming structures.
- A list of properties that may be affected by these changes.

Chairman Hopkinson thought there would be more properties affected by this issue. Mr. White reported that legal has not reviewed the most recent changes made but did not feel he would have a problem with them.

Commissioners Comments included:

- Alan Malan asked about Section B. and why the public hearing requirement was deleted. Ben White responded that the public hearing language was moved to the first sentence of the Section.
- Ben White pointed out that in Section B3, the requirement was changed to 80% instead of footage for consistency.
- Mr. Malan inquired regarding Section B3. He does not understand the language "that was legally conforming at the time of construction". Mr. White explained the reasoning for this language and the need to keep it as part of the document. Some discussion took place regarding why it should or should not be included. Ben White noted that most other cities use this language and if it is deleted it will significantly change the meaning. Chairman Hopkinson suggested that it be left in the document. Further discussion took place and it was decided to leave the language in the document.
- Mr. Malan felt language should be added including "they cannot encroach into any other setbacks". It was decided to include that language in the document.
- Laura Charchenko and Corey Sweat like the changes made.
- Mike Cottle does not understand the language and is neither for nor against the changes.

Chairman Hopkinson would like the noted changes tonight included in the document and brought back on next agenda for approval to forward this document for Council approval.

Cathy Brightwell noted there will be a public hearing held at the next meeting. It has been properly noticed.

VI. Staff Report

- Shared a case story regarding side clearances for dwellings. He noted it is just as important what language is put in as what is not included. Definitions are important in code. Terms do not always mean the same thing. Do not mix terms when developing language for codes.
- Denis Hopkinson and Terry Turner were appointed by City Council last week for a new 4 year term on the Planning Commission, and Chairman Hopkinson will continue as Chair.

- West Centerville West Neighborhood meetings will be on February 27 and March 3rd at 7:00 pm. for public comment.
- Mayor Romney asked if we want to set a standard, by Ordinance, for developers to make flag lots instead of cul-de-sacs.
- Wasatch Front Regional Council has added an overpass at Porter Lane which has made it to their list of projects and it is out for public comment.
- The Strand (Pony Haven) property has changed hands finally. There may be a development proposal come forth in the near future.

VII. Approval of Minutes for January 27, 2015

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes dated January 27, 2015 as presented. Corey Sweat seconded the motion and voting was unanimous in favor among those members present.

VIII. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:10 pm. Laura Charchenko 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

