

**MINUTES
WEST HAVEN PLANNING COMMISSION
MAY 23, 2007
6:00 P.M.**

PRESENT:

Larry Yates, Chairman
Stephanie Carlson, Vice-Chair
Shawn Smith
Jennifer Canter
Phil Green
J.D. Packard
Marvin Pebley
Steve Anderson, City Planner
Ken Bradshaw, City Attny.

PUBLIC: On file with minutes

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AGENDA

INVOCATION

1. **Action on Minutes of** – May 9, 2007
2. **Preliminary Site Plan Approval** – New Building, 3026 Scott Ln., Lot 13- W.H. Ind. Park – Fastrac Carts Inc.
3. **Public Hearing** – Request for a Conditional Use Permit to Allow for a Contractor Shop – 2151 W. 2550 S.
Submitted by Thurgood Excavating
4. **Action on Public Hearing** – Conditional Use Permit to Allow for Contractor Shop – 2151 W. 2550 S. –
Thurgood Excavating
5. **Preliminary Site Plan Approval** – 2151 W. 2550 S., Thurgood Excavating
6. **Public Hearing** – Request for Multi-family Residential, 140 Townhomes – 2200 S. 1100 W. – Mike Schultz Const.
7. **Action on Public Hearing** – Preliminary Site Plan and Subdivision Approval – Multi-family Residential, 2200 S.
1100 W.
8. **Preliminary Subdivision Approval** – Flag Lot, 3612 S. 5100 W. – Brandon Wright
9. **Preliminary Subdivision Re-approval** – Wood Stone Subdivision – Roger Smith
10. **Preliminary Site Plan Approval** – Bischoff Restaurant Pad – 2105 S. 1100 W. – Casey Bischoff
11. **Concept Site Plan Discussion** – Commercial/Residential Development, 4000 S. 4700 W., Casey Bischoff
12. **Amend Ordinance** – Ordinance No. 02-2002, Providing that Lots Smaller than One Acre May be Recorded
Under Certain Conditions
13. **Amend General Plan and Rezone Areas Currently M-2 and C-2 to a Mixed Use, ZC Zoning**
14. **Amend Ordinance** – Storage Unit Requirements
15. **General Plan Discussion**
16. **City Council Report**
17. **Other Business**
18. **Adjournment**

The Planning Commission met at their regularly scheduled meeting at the City Office. Chairman Yates called the meeting to order at 6:00 p.m.

1. **ACTION ON MINUTES OF MAY 9, 2007: Commission member Carlson moved to approve the**

PAGE TWO
PLANNING MTG. 5-23-07

minutes as written. **Commission member Smith seconded.** The vote to approve was unanimous.

2. PRELIMINARY SITE PLAN APPROVAL – NEW BUILDING, 3026 SCOTT LN., LOT 13 – W.H. IND. PARK – FASTRAC CARTS INC.: David Pepe was in attendance to request site plan approval for a new 14,000 sq. ft. building. His business is currently located in the Ogden Industrial park and he will be moving the business once the building is completed. He stated that the detention basins on the property will be rocked with shrubbery around them as part of his landscaping.

Commission member Pebley moved to recommend preliminary site plan approval. **Commission member Packard seconded** the motion. The vote was unanimous.

3. PUBLIC HEARING – REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A CONTRACTOR SHOP, 2151 W. 2550 S. – SUBMITTED BY THURGOOD EXCAVATING: **Commission member Carlson moved** to leave the public meeting and enter into a public hearing. **Commission member Smith seconded** the motion. The vote was unanimous.

Chairman Yates invited Mr. Thurgood to explain what he was proposing prior to taking public comment. Mr. Thurgood stated that the site would have a 60 x 100 ft shop and an office. There would be heavy equipment, trucks, backhoes, loaders, coming and going from the site.

Chairman Yates asked for public comment.

Doug Illum – resident; feels the noise and traffic generated from this type of operation would be detrimental to the area.

Sheri Norris – resident; also feels operation would be detrimental to the area.

Lynn Hannum – resident; traffic issues are a big concern.

Tim Jensen – resident; also not in favor of allowing this use in that area.

There was no other public comment. **Commission member Packard moved** to leave the public hearing and return to the public meeting. **Commission member Smith seconded** the motion. The vote was unanimous.

4. ACTION ON PUBLIC HEARING – CONDITIONAL USE PERMIT TO ALLOW FOR CONTRACTOR SHOP – 2151 W. 2550 S. – THURGOOD EXCAVATING: Commission member Packard asked what the zoning of this property currently is. Steve Anderson stated that it had been rezoned to mixed use ZC, allowing C-3 uses.

Ken Bradshaw stated that a contractor shop is a conditional use in a C-3 zone provided all work is conducted within a completely enclosed building.

PAGE THREE
PLANNING MTG. 5-23-07

Commission member Canter stated that when this property was rezoned, the plan tentatively presented allowed for 5 or 6 retail or light commercial lots with some of the businesses possibly having living quarters above the business. Commission member Canter read Ordinance 13-06: "Rezoning property at 2151 W. 2550 S. from A-1 to a mixed use ZC and amending the zoning map."

The ordinance does not state that it allows any C-3 uses.

Commission member Packard moved to deny a conditional use permit as not conforming to the current zoning on that property. **Commission member Carlson** seconded the motion. The vote to deny the request was unanimous.

5. PRELIMINARY SITE PLAN APPROVAL – 2151 W. 2550 S. – THURGOOD EXCAVATING: No action taken.

6. PUBLIC HEARING – REQUEST FOR MULTI-FAMILY RESIDENTIAL, 140 TOWNHOMES – 2200 S. 1100 W. – MIKE SCHULTZ: **Commission member Packard moved** to leave the public meeting and enter into a public hearing. **Commission member Smith** seconded the motion. The vote was unanimous.

Chairman Yates asked the representative for the project to explain what was planned. Mike Bastian stated that the previous developer had received preliminary approval from the city, however, there had been an issue with the secondary water that has now been taken care of. Mike Schultz construction is now purchasing the property and is ready to move forward with the development that will consist of 140 townhomes.

Chairman Yates asked for public comment.

Doug Illum, resident – questioned whether the town homes are going to be owner-occupied. Doesn't West Haven already have enough of this type of housing.

Lynn Hannum, resident – has concerns regarding the increased traffic and the safety of the children living in the nearby apartments. Feels the city has enough of this type of housing.

There was no other public comment.

Commission member Pebley moved to leave the public hearing and return to the public meeting. **Commission member Packard** seconded the motion. The vote to return to the public meeting was unanimous.

7. ACTION ON PUBLIC HEARING – PRELIMINARY SITE PLAN AND SUBDIVISION APPROVAL – MULTI-FAMILY RESIDENTIAL, 2200 S. 1100 W.: Chairman Yates asked Mr. Bastian if the town homes will be owner-occupied. Mr. Bastian stated that the project will be owner-occupied.

Commission member Packard questioned if the city had any way to insure that the apartments would remain owner-occupied and not become rentals.

PAGE FOUR
PLANNING MTG. 5-23-07

City attorney Bradshaw advised the commission that as part of the required CCR's for the development, planning could require some kind of a condition that would not prohibit but put certain limitations on the sale of the townhomes for either a period of time, or limit the number of buyers. These limitations would be enforced through the homeowners association. One of the paragraphs that the city requires to be put into the CCR's is that the city has the right, but not the obligation, to enforce the CCR's if the homeowners association does not enforce them.

Commission member Carlson questioned if the developer was still planning on placing all the street lights at the locations that had been agreed upon with the former developer. Mr. Bastian agreed that the lights would be placed at those locations.

Chairman Yates asked Mr. Bastian if he had been in communication with the property owners on the south and west sides of the development, and if they agreed to the traffic outlet as shown. Mr. Bastian indicated that he had the letters the former developer had acquired from the property owners. Planning asked that Mr. Bastian acquire new letters from property owners.

Planning also requested that the road indicated to be public on the site plan, be made a private road with a dedicated easement for the property owners on the south and west sides.

Commission member Carlson moved to recommend preliminary site plan and subdivision approval for the multi-family residential development with the following stipulations:

- Development is enclosed with privacy fence
- Public road will be made a private road with dedicated easement
- Updated letter from property owners to the south and west of proposed development
- Development will have eight street lights at designated locations previously agreed to with former developer
- The gate will be moved to the roundabout
- Two amendments will be added to the development CCR's; (1) the city will have the right but not the obligation to enforce the development CCR's and (2) limitations on secondary sales are to be negotiated with the developer

Commission member Packard seconded the motion. The vote for approval was unanimous.

8. PRELIMINARY SUBDIVISION APPROVAL – FLAG LOT, 3612 S. 5100 W. – BRANDON WRIGHT:
Chairman Yates asked Mr. Wright to explain his request for a flag lot. Mr. Wright stated that they are requesting a building lot a little over ½ acre on the west end of their property, which is currently 2.2 acres. Entry to the new lot would be off the already existing entry to the current house and not require any additional entrance from 5100 West. They have contacted the utility companies and all utilities are available to them.

Steve Anderson stated that this request is an allowed use per the zoning ordinance.

Commission member Packard moved to recommend preliminary approval for a flag lot at 3612 S. 5100 W. **Commission member Canter seconded** the motion. The vote to approve was unanimous.

PAGE FIVE
PLANNING MTG. 5-23-07

9. PRELIMINARY SUBDIVISION RE-APPROVAL – WOOD STONE SUBDIVISION – ROGER SMITH: Mr. Smith indicated that the only change that has been made since his original preliminary approval is that he has picked up 30' at the rear of the lots 19 and 20 (Burrows' lots) allowing him to eliminate the flag lots.

Commission member Carlson moved to recommend preliminary re-approval of the Wood Stone subdivision. **Commission member Packard seconded** the motion. The vote to approve was unanimous.

10. PRELIMINARY SITE PLAN APPROVAL – BISCHOFF RESTAURANT PAD – 2105 S. 1100 W. – CASEY BISCHOFF: Mr. Bischoff stated that he was approached by the owner of the Mi Rancho restaurant to create a new location for his restaurant. He addressed questions regarding the parking and access in and out of the development.

Commission member Packard moved to table preliminary approval and give conceptual approval. **Commission member Carlson seconded** the motion. The vote to approve was unanimous.

11. CONCEPT SITE PLAN DISCUSSION – COMMERCIAL/RESIDENTIAL DEVELOPMENT, 4000 S. 4700 W. – CASEY BISCHOFF: Mr. Bischoff indicated that he wishes to develop the property into town homes, about 10 units per acre, and commercial properties. The property is zoned C-2.

Planning members discussed the zoning, and the surrounding property, namely residential one-acre lots and indicated to Mr. Bischoff that they did not feel that a commercial/residential development would be a good fit for the area.

12. AMEND ORDINANCE – ORDINANCE NO. 02-2002, PROVIDING THAT LOTS SMALLER THAN ONE ACRE MAY BE RECORDED UNDER CERTAIN CONDITIONS: Steve Anderson – amend the ordinance to allow higher density in exchange for compensation, either monetary or city improvements such as a park, or detention area.

Ken Bradshaw – The city would begin by identifying areas where there is a need for a detention area or trail system for example, and then when a developer approaches the city to develop that identified area, the city would be able to offer some higher density in exchange for some type of compensation, rather than using condemnation procedures.

Planning members each agreed to draft what they think should be written into the ordinance and give to Steve to be put together and presented at the second planning meeting in June.

13. AMEND GENERAL PLAN AND REZONE AREAS CURRENTLY M-2 AND C-2 TO A MIXED USE, ZC ZONING: **Commission member Canter moved** to recommend amending the general plan and rezoning areas currently in the M-2 zone to a Mixed-Use ZC zone, referring to the map with the hash marks that was presented at the public hearing on May 9, 2007; and, to leave the current C-2 zoning that runs along 21st Street on the North side of the road to 1900 West; and, to amend the

PAGE SIX
PLANNING MTG. 5-23-07

corridor that runs on the East side of 1900 West from 21st street north to the river, from a C-3 zone to a C-2 zone, approximately a 1000 ft. corridor. **Commission member Carlson seconded** the motion. The vote was unanimous.

14. AMEND ORDINANCE – STORAGE UNIT REQUIREMENTS: Planning members discussed the need to make some modifications to the storage unit ordinance. No action taken.

15. GENERAL PLAN DISCUSSION – No action taken.

16. CITY COUNCIL REPORT – Commission member Canter reported on the city council meeting held on May 16, 2007.

17. OTHER BUSINESS – There was no other business discussed.

18. ADJOURNMENT – Commission member Smith moved to adjourn at 8:45 p.m.

DATED THE 30TH DAY OF MAY , 2007

Patricia Mikesell
Patricia Mikesell
Deputy City Recorder

Date Approved: _____