

**Mayor**  
Kenneth Romney

# **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

**City Council**  
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550 North 800 West  
West Bountiful, Utah 84087

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**City Recorder**  
Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## **PLANNING COMMISSION MEETING**

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS  
REGULARLY SCHEDULED MEETING ON TUESDAY, **SEPTEMBER 8, 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 West Bountiful Municipal Code 16.12.060(C), a New Section in the Subdivision Ordinance that Establishes Minimum Criteria for Flag Lots.
3. Consider Recommending to City Council a New Section in the Subdivision Ordinance, 16.12.060(C), Minimum Criteria for Flag Lots.
4. Staff Report.
  - a. Ovation Homes Update.
  - b. Pages Lane Project Update.
  - c. City Park Construction Update.
5. Consider Approval of August 25, 2015 Meeting Minutes.
6. 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 **September 4, 2015**.*

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## **NOTICE OF PUBLIC HEARING**

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, September 8, 2015 at 7:35 p.m., or as soon thereafter as possible, at 550 N 800 West, West Bountiful, Utah.

The purpose of the hearing is to receive public comment regarding West Bountiful Municipal Code 16.12.060(C), a new section that establishes minimum criteria for flag lots.

A copy of the proposal may be viewed during regular business hours at the City Offices, or on the City website: [www.wbcity.org](http://www.wbcity.org). All interested parties are invited to participate in the hearing. Written comments may be submitted to the City Offices prior to the meeting.

Cathy Brightwell  
City Recorder

## PROPOSED FLAG LOT LANGUAGE - 8/25/2015

### 16.12.060 Lots.

- A. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements set forth herein.

Lots shall not contain peculiarly shaped elongations which would be unusable for normal purposes solely to provide necessary square footage.

- B. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect, if any, for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.

- C. Flag lots will only be allowed where traditional lot development is not feasible. Such lots shall meet the following criteria:**

- 1. The staff of the lot shall not be less than twenty feet (20') and shall not exceed the design length requirements for a cul-de-sac.**
- 2. The staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.**
- 3. The staff of the lot shall be owned, fee simple, as part of the lot.**
- 4. The staff of the lot shall approach the public street at an angle of not less than eighty degrees (80°).**
- 5. *The staff of* the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or dead end streets.**
- 6. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The *staff* area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made by the Zoning Administrator at the time of the subdivision application and shall be designated on the plat.**
- 7. Flag lot must comply with fire code requirements including access width, driving surface, parking and fire hydrant placement.**

8. **Flag lots cannot be used where traditional methods of development could occur including cases when more than one adjoining property, with the same owner is required to complete a development.**
  9. **Subdivisions which contain more than four (4) lots cannot contain a flag lot.**
  10. **The lot shall be graded so storm water runoff does not negatively impact neighboring properties.**
  11. **All flag lots shall have the street address displayed on private property in a prominent location where the street abuts the public street.**
  12. **A flag lot may not be created which would negatively impact the future continuation of existing stub streets.**
  13. **Other requirements imposed by the Conditional Use Permit to mitigate the potential negative impacts caused by the proposed use; the Conditional Use Permit and plat review cannot waive requirements 1 through 12 of this Section.**
- D. Each lot shall abut on a street dedicated for public use by the subdivision plat or an existing public street which is more than twenty-six (26) feet wide, except that when such existing street is less than fifty (50) feet wide or less than the width requirement of the master street plan, additional land shall be dedicated to widen the street for that portion of the street upon which the subdivision has frontage. The amount of land to be dedicated shall be determined by the planning commission as necessary and reasonable to satisfy the requirements of one-half of that required width or fifty (50) feet, whichever is greater.
  - E. Interior lots having frontage on two streets shall be prohibited except when exceptional circumstances, as determined by the planning commission, would make such lots functionally acceptable. In all instances when such lots are permitted, the subdivider shall record deed restrictions in perpetuity for those lots, limiting access from those lots to one street only so that all lots have access to the same street. Such deed restrictions shall also prohibit construction (except for fencing as allowed under Title 17) within that space adjacent to the street, from which access is prohibited, to a depth of thirty (30) feet.
  - F. Corner lots shall have extra width sufficient to account for larger setbacks.
  - G. Side lines of lots shall be approximately at right angles, or radial to the street line.
  - H. All remnants of lots below minimum size left over after the subdivision of a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
  - I. When the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat. Such transfer shall be certified to the planning commission by the city recorder.

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1 **West Bountiful City** **PENDING** **August 25, 2015**  
2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice  
4 website and the West Bountiful City website, and sent to Clipper Publishing Company on  
5 August 21, 2015 per state statutory requirement.

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

8

9 **Those in Attendance:**

10

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

14

15 **MEMBERS EXCUSED:** Vice Chairman Terry Turner

16

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

19

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

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

24 **I. Accept Agenda.**

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

27

28 **Business Discussed:**

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

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

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

36 The memorandum included the following information:

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

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

53 Chairman Hopkinson asked the Commissioner's for their comments or concerns.

54 Commissioner's Comments:

55 **Alan Malan** asked how big the pond is in her yard that is not fenced. Ms. Pitt responded that the  
56 4 to 5 year olds will only be allowed outside on Friday's to explore nature. Parents are given the  
57 option to have their children wear life jackets. Mr. Malan inquired about fencing and Mrs. Pitt  
58 answered that the yard is big and is not totally enclosed with fencing.

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

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

64 **ACTION TAKEN:**

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

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

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

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

79

### 80 **IV. Discuss Conceptual Subdivision Proposal for Pony Haven.**

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

87 Ben White introduced the Pony Haven Subdivision proposal and briefly reviewed the packet  
88 information then turned the time over to the owner of Ovation Homes, Mr. Brad Frost. Mr. Frost  
89 introduced the idea that they are proposing one level single family dwelling homes that will be  
90 for persons 55 and over. The yards will be maintained for each resident. Mr. Frost showed a  
91 slide presentation of some previous projects he has done. He explained that the home size ranges  
92 from 1800 to 2300 sq. ft. with traditional and contemporary designs. Lot sizes would be around  
93 6500 sq. ft., a bit smaller than the traditional 10,000 sq. ft., and there will be open space within  
94 the development. The road stubs on the north end will be connected from east to west and the  
95 drainage issues will be taken care of. All homes are constructed as one level; due to the  
96 demographics, there is approximately 60% less traffic than a traditional family subdivision and  
97 less impact on the community, such as schools because the residents are older.

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

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

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

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

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

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

117 **Commissioner Comments:**

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

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

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

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

138 **Chairman Hopkinson** noted that there are some hurdles to get over but this is not undoable. He  
139 explained that this property should be developed and he believes there are other companies  
140 waiting in line for the opportunity. He agreed that there is a great need for this type of  
141 development in West Bountiful. He supported Mr. Malan's comment that we are a community  
142 that includes and not excludes. **Mr. Sweat** spoke to that stating that we have excluded this type  
143 of community and it makes sense to include this type of development for senior residences.

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

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

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

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

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

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

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

170

171 **ACTION TAKEN:**

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

175

176 **VI. Staff Report**

- 177 • **400 N- Security Investments Zoning-** Ben reported that there is someone interested in  
178 developing covered and indoor RV storage on this property. He informed the  
179 Commission that the interested party may come before us requesting a rezone.
- 180 • **Economic development/Master Plan Update-** City Council is reviewing some options  
181 of Economic Development in our city. This may prompt a General Plan update. Duane  
182 has been researching some options. Chairman Hopkinson inquired why we would spend  
183 money to do this under the current conditions. He did not feel there was a need to do  
184 such.
- 185 • **Stringham Farm Update-** Ben reported that the City Council and Wild’s came to an  
186 agreement last week and Mr. White explained that agreement. He informed them that  
187 things should be moving forward for that development in the near future.
- 188 • **Election Update-** Cathy Brightwell reported that although we had a poor turn-out for the  
189 Primary Election, it was better than the last. Candidate information will be put on our  
190 City Website. General Election will be held November 3, 2015.

191 **VII. Approval of Minutes for July 28, 2015**

192 **ACTION TAKEN:**

193 **Laura Charchenko moved to approve of the minutes dated July 28, 2015 as presented.**  
194 **Alan Malan seconded the motion and voting was unanimous in favor among those**  
195 **members present.**

196 **VI. Adjournment**

197 **ACTION TAKEN:**

198 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting at**  
199 **8:55 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.**

200 .....  
201 The foregoing was approved by the West Bountiful City Planning Commission on August 25, 2015, by  
202 unanimous vote of all members present.

203 \_\_\_\_\_

204 Cathy Brightwell - City Recorder