

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 24, 2017 AT THE CITY OFFICES

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by Invitation

1. Accept agenda.
2. Public hearing to consider request to remove all but lot 1 of the proposed McKean subdivision from the Historic Overlay District.
3. Consider removing The Manors at McKean Meadows, 1065 N 800 West, from the Historic Overlay District.
4. Consider final plat for The Manors at McKean Meadows subdivision.
5. Consider Planned Unit Development for Kinross Estates at Porter Ln and 1100 West by Hamlet Homes.
6. Discuss request from Denise Montgomery to rezone her property on 400 North from A-1 to B-U (Agriculture-1 acre minimum to Blended Use).
7. Discuss preliminary plat for Highgate Estates and set public hearing.
8. Staff report.
9. Consider approval of minutes from October 10, 2017 meeting.
10. 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 20, 2017 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission**

October 24, 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 20, 2017 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 24, 2017 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

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

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

VISITORS: Phil Holland, Kim McKean, Mike Brodsky, Denise Montgomery, Ashley Scribner, Brad and Caline Ellis, Gary Jacketta, Jenn Nielsen, Floyd Meeks, Todd Willey, Jay Gough, Bryce Allen, Brenda Allen, Jeff Dunn, Gary Merrell, Mike George, Lynne George, Jeffrey A. Cude, Steve Merkley, Kim Christensen, Zach Brodsky, Allisan Garlick, Karson Anderson, Nate Ellis, Trisha Davis, Debra Marshall, Brittany Walker, Jack Williams, Jim Roach, Mary Page, Kim McKean, Nate Hamilton, Anitta Simpson, John Vaterlaus, Rebecca Conant

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. Corey Sweat seconded the motion. Voting was unanimous in favor among members present.

2. Public hearing to consider request to remove all but Lot 1 of the proposed McKean Subdivision from the Historic Overlay District.

Ben White introduced the proposal. This is a thirteen-lot subdivision on 800 West. Currently the entire property is in the historic district and applicant is proposing to remove all but Lot #1, which is adjacent to 800 West, from the Historic Overlay District. Lot #1 would remain in the Historic Overlay Zone.

ACTION TAKEN:

Laura Charchenko moved to open the public hearing at 7:36 pm to consider request to remove all but Lot 1 of the proposed McKean Subdivision from the Historic Overlay District. Alan Malan seconded the motion and voting was unanimous in favor.

Public Comment: No Public Comment was given.

ACTION TAKEN:

Corey Sweat moved to close the public hearing to consider request to remove all but Lot 1 of the proposed McKean Subdivision from the Historic Overlay District at 7:37 pm. Alan Malan seconded the motion and voting was unanimous in favor.

3. Consider Removing The Manors at McKean Meadows, 1065 North 800 West, from the Historic Overlay District.

Commissioners received a memorandum in their packet from Ben White dated October 18, 2017 regarding the rezone of property at 1065 North 800 West with an attached city zoning map. Homes within this zone must comply with both the R-1-10 zone and with specific architectural requirements that exist in the Historic District subsection of this code.

Alan Malan commented that the artesian wells that once existed on the property gave it historic value. He stated there will be no reason to keep the majority of the property in the Historic District as the wells will not exist any longer.

All Commissioners concurred with the removal of this property (except for Lot 1) from the Historic District.

ACTION TAKEN:

Corey Sweat moved to remove all lots but lot #1 of the Manors at McKean Meadows, 1065 North 800 West, from the Historic Overlay Zone. Mike Cottle seconded the motion and voting was unanimous in favor.

4. Consider Final Plat Approval for The Manors at McKean Meadows Subdivision at 1065 N 800 West

Commissioner packets included a memorandum dated October 20, 2017 from Ben White regarding The Manors at McKean Meadows along with a copy of the final plat proposal.

Ben White introduced the Manors of the McKean Meadows for final plat approval. He pointed out that there are two items that need attention: 1) UTA access to the Prospector trail has been proposed as requested by city council and UTA has granted conceptual approval; they are processing the request. He asked the Commission to make a recommendation to city council whether they determine this is an appropriate location. 2) Street design looks like the standard subdivision. Staff has requested clarification as to how the curb and sidewalk radius on 800 West will be constructed without the dedication of a small triangle of land on the corner, although that discussion can take place with the City Council. Utility Service letters are outstanding but are for the record only and are expected to be completed soon.

Phil Holland was invited to take the stand. Chairman Hopkinson asked for an update on water rights. Mr. Holland stated that he has met with the state engineer and the water rights are difficult but progress is being made. It is quite a process but he feels there is a clear path to accomplish what needs

to be accomplished; the City will have water rights. Chairman Hopkinson asked that Barton Creek rights be aggressively pursued so water can be pushed down to the golf course. The other issue is the access to the trail; some discussion is still needed. All other items seem to be in place.

Chairman Hopkinson asked about the pipe that runs north and extends to the northeast corner of the subdivision for drainage. He noted that the cross pipes need to be marked and it needs to be determined where that cross will be.

Commissioner's Comments Included:

Corey Sweat asked if we can just request the number of street lights and not necessarily where they are located. Chairman Hopkinson responded to the positive. Two street lights are planned for that subdivision.

Mike Cottle asked where the access to the trail will be. Ben White informed him that is still to be determined, but a likely place would be along the easement on Lot 8. He is in favor of the access.

Laura Charchenko asked about the postal service box and where it will be located. Mr. White responded that it will probably be somewhere around Lot 1 and 2.

ACTION TAKEN:

Alan Malan moved to approve the final Plat for McKean Estates at 1065 N 800 West with the following conditions: trail access to the Prospector trail be included in the development, the corner right of way radius on 800 West needs to be designed, development needs to include two street lights, water rights need to be deeded to the city, and a plan in place for where drainage will cross at the trail. Mike Cottle seconded the motion. Voting was unanimous in favor.

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

Commissioner packets included a memorandum from Ben White dated October 19, 2017 regarding an application by Hamlet Development for Kinross Estates Planned Unit Development (PUD), including an updated copy of the Development Agreement and Exhibits for preliminary plat, CCR's, etc.

Ben White introduced the PUD consisting of 23 acres at Porter Lane and 1100 West in an R-1-22 zone. He reviewed the following items:

- A base density plan was previously submitted that contained 34 half acre lots which could meet the zoning requirements. There are 34 lots proposed for the PUD with varying lot sizes to address the many challenges on the property; the developer is not requesting any bonus density.
- The revised plat includes the request by planning commission to stub a road south toward the easterly end of the project.
- Lot 4 has been increased in size from 10,000 square feet to 12,131 square feet, and the widths of lots 23 and 27 can easily be adjusted to be wider lots.

- As discussed previously, the street extension to 1100 West has been deleted. Without a second access, the subdivision now contains a dead-end street about 1700 feet long with design code standards at 1000 feet. A PUD offers some flexibility.
- Notes related to the environmental restrictions for the impacted lots to be added to the plat.
- An open space easement in favor of the city could be placed over parcel A and the rear half of lots 9-11 to help protect the city open space position should land use laws change in the future.
- The pavement cross section needs to be updated to reflect the city's minimum standard requirement.
- Curb and sidewalk is now included along all of 1100 West, and proposed street lights, fire hydrants and other utility lines are included.
- The city's farm animal ordinance is mirrored in the development agreement.
- The option of a sales trailer has been removed and replaced with a construction trailer and model home sales office.
- Restrictions for clothes lines and recreational vehicles have been removed.
- Rear yard drains will need to be provided.
- Storm drain on Porter Lane will be piped and not left as an open ditch.
- An agricultural fence is proposed around the boundary of the open space parcel and lots 9-11, and an additional rail fence is proposed along the subdivision street frontage for lots 9-11.

Chairman Hopkinson reviewed some of the issues the Commissioners had with the previous CCR's and noted that that language has been taken out of the current CCR's. The smaller lots that were proposed in the last meeting have been upgraded to approximately 1/3 acre lots. There is a blend of lots within the subdivision that are bigger than 1/2 acre along the south property line which the developer believes will compensate for the smaller lots. The Developer has not exceeded his base density with this PUD request.

Commissioner's Comments:

Alan Malan has issues with the base density. He would like to keep the layout closer to that of what would be proposed in a standard development. He believes the unbuildable area needs to be pulled out of the calculation before considering the density of the development. Mr. White explained that the unbuildable lots are clustered and left out of the development until the land is cleared of contaminated area and should not be taken out of the equation.

Mr. Malan also had questions regarding the contaminated area and what health/safety issue would occur should the soil is disrupted. He wants to make sure we are extra cautious with this area. He also feels that the dead-end street is too long. He prefers to have the open parcel along 1100 West part of the lots so that individual owners can have horses. He feels the open space is of no benefit to the community unless it is usable to the public.

Alan Malan also noted that in the PUD ordinance it states that odd shaped lots should not be created simply to obtain additional lots. He is not in favor of a construction trailer on the development while in the development stages.

Laura Charchenko agreed that the open space should be accessible to the public. She pointed out that her biggest concern is that only 5 of the 34 lots are 1/2 acres. While she appreciates the larger lots, she

does not feel the smaller lots as you enter the subdivision on Porter Lane provide a rural feel. They need to be larger. She would like to see it work for the developer but does not want to compromise what the neighbors want.

Corey Sweat feels the lots are too small but understands the developer's request for the PUD because of the challenges of the acres. Mr. Sweat concurred with the other Commissioner's comments except that he would rather the contaminated ground remain private for the protection of the public.

Mike Cottle also feels the lots are too small as proposed and the dead-end road is too long.

Nick Mingo, the project engineer for Hamlet, took the stand and addressed the following items:

- The construction trailer would be used as a temporary contractor's office during construction and not have anything to do with sales of the lots.
 - An open space easement on Parcel A could be included but is not necessary due to the CCRs governing open space maintenance. The developer is opposed to an open space easement on the rear of the restricted lots because it would limit where future buildings could be constructed.
 - The base density plan includes a buildable area on each lot that meets the requirements.
- Due to the many easements and restrictions, traditional half acre lots would be less desirable to purchasers and difficult to sell.

Some discussion took place regarding base density. Ben White pointed out that both plans include 34 lots, but because of the environmental issues, several lots will not be buildable for several years and many are unusable due to utility lines. He reminded them that a developer needs a certain amount of property that is developable in order to afford the development of the property. He feels there will still be value in the open space of the property and fit in with the rural feel of the area.

Council member Kelly Enquist is concerned with limited road access for public safety. He asked if there would be an HOA. Mr. Mingo responded that there will not be an HOA, instead, there will be a homeowner committee, typically consisting of three individual property owners that will be responsible to enforce the CCR's.

ACTION TAKEN:

Corey Sweat moved deny the PUD application as presented this evening. Mike Cottle seconded the motion and voting was unanimous in favor.

6. Discuss request from Denise Montgomery to rezone her property on 400 North from A-1 to B-U (Agriculture-1-acre minimum to Blended Use).

Commissioner packets included a memorandum dated October 18, 2017 from Ben White regarding a Zoning request from Ms. Montgomery for her property at approximately 1300 West 400 North, and a city zoning map.

Ben White explained that Ms. Montgomery would like to build an equestrian center to be used by local kids that includes a retail facility. The equestrian use is allowed in the A-1 zone but the retail use is not.

Mr. White listed some of the problems that could take place if this area was rezoned for a retail business. For example, if her request is granted many others would follow and we could have commercial businesses throughout this residential area.

Chairman Hopkinson invited Denise Montgomery to take the stand. Ms. Montgomery shared her ideas of what she would like to do concerning a retail store and Equestrian Center. She explained that she wants to develop something that replaces the Universal Equestrian Center. She desires to create a horse park as well. Her proposal would be in keeping with the rural atmosphere and be useable for children. She would like to create something that fits in, looks great and keeps the use of horses in the area. Ms. Montgomery expressed all her concerns to the Commissioners. Her store would not look like a business but more like a barn that would blend with the aesthetics of the rural community. Most of what she would have in her store would be small necessities that horses needed and a place for children to come to get drinks and snacks. She is willing and can afford to do a project of this nature.

Chairman Hopkinson shared a petition in favor of this business with the Commissioners. Denise Montgomery stated there is also an online petition with over 800 signatures supporting her request.

Chairman Hopkinson asked the Commissioners to ponder what has been presented by Ms. Montgomery and consider what they would like to do. He informed them that changing the zoning in the A-1 area would open a window that we may not want to open by allowing commercial businesses throughout the residential zone. He added that consideration could be given to limit the rezone or to spot zone but that it would be very difficult to do.

Commissioner's Comment:

Laura Charchenko stated her support of the ideas that have been shared but informed Ms. Montgomery of the challenges they have by adding the retail store in the mix of her plans. She noted that everything she has planned is wonderful and she hopes an avenue can be found to have her plans come into place. Mrs. Charchenko explained that their responsibility is to make sure they stay within their legal box and that requests like hers meet the ordinances and zoning laws of the city. Currently there is no avenue in place to have a retail store in the A-1 zone.

Alan Malan does not see how we can accommodate this request for only one person but supports the concepts she has shared.

Corey Sweat does not want to allow retail in the A-1 zone. He explained his reasons, the major one being that when Ms. Montgomery no longer owns the business, any type of business could come in and take over. He is in support of the horse park.

Mike Cottle concurred with all the other Commissioner comments.

Chairman Hopkinson tried to explain why the retail portion of this plan cannot work within this zone and why the zoning cannot be changed.

Denise Montgomery shared her feelings regarding the need for children to have a place to ride horses safely and gather with others. She believes decisions were made over a month ago against her retail plan and was very hurt by this. Ms. Montgomery was emotional and said she feels like this is a personal attack against her; that she is being denied because she is female.

Chairman Hopkinson sincerely apologized for any comments he may have made regarding her business idea in the past. He tried to explain the reasons why the retail part of her plan would not work out in the A-1 zone. Denise continued to argue her case and stated that many people in West Bountiful are running businesses illegally, yet she is asking permission and being denied. Chairman Hopkinson explained that there is no mechanism to allow this to take place.

Councilmember Enquist expressed his support of her project and noted that her building is beautiful and would fit well in our community, but due process must take place to allow any changes to zoning.

Commissioner Charchenko explained that they want to help her obtain what she wants to do but legally there is no way to do it at this time. Ms. Charchenko further explained that she is not being denied due to her gender – that the response would be the same regardless of who brought the request as it is clearly not allowed in our Code.

Chairman Hopkinson thanked Ms. Montgomery for sharing her ideas this evening. He explained that there are many legal hoops to go through for her to get the retail portion of her proposal into play. She pointed out again, how many illegal businesses are running in West Bountiful and invited the city to search them out.

Chairman Hopkinson asked staff to consult City Council and our City Attorney to see if they have any ideas of what could be done to allow her to fulfill her request.

7. Discuss Preliminary Plat for High Gate Estates and Set Public Hearing.

Commissioner packets included a memorandum dated October 20, 2017 from Ben White regarding High Gate Subdivision with an attached Preliminary Plat.

Ben White described the development and the ideas of the developer. High Gate Estates will have twenty-seven 1-acre residential lots located between 1100 West and 1450 West just south of the Mill Creek canal. He noted some of the challenges on the development regarding the Mill Creek canal and Holly Frontier pipe lines. He said a public hearing has been scheduled for the next meeting.

Chairman Hopkinson was elated that all the lots are within A-1 zone regulations. He invited Todd Williams (Developer) to take the stand. Mr. Williams explained his ideas regarding Lot 27, the BU property and the open space.

There was discussion about the 800 foot entrance and how it would be maintained. Staff asked for the Commissioner's opinion regarding the placement of street lights. Mr. Malan inquired about a trail. Some thoughts were shared as to the safety of such a trail in that area and after some discussion it was agreed that this may not be the best area to include a trail.

Denis Hopkinson invited the Staff and Commissioners to put their thoughts together regarding this development and come prepared to share them at the next meeting.

8. Staff Report

Ben White

- Invited Commissioner's and public to attend a neighborhood meeting regarding next year's Pages Lane construction on November 1 at 7:00 pm.

Cathy Brightwell

- Reminded Commissioners that Destination Home has an open house tomorrow night at 6:00 pm and a joint City Council and Planning Commission is scheduled at 6:00 pm on Thursday, October 26th to hear proposals about the Destination Homes project.
- There will be some Land Use training held on November 4th from 9 to 1:00. If you want to attend, please let her know so she can submit registration.

9. Consider Approval of Minutes from October 10, 2017.

ACTION TAKEN:

Corey Sweat moved to approve of the minutes of the October 10, 2017 meeting as presented. Alan Malan seconded the motion and voting was unanimous in favor.

10. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:55 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.

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The foregoing was approved by the West Bountiful City Planning Commission on November 14, 2017, by unanimous vote of all members present.

Cathy Brightwell
Cathy Brightwell – City Recorder

