

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 A REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 24, 2017 AT THE CITY OFFICES

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Consider Conditional Use Application from Reed Gardner at 741 W 845 North to Build an Accessory Building that is 24 feet in Height.
3. Consider Final Plat Approval for Cottages at Havenwood.
4. Discuss Results of Planned Unit Development Study by John Janson.
5. Discuss Timelines for Subdivisions.
6. Staff Report.
7. Consider Approval of January 10, 2016 Meeting Minutes.
8. 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 20, 2017**.*

**West Bountiful City
Planning Commission**

January 24, 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 20, 2017 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, January 24, 2017 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

MEMBERS/STAFF EXCUSED:

VISITORS: Eric Eastman, Council members James Bruhn and Kelly Enquist, Dave and Daren Tovey, Kathy and Jeff Wilkinson, Dennis Vest, Mary North, Mike Adams, Craig Jacobsen, Brad Frost, Reed Gardner.

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

1. Accept Agenda

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

2. Consider Conditional Use Application for Reed Gardner at 741 West 845 North to Build an Accessory Building that is 24 feet in Height.

Included in the Commissioner's packets was a memorandum from Ben White dated January 20, 2017 regarding the Gardner-Accessory Building Conditional Use Permit, a Conditional Use Permit Application from Reed W. Gardner at 741 West 845 North, West Bountiful with attached exhibits of similar existing dwellings in the City, and a copy of the proposed site plan.

Ben White explained that the property is an undeveloped lot in Stringham Farms Subdivision; the home has not yet been built. Applicant desires to build an accessory building 24 feet high with a cupola adding an additional 4 feet. Mr. White gave examples of two similar structures that were approved in the past. Mr. White noted that the west side of the proposed building faces the home and the east side faces backyard neighboring homes. According to the site plan all things, other than height, are in compliance with city regulations. Ben White pointed out that the structure will be about as high as the pine trees along the rear of the Gardner's property.

Laura Charchenko reminded Mr. Gardner that the upper floor cannot be used as living space. Mr. Gardner responded that it will be storage area only and does not have plumbing.

Alan Malan asked about the purpose of cupola and the windows. Mr. Gardner responded that it is there for aesthetics and ventilation. Mr. Malan was concerned about the privacy of neighbors if someone can see out of the windows. Mr. Gardner stated that there will be access to the cupola for lighting and ventilation only. He is trying to keep with a historic look. Mr. Malan suggested that frosted glass would be a good solution. It was agreed by Mr. Gardner and the Commission that the windows in the cupola will not be able to open and frosted or other non-transparent glass would be used.

ACTION TAKEN:

Alan Malan moved to approve the accessory building for Reed Gardner at 741 West 845 North with a height of 24 feet and one cupola (4 feet high) with the condition that the east and south facing windows will not open and not be transparent. Pursuant to WBMC Section 17.60.040(D), the proposed use 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 improvements in the vicinity, and accompanying improvements will not inordinately impact schools, utilities and streets. Mike Cottle seconded the motion and voting was unanimous in favor among those present to vote.

3. Consider Final Plat Approval for Cottages at Havenwood.

Commissioner packets included a memorandum dated January 19, 2017 from Staff regarding The Cottages at Havenwood, a P.U.D. Subdivision Final Plat with site plans and exhibits, etc.

Ben White introduced Ovation Homes/Cottages at Havenwood. Except for a few items, most requirements have been met; tonight they seek final plat approval. Mr. White summarized the PUD as containing 39 lots with open space in the northwest corner. He pointed out the rear yard drain design around the perimeter of the development and explained other drainage means that have been put into place (storm drain pump station, etc.) to satisfy the drainage issues of the property. He also showed the Commission where street lights, fire hydrants, and storm drains are located.

Mr. White stated there are several improvements he would like the Commissioners to consider including a bypass pipe at the offsite location. The City, developer, and Davis County made an agreement for the 800 West storm drain crossing concept design before Davis County would accept storm water undetained into the canal. Ben explained the design of the canal that currently exists and due to the size of the pipe, there will only be 6 inches of concrete between the pipe and the road surface. He asked the Commission to consider requiring the concrete to be placed in a straight line across 800 West which will make it look more like a cross walk for the safety of trail users. He added that the transition of the new pavement will be expected to create a smooth transition from the existing pavement with a 1% grade, regardless of how far it takes to accomplish. Mr. White realizes that this will incur more cost to the developer but feels it is necessary to the success and design of the improvement and for safety.

Commissioner Comments/Questions:

Corey Sweat inquired about the pipe and why it could not be lowered. Ben White explained that the pipe connects two existing pipes on each side of the canal. Mr. Sweat felt that pipe and cement need to be long lasting and durable. Mr. Sweat inquired about fencing around the detention pond and why chain link rather than vinyl is being used. Mr. White felt chain link was more secure and transparent for this use.

Terry Turner asked why only 3 street lights were used in this size of development. Mr. White answered that they are at the intersections and a requirement in the development agreement which complies with the preliminary plan requirements.

Laura Charchenko asked about the storm drain on lot 13 and why it was located in the center of yard while the rest are on the sides of the property line. Ben White explained the reasoning and how it will work appropriately. She would like an opportunity to review the home designs and privacy fences. Ben White stated that home designs are part of the subdivision approval. He described the fencing as being a 6 foot vinyl fence.

Alan Malan addressed the concrete over the canal and approves of Mr. White's recommendation. He inquired about the fencing plans that did not appear to be included in the packet. Mr. Malan was concerned about the elevation of the fence lines. Mr. White responded in some cases the fence will be a bit lower according to the elevation of the properties. He added that the fence will be on the property line and the rock/boulder drainage line will be on the inside of the fence. Mr. Malan also inquired about the rock retaining walls. He feels that the fence design, as presented, is unsafe and a weed/debris collector.

Mike Cottle asked what enhancements will be included based on Section G of the development agreement, regarding the sum of money the developer is giving back to the City. Ben White explained that the City Council makes the decision as to how to use the money provided for enhancements. He noted that the City Council has decided to use some of that money to let abutting neighbors connect into the drainage system.

Chairman Hopkinson invited Brad Frost of Ovation Homes to the stand. Mr. Hopkinson recapped the strenuous process with getting this project up and running. He was pleased with everything presented including the drainage engineering. He also supported the request from the

engineer to make the concrete crossing go straight for safety reasons. He explained to Commissioners the options on the table tonight regarding moving forward from this point.

Brad Frost addressed the recommendations of Mr. White regarding the concrete and felt they were not part of the development agreement or required by city ordinance. He said they have obtained a storm permit approval from Davis County Flood and feel that is sufficient. Mr. Frost stated that they were told they would not be put on the agenda for planning commission until their filing was complete which proves they have met all requirements of the agreement.

Ben White stated that if the final plat is approved without the conditions he is requesting then they would not have city engineering approval.

Mr. Frost stated that they are willing to work with the City, but feels planning commission should approve the final plat and pass it on to city council tonight without conditions.

Mr. Hopkinson explained that the crossing is part of the drainage design in the development agreement which also includes the road repair. He continued to explain that the City needs to have the i's dotted and the t's crossed in regard to how this work will be completed. Mr. Hopkinson supported the fact that if the engineer feels it is important then it is important to our City. He strongly expressed that the problem and solution to mitigate the drainage problem has to be met. Chairman Hopkinson again stated that although the complete design is not specifically laid out in the development agreement the need to have appropriate drainage is and if the City Engineer feels that something is necessary than the Commission is in support of that request.

Mr. Frost suggested that rather than table it, they set the conditions and Ovation will work it out with the City Council.

ACTION TAKEN:

Alan Malan moved to send city council a recommendation of approval if they (the developer) fix the drawings and things in Ben White's memorandum here, making that concrete straight, the grade of the road, the drawing around the pipe here that has different varying widths of concrete, etc. They're all things Ben has in his memo here, and one other thing, that they (the developer) present an alternate fencing plan to the city council and let them (city council) decide – one with concrete and one with boulders. Mike Cottle seconded the motion and voting was unanimous in favor.

4. Discuss Results of Planned Unit Development Study by John Janson.

Ben White discussed with the Commissioners updates to the proposed PUD language based on previous input by the planning commission. There was discussion about whether we even need a PUD ordinance. Ben White stated that Staff prefers to have one in place and explained how the changes to the new PUD ordinance are helpful for Staff and the City. He pointed out that the project expectation language in 17.28.020(I) needs to be changed. This section includes some mandatory items and some discretionary items which need to be better clarified. Section 17.68.30 includes a rezone provision that if the development is not constructed the bonding requirements in

17.68.140(D) should be revised to be consistent with Title 16. The Payment In-Lieu Section, 17.68.100, will be excluded from the language in the document.

Alan Malan referred to 17.68.40 and stated that as written the density does not include buildable area. He asked if we want to include a density bonus at all. Ben White explained that all mandatory requirements were taken out of the bonus density section. The list is not all inclusive but provides ideas of what can be done to benefit the City. Mr. Malan likes how side yards and setbacks are regulated in the current PUD ordinance and feels we need side yard setbacks set in stone. Commissioner Sweat agreed with Mr. Malan.

Staff will prepare a draft for the next Commission meeting on February 14, 2017. It was decided a Public Hearing will be set for February 28th, 2017.

5. Discuss Timelines for Subdivisions

Commissioner's packet included a memorandum from Staff dated January 19, 2017 regarding Subdivision approval time periods with a list of small subdivisions approved in the last year that have not yet been recorded. According to Ordinance 16.16.030 Final Plat, there is a filing deadline of twelve (12) months to have the subdivision recorded with the County. The time period may be extended one time with a good cause for up to an additional 12 month period. If the final plat is not recorded within six months from City Council approval, the approval is null and void.

Ben White explained the subdivisions listed have been approved but have not yet been recorded. He reviewed our ordinance that appears to have some contradictions with the processes that need to take place to reach final plat. Mr. White explained some of the problems that happened with the current time periods in place. Chairman Hopkinson along with the Commissioners felt that 12 months with a 6 month extension period was appropriate. Staff will make changes to the document and a public hearing will be set for the next meeting.

6. Staff Report:

Ben White:

- The developer who made the rezone request from A-1 to R-1-10 on Porter Lane and 1100 West for which we held a Public Hearing at the last meeting decided not to move forward with the City Council. He instead filed a new Rezone Request asking to change from A-1 acre to R-1-22. Another public hearing has been scheduled for February 14.
- The residential yard and fence language in Title 17 recently approved by planning commission will come before them again after legal counsel provides input.
- According to UDOT 400 North roads will be paved any day that is above freezing and dry.

6. Approval of Minutes dated January 10, 2017

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes of the January 10, 2016 meeting as presented. Alan Malan seconded the motion and voting was unanimous in favor.

7. Adjournment

ACTION TAKEN:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:55 pm. Alan Malan seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on February 14, 2017, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

