

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
Dennis Vest, Alternate

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD A REGULAR MEETING BEGINNING AT 7:30 PM ON TUESDAY, AUGUST 14, 2018 AT THE CITY OFFICES

Prayer/Thought by Invitation

1. Accept Agenda.
2. Consider Conditional Use application from Rick & Lori Ferlin for a Flag Lot as Part of a Proposed 2-Lot Subdivision at 918 W Porter Lane.
3. Staff report
 - Updated on Grover Subdivision.
 - Update on Mountain View Subdivision.
4. Consider Approval of Minutes from July 10, 2018 meeting.
5. 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 August 10, 2018 by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Planning Commission

DATE: August 10, 2018

FROM: Ben White, Cathy Brightwell

RE: Ferlin Conditional Use Permit – Flag Lot

Rick Ferlin is proposing to subdivide his 2.5-acre property at 918 W Porter Lane into 2 lots. One of these lots is proposed to be a flag lot. Flag lots are a Conditional Use in the A-1 zone, therefore, a Conditional Use Permit for the flag lot must be granted before the City can approve the subdivision application.

In 2015, the city adopted minimum criteria for flag lots (WBMC 16.12.060) which are listed below.

Flag lots will only be allowed where traditional lot development is not feasible. Such lots shall meet the following criteria:

- 1. The staff of the lot shall not be less than twenty feet (20') and shall not exceed the design length requirements for a cul-de-sac.*
- 2. The staff of the lot shall serve one lot only and shall have direct access to a dedicated and improved public street.*
- 3. The staff of the lot shall be owned, fee simple, as part of the lot.*
- 4. The staff of the lot shall approach the public street at an angle of not less than eighty degrees (80°).*
- 5. The staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or dead end streets.*
- 6. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The staff area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat.*
- 7. Flag lot must comply with fire code requirements including access width, driving surface, parking and fire hydrant placement.*
- 8. Flag lots cannot be used where traditional methods of development could occur.*
- 9. Subdivisions which contain more than four (4) lots cannot contain a flag lot.*
- 10. The lot shall be graded so storm water runoff does not negatively impact neighboring properties.*
- 11. All flag lots shall have the street address displayed on private property in a prominent location where the staff abuts the public street.*
- 12. A flag lot may not be created which would negatively impact the future continuation of existing stub streets.*
- 13. Other requirements imposed by the Conditional Use Permit to mitigate the potential negative impacts caused by the proposed use; the Conditional Use Permit and plat review cannot waive requirements 1 through 12 of this Section.*

For discussion, staff has included some of the potential impacts and common complaints regarding flag lots and possible mitigating measures used in previous applications for the negative impacts resulting from the flag lots.

Common complaints about flag lots

1. Cannot find the house/address when driving down a street.
2. Houses in the back yards of other houses/lack of privacy.
3. Drainage problems.
4. Cars driving next to neighboring homes at all hours.
5. Street parking, garbage cans, snow removal areas are limited and problematic.
6. Shared driveway maintenance is often one sided.
7. Disgruntled neighbors who must share.
8. Emergency vehicle access and finding homes is problematic.
9. Meeting fire department criteria is confusing and expensive. How is it enforced once a home is constructed?
10. Flag lot staff's look more like a road then a driveway and present a safety issue for vehicles.
11. Once a flag lot is approved, do they get the same home occupation business possibilities?
12. Public utilities are often required to be constructed on private property which leads to future maintenance issues.

Possible Mitigating Requirements

Attached, for discussion, are possible conditions that would mitigate the negative impacts from flag lots. You will notice that some of the proposed mitigation measures contradict each other, so obviously all the criteria could not be unilaterally applied. It is also important to determine which conditions must be met at the time the subdivision is approved and which conditions will be met at the time homes are built.

1. The driveway staff of a flag lot must be at least 26' wide to allow for some parking while meeting the minimum fire lane requirement.
2. Flag lot driveways cannot extend from sharp curves, dead end streets or corners because they look too much like a road extension.
3. Flag lot driveways cannot be constructed from black asphalt. It looks too much like a road extension.
4. Flag lot driveways must be constructed with a pavement section that will support emergency vehicles and public works vehicles (vacuum trucks, dump trucks, backhoes, etc) when public utilities must be accessed from the driveway.
5. Privacy fencing along the flag lot staff is required to minimize noise and light pollution and provide additional side yard protection from car and neighboring children interactions.
6. Additional side yard setback on lots in front of flag lots and adjacent to the flag lot staff is required to provide adequate separation between houses and moving vehicles just like a corner lot.
7. Lighting and street numbers are required at the flag lot staff entrance to help guide emergency vehicles and other persons to the correct address; possibly lights along the drive as well.

8. Some sort of monument or sign could be appropriate to help less attentive drivers notice that the street curves and it is a driveway straight ahead.
9. Front, side and rear setbacks on a flag lot are specifically noted on the plat and oriented to provide the least intrusion on neighboring properties.
10. Lots in front of flag lots must be granted an access easement on to the flag lot staff for their driveway so that additional on street parking (fewer drive approaches) is available.
11. Private storm drains must be installed on and around the flag lot to prevent drainage impacts on neighboring properties.



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: 918 West Porter Lane

PARCEL NUMBER: 06-011-0143 ZONE: A-1 DATE OF APPLICATION: Aug 2, 2018

Name of Business: _____

Applicant Name: Rick & Lori Ferlin

Applicant Address: 2109 N 520 W, West Bountiful, UT.

Primary phone: 801-915-7978 Fax Number: _____

E-mail address: rick.ferlin@gmail.com

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.

Request Conditional use permit for Flag Lot, After
Sub-dividing current property. (See attached Lot plan)

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. I understand the information on this application may be made available to the public upon request.

Date: Aug. 2, 2018

Applicant Signature: Rick Ferlin Lori Ferlin

FOR OFFICIAL USE ONLY

Application Received Date: 8/2/18

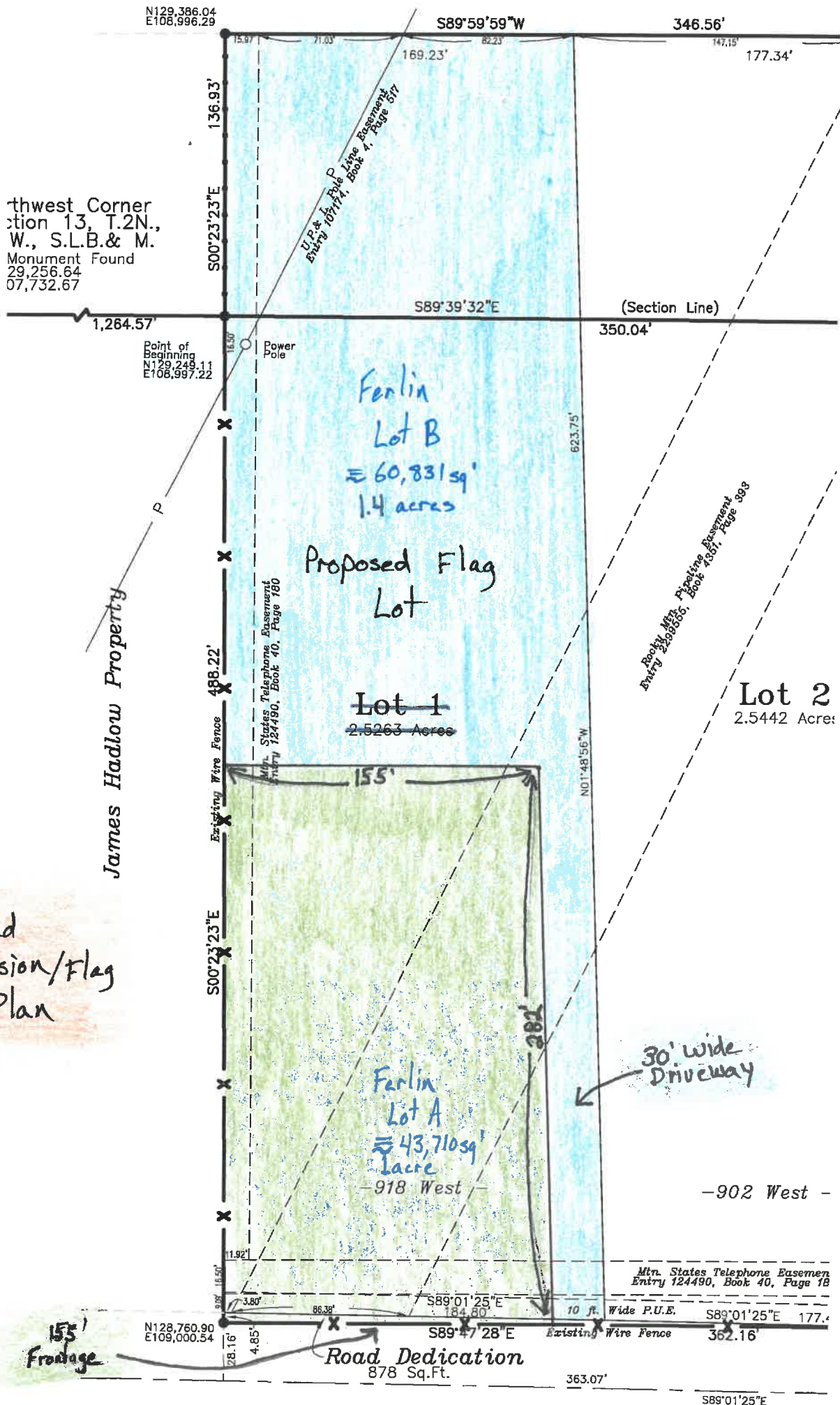
Permit Number: _____

Application Fee Received Date: 8/7/18

Fire Inspection Date: _____

Permit Approval: _____

Open Space

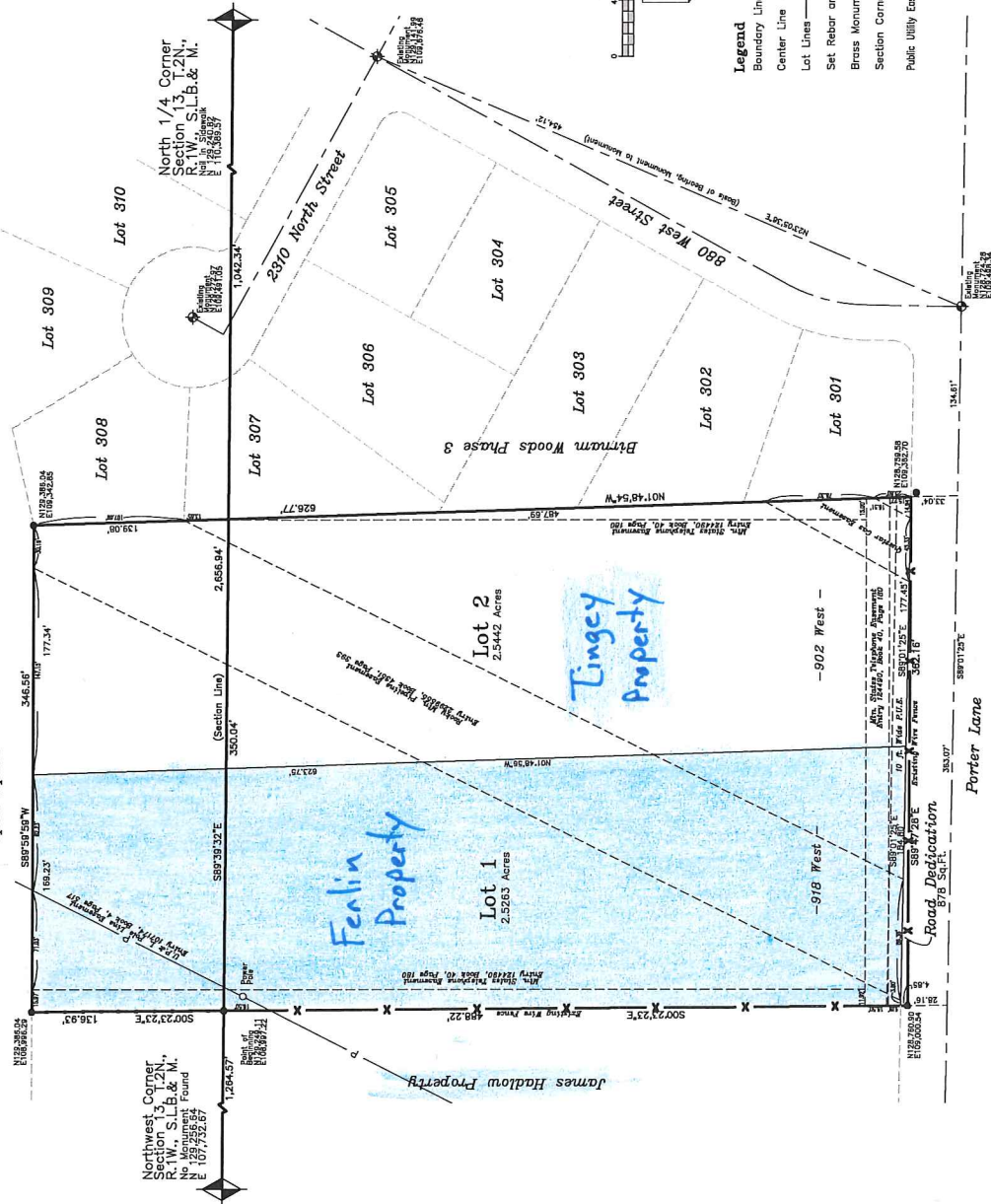


Current Subdivision

Tingey Subdivision

Being a Part of the Northwest Quarter of Section 13, T.2N., R.1W., S.L.B. & M.
West Bountiful City, Davis County, Utah

Birnam Woods Phase 3
Open Space



Boundary Description

Beginning at a point on the existing North-South Fence line which is in Section 13, T.2N., R.1W., S.L.B. & M. and running thence S00°23'23"E 488.22 ft. to the Northwest Corner of the Birnam Woods Phase 3 Subdivision; thence along the boundary of said Birnam Woods Phase 3 Subdivision following two courses: N01°48'54"W 526.77 ft. and West 346.55 ft. to the Point of Beginning; thence S89°39'32"E 1383.0 ft. along said existing North-South Fence line to the Point of Beginning.

Surveyor's Certificate

I, J. Scott Bailing, Registered Land Surveyor, State of Utah, No. 162195, do hereby certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herewith and that the same is correctly surveyed and staked on the ground as shown.

Owner's Dedication

Known all men by these presents that we the undersigned owners of the above described tract of land having caused the same to be subdivided into lots and sections and having caused the same to be surveyed and staked on the ground and dedicated that parcel shown as a road to West Bountiful City and do warrant and defend and save the city harmless against any easement or other maintenance and operation of the streets, which will interfere with the city's use, in witness whereof we have hereunto set our hand this _____ day of _____, 2015.

Uch Surveyor No. 162195
Date _____
Martha R. Tingey, Trustee
Paul Tingey

Acknowledgement

On this _____ day of _____, 2015, there personally appeared before me, the undersigned Notary Public, Martha R. Tingey, Trustee of the Birnam Woods Phase 3 Subdivision, who duly acknowledged to me that she is the owner of the tract of land described hereon and that she signed it freely and voluntarily on behalf of said owner for the uses and purposes therein mentioned.

Notary Public: _____
Residence: _____
My Commission Expires: _____

Acknowledgement

On this _____ day of _____, 2015, there personally appeared before me, the undersigned Notary Public, Paul Tingey, who duly acknowledged to me that he is the owner of the tract of land described hereon and that he signed it freely and voluntarily for the uses and purposes therein mentioned.

Notary Public: _____
Residence: _____
My Commission Expires: _____

Notes:

1. All Coordinates are based on Davis County Surveyor's Office Datum.
2. All Public Utility Easements shown are 10 ft. wide Typical Public Utility Easements unless otherwise specified.

West Bountiful City Council Approval

Presented to the City Council of _____, 2015, at _____ day of _____, 2015, at which time this subdivision was approved and accepted.

Mayor: _____
City Recorder: _____

Recommended for Approval

On this _____ day of _____, 2015, By the West Bountiful City Planning Commission.

Chairman, Planning Commission: _____

Recommended for Approval

On this _____ day of _____, 2015, By the West Bountiful City Engineer.

West Bountiful City Engineer: _____

Recommended for Approval

On this _____ day of _____, 2015, By the West Bountiful City Attorney.

West Bountiful City Attorney: _____

Davis County Recorder

Entry No. _____, Filed for Record _____ day of _____, 2015, at _____ in Book _____ of Official Records.

Davis County Recorder: _____

**West Bountiful City
Planning Commission Meeting**

July 10, 2018

PENDING- Not Yet Approved

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 July 6, 2018 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, July 10, 2018 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Laura Charchenko, Corey Sweat, Dee Vest, (alternate), and Council member Kelly Enquist

MEMBERS EXCUSED: Mike Cottle

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

VISITORS: Kendall Smith, Mark Garza, Greg Garza

The Planning Commission Meeting was called to order at 7:30 pm by Chairman Hopkinson. Corey Sweat 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 all members.

2. Consider Conditional Use application from Kendal Smith for a garage that is less than 10 feet from his home.

Commissioner's packet included a memorandum date July 6, 2018 from Ben White regarding Smith-Accessory building Conditional Use Permit at 952 West 1850 North with attached Conditional Use Permit Application, aerial view of garage placement on the property, and a site plan for the dwelling.

Mr. Smith would like to construct a 34-foot deep garage on the northwest corner of his property. To do so he will encroach into the required minimum ten-foot separation between the main and accessory structures. For the requested structure to be built, there will be a four-foot section of the garage that will be less than the required 10 feet from the home.

Kendall Smith was invited to take the stand and stated that he desires to put a garage on the northwest property and needs to ask for a conditional use for part of his garage that will only be 6 feet from the main structure.

Ben White noted that there is a public utility easement on the north side of the property that the city does not want to vacate which currently only includes communication lines. Last fall the City vacated an easement along the west side. The Fire Marshal is okay with the setting of the garage, it will just need to be fire-rated. His home is brick which will allow him to be within compliance of city code and meet fire regulations.

Alan Malan asked Mr. Smith about the jog by the man door (changing from 10 feet to 6 feet) in the drawing. Mr. Smith responded that there will be a jog in the building making it closer to code requirements.

Laura Charchenko asked what the building will look like. Mr. Smith responded that it will look like the house with a gable and storage space on the second level.

Chairman Hopkinson also asked about the jog by the door and pointed out that six feet will not give him much space. Mr. Smith is okay with the jog and prefers the 10 feet setback for most of the dwelling.

No other questions or concerns from the Commission.

ACTION TAKEN:

Corey Sweat moved to grant approval for a conditional use permit for Kendall Smith to construct a 34' deep garage on the north boundary of property located at 952 West 1850 North that will be 6 feet from his house based on findings that 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; will not inordinately impact schools, utilities and streets; and will comply with the regulations and conditions specified in the land use ordinance for such use. As a condition to approval, both buildings must fire rated when there is less than a ten-foot separation. Alan Malan seconded the motion and voting was unanimous in favor.

3. Discuss final plat application from Mountain View Estates at 1950 North 1100 West.

Commissioner's packets included a memorandum dated June 7, 2018 from Ben White regarding Mountain View Subdivision-Final Plat with attached site plans.

Ben White pointed out the development of both Kinross and Mountain View on a google earth map. He introduced the application and stated there is nothing out of the ordinary for this subdivision application. The DEV Group is proposing a 42-lot subdivision at approximately 2000 North east of 1100 West on a 26.70-acre property that extends from 1100 West to the right of way of the Prospector Trail.

Mr. White covered the following items in his report to the Commissioners:

- Overhead and underground easements, including widths and restrictions, need to be better defined.
- Road connection to the Kinross Development reduce the northeast dead-end street to just under 1000 feet. Kinross plat has been recorded. Improvement drawings need to extend beyond the proposed development boundary, so the engineer can survey the property correctly.

- There has not been a proposal for a park strip along 1100 West. Need to know if the Commission prefers a park strip or if the sidewalk should go to the curb as it does in the Kinross development.
- The street corner radii have been verified and meet City standards.
- Trail connection was included in the preliminary plat but has not been included on the final plat. Mr. White needs to know if the Commission desires a trail access. A trail connection would need approval from Davis County.
- A temporary turn-around is included on the northeast dead-end.
- Street lights are included at the intersections and periodically placed throughout the development.
- Fire hydrant spacing meets city criteria.
- Drainage at the northeast end of the road is acceptable with some revisions to the street and curb elevations.
- Rear yard drains are required and included on most lots. Rear yard drains need to be added to lot 120,121,135 and 137.
- Secondary water will be provided. There is a tentative agreement in place with Hamlet Homes for that issue. An executed agreement needs to be provided prior to final plat approval.
- The existing on-site well has been identified and will be abandoned.
- Staff has received the geotechnical report and a list of water rights associated with the development.
- Other minor corrections to the improvement drawings need to be made.
- Final plat fees have been paid.
- Payment of impact and other fees will be required prior to recording.
- Approval of improvement drawings by Weber Basin and South Davis Sewer prior to commencing utility installation.
- MC Green has been awarded a contract to do some preliminary grading. Most of the roads in the subdivision will be elevated two to six feet above the existing ground elevation. Grubbing has begun in preparation of grading.

Mr. White feels like the easements need to be better defined and the developer is still working on this item. Storm water and secondary water agreements with Hamlet Homes need to be in place as well. Planning Commission needs to decide if they want a trail connection and if they want park strips along 1100 West similar to the Kinross Development which would be placed in the rear yards of these properties.

Alan Malan, like Chairman Hopkinson, would like the same sidewalk/park strip configuration as Kinross along 1100 West which is just curb and sidewalk. Regarding the trail connection, he is in favor of including it in the development somewhere approximately east of lot 111. He would like a street light at the dead end turn around and an additional fire hydrant in the development.

Laura Charchenko concurred with Commissioner Malan's statements. She suggested to move the trail access to approximately Lot 109 so it is not a straight line from the north/south road as a better safety measure for the children.

111 **Corey Sweat** would like to see street lights not directly in front of homes providing less intrusion to
 112 home owners.

113 **Denis Vest** inquired if the Kinross Development has been recorded. He concurs with the other
 114 Commissioners on the other matters.

115 **Council Member Enquist** noted that we are advocates of trail access, so the developers need to expect
 116 that requirement as they finalize their development planning.

117 Mark Garza was invited to take the stand. He noted that there was a problem with the engineering on
 118 the trail access due to rear yard drains, and the lots were not wide enough to meet the half acre
 119 requirement with a pathway to the trail; it was easier to just take it. Commissioners requested that
 120 there be a trail access and that it be accessible somewhere between lots 107 and 110. Ben White noted
 121 that a pathway to trails will be an easement and does not impact the size of the adjoining lot.
 122 Homeowners on either side will be responsible to maintain the pathway. Mr. Garza will put the plans
 123 for the trail access back into the plat.

124 Chairman Hopkinson encouraged them to close the open items discussed this evening and feels they are
 125 close to final approval as those items are addressed and corrected.

126 Laura Charchenko pointed out that the next regular meeting will not be until August 14th as we will not
 127 be meeting on the 24th of July. We may want to consider a special meeting if the developer is ready to
 128 move forward. Tentatively the fifth Tuesday in July will be set aside for a special meeting. Staff will
 129 keep the Commissioners posted.

130

131 **4. Staff Report**

132 **Ben White:**

- 133 • Passed on information that several of the first buyers in the Kinross Development are former
 134 owners of Hamlet Homes. This verifies that not all Hamlet Home owners are disappointed in
 135 their prior purchase of a Hamlet Home which was stated by a citizen in a meeting held during
 136 the development approval process.
- 137 • He informed the Commission that there is someone in the city that will be raising pheasants and
 138 will be applying for a Conditional Use Permit. Commission will need to think about how they
 139 want to handle this situation. This will only be for a short period of time.
- 140 • Highgate has cut in the road. Construction is slow. Secondary water issues need to be
 141 addressed with some challenges they have encountered.
- 142 • Pages Lane construction is gearing up with excavating to begin next week.
- 143 • South end of 1100 West is moving slowly due to some easement issues and gas line placement.
 144 Should see pavement sometime in the next week or so.
- 145 • 640 is completed.

146 **Cathy Brightwell:**

- 147 • She will contact the commissioners on July 25 to let them know if there will be a meeting on July
 148 31.

Commented [W1]:

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5. Consider Approval of Minutes from June 12, 2018 meeting.

ACTION TAKEN:

*Laura Charchenko moved to approve of the minutes of the June 12, 2018 meeting as corrected.
Alan Malan seconded the motion and voting was unanimous in favor.*

6. Adjournment

ACTION TAKEN:

*Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:20 pm.
Corey Sweat seconded the motion. Voting was unanimous in favor.*

.....
*The foregoing was approved by the West Bountiful City Planning Commission on August 14, 2018 by
unanimous vote of all members present.*

Cathy Brightwell – City Recorder