

Mayor
Kenneth Romney

**City
Engineer/Planner**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355

Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Terry Turner
Corey Sweat, Alt.

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS
REGULARLY SCHEDULED MEETING ON TUESDAY, **NOVEMBER 24, 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 for Ovation Homes' P.U.D. Request for *The Cottages at Havenwood* at 690 W Pages Lane.
3. Consider Ovation Homes' P.U.D. Request for *The Cottages at Havenwood*.
4. Staff Report.
5. Consider Approval of November 10, 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 **November 20, 2015**.*

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Debbie McKean
Mark Preece

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

Finance Director
Heidi Voordeckers

City Engineer
Ben White

Public Works Director
Steve Maughan

NOTICE OF PUBLIC HEARING

The West Bountiful Planning Commission will hold a Public Hearing on Tuesday, November 24, 2015 at 7:35 p.m., or as soon thereafter as possible, at 550 North 800 West, West Bountiful, Utah, 84087.

The purpose of the hearing is to receive public comment regarding a request for a thirty-seven lot Planned Unit Development (P.U.D.), The Cottages at Havenwood, at 690 W Pages Lane (old Pony Haven property).

A copy of the proposal may be viewed during regular business hours at the City Offices, or on the City website: 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



MEMORANDUM

TO: Planning Commission

DATE: November 19, 2015

FROM: Ben White

RE: The Cottages at Havenwood P.U.D. (Ovation Homes) at 680 W Pages Lane

A Public Hearing has been scheduled for the November 24th Planning Commission meeting so the City may receive public input regarding the P.U.D. proposal. Ovation Homes' proposal for a Planned Unit Development (PUD) includes the following:

1. Active Adult Community governed by CCRs
2. 37 single level living homes
3. H.O.A. maintained front yard and open space landscaping
4. 0.73 acre open space area

As part of the P.U.D. submittal, Ovation Homes is requesting the City to consider:

- A. Reducing front yard setbacks to 20' and rear yard setbacks to 15',
- B. Reducing the lot size and width of each lot,
- C. Granting a combined bonus density of 24%.

The charge of the Planning Commission is to consider public input, review the information submitted by the applicant related to the requirements outlined in municipal code Chapter 17.68 Planned Unit Development, and make a recommendation to the City Council. The recommendation must be either to

- a) Deny the P.U.D. request; or
- b) Approve the request stating the terms of the approval and bonuses being recommended as well as finding that the requirements of the Chapter 17.68 have been satisfied.

The follow page includes the major requirements or findings required by Chapter 17.68.

MINIMUM PUD CRITERIA

1. **17.68.010 Purpose and Intent.** The purpose and intent of the PUD has been satisfied.
2. **17.68.080 Desirability.** The proposed development is desirable and will contribute to the general well being; and not be detrimental to persons residing in the vicinity.
3. **17.68.090 Design.** Density bonus does not exceed 35%.
4. **17.68.100 Minimum Standards.**
 - a. Satisfactory guarantee and/or dedication of open space maintenance has been provided.
 - b. Adequate garage and off-street parking has been provided.
 - c. An appropriate mix of dwellings has been provided and placed. Any non-residential structures are complementary.
 - d. Upgraded building materials are being provided
 - e. Adequate traffic study has been provided, and appropriate vehicle and pedestrian access has been provided.
5. **17.68.120 Amenity Density Bonus.** The following bonus densities are recommended based on the proposed amenities.
 - a. Building and Project Design (0-5%)
 - b. Innovative Site Plan (0-5%)
 - c. Substantial Public Benefit (0-10%)
 - d. Provision, Protection and Maintenance of Open Space (0-10%)
 - e. Interior Amenities and Landscaping (0-5%)
6. **17.68.130 Relationship of PUD to this Title and Other Development Ordinances.** The proposed Frontage, lot area, front and rear setbacks are appropriate for this development.
7. **17.68.150 Landscaping.** The purposed landscaping and fencing plans are acceptable.
8. **17.68.160 Guarantees and Covenants.** The appropriate guarantees and CCRs have been established.
9. **17.68.180 Approval.** The Planning Commission is satisfied with the anticipated construction schedule.

1 **West Bountiful City** **PENDING APPROVAL** **November 10, 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 November 6, 2015 per state statutory requirement.

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

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Laura
12 Charchenko, Mike Cottle, and Alan Malan, and Corey Sweat,
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:** Gary Jacketta, Brad Frost, Mr. Frost (Brad's Father),
21 Troy Symes, Sunia Tuaone, and Don Parker.

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

24 **I. Accept Agenda.**

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

27

28 **Business Discussed:**

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

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

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

36 **The memorandum included the following information:**

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

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

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

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

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

53 **ACTION TAKEN**

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

63

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

66 Commissioner's packets included a memorandum from Cathy Brightwell/Ben White on October
67 8, 2015 in regard to a Conditional Use Permit for Big Rock Construction Company, a
68 Conditional Use Permit application from Sunia Tuaone to operate a construction company from
69 his home, a Home Occupation Business License application with signatures from some of his
70 surrounding neighbors within 300 foot radius, and a site plan.

71 **Memorandum included the following information:**

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

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

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

87 **Commissioner Comments:**

88 **Mike Cottle and Corey Sweat** had no comments/questions.

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

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

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

97

98

99 **ACTION TAKEN**

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

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

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

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

117

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

120 Commissioner's Packet included the following memorandums from Ben White dated November
121 5, 2015 regarding Pony Haven Subdivision and PUD (Planned Unit Development) process, copy
122 of the PUD ordinance, site plan for Ovation Homes with a packet requesting a PUD for Ovation
123 Homes.

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

126 Ben White was invited by Chairman Hopkinson to introduce the proposal for a PUD for Ovation
127 Homes and summarize the material in the packet. He noted that the 9 acres of property can house
128 30 units under the current R-1-10 code and that the developer is requesting a PUD that would
129 have an increase of 9 more units with a request for some setback changes. Previously there was a
130 reduced side yard setback request and that issue has been removed from the table. The PUD and
131 setbacks can be addressed separately.

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

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

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

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

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

157 **Commissioner's Concerns:**

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

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

168 55 and older who want to stay in West Bountiful with housing that fits their needs and
169 landscaping being cared for. It will take a blighted area and make it into a place West Bountiful
170 can be proud of.

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

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

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

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

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

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

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

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

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

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

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

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

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

229 **Commissioner's Thoughts:**

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

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

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

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

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

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

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

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

248 **ACTION TAKEN:**

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

253

254 **V. Staff Report**

255 Ben White reported:

- 256
- 257 • Volleyball Court is finished, lights are set on a timer and need to be manually turned on
258 by users.
 - 259 • Playground will be open to the public in the next day or two.
 - 260 • Basketball Court was delayed during last year's planning and we have now received a
261 \$25,000 grant from Larry H. Miller, Inc. so can move forward next year.
 - 262 • Pickle Ball courts are pending.

262 Cathy Brightwell had no report.

263

264 **VI. Approval of Minutes for October 13, 2015**

265 **ACTION TAKEN:**

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

269 **VII. Adjournment**

270 **ACTION TAKEN:**

271 **Laura Charchenko moved to adjourn the regular session of the Planning Commission**
272 **meeting at 9:15 pm. Alan Malan seconded the motion. Voting was unanimous in favor.**

273

274

275

276 The foregoing was approved by the West Bountiful City Planning Commission on November 24, 2015, by
277 unanimous vote of all members present.

278 _____

279 Cathy Brightwell - City Recorder

280

281

282

283