

Bountiful City
Administrative Committee Minutes
April 18, 2016

Present: Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and John Marc Knight; Assistant Planner – Andy Hulka; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Chairman Wilkinson opened the meeting at 5:00 p.m. and introduced all present.

2. Consider approval of minutes for April 11, 2016.

Mr. Cheney made a motion to approve the minutes for April 11, 2016. Mr. Wilkinson seconded the motion.

 A Mr. Wilkinson
 A Mr. Cheney
 Mr. Knight [Mr. Knight was not present for the voting.]

Motion passed 2-0.

3. Consider approval of a Lot Line Adjustment at 2922 Wood Hollow Way and 2956 Cave Hollow Way, Barbara Maudsley and Jay & Eleanor Jensen, applicants.

Barbara Maudsley, applicant, was present. Also present were her daughter, Addie Maudsley, and her realtor, Sue Benson.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The applicants are applying for a Lot Line Adjustment between their properties at 2945 S Cave Hollow Way (Lots 116 and 117) and 2922 S Wood Hollow Way (Lot 122) in Bountiful, Utah. Both properties are located in the R-F Single-Family Foothill Zone. The purpose of the property line adjustment is to convey 601 square feet (0.014 acres) (Parcel A) from Lot 122 west to Lots 116 and 117, bringing Lots 116 and 117 to a total of 37,220 square feet (0.854 acres) and bringing Lot 122 to 19,647 square feet (0.451 acres).

No new lots are being created in this transfer so this does not need to be an amended subdivision plat.

The property at Lot 122 will meet the minimum lot size requirements of the original subdivision. The most restrictive minimum lot size requirement at the time of the subdivision was 8,000 square feet. Other lots in this subdivision are much smaller than Lot 122, with the smallest lot at 12,632 square feet (0.29 acres).

No public easements will be affected on either property.

Based on findings, Staff recommends approval for a lot line adjustment, with the following condition:

1. The approved lot line adjustment is recorded with Davis County.

Mr. Hulka pointed out that recording the Notice of Approval with the county does not act as a conveyance of title to real property and appropriate conveyance documents must be prepared and recorded by the applicants.

Addie Maudsley, speaking on behalf of Barbara Maudsley, noted that the lot line adjustment is a consensual agreement between the two property owners and is largely to facilitate the sale of the Maudsley's home.

Mr. Knight made a motion for approval of a Lot Line Adjustment at 2922 Wood Hollow Way and 2956 Cave Hollow Way, Barbara Maudsley and Jay & Eleanor Jensen, applicants. Mr. Cheney seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Mr. Knight

Motion passed 3-0

Mr. Wilkinson reiterated that the city will record the Notice of Approval but the deed work needs to be taken care of by the property owners.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Home Occupation Contractor Business at 2179 Claremont Drive, Mas Nakaya, applicant.**

Mas Nakaya, applicant, was present. Mark and Elaine Jaynes (2191 Claremont Drive, Bountiful) were present regarding this item, but did not speak or express concerns during the Public Hearing.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the Home Occupation Contractor Business is proposed is located in the R-3 Single Family Zone. Home Occupation Contractor Businesses in this zone are classified in the City Ordinance as requiring a Conditional Use Permit.

The application submitted indicates that the property will be used for a home occupation contractor business. One room inside the house will be used as an office. The proposed office is approximately 300 square feet, which is less than 50% of the primary dwelling. There will be no employees working on site. The applicant has indicated that no work will be performed on site, no product will be sold from the property, no equipment will be stored on site, and no

customers will visit the site. There will be no signage on the property associated with the business. The use appears to be incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, fumes, glare, traffic, etc.).
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The Conditional Use Permit is solely for this site and is non-transferable.

Mr. Nakaya noted that he previously held a business license with Bountiful City, but he purposely let it lapse due to retirement. Mr. Nakaya recently decided to reinstate his business as a contractor. Mr. Knight clarified the importance of a home occupation business remaining invisible to the public. Mr. Nakaya noted his understanding of this.

PUBLIC HEARING: Chairman Wilkinson opened and closed the Public Hearing at 5:08 p.m. with no comments from the public.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for Home Occupation Contractor Business at 2179 Claremont Drive, Mas Nakaya, applicant. Mr. Knight seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Mr. Knight

Motion passed 3-0

5. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Title Loan Business for Affordable Title Loans at 21 West 500 South, Stevan Vasic, applicant.**

Stevan Vasic (Affordable Title Loans), applicant, was present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the Title Loan Business is proposed is located in the C-G General Commercial Zone. Title Loan Businesses in this zone are classified in the City Ordinance as requiring a Conditional Use Permit. Section 14-2-111 authorizes the Administrative Committee as the review authority for conditional use permits that do not include the construction of new buildings.

The application submitted indicates that the property will be used for a title loan business. The applicant is a “paper” loan company, which means they only accept paper documents as collateral (e.g. car title), and operate similarly to a bank. The use appears to fit in with the characteristics of the zone and the surrounding properties.

Section 14-18-105(B) requires parking areas to be striped, marked, and maintained according to approved plans. The property’s current parking area has fallen into a state of disrepair, with faded striping and numerous cracks and potholes that prevent the space from functioning as a safe parking area. In order for the parking area to provide orderly and safe circulation, new paving and striping must be installed.

The site does not currently meet the 15% minimum landscaping requirement. Because this is an existing nonconforming condition and the proposed plan does not expand or enlarge the degree of nonconformity, additional landscaping will not be required at this time. If there are plans for expansion or new development on this parcel in the future, then the property will need to meet the minimum landscaping requirements.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The applicant shall pave and stripe the parking area as indicated on the submitted site plan prior to occupancy and/or approval of Business License.
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The Conditional Use Permit is solely for this site and is non-transferable.

Mr. Vasic asked if the paving and striping needs to be completed before the business opens. Mr. Wilkinson answered in the affirmative and stressed that the parking lot is in great need of repair.

PUBLIC HEARING: Chairman Wilkinson opened and closed the Public Hearing at 5:13 p.m. Mr. Craig Noakes (453 North 1250 East, Bountiful) noted that there are many title loan companies in the city, but stated that he did not have a problem with this item. The Public Hearing was closed at 5:13 p.m.

Mr. Knight asked regarding the business which occupied 21 West 500 South prior to the title loan company. Mr. Vasic stated that it was a barber shop. Mr. Knight asked if the applicant operates title loan businesses at any other locations. Mr. Vasic noted that Affordable Title loan was previously located on 500 West but they lost their lease.

Mr. Knight made a motion for approval of a Conditional Use Permit to allow for a Title Loan Business for Affordable Title Loans at 21 West 500 South, Stevan Vasic, applicant. Mr. Cheney seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Mr. Knight

Motion passed 3-0

6. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Solar Panels at 453 North 1250 East, Craig Noakes, applicant.

Craig Noakes, applicant, was present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the solar panels are to be installed is located in the R-3 Single Family Zone. Solar power panels are classified in the city ordinance as “private power plants” and require a conditional use permit if they are over 10 watts. The applicant has indicated that the photovoltaic system to be installed will produce 4.5 kilowatts (4,500 watts), requiring a conditional use permit.

The application submitted indicates the proposed installation of 1 photovoltaic array with 18 panels. The array will occupy approximately 317 square feet, which is smaller than the 50% maximum roof coverage. The south-facing array will include 2 rows of panels, with 9 panels on the each row. The panels will be connected to the roof using an Iron Ridge racking system. The roof is of truss construction, has a slope of 6:12, and has asphalt shingles that are in fair condition. A review of information provided in the application indicates that all engineering requirements for the construction of solar panels in Bountiful City will be met. A reflection analysis of the roof pitch indicates that photovoltaic panels should not produce a reflection nuisance to surrounding properties.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the conditional use permit with the following conditions:

1. The applicant shall obtain a building permit.
2. The panels must be installed only as proposed in the application.
3. This conditional use permit is solely for this site and is non-transferable.

PUBLIC HEARING: Chairman Wilkinson opened and closed the Public Hearing at 5:19 p.m. with no comments from the public.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for Solar Panels at 453 North 1250 East, Craig Noakes, applicant. Mr. Knight seconded the motion.

A Mr. Wilkinson
A Mr. Cheney

A Mr. Knight

Motion passed 3-0

A discussion ensued regarding the structural engineer's letter used for this project and for many of the other solar projects brought before the Administrative Committee. Mr. Noakes stated his concern that these engineers do not accept liability for projects for which they provide analysis. Mr. Cheney noted that most likely the structural engineer wants to limit his liability because he is only providing an analysis and there's much more to a potential failure than perhaps an analysis. Mr. Noakes stated that the cost of the engineer's letter is \$175. A discussion ensued between Mr. Noakes and Mr. Knight regarding the Conditional Use Permit process, net metering, and solar use in Bountiful City.

7. **Consider approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 1214 East 1725 South, Ralph Pond, applicant.**

Mr. Knight made a motion for approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 1214 East 1725 South, Ralph Pond, applicant. Mr. Cheney seconded the motion.

A Mr. Wilkinson

A Mr. Cheney

A Mr. Knight

Motion passed 3-0.

8. **Miscellaneous business and scheduling.**

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:28 p.m.


Chad Wilkinson, City Planner