

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, AUGUST 22, 2017 AT THE CITY OFFICES**

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use Permit from William Marshall for an Accessory Dwelling Unit at 1140 W 400 North.
4. Staff Report.
5. Consider Approval of Minutes From July 25, 2017.
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 August 15, 2017 by Cathy Brightwell, City Recorder.



MEMORANDUM

TO: Planning Commission

MEETING DATE: August 14, 2017

FROM: Cathy Brightwell, Ben White

RE: Accessory Dwelling Unit – 1140 W 400 North

Mr. Marshall owns a 750 square foot home on 400 North without a garage. He has two primary goals. First, to construct a garage so his vehicles are not out in the weather. Second, to add living space for his aging mother. The intent is to construct a four-car garage on the main floor with living space above. With the existing house being single level, there is no practical way to access the proposed living space from the existing house. The only way into the proposed living area above the garage is via an outside door or through the garage. As this design configuration constitutes a second dwelling unit or accessory dwelling unit (ADU), a conditional use permit is required prior to issuance of a building permit.

WBMC Chapter 17.82 allows a conditional use ADU subject to the development standards specifically listed in Section 17.82.050, and listed below.

- A. **Location.** An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner-occupied single family dwelling.
- B. **Number of Accessory Dwelling Units.** A maximum of one (1) ADU shall be allowed within or attached to each single family dwelling. No lot or parcel shall contain more than one ADU.
- C. **Parking.** Adequate parking shall be made available to accommodate the residential use of an ADU, subject to the residential use parking requirements. At least one (1) space shall be designated for the ADU. Parking stalls shall be paved with concrete, masonry, asphalt, or concrete pavers.
- D. **Utility Metering.** No separate utility metering for the ADU shall be allowed, and the utility service shall be in the property owner's name.
- E. **Size of Accessory Dwelling Unit.** An ADU shall contain a minimum of 300 square feet; provided, that the dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities comply with applicable provisions of this title and the current building codes adopted by the City.
- F. **Construction Codes.** An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently

remodeled. This shall include the obtaining of a building permit or other permits as the codes may require.

- G. **Architecture.** An ADU that is added onto an existing single family dwelling or a new single family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches..
- H. **Owner Occupied.** The owner of the property on which the ADU is located, as listed in the County Recorder's Office, must reside on the property as their principal residence. At no time shall both the ADU and the primary single family dwelling be rented as separate units.

Before any conditional use permit may be issued for an ADU, the Planning Commission shall make an affirmative finding that the ADU will not create any injurious impacts to surrounding neighbors and/or the neighborhood where the ADU is to be located, and that the ADU otherwise meets the requirements of Chapter 17.60 of this title.

Staff recommends the following Findings of Fact and Conditions be applied to this conditional use permit.

Findings:

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 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.

Conditions:

1. Applicant will obtain a building permit, pass all necessary building code inspections, and comply with the requirements of WBMC 17.82.050. The current plan is to have the ADU occupied by a non-driving family member; should that change, adequate parking will be provided.
2. The permit is not transferable. If at any time the home is not occupied by the applicant or his immediate family or the applicant sells the property, the permit shall be revoked pursuant to 17.60.080.
3. If the applicant decides to lease the ADU, they will include, in any lease document, language that the lease will terminate upon sale of the property.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
Fax: (801) 292-6355
www.wbcity.org

PROPERTY ADDRESS: 1140 W 400 N

PARCEL NUMBER: 06-032-0008 **ZONE:** A-1 **DATE OF APPLICATION:** 8/8/2017

Name of Business: _____

Applicant Name: WILLIAM MARSHALL

Applicant Address: 1140 W 400 N, WEST BOUNTIFUL UT 84087

Primary phone: _____ **Fax Number:** _____

E-mail address: _____

Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal. A separate sheet with additional information may be submitted if necessary.

ACCESSORY DWELLING UNIT ABOVE 3-CAR
GARAGE ADDITION

The Applicant(s) hereby acknowledges that they have read and are familiar with the applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone

I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge.

Date: 8/8/2017

Applicant Signature: William Marshall

FOR OFFICIAL USE ONLY

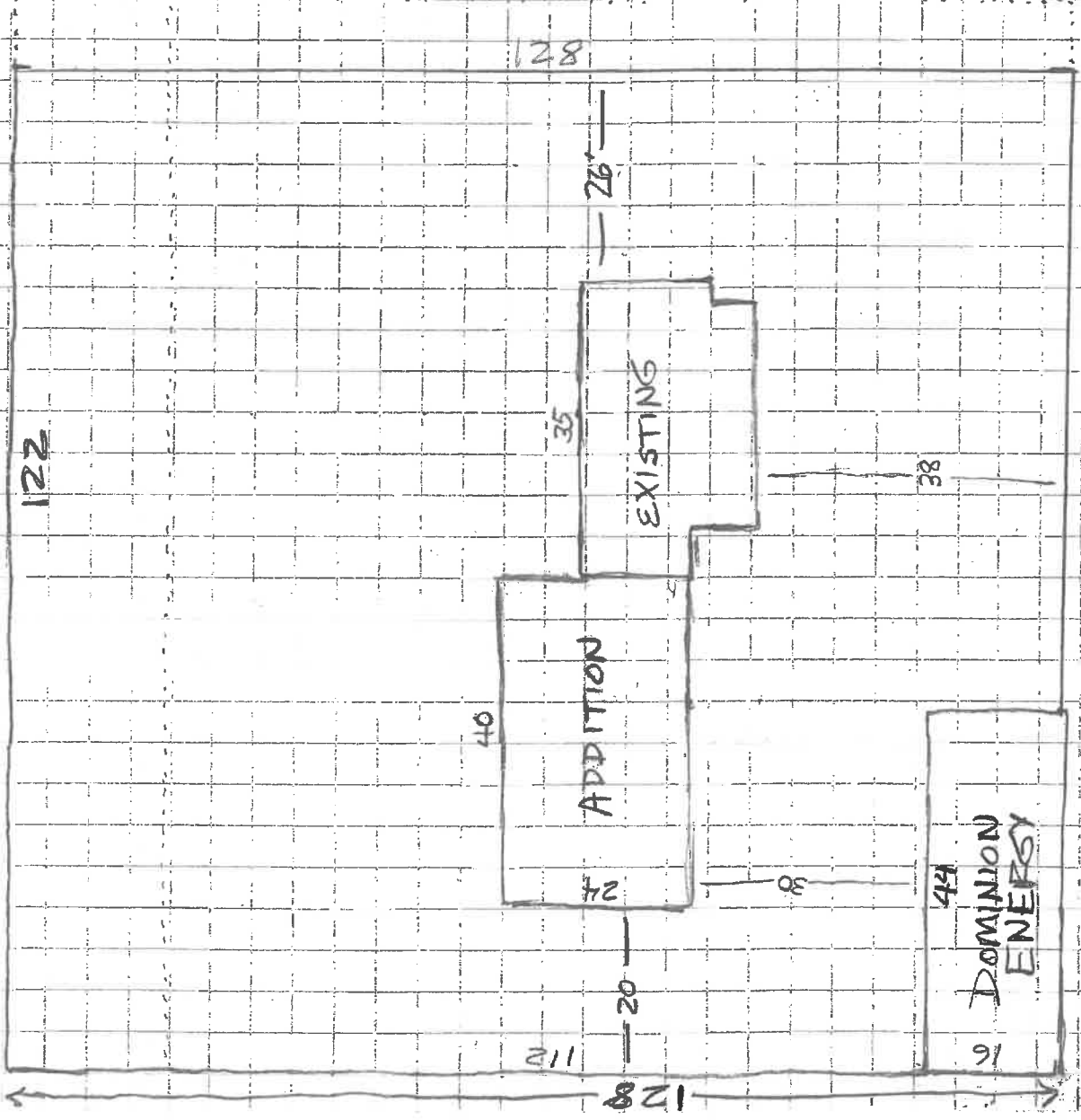
Application Received Date: _____

Permit Number: _____

Application Fee Received Date: _____

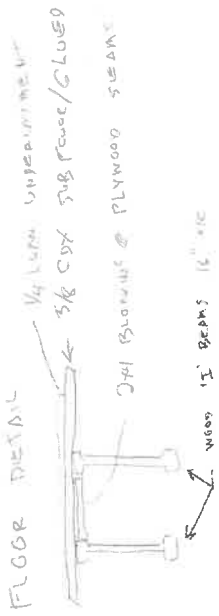
Permit Approval Date: _____

LOT
PLAN
1140 W 400N

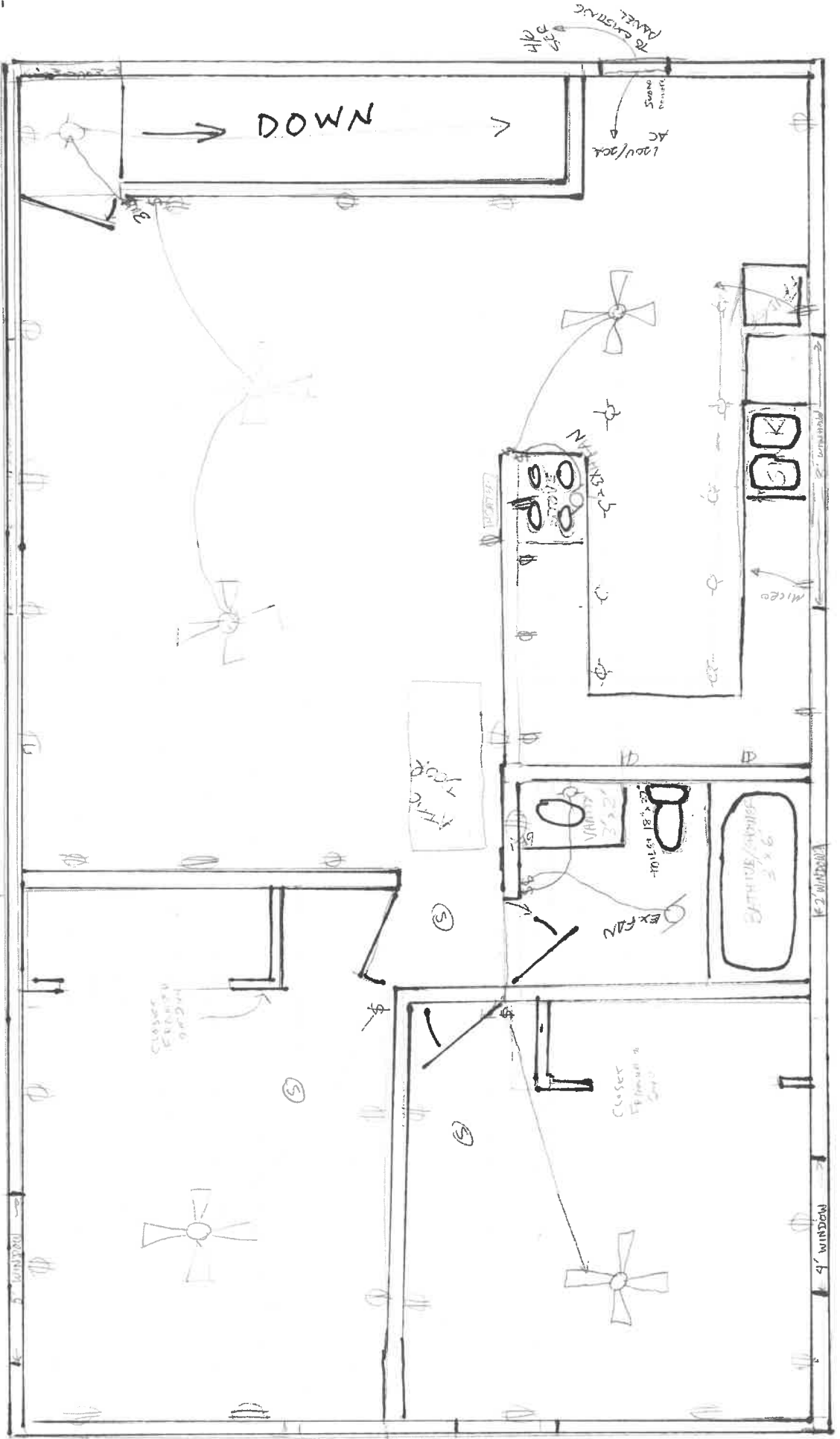


400 North

2ND FLOOR

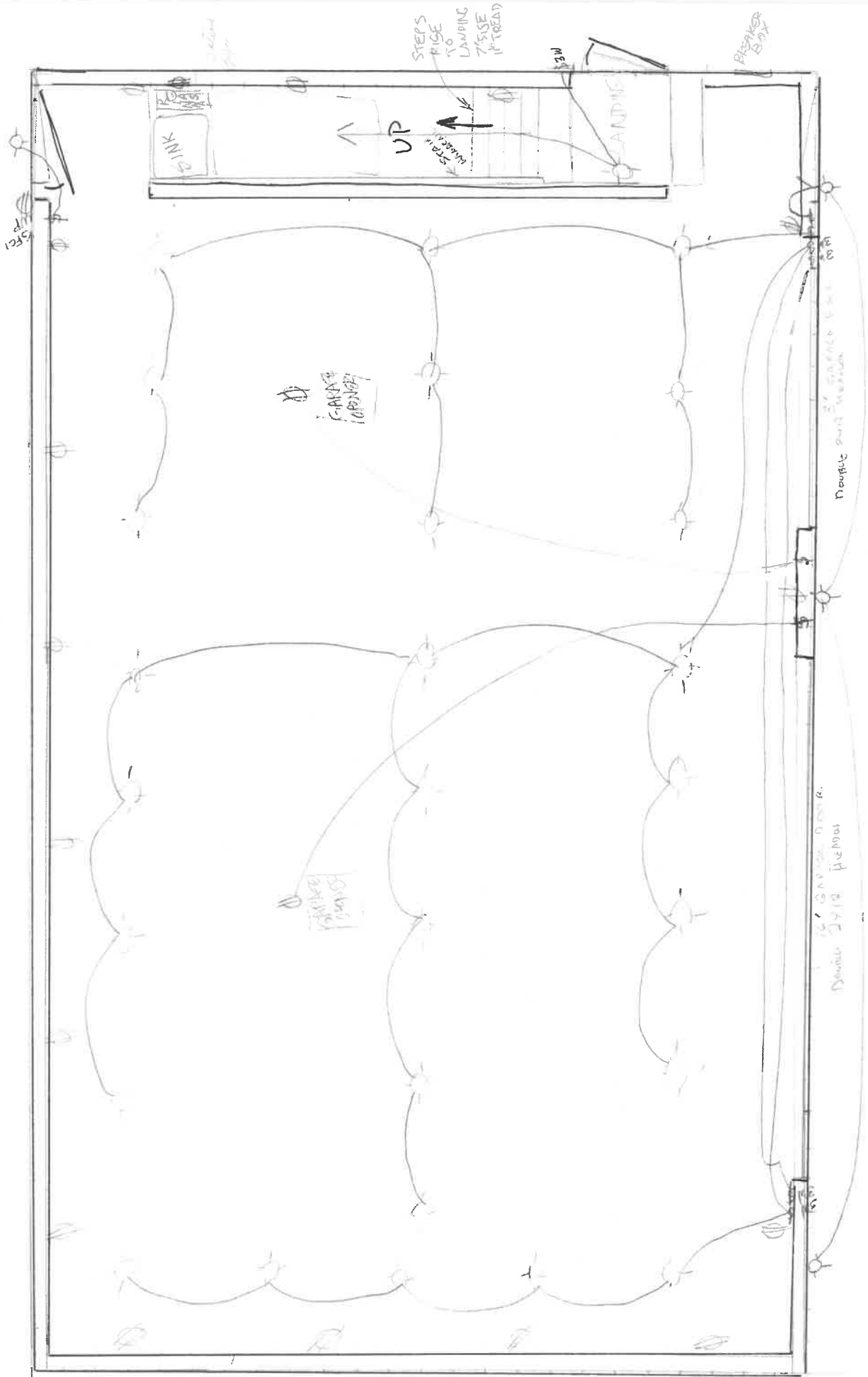


ALL W/PERFORATED METAL
 2x4 16" o/c
 5/8 CDX SHEATHING



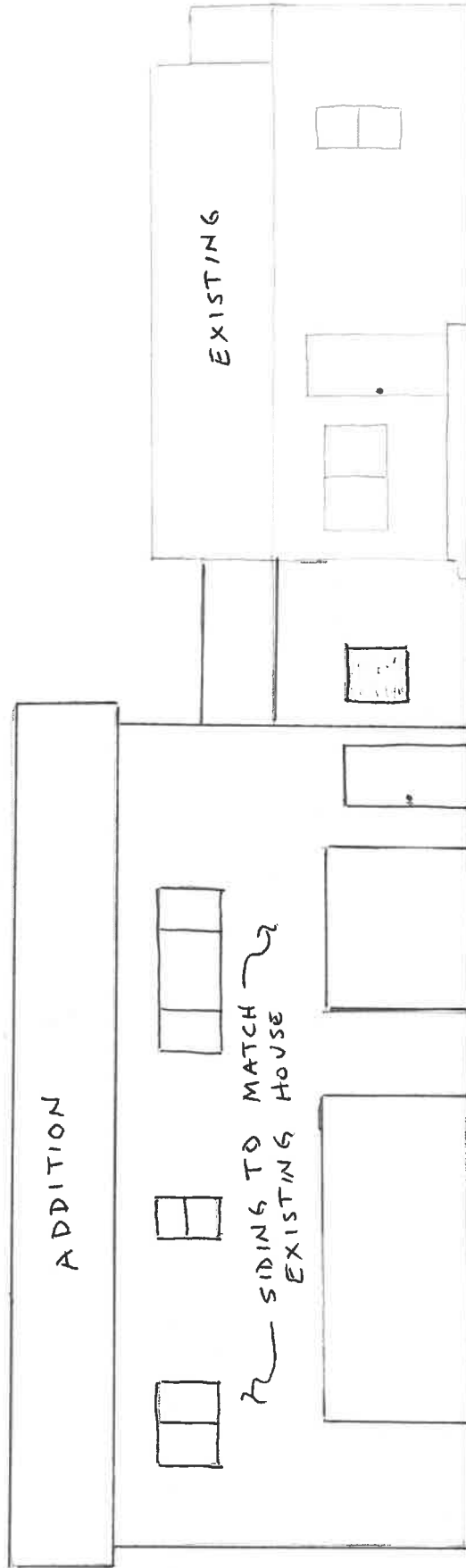
1ST FLOOR GARAGE

- WALL DETAILS
- 3/4" STUDS 16" O.C.
- 3/8" COX SHEATHING
- 1/2" ALUMINUM / VINYL SIDING TO MATCH
- 1/2" DRYWALL FINISH

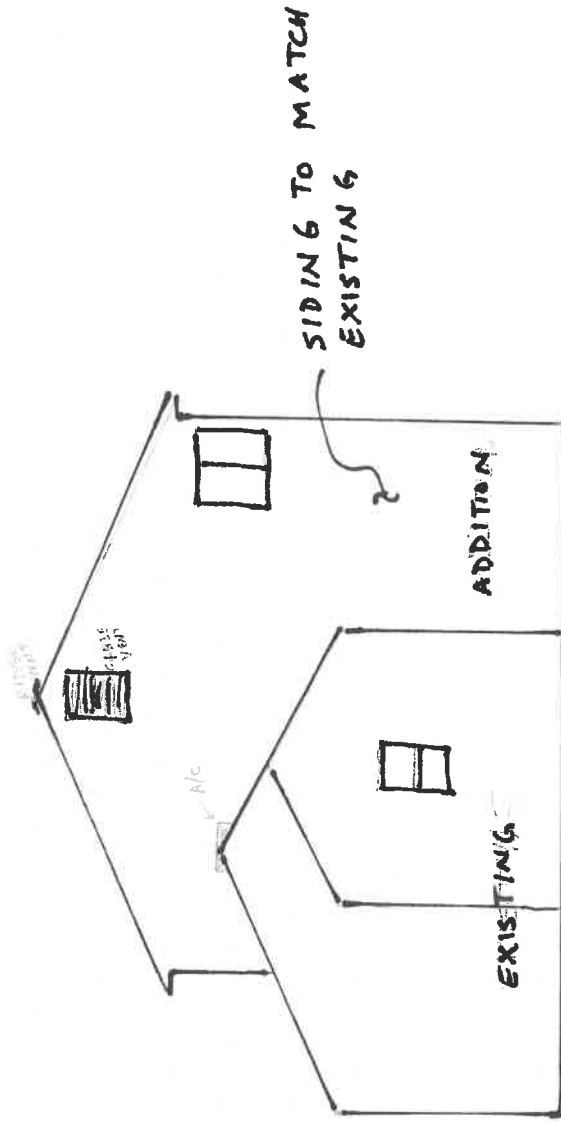


1140 W 400 N
STREET VIEW

FRONT ELEVATION

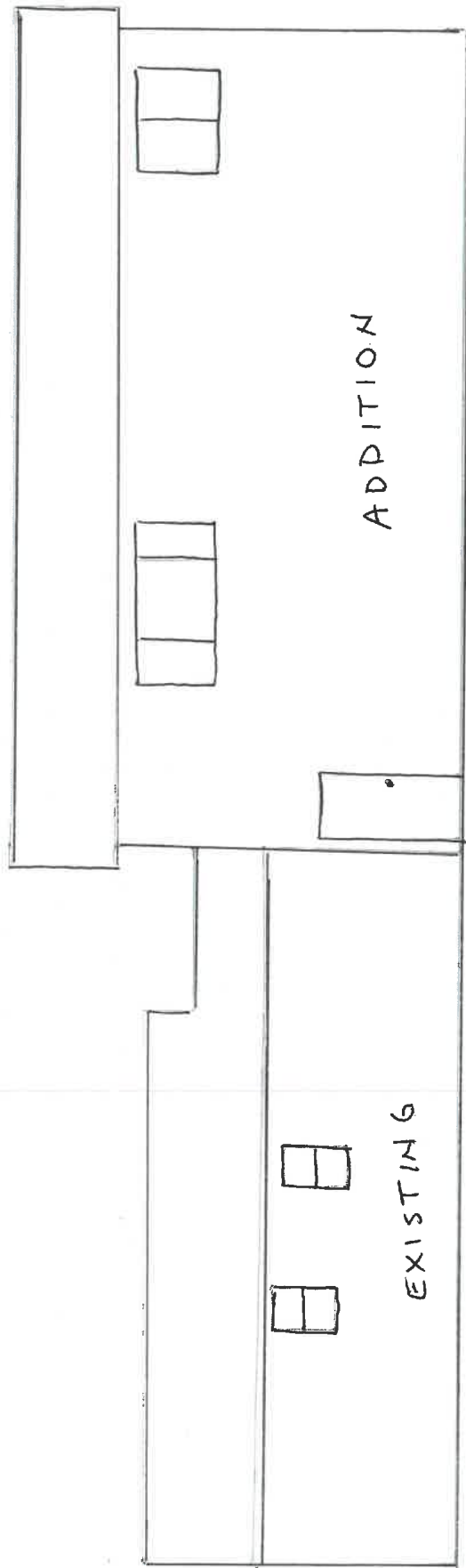


VIEW FROM EAST SIDE
EAST ELEVATION



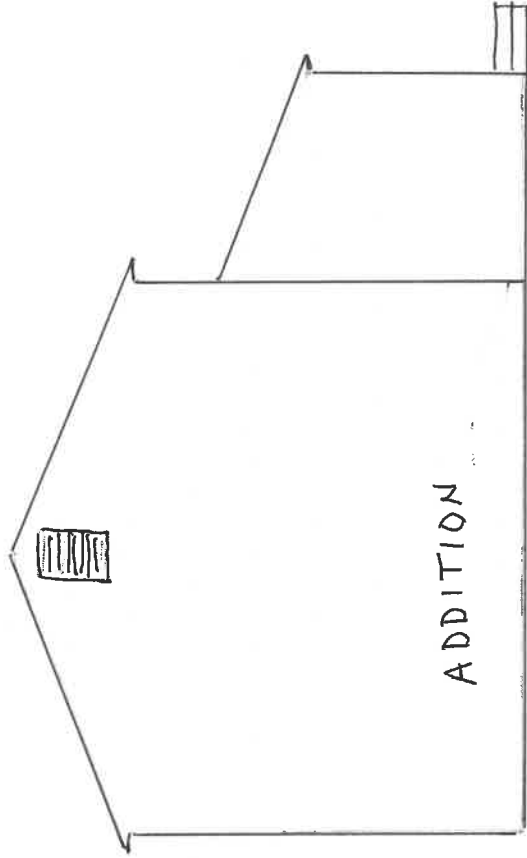
REAR ELEVATION

VIEW FROM REAR



WEST ELEVATION

VIEW FROM WEST SIDE OF ADDITION



ULCT Annual Convention 2017

My Group

Name	Email Address	Registration Type	Confirmation Number	Number Registered
Duane Huffman	dhuffman@wbccity.org	Officials from Member City or Town	N2NWQ9WZJYT	1
James Bruhn	jbruhnwbcc@yahoo.com	Officials from Member City or Town	XZNHZCSX98D	1

1 **West Bountiful City**
2 **Planning Commission**

PENDING

July 25, 2017

3
4
5 *Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website*
6 *and on the West Bountiful City website on July 21, 2017 per state statutory requirement.*

7
8 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July**
9 **25, 2017 at West Bountiful City Hall, Davis County, Utah.**

10
11 **Those in Attendance:**

12
13 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Alan Malan, Laura Charchenko,
14 Mike Cottle, and Corey Sweat (Alternate)

15
16 **STAFF PRESENT:** Ben White (City Engineer), Cathy Brightwell (Recorder), Debbie
17 McKean (Secretary)

18
19 **MEMBERS/STAFF EXCUSED:** Commissioner Terry Turner, Council member Kelly
20 Enquist

21
22 **VISITORS:** Mike and Zach Brodsky.

23
24 The Planning Commission Meeting was called to order at 7:30 pm by Chairman Denis
25 Hopkinson. Mike Cottle offered a prayer and thought.

26
27 **1. Accept Agenda**

28
29 Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as
30 presented. Corey Sweat seconded the motion. Voting was unanimous in favor among members
31 present.

32
33 **2. Discuss Application for Planned Unit Development from Hamlet Homes for Kinross**
34 **Estates at 940 W Porter Lane.**

35
36 Commissioner packets included a memorandum from Ben White dated July 20, 2017 regarding
37 Kinross Estates with an attached application for a PUD, site plans of the development and
38 Kinross Estates Development Plan.

39
40 Ben White introduced the application for Hamlet Homes for their request for a PUD rezone of 23
41 acres located on the southeast corner of 1100 West and Porter Lane. Mr. White explained the
42 concepts of the development plan which included house designs, drainage, wetland and soil
43 reports, ground water contamination and a base density plan. This property was rezoned from 1

44 acre to ½ acre but the developer would like some added flexibility to accommodate the
45 challenging conditions for the development. There will be open space left along 1100 West that
46 would contribute to the area feeling rural.

47
48 The base density plan for the property which conforms to the underlying R-1-22 zone yields 34
49 half lots with building pads not encumbered by an easement or contaminated ground. The PUD
50 proposal includes 35 lots which is a 3% bonus.

51
52 Mr. White explained that several challenges exist on this land which include utility lines and
53 some contamination from a 1991 gasoline and diesel fuel leak. The contaminated area is marked
54 on the site plan, and contamination issues are still being remediated. Some parts of the property
55 are also in the flood plain.

56
57 City development standards have a maximum dead end street length of 1000 feet. The cul-de-
58 sac/dead end street to the east exceeds this limit. This is a discussion point as part of the PUD.

59
60 Curb, gutter and sidewalk are not proposed for 1100 West and the west end of Porter Lane but it
61 can be required by Planning Commission and City Council. There is a trailhead for the Legacy
62 Parkway trail across 1100 West to this development. More work needs to be done regarding the
63 drainage system for this development.

64
65 Chairman Hopkinson feels there is not enough information regarding the contaminated area to
66 make a decision on that portion of the land. Ben White stated that Mr. Brodsky is currently
67 conducting an environmental study of his own. There is no building proposed on the area that is
68 deemed contaminated.

69
70 Mr. Hopkinson also stated that there needs to be a cross road (street stubbed) in the plan in order
71 to plan for future development to the south. Ben White noted that we do our best to plan for the
72 future. Chairman Hopkinson feels like Mr. Brodsky should present the city development options
73 larger than just his parcel for stub street considerations.

74
75 Alan Malan had a question regarding the open area and if it could be a future park. It could be a
76 park if the city desired a park at this location.

77
78 Laura Charchenko feels like, at the very least, we need curb, gutter and sidewalk along Porter
79 Lane.

80
81 Corey Sweat does not want any greater density than ½ acre lots. Ben White stated that the layout
82 before them contains 35 lots. Base density is 34 lots. Mr. Sweat does not see the need to have a
83 PUD as the earlier rezone from A-1 to R-1-22 was pushing the limits for some citizens. He feels
84 like we need to leave the zone at ½ acre. Mike Cottle agrees with Corey Sweat. Chairman

85 Hopkinson explained that they asked for 35 lots and noted that if it is a PUD that would be a
86 possibility. We need to let the process take place and see where it falls.

87

88 Chairman Hopkinson pointed out in regards to drainage that there needs to be serious discussion
89 and design regarding the drainage of this land. Ben White noted that the developer is working
90 diligently on the drainage issues. Mr. Hopkinson stated that we need more information in order
91 to make any recommendations.

92

93 Chairman Hopkinson addressed the flexibility request in the Development agreement and
94 questions the request for a PUD. More information is needed in these regards.

95

96 Mike Brodsky was invited to take the stand and address the Planning Commission. He addressed
97 some of the concerns that the Planning Commission are having.

98

- 99 • Mr. Brodsky felt because of the environmental impact of the property, that asking for a
100 PUD would help them develop the property better. He is fine with the yield of 34 lots
101 instead of 35 lots, if necessary.
- 102 • He addressed the stub roads. He has designed a stub road to the south. Regarding the
103 cul-de-sac to the east, he is willing to put money in escrow to take out the circle when
104 future development happens on the adjacent property.
- 105 • They are looking for city direction in regards to curb, gutter and sidewalk along Porter
106 Lane and 1100 West and are not opposed to doing so, but were under the impression that
107 no curb and sidewalk would help maintain a rural feel along 1100 West. They do feel the
108 proposed road that runs parallel to 1100 West under the power corridor provides
109 connectivity to the trail through the subdivision.
- 110 • Mr. Brodsky briefly explained the architecture of their homes.
- 111 • Their engineer will be meeting with Mr. White later this week in regards to the drainage
112 issues. The detention basin (which is 18 inches deep) will contain storm water run-off.
113 The storm drain detention basin maintenance could be the HOA's responsibility. Mr.
114 Brodsky feel this is the most practical way to maintain it.
- 115 • Detailed engineering has yet to be worked out.
- 116 • The environmental issues have been researched to a great extent. Mr. Brodsky explained
117 all the processes that have taken place to mitigate this problem. They continue to work
118 on this issue to identify the outline of the contaminated area. He feels like the current
119 site plan is a very conservative view of the area. No building will be done in that area
120 until it meets residential standards of the DEQ. Concerns were raised relative to what
121 would happen if the contamination is found to be larger than expected at this time. Mr.
122 Brodsky stated that if it is bigger it may put an end to the project.
- 123 • At the next meeting, they will have an extensive document that will state all the details of
124 the environmental studies done and a representative will be present to answer questions.

125 Prior to the Planning Commission making their recommendations to the City Council, a
126 Public Hearing will have to be held.

127 **3. Open Meeting Training for 2017.**

128
129 Cathy Brightwell conducted the Open Meeting Training as required. She reviewed a
130 presentation that was included in their individual packets and showed a video by David Church
131 from the Utah League of Cities and Towns. It is very important that meetings are open and
132 discussion is kept transparent to the public. Any city group that has a budget and meets regularly
133 is held to the Open Meeting Act.

134
135 **4. Staff Report**

136
137 Ben White

- 138 • Some new developments will be coming in future meetings.

139
140 Cathy Brightwell – no report.

141
142 **5. Consider Approval of Minutes from June 27, 2017.**

143
144 **ACTION TAKEN:**

145
146 *Corey Sweat moved to approve of the minutes of the June 27, 2017 meeting as*
147 *presented. Alan Malan seconded the motion and voting was unanimous in favor.*

148
149 **6. Adjournment**

150
151 **ACTION TAKEN:**

152
153 *Alan Malan moved to adjourn the regular session of the Planning Commission*
154 *meeting at 8:48 pm. Laura Charchenko seconded the motion. Voting was unanimous*
155 *in favor.*

156
157

158
159 *The foregoing was approved by the West Bountiful City Planning Commission on August 8, 2017, by*
160 *unanimous vote of all members present.*

161
162 _____
163 *Cathy Brightwell – City Recorder*

164