

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
Corey Sweat

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 26, 2017 AT THE CITY OFFICES

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use Permit for HK Auto Boutique at 1112 W 500 South.
3. Consider Conditional Use Permit for a Detached Garage That Exceeds Standard Height Requirements at 580 N 975 West.
4. Consider Zoning Request for 1300 W 400 North by Denise Montgomery.
5. Discuss PUD Request from Hamlet Homes for Kinross Subdivision at 1100 W and Porter Lane.
6. Discuss the McKean's West End Subdivision at 1100 N 800 West
7. Staff Report.
8. Consider Approval of Minutes from September 12, 2017 Meeting.
9. Adjourn.

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 September 22, 2017 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission**

September 26, 2017

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website and on the West Bountiful City website on September 22, 2017 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,
September 26, 2017 at West Bountiful City Hall, Davis County, Utah.**

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Mike Cottle, Laura Charchenko, Corey Sweat, and Council member Kelly Enquist

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

VISITORS: Phil Holland, Kim McKean, Zach Brodsky, Mike Brodsky, Kevin Schroyer, Chris Nolan, David Smith and Spouse.

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. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

2. Consider Conditional Use Permit for HK Auto Boutique at 1112 W 500 South

Commissioner packets included a memorandum dated September 21, 2017 from Cathy Brightwell regarding HK Auto Boutique with attached site plan.

A Conditional Use Permit application was received from Kevin Shroyer for a business named HK Auto Boutique to be located at 1112 West 500 South that will provide automotive sales and light servicing of vehicles. Approximately 20 vehicles will be parked and displayed in the parking area.

Cathy Brightwell shared Mr. Shroyer's desire to begin a business for auto sales and light repairs. A list of proposed conditions was detailed by Ms. Brightwell.

Chairman Hopkinson invited the Commissioners to look at the site plan provided by the applicant and noted the limited parking spaces on the plan. It will be rather tight to put 20 vehicles on that site.

Commissioner Comments:

Alan Malan inquired where the business was located and agrees there is limited space for 20 vehicles.

Corey Sweat commented that there is more area in the front of the building for parking.

Mike Cottle asked if cars will be operable. Mr. Shroyer answered that all cars will be operable.

Chairman Hopkinson welcomed the business and hoped they will step up from previous businesses that have been located there.

ACTION TAKEN:

Mike Cottle moved to approve the conditional use permit for HK Auto Boutique Kevin Shroyer 1112 West 500 South with the following findings: the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general wellbeing of the neighborhood and community, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, accompanying improvements will not inordinately impact schools, utilities, and streets; will provide for appropriate buffering of uses and building, proper parking and traffic circulation, use of building materials, landscaping that is in harmony with the area and compatibility with adjoining uses, will comply with the regulations and conditions specified in the land use ordinance and 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 must be met before a business license can be issued. A copy of the dealer's license and proof of insurance, fire inspection approval, and signage must comply with City Code, as well as all vehicles on display must be operable and in sellable condition. Laura Charchenko seconded the motion with a friendly amendment to include the affirmative findings. Voting was unanimous in favor.

3. Consider Conditional Use Permit for a Detached Garage That Exceeds Standard Height Requirements at 580 N 975 West.

Ben White introduced the application for the Smith accessory building located at 580 N 975 West. Included in the Commissioners packet was a memorandum dated September 21, 2017 from Ben White including a location site map and a diagram of the accessory building with specifications.

Mr. White introduced the application and noted some of the other accessory buildings in the area in comparison to what Mr. Smith would like to build. He showed a site map of that area and pointed out the other similar buildings in the area.

Chairman Hopkinson requested that Commissioners consider if there would be negative impact on surrounding homes in the area. It was briefly discussed and concluded that no negative impact could be found.

Corey Sweat inquired what the maximum height of a home would be in this zone. Mr. White responded 35 feet would be the maximum.

ACTION TAKEN:

Corey Sweat moved to approve the application for an accessory building located at 580 North 975 West with the following findings as found in Section 17.6.040D of the City Code. The proposed use at this location is necessary and desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community and 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; the accompanying improvements will not inordinately impact schools, utilities, and streets and will provide an appropriate buffering of uses and buildings, proper parking and traffic circulation, use of building materials and landscaping which are in harmony with the area and compatibility with adjoining uses; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and conditions to be imposed will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection. A condition of approval is a maximum height for this building will be 24 feet. Alan Malan seconded the motion and voting was unanimous in favor among all members present.

4. Consider Zoning Request for 1300 West 400 North by Denise Montgomery.

Commissioners received a packet including a memorandum from Ben White dated September 20th, 2017 regarding a Zoning Request at approximately 1300 West 400 North with a copy of the

City Area zoning map, and a letter from Denise Montgomery addressed to the City Council, Planning and Zoning, and City Engineer.

Denise Montgomery was not present at the meeting. Chairman Hopkinson shared Ms. Montgomery's desire to develop equestrian uses on her property to accommodate citizens in the area which also includes retail. She lives in Jessi's Meadow and owns adjacent property with frontage on 400 North. The A-1 zone has no accommodation for retailing. American Cowboy was grandfathered in that area. Chairman Hopkinson shared some of the difficulties this could bring to this area. This was a discussion item only for this evening and Mr. Hopkinson shared the possibilities that could take place in the discussion.

Commissioner's Comments Included:

Mike Cottle feel that any consideration of this request would open a can of worms.

Corey Sweat stated that at this time it would not be a conversation to have until further plans have been put into place on the west side. He feels that it would not be supported and successful in a residential zone.

Alan Malan is against any spot zoning which this would be.

Chairman Hopkinson pointed out that the only drawback of this plan would be the retail piece.

Ben White informed the Commissioners of the landowner's rights to take her request to city council and that a public hearing would have to be held. Chairman Hopkinson suggested this item be tabled until Ms. Montgomery can be present to answer questions.

5. Discuss PUD Request from Hamlet Homes for Kinross Subdivision at 1100 West and Porter Lane.

Ben White showed the developer's plans and suggested layout (a density plan) with 34 lots. No bonus density is requested. Developer is requesting some lot adjustments due to complications of utility easements. Mr. White noted that the road at the end of the cul-de-sac would continue on in the future when the east property is developed. He pointed out that there may be some benefit to creating a road going south, however the south property has different owners and is not part of the discussion at this time. Mr. White shared the concepts of what the applicant has submitted to this point.

Mr. Michael Brodsky (owner/applicant Hamlet Homes) was invited to take the stand and addressed the Commissioners in regards to questions he was given from the last meeting to

answer. Their consultant, Chris Noble, addressed the environmental issues of the area and Nick Mingo addressed the drainage.

The developer is asking for a PUD because of the variety of challenges on this property. They would like the option of having a few smaller lots with no increase in density. There will be 4 acres along 1100 West restricted to open space and pasture. They will be solving a lot of storm drain issues for their area and the surrounding area. Homes designed for this area will be submitted to the city for their approval. Landscaping will be included to correlate with the surrounding community landscapes. Mr. Brodsky noted that the environmental issues that impact the area from the earlier oil spill have been stabilized and the underground plume is shrinking rather rapidly. A summary of the Environmental Study was presented. The original document is 180 pages and is available for review.

Chris Nolan of Wasatch Environmental introduced himself and described some of the problems that exist from the 1998 oil spill on the land. His study found that there is no health or safety issues of any residual nature to animals or humans. The three affected lots will be maintained by the Williams family who are the current property owners. Mr. Noble showed the boundary lines of how the affected ground has been shrinking and has stabilized. New technology has been used to mitigate the contaminated ground. He provided a summary of data in a report given to the Commissioners (the full report is a 180 page document and available at City Hall). Mr. White noted that the 3 lots still have contaminations and will be unbuildable lots until the DEQ lifts that restriction. The CCR's will contain all issues pertaining to this environmental issue.

Mike Cottle asked what would happen if flooding were to occur in the area. Mr. Noble responded that they would not anticipate any harm from such an event. Chevron will continue to work on cleaning up this area. It could take 5 to 7 years for this issue to be totally cleared and dismissed.

Mr. Cottle inquired about the passive vapor barrier. Mr. Noble explained the process and what the barrier is and that each home will have their own individual barrier for vapor intrusion. Mr. White explained the location of radon is very miss and hit. He further explained that it collects at the ground level and the vapor barrier is used to mitigate radon contamination from collecting in the individual homes.

Alan Malan would like to see the environmental study on official letterhead, both as a summary and as the complete document. Mr. Malan added that there is no benefit for the city with the 4-acre open space. He prefers the initial proposal that tied the open space to each west lot.

Laura Charchenko asked about how buyers will receive the information regarding the spill. Mr. Brodsky responded that they will disclose to buyers the data collected from the study of the environmental issues.

Corey Sweat stated that he feels due diligence has been done in regards to the environmental issues and that should be stated in some public documentation on letterhead as Mr. Malan requested.

Mr. Chairman asked where the existing wells are located on the property. Mr. Noble shared a site plan and pointed out where the active and inactive wells exist on the property. Chairman Hopkinson would like to know the depth of the wells and other information in regards to the soil study. He explained it is important to know the clay level in order to be aware of how the contamination may affect the ground water.

Denis Hopkinson sees the need for the developers to have the concept plans move forward. He feels like a plan for a southbound road is essential even though it will not connect to anything. Mr. Chairman was grateful the developers were prepared and addressed their prior concerns.

Council member Enquist asked about the Williams lots and if they would be retaining them. Mr. Brodsky answered they will be unbuildable lots that will be held by the Williams family. Those lots would be used for cultivating hay and may contain an accessory building. It still needs to be determined who will maintain the cul-de-sac.

Mr. Brodsky asked if they could eliminate the other road if the southbound road was developed. Chairman Hopkinson wanted all possibilities to be on the table for discussion.

Staff feels like the proposed plan for detention water is about the best they can come up with.

Mr. White gave a short summary that this is a rezone request. He pointed out that Commissioners /Council have the right to deny their request but the developer deserves the right to know their concerns so they can have the opportunity to find solutions and answers to their questions. He stated that now is the time to give the developer direction.

Laura Charchenko asked about their CCR's. The developer will provide those upon submitting the conceptual plans.

Chairman Hopkinson feels like the Commission has the information they need at this time and the developer has done a great job answering their questions and concerns. He recapped the discussions for this evening and noted some conditions that could be placed for the project to conform to the desires of the City.

Corey Sweat expressed his feelings regarding the 4-acre parcel on the west side, and further discussion took place. Mr. Brodsky pointed out that the CCRs will have teeth in them to maintain and design this parcel. He reiterated that the city is most concerned with the health, safety and welfare of the citizens and community.

A public hearing is scheduled for the next Planning/Zoning meeting.

6. Discuss the McKean's West Bound Subdivision at 1100 North 800 West

Commissioner's packets included a memorandum dated September 20, 2017 from Ben White regarding the West Bound subdivision discussion. Memorandum had a preliminary plat plan attached of the development.

Ben White introduced the proposed development located at approximately 1100 North and 800 West, which is a 13-lot subdivision in the R-10 zone. He stated that it currently meets all City requirements and codes.

Mr. White showed the site and some special features that may be part of the development. In his presentation he noted the length of the dead-end road, a turnaround, a possible pedestrian access to the Prospector Rail trail, drainage, irrigation water, and property easements. He informed them that drainage, irrigation, and water right issues will be addressed at City Council meeting next week.

Mr. White was unsure about curb and sidewalk at this point. He informed the Commissioners that the developer is not under obligation to provide curb and gutter for the two existing homes on 800 West. Staff is proposing an eight-foot park strip and a 5 foot wide concrete path along 800 West that will have to meet the City's current design standards. There have been no proposed plans for street lighting on the current plan. A soil report will be submitted. There is a public hearing set for the next meeting.

One issue regarding the development is that at the present time the land is in the historic district overlay zone. The developer filed an Application to Rezone to remove all but Lot 1 from the Historic District. This application will be handled separately from the subdivision request. Alan Malan had some questions and concern with the sidewalk requirements in the Historic District and if it will pertain to the development. Ben White responded that will need to be addressed.

7. Staff Report

Ben White

- We have received some proposals for development to the south of the Hamlet Home property that may make for a smoother transition to the Hamlet Home development.

Cathy Brightwell

- Corey Sweat has been sworn in for a four year term on the Planning Commission.
- Meet the Candidates night is next Monday, October 2nd, beginning with a meet and greet at 6:30 transitioning to the Question/Answer session hosted by the League of Women Voters.
- There will be Stakeholder meetings for the West Side development held October 3rd, 4th and 5th and again on October 23rd, 24th and 25th.

8. Consider Approval of Minutes from September 12, 2017.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the September 12, 2017 meeting as presented. Mike Cottle seconded the motion and voting was unanimous in favor.

9. Adjournment

ACTION TAKEN:

Mike Cottle moved to adjourn the regular session of the Planning Commission meeting at 9:15 pm. Corey Sweat seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on October 10, 2017, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

