

**West Bountiful City
Planning Commission**

March 24, 2015

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 March 23, 2015 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, March 24, 2015, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Vice Chairman Terry Turner, Alan Malan, Laura Charchenko, Mike Cottle and Corey Sweat (Alternate). Councilmember Kelly Enquist

MEMBERS EXCUSED: Chairman Denis Hopkinson

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

VISITORS: Wendell Wild

The Planning Commission Meeting was called to order at 7:30 p.m. by Vice Chairman Turner. Mike Cottle gave a prayer.

I. Accept Agenda.

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

Business Discussed:

II. Consider Conditional Use Application for Flag Lots in Stringham Farm Subdivision

This item was tabled from the previously scheduled Planning Commission meeting in order to gather more information, study out the pros/cons regarding flag lots and the impact they may have in this area, and to possibly meet with the City Council for a work session. The City Council declined having a work meeting with the Planning Commission as was suggested at the last meeting.

Included in the Commissioner packets was a memorandum dated March 19, 2015 from Ben White regarding Flag Conditional Use Permit for Stringham Subdivision, a letter dated March 19, 2015 from Wendell and Mary Wild with a plot plan.

The memorandum from Ben White stated that the Planning Commission tabled this item to have time to deliberate the reasonably anticipated detrimental effects of the proposed flag lots in this development.

Staff provided a list of potential detrimental effects of the flag lots as previously discussed and drafted a list of mitigating factors that may help with the negative effects of flag lots.

Vice Chairman Turner opened the floor to discussion. Commissioners reviewed each of the following items and their conclusion to fixing the detrimental effects after discussion were as follows:

Detrimental Effect 1: Difficult for persons/emergency responders to locate the house when it is not visible from or located on a public street.

Solution: Display contrasting colored material and illuminated address numbers on durable material in a prominent permanent location next to the staff driveway to help emergency responders locate the property.

Detrimental Effect 2: Flag lot staffs are located in a 90 degree street corner. The driveways will be approximately the same width as the road and resemble a street extension creating a safety issue for vehicle drivers on 750 West and persons on the private property.

Solution: Driveway must be made from a material other than black asphalt so it can be distinguished from the public street, preferably a light colored concrete.

Detrimental Effect 3: Flag lots require a dedicated fire access road.

Solution: Access to the flag lots for emergency vehicles and equipment must be maintained, subject to applicable fire code regulations, including a minimum of a twenty foot wide fire access. Other fire department requirements may be required as a condition of a building permit approval.

Planning Commission decided to delete detrimental effect #3 and blend it with detrimental effect #4 in order to resolve the suggested negative issue requiring a dedicated fire access road.

Detrimental Effect 4: Flag lots do not have parking along the property frontage. Visitor may be reluctant to park on private property where parking is not visible from the public street.

Solution: The staff driveway to the flag lot must be maintained as a dedicated access for emergency vehicles/equipment, and pavement will be at least twenty-six (26) wide for parking and/or other conditions imposed by the Fire Department.

Detrimental Effect 5: Flag lots share common driveway so the entire fire lane would be required with the construction of the first house which places the entire financial burden for the access on to one property owner.

Solution: A full width of the driveway/staff must be constructed at the same time as the street and other public improvements for the entire length of the flag lot staff.

Detrimental Effect 6: Storm drain design for the subdivision has a proposed public storm drain pipe to be laid directly under the flag lot driveway/staff with a storm drain clean out box located at the opposite (north) end of the flag lot. This requires the public works department to access the storm drain box across private property with heavy equipment.

Solution: An 8 inch thick concrete driveway over 8 inch thick compacted base course is required to prevent public work vehicles from damaging the private driveway. The access must be extended to within five feet of the storm drain box. Or a pavement design done by a geo technical engineer design the load and follow their recommendations.

Detrimental Effect 7: The flag lots will make it difficult for storm water to drain away from the properties.

Solution: A single catch basin located in the northwest corner of Lot 3 must be installed. A detailed grading and drainage design for each flag lot will be required as part of the building permit application. Upon review by city staff, additional drainage measures may be required.

Detrimental Effect 8: Flag lots have a greater impact on neighboring property's privacy than lots fronting on public streets.

Solution: The front and rear yard orientations are to be identified on the plat to reflect the orientation of the majority of the neighboring properties. The front and rear yards on the flag lots will be along the east and west property lines.

Detrimental Effect 9: Flag lot driveways can create a negative impact on neighboring properties including noise, light, privacy and safety.

Solution: A non-transparent fence must be maintained along the outside edges of the flag staff access driveway. The fence must be six feet in height, except that the first thirty (30) linear feet from the subdivision roadway must comply with the front yard fencing requirements for the R-1-10 zone. Lighting will be provided and maintained along the fences. Fences must be installed with the installation of public improvements.

Following discussion, the consensus was to eliminate the requirements (1) to include lighting along the fence, and (2) to install fencing the first thirty (30) feet from the roadway.

Detrimental Effect 10: When two flag lots are proposed with adjacent flag staff, it leads to neighbor disputes. As stated earlier, lighting will not be required.

Solution: Shared access of the staff driveway is permitted but both flag lots will be subject to a recorded cross-access and maintenance agreement in a form acceptable to the City.

Detrimental Effect 11: Water meters are not to be located in paved areas, there must be sufficient room along the flag lot frontage for water and other utility services.

Solution: Each flag lot staff must contain a minimum of five (5) feet of landscaping area to accommodate utility services, space for garbage cans in the street and flared drive approaches.

ACTION TAKEN:

Corey Sweat moved to approve the Conditional Use Application for Flag Lots in Stringham Farm Subdivision with the following conditions:

1. *Display contrasting and illuminated address numbers mounted on a durable material in a prominent and permanent location next to the staff driveway to help emergency responders locate the property.*
2. *Staff driveway must be made from a material other than black asphalt so it can be distinguished from the public street, preferably a light colored concrete.*
3. *Flag lots require a dedicated fire access road. The staff driveway will be at least twenty-six (26) feet wide to allow for parking along the staff driveway.*
4. *A full width of the driveway/staff must be constructed at the same time as the street and other public improvements for the entire length of the flag lot staff.*
5. *An eight (8) inch thick concrete driveway over eight (8) inch thick compacted base course is required to prevent public works vehicles and emergency responders from damaging the private staff driveway. This access must be extended to within five (5) feet of the storm drain box located on Lot 9. In lieu of the 8" thick concrete, a pavement design prepared by a licensed geotechnical engineer and approved by city would be acceptable.*
6. *A single catch basin located in the northwest corner of Lot 3 must be installed. A detailed grading and drainage design for each flag lot will be required as part of the building permit application. Upon review by city staff, additional drainage measures may be required.*
7. *The front and rear yard orientations are to be identified on the plat to reflect the orientation of the majority of the neighboring properties. The front and rear yards on the flag lots will be along the east and west property lines.*
8. *A non-transparent fence must be maintained along the outside edges of the flag staff driveway beyond thirty feet from the public street. The fence must be six feet in height, except fencing within the first thirty (30) linear feet from the subdivision roadway must comply with the front yard fencing requirements for the R-1-10 zone.*
9. *Shared access of the staff driveway is permitted for lots four (4) and five (5) but both flag lots will be subject to a recorded cross-access and maintenance agreement in a form acceptable to the City.*
10. *Each flag lot staff must contain a minimum of five (5) feet of landscaped area to accommodate utility services, space for garbage containers and flared drive approaches*

Subject to the foregoing conditions, the proposed flag lots 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 and the foregoing conditions will mitigate the reasonably anticipated detrimental effects of the flag lots and accomplish the purposes of the City's land use ordinance.

Laura Charchenko seconded the motion and voting was by Roll Call and the motion passes by a 4 to 1 vote.

Corey Sweat – Aye

Laura Charchenko- Aye

Alan Malan- Nay

Terry Turner – Aye

Mike Cottle- Aye

III. Consider Final Plat Approval for Stringham Subdivision

Commissioner's packet included a memorandum dated March 30, 2015 (date error) from Ben White regarding Stringham Farm Subdivision Final Plat. The memorandum described the subdivision located in the R-1-10 zone and listed 8 conditions that should be included in the motion should the Planning Commission decides to grant final plat approval. In addition, it was staff's request that each of the conditions be included in the plat records.

Ben White reviewed each of the items listed in his memorandum with the Commissioners. Some discussion took place on each item.

Wendell Wild had concern with the mid-block walkway. If required, he was in favor of the 5-6 foot wide path and felt the 10 foot path would encourage ATV use. He was concerned with who would be responsible to maintain the pathway as well as who would be responsible to construct it. He was also concerned with the liability and who it would fall upon, and the extra expense it would create for him. He felt like the traffic it would create along the homeowners properties may be a deterrent to those considering purchasing the property.

Some discussion took place regarding Mr. Wild's concerns.

ACTION TAKEN:

Laura Charchenko moved to approve the Final Plat Approval for Stringham Farm Subdivision with the following conditions:

- The seven traditional lots conform to the zoning lot area and width requirements. The two flag lots are addressed by conditional use and the Conditional Use Permit must be approved prior to subdivision approval and all conditions which would affect future property owners be noted on the plat.

- Easements must be identified on the plat. Storm drain from the street must drain through the flag lots, along the west boundary of lot 9 discharging into the existing ditch along 1000 North Street and that trees be restricted from being planted in the easement and existing trees be

removed and that this be recorded as a tree free zone on the plat. Access to the storm drain manhole on the north side of Lot 5 and 9 lot line must be maintained.

- That the buildable areas on at least lots 4, 5, and 6 be shown and identify the permissible house orientations.

- A 6 foot mid-block walkway be placed on the easement of Lot 6 and 7 if access is granted by the Corporation of the President in which the cost of such would be upon the developer within a year. After one year the cost would be the city's burden to bear.

- The suggested changes by the city engineer to the construction drawings, material specifications, depths and slopes of pipes be resolved.

- Final design approval be obtained by Weber Basin.

- Additional fees owed be paid and bond and development agreements be executed prior to plat recordation.

- Street light must be constructed on the street corner of lot two (2).

Alan Malan seconded the motion and after some discussion regarding the pathway, a friendly amendment was made by Corey Sweat to allow a one year limitation for the City to vacate the public easement if a decision is not made regarding the pathway. Alan Malan accepted the friendly amendment and a roll call vote was taken passing unanimously.

Corey Sweat – Aye

Laura Charchenko- Aye

Alan Malan- Aye

Terry Turner – Aye

Mike Cottle- Aye

IV. Staff Report

- Denis Hopkinson texted Cathy in regards to not attending tonight's meeting via phone as he was not in cell range.
- Next meeting may be cancelled if there is no public business in order to hold a City Council budget work session.
- 400 North construction will begin towards the end of April and will be longer than the original 90 days; the bridge will be built on site. There is a plan to build some turn lanes on 4th North and 5th West during the 400 North closure.
- Ben White shared that the Shopko area is under contract. Their parking is not within our current code for a business their size and that has held things up a bit. He stated that we may need to review our parking code because it is quite outdated.

V. Approval of Minutes for March 10, 2015

ACTION TAKEN:

Corey Sweat moved to approve of the minutes dated March 10, 2015 with changes. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:35 pm. Alan Malan seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on April 28, 2015, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell - City Recorder

