

**Mayor**  
Kenneth Romney

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

**City Recorder/  
Community  
Development**  
Cathy Brightwell

# **WEST BOUNTIFUL PLANNING COMMISSION**

550 North 800 West  
West Bountiful, Utah 84087

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

**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, MAY 23, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Butterfield;  
Pledge of Allegiance – Commissioner Vest.
2. Confirm Agenda.
3. Conditional Use Application for Home Occupation for Auto Italia Repairs at  
638 N 660 West.
4. Meeting Minutes from May 9, 2023.
5. Staff report
  - a. Engineering (Kris Nilsen)
  - b. Community Development (Cathy Brightwell)
6. Adjourn.

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*This notice was posted on the State Public Notice Website, the city website, and sent to the  
Davis Journal on May 19, 2023, by Cathy Brightwell, City Recorder.*

# MEMORANDUM



**TO: Planning Commission**

**FROM: Staff**

**DATE: May 19, 2023**

**RE: Conditional Use Application for Auto Italia - 638 N 660 West - Aimee & Adan Hinojosa**

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This memo reviews the home occupation and conditional use applications for Auto Italia auto repair business. These applications were presented to the planning commission on May 9, 2023. As there was a tie vote by the four members present, the conditional use application was tabled until a full commission was available.

## Background

Auto Italia is a commercial auto repair business, previously licensed and located at 1116 W 500 South until December 31, 2022.

Sometime in December of 2022, the business began operating out of a detached shop/garage at the residential property located at 638 N 660 West. As the owners/employees of the business did not reside at the property, operating any business out of the shop is a violation of West Bountiful Municipal Code. Staff alerted the owners of the business and property of this violation and instructed them to cease operations.

The operation of the business has been the source of complaints to the city from several individuals.

The owners of the business applied for a home occupation business license and an accompanying conditional use permit with the intent to become compliant with city code. At its January 24, 2023, meeting, the planning commission tabled the applications because the applicants did not live on the property at the time.

## Applicable Codes

The following sections of West Bountiful Municipal Code (WBMC) are pertinent to the applications:

- [WBMC 5.28](#) Home Occupations
- [WBMC 17.24](#) Residential District, R-1-10
- [WBMC 17.60](#) Conditional Use Permits
- [WBMC 17.92](#) Outdoor Storage and Merchandising

## Application and Accompanying Materials

An updated home occupation application was submitted on May 3, 2023. Details of the application include:

1. The applicants now reside at the property.
2. The only employees of the proposed business are the two owners.
3. Customers are by appointment-only between 10 am and 5 pm, Monday through Friday.

4. They intend to use 500 square feet of the 2,000 square feet detached shop for auto repair/business purposes, which they estimate is enough room to work on two vehicles. A 100 square foot bedroom in the home will be used as office space.
5. Used oil and anti-freeze will be kept in 2 barrels regularly picked up by a recycling service.
6. Customers will drop off and pick up vehicles at arranged times.
7. No street parking will be used by customers.
8. All vehicles and equipment will be stored inside the garage; only personal items will be in the yard.
9. Deliveries of parts are estimated to be 1-3 times a day.
10. Occasional tow truck but scheduling will be controlled.
11. Accompanying images show a proposed "privacy fence," but no details are explained.
12. Photographs show an unpaved driveway to the shop.
13. No customer or resident parking was designated on the site plan (see attached Exhibit A).

### Objections

When the business was illegally operating earlier this year, the city received complaints from multiple neighbors. Some neighbors had been awakened at night by tow trucks delivering vehicles and there were complaints about a large number of auto parts deliveries. These complaints raise concerns about how this business may change the residential nature of the neighborhood.

More recently, the city has again begun to receive complaints. The nature of the complaints now centers on the number of cars stored outside on the property.

### Review

WBMC 5.28 outlines the requirements for home occupations. A conditional use permit/planning commission review is required if the request conflicts with listed requirements or the city recorder determines that approval without additional conditions may conflict with the intent of the code.

Based on a review of the materials submitted, staff raises the following issues as related to Home Occupations - [WBMC 5.28](#):

5.28.040 C and J. – Since the last planning commission review, a fire inspection has approved the structure for the business license. We are still waiting for confirmation from the fire department on whether additional site requirements are necessary for the proposed use.

- A. 5.28.040 G. – Code clearly intends planning commission review for any storage of vehicles within the shop.
- B. 5.28.040 H. – Off-street parking: The applicant states that there is no need for off-street parking. However, staff believes that it is unreasonable to think that customers picking up or dropping off a vehicle will never need a parking space.
- C. 5.28.040 I. – Yard space may not be used – The applicant now states that no vehicles will be stored outdoors.
- D. 5.28.040 K. – Traffic related to deliveries of vehicles and parts is unclear and may conflict with the residential nature of the property and neighborhood.
- E. 5.28.040 M. – There is some evidence that the operation of the business to this point has disturbed the peace and quiet of the neighborhood by way of noise from tow trucks, tracking mud from the property, and traffic from deliveries.

WBMC 17.60.040, directs the Commission to approve the conditional use if reasonable conditions can mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards (requirements of the Chapter and all other applicable requirements of the Municipal Code), the conditional use may be denied.

WBMC 17.60.040 also requires the Commission to consider the following findings prior to approving a conditional use.

1. 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;
2. The proposed use 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;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for 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;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city's general plan; and
7. 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.

#### Possible Conditions

If the planning commission believes that the application contains sufficient information to determine that the proposed use justifies the findings as listed in WBMC 17.60, staff recommends consideration of the following conditions to mitigate possible reasonably anticipated detrimental effects of the proposed use.

*Detrimental Effect 1:* No off-street parking has been designated for customers or residents.

1. At least two spaces of off-street parking for residents must be designated on the property.
2. At least one space of off-street parking for customer drop off or pick up must be designated to the south or east side of the shop.
3. Customers seeking services may be parked in a designated off-street parking space for a maximum of one hour, all other customer vehicles awaiting services must be parked inside the shop.
4. All auto repairs must be performed in the allotted space inside the shop as shown on Exhibit B.
5. Owners to provide and maintain a current list of personal vehicles showing they are registered or have title in owner's name.
6. No outdoor storage of inoperable vehicles is allowed on the property, regardless of ownership.

*Detrimental Effect 2:* Commercial traffic disturbs residential neighborhood.

1. Business deliveries of supplies and materials will be limited to 3 times per day.
2. Customer drop-off and pick-up is limited to a total of 3 times per day.
3. Tow truck deliveries will be limited to indoor parking availability and may only be between the hours of 8 am and 6 pm Monday-Friday.
  - a. Alternative: No customer vehicles may be delivered by tow truck.

*Detrimental Effect 3: Environmental & Safety Issues.*

1. All businesses must meet state and federal environmental quality requirements for auto repair businesses, including but not limited to the following:
  - a. Collect and contain vehicle fluids as required;
  - b. Use a licensed company to collect oil, anti-freeze, and other vehicle fluids;
  - c. All vehicles waiting for work and those with work in progress must be on concrete or asphalt surface that stop fluids from entering the ground.
2. Site activities must comply with federal and state EPA Storm Water regulations.
3. Owner must provide evidence of compliance with fire codes and any other applicable building codes, and the building/property must remain in compliance.

*General Home Occupation Conditions:*

1. Business equipment and vehicles in the detached shop will not exceed 25% of the total building space.
2. No additional business equipment will be added without notice to the city for verification of storage limits.
3. No signage for the business.
4. No employees that do not reside in the home.
5. Planning Commission review of neighborhood impact after the first three months of license.

Recommendation:

The purpose of the R-10 District states that the city's regulations are intended to preserve and enhance residential character and lifestyle. Staff is concerned that reasonable conditions may not effectively mitigate the detrimental effects of the business based on the information provided. If the planning commission grants the conditional use, staff recommends a review of neighborhood impact after three months.



# CONDITIONAL USE PERMIT APPLICATION

West Bountiful City  
PLANNING AND ZONING  
550 N 800 W, West Bountiful, UT 84087  
Phone: (801) 292-4486  
Fax: (801) 292-6355  
www.wbcity.org

PROPERTY ADDRESS: 638 N. 660 W. West Bountiful, UT 84087

PARCEL NUMBER: \_\_\_\_\_ ZONE: R1-10 DATE OF APPLICATION: 05/03/23

Name of Business: Auto Italia Repairs

Applicant Name: Aimee and Adan Hinojosa

Applicant Address: 638 N. 660 W. West Bountiful, UT 84087

Primary phone: 801-309-4384 Fax Number: \_\_\_\_\_

E-mail address: aimeedanae11@hotmail.com / auto.italia11@yahoo.com

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.

500 sq. feet of 2000 sq foot garage (see attached floor plan) to be use for small auto repair business. A 10'x10' bedroom in house is also to be used as office space for business.

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

**Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone**

*I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.*

Date: 5/3/23

Applicant Signature: *Adan Hinojosa*

Application Received Date: 5/3/23  
Application Fee Received Date: 1/17/23  
Permit Approval: \_\_\_\_\_

FOR OFFICIAL USE ONLY  
Permit Number: 23-01  
Fire Inspection Date: 5/8/2023



# HOME OCCUPATION BUSINESS LICENSE APPLICATION

West Bountiful City  
BUSINESS LICENSING DEPARTMENT  
550 N 800 West  
West Bountiful, UT 84087  
Phone: (801) 292-4486  
www.wbclty.org

Please allow 5-7 business days for processing

## Applicant Information:

License # (Assigned by City): \_\_\_\_\_

Resident/Business Owner's Name: Adan and Aimee Hingjosa

Physical Address: 638 N. 660 W. West Bountiful, UT 84087

Mailing Address, if different than above: \_\_\_\_\_

Email address: aimeedanae11@hotmail.com

Primary Phone: 801-309-4384 Emergency Phone: 801-865-7120

Property Owner Name & Contact Info, if different than applicant: \_\_\_\_\_

## Business Information:

1. Name of business: Auto Italia Repairs

State ID #: \_\_\_\_\_

State Sales Tax #: 14257513-003-STC

Federal Tax ID #: 81-3317251

Other Required Licenses #: \_\_\_\_\_

(Depending on type of Business)

2. Describe the proposed business activity:

Small auto repair shop. 2 bays of space (500 sqft) in 2000 sqft. garage as well as office inside of home. Only employees are Adan and Aimee Hingjosa. By appointment only.

3. Hours of Operation: 10 AM - 5 PM Monday - Friday

4. Name and relationship of person(s) participating in business (must reside at the home):

Adan does repairs and customer relations. Aimee does paperwork.

5. Describe which room(s) or areas of the property will be used, and how they will be used, in conducting this business from your home. List the approximate square footage of such rooms as well as the total square footage of the main floor of your home; if a garage or other accessory structure will be used, list the approximate square footage to be used and the total square footage of the garage or structure:

10' x 10' bedroom in home is office space for invoicing, estimates, ect. 20' x 25' area of 2000 sqft garage for repairs. House is appr. 2800 sqft.

6. Describe how, where, and in what amounts the materials, supplies and/or equipment related to your proposed home occupation will be displayed or stored:

No supplies kept stocked. All parts and fluids are ordered on as needed base. Office supplies kept in home office.

7. Are any chemicals or hazardous materials used in connection with your home occupation? If yes, state the amount and type of chemicals or materials stored or used.

We use oil and antifreeze. We do not have bulk supply of these.

We have 2 barrels for used fluids that are picked up by recycling service. We just had Emerald Services inspect the barrels.

8. Will individuals come to your home to obtain any product or merchandise, to utilize any service, or for any other purpose in connection with your proposed home occupation? If yes, please explain, including frequency.

Yes, customers come to drop off and pick up vehicles at arranged times. Deliveries of parts are 1-3 times a day, but we do try to limit orders by combining into 1 delivery.

9. If any vehicles or other equipment will be used as part of your home occupation, where will they be parked or stored?

All vehicles and equipment will be stored inside 20' x 25' space inside garage. No yard use. Only personal items in yard.

10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain, including frequency:

Customers and deliveries. Adan places part orders night before parts are needed to limit deliveries. No more traffic than Amazon in the neighborhood.

11. Will the home occupation involve the use of commercial vehicles for delivery of material to or from the premises? If yes, please explain, including frequency:

Part delivery vehicles. They drive small pass. vehicles. (Nissan Versa, Subaru, pick up truck) Occasional tow truck, but we only use 1 person and control scheduling drop offs.

12. If your home occupation is a day care center, nursery, or preschool, please state how many children \_\_\_\_\_ and caregivers \_\_\_\_\_ will be involved in a typical workday. Please attach evidence of all licenses, permits, or approvals from federal, state, or local agencies authorizing the day care center, nursery, or preschool.

13. Does the proposed home occupation conform with covenants, conditions, and restrictions (CCR's) pertaining to your property? \_\_\_\_\_ If no, please explain: \_\_\_\_\_



**Applicant Certification:**

I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well.

I acknowledge that before this application may be approved, I must provide notice to the owners of property within a 300 foot radius of the exterior boundaries of the property on which the home occupation is to be conducted.

I certify that the above information is true and correct to the best of my knowledge, and that I agree with the attached specific requirements and all other applicable provisions of the Municipal Code.

I understand the information on this application may be made available to the public pursuant to the Government Records Access and Management Act (UCA 63G-2-101 et seq), unless applicant specifically requests in writing that their personal information remain private.

Date: 05/03/23

Sign Here: *Aim Hijun*  
Applicant

**FOR OFFICIAL USE ONLY**

Application Fee Received: NA  
Fire Inspection: 5/3/23  
Health Dept. Inspection: —  
Neighbor's Notification Complete: \_\_\_\_\_

Approval Date: \_\_\_\_\_  
Conditional Use Permit Required: Yes  
Conditional Use Permit Approved: \_\_\_\_\_  
Protests Received: \_\_\_\_\_

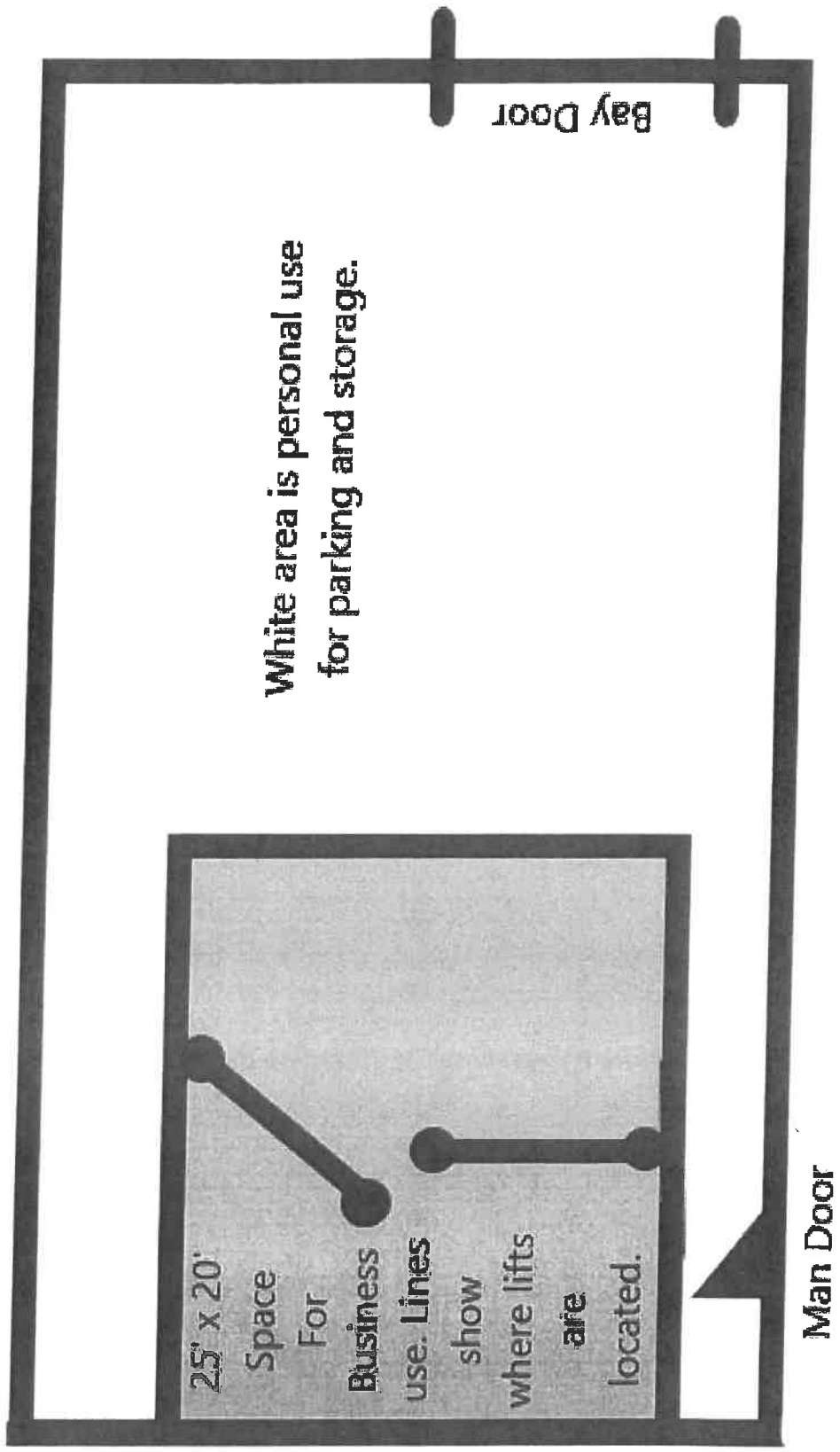




# Auto Italia Repairs

Floorplan for garage business use

Not to Scale- to show area for business use.  
Building is 40' x 50'



# Exh B

Inside of home:  
10' x 10' upstairs bedroom is being used for office space. Will have filing and computer work done here.





Front View







Backyard



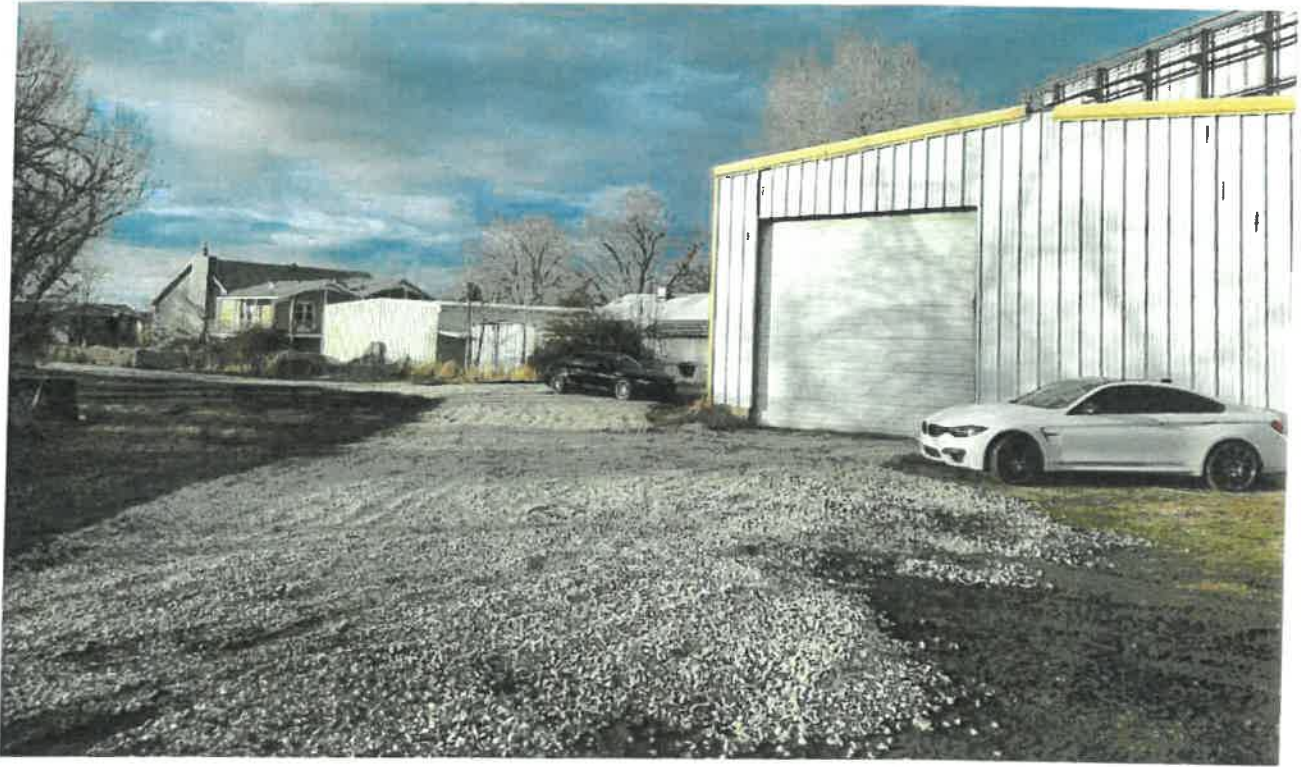




**Backyard View from Garage**







Rear driveway







Garage

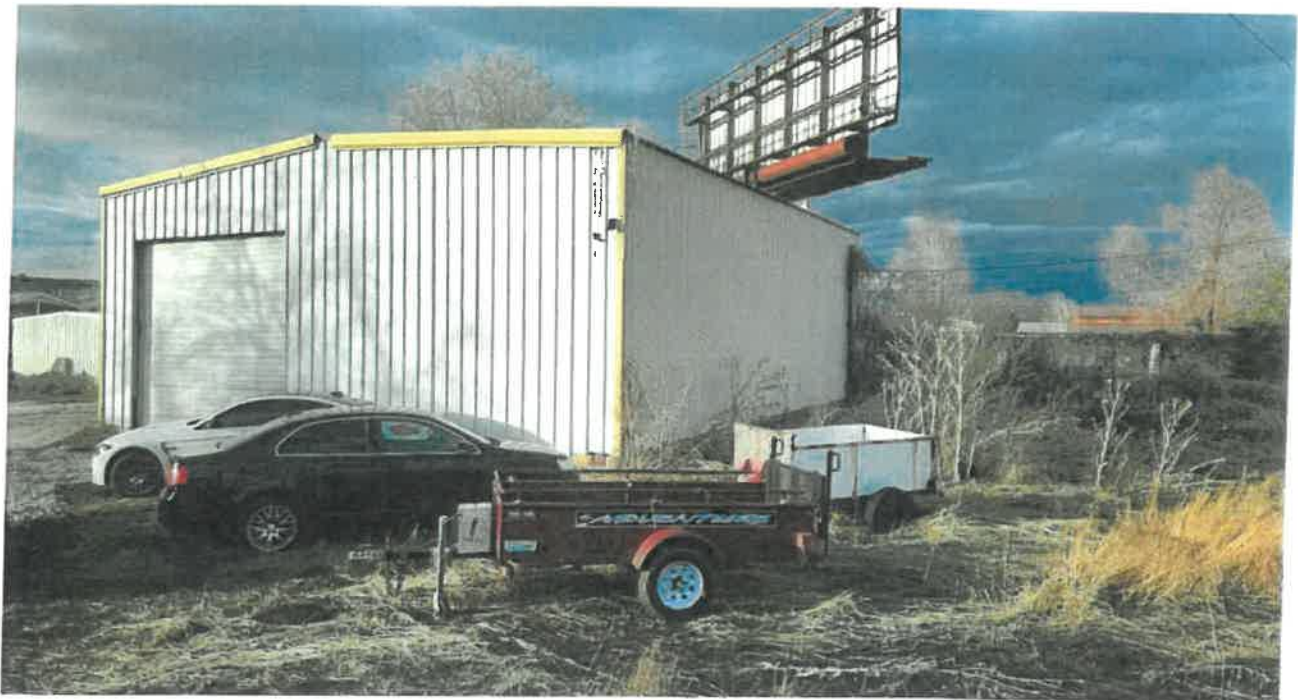


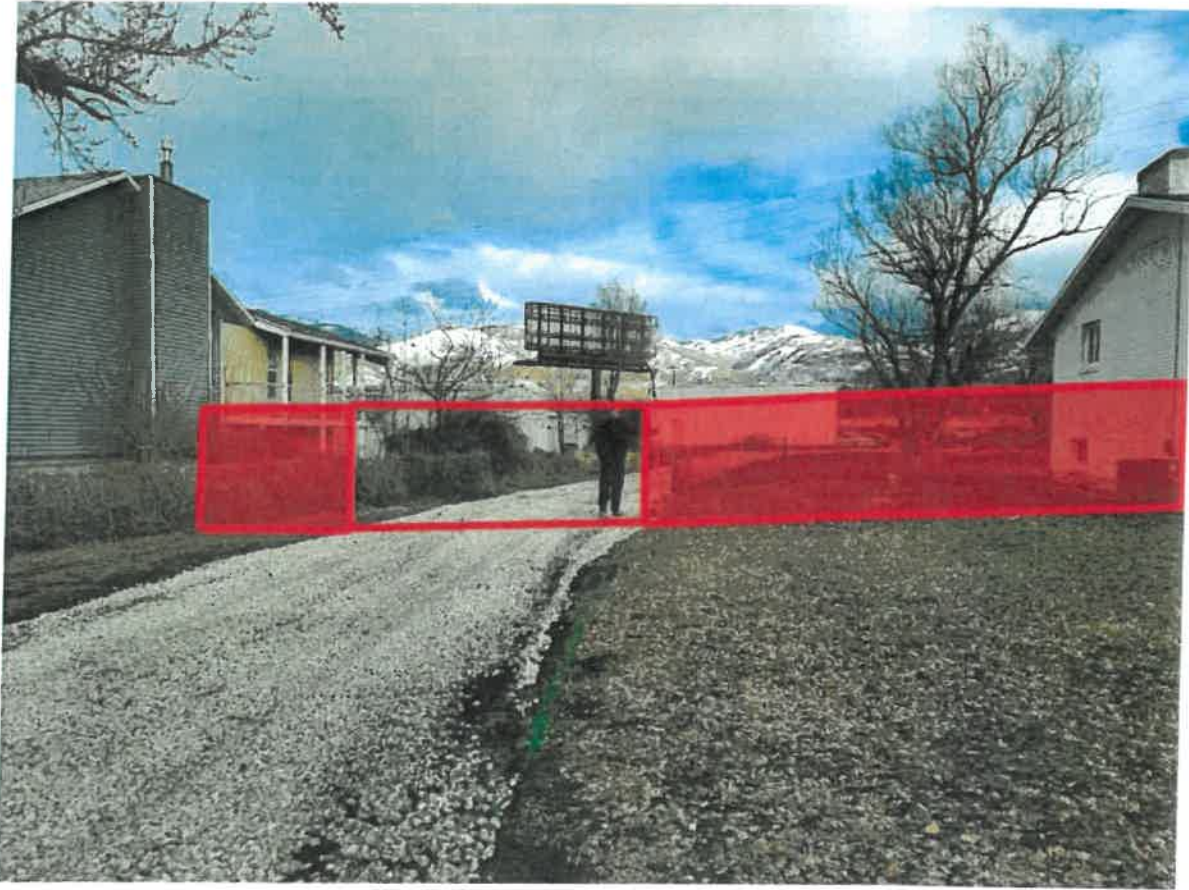


PROPOSAL FOR HOME BUSINESS AT 638 NORTH 660 WEST



Behind Garage





Planned Privacy Fence with Gate

3 **PENDING – NOT APPROVED**

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website,  
5 on the West Bountiful City website, and at city hall on May 5, 2023, per state statutory requirement.

6 Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 9, 2023, at  
7 West Bountiful City Hall, Davis County, Utah.

8 **Those in Attendance:**

9 **MEMBERS ATTENDING:** Chairman Alan Malan, Commissioners Corey Sweat, Dennis Vest, and Dell  
10 Butterfield.

11 **MEMBERS EXCUSED:** Commissioner Laura Mitchell and Council member Kelly Enquist.

12 **STAFF ATTENDING:** Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) and Debbie McKean  
13 (Secretary).

14 **VISITORS:** Aimee & Adan Hinojsa, Amy Parker, Deby Marshall, William Goldberg, LoraLee White,  
15 Brooklyn White, Frank Schefield, Craig Hammond, Jeff Dunn

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

17 **1. Prayer by Commissioner Sweat**  
18 **Pledge of Allegiance- Commissioner Butterfield**

19  
20  
21 **2. Confirm Agenda**

22 Chairman Malan reviewed the proposed agenda. Corey Sweat moved to approve the agenda as  
23 presented. Dennis Vest seconded the motion. Voting was unanimous in favor among all members  
24 present.

25  
26  
27 **3. Conditional Use Application for Home Occupation for Auto Italia Repairs at 638 North 660**  
28 **West**

29  
30 Commissioner packets included a memorandum dated May 5, 2023, from Staff regarding a review of the  
31 home occupation and conditional use applications for Auto Italia auto repair business with attached  
32 Conditional Use Permit application, Home Occupation Permit Application, site plans and marked  
33 exhibits.

34  
35 Cathy Brightwell explained that Auto Italia was a commercial auto repair business previously licensed  
36 and located at 1116 W 500 South until December 31, 2022. Sometime late last year, the business began  
37 operating out of a detached shop/garage at a residential property located at 638 N 660 West. The  
38 business owners did not live on the property at the time, which is required for home occupation  
39 businesses.

40



41 Staff alerted both the owners of the business and the property of this violation and instructed them to  
42 cease operations. In mid-January, the owners of the business applied for a home occupation business  
43 license and an accompanying conditional use permit with the intent to become compliant with City  
44 code. The planning commission heard the issue on January 24, 2023, and tabled the applications until  
45 such time as the business owners live on the property.

46  
47 Ms. Brightwell stated that when the business was illegally operating earlier this year, the city received  
48 complaints from multiple neighbors. Some complained they had been awakened at night by tow trucks  
49 delivering vehicles and some complained about a large number of auto parts deliveries and customer  
50 traffic. These complaints raised concerns about how this business might change the residential nature of  
51 the neighborhood.

52  
53 The business is currently in suspension, but the city has continued to receive complaints. The nature of  
54 the complaints now centers on continued work being done in the shop by Mr. Hinojosa and the number  
55 of cars stored outside on the property. The number of complaints about deliveries has been reduced.  
56 When questioned by staff, the applicants stated that the work currently being done in the shop is only  
57 on personal and family vehicles.

58  
59 The following updated information was filed with the city on May 3, 2023:

- 60 1. The applicants now reside at the property.
- 61 2. The only employees of the proposed business are the two owners.
- 62 3. Customers are by appointment only between 10 am and 5 pm, Monday through Friday.
- 63 4. Applicants intend to use 500 square feet of the 2,000 square feet detached shop for auto  
64 repair/business purposes, which they estimate is enough room to work on two vehicles. A 100  
65 square foot bedroom in the home will be used as office space.
- 66 5. Used oil and anti-freeze will be kept in 2 barrels regularly picked up by a recycling service.
- 67 6. Customers will drop off and pick up vehicles at arranged times.
- 68 7. No on-street parking will be used by customers.
- 69 8. All vehicles and equipment will be stored inside the garage; only personal items will be in the yard.
- 70 9. Deliveries of parts are estimated to be 1-3 times a day.
- 71 10. There may be an occasional tow truck, but scheduling will be controlled.
- 72 11. Accompanying images show a proposed "privacy fence;" construction began today.
- 73 12. Photographs show an unpaved gravel driveway to the shop.
- 74 13. No customer or resident parking was designated on the site plan.

75  
76 Ms. Brightwell reviewed the applicable city codes for the planning commission's information and the  
77 photos and exhibits provided in the meeting packet. She stated that the purpose of the R-1-10 District  
78 states that the city's regulations are intended to preserve and enhance residential character and  
79 lifestyle.

80  
81 After reviewing the materials submitted, staff noted the following issues as related to Home  
82 Occupations - WBMC 5.28, specifically in Section 5.28.040:  
83 C & J. - Since the last planning commission review, the fire inspector has approved the structure for the  
84 business license. We are still waiting for confirmation from the fire department on whether  
85 additional site requirements are necessary for the proposed use.  
86 G. - Code clearly intends planning commission review for any storage of vehicles within the shop.

- 87 H. – Off-street parking: The applicant states that there is no need for off-street parking. However, staff  
88 believes that it is unreasonable to think that customers picking up or dropping off a vehicle will  
89 never need a parking space.
- 90 I. – Yard space may not be used – The applicant now states that no vehicles will be stored outdoors.  
91 Cathy Brightwell has a list of their personally owned vehicles.
- 92 K. – Traffic related to deliveries of vehicles and parts is unclear and may conflict with the residential  
93 nature of the property and neighborhood.
- 94 M. – There is some evidence that the operation of the business to this point has disturbed the peace  
95 and quiet of the neighborhood by way of noise from tow trucks, tracking mud from the property,  
96 and traffic from deliveries. These were complaints earlier and since have not been received since.  
97

98 Cathy Brightwell explained that the Conditional Use section of WBMC 17.60.040 directs the Commission  
99 to approve the conditional use if reasonable conditions can mitigate the reasonably anticipated  
100 detrimental effects of the proposed use. If the anticipated detrimental effects cannot be substantially  
101 mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards,  
102 the conditional use may be denied.  
103

104 Ms. Brightwell stated that if the planning commission believes the updated application contains  
105 sufficient information to determine the proposed use justifies the findings listed in WBMC 17.60, staff  
106 recommends, at a minimum, consideration of the following conditions to mitigate reasonably  
107 anticipated detrimental effects of the proposed use.  
108

109 **Detrimental Effect 1:** No off-street parking has been designated for customers or residents.

- 110 1. At least two spaces of off-street parking for residents must be designated on the property.
- 111 2. At least one space of off-street parking for customer drop off or pick up must be designated to the  
112 south or east side of the shop.
- 113 3. Customers seeking services may be parked in a designated off-street parking space for a maximum  
114 of one hour, all other customer vehicles awaiting services must be parked inside the shop.
- 115 4. All auto repairs must be performed in the allotted space (25%) inside the shop.
- 116 5. Owners to provide city staff a current list of personal vehicles showing they are registered or have  
117 title in owner's name. This list must be kept current as vehicles change.
- 118 6. No outdoor storage of inoperable vehicles is allowed on the property, regardless of ownership.  
119

120 **Detrimental Effect 2:** Commercial traffic disturbs residential neighborhood.

- 121 1. Business deliveries of supplies and materials will be limited to 3 times per day.
- 122 2. Customer drop-off and pick-up is limited to a total of 3 times per day.
- 123 3. Tow truck deliveries will be limited to indoor parking availability and may only be between the hours  
124 of 8 am and 6 pm Monday-Friday.
  - 125 a. Alternative: No customer vehicles may be delivered by tow truck.  
126

127 **Detrimental Effect 3:** Environmental & Safety Issues.

- 128 1. All businesses must meet state and federal environmental quality requirements for auto repair  
129 businesses, including but not limited to the following:
  - 130 a. Collect and contain vehicle fluids as required;
  - 131 b. Use a licensed company to collect oil, anti-freeze, and other vehicle fluids;
  - 132 c. All vehicles waiting for work and those with work in progress must be on concrete or asphalt  
133 surface that stop fluids from entering the ground.
- 134 2. Site activities must comply with federal and state EPA Storm Water regulations.

135 3. Owner must provide evidence of compliance with fire codes and any other applicable building  
136 codes, and the building/property must remain in compliance.

137  
138  
139

140 **General Home Occupation Conditions:**

- 141 1. Business equipment and vehicles in the detached shop will not exceed 25% of the total building  
142 space.
- 143 2. No additional business equipment will be added without notice to the city for verification of storage  
144 limits.
- 145 3. No signage for the business.
- 146 4. No employees that do not reside in the home.
- 147 5. Planning Commission review of neighborhood impact after the first six months of license.

148

149 Applicant, Aimee Hinojosa, took the stand to answer questions. She said the purpose of the fence and  
150 gate in front of the property is mostly for family protection and not business purposes. She noted that  
151 the gate will remain closed unless an appointment is scheduled for the business. Regarding tow trucks,  
152 she explained that they only use one tow truck driver so they can easily schedule deliveries and pick-ups  
153 to meet the city's proposed requirements. The tow truck driver only operates his business from Monday  
154 through Friday 9-5. She also noted that they do not use key drop boxes so cars will not be left on the  
155 property prior to scheduled appointment times.

156

157 Chairman Malan asked for comments from commissioners.

158

159 Commissioner Butterfield stated that he has concerns about using a residential property for this type of  
160 business. He questioned whether the business can be successful given the stringent restrictions that  
161 have been proposed. Ms. Hinojosa stated that the business is sustainable to their family needs. They  
162 are not interested in growing larger, only making a living to support the family. She added that she also  
163 works to support the family. Mr. Butterfield asked if they carry adequate insurance and property  
164 coverage and Ms. Hinojosa stated that it all is in place.

165

166 Commissioner Vest asked what type of auto repair is provided. Aimee Hinojosa responded that they  
167 specialize in foreign car repairs. She also noted that any fluids used are ordered as needed and not  
168 stored on the property. Used fluids are disposed of quickly and regularly using a licensed company.

169

170 Commissioner Sweat said he is comfortable that the proposed conditions will take care of any  
171 anticipated problems the business might cause.

172

173 Chairman Malan agreed that the conditions should mitigate any problems caused by the business. He  
174 commented that the business will not be able to expand as a home occupation. Ms. Hinojosa again  
175 stated that they have no need at this time for their business to be bigger. If the time comes that it does  
176 become necessary, they will relocate to a commercial location. Mr. Hinojosa added that it is important  
177 to him to balance family time with work, and it is not important for the business to be any bigger than  
178 what it is at this time. He has a steady clientele that sustains the needs of the family.

179

180 **Action Taken:**

181 ***Corey Sweat made a motion to approve the home occupation and conditional use permit for Auto***  
182 ***Italia located at 638 N 660 West for Aimee & Adan Hinojosa with the finding that the conditions to be***

183 ***imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of***  
184 ***the proposed use and accomplish the purposes of this subsection. The following Conditions will be***  
185 ***imposed:***

- 186 1. At least two spaces of off-street parking for residents must be designated on the property.
- 187 2. At least one space of off-street parking for customer drop off or pick up must be designated to the  
188 south or east side of the shop.
- 189 3. Customers seeking services may be parked in a designated off-street parking space for a maximum  
190 of one hour, all other customer vehicles awaiting services must be parked inside the shop.
- 191 4. All auto repairs must be performed in the allotted space inside the shop as shown on Exhibit B.
- 192 5. Owners to provide and maintain a current list of personal vehicles showing they are registered or  
193 have title in owner's name and maintain an updated list of personal vehicles every 3 months.
- 194 6. Tow truck deliveries, customer drop-off and pick up and business deliveries of supplies and  
195 materials will be limited to 3 times per day and may only be between the hours of 8 am and 6 pm  
196 Monday-Friday.
- 197 7. Customer drop-off and pick-up is limited to a total of 3 times per day.
- 198 8. All businesses must meet state and federal environmental quality requirements for auto repair  
199 businesses, including but not limited to the following:
  - 200 a. Collect and contain vehicle fluids as required;
  - 201 b. Use a licensed company to collect oil, anti-freeze, and other vehicle fluids;
  - 202 c. All vehicles waiting for work and those with work in progress must be on concrete or asphalt  
203 surface that stop fluids from entering the ground.
- 204 9. Site activities must comply with federal and state EPA Storm Water regulations.
- 205 10. Owner must provide evidence of compliance with fire codes and any other applicable building  
206 codes, and the building/property must remain in compliance.
- 207 11. Business equipment and vehicles in the detached shop will not exceed 25% of the total building  
208 space.
- 209 12. No additional business equipment will be added without notice to the city for verification of  
210 storage limits.
- 211 12. No signage for the business.
- 212 13. No employees that do not reside in the home.
- 213 14. Planning Commission review of neighborhood impact after the first three months of license.

214  
215 ***Alan Malan seconded the motion and further discussion took place. Mr. Butterfield expressed his***  
216 ***concerns about having this business in a residential area. Dennis Vest described his personal***  
217 ***experience living next to an auto repair business and the associated noise, traffic, and parking of***  
218 ***inoperable vehicles. He does not believe it is a good type of business to have in a residential***  
219 ***neighborhood. Corey Sweat explained that the law limits their ability to deny the conditional use as***  
220 ***all detrimental effects and concerns will be mitigated by the proposed conditions. Chairman Malan***  
221 ***called for a vote and voting was tied with Corey Sweat and Alan Malan voting Aye, and Dell***  
222 ***Butterfield and Dennis Vest voting Nay. Without a majority vote, the applications are denied.***

223  
224 **Action Taken:**

225 ***Corey Sweat moved to table the agenda item until a full commission is in place to vote. Dell Butterfield***  
226 ***seconded the motion and voting was 3 to 1 with Dennis Vest being the opposing vote.***

227  
228  
229

230 **4. Public Hearing – Eliminate the Blended Use (B-U) and Legacy Overlay (L-O) Districts and**  
231 **Rezone to A-1 Zone**  
232

233 Cathy Brightwell summarized the issue for the public hearing. She explained that the B-U zone was  
234 adopted in 2009 and the L-O zone was adopted in 2010 to address expected future development around  
235 the Legacy Parkway. There was a desire to encourage vibrant, active centers through a variety of uses in  
236 a pedestrian, equestrian, and bicycle friendly environment and to promote architectural quality in  
237 building designs. Development was to provide a blend of residential, commercial, office, recreation,  
238 entertainment, technology-based enterprises, open space, and other types of uses that create a quality  
239 design.

240  
241 She further explained that the B-U district consists of two sections divided by the Davis County A-1  
242 Canal. All development south of the canal is required to meet the development and design requirements  
243 listed for the zone and a long list of permitted and prohibited uses. All development north of the A-1  
244 canal is restricted to single family detached residential dwellings, equestrian centers and associated  
245 facilities, parks and park amenities, trails and related trail amenities, and other facilities that enhance  
246 the rural character of this area. The land use regulations for the underlying A-1 zone apply.

247  
248 The L-O district provides overlay standards for development of areas in proximity to the Legacy Parkway  
249 interchange and connecting transportation corridors along 500 South and Redwood Rd. In conjunction  
250 with the B-U zone, the intent is to establish an iconic place where the urbanized environment interfaces  
251 with the natural shoreland environment surrounding Legacy Parkway and the Great Salt Lake.

252  
253 The development of this area along Legacy Parkway has not materialized as expected, and there is no  
254 indication that it will. Most of the regulations in the B-U zone do not apply to the northern area, which is  
255 currently owned primarily by Ivory Land Corporation and West Bountiful City.

256  
257 The southern area intended for blended use development remains undeveloped except for a portion  
258 owned and used for automobile storage.

259  
260 It was noted that at the April 11, 2023, meeting, the planning commission discussed the problems,  
261 including confusion and misunderstanding by developers, caused by having the B-U and L-O zones. They  
262 directed staff to schedule a public hearing on May 9, 2023, to receive comments on a proposal to  
263 eliminate both zones and rezone to A-1 (agricultural/residential, minimum one-acre lots).

264  
265 Staff added that city's General Plan states that the B-U Zone was intended as a way "... to help with  
266 agricultural preservation by including commercial with rural density residential." Staff believe that re-  
267 zoning the area to A-1 keeps with the intent of agriculture preservation. Staff also believes that the  
268 potential re-zone is in line with the General Plan's goals related to housing and economic development.

269  
270 Ms. Brightwell explained that there is one parcel of land that may be questionable for a re-zone to A-1.  
271 The Highgate Estates recorded subdivision includes a 0.62-acre parcel on the southwest corner of its  
272 property designated as "Lot A." Due to the location of the lot, which is separated from the remaining  
273 subdivision, the lot could not be made a required 1-acre buildable lot when the subdivision was  
274 approved. It was declared to be commercial as allowed by the B-U zone.

275  
276  
277



278 Staff noted the following Items to be considered:

- 279 • As Lot A is not a residential space now, it cannot be a legal, non-conforming residential lot if the  
280 zone is changed to A-1. It can be used for other uses in the A-1 zone, such as agriculture,  
281 greenspace, or some form of subdivision amenity.
- 282 • As the city has in the past stated that the lot should have a commercial use, it could be rezoned  
283 to an existing commercial zone such as Commercial Neighborhood (see attached list of  
284 permitted and conditional uses for the C-N zone). The intent of the C-N zone is to provide areas  
285 in appropriate locations where convenience buying outlets may be established to serve  
286 surrounding residential areas. The regulations are designed to promote a combination of retail  
287 and service facilities to meet day-to-day needs of area residents in a manner which will minimize  
288 any hazard or nuisance to adjacent residential areas.
- 289 • Lot A could be re-zoned to an existing residential zone such as R-1-22. This residential zone  
290 requires lot sizes to be a minimum half acre which would provide a residential use that fits the  
291 lot size by allowing one home to be built.
- 292 • The owner of Lot A could apply for a variance to waive the one-acre minimum for a residential  
293 use due to the unique circumstances of this property.

294

295 Staff believes these changes meet the intent of the General Plan, and suggests re-zoning the current B-U  
296 and L-O zones to A-1, except Lot A in Highgate Estates which will be designated either: Commercial  
297 Neighborhood (WBMC 17.28), or Residential District R-1-22 (WBMC 17.20)

298

299 **Action Taken:**

300 ***Corey Sweat moved to open the public hearing at 7:40 pm. Dell Butterfield seconded the motion and***  
301 ***voting was unanimous in favor.***

302

303 **Public Comment:**

304

305 **Bill Goldberg** took the stand and stated that the whole west side should be B-U and not A-1. It is their  
306 job as a commission to plan and zone to make life better for the whole of the community. He has been  
307 kept from using his property as he sees fit because of limitations with the A-1 zone. He stated that they  
308 should not homogenize the whole west side and that each property should be evaluated on its own  
309 merit.

310

311 **Debby Marshall** took the stand and stated that she is thrilled with the work that the Planning  
312 Commission is doing to keep things under control as the area has exploded. She supports rezone  
313 proposal to A-1 and the elimination of the B-U and L-O districts.

314

315 **Action Taken:**

316 ***Corey Sweat moved to close the public hearing at 8:50 pm. Dennis Vest seconded the motion and***  
317 ***voting was unanimous in favor.***

318

319

320 **5. Consider Elimination and Rezone of the Blended Use and Legacy Overlay Districts.**

321

322 Commissioner packets included a memorandum dated May 9,2023 from Cathy Brightwell and Kris. This  
323 memo provides information on the planning commission's proposal to eliminate and rezone the  
324 Blended Use (B-U) and Legacy Overlay (L-O) zones, as described in the public hearing above.

325

326 **Action Taken:**  
327 *Corey Sweat moved to send a recommendation to the City Council to Eliminating the Blended Use and*  
328 *Legacy Overlay Districts and Rezone to A-1 Zone with the exception of the small lot noted as Lot A and*  
329 *spot zone that area to R-1 22. Dennis Vest seconded the motion and voting was unanimous in favor.*  
330

331  
332 **6. Olsen Farm 8- Request for Six-Month Extension to Provide Complete Final Plat for City**  
333 **Council Approval.**  
334

335 Commissioner packets included a memorandum from Kris Nilsen dated May 5, 2023, regarding Olsen  
336 Farm 8-Request for Six-Month Extension to Provide Complete Final Plat for City Council Approval.  
337

338 Kris Nilsen explained that resolution of ownership was needed and caused a big delay for this project.  
339 He explained that Chree Martin applied for a 4-lot subdivision at 1655 N Olsen Way in February 2022.  
340 This project received final plat approval, with conditions, from the planning commission on May 24,  
341 2022. WBMC 16.16.030 requires a complete application to be filed with the city council within one year  
342 of planning commission approval. If the filing is not made within one year, the applicant can file a  
343 request with the planning commission for a 6-month extension.  
344

345 Mr. Nilsen stated that a request with good cause shown, has been filed by the applicant to provide a six  
346 month extension in case the final plat cannot be filed by May 24, 2023. He noted that except for a few  
347 conditions from Weber Basin and some storm drain issues, staff has no outstanding problems with the  
348 project.  
349

350 **Action Taken:**  
351 *Dell Butterfield moved to approve the extension for Olsen Farm #8 for 6 months. Dennis Vest seconded*  
352 *the motion and voting was unanimous in favor.*  
353

354 **7. Consider Meeting Minutes from April 25, 2023**  
355

356 **Action Taken:**  
357 *Corey Sweat moved to approve the minutes from April 11, 2023, as presented. Dell Butterfield*  
358 *seconded the motion and voting was unanimous in favor.*  
359

360  
361 **8. Staff Report**  
362

- 363 **a. Engineering (Kris Nilsen)**
- 364 • Public Works building will be ready for the Spring Clean Up on Thursday. Concrete for the  
365 wash bay has been poured and there is one more pour for salt storage. There are still a few  
366 things on the inside that need to be done.
  - 367 • Google Fiber is still completing landscape and repair. A complete inspection of entire project  
368 will be done soon and a punch list made. Dell Butterfield reported that in some areas dead  
369 sod is being put in. Staff is taking notes and reporting issues to the company to be  
370 addressed. Their bond will be held for 1 year. Service is up in some parts of the city and  
371 people are already signing up.
  - 372 • Construction of this year's waterline projects will begin soon.

373 • No flooding has occurred to date. All snowmelt is being handled by the canals so far  
374 although there has been some backup of water on 1200 North next to Legacy Parkway.  
375

376 **b. Community Development (Cathy Brightwell)**

- 377 • Good weather seems to be creating an increase in building permits and staff is seeing a lot  
378 of residential landscaping taking place after last year’s restrictions. Staff is challenged is to  
379 inform residents of the need to submit a landscaping plan for review to make sure they  
380 meet the new water efficient rules.
- 381 • Governor Cox announced this week a new state rebate program for landscaping. The new  
382 program is being managed by Utah Water Savers and is not limited to parkstrips but  
383 includes the entire yard. This new program will match Weber Basin’s park strip rebate of  
384 \$1.25 making the total rebate amount \$2.50 per square foot. Property owners must sign up  
385 for the program to qualify.
- 386 • Ivory Homes is working on concept plans and may be ready to submit an application in the  
387 next few weeks. Staff has received a draft but not an application. The Phase 1 plat still has  
388 not been recorded but we understand they are getting close.
- 389 • Deby Marshall shared an Ivory postcard advertising for ADUs. Cathy said the restriction on  
390 detached ADU’s has been explained to them and they know they have to sign a Non ADU  
391 agreement that the space will not be used as a dwelling.

392  
393 **9. Adjourn.**  
394

395 **Action Taken:**

396 ***Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:17 pm.***  
397 ***Dell Butterfield seconded the motion. Voting was unanimous in favor.***

398  
399 .....

400  
401 *The foregoing was approved by the West Bountiful City Planning Commission on May 23, 2023, by*  
402 *unanimous vote of all members present.*

403 \_\_\_\_\_

404 *Cathy Brightwell – City Recorder*  
405