

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.

- AMENDED -

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL
HOLD A REGULAR MEETING AT 7:30 PM ON
TUESDAY, FEBRUARY 14, 2017 AT THE CITY OFFICES**

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Public Hearing – Hamlet Homes Request to Rezone 24.73 acres on the Southeast Corner of Porter Lane and 1100 West from A-1 (1 acre) to R-1-22 (1/2 acre).
3. Consider Hamlet Homes Rezone Request.
4. Public Hearing – Proposed Changes to WBMC Title 16 to Increase the Time Period in which a Final Plat Must Be Recorded.
5. Consider Proposed Changes to WBMC Title 16 to Increase the Time Period in which a Final Plat Must Be Recorded.
6. Discuss Conditional Use Request for Roll Rite Auto, LLC at 438 S 1100 West.
7. Consider Proposed Changes to WBMC Title 17, Yards/Fences in Residential Zones.
8. Discuss Proposed Changes to WBMC Chapter 17.68, Planned Unit Development Ordinance and Set Public Hearing.
9. Discuss Construction Standards and Set Public Hearing.
10. Discuss Increased Height for Cell Towers in WBMC Chapter 17.88.
11. Staff Report.
12. Consider Approval of January 24, 2016 Meeting Minutes.
13. 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 **February 14, 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 February 10, 2017 and the amended agenda was posted on February 14, 2017 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, February 14, 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 and James Bruhn (City Council).

MEMBERS/STAFF EXCUSED: Corey Sweat and Andy Williams (Council member).

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

VISITORS: Mike and Lynne George, Gordon and Carol Carter, Zachary Brodsky, Michael Brodsky, Dennis Vest, Justin Hill, James Behunin, Robert Stratman.

The Planning Commission Meeting was called to order at 7:30 pm. 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. Terry Turner seconded the motion with a friendly request to move item #6 on the agenda to Item 2 a. Voting was unanimous in favor among members present.

2.a. Discuss Conditional Use Request for Roll Rite Auto, LLC at 438 S 1100 West.

*****See notes under Item 6 of the minutes.***

2. Public Hearing – Hamlet Homes Request to Rezone 24.73 acres on the Southeast Corner of Porter Lane and 1100 West from A-1 (1 acre) to R-1-22 (1/2 acre).

ACTION TAKEN:

Laura Charchenko moved to open the Public Hearing on Hamlet Homes Request to Rezone 24.73 acres on the Southeast Corner of Porter Lane and 1100 West from A-1 (1 acre) to R-1-22 (1/2 acre). Terry Turner seconded the motion and voting was unanimous in favor among those present.

PUBLIC COMMENT:

- **Carole Carter** stated that she supports the information in her brother, Steve William's letter which favors ½ acre lots.
- **Mike George** (part owner of neighboring property) is in favor of the ½ acre rezone.
- **James Behunin** recalled that when Hamlet Homes developed the property to the north, they agreed to keep quite a bit of open space but it was wet, muggy, and undesirable land. He sees the same type of challenge in this area and encourages the Planning Commission to assign a purpose for any open space in this development. He feels there needs to be some continuity with the property to the south of the development. He does not oppose the transition into ½ acres from full acres but does not think the land is conducive to having just ½ acre lots developed.
- **Dennis Vest** stated that he and his wife served on the committee for the City's Master Plan. He felt that the plan supports keeping acre lots within the proximity of the Legacy Highway and trail. He noted that the power lines and utilities tie up quite a bit of that property and feels it should be left as 1 acre lots because of the type of use of land surrounding it. He does not want to see the rural nature and atmosphere in this area compromised. Mr. Vest stated that the type of people that want smaller lots do not mix well with those that want animals on larger lots and shared several personal examples he has had in those regards. He reiterated that he feels it best serves the community to keep it in 1 acre lots.
- **Mr. Brodsky**, owner of Hamlet Homes and developer of Birnam Woods, assured everyone that the commitments made in Birnam Woods were kept and satisfied. After the last meeting of Planning Commission, it was clear that that ½ acre zoning would be more appropriate on this property than ¼ acre zoning. He realizes the challenges with this property but feels that they can make best use of those challenges and are comfortable in doing so. They are prepared to design a quality neighborhood despite the challenges facing them. The homes will not have basements because of the drainage and water table issues. Many lots will be larger than half acre to accommodate the utility easements. The lots along 1100 West are deep and create a good buffer from the trail and Legacy highway. Chairman Hopkinson asked if the property to the south and adjacent to this property would be considered in the development process. Mr. Brodsky responded that they have considered the southern property and have included several stub streets that can continue when the adjacent property is developed.
- Cathy Brightwell read two letters from residents who were unable to attend the hearing. Kellen Frey (a neighbor) wants to maintain the open feel which makes West Bountiful so desirable so is not in favor of the rezone. Steve Williams, trustee of property and representing himself and five siblings, is in favor of the rezone to ½ acres.

ACTION TAKEN:

Laura Charchenko moved to close the Public Hearing at 8:05 p.m. Alan Malan seconded the motion and voting was unanimous in favor among those present to vote.

3. Consider Hamlet Homes Rezone Request.

Commissioner packets included a memorandum dated February 14, 2017 from Staff regarding the request to rezone 25 acres at 940 West Porter Lane from A-1 to R-1-22 with an attached city zoning map.

Commissioner Comments:

- **Mike Cottle** asked if it would be easier to work around the challenges developing 1 acres instead of ½ acres. Mr. Brodsky stated that even though there will be lots larger than ½ acre, he feels it is not feasible to develop the entire property into 1 acre lots. Due to challenges with the property, they currently envision only 33 lots on the 25 acres.
- **Chairman Hopkinson** asked if they have a proposed layout for the ½ acre development. Mr. Brodsky shared a copy of their preliminary concept plan.
- **Ben White** reminded the Commission that rezoning is not conditional to the layout of the development plan.
- **Alan Malan** inquired if the rezone would cross over 1100 West as depicted on the proposed zoning map. Ben White stated that he has included more than the west boundary of the proposed development so that a small piece is not left but the Commission can include whatever property in that area they deem desirable to rezone.
- **Chairman Hopkinson** stated that the Commissioners may want to consider tabling this item at this time to further study the issues brought up in the public hearing.
- **Alan Malan** would like to see a modified plan of the concept drawing. Mr. Brodsky stated that the buffer would remain for the trail and highway but utility easements could require them to make alterations to the concept design.
- **Laura Charchenko** was most concerned with the buffer between the development and the highway/trail but feels their plans address her concerns satisfactorily.
- **Chairman Hopkinson** was concerned about having an east/west corridor for that development. Mr. White stated that it is possible to have an east west corridor.

ACTION TAKEN:

Terry Turner moved to table the request for rezoning for Hamlet Homes to obtain additional information and consideration as deemed necessary. Mike Cottle seconded the motion. Some discussion took place regarding what additional information could be obtained. Alan Malan wanted further information on what property to include in the rezone.

A Roll Call vote was taken:

Alan Malan- Aye

Laura Charchenko- Aye

*Denis Hopkinson-Aye
Terry Turner-Aye
Mike Cottle-Aye*

4. Public Hearing – Proposed Changes to WBMC Title 16 to Increase the Time Period in which a Final Plat Must Be Recorded.

ACTION TAKEN:

Laura Charchenko moved to open the Public Hearing at 8:25 p.m. for Proposed Changes to WBMC Title 16 to Increase the Time Period in which a Final Plat Must Be Recorded. Mike Cottle seconded the motion and voting was unanimous in favor.

PUBLIC COMMENT:

No Public Comment

ACTION TAKEN:

Terry Turner moved to close the Public Hearing at 8:26 p.m. Laura Charchenko seconded the motion and voting was unanimous in favor among those present to vote.

5. Consider Proposed Changes to WBMC Title 16 to Increase the Time Period in which a Final Plat Must Be Recorded.

Included in the Commissioner packets was a memorandum dated February 14, 2017 from Staff regarding subdivision approval time periods. At the last meeting, there was discussion to increase the time period for recording both the preliminary and final plat after approval. It was decided that a policy change be made to have a 12 month period for recording both the preliminary and final plat, with an option to apply for an one time extension of up to 6 months showing good cause. The subdivider must apply in writing for the extension prior to the expiration date.

ACTION TAKEN:

Alan Malan moved to accept the proposed changes to West Bountiful Municipal Code Title 16 to increase the time period in which a final plat must be recorded. Denis Hopkinson seconded the motion and voting was unanimous in favor.

****Note: Item 6 of the agenda was heard as Item 2a. in order to fulfill the friendly amendment made in approving the agenda.**

6. Discuss Conditional Use Request for Roll Rite Auto, LLC at 438 S 1100 West.

Included in the Commissioner packets was a memorandum dated February 14, 2017 from Cathy Brightwell and Ben White regarding Roll Rite Auto, LLC with a site plan of the business area.

Cathy Brightwell introduced the application of Michael McNally who applied for a conditional use permit on January 24, 2017 for Roll Rite Auto, LLC at 438 South 1100 West. Roll Rite is a used car dealership that is comprised of primarily internet sales and wholesaling cars at auctions. Most of their business will be online so vehicles will be parked inside the building. Usually there will only be 1 or 2 vehicles parked outside at a time.

Ms. Brightwell accidentally left this item off the original agenda and issued an amended agenda this morning. She requested that the Commission hear the issue tonight and hold a special meeting later in the week to approve the condition use permit in order to not delay Mr. McNally from getting his permit and begin business. A 24 hour notice period must pass before an agenda item can be considered.

Justin Hill took the stand as a representative of Roll Rite Auto, LLC. Chairman Hopkinson explained that his application is pretty straightforward as similar businesses have housed that facility for many years in the past.

Alan Malan asked how many parking stalls would be available. Mr. Hill responded there will be four. That is adequate parking for this type of business. Chairman Hopkinson verified that their sign will be facing east for the business.

A special meeting to allow Roll Rite Auto to move forward with their business was set for Thursday evening at 6:00 pm at City Hall.

7. Consider Proposed Changes to West Bountiful Municipal Code Title 17, Yards/Fences in Residential Zones.

Included in the Commissioner packets was a memorandum dated February 14, 2017 from Ben White with an attached draft of a recommendation to the City Council for modifications to the setback and fence requirements in the city's residential zones. This document has been reviewed by legal council. Changes to the documents include additional definitions and language changes of the side yard accessory building portion of the document.

Ben White explained some of the language changes made by legal counsel. He would like their approval if possible of this document so Staff can proceed forward.

After further review of the document and changes made, the Commissioners decided to forward the item to the City Council for their review and approval.

Alan Malan commented on Section 17.xx.00 C.i. and pointed out that it reads funny. He was also concerned about 17.xx.050 1.a. not including small structures which were included in the previous code. Language and references will be added. Changes will be made by Staff and forwarded by email for review before sending it to City Council.

8. Discuss Proposed Changes to West Bountiful Municipal Code Chapter 17.68, Planned Unit Development Ordinance and Set Public Hearing.

Included in the Commission packets was a clean copy of the proposed changes to West Bountiful Municipal Code Chapter 17.68 Planned Unit Development Ordinances discussed in the previous meeting. A Public Hearing needs to be set in order to move these changes forward to the City Council for their review and approval.

Commissioners reviewed the clean document. Ben White explained some highlighted changes made to the draft copy. Alan Malan would include language “with minimum frontage” in Section 17.68.040 after the last sentence in first paragraph. Ben White stated that the most important thing is to make this document clear and understandable to all parties involved and make this process better than it was before.

Chairman Hopkinson still has several issues with this document as presented. He pointed out some of his concerns. He stated that we do not have to have a PUD ordinance in our Code.

After Chairman Hopkinson pointed out some of his concerns it stirred some of the Commissioners to have questions regarding what value a PUD ordinance is to our City and whether or not it contributes to the integrity of keeping our community rural.

Ben White is in favor of having a PUD ordinance in place. In regards to bonus densities, he pointed out that they are up to the discretion of the Planning Commission and City Council. Ben White stated that while there are guidelines in this ordinance, there are no commitments necessary at anytime to approve a PUD.

Some discussion took place regarding the pros and cons of a PUD ordinance and how big a piece of property needs to be before it can be considered for a PUD. It was decided to change minimum requirements/regulations for R-1-10 to 10 acres, R-1-22 to 15 acres, and A-1 to 20 acres. Parcels of land must be within these guidelines in order for a PUD to be considered. It was also decided to reduce maximum bonus density from 30% to 20%.

Changes will be made as discussed tonight and emailed to the Commissioners for their further review and comments. The public hearing will be set for March 14.

9. Discuss Construction Standards and Set Public Hearing.

Included in the Commissioner packets was a memorandum dated February 14, 2017 from Ben White regarding an update to the Public Works Construction Standards.

The City adopted the American Public Works Association standard drawings and specifications in 2011. The volume is over 1000 pages and is kept in the City Engineer's office for anyone to review at anytime.

Chairman Hopkinson explained that construction standards change yearly. Ben White said that Staff has reviewed the current standards and found an update to be in order since the last update in 2014. It is important to place some mandates on certain things like storm drains and street lights for standards. He has suggested some standards to adopt regarding changes, additions, and clarifications. These best practices (in some cases very specifically) are put in place for the City's protection.

In order for construction standards and specifications to be approved, the City Council must do so by resolution. Some of the additions to the update include construction standards that cross over into land use development requirements. One example would be the street light policy included in paragraph 3.j. (found on page 3) requires a street lighting plan be part of the development. The suggested changes for updating the document are specific to West Bountiful City and supplement the details found in APWA's document. Because it involves land use issues, a Public Hearing will need to be set.

Commissioner Comments:

Alan Malan inquired about Page 2, rear yard drain. Ben explained how the language needs to read because in most cases a house is not in place yet. Without a full page explanation it would be hard to change the language. Commissioner Charchenko suggested adding some commas in the sentence which allowed for a better understanding of the language. Ben explained what trace wiring is and how it works.

Alan Malan feels that mail boxes need to be within the development and not on main roads. He has contacted the post office on this issue and was told the City is allowed to request where those boxes are located.

A Public Hearing will be set for March 14, 2017.

10. Discuss Increased Height for Cell Towers in WBMC Chapter 17.88.

Commission packets included a memorandum from Duane Huffman dated February 14, 2017 regarding Cell Phone Tower Height. West Bountiful Municipal Code 17.88 governs wireless telecommunication as a land use development therefore the following would fall within the

review of the Planning Commission. The City has been approached by Verizon Wireless representatives regarding the installation of a new tower. This tower would be located near the area of 1200 North and Jesse's Meadow subdivision. City staff has reviewed the issues of the surrounding area and support the location of the undeveloped Jesse's Meadow Park as being the best location for the tower.

City Code currently allows for the maximum height of the tower to be no more than 100 feet. Verizon wants to use the full capacity of the tower at the maximum height. City staff feels there could be a need for additional carriers to use wireless coverage in this area. They are proposing that instead of building multiple towers, an amendment to the Code be considered to allow a tower with an additional 20 feet of height. This would allow multiple carriers to use the tower and create additional revenue for the City.

A Public hearing will be scheduled.

11. Staff Report:

Ben White - No report.

Cathy Brightwell - No report.

12. Approval of Minutes dated January 24, 2017

ACTION TAKEN:

Mike Cottle moved to approve of the minutes of the January 24, 2017 meeting as corrected. Laura Charchenko seconded the motion and voting was unanimous in favor.

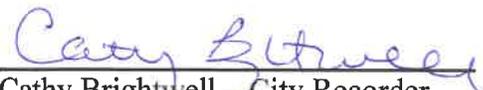
13. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:45 pm. Laura Charchenko 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 28, 2017, by unanimous vote of all members present.


Cathy Brightwell - City Recorder

