

**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 A REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 10, 2017 AT THE CITY OFFICES**

### ***AGENDA AS FOLLOWS:***

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Public Hearing on Rezone Request from Hamlet Homes for Property at 1100 West and Porter Lane (2200 North).
3. Consider Rezone Request from Hamlet Homes for Property at 1100 West and Porter Lane.
4. Presentation on Results of Planned Unit Development Study by John Janson.
5. Staff Report.
6. Consider Approval of December 27, 2017 Meeting Minutes.
7. 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 **January 6, 2017**.*

**West Bountiful City  
Planning Commission**

**January 10, 2017**

**Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website on January 6, 2017 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 9, 2017 at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan Malan, Mike Cottle, Laura Charchenko, Corey Sweat and Andy Williams (Councilmember).

**MEMBERS/STAFF EXCUSED:** Vice Chairman Terry Turner.

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

**VISITORS:** Shad Seimos, Michael Brodsky, Zackary Brodsky, Corden Carter, Michael Hensley, James Behunin, James Bruhn, Paul Tingey, Kim McKean, John Janson, Jessica Rancee.

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

**1. Accept Agenda**

Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Corey Sweat seconded the motion. Voting was unanimous in favor among members present.

**2. Public Hearing to Receive Comments on a Rezone Request from Hamlet Homes for Property at 1100 West and Porter Lane (2200).**

**Introduction:**

Ben White explained that Hamlet Homes has made an offer to purchase the Williams Property which is an A-1 Zone and has been identified in the City General Plan as a gateway to our community from Legacy Highway. The plan also puts open space and rural character as priorities in our city. The General plan is meant to be a land use guiding document when making

decisions in our City. Mr. White reviewed the zoning map and explained the reasons behind the two areas that were previously allowed to be rezoned. He explained three rationales that could be considered in making this decision for the prevailing zoning in this area.

#### **ACTION TAKEN:**

**Laura Charchenko moved to open the public hearing at 7:40 pm to receive comments on a Rezone Request from Hamlet Homes for Property at 1100 West and Porter Lane (2200 N). Alan Malan seconded the motion and voting was unanimous in favor among those present to vote.**

#### **Public Comment:**

- **Cathy Brightwell, City Recorder**, read four written comments that had been received by the City prior to the hearing. The original documents will be attached to the minutes of this meeting.
  - **Alyson McKean Bown** - opposed to rezone to R10.
  - **Matt Bown** - opposed to rezone R10.
  - **Debbie McKean** - opposed to rezone R10.
  - **Steven Larry Williams, trustee for Thomas and Janette Williams Family Trust** - supports rezoning R10.
- **James Behunin** - Has been a resident for 28 years and has served 16 of those years in different government capacities. He has had the opportunity to speak to most city residents during that time and feels that the majority of the citizen's do not want to stray from the City's General Plan. The General Plan was designed to create larger lot sizes and open space on the west side of our City. He noted that many requests to rezone have been denied. He explained the reasons for the rezoning of Olsen Farms and Birnam Woods and noted that a large amount of land was donated in each of those developments that allowed for some open space. He felt that with all the power lines and such there would be no way to develop this land in less than 1 acre parcels. He stated that the General plan is part of our city ordinances and is considered law. He reminded the Commission that considerable citizen input was given in developing that plan and he would not recommend making changes to this zoning without opening up the General Plan.
- **Michael Hensley** - He favors custom built homes rather than cookie-cutter houses that will take away from the rural feeling of the City. He hopes the Commission will deny this rezoning request.
- **Mike Brodsky with Hamlet Homes** - He does not wish to change the lifestyle of our residents. His company built Birnam Woods. He explained that the property has significant challenges with utility lines overhead and underground. These challenges would need to be overcome in order to develop this land appropriately and he feels Hamlet Homes is equipped to do this type of development. This development would have an HOA and would include some open space. He feels the type of homes they building are not cookie cutter style as referred to by one resident; rather they have updated features that are conducive to today's styles and environmental needs.
- **Kim McKean** - Likes to allow people to do as they desire on their property but realizes that there are guides to follow and the General Plan is one of them. He stated just because mistakes in zoning have been made in the past it is not an excuse to continue to make

exceptions. He feels that ½ acre lots maybe acceptable but definitely not ¼ acre. Mr. McKean sees cons to this development but not a whole lot of pros.

- **Paul Tingey** - Feels that the land should be kept A-1. He stated that there are a lot of drainage issues on this property. He feels that Hamlet Homes are not quality homes.
- **Gordon Carter** - Does not want to see the land developed. He says the land has lots of drainage problems and lots should remain at 1 acre. He says there are major problems with this land and very little solutions have been made to address the drainage issues on that property.
- **James Behunin** - If this was to be rezoned to R-1-10 you could end up with over 100 homes in this area if the surrounding parcels are also developed and the area would not be conducive to having that much traffic.

#### **ACTION TAKEN:**

**Corey Sweat moved to close the public hearing at 8:05 pm. Mike Cottle seconded the motion and voting was unanimous in favor among those present to vote.**

#### **3. Consider Rezone Request from Hamlet Homes for Property at 1100 West and Porter Lane (2200).**

Commissioner packets included a site map showing the Porter Lane Rezone Request form A-1 to R-1-10 and an application to Rezone from Michael Brodsky and Zachary Brodsky for Parcel # 06-011-0147, 06-011-0105.

Chairman Hopkinson explained the area in discussion and some of the difficulties created in addressing a higher density zone in that area. More of a concern to consider in his opinion is the power lines overhead and oil lines/power and gas utilities running underground in this area. Mr. Hopkinson informed the public of the Questar pipeline upgrades in our area this coming year. There are some definite issues in this area with traffic, drainage and safety.

#### **Commissioner Comments/Questions:**

Mike Cottle asked why you would want to build in an area with all of the utilities and drainage issues. Mr. Brodsky responded that he does not know all the answers or solutions until the project is engineered. He feels that utility easements could be worked around. Everything is still under investigation.

Chairman Hopkinson reminded the Commissioners that it is important to keep the rural feel and to not set precedence for rezoning the west side at this time. He feels like we have enough reasons to deny the request before them this evening.

Mike Cottle agrees we should keep to our General Plan.

Corey Sweat had no comments.

Laura Charchenko cannot imagine having the large amount of traffic in that area that this rezone request could create. She agrees that we should adhere to the General Plan.

Alan Malan was not too concerned about traffic but is concerned with the utilities and does not see how we could responsibly downzone that area.

**ACTION TAKEN:**

**Corey Sweat moved to deny the request to rezone 940 West Porter Lane area. Alan Malan seconded the motion and a roll call vote was taken.**

**Roll Call vote:**

**Alan Malan- Aye**

**Laura Charcheko- Aye**

**Denis Hopkinson- Aye**

**Corey Sweat- Aye**

**Mike Cottle- Aye**

**4. Presentation on Results of Planned Unit Development Study by John Janson.**

John Janson was invited to take the stand and highlight the updates of the West Bountiful Planned Unit Development Ordinance. The reason we made the major change to this ordinance is because of the changes in State Law. Standards have to be in our Ordinances and must be adhered to. He reviewed a power point presentation explaining the changes in the Ordinance. In summary, the changes will provide clear application requirements, minimum acreage requirement for different zones in the City, more standard design requirements to assure quality development, simpler criteria for the bonus density-Rural design features and public benefit and up to a 30% density bonus with a list of items that would warrant a bonus but is open to other things the city could consider. The new PUD ordinance has a payment-in-lieu provision added and separates the rezone/development agreement process from the subdivision process.

Next step would be to hold a public hearing.

Laura Charchenko asked how the lot size portions were decided. Mr. Janson answered that they took an average of other types of PUD's around. Mr. White pointed out that because the whole application is considered in bonus' it will be easier to grade and a better way to decide whether or not it should be a PUD.

Chairman Hopkinson commented that some residents wonder why we even have a PUD ordinance in place and asked why we have to have it. Mr. Janson responded that we don't have to on a rezone, but for a higher quality development and design that you may not get in a regular subdivision; the City is a partner in controlling the design. Mr. Hopkinson does not feel we have a lot of future land development that is conducive to becoming a PUD. Ben White explained that if the City does not want to do a PUD they don't have to. Property owners have rights and PUD's allow the City to have a say in developments that may otherwise be

undesirable if planned by a developer alone. Chairman Hopkinson referred to past experiences of working with developers. He feels like the language presented in this ordinance draft is the best so far. Mr. Janson says that it still has a lot of the language from the current ordinance.

Alan Malan asked about adding new trails to the language under bonus densities. Ben White pointed out that it is in the ordinance; language is broad but clear.

Corey Sweat suggested that the language in 17.68.100 dealing with payment in lieu be scrapped. Ben White mentioned that it could be kept in and used for offsite improvements. Mr. Sweat doesn't like the message it sends and feels like the disadvantages outweigh the advantages of keeping this in the ordinance.

Ben White suggested that language changes be made to staff and continue the discussion at the next scheduled meeting to decide whether or not to recommend keeping the PUD ordinance or get rid of it. A public hearing will need to be scheduled. Staff feels that we should still have the ordinance in place. Chairman Hopkinson asked for Mr. Janson to return to the next meeting if possible.

## 5. Staff Report:

### Ben White:

- Next meeting there will be a conditional use permit requesting a detached garage height approval in Moss Farms. Encouraged Commissioners to study this out before the next meeting.
- Ovation Homes is getting close to coming in for approval.
- 400 North construction has been detained because of the weather.
- Subdivision Ordinance requires 6 months to finish from the date of application. Ben asked to maybe consider a longer term be put in place as two small subdivisions approved last year have expired.

### Cathy Brightwell:

- McCalister's did not open as scheduled on January 9<sup>th</sup>. Opening will now be the middle of March. Complete Nutrition should open tomorrow.

## 6. Approval of Minutes dated December 27, 2016

### ACTION TAKEN:

*Laura Charchenko moved to approve of the minutes dated December 27, 2016 as presented. Corey Sweat seconded the motion and voting was unanimous in favor.*

7. **Adjournment**

**ACTION TAKEN:**

*Corey Sweat moved to adjourn the regular session of the Planning Commission meeting at 9:00 pm. Mike Cottle seconded the motion. Voting was unanimous in favor.*

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The foregoing was approved by the West Bountiful City Planning Commission on January 24, 2017, by unanimous vote of all members present.



Cathy Brightwell – City Recorder

