

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, **DECEMBER 22, 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. Discuss the Request by Ivory Homes to Amend the Language in the Blended Use (B-U) Zone.
3. Staff Report.
4. Consider Approval of November 24, 2015 Meeting Minutes.
5. 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 **December 18, 2015**.*

MEMORANDUM



TO: Planning Commission

DATE: December 17, 2015

FROM: Ben White

RE: B-U Zone Base Density

Ivory Homes has submitted a request that the City consider increasing the base density in the Blended Use (B-U) Zone to a density greater than one unit per acre. A letter from Ivory Homes outlining a potential project in the B-U zone is included together with a site plan of their proposed density change.

Staff has included a second site plan that shows the area proposed by Ivory Homes in relation to the entire proposed B-U area.

There are two sections of the B-U Zone code that specifically apply to this request: Paragraph 17.26.030.B(1) and 17.26.030.D(5). These two paragraphs identify where the residential component of the B-U zone is to be located and define the underlying zoning requirement. Both paragraphs are included at the bottom of this memo and should be given serious consideration with the proposed request.

Proposed changes to the B-U code language would require the same process as other land use ordinance changes which include a public hearing.

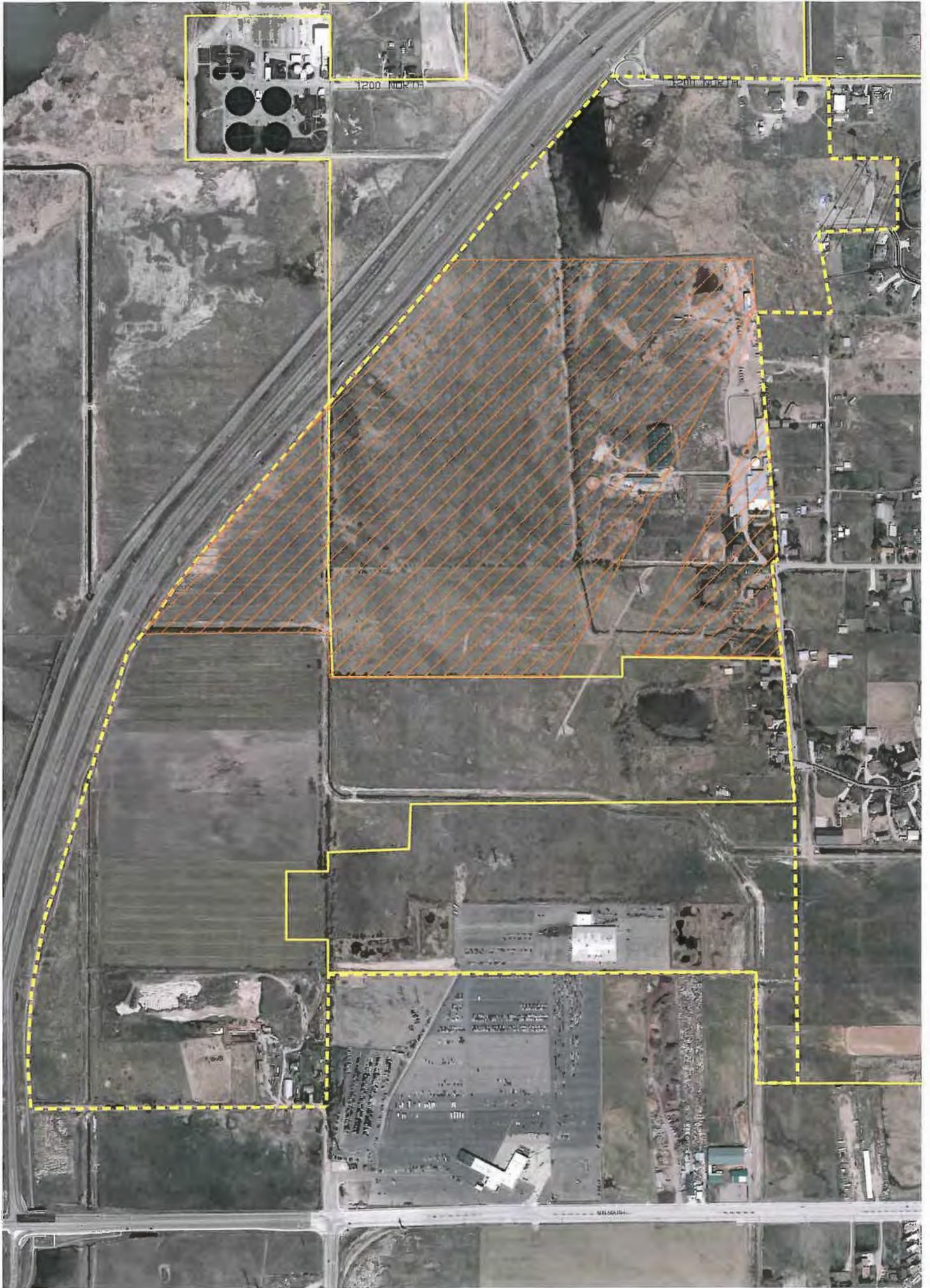
17.26.030 Uses Within Blended Use (B-U) Zone.

B. Developments in the B-U zone must be sensitive to the following specific blended use standards:

1. All projects in the B-U zone are required to respect the traditional character of development patterns of West Bountiful City. As such, any project in the northern portion of the B-U zone may incorporate and blend only single family detached residential dwellings, equestrian centers and associated facilities, parks and park amenities, trails and related trail amenities, open spaces, and other facilities that will enhance the rural character of this area within the B-U zone. Any project in the southern portion of the B-U zone may blend permitted uses such as: commercial, entertainment, office, independent film production studio and related back lot operations, distinctive retail destinations with unique design plans, campus-type headquarters for major corporations, and personal services. Projects in this portion of the zone shall be developed in a way that appropriately buffers residential areas located to the north and east of this area. The Davis County A-1 Canal, as it runs through the B-U zone as of the enactment of this chapter, and the same alignment in the event the A-1 Canal is removed or realigned, will serve as the general line of demarcation between the southern and northern portions of this zone. Any planned project located within 300 feet of the A-1 Canal will be required to blend the appropriate residential, commercial, entertainment, office, campus-type uses, personal services, parks and park amenities, trails and related trail amenities, and open space in such a way that tapers densities and sufficiently transitions the respective uses of the southern and northern portions of the zone.

D. The following uses shall be permitted for blended use zone projects, subject to approval as required Residential of the following types:

5. Single family dwelling units. The minimum residential lot size in the B-U zone shall be one lot per one (1) acre; this shall not apply to PUDs, which shall be regulated by provisions of Chapter 17.68 of the Municipal Code. Single family dwelling units in the B-U zone shall comply with the building standards and other provisions of Sections 17.16.040 through 17.16.080 of the Municipal Code in this chapter:



IVORY HOMES

978 East Woodoak Lane • Salt Lake City, Utah 84117 • (801) 747-7000 • Fax (801) 747-7090

December 7, 2015

Ben White
West Bountiful City Engineer, Zoning Administrator
550 North 800 West
West Bountiful, UT 84087

RE: Property at 400 North and 1450 West

Mr. White:

As you may be aware, Ivory Development is the contract purchaser of approximately 123 acres of property just west of 1450 West at about 400 North. The specific parcels include 06-031-0007, 06-031-0012, 06-031-0019, 06-031-0023 and 06-031-0034. These parcels are highlighted on the attached Davis County parcel maps.

With a parcel of this size we believe there is a unique opportunity to develop a master planned community that will be a positive addition to West Bountiful City. Our vision is an attractive, well maintained community that considers the rural atmosphere of the city. It will include a blend of residential uses and open spaces unified with high quality architectural standards. We contemplate 1 acre lots providing a buffer for the existing residential uses, ½ acre lots making up the majority of the community, and a pocket of age targeted, maintenance free living.

As part of the project we intend to provide approximately 25 acres of open space (20% percent) and there is a potential to enhance an additional 13 acres within the power line corridor. With these 38 acres we envision:

- 1.5 miles of multiuse trails that connect to the Legacy Trail in multiple locations.
- Improved park areas with playgrounds, ball courts, picnic areas, and other active uses.
- Creating a Club Ivory community amenity which will include a swimming pool and clubhouse.
- Enhancements to Millcreek to make it a community amenity that the neighborhood can interact with.
- Community wide landscaping plan that will integrate the open space plantings, street trees and residential landscaping.
- Additional amenities as appropriate

Currently, the Blended Use District does not allow for the flexibility required to accomplish the design of this community as contemplated. The primary constraint is the required minimum lot size of 1 acre. As such, we respectfully request consideration to amend the City's zone text to allow for the additional flexibility needed.

Rather than attempt to identify specific changes to the ordinance with this request, we would like to suggest a series of meetings with city staff and the planning commission. Our goal would be to determine a list of mutually beneficial amendments that allow for the completion of this community as identified.

We look forward to working with West Bountiful City to create this community.

Sincerely,

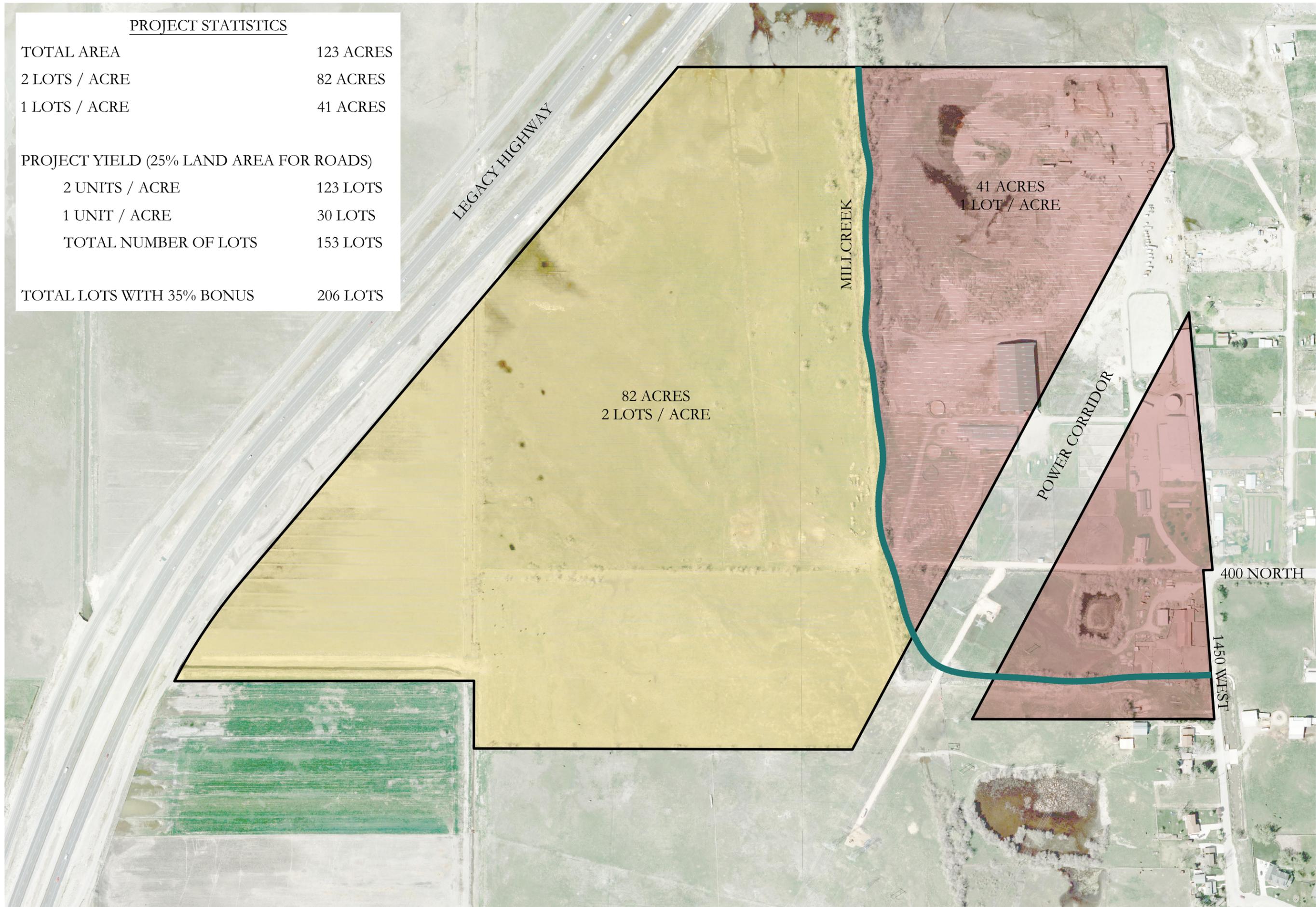
Ivory Development



Chris Gamvroulas
President

PROJECT STATISTICS

TOTAL AREA	123 ACRES
2 LOTS / ACRE	82 ACRES
1 LOTS / ACRE	41 ACRES
PROJECT YIELD (25% LAND AREA FOR ROADS)	
2 UNITS / ACRE	123 LOTS
1 UNIT / ACRE	30 LOTS
TOTAL NUMBER OF LOTS	153 LOTS
TOTAL LOTS WITH 35% BONUS	206 LOTS



SCALE
1"=300'

17.26 Blended Use District, B-U

17.26.010 Purpose

17.26.020 Application

17.26.030 Uses Within Blended Use (B-U) Zone

17.26.040 General Development Standards

17.26.050 Project Master Plan Requirements

17.26.060 Blended Use Application And Review Procedure

17.26.070 Development Agreement Requirements

17.26.010 Purpose

The purpose of the blended use (B-U) zone is to encourage vibrant, active centers through a variety of uses in a pedestrian, equestrian, and bicycle friendly environment and to promote architectural quality in building designs. Developments in the B-U zone shall focus on connecting to and extending the Legacy trail system and other city trail features.

Additionally, developments in this zone shall ensure vibrant, quality projects that adequately buffer the traditional rural uses in the B-U zone and areas adjacent to the zone. The scale and intensity of a blended use development may vary depending on location, types of proposed uses and development theme.

The blended use development standards allow for the development or redevelopment of land in a manner that requires projects to be designed and planned to provide a suitable blend of residential, commercial, office, entertainment, recreation, technology based enterprises, open space, and other types of uses that create a quality design. Examples include an independent film production studio and related back lot operations, a distinctive retail destination with unique design plans, and a campus-type headquarters for a major and respected corporation. These examples are by way of illustration only and are not intended to exclude other projects that will satisfy the purposes of the B-U zone.

17.26.020 Application

A. The blended use zone regulations apply to:

1. All property within the blended use (B-U) designation of the West Bountiful City zoning map; and
2. Any approved redevelopment/community development district within the B-U zone.

B. Projects in the B-U zone may incorporate blended uses in a vertical or horizontal manner. Vertical projects incorporate different land use types within the same building (e.g., office, retail, and commercial). Horizontal projects incorporate different land uses within adjacent buildings or areas on the same site. Both types of blended use in a project are encouraged.

17.26.030 Uses Within Blended Use (B-U) Zone

- A. The variety of uses allowed in the B-U zone are intended to create a blend of commercial, entertainment, office, independent film production studio and related back lot operations, distinctive retail destination with unique design plans, campus-type headquarters for major corporations, personal services, and residential dwelling land use types that can be developed in a compact design that encourages compatibility of uses. Each B-U zone application may have a different theme, identified in the approval process that establishes the type of blended uses proposed. For redevelopment and community development districts this is identified in the associated development agreement. In addition, each project submitted for approval in this zone will be designed to be compatible with other adjacent or nearby projects so that the entire B-U zone, once fully developed, appears to have been seamlessly planned as one overall development, and the entire B-U zone follows a theme and pattern of development consistent with the overall purposes of this ordinance.

A key component of this zone is the requirement of a realistic blend of land use types, such as commercial, office, personal services, entertainment, recreational, and residential. A blended use development is required to have at least three (3) different land use types, unless the planning commission and city council for good cause approve fewer uses in the development and the development is otherwise consistent with this chapter. Developments in the B-U zone are expected to maintain an adequate balance of all uses within the project area, unless otherwise approved by the planning commission and city council. The permitted uses of the B-U zone shall be the uses specified in Section 17.26.030.D, as incorporated in a development that is finally approved under the processes set forth in this chapter.

- B. Developments in the B-U zone must be sensitive to the following specific blended use standards:
1. All projects in the B-U zone are required to respect the traditional character of development patterns of West Bountiful City. As such, any project in the northern portion of the B-U zone may incorporate and blend only single family detached residential dwellings, equestrian centers and associated facilities, parks and park amenities, trails and related trail amenities, open spaces, and other facilities that will enhance the rural character of this area within the B-U zone. Any project in the southern portion of the B-U zone may blend permitted uses such as: commercial, entertainment, office, independent film production studio and related back lot operations, distinctive retail destinations with unique design plans, campus-type headquarters for major corporations, and personal services. Projects in this portion of the zone shall be developed in a way that appropriately buffers residential areas located to the north and east of this area. The Davis County A-1 Canal, as it runs through the B-U zone as of the enactment of this chapter, and the same alignment in the event the A-1 Canal is removed or realigned, will serve as the general line of demarcation between

the southern and northern portions of this zone. Any planned project located within 300 feet of the A-1 Canal will be required to blend the appropriate residential, commercial, entertainment, office, campus-type uses, personal services, parks and park amenities, trails and related trail amenities, and open space in such a way that tapers densities and sufficiently transitions the respective uses of the southern and northern portions of the zone.

2. Projects in the B-U zone are encouraged to establish amenities that protect and enhance the equestrian center and associated facilities located in the northern portion of this zone.
 3. Projects in the B-U zone are encouraged to establish open space, recreational facilities, and trails or provide amenities that enhance existing city parks and trails.
 4. Projects in the B-U zone are encouraged to establish amenities that enhance the Lakeside Golf Course as an area attraction.
- C. The B-U zone is a unique blend of uses with no one land use type being a constant, dominant or prevailing use. Since the land uses allowed are determined by the project development plan and development agreement, with land uses dependent upon location and the type of project being developed within the B-U zone, this zone shall not be considered a commercial or a manufacturing zone for the purpose of off premise signage location under state law.
- D. The following uses shall be permitted for blended use zone projects, subject to approval as required in this chapter:
1. Dining:
 - a. Restaurants (sit-down restaurants, but not fast food establishments);
 - b. Specialty food or drink businesses with a maximum of two thousand (2,000) square feet of floor area.
 2. Personal services:

Limited to hairdresser, barber, manicurist, tanning salon, and any other service expressly determined by the city council to be needed in the B-U area upon a finding of good cause.
 3. Professional or business office:

Building footprint square footage limited to fifty thousand (50,000) square feet, except as otherwise approved by the planning commission and city council upon a finding of good cause.
 4. Research, business park, and campus facility use:
 - a. General product research or development businesses and product assembly; provided there is no outdoor storage of materials or product, and the use does not produce odors or create noise audible from the exterior of the building.
 - b. Individual buildings limited to fifty thousand (50,000) square foot footprint, except as otherwise approved by the planning commission and

city council upon a finding of good cause.

5. Residential of the following types: Single family dwelling units. The minimum residential lot size in the B-U zone shall be one lot per one (1) acre; this shall not apply to PUDs, which shall be regulated by provisions of Chapter 17.68 of the Municipal Code. Single family dwelling units in the B-U zone shall comply with the building standards and other provisions of Sections 17.16.040 through 17.16.080 of the Municipal Code.
 6. Retail of the following types: General retail sales, provided that individual retail use is limited in size to a maximum of seventy-five thousand (75,000) square feet, except as otherwise approved by the planning commission and city council upon a finding of good cause.
 7. Open space, parks, and other recreational facilities.
 - a. "Green" developments or other eco-friendly developments are encouraged.
 - b. Public facilities – public parks, public open spaces, and public recreation facilities are highly encouraged in the B-U zone.
 8. Entertainment facilities and related venue developments of the following types:
 - a. Production studios – film, music, multimedia, digital media, sound stages, etc.
 - b. Event venues – amphitheaters, outdoor stages, auditoriums, etc.
 - c. Arenas and similar facilities.
 9. Equestrian centers and associated facilities. This includes large animal veterinary clinics, tack shops, riding school facilities, horse arenas, and other similar equestrian use facilities.
- E. To ensure compatibility of uses, the following uses shall not be permitted in the B-U zone:
1. Any business with outdoor storage or storage containers (this includes storage parking, storage dismantling, and storage repair activities).
 2. Any business with indoor storage units.
 3. Any business with drive-through window service, except any such service that is determined to be an integral feature of a non-food service industry that will provide a desirable service to the community within the B-U zone. This determination will be made by the city council upon recommendation by the planning commission.
 4. Car wash.
 5. Convenience store, gas station, service station, auto lube and oil centers.
 6. Manufacturing uses determined by the city council to be akin to industrial uses or otherwise use-intensive so as to be out of character with the overall design and purpose of the B-U zone.

7. Motor vehicle or motor recreational vehicle sales or display (whether wholesale or retail, and whether indoor or outdoor).
8. Motor vehicle repair, service, warehousing, salvage, or storage (whether indoor or outdoor).
9. Private clubs/taverns/cabarets.
10. Recycling centers/recycling collection areas.
11. Rehabilitation/treatment centers, transitional housing, residential facilities for elderly persons, residential facilities for persons with a disability, boarding homes, and any other facility subject to the regulations of Chapter 17.84 of this title.
12. Correctional facilities or facilities with similar uses.
13. Sexually oriented businesses.
14. Single retail unit space over seventy-five thousand (75,000) square feet, except as otherwise approved by the planning commission and city council upon a finding of good cause.
15. Shipping centers or other freight-oriented hubs.
16. Warehousing as a primary use.
17. Any use not specifically listed in this section as a permitted use in the B-U zone.

17.26.040 General Development Standards

- A. The blended use zone is intended to be applied only in the designated mapped B-U area of the city. The development of each blended use project shall be accomplished in a manner that the design of the buildings, parking, land uses and landscaping create a compact development (as described in Section 17.26.040.A.1.b) and quality design of building and spaces that are cohesive with other prior projects approved in the B-U zone after enactment of this ordinance. Attention to the design is required to create a vibrant, interactive and connected development, both internally and with respect to its surroundings. The approved project master plan and development agreement will determine site specific details, setbacks and building placements and use locations, within the limitations of this chapter, as each project will create its own individuality but still blend into an overall development theme for the B-U zone. Each project approved in the B-U Zone will be planned in a way to be cohesive and compatible with other adjacent or nearby projects so that the entire B-U zone, once fully developed, appears to have been seamlessly planned as one overall development that features pedestrian-friendly trails and accessibility with easy access to existing Legacy trail features. In order to guide the development of the project master plan each project approval will be required to comply with the following blended use general development standards.

1. Site Design:

General standards in the B-U zone, including redevelopment and community

development districts:

- a. **Setbacks:** Buildings with ground level commercial uses should be located next to street property lines in order to create a street edge and give visual preference to pedestrian related access to the structures. Some variation for a portion of the building setback may be considered when outdoor spaces for the ground level use are developed such as outdoor dining or entrance features, but in no case will the front setback be more than thirty (30) feet without planning commission and city council approval upon a finding of good cause. The important consideration is maintaining the character of the existing streetscape massing and having building setbacks that respond appropriately to those characteristics. All side and rear setbacks will be determined based on potential impacts of noise, service areas, objectionable views created by the types of uses and the design and the appropriate mitigation needed along the perimeter of the development to transition from the blended use to the surrounding developments. In no case will the side setbacks be less than ten (10) feet (twenty (20) feet if the side setback is facing a street on a corner lot) and the rear setbacks less than twenty (20) feet without planning commission and city council approval upon a finding of good cause. For residential developments, the setbacks shall conform to the requirements of Section 17.16.050.
- b. **Compact Design:** Buildings in a blended use project generally should be clustered so that they are easily accessible for pedestrians and for easy access to shared parking areas. Compact designs create walking connections between buildings. Clustering occurs by grouping the buildings so that several buildings can be accessed from one parking area and from common pedestrian accessways. The implementation of trail systems and connection to the Legacy trail system, where possible, is anticipated in order to encourage pedestrian, equestrian, and bicycle use throughout the B-U zone. Specific plans for buffering of neighboring residential areas shall be required as part of the design process.
- c. **Building Orientation:** Buildings shall be designed so that the front of any building is oriented to the street. Development projects with buildings that are greater in depth (front to rear) than in width, shall have a central plaza or walkway between such buildings so the buildings front the plaza or walkway. When space is limited it may be necessary to create a secondary entrance, which faces the street, from the parking area to the building.
- d. **Parking/Access/Service Areas:** Parking lots shall be located to the side of buildings that front on a street or to the rear of the building areas so that they can service a variety of buildings in a clustered design concept rather than creating one large central parking area. Access to the parking areas should be directed to come from secondary streets when possible in

order to create a continuity of buildings along the main street frontage. When parking is to the side of a building, it shall be set back from the front of the building a minimum of one-third (1/3) the depth (front to rear) of the building and the area in front of the parking shall be landscaped. Surface parking lots shall be landscaped with islands or peninsulas which include trees to help unify the parking lot as a visual amenity to the development. The separation of pedestrian access from vehicular traffic is an important design consideration. Service areas for buildings should be away from pedestrian access areas and public streets, and should be located in a way to be as hidden and non-intrusive as reasonably possible. The use of alleys for service access is encouraged.

2. **Parking Requirements:** General standards in the B-U zone, including redevelopment and community development districts: The parking requirements for the land uses shall be based on the requirements of Chapter 17.52 of this title and these shall be considered as minimum parking requirements. Shared parking reductions are encouraged with the exception of shared parking for residential dwelling units. A minimum of two (2) stalls per dwelling unit is required. The residential parking shall be designed into the dwelling unit or in a detached structure on the same lot as the dwelling unit.
3. **Building Design:**
 - a. Except as otherwise provided in Section 17.26.030.D.5, no building or other structure in the B-U zone may be erected to a height greater than fifty (50) feet; provided, that upon a finding of good cause, the planning commission and city council may authorize a non-residential building or structure to be erected to a height of up to one hundred (100) feet.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylight, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, nor shall such increased height be in violation of any other ordinance or regulation of the City.

- b. Any multilevel building in the B-U zone is intended to promote architectural quality in building design that this type of development needs. Visual interest is an important requirement in the building designs. Visual interest is created by, but not limited to, the following features:

- (1) The building design has a visually distinct base, body and cap.

These are generally achieved by means of the ground level being the base, the body being the middle portion of the building and the cap being the cornice.

(2) Upper story elements (balconies, windows, terraces) that overlook the street, plaza, and other pedestrian walkways.

(3) The perceived height and bulk of the building is relieved by variation in massing and articulation of facades to reduce the visual length of long walls. Variation of rooflines may also be used to reduce the apparent size of blended use buildings and provide visual interest.

(4) Building heights vary in the development to create visual relief and the building height transitions from taller buildings to lower heights to achieve compatibility with adjacent properties when the adjacent properties have a one- or two-story maximum height limitation.

- c. Quality of the development is related to the choice of exterior materials used in a blended use project. Brick, atlas brick or stone should be the main exterior solid surface building materials. Simulated materials that provide a similar visual appearance may also be considered. Trims and accent materials may be architectural metals, wood or wood appearing materials.
 - d. Uses which are nonresidential at the ground level should have the primary frontages of the building that either front a street, plaza or pedestrian accessway designed with a minimum of seventy percent (70%) of the frontage in transparent glass to create storefront appearances and a transparency between the building and the pedestrian traffic.
 - e. All sides of the buildings shall receive equal design consideration to the extent they are visible to the pedestrian access areas and the general street system or the building rises above other buildings and is visible from all sides.
4. Open Space: Usable open space shall be provided within the blended use development. The amount and type of open space for any development will depend on the size, scale, and nature of the development. However, the minimum landscaping/open space requirement for a development will be twenty (20) percent of the total development area. Approved open space may include, but is not limited to, commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, greenbelts, and trail connections. The design shall encourage comfortable and safe pedestrian, equestrian, and bicycle use, including landscaping, seating areas, lighting, and related amenities (including water fountains and restrooms), as appropriate, as well as emphasis given to connections to public access such as connections to trail systems and water features. Unless otherwise specified in a separate

written agreement with the city, all open space areas shall be maintained by property owners or homeowner associations. Particular emphasis should be placed on trail access to the Legacy Byway trail system and related amenities as well as providing connection routes that will allow and encourage pedestrian and bicycle access to nearby public transit stations such as the Frontrunner station near the Woods Cross and West Bountiful border.

5. Signage: Proper signage design in a blended use development is important to the overall theme of the development and sign locations need to be part of the design of the project. Flat wall mounted signs and projecting signs designed at a pedestrian scale (between eight (8) and twelve (12) feet above the sidewalk) placed on the storefronts are the typical sign method that will be considered as appropriate if they otherwise meet the requirements of this title. Developments may be allowed one freestanding monument sign not to exceed eight feet (8') in height for each street frontage, provided the monument sign is constructed of the same materials as the adjacent buildings in the development and the sign fits in context with the development. Signage in this zone shall be compliant with the Legacy design overlay specifications.

17.26.050 Project Master Plan Requirements

- A. A project master plan is required for each project within the B-U zone. The project master plan establishes the project design, proposed uses and spatial relationships within the project and with adjacent properties, both inside and outside of the B-U zone. A proposed and final project master plan for the B-U zone shall consist of the following:
 1. A map or maps showing the proposed configuration of the project, including all buildings, parking, landscaping improvements, the general location of necessary public and/or private roads, development areas, open space areas (including both improved open space and natural open space), public and private trails, public and private parks and recreational facilities, public building sites, any major storm water drainage ways, any planned waterways, and the anticipated location of any other major public facilities required to serve the residents and property owners within, as well as the residents outside of, the project area.
 2. A description of the proposed uses for each development area shown on the project master plan map and phasing of the development, if any, including a description of the residential densities and commercial, office, entertainment, and technology facility intensities of development that are proposed within each development area or phase.
 3. Proposed building elevations showing design, materials and colors proposed for the buildings. For redevelopment/community development district projects that are considered for blended use zoning this will be required only at final approval of the redevelopment/community development project.

4. A written description of any specific elements of the proposed project which are required to explain the project master plan map and the uses, densities, and intensities of development. Such descriptions shall include descriptions of any specific public facilities, open space elements, parks, trails, recreational facilities, roads or other improvements, alternative development options, phasing requirements, and any limitations to development due to environmental site conditions or potential impacts on adjacent uses.
 5. A description of the buffering efforts planned for the project to ensure minimal adverse impact on existing residential properties within 1,500 feet of the edge of the project or the boundary of the B-U zoning district, whichever distance is greater.
 6. Any other information deemed by the planning department to be useful or helpful in evaluating the proposed project.
- B. The proposed project master plan shall be reviewed at the same time as the proposed development agreement. The final project master plan shall be modified to incorporate any changes required in a final approval by the city; any conditions or limitations to the development of the land required in the final approval by the city; and any agreements, approvals or other matters anticipated or required by the city as necessary to develop the subject land. The project master plan shall be deemed approved upon incorporation into a final development agreement that is adopted by the planning commission and city council in accordance with the provisions of this chapter. In the event of any conflict between the provisions of a specific development agreement and the provisions of this chapter, the more restrictive provisions shall govern unless the development agreement expressly provides otherwise.

17.26.060 Blended Use Application And Review Procedure

- A. General Requirements: The planning commission will consider together an application for the use of property in the B-U zone and for project development agreement approval. The planning commission may recommend approval, approval with modifications, or denial of the application and development agreement. The city council will consider and take final action on the recommendation. Other related, project specific applications requiring approval of the city council, including, without limitation, any necessary general plan text or map amendments shall be considered together and approved or denied at the same time as the application for the B-U zone use and the development agreement. All contiguous property under single ownership shall be planned in a unified and comprehensive fashion, and shall be included in an application for use within the B-U zone and project development agreement approval. Notwithstanding any provision of this chapter to the contrary, a development project in the northern portion of the B-U zone (as defined in Section 17.26.030.B.1) involving only a permitted residential use under Section 17.26.030.D.5 of no more than five (5) lots, shall be exempt from the

requirements of this chapter, as long as the project complies with the applicable provisions, requirements and processes of this title, including Chapter 17.16; Title 16; and other applicable laws.

B. Initial Application Requirements: The initial application shall include the following information:

1. A proposed project master plan containing the information required by Subsection 17.26.050.A of this chapter;
2. The key provisions proposed to be contained in a proposed development agreement, addressing all of the information required by Subsection 17.26.070.A of this chapter;
3. A statement addressing each of the findings required for the approval and adoption of a B-U zone application and development agreement, accompanied by such information as may be necessary or appropriate to allow the city to assess the project in light of the required findings;
4. A description of the existing ownership of the property, any property transactions necessary to implement the project master plan, and a description of how development responsibilities are intended to be handled in light of such ownership;
5. Any fee required for processing such application under chapter 16.08 of this code; and
6. The planning department may require the submission of additional preliminary site development information, including slope analysis and other conceptual planning information, to the extent reasonably necessary to permit the city to evaluate the proposed development.

C. Pre-application Conference: The applicant is encouraged to have a pre-application conference with a member of the planning department and city engineer to ascertain the appropriate scope of any additional information that may reasonably be expected in connection with any application for B-U zone use and development agreement approval. The applicant is also encouraged to meet with the building official and the fire marshal to be advised of how building and fire code requirements may affect the proposed development standards.

D. Technical Review Committee (TRC):

1. The city hereby establishes a Technical Review Committee (TRC) to review applications for B-U zone use and development agreement approval. The TRC will consist of up to seven (7) members who are professionals in specific fields, which may include architecture, civil engineering, landscape architecture, geotechnical engineering, traffic engineering, lighting design, and other professions as the city deems necessary.
2. The mayor, with the advice and consent of the city council, will appoint members of the TRC following consideration of responses to a request for qualifications. Members may be appointed for up to two (2) terms of (3) years each. The initial term shall be staggered, with two (2) members appointed for

one (1) year, two (2) members appointed for two (2) years, and three (3) members appointed for three (3) years. Following the initial term, all terms will be three (3) years each, unless a member resigns or is removed earlier. Members of the TRC may be removed under the same procedures as for removal of members of the planning commission.

E. TRC Process

1. The applicant shall submit the initial application and concept plan details with a site plan outlining general development concepts, road systems, parking facilities, trail and park amenities, landscaping features, and all other related design features proposed to be included in the development, as required by this chapter. Upon submission of this information, the planning department will designate, based on the size, nature, location, and complexity of the proposed project, TRC members to review the submissions for technical feasibility and compliance with the requirements of this chapter. The designated members will review the submitted information and provide comments to the city, developer, and property owners. Development review by designated members of the TRC may be waived only by express formal action taken by the planning commission and city council based on the size, nature, location, and complexity of the project. TRC members shall have the ability to prepare reports or summaries as needed to assist in their review process.
2. Fees associated with TRC review of proposed development plans, including for any needed reports or summaries, will be assessed by the city and included as part of the application process. Payment of TRC fees will be expected prior to proceeding forward for further review. Any unused funds will be refunded to the developer or transferred to be used as payment toward respective application fees, at the request of the developer. All TRC members designated to review a particular project must approve the conceptual development plans before the project may move forward for further review by the planning commission and city council. Following approval by the designated TRC members, the applicant is encouraged to have a follow-up conference with a member of the planning department and city engineer.

F. Visual Presentation: If not provided as part of the proposed project master plan, the applicant shall provide for the review of the planning commission and the city council a visual presentation, preferably using computer graphics, depicting the buildings to be constructed under the proposed project master plan within the context of existing, surrounding development. For projects in a redevelopment plan this presentation occurs at the time of the final development application.

G. Planning Commission Review of Initial Application; Preparation of Proposed Development Agreement:

1. Following TRC review, the initial application shall be referred to the planning commission for review and comment at a public meeting. The city shall mail

notice of the first such public meeting to owners of property within 2000 feet of the proposed project in accordance with applicable law. The purpose of such review is not to provide or indicate any approval or denial of such application, but to provide any comments that would assist the planning department in negotiating the actual terms and conditions of a proposed development agreement with the applicant; and to identify any other related, project-specific petitions requiring approval of the city council, such as required plan amendments, which petitions must be filed for concurrent consideration with the application.

2. After such review and comment of the planning commission, the planning department, with the assistance of the city attorney, and with the concurrence of the applicant, shall prepare a proposed development agreement containing all of the information required by Subsection 17.26.070.A of this chapter. After such proposed agreement is completed, the application shall then be scheduled for preliminary review before the planning commission, along with any other related, project-specific petitions requiring approval of the city council. For blended use consideration on an approved redevelopment or community development plan area, Subsection F.1 of this section and this Subsection F.2 are considered satisfied by the approval of the redevelopment/community development plan.
3. If the planning department and the applicant cannot concur on the terms and conditions of a proposed development agreement, the applicant may prepare and submit on his own behalf a proposed development agreement containing all of the information required by Subsection 17.26.070.A of this chapter. Upon the submission of such agreement, and the submission of any other related, project-specific plans requiring approval of the city council, the application shall be scheduled and noticed before the planning commission. The city shall mail notice of the first such public meeting to consider such preliminary review to owners of property within 2000 feet of the proposed project in accordance with applicable law.
4. The initial application under Section 17.26.060, together with the proposed development agreement containing all of the information required by Subsection 17.26.070.A of this chapter and the complete submission of all other related, project-specific petitions requiring approval of the city council, shall constitute a final application for development in the B-U zone.

H. **Review of Final Application:** The final application for development in the B-U zone shall be processed and reviewed following the normal processes and procedures for the review and approval of a development. The planning commission shall consider a recommendation of approval of the final application at a public meeting. The city shall mail notice of the public meeting to owners of property within 2000 feet of the proposed project in accordance with applicable law. Additionally, the city shall mail notice to owners of property within 2000 feet of the proposed project in accordance with applicable law of the first public meeting at which the city council may

consider approval of the final application. If general plan amendments are required, the normal processes and procedures for plan amendments shall also be followed, including all noticing and public hearing requirements. Before a development is approved, the city council, after review and recommendation of the planning commission, shall make findings that:

1. The proposed blended use project to be developed in the B-U zone may be approved consistent with any general plan policies for the establishment of blended use projects or B-U zoning and the provisions of this chapter;
2. The proposed blended use project is described in a conceptual project master plan meeting the requirements of this chapter showing the general configuration of the project, including the general location of development areas and including the types of uses contemplated within each development area, necessary public and/or private roads, recreational and open space amenity areas reasonably anticipated to meet the needs of the residents, any public facilities and other features of the project, which conceptual project master plan is to be incorporated into, and adopted along with, the development agreement;
3. Adequate public and private utility services, streets and other public services can service the proposed development, and if improvements are needed, the development agreement contains a mechanism to assure the provision of such services in connection with any development approved pursuant to the development agreement;
4. The applicant has demonstrated the feasibility of complying with all necessary site development standards required for development in West Bountiful City and will establish mechanisms necessary to assure compliance with all applicable city ordinances;
5. The proposed development (considering such mitigating conditions as may be imposed) will not have a material adverse impact on other property in the vicinity of the development, including all property within the B-U zone and property within 1,500 feet of any border of the B-U zone;
6. The applicant has a reasonable financial plan providing for the construction and maintenance of all reasonably required facilities and other improvements in connection with the development of the project;
7. The proposed development furthers goals and objectives of the general plan;
8. Approving the development in the B-U zone will not adversely affect the public health, safety, and general welfare; and
9. The proposed development satisfies the purposes and requirements of this chapter.

Upon approval of an application for development in the B-U zone, the adoption of the final development agreement and the incorporation of the final project master plan shall be published as a key element of the development's approval. The city council's approval shall provide for the execution of the final

development agreement and the recording of such agreement against the land covered by the project approvals.

I. Application for Construction, Expansion and Use in a Redevelopment/Community Development District:

When a blended use zone is applied to the area of a redevelopment/community development district generally the properties have current development or uses on them which the redevelopment/community development plan seeks to upgrade or change. The application of the blended use zone on these properties based on the redevelopment/community development plan creates a new zoning regulation on the properties. The existing properties may continue their use at the time of development but any consideration of exterior improvements (excluding normal maintenance) to the site, new uses on the property, expansion of existing structures, proposals to construct new buildings or use vacant buildings shall not be allowed until such proposals are reviewed and approved as being consistent with the master development plan by which the property is zoned to B-U, unless special provisions for reuse are approved during the project review process and the conditions explained as additions to this section. A proposal for site improvements, new uses on the property, expansion of existing structures, new construction or use of vacant buildings shall be considered as a final project master plan and development agreement, and shall follow the general development standards and requirements of this chapter in order to receive approval.

17.26.070 Development Agreement Requirements

- A. The development agreement sets the specific standards and requirements that are attached to a specific blended use project. The conditions and limitations of the development agreement shall be based on the approval process and compliance with the general standards of this chapter and specific requirements established during the approval process. A proposed and final project development agreement shall include the following minimum requirements:
1. A legal description for the land covered by the proposed project and the names of all persons holding legal title to any portion of such land;
 2. The configuration of the project as shown on a project master plan;
 3. Development standards covering all proposed regulations governing the design, form, location, placement or configuration of any improvement to real property, whether privately or publicly owned, including, without limitation, standards for lot sizes, setbacks, height limitations, landscaping and parking requirements, lighting, signage, fencing, wall and buffer standards, and architectural design guidelines and specifications;
 4. Development standards that may vary from development standards and regulations generally applicable to development in the city, regardless of zoning classification, but that are consistent with the general development

standards of this chapter;

5. Development widths for public and private rights of way that may vary from existing city standards and specifications;
 6. A description of the public facilities, services and utilities to be provided and a mechanism to assure that such facilities and services will be provided in connection with any development of the land;
 7. A description of recreational or open space facilities and amenities to be provided and a mechanism to assure that such facilities and amenities will be provided in connection with any development of the land, including but not limited to specific plans for connectivity to existing trail features (in particular the Legacy trail system) and related trail amenities;
 8. A description of plans established to buffer densities between existing residential areas and increasingly denser uses within the development area.
 9. A description of the timing and phasing of development;
 10. A description of the various city approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement;
 11. A description of such agreements, conditions or restrictions necessary to cause the project to achieve compliance with the general plan or redevelopment/community development plan, or otherwise necessary to make a finding required for approval of the project;
 12. A requirement that the project be subject to periodic reviews to ascertain compliance with the requirements of the development agreement;
 13. The terms and conditions under which the rights and benefits derived under the development agreement will expire or terminate based on the applicant's failure to meet the conditions of approval or commence development within a reasonable period of time, as well as any other terms and conditions affecting the duration of the agreement;
 14. Provisions for enforcement of the terms and conditions of the development agreement;
 15. Provisions for making amendments to the development agreement;
 16. Such other terms as may be proposed and agreed to between the city and developer; and
 17. Signatures by all owners of the property subject to the development agreement, and consented to by any holders of equitable interests in the property.
- B. The development agreement shall be reviewed at the same time as the proposed project master plan or in the case of a redevelopment/community development district at the time of the final approval. The development agreement shall be modified to incorporate any changes required in the final approval by the city; any conditions or limitations to the development of the land required in the final approval by the city; and any agreements, approvals or other matters anticipated or required by the city as necessary ultimately to develop the subject land. The development agreement shall be adopted and approved by the city council as part of

the overall approval of the development of land in the blended use (B-U) zone classification, following review and recommendation of the planning commission and compliance with all notice and hearing requirements.

- C. All applicable development regulations and standards, including all applicable requirements of the Legacy overlay zone, shall apply to the B-U zone.
- D. The development standards required and allowed in the B-U zone adopted pursuant to this chapter shall be those development standards specified in an approved development agreement for the subject project and such other development standards and regulations as are contained in the zoning, subdivision and other land use and development laws and regulations of the city that are not specifically waived or varied in the approved development agreement. The development agreement may provide that the provisions of the development agreement shall control over any inconsistent development standard contained in this title; provided, that no development agreement provision that is less restrictive than the development standards of this chapter may be approved except upon a finding of good cause.
- E. The development approval processes and procedures that apply to projects governed by a development agreement, including, without limitation, subdivision, site plan, and other land use approvals, shall be those processes and procedures contained in the city's zoning, subdivision and other land use and development laws and regulations in existence and effective on the date of the application for the applicable land use approval, as applicable to the B-U zone and the unique criteria found in this chapter.
- F. Except as set forth in the following sentence, a development agreement and a project master plan for a project covered by a development agreement may be amended on such terms and following such processes as is provided in the final development agreement. Notwithstanding the provisions of the development agreement, any amendment to a development agreement that alters or modifies the duration of the development agreement, modifies the allowed uses, increases the maximum density or intensity of use, alters building height or setback requirements to the extent a finding of good cause would be necessary under this chapter, deletes any major public amenity described therein, or modifies provisions for reservation and dedication of land, including open space dedications, shall be deemed a substantial amendment. Such an amendment may be made only upon the review and recommendation of the planning commission and approval of the city council, after complying with all noticing and public hearing requirements for amendment of a development agreement.
- G. A development agreement may vest the right of the developer to develop the property that is the subject of the development agreement in accordance with the uses, densities, intensities, general configuration of development and any other development standards described and incorporated into the approved development agreement. Any such vested right shall be subject to the following reserved legislative powers: No provision of a development agreement shall limit the future

exercise of the police power of the city in enacting generally applicable land use laws after the date of the approval of a development agreement and to apply such land use laws to modify the vested rights established by an approved development agreement provided that the policies, facts and circumstances applicable to the new land use laws meet the compelling, countervailing public interest exception to the vested rights doctrine in the state of Utah.

- H. Contiguous parcels of land under separate ownership (or proposed to be developed by separate developers) may be included in the B-U zone on the condition that each parcel is covered by the development agreement, the development agreement is signed by all owners and, where applicable, any separate proposed developer. A single development agreement may address the joint or separate obligations of two (2) or more owners or two (2) or more developers of parcels within the property covered by the development agreement. Alternatively, the city may elect to require separate applications and/or separate development agreements under circumstances where property within the B-U zone is or will be owned and/or developed by two (2) or more owners or developers. The city may elect to process related applications for development agreements separately or together. Notwithstanding the above, the city may impose additional conditions and requirements deemed necessary to ensure the implementation of the project master plan considering existing and future ownership scenarios and the likelihood that more than one developer may be involved.
- I. The terms of a development agreement shall run with the land and shall be binding on the city and all successors in the ownership and occupancy of any portion of the project property covered by the development agreement. A development agreement may require that the land that is the subject of a development agreement be encumbered and regulated by private covenants, conditions and restrictions consistent with the requirements of the development agreement. The form and content of the covenants, conditions and restrictions shall be determined by the project owner, but the city shall review the instrument prior to recording and may require the inclusion or revision of provisions necessary to implement the approved development agreement.
- J. The development agreement shall be in a recordable form approved by the city attorney. For purposes of final execution, the applicant shall demonstrate to the satisfaction of the city attorney that the agreement will be executed by the owners of all of the property subject to the development agreement, by delivering to the city attorney a copy of a title policy or other documentation acceptable to the city attorney verifying such ownership.

1 **West Bountiful City** **PENDING APPROVAL** **November 24, 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 20, 2015 per state statutory requirement.

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

8

9 **Those in Attendance:**

10

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

14

15 **MEMBERS EXCUSED:**

16

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

19

20 **VISITORS:** Gary Jacketta, Brad Frost, Mr. Frost (Brad's Father), Gail
 21 Zesiger, Jeff and Kathy Wilkinson, Gary Bohman, Wes Morley, Shelley
 22 and James Bruhn, Floyd Meoed, Julie Jensen, Gary Spilman, Kevin
 23 Ingram, Ron and Joan Littlefield, Mike Strand, Cari Allen, Jeff Sidwell,
 24 Jay Barton, Mark McCleery, Doug Parrish, Greg Argyle, Scott and
 25 Roxann Burningham, Richard Johnson, Terry Johnson, Teresa Thomas,
 26 Paul Maloy, Michelle Carpenter, Renee Lewis, Chris and Heather
 27 Fenhaur, Terrance Wall.

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

30 **I. Accept Agenda.**

31 Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as
 32 posted. Terry Turner seconded the motion and voting was unanimous in favor.
 33

34 **Business Discussed:**

35 **II. Public Hearing for Ovation Homes' P.U.D. Request for *The Cottages at Havenwood at***
 36 ***690 West Pages Lane***

37 Included in the Commissioner's packet was the Public Notice for the hearing and a memorandum
38 dated November 19, 2015 from Ben White regarding The Cottages at Havenwood P.U.D.
39 (Ovation Homes) at 680 West Pages Lane and a copy of the proposed project.

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

41 Ovation Home's proposal for a Planned Unit Development includes:

- 42 • An active adult community governed by CCR's,
- 43 • 37 single level living homes,
- 44 • H.O.A. maintained front yard and open space landscaping,
- 45 • 0.73 acre open space area.

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

- 47 • Reducing front yard setbacks to 20' and rear yard setbacks to 15',
- 48 • Reducing the lot size and width of each lot,
- 49 • Granting a combined bonus density of 24 %.

50 Planning Commission is to consider public input, review the information submitted by applicant,
51 and make a recommendation to the City Council to either deny the request, or approve the
52 request with statements including the terms of the approval, recommended bonuses, and satisfied
53 findings from Chapter 17.68. (listed on the back of the memorandum).

54 **ACTION TAKEN**

55 **Terry Turner moved to open the public hearing for Ovation Homes' P.U.D. at 7:35 pm.**
56 **Mike Cottle seconded the motion and voting was unanimous in favor.**

57 Public Hearing was introduced by Chairman Hopkinson and the public was invited to make
58 comments by taking the stand and stating their name before making their comments.

59 **Public Comments:**

60 **Jeff Wilkinson** is a 16 year resident and desires to stay in West Bountiful for the rest of his life.
61 Currently they live in a split entry home and are nearing the time in their life when it will need to
62 be exchanged for a one level. He and his wife strongly support the proposed development and
63 believe it adds the needed diversity in housing for the active adult community. He understands
64 the setback impact on the adjacent home owner. He took the time to personally visit with each
65 of the neighbors abutting the east side of the development. Each of those six neighbors is in
66 support of the one level homes of this project. He presented the Commission with a petition of
67 names supporting the proposed development, although he was unable to contact all home owners
68 in that area.

69 Regarding the rest of the community, he and his wife have spoken with many throughout the city
70 and found that many are in favor of this development. He pointed out that currently in West
71 Bountiful approximately 6.5 % of our citizen's would benefit from this type of community.

72 **Chad Fenhaur** stated that he is not opposed to the proposal as a whole but is concerned that the
73 zoning ordinance for our city is different than what is proposed. He felt that this will set a
74 precedent for future developers. He added he is concerned is high density that does not lend
75 itself to the rural community and is concerned with more traffic with the higher density and
76 taking away open space.

77 **Heather Fenhaur** grew up in West Bountiful and loves this community and the feel of it. She is
78 opposed to the number of units being proposed. She loves this quiet, peaceful city and does not
79 want it disrupted.

80 **Renee Lewis** lives at the north end of proposed project. She understands that the property will
81 be developed but is not in support of this particular plan. She does not feel it is the right place
82 for this type of development. She pointed out that there are a lot of children around this area and
83 does not feel it fits into this area of the city. She stated that there are a lot of City activities in
84 this area that may not be conducive to this type of community. She would like to see larger
85 family homes so that those that have outgrown their existing homes in the area will have a place
86 to build and remain in the area. Renee feels there are better areas that could be developed in
87 West Bountiful with this type of development. She stated that many of her neighbors around her
88 feel the same.

89 **Mike Strand** is one of the previous owners of Pony Haven. He informed the Commission that
90 the 10 acre property, which included the home, was stolen from his family for \$35,000. He
91 explained they are still in litigation and have been fighting this battle in court for ten years and
92 would like to get the property back and keep it as horse pasture. He claimed that valuable
93 personal items have disappeared and also pointed out that he has lost his oil field in Wyoming
94 that contained approximately \$10.5 million in oil.

95 **Brad Frost** took the stand and clarified the statements Mr. Strand made concerning the sale of
96 the property. Mr. Frost stated that the property has been cleared and there are no legal rights for
97 Mr. Strand. Ovation Homes is now the legal owner the property. He also informed everyone
98 that they paid substantially more than \$35,000 for the property from a third party.

99 **Gail Zesiger** lives on the west side of the property. She has lived there 40 years and her home
100 was one of the first built. She would love to see the drainage fixed no matter what development
101 may occur. She would also love to not have the weed problem and standing pools of water and
102 mosquitoes. She is in support of whatever development would fix these problems.

103 **Ron Littlefield** is a 40 year resident of West Bountiful. He stated that he has enjoyed the horses
104 but realizes all things must change. He and his wife give 100% approval. He also supported
105 Gail Zesiger's statements regarding the drainage issues that need to be addressed.

106 **Terry Wall** has lived in West Bountiful for 13 years. He and his wife like the idea of this project
107 but have a few concerns. He feels there needs to be some secure facility for RV's and boats to
108 keep them off the street. He is concerned that the park at the north end of the street, which
109 doubles as a storm water retention pond, may not be a useable space for residents.

110 **Chad Sidwell** lives in Bountiful and has been watching the property for 5 years. He would like
111 to move to West Bountiful but would be disappointed to see the property developed as proposed
112 by Ovation Homes. He feels the area should house younger people to raise families.

113 **Kathy Wilkinson** informed the Commission that she contacted a lot of community members that
114 were in favor of this development. She felt it is the perfect opportunity to diversify our
115 community and keep good citizens that have lived here all their life but who need a place like
116 this to live. She stated that our community is great and will keep being great even if this type of
117 development is built. In response to earlier claims of added traffic, she pointed out that there
118 would be more traffic with typical family homes than in a senior development of this nature
119 because seniors do not drive as much. She feels this type of development would make it more
120 welcoming to all people.

121 **Gary Spilman** reviewed the plans and feels it is a great idea but would like the number of homes
122 to be reduced. He has lived here for 40 years and has seen the City change a lot. He feels we
123 need to have places for the young and old alike. He informed them that Pony Haven has a lot of
124 underground springs on the property and supports the ideas that have been shared to fix the
125 drainage problems. He feels strongly that there must be a reliable drainage system put in place.

126 **Greg Argyle** does not border the property but is concerned with the density that has been
127 proposed. He feels this will set precedence for future developers. He does not like the setbacks
128 that are proposed. He stated that he had requested to encroach 4 foot into the setback on his own
129 property but was denied because it did not follow the Code. He understands PUD's are different
130 but is concerned about the crowded conditions.

131 **Jerry Carpenter** stated that his backyard abuts Pony Haven. He bought his home 7 years ago
132 when the previous owners had to move into a single level home. He favors the development and
133 believes there is great demand for it but would like to see a bit less density. He realizes there is a
134 great need for this type of development in our City. As a whole, he feels the proposed PUD
135 would bring quality residents to the area. He stated his concerns with drainage and wants that
136 addressed. He would also like to see the property maintained until it is developed.

137 **Weston Morley** lives on the east side of proposed project. He has lived here 12 years and has
138 loved the horses and ponies in his back yard. He realizes that this property needs to be

139 developed and has thought about what type of neighbors he would like to have. He feels that this
140 type of development would bring good things. He stated that one level homes bring security and
141 well maintained yards. He would like lower density but realizes that there are more pros than
142 cons to this type of development.

143 **Jay Burton** lives on lot 204 on the map. He is a five year resident who loves the horses but
144 realizes change must take place. He supports the development and likes the one level unit
145 proposal. Density is a concern but he would personally like more small homes than fewer of the
146 larger homes.

147 **Paul Maloy** is looking forward to a through street being completed. His first thought when he
148 reviewed the plans was that there would be an affordable community for his he and his wife to
149 move into. He has lived here for two years but his extended family has been long time citizens
150 of West Bountiful. He is not opposed to the higher density. He feels that there should be a
151 benefit to those paying HOA fees but he is not seeing any recreation facilities, pool, or such. He
152 stated that the greatest things in our community are children and is not sure if we should exclude
153 younger families in this development. He is attracted to this because he is nearing the years that
154 it would benefit him. He feels the prices seem to be out of range for the average home buyer of
155 that age. He inquired whether property values would increase or decrease with this development.
156 Mike Cottle feels it would add value to the existing homes in the area.

157 **Gary Jacketta** asked about the drainage pumps and who will pay for the drainage. Ben White
158 stated that most likely the developer would bear the cost. Gary was concerned about the PUD
159 wanting the city to take over maintenance in the future like the Jessi's Meadow situation.

160 **Scott Burningham** agrees with Gary Jacketta's statements and supported that fact that we have
161 to take care of the water that is underground.

162 **Richard Johnson** lives one house away from the development. He stated that other than
163 mosquitoes, West Bountiful is a great place to live. He said there is not much available for older
164 people in the City and he feels like this development would serve our city well. He does not like
165 the density but loves the single level home instead of the two story homes so would rather have
166 the one level homes. He has visited other Ovation Homes projects and feels they are well built
167 and look good. They keep their projects nice and that would be a great asset to our city.

168 **Gary Spilman** pointed out that we need to consider that 37 new homes bring 74 more people
169 and cars. This would cause more problems with traffic. He thinks we should reconsider the
170 density, but supports the development.

171 **Jeff Wilkinson** stated that regarding yard size, if he lived in this type of development he would
172 not want a larger yard to take care of; it defeats the purpose. He pointed out that our community
173 offers a lot of housing with RV parking and there are only 37 houses that this would not be

174 available for. More houses, fewer people, less traffic, and no impact to schools are great benefits
175 of the project.

176 **Gail Zesiger** asked if this new development will have Weber Water. Ben White responded that
177 it most likely will.

178 **Shannon Wainwright** supports the development as proposed.

179 **A written petition and written comments were submitted by some who could not be present**
180 **this evening. Comments were read into the recorded minutes and summarized below.**

181 Cathy Brightwell presented a petition signed by 19 people in favor of the development. She then
182 read letters for the record. A letter from **Jacqui Voland**, 686 W 2000 North, was read and stated
183 that she does not believe this new subdivision proposal meets the overall goals of the community
184 and that this property is not the right place for a senior living community situated in the middle
185 of a quiet family subdivision. She would prefer to see family homes with decent size yards.

186 **Laurie Orchard**, 577 W 2125 North, supports this type of single level living homes and
187 believes it would be a great opportunity for those who would desire a single level home and still
188 want to live in West Bountiful. **Dr. Brett and Stephanie Burrell**, 757 N 900 West, were
189 delighted to hear about the new development proposal. They lived just east of Pony Haven at
190 1950 N 600 West for eight years. They believe this will bring a lot of diversitry to the city by
191 adding single family homes for those desiring a new home but without the need for a lot of
192 space; ideal for families downsizing as their children get older or in retirement. The property has
193 remained vacant for a number of years and appeared swampy and not very well kept at times.
194 Nice new homes with well-kept yards would be great. They feel an adjustment to current city
195 ordinances for smaller lots would be well worth it

196 **ACTION TAKEN**

197 **Laura Charchenko moved to close the public hearing for Ovation Homes' P.U.D. at 8:50**

198

199 *Chairman Hopkinson called a 5 minute break.*

200

201 **III. Consider Ovation Homes' P.U.D. Request for the Cottages at Havenwood**

202 Chairman Hopkinson brought the meeting back to order and thanked the public for their
203 comments and noted that they will not go unheard. He reviewed where our city has been and
204 where it has come over the years with development. Chairman Hopkinson noted the plans for
205 future development that may take place. He insured the citizens that the changing of land use
206 ordinances is not taken lightly by the Commission and City Council.

207 Chairman Hopkinson summarized the development proposal. He pointed out that this
208 development has downsized to 37 homes from 41 homes originally requested. Staff will address
209 the drainage issues and the commitment to fix those problems.

210 He invited Brad Frost to the stand to comment on the Public Hearing. Mr. Frost stated that he
211 has fallen in love with the community and the people. He has tried to make adjustments to the
212 development as requested from those he has visited within the community. He explained the
213 need he feels in West Bountiful for this type of community. He informed the Commission and
214 public that currently 65% of seniors move from this community. He added that just because the
215 city accepts this type of development, does not mean they have to accept future developments of
216 this kind.

217 Mr. Frost addressed the following concerns from citizens responding in the Public Hearing.

- 218 • Density issue.
- 219 • Setbacks have been adjusted.
- 220 • He explained the type of homes that will be built and that it is different than R-1-10 but
221 that can be a good thing that keeps people in our community.
- 222 • Traffic would be greater with traditional family homes by about 60%.
- 223 • No impact to school system.
- 224 • HOA is created in this development to maintain yards and fence. Fee approximately
225 \$90/mo.
- 226 • No open space for city to have to take over.
- 227 • No RV parking is a benefit to the community and is a safety issue and gives open space
228 and a clean look to the development.
- 229 • Price/value of this community will add value to surrounding homes.
- 230 • He has visited the neighborhood door to door and addressed many of their issues on the
231 east and west side of the development.
- 232 • Themed landscaping with A and B plans and alternating fronts. Propose hazelnut maple
233 trees aligning both sides of street that grow to about 50 feet tall.
- 234 • Compared some differences to R-1-10 vs. the PUD with pros and cons. Pointed out that
235 it brings diversity to the area.
- 236 • Discussed their openness to develop a Park area on the north side of the project that
237 contains about 7,000 square feet.

238 In conclusion he pointed out that he is asking for a 25% bonus density and feels he is justified in
239 doing so.

240 **Questions from Public:**

241 **Chad Fenhaur** wants to understand about the density created for this PUD and how it can be
242 allowed. Mr. Frost explained how it works.

243 **Terry Wall** asked if Ovation Homes would build a different type of development if they could
244 not build what they have proposed. Mr. Frost stated that they would likely sell out to another
245 developer.

246 **Ranee Lewis** inquired how the HOA would work in regards to the restrictions and limitations
247 and how they would be managed. Mr. Frost responded to her concerns.

248 **Gary Jacketta** asked about grandparents that raise grandchildren - is this allowed? No, it would
249 not be. Mr. Frost responded that the HOA governs itself by its people, but typically households
250 are limited to a certain number of people based on the size of the home, rather than an age
251 restriction.

252 Further drainage issues were addressed and briefly discussed.

253 Chairman Hopkinson reviewed the memorandum from Ben White and the criteria needed to
254 meet the PUD requirements. He appreciates Ovation Home's efforts to modify their request with
255 the comments made by the City and its citizens.

256 Chairman Hopkinson invited comments from the Commissioners in regards to Amenity Density
257 Bonus, Minimum standards, etc.

258 **Alan Malan** spoke about the minimum standard for the RV parking.

259 **Corey Sweat** asked Mr. Frost about how the park would be a substantial benefit. He did not feel
260 that just having open space is much of a value. He wants to see some parking in that area. Mr.
261 Frost stated they have put in small parking areas in some of their other projects and it was later
262 removed because there was not a need and the HOA did not want to maintain it. He said he is
263 willing to work with their ideas to design what is desirable to the city. He feels that there would
264 be adequate parking for the use of the park.

265 **Terry Turner** disagrees with the effect it will have to the neighborhood. He supports the idea of
266 this type of development but does not like it in this area.

267 **Laura Charchenko** feels this is great development and appreciates Ovation leaving the side
268 yard setbacks in place. She sees the need for this type of community. She stated that she
269 believes the benefits of this PUD far outweigh a R-1-10 development. She pointed out that
270 neighborhood views will not be impacted. She is in favor of granting the PUD with some
271 wrinkles to be ironed out.

272 **Alan Malan** believes that in concept it is fine, but the implementation has problems. He feels
273 HOA is too restrictive and could cause neighborhood problems. The bonuses he would give
274 them are taken away with other things the development is trying to restrict or not comply with.

275 **Chairman Hopkinson** explained the process and how the City Council can put together a
276 development agreement without changing the ordinances. City Council is the land use ordinance

277 in this particular situation. He emphasized that the agreement does not make change to any
278 ordinances.

279 **ACTION TAKEN**

280 **Laura Charchenko moved to grant the PUD request as proposed by Ovation Homes at 690**
281 **West Pages Lane per the proposed plans, with the change that adequate garage and off-**
282 **street parking be addressed. The Motion failed for lack of a second.**

283 **Alan Malan moved to deny the PUD request for Ovation Homes because it does not meet**
284 **minimum requirements or minimum standards and does not provide substantial public**
285 **benefit. Mike Cottle seconded the motion. Some discussion took place.**

286 **Roll Call vote**

287 **Mike Cottle- Aye**

288 **Terry Turner- Nay**

289 **Denis Hopkinson- Nay**

290 **Laura Charchenko- Nay**

291 **Alan Malan- Aye**

292 **Motion failed with a vote of three against and two in favor**

293 **ACTION TAKEN:**

294 **Laura Charchenko moved to grant the PUD for Cottages at Havenwood as outlined in the**
295 **memorandum dated November 19, 2015 from Ben White with the following conditions:**
296 **that City Council appropriately address Section 17.68.100, including minimum standards**
297 **for garage and off street parking and RV parking, and address Section 17.68.120 to grant**
298 **density bonus between 15 to 25 %. Terry Turner seconded the motion and some discussion**
299 **took place.**

300 **A friendly amendment was made by Alan Malan to include a condition that the open space**
301 **include a specific agreed upon amenity along with parking. Laura Charchenko accepted**
302 **the friendly amendment and Terry Turner seconded the motion.**

303 **Roll Call Vote was taken:**

304 **Mike Cottle- Aye**

305 **Terry Turner- Aye**

306 **Denis Hopkinson- Aye**

307 **Laura Charchenko- Aye**

308 **Alan Malan- Nay**

309 **Motion Passed with a four to one vote in favor.**

310

311 **IV. Staff Report**

312 Ben White reported:

- 313 • Ben received a phone call from Ivory Homes for the Equestrian Center and the City can
- 314 expect them to come before us in the next few months to address the blended use
- 315 language.
- 316 • Chairman Hopkinson instructed the Commission to review the blended use ordinance that
- 317 has specific language stating what the city intends for that area.
- 318 • Ordinance approved to codify our city code at the last meeting of City Council. New
- 319 code on city website and is very user friendly.
- 320 • At Home will occupy the old Shopko building.
- 321 • Restaurant of some type will be housed in the Burger King building
- 322 • Day Spa in Winger Area with two more available units for rent.

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

324 **ACTION TAKEN:**

325 **Alan Malan moved to approve the minutes dated November 10, 2015 as presented. Laura**
326 **Charchenko seconded the motion and voting was unanimous in favor among those**
327 **members present.**

328 **VII. Adjournment**

329 **ACTION TAKEN:**

330 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting at**
331 **10:20 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.**

332

333
334 The foregoing was approved by the West Bountiful City Planning Commission on December 22, 2015, by
335 unanimous vote of all members present.

336 _____

337 Cathy Brightwell - City Recorder