

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355

Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR MEETING BEGINNING AT 7:30 PM ON TUESDAY, FEBRUARY 12, 2019 AT THE CITY OFFICES

Prayer/Thought by Invitation

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

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

This notice has been sent to the Clipper Publishing Company and was posted on the State Public Notice website and the City's website on February 11, 2019 by Cathy Brightwell, City Recorder.

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NOTICE OF PUBLIC HEARING

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, February 12, 2019 at 7:30 p.m., or as soon thereafter as possible, at 550 North 800 West, West Bountiful, Utah, 84087.

The purpose of the hearing is to receive public comment regarding proposed modifications to WBMC Title 17, Zoning to consider possible changes to zoning and setback requirements for residential accessory structures, decks and covered patios.

A copy of the proposal may be viewed on the City website: www.wbcity.org. All interested parties are invited to participate. Written comments may be submitted to the City Offices prior to the meeting.

Cathy Brightwell
City Recorder

Yard Regulations for Residential Zones

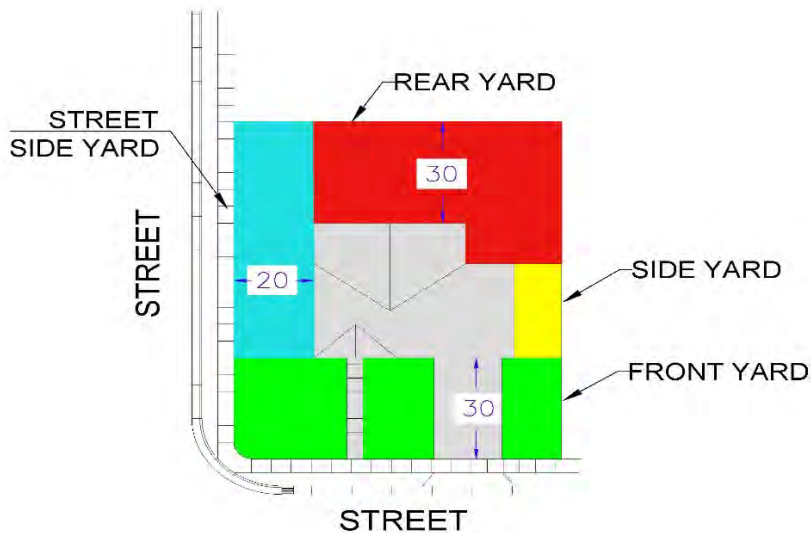
Public Hearing

February 12, 2019

17.xx.050 Yard Regulations

A. Minimum Setbacks. (See diagram below)

1. Front yard. The minimum front yard setback for all structures is thirty (30) feet, except as otherwise allowed in this Code.
2. Side yard. The minimum side yard setback for all structures is ten (10) feet for any one side. Main structures shall have a combined total side setback of twenty-four (24) feet for both sides.
3. Street side yard.
 - a. On a corner lot, the minimum street side yard setback for a main structure is twenty (20) feet.
 - b. Except as otherwise provided in this title, no accessory structure may be constructed within the street side yard of a corner lot unless the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.
 - c. Accessory structures on a corner lot may be erected no closer than three (3) feet or more from the street side lot line if the accessory structure:
 - (1) Is situated behind the rear line of the main structure;
 - (2) Is two hundred (200) square feet or less;
 - (3) Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
 - (4) Complies with other requirements of this Code.
4. Rear yard.
 - a. The minimum rear yard setback for all main structures is thirty (30) feet.
 - b. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
 - c. A deck may encroach into a rear yard setback ~~only with a conditional use permit~~ meeting the following criteria:
 - (1) The entire deck is at least twenty-five (2025) feet from the rear property line;
 - (2) The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 - (3) The deck does not encroach more than 200 square feet into the setback area;
 - (4) The floor of the deck is no higher than the highest finished floor of the main structure;
 - (5) The portion of the deck that extends into the rear yard setback is not covered;
 - (6) The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
 - (7) The deck satisfies other conditions required by the planning commission.
 - d. A patio roof may encroach into the rear yard setback meeting the following criteria:
 - (1) The patio floor surface must be equal to or below the lowest finished floor elevation;
 - (2) The entire roof is at least twenty-five (25) feet from the rear property line;
 - (3) The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 - (4) The roof does not encroach more than 200 square feet into the setback area;
 - (5) The highest point of the roof is no higher than the adjacent roof of the house or eighteen (18) feet above the patio, whichever is lower;
 - (6) There is no wall, fence, or railing required or constructed along any part of the patio, and;
 - (7) The patio and roof meet all building code requirements.



- A. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be ten (10) feet, ~~unless otherwise approved by the planning commission as a conditional use. A conditional use cannot reduce the minimum required front, side, street side, or rear yard setbacks.~~
- B. No building on recorded easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement such as a public utility easement.
- C. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street ~~or upon a private street or right-of-way approved by the planning commission,~~ before a building permit may be issued.
- D. Yard space for one building only. ~~No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any~~ No yard or ~~other required~~ open space on a property shall an adjoining lot be considered as providing a yard or open space ~~on a lot wherefor a building is established on an adjacent property.~~
- E. Area of structure and accessory building. No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than thirty-five percent (35%) of the rear yard ~~and street side yard behind the main structure.~~
- F. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
- G. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

17.20.055 Lots And Dwellings Fronting On Private Streets; Special Provisions

~~Lots with frontage only on private streets shall require planning commission approval and shall be subject to all applicable requirements of this title.~~

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

A. Maximum Height of Structures.

- 1.** Main Structures. No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof.
- ~~1.~~
- 2.** Accessory buildings. ~~shall not be erected to a height greater than one story or twenty (20) feet, whichever is lower, or be higher than the principal building unless otherwise approved as a conditional use by the planning commission.~~
 - a. The accessory structure may not be taller than the main structure.
 - b. The maximum height is twenty-five (25) feet.
 - c. Windows facing neighboring properties with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly.
 - a-d. All exterior lighting mounted above ten (10) feet must include cut-off devices which limit the light to the owner's property

B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.

C. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.

D. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.16.060 Height Regulations (A-1)

A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section.

B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.

C. Exceptions to height limitations.

- 1.** The height of a main structure in this district may be increased to a maximum of forty (40) feet if, for every foot of height in excess of thirty-five (35) feet, an additional foot of setback beyond the minimums required in this chapter is provided on the front and each side of the structure.
- 2.** The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection C.1. of this section.
- 3.** Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.

D. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

MEMORANDUM



TO: Planning Commission
DATE: February 7, 2019
FROM: Ben White
RE: Nelson-Revised Conditional Use Permit for Accessory Structure
964 West Meadow Lark Ln (corner lot on 1850 North)

History

Mr. Nelson was granted a Conditional Use Permit to construct a 35'x60' detached garage west of his existing house in September of 2018. The permit allowed a roof height of 26'.

The building is now constructed. Mr. Nelson has submitted revised design drawings to the city which include a 12' wide mezzanine (loft) on the south end of the building and a design for the electrical. The second story loft includes steps for access and a railing over-looking the balance of the building.

The City has received complaints regarding exterior lighting installed on the building. The police have reviewed the lighting pattern on multiple occasions without finding that the lights create a safety hazard.

Permit Revision

Municipal Code section 17.20.060 (A) requires a Conditional Permit for accessory building heights greater than twenty feet (20') and for two story structures. The permit was previously granted for the height, the modification is to address the second story loft only.

The requirements for Conditional Use review are included in Municipal Code Section 17.60.040.D.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.

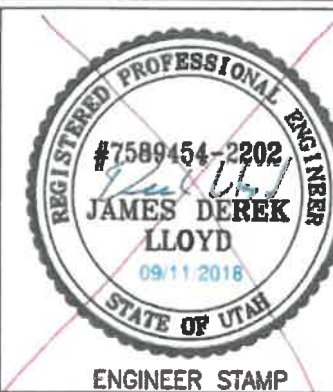
The Conditional Use Permit is to determine if there are any detrimental effects created by the proposed Use that are consistent with the criteria listed above.

Action

A motion must identify any detrimental effects created by the Use and the link to the evaluation criteria, as well as, the required mitigation by the applicant.

Windows accessible to persons on the second story that face neighboring properties is one potential detrimental effect that has been noted on similar Conditional Use applications. The rational being that visibility from second story windows so close to the property line can affect the health and general welfare of neighboring property owners. Measures to mitigate the detrimental effect have included requirements such as inoperable and frosted glass windows. Where the current windows were approved as part of the original Conditional Use permit, it is staff's opinion that a second review of the windows would only be applicable to windows accessible from the second story loft area.

Loft Detail



MOUNTAIN POINT
ENGINEERING

BUILDING SECTION

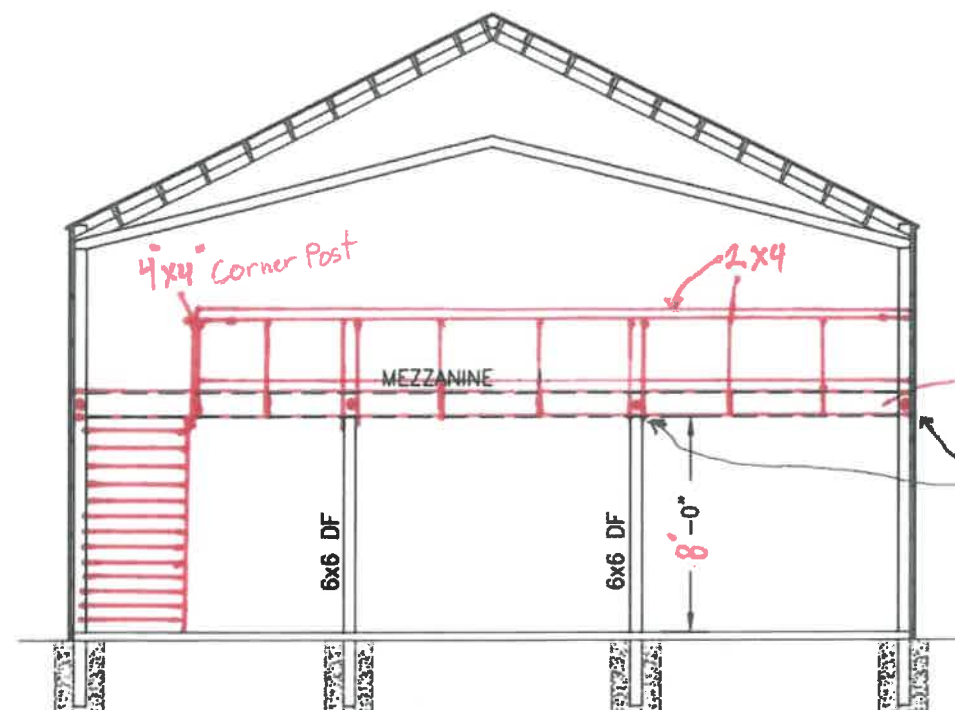
JOHN NELSON BUILDING
WEST BOUNTIFUL, UTAH

PROJECT
B04

SCALE
1/8" = 1'-0"

DATE
09/11/2018

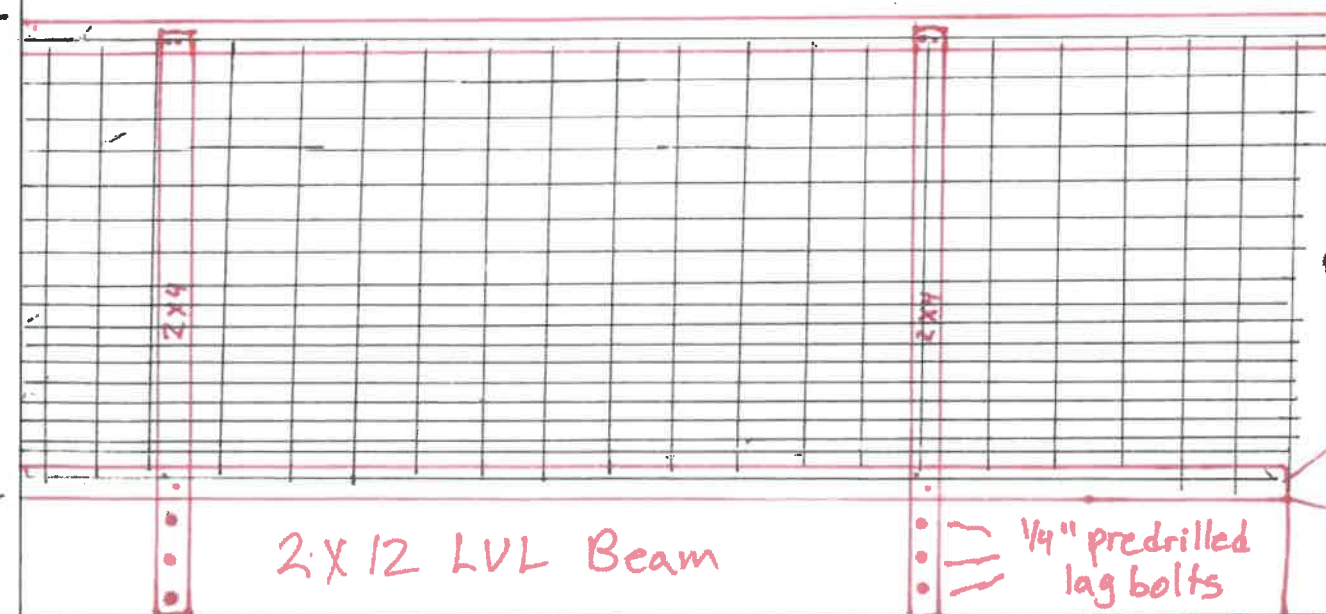
SHEET
04



SECTION A-A

Hand rail Detail

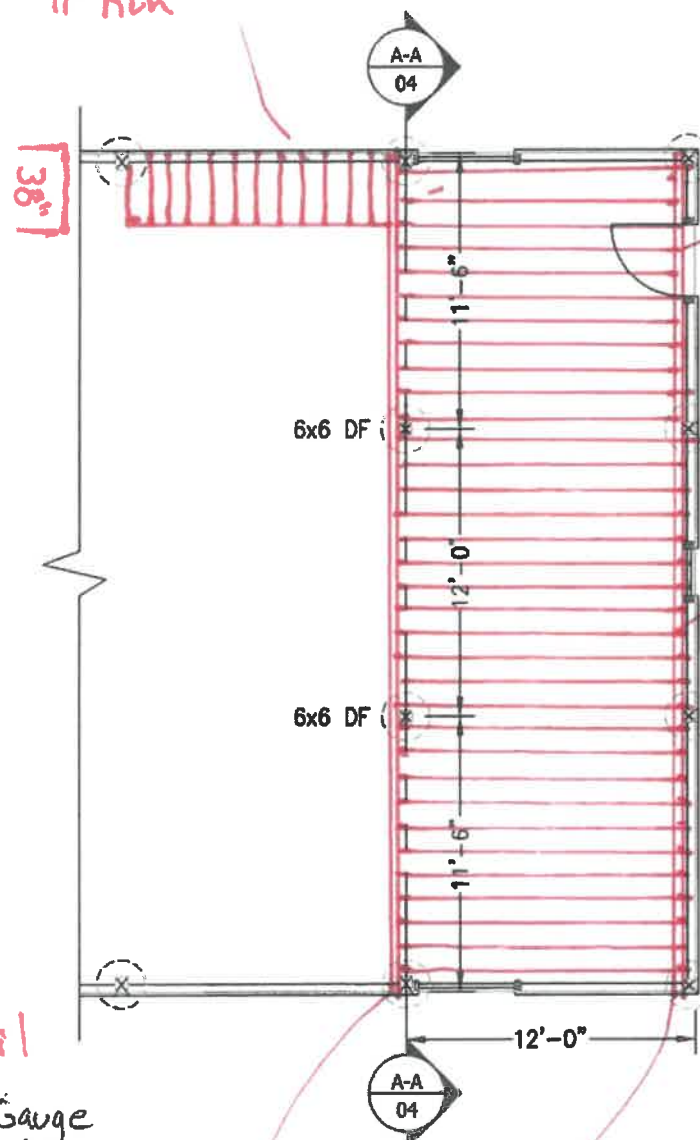
Not Greater than 36"



2"x12" LVL Beam

(3) 3/4"x10" BOLTS, EACH WITH
(2) 1" WASHERS, THROUGH COLUMN
AND 2X6 SUPPORT ON EACH SIDE
OF COLUMN AND THROUGH TRUSS
AND COLUMN.
LOCATE ALL BOLTS AT CENTERLINE
OF COLUMN.

36" wide Staircase
Each step 8" Rise
11" Run



PLAN VIEW

2x12 Solid Wood Joist
attached to beam using
Simpson Strong Tie
Steel Saddles.

Floor is Sheathed with
3/4" Tongue and Groove
OSB Sheathing. Screwed
down with 2" decking
Screws.

2x4
Handrail

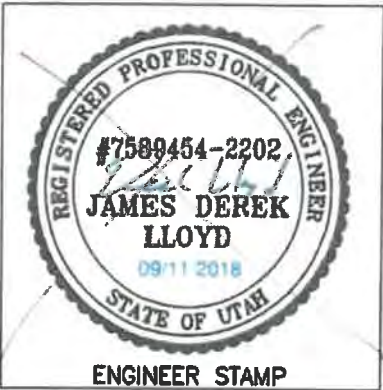
11 Gauge
livestock
Fence Panel

2x4 Kick Board 2"x12" LVL Beam

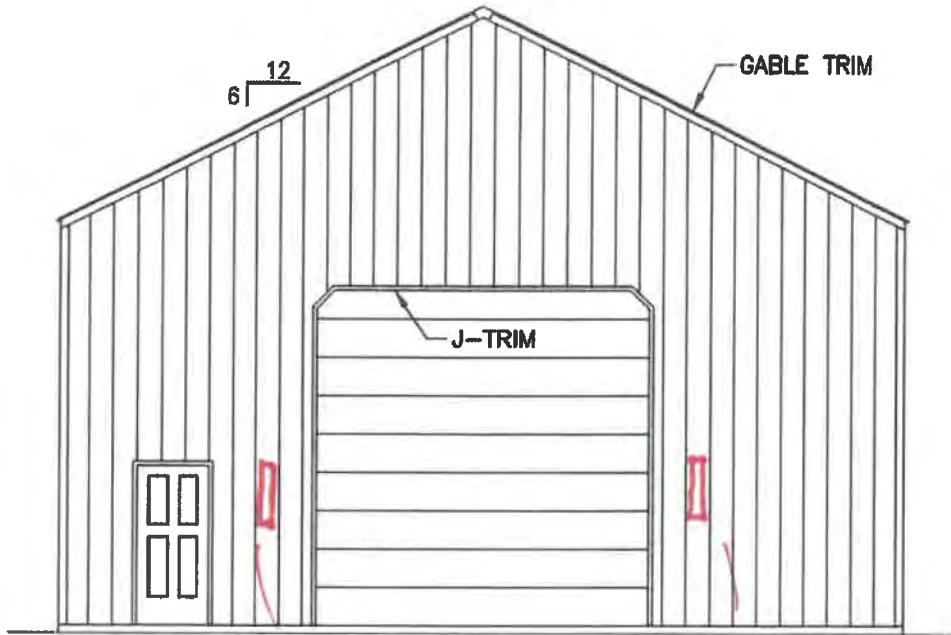
Floor level

1/4" predrilled
lag bolts

with 1 1/4" Washers

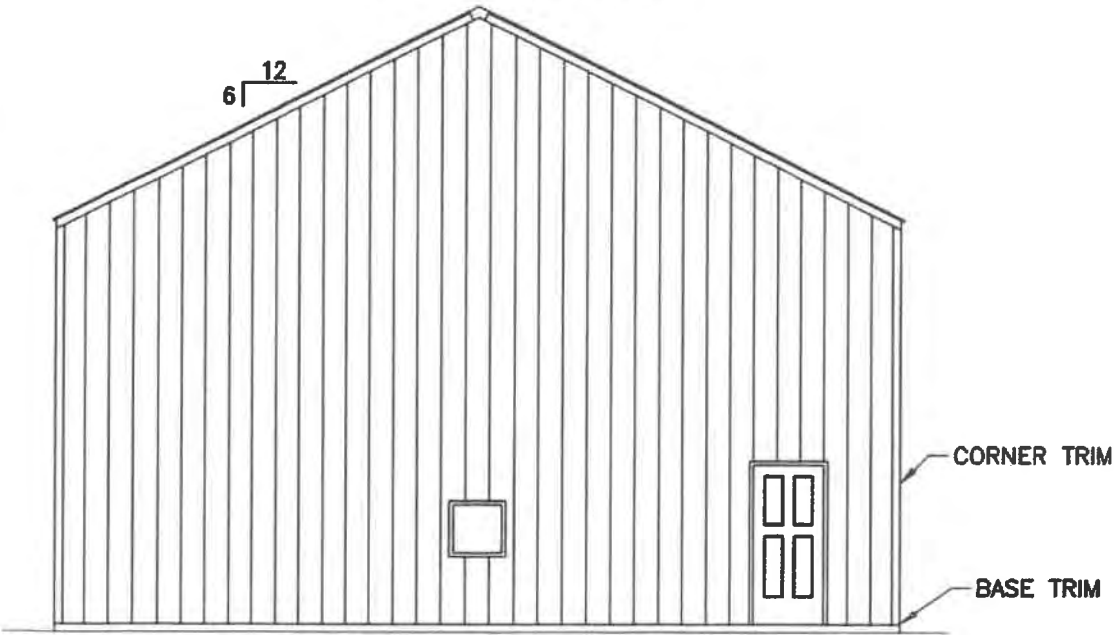


MOUNTAIN POINT
ENGINEERING

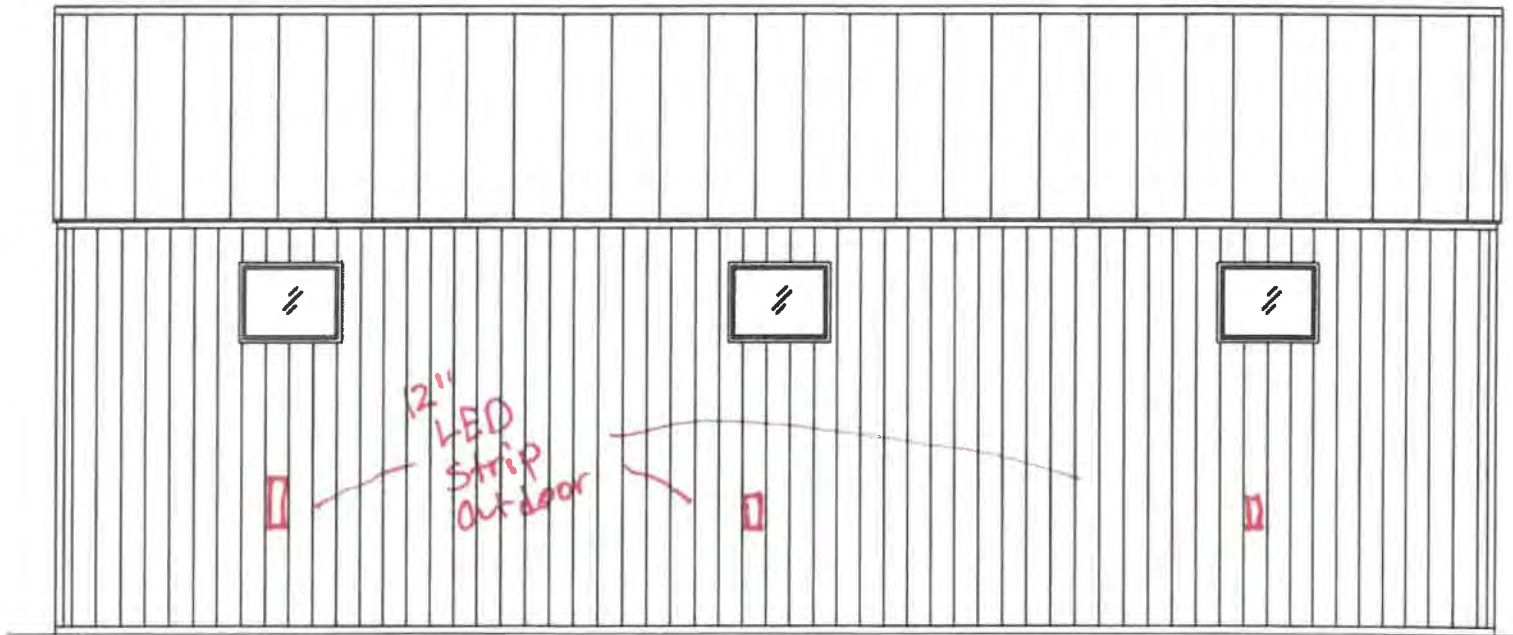


18" LED Outdoor Strip light

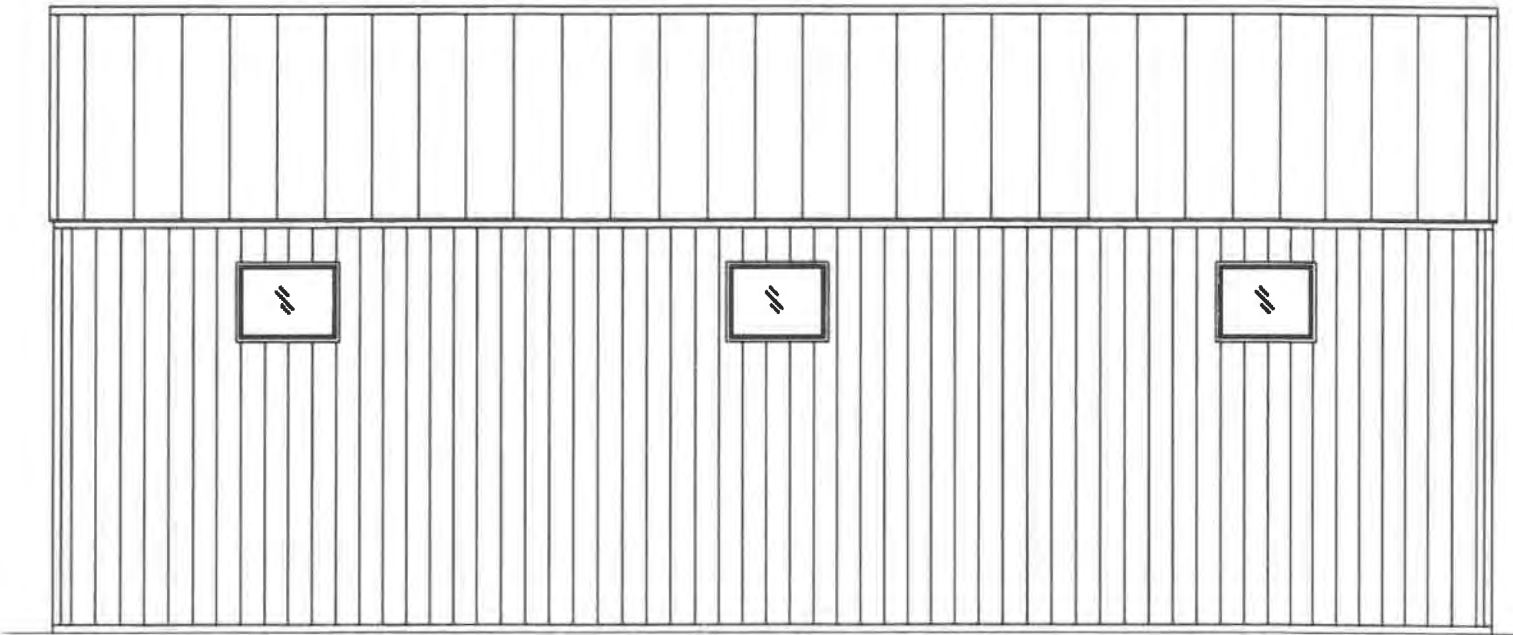
GABLE END ELEVATION



GABLE END ELEVATION



East SIDE ELEVATION



SIDE ELEVATION

ELEVATIONS

JOHN NELSON BUILDING
WEST BOUNTIFUL, UTAH

PROJECT
B04

SCALE
1/8" = 1'-0"

DATE
09/11/2018

SHEET
06



**CONDITIONAL
USE
PERMIT**

West Bountiful City

550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486

www.wbcity.org

CUP #: 18-009

APPROVAL DATE: 9/25/2018

PROPERTY ADDRESS: 963 W Meadowlark Lane, West Bountiful

PARCEL NUMBER: ZONE: R-1-22

Applicant Name: John Nelson

Applicant Address: 963 W Meadowlark Lane, West Bountiful, UT 84087

Primary phone: 801-750-5021

Fax Number:

E-mail address: jnelson@skyline.us

This Conditional Use Permit is granted for an accessory structure with a height not to exceed 26 feet. Findings include: 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; that use and/or accompanying improvements will not inordinately impact schools, utilities, and streets and will comply with the regulations and conditions specified in the land use ordinance for such use.

10-9-2019

Date

Denis Hopkinson

Denis Hopkinson, Chairman-Planning Commission

I have previously applied for a Conditional Use Permit from West Bountiful City pursuant to Title 17, West Bountiful Municipal Code. I understand that approval of this Permit is subject to the conditions listed above and I agree to comply with said conditions.

Date:

10/10/18

Applicant Signature:

[Signature]

MEMORANDUM



TO: Planning Commission

DATE: February 8, 2019

FROM: Ben White

RE: **Accessory Structures and Covered Patios**

Background

The City Council has asked the Planning Commission to discuss, research, seek public input and make a recommendation regarding the possibilities of covered patios extending into the rear yard setback. Where covered patios, decks and, in some instances, accessory structures are similar, requirements for all three are being considered. A public hearing has been scheduled for February 12th to seek public input on this topic that the Planning Commission has been discussing over the past few months.

Decks

The proposed language would allow decks to encroach up to five feet into the required rear yard instead of the current ten feet encroachment.

Covered Patios

The proposed language for covered patios is similar to decks:

- Patio cover may encroach 5' and up to 200 square feet into the rear yard setback
- Maximum patio cover height is 18'.
- No walls, fences or railings around the patio are allowed.

Accessory Structures

Location, size and height of accessory structures has presented challenges recently. The attached proposed municipal code language establishes minimum separation distances, maximum heights, and places restrictions on windows and lighting for accessory structures.

Following the public hearing, the Planning Commission may make recommendations to the City Council to accept all, some or none of the proposed changes, or draft more acceptable language.

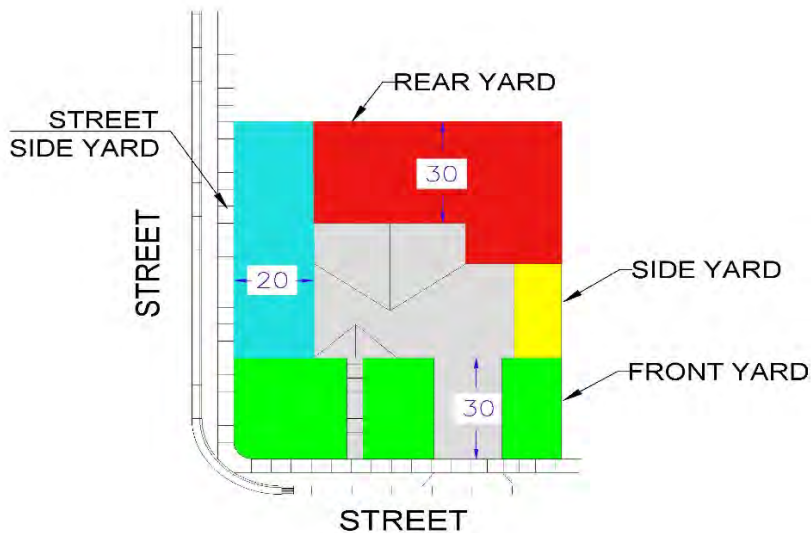
Yard Regulations for Residential Zones Public Hearing

February 12, 2019 - Redline

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3. Street side yard.
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 - c. Accessory structures on a corner lot may be erected no closer than three (3) feet or more from the street side lot line if the accessory structure:
 - (1) Is situated behind the rear line of the main structure;
 - (2) Is two hundred (200) square feet or less;
 - (3) Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
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4. Rear yard.
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 - c. A deck may encroach into a rear yard setback ~~only with a conditional use permit~~ meeting the following criteria:
 - (1) The entire deck is at least twenty-five (2025) feet from the rear property line;
 - (2) The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 - (3) The deck does not encroach more than 200 square feet into the setback area;
 - (4) The floor of the deck is no higher than the highest finished floor of the main structure;
 - (5) The portion of the deck that extends into the rear yard setback is not covered;
 - (6) The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
 - (7) The deck satisfies other conditions required by the planning commission.
 - d. A patio roof may encroach into the rear yard setback meeting the following criteria:
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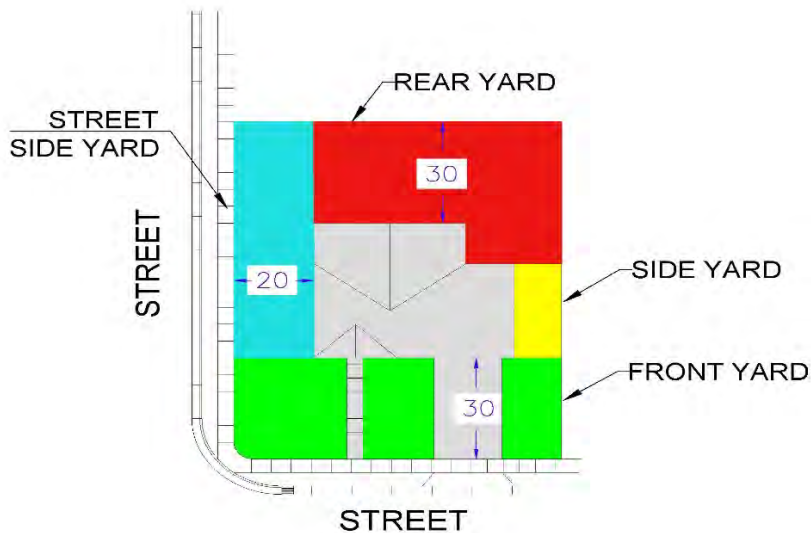
Yard Regulations for Residential Zones Public Hearing

February 12, 2019- Clean

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 - a. On a corner lot, the minimum street side yard setback for a main structure is twenty (20) feet.
 - b. Except as otherwise provided in this title, no accessory structure may be constructed within the street side yard of a corner lot unless the structure meets the minimum street side yard setback for main structures and complies with other requirements of this Code.
 - c. Accessory structures on a corner lot may be erected no closer than three (3) feet or more from the street side lot line if the accessory structure:
 - (1) Is situated behind the rear line of the main structure;
 - (2) Is two hundred (200) square feet or less;
 - (3) Has a maximum height of nine (9) feet measured from the lowest finish ground level to the highest part of the roof; and
 - (4) Complies with other requirements of this Code.
4. Rear yard.
 - a. The minimum rear yard setback for all main structures is thirty (30) feet.
 - b. The minimum rear yard setback for accessory structures, measured from the rear lot line or side lot line, is six (6) feet, or three (3) feet if the structure is built to fire code standards.
 - c. A deck may encroach into a rear yard setback meeting the following criteria:
 - (1) The entire deck is at least twenty-five (25) feet from the rear property line;
 - (2) The deck is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 - (3) The deck does not encroach more than 200 square feet into the setback area;
 - (4) The floor of the deck is no higher than the highest finished floor of the main structure;
 - (5) The portion of the deck that extends into the rear yard setback is not covered;
 - (6) The railing is no more than forty-eight (48) inches high and is less than twenty-five percent (25%) transparent; and
 - (7) The deck satisfies other conditions required by the planning commission.
 - d. A patio roof may encroach into the rear yard setback meeting the following criteria:
 - (1) The patio floor surface must be equal to or below the lowest finished floor elevation;
 - (2) The entire roof is at least twenty-five (25) feet from the rear property line;
 - (3) The roof is no closer to a side lot line than the minimum required side yard or street side yard setback for the main structure;
 - (4) The roof does not encroach more than 200 square feet into the setback area;
 - (5) The highest point of the roof is no higher than the adjacent roof of the house or eighteen (18) feet above the patio, whichever is lower;
 - (6) There is no wall, fence, or railing required or constructed along any part of the patio, and;
 - (7) The patio and roof meet all building code requirements.



- A. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory structures shall be ten (10) feet.
- B. No building on recorded easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement such as a public utility easement.
- C. Lot standards and street frontage. Except as otherwise provided in this title, every lot hereafter created or modified shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street before a building permit may be issued.
- D. Yard space for one building only. No yard or open space on a property shall be considered as providing a yard or open space for a building on an adjacent property.
- E. Area of structure and accessory building. No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than thirty-five percent (35%) of the rear yard and street side yard behind the main structure.
- F. Sales or lease of space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.
- G. Other building and structure restrictions. No structure, including any structure exempt from a building permit, shall be allowed in any part of a required front, side, or street side yard setback, except that landscape enhancements, such as trellises and arbors, shall be allowed subject to other applicable regulations. Any such landscape enhancement in the front, side, or street side yard shall be limited to a gross area of ten (10) square feet or less, a width no greater than sixty (60) inches, and a height no greater than ninety-six (96) inches and shall be subject to applicable site triangle area restrictions.

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

- A. Maximum Height of Structures.
 - 1. Main Structures. No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof.
 - 2. Accessory buildings.
 - a. The accessory structure may not be taller than the main structure.
 - b. The maximum height is twenty-five (25) feet.
 - c. Windows facing neighboring properties with headers above ten (10) feet must be non-opening and have translucent glass that does not permit objects on the outside to be seen clearly.
 - d. All exterior lighting mounted above ten (10) feet must include cut-off devices which limit the light to the owner's property
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.
- D. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

17.16.060 Height Regulations (A-1)

- A. Maximum height of structures. No structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest part of the roof, except as otherwise provided in this section.
- B. Additional height allowed. Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved as a conditional use by the planning commission.
- C. Exceptions to height limitations.
 - 1. The height of a main structure in this district may be increased to a maximum of forty (40) feet if, for every foot of height in excess of thirty-five (35) feet, an additional foot of setback beyond the minimums required in this chapter is provided on the front and each side of the structure.
 - 2. The height of an accessory structure in this district may be increased to a maximum of forty (40) feet subject to the same requirements listed in subsection C.1. of this section.
 - 3. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.
- D. Minimum height of dwellings. No dwelling shall be erected to a height less than one story above grade.

MEMORANDUM



TO: Planning Commission

DATE: February 7, 2019

FROM: Ben White

**RE: Conditional Use Permit Application
Holly Frontier 800 West Parking Lot Expansion**

Request

Holly Frontier Refinery has applied for a conditional use permit to expand an existing parking lot on 800 West. The request is to expand a dead end 10 lot parking area to 16 stall lot. The expanded parking lot will also be one directional. A new drive approach to exist the parking lot would be required.

Code Analysis

The Refinery is located in the I-G zone (Chapter 17.40 of the municipal code). The I-G zone does not specifically address parking in required front yard. The I-G zone directs an applicant to the Off-Street Parking Chapter (17.52) for specific parking requirements.

Off-street parking is allowed in front yards by Conditional Use when the “character of the street and general landscaping will not be adversely affected” (17.52.070). The Planning Commission is tasked with determining if:

- (1) the character of the street is adversely affected and if so, how can it be mitigated?
- (2) if the general landscaping is adversely impacted and if so, how to mitigate the impact?

Staff Review

1. Street character. The street runs through an industrial zone and can be summarized as follows.
 - a. The area contains more tanks, pipe racks and towers than it does buildings.
 - b. There is a lot of hard surface
 - c. Curb and sidewalk is spotty
 - d. The Refinery with or without the City’s permission has modified the street and streetscape over time.
 - e. Where the area is currently under snow, Google Earth images will be used to identify the area

Staff is not making a recommendation to the Planning Commission regarding the impact to street character.

2. Landscaping character. There is very little landscaping along this section of 800 West. The proposed parking lot expansion will clearly impact some of the landscaping that does exist.
 - a. An option to mitigate the negative impact to landscaping would be to improve landscape areas along the street both north and south of the subject parking area which was removed a few years ago.

Besides addressing the requirements listed for Off Street Parking in front setback areas, the Planning Commission must make affirmative findings pursuant to Chapter 17.60 Conditional Uses, considering 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.

Motion

A motion that imposes conditions to mitigate negative impacts needs to also include the impact that is being mitigated. Besides the items listed above, staff has identified a couple additional issues to include:

- A. Proposed curbs and retaining walls be reviewed by the city to protect the safety of pedestrians walking along the 800 West sidewalk and the sidewalk into the building.
- B. Drainage patterns are to be reviewed and approved by the City to protect the welfare and safety of persons in the area.



CONDITIONAL USE PERMIT APPLICATION

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

PROPERTY ADDRESS: _____

PARCEL NUMBER: _____

ZONE: _____

DATE OF APPLICATION: _____

Name of Business: _____

Applicant Name: _____

Applicant Address: _____

Primary phone: _____ Fax Number: _____

E-mail address: _____

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.

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: _____ Applicant Signature: _____

FOR OFFICIAL USE ONLY

Application Received Date: _____

Permit Number: _____

Application Fee Received Date: _____

Permit Approval Date: _____

Fee: ____\$20 Residential ____\$50 Commercial



VICINITY MAP
N.T.S.



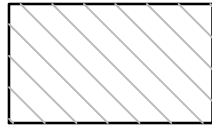
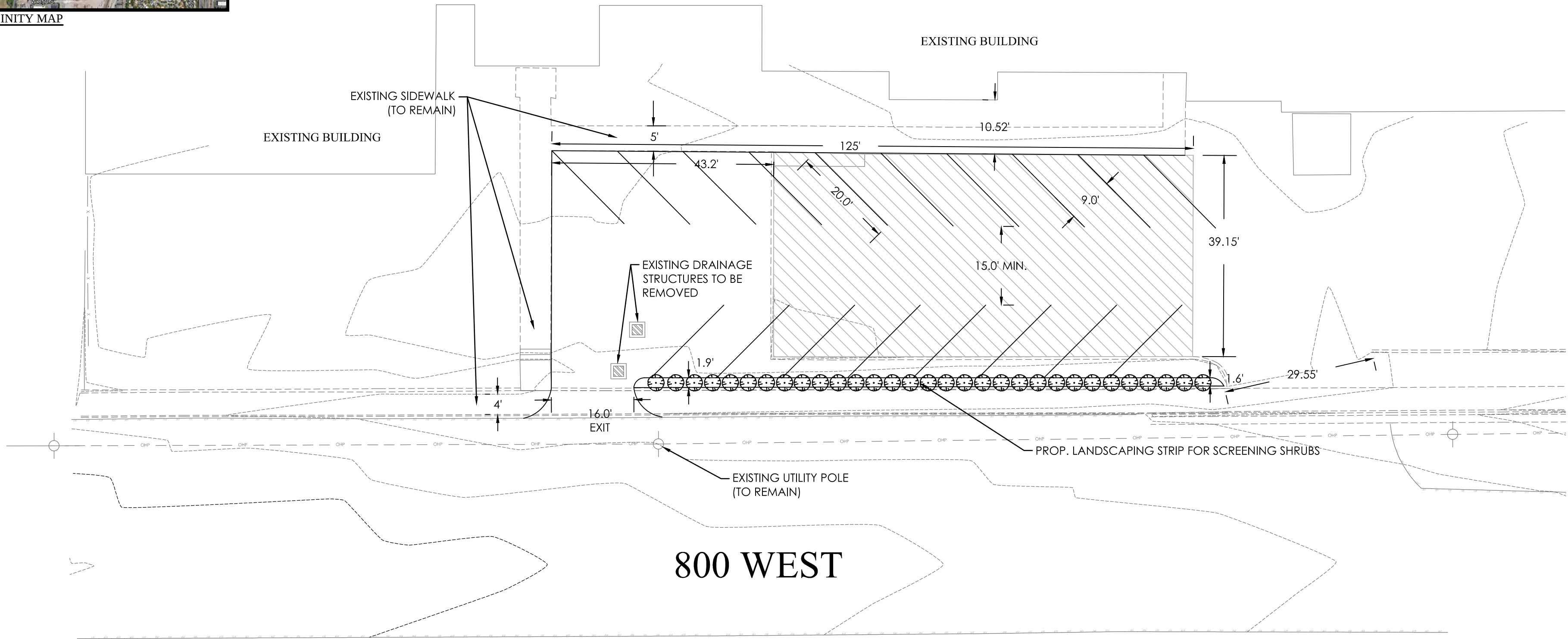
FACING NORTH



FACING SOUTH

LEGEND

--- (XXX) ---	EXIST. CONTOUR MAJOR
--- (XXX) ---	EXIST. CONTOUR MINOR
--- (XXX) ---	EXIST. STORM DRAIN
--- (XXX) ---	EXIST. SANITARY SEWER
--- (XXX) ---	EXIST. CULINARY WATER
--- (XXX) ---	EXIST. FENCE
--- (XXX) ---	SECTION MONUMENT
--- (XXX) ---	EXIST. SD INLET, MANHOLE & COMBO BOX
--- (XXX) ---	EXIST. SEWER MANHOLE
--- (XXX) ---	EXIST. WATER VALVE & WATER METER
--- (XXX) ---	EXIST. FIRE HYDRANT
--- (XXX) ---	EXIST. TELEPHONE MANHOLE
--- (XXX) ---	EXIST. IRRIGATION BOX
--- (XXX) ---	EXIST. STREET LIGHT
--- (XXX) ---	EXIST. POWER POLE
--- (XXX) ---	EXIST. SIGN
--- (XXX) ---	EXIST. SPOT ELEVATION
--- (XXX) ---	DEED BOOK/PAGE PER XXXX COUNTY RECORDS
--- (XXX) ---	XXXX COUNTY PARCEL No.
--- (XXX) ---	LIMITS OF ASPHALT PAVEMENT

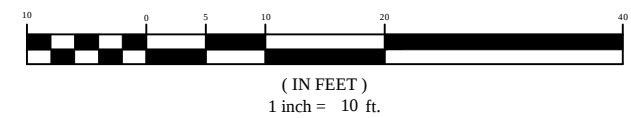


EXISTING PARKING

NARRATIVE
THE CREEK USED TO FLOW UNDER THE PLANT, BUT DOES NOT ANY MORE.
THE CULVERT FOR THE CREEK HAS BEEN PLUGGED AND ABANDONED,
AND THE STORM DRAIN STRUCTURES SHOWN ARE NON-FUNCTIONAL. NEW
STORM DRAINAGE RETENTION WILL BE DESIGNED FOR THE PROPOSED
PARKING AREA.



GRAPHIC SCALE



HOLLY PARKING EXPANSION
WEST BOUNTIFUL, DAVIS COUNTY, UTAH
SITE PLAN

#	DATE	DESCRIPTION
1	02/05/19	PRELIMINARY
2	02/05/19	REVISED
3	02/05/19	REVISED
4	02/05/19	REVISED
5	02/05/19	REVISED
6	02/05/19	REVISED

SITE PLAN

Scale: 1"=10'	Drawn: CB
Date: 02/05/19	Job #: 18-231
Sheet:	

C1

FOCUS
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com



**West Bountiful City
Planning Commission Meeting**

January 22, 2019

PENDING- Not Yet 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 January 18, 2018 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 22, 2019 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

MEMBERS EXCUSED: Laura Charchenko

VISITORS: Cameron Madsen, Gary Jacketta, Rhett Yates

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

1. Accept Agenda

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

2. Consider Conditional Use Permit 19-001, for Utah Auto Pros, LLC, a Used Auto Dealership, at 756 West 500 South

Commissioner packets included a memorandum dated January 18, 2019 from Cathy Brightwell regarding a Conditional Use Permit for Utah Auto Pros, LLC (CUP 19-001) with attached CUP application and site plans.

Cathy Brightwell introduced the application from Cameron Madsen for a Conditional Use Permit to sell used automobiles. His business will be primarily online and there will be no automotive services done as part of the business. There is access for customer parking stalls on the east and the north sides of the building. His inventory will be located on the west side of the building in a gated area that will be locked. They will begin business the middle of February and have the fire inspection completed prior to that time.

Cameron Madsen was invited to take the stand for questions from the Commissioners.

Commissioner Comments/Questions:

Dee Vest asked how much inventory they expect to have; Mr. Madsen responded about 35 vehicles.

Chairman Hopkinson asked about the solid barrier on 500 South and noted it could create an issue when customers are exiting the facility. He suggested one of the conditions be a sign noting a right turn

only coming out of the business. He asked Mr. Madsen to explore ideas to beautify with landscaping as the City is trying to improve the look in this area of our City.

ACTION TAKEN:

Corey Sweat moved to approve the Conditional Use Permit for Utah Auto Pros, LLC (CUP 19-001) located at 756 West 500 South for Cameron Madsen with the following 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; 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; accompanying improvements will not inordinately impact schools, utilities, and streets; 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; 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. Conditions include proof of dealer's license and insurance, fire inspection and approval, signage needs to be in compliance with City Code, displayed vehicles must be operable and in sellable condition, install a sign showing there is no left turn allowed when exiting the business, and a West Bountiful City business license needs to be purchased upon issuance of this permit and prior to starting the business. Mike Cottle seconded the motion and voting was unanimous in favor.

3. Consider Proposed Modifications to WBMC Title 17- Yard Regulations.

Commissioner packets included a red-lined copy and clean copy of modifications to the Yard Regulations for R-1-10, R-1-22, and A-1 based on previous meeting discussions after City Council asked them to review these sections of code and hold a public hearing. They suggested that if decks are allowed to encroach into the rear setback, patio covers, which are very similar, should be allowed the same exception.

Ben White stated that staff has tried to clean up this document for review and approval based on previous discussions. He pointed to the redline copy and explained he is also proposing to strike Section 17.xx.055 regarding private streets as it conflicts with Title 16 that prohibits private streets.

Commissioner Comments:

Mike Cottle likes the document for the hearing.

Corey Sweat appreciates staff's hard work but still does not support changing the setback.

Dee Vest liked the comparison chart the staff put together and made some suggestions about side setbacks.

Alan Malan came to the conclusion from all the discussion from last meeting that most concerns are with the encroachment into the setback. He is not in favor of allowing gabled roofs over the patio. He suggested that the language for patios be clarified to include "patio floor" or "patio elevation" must be below the lowest inhabited finished floor. Staff will make that correction.

75 **Chairman Hopkinson** agrees that encroaching into the setback is not good. He also pointed out that
76 page 2, item #5 “Yard Space for one building only” is hard to understand. Ben White tried to explain
77 what he believes it meant and the context of the paragraph. Mr. Hopkinson questions the benefit of
78 this language. Ben will check with Mr. Doxey to see how it could be clarified.

79 There was general discussion about rear setback encroachment. Several commissioners believe that
80 rather than allowing patio covers the same exceptions as decks, neither one should be allowed to
81 encroach into the setback.

82 Mr. White explained that even if the Commission disagrees with some of the proposed language,
83 something needs to be presented to the public for the hearing. If after hearing public comments they
84 still disagree, a negative recommendation can be made to city council.

85 Commissioner Sweat stated that he feels the Council will do as the Council will do even after the
86 public opinion and the Planning Commission recommendation. Mr. White stated that he feels
87 historically the Council has been supportive of their recommendations.

88 Chairman Hopkinson noted that we have the best setbacks for open space in the whole county
89 according to the comparison chart the Staff provided for their review.

90 Chairman Hopkinson said the Commission needs to decide on the criteria to present to the public
91 then they can deliberate from that point after the public input and before sending recommendations to
92 the Council.

93 **17.xx.050 Yard Regulations**

94 After some discussion it was decided that the only changes to staff’s draft is that 25 feet will be the
95 recommendation for both decks and patio covers to encroach into the rear setback and there will be
96 no exceptions. Clarification will also be added that the patio “elevation” must be equal to or below
97 the lowest inhabited finished floor. Staff will also try to make “Yard space for one building” easier to
98 understand.

99 **17.XX.060 Height Regulations (R-1-10 & R-1-22)**

100 The maximum height for accessory structures in the R-1-10 and R-1-22 zones will be 25 feet. The
101 proposal to add an additional foot to the setback for additional height was deleted. The
102 requirement for non-transparent glass will be clarified to include “privacy glass” or similar verbiage
103 and a reason for the requirement. Height regulations for the A-1 zone will be left as is.

104 Alan Malan suggested adding regulations for lighting on the Accessory Buildings for review of the
105 public. Some discussion took place and it was decided that we cannot legislate everything. Staff will see
106 what they can do to refine some of the language.

107 **A public hearing will be set for February 12, 2019 at 7:30 pm or as soon thereafter as time permits.**
108

109 **4. Discuss Proposed Modifications to WBMC Title 17- Parking.**

110 A redlined copy of 17.52 Off Street Parking was given to the Commission for their review. Ben
111 White reviewed the redline changes and noted they were to clarify the language and detail more
112 safety specifications.

Commissioners reviewed the document in its entirety. After review and discussion, it was suggested that Section 17.52.070 - Location of Off-Street Parking be kept at the 10-foot set back but reword the paragraph for clarity.

5. Staff Report

Commissioner Vest asked to report on the Legacy Parkway meeting.

Dee Vest went to the Legacy Meeting regarding expiration of the truck and speed limit ban and gave the following report. He stated that there are three issues that affect West Bountiful. They are the truck ban, adding additional lanes from 4 to 6 lane can be added with no sound walls, and the speed limit can be increased. The existing contract expires January 2020. Commissioner Vest noted that these changes will affect the Legacy Trail and likely cause homes abutting the highway to be sold because of the increased noise and lack of safety. People do not want the current restrictions to expire. He suggested that surrounding communities join together to oppose the ban. Councilmember Enquist noted that when they expand the highway it will not be widened but they will add lanes inside the corridor. This is a scenic byway so the only thing that will not change is there will be no billboards. There is a large community group in North Salt Lake, Woods Cross, West Bountiful and Centerville looking for support to fight the elimination of the ban. Cathy has more information on the above if anyone is interested.

Holly Frontier Update

Chairman Hopkinson reported on the Holly Refinery report at the last City Council meeting regarding the false alarms. Scott White, Refinery Manager, was very apologetic for the false alarms and said the alarms are meant for employees/people on the property and not meant for the surrounding residents. A fault was found in the system and has been repaired. Protocol should be that when an alarm is heard concerned citizens should call into dispatch and the City determines what citizens will do. Holly Refinery does not make the call to evacuate the City. It was recommended that residents register for the Reverse 911 (Code Red) call out to keep informed of any emergency situations in our Community. Citizens can also call the Holly Refinery Careline if they have any issues or concerns with issues regarding Holly Refinery.

6. Consider Approval of Minutes from January 8, 2019 meeting.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the January 8, 2018 meeting as present. Alan Malan seconded the motion and voting was unanimous in favor.

7. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:25 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 February 12, 2019 by

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unanimous vote of all members present.

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Cathy Brightwell – City Recorder

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