

**West Bountiful City
Planning Commission**

February 25, 2014

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on February 21, 2013 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 25, 2013, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Vice Chair Terry Turner, Alan Malan, Mike Cottle, and Laura Charchenko, Corey Sweat (alternate).

MEMBERS/STAFF EXCUSED: Chairman Denis Hopkinson.

STAFF PRESENT: Ben White (City Engineer), Cathy Brightwell (Deputy Recorder), Kelly Enquist (City Council representative), and Debbie McKean (Secretary).

VISITORS: Judy Bradshaw, Heather Cox, Matthew Cox, and Ryan Wilson.

The Planning Commission meeting was called to order at 7:30 p.m. by Vice Chairman Turner. Mike Cottle offered a prayer.

I. Accept Agenda

Vice Chairman Turner reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Consider Conditional Use Application from Judy Bradshaw for a Home Occupation Business, Rezurrection Day Spa, located at 1847 North 725 West

Commissioner packets included a memorandum from Cathy Brightwell dated February 20, 2014 regarding the CUP for Home Occupation – Resurrection Day Spa, a Conditional Use Permit application and Home Occupation permit from Judy Bradshaw along with a site plan.

Cathy Brightwell introduced the application for a home occupation business for Resurrection Day Spa located at 1847 North 725 West. She stated that there are two applications for separate services from Heather Cox and Judy Bradshaw (agenda items 2 and 3), a mother and daughter living at the same residential location. Mrs. Bradshaw’s business will be for esthetician services such as facials, waxing and body treatments. Ms. Brightwell noted that in their packet was a notice with signatures from 4 neighbors that were all notified of this application and she pointed out that there is plenty of parking on an RV pad at side of the house. Mrs. Bradshaw is in the process of completing the testing for her state license and staff proposes the commission consider her application tonight but delay issuing the permit until she submits a copy of her state license. Staff included affirmative findings along with their recommendations for conditions.

Vice Chairman Turner invited the applicant, Judy Bradshaw to the stand to address questions the Commissioners had.

- **Mike Cottle** inquired about the hours of business which Mrs. Bradshaw responded would be 10:00 a.m. - 6:00 p.m.
- **Laura Charchenko** stressed the importance of keeping the parking condition compliance.
- **Alan Malan** recommended the language on the conditions read “clients will park on the property” instead of “on the driveway” or in front of the property.
- **Terry Turner and Corey Sweat** supported the applications as submitted.

ACTION TAKEN:

Corey Sweat moved to approved the Conditional Use Permit and Home Occupation Permit for Judy Bradshaw/Resurrection Day Spa located at 1847 North 725 West, West Bountiful with the following conditions: a copy of Mrs. Bradshaw’s Utah Master Esthetician license will be submitted prior to issuance of permit; clients will park on the property or directly in front of the property; and no external signage will be allowed. A friendly amendment to add affirmative findings was requested by Laura Charchenko which are as follows: 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 streets in the area; and will comply with the regulations specified in the R-1-10 zoning ordinance. Corey Sweat accepted the friendly amendment and the motion was seconded by Alan Malan. Voting was unanimous in favor.

III. Consider conditional use application from Heather Cox for a Home Occupation business, Heather Cox Cosmetology, located at 1847 North 725 West.

Commissioner packets included a memorandum from Cathy Brightwell dated February 20, 2014 regarding the CUP for Home Occupation business located at the same address as Resurrection Day Spa, a Conditional Use Permit application, and Home Occupation application from Heather Cox/Cosmetologist. A site plan was also attached to the applications/permits.

Cathy Brightwell introduced the application and noted that Heather Cox will be working with her mother, who was the previous applicant, in the capacity of a cosmetologist/hair dresser. The two will work together at the same location. Ms. Cox is moving her existing business from Bountiful to her home. Staff recommends the approval of this application with similar conditions as Mrs. Bradshaw's application. Ms. Brightwell noted that Heather Cox can be granted approval today with no delay because she has an active state license which has been provided to staff.

Terry Turner invited Heather Cox to the stand to address the Commissioners.

- Alan Malan inquired about what type of business she would be doing. Ms. Cox responded that she would be doing haircuts and styles.
- Laura Charchenko asked how often her license is due for renewal. Heather Cox responded that her license needs to be renewed every two year. Mrs. Charchenko reminded her that she needs to keep a current license on file while doing business.
- Corey Sweat and Mike Cottle had no comments/questions.

ACTION TAKEN:

Laura Charchenko move to approve Heather Cox's Conditional Use Permit and Home Occupation license located at 1847 North 725 West, West Bountiful with the following affirmative findings: 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 streets in the area; and will comply with the regulations specified in the R-1-10 zoning ordinance, and with the following conditions: a current copy of Ms. Cox's state cosmetology license, clients will park on the property or directly in front of the property, and no external signage will be allowed. The motion was seconded by Mike Cottle and voting was unanimous in favor.

IV. Consider conditional use application from Ryan Wilson for a 2 foot cantilever off the rear of the house at 1894 North 800 West

Commissioner packets included a memorandum from Ben White dated February 20, 2014 regarding a Conditional Use Request for Ryan Wilson, the conditional use application, and a copy of the site plan.

Ben White introduced the applicant and informed the Commission that this application was initially received late last summer. The application was denied by staff due to a conflict with the City's ordinance and Mr. Wilson has been patiently waiting for a decision to be made regarding a change to the city ordinances that would possibly allow his application to be in compliance with city code. Mr. Wilson's application is in compliance with the recent code modification, adopted February 4, 2014, allowing an accessory structure to occupy 35% of the rear yard. A

portion of the rear of the home will be 8' 4" from the unattached garage. A 10 foot distance between a main structure and an accessory building is required but with a conditional use permit the applicant can qualify for less. The cantilever is located in the kitchen area and does not make the footprint of the house any larger as it does not require any footings. Mr. Wilson is requesting to have an 8'4" setback instead of the required 10 foot.

- Terry Turner and Mike Cottle asked if there would be a problem with not having the 10 foot required setback. Ben White responded that 10 feet is the requirement but 8 feet can be approved if conditions are found favorable. Mr. White stated that requirements and mandates can change from City Council to City Council. He feels that Mr. Wilson's request is safe and reasonable.
- Mr. Cottle had no problems with the permit if the 8 ft. setback was acceptable to staff.
- Corey Sweat revisited the size and location of the request and sees no issues.
- Laura Charchenko offered a friendly forewarning to the applicant that less footage would create a greater risk for a fire hazard. As long as Mr. Wilson understood that she was fine with granting the permit.
- Alan Malan questioned the height of the garage and if a fire truck would be able to gain access to the back of the property. In response to his inquiry, it was explained that there is a 14' gravel driveway with 10 foot side yard clearance which would be ample for fire safety access and the garage height meets requirements being between 24 and 25 feet high.

ACTION TAKEN:

Alan Malan moved to approve the Conditional Use Permit which satisfied the criteria listed in 17.060.040 and in City Code 17.24.050 which allows the main structure to encroach within the applicant's request of 8' 4" of the existing detached garage. 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 streets in the area; and will comply with the regulations specified in the R-1-10 zoning ordinance. Mike Cottle seconded the motion and voting was unanimous in favor.

V. Discuss establishing processes for the following items:

- a. Basements (Title 15) and**
- b. Flag lots (Title 16)**

Commissioner's packets included two separate memorandums dated February 20, 2014 from Ben White in regards to basements and flag lots.

Ben White noted that in the last meeting discussion took place regarding various land use processes the city uses. It was decided to take it a step at a time and so tonight he would like the Commissioners to discuss the process in applying for basements and flag lots.

Basements

Mr. White referred the Commission to a Resolution he found made in 1980 establishing floor elevations for buildings constructed in West Bountiful. The resolution (#2-80) sets *all finished floor elevations at 12 inches above the curb, street or proposed street level adjacent to the building except where otherwise approved by the City Engineer and City Council.*

Ben White noted that he has not been seeing requests for 6 to 8 feet deep basements but more like 7 – 19 inches. While he likes options to be given he informed the Commissioners that minimum requirements were hard to come up with regarding the process of basements. He did not like having a checklist that even when met, may still not have favorable outcomes to the property owner's ability to have a basement, as each situation is different. He suggested that the language stays the same for basements and did not see any additional reliable criteria to use for a checklist.

- Alan Malan clarified the language regarding crawl space area. He did not see any need for changes.
- Laura Charchenko was unaware that property owner's could not use their crawl space for storage. She is okay with the language as long as the engineer understands the language and requirements.
- Corey Sweat feels maybe the language should be changed regarding the floor elevations because it is confusing. Ben White explained that although the language is a bit confusing, it is understood that the requirement is 12 inches above backside of curb.
- Mike Cottle had no comment.

Flag Lots

Ben White noted that establishing minimum criteria for flag lots is easier than basements.

In West Bountiful there are a lot of deep properties that could accommodate more than one building on the lot. He suggested that flag lot language be included in Title 16 because a property subdivision is required to create a flag lot and it appears to be the most logical place. He felt that there were some criteria that could be used to evaluate the basic application. Flag lots will still require a Conditional Use even after the minimum requirements are met.

- **Alan Malan** would like to discuss only one flag lot from a single staff. Not sure he likes counting the staff as part of the criteria. Ben White noted that it is 20 foot clear for fire code with a 16 foot gate. Ben White stated that fire code will always be in place. Alan is not sure that the fire code clearance should be part of the equation of the flag lot. Would like that language to be clarified as to where the lot begins and ends. Alan Malan would like to see stricter language in #1.

- **Mike Cottle** asked if flag lots need to meet the zoning requirement in which it is on. Ben White answered to the affirmative.
- **Laura Charchenko** reminded everyone that this is just a checklist to see if it would be worth their time to come to Planning Commission for the Conditional Use Permit.
- **Terry Turner** would like to see staff have a tool that would make their job easier as well as the citizen's life to see if they meet the criteria to come to Planning Commission.
- **Mike Cottle** agrees that a basic list of criteria would be helpful to both staff and citizens. Alan Malan agreed. Mr. Malan feels all of our ordinance should be clear.
- **Laura Charchenko** wonders if this has to be put into code, or if we just do a trial run for 6 months. Ben White stated there is a bigger list of criteria. This list just seems to be the most important to consider. This procedure will help staff to direct the citizen as to whether or not to continue the process to go before Planning Commission.
- **Terry Turner** asked how many lots in West Bountiful would fall under this criteria. Ben White stated that off hand, there could be upwards of 30 lots that could be considered for flag lots.
- **Corey Sweat** asked if Ben would put together a map that would locate some possible lots that would qualify for a flag lot for them to study. Ben White noted that all along 800 West there is a lot of potential flag lots.
- **Terry Turner** stated that the economy could create a lot of demand for cutting corners to putting multiple homes on narrow properties.

There was some discussion on studying the General Plan, but Mr. White stated that it would not be helpful as the General Plan just has to do with zoning. It was also noted that there are a few lots that exceed the 250 feet limit. Property owners would need to agree to pay for a fire hydrant to build farther than 250 feet.

ACTION ITEM:

Staff will work on drafting language from the suggestions and comments heard from the Commissioners tonight. Ben will bring some maps and fire code data to the next meeting.

VI. Staff Report- Ben White/Cathy Brightwell

Ben White reported:

- Woodhaven trailer park will come before the commission at the next meeting to share their desired plans to rezone the property.
- Received new set of construction drawings for Olsen Farms 7. A For Sale sign has been placed on the property.
- James Bruhn's and the Frank Chase properties are for sale and will be coming forward in the near future.

- Working with Holly for a site plan for their expansion.

Cathy Brightwell reported:

- That they will likely see an application for a Conditional Use for a Car Dealership at the next meeting.

VII. Consider Approval of Minutes of February 11, 2014

ACTION TAKEN:

Alan Malan moved to approve of the minutes dated February 11, 2014 as presented. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:35 p.m.

The foregoing was approved by the West Bountiful Planning Commission by unanimous vote of all members present on Tuesday, March 11, 2014.

CATHY BRIGHTWELL (DEPUTY RECORDER)