

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
Dennis Vest, Alternate

THIS MEETING WILL BE HELD ELECTRONICALLY ONLY

**THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD
ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 28, 2020**

Prayer/Thought by Alan Malan

1. Accept Agenda.
2. Discuss Request to Remove Property from Historic District – Winegar 788 N 800 West.
3. Discuss Restrictions for Flag Lots on Dead-end Streets.
4. Discuss Storage Uses in the A-1 Zone.
5. Staff report.
6. Approve Meeting Minutes from April 14, 2020.
7. Adjourn.

JOIN ZOOM MEETING: MEETING ID: 884 2606 4248

(Video/Audio) <https://us02web.zoom.us/j/88426064248>

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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 April 27, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

April 28, 2020

***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 April 27, 2020 per state statutory requirement.*

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, April 28, 2020 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

Due to the Coronavirus outbreak this meeting was held by teleconference measures. Those present at City Hall were Denis Hopkinson (Chairman) and Duane Huffman (City Administrator). All others tuned in electronically.

MEMBERS ATTENDING: Chairman Denis Hopkinson, Vice Chairman Alan Malan, Laura Charchenko, Mike Cottle, Dee Vest and Council member Kelly Enquist.

MEMBERS EXCUSED: Corey Sweat

STAFF ATTENDING: Duane Huffman (City Administrator) (on site), Cathy Brightwell (Recorder) and Debbie McKean (Secretary)

VISITORS: Adam Winegar

The Planning Commission meeting was called to order at 7:35 pm by Chairman Denis Hopkinson. Alan Malan offered a prayer.

1. Accept Agenda

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

2. Discuss Request to Remove Property at 788 N 800 W from Historic District- Winegar

Commissioner packets included a staff memorandum from Cathy Brightwell and Duane Huffman dated April 25, 2020, an application and supporting documentation from petitioner Adam Winegar. A rezone is a legislative action that will ultimately be decided by the city council after the planning commission holds a public hearing and makes its recommendation.

Cathy Brightwell explained that Mr. Adam Winegar has applied to rezone the property at 788 N 800 W to remove it from the Historic Overlay District. He desires to build a new garage on his property and his plans do not comply with the requirements and restrictions of the Historical Overlay District. The primary differences for properties in the historic district require detached garages to be located in the rear of the property and exterior designs, windows, garage doors, etc.

must match the existing home. Mr. Winegar prefers to build his garage next to his home to allow for safe backyard space for his children to play. She noted that his property is in the middle of the district, and its removal would create an island.

She said that regardless of what is decided on Mr. Winegar's request, staff is in favor of reevaluating the Historic District. The boundaries do not make sense as several non-historic homes are included, and several historic homes are excluded. The city should consider what it wants to do with its historic district going forward and if governmental oversight is necessary especially when no residents are interested in participating on the Historical Preservation commission.

There was discussion about the status of the Historic Preservation Commission and the Historic Architectural Board. Cathy Brightwell said the Commission dissolved about eight years ago when members were no longer interested. The Architectural Review Board consists of the city engineer, a local architect with experience in historic design, and a member of the historic preservation commission. Because there are no current members of the historic commission, Alan Malan, an earlier member and planning commissioner participates on the Board to help review historic designs. The Board was originally created to oversee the development of Heritage Pointe which is now nearly built out. Their only other responsibility will be to oversee and approve additions on existing homes. It was noted that current Code allows historic homes to be demolished as long as pictures are taken prior to demolition. Based on these limited responsibilities, it may be time to evaluate if this Board is necessary going forward.

Background – The Historic Overlay District

- 2007 - The current historic overlay district appears to have roots in an ordinance that established a historic preservation commission to preserve and protect historic homes in the city and set standards for historic districts. This was done somewhat in conjunction with the Heritage Pointe subdivision.
- 2012 – The Historic Overlay District was added to the West Bountiful City Municipal Code as a land use ordinance. The ordinance created enforceable standards and established an Architectural Review Board to review the appropriateness of construction in the district. Again, this was done to help manage construction in the Heritage Pointe subdivision. A historic overlay district was added to the city zoning map and included areas outside of the subdivision.
- 2014 – A piece of the Hopkinson property at 1277 N 800 W was removed from the district when a new lot was created.
- 2016 – A piece of the Jones property at 887 N 800 W (Heritage Pointe) was removed from the district to facilitate an addition to an existing home that was not in the Historic District.
- 2017 – The Manors at McKean Meadows subdivision removed the entire property at the time of development, except Lot 1 that fronts 800 West.

Considerations

Staff provided the following list of issues for the planning commission to consider:

1. How does this request fit within the city's General Plan? This question should be an overriding guideline as the other questions are considered.
2. Is there a continued need for the Historic Overlay District?
3. Is there a continued need for the architectural design standards within the district?
4. Would the removal of this property from the district be in the best interest of the community and property owner? If so, can both the community and private benefits be described?

Discussion:

Petitioner Adam Winegar stated he supports the preservation of the historic district but is trying to make improvements to his property for safety. He intends to tear down the existing garage behind his home that is unsafe, and he wants a backyard he can fence in for safety. He explained that the only reason they want out of the district is because of the restrictions put on him to build the dwelling he wants to build. The main issue for the garage he wants to build is that they do not want to attach it to the home or build it in the back of the lot. He plans to have it match as much as possible and will use the bricks from the existing garage on the front which will match the house.

Chairman Hopkinson noted that he does not see how the structure the Winegar's want to build can be approved considering the current ordinance. He explained that they can make recommendation to Council that a variance be given at this time and then work on changing language in the future regarding the overlay zone if it is the desire of all to keep the District in place. Chairman Hopkinson is in favor of letting him build a structure that looks like the existing home without being attached to the current dwelling as required.

Laura Charchenko does not see the purpose of this ordinance now and wonders if people who are buying homes in the District are being told that they must adhere to certain criteria. She feels people should have the right to build as they want.

Alan Malan feels we should be more focused on the people living there now rather than the buildings. This overlay is not serving the purpose it was originally intended to. He noted that this discussion has been about Mr. Winegar meeting the historic design requirements which he will not be able to do with his current plans. He suggested if they want to move forward quickly, they should remove themselves from the district.

Corey Sweat- Cathy Brightwell shared the comments Mr. Sweat provided since he could not be in attendance. He favors relaxing restrictions to allow the Winegar's build what they want on their property.

Dee Vest did not fully understand the reasons behind the district and would like it to be reviewed at a later date. He is not in favor of granting the request until the historic district can

be reviewed more. He noted that we need to make sure he can build the garage as he wants but doesn't want to rush into removing the property from the district until further discussion.

Mike Cottle agrees with Dee Vest. He likes the historical feel of 800 West and doesn't want that compromised. He noted that the district is chopped up now and there should be more discussion soon of the whole district. He is in favor of letting the Winegar's build as they want but does not support removing them from the district.

Councilmember Enquist is in favor of preserving what is in place through having a Historic District. He feels the structure could fit in, but language would need to be changed to do so.

Duane Huffman reviewed the options the commission has which are: remove the property from the historic district, get rid of the district all together, or change language in the code regarding the historic district.

He explained that there are different state and federal historic registers and lists that homeowners may be interested in having their homes on. Several homes in the West Bountiful historic district have gone through the process to be added to these registers which allow them the opportunity to qualify for special grants for restoration projects. He noted that there have not been any such requests in at least 7 years. Homes on the historic register and historic sites lists are not necessarily tied to the city's historic district.

ACTION TAKEN:

Laura Charchenko moved to set a public hearing for May 12, 2020 to receive comments on removing the Winegar property at 788 N 800 West from the Historic Overlay District. Alan Malan seconded the motion. A Roll Call vote was taken. Dee Vest and Mike Cottle voted Nay; Laura Charchenko, Alan Malan and Chairman Hopkinson voted Aye. Motion passed 3 to 2.

Further discussion took place regarding what the use of the District is at this point. Chairman Hopkinson feels there needs to be more thought and work done before banning the district all together.

Cathy Brightwell noted that the primary reason it was put in place was because of Heritage Pointe and it is nearly built out now. She spoke with Ben White about how the district boundaries were laid out and he informed her he was given a list of homes to include and he drew the boundary to include those and others were included in order to close the boundary lines. She shared an example of Pages Circle which is a fairly new cul-de-sac of homes that are not historic but are in the district so would now be required to comply with any regulation of the district.

3. Discuss Restriction for Flag Lots on Dead-end Streets.

Commissioner packets included a memorandum from Cathy Brightwell and Duane Huffman dated April 24, 2020 regarding Restrictions for Flag Lots on Dead-end Streets.

Cathy Brightwell reminded them that the planning commission discussed restrictions for flag lots on dead end streets a few months ago after a resident requested a flag lot be included as part of a subdivision he is proposing at 1390 W 1200 North.

Currently, this issue only applies to four streets in the city - 1200 N (approximately 3300 ft long), 1450 N/840 W (approximately 614 ft. long), 200 N/1000 W (approximately 1400 ft. long) and 220 N/720 W (approximately 750 ft. long).

WBMC 16.12.060.5 states, *the staff of the Flag lot cannot extend from intersections, street corners, cul-de-sacs, or dead-end streets*. Staff was asked to gather the ideas from the meeting and bring them back for further discussion. These items have been listed below.

1. Base the restriction on the length of the dead-end road by modifying it to say that flag lots cannot be within x number of feet from the end of the dead-end road – such as 400 ft since that’s our current maximum length of a standard cul-de-sac.
2. Set a maximum distance from the flag lot staff to the street intersection where the dead-end street begins.
3. What does *extend from* mean in the code? Does it mean extend from anywhere along the road or extend the length of the road? If interpreted to mean extend the length, is a change is necessary?

She invited commissioners to share other ideas they may have or noted that they could choose to leave things as is.

Commissioners Comments:

Alan Malan is in favor of item #1 or #2. Make it 400 feet from the end of the dead-end street or adhere to suggestion #2.

Mike Cottle is supportive of letting it go and adopting one of the options.

Dee Vest would like to set a minimum distance from the dead-end street.

Laura Charchenko feels the language may need to be more explicit to include language like “knuckle”. She supports either item #1 or #2.

Dee Vest agrees with Commissioner Charchenko and suggested having a definition of a dead-end street in the language.

Councilmember Enquist supports items #1 or #2.

Chairman Hopkinson explained that in Wendell Wild’s Subdivision there was some consternation regarding the flag lot at the end of the street so required signage and lighting making it known it was a driveway to a home and not a street. Could there be a design developed that would allow for a flag lot in this situation?

Duane Huffman noted that these two roads will not remain as dead-end streets in the future. Cathy will take the comments back to Mr. Doxey to develop language as they discussed this evening. A public hearing will be scheduled for May 26 after the Commission reviews the language.

4. Discuss Storage Uses in the A-1 Zone

Commissioner packets included a memorandum from Cathy Brightwell and Duane Huffman dated April 24, 2020 regarding Storage Uses in the A-1 Zone with a redlined copy of the A-1 zoning code.

As discussed in previous planning commission meetings, the A-1 zone allows both residential and agricultural uses which has become an issue for property owners who use their property for nonagricultural storage and do not have a house on the property.

Cathy Brightwell introduced and noted the changes made to the code. An earlier proposal to add "accessory structure" was found not to be a workable option since it retains the concept of accessory structures being "on the same lot *with*, and of a nature customarily *incidental and subordinate to, the principal use or building.*" At the April 14 planning commission meeting, a suggestion was made to use the term "**noncommercial building**" to allow for buildings on a property where no residential dwelling exists. A redline version is attached that includes this term as a Permitted Use, includes a proposed definition, and updates relevant sections of the code. Mr. Doxey has reviewed the changes.

Staff would like to discuss the following:

1. Should this type of building be a Permitted Use or a Conditional Use?
2. Should the same regulations for accessory structures, such as setbacks, heights, etc. apply?
3. Should the city require an affidavit from the property owner stating the building will not be used for commercial business or as a residential dwelling? If so, how do we enforce?

Chairman Hopkinson likes wording and changes staff has proposed.

Laura Charchenko, Alan Malan Dee Vest concurred.

Dee Vest asked about the differences if we make it permitted or a conditional use. Cathy noted that we are trying to get away from using conditional uses. She suggested making the language clear enough to be a permitted use.

Duane Huffman made note that some language needs to be clarified regarding what the main structure is and the percent of land that a structure can occupy.

He suggested the Commission consider splitting agricultural zones into a primarily residential and primarily agricultural zone, e.g., A-1 and R-1-43. State law allows cannabis crops to be grown in an agricultural zone and this could be an issue because the A-1 zone is defined as primarily agricultural. He feels we need to look at separating the two.

There was discussion about designating a non-commercial building as a primary or accessory structure and recording it as such against the property. If in the future, there is room to add a building and it meets the requirements and setbacks, an option should be available to re-designate the original building. Mr. Huffman noted that whenever a resident is living on the property that structure is always the primary structure.

Laura Charchenko stated that designating a building as primary or accessory may not be so good for residential owners 20 years down the road so she agrees there should be an option to re-designate.

Staff will move forward with the desires stated by the Commission. Commission wants to review the language before a public hearing is scheduled. Cathy asked if she could schedule the hearing for May 26th. Chairman Hopkinson answered to the affirmative.

5. Staff Report

Duane Huffman:

- 800 West –
 - Asphalt will be pulverized into finer material on site on the 800 West project to be able to get rid of the debris some of which is not disposable in its current condition.
 - Project should be completed from Pages Lane to 1000 North by mid-June. Because the school is closed, the City is encouraging the contractors to continue forward with the construction to 400 North.
- Covid 19 updates - Playgrounds will remain closed, virtual meetings will continue until we move to low risk.
- Multi- family dwelling discussion with city council will be scheduled when we are able to meet in person.
- Ascent contractors defaulted on the school project and a new contractor, Mickelson, has been hired. It was noted that they are 3 to 4 months behind schedule and working furiously to complete the project.

Cathy Brightwell:

- Raising Cane is still planning on moving forward with their plans.
- Olive Garden may resume construction in July.

6. Consider Approval of Minutes from April 14, 2020 meeting.

ACTION TAKEN:

***Alan Malan moved to approve of the minutes of the April 14, 2020 meeting as presented.
Mike Cottle seconded the motion and voting was unanimous in favor.***

7. Adjourn:

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 9:08 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 May 12, 2020, by unanimous vote of all members present.



Cathy Brightwell – City Recorder

