

**Bountiful City
Administrative Committee Minutes
September 9, 2019**

Present: Chairman – Francisco Astorga; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

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

2. Consider approval of minutes for August 26, 2019.

Mr. Clawson made a motion for approval of the minutes for August 26, 2019 as written. Mr. Astorga seconded the motion.

<u> A </u>	Mr. Astorga
<u> A </u>	Mr. Clawson
—	Mr. Badham (abstained)

Motion passed 2-0.

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant.

Megan Bowden, applicant, and her husband, Joe Bowden, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

Home Occupation Group Instruction with up to 12 children is allowed under City Code, 14-4-103, with approval of a Conditional Use Permit. The Administrative Committee has authority to review all Conditional Use Permits for Home Occupation requests.

The application submitted by Megan Bowden, the applicant, indicates the property will be used to operate Tiny Footsteps Preschool. The property is located in the R-3 Zone. The applicant indicates there will be two different sessions with up to 12 children in each session. One session will be held Monday, Wednesday and Friday from 9:00 a.m. to 12:00 p.m. The second session will be held on Tuesdays and Thursdays from 9:30 a.m. to 12:00 p.m. The applicant indicates the indoor teaching area for the preschool will be 221 square feet, which is less than the 50% requirement of the Code.

In addition to the interior teaching area, the applicant is proposing to use the backyard as a play and recreation area for the preschool. The area is fenced and has one large gate which will remain closed. As Arlington Way loops back to Beverly Way, parents dropping off their children will not need to pull into the driveway and can enter and exit the neighborhood. The applicant has indicated some students will be within walking distance of the preschool. While

there will be some added traffic on the street, it should be brief and not adversely affect the neighborhood.

Based upon the above findings, staff has determined that the applicant would comply with all requirements for the Conditional Use Permit; therefore 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, odors, noxious fumes, glare, traffic, outdoor storage, 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. Bowden clarified that there would be two preschool sessions per week, and Mr. Astorga noted that the staff report contained that information. Mr. Poole explained that the student pickup and drop off plan will not involve use of the driveway, and Mr. Bowden further explained that safety is the top priority.

PUBLIC HEARING: Mr. Astorga opened and closed the Public Hearing at 5:06 p.m. with no comments from the public.

Mr. Badham raised a question to the committee regarding the nature of a preschool as it relates to the code. Mr. Astorga explained that the code specifies things that are prohibited for home occupation businesses, and Mr. Poole expounded that residential day care and group instruction have special conditions within the code relating specifically to their type of business. Mr. Clawson asked if there were other preschools operating in the Bowden's neighborhood, and Mr. Astorga noted that there might be other preschools in that area, but the city has not received any complaints.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant. Mr. Clawson seconded the motion.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2220 South 900 East, Carrie & Tad Mills, applicants.**

Carrie and Tad Mills, applicants, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicants are requesting approval of an Accessory Dwelling Unit (ADU) which will be constructed under an existing detached garage. Plans show the proposed unit will have one bedroom, a living area, kitchen and bathroom.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The site is located in the R-3 Single-Family Residential zone and consists of a single-family dwelling which will be maintained as such by the applicant. The lot is 0.567 acres (24,698 square feet). There will only be one ADU and there will only be one utility connection located at this property. The proposed ADU will be 506 square feet which is less than the 40% standard in the Code requiring ADU's to be smaller and an "accessory" to the single-family dwelling.

The property currently meets the parking requirements, consisting of four off-street parking spaces including two in the existing garage, for an ADU; however, they will be expanding the existing driveway which will accommodate additional cars. The entrance for the proposed ADU will be behind the detached garage and will not be visible from the street. The property will continue to have the appearance of a single-family dwelling and should have minimal impact on the surrounding neighborhood.

Based upon the above findings, staff has determined the applicants would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The owner(s) of the property must occupy the primary residence or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a deed restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

PUBLIC HEARING: Mr. Astorga opened the Public Hearing at 5:18 p.m. Ms. Tenna Hartman (2196 South 900 East) noted that she is working with a surveyor to resolve questions regarding the property line near the driveway between her and Mr. and Mrs. Mills. Mr. Astorga noted that from time to time there are conflicts between surveys, but the property line question Ms. Hartman is exploring does not impact the Conditional Use Permit-ADU approval. The Public Hearing was closed at 5:20 p.m. with no further comments from the public.

Mr. Badham inquired regarding the width of the driveway, and Mr. Clawson indicated that it is 20 feet wide. Mr. Badham noted that in his capacity as the Administrative Committee's citizens' representative he has received negative feedback regarding income rental property in the city. He also noted that the Mills' ADU seems to comply with the current code. Mr. Astorga noted that ADUs will be the subject of discussion at a future City Council meeting.

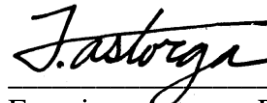
Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2220 South 900 East, Carrie & Tad Mills, applicants. Mr. Astorga seconded the motion.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

5. Miscellaneous business and scheduling.

Mr. Astorga ascertained there were no further items of business. The meeting was adjourned at 5:25 p.m.



Francisco Astorga, Planning Director