

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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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,
JUNE 14, 2016 AT THE CITY OFFICES AT 550 NORTH 800 WEST**

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Consider Conditional Use Application From Wendell Wild to Build a Detached Garage at 735 W 1000 North that Exceeds the 20 ft. Height Restrictions in the R1-10 Zone.
3. Discuss Request from Marty and April Vowles to Consider Options for Building a Detached Accessory Dwelling Unit on Their Property at 869 W 400 North.
4. Staff Report
5. Consider Approval of May 24, 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 **June 10, 2016.***

**West Bountiful City
Planning Commission**

June 14, 2016

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on June 10, 2016 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, June 14, 2016, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Vice Chairman Terry Turner, Mike Cottle, Laura Charchenko, Alan Malan, Corey Sweat.

MEMBERS/STAFF EXCUSED: Councilmember Andy Williams.

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

VISITORS: Wendell Wild, Marty Vowles, April Vowles, Randy Peterson.

The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Terry Turner offered a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda.

ACTION TAKEN:

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

Business Discussed:

- II. Consider Conditional Use Application From Wendell Wild to Build a Detached Garage at 735 West 1000 North that Exceeds the 20 ft Height Restrictions in the R1-10 Zone.**

Included in the Commissioner's Packets was a memorandum from Ben White dated June 9, 2016 regarding Wild-Accessory Building Conditional Use Permit, Conditional Use Permit Application, and a site plan. The memorandum included the following information:

- Reference to Section 17.24.060 which requires a Conditional Use Permit for an accessory structure in the R-1-10 zone if it is more than one story or more than twenty feet tall. The Planning Commission needs to either find affirmative finding for the approval of the building or place conditions that would mitigate the negative impacts.
- Wendell and Mary wild would like to build a detached garage on their property with a height of approximately 23 feet and one cupola that reaches about 26 feet. The building would be constructed near the rear of the Wild's 207 foot deep property. The building structure would be 40' x 52'. Prior to 1983 a two story carriage house was located at this site.
- Similar applications have been brought before the Planning Commission in recent year. Most permits have been in the R-1-22 zone, however two application were approved in the R-1-10 zone.
- The Wild property has a flag lot which is part of Stringham Farms Subdivision and is directly south of the proposed building location. The other two applications in the R-1-10 zone that were approved were located quite a distance

Chairman Hopkinson directed the Commissioners to the memorandum from staff and reviewed the possible motions that could be entertained.

Ben White informed the Commission the reason for this application was that the accessory building he intends to build exceeds the 20 ft. minimum and needs a conditional use permit. He pointed out some previous similar applications that have been approved. He described the property that would house the accessory building. Prior to 1983 there was a carriage house on that site which was destroyed by heavy winds. The new structure will be in the same footprint.

Wendell Wild was invited to take the stand for questions from the Commission.

Laura Charchenko asked about the windows in the structure. Mr. Wild replied that they are for ornamental purposes only.

Alan Malan asked Ben White about the requirement for curb, gutter and sidewalk along that area when a building permit is issued. Ben White responded that it was already constructed as part of the earlier subdivision.

There were no other questions.

Wendell Wild pointed out because there are no basements allowed due to the high water table in that area, most structures are two stories. He felt that this dwelling will fit in well and should not have negative impact on the skyline or landscape in the area.

ACTION TAKEN:

Alan Malan moved to approve the Conditional Use Permit for Wendell Wild for an accessory structure at 735 West 1000 North as allowed in Section 17.24.060 after considering the following affirmative findings: the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; accompanying improvements will not inordinately impact schools, utilities, and streets; will provide the appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses, will comply with the regulations and conditions specified in the land ordinance for such use; will conform to the intent of the city's general plan 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 subsection 17.60.040. Laura Charchenko seconded the motion and voting was unanimous in favor.

III. Discuss Request from Marty and April Vowles to Consider Options for Building a Detached Accessory Dwelling Unit on Their Property at 869 West 400 North.

Included in the Commissioner's packets was a memorandum dated June 14, 2016 from Ben White and Cathy Brightwell regarding options addressing a requested ADU for the Vowles, 869 West 400 North, a letter to the City from Marty Vowles, and a copy of the ADU Ordinance.

Chairman Hopkinson explained that the reason for the ADU Ordinance was so that there were not a lot of rental units left after a family member passed on. This ordinance was carefully discussed and thought out years ago. Mr. Hopkinson pointed out that if their property were wider, a flag lot would be a perfect solution for what they would like to do.

Chairman Hopkinson asked for discussion from the Commission. The comments were unanimous that they were not in favor of making changes to the ADU ordinance. They explained that even though they understood the situation that brought about this request and that the Vowles property would handle a detached building better than most, the current ordinance has merit by restricting multiple dwellings on a property and any change would result in R2 properties throughout the City.

Marty Vowles took the stand and stated they love West Bountiful and would love to find a solution that works for their situation. He would like some explanations regarding why a detached dwelling would be different than an attached ADU as it applies to the Purpose of the Ordinance. Chairman Hopkinson explained that the ADU Ordinance was considered for family members only who needed part time care. A detached dwelling would lend itself to be a rental when the purpose for serving family was no longer needed.

Mr. Vowles asked if the logic for the attached ADU would not be the same for the detached. He knows of several properties in the city that have detached dwellings that are being used for rentals. He pointed out that Bountiful City wanted to accomplish the same goal as West Bountiful and uses a Conditional Use with recorded deed restrictions on the property so that it could not be used for a rental.

Further discussion took place regarding those dwellings that are possibly grandfathered in and would not be affected by new ordinances. Mr. Vowles asked what would happen if improvements are made to the grandfathered property. Would it eliminate it from being grandfathered? It was explained that if it is not used for the original purpose or if the structure changes from its original footprint for over a year then it is no longer grandfathered. The Commission stressed once again that the ADU ordinance was not likely be changed to accommodate what Mr. Vowles is requesting. It is just not conducive to what West Bountiful wants in their General Plan.

The Commission expressed their understanding and compassion for the needs of the Vowles and also expressed their appreciation for all the home work they did on behalf of their request.

IV. Staff Report

Ben White reported:

- Cottages at Havenwood will be back for final approval in the near future.
- No Planning Commission meeting will be held on June 28th because of Primary Elections but another meeting may be held in its place on a different day. Staff will give them at least a week's notice.
- The City is under mandate from the EPA to operate a storm drain program to update the Storm Water Ordinance or we can lose our authority to direct it.
- Brandon Jones owns the large open grass area, soccer fields, on 800 West just north of Heritage Pointe which are actually two lots included in the Heritage Pointe Subdivision. He would like to build a large addition on his existing home. Mr. White explained that he would need to combine the lot on which he plans to build and which is part of the Heritage Pointe subdivision with the lot his home is on. Another issue is that his home is not in the historic district while the two empty lots are included in the District as part of Heritage Pointe. Mr. Doxey is currently reviewing the situation to see what options are available.
- An issue with the Title 17 definitions came up this week. Language in the ordinance states that a corner lot has two front yards with 30 ft. setbacks and is inconsistent with language that says a side yard next to a street has a 20 ft. setback. There is some confusion as to how these situations should be handled and staff intends to bring back language to correct the problem in a future meeting.
- City Council and Planning Commission will have a work meeting to discuss the process of PUD ordinance in the near future.
- Chairman Hopkinson stated that there are three new reconstructed roads in our city in the past few years. Some of the roads have some major construction issues and need to be repaired. Staff is aware of the problems and looking into those situations and trying to find ways to resolve them.

Cathy Brightwell:

- Asked for feedback from the Land Use workshop several members attended last Saturday. They all said it was good and they learned from it.

V. Approval of Minutes of May 24, 2016.

ACTION TAKEN:

Terry Turner moved to approve the minutes dated May 24, 2016 as corrected. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.

Assignments Given by Chairman Hopkinson

- Chairman Hopkinson invited the Commissioners to become familiar with the General Plan and Zoning Map so that in the near future they can review the General Plan to be updated.
- Chairman Hopkinson pointed out that the city needs to work on annexing the properties that they provide some services to, but that are not within the city limits. He stated that there is a benefit of them being part of our city and we need to put some effort into getting that to happen.

VI. 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 8:30 p.m.

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The foregoing was approved by the West Bountiful City Planning Commission on July 12, 2016, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

