THE WEST BOUNTIFUL PLANNING COMMISSION WILL
HOLD A REGULAR MEETING AT 7:30 PM ON
THURSDAY, FEBRUARY 28, 2017 AT THE CITY OFFICES

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by Invitation

1. Accept Agenda
2. Consider Request from Hamlet Homes 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. Discuss Proposed Changes to WBMC Chapter 17.68, Planned Unit Development Ordinance.
4. Discuss Increased Height for Cell Towers in WBMC Chapter 17.88.
5. Staff Report.
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 February 24, 2017.
MEMORANDUM

TO: Planning Commission

DATE: February 24, 2017

FROM: Ben White

RE: Hamlet Homes R-1-22 Rezone Request

A public hearing was held regarding this rezone request as part of the February 14th Planning Commission meeting. Following public comment and discussion among the Commissioners, the rezone application was tabled with the request that additional information be provided related to the existing utilities and easements, and to provide the commission an opportunity to review development patterns which might be proposed with an R-1-22 zoning designation in a larger area. Staff has prepared a concept plan that complies with the lot sizes required in the R-1-22 zone. Please recognize that it is only a concept plan for visual reference.

1. This is a rezone request, not a subdivision request. A subdivision request could result in a differing street and lot configuration.
2. Some lots may not have a great building pad (28, 82, etc) but there is enough room that lot lines can adjust if an actual subdivision application were proposed.
3. The red lines show approximate major property boundaries. They are not exact. Property lines and fence lines do not match real well in this area. A survey will be needed to better define property lines. However, the concept layout is just that, a concept.
4. The two easements on lots 31 thru 54 are staff’s largest concerns. The overhead electrical lines are taller than the easement is wide. One set of overhead power lines clip the Olsen Farm subdivision to the south. This provides a great representation of what development patterns with the recorded easements and existing utilities could look like.
5. Dead end streets cannot exceed 1000’ in length.
6. A PUD request is always an option regardless of the zoning designation. Even though the land owner may make a PUD request, it is the city’s option whether a PUD is granted.
7. Documents related to the utility easements were reviewed but provide little insight beyond the utility company’s right to construct, operate and maintain their respective utility.
As mentioned in a previous Planning Commission meeting, the following motions could all be appropriate:

1. Motion to table the item if additional information or consideration is necessary.
2. Motion to recommend the rezone request to City Council, as proposed.
3. Motion to recommend the City Council deny the rezone request.
4. Motion to recommend the rezone request with a boundary different from the one proposed.
   a. For instance, a recommendation to also include the remaining parcels on the south side of Porter Lane that are currently A-1.
   b. Alternately, a recommendation to only rezone a portion of the proposed 25 acres.

The Planning Commission may include any information or rational they would like the City Council to consider as part of their recommendation, but including the rational is not required.
TO: Planning Commission

DATE: February 23, 2017

FROM: Ben White, Cathy Brightwell

RE: Draft PUD Ordinance

The attached PUD draft has four significant revised sections based on discussions during the last Planning Commission meeting.

17.68.010 Purpose and Intent

A paragraph from the current PUD ordinance was copied into this draft. The language does a great job of stating that the PUD is solely at the City’s option.

17.68.040 Base Density

Phrase was added to reaffirm that when determining the base density, all lots must meet the size requirements of the underlying zone.

17.68.060 Area

The minimum area required to qualify for PUD consideration has been changed.

17.68.090 Density Bonus Consideration

The maximum bonus density has been reduced from 30% to 20%

A public hearing is required before the Planning Commission can make a recommendation to City Council. It has been scheduled for March 14, 2017.
Chapter 17.68 Planned Unit Development Overlay Zone (PUD)

17.68.010 Purpose and Intent

The purpose of the Planned Unit Development (“PUD”) Overlay zone is to provide additional flexibility for the development of larger properties as well as those that have significant impediments to traditional development in the underlying zone. A PUD is a residential development planned as a whole, connected project. It incorporates a clear development theme which includes the elements of usable open spaces, diversity of lot sizes and/or housing design, amenities that reflect a rural community, enhanced streetscapes, and attractive entrances as part of the design.

West Bountiful City supports development that is creative and serves a purpose beyond the simple division of land. A PUD should benefit the City overall as well as the residents of the development in
terms of such items as: usable open space, higher quality development, diverse housing types, or enhanced rural character. The purpose of a PUD is not to increase density, but to increase the quality of life in the community. In order to increase the quality of life in West Bountiful City, the City is willing to allow clustering or additional density of dwelling units in exchange for appropriate amenities.

A PUD may be allowed at the discretion of the City Council following a recommendation of the Planning Commission in any agricultural or residential zone. An application for approval of a PUD is a request by the applicant for additional density and flexibility than that allowed by the underlying zoning. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of Title 16 and all other chapters of this Title. Denial of a PUD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all of the requirements of Title 16 and all other chapters of this Title. The City Council need not provide detailed findings or reasons for denial of a PUD since its decision is legislative.

The owner, or authorized agent, of a proposed PUD shall apply for and secure approval of the proposed PUD Overlay Zone in accordance with this Chapter before a subdivision application for the PUD can be submitted. The requirements of this PUD Overlay Chapter are intended to be in addition to the other requirements of this Title, and rely on, but not necessarily strictly adhere to, the requirements of the underlying zone.

Subsequent to an approved rezone and development agreement, any development that satisfies the requirements of this Chapter may be considered for approval for a PUD subdivision utilizing the requirements of Title 16, Subdivisions, and other requirements of Title 17. In the case of conflicting requirements of this Chapter and Title 16, Subdivisions, and Title 17, Zoning, this Chapter combined with the approved development agreement, shall govern.

17.68.020 Rezone Application Requirements

An application for a rezone to a PUD Overlay will be accompanied by:

A. A written description of how the subject property and the rezone application meet the intent of this zone, including the design theme proposed, as well as the means in which it furthers the City’s goal of continuing the rural theme into the future.

B. A conceptual development plan. This plan must be drawn to scale and show property boundaries, proposed uses, proposed lots, and proposed roads

C. Conceptual building elevations, materials, and commitments to architectural features.

D. Proposed, typical street cross sections addressing the width of street pavement, park strips and sidewalks, type of curb and gutter, park strip landscaping, street lighting and street furniture.

E. A written description of the recreational amenities.

F. If applicable, a density bonus justification – address the criteria found in Section 17.68.090
F. A detailed description of the flexibility being requested over traditional development in the current zone.

G. A conceptual improvement plan for all amenities and public improvements such as storm drainage.

H. A draft development agreement to be considered concurrently with the rezone that commits in writing to the concepts described above. See Section 17.68.030.

I. Project expectations – all PUD requests will include the following at a minimum:

1. Parking. Garages and Parking Lots. Each dwelling unit in a PUD shall include at least a two (2) car garage constructed in accordance with West Bountiful City building standards. In addition, every PUD shall provide for adequate off street parking of vehicles, including recreational vehicle parking, unless specifically excluded in the Development Agreement and CCRs.

   All parking spaces, parking areas, and driveways shall be hard surfaced and properly drained. Large expanses of asphalt should be reduced and broken into smaller parking lots. Parking lots should include ample landscaping to buffer cars from neighboring properties.

2. Attractive Elevations. Variety and Architecture. Structures in the PUD must include, at a minimum, the following design elements:

   a. A variety of elevations, roof types (e.g., mansard, hip, gabled, traditional), colors, materials, and other architectural features must be incorporated into the housing units so as to eliminate or greatly reduce the impression of tract housing.

   b. The appearance of garage doors must be mitigated. Side entry garages that do not face public streets, garage doors that are recessed from the front of the structure, front elevations where the overall width of the building is at least twice the width of the garage or other creative solutions, such as windows, carriage door style, and/or color coordination, are highly encouraged.

   c. Dwellings with the same or similar elevations, façade, exterior design, or appearance generally should not be placed adjacent to each other or across the street from dwellings with the same or similar characteristics.

3. Upgraded Materials. The materials used to construct the structures in a PUD will represent an upgrade from typical construction practices. At a minimum, all residential structures within a PUD will include at least eighty (80) percent hard surface exterior materials defined as brick, stucco, stone, stacked stone, simulated/ composite wood concrete siding, or similar materials. The applicant must present samples of proposed materials to the City for review in connection with approval of the PUD Overlay Zone.

4. Vehicular and Pedestrian Access. Adequate vehicular and pedestrian access must be provided. A traffic impact study may be required, as part of the preliminary PUD Overlay
plan, to project auto and truck traffic generated by the uses proposed. The traffic impact study shall be prepared by a registered traffic engineer, unless otherwise expressly waived by the City. The traffic study shall include, as a minimum, an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, recommended traffic flow enhancements, origin/destination studies and peak traffic generation movements.

J. Project considerations – all PUD requests will include the following, as applicable:

1. Open spaces. Preservation, maintenance and ownership of all open spaces within the development shall be accomplished by either:
   a. Dedication of land to the City as a public park or parkway system; or
   b. Creation of a permanent, open space easement on and over private open spaces to guarantee that the open space remains perpetually as open space or as an agricultural or recreational use, as the case may be, with ownership and maintenance being the responsibility of a corporation or other association established with articles of association and bylaws or similar rules, which are satisfactory to the City.

As part of the subdivision process for a PUD, the applicant shall submit a detailed improvement plan indicating the landscaping, trails, facilities, and other amenities proposed in the development. Upon approval of the amenities package by the City Council, the applicant will be required to complete all improvements in accordance with the development approval. Furthermore, if any open space area is anticipated to be dedicated to West Bountiful City, the landscaping materials, irrigation system and other improvements shall be completed in accordance with any design or improvement standards adopted by West Bountiful City.

2. Connection with Trails. Any PUD that is traversed by or connected to a City or regional trail will be required to install the trail connection or extension, consistent with all applicable ordinances and improvement standards of West Bountiful City.

3. Non-residential structures. Any proposed nonresidential structures, such as recreational amenities, should be complementary to the surrounding and historic architecture in terms of scale, massing, roof shape, exterior materials, etc. Such structures should not create masses out of proportion to the residential structures in the development and surrounding neighborhoods, but should be scaled down into groupings of smaller attached structures, that imitate single family home design or incorporate features that are consistent with the historical or rural characteristics of the City.

4. Signage. Entry feature signage should help unify the project and provide a positive image. Signage for any nonresidential community buildings within the PUD should be part of a coordinated signage system for the entire PUD project. Natural materials such as wood,
stone, rock, and metal with external illumination are encouraged for all development-specific signs. The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting (down lighting only) shall be detailed in the application. The size and location of signage shall conform to the requirements and guidelines for monument signage from Chapter 17.48 of this Title unless modifications are approved as part of the PUD Overlay.

K. General Contributions. The City, as part of the approval of a PUD Overlay, shall review any contributions, as specified in the Development Agreement which may include, but are not limited to any combination of the following:

1. Dedication of land for public park purposes.
2. Dedication of land for public school purposes.
3. Dedication of land for public road right-of-way purposes.
4. Construction of, or addition to, roads servicing the proposed project when such construction or addition is reasonably related to the traffic to be generated.
5. Installation of required traffic safety devices.
6. Reservation of areas containing significant natural, environmental, historic, archeological or similar resources.

17.68.030 Development Agreement

"Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must (1) specify the existing subdivision and land use standards that will be changed in the PUD Overlay Zone and (2) detail the amenities and other benefits being provided to the City and its residents.

The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement must include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if a subdivision plat consistent with the Development Agreement is not recorded within one (1) year of execution of the Agreement.

17.68.040 Base Density

The base density for each PUD Overlay Zone is the density that would be permitted in the zone in which the proposed development is located if the development were completed as a regular subdivision under Title 16 with each lot containing a minimum buildable area of thirty feet by fifty feet (30’ X 50’) while meeting the size and width requirements of the underlying zone.

A density bonus may be considered as described in Section 17.68.090.

17.68.050 Lots
Because the lot sizes in a PUD are flexible, a building footprint shall be indicated on each lot, identifying the buildable area of the lot and the required setback area for the lot. The City Council may require the buildable area of the lots to be increased if it is determined to be important that an average size dwelling, in comparison with other dwellings in the general vicinity, cannot be constructed on the proposed lots.

Although flexibility in lot arrangement is a feature of a PUD, the lots in the development will be reviewed to ensure that the lots can be used for their intended purpose. Each lot should accommodate a dwelling compatible with other dwellings in the development and access should be provided in a reasonable manner. Lots in a PUD should not be designed in a manner that creates odd-shaped lots to simply obtain additional lots.

17.68.060 Area.

No application for a Planned Unit Development Overlay Zone shall have an area less than:

1. Twenty (20) acres of land in the B-U/A-1 zone,
2. Fifteen (15) acres of land in the R-1-22 zone,
2. Ten (10) acres of land in the R-1-10 zone.

17.68.070 Uses.

Only residential uses and accessory uses are allowed.

17.68.080 Ownership.

The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

17.68.090 Density Bonus Considerations.

An applicant for a Planned Unit Development Overlay Zone may be eligible for a density bonus based on the value the City Council places on proposed amenities provided in the project. Density in excess of the Base Density may be considered for projects which satisfy the intent of the requirements, as determined by the City, of one or more of the density bonus amenities listed below. The bonus is granted, as determined by the City Council, in the rezoning/development agreement process. A density bonus shall not exceed twenty (20) percent above the Base Density.

Amenities for a particular project may vary from those of another project because of the project type and market for which the project is being built. Types of amenities may include, but are not limited to, substantial landscaping; public tennis or pickle ball courts; trails; equestrian facilities; recreation facilities; parks; permanent open space; common useable agricultural or farming open spaces; or other similar features. Open spaces lacking a particular use/function or a high level of maintenance do not contribute toward granting a bonus density. Such open spaces shall be privately maintained through the
PUD. The City shall consider the total project and the proposed amenities, and determine the amount of density bonus, if any, a project may receive. When figuring total project density, the number of lots will always be rounded down to the nearest lot.

A density bonus shall always be at the option of the City. If the City determines that a density bonus is not appropriate in a certain area, the bonus will not be given. Additionally, the City may limit the number of additional lots allowed in a certain project.

The following list of amenity categories shall be considered by the City for a density bonus in a PUD Overlay Zone. The Council will use one or more of these categories to grant up to a 20% density bonus. If a project receives the density bonus, the Base Density will be multiplied by the percentage granted to determine the additional units. Such calculations that result in fractional density results may be rounded down to the nearest whole number. In order to determine total project density, the City shall add all additional units to the Base Density.

To be considered for a density bonus, the amenities shall add value to the project and result in a more desirable project for the community as defined below. Developers are expected to provide amenities beyond those found in typical subdivisions to receive a bonus, based on the overall project quality and the following:

**A. Rural site design and features**

The City will consider an innovative site plan which promotes rural characteristics and preserves natural features of the site. To qualify for this density bonus, the overall site plan should incorporate rural design features such as, but not limited to: horse pasture, crop cultivation, community gardens, orchards, open space for grazing of animals, preservation of open irrigation ditches or their enhancement, unique curb/gutter and sidewalk configurations, deeper and varied setbacks, historical materials with a rural architectural theme, etc.

**B. Substantial Public Benefit**

The City will consider this amenity bonus if substantial public benefit through the provision of public facilities (such as park dedication, trail system, or other recreational facilities), that are both unique in character from other City facilities and serve the needs of an area greater than the immediate development, is provided by the project. No density increase for substantial public benefit may be approved unless the public facilities provided are considered an enhancement of the typically required street improvements, sidewalks or trails, public recreational amenities, utilities, drainage facilities, and contribute to the rural theme of the area.

**17.68.100 Design.**

The City shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected as described below.
A. **Density.** Density of land use shall in no case be more than twenty (20) percent higher than allowed in the current zoning district.

B. **Arrangement.** Where feasible, the least height, density of buildings and uses, and/or greater setbacks shall be arranged around the boundaries of the development.

C. **Specific regulations.** Lot area, width, front and rear yard requirements, height, density, and coverage regulations shall be determined through approval of the rezone and development agreement and guided by the existing underlying zone. Side yard setbacks cannot be changed as part of a PUD.

### 17.68.110 Considerations.

In carrying out the intent of this Chapter, the City shall consider the following principles:

A. It is the intent of this Chapter that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The City may require the applicant to engage such professional expertise as a qualified designer or design team.

B. It is not the intent of this Chapter that control of the design of a PUD by the City is so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Chapter that the control exercised be the minimum necessary to achieve the purposes of this Chapter.

### 17.68.120 Approval.

Rezoning to the PUD Overlay may be allowed in any agricultural or residential zoning district upon Planning Commission recommendation and City Council approval through the rezone process. All such rezone requests shall be accompanied by a development agreement.

### 17.68.130 Subdivision Processing.

Only PUD subdivisions previously approved for a rezone with an approved development agreement shall be allowed in this zone. All PUDs developed under the PUD Overlay Zone shall be processed using the subdivision ordinance, except that after Planning Commission approval of the preliminary and final plats, and subsequent plat corrections, if needed, the City staff may proceed with recordation of the PUD subdivision.

A. **Relationship of PUD to This Title and Other Development Ordinances of West Bountiful City.**

This Chapter is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Chapter, all requirements of this Title and all other development ordinances of West Bountiful City must be satisfied with the following exceptions:

1. The frontage and lot area requirements may be modified for all lots, pads, or parcels within the Planned Unit Development except those located directly across a public
street from a development that satisfies the standard frontage requirements of Title 17, Zoning.
2. The density of the development shall be calculated based on Sections 17.68.040 and 17.68.090.

B. Phasing.

All residential subdivisions with more than ten (10) lots, pads, parcels, or units shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the Preliminary Plat.

The phasing plan shall include the number of units or parcels to be developed in each phase; the approximate timing of each phase; the timing of construction of public improvements and subdivision amenities to serve each phase, whether onsite or offsite; and the relationship between the public improvements in the PUD subdivision and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan, which may be necessary due to conditions such as changing market conditions, inclement weather or other factors. Should a developer fail to install amenities in a particular phase, the City may withhold building permits on the next phase until the missing amenities are installed.

C. Landscaping.

Landscaping, fencing and screening of the uses within the site and as a means of integrating the proposed development into its surroundings, shall be planned and presented to the Planning Commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the Planning Commission with the PUD subdivision.

D. Guarantees and Covenants.

In addition to a development agreement, adequate guarantees shall be provided for permanent retention and maintenance of all open space areas before final plan approval can be granted.

1. Open Space Guarantees: The City shall require the preservation, maintenance and ownership of all open space through one or more of the following:

   a. Dedication of the land as a public park or parkway system.

   b. Dedication of the land as permanent open space on the recorded plat.

   c. Granting the City a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation or agricultural use, with ownership and maintenance being the responsibility of a residential corporation or association.
d. Through compliance with the provisions of the Condominium Ownership Act, as outlined in Utah Code Annotated, Title 57, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

In the event the common open space and other facilities are not maintained in a manner consistent with the approved final PUD subdivision plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible corporation or association.

2. Performance Guarantee: In order to ensure that the PUD subdivision will be constructed to completion in an acceptable manner, the applicant shall post performance guarantees as outlined in the subdivision ordinance. The escrow account shall include the completion of offsite improvements, including, among other things, landscaping, sprinkling or irrigation systems, drives, storm drains, street surfacing, parking areas, sidewalks, curbs and gutters.

3. Covenants, Conditions and Restrictions for private amenities/improvements:

The applicant for any PUD subdivision shall, prior to the conveyance of any unit, submit to the City a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. The declaration shall include management policies which shall set forth the quality of maintenance that will be performed, and shall specify the party responsible for such maintenance within the development. The declaration shall also contain, at a minimum, the following:

a. The establishment of a corporation or other association responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the development.

b. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of the committee; and including the person or entity with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

c. The method of calling a meeting of the members of the corporation or other association, with the members thereof that will constitute a quorum authorized to transact business.

d. The manner of collection from unit owners for their share of common expenses, and the method of assessment.

e. The establishment of an initial reserve fund for the corporation or other association, to adequately cover maintenance and operation expenses until
such time as the corporation or association is fully operational and self-sustaining.

f. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.

g. The method and procedure by which the declaration may be amended.

h. The declaration required herein, amendments, and any instrument affecting the property or any unit therein, are subject to approval by the City and must be recorded with the County Recorder.

17.68.150 Limitations on Application.

A. Construction on a PUD subdivision shall start within 1 year of the approval of the PUD subdivision, and such construction, or approved stages thereof, shall be completed within 4 years after the date construction begins, unless these timeframes are renegotiated with the City Council for good cause by the applicant. Failure to meet the one year deadline will result in fines and/or action to nullify the Development Agreement and Zone change, and such actions shall be described in the Development Agreement.

B. Upon approval of a PUD subdivision, construction shall proceed only in accordance with the plans and specifications approved by the City Council in the development agreement.

C. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures outlined in this Chapter and may require a modification to the development agreement.

D. The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development agreement and PUD subdivision plat and with any conditions imposed in conjunction with those approvals.
MEMORANDUM

TO: Planning Commission

DATE: February 24, 2017

FROM: Duane Huffman/Ben White

RE: Cell Phone Tower Height

West Bountiful Municipal Code 17.88 governs wireless telecommunication land use development. Two sections specifically address a current issue for the city:

- 17.88.090 provides a priority listing of where telecommunication providers must follow when want to build new towers; specifically, they must first look to city-owned property.
- 17.88.140 (C & D) lists the maximum height for monopole cell towers of 100’.

Representatives from Verizon Wireless approached the City regarding the installation of a new tower near the area in between 1200 N and the Jessi’s Meadows subdivision. City staff believes that given issues of access, power lines, and future development, the undeveloped Jessi’s Meadows Park would be the best location for such a tower. Verizon would itself want a 100’ tower that they would use to its full capacity.

With the help of a wireless tower consultant, City staff believes that there is a need for wireless coverage in that area by additional carriers. This additional capacity may be meet by building a taller tower (120’) or by the future installation of additional towers near the same area.

As one tower with an additional 20’ may be preferable to multiple towers, and as one tower on city property with multiple carriers would best maximize revenues for residents of the City, please consider amending WBMC 17.88.140 to allow towers on city property to be built up to 120’.

A public hearing for this item has been scheduled for the March 14th Planning Commission meeting.
Personal wireless services facilities are characterized by the type or location of the antenna structure. There are five general types of antenna structures contemplated by this chapter: wall mounted antennas; roof mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If a particular type of antenna structure is allowed by this chapter as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

C. Monopoles with no Platform.

1. Maximum Height and Width. The maximum height of the monopole or monopole antenna shall be one hundred (100) feet, unless located on city owned property where the maximum height shall be one hundred twenty (120) feet. An allowance for an antenna or antenna support structure of ten (10) feet in height above the maximum tower height is allowed. The entire antenna structure mounted on the monopole shall not exceed three feet in width. The antenna itself shall not exceed ten (10) feet in height.

2. Setback. Monopoles shall be set back a minimum of one hundred fifteen (115) percent of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

3. Color. Monopoles, antennas and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.

D. Monopoles with Platform.

4. Maximum Height and Width. The maximum height of the monopole or monopole antenna shall be one hundred (100) feet, unless located on city owned property where the maximum height shall be one hundred twenty (120) feet. An allowance for an antenna or antenna support structure of ten (10) feet in height above the maximum tower height is allowed. The antennas and antenna mounting structures on the monopole shall not exceed eight feet in height or fifteen (15) feet in width. The antenna itself shall not exceed ten (10) feet in height.

5. Setback. Monopoles shall be set back a minimum of one hundred fifteen (115) percent of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

6. Color. Monopoles, antennas and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.
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
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 to10 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.

The foregoing was approved by the West Bountiful City Planning Commission on February 28, 2017, by unanimous vote of all members present.
West Bountiful City                                      PENDING                              February 16, 2017
Planning Commission

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 15, 2017 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Thursday, February 16, 2017 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan and Laura Charchenko

MEMBERS/STAFF EXCUSED: Mike Cottle and Terry Turner

STAFF PRESENT: Cathy Brightwell (Recorder).

VISITORS: None

The Planning Commission Meeting was called to order at 6:01 pm. by Chairman Denis Hopkinson.

1. Consider Conditional Use Request for Roll Rite Auto, LLC at 438 S 1100 West.

Roll Rite Auto submitted a request for a Conditional Use Permit for a used car dealership at 438 S 1100 West. This item was previously discussed at the meeting on February 14 at which time all commissioner questions were answered.

ACTION TAKEN:

Laura Charchenko moved to grant the Conditional Use Permit for Roll Rite Auto with Findings that 1) 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 the community; 2) 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; 3) The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; 4) The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use; 5) The proposed use will conform to the intent of the city’s general plan; and 6) 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. The following conditions will be required: 1) Copy of Dealer’s
license and Proof of Insurance; 2) Fire Inspection approval (done); 3) Secure a building permit for signs; 4) Vehicles on display will be operable and in sellable condition; 5) No outdoor storage, other than vehicles to be sold, will be allowed; and 6) Upon issuance of this Permit, Roll Rite Auto will purchase a West Bountiful City business license. Alan Malan seconded the Motion and voting was unanimous in favor.

2. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 6:06 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on February 28, 2017, by unanimous vote of all members present.

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Cathy Brightwell – City Recorder