

Mayor
Kenneth Romney

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

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Alan Malan

Commissioners
Dell Butterfield
Laura Mitchell
Corey Sweat
Dennis Vest

THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 23, 2023, AT THE CITY OFFICES.

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

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

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 May 19, 2023, per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 23, 2023, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

VISITORS: Aimee & Adan Hinojosa, Deby Marshall, Dannie McConkie, Judy Rapp, Amy Parker, Brooklyn White, F.C., Dave Ryan, Jen Nielsen

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

1. **Prayer by Commissioner Butterfield
Pledge of Allegiance- Commissioner Vest**
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. Conditional Use Application for Home Occupation for Auto Italia Repairs at 638 N 660 W

Commissioner packets included a memorandum dated May 19, 2023, from Staff regarding a review of the home occupation and conditional use applications for Auto Italia auto repair business with attached Conditional Use Permit application, Home Occupation Permit Application, site plans and marked exhibits. These applications were initially presented to the planning commission on January 24, 2023, but tabled when it was determined the applicants did not reside on the property. The applications were again presented on May 9, 2023, after applicants took possession of the home. As there was a tie vote by the four members present at the planning commission meeting on May 9, 2023, the conditional use application was tabled until a full commission was available.

Cathy Brightwell briefly reviewed the details of the updated application.

1. The applicants now reside at the property.
2. The only employees of the proposed business are the two owners.
3. Customers are by appointment-only between 10 am and 5 pm, Monday through Friday.
4. They intend to use 500 square feet of the 2,000 square feet detached shop for auto repair/business purposes, which they estimate is enough room to work on two vehicles. A 100 square foot bedroom in the home will be used as office space.

5. Used oil and anti-freeze will be kept in 2 barrels regularly picked up by a recycling service.
6. Customers will drop off and pick up vehicles at arranged times.
7. No street parking will be used by customers.
8. All vehicles and equipment tied to the business will be stored inside the garage; only personal items will be in the yard.
9. Deliveries of parts are estimated to be 1-3 times a day.
10. There may be an occasional tow truck but scheduling will be controlled.
11. All fire inspections have been completed and passed.
12. Applicants are in the process of installing a privacy fence with gate that will limit access to scheduled customers only.

Ms. Brightwell reviewed the potential detrimental effects that were discussed at the previous meeting and the list of conditions intended to mitigate these effects as shown below.

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

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

Detrimental Effect 2: Commercial traffic disturbs the residential neighborhood.

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

Detrimental Effect 3: Environmental & Safety Issues.

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

Additional General Home Occupation Conditions:

1. Business equipment and vehicles in the detached shop will not exceed 25% of the total building space.

2. No additional business equipment will be added without notice to the city for verification of storage limits.
3. No signage for the business.
4. No employees that do not reside in the home.
5. Planning Commission review of neighborhood impact after the first six months of license.

Staff added they would like to do periodic inspections, after reasonable notice and with the owner present, as they see a need.

Steve Doxey noted that if the planning commission feels the proposed conditions will mitigate the anticipated detrimental effects of the home occupation business, they are required to approve it. If reasonable conditions cannot mitigate the detrimental effects, the request can be denied.

There was discussion on several of the anticipated detrimental effects and proposed conditions. Commissioner Mitchell stated that similar to regular home deliveries there is no control over time or type of deliveries by Amazon and other such carriers. Applicant stated that auto parts deliveries, like O'Reilly, can be scheduled and controlled when orders are placed.

Laura also commented that staff inspections would be a good way to monitor the success of the conditions, but she does not want staff inundated with neighborhood complaints forcing them to conduct more inspections than needed. She is also concerned that numerous complaints made by the same people on a regular basis could be a problem.

Steve Doxey informed the commission that the city is the one to determine when an inspection is needed. Staff can continue to monitor neighbor complaints, but they will not always trigger inspections. As far as adding a condition that staff conduct random inspections, Mr. Doxey noted that staff already has that authority, so it is not needed as a separate condition.

Corey Sweat suggested combining delivery conditions to make them more clear. Some discussion took place, and it was agreed that regular carriers like UPS, Amazon, and Fed Ex delivering personal items to the home are not included in the condition.

Commissioner Butterfield stated that he struggles with this issue in many ways. He is concerned about the impact to the neighborhood of an auto repair business operating in a residential area, but after studying the law and similar cases, he learned that documented findings have to be found in order to deny the permit. As long as conditions can be placed on the applicant to mitigate the impact, the request needs to be approved. He looked at the emails he has received complaining about the business and noted that no documented facts were presented that provide a reason for denial. All the detrimental effects were addressed and with the proposed conditions they should be solved.

Dennis Vest said he has thought hard about his negative vote at the last meeting and comments that we should not be denying someone's ability to make a living, but he is concerned that the 25% allotted space (500 square feet) is not sufficient or realistic. He visited several commercial auto repair businesses to determine the minimum space required to work on two vehicles. The owner of the first shop he visited stated that 660 square feet would be the minimum they would want to have. The second shop said that 900 square feet would be his minimum. The third shop owner reported that his minimum would be 1600 square feet for safety reasons. Mr. Vest asked the shop owner what the biggest problem he has in his business. He responded that parking is always an issue because of delays in receiving parts,

customer's paydays, vacations, etc. He added that he didn't think it was reasonable to believe delivery of products could be controlled.

Commissioner Vest further stated that some of the conditions cannot be reasonably enforced. He does not think it is a good location to run this type of business in a residential neighborhood. He stated that the city does not have the resources to monitor such a business and the conditions placed on it as part of issuing this permit. He wants to see the applicants succeed but he does not believe they can in this location and with the conditions being placed on the business.

Action Taken:

Corey Sweat made a motion to approve the home occupation and conditional use permit for Auto Italia located at 638 N 660 West for Aimee & Adan Hinojosa with the finding that the conditions to be imposed will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of the Conditional Use section in West Bountiful Code (WBMC 17.60). The following Conditions will be imposed:

1. At least two spaces of off-street parking for residents must be designated on the property.
2. At least one space of off-street parking for customer drop-off or pick up must be designated to the south or east side of the shop.
3. Customers seeking services may be parked in a designated off-street parking space for a maximum of one hour, all other customer vehicles awaiting services must be parked inside the shop.
4. All auto repairs must be performed in the allotted space inside the shop as shown on Exhibit B.
5. Owners to provide and maintain a current list of personal vehicles showing they are registered or have title in owner's name and maintain an updated list of personal vehicles every 3 months.
6. Tow truck deliveries, customer drop-off and pick up and business deliveries of supplies and materials will be limited to 3 times per day and may only be between the hours of 8 am and 6 pm Monday-Friday, with the exception of any personal common carrier deliveries.
7. All businesses must meet state and federal environmental quality requirements for auto repair businesses, including but not limited to the following:
 - a. Collect and contain vehicle fluids as required;
 - b. Use a licensed company to collect oil, anti-freeze, and other vehicle fluids;
 - c. All vehicles waiting for work and those with work in progress must be on concrete or asphalt surface that stop fluids from entering the ground.
8. Site activities must comply with federal and state EPA Storm Water regulations.
9. Owner must provide evidence of compliance with fire codes and any other applicable building codes, and the building/property must remain in compliance.
10. Business equipment and vehicles in the detached shop will not exceed 25% of the total building space (2000 sf x 25% = 500 sf).
11. No additional business equipment will be added without notice to the city for verification of storage limits.
12. No signage can be used for the business.
13. No employees that do not reside in the home.
14. Planning Commission review of neighborhood impact after the first three months of license.
15. Upon reasonable notice, the city can inspect the premises periodically with the owner present.

Laura Mitchell seconded the motion. Chairman Malan called for a roll call vote. The Motion passed with a vote of 4 to 1, as shown below:

Dell Butterfield- Aye

Corey Sweat- Aye

Laura Mitchell- Aye

Dennis Vest- Nay

Alan Malan- Aye

4. Consider Meeting Minutes from May 9, 2023.

Action Taken:

Corey Sweat moved to approve the minutes from May 9, 2023, as presented. Dell Butterfield seconded the motion and voting was unanimous in favor.

5. Staff Report

a. Engineering (Kris Nilsen)

- Public Works building is being carpeted and the inside completed so move in can begin next month. Asphalt should go down in two weeks.
- The Spring clean-up went well, and people seemed to like the new location.
- No flooding issues. Some water was backing up on the east side of Legacy Parkway at 1200 North because it couldn't get through, but it has improved.
- Google Fiber is still working on clean-up. City will do inspections and hold their feet to the fire to make sure everything is completed and done well.
- Pre-construction meeting on the upcoming water line project was held and they expect to begin in a few weeks. They will make sure park access and the parade are not affected for the 4th of July events.

b. Community Development (Cathy Brightwell)

- Moderate Income Housing Strategy report is due in August. Strategy # 1 (Station Area Plan) is being handled by Duane. Moderate Income housing is required in locations within a certain proximity to a transit station, like the Woods Cross FrontRunner station. The affected area in West Bountiful includes the Holly Frontier Refinery which is not ideal for housing. A study has to be done in order to be exempt from that requirement and the city just found out it is getting a \$30,000 grant to do the study. Strategy #2 (Parking) has been reviewed by the planning commission and a hearing will be held on June 13. Strategy #3 (Impact Fees)- does not have to have a public hearing and will be handled by the city council. Once the report is submitted in August, additional strategies can be discussed for next year's report.
- New legislation requires we adopt an Airport Overlay Zone since there is a tiny piece of city property within the regulated distance of the airport.
- She also noted that the city council has asked planning commission to look at uses that may be appropriate to exclude as home occupations. This will be a good time to finish the project started last year to clean up types of uses in each of the zones.

Commission comments:

Laura Mitchell stated that there have been a lot of large dump trucks going down 1200 North. It was explained that they were aware of this issue and have shut the offenders down from dumping dirt on the property to the east of the public works building. It was not the city doing this.

Dennis Vest noted that pickleball players have asked to have a trash can by the courts. Chairman Malan noted that this request has come up before and he was told by the city that most city parks have a policy to pack it in and pack it out. He reported that they are practicing that policy at the baseball fields and it seems to be working fine.

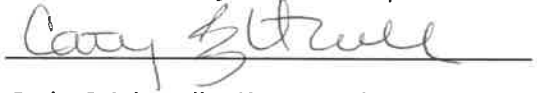
6. Adjourn.

Action Taken:

Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 8:20 pm. Laura Mitchell seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on June 13, 2023, by unanimous vote of all members present.

A handwritten signature in cursive script, appearing to read "Cathy Brightwell", written over a horizontal line.

Cathy Brightwell – City Recorder