

**West Bountiful City
Planning Commission**

May 12, 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 May 8, 2015 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 12, 2015, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS EXCUSED:

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

VISITORS: Paul Tingey, Ted Tingey and Chris Gillespie.

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

I. Accept Agenda.

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

Business Discussed:

II. Public Hearing to Receive Comment Regarding the Tingey Two Lot Subdivision at Approximately 920 West Porter Lane

Included in the Commissioner packets was a memorandum dated May 7, 2015 from Ben White regarding Tingey Subdivision at 920 West Porter Lane with an attached site plan. The memorandum from Ben White included the following:

The Tingey family owns 5 acres (A-1 Zone) just west of the Birnam Wood Subdivision which they desire to divide into two parcels. Paul Tingey (property owner) who currently lives in Birnam Woods adjacent to this parcel will keep ownership of the east lot. The family has a buyer for the west 2.5 acre lot.

Points to consider for discussion that were recommended by staff in this memorandum were: 78' wide gas easement that extends diagonally through the property, fire department may require an onsite fire hydrant as a condition of the building permit, depending on where the house is constructed, two accessory structures constructed on the property in recent years did not obtain a building permit from the city and appear to be encroaching on a gas line easement, the right of way line along Porter Lane needs to be established because from staff's research Birnam Woods was not constructed in the correct location, and finally, curb, gutter and sidewalk are required unless waived or deferred by the City Council.

Ben White gave a brief explanation of the application for the two lot subdivision desired by the Tingey family at 920 West Porter Lane.

Chairman Hopkinson was concerned with the requirement of the property lines. Ben White responded that he is still working through information he received from a neighbor in regards to the property boundary/street right of way not being correct. He will do further investigation on the matter. He should hopefully have things worked out by the next scheduled meeting.

ACTION TAKEN:

Laura Charchenko moved to open the Public Hearing at 7:35 pm to receive comment regarding the Tingey two lot subdivision at approximately 920 West Porter Lane. Alan Malan seconded the motion and voting was unanimous in favor.

PUBLIC COMMENT:

Ted Tingey, son representing Martha Tingey, who is keeper of the trust said the property has been in the family for many years. It has been used as pasture and now they desire to sell a portion of it in order to care for their ailing mother who is the owner of the property. They hope to sell it as is and let the buyer do what they would like to do.

Paul Tingey, Ted's cousin, took the stand and stated that they are just changing owners and not developing the property at this time. He noted that there is some discrepancy of property lines. He spoke to the fact that the property was in the county when the out buildings were built and he did not need a permit from the city for the sheds. Property was annexed into the city against his will. The sheds will not interfere with the property. He added that he worked with the gas company to make sure they were okay with the buildings.

ACTION TAKEN:

Terry Turner moved to close the Public Hearing at 7:45 pm. Mike Cottle seconded the motion and voting was unanimous in favor.

III. Consider Conditional Use Application from Mason Green to Build a Garage in the R-1-22 Zone at 1481 North 1050 West More Than One Story and Taller Than 20 Feet High.

Commissioner's packet included a Conditional Use Permit Application from Mason Green with attached updated site plans.

This item was on the last meeting agenda and was tabled because applicant could not be present.

Chairman Hopkinson asked Chris Gillespie, representing Mason Green, to take the stand and introduce himself. Chairman Hopkinson invited staff to introduce the application. Chairman Hopkinson reviewed the proposal with the Commissioners. Chairman Hopkinson reported that he was unsuccessful in contacting the neighbor to the east of the property to notify them of the desired structure.

Chairman Hopkinson asked for the Commissioner's questions/comments:

Alan Malan- Stated that he is okay with the Conditional Use permit for a second story with an increased height of 3 feet above regulation of code. The window located on the north side concerns him because it is intrusive to the neighbor and he also noted he would not want it to be turned into living space. He would like to see skylights as an alternative.

Laura Charchenko- Did not have a problem with the height or window to the north.

Terry Turner – Chairman Hopkinson updated him from last meeting as he was absent. Mr. Turner had no concerns.

Mike Cottle- Feels that the neighbor should be contacted in regards to the window that will overlook their property. Chairman Hopkinson noted that this would not be a condition to reject this application.

Corey Sweat feels that conditions are being too intrusive to the citizen and suggested tabling the item again until the neighbor could be contacted. Chairman Hopkinson responded that should not be a reason for tabling this item.

Chairman Hopkinson asked Ben White to speak to the application request. Mr. White counseled that they do not need to include in the conditions a firewall on the east side of the dwelling because it is part of the building permit requirements.

ACTION TAKEN:

Alan Malan moved to approve the conditional use permit for Mason Green at 1481 North 1050 West to allow a structure to be built with the following conditions: that the window facing to the north not be in the plans because of privacy to the neighbors and replace with sky lights if desired, and that the additional 3 foot height be granted. Terry Turner seconded the motion and some discussion took place regarding the window issue.

Roll Call Vote was taken:

Laura Charchenko- Nay

Terry Turner- Nay

Alan Malan- Aye

Mike Cottle- Nay

Denis Hopkinson – Nay

Motion failed 4 to 1.

Further discussion took place regarding the window issue.

ACTION TAKEN:

Alan Malan moved to approve the conditional use permit for Mason Green at 1481 North 1050 West to allow a structure to be built that is two stories high and 3 ft above the city regulation with the following conditions: that privacy glass or translucent glass be used on the north facing window and that said window be fixed and non-opening. Mike Cottle seconded and a roll call vote was taken.

Roll Call Vote was taken:

Laura Charchenko- Nay

Terry Turner- Aye

Alan Malan- Aye

Mike Cottle- Aye

Denis Hopkinson – Nay

Vote passed 3 to 2.

IV. Discuss Tingey Subdivision Application At Approximately 920 West Porter Lane.

Chairman Hopkinson noted the issues that were pointed out by staff regarding this application. Some discussion took place regarding the noted issues in particular about the applicant's desire to defer curb, gutter and sidewalk.

Ted Tingey addressed the Commission noting that the property is merely being sold and the plans for that property are yet to be known and should be left up to the buyer of the property. He feels he should not have to be mandated to do things with a property that he will not have anything to do with.

Chairman Hopkinson responded that they are still the developer of the property and they need to adhere to the subdivision standards that West Bountiful imposes. He explained some of the reasoning behind the standards that have been set for curb, gutter and sidewalk.

Staff will work with Ted Tingey on the next steps to bring the application back for consideration.

V. Staff Report

Ben White reported:

- Pile driving on 400 North at night is complete. Pile driving is now being done during the day.
- Last week Ben White received an email from UDOT regarding a project that would replace the asphalt on 400 North from 800 West to Main Street with cement. City Council is sending a note to UDOT expressing their disapproval of the project.
- 500 South is on its final schedule and will be done in about 1 month.
- UTA is updating their tracks and you will see some flaggers at work but the roadway is not closed. May have to go around some barriers/fencing.
- New playground equipment is scheduled to be installed this summer.
- Carr Printing has closed/moved and interest has been expressed to put in indoor storage units, which does not currently meet the zoning.
- New Owner of Shopko has signed up for utilities.
- Owners of Gateway are working on some designs and permits.
- Stringham Farm appeal was heard by City Council last week. Three of ten conditions were appealed. City Council upheld the width of the concrete, signage without lights were approved, and fencing will go with the property owners.

Cathy Brightwell reported:

- A class is being held in June on grandfathering. It is on a Tuesday and will be a full day. City will pay for the class fee for any who would like to attend. Cathy will get them more details through email.

- Municipal Elections this year. The Primary election, if needed, will be August 11th on a Planning Commission night and the General Election will be held in November on a City Council night. Both meetings will need to be canceled.

VI. Approval of Minutes for March 24, 2015

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes dated April 28, 2015 as presented. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VII. Adjournment

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:00 pm. Alan Malan seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on June 23, 2015, by unanimous vote of all members present.

Cathy Brightwell - City Recorder