

Mayor
Kenneth Romney

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

**Community
Development**
Cathy Brightwell
Addison Jenkins

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, 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/pmnl), the city website (WBCity.org), and provided to the Davis Journal on September 22, 2023, by Cathy Brightwell, City Recorder.

Mayor
Kenneth Romney

**City Engineer/
Zoning Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

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NOTICE OF PUBLIC HEARING

The Planning Commission will hold a public hearing at City Hall on Tuesday, September 26, 2023, beginning at 7:30 p.m., or as soon as agenda permits.

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 W 550 North. This residential property is located in a commercial zone, so the addition of the garage is an expansion of a non-conforming use. West Bountiful Municipal Code 17.56 allows the planning commission to consider a request to expand a non-conforming use after proper notice of a public hearing.

All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting to Recorder@WBCity.org.

Cathy Brightwell
City Recorder

This Notice was mailed to neighbors, posted on property, the city website, and the Utah Public Notice website on September 15, 2023.

MEMORANDUM



TO: Planning Commissioners

DATE: September 22, 2023

FROM: Staff

RE: Request to Expand a Non-Conforming Use at 526 W 550 North

Background

Mr. Gapinski's quarter acre property at 526 W 550 North is in the Commercial General zone making the current residential use legal non-conforming.

Request

Mr. Gapinski desires a garage. He prefers a detached structure, but city code generally prohibits construction of a new non-conforming structure. However, WBMC 17.56.030 allows the planning commission to permit the expansion of a non-conforming use in certain circumstances. In making this request, Mr. Gapinski understands that the city views the property and area to be used for commercial use in the future.

Review

Code allows non-conforming buildings to be maintained and repaired, but expansion of a use requires that the planning commission 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)].

"Purposes of this Title": This property is located within the Commercial General District (C-G). WBMC 17.32.010 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."

"Policies in the General Plan": 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."

Possible Findings

To approve the request, the planning commission could consider findings such as:

- 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.

- 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.

To deny the request, the planning commission could consider findings such as:

- The proposed expansion makes the property more suited for continued residential use, and is thus contrary to the purposes and policies of the city code and general plan.
- The proposed expansion discourages future property owners to re-develop the land into commercial uses.

Recommendation

An argument can be made that the scale and scope of this request make it inconsequential when considering future commercial uses. However, while staff are sympathetic to the current property owner's desire for a garage, city code and the general plan make clear the vision for this area. Staff see clear reasons for denying the request. Based on the number of property owners, this is a challenging area to re-develop for commercial purposes, and anything that makes a property more suitable for residential use contributes to future difficulties in the city or a developer acquiring and combining land for a quality commercial development.

If, instead, the commission finds that the request is not inconsistent with the purposes and policies of the city, it should also require a condition that the garage is constructed according to current building code, height regulations, and yard setbacks for the R-1-10 zone.



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: 526 West 550 North West Bountiful, Utah

NAME OF BUSINESS/USE: _____

PARCEL NUMBER: _____ ZONE: _____ DATE OF APPLICATION: Sept 14, 2023

Applicant Name: Scott GABINSKI

Applicant Address: 526 West 550 North West Bountiful, Utah

Primary phone: 801 295-9787

E-mail address: C-GABINSKI@Yahoo.com

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

ATTACHED GARAGE - EXPANSION OF NON-CONFORMING USE

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: 9/14/2023 Applicant Signature: Scott Gabinski

Application Received Date: <u>9/14/23</u>	FOR OFFICIAL USE ONLY
Application Fee Received Date: _____	Permit Number: <u>23-07</u>
Permit Approval: _____	Fire Inspection Date: <u>na</u>
	Fire Inspection Approval Date: <u>na</u>

Gapinski – 526 W 550 North



MEMORANDUM



TO: Planning Commission

DATE: September 22, 2023

FROM: Cathy Brightwell

RE: Conditional Use Permit for Home Occupation – Cinnamon & Sage Spa, LLC

Jessica Edwards filed an application for a Conditional Use Permit on August 17, 2023, to open a salon and spa as a home occupation business at her home at 1272 W Millbridge Ln. Neighbors have been notified and no complaints have been received.

Ms. Edwards' business consists of cosmetology and esthetics including facial treatments, hair cuts and color, and waxing. She plans to schedule her appointments between 10am and 8pm, Monday through Saturday, with occasional other days off.

Ms. Edwards will conduct her business in a 204 sq. ft. space in the garage which consists of 12% of the total garage space. An building inspection from our building official was conducted and passed. There are no additional businesses on the property licensed with the city.

This proposal is similar to other previously authorized home salons and meets the requirements of Chapter 5.28.040 - Home Occupation Ordinance and Chapter 17.60 - Conditional Uses.

When considering this application, the following Affirmative Findings should be considered.

1. The proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity;
3. The proposed use shall not inordinately impact the utilities or streets in the area; and
4. The proposed use will comply with the regulations specified in the A-1 zoning ordinance.

Recommended Conditions:

1. No external signage will be allowed.
2. A person who is not a resident of the dwelling shall not be employed to work in the salon.
3. Clients will be by appointment only and will park in the driveway or behind the home.
4. A copy of Ms. Edwards' state cosmetology license has been provided to staff.
5. Plumbing inspection has been conducted and passed.
6. Fire Marshall Inspection completed and passed.



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

#23-05

PROPERTY ADDRESS:

1272 W millbridge

NAME OF BUSINESS/USE:

Cinnamon & Sage Spa

PARCEL NUMBER:

ZONE:

DATE OF APPLICATION:

Applicant Name:

Jessica Edwards

Applicant Address:

1272 W. Millbridge Ln

Primary phone:

801-663-9507

E-mail address:

jessicaedwards399@yahoo.com

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

Salom & Spa

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:

Aug. 17th, 2023

Applicant Signature:

[Signature]

Application Received Date:

8/17/23

FOR OFFICIAL USE ONLY

Permit Number:

23-05

Application Fee Received Date:

8/17/23

Fire Inspection Date:

9/14/23

Permit Approval:

Fire Inspection Approval Date:

9/14/23

Bldg Inspection completed 9/14/23



HOME OCCUPATION BUSINESS LICENSE APPLICATION

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

Please allow 5-7 business days for processing

Applicant Information:

License # (Assigned by City):

1522

Resident/Business Owner's Name: Jessica Edwards

Physical Address: 1272 W. Millbridge Ln.

West Bountiful, UT 84087

Mailing Address, if different than above: _____

Email address: jessicamedwards2000@gmail.com

Primary Phone: 801-663-9507

Emergency Phone: _____

Property Owner Name & Contact Info, if different than applicant: Michelle Edwards
801-298-8481 micheleedwards@gmail.com

Business Information:

1. Name of business: CINNAMON & SAGE SPA, LLC

State ID #: 13487829-0160

State Sales Tax #: N/A

Federal Tax ID #: 93-2303339

Other Required Licenses #: _____

(Depending on type of Business)

2. Describe the proposed business activity:

Cosmetology & Esthetics practices including, facial treatments
hair cuts & colors & waxing.

3. Hours of Operation: 10-8 Mon-Sat occasionally closed Wednesday & Friday

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

Jessica Edwards (self)

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:

204 sq ft in garage in a separate room

Need 5% of garage (40x42 ft) 1680 sf 12%

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:

Facial products, Hair color, developer, Hair bleach, brushes & combs, foil, capes, towels, sheets, Hair products, styling tools, facial machines/devices. Stored in cabinets or shelves.

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.

N/A

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.

N/A

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

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

parked in rear parking of home

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: N/A

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. N/A

13. Does the proposed home occupation conform with covenants, conditions, and restrictions (CCR's) pertaining to your property? N/A 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: Aug. 17th, 2023

Sign Here: _____

Applicant

FOR OFFICIAL USE ONLY

Application Fee Received: 8/17/23
Fire Inspection: 9/14/23
Health Dept. Inspection: -
Neighbor's Notification Complete: yes

Approval Date: _____
Conditional Use Permit Required: Yes
Conditional Use Permit Approved: _____
Protests Received: _____

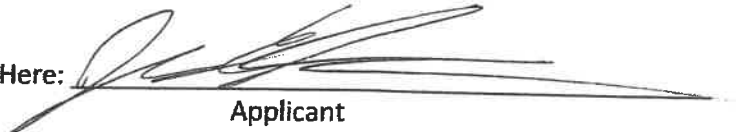
NOTICE TO NEIGHBORS

Date of Notice: Aug. 17, 2023

<u>Address</u>	<u>Name</u>	<u>Type of Notification</u>
<u>1302 W. Millbridge Lane</u>	<u>Scott Hughes</u>	<u>in person</u>
<u>201 Fairwind Cr.</u>	<u>Mary Naegle</u>	<u>" "</u>
<u>1263 Millbridge Ln</u>	<u>Buster Hafen</u>	<u>in Person</u>
<u>1226 Millbridge Ln</u>	<u>Paige James</u>	<u>In Person</u>
<u>1250 Millbridge Ln</u>	<u>Emily Jenkins</u>	<u>in person</u>
	<u>Bessie Thioros</u>	

I HEREBY CERTIFY THAT I PROVIDED NOTICE TO THE OWNERS OF PROPERTY WITHIN A 300-FT RADIUS OF MY PROPERTY AS LISTED ABOVE AND LET SAID NEIGHBORS KNOW THEY MAY FILE A WRITTEN PROTEST AT THE CITY OFFICES NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE DATE NOTICE WAS RECEIVED.

Date: Aug. 17, 2023

Sign Here: 
Applicant

**West Bountiful City
Planning Commission Meeting**

September 12, 2023

PENDING – NOT APPROVED

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 8, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 12, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

VISITORS: Jason Cullimore, Rob Terry, Chelsa Winegar, Andrew Winegar, Ben Savage, Aimee Hinojosa, Dan McConkie, Bud Ingles, Jen Nielsen, Cassie Salmon, Amanda Kingston.

6:30 pm.- Land Use Training – Office of Property Rights Ombudsman

Jason Cullimore and Rob Terry from the Office of Property Rights Ombudsman introduced themselves and explained that they are an independent neutral office housed in the Utah Department of Commerce that safeguards the property rights of Utah citizens. The office assists citizens and government agencies in understanding and complying with property rights laws, resolves disputes, and advocates fairness and balance when private rights conflict with public needs.

The Ombudsman's office provides training on land use issues for planning commissions. They discussed the role of the planning commission, considerations when making administrative and legislative decisions and how public clamor plays into the equation. There was also discussion on exactions which is a mandatory contribution required by a governmental entity as a condition of approval for a development application, and the need to apply the rough proportionality test to find the right balance.

A Land Use jeopardy chart of hot topics was used to select issues of interest to the commissioners for discussion, and there was discussion about the critical role the planning commission has in the community.

7:30 pm – Regular Meeting

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

1. **Thought by Commissioner Butterfield
Pledge of Allegiance- Commissioner Vest**

2. Confirm Agenda

Chairman Malan reviewed the proposed agenda and proposed items may be rearranged to accommodate applicants. Laura Mitchell moved to approve the agenda as proposed. Dennis Vest seconded the motion. Voting was unanimous in favor among all members present.

3. Public Hearing Home Occupation Business Regulations and Uses.

Cathy Brightwell introduced the public hearing and gave a brief update on changes to the Home Occupation Business regulations and uses which have been discussed and reviewed by staff and commission for several meetings.

Action Taken:

Corey Sweat moved to open the public hearing at 7:40 pm. Dennis Vest seconded the motion and voting was unanimous in favor.

Public Hearing Comments:

Dan McConkie- Noted that he has attended all the meetings regarding this issue and feels that the commission has worked hard to put this together in a fair manner and balanced way. He strongly endorses this document.

Bud Ingles- Stated that he was before the commission last year with the Spencer Hughes issue. He explained the impact that Mr. Hughes' equipment caused was so much vibration he felt like his ceiling was going to fall. He believes the ground where businesses are allowed should be part of the consideration to avoid damaging neighbor properties. Mr. Ingles stated that item 7 of the proposed list of conditional uses (contractors) should not be allowed because of the impact it has on homes and lands next to them. People need their homes protected from such businesses. The ground is not solid enough to handle the impact of large equipment. He suggested that the commission take this into consideration when approving this document and amend it accordingly. He pled with the commission stating the city needs to help save their home from further damage. He feels it is a serious problem.

Aimee Hinojosa- Thanked the commission and feels they have been fair and thorough regarding her family's situation. She appreciates the time and effort that has been put into reviewing and changing this document. She said it has clarified the language so that it can now be understood, with no gray areas. She is pleased that they consider the property owner when making decisions regarding laws and ordinances for our city.

Cassie Salmon- Stated that she has reviewed the document and feels that this is laid out nicely for homeowners with businesses and creates a peaceful means to do so. She appreciates all the work and efforts and hopes the City Council will not undermine the efforts of the commission.

Ben Savage- Mr. Savage expressed appreciation to the commission in solving the conflicts that have come up within our city. He feels they serve the citizens and city in a fair manner.

Action Taken:

Laura Mitchell moved to close the public hearing at 7:55 pm. Corey Sweat seconded the motion and voting was unanimous in favor.

4. Consider Home Occupation Business Regulations and Uses.

Commissioner packet included a memorandum dated September 8, 2023, from Kris Nilsen and Cathy Brightwell regarding Home Occupation Business Regulations and Uses with attached Exhibit A containing WBMC 17 Zoning, WBMC 5.04 Business Licenses in General, and WBMC 5.28 which incorporates comments in preparation for the public hearing.

Cathy Brightwell briefly reviewed the final document explaining the flow of the document and small changes that were made. The commission has thoroughly considered the language in this final document, and it has been reviewed by our legal councilor, Mr. Doxey.

Commissioners made their final comments/suggested changes, and it was decided the document was ready to forward to city council for their review and approval. Ms. Brightwell stated that legal will make a final review before submitting it to city council.

Action Taken:

Corey Sweat moved to forward Exhibit A as a recommendation to the city council for updates to the West Bountiful Municipal Code Business License and Home Occupation regulations with a positive recommendation. Laura Mitchell seconded the motion and voting was 4 in favor and 1 in opposition. Dennis Vest opposed due to the content in Section 5.28.040(2).

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

Commissioner packet included a memorandum dated September 8, 2023, from Cathy Brightwell regarding a Conditional Use Permit for Home Occupation-Cinnamon & Sage Spa, LLC with attached sight plan, applications for Conditional Use Permit and Home Occupation Permit, and Business License application. A Notice to Neighbors was included as well.

Ms. 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 was obtained with no complaints received. Ms. Edwards is not present this evening.

Ms. Edwards' business consists of cosmetology and esthetics including facial treatments, hair cuts and color, and waxing. Appointments will be scheduled Monday through Saturday from 10:00 am to 8:00 pm. This proposal is similar to other previously authorized home salons and meets the requirements of Chapter 5. 28.040- Home Occupation Ordinance and Chapter 17.60- Conditional Uses.

The business will be conducted in a 204 sq. ft. space in her garage and occupy only 12% of the total garage space. An inspection is required by our building official to make sure that the relocation of plumbing meets building code.

Corey Sweat inquired if there was another home occupation business that would be sharing this same space? Cathy Brightwell said she was not aware of another business but will check it out. It was also noted that a fire and plumbing inspection are needed. After discussion, the commission decided to table approval of the application until the noted items above were completed.

Action Taken:

Corey Sweat moved to table consideration of the application until information regarding existing home occupational permits and inspections of plumbing/fire are completed. Dennis Vest seconded the motion and voting was unanimous in favor.

6. Conditional Use Application – Home Occupation-AK Daycare, LLC (Amanda Kingston)

Commissioner packet included a memorandum dated September 8, 2023, from Cathy Brightwell regarding a Conditional Use Permit for Home Occupation-AK Daycare, LLC at 715 West 400 North for Amanda Kingston with attached site plan, applications for Conditional Use Permit and Home Occupation Permit, and Business License application. A Notice to Neighbors was included as well.

Cathy Brightwell introduced the application submitted by Amanda Kingston for a conditional use permit to open and operate a daycare in her home at 715 West 400 North. She noted that state law requires a Utah State Certification for a childcare provider when continuous care and supervision of 5 or more unrelated children is provided in place of care that is ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation. Mrs. Kingston has completed the application process with the state, but a Certification cannot be issued until the childcare provider obtains a local business license.

The following requirements for issuing a home occupation daycare license have been addressed:

- Ms. Kingston intends to care for no more than 6-8 children, as allowed by state law, this number includes one of her children. This number cannot increase unless she has an additional employee, who must live in the home.
- Mrs. Kingston has notified surrounding neighbors and the city has received no objections.
- Mrs. Kingston has obtained a License for Family Child Care from the Utah Department of Health & Human Services, which included a criminal history background check.
- Mrs. Kingston has received a clearance from the South Davis Metro Fire Department.
- The Davis County Health Department has inspected the home and approved it for meal preparation.
- The rear yard is fenced.
- There is sufficient driveway area for off street drop-off and pick-up.

Amanda Kingston took the stand and Dennis Vest asked about what kind of fence surrounds the backyard. Ms. Kingston described the fence and stated that it was approved by the health department.

Action Taken:

Laura Mitchell moved to approve the Conditional Use Permit for Amanda Kingston/AK Daycare, LLC at 715 W 400 North with the following affirmative findings: 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 community; it will comply with the regulations and conditions specified in the land use ordinance for such use; and 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. The following conditions are imposed: no external signage will be used for the preschool; a person who is not a resident of the dwelling shall not be employed to work on the premises; all drop-off and pick-up of children will be off-street; and a copy of the state day care certificate license will be provided to the city once the processing completed. Corey Sweat seconded the motion and voting was unanimous in favor.

7. Conditional Use Application - SSCAPFOX Motors, 1110 West 500 South

Commissioner packet included a memorandum dated September 8, 2023, from Cathy Brightwell regarding a Conditional Use Permit for SSCAPFox Motors at 1110 West 500 South #438, from Sergio Capdevila with attached site plan, applications for Conditional Use Permit and Home Occupation Permit, and Business License application.

Ms. Brightwell introduced the application from Sergio Capdevila for a conditional use permit for his auto dealer business, SSCAPFOX Motors, located at 1110 West 500 South. Mr. Capdevila will sell used automobiles primarily online. There will be 2-3 vehicles on-site but most of his business will be done by appointment and involve vehicles he stores at an off-site storage location. The business will not include auto repairs or service. Mr. Capdevila has access to customer parking stalls by his door on the east side of the building, as shown in the attached diagram, and stalls will be displayed with his business name.

WBMC Section 17.34.030 lists motor vehicle sales and service and outdoor storage of retail vehicles inventory as a conditional use and therefore needs approval from the planning commission.

Action Taken:

Corey Sweat moved to approve the conditional use permit for Sergio Capdevila at 1110 W 500 South for an auto dealer business, SSCapFox Motors, with the following affirmative findings: 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; the conditions to be imposed will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of the subsection. The following conditions are imposed: a copy of the dealer's license and proof of insurance must be provided to the city; fire inspection approval; signage will comply with city code; vehicles on display will be operable and in sellable condition; upon issuance of this permit and prior to beginning business, a West Bountiful commercial business license will be issued to SSCAPFOX Motors. Dennis Vest seconded the motion and voting was unanimously in favor.

8. Discuss Detached Accessory Dwelling Units

Commissioner packet included a memorandum dated September 8, 2023, from Kris Nilsen and Cathy Brightwell regarding Detached Accessory Dwelling Units (D-ADU) with attached copy of the current ADU ordinance and a list of surrounding cities and their ADU and D-ADU ordinances.

At the commission's request, staff gathered information for a general discussion of D-ADUs including information on how other cities handle D-ADUs. Staff is looking for direction from the commission prior to drafting language that can be incorporated in the current ADU code.

A redline and highlighted draft of WBMC 17.82 Accessory Dwelling Units was presented to begin discussion. The document was reviewed by commissioners with suggestions of possible language changes and various scenarios that should be considered. A summary of several other cities' regulations was reviewed by the commission. It showed that several neighboring communities already allow D-ADUs.

Commissioners discussed the reality of accepting D-ADU's and what this means for the city. Corey Sweat pointed out that it effectively changes zoning without changing zones by allowing more than one

residence on a property. He stated that 17.20.045-*Every Dwelling To Be On A Lot; Exceptions* needs to be changed. He does not like the reference to farm or ranch dwellings, group dwelling, condominiums, etc. and would like to see that part of the section deleted. Cathy pointed out that this section exists in all residential zones. Staff will do some research to see what the intent is and how the paragraph might apply.

Much discussion took place regarding how to define the types of accessory dwellings. Consideration was also given as to what restrictions should be allowed on a piece of property and several different scenarios were discussed. Included in the discussion was a desire that D-ADUs should not be allowed in Planned Unit Developments (PUDs).

Cathy noted that she was able to confirm with the Sewer Board that they did approve a separate line charge for ADUs.

9. Meeting Minutes from August 22, 2023

Action Taken:

Corey Sweat moved to approve the minutes from August 22, 2023. Dell Butterfield seconded the motion and voting was unanimous in favor.

10. Staff Report

a. Engineering (Kris Nilsen)

- 600 West water project is all connected and up and running.
- A major priority for him is to finish designing the 660 West project.

b. Community Development (Cathy Brightwell)

- The city has advertised for Community Development Specialist but there have not been many experienced applicants apply.
- An appeal has been filed by applicants for denial of a building permit to attach an ADU/garage.

11. Adjourn.

Action Taken:

Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at 9:50 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on September 26, 2023, by unanimous vote of all members present.

Cathy Brightwell, City Recorder