

Mayor
Kenneth Romney

WEST BOUNTIFUL PLANNING COMMISSION

Chairman
Denis Hopkinson

City Engineer
Kris Nilsen

550 North 800 West
West Bountiful, Utah 84087

Commissioners
Laura Charchenko

City Recorder
Cathy Brightwell

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

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 25, 2020 VIA ZOOM

Prayer/Thought by Mike Cottle

1. Accept Agenda.
2. Request by WholesomeCo Cannabis for Text Change to WBMC
17.62.030.3 Regarding Medical Cannabis Pharmacy Signage Restrictions
3. Discuss Woodhaven Mobile Home Park Expansion Proposal Including Site
Plan, Development Agreement and WBMC 17.72 Mobile Home Parks and
Mobile Home Subdivisions.
4. Staff report.
5. Consider Meeting Minutes from August 11, 2020.
6. Adjourn.

Join Zoom Meeting

<https://us02web.zoom.us/j/82852295630>

Meeting ID: 828 5229 5630

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Find your local number: <https://us02web.zoom.us/j/kcWsmxWKCl>

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 21, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

August 25, 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 21, 2020 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August 25, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

VISITORS: Alex Iorg, DJ Schanz, Mike McCabe, Trent Williams via Zoom.

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

1. Accept Agenda

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

2. Request by WholesomeCo Cannabis for Text change to WBMC 17.62.030.3 Regarding Medical Cannabis Pharmacy Signage Restrictions

Commissioner packets included a memorandum dated August 21, 2020 from Staff regarding medical cannabis pharmacy signage restrictions with an attached application for rezone/text change, a copy of state regulations, examples of proposed signs, and a site plan/map.

Cathy Brightwell explained WholesomeCo has requested a text change to the city's medical cannabis ordinance related to the specific size limitations on signage and gave the following background information:

West Bountiful's recently adopted cannabis ordinance, WBMC 17.62.030.3, restricts the size of signs for Medical Cannabis Pharmacies to 4 ft. X 5 ft. For other businesses within the C-H zone, code allows wall signs to be up to 15% of aggregate area of building elevation on which the signs are installed. The city's

medical cannabis code was modeled after state code; however, state code removed this specific size restriction in March 2020.

Ms. Brightwell described the request of WholesomeCo to have two signs: one 3-sided rectangular cube measuring 16 ft. by 4 ft. (total 188 sq. ft.) on the freeway side of the Carr building with sign face displayed on the south, west and north sides and another sign proposed to go over the front entrance of the business. Both signs comply with the general provisions of West Bountiful's sign ordinance but do not comply with the size restrictions specific to medical cannabis pharmacies. She noted that notwithstanding the size restrictions, the applicant will have to modify the proposed signage to ensure that it contains only the business name and a green cross – no company logo).

WholesomeCo provided justification for their request. Their primary argument for removing the restriction is that the legislature struck the statewide restriction "to provide for an equitable and fair approach to signage that is consistent with other similarly situated commercial establishments."

Staff believes that beyond the size restriction, state code and city code both have other signage restrictions specific to medical cannabis pharmacies that differentiate them from other commercial establishments, such as the state prohibition that limits what can be on the sign, and the city requirement that the exterior façade of the building avoid drawing attention.

Staff recommended that the Planning Commission evaluate this request using the legislative discretion and standards laid out in state code for enacting land use regulations, to:

- a) provide for health, safety, and welfare;
- b) promote -prosperity;
- c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
- d) protect the tax base;
- e) secure economy in governmental expenditures;
- f) foster the state's agricultural and other industries;
- g) protect both urban and non-urban development;
- h) protect and ensure access to sunlight for solar energy devices;
- i) provide fundamental fairness in land use regulation;
- j) facilitate orderly growth and allow growth in a variety of housing types; and
- k) protect property values.

Chairman Hopkinson invited Alex Iorg, representing WholesomeCo, to share his understanding of the code. Mr. Iorg noted that due to other restrictions on advertising their signage is the only way they have to advertise and they need the extra size to have people be aware of where they are, especially from the freeway. He added they are just asking to have the city match the revised State Code. They made their signs according to the State Code and he does not feel the signs will be disruptive to the City in any way.

DJ Schanz shared his appreciation for West Bountiful and again invited them to tour the site to see what it is all about. He noted that this is a medical dispensing pharmacy and would like to be treated as other pharmacies. They intend to be good neighbors and fit into the community with respect to their neighbors.

Cathy Brightwell noted that the freeway sign and front door sign have the Cannabis Logo which is not allowed as part of city or state code. DJ will contact the Department of Health to get clarification regarding logo restrictions. He noted that other dispensaries in the state are allowing the cannabis logo. Based on the language, Staff's interpretation is that is out of compliance and needs to be replaced with green cross.

Commissioner's were asked to share their thoughts, and all were supportive of the proposed change regarding size but were not sure about the argument that logo should be allowed. They asked for further study on the issue.

Steve Doxey reviewed the legislative history and believes the City can have more restrictive language in their code if they want.

Chairman Hopkinson commented on the state's striking of the size restriction and noted that if the commissioners feel the signage regulations are appropriate, we can recommend to the City Council to keep the restriction in place. He pointed out that everyone recognizes the green cross and the cannabis logo and know what it stands for. He believes it is important to consider the impact to the neighboring businesses regarding what signage is allowed. Chairman Hopkinson referred to the list of items Staff put in their memorandum to consider including impacts to the businesses that surround them.

A public hearing will be scheduled for the next meeting on September 8 as required for a zoning text change.

Corey Sweat suggested Staff to reach out to the surrounding businesses to see what their feelings are regarding signage before the public hearing. Councilmember Enquist stated that public notice should be provided as required by law to the adjacent property owners but does not think it is fair for Staff to personally contact the individual businesses. Commission concurred. Cathy added that notice will also be provided in the newspaper and on the website.

Chairman Hopkinson asked staff to move forward with the suggested changes to present at the next meeting and public hearing.

3. Discuss Woodhaven Mobile Home Park Expansion Proposal Including Site Plan, Development Agreement and WBMC 17.72 Mobile Home Parks and Mobile Home Subdivisions.

Commissioner packets included a memorandum dated August 21, 2020 from Kris Nilsen, Cathy Brightwell, and Steve Doxey regarding the Woodhaven Mobile Home Park Expansion with a copy of the site plan and development agreement proposal.

The new owners of Woodhaven mobile home park are proposing to expand the existing property consisting of 7.46 acres by eight lots/spaces (from 44 to 52).

Kris Nilsen introduced the findings and recommendations from Staff. He noted that they need to address more specific things than are in our current code and reviewed the following recommendations following their review of the proposed site plan, lighting plan, draft Development Agreement, and draft ordinance:

1. Recommend the City receive a copy of the ALTA survey for our records.
2. Recommend a copy of UDOT consent/approval be provided for city records.
3. Recommend a copy of Fire Marshal consent/approval be provided for city records.

Because the site drawings will be part of a development agreement, Staff recommended the following drawings be provided, and offered the following comments (Site Plan, Utility Plan, Grading and Drainage Plan, Lighting Plan and Landscape Plan). The following is their recommendation to the Planning Commission for consideration and review:

Site Plan

4. Recommend the typical site layout be called a standard site layout and include the following: minimum dimensions for the distance between adjacent structures (identify if existing structure is adjacent), site depth, site width, carport depth, carport width, interior front site line setback. Also include the following maximum dimensions for site depth, site width, home depth, home width, carport depth and carport width.
5. Sheet 2 shows existing site 40 will require the trailer to be relocated to south side of site 40. The trailer on the adjacent site 41 is on the north side of site 41, so the two trailers will be nearest to the shared site line. Recommend the site plan label the spacing between these two adjacent trailers as per fire marshal requirements for adjacent trailers.
6. Recommend the site plan identify and label all existing features that are to be removed, such as structures, utilities, irrigation, meters, signs, buildings, valves, hydrants, fence, drive approaches, curb, sidewalk, etc.
7. Recommend site plan show location, size, type or material of all existing utility lines, stubs, laterals, connections, meters, etc., for the entire existing park area.
8. Recommend the site plan include the area to be security storage. Site plan shall show security storage location, access, circulation, security fencing, parking, etc., as planned. Recommend at least one parking stall/spot be provided for the security area
9. Recommend the site plan include the area(s) to be park common area. Site plan shall show park common area location, amenities, access, parking (if any), fencing (if any) etc., as planned.
10. Recommend the site plan include the area for the proposed park Mailbox site. Site plan shall show mailbox location, access, circulation, fencing (if any), parking, etc., as planned.
11. Recommend the site plan show proposed vehicle staking or parking at the new mailbox location so that vehicles collecting mail will not block through traffic. Recommend at least one parking stall/spot be provided for the mailbox area.

Utility Plan

12. Recommend utility plan show location, size, type or material of all planned utility lines, stubs, laterals, connections, meters, valves, etc., for the new expansion area and also where applicable for the entire existing park.

Grading and Drainage Plan

13. Indicate the direction and path of the existing drainage of the entire existing park site area. Indicate the path of surface drainage and any know subsurface flow, inlets, pipes, etc.
14. Indicate the direction and path of the proposed drainage on the new expansion area of the park. Indicate the path of surface drainage and any planned subsurface flow, inlets, pipes, etc.

15. The drainage from proposed site 2, proposed site 3 and the landscape area on the frontage of 500 south is proposed to flow to the northwest, to the entrance road and then into Millcreek. Recommend the site plan show finished grade spot elevations or contours of the path the runoff from site 2, site 3 and the subject landscape area will take to get into proposed site 6 and then into to Millcreek. If any grading or drainage improvements are required, they should be part of the utility or demolition/ relocation construction.

Lighting Plan

16. Lighting design with 10 poles provides acceptable lighting along the entrance road.

Landscape Plan

17. Recommend the existing landscape area(s) (open, common, set aside, etc.) of the entire park be indicated on a landscape plan.
18. Recommend the areas of new landscape (open, common, set aside, etc.) with the proposed expansion be indicated on the landscape plan. Provide a landscape design of the new landscape area(s) for review by the planning commission.
19. Page 1, number 2, third sentence reads that no home or add-on shall be located closer than five (5) feet from the nearest portion of any other home or add-on. Recommend this be a minimum of ten (10) feet or as approved by Fire marshal/building inspector.
20. Page 1, number 3. Unless building code for manufactured/mobile homes is provided, recommend the Marlette Installation Manual be listed as a reference standard and city can use where applicable.
21. Page 1, 3.d., recommend adding a sentence that refers to the site plan, something like, except any grading and drainage improvements as shown on the Site Plan. I currently am requesting some additional final grade information be added to the Site Plan to verify storm water runoff from the proposed expansion area.
22. Page 1, 3.e., recommend adding an item (6) for UDOT requirements, such as to remove existing approach on 500 South (as that is what I currently understand will be required by UDOT).

Mike McCabe informed the Commission that he got a new email from the fire department and they will require a second exit because of the increase in homeowners being added. This maybe a deal breaker for them as it will be very difficult and costly to build a bridge over the canal. Chairman Hopkinson directed staff to work with the fire marshal and owners to consider options. They will review some possibilities and report back to the city. Crossing over the canal is cost prohibited. Mike will contact Holly Corp to see if there is a way to obtain a right of way on their property to the north for a relief zone. Further discussion took place regarding fire issues and possible solutions.

Mike McCabe gave a brief update regarding the status of the project. He noted that they met with UDOT and it appears UDOT is supportive of the plan.

There was discussion about Kris's requirements listed on page 9 of the development agreement and whether they pertain to the old units as well as the new ones. Kris responded that these items are intended for the new development.

Cathy Brightwell noted a public hearing was discussed for the next meeting but with the uncertainty of the project due to fire marshal issues asked if it should be postponed. Chairman Hopkinson asked her cancel the public hearing at this point.

4. Staff Report

Kris Nilsen

- 800 West - Will be meeting in the morning with MC Green and staff to set a schedule in place for the remaining work to be done. They are planning to pave this Saturday.
- This week the only access to the City Hall parking lot is through the school but they not allowed to park in the school parking area because they are reserved for teaching staff at this time.
- Alan Malan commended Kris on the information that he put together for Woodhaven; the detailed list of items was very helpful.
- In response to Chairman Hopkinson's inquiry, Kris reported on the low elevation of the school parking lot and noted there is a box that collects drainage in that area. It appears it was designed to handle all the surrounding drainage.
- Denis asked about the box that appeared to be abandoned by the City Hall entrance of the 800 West project. Kris reported it is being addressed and was shut down due to a gas line.
- Laura Charchenko asked about the road seal cost project and how many more roads are left to be done. She noted her frustration trying to maneuver through the city last week with all the sealing projects going on. Kris responded that they will be finishing up this week.

Cathy Brightwell

- Informed the Commission that their iPads are in and ready to be picked up.
- She asked how the commission would like the Woodhaven issues to be addressed. The rezone and ordinance changes should be separated from the expansion and development agreement issues.

5. Consider Meeting Minutes from August 11, 2020

Action Taken:

Alan Malan moved to approve of the minutes of the August 11, 2020 meeting as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

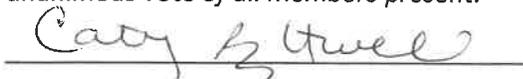
6. Adjourn

Action Taken:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:44 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 September 8, 2020, by unanimous vote of all members present.



Cathy Brightwell – City Recorder

