

**West Bountiful City
Planning Commission**

December 9, 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 December 5, 2014 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, December 9, 2014, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Terry Turner, Alan Malan, Mike Cottle, and Laura Charchenko. Councilmember Kelly Enquist.

MEMBERS/STAFF EXCUSED: Corey Sweat (Alternate).

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

VISITORS: none

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Alan Malan offered a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as presented. Terry Turner seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Discussion of Density definition clarifications in Title 16 and Title 17

Included in the Commissioner's packets was a memorandum from Ben White, dated November 21, 2014 regarding Density Definition with attachments that stated the current language and the proposed language changes for Title 16 and Title 17 regarding the definition of density.

Mr. White stated the following in his memorandum:

- The meaning of the term “base density” was discussed in the previous Planning Commission Meeting.
- Staff’s opinion that the definition could be clarified to avoid misinterpretation of persons applying the definition.
- Staff brought this to the attention of the City Council at their last meeting. City Council supported the Staff’s recommendation to clarify the definition of base density.

Ben White explained why he felt the need for these proposed changes. He stated that he was recently confused while reviewing some of the language in Title 16 and 17 regarding “density”. He pointed out his ideas regarding what he thought the base density should be defined as. As instructed to do by the Planning Commission, he asked the City Council if they agreed with his idea and they concurred. He is now bringing his suggested changes in language back to the Commission to be discussed and reviewed.

Chairman Hopkinson introduced the agenda item to the Commissioner’s and asked for their recommendation after reviewing the proposed language changes.

Alan Malan was confused on the existing language when it refers to the “net buildable area” and gross buildable area. In his research, buildable area is a legal term. He does not want us to have a different definition than what is known in the legal realm. Mr. Malan would like to use a different language including “buildable lot”. He would like to discuss if we include or exclude the park area in a PUD.

Some discussion took place. Ben White pointed out that he is referring to raw land and not any other area that is self imposed by man. The benefited area generally would not be included in the raw area, but it could be. Mr. White feels the language include/excluded should remain in the document.

Some discussion took place on the net density vs. base density. Mr. White responded that they are one in the same. We no longer have the term gross or net density in our code. It is all considered as base density.

Chairman Hopkinson noted that in the past PUD’s were measured in gross and net density. He stated that after all the infrastructure is put in you still have the net density left.

Mr. Malan feels that this new proposed language is very confusing.

Laura Charchenko feels that the new proposed language is very clear and makes more sense than the existing language. She had it reviewed by an engineer and he was very favorable toward the changes.

Terry Turner stated that it would be good to have some illustrations for the benefit of citizen’s understanding. He pointed out that it makes sense to those that deal with this on a regular basis, but may not make sense to the average citizen.

Chairman Hopkinson felt that it was important to have various examples as well to show the differences in zoning.

Mr. White responded that there is an area in the code to include illustrations and this could certainly be included in that area.

Mike Cottle likes the way it is written. He suggested adding the language “real estate” to the net buildable” area definition. Mr. Cottle liked the idea of including illustrations.

Denis Hopkinson reported that there has always been a debate on the language and understanding of net and gross. He explained the differences in generational understanding of those terms. He would like to hold a discussion regarding those two terms in our language. Chairman Hopkinson would like the definition to not include the “old school” definitions but provide clear terms that are understandable in this day. He would like the infrastructure listed that will be taken out of the buildable area. He feels the definitions need to include the starting place of the whole area less the area that needs to be subtracted. It is not a gross or net thing, “buildable area” equals the area taken from the lot.

Some discussion took place regarding keeping the word “density” in the language.

Chairman Hopkinson would like “imposed features” to be removed from the list of area that prevents building. He feels that this gives developers a loop hole. Some discussion took place regarding that language. Regarding “such features shall be excluded” he feels that definitions need to be included to cover this area.

Alan Malan asked for further discussion regarding what is excluded from the buildable area.

ACTION ITEM:

Chairman Hopkinson requested that Staff include the comments and suggestions from the Commissioner’s this evening and bring it back for further review. Ben White will send out a draft via email when those items have been incorporated since we may not be having our December 23rd meeting.

III. Land Use case review- Ben White

Ben White introduced a case from Washington Terrace which had an R-4 zone that allowed apartments. Property owner puts his property up for sale to build apartments. He was informed that they may be changing the areas zoning. Public Hearings were held, recommendations to City Council to change the zoning. Developer had property designed and then was informed that the zoning had been changed. When a Public Hearing is held that is a satisfactory notice to everyone (including developers that have inquired about application). In this case, the developer had not paid fees or submitted the application before the zoning change. He was not entitled to have the zoning grandfathered in his favor.

Mr. White referred to the case we had regarding the Tobacco Store application earlier this year. Buying property is not a substantial enough improvement to allow the applicant to override the zoning change. When an applicant pays fees and has a complete application he is entitled to having the land use that was in place at that date.

IV. Staff Report

- Centerville West development meeting is scheduled for December 10th at 7:00.
- It was decided that the December 23rd meeting will be cancelled unless something important develops between now and then.

V. Approval of Minutes of for November 25, 2014

ACTION TAKEN:

Alan Malan moved to approve of the minutes dated as presented. Mike Cottle seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:

Mike Cottle moved to adjourn the regular session of the Planning Commission meeting at 8:25 pm. Terry Turner seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on January 13, 2015, by unanimous vote of all members present.


Cathy Brightwell - City Recorder

