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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 A REGULAR MEETING BEGINNING AT 7:30 PM ON TUESDAY, FEBRUARY 12, 2019 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda.
2. Public Hearing Regarding WBMC Title 17, for Possible Changes to Zoning and Setback Requirements for Residential Accessory Structures, Decks and Covered Patios.
3. Consider Revising Conditional Use Permit 18-009 for an Accessory Building at 964 W Meadowlark Ln to Add a Second Floor Loft.
4. Consider Possible Changes to Zoning and Setback Requirements for Residential Accessory Structures, Decks, and Covered Patios.
5. Consider Conditional Use Permit 19-002, for Holly Frontier, at 393 S 800 West, to Enlarge and Upgrade an Existing Employee Parking Lot.
6. Staff report.
7. Consider Approval of Minutes from the January 22, 2019 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 February 11, 2019 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

February 12, 2019

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 February 11, 2019 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 12, 2019 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Mike Cottle, Laura Charchenko, Dee Vest (alternate), and Council member Kelly Enquist

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

MEMBERS EXCUSED: Corey Sweat

VISITORS: Gary Jacketta, Steve Sundstrom, John Nelson and family, Sparky Taylor, Julie Halling, Curtis Bell

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

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as presented and Dee Vest seconded the motion. Voting was unanimous in favor among all members present.

2. Public Hearing Regarding WBMC Title 17, for Possible Changes to Zoning and Setback Requirements for Residential Accessory Structures, Decks and Covered Patios.

Chairman Hopkinson gave a brief Introduction and explanation about this item before receiving public input.

Ben White explained the city council's direction for the planning commission to consider these issues. He also explained that the city is trying to move away from subjective conditional use permits and the effort to establish hard and fast criteria for items previously treated as conditional use.

ACTION TAKEN:

Laura Charchenko Moved to open the public hearing at 7:38 pm to hear public comment regarding WBMC Title 17, for Possible Changes to Zoning and Setback Requirements for Residential Accessory Structures, Decks and Covered Patios. Alan Malan seconded the motion and voting was unanimous in favor.

Public Comment:

Steve Sundstrom handed the Commissioners letters from two of his neighbors who are unable to attend the hearing (see summary below). Mr. Sundstrom stated that he has attended several Planning Commission meetings regarding this issue, and he feels that headway was being made to changing the

requirements for covered patios. He believes there is less intrusion to neighbors with patios than on raised decks and it is not logical or fair to treat them the differently. He added that the city has stricter setback requirements than some surrounding cities and was willing to make exceptions to setbacks for the Ovation development but not willing to make exceptions for regular residents who want to cover a patio.

Letters from neighbors:

Dennis/Karin Wood – 543 W 1225 N, 801-514-0480 – They are unable to attend tonight’s hearing. They live behind Mr. Sundstrom on the northwest corner and have no issues or complaints about his proposed structure.

Aaron Bringham – 1211 N 550 W, 801-557-8399 – is a neighbor on the south side of Mr. Sundstrom. He supports what he wants to do with his patio, does not believe it will deter from either home, and thinks it will be a nice addition.

ACTION TAKEN:

Alan Malan moved to close the public hearing at 7:41 pm. Mike Cottle seconded the motion and voting was unanimous in favor.

3. Consider Revising Conditional Use Permit 18-009 for an Accessory Building at 964 Meadowlark Lane to Add a Second Floor Loft.

Commissioner packets included a memorandum from Ben White dated February 7, 2019 regarding Nelson-Revised Conditional Use Permit for Accessory Structure with an attached site plan. The property is located at 964 West Meadow Lark Lane (at the corner lot of 1850 North). Ben White noted that building code needs to be met but the structure itself is allowed per city code, with a conditional use permit.

The memorandum included the following information:

- In September of 2018, Mr. Nelson was granted a Conditional Use Permit to construct a 35’ x 60’ detached garage west of the existing house allowing for a roof height of 26’.
- The building structure is completed and Mr. Nelson revised design drawings to the city which includes a 12’ wide mezzanine (loft) on the south end of the building and design for electrical. The second story loft includes steps for access and railing over-looking the balance of the building.
- The City has received complaints regarding exterior lighting on the building, but police have reviewed the lighting pattern on multiple occasions without finding that the lights create a safety hazard.
- Municipal Code section 17.20.060 (A) requires a Conditional Use Permit for accessory building heights greater than twenty feet (20’) and for two story structures. The permit was previously granted for the height; this modification is to address the second story loft only.

Commissioners reviewed the material for the requested revisions for the Conditional Use Permit. A brief discussion took place regarding the window requirements. Commissioners asked a few questions regarding the structure of the loft area and lighting on the building.

John Nelson was invited to take the stand. Mr. Nelson was not aware that the loft area had to be a part of the original conditional use permit. He informed the Commissioners that the use of the building is strictly for gymnasium activity for his family. He also noted that the windows have a window treatment that obstructs the view and the windows always remain closed. In addition, a big tree on the west side blocks any views. Regarding plumbing, he informed the Commission that there is some plumbing that has been stubbed in but no immediate plans to complete a bathroom at this time. He said he wants to be in compliance.

Ben White noted that the discussion tonight is for the loft area only and conditions need to be tied to the second level because the building was already approved with the windows as they have been installed.

Alan Malan would like to see translucent glass on all the windows in the upper level that face the west.

Dee Vest would like the west side windows to be inoperable.

Mr. Nelson asked what the difference was from the second story windows in his home that face his neighbor's vs his accessory building windows. Mr. White answered that there is an expectation when someone buys a home that there will be main structure windows adjacent to neighbors' dwellings. Accessory buildings are typically built after the main dwelling, are closer to the neighbor's property and are a requirement of the Conditional Use Permit for the health, safety, and welfare of himself and his neighbors.

ACTION TAKEN:

Laura Charchenko move to approve the Nelson's revised Conditional Use Permit for the the second floor of the Accessory Structure at 963 West Meadow Lark Lane with a condition that the southwest window is inoperable and has frosted glass. Mike Cottle seconded the motion and some discussion took place. Chairman Hopkinson called for a roll call vote and voting was as follows:

Mike Cottle- Aye, Laura Charchenko- Aye; Alan Malan, Dee Vest and Denis Hopkinson were Nay votes. Motion Failed with a 2 to 3 vote.

Further discussion took place.

Dee Vest moved to accept the revision to Conditional Use Permit 18-009 to add a second floor to the accessory building with the conditions that all westside windows be non-operable and have frosted glass so the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working within the vicinity, or injurious to property or improvements in the vicinity. Alan Malan seconded the motion. Some discussion took place regarding future extension of the loft area and it was determined that it was not necessary to add a restriction for extending the second level in the future. Chairman Hopkinson called for a roll call vote and voting was as follows:

Laura Charchenko and Mike Cottle- Nay Alan Malan, Dee Vest and Denis Hopkinson- Aye. Motion passed with a 3 to 2 vote.

4. Consider Possible Changes to Zoning and Setback Requirements for Residential Accessory Structures, Decks, and Covered Patios.

Commissioner packets included a memorandum from Ben White dated February 8, 2019 regarding Accessory Structures, Decks and Covered Patios with a redline copy of proposed changes to 17.xx.050 Yard Regulations, 17.xx.055 – Lots and Dwellings Fronting On Private Streets; Special Provisions, and 17.xx.060 – Height Regulations (R-1-10, R-1-22, and A-1) dated February 12, 2019.

Ben White led a review with Commissioners of the red-line document, section by section.

17.xx.050 – Yard Regulations

A.4.c.(1) - Some discussion took place regarding the proposed change to allow encroachment of decks and there was consensus to allow decks 25 feet from the rear property line.

A.4.d. – A brief discussion took place about the new requirements for covered patios; there was consensus to accept the proposed language treating them similar to decks.

B. - There was discussion about the distance between main structures and accessory structures. Several commissioners felt that a 10 ft setback is too much. There was consensus to change the minimum distance between structures to 8 feet and eliminate the option for a conditional use permit.

E. - The old language was hard to understand. New language is much better.

F. Language was clarified to include street side yards when determining the percentage area of structure and accessory buildings.

17.xx.055 – Lots and Dwellings Fronting On Private Streets; Special Provisions.

Language was deleted as it conflicts with Title 16 – Subdivisions.

17.xx.060 Height Regulations (R-1-10 & R-1-22)

A.2.(c) - Windows – There was discussion about upper windows facing neighboring properties. The consensus is that windows with headers above 10 feet must be non-opening and frosted. Because the term “neighboring properties” could be subject to interpretation, commissioners asked staff to highlight the language and ask city council or the city attorney come consider a better term.

There was discussion about restricting decks and balconies from being built on an accessory structure, but the consensus was that it was not necessary.

17.16.060 Height Regulations (A-1)

Some discussion took place regarding whether the same changes proposed above for the R-1-10 and R-1-22 zones should apply in the A-1 zone – except for the height regulation. The consensus was that no changes be made to this section.

ACTION TAKEN:

Laura Charchenko moved to send the changes proposed in the February 12, 2019 redline draft for WBMC 17.xx.050, 17.xx.055, and 17.xx.060 to the city council for consideration, with the additional change in 17.xx.050 B that the distance between a main structure and

accessory structure is eight feet instead of ten feet. Alan Malan seconded motion with the friendly amendment to include language for no decks and platforms on accessory buildings. Some discussion took place and the friendly amendment was declined. Chairman Hopkinson called for a roll call vote and voting was as follows:

Alan Malan – Aye, Laura Charchenko- Aye, Dee Vest- Aye, Mike Cottle- Aye, Denis Hopkinson- Aye

Chairman Hopkinson asked Staff to draft a letter from the planning commission to the city council explaining that the recommendation was not unanimous but was a consensus of their efforts to make best practices and public input a part of the decisions.

5. Consider Conditional Use Permit 19-002, for Holly Frontier, at 393 South 800 West, to Enlarge and Upgrade an Existing Employee Parking Lot.

Ben White showed the Commission an aerial view of the property that is being considered in Holly Refinery's request for additional parking. He informed the Planning Commission that they need to decide if the negative landscaping needs to be mitigated. He gave a few suggestions as to what they could do to mitigate the green space area and noted that drainage and safety will be dealt with appropriately by staff as the project unfolds.

Curtis Ball with Focus Engineering (representing Holly Refinery) was invited to take the stand. There was discussion about landscaping, drainage and where curb and sidewalk currently exist. He assured them that drainage will be mitigated within the parking lot area.

Ben White stated that Staff will work with the Refinery on the safety and drainage issues.

ACTION TAKEN:

Alan Malan moved to approve the Conditional Use Permit for Holly Refinery for a parking lot expansion project on 800 West. Laura Charchenko seconded the motion. A friendly amendment was made by Dee Vest to require Holly Refinery to freshen up the existing landscape from the parking lot south to 500 South on the West side of the road. Laura Charchenko accepted the amendment and voting was unanimous in favor with the following Findings and conditions.

Affirmative findings pursuant to Chapter 17.60 that the proposed use will provide appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area and compatibility with adjoining uses and will comply with the regulations and conditions specified in the land use ordinance. Conditions to be imposed will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection and include the following:

- 1. Proposed curbs and retaining walls to be reviewed and approved by the city to protect the safety of the pedestrians walking along 800 West sidewalk and the sidewalk into the building, including barriers to prevent vehicles from impacting landscaping and sidewalks.*

2. *To replace lost green space, screening landscape will be required along the 2 ft portion between the parking lot retaining wall and the sidewalk, as proposed in application drawings. Landscaping will be refreshed along the west side of 800 West to 500 South and approved by city staff.*
3. *Drainage to be reviewed and approved by the City to conform to city requirements and to protect the welfare and safety of persons in the area.*

6. **Staff Report**

Ben White:

- Woods Cross/Front runner area- Woods Cross City is working with Wasatch Front Regional Council and UTA on a study of development around this area. There will be an workshop at 6:30p-8:30p on March 4th at the Woods Cross Multipurpose room.
- Legacy Highway Meeting- There was legislation to extend the ban on trucks on Legacy Highway but it did not pass so it appears trucks will be allowed on Legacy beginning January 2020.

Cathy Brightwell:

- Next Saturday, February 23 - LUAU training at the Granite School District Building in South Salt Lake. This is the annual Land Use training for officials. Cathy will send agenda to them. Contact Cathy if they would like to attend.

7. **Consider Approval of Minutes from January 22, 2019 meeting.**

ACTION TAKEN:

Mike Cottle moved to approve of the minutes of the January 22, 2018 meeting as corrected. Dee Vest seconded the motion and voting was unanimous in favor.

8. **Adjournment**

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:50 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 February 26, 2019 by unanimous vote of all members present.



Cathy Brightwell – City Recorder

