

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
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 AT 7:30 PM ON TUESDAY,
MAY 24, 2016 AT THE CITY OFFICES AT 550 NORTH 800 WEST**

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Consider Final Plat for Olsen Farms 8 Subdivision.
3. Discuss Ordinance 377-16 Which Establishes a Six Month Moratorium on PUDs.
4. Staff Report.
5. Consider Approval of May 10, 2016 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 **May 20, 2016.***

MEMORANDUM



TO: Planning Commission
DATE: May 20, 2016
FROM: Ben White
RE: Olsen 8 Subdivision

Rezone

The City Council approved Mr. Olsen's rezone request on May 17th. All of the property within the plat boundary is now in the R-1-10 zone.

Subdivision

Terry Olsen is proposing to subdivide his 2.5 acre parcel located at 1014 W Pages Lane into three lots and one parcel. The north "parcel" is designated that way because it is not buildable due to existing utility lines.

The majority of the street and utility improvements have already been constructed for this subdivision. Curb and sidewalk along Pages Lane are all the improvements that would be required, and the applicant has provided a design improvement drawing for the curb, sidewalk and asphalt extension.

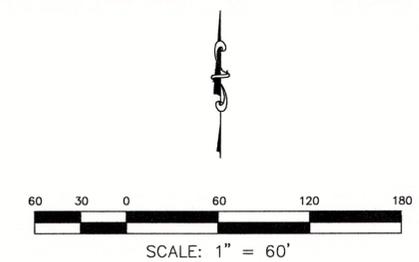
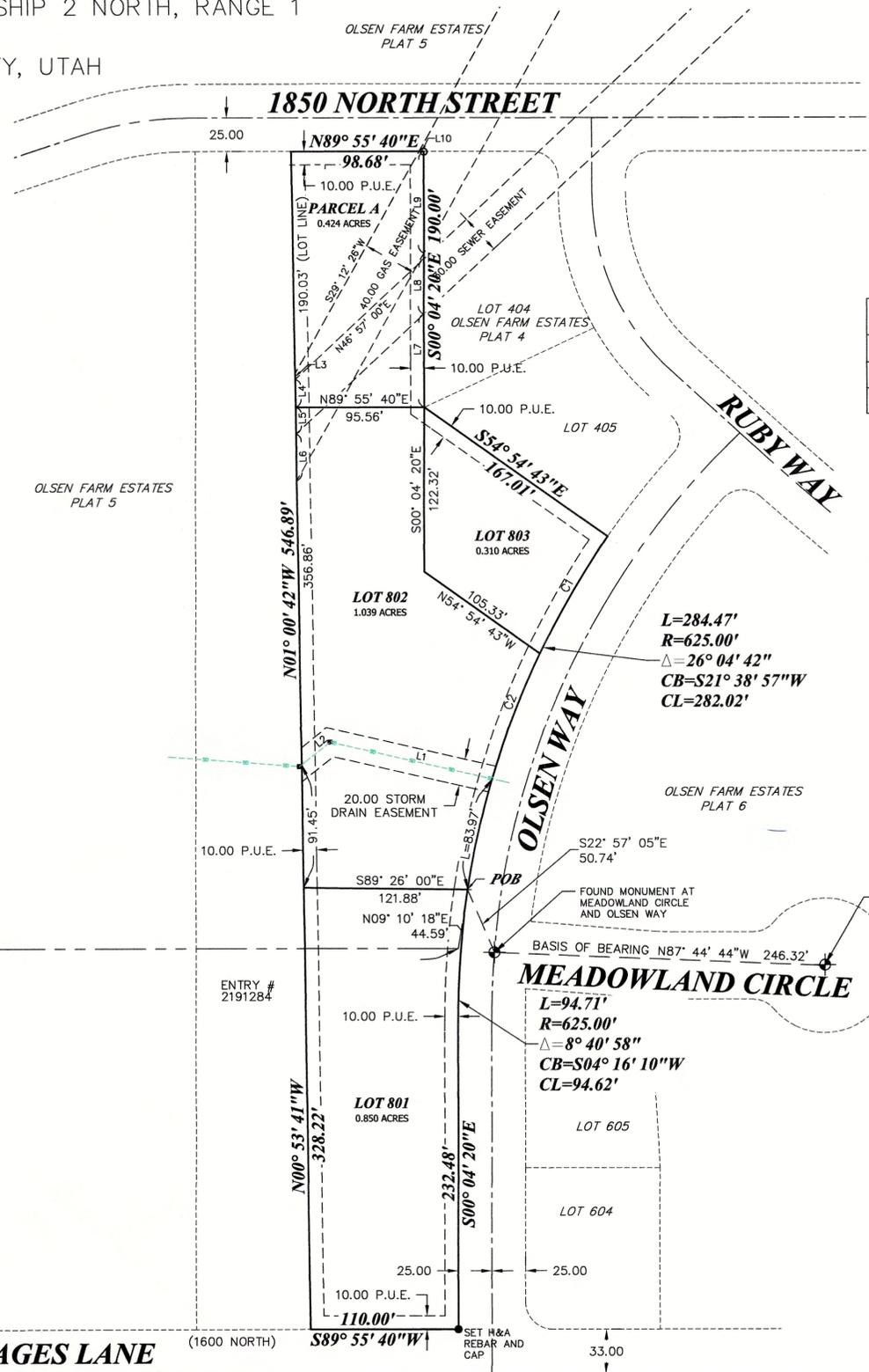
Recommendation

Staff recommends approval of the Final Plat with the installation of curb and sidewalk on Pages Lane as a condition of approval.

Mr. Olsen will not be in attendance at tonight's Planning Commission meeting. Staff has reviewed the recommendation with him and he is okay to install the improvements as proposed, and requests action by the Planning Commission.

OLSEN FARM ESTATES SUBDIVISION PLAT 8

LOCATED IN THE WEST PART OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 1 WEST, S.L.B.&M.
WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH



Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	100.49	625.00	9.21	S30° 04' 56"W	100.38
C2	183.98	625.00	16.87	S17° 02' 35"W	183.31

Parcel Line Table

Line #	Direction	Length
L1	S77° 12' 27"E	136.64
L2	N51° 27' 10"E	29.07
L3	N1° 00' 42"W	4.22
L4	N1° 00' 42"W	20.68
L5	S1° 00' 42"E	19.72
L6	S1° 00' 42"E	34.86
L7	N0° 04' 20"W	69.03
L8	N0° 04' 19"W	41.01
L9	S0° 04' 20"E	75.74
L10	S89° 58' 50"W	3.39

L=284.47'
R=625.00'
Δ=26° 04' 42"
CB=S21° 38' 57"W
CL=282.02'

L=94.71'
R=625.00'
Δ=8° 40' 58"
CB=S04° 16' 10"W
CL=94.62'

GENERAL NOTES

- ALL FRONT AND REAR LOT EASEMENTS SHOWN ARE 10.0' WIDE PUBLIC UTILITY EASEMENTS (P.U.E.) UNLESS OTHERWISE NOTED. INSIDE PERIMETER OF SUBDIVISION IS A 10.0' WIDE EASEMENT.
- ALL SIDE EASEMENTS 7.00' WIDE.
- ALL COORDINATES SHOWN ARE BASED ON DAVIS COUNTY SURVEYOR'S OFFICE DATUM.
- P.U.E. DENOTES A PUBLIC UTILITY EASEMENT AND A DRAINAGE EASEMENT.

LEGEND

- SUBDIVISION LINE _____
- LOT LINES _____
- ROAD CENTERLINE _____
- SECTION LINES _____
- TIE TO MONUMENT _____
- PUBLIC UTILITY EASEMENT (P.U.E.) _____
- SET 5/8" REBAR AND H&A CAP, LS# 166385, AT CORNER (UNLESS OTHERWISE NOTED) ●
- FOUND PROPERTY MARKER (AS NOTED) ○

SURVEYOR'S CERTIFICATE

I, VON R. HILL, A PROFESSIONAL LAND SURVEYOR HOLDING CERTIFICATE NO. 166385 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HERewith AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS HEREafter TO BE KNOWN AS OLSEN FARM ESTATES SUBDIVISION PLAT 8.



VON R. HILL

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE WEST LINE OF OLSEN WAY, WHICH POINT IS NORTH89°59'21"EAST 727.64 FEET ALONG THE QUARTER SECTION LINE AND NORTH09°10'18"EAST 44.59 FEET FROM THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH AND RUNNING THENCE ALONG THE WEST LINE OF OLSEN WAY AND THE ARC OF A 625.00-FOOT RADIUS CURVE TO THE LEFT FOR AN ARC DISTANCE OF 94.71 FEET, (CHORD BEARING AND DISTANCE = NORTH04°16'10"EAST 94.62 FEET, CENTRAL ANGLE = 08°40'52"); THENCE SOUTH0°04'20"EAST 232.48 FEET TO THE NORTH LINE OF PAGES LANE; THENCE SOUTH89°55'40"WEST 110.00 FEET ALONG SAID LINE; THENCE ALONG THE GRANTOR'S WEST PROPERTY LINE AND A FENCE LINE AND THE EAST LINE OF THE PROPERTY CONVEYED IN ENTRY NO. 2191284 NORTH0°53'41"WEST 328.22 FEET ALONG A FENCE LINE OF SAID PROPERTY LINE; THENCE NORTH01°00'42"WEST 546.89 FEET ALONG A FENCE LINE OF SAID PROPERTY LINE TO THE SOUTH LINE OF 1850 NORTH STREET; THENCE NORTH89°55'40"EAST 98.68 FEET ALONG 1850 NORTH STREET; THENCE SOUTH0°04'20"EAST 190.00 FEET ALONG THE EAST LINE OF SAID LOT; THENCE SOUTH54°54'43"EAST 167.01 FEET ALONG THE SOUTHERLY LINE OF LOT 405 OF SAID SUBDIVISION TO THE WESTERLY LINE OF OLSEN WAY AND A POINT ON THE ARC OF A 625.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 284.47 FEET, (CHORD BEARING AND DISTANCE = SOUTH21°38'57"WEST 282.02 FEET, CENTRAL ANGLE = 26°04'42") OF SAID LINE TO THE POINT OF BEGINNING, CONTAINING 2.622 ACRES.

OWNER'S DEDICATION

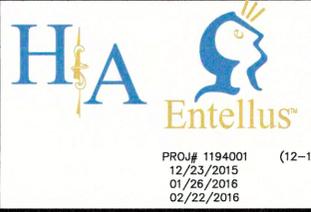
KNOWN ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO PRIVATE LOTS, HEREafter TO BE KNOWN AS OLSEN FARM ESTATES SUBDIVISION PLAT 8, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

SIGNED THIS ____ DAY OF _____, 20__.

ACKNOWLEDGEMENT

ON THIS ____ DAY OF _____, 20__, THERE APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSE THEREIN MENTIONED.

NOTARY PUBLIC: _____
RESIDENCE: _____
MY COMMISSION EXPIRES: _____



181 North 200 West, Suite #4
Bountiful, Utah 84010
Phone 801-298-2236
Fax 801-298-5983

PROJ# 1194001 (12-107)
12/23/2015
01/26/2016
02/22/2016

RECOMMENDED FOR APPROVAL
APPROVED THIS ____ DAY OF _____, 20__
WEST BOUNTIFUL CITY ENGINEER

RECOMMENDED FOR APPROVAL
APPROVED THIS ____ DAY OF _____, 20__ BY THE
PLANNING COMMISSION OF WEST BOUNTIFUL CITY.
CHAIRMAN: _____

WEST BOUNTIFUL CITY COUNCIL
PRESENTED TO THE CITY COUNCIL OF WEST BOUNTIFUL, UTAH THIS
____ DAY OF _____, 20__ AT WHICH TIME THIS SUBDIVISION
WAS APPROVED AND ACCEPTED.
MAYOR: _____
CITY RECORDER ATTEST: _____

RECOMMENDED FOR APPROVAL
APPROVED THIS ____ DAY OF _____, 20__
WEST BOUNTIFUL CITY ATTORNEY

DAVIS COUNTY RECORDER
ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED THIS ____ DAY OF _____, 20__ AT _____
IN BOOK _____ OF _____
COUNTY RECORDER _____
BY _____ DEPUTY

**WEST BOUNTIFUL CITY
ORDINANCE # 377-16**

**AN ORDINANCE ESTABLISHING TEMPORARY RESTRICTIONS REGARDING
LAND USE REQUESTS IN CONNECTION WITH PLANNED UNIT DEVELOPMENTS
(WEST BOUNTIFUL MUNICIPAL CODE TITLE 17 CHAPTER 68)**

WHEREAS, the City is in the process of studying how Planned Unit Developments (“*PUDs*”), as defined in *WBMC* § 17.68.010, *et seq.*, can better meet the land use purposes set forth in *Utah Code Ann.* § 10-9a-102 (the “*PUD Ordinance Study*”);

WHEREAS, the City’s PUD Ordinance Study will focus on good land use principles, including public safety, health, and welfare; protecting the tax base; securing economy in governmental expenditures; protecting both urban and nonurban development; and conformity with the West Bountiful City General Plan;

WHEREAS, the City’s PUD Ordinance Study will specifically address the impacts of existing and contemplated uses as well as measures for mitigating such impacts, as well as the procedures for PUD review and approval;

WHEREAS, the impacts to be studied include the potential for increased traffic; the potential burden on police services, storm water drainage, and other City resources; and other potential harmful impacts;

WHEREAS, the City’s PUD Ordinance Study will be conducted in partnership with property owners, business owners, residents, and members of the Planning Commission and City Council;

WHEREAS, applicable state statutes allow the City’s legislative body to establish by ordinance temporary land use regulations regarding zoning amendments, conditional use permits, building permits, and other land use matters; and

WHEREAS, final public hearings and meetings of the Planning Commission and City Council must be held prior to formal adoption of any plan or measures to be submitted as a result of the City’s PUD Ordinance Study.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF WEST BOUNTIFUL CITY, UTAH, AS FOLLOWS:

- (1) *Finding of Countervailing Interest.*** Pursuant to *Utah Code Ann.* § 10-9a-504(1)(a), the City Council expressly finds that restricting land use requests with respect to new PUDs, as provided in this Ordinance, while the City completes its PUD Ordinance Study is in the best interest of the City. The Study is necessary to address the impacts and potential impacts of additional or modified PUDs within the City limits, including the potential for increased traffic and the potential burden on police services, storm water

drainage, and other City resources. This constitutes a compelling, countervailing public interest sufficient to justify a six-month prohibition on land use applications and development activities as specified in this Ordinance.

(2) *Balancing of Public versus Private Interests.* The City Council finds further that any harm to private interests from the temporary land use regulations is *de minimis*, and is outweighed by the City's interests in receiving, reviewing, and adopting the recommendations of the PUD Ordinance Study. The City Council finds that no new PUD development or other proposed land use, the completed application, plans, and fees for which were not submitted prior to 4:30 p.m. on May 17, 2016, in full compliance with existing zoning regulations, has any right to be prosecuted under existing regulations. Further, any land use request submitted prior to 4:30 p.m. on May 17, 2016, that the City has disapproved due to incompleteness, inaccuracies, or non-compliance is specifically determined to have no vested right to be prosecuted under existing regulations. The City will not accept any re-submittal of these disapproved requests during the period of prohibition under this Ordinance.

(3) *Temporary Regulations.* Temporary zoning and building regulations are hereby adopted, as follows:

(A) No request for a PUD or to alter an existing PUD will be accepted for any PUD.

(B) No operation, construction, reconstruction, alteration, or other development activity with respect to a PUD will be permitted, except as otherwise allowed by applicable development agreement and state law, including *Utah Code Ann.* § 10-9a-513.

(C) These temporary regulations will expire six months from the date of adoption of this Ordinance, unless repealed earlier by action of the City Council.

(4) *Relief from Temporary Regulations.*

(A) A property owner, lessee, or occupant may petition the Planning Commission for relief from these temporary regulations. Such petition must be in writing and contain the following information:

- (i) Scope of relief desired;
- (ii) Explanation of why the relief is necessary; and
- (iii) Explanation of work to be performed.

(B) The Planning Commission may grant relief from the temporary regulations under the following conditions:

- (i) The relief sought is to protect the structural integrity of a building;
- (ii) The relief sought does not affect the potential recommendations of the City's PUD Ordinance Study;
- (iii) The relief sought is for minor interior changes to existing structures or buildings;
- (iv) The relief sought is to enable the repair of electrical, plumbing, or similar systems;
- (v) The relief sought is to remedy a violation of safety codes or environmental regulations for which a land use or building permit application is required (no relief being necessary if the remedy would not otherwise require a land use or building permit application); or
- (vi) The relief sought is for the placement of temporary signs, making of temporary repairs, hosting special events, or for temporary public signage.

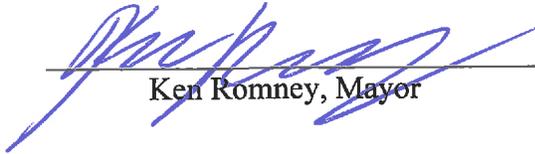
(C) The Planning Commission's decision on a petition submitted under this Ordinance may be appealed to the City Council in the same manner and following the same procedures as an appeal from a decision of the land use authority under *WBMC* § 17.08.120.

(5) *Effective Date.* This Ordinance shall become effective upon adoption, signature, and posting.

[The remainder of this page is intentionally left blank.]

ADOPTED this 17th day of May, 2016.

By:



Ken Romney, Mayor

Attest:



Cathy Brightwell, City Recorder

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	<u>Absent</u>	_____
Councilmember Bruhn	<u>✓</u>	_____
Councilmember Enquist	<u>✓</u>	_____
Councilmember Preece	<u>✓</u>	_____
Councilmember Williams	<u>✓</u>	_____



**CERTIFICATE OF
PASSAGE AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 377-16
was duly passed and published, or posted at three public places within the
municipality on 5-19-16 2016, which public places are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park Bowery, and*
- 3) Lakeside Golf Course.*

Cathy Brightwell
Cathy Brightwell, City Recorder

DATE: 5/19/2016

1 **West Bountiful City**
2 **Planning Commission**

PENDING

May 10, 2016

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website
4 and the West Bountiful City website, and sent to Clipper Publishing Company on May 6, 2016 per state
5 statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**
7 **May 10, 2016, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice Chairman Terry
12 Turner, Alan Malan, Mike Cottle, Laura Charchenko, Corey Sweat, and Council
13 member Andy Williams.

14

15 **MEMBERS/STAFF EXCUSED:** Cathy Brightwell (City Recorder)

16

17 **STAFF PRESENT:** Ben White (City Engineer) and Debbie McKean (Secretary)

18

19 **VISITORS:** Randy Celia, Heather Sather, Gary Jacketta, Craig Jacobsen, Duane
20 Atwood, Terry Olsen, Kelly Enquist, James Bruhn.

21

22 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.
23 Laura Charchenko offered a thought.

24 **I. Accept Agenda**

25 Chairman Hopkinson reviewed the agenda.

26 **ACTION TAKEN:**

27 **Mike Cottle moved to accept the agenda as presented. Terry Turner seconded the motion**
28 **and voting was unanimous in favor among members.**

29 **Business Discussed:**

30 **II. Public Hearing regarding a request by Terry Olsen for a 3 lot subdivision at**
31 **1014 West Pages Lane designated as Olsen Farms 8, and Rezone a Portion of the**
32 **Property from R-1-22 to R-1-10.**

33 **ACTION TAKEN:**

34 **Laura Charchenko moved to open the public hearing regarding Terry Olsen for a 3 lot**
 35 **subdivision at 1014 West Pages Lane Subdivision at 7:35 pm. Alan Malan seconded the**
 36 **motion and voting was unanimous in favor.**

37 **Introduction:**

38 Chairman Hopkinson instructed the public on how to proceed with the Public Hearing
 39 and shared his appreciation to the public for being here.

40 Ben White explained the nuances with the subdivision and described the said property.
 41 Two separate applications will be up for approval tonight. One of them will be the subdivision
 42 and the other a request to rezone the property.

43 **Public Comment:**

- 44 • **James Bruhn** (Terry Olsen's neighbor to the west). He is requesting that if there is
 45 rezone, he would like his property considered in the rezone as well.
- 46 • **Heather Sather** (Terry's neighbor) above proposed lot 3. Their property is
 47 approximately 1/3 of an acre. She feels the design of Mr. Olsen's property is lovely and
 48 she approves of the subdivision and rezoning.

49 **ACTION TAKEN:**

50 **Terry Turner moved to close the Public hearing regarding the request for a 3 lot**
 51 **subdivision at 1014 West Pages Lane at 7:40 pm. Laura Charchenko seconded the motion**
 52 **and voting was unanimous in favor.**

53

54

55 **III. Consider Request from Terry Olsen to Rezone his property at 1014 West Pages**
 56 **Lane from R-1-22 to R-1-10.**

57

58 Included in the Commissioner's packet was a site plan and a memorandum from Ben
 59 White dated May 4, 2016 regarding Olsen 8 Subdivision and Rezone Request. The
 60 memorandum included the following information:

- 61 • Mr. Olsen would like to subdivide his 2.5 acre parcel into three lots and one parcel.
- 62 • The north parcel is not a buildable lot due to utility lines.
- 63 • The majority of the street and utility improvements have been constructed for this
 64 subdivision.
- 65 • Curb and sidewalk would be a requirement along the Pages Lane portion of the property.
- 66 • Property is located in both the R-1-10 and the R-1-22 zones. Mr. Olsen would like to
 67 have the entire property zoned R-1-10. With a minimum proposal to realign the R-1-10
 68 boundary to allow him to square off lot 3 west boundary.

- 69 • The proposed subdivision can be constructed without a rezone.
- 70 • Reference to municipal code (17.12.030.E.)
- 71 • Staff suggestion to follow proposed property lines so there are not multiple zonings
- 72 within one single property.
- 73 • Recommendations for possible motions.
- 74

75 **Commissioner's Comment:**

- 76 • **Chairman Hopkinson** stated that there is consternation over spot zoning and mentioned
77 various reasons for that. He asked Mr. Olsen if his request is due to the Lot # 3
78 configuration. He asked what his plans would be for the shop on his property. Mr. Olsen
79 stated that it would remain the same. He pointed out that his property is half R-1-10 and
80 half R-1-22. Terry Olsen pointed out on the diagram his property and how it came to
81 being laid out as it was. He noted that in order to enhance the properties to the west, he
82 traded ground from the west side of his property to the east. He stated that it makes
83 building impossible unless he is either one zone or the other. He informed the
84 Commission that all amenities are in. Terry pointed out his plans for realigning property
85 lines for Lot 3. The last parcel along 1850 North is unbuildable due to utility lines.
86 Mixing the good land with this parcel of land would be a benefit to him. He desires all
87 lots to be in the R-1-10 zone.
- 88 • **Ben White** confirmed that the east side of the property is zoned R-1-10. It is not ideal
89 for this property to be in separate zones. The majority of the property is zoned R-1-22
90 and according to our ordinances would be the presiding zone.
- 91 • **Chairman Hopkinson** pointed out the recommendations on the memorandum from
92 Staff.
- 93 • **Alan Malan** asked Mr. White about the parcel on the north side of the property which is
94 half acre in size. Mr. White stated that it is buildable but is not a desirable lot. The
95 property could be made buildable in the future but meets the minimum size for the zone.
96 If the zoning was R-1-10 it could become a buildable lot. Adding adjoining property
97 could also make it a buildable lot. Mr. White stated that it makes more sense to have all
98 lots the same zone.

99 Some discussion took place regarding possibilities for the property and the effects of
100 adjacent property owners. It was also a topic of discussion as to what would be the best situation
101 for that area. Further discussion took place regarding the rezoning of property all the way to
102 1100 West. The Commission discussed the mixing of zones and the pros and cons and the
103 options to take action upon.

104

105 **ACTION TAKEN:**

106 **Mike Cottle moved to propose a recommendation to city council to rezone all the of the**
107 **Olsen 8 property from R-1-22 to R-1-10. Laura Charchenko seconded the motion and a**
108 **roll call vote was taken as shown below:**

109

110

111

112 **Mike Cottle-Aye**
 113 **Terry Turner- Nay**
 114 **Laura Charchenko- Aye**
 115 **Denis Hopkinson- Aye**
 116 **Alan Malan- Nay**

117
 118 **Motion passed 3 to 2 in favor.**

119
 120

121 **IV. Consider Preliminary Plat for Olsen Farms 8 Subdivision**

122
 123 **ACTION TAKEN:**

124
 125 **Laura Charchenko moved to approve the preliminary plat for Olsen 8 Subdivision with the**
 126 **condition that curb, gutter and sidewalk be placed along Pages Lane. Alan Malan**
 127 **seconded the motion and voting was unanimous in favor.**

128
 129

130 **V. Consider Preliminary Plat for the Cottages at Havenwood Subdivision**

131
 132
 133

Information from Staff was reviewed from the memorandum.

- 134 • **Alan Malan** would like to see one more street light. Mr. Malan also thought that fencing
- 135 would be required around all properties. Mr. White informed him that it is only being built
- 136 around the boundaries of the development and is not a condition for the developer to put
- 137 fencing around every property.
- 138 • **Laura Charchenko** questioned the size of the homes required being 1500 square feet.
- 139 • **Terry Turner** asked the Ovation representative how he envisioned this development
- 140 would add value to our community. He stated that the homes are well designed and have
- 141 variety. All of their communities are well received across the valley.
- 142 • **Chairman Hopkinson** inquired if there is an agreement with Davis County for the
- 143 drainage plan and development plan for discharging water. Mr. White stated that there is
- 144 an agreement in place that will take care of this situation. The capacity of the canal will
- 145 be increased. The design for Weber Basin will be in place before final approval.
- 146 Chairman Hopkinson asked if side yard easements will be in place for the final approval.
- 147 Mr. White responded in the affirmative.

148
 149

There was great hesitancy for any Commissioner to make a motion at this time due to the
 150 process that took place coming to this point. Ben White reminded the Commissioners that
 151 approval was already given for this development from the City Council and the planning
 152 commission's duty is to address the preliminary plat as they would for any subdivision.

153
 154

ACTION TAKEN:

155 **Mike Cottle moved to approve the Preliminary Plat application for the Cottages at**
 156 **Havenwood Subdivision as presented. Laura Charchenko seconded the motion and voting**
 157 **was done by roll call as shown below:**

158 Mike Cottle - Aye
 159 TerryTurner - Nay
 160 Denis Hopkinson - Aye
 161 Laura Charchenko - Aye
 162 Alan Malan - Nay
 163
 164

165 **VI. Consider Conditional Use Permit for Lost Boys Garage & Fabrication, previously**
 166 **Tracy's Repair Center, at 1387 West 1200 North.**
 167

168 Packet included a Conditional Use Application from Randy Celia and a memorandum
 169 from Ben White/Cathy Brightwell dated May 6, 2016 regarding Lost Boys Garage &
 170 Fabrication. The memorandum included the following information:

- 171 • Lanny Tracy has been providing automotive repair, restoration and Customization
 172 services on a grandfathered basis for many years at 1387 West 1200 North. It was a pre-
 173 existing business prior to annexing into the City.
- 174 • Mr. Tracy is passing his business on to Randy Celia but still plans on living on the
 175 property. Mr. Celia will lease the property for the same type of business and do business
 176 under the name of Lost Boys Garage and Fabrication.
- 177 • The Planning Commission granted Mr. Tracy a conditional use permit in 2003.
- 178 • A list of conditions were included in the memorandum.
- 179 • Staff recommendation was to grant the Permit with the same conditions as previously
 180 required.

181
 182 Ben White gave a brief history of the business. The property was annexed into the City
 183 many years ago and has some interesting nuances to our city ordinance. The business is
 184 grandfathered because it existed prior to being annexed into the city. Mr. White spoke to the
 185 Property Ombudsman and reported that he felt that the owner had rights that were probably hard
 186 to challenge regarding continuing the business even if he does not manage it himself. If the
 187 house were to be torn down, that would create a new scenario to consider.
 188

189 Mr. Randy Celia was invited to take the stand. Ms. Charchenko inquired about the
 190 vehicles that are to the east of the property and what the plans were for the vehicles. Mr. Celia
 191 replied that the vehicles currently there will be removed. He will not be working on big trucks
 192 and semi's. He stated that he has adequate storage inside the shop for the vehicles he will be
 193 working on. He informed them that he will be the only employee.
 194

195 **ACTION TAKEN:**

196 **Alan Malan moved to approve the conditional use permit application for Lost Boys Garage**
 197 **and Fabrication for Randy Celia with the same conditions as those imposed to Lanny**
 198 **Tracy in 2003. Findings per the Conditional Use Ordinance, Section 17.60.040, include the**
 199 **proposed use at the particular location is necessary or desirable to provide a service or**
 200 **facility that will contribute to the general well-being of the neighborhood and community;**
 201 **will not be detrimental to the health, safety, or general welfare of persons residing or**
 202 **working in the vicinity, or injurious to property or improvement in the vicinity; the**
 203 **proposed use and/or accompanying improvements will not inordinately impact schools,**

204 **utilities, and streets; and the conditions to be imposed in the conditional use permit will**
205 **mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish**
206 **the purposes of this subsection. Mike Cottle seconded the motion and voting was**
207 **unanimous in favor.**

208
209

210 **VII. Staff Report**

211 **Ben White reported:**

- 212 • Moratorium may be put on PUD ordinance for revamping.
- 213 • This Friday at 1:30 pm there will be a ribbon cutting at City Park for the new basketball
- 214 courts. Representatives from Larry Miller Charities, the Jazz, Jazz bear, Jazz dancers,
- 215 and city officials will be there. Hot dogs will be served.
- 216 • Sidewalk on 800 West should be done in the next week or so.

217

218 **IV. Approval of Minutes of April 26, 2016.**

219

220 **ACTION TAKEN:**

221 **Laura Charchenko moved to approve of the minutes dated April 26, 2016 as corrected.**
222 **Alan Malan seconded the motion and voting was unanimous in favor among those**
223 **members present.**

224

225 **IX. Adjournment**

226

227 **ACTION TAKEN:**

228 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting.**
229 **Laura Charchenko seconded the Motion. Voting was unanimous in favor. The meeting**
230 **adjourned at 8:50 p.m.**

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234 The foregoing was approved by the West Bountiful City Planning Commission on May 10, 2016, by
235 unanimous vote of all members present.

236

237 _____

238 Cathy Brightwell – City Recorder

239