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.
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.
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 WBM C § 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 WBM C § 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  Absent  ___
Councilmember Bruhn  ✓  ___
Councilmember Enquist  ✓  ___
Councilmember Preece  ✓  ___
Councilmember Williams  ✓  ___
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.

[Signature]
Cathy Brightwell, City Recorder

[Date]
5/19/2016
Those in Attendance:

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

MEMBERS/STAFF EXCUSED: Cathy Brightwell (City Recorder)

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

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

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

I. Accept Agenda

Chairman Hopkinson reviewed the agenda.

ACTION TAKEN:

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

Business Discussed:

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

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

Introduction:

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

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

Public Comment:

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

ACTION TAKEN:

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

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

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

- Mr. Olsen would like to subdivide his 2.5 acre parcel into three lots and one parcel.
- The north parcel is not a buildable lot due to utility lines.
- The majority of the street and utility improvements have been constructed for this subdivision.
- Curb and sidewalk would be a requirement along the Pages Lane portion of the property.
- Property is located in both the R-1-10 and the R-1-22 zones. Mr. Olsen would like to have the entire property zoned R-1-10. With a minimum proposal to realign the R-1-10 boundary to allow him to square off lot 3 west boundary.
The proposed subdivision can be constructed without a rezone.
Reference to municipal code (17.12.030.E.)
Staff suggestion to follow proposed property lines so there are not multiple zonings
within one single property.
Recommendations for possible motions.

Commissioner’s Comment:

Chairman Hopkinson stated that there is consternation over spot zoning and mentioned various reasons for that. He asked Mr. Olsen if his request is due to the Lot # 3 configuration. He asked what his plans would be for the shop on his property. Mr. Olsen stated that it would remain the same. He pointed out that his property is half R-1-10 and half R-1-22. Terry Olsen pointed out on the diagram his property and how it came to being laid out as it was. He noted that in order to enhance the properties to the west, he traded ground from the west side of his property to the east. He stated that it makes building impossible unless he is either one zone or the other. He informed the Commission that all amenities are in. Terry pointed out his plans for realigning property lines for Lot 3. The last parcel along 1850 North is unbuildable due to utility lines. Mixing the good land with this parcel of land would be a benefit to him. He desires all lots to be in the R-1-10 zone.

Ben White confirmed that the east side of the property is zoned R-1-10. It is not ideal for this property to be in separate zones. The majority of the property is zoned R-1-22 and according to our ordinances would be the presiding zone.

Chairman Hopkinson pointed out the recommendations on the memorandum from Staff.

Alan Malan asked Mr. White about the parcel on the north side of the property which is half acre in size. Mr. White stated that it is buildable but is not a desirable lot. The property could be made buildable in the future but meets the minimum size for the zone. If the zoning was R-1-10 it could become a buildable lot. Adding adjoining property could also make it a buildable lot. Mr. White stated that it makes more sense to have all lots the same zone.

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

ACTION TAKEN:
Mike Cottle moved to propose a recommendation to city council to rezone all the of the Olsen 8 property from R-1-22 to R-1-10. Laura Charchenko seconded the motion and a roll call vote was taken as shown below:
IV. Consider Preliminary Plat for Olsen Farms 8 Subdivision

ACTION TAKEN:

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

V. Consider Preliminary Plat for the Cottages at Havenwood Subdivision

Information from Staff was reviewed from the memorandum.

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

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

ACTION TAKEN:

Mike Cottle moved to approve the Preliminary Plat application for the Cottages at Havenwood Subdivision as presented. Laura Charchenko seconded the motion and voting was done by roll call as shown below:
VI. Consider Conditional Use Permit for Lost Boys Garage & Fabrication, previously Tracy’s Repair Center, at 1387 West 1200 North.

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

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

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

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

ACTION TAKEN:
Alan Malan moved to approve the conditional use permit application for Lost Boys Garage and Fabrication for Randy Celia with the same conditions as those imposed to Lanny Tracy in 2003. Findings per the Conditional Use Ordinance, Section 17.60.040, include the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and community; will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity; the proposed use and/or accompanying improvements will not inordinately impact schools,
utilities, and streets; and the conditions to be imposed in the conditional use permit will
mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish
the purposes of this subsection. Mike Cottle seconded the motion and voting was
unanimous in favor.

VII. Staff Report
Ben White reported:

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

IV. Approval of Minutes of April 26, 2016.

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

IX. Adjournment

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

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

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Cathy Brightwell – City Recorder