

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**Community
Development**
Cathy Brightwell
Addison Jenkins

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Dell Butterfield
Laura Mitchell
Corey Sweat
Dennis Vest

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 26, 2023, AT THE CITY OFFICES.

1. Prayer/Thought – Commissioner Vest;
Pledge of Allegiance – Commissioner Mitchell.
2. Confirm Agenda.
3. Public Hearing – A Request to Expand a Non-Conforming Use at 526 W 550 North.
4. Consider Request to Expand a Non-Conforming Use at 526 W 550 North (Scott Gapinski).
5. Conditional Use Application – Home Occupation - Cinnamon & Sage Spa, LLC (Jessica Edwards)
6. Meeting Minutes from September 12, 2023.
7. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Cathy Brightwell)
8. Adjourn.

*This agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org),
and provided to the Davis Journal on September 22, 2023, by Cathy Brightwell, City Recorder.*

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 September 22, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 26, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS ATTENDING: Chairman Alan Malan, Commissioners Corey Sweat, Dell Butterfield, Laura Mitchell, and Council member Kelly Enquist.

MEMBERS EXCUSED: Commissioner Dennis Vest

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder), Addison Jenkins (Community Development), and Debbie McKean (Secretary).

VISITORS: Scott Gapinski, Curtis Phillips, Aimee Hinojosa, Dan McConkie, Adam Winegar, Deby Marshall.

The meeting was called to order at 7:30 pm by Chairman Malan.

Cathy Brightwell introduced the new Community Development specialist, Addison Jenkins, who will be assuming her planning commission responsibilities when she retires later this year.

1. **Thought by Commissioner Sweat
Pledge of Allegiance- Commissioner Mitchell**
2. **Confirm Agenda**

Chairman Malan reviewed the proposed agenda. Laura Mitchell moved to approve the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among all members present.

3. **Public Hearing -A Request to Expand a Non-Conforming Use at 526 West 550 North**

Cathy Brightwell explained that the purpose of the hearing is to receive public comments on a request by Scott Gapinski to build a garage attached to his home at 526 West 550 North. This residential property is in a commercial zone, so the addition of the garage is an expansion of a non-conforming use which requires consideration and approval of the planning commission.

Action Taken:

Dell Butterfield moved to open the public hearing at 7:35 pm. Corey Sweat seconded the motion and voting was unanimously approved.

Public comments:

Dan McConkie stated that the area is commercial but is mostly made up of residential homes and he endorses the request for Mr. Gapinski to build his garage.

Curtis Phillips lives on the east side of Mr. Gapinski. He would like to know what WBMC 17.56 – Non-conforming Buildings and Uses means. Cathy Brightwell explained that this section of code deals with non-conforming uses including the request by Mr. Gapinski to enlarge his home by adding a garage in a commercial zone. Enlargements and additions of non-conforming structures and uses are not permitted unless approved by the planning commission after a public hearing.

Mr. Phillips stated he had attempted over the years to build on his property and was told by previous city manager, Wendall Wild, that there was a moratorium that prohibited any new construction. Ms. Brightwell agreed that the city code prohibits expansion of residential structures and uses in a commercial zone which may have been described as a moratorium. She added that this restriction may be lifted by the planning commission if they find that the proposed change is not inconsistent with the city's regulations and general plan, and that it should not be referred to as a moratorium.

Mr. Phillips said he would like to have the moratorium lifted. He noted that he is not trying to stop Mr. Gapinski from building a garage, he would just like the opportunity to be able to build on his property.

Adam Winegar stated that he sees no negative impact to the request and is in support of allowing Mr. Gapinski to build a garage.

Action Taken:

Corey Sweat moved to close the public hearing at 7:56 pm. Dell Butterfield seconded the motion and voting was unanimously approved.

4. Consider Request to Expand a Non-Conforming Use at 526 West 550 North (Scott Gapinski)

Commission packet included a memorandum dated September 22, 2023, from staff regarding a Request to Expand a Non-Conforming Use at 526 West 550 North with attached Conditional Use Permit Application and a photo of the property.

Cathy Brightwell pointed out that Mr. Gapinski's quarter acre property at 526 W 550 North is in the Commercial General (C-G) zone making the current residential use legal non-conforming.

Ms. Brightwell explained that Mr. Gapinski desires a garage. He prefers a detached structure, but the city code prohibits construction of a new non-conforming structure. However, WBMC 17.56.030 allows the planning commission to consider the expansion of a non-conforming use and structure in certain circumstances. As a result, he has changed his request to an attached garage. Mr. Gapinski understands that his property, and surrounding properties, will be developed for commercial use in the future.

City code allows non-conforming buildings to be maintained and repaired, but expansion of a use requires the planning commission to find that the change "not be inconsistent with the purposes of this title or the policies expressed in the city's general plan." WBMC 17.56.030(B)(1)

WBMC 17.32.010 - Commercial General District (C-G), states that the purpose of this zone is to provide an area where "a combination of business, commercial, entertainment and related activities may be established, maintained and protected...to provide a suitable environment for those commercial and service uses which are vital to economic life and provide commercial services to the community."

Section 2.2 of the city's General Plan has the stated policy goal of promoting a stable economy by encouraging high-quality commercial and office development in appropriate areas, and specifically to "encourage regional retail development at 500 West and 400 North."

Following discussion on the issue, commissioners determined that this request will not be detrimental to future development.

Action Taken:

Corey Sweat moved to approve the expansion request for a non-conforming use at 526 W 550 North for Scott Gapinski with the affirmative findings that the proposed expansion for a garage attached to a non-conforming residential structure does not significantly alter the current use or value of the property and as future commercial development of the area will likely require the combination of all or most of the current non-conforming residential properties, the proposed expansion itself will not stand in the way of the purposes and goals of the land use code and general plan. Dell Butterfield seconded the motion and voting was unanimous in favor.

5. Conditional Use Application – Home Occupation, Cinnamon & Sage Spa, LLC (Jessica Edwards)

Commission packet included a memorandum dated September 22, 2023, from Cathy Brightwell regarding a Conditional Use Permit for a Home Occupation, Cinnamon & Spice Spa, LLC with attached site plan, applications for a Conditional Use Permit and Home Occupation Permit, and a Notice to Neighbors. Ms. Edwards was not present at the meeting this evening.

Cathy Brightwell explained that Jessica Edwards has filed an application for a Conditional Use Permit to open a salon and spa as a home occupation business at her home at 1272 West Millbridge Lane. The notice to neighbors has not resulted in any objections. Ms. Edward's business consists of cosmetology and esthetics including facial treatments, haircuts and color, and waxing. Appointments will be scheduled Monday through Saturday from 10:00 am to 8:00 pm. The business will be conducted in a 204 sq. ft. space in her garage and occupy only 12% of the total garage space.

This application was considered by the Commission at its September 12 meeting but was tabled due to outstanding issues. Ms. Brightwell noted that an inspection by our building official determined that the relocation of a sink in the garage meets the building code, a fire inspection clearance has been issued, and the city has no record of another business at this address.

Action Taken:

Corey Sweat moved to approve a Conditional Use Permit for a Home Occupation for Cinnamon & Sage Spa, LLC, for Jessica Edwards at 1272 West Millbridge Lane with the affirmative findings that 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 the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity; shall not inordinately impact the utilities or streets in the area; and will comply with the regulations specified in the A-1 zoning ordinance. The following conditions apply: No external signage will be allowed, a person who is not a resident of the dwelling shall not be employed to work in the salon, clients will be by appointment only and will park in the driveway or behind the home. Laura Mitchell seconded the motion and voting was unanimous in favor.

6. Meeting Minutes from September 12, 2023

Action Taken:

Dell Butterfield moved to approve the minutes from September 12, 2023 as presented. Corey Sweat seconded the motion and voting was unanimous in favor.

7. Staff Report

a. Engineering (Kris Nilsen)

- Working on 660 West preliminary design for possible road construction next year.
- Google Fiber is requesting two of their permits to be closed out, but it is a difficult situation that public works is working through.
- The Hugoe 2-lot subdivision on 400 North will be coming to planning commission for final approval in the near future.
- Mr. Doug Coons asked the city council for a few changes to Doug's Corner subdivision and was granted 2 of the 3 requests.

b. Community Development (Cathy Brightwell)

- The city council reviewed the planning commission's recommendation for the home occupation ordinance and had some questions. They have scheduled a joint work session to be held on October 17th at 6:30 pm prior to the City Council meeting to discuss the issue in more detail.

8. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:15 pm. Dell Butterfield seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on November 14, 2023, by unanimous vote of all members present.



Remington Whiting, City Recorder