

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, NOVEMBER 14, 2023, AT THE CITY OFFICES.**

1. Prayer/Thought – Commissioner Mitchell;
Pledge of Allegiance – Commissioner Malan.
2. Confirm Agenda.
3. Conditional Use Permit Application – Premium Auto Sales (1116 W 500 South)
4. Discussion of South Davis Sewer District Expansion and future Conditional Use Permit
5. Discussion – Future Subdivision Updates
6. Meeting Minutes from September 26, 2023.
7. Staff report
 - a. Engineering (Kris Nilsen)
 - b. Community Development (Addison Jenkins)
8. Adjourn.

*This agenda was posted on the State Public Notice website ([Utah.gov/pmnl](https://utah.gov/pmnl)), the city website ([WBCity.org](https://www.WBCity.org)),
and provided to the Davis Journal on November 9, 2023, by Cathy Brightwell, City Recorder.*

MEMORANDUM



TO: Planning Commission

DATE: November 9, 2023

FROM: Cathy Brightwell

RE: Premium Auto Sales – 1116 W 500 S #16

Staff received an application from Brenda Haro on November 7, 2023, for a conditional use permit to have an auto dealer business, Premium Auto Sales, located at 1116 W 500 South. They plan to sell used automobiles primarily online. The business will have 3 vehicles on-site but most of the business will be done by appointment and involve vehicles stored at an off-site storage location. There will be no auto repairs or service done as part of this business. Premium Auto Sales has 3 designated parking stalls in front of the office for vehicles to be sold and 2 parking stalls in the center of the parking lot for customer and employee parking, as shown in the attached diagram.

The West Bountiful City Municipal Code, Commercial Highway (C-H) zone, Section 17.34.030 lists *motor vehicle sales and service and outdoor storage of retail vehicle inventory* as a conditional use which may be approved by the planning commission. The Conditional Use ordinance, Section 17.60.040, requires the planning commission to *consider* whether:

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; and
6. 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.

Staff recommends the following conditions be required with granting of this conditional use permit, consistent with similar businesses in the area:

- 1. Copy of Dealer’s license and Proof of Insurance;
- 2. Fire Inspection approval (has been scheduled);
- 3. Signage will comply with City Code;
- 4. Vehicles on display will be operable and in sellable condition;
- 5. Upon issuance of this Permit and prior to beginning business, a West Bountiful commercial business license will be issued to Premium Auto Sales.



**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: #16 1116 W 500S West Bountiful UT 84087

NAME OF BUSINESS/USE: Premium Auto Sales LLC

PARCEL NUMBER: 116 ZONE: C-H DATE OF APPLICATION: 11/16/23

Applicant Name: Alejandro Orozco

Applicant Address: 1456 N 1850 W Layton UT 84041

Primary phone: 801 927 7457

E-mail address: Alejandro.orozco@icloud.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.

Small dealer ship. Will have 3 parking spaces for
selling vehicles and 2 parking spots for customer and
personnel.

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: 11/16/23 Applicant Signature: [Signature]

Application Received Date: <u>11/17/23</u>	FOR OFFICIAL USE ONLY
Application Fee Received Date: <u>11/17/23</u>	Permit Number: <u>23-09</u>
Permit Approval: _____	Fire Inspection Date: _____
	Fire Inspection Approval Date: _____

1116 W 500 S
Recently viewed

Artisan Custom
Metal Works

436

Defense Coatings

1118

1116 W 500 S
Recently viewed

1110

HK Auto Boutique
Used car dealer

inkwise Graphics
Sign shop



MEMORANDUM



TO: Planning Commission

DATE: November 8, 2023

FROM: Addison Jenkins

RE: Staff Report – Discussion on a future South Davis Sewer District Conditional Use Permit #23-08 Application
North Plant upgrade, located at 1800 W 1200 North

The South Davis Sewer District has applied for a conditional use permit to upgrade or replace existing facilities and processes at their wastewater treatment facility and also construct a new office on 1800 W 1200 North. This property is located in the A-S Zone.

Background

The South Davis Sewer District operates a wastewater treatment facility west of Legacy Parkway. Primarily due to changes in the District's discharge permit, the plant is required to upgrade several processes. In addition to the permitting requirements some of the existing facilities have reached the end of their useful life and need to be replaced or upgraded. The SDDS is also proposing to relocate and expand their administrative building to allow better access for public meetings while restricting the public from the functional parts of the facility. There are two (2) single family residences within the site area that are owned by the SDDS and currently rented out to residents.

Conditional Use Permit

The attached letter from Aqua Engineering describes the proposed upgrades to processes and replacement of facilities at the site. This use is considered "quasi-public," which is a conditional use in the A-S zone. In considering the proposed application and the health, safety and welfare of the community, staff have identified the following criteria that should be reviewed as part of the project construction and future operation of the treatment facility.

Potential Detrimental Effects:

1. Dust, sediment, and drainage: Construction activities could produce noticeable amounts of dust and sediment, affect surface drainage, and impact surrounding properties, soil, and water.
2. Noise: Noise will increase during construction with noticeable impacts to the two adjacent residences. While the plant is to be reconfigured and expanded some, the facility should not create significantly more noise than the existing facility once completed.
3. Light: Construction activities could require significant lighting outside of daytime hours. The upgraded, replaced and expanded facilities could increase nighttime lighting. If in the review of the conditional use permit application it is determined that lighting at the facility will be a source of light pollution, it should be mitigated.

4. Traffic: During construction, traffic will increase to accommodate construction vehicles. After construction, traffic will consist of occasional deliveries, employees and end users as they conduct their daily duties, and the occasional members of the public.
5. Parking: During construction, the number of vehicles on site will increase. After construction the amount of parking should return to previous acceptable levels.
6. Odors: Wastewater treatment facilities are known to produce unpleasant odors. The land across Legacy Parkway is likely to be developed into single family homes in the not-too-distant future.
7. Aesthetics: the facility will be seen by the public from the east of the site. The finish to the east side of the structures and could be an eyesore to the viewing public.

The Conditional Use ordinance, WBMC 17.60.040, requires the planning commission to consider the following:

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.



**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: 1800 West 1200 North, West Bountiful, UT 84087

NAME OF BUSINESS/USE: South Davis Sewer District / Wastewater Treatment

PARCEL NUMBER: 060310030
060280002 ZONE: A-S DATE OF APPLICATION: November 11, 2023

Applicant Name: Matt Myers / District Manager

Applicant Address: 1800 West 1200 North, West Bountiful, UT 84087

Primary phone: (801) 232-7017

E-mail address: mmyers@sdsd.us

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.

See Attached Memo

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: 11/2/23 Applicant Signature: MATTHEW MYERS

FOR OFFICIAL USE ONLY
Application Received Date: 11/3/23 Permit Number: 23-08
Application Fee Received Date: 11/3/23 Fire Inspection Date: _____
Permit Approval: _____ Fire Inspection Approval Date: _____



TECHNICAL MEMORANDUM

TO: West Bountiful City
FROM: Brad Rasmussen, Principal
DATE: November 11, 2023
SUBJECT: Conditional Use Permit
PROJECT NO.: 001709.C

The South Davis Sewer District operates the treatment facility that is located partially in West Bountiful City and Davis County. Primarily due to changes in the District's discharge permit the plant is required to upgrade several processes. In addition to the permitting requirements some of the existing facilities have reached their useful life and need to be replaced or upgraded. The following are the key upgrades related to the District:

1. New Headworks – This facility is replacing the existing headworks and primary pump station. The old headworks structure will be demolished and replaced with a different building.
2. Flash Mix Basin – The new basin is being installed to allow for better mixing of the chemical coagulant that is used to remove phosphorus which is one of the requirements of the new permit.
3. Chemical Building – At the location of the old headworks a new building will be constructed which holds the coagulant chemicals used to remove phosphorus. The building will be heated to allow for several different chemicals to be utilized in the process.
4. Primary Clarifier – This is an addition to the three existing primary clarifiers. It is a tank that is mostly subsurface.
5. MBBR / Blower Building – The MBBR is an open top biological tank that will hold media that enhances the removal of ammonia which was reduced in the discharge permit. Connected to the MBBR tank is a blower building that houses blowers which supply oxygen to the process. Integrated into this facility is a snail trap that removes snails from the flow so they will not accumulate within the basin. The blower building also contains a classifier to remove the snails so they can be shipped to the landfill for final disposal.
6. Digester and Digester Building – The additional solids produced due to the phosphorus removal process requires additional tankage for retention time. The building attached to the digester houses pumps, heat exchangers and boilers for the process. Due to the proximity to the existing digesters the existing administration building will need to be demolished.
7. Dewatering Building – Due to the additional solids it is necessary to expand the dewatering capacity at the plant. It was decided that using a mechanical dewatering system would be better than evaporation beds. The existing evaporation beds will continue to be available for redundancy, but the new process is anticipated to be used for the majority of the dewatering.
8. Administration Building – Due to relocating the digester a new administration building is going to be constructed as part of this project. The new building will be on the east end

of the property. This will allow better public access for public meetings and allow for better restriction of access to the rest of the treatment facility.

9. The outfall line is going to be replaced. The existing line is a CMP pipe and has been installed for over 60 years and it has reached its useful life.
10. Replacement Equipment – there are several areas in the solids handling systems that are receiving new pumps and other equipment. These updates are within existing structures.

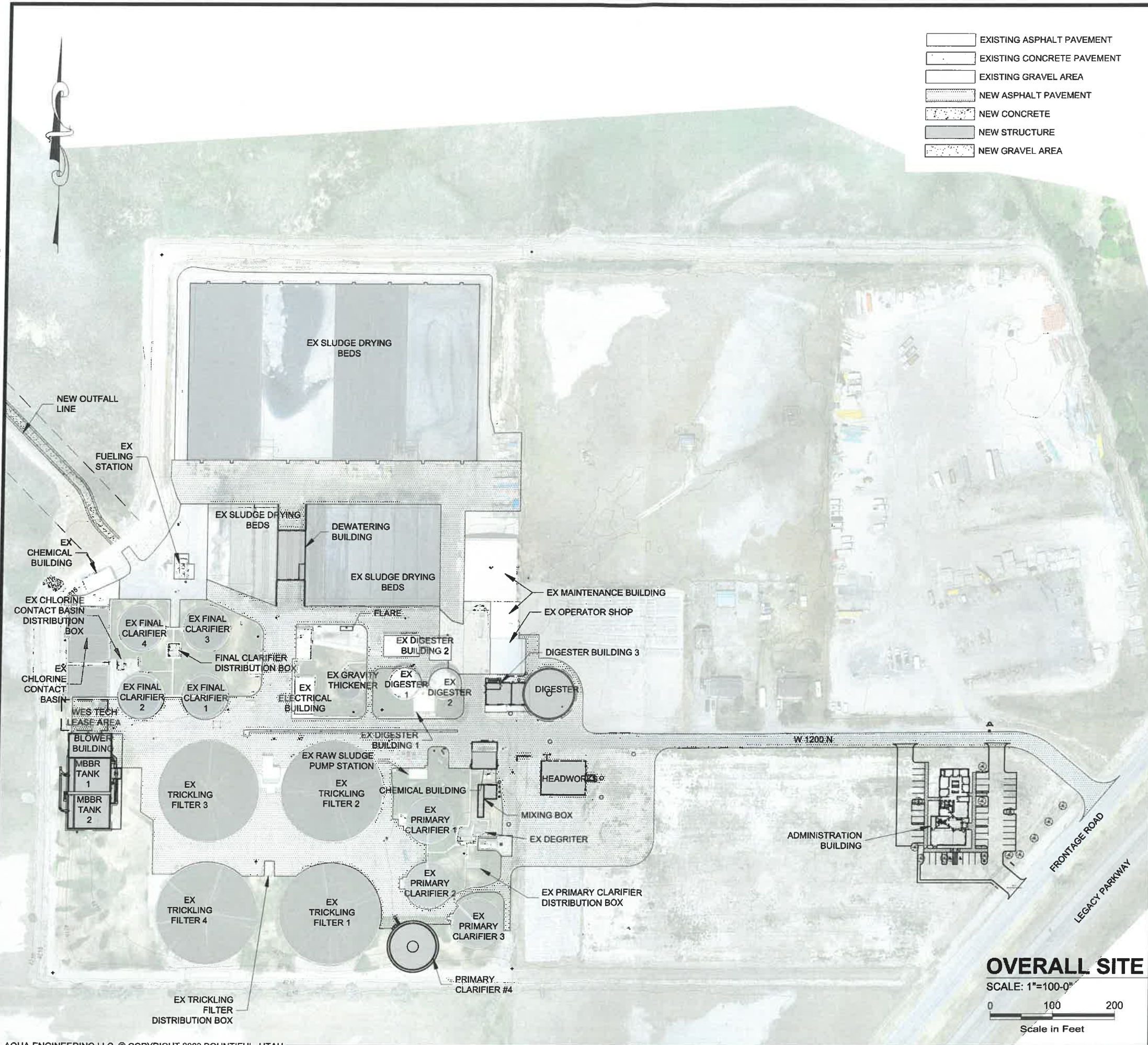
Enclosed with this application is an overall site plan of the project with some areas enlarged to allow for additional detail. In addition, we are furnishing elevations of the buildings to help you understand the overall project a little better.

If you need additional information, please feel free to contact me with any questions.

Brad Rasmussen
533W 2600S Suite 275
Bountiful, UT 84010
Brad.rasmussen@aquaeng.com
801-299-1327



11/2/2023 C:\USERS\DEREK.HYDE\DCACDOCS\AQUA ENGINEERING\001709.C SDD NORTH PLANT UPGRADE\PROJECT FILES\001 SITE CIVIL\011-01C201 - CONDITIONAL USE.DWG



DRAWING IS TO SCALE IF BAR MEASURES: 1" = FULL SCALE 1/2" = HALF SCALE		ORIGINAL		DESIGN		DRAWN		CHECKED	
NO.	DATE	DESIGN	DRAWN	CHECKED	EIT	DCH	BMR	REVISIONS	
0	11/02/2023								

SOUTH DAVIS SEWER DISTRICT
NORTH PLANT UPGRADE
1800 W 1200 N WEST BOUNTIFUL, UT 84087

CIVIL

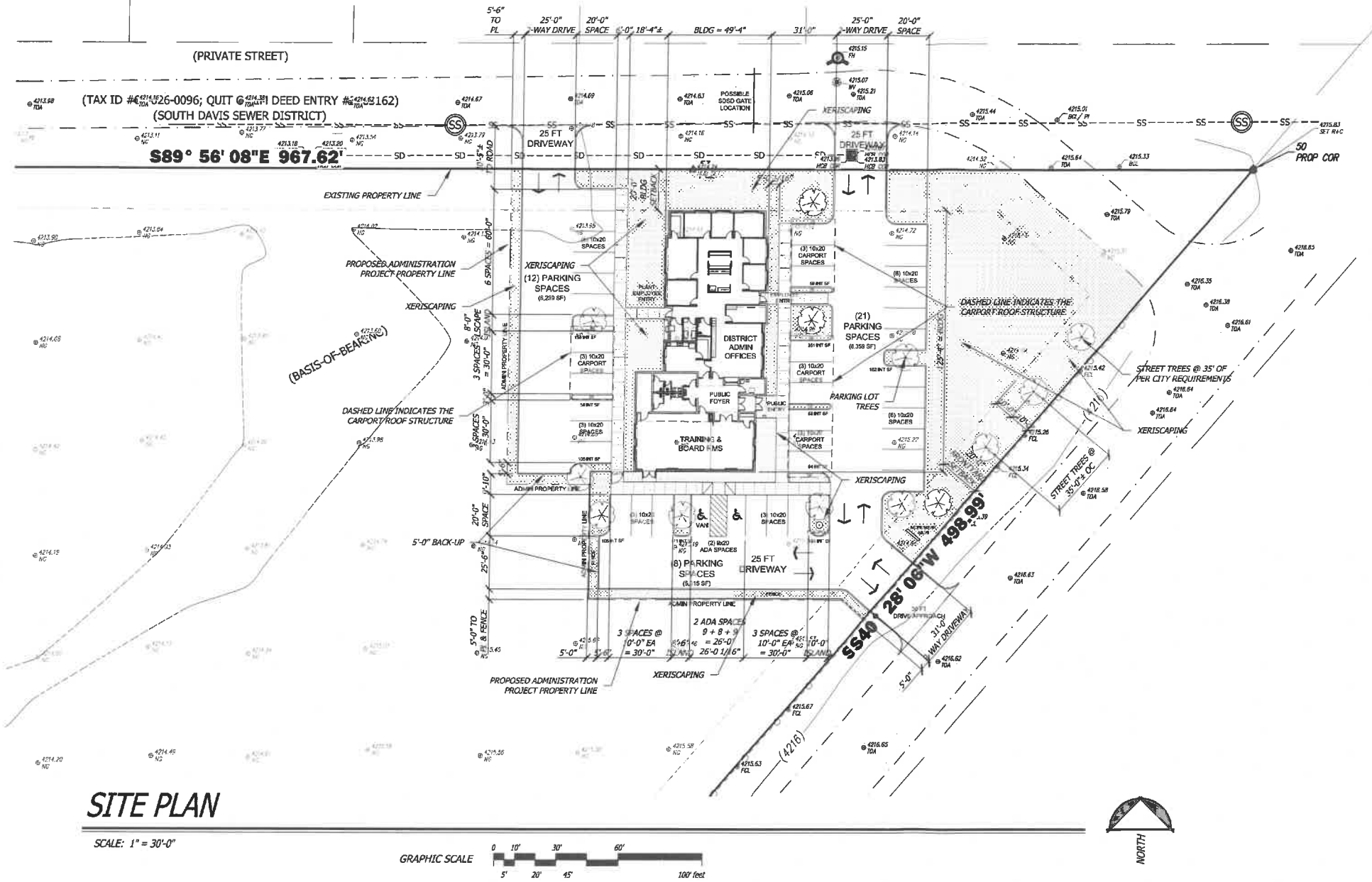
OVERALL SITE PAVING AND GRADING PLAN

AQUA ENGINEERING

533 W 2600 S, SUITE 275, BOUNTIFUL, UT 84011
PHONE (801) 298-1327 FAX (801) 298-0153

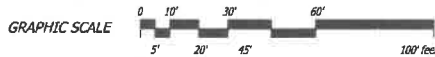
DRAWING NO.
01C201

SHEET



SITE PLAN

SCALE: 1" = 30'-0"



PROPERTY INFORMATION

OWNER: SOUTH DAVIS SEWER DISTRICT
ADDRESS: APPROX. 1700 WEST 1200 NORTH STREET
WEST BOUNTIFUL CITY, UTAH
CURRENT USE: VACANT FOR INDUSTRIAL USES BY SEWER DISTRICT
TAX ID: #06-031-0030
CURRENT ZONING: WEST BOUNTIFUL CITY - ZONE: A-S
PROPOSED USE: OFFICE BLDG - CONDITIONAL USE PER SECTION 17.14.030
PROPOSED SIZE: APPROXIMATELY 1.23 ACRES / 53,394 SF ±
PROPERTY SIZE: 7.029 ACRES = 306,176 SQUARE FEET
LEGAL DESCRIPTION: (QUIT CLAIM DEED, ENTRY #2528812, DAVIS COUNTY RECORDER)
A TRACT OF LAND IN FEB. BEING ALL OF AN ENTIRE TRACT OF
PROPERTY, SITUATE IN THE SW1/4SW1/4 OF SECTION 14, T.2.N.
R.1.W., S.L.B. & M. THE BOUNDARIES OF SAID TRACT OF LAND ARE
DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST
CORNER OF SAID SECTION 14 AS MONUMENTED WITH A COUNTY
BRASS CAP; AND RUNNING THENCE N0°33'37"W (DEED OF RECORD
NORTH) 115.672 M (379.20 FT.) ALONG THE WEST LINE OF SAID
SECTION 14 TO THE NORTHERLY BOUNDARY LINE OF THE SAID
ENTIRE TRACT; THENCE S69°58'21"E (DEED OF RECORD N89°56'26"E)
295.889 M (970.76 FT.), MORE OR LESS, ALONG SAID NORTHERLY
BOUNDARY LINE TO THE NORTHWESTERLY RIGHT OF WAY LINE OF A
HIGHWAY, KNOWN AS PROJECT NO. 0067; THENCE S40°28'06"W
151.899 M (498.26 FT.), MORE OR LESS, ALONG SAID NORTHWESTERLY
RIGHT OF WAY LINE TO THE SOUTH LINE OF SAID SECTION 14;
THENCE N89°56'22"W (HIGHWAY BEARING) 196.172 M (643.61 FT.)
MORE OR LESS, ALONG SAID SOUTH SECTION LINE TO THE POINT OF
BEGINNING.

BUILDING SF SUMMARY

NEW ADMINISTRATION BLDG - SF CALCULATIONS
BOARD ROOM
NET SF = 465 SF - OCCUPANTS PER
2021 IBC TABLE 1004.5 = 465 SF / 15 SF / OCCUPANTS
= 31 OCCUPANTS - NOTE THIS USE IS PRIMARILY
AN EVENING USE.
TRAINING ROOM
NET SF = 938 SF
2021 IBC TABLE 1004.5 = 938 SF / 15 SF / OCCUPANTS
= 63 OCCUPANTS - NOTE THIS USE WOULD BE A DAY
OR NIGHT USE AND WOULD INCLUDE OFFICE EMPLOYEES
OFFICE AREA
NET SF = 4,914 GROSS SF
TOTAL BUILDING
6,532 GROSS SF

SITE PARKING SUMMARY

REQUIRED PARKING PER ZONING SECTION 17.52.040
B. OFFICE AREA = 4,914 GROSS SF / 200 SF / SPACE = 25 SPACES
D. BOARD ROOM = 31 OCCUPANTS / 4 OCC / SPACE = 8 SPACES
D. TRAINING ROOM = 63 OCCUPANTS / 4 OCC / SPACE = 16 SPACES
REQUIRED PARKING = 49 SPACES
THE BOARD ROOM REQUIRED PARKING SHOULD NOT BE COUNTED IN THE
DAYTIME REQUIRED SPACES AS THIS IS AN EVENING USE WHEN THE OFFICE
AREA AND TRAINING ROOM ARE NOT USED.
TOTAL DAY TIME USE PARKING REQUIRED = 25 + 16 = 41 SPACES
TOTAL EVENING USE PARKING REQUIRED = 8 + 16 = 24 SPACES

SITE SUMMARY SUMMARY

PARKING PROVIDED (ALL SPACES ARE 10 FT X 20 FT)
EAST PUBLIC/EMPLOYEE PARKING
COVERED EMPLOYEE SPACES 9 SPACES
OPEN PUBLIC PARKING SPACES 12 SPACES
SUBTOTAL EAST PARKING 21 SPACES
SOUTH PUBLIC PARKING
OPEN STANDARD PARKING SPACES 6 SPACES
OPEN ADA SPACES (1 VAN ACCESSIBLE) 2 SPACES
SUBTOTAL SOUTH PARKING SPACES 8 SPACES
WEST EMPLOYEE PARKING
COVERED EMPLOYEE SPACES 3 SPACES
OPEN EMPLOYEE PARKING SPACES 9 SPACES
SUBTOTAL WEST PARKING 12 SPACES
TOTAL PARKING SPACES PROVIDED 41 SPACES
ACCESSIBLE ADA SPACES REQUIRED:
PER 2021 IBC TABLE 1106.2 = 26 - 50 SPACES
41 SPACES = 2 ADA SPACES
ACCESSIBLE SPACES PROVIDED:
2 ACCESSIBLE SPACES (1 VAN ACCESSIBLE) WITH SIGNAGE
(4) LEVEL 2 EXISTING EV STATIONS WITH SIGNAGE

INTERIOR PARKING LOT LANDSCAPING REQUIRED SECT:
SECTION 17.52.080 - PARKING LOTS > 20 SPACES = 7%
TOTAL PARKING NET AREA SF
EAST PARKING AREA = 6,359 SF
SOUTH PARKING AREA = 5,015 SF
WEST PARKING AREA = 6,239 SF
TOTAL PARKING AREAS = 17,613 SF
7% INTERIOR LANDSCAPING PARKING
REQUIRED = 19,613 SF X 7% = 1,373 SF
INTERIOR LANDSCAPING PROVIDED
EAST PARKING AREA = 725 SF
SOUTH PARKING AREA = 465 SF
WEST PARKING AREA = 322 SF
TOTAL INTERIOR PARKING LANDSCAPING = 1,512 SF / 19,613 SF = 7.7%

TOTAL SITE SF BREAKDOWN
BLDG FOOTPRINT 6,532 SF 12.2%
LANDSCAPING (INSIDE OF PROPERTY LINES) 1,512 SF
PARKING LOT LANDSCAPE 22,265 SF
SITE LANDSCAPE AREAS 23,778 SF 44.6%
HARDSCAPE (INSIDE OF PROPERTY LINES)
PARKING AND DRIVEWAYS 20,543 SF
SLABS/WALKS 2,531 SF
SUBTOTAL HARDSCAPE 23,074 SF 43.2%
TOTAL SITE 53,394 SF 100.00%

James B. Glascock, Architect P.C.
Architecture ■ Planning
1890 I East Lark Drive
Queen Cree, Arizona 85142
801 - 860 - 8905 e-mail: glascock@mtcon.net

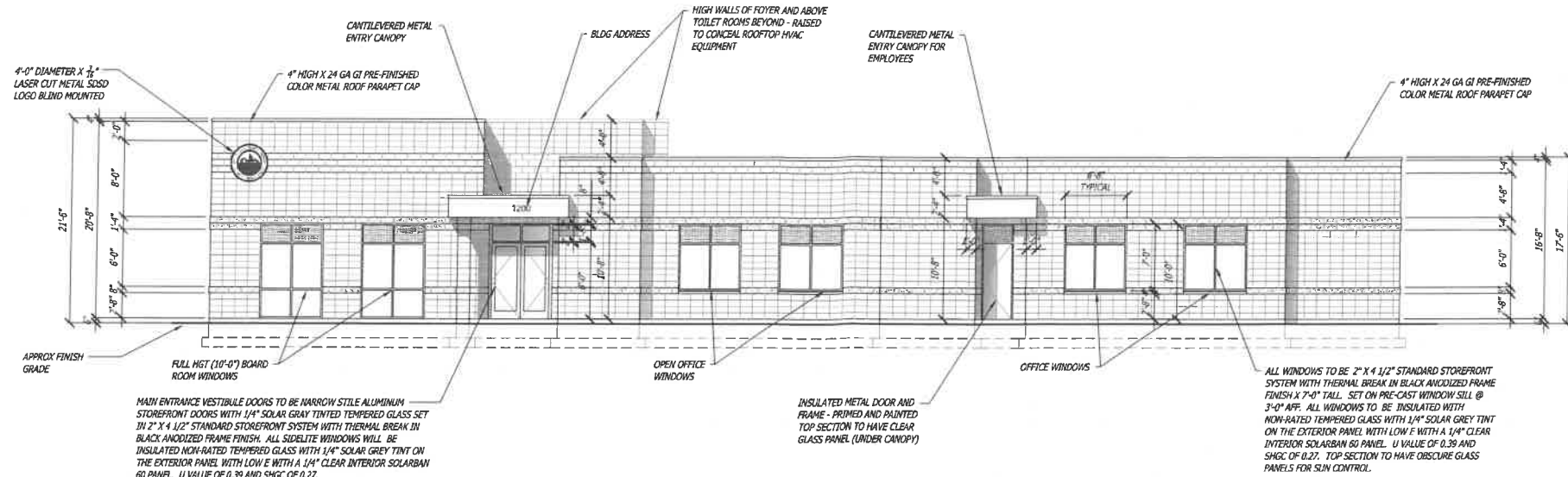
ALL RIGHTS RESERVED, JAMES B. GLASCOCK, ARCHITECT - COPYRIGHT
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Project
21-014
NEW ADMINISTRATION OFFICE BUILDING FOR:
SOUTH DAVIS SEWER DISTRICT
1800 WEST 1200 NORTH
WEST BOUNTIFUL, UTAH

Date
10/14/23

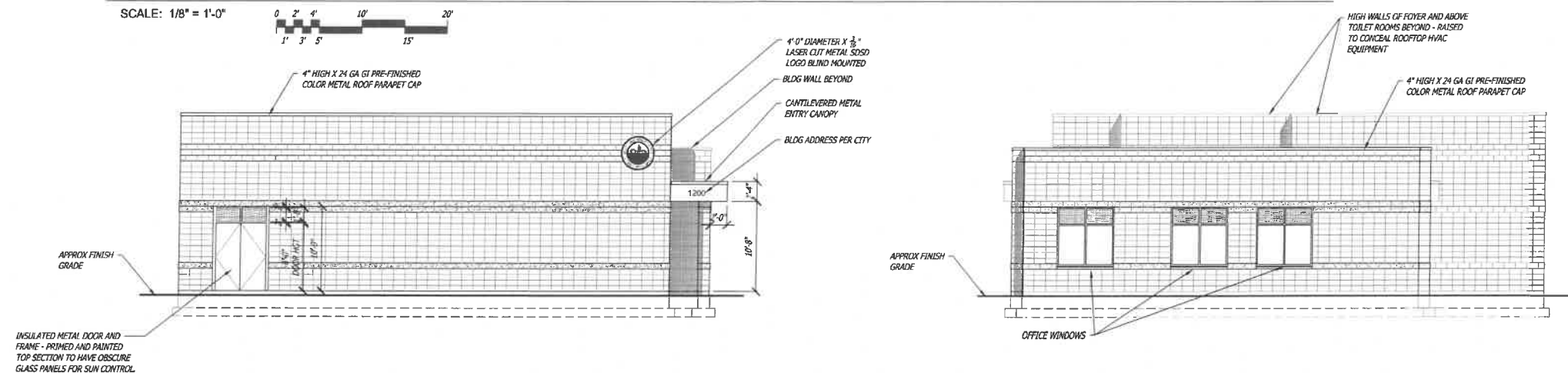


AS-1



SCHEMATIC EAST BLDG ELEVATION

SCALE: 1/8" = 1'-0"



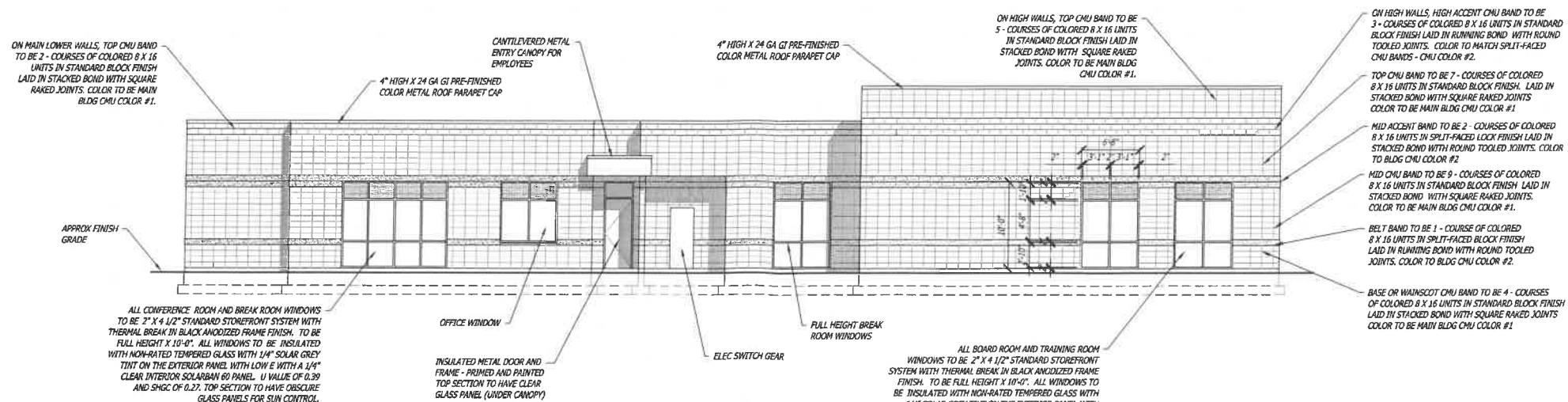
SCHEMATIC SOUTH BLDG ELEVATION

SCALE: 1/8" = 1'-0"



SCHEMATIC NORTH BLDG ELEVATION

SCALE: 1/8" = 1'-0"



SCHEMATIC WEST BLDG ELEVATION

SCALE: 1/8" = 1'-0"



James B. Glascock, Architect P.C.
Architecture ■ Planning
18901 East Lark Drive
Queen Creek, Arizona 85142
801 - 860 - 8905 e-mail: glascock@mtcon.net

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Project
21-014

NEW ADMINISTRATION OFFICE BUILDING FOR:
SOUTH DAVIS SEWER DISTRICT
1800 WEST 1200 NORTH
WEST BOUNTIFUL, UTAH

Date
10/14/23

Revisions

A-2

MEMORANDUM



TO: Planning Commissioners

DATE: November 9, 2023

FROM: Staff

RE: Subdivision Updates Required by 2023 Legislative Changes

The Utah Legislature passed Senate Bill 174 in early 2023. This law changes how local land use ordinances governing subdivisions are handled in the state and requires local governments to update their ordinances accordingly. The new law provides a deadline to produce a subdivision code and administrative process to bring our code into compliance. For West Bountiful, the deadline is February 1, 2024. The purpose of this Subdivision Ordinance Update is to produce a code and administrative process that will help us comply with current state statutes and planning best practices.

The legislature appropriated funding to the Department of Workforce Services for the purpose of providing legal and planning services for qualifying municipalities to assist with the ordinance updates. West Bountiful qualifies for \$14,000 assistance.

The city has contracted with Hansen Planning Group to help guide us through the process. They will research and provide a draft ordinance for planning commission review and approval. Given the upcoming holiday schedule impacting meeting dates, we will need to move quickly through the review and approval process once we receive the draft from Hansen Planning Group.

Are there any issues the planning commission has with the project or input you would like to provide to the planners as they begin the process?

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 22, 2023, per state statutory requirement.

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

Those in Attendance:

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

MEMBERS EXCUSED: Commissioner Dennis Vest

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

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

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

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

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

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

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

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

Action Taken:

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

Public comments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Meeting Minutes from September 12, 2023

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

7. Staff Report

- a. Engineering (Kris Nilsen)**
- Working on 660 West preliminary design for possible road construction next year.
 - Google Fiber is requesting two of their permits to be closed out, but it is a difficult situation that public works is working through.
 - The Hugoe 2-lot subdivision on 400 North will be coming to planning commission for final approval in the near future.
 - Mr. Doug Coons asked the city council for a few changes to Doug’s Corner subdivision and was granted 2 of the 3 requests.
- b. Community Development (Cathy Brightwell)**
- The city council reviewed the planning commission’s recommendation for the home occupation ordinance and had some questions. They have scheduled a joint work session to be held on October 17th at 6:30 pm prior to the City Council meeting to discuss the issue in more detail.

8. Adjourn.

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

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

Cathy Brightwell, City Recorder