THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS REGULARLY SCHEDULED MEETING ON TUESDAY, JANUARY 27, 2015 AT 7:30 PM AT THE CITY OFFICES AT 550 NORTH 800 WEST

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Public Hearing to Receive Comments Regarding Proposed Changes to Title 17, Clarifying Definitions Related to Density in Planned Unit Developments.
4. Consider Clarifications in Title 17 Related to Definitions of Density in PUDs.
5. Discuss Proposed Language Changes in Title 17 to Address Modifications to Nonconforming Structures.
6. Staff Report.
7. Consider Approval of January 13, 2015 meeting minutes.
8. Adjournment

Individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and the City’s website on January 23, 2015.
The West Bountiful Planning Commission will hold a public hearing on Tuesday, January 27, 2015 at 7:35 p.m. at the City offices, at 550 N 800 West.

The purpose of the hearing is to receive public comment regarding proposed changes to Title 17, clarifying definitions related to Density in Planned Unit Developments.

All interested parties are invited to attend. Written comments may be submitted prior to the meeting.

Cathy Brightwell
City Recorder
MEMORANDUM

TO: Planning Commission

DATE: January 23, 2015

FROM: Cathy Brightwell

RE: Conditional Use Application – Steve Croft Service Co., 2232 N 640 West

Staff received a request for a conditional use permit on January 20, 2015, from Steve Croft to open an HVAC repair and maintenance business, focusing on gas fireplaces. His business will be located at 2232 N 640 West, which is in the Commercial Neighborhood District. Mr. Croft indicates he will typically be doing his work in the field. He does plan to have a standby generator display in his office but customers will come by appointment only. The attached site plan shows parking spaces in front of his business with access from 640 West.

This business falls under Contractor: general, electrical, mechanical and plumbing, which is listed as a conditional use in the Commercial Neighborhood (C-N) zone, Section 17.28.020, and must be approved by the planning commission. Staff has reviewed the application, and believes this request satisfies the requirements of Chapter 17.60, Conditional Uses, and recommends approval of the Conditional Use Permit subject to the affirmative findings and recommended conditions listed below.

Affirmative Findings:

1. The proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity;
3. The proposed use shall not inordinately impact schools, utilities, and streets in the area;
4. The proposed use will provide for proper parking and traffic circulation and be in harmony with the area; and
5. The proposed use will comply with the regulations specified in the C-N zoning ordinance.

Recommended Conditions:

1. Fire Inspection approval.
2. No outdoor storage will be allowed

Once the conditional use permit is issued, the applicant can purchase a West Bountiful Commercial Business license.
COMMERCIAL
BUSINESS LICENSE
APPLICATION

Please allow 10-14 business days for processing

Type of License Requested:  
☐ New  ☐ Renewal

Business Information:

Business Name:  
Steve Craft Service Co

Business Name (DBA):  
Steve Craft

Business Address:  
2232 No. 640 West, UT 84087

Mailing Address (if different):  
P.O. Box 1143 130 West, UT 84011

State License No:  
740125-550 | State Tax ID:  
529198957 | FEIN:

Specific Description of Business to be conducted:  
HVAC
Repair & Maintenance / Gas Fires / AC/ Heating

Applicant Information:

Applicant’s Name: First:  
Steve  Middle:  
Middle:  
Last:  
Craft

Owner Name: First:  
Steve  Middle:  
Middle:  
Last:  
Craft

General Manager: First:  
Steve  Middle:  
Middle:  
Last:  
Craft

Emergency Contact(s):  
Bill Craft  Phone: 801-309-9999

***PLEASE APPLY FOR AN ALARM PERMIT IF YOU HAVE AN ALARM SYSTEM AT YOUR BUSINESS LOCATION***

I hereby make application for the issuance of a business license from West Bountiful City in accordance with the provisions of West Bountiful Municipal Code, Title 5. I certify that the above information is true and correct to the best of my knowledge. I understand that additional permitting may be required in order to comply with zoning requirements.

Date:  
01-13-2015

Sign Here:  
[Signature]
Applicant

License Fees:

Annual License Fee

Number of Full Time Employees  
X  
$5.00 per employee  
$50.00

Number of Part Time Employees  
X  
$2.50 per employee

Other Applicable Fees (Beer License, Amusement Device, Conditional Use)

TOTAL DUE

FOR OFFICIAL USE ONLY

Application Received Date:  
01-13-15

Health Department Approval Date:  
NA

Conditional Use Required?

Fire Marshall Approval Date:  

Revised February 2012
TO: Planning Commission
DATE: January 23, 2015
FROM: Staff
RE: Density Definition

The attached draft language clarifying density in Title 17 incorporates the changes that were discussed in the January 13 Planning Commission meeting, and is up for approval and recommendation to City Council.
DENSITY DISCUSSION (Clean version):

17.04.030 Definitions.

"Buildable area" means the portion of a lot remaining after excluding wetlands, streams, drainage conveyance facilities, easements, setbacks, and required yards.

"Density" is a measure of the number of lots per acre of area. It shall be expressed as lots per acre (lots/acre). The permitted density is calculated by dividing the total number of lots meeting the minimum requirements for the zone by the total area of land.

"Lot" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"Lot area" means the area contained within the property lines of the individual parcels of land as shown on a subdivision plat or required by this title, excluding any area within an existing street right-of-way, or any area required as open space under this title, and including the area of any easements.

"Wetlands" means areas known as marshes, swamps or wetlands, including areas where standing water is retained for a portion of the year and unique vegetation has adapted to the area, or those areas specifically so designed by the Army Corps of Engineers.

"Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. "Front yard" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building. (Note: On a corner lot there are two front yards.)

Yard, Rear. "Rear yard" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "Side yard" means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building. (Note: Corner lots do not have two side yards.)

Chapter 17.68 Planned Unit Development (PUD)

17.68.040 Base Density.

The base density for each Planned Unit Development is the density that would be permitted in the zone in which the proposed development is located if the development were completed as a regular subdivision under Title 16 with each lot containing a minimum buildable area of thirty by fifty (30 X 50) square feet ("Base
Density”). The minimum lot size allowed for the purpose of determining the Base Density of a proposed Planned Unit Development in each residential zone of the City is as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Lot Size Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-U</td>
<td>1 acre</td>
</tr>
<tr>
<td>A-1</td>
<td>1</td>
</tr>
<tr>
<td>R-1-22</td>
<td>0.5 acre</td>
</tr>
<tr>
<td>R-1-10</td>
<td>0.2296 acre (10,000 square feet)</td>
</tr>
</tbody>
</table>

An applicant may present a flexible project layout for consideration by the City based on the Base Density described above. An applicant may also be eligible for a density bonus as described in Section 17.68.110.

**17.68.110 Density Bonus Calculation.**

An applicant for a Planned Unit Development may be eligible for a density bonus based on amenities provided in the project. Density in excess of the Base Density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed thirty-five (35) percent above the Base Density.

**17.68.120 Amenity Density Bonus.**

The Planning Commission may recommend a density bonus for project amenities within a Planned Unit Development, which will be an increase over the Base Density of the applicable zoning district. Amenities for a particular project may vary from those of another project because of project type and market for which the project is being built. Types of amenities may include, but are not limited to, substantial landscaping; public tennis courts; trails; equestrian facilities; recreation facilities, areas and parks; permanent open space; common useable agricultural or farming open spaces; or other similar features. The City shall consider the total project and the proposed amenities, and determine the amount of density bonus, if any, a project may receive. When figuring total project density, the number of lots will always be rounded down to the nearest lot.

A density bonus shall always be at the option of the Planning Commission. If the Commission determines that a density bonus is not appropriate in a certain area, the bonus will not be given. Additionally, the Commission may limit the number of additional lots allowed in a certain project. In no case shall an amenity density bonus result in an increase of more than thirty-five (35) percent above the Base Density.
DENSITY DISCUSSION (Redline):

17.04.030 Definitions.

"Buildable area" means the portion of a lot remaining after excluding wetlands, streams, drainage conveyance facilities, easements, setbacks, and required yards have been provided, except that land with an average slope exceeding fifteen (15) percent shall not be considered geotechnically buildable unless it is approved by conditional use permit.

"Density" is a measure of the number of lots dwelling units per acre of area. It shall be expressed as lots dwelling units per acre (lotsDU/acre).

(a) Density, Gross. This is the maximum density that may be permitted in any zoning district.

(b) Density, Net. This is the maximum permitted density permitted on the buildable portion of the site and is calculated by dividing the total number of lots dwelling units meeting the minimum requirements for the zone by the total area of land by the net buildable site area. This density controls actual site capacity.

"Lot" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"Lot area" means the area contained within the property lines of the individual parcels of land as shown on a subdivision plat or required by this title, excluding any area within an existing street right-of-way, or any area required as open space under this title, and including the area of any easements.

Lot Area per Dwelling Unit, Average. "Average lot area per dwelling unit" means the average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average, provided that the average size is maintained and that all other standards of this title are met.

"Wetlands" means areas known as marshes, swamps or wetlands, including areas greater than one-quarter acre where standing water is retained for a portion of the year and unique vegetation has adapted to the area, or those areas specifically so designed by the Army Corps of Engineers.

"Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. "Front yard" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building. (Note: On a corner lot there are two front yards.)

Yard, Rear. "Rear yard" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "Side yard" means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be
the minimum distance between the side lot line and the side line of the building. (Note: Corner lots do not have two side yards.)

Chapter 17.68  Planned Unit Development (PUD)

17.68.040  Base Density.

The base density for each Planned Unit Development is the density that would be permitted in the zone in which the proposed development is located if the development were completed as a regular subdivision under Title 16 with each lot containing a minimum buildable area of thirty by fifty (30 X 50) square feet calculated by multiplying the units per acre allowed in the zone in which the proposed development is located by the total number of acres in the proposed project (the “Base Density”). The minimum lot size allowed for the purpose of determining the Base Density of a proposed Planned Unit Development in each residential zone of West Bountiful City is as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Units Per Acre</th>
<th>Minimum Lot Size Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-U</td>
<td>1 acre</td>
<td></td>
</tr>
<tr>
<td>A-1</td>
<td>1 (net acreage)</td>
<td></td>
</tr>
<tr>
<td>R-1-22</td>
<td>0.5 acre2 (one unit per one-half acre) (net acreage)</td>
<td></td>
</tr>
<tr>
<td>R-1-10</td>
<td>0.2296 acre 4.356 (one unit per 10,000 square feet) (net acreage)</td>
<td></td>
</tr>
</tbody>
</table>

An applicant may present a flexible project layout for consideration by the City based on the Base Density described above. An applicant may also be eligible for a density bonus as described in Section 17.68.110.

17.68.110 Density Bonus Calculation.

An applicant for a Planned Unit Development may be eligible for a density bonus based on amenities provided in the project. Density in excess of the Base Density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed thirty-five (35) percent above the Base Density. The maximum allowed density in each zone is indicated in the table below.

<table>
<thead>
<tr>
<th>Zone (Units Per Acre) with 35% Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 1 (net)</td>
</tr>
<tr>
<td>R-1-22 2 (net)</td>
</tr>
<tr>
<td>R-1-10 4.356 (net)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>Base Density</th>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>1 (net)</td>
<td>1.35 (net)</td>
</tr>
<tr>
<td>R-1-22</td>
<td>2 (net)</td>
<td>2.70 (net)</td>
</tr>
<tr>
<td>R-1-10</td>
<td>4.356 (net)</td>
<td>5.88 (net)</td>
</tr>
</tbody>
</table>
17.68.120 Amenity Density Bonus.

The Planning Commission may recommend a density bonus for project amenities within a Planned Unit Development, which will be an increase over the Base Density of the applicable zoning district. Amenities for a particular project may vary from those of another project because of project type and market for which the project is being built. Types of amenities may include, but are not limited to, substantial landscaping; public tennis courts; trails; equestrian facilities; recreation facilities, areas and parks; permanent open space; common useable agricultural or farming open spaces; or other similar features. The City shall consider the total project and the proposed amenities, and determine the amount of density bonus, if any, a project may receive. When figuring total project density, the number of lots dwelling units will always be rounded down to the nearest lots dwelling unit.

A density bonus shall always be at the option of the Planning Commission. If the Commission determines that a density bonus is not appropriate in a certain area, the bonus will not be given. Additionally, the Commission may limit the number of additional lots units allowed in a certain project. In no case shall an amenity density bonus result in an increase of more than thirty-five (35) percent above the Base Density.
MEMORANDUM

TO: Planning Commission
DATE: January 23, 2015
FROM: Cathy Brightwell, Ben White
RE: Nonconforming structures

Clint and Christy Straatman requested a variance for property they own at 688 W 400 North. A variance is “a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that [the applicant] owns.” Utah Code Ann. § 10-9a-702(1). Specifically, the Straatmans desire to build an addition to their 125-year old home that would encroach one foot into the required side yard. The existing house is 5’6” from the west side property line; the proposed addition at the rear of the house would be nine feet (instead of the minimum of ten feet) from the property line.

City Council considered the request at its January 20 meeting and while they were sympathetic to the situation, decided the Straatman’s did not meet the stringent criteria for a Variance. They discussed making a change to our Nonconforming Ordinance that would allow these and similar requests if certain criteria is met, and have asked the Planning Commission to consider the issue and come back to them with a recommendation in a timely fashion.

Steve Doxey drafted, for your review and discussion, the attached language incorporating the ideas discussed by Council. We have also attached the list of Variance criteria and an overhead picture of the Straatman’s proposal.
17.56.030 Additions, enlargements and moving.

A. A building or structure occupied by a nonconforming use and/or a building or structure noncomplying as to height, area or yard requirements regulations shall not be added to or enlarged in any manner, or moved to another location on the lot, except upon issuance of a permit as provided by subsection (B)(1) of this section.

B. The planning commission, after public hearing, may issue a permit authorizing a building or structure occupied by a nonconforming use or a building or structure noncomplying as to height, area or yard regulations to be added to, or enlarged, or moved to a new location on the lot upon a permit authorized by the planning commission, which may issue, provided that if the commission, after public hearing, shall find:

1. That the addition or enlargement of or moving of the building will not be in harmony with one or more of the purposes of this title or the policies expressed in the city's general plan;

2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure nor does it violate the development policies adopted in the master plan of the city. (Prior code § 9-16-3) That the proposed change will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity of the nonconforming use or noncomplying structure; and

3. In the case of an addition to or enlargement of a building or structure noncomplying as to yard regulations, the magnitude of any nonconformity of the addition or enlargement with the yard regulations will be less than one-half of the nonconformity of the noncomplying structure. (For example, if the noncomplying structure is located six feet within the applicable yard, the addition or enlargement may be located no more than three feet within the same yard.)

C. The planning commission may attach conditions, such as landscape or buffering requirements, to any permit authorized under this section in order to mitigate the detrimental effects of the proposed change or otherwise achieve the purposes of this title.
17.56.030 Additions, enlargements and moving.

A. A building or structure occupied by a nonconforming use or a building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner, or moved to another location on the lot, except upon issuance of a permit as provided in subsection (B) of this section.

B. The planning commission, after public hearing, may issue a permit authorizing a building or structure occupied by a nonconforming use or a building or structure noncomplying as to height, area or yard regulations to be added to, enlarged, or moved to a new location on the lot if the commission finds:

1. That the proposed change will not be inconsistent with the purposes of this title or the policies expressed in the city's general plan;

2. That the proposed change will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity of the nonconforming use or noncomplying structure; and

3. In the case of an addition to or enlargement of a building or structure noncomplying as to yard regulations, the magnitude of any nonconformity of the addition or enlargement with the yard regulations will be less than one-half of the nonconformity of the noncomplying structure. (For example, if the noncomplying structure is located six feet within the applicable yard, the addition or enlargement may be located no more than three feet within the same yard.)

C. The planning commission may attach conditions, such as landscape or buffering requirements, to any permit authorized under this section in order to mitigate the detrimental effects of the proposed change or otherwise achieve the purposes of this title.
Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 13, 2015, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Mike Cottle, and Corey Sweat (Alternate). Councilmember Kelly Enquist.

MEMBERS/STAFF EXCUSED: Laura Charchenko and Terry Turner.

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

VISITORS:

The Planning Commission Meeting was called to order at 7:35 p.m. by Chairman Hopkinson. Mike Cottle gave a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Alan Malan moved to accept the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Discussion of Density definition clarifications in Title 17

Included in the Commissioner’s packets was a memorandum from Ben White, dated January 9, 2015 regarding Density Definitions with a new redlined draft attached that states the desired changes discussed in the last Planning and Zoning meeting. The memorandum notes that the
draft is different than the previous version that was emailed out to them. This draft includes
comments from legal counsel. The Commissioners also received a clean version of the draft in
order to see it as it would be forwarded to the City Council for review.

Chairman Hopkinson reviewed the memo and draft included in the Commissioner’s packet. Ben
White appreciated the comments given at the last planning meeting stating it helped him to come
up with the proposed draft that is before them today. He feels that the draft before them is a
good one and meets the needs of this issue. He pointed out that the proposed 1000 square feet is
arbitrary but has put value to each lot.

Having missed the December 9th meeting, Corey Sweat read the minutes and feels like the
document presented tonight is clean, well written and easy to read. He really appreciates and
likes this version of the document.

Alan Malan said that in 17.04.030 Definitions he would include the additional language,
“setback” after easements. He also suggested that on page 2, 17.68.040, “each lot containing a
minimum of 1000 square feet of buildable area, be changed to read, containing a minimum of
30’ X 30’.

Mike Cottle liked the changes.

Chairman Hopkinson commented what a great job Ben has done. He suggested that the size of
the footprint be a minimum of what is in a R-1-10 zone and would like to see it increased to 30’
X 50’.

Corey Sweat agreed it was better to have a bigger size and liked the 30’ X 50” suggestion.

**ACTION ITEM:**

All were pleased with the document as it was modified. Chairman Hopkinson recommended that
staff bring back a final draft for review at the next meeting and then to move forward to Council
for final approval.

**III. Land Use case review- Ben White**

Ben White introduced a case from Salt Lake City. Man purchase property to convert into a
boarding house. He had not applied for a permit. City comes and shuts him down. Language in
their ordinance created some misunderstandings that created some appeals and disgruntled
neighbors feeling he was not in compliance with the city ordinance. Mr. White’s point in
sharing this case was that when we put language into a document it is important what language
we put in and what language we leave out.

**IV. Staff Report**

- Ben White informed the Commission that Wendell Wild will be bringing a proposal to
  subdivide his property in the near future. A copy of the proposed site plan for the
Wendell Wild subdivision was included in the Commissioner’s packet and consists of 8 quarter acre lots on the rear portion of his property.

- Cathy Brightwell informed the Commission that they will have a conditional use permit at the next scheduled meeting. The first meeting in February may be canceled for a Council Retreat.

V. Approval of Minutes for December 9, 2014

ACTION TAKEN:
Corey Sweat moved to approve of the minutes dated December 9, 2014 as corrected. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:
Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:12 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on January 27, 2015, by unanimous vote of all members present.

_______________________________
Cathy Brightwell - City Recorder