

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
Corey Sweat
Dennis Vest, Alternate

**THE WEST BOUNTIFUL PLANNING COMMISSION
WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON
TUESDAY, OCTOBER 8, 2019 AT THE CITY OFFICES**

Prayer/Thought by Invitation

1. Accept Agenda.
2. Public Hearing – Updates to the General Plan, Including a Land Use Element, a Transportation and Traffic Element, and a Moderate-Income Housing Element.
3. Public Hearing – Proposed Changes to Land Use Fees in the Consolidated Fee Schedule.
4. Public Hearing – Proposed Changes to Recording Requirements for Accessory Dwelling Units – WBMC 17.82.040.
5. Conditional Use Permit for *Arts & Smarts for Little Hearts* at 764 W 2300 North.
6. Consider Tailgate Acres 4-lot Subdivision at 140 S 1100 West.
7. Consider Updates to Land Use Fees in Consolidated Fee Schedule.
8. Consider Accessory Dwelling Units/County Recording Requirements.
9. Consider Updates the West Bountiful General Plan.
10. Staff report.
11. Consider Approval of Minutes from September 24, 2019 Meeting.
12. 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 7, 2019 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

October 8, 2019

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on October 7, 2019 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, October 8, 2019 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Chairman Denis Hopkinson, Alan Malan, Dee Vest, Laura Charchenko, Council member Kelly Enquist

MEMBERS EXCUSED: Mike Cottle, Corey Sweat

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

VISITORS: Gary Jacketta, Jack Williams, Julie Williams, Mandi Klein

The Planning Commission meeting was called to order at 7:30 pm by Chairman Denis Hopkinson. Laura Charchenko offered a prayer.

1. Accept Agenda

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda. Dee Vest seconded the motion. Voting was unanimous in favor among all members present.

2. Public Hearing – Updates to the General Plan, Including a Land Use Element, A Transportation and Traffic Element and a Moderate-Income Housing Element

Introduction:

Chairman Hopkinson explained that they have been reviewing this document for the past eight months. Last update was done in 2010. He thanked the Staff for all their hard work. He invited public to make comment.

ACTION TAKEN:

Laura Charchenko moved open the public hearing for updates to the General Plan at 7:35 pm. Alan Malan seconded, and voting was unanimous in favor.

Public Comment: No public comment was made.

ACTION TAKEN:

Laura Charchenko moved to close the public hearing AT 7:36 pm with no public comment. Alan Malan seconded the motion and voting was unanimous in favor.

3. Public Hearing- Proposed Changes to Land Use Fees in the Consolidate Fee Schedule.

Introduction:

Ben noted one change from the last document regarding water rates. One fee for the building permit is a charge for one-month cost of water while you are building. The new fee is \$50.00 to match the current water rate.

ACTION TAKEN:

Laura Charchenko moved to open the public hearing for Land Use Fee Schedule at 7:37 pm. Dee Vest seconded and voting was unanimous in favor.

Public Comment: No public comment was made.

Laura Charchenko moved to close the public hearing at 7:38 pm with no public comment. Dee Vest seconded the motion and voting was unanimous in favor.

4. Public Hearing- Proposed Changes to Recording Requirements for Accessory Dwelling Units- WBMC 17.82.040

ACTION TAKEN:

Alan Malan move to open the public hearing for proposed changes to recording requirements for Accessory Dwelling Units- WBMC 17.82.040 at 7:40 pm. Laura Charchenko seconded the motion, and voting was unanimous in favor.

Public Comment: No public comment was made

Dee Vest moved to close the public hearing at 7:41 pm with no public comment. Alan Malan seconded the motion and voting was unanimous in favor.

5. Conditional Use Permit for Arts & Smarts for Little Hearts at 764 West 2300 North

Commissioner packets included a memorandum dated October 4, 2019 from Cathy Brightwell regarding a Conditional Use Permit from Mandi Klein 764 West 2300 North, for Home Occupation- Arts & Smarts for Little Hearts with an attached Conditional Use Permit Application with Site Plan, Business License Application and Notice to Neighbors with signatures.

Cathy Brightwell explained initially the preschool will be held from 9:30 to 11:30 am with an afternoon session possible in the future. She plans to enroll a maximum of 8 children so traffic will consist of parents dropping off and picking up their children only during those times. Parents will drop their children in front of the house and Ms. Klein will greet them at the gate. If any parent has a need to stay, they can park in the driveway or in front of the house.

The Utah Department of Health does not require a license when care is provided for less than 4 hours per day. The South Davis Fire Agency issued a fire inspection clearance on September 24, 2019, and staff has received a copy of Ms. Klein's Criminal Background Clearance dated September 24, 2019.

Staff believes this preschool meets the requirements of West Bountiful Municipal Code, Chapter 5.28 Home Occupation and Chapter 17.60 Conditional Uses and recommends approval of the Conditional Use Permit.

Mandi Klein was invited to take the stand. Dee Vest asked if she would have help and she answered to the negative. He inquired how old the children will be and she answered ages 3-5 years.

ACTION TAKEN:

Laura Charchenko moved to approve the Conditional Use Permit for Mandi Klein, Arts & Smarts for Little Hearts at 764 West 2300 North with the following affirmative findings and conditions: The proposed use is desirable to provide a service 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 in the vicinity, or injurious to property in the vicinity; shall not inordinately impact the streets in the area; and will comply with the regulations specified in the R-1-10 zoning ordinance, parents will be told to drop off and pick up their children directly in front of the home, or park in the driveway or immediately in front of the home; no external signage will be used for the preschool;, and a person who is not a resident of the dwelling shall not be employed to work on the premises. Alan Malan seconded the motion and voting was unanimous in favor from those members present.

6. Consider Tailgate Acres 4-lot Subdivision at 140 South 1100 West

Commissioner packets included a memorandum from Ben White dated October 2, 2019 regarding Tailgate Acres Subdivision with an attached preliminary plat application and site plans.

Ben White explained to the Commission that Jack Williams lives on 1100 West just south of the recently approved Highgate Subdivision. He owns 11.37 acres which is predominantly in the A-1 zone with the westerly proposed 1.13-acre Lot 4 being in the B-U zone. The proposed development is a little unique. Mr. White noted the following:

- All 4 lots contain at least one acre.
- The house on Lot 1 was constructed as a flag lot more than 30 years ago where the only road frontage was 1100 West. With the creation of the Highgate Subdivision, the entire north line of Lot 1 is adjacent to a street right of way. Due to the designation when the house was originally constructed, staff considers the east side of the lot as the front yard and the west side of the lot as the rear yard.
- Lot 2 has 59.46 feet of road frontage. However, at the thirty-foot front setback line, the lot exceeds the minimum 85 ft. required.
- Lot 3 is a 3.85-acre lot which also includes a temporary turn around for 1450 West street.
- Lot 4 is a 1.13-acre lot located in the B-U zone. Staff considers this lot a commercial lot.

Utilities

Lot 1 and 2 Utility Services: water, sewer and irrigation services were stubbed to lots 1 and 2 as part of the Highgate subdivision construction.

1450 West Utilities: A city water line already extended through the proposed 1450 West street extension. The water line was constructed years ago to provide service to the auto auction. The only water line work required is to stub services to Lots 3 and 4. Sanitary sewer and irrigation lines were also installed in the 1450 West extension while the Highgate Subdivision was being constructed. Storm drainage will flow north along the newly constructed 1450 West. There is also a drainage behind Lot 4.

Street Cross Sections

Staff is proposing the standard 50' wide street right of way which includes a 4' sidewalk and 4' park strip on both sides of the road with the sidewalk stopping short of the temporary turn around.

Since this is a dead end street and the owner/applicant does not intend to sell Lot 3 or 4 immediately, he is requesting that the construction of the sidewalk for these two lots be deferred until a building permit application is submitted or until 1450 West is extended further south. Staff is also recommending a note be added to the plat notifying the owner of lot of the responsibility to remove the temporary cul-de-sac turn around and construct the appropriate curb and sidewalk improvements in the future when 1450 West does extend.

Street Lighting

Highgate has the responsibility to install a streetlight on 1450 West at the south boundary of their development. Staff is not recommending an additional streetlight.

Geotechnical Study

Staff is not recommending a separate geotechnical report for this project. Most infrastructure is already constructed and there has been no indication that conditions vary from what has been observed at Highgate.

Existing Structures

There is an accessory structure straddling the Lot 1 and 2 property line. This structure must be removed as a condition of plat recordation. Also, there are two existing accessory structures on Lot 2 which will need to be removed as a condition of a building permit on that lot. (One is in the front yard setback and one violates the side yard setback).

When final approval is given, Staff proposes that the following be included as requirements/conditions:

1. Provide a title report with no objectionable entries;
2. Payment of Inspection fee and storm water impact fee;
3. Post the appropriate improvement bonds;
4. Execute an Improvement Agreement with the City;
5. Deed the required water rights to the City

In addition, all bolded text in the memorandum submitted by Ben White on October 2, 2019 be included as well. Ben further proposed no funds be held out since it may be 25 years down the road before improvements are put in.

Staff is suggesting ½ acre foot for 3 lots or Mr. Williams can buy it from the City.

Existing structures need to be removed that are conflicting with property boundaries. There is a streetlight on the bottom of 1450 to the north and a fire hydrant is located on the north side of the property that fulfill requirements for a subdivision. Mr. White informed them that the hydrant is a looped line. There is water service available west of 1500 West.

Mr. White noted that all utilities have been stubbed in and all that is needed is asphalt.

Commissioner Comments:

Chairman Hopkinson asked Mr. Williams if there were any wells on the property and Mr. Williams pointed out one well just off the staff of his flag lot and informed him that Holly Refinery owns 1/12th of the well.

Laura Charchenko asked if Mr. Williams has plans for the lot located in the BU zone. Mr. Williams responded that they have no plans for development at this time.

ACTION TAKEN:

Alan Malan moved to approve the Preliminary and Final Plat for the Tailgate Subdivision for Jack Williams at 140 South 1100 West. Dee Vest seconded the motion and voting was unanimous in favor from those members present.

7. Consider Updates to Land Use Fees in Consolidated Fee Schedule

Alan Malan asked about the sign permit and what 'building façade' consisted of. Ben White explained that it means each face of the building. Alan suggested that they clarify the language to something like "elevation" to make it clear that all sides are included in the calculation. Mr. Malan asked about the water use fee how that is considered. Ben White explained why and how this is done and that the fee is for one month's use of water but will cover usage through the duration of construction. This fee is included in the building permit but was never listed on the fee schedule.

Chairman Hopkinson asked about the bonds and what they include. Mr. White explained that the public works improvement bond is for fixing broken concrete during construction. The historic district covers the requirement for the historic design process and is only used with those permits needing historical design reviews.

ACTION TAKEN:

Laura Charchenko moved to approve the Land Use Fees in the Consolidated Fee Schedule. Dee Vest seconded the motion and voting was unanimous in favor from those members present.

8. Consider Accessory Dwelling Units/County Recording Requirements

ACTION TAKEN:

Alan Malan moved to approve the Accessory Dwelling Unit update/County Recording Requirements of Section 17.82.040 Dee Vest seconded the motion and voting was unanimous in favor from those members present.

9. Consider Updates to the West Bountiful General Plan

Ben White informed the Commission that all updates and requests have been done except for several appendices. Chairman Hopkinson shared his appreciation for all the work done by Staff. He noted that when it is time to do this process again, he would like to hire it out and hold the neighborhood committee meetings as was done with the last one.

ACTION TAKEN:

Laura Charchenko moved to approve the updated edition of the West Bountiful General Plan. Alan Malan seconded the motion and voting was unanimous in favor from those members present.

Chairman Hopkinson requested that a memorandum be sent to the City Council along with this document noting the efforts and time the Commission and Staff spent reviewing and revising this document and their intense considerations. He stated that their best efforts have been submitted.

10. Staff Report

Ben White

- Well on 4th North has been drilled to completion. They continue to test and clean the well out. It looks promising but he will bring an update at the next meeting when he knows for sure. City Council will decide when the well will be tied into. When all is done there will only be a big pipe sticking out of the ground.

Cathy Brightwell

- No report

11. Consider Approval of Minutes from September 24, 2019 meeting.

ACTION TAKEN:

Laura Charchenko moved to approve of the minutes of the September 24, 2019 meeting as corrected. Alan Malan seconded the motion and voting was unanimous in favor.

12. Adjourn:

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 8:24 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 September 10, 2019 by unanimous vote of all members present.



Cathy Brightwell – City Recorder

