

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

**WEST BOUNTIFUL
PLANNING COMMISSION**

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Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

**THE WEST BOUNTIFUL PLANNING COMMISSION
WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON
TUESDAY, JANUARY 28, 2020 AT THE CITY OFFICES**

Prayer/Thought by Invitation

1. Accept Agenda
2. Conditional Use Request for Elite Metals at 1116 W 500 South.
3. Storage Uses in Residential/Agricultural Zones.
4. Possible Modifications to WBMC Title 16 Regarding Dead-end Streets and Flag Lots.
5. Proposed Code Changes to WBMC 17.52 - Off-street Parking.
6. Staff report.
7. Consider Approval of Minutes from January 14, 2020 Meeting.
8. Adjourn.

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on January 24, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

January 28, 2020

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on January 24, 2020 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 28, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Dee Vest, Laura Charchenko, Mike Cottle, Corey Sweat and Council member Kelly Enquist.

MEMBERS EXCUSED:

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

VISITORS: Gary Jacketta, Troy Jacobs, Deby Marshall.

The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis Hopkinson. Alan Malan offered a prayer.

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda. Corey Sweat seconded the motion. Voting was unanimous in favor among all members present.

2. Conditional Use Request for Elite Metals at 116 West 500 South

Commissioner packets included a memorandum dated January 24, 2020 from Cathy Brightwell and Ben White regarding a Conditional Use Permit Request for Elite Metals at 1116 West 500 South.

Cathy Brightwell explained that Troy Jacobs is requesting a Conditional Use Permit to operate an indoor fabrication metal business at 1116 W 500 South. He builds ornamental iron railings and furniture for builders and designers. The Commercial Highway (C-H) zone lists indoor fabrication, machining or welding of materials not for resale as a conditional use (see WBMC 17.34 below). While the term 'not for resale' has raised questions in the past, recent decisions by the Commission have allowed this type of business when the product has been changed from its original form. In other words, Mr. Jacobs will not be purchasing metal railings and reselling them; he will purchase metal then design and build custom pieces for customers. There is plenty of parking in the front and back of the building for his business needs as there are no customers that come to his shop. Fire Marshall will make sure the business is conducive to welding. There should be no signage issues for this business.

ACTION TAKEN:

Laura Charchenko moved to approve the Conditional Use Request for Elite Metals at 1116 West 500 South for an indoor fabrication metal business with the following conditions: that they receive approval

from the fire inspector and upon issuance of this permit, the applicant will purchase a WBC business license, no outdoor storage will be allowed, and the city signage ordinance must be adhered to.

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; 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; will comply with the regulations and conditions specified in the land use ordinance for such use; and the conditions 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.

3. Storage Uses in Residential/Agricultural Zones.

Commissioner packets included a memorandum dated January 24, 2020 from Cathy Brightwell and Ben White regarding Storage Uses in Residential/Agricultural Zones and an attached copy of city code section 17.16. Agricultural District, A-1.

The A-1 zone allows both residential and agricultural uses. Staff has interpreted this to mean that uses such as personal property storage without a house on the same property is not allowed. This has become an issue for property owners who use their property for storage and do not have a house on the property.

At the last meeting, staff was asked to come up with options the planning commission could consider. Before we can focus on specific language it's important to understand and identify what we are trying to do. Having the Commission answer the following questions will be helpful.

What are we trying to achieve?

- Maximum acceptable use of private property
- Protect surrounding property values, privacy, and agricultural uses
- Build or maintain sense of community

What are we trying to prevent?

- Accumulation of junk
- Illegal businesses
- Transient uses/increase in traffic on undeveloped property

Based on the answers to the above questions:

- Should we focus on one zone or all residential zones?
- Should size of property be a factor?
- Should personal storage be limited to indoor, outdoor, or both?
- Should personal storage be further limited, e.g., vehicles, trailers that are licensed in the property owner's name?

Ben White explained that staff has tried to come to some conclusion with this issue. The questions above were asked in order to try to define and focus on what language can be understood and identified. One thought was to add language that requires vehicles and trailers to be licensed in the property owner's name. He noted that we need to be careful to balance what we are trying to achieve with what we are trying to prevent so there are not some ill consequences for the whole of the city.

Chairman Hopkinson pointed out that we need an avenue for those properties that do not have residential homes on them but have a need to use their property with other types of buildings/dwellings on it. He also noted that Item # 5 under 17.16.030 “Natural resource extraction” needs to be moved to another zone that is more appropriate.

Commissioner Comments:

Dee Vest noted that there may be instances where someone else’s property could be stored temporarily on a property so the vehicle would not be in the property owners name. He was not sure how to handle the situation.

Mike Cottle feels if we allow storage on property without a home on it that it could easily get out of hand, yet if we don’t allow it people will do it anyway. He would like to find a way that allows a bit of controlled use.

Corey Sweat is not in favor of limiting what a person does on their personal property. He knows it can get out of hand, but people have rights to do what they want on their own property. He noted that if regulations are in the conditional use section of the code, we could add guidelines for individual situations.

Laura Charchenko agreed with Commissioner’s Sweat’s comments. She suggested that there needs to be space big enough to build a home on the property then the rest of the property could be used as the owner sees fit.

Alan Malan feels that the ability to store vehicles and trailers on a property needs to be the same regardless of whether there is a home on the property. He added that he does not believe the city has the right to know what is inside of a structure on someone’s personal property. He suggested that a conditional use permit could be used to help deal with some of these issues.

Chairman Hopkinson spoke to how staff has had to deal with these situations and mitigation has not worked in some instances in the past with properties that have an abundance of things on their property. The commissions job is to put language into place that can manage this situation. Is there language that can be used that will give property owners as much rights on their property while protecting those surrounding properties?

He asked the Commission to study these issues and come up with some ideas and language for staff that allows property owners their rights and privileges while protecting other surrounding residential properties.

Alan Malan suggested language along the lines of “uses that include other buildings that could normally be associated with having a residence on the property.” Chairman Hopkinson suggested using the language “non-residential uses.”

4. Possible Modifications to WBMC Title 16 Regarding Dead-end Streets and Flag Lots.

A memorandum dated January 24, 2020 from Ben White regarding possible modifications to WBMC Title 16 Subdivisions regarding dead-end streets and flag lots was included in the Commissioner’s packet.

Mr. White explained that in the last planning commission meeting, there was discussion about whether there was an application where flag lots on a dead-end street would be acceptable. The opinion seemed to lean toward “maybe.” He noted that Commissioner Malan suggested rather than stating that flag lots are not allowed to extend from dead-end streets, the language could be modified to read something like:

- Flag lots cannot be within X number of feet from the end of a dead-end street, such as 400 feet (the maximum length of a standard cul-de-sac).
- Another approach would be to set a maximum distance from the flag lot staff to the street intersection where the dead-end street begins.

There are only a few instances in the city where a future flag lot might extend from a dead-end street that exceeds 400 feet - 1200 N, 200 N and 220 N, and 1400 N could possibly fit this category in the future if/when it is annexed into the city.

Staff would like to know if the planning commission is interested in considering changing current regulations or only proceeding if a resident makes a formal request, with proposed language, to change the Code and pays the applicable fee?

Chairman Hopkinson suggested staff attempt to draft language they can consider especially if applicants come forward with a specific request.

5. Proposed Code Changes to WBMC 17.52- Off-street Parking.

Commissioner packets included a memorandum dated January 24, 2020 from Ben White and Cathy Brightwell regarding Off Street Parking – WBMC 17.52 including a redline copy of legal counsel’s review. Recommended changes were discussed at the January 14 planning commission meeting to address the following issues:

1. There are very few parking lots in the city that have parking stalls the size required by current code. While a property owner can always build above the minimum, to build below the minimum creates “illegal” circumstances; not “grandfathered.” Where 9-foot wide parking stalls are the current industry standard, it makes more sense to use them in our code.
2. The current code does not address the required drive isle width between parking stalls. A proposed minimum width is now included.
3. Conditional Use permits to establish appropriate conditions are difficult if no guidelines exist. Staff is suggesting that when uses are proposed that are not similar to those currently included in our code, that staff work with the applicant to develop appropriate parking limit requirements.
4. Clarification that there are different standards for residential and commercial properties.

The recommended changes have been reviewed by legal counsel and he has proposed a few additional modifications as shown as highlights in the attached draft.

Ben White discussed staff’s support for minimum 9-foot stalls instead of 10-foot stalls. He pointed out that each business will know what size stalls are most appropriate for their type of business and they can always have larger stalls if they feel it is beneficial to their customers. He gave an example of a new fast

food restaurant that will be coming on the corner of 400 North and 500 South. They are proposing 9-foot stalls, but grocery stores like Costco have 10-foot stalls. If we required the fast food restaurant to have larger stalls, they would lose 10% of their parking.

Chairman Hopkinson asked about the reference to “zoning administrator” and if there is a definition in Code. Ben White answered in the affirmative; the definition is located in Title 2.

Some discussion took place regarding “in good working condition” in WBMC 17.52.060, #5 and whether there a definition for “working” and it was noted that “good condition” is not definable either. It was decided to strike the language “in good working condition.”

There was also discussion regarding section 17.52.040 items A-Q. Commissioner Malan does not like “L” to be determined by the zoning administrator. Ben White stated that there may be a time that this would require negotiations and needs some latitude. The commission determined to strike all of “L” from the draft.

Some discussion took place on the language in Q. It was decided that there does need to be a point person to deal with these situations but the language should be thinned down with the zoning administrator in place by striking “adequate” and finding a better word for it. Some discussion took place regarding the second sentence in Section Q and whether to keep it or strike it. It was decided to keep the language in place.

6. Staff Report

Ben White:

- Informed Commission that there will be a new restaurant “Raising Cane” located on the south Chevron property at 400 North and 500 West. He added that Café Rio is considering relocating to the McCallister Building.
- Council member Enquist gave an update on the Woods Cross Council Meeting. He noted there was a full house and Mayor and Council from West Bountiful attended. He mentioned that there were a lot of people there because of the Legacy Highway issues. Duane Huffman read the letter from West Bountiful to the Mayor and Council of Woods Cross regarding their west side development proposal. Citizens are not in favor of more than two stories high for living facilities in that area. A motion was made to approve the proposal as presented but the motion was denied. Instead, a decision was made to allow future discussions with West Bountiful city council regarding the development. It was a 3-hour meeting.
- All reports have been received on the new well. It appears that this water is softer water than in our current well. We may be building a well house on the property by end of summer.
- Bids were opened today for the 800 West project. The low bid was 2.4 million and will be presented to city council next week. Construction will begin soon.

7. Consider Approval of Minutes from January 14, 2020 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the January 14, 2020 meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

8. Adjourn:

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:50 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 March 10, 2020, by unanimous vote of all members present.



Cathy Brightwell – City Recorder

