

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, OCTOBER 10, 2017 AT THE CITY OFFICES

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use Permit for Summit Motors, LLC, at 438 S 1100 West.
3. Public Hearing for West Bound Estates Subdivision at 1065 N 800 West.
4. Consider Preliminary Plat Approval for West Bound Estates at 1065 N 800 West.
5. Public Hearing for Kinross Estates' Planned Unit Development at Porter Ln and 1100 West by Hamlet Homes.
6. Consider Planned Unit Development for Kinross Estates at Porter Ln. and 1100 West.
7. Staff Report.
8. Consider Approval of Minutes from September 26, 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 October 6, 2017 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission**

October 10, 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 October 6, 2017 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 10, 2017 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

MEMBERS EXCUSED: Mike Cottle

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

VISITORS: Phil Holland, Kim McKean, Mike Brodsky, Matt Bown, Mike Hensley, Dean Chalwich

The Planning Commission Meeting was called to order at 7:30 pm by Chairman Denis Hopkinson. Debbie McKean offered a prayer.

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Corey Sweat moved to accept the agenda as presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among members present.

2. Consider Conditional Use Permit for Summit Motors, LLC, at 438 S 1100 West

Commissioner packets included a memorandum dated October 5, 2017 from Cathy Brightwell regarding Summit Motors, LLC with attached Conditional Use Permit Application.

Cathy Brightwell introduced the application from Paul Nagle for a conditional use permit for Summit Motors, LLC located at 438 South 1100 West. This business will be selling automobiles on site and online. There will be no service work done on vehicles. They will maintain a small inventory inside and behind the building with customer parking on the 3 stalls in front of the building.

Paul Nagle was called to the stand. Alan Malan inquired about the 3 parking spaces being used for customer parking in the front of the business. Mr. Nagle was fine with that being part of the conditions.

ACTION TAKEN:

Laura Charchenko moved to approve the conditional use permit for Summit Motor, LLC at 438 South 1100 West 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 well-being of the neighborhood and community, will not be detrimental to the health, safety, or general welfare of

persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; 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 the following conditions must be met before a business license can be issued. Conditions include providing 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 and 3 front parking stalls must be used for customer parking only. Alan Malan seconded the motion. Voting was unanimous in favor.

3. Public Hearing for West Bound (McKean Estates) Subdivision at 1065 North 800 West

ACTION TAKEN:

Corey Sweat moved to open the public hearing for West Bound (McKean Estates) Subdivision at 1065 North 800 West at 7:40 pm to receive public comment. Alan Malan seconded the motion and voting was unanimous in favor.

Chairman Hopkinson introduced the proposed 13 lot subdivision and invited the public to comment.

PUBLIC COMMENT:

There was no public comment.

ACTION TAKEN:

Corey Sweat moved to close the public hearing at 7:42 pm. Laura Charchenko seconded the motion and voting was unanimous in favor.

4. Consider Preliminary Plat Approval for West Bound Estates at 1065 N 800 West

Phil Holland was invited to take the stand. Regarding the name of the subdivision he explained that they had put West Bountiful as a place holder and somehow it became West Bound which was never their intent. The correct name is McKean Estates.

Ben White updated the Commission on the following items:

- Irrigation water will provide enough culinary water for the subdivision with secondary water being worked through at this point.
- Developer is addressing water drainage on the property and golf course.
- Developer to provide letters from the utility companies regarding providing services to the development.
- Sewer is already on the property.
- Request for access to Prospector Rail Trail
- The developer has asked to have all but lot 1 removed from the Historical Overlay zone.

Mr. White asked for comments on where to place street lights and group mailbox.

Commissioner's Comments Included:

Corey Sweat asked where trail access would be provided; between lots 7 and 8 are most likely.

Alan Malan asked if there will be curb, gutter and sidewalks on 800 West and if they will meet the guidelines for the historic district with wider than normal sidewalks. Ben responded that there will be curb and gutter but 5-foot sidewalks are already constructed. Mr. Malan stated that the standard sidewalk requirements for the remainder of the project will be suitable if overlay zone is removed. He would like 2 street lights and possibly add another one in between especially if that is where the mailboxes are. Mr. White stated there is some flexibility there. Chairman Hopkinson felt that the Community mailbox would fit better inside the subdivision than on 800 West possibly around lots 2 and 3. Alan Malan inquired about the location of the fire hydrants. Mr. White pointed them out on the site plan.

Phil Holland spoke regarding the trail access. He has no issue with it but does not want it to become a trailhead where cars come from outside the neighborhood to park in front of homes.

Chairman Hopkinson inquired about the Barton Creek water rights. He informed Mr. Holland that the water rights need to be properly signed before subdivision approval is obtained. He also suggested that the trail access be north of Lot 6 for the least amount of impact to the development. He noted other various reasons for doing so regarding drainage, oil pipe line, and fiber optics.

Kim McKean took the stand and asked if curb and gutter will be required in front of the two existing homes in the development. Ben White answered that those two homes are not part of the subdivision so improvements cannot be required but it would be highly appreciated.

ACTION TAKEN:

Corey Sweat moved to approve the Preliminary Plat for McKean Estates at 1065 N 800 West with the following conditions: drainage plans will conform to the City Council's requirements; park strips and sidewalk widths will meet the Historic District requirements on 800 West and standard requirements for the remainder of the property if it is removed from the Historic Overlay zone; there will be street lights located on the corner and by the community mailboxes and one in the bubble area; service letters must be received from the utility companies; water rights agreements must be signed and in place showing proper documentation. Laura Charchenko seconded the motion. Some discussion took place before the voting regarding the trail access. The Motion passed two to one with Alan Malan opposed.

5. Public Hearing for Kinross Estates' Planned Unit Development at Porter Lane and 1100 West by Hamlet Homes.

Hamlet Development is proposing a Planned Unit Development of 34 lots at Porter Lane and 1100 West in an R-1-22 zone. They are proposing a blend of lot sizes from 10,000 sq. feet to 1 acre in size to accommodate utility easements running through the property. There is still contamination on 3 lots

which leaves them unbuildable until the problem is resolved. The developer will not be receiving any bonus density for this development.

ACTION TAKEN:

Laura Charchenko moved to open the public hearing for at 8:13 pm to receive public comment for the Kinross Estates Planned Unit Development. Alan Malan seconded the motion and voting was unanimous in favor.

Public Comments:

Alyson McKean Bown sent a letter with her husband Matt Bown which he read. She feels like the new development as proposed will compromise the rural feel of our community and the charm and uniqueness of our city. She is opposed to the PUD as it is proposed.

Matt Bown seconded the feelings of his wife and would like the Commission to consider denying the PUD as proposed. He feels like it discourages people who have large animals from coming into our community. He stated that the surrounding subdivisions all maintain the ½ acre lots and that is why he built his home here. He is not in support of the PUD and believes it will impact the values of surrounding homes. He respectfully asked the Commission to maintain the ½ acre requirement.

Michael Hensley appreciates that Hamlet Homes wants to build in our community. He supports all the comments Matt and Aly Bown stated. He does not feel this development is conducive to the rural feel with the cookie cutter style homes they build. He feels at a minimum the ½ acre lots should be maintained. He is not in support of the PUD as it is proposed this evening with the smaller lot sizes.

ACTION TAKEN:

Corey Sweat moved to close the public hearing at 8:23 pm. Alan Malan seconded the motion and voting was unanimous in favor.

6. Consider Planned Unit Development for Kinross Estates at Porter Lane and 1100 West

Commissioner's packets included a memorandum dated October 5, 2017 from Ben White regarding Kinross Estates PUD Application and Public Hearing, a development agreement for Kinross Estates, a preliminary plat plan, CC&R's, landscape plan, elevation exhibit, geo-technical study and a report from Wasatch Environmental.

Chairman Hopkinson addressed some of the concerns that Matt Bown had regarding the CCR's. He explained to him that these are drafts. He informed him that the Planning Commission and City Council will maintain the city requirements as they review these documents. He addressed the fact that the property owner has the right to ask for the increase of density but they will do their best to make sure this will be a benefit to the city.

Matt Bown spoke to the density of the property in regards unbuildable property. He feels that even with the unbuildable property, they should not be allowed to have lots smaller than ½ acre. Smaller lots do not work well with people who own animals in the area.

Corey Sweat confirmed that there are 34 buildable lots the property in the development's final state. The developer is not asking for more density than he qualifies for currently. He is asking for flexibility in lot sizes so he can still have the 34 lots that he is allowed to develop without a PUD. Mr. Sweat stated that he does not want to see the change, but the developer has the right to ask and then the city has the responsibility to maintain city requirements and standards while considering what the citizens want.

Chairman Hopkinson spoke regarding the retention catch basin at the north corner of the property and the CCR's. He noted unbuildable lots will be maintained as agriculture.

Corey Sweat has questions about mismatching documentation and does want to consider approving the PUD until they know what they are looking at.

Ben White pointed out some of the issues that are outstanding. He asked Commissioners what their preferences were concerning the road that has been removed to 1100 West. He asked if there were any unresolved issues concerning the contaminated area. Alan Malan stated that the property should be fenced in with a minimum of a four feet high fence so there is no easy access by children or animals. Water and sewer documents are in order. Drainage issues include enclosing the open ditch along Porter Lane. Staff feels that the low flow of drainage needs to be designed so that it can easily be maintained. Development agreement needs to be with one entity; owners of the other property need to be included as one with the developer. In regards to the CCR's he noted that several sections need clarification; Section 2.7 talks about having a construction trailer and/or model home for sales which is not allowed in our city code. He also pointed out that 2.14 states that animals are prohibited within the development except on lots 9,10, and 11 and then limited to horses and the unbuildable contaminated area. This restriction may not be something the city wants.

Chairman Hopkinson stated that the PUD is requested because of all the right of ways causing undevelopable lots. He pointed out the smaller lots on the proposed area match many of our neighborhoods. Ben White showed some possible changes in lot lines from the current proposed.

Laura Charchenko is in favor of giving property owners their rights. However, she does not like compromising the feel of the community with the smaller lots especially in areas adjacent to larger lots like those facing Pages Lane. She wants these small lots on Porter Lane to be bigger, especially the one on the corner farthest to the west. This may appease the public and her as well.

Alan Malan agrees with Commissioner Charchenko in regard to the smaller lots. He pointed out a few other lots that have too small of frontage. He feels strongly that the lots on the west side should be extended all the way to 1100 West as they were initially proposed. He expressed his feelings regarding animals and the value they bring to our community. With these larger lots more people could have animals. He likes the road to the west as it was designed. Mr. Malan pointed out that PUDs are supposed to have public benefit and he does not see any public benefits in their proposal.

Denis Hopkinson pointed out that most of the homes in that area have accessory buildings in the back of their homes. This development would not have that and may lose the rural feel of the area.

Corey Sweat is also concerned with a few of the smaller lots. He would like private management to be considered on the large open space. He does not see the need for many of the restrictions in the CCRs because the WB City Code should be used. He wants to see 2.14 a.b.c. removed from the document. There are other concerns he has with the CCR document present this evening.

Chairman Hopkinson reminded the Commissioners that tonight's discussion is in regards to the PUD and we do not need to be overly concerned with the CCR's at this time. He noted that there is considerable language and such to be cleared up before we can move forward.

Michael Brodsky took the stand and apologized for the discrepancies in the package. He explained that they were rushed to pull this plan together for this public hearing. He stated that the Williams family wants to own the open space parcels. He addressed some of the things in the CCR's that they were concerned about regarding open space and animals. Mr. Brodsky understands their concerns about the restriction of animals on individual lots. He suggested a work meeting be scheduled so that they can align their CCR's with the City's vision.

Regarding fencing around the contaminated lots, he assured them that fencing will be consistent with the neighborhood and serves the purpose of keeping animals in. Chairman Hopkinson encouraged him to bring something to them that will both be suitable for cattle and appealing to the neighborhood.

Some discussion took place regarding the items to be addressed at the work meeting (CCR's, Development agreement, smaller lot sizes need to be larger, etc.). It was decided that Staff and Chairman Hopkinson meet with the developer to work out some of these issues. Chairman Hopkinson asked that all Commissioners be kept informed of the discussions and suggested changes made.

ACTION TAKEN:

Laura Charchenko moved to table consideration of the Planned Unit Development for Kinross Estates at Porter Lane and 1100 West in order to allow Staff and Developer to work out some of the issues. Chairman Hopkinson asked for a friendly amendment that as language becomes available in the discussions it be forwarded to the Commission and that a representative from the Commission be involved in that discussion. Commissioners named Chairman Hopkinson as the representative. Alan Malan seconded the motion and voting was unanimous in favor.

7. Staff Report

Ben White

- Thanked those who participated in the Destination Homes meetings. He noted that there will be several meetings the week of October 23rd. Chairman Hopkinson gave a briefing of what went on at the meetings held so far.

Cathy Brightwell

- Ballots will be mailed out next week on October 17th for the municipal general election.

8. Consider Approval of Minutes from September 26, 2017.

ACTION TAKEN:

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

9. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:28pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on October 24, 2017, by unanimous vote of all members present.

Cathy Brightwell

Cathy Brightwell – City Recorder

