

**West Bountiful City
Planning Commission**

November 10, 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 November 6, 2015 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 10, 2015, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS EXCUSED: Vice Chairman Terry Turner

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

VISITORS: Gary Jacketta, Brad Frost, Mr. Frost (Brad's Father), Troy Symes, Sunia Tuaone, and Don Parker.

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

I. Accept Agenda.

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as posted. Mike Cottle seconded the motion and voting was unanimous in favor.

Business Discussed:

II. Consider Conditional Use Application for Troy Symes 1420 North 550 West to build a detached garage with a maximum height of 24 feet.

Included in the Commissioner's packet was a memorandum dated November 10, 2015 from Ben White regarding Symes-Accessory Building Conditional Use Permit, a Conditional Use Permit Application, and Site Plan.

Ben White introduced the application and request. After thorough review staff is recommending the application be granted.

The memorandum included the following information:

- Request for Conditional Use Permit from Troy Symes to construct a detached garage on his property located at 1420 North 550 West (property is on the east side of the road with the rear property line abutting the Union Pacific Railroad)
- Reference to City Code 17.24.060
- Rocky Mountain Power utility is overhead in the area. There are similar accessory structures on properties around Mr. Symes.
- Staff Recommendation and Affirmative Findings.

Chairman Hopkinson invited Mr. Symes to the stand. Mr. Troy Symes took the stand and stated his name.

Chairman Hopkinson asked the Commission if they had any questions for Mr. Symes.

Commissioner's and Chairman had no further questions regarding this application, however, Mike Cottle cautioned him to do his homework in regard to utility easements.

Mr. Symes asked if he could push the building back farther from his home. Chairman Hopkinson warned the biggest issue is leaving the easement for utilities. Ben White stated he could go back far enough to leave a six foot buffer from his property line barring he is not encroaching on utility easements unless properly vacated.

ACTION TAKEN

Corey Sweat moved to approve the Conditional Use Permit for Troy Symes 1420 N 550 W to build a detached garage in his rear yard with a maximum height of 24 feet with the following affirmative findings: the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property in the vicinity and the proposed use will not inordinately impact schools, utilities, and streets in the area; will provide for appropriate buffering of uses and buildings and use of building material which are in harmony with the area and compatible with adjoining uses, and the proposed use will comply with the regulations specified in the R1-10 zoning ordinance. Alan Malan seconded the motion and voting was unanimous in favor.

III. Consider Conditional Use Application for a Home Occupation Business License for Big Rock Construction at 664 N 660 West

Commissioner's packets included a memorandum from Cathy Brightwell/Ben White on October 8, 2015 in regard to a Conditional Use Permit for Big Rock Construction Company, a Conditional Use Permit application from Sunia Tuaone to operate a construction company from his home, a Home Occupation Business License application with signatures from some of his surrounding neighbors within 300 foot radius, and a site plan.

Memorandum included the following information:

- Mr Tuaone's company, Big Rock Construction, will have a small office at his home but all work will be done offsite.
- Some small equipment may be stored at property but not visible from the street. Larger equipment will be stored at a North Salt Lake property.
- Signatures were received from neighbors with no objections obtained.
- Staff recommendations.

Cathy Brightwell introduced the application for a Conditional Use permit and Home Occupation Permit for Big Rock Construction Company. Mr. Tuaone shares a long driveway that abuts the old Mike Stock property. In addition, he has a lot of room in his rear property. Only small equipment may be stored on his property which may not be visible from the street. Larger equipment will be stored off site in North Salt Lake. She stated that no work will be done on site and parking of employees will be on his personal property, and he has received 4 signatures from his surrounding neighbors within 300 feet. A fire marshal inspection is scheduled for Thursday.

Chairman Hopkinson invited Sunia Tuaone to the stand and asked him to state his name. Mr. Chair asked for comments from the Commissioners.

Commissioner Comments:

Mike Cottle and Corey Sweat had no comments/questions.

Laura Charchenko clarified that no workers will be working on his property but will work off site.

Alan Malan was concerned about safety regarding workers parking at his residence. He feels they must be required to park on his property and not along the street. Mr. Malan pointed out that our ordinance prohibits outdoor storage of any equipment on his residential property. Alan Malan reported that he believes that all surrounding property owners were not notified properly.

Mr. Tuaone confirmed that employee parking would be on his personal property and that no equipment would be stored on his property.

ACTION TAKEN

Alan Malan moved to deny the Conditional Use Permit for Big Rock Construction Company. Motion failed without support of a second to the motion.

Some discussion took place regarding storage of equipment and signatures of surrounding residents.

Laura Charchenko moved to approve the Conditional Use Permit for Big Rock Construction Company fire marshal approval and the following conditions: that small equipment can be stored in the backyard, if not visible from the street, large equipment must be stored offsite (such as tractors, backhoes, etc)., no external signage will be allowed, employees must park on the property or directly in front of the property and no work will be conducted on the premises. He must obtain all signatures from residents surrounding his property within 300 feet before permit will be granted. Affirmative findings were that the proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood/community, will not be detrimental to the health, safety, or general welfare of person 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 R-1-10 zoning ordinance. Corey Sweat seconded the motion and voting was as follows:

Laura Charchenko, Corey Sweat, Mike Cottle, Denis Hopkinson - Aye. Alan Malan - Nay.

IV. Discussion Ovation Homes' P.U.D. Request, and Consider Setting Public Hearing for November 24, 2015

Commissioner's Packet included the following memorandums from Ben White dated November 5, 2015 regarding Pony Haven Subdivision and PUD (Planned Unit Development) process, copy of the PUD ordinance, site plan for Ovation Homes with a packet requesting a PUD for Ovation Homes.

Brad Frost Ovation Homes was invited to take the stand to state his name by Chairman Hopkinson.

Ben White was invited by Chairman Hopkinson to introduce the proposal for a PUD for Ovation Homes and summarize the material in the packet. He noted that the 9 acres of property can house 30 units under the current R-1-10 code and that the developer is requesting a PUD that would have an increase of 9 more units with a request for some setback changes. Previously there was a reduced side yard setback request and that issue has been removed from the table. The PUD and setbacks can be addressed separately.

Commission reviewed the memorandums from staff. Chairman Hopkinson informed the Commission that there was a PUD on the table for discussion tonight. The PUD is a quasi zoning change that requires a public hearing. He stated that tonight he would like to focus on the issues and information needed in order to make appropriate/informed decisions.

The PUD Process memorandum was reviewed by Chairman Hopkinson and the Commissioners. He informed the Commissioner's that tonight's decision should be made to move forward or not with the request for PUD. Chairman Hopkinson read the following from the PUD Ordinance in regard to Amenity Density Bonus.

The Planning Commission may recommend a density bonus for project amenities with 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.

Chairman Hopkinson asked each Commissioner to share their ideas about what they feel can be given as a density bonus to the development.

Commissioner's Concerns:

Laura Charchenko addressed each Amenity Density Bonus listed in 17.68.120 sharing her feeling toward the possible percentages she would be most likely to give with the current proposal. She supports the project but feels they need to add more in each area to obtain a greater density bonus. She supports the setbacks that have been proposed.

Mr. Frost addressed some of the comments Mrs. Charchenko made. He began by informing the Commission that he purchased the property earlier in the day and is now a West Bountiful property owner. He asked that the project be looked at as a whole and not as individual amenity items. He stated that there is a big difference between R-1-10 zoning and a PUD. The land can be developed as a R-1-10 but that would create an area with smaller homes and more transit households. This proposed PUD would serve West Bountiful well by creating a place for those

55 and older who want to stay in West Bountiful with housing that fits their needs and landscaping being cared for. It will take a blighted area and make it into a place West Bountiful can be proud of.

Mike Cottle shared his personal feeling regarding the development. He referred to the open space that has been available to the neighborhood and feels that lots of neighbors will not be happy with the proposed density. Otherwise, he feels that the project is needed and would be a great benefit to our community. He pointed out that in the PUD ordinance; it states that it needs to add value to the community.

Corey Sweat likes the idea of the development and the 55 plus community but feels it lacks things that are required in our code. Commissioner Sweat stated that he could only come up with about 15 % bonus which would only allow him a total of 34 units. He does not see the benefit to the park entry on the public street and suggested that it would serve the community better if a park area was to the back of the development along the canal. If developed in that way some of the properties could be stretched out a bit. He stated that the builder must go beyond requirements in order to qualify for density bonus.

Mr. Frost addressed some of Commissioner Sweat's concerns. He stated that this process in our city is different than he has been used to dealing with in other cities. He pointed out that you will never satisfy everyone. He feels the majority of the neighbors would prefer one level homes over two story homes that block their view. A few may not like the layout but he feels the majority will. They are flexible on open space and need to know what the city wants. They want to listen and incorporate what the city desires. Mr. Frost pleaded that they need clarification.

Alan Malan agrees with what has been pointed out, but would give a lot less density bonus than what the others have stated. He would subtract points for not allowing solar panels or RV parking as included in the code. He believes they are merely marketing their property and sees nothing substantial to even qualify for PUD.

Mr. Frost asked Mr. Malan how much control he would have over a R-1-10 development. Mr. Malan responded that the city would have no control in those developments. Mr. Frost pointed out that he does not feel it is fair to pick the project apart but to consider the value of the project as a whole. Mr. Malan knows that the PUD is different because of the bonus's given. He feels the smaller lots are worse than an R-1-10 development would be.

Mr. Frost stated that the lots get deeper toward the end of the development. They can look at averaging the front and back setbacks and arrange floor plans a bit different. On an average it would be 22 foot setback but some would be 24-25 feet.

Chairman Hopkinson pulled the Commission back to focus upon the needs of the city and moving forward. He jokingly stated that some people in our community would see benefit in

having one home on the nine acres. Mr. Hopkinson pointed out that our city knows the benefit of having open space and they have been committed to our residence to keep open space. He noted that this proposed plan does not have 35 % bonus density as presented this evening. Chairman Hopkinson stated that he likes Commissioner Sweat's idea of pushing space to the back of the development. He inquired of Mr. Frost what the least amount of the units he would need to build to make them profit from the development and satisfy the city's need/benefits. Currently Mr. Hopkinson feels the Commission would deny his proposal and request.

Chairman Hopkinson took a straw poll of the Commission regarding Corey's idea of rearranging the open space to be at the end of the project. He stated if there is a park area for the use of the citizen's and there is no place to park that it would not be beneficial to the community. He pointed out that changing the design and layout could create more density bonuses for the project. Mr. Frost sincerely stated that he is not trying to play games. He is willing to make adjustments but feels he needs approximately 37 lots to make the development profitable. Lower than 36 would make this project very difficult for him.

There was some discussion regarding the storm drain issue. Mr. White stated that the storm water issue needs to be addressed and fixed no matter how this property is developed.

Chairman Hopkinson reviewed the plot with the Commissioners and pointed out possible ways to make the development work. Some discussion took place regarding ideas and possibilities of layout. Mr. Frost assured the Commission that they could work with and play around with possibilities of layout that would appease the city.

Chairman Hopkinson laid out two possible options for consideration tonight and asked the Commissioners to consider making a proposal.

Mr. Frost stated that he is excited to be in West Bountiful and appreciates the communication and dialog from the Commission. He assures the Commission that whatever they develop, they will make the City proud and add substantial value to the community.

Commissioner's Thoughts:

Laura Charchenko- Sees the PUD as a benefit to the community.

Alan Malan- Does not see how the property lends itself to a PUD.

Mike Cottle – Likes the concept but does not see the project meeting the criteria of the city PUD standards.

Corey Sweat- Likes the project and feels the project is worth working out.

Chairman Hopkinson- Stated that at this time, there is a 3 to 2 consensus not supporting the proposal for a PUD. He suggested that Ovation Homes comes back with a new buildable re-design that could create some more bonus density for them.

Mr. Frost needs help in understanding what the city desires regarding landscaping. Chairman Hopkinson recommended that he observe what exists in our city and design something that matches the community yet simple enough that it can be maintained well.

Mike Cottle asked Mr. Frost why a traditional R-1-10 would not work for them. Mr. Frost responded that it does not work well for the clientele they serve. His developments have worked in other areas very well. He knows that there is a demand for the product development he is offering. Mr. Frost pointed out that when more land is available in these developments, it results in larger lots which his clientele does not want and increases the cost of maintenance for each lot.

Mr. Chairman asked Mr. Frost to return in two weeks and requested that the Commission take action to hold a public hearing at that time as well.

ACTION TAKEN:

Laura Charchenko moved to set a public hearing for public input on Ovation Homes on November 24th, 2015 at 7:35 pm. or as soon thereafter as time permits and to table the request for a PUD. Mike Cottle seconded and voting was 4 Aye to 1 Nay with Alan Malan casting the Nay vote.

V. Staff Report

Ben White reported:

- Volleyball Court is finished, lights are set on a timer and need to be manually turned on by users.
- Playground will be open to the public in the next day or two.
- Basketball Court was delayed during last year's planning and we have now received a \$25,000 grant from Utah Jazz/Larry H. Miller, Inc. so can move forward next year.
- Pickle Ball courts are pending.

Cathy Brightwell had no report.

VI. Approval of Minutes for October 13, 2015

ACTION TAKEN:

Alan Malan moved to approve the minutes dated October 13, 2015 as presented. Corey Sweat seconded the motion and voting was unanimous in favor among those members present.

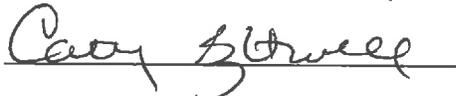
VII. Adjournment

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:15 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 November 24, 2015, by unanimous vote of all members present.



Cathy Brightwell - City Recorder

