

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Denis Hopkinson

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

THIS MEETING WILL BE HELD EXCLUSIVELY VIA ZOOM (See participation info below)

**THE PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING
AT 7:30 PM ON TUESDAY, AUGUST 11, 2020 VIA ZOOM**

Prayer/Thought by Corey Sweat

1. Accept Agenda.
2. Conditional Use Permit for Aspen Vending at 1116 W 500 South.
3. Sale of Agricultural Products in Residential Zones.
4. Discuss Woodhaven Mobile Home Park Proposal.
5. Staff report.
6. Consider Meeting Minutes from July 28, 2020.
7. Adjourn.

Join Zoom Meeting

<https://us02web.zoom.us/j/81196865157>

Meeting ID: **811 9686 5157**

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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 August 7, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

August 11, 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 August 7, 2020 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August 11, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

Due to the Coronavirus outbreak this meeting was held by teleconference using Zoom.

MEMBERS ATTENDING: All attending via Zoom: Chairman Denis Hopkinson, Vice Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko and Council member Kelly Enquist.

MEMBERS EXCUSED: Duane Huffman (City Administrator)

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) in house, Steve Doxey (City Attorney), and Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: Jed and Cindy Christensen, Paul Lambert, Trent Williams and Mike McCabe

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

1. Accept Agenda

Chairman Denis Hopkinson reviewed and discussed the agenda. Mike Cottle moved to approve the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among all members present.

2. Conditional Use Permit for Aspen Vending at 1116 West 500 South

Commissioner packets included a memorandum dated August 7, 2020 from Cathy Brightwell regarding Aspen Vending with attached conditional use application and site plan.

Cathy Brightwell explained that Mr. Paul Lambert has applied to open Aspen Vending at 1116 W 500 South, Suite 11 in West Bountiful. Aspen Vending provides vending supplies to businesses. This West Bountiful location will be used as a warehouse for vending machine inventory. The product inventory is picked up by Aspen Vending employees and taken to various locations and stocked into the local vending machines for later sale. There is no

business office on-site, only storage of vending supplies. This property is in the Commercial Highway District which lists warehousing as a conditional use. No employees will be located at the site and it is not open to the public so parking needs are minimal. Mr. Lambert noted that there will be a few trucks that will be parking overnight but assigned parking is available. There will be two available spaces in front of the property with two additional available close to the business.

Alan Malan would like in conditions to include no outdoor storage.

Action Taken:

Corey Sweat moved to approve the conditional use permit for Paul Lambert for Aspen Vending at 1116 W 500 South with the following 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; use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and the conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection. Conditions include: fire inspection approval, signage will comply with city regulations, no outdoor storage allowed, and a West Bountiful business license will be issued. Alan Malan seconded the motion and voting was unanimous in favor.

3. Sale of Agricultural Products in Residential Zones

Commissioner packets included a memorandum dated August 7, 2020 from Staff regarding Sale of Agricultural Products in Residential zones that reviewed and provided options related to the request made by Jed Christensen for the ability to conduct a business on his property at 1347 N 800 West in the R-1-10 zone. This proposed business is the retail/warehousing of hay not grown on his property.

At the June 23, 2020 planning commission meeting, Jed Christensen explained that he would like to build a barn on his property at 1347 N 800 West to store and sell hay grown offsite and wants to make sure he complies with city regulations. Agricultural uses, barns, and accessory structures are permitted in the R-1-10 zone, as is the storage of personal property in the structure. However, his proposal to store and sell hay grown offsite conflicts with current code restricting business activities in the residential zone which is intended to protect the residential characteristics of the neighborhood.

The barn and hay storage is intended for the western portion of the property so the preferred access is through a residential neighborhood, 1320 N/840 W. As the property address is on 800 West, buyers attempting to locate the area to purchase hay may cause some disruption to the neighborhood. He stated that no large trucks will bring in hay, only his personal truck and trailer

but it is not clear what size trucks will come in to purchase hay. Hay is currently being stored on the property without a barn.

Ms. Brightwell explained the reasons that Mr. Christensen is currently not allowed to sell hay on his rental property and reviewed the current home occupation regulations:

- A commercial business is not permitted in a residential district.
- A home occupation, while permitted, is defined as any occupation conducted within a dwelling and carried on only by persons residing in the dwelling. (There is a home on the property, but the Christensen's do not reside there.)
- 5.04.130 & 5.28.050 provide an exemption for the selling of farm products that are raised or grown by the person selling the products. (This exemption was created to allow the sale of home-grown fruit and vegetables by residents.)

Cathy Brightwell presented some options and noted that with each of these options, the commission should consider impacts to the neighborhood of the proposed location, as well as how it could impact properties across the various zones in the city.

- A. Modify allowed uses within the R-1-10 zone: Add commercial sales of agricultural products as a permitted/conditional use in residential districts;
 - Issues to consider: Should regulations be codified to limit impacts to residential neighborhoods? (size of properties, access, lighting, signs, hours of operations, etc.).
 - If this commercial activity is allowed, what is the justification for prohibiting other commercial activity with similar impacts?
- B. Modify the home occupation code: Allow businesses conducted on a residential property but outside the home and by individuals not residing on the property.
 - Issues to consider: Should regulations be codified to limit impacts to residential neighborhoods? (size of properties, types of businesses, total use of accessory structures, access, lighting, signs, hours of operations, etc.)
 - Again, if this commercial activity is allowed, what is the justification for prohibiting other commercial activity with similar impacts?

Chairman Hopkinson explained that we have struggled with this issue especially in other zones and have not wanted commercial business in residential zones up to this point.

Corey Sweat has reviewed the code and does not see any way this can be allowed in this neighborhood and does not support changing code to accommodate it in residential neighborhoods.

Dee Vest empathizes with Mr. Christensen but agrees with Commissioner Sweat's comments.

Mike Cottle asked about signage or advertising. Mr. Christensen explained he will do no marketing of any kind or have any signage; he will only advertise on KSL. Commissioner Cottle

is concerned that if we allow this it will open the issue to others to want this type of in the residential area.

Laura Charchenko asked if he grows the hay he sells. Mr. Christensen responded that he does not. She is concerned with the potential increased traffic in the neighborhood and supports Commissioner Sweat's comments.

Mr. Christensen said he is willing to just store the hay and transport it on and off the property himself.

Alan Malan asked if there is any way to allow this without allowing other unwanted stuff to be sold. He supports Mr. Christensen wanting to sell his hay as it supports West Bountiful's agricultural nature.

Kelly Enquist praised Jed for his open and honest way of doing business and regrets not being able to support what he wants to do at this time.

Steve Doxey noted that when trying to make modifications to the code we must be careful to consider how it impacts other areas and how it may allow other types of things to be sold that we don't want.

Kris Nilsen stated a few of his concerns regarding curb access and size of trucks accessing the property.

Chairman Hopkinson explained we cannot make exceptions. He appreciates Jed and the services he offers to residents of West Bountiful. He would like to continue to ponder things to see if there is some way to turn the gray areas to black and white.

Jed stated that in a meeting he had with Duane Huffman a few weeks ago he was asked if he could use 800 West to access the property and Jed thinks that is possible. He owns the home on the property but does not intend on living in it at this time, but that may change in the future.

Cindy Christensen explained that some of the hay is for personal use and asked what would be different with him unloading the hay he needs and delivering the hay others need.

Chairman Hopkinson said that there is still some discussion to be had and he would like to table this item to have more discussion with the Christensen's.

Action Taken:

Alan Malan moved to table this item. Laura Charchenko seconded the motion and voting was unanimous in favor.

4. Discuss Woodhaven Mobile Home Proposal

Commissioner packets included a memorandum dated August 7, 2020 from staff regarding the expansion proposal for Woodhaven Mobile Home park, a draft of a development agreement, a redlined copy of the current Mobile Home Park ordinance, and a draft ordinance for a new zone for Mobile Home Parks and Subdivisions.

The new owners of Woodhaven mobile home park are proposing to expand the existing mobile home park consisting of 7.46 acres by eight lots/spaces (from 44 to 52). This expansion will not impact existing lots but add new lots to vacant space within the property primarily at the entrance of 500 South. In previous meetings with the city council and planning commission, there was a level of support for the proposed expansion based on satisfactory details being worked out with staff and final review and approval by planning commission and city council.

Topics for discussion:

1. New WBMC 17.25 R-MH (Residential Mobile Home district), which creates a new zone for mobile homes, mobile home parks and mobile home subdivisions. The boundaries of the new zone is proposed to match the current Woodhaven property boundaries.

There was discussion about how the new zone might impact the area. Cathy Brightwell explained that the mobile home park has been in place for many years as a legal non-complying use. The rezone allows the property to be zoned for its existing use.

2. WBMC 17.72, redline of the city's existing mobile home ordinance. The proposal includes recommended changes by Woodhaven and city staff. The existing ordinance was adopted after Woodhaven Mobile home park was established and in most cases has not been applied to the existing mobile home park. If the intent is to limit mobile homes to the new zone and the new zone matches the boundaries of the existing Park, staff believes it makes sense to modify the ordinance in some areas to accommodate the limitations of the existing Park. These changes relax some of the current restrictions so that more of the existing property conforms to our code and sets guidelines for the expansion area.

There was some discussion on several of the proposed changes and Mr. Doxey pointed out a few typos in the document that can be cleaned up in the final document. Laura Charchenko asked about the inspections described in Section 17.72.020.E. What is the intent of the inspection – internal and/or external and who does the inspection especially as the trailers are individually owned and not rented? Alan Malan inquired about the certificate of compliance tied to these inspections. This may be good for the future of the Park but not as the Park stands today with units being out of compliance with current code. Does it mean a trailer is unsellable if it is not in compliance?

3. Updated Development Agreement package. The draft includes language to deal with areas of non-compliance. It lists several exhibits that are not included in the draft. Chairman Hopkinson would like to see a preliminary copy of the development agreement. Steve Doxey noted that the agreement is pretty standard as it is written and he has a few items that he would like to include in the agreement with exhibits.

Mr. McCabe explained their process as they do away with the old units and bring in the new trailers. Eventually the park will have all new homes with individual ownership, and this will solve the problem of being out of compliance but will take some time. The Park will be pretty much as is at this point with the exception of the 6 new units. These things need to be addressed in the development agreement. Site plan and lighting plan can be addressed in the next few days as they meet together with Staff.

Kris Nilsen would also like to see a drainage plan and wants them to check to with UDOT to see if they need an access management permit.

Summary comments:

Dee Vest feels we need some more time to review the proposals in more detail.

Mike Cottle is supportive of this project especially with the housing market as it is right now. It fills a great need in the market right now. He wants to make sure we are covering everything necessary in the review process.

Denis Hopkinson would like to see a more complete draft for review at the next meeting. The public hearing planned for August 25 will be rescheduled for the September 8th meeting.

5. Staff Report

Chairman Hopkinson commented that he would like to see if we can start meeting together again in person so that we can have better discussions. He will talk with the Mayor and Duane.

Cathy Brightwell:

- Introduced Kris Nilsen, the new city engineer and land use administrator and he gave a brief summary of his background. He lives with his family in Layton and has worked throughout Weber and northern Davis County in an engineering firm both as an employee and part owner of the business.
- School is on schedule to begin in two weeks. Parking lot is scheduled to be paved this week and Kris will be working on the pickle ball court RFP and new bowery. Primary entrance will be a circular driveway from 800 West by City Hall and not the old entrance from 400 North.
- A joint work session with city council is scheduled for August 18th at 6:30 regarding the west side development proposal by Walt Plumb for 500+ homes on 127 acres.
- Wholesome Therapy's opening is delayed due to modifications they made to their sprinkler system and resulting fire inspections. Cubby's opened for business last week.
- Raising Cane's chicken restaurant has been delayed because they decided to purchase the property instead of leasing it. Building plans should be ready in about 5 to 6 weeks.
- New businesses coming in are Premier Martial Arts, Santorini's Greek restaurant and Spirit of Halloween.
- Doug Coons purchased the Deppe property at 550 W 1000 North and is interested in getting a variance to have 3 lots on the corner area of the property. He plans to bring in a proposal for the next meeting.

- Chief Hixson retired last week and is working with Intermountain Health. Assistant Chief Brandon Erickson is acting Chief for now.

Kris Nilsen:

- He met with Ben today and was updated on projects including the pickleball court RFP.
- Chairman Hopkinson asked him to take a look at the elevation of the school's south parking lot. It looks to be low.

6. Approval of Minutes

Consider Meeting Minutes from July 28, 2020.

Action Taken:

Corey Sweat moved to approve of the minutes of the July 28, 2020 meeting as presented. Laura Charchenko seconded the motion and voting was unanimous in favor.

7. Adjourn

Action Taken:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:53pm. 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 August 25, 2020, by unanimous vote of all members present.



Cathy Brightwell – City Recorder

