

**West Bountiful City
Planning Commission**

June 24, 2014

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on June 20, 2014 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 24, 2014, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Vice Chairman Terry Turner, Alan Malan, Mike Cottle, Laura Charchenko and Corey Sweat (alternate)

MEMBERS/STAFF EXCUSED: Chairman Denis Hopkinson

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

VISITORS: Danny and Bonnie Hopkinson, Gary Jacketta, Josh Mackenzie, Savannah Tesch, Shauri and Chris Kagie.

The Planning Commission Meeting was called to order at 7:30 p.m. by Vice Chairman Turner. Ben White offered a few thoughts.

I. Accept Agenda

Vice Chairman Terry Turner reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Public Hearing at 7:35 pm for the purpose of receiving public comment on a request for a lot at approximately 1287 North 800 West to be removed from the Historic Overlay District.

Ben White introduced the public hearing as noticed. He noted that the property is in the R-1-10 Zone and the property owners have requested a rezone of the property and remove it from the Historic Overlay zone.

ACTION TAKEN:

Laura Charchenko moved to open the public hearing at 7:38 pm for the purpose of receiving public comment on a request for a lot at approximately 1287 North 800 West to be removed from the Historic Overlay District. Alan Malan seconded the motion and voting was unanimous in favor.

Public Comment:

- Shauri Kagie asked if the request was to remove and then put it back on. She is opposed to that request and wants to see citizens treated equally. She would like to keep the feel and aesthetics of the historic district. She stated that it would be unfair to those in the district for someone to pick and choose who is in the district and who is subjected to the historic requirements.
- Daniel Hopkinson stated the property owners would like the small lot removed from the Historic zone. He stated that it is not being unfair; they have designed the house to fit in with the other homes in that area. Adjacent properties are not in the historic zone. The home they are building will be of a historic flavor except the requirement for the 5 foot setback on the garage. He feels it fits in nicely and other properties around do not oppose the request to remove the property from the Historic overlay zone.
- Chris Kagie stated that he believes the boundaries for the Historic Zone run to 1300 North. He added that he knows of others who oppose this removal of property.
- Bonnie Hopkinson noted that the current property owners do not want their property to be subject to the requirements of the historic district and felt that was imposed on them. It is not in their best interest. She said the home they are building will add a very nice feel to the city and is of a historic nature.

ACTION TAKEN:

Corey Sweat moved to close the public hearing at 7:45 pm. Mike Cottle seconded the motion and voting was unanimous in favor.

III. Consider approval of a single lot subdivision for the Hopkinson family at approximately 1287 North 800 West.

Commissioner's packets included a memorandum dated June 18, 2014 from Ben White regarding the Hopkinson's One Lot Subdivision at 1287 North 800 West and a plot plan. The memorandum informed the Commission of the Hopkinson family's desire to subdivide one lot to construct a new home at approximately 1287 North 800 West street. The property is in the R-1-

10 zone located along 800 West. Staff noted their support of the request with the stipulation that curb and gutter be constructed along the frontage of the lot.

Ben White clarified that this is not part of the Public Hearing but for the application of a small lot subdivision. He described the property and stated it meets all requirements for a single lot subdivision. He stated that staff was in support of constructing curb and gutter along the frontage of the property.

- Alan Malan asked what the frontage of the property was. Mr. White responded 170 feet. Mr. Malan noted that City Council asked about the need to have curb, gutter and sidewalk extending the length of the property. Ben White does not see the need for that according to our code. Alan asked about the trees along the park strip and Ben White explained that the desire is to have the park strip be 9 feet on the west side of the street to accommodate the large trees that are presently there instead of the regular 4 feet width. Alan Malan asked if there needed to be a delay agreement in place for the remainder of the property. Ben White will research that for the information of the City Council. Mr. Malan asked about the utilities and if they will be buried. Ben White stated that a proposal has not been made to date. He explained that all new construction services for utilities of new developments will go underground but not for existing services.
- Corey Sweat inquired regarding the utilities that Mr. Malan brought up. Mr. White explained to him that all utilities to the home would be underground; services are already existing above ground.
- Laura Charchenko, Mike Cottle and Mr. Turner were supportive of the application.

ACTION TAKEN:

Corey Sweat moved to approve a single lot subdivision for the Daniel Hopkinson family at approximately 1287 North 800 West with the following condition that curb and gutter will be constructed along the front of the lot. Laura Charchenko moved to second the motion and voting was unanimous in favor.

IV. Consider request to remove the property at approximately 1287 North 800 West from the Historic Overlay District.

Commissioner packets included a memorandum dated June 18, 2014 from Ben White regarding the Hopkinson Rezone Request at 1287 North 800 West, along with the application from Daniel Hopkinson to rezone.

The memorandum included the following information:

- The Historic Overlay District is a zoning subsection to the R-1-10 zone with the regular standard requirements, the properties within this area have to also comply with specific architectural requirements in which the current property owners (Hopkinson's) do not want to conform to and are requesting a .56 acre lot be removed from that District.
- Findings that were both supportive of the property remaining in the Historic District, as well as findings supporting the removal of the property from the District when considering this request.

Ben White introduced the information on the memorandum. He noted that you need a certain amount of property to make a district a district. He pointed out the findings that the property could be in or out of the district with no affect to the value as listed in the memorandum. He noted that new homes will never look like a 100 year old home. He stated that the property owner does not want it there, and that it can be removed from the zone. He also noted that the city rezones entire parcels not individual lots. Opinions vary a lot and are all correct. It is up to the Commission to decide what they want to send to the City Council for recommendation on this application.

- Alan Malan noted that this is a tough decision. He gave some information of why they included this area in the Historic District Overlay Zone. He noted the developers of the Heritage Pointe wanted to be a part of the zone and imposed restrictive covenants for Historic homes. He stated that this developer does not want that. Mr. Malan commented to the historic look of the plans for the Hopkinson home and felt it would provide a good transition from new homes to historic homes. The problem he sees is that it is on 800 West and so he is torn whether or not it should remain a part of the historic district overlay zone. With his mix of feelings, he still rules in favor of the desires of the property owner.
- Laura Charchenko supports keeping the historic feel in the area, but does not feel the property owners should be infringed upon to comply with something they had no decision in. It makes sense to her to end it next to the last Historic home on the street. She supports the rezone application.
- Mike Cottle and Corey Sweat supported Ms. Charchenko's statements ruling in favor of the property owner rights.
- Terry Turner pointed out that it is not just stuck in the middle of historic homes. He feels the design plans maintain continuity of the historic feel. It is on 800 West but it is at the end of the historic district. He is in support of the application.

ACTION TAKEN:

Laura Charchenko moved to make the recommendation to City Council to remove the property at approximately 1287 North 800 West from the Historic Overlay District with the findings that the property is along the very north boundary of the district, therefore no zoning "islands" would be created by granting the zone change request; removal of this property from the Historic District does not detract from the District's intended purpose; the property owner does not want to be in the Historic District, nor construct a home that meets the Historic District design criteria; and the City only included the specific property in the original Historic District zoning boundaries because it was part of a larger land parcel that includes a house with historic character. Corey Sweat seconded the motion and voting was unanimous in favor.

V. Staff Report

- **Cathy Brightwell informed the Commission of the 4th of July events and on the 3rd with the Safety fair, Concert and Fireworks.**

- **Next Planning Commission meeting will be July 8th with a couple of conditional use permits.**

VI. Approval of the June 10, 2014 meeting minutes

ACTION TAKEN:

Alan Malan moved to approve of the minutes dated June 10, 2014 as presented. Corey Sweat seconded the motion and voting was unanimous in favor among those members present.

VII. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8:15 pm.

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The foregoing was approved by the West Bountiful City Planning Commission on July 8, 2014, by unanimous vote of all members present.



 Cathy Brightwell – Acting City Recorder

