

**West Bountiful City
Planning Commission**

August 25, 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 August 21, 2015 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, August 25, 2015, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Laura Charchenko, Mike Cottle, Corey Sweat, and Councilmember Kelly Enquist

MEMBERS EXCUSED: Vice Chairman Terry Turner

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

VISITORS: Jessica Pitt, Kyle Honeycutt, Liz Moore, Bev Haslam, Brad Frost, Gary Jacketta.

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

I. Accept Agenda.

Chairman Hopkinson reviewed the agenda. Corey Sweat moved to accept the agenda tabling Item #3. Alan Malan seconded the motion and voting was unanimous in favor.

Business Discussed:

II. Consider Conditional Use Permit for Jessi's Garden Preschool at 731 N 1100 W.

Commissioner's packets included a memorandum dated August 20, 2015 from Cathy Brightwell regarding an application for a Conditional Use Permit for a Preschool at 731 N. 1100 W. from Jessica Pitt/Jessi's Garden Preschool, the Conditional Use Permit Application, application for a Home Occupation Business License, a letter from the Utah Department of Health exempting her

from needing a license, and signatures from 24 surrounding neighbors with no objections to her business and a site plan for her pre-school business.

The memorandum included the following information:

- Jessica Pitt has filed a Conditional Use Permit application and a Home Occupation Business License application to open a preschool in her home.
- Business will be active from approximately 9 am until noon during the weekdays. There will be a maximum of 8 children enrolled on any given day.
- Pre-school will be held in her basement and the main floor living area will not be used. Owner will be the only teacher, but may have parent volunteers from time to time.
- Ms. Pitt will have children wait behind her front fence and personally take each child safely to their vehicle.
- Staff believes this business request meets all requirements for West Bountiful municipal Code, Chapter 5.28 Home Occupation and Chapter 17.60 Conditional Uses and recommends its approval.
- A list of affirmative findings and recommended conditions was also included in the memorandum.

Cathy Brightwell introduced the owner of Jessie's Garden Preschool and stated that she would like to begin doing business on September 7, 2015. Further, she reviewed the application and information in the staff's memorandum.

Chairman Hopkinson asked the Commissioners for their comments or concerns.

Commissioner's Comments:

Alan Malan asked how big the pond is in her yard that is not fenced. Ms. Pitt responded that the 4 to 5 year olds will only be allowed outside on Friday's to explore nature. Parents are given the option to have their children wear life jackets. Mr. Malan inquired about fencing and Mrs. Pitt answered that the yard is big and is not totally enclosed with fencing.

Laura Charchenko was concerned about parking and delivery of children. Parents will be asked to pick up children in front of the home. Mrs. Pitt will walk each child to their car and parents will not get out of the car to retrieve/and or deliver the child.

Mike Cottle asked if there would be any help for her on Friday's by the pond. Mrs. Pitt answered in the affirmative; she will have parent volunteers help out on those days.

ACTION TAKEN:

Laura Charchenko moved to approve the conditional use permit for Jessica Pitt/Jessi's Garden Preschool located at 731 North 1100 West with affirmative findings that the proposed use is desirable to provide service that will contribute to the general well-being of

the neighborhood and community; will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity; shall not inordinately impact the streets in the area; and will comply with the regulations specified in the A-1 zoning ordinance. The following conditions will be met: Fire Marshal inspection, parents will be told to park in driveway or immediately in front of home and not across the street, no external signage will be used for the preschool, and a person who is not a resident of the dwelling shall not be employed to work on the premises. Corey Sweat seconded the motion and voting was unanimous in favor.

III. Consider Conditional Use Permit for AutoZinc at 1090 W 500 S

This item was tabled during the agenda approval due to the fact that the applicant did not turn in the required paperwork for application.

IV. Discuss Conceptual Subdivision Proposal for Pony Haven.

Commissioner's Packet included a memorandum dated August 21, 2015 from Ben White regarding Pony Haven Subdivision stating the desire of Ovation Homes to purchase 9.2 acres of the current "Pony Haven" property at 690 West Pages Lane to develop their proposed 55 year plus senior living subdivision. Attached to the memorandum was a concept site plan, a yield plan diagram, a description of Ovation Homes, and West Bountiful Municipal Code excerpts for Commissioner's review and reference.

Ben White introduced the Pony Haven Subdivision proposal and briefly reviewed the packet information then turned the time over to the owner of Ovation Homes, Mr. Brad Frost. Mr. Frost introduced the idea that they are proposing one level single family dwelling homes that will be for persons 55 and over. The yards will be maintained for each resident. Mr. Frost showed a slide presentation of some previous projects he has done. He explained that the home size ranges from 1800 to 2300 sq. ft. with traditional and contemporary designs. Lot sizes would be around 6500 sq. ft., a bit smaller than the traditional 10,000 sq. ft., and there will be open space within the development. The road stubs on the north end will be connected from east to west and the drainage issues will be taken care of. All homes are constructed as one level; due to the demographics, there is approximately 60% less traffic than a traditional family subdivision and less impact on the community, such as schools because the residents are older.

Chairman Hopkinson directed the Commissioners to staff's memorandum which listed several questions to consider and pointed out that if the property were developed as a traditional quarter acre lot subdivision there would only be 30-31 buildable lots if the two stub streets to the east are connected. The applicant is requesting a 42 lot subdivision as a PUD/HOA development.

Chairman Hopkinson stated that previous PUDs in West Bountiful have been a disaster. Mr. Hopkinson asked some of the questions in the memorandum for Mr. Frost to address.

#1. How does the HOA control the 55 year old and older restriction?

Mr. Frost responded that their clients are retired and take pride in their community and home. They tend to police the area themselves because they care about their homes and area. Over their more than 15 years in this business, there has never been a problem with any of their HOA's.

#2. Who is excluded from living in the community?

Ben White spoke to this issue stating that all owners agree to following the CC&Rs and are required to sign a document that protects the HOA. He explained that his research has shown that if 80% of the units are occupied by 55 and older residents they are protected with this document but if the percentage drops below 80% then it becomes a problem. Mr. Frost stated that they have found the best way to deal with this issue is to set limits for number of residents, for example, they allow 2 bedroom homes to house up to 3 people and 3 bedroom homes may house up to 4 people. This rule has allowed some flexibility but keeps the neighborhood atmosphere as it was established.

Commissioner Comments:

Mike Cottle stated that he is a real estate agent and is familiar with some of their work (Syracuse and Kaysville) and confirmed that their product is needed and is a quality product. He said there is a demand for this type of housing.

Corey Sweat asked about the open space area. On the preliminary plat it looks like they are adjacent to public streets. Will this area be open to the public? Mr. Frost responded that it is totally up to what the city wants and puts in the development agreement. Mr. Sweat inquired what the setbacks would be. Mr. Frost responded they would be requesting approximately 5 feet side yards but knows that is a problem with our current code. Ben explained that side yard setbacks cannot be changed with the PUD, but front and back setbacks can be negotiated. Mr. Frost responded that traditionally his clients prefer smaller lots.

Laura Charchenko stated that her parents are looking for an area just like this. Her concern was how close the homes are to each other. She is concerned with the east side stub road and what would be proposed with that.

Alan Malan stated that our community is not an exclusive community but an inclusive community giving the example that sometimes grandparents are charged with having to raise their grandchildren and in this proposal they would be forced to move. He stated that the east side stub street has to be finished to allow travel for public works and safety vehicles. Mr. Malan felt that some of the amenities like the open space look like there is not a plan to it. Some discussion took place in this regard concerning drainage. He is not sure there is enough open space for the size of the proposed development.

Chairman Hopkinson noted that there are some hurdles to get over but this is not undoable. He explained that this property should be developed and he believes there are other companies waiting in line for the opportunity. He agreed that there is a great need for this type of development in West Bountiful. He supported Mr. Malan's comment that we are a community that includes and not excludes.

Mr. Sweat spoke to that stating that we have excluded this type of community and it makes sense to include this type of development for senior residences.

In review, we need the stub road connected and some planned open space. Mr. Frost informed the Commission that they will go door to door in the surrounding neighborhoods to educate them on what type of development would be abutting their property. Corey suggested having a public meeting to introduce this concept. Chairman Hopkinson stated that we have to at least agree on a preliminary approval before a Public Hearing should be scheduled. Mr. Frost is very interested in keeping communication open among the citizen's and city officials. He inquired what the city would be comfortable with regarding side yard exceptions. Mr. White stated the best way is to change the code. Mr. Frost suggested that these issues could be handled in a development agreement.

Chairman Hopkinson encouraged them to hang in there through the process and get things worked out.

V. Discuss Flag Lots and schedule Public Hearing for September 8, 2015.

Mr. White stated that changes had been incorporated from the last meeting and after further review; staff has made a few more changes. The purpose of this is to try to true up some of the requirements and highlight the minimum requirements.

Chairman Hopkinson felt better about the language but noted there could be some improvement in the proposed language.

Alan Malan referred to item 8 and was still concerned that someone could interpret the language to mean that they cannot have a flag lot if more property from a neighbor would allow for a traditional development. Mr. White responded that is exactly what you don't want to allow. Some discussion took place regarding this idea including some examples in our City. Ben White pointed out there is limited flexibility which is what should be most desirable.

Mr. Malan desires to further discuss #8 to achieve a more middle ground for allowance. Chairman Hopkinson stated that middle ground is hard to write in. This is meant to give Staff some fixed guidelines to direct the property owner before sending them to the Planning Commission for further review.

ACTION TAKEN:

Laura Charchenko moved to set a public hearing for language changes to Title 16 Subdivision-Flag Lots on September 8, 2015 at 7:35 pm. or as soon thereafter as possible. Alan Malan seconded the motion and voting was unanimous in favor.

VI. Staff Report

- **400 N- Security Investments Zoning-** Ben reported that there is someone interested in developing covered and indoor RV storage on this property. He informed the Commission that the interested party may come before us requesting a rezone.
- **Economic development/Master Plan Update-** City Council is reviewing some options of Economic Development in our city. This may prompt a General Plan update. Duane has been researching some options. Chairman Hopkinson inquired why we would spend money to do this under the current conditions. He did not feel there was a need to do such.
- **Stringham Farm Update-** Ben reported that the City Council and Wild’s came to an agreement last week and Mr. White explained that agreement. He informed them that things should be moving forward for that development in the near future.
- **Election Update-** Cathy Brightwell reported that although we had a poor turn-out for the Primary Election, it was better than the last. Candidate information will be put on our City Website. General Election will be held November 3, 2015.

VII. Approval of Minutes for July 28, 2015

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes dated July 28, 2015 as presented. 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 8:55 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on August 25, 2015, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell - City Recorder

