

Mayor
Kenneth Romney

**City
Engineer/Planner**
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
Terry Turner
Corey Sweat, Alt.

THE WEST BOUNTIFUL PLANNING COMMISSION WILL HOLD ITS
REGULARLY SCHEDULED MEETING ON TUESDAY, **NOVEMBER 10, 2015**
AT 7:30 PM AT THE CITY OFFICES AT 550 NORTH 800 WEST

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Consider Conditional Use Application for Troy Symes, 1420 N 550 West, to build a detached garage with a maximum height of 24 feet.
3. Consider Conditional Use Application for a Home Occupation Business License for Big Rock Construction at 664 N 660 West.
4. Discuss Ovation Homes' P.U.D. Request, and Consider Setting Public Hearing for November 24, 2015.
5. Staff Report
6. Consider Approval of October 13, 2015 Meeting Minutes.
7. Adjournment.

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 **November 6, 2015**.*

MEMORANDUM



TO: Planning Commission
DATE: November 10, 2015
FROM: Ben White
RE: Symes-Accessory Building Conditional Use Permit

Troy Symes would like to construct a detached garage on his property located at 1420 N 550 West. This property is on the east side of the road with the rear (east) property line abutting the Union Pacific Railroad. The attached aerial image shows the approximate location of the proposed structure.

Section 17.24.060.A requires a Conditional Use Permit for an accessory structure in the R-1-10 zone if it is more than one story or more than twenty feet tall (Code language is attached). A possible reason this height restriction has been drafted in the code is to minimize the detrimental impacts tall accessory structures may have on neighboring properties. In considering approval of the conditional use permit, the Planning Commission should make affirmative findings pursuant to Chapter 17.60 Conditional Uses. If there are detrimental impacts due to the added height of the proposed structure, the Planning Commission should proposed conditions that would mitigate the negative impacts.

There is a Rocky Mountain Power overhead utility in the vicinity. There are other accessory structures on neighboring properties just like the one Mr. Symes is proposing. I have researched the terms of the easement and it is not clear to me whether there are any restrictions or not. I bring it up as a reminder to the applicant that approval from the Planning Commission or the City Building Department does not constitute approval by the easement owner (Rocky Mountain Power).

Affirmative Findings:

1. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity;
2. The proposed use will not inordinately impact schools, utilities, and streets in the area;
3. The proposed use will provide for appropriate buffering of uses and buildings, and the use of building materials which are in harmony with the area and compatible with adjoining uses; and
4. The proposed use will comply with the regulations specified in the R1-10 zoning ordinance.

The motion should also state why certain conditions have been imposed or why they have not. For instance, a 24' high accessory building may be acceptable by the railroad tracks where there are not homes near it, but not be acceptable on much smaller properties with neighboring homes in close proximity.



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.westbountiful.utah.gov

PROPERTY ADDRESS: 1420 N. 550 W. West Bountiful UT 84087

PARCEL NUMBER: _____ **ZONE:** R110 **DATE OF APPLICATION:** 11/04/15

Name of Business: _____

Applicant Name: Troy Symes

Applicant Address: 1420 N. 550 W. West Bountiful UT 84087

Primary phone: (801) 953-8227 **Fax Number:** _____

E-mail address: Mctroy2929@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.

A detached garage with a maximum height of 24'

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.

Date: 11/04/15

Applicant Signature: _____

FOR OFFICIAL USE ONLY

Application Received Date: 11-4-15

Permit Number: 15-011

Application Fee Received Date: 11-4-15

Permit Approval Date: _____

Fee: \$20 Residential \$50 Commercial

36' x 50'

Sq. Ft : 1,800

Building Size: 36'0" wide, 50'-0" deep

Main Pitch Roof: 5/12

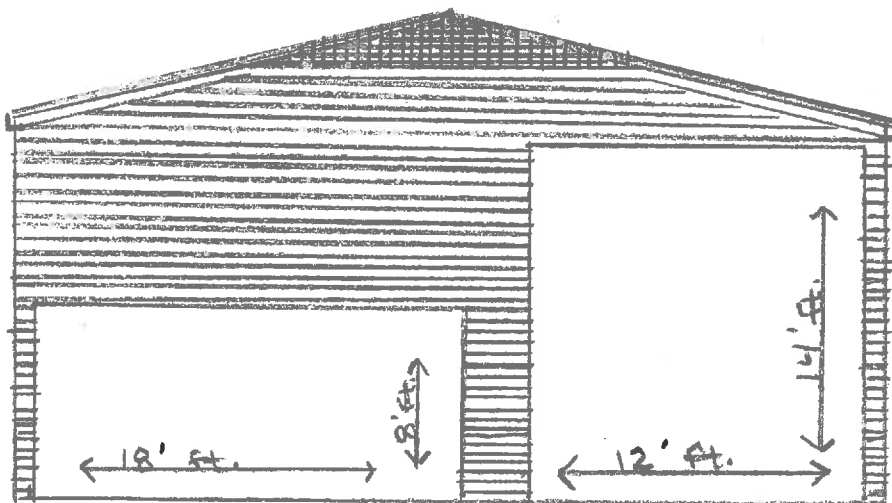
Ridge Height 24'

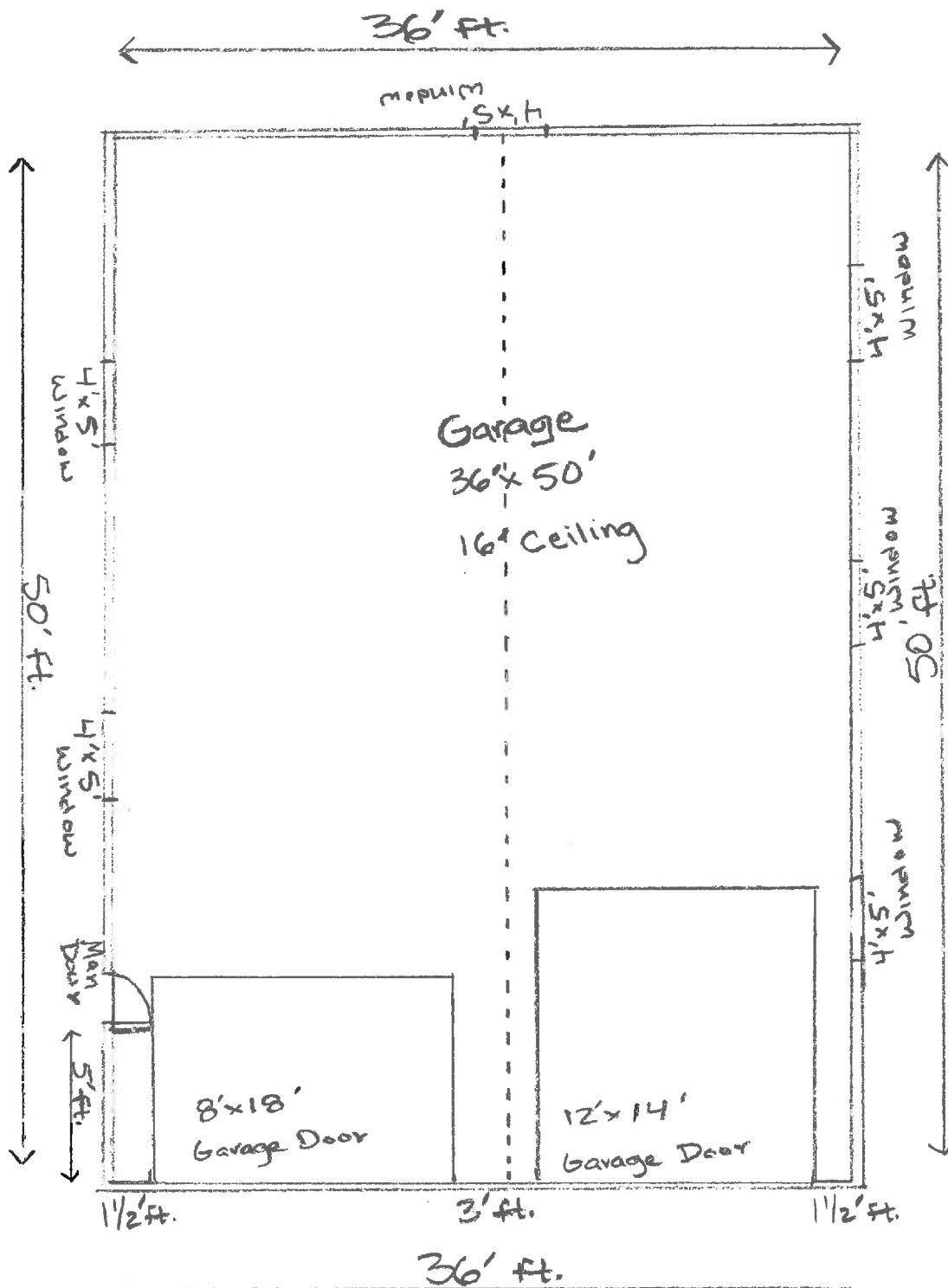
Wall Height 16'

Foundation: Slab

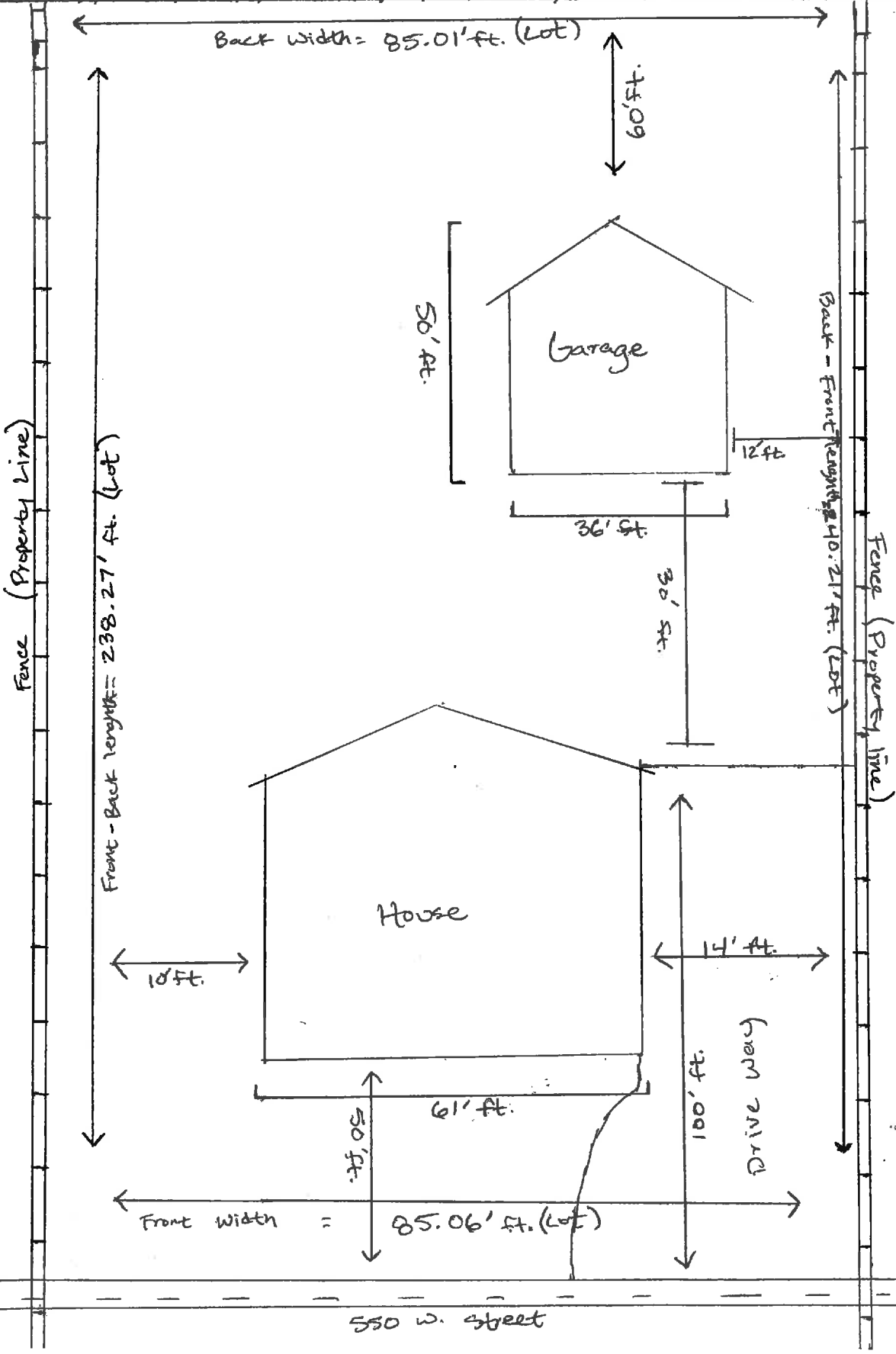
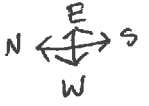
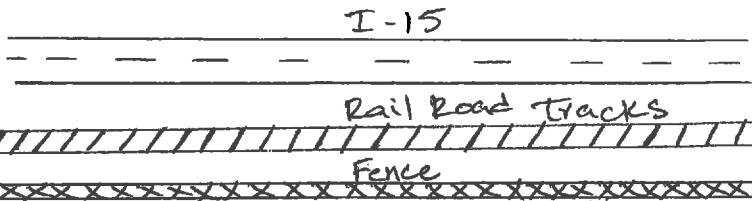
Lap Siding

2 x 6 walls





1420 N. 550 W.
 West Bountiful UT, 84087
 Lot 4 Clear Water Estates
 July, 1997



Neighbor's house

Neighbor's house

550 W. Street

WEST BOUNTIFUL CITY BUILDING PERMIT APPLICATION

BECOMES PERMIT WHEN SIGNED

Receipt No.	Date Issued	Permit No.
Square Ft. of Building 1800	Valuation	
<input type="checkbox"/> Rough Basement	<input type="checkbox"/> Finish Basement	
Garage sq. ft.	Carport sq. ft.	
Building Type	Occ. Group	R. Value
Type of Construction:	<input type="checkbox"/> Frame	<input type="checkbox"/> Brick Var.
<input type="checkbox"/> Brick	<input type="checkbox"/> Block	<input type="checkbox"/> Concrete
Max Occ. Load	Fire Sprinkler: yes/no	

*Date of Application Nov 04, 2015	Date Work Starts
*Proposed Use of Structure Garage	
*Bldg Address 1420 N. 550 W.	
*Address Cert No.	Assessors Parcel No.
*Lot No. 4	*Subdivision Name/Number Clear Water Estates #4

BUILDING FEE SCHEDULE	
Building Fees	\$
Plan Check Fees	\$
Storm Drain Impact Fee	\$
Water Impact Fee	\$
Water Connection Fee	\$
Park Impact Fee	\$
Police Impact Fee	\$
Street Impact fee	\$
Water Use Fee	\$
State Fee	\$
Public Safety Fee	\$
Bond Amount	\$
Less Refundable Deposit	\$ ()

*Owner of Property Scott Symes	Phone (801) 953-8227
*Mailing Address 1420 N. 550 W. West Bountiful 84087	City-Zip
*Business Name Address	Business License No.
*Architect or Engineer	Phone
*General Contractor	Phone
*Business Address - City - Zip	*State License No. *City License No.
*Electrical Contractor	Phone
*Business Address - City - Zip	*State License No. *City License No.
*Plumbing Contractor	Phone
*Business Address - City - Zip	*State License No. *City License No.
*Mechanical Contractor	Phone
*Business Address - City - Zip	*State License No. *City License No.
*Previous Usage of Land or Structure (Past 3 yrs.)	
*Dwell. Units Now on Lot	*Accessory Bldgs. Now on Lot

*Type of Improvement/Kind of Construction

Sign Build Remodel Addition
 Move Repair Covert Use Demolish

*No. of offstreet parking spaces:

Covered	Uncovered
Zone:	Zone Approved By:

Disapproved
 Approved

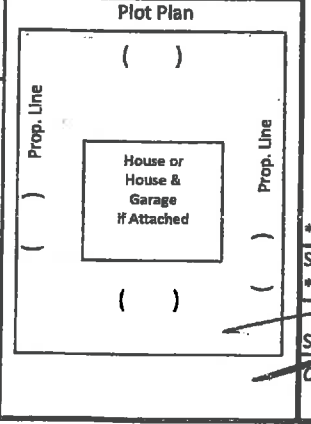
Date _____

Minimum Setbacks in Feet

Front: _____
 Side: _____
 Side: _____
 Rear: _____

*Indicate Street if Corner Lot

Indicate North



Comments:

Plan Chk OK by:

Signature of Approval _____ Date _____

This Permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not, including City SWPPP compliance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

* Signature of Contractor or Authorized Agent _____ Date _____

* Signature of Owner (if Owner) _____ Date **11/04/15**

Census Tract. _____ Traffic Zone _____



550 WEST

1420 N

PROPOSED GARAGE

MEMORANDUM



TO: Planning Commission

DATE: October 8, 2015

FROM: Cathy Brightwell, Ben White

RE: Conditional Use for Big Rock Construction Company

A Home Occupation business license application was filed on November 2, 2015 by Sunia Tuaone to operate a Construction company from his home. A conditional use permit application was filed on November 5, 2015.

Mr. Tuaone's company, Big Rock Construction, will have a small office at his home but all work will be done off-site. Small equipment may be stored in his backyard which is not visible from the street; large equipment will be stored at his property in North Salt Lake. Mr. Tuaone notified neighbors on November 2 and the City has not received any objections to his request.

If approved, Staff recommends the following Affirmative Findings and Recommended Conditions:

Affirmative Findings:

1. The proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community;
2. The proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property in the vicinity;
3. The proposed use shall not inordinately impact the streets in the area; and
4. The proposed use will comply with the regulations specified in the R-1-10 zoning ordinance.

Recommended Conditions:

1. The Conditional Use Permit will be issued subject to passing a Fire Marshall inspection.
2. Small equipment can be stored in the back yard, if not visible from the street. Large equipment will be stored off-site.
3. Employees will park on the property or directly in front of the property and no work will be conducted on the premise.
3. No external signage will be allowed.



CONDITIONAL USE PERMIT APPLICATION

West Bountiful City
PLANNING AND ZONING
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

PROPERTY ADDRESS: 664 North 660 West, West Bountiful

PARCEL NUMBER: 06-037-0124,0125 ZONE: R-1-10 DATE OF APPLICATION: 11/5/2015

Name of Business: Big Rock Construction

Applicant Name: Sunia Tuaone

Applicant Address: 664 North 660 West, West Bountiful

Primary phone: 801-663-4403

Fax Number:

E-mail address: BOUNTIFULPAINTING@YAHOO.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.

I WANT TO OPERATE MY BUSINESS FROM MY HOME (664 N. 660 W WEST BOUNTIFUL) & EQUIPMENTS MAY STORE IN NORTH SALT LAKE @ 2275 N. 2200 W.

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.

Date: 11/5/15

Applicant Signature: Sunia Tuaone

FOR OFFICIAL USE ONLY

Application Received Date: 11/5/15
Application Fee Received Date: 11/5/15
Fee: \$20 Residential \$50 Commercial

Permit Number: 15-012
Permit Approval Date:



HOME OCCUPATION BUSINESS LICENSE APPLICATION

West Bountiful City
BUSINESS LICENSING DEPARTMENT
550 N 800 W, West Bountiful, UT 84087
Phone: (801) 292-4486
www.wbcity.org

Please allow 7-10 business days for processing

06-037 0124
06-037 0124

Type of License Requested: New Renewal

Home Owner Information:

Owner's Name: First: SIMKA Middle: PARSKAND Last: TUATINE

Address: 654 N. 660 W.

Mailing Address (if different) _____

Home Phone: 801-663-4403 Mobile phone: 801 663-4402 Fax: 801 295-5311

Emergency Contact and Phone: BETTY 801 913-3779

State Tax ID No.: _____ Federal Tax ID No.: 86-1125682

Business Information:

1. Name of business: BIG ROCK CONSTRUCTION

2. Describe the proposed business activity, including hours of operation:
WORK 8 hrs a day / 3-5 WORKERS 8AM - 5 PM
WASH ORANGE VEGG AND STEEL TOES

3. Name of person(s) participating in business (must reside at the home):
SIMKA TUATINE (OWNER)

4. Describe which room(s) or areas of the property will be used, and how they will be used, in conducting this business from your home. List the approximate square footage of such rooms as well as the total square footage of the main floor of your home; if a garage or other accessory structure will be used, list the approximate square footage to be used and the total square footage of the garage or structure:
WE HAVE AN OFFICE IN THE HOUSE 4X8 total square
FOOTAGE OF FLOOR 1800

5. Describe how, where, and in what amounts the materials, supplies and/or equipment related to your proposed home occupation will be displayed or stored:
DOBCAT - DUMP TRAILER - 10' FLAT bed - CONCRETE
HAND TOOLS, POWER TOOLS - GENERATOR

6. Are any chemicals or hazardous materials used in connection with your home occupation? If yes, state the amount and type of chemicals or materials stored or used.

NO CHEMICALS OR HAZARDOUS MATERIALS WILL BE USED

7. Will individuals come to your home to obtain any product, to utilize any service, or for any other purpose in connection with your proposed home occupation? If yes, please explain:

YES, EQUIPMENTS WILL STORE IN VERY BACK YARD

8. If your home occupation is a day care center, nursery, or preschool, please state how many children None and caregivers No will be involved in a typical work day. Please also attach evidence of all licenses, permits, or approvals from federal, state, or local agencies authorizing the day care center, nursery, or preschool.

9. If any vehicles or other equipment will be used in your home occupation, where will they be parked or stored?

IN BACK YARD

10. Do any vehicles or other equipment come to your property in connection with your home occupation? If yes, please explain: No

11. Will the home occupation involve the use of commercial vehicles for delivery of material to or from the premises? If yes, please explain: NO, COMMERCIAL VEHICLES & MATERIALS WILL DELIVER TO

JOB SITE

12. Does the proposed home occupation conform with conditions, covenants and restrictions pertaining to your property? YES If no, please explain: _____

Applicant Certification:

I hereby apply for a home occupation business license from West Bountiful City in accordance with the provisions of Title 5, West Bountiful Municipal Code. I understand that under certain conditions prescribed in the Municipal Code I may be required to apply for a conditional use permit as well. I acknowledge that before this application may be approved, I must provide the attached notice to the owners of property within a 300 foot radius of the exterior boundaries of the property on which the home occupation is to be conducted. I certify that the above information is true and correct to the best of my knowledge, and that I agree with the attached specific requirements and all other applicable provisions of the Municipal Code.

Date: 11/2/15

Sign Here: _____

[Signature]

Applicant

FOR OFFICIAL USE ONLY

Application Received Date: _____

Application fee received: _____

Approved Date: _____

Fire Inspection Date: _____

NOTICE

Dear Neighbor:

Date of notice: 11/2/15

This notice is to advise you that SUNIA IVADNE has applied for a home occupation
(name of applicant)

business license with West Bountiful City in order to conduct a business at his or her residence located at

664 N. 660 W. The nature and description of the proposed business is

CONSTRUCTION

Please sign below confirming that you have been notified of the intent to operate this business from the above address.

YOUR SIGNATURE BELOW INDICATES ONLY THAT YOU HAVE RECEIVED THIS NOTICE, NOT THAT YOU APPROVE OF THIS APPLICATION. IF YOU OBJECT TO THIS APPLICATION, YOU MUST FILE A WRITTEN PROTEST AT THE CITY OFFICES NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE.

Signatures of property owners
within a 300 foot radius of the exterior boundaries of the intended business location:

Name

Address

Tim Fox

650 N 660 W w/Bountiful 84087

Levent Martineau

633 N 660 W w/Bountiful

Charlie Draper

685 N. 660 W

Eric Brown

716 No. 660 W.

I hereby certify that the foregoing signatures are genuine. They constitute the signatures of the owners of all property within a 300 foot radius of the exterior boundaries of my property, or I have otherwise provided the City satisfactory evidence that this notice has been delivered to all such property owners (i.e., certified letter).

Date: _____

Sign Here: _____
Applicant

660 WEST

700 NORTH





MEMORANDUM

TO: Planning Commission

DATE: November 5, 2015

FROM: Ben White

RE: Pony Haven Subdivision (Ovation Homes)

Ovation Homes has requested the City consider a Planned Unit Development (PUD) application for the property located at 680 West Pages Lane. Ovation's PUD request can be summarized into two principle categories:

1. Reduced lot size, width, and setbacks, and
2. Increased bonus density.

Because the PUD process is not something the City utilizes on a regular basis, staff has outlined the process in a separate memo that is included in your packet.

Set Public Hearing

The City is still at Step 1 as outlined in the attached memo. The next step is to set a Public Hearing to consider the PUD. As part of the "set Public Hearing discussion", the Planning Commission should consider whether they will require all the requirements contemplated by the PUD process to be provided by the applicant, or if the applicant has provided adequate information for the public to provide meaningful input.

Planning Commission Recommendation to City Council

Following the Public Hearing and the City's receipt of all the information required by the PUD ordinance, the Planning Commission shall make a recommendation to the City Council, as outlined in Step 3 of the attached process memo.

PUD Requirements

The PUD ordinance requires that specific items be provided above those required for a traditional subdivision. Therefore, any future motion to approve a PUD should include affirmative findings to those minimum criteria, which are listed below. They are provided tonight as points for possible discussion topics.

MINIMUM PUD CRITERIA:

1. **17.68.010 Purpose and Intent.** The purpose and intent of the PUD has been satisfied.
2. **17.68.080 Desirability.** The proposed development is desirable and will contribute to the general well being; and not be detrimental to persons residing in the vicinity.
3. **17.68.090 Design.** Density bonus does not exceed 35%.
4. **17.68.100 Minimum Standards.**
 - a. Satisfactory guarantee and/or dedication of open space maintenance has been provided.
 - b. Adequate garage and off-street parking has been provided.
 - c. An appropriate mix of dwellings has been provided and placed. Any non-residential structures are complementary.
 - d. Upgraded building materials are being provided
 - e. Adequate traffic study has been provided, and appropriate vehicle and pedestrian access has been provided.
5. **17.68.120 Amenity Density Bonus.** The following bonus densities are recommended based on the proposed amenities.
 - a. Building and Project Design (0-5%)
 - b. Innovative Site Plan (0-5%)
 - c. Substantial Public Benefit (0-10%)
 - d. Provision, Protection and Maintenance of Open Space (0-10%)
 - e. Interior Amenities and Landscaping (0-5%)
6. **17.68.130 Relationship of PUD to this Title and Other Development Ordinances.** The proposed Frontage, lot area, front and rear setbacks are appropriate for this development.
7. **17.68.150 Landscaping.** The purposed landscaping and fencing plans are acceptable.
8. **17.68.160 Guarantees and Covenants.** The appropriate guarantees and CCRs have been established.
9. **17.68.180 Approval.** The Planning Commission is satisfied with the anticipated construction schedule.

MEMORANDUM



TO: Planning Commission

DATE: November 5, 2015

FROM: Ben White

RE: P.U.D. Process

1. The Planning Commission will treat the request for a PUD more like a concept plan than an actual subdivision plat. There may be several detailed items discussed or shown on a concept map that will need to be on an eventual plat, such as building setbacks, open space, storm water plans, etc., but it will be made clear to the developer that the preliminary and final plat process can come only after some form of approval from the City Council.
2. The Planning Commission will hold a public hearing before making a recommendation to the Council.
3. As with any other type of legislative action, the Planning Commission is free to negotiate and/or make requests as part of its review of the PUD request before a recommendation is made to the Council. As a recommending body, the Planning Commission should provide its reasoning for its recommendation to the Council.
4. Once a recommendation is made, the Council will review the work of the Planning Commission, and may then approve, deny, make changes, or send the request back to the Planning Commission for further work. If the Council and Developer make significant changes to the original proposal, the Council may choose to hold an additional public hearing.
5. If the Council denies the request, it is not required to cite any reason or findings. If the Council is agreeable with the terms of the PUD, the Council will enter into a Development Agreement that will state the benefits to the City from the PUD and otherwise recite justification for approval of the PUD; and will state that once a final plat is ready consistent with the agreed upon terms, the Council will approve the PUD by ordinance. The Development Agreement would include as attachments concepts maps, a copy of the proposed PUD ordinance, and anything else necessary to fully explain what is being approved.

6. Once this Development Agreement is in place, the Developer will return to the Planning Commission for formal preliminary plat and final plat review for the subdivision (the Development Agreement providing assurances that the discretionary decisions have already been made).
7. Once the Planning Commission has completed work on the preliminary and final plat, the final plat and the PUD Ordinance will be presented to Council for final approval and adoption. The Council will be bound by the Development Agreement to approve if the terms of the agreed-upon PUD and legal requirements for the final plat have been met.
8. Having the final approval of the PUD linked to the final plat by way of a Development Agreement ensures that the PUD will be developer specific rather than running with the land. The Development Agreement will also set timeframes that will cause the Developer's vested interests to expire if they do not act in a timely manner.

11/5/2015



Request for Planned Unit Development On 9.13 acres located on 690 West 1600 North.

In response to the input we received from the Planning Commission work session and neighborhood meeting held in September we hereby formally request the Planning Commission forward to the City Council a positive recommendation for the following PUD.



Ovation requests that the Planning Commission and the City Council use its legislative discretion to apply the PUD proposal in the context of this site. This site is not a 300 acre master plan where clustering, wetlands, the preservation of scenic views are the focus or reason a PUD is preferred over a straight R-1-10 zone. This is a 9.13 acres site more than twice the required 4 acres specified in the code for a PUD. It faces different constraints and requires different flexibility than a 300 acre master plan which fortunately is within the power of the City Councils to approve under the PUD ordinance. We ask in addition to consider this PUD request in the context of the active adult buyer who wants and needs a place in West Bountiful city where they don't have to climb stairs or maintain large yards.

Specifics of what we are requesting in the Planned Unit Development.

In response to the input we received from the Planning Commission work session held in September we hereby formally request the Planning Commission forward to the City Council a positive recommendation for the following PUD.

1. **Lot Count.** We are requesting 39 units with lots that range in size from 6923 to 9181 sqft. This is a 2 lot reduction from our previous meeting.
2. **Density.** This equates to 4.27 units per acre. The two lot reduction from the September meeting is attributable to the addition of a park in the center entry and an increase in the overall size of the lots.
3. **Parks** The PUD has 3 open space parks. Two on each side of the entry one in the middle of the community and one in the north west corner of the community where it is planned to have a storm water lift station. The specific design of these parks will be part of the PUD negotiation and will subsequently have a mutually agreed upon landscape design. The design of these parks will be specifically agreed to as part of the PUD process.
4. **House Height.** The homes in the PUD will be restricted to all ramblers with a maximum roof height of 19' to 25' depending up on the plan model home selected.
5. **Architectural Upgrades.**
 - a. **Garage door types.** Doors will have architectural features that vary throughout the community. These features include, windows, Decorative Hinges, Variations in colors and textures. They will also include a specific requirement whereby the garage doors must not be the same in the two houses next to each other in color nor can they have the same elements such as windows or trellises.
 - b. **Hard Surface Exterior Material Requirement.** Ovation will meet the 80 percent hard surface requirement required by the PUD code. This means brick, stone, Stucco and Cementous siding will be used and vinyl and aluminum siding will not be used.
 - c. **Extra Landscaping.** One street tree per lot 1.5" caliper, then Sod for front and back, then 3 large 3 gallon shrubs and 3 1 gallon shrubs all installed upfront with the construction of the house weather permitting.
6. **Fencing.** All fencing will be installed with the landscaping and have a common theme of Tan Vinyl. The return fencing will be placed at the back corner of the house to maximize the openness of the side yards.
7. **Home Placement.** Each home will be placed on the lot in context of the windows of the lot adjacent to it. This is commonly done through not pairing the driveways of each home in relationship to the home next to it. The only exceptions to this rule is houses on corners will have their driveways placed away from the corner.
8. **Home Owners Association.** A home owner association will be set up in accordance with the laws of the state of Utah.
 - a. Maintaining the 4 parks within the subdivision and all of the front and side landscaping within the subdivision in perpetuity.
 - b. Restrict side and front yard parking requirements
9. **Side Yard Setbacks.** 10 foot minimum with a combined 24 foot side yard requiring no ordinance change.
10. **Front and Rear setbacks.** Worst case lots would be 20' front from back of sidewalk with a 15' rear for a combined 35' setback. Best case would have a combined 55' front and rear setback. Ovation is willing to look at each lot on a case by case basis to come up with a solution with the aid of the planning commission and the city council that everyone can agree with.

11. **Storm System Improvements.** Ovation will size the storm system to accommodate as much as possible the area affected by flood waters to the west.

A brief note on the difference between a PUD and a regular R-1-10 Zone.

In our discussions with the residents in the area the question has often come up “*Why don’t you just do what the guys down the street did? Or why don’t you just do a traditional R-1-10 zone?*” The discussion below is our attempt to explain why we are asking for a PUD with the associated setback reductions and why some subdivisions in the area that are considered ideal will not work in this site. This discussion assumes in the event that a PUD request is denied, a builder would maximize the utility of the site and apply for a 31 lot site plan that conforms to the R-1-10 zone despite its less than ideal constraints.



Many residents may not realize the key difference between a PUD and a straight R-1-10 zone. A PUD is legislative and an R-1-10 is judicial. What this means is that the governing body of the city when reviewing an R-1-10 application is acting as a judge interpreting if the applicant is meeting all the requirements of the zoning ordinance. Experienced builders like Ovation homes treat the standard ordinance as a fallback position as they know it cannot be denied by a City Council if the applicant meets all the requirements of the zone. This is essentially what the page 2 paragraph 4 from the West Bountiful Planned Unit Development Code is saying.

A Planned Unit Development may be allowed at the discretion of the City Council following a recommendation of the Planning Commission in any agricultural or residential zone. An application for approval of a PUD is a request by the applicant for additional density and flexibility than that allowed by the underlying zoning. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of Title 16 and all other chapters of this Title. Denial of the PUD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all the requirements of Title 16 and all other chapters of this title. The City Council need not provide detailed finding or reasons for denial of a PUD since its decision is legislative.

Unlike the Judicial process of a strait R-1-10 whereby if the applicant meets all the requirements of the zone the application must be approved, the City Council is free to make its determination of the elements requested in a PUD as these decisions are legislative in nature. This freedom is contained in all matters relating to the project. It is this legislative discession that allows the City Council the Flexibility to weigh the proposed aspects of the project against the guidelines of the PUD ordinance and their own personal preference. For example, the City Council person may or may not stringently follow all the guide lines of the PUD ordinance. Members of the Council may deem in their legislative discession that some aspects of the PUD ordinance do not apply and some aspects do apply to the subject property. They may choose to vote for or against the project based on their personal considerations that do not fall within the PUD code at all. The beauty of the PUD ordinance is the that the City Council does not have to act in a judicial capacity, and look for exact compliance with the PUD code. The PUD ordinance is deliberately written for flexibility. Exact compliance would be tough if not impossible to accomplish when you consider that the PUD ordinance is designed to accommodate a project as large as a 300 acre master plan or as small as a 4 acre project. The Council may take a dicressionary or flexible approach according to what they think is best for the city. Then as the

ordinance quoted above states The City Council need *not provide detailed finding or reasons for denial of a PUD since its decision is legislative.* Conversely the City Council need not provide detailed findings or reason for approval or Justification of a PUD since its decision is legislative.

The Bigger Question of Precedent

Ovation Homes is merely attempting to convey in this document why a PUD designed for West Bountiful aging population is better than the fall back of the R-1-10 zone that is most common in the city. The much tougher questions of precedent we leave to the representatives of the City Council to grapple with in future meetings as the city grows and ages. The question of: ***If we grant Ovation homes reduced setbacks will we have to grant everyone in the city reduced setbacks?*** Legally the answer is no. legislative decisions are just that legislative and can be different according to different parts of the city being considered and different applications from different applicants. Ovation does not pretend to fully answer the larger debates that will inevitably take place in the future years of the city.

The debate over restricting lots to a certain size is often at odds with the debate that too big of lots will result in a slew of future flag lot applications. The debate to grant or not grant a single resident a setback reduction so they can expand and renew their home to add a main floor master is often at conflict with the cities desire to preserve the lower density character of a certain area of the city. Every situation is different and the City council has the power to approve that which they feel makes sense and deny that which they feel does not make sense.

We understand that the desire to keep things the same is often at odds with the another desire all cities have to keep the existing housing stock vital and renewed. For example, Provo city recently granted unlimited density in a large area within the core of the city. After years of efforts by Provo city to preserve the existing character of this older portion of the city they deemed that the decay of the older homes was so great that it would take a dramatic rezone to an unlimited density to bring the necessary capital to revitalize this old area.

Holliday city has not let the decay get to the level Provo city has. Holliday is experiencing a renewing process whereby its large lots neighborhoods built in the 40's and 50's are being replaced by small lot infill homes.



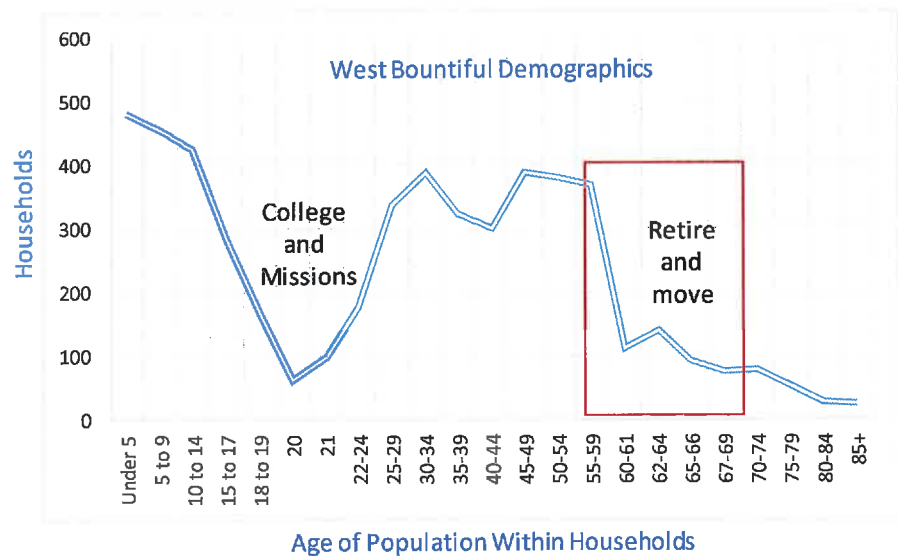
Ovation cannot answer these bigger policy questions. Will older residents be enticed to stay if they can modify their homes to add main floor masters? If they do add main floor masters will it require setback reductions? These setback reductions may be desired if it means a renewal of the home or it may not be preferred.

In our case we believe that a more flexible treatment of setbacks will attract new subdivisions like we are proposing for retirees and a less flexible policy will push them away.

Census data supports the need for more housing stock that meets the retirees needs.

The graph to the right shows the number of households on the Y axis and the age of those households on the X axis.


The red box shown on the chart shows the decline in the number of residents living in the city beginning at the age 55 + This decline is in the number of residents living in the city is partially attributable to the shortage of housing that meets the needs of residents in this age category.



Female Population.	2,624	Male Population:	2,641	5,265
Under 5 years:	247	Under 5 years:	235	482
5 to 9 years:	227	5 to 9 years:	228	455
10 to 14 years:	196	10 to 14 years:	228	424
15 to 17 years:	138	15 to 17 years:	147	285
18 and 19 years:	84	18 and 19 years:	83	167
20 years:	30	20 years:	33	63
21 years:	47	21 years:	54	101
22 to 24 years:	82	22 to 24 years:	97	179
25 to 29 years:	169	25 to 29 years:	169	338
30 to 34 years:	190	30 to 34 years:	199	389
35 to 39 years:	168	35 to 39 years:	157	325
40 to 44 years:	162	40 to 44 years:	139	301
45 to 49 years:	198	45 to 49 years:	191	389
50 to 54 years:	203	50 to 54 years:	176	379
55 to 59 years:	184	55 to 59 years:	185	369
60 and 61 years:	50	60 and 61 years:	63	113
62 to 64 years:	70	62 to 64 years:	71	141
65 and 66 years:	46	65 and 66 years:	47	93
67 to 69 years:	32	67 to 69 years:	46	78
70 to 74 years:	40	70 to 74 years:	41	81
75 to 79 years:	26	75 to 79 years:	30	56
80 to 84 years:	18	80 to 84 years:	12	30
85 years and over:	17	85 years and over:	10	27

<https://suburbanstats.org/population/utah/how-many-people-live-in-west-bountiful>

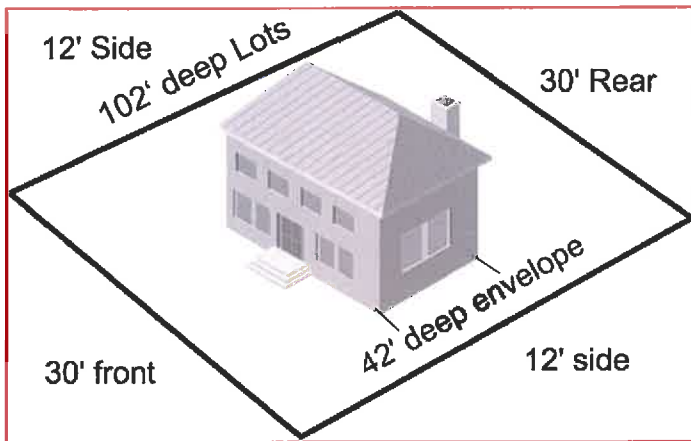
Weighing the options of Ovations PUD vs R-1-10

	R-1-10	Proposed PUD by Ovation Homes
Lot Size	10,000 = 31 lots	lots that range in size from 6923 to 9181 sqft
Minimum Lot Width at Front Setback Line	85 Feet	63 feet is the smallest with four parks
Min Front and rear yard setback	30 Feet	Worst case lots would be 20' front from back of sidewalk with a 15' rear for a combined 35' setback. Best case would have a combined 55' front and rear setback
Side Yard Setback	10 Foot Minimum combined total 24 Feet.	10 Foot Minimum combined total 24 Feet.
Height Restrictions	35' maximum	19' to 25'
Maximum Density	4.3 units per acre	4.27 Units Per Acre
Architectural Requirements	R-1-10 Zone does not specify architectural requirements.	The PUD allows the city and developer to agree on large variety of architectural requirements in exchange for the density and setback reductions proposed.
Garage Door Variety	R-1-10 Zone does not specify architectural requirements.	Garage doors will be required to have a feature such as a window or trellis or have a specialty color. Houses will be required to vary their garage elements so as to avoid redundancy and enhance the look of the community.
Parks and Open space	None in R-1-10	Parks and opens space are part of the PUD request 3 parks are provided.
RV and Boat Parking	Allowed	Not Allowed under CC&R's
Street Tree Planting Plan	Not Required	Required
Storm System Improvements	Only that which is required to protect our own lots	System will be upsized to service neighbors to the west.

The R 1 -10 setback requirements results in a building envelope that is very wide and not very deep. This type of building envelope works for Two story plans and not ramblers.

This lack of depth in the building envelope makes the option of the R-1-10 less than Ideal because it will inevitably force the homes to be two story homes instead of ramblers.

Site Dimensional constraints under R 1-10 zone force the builder into lots that are 96' wide but only 102' at its shallowest and 108' deep at its deepest. This is due to the project site being long and narrow. On 1600 north the bottom width of the subdivision rectangle is 254' feet wide. On the North the top portion of the rectangle is 266 feet wide. When you subtract 50 feet, the width of a public road you are left with 102 feet deep lots that grow to average 108' as you move north.



When you subtract R-1-10 side yard setback of 24' minimum from the 96' width you are left with a very workable 72' in width. However, when you take the front 30' and rear 30' setbacks you are left with a 42' deep building envelope which becomes the problem. This depth generally only works for smaller two story plans not for ramblers who require a bigger foot print.

The choice
Ramblers VS Two Story Plans?
Active adults VS Traditional Residents?



In contrast the PUD proposed by Ovation Homes calls for an all rambler community through a reduction of the front rear and side yard setbacks



This is an example of a two story neighborhood in Bluffdale that we are trying to avoid. These houses are actually on average 5' too deep to fit on the Pony Haven property lots under a straight R-1-10 zone.

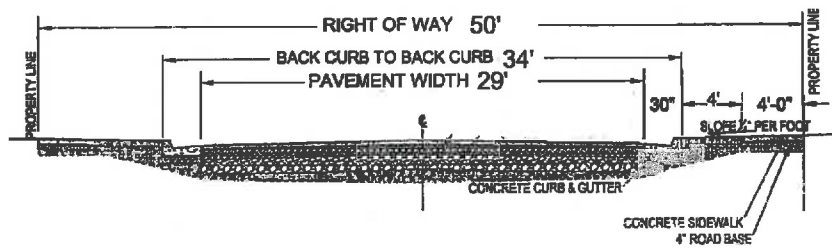
There are many great looking subdivisions within the city of West Bountiful. A more careful examination of these communities via aerial technology reveals that the 42' deep depth of the building envelope would not fit many of the rambler style houses seen in other subdivisions. By studying the dimensions of a potential R-1-10 subdivision nearby it is clear that the proposed subdivisions is wider and shallower than many of the other subdivisions within West Bountiful. It is very difficult for most traditional builder's single story product to fit on lots like these. For example, Ivory homes catalog has the largest of the plan offerings in the Wasatch front. Under the 42' deep scenario only 6 of the 42 plans investigated fit. These are 6 of their smallest two story plans. None of their ramblers fit this dimension. Richmond American and Fieldstone Homes plans were also investigated and it was found that none of their plans both two story and ramblers fit a building envelope that is only 42' deep.



The PUD proposed by Ovation Homes calls for very specifically defined rambler plans that are designed for active adult residents. Depending upon what plan is selected by the residents the height of the plan will be between 19' to 25' at the peak of the roof. The homes to the west average 28' to 35' in height with the main hip of the roof running long ways from north to south. The homes to the east average 30 to 35'.

A deeper look at Ovations proposed setbacks in the PUD.

Front Yard Setback. It is important to consider the width of the road section when considering the front setbacks. The sidewalk is 4' wide and the planter strip is 4' wide making the house 28' from back of curb if the front setback from sidewalk is set at 20'. It is assumed that all homes built will be brought forward to the 28' from back of curb or 20' from back of sidewalk line



Rear Yard Setback. The rear setback is proposed to be at a minimum of 15'. But will get bigger as the lots get bigger as you move north with the lots. This minimum setback is only needed for a few of the plans proposed by Ovation homes. Ovation Homes plans vary in depth providing additional setback depth when selected. Additionally, the project lots get deeper the further north the lot is. Because of these two factors the average depth of the rear setback is a very reasonable 23'. Ovation is willing to get very specific with the plans it proposes on the lots that are the shallowest so as to maximize the setbacks in the community as much as possible.

Side Yard Setbacks When you consider the side yard setbacks you have to remember that the combined 24' setback where one side is 10' and the other side is 14' are only when a larger plan is selected with a three car garage. When you consider that the 3 car option is only selected 50% of the time by our residents and that many of the plans vary in width. This means that the distance between lot could be much greater than 24' because some buyers may not select a third car garage.

RV and Boat Parking is restricted on the side yard.

The Truck, RV and Boat Parking shown to the left will not be allowed via the stipulations of the development agreement that accompanies the plat as well as the CC&R's that govern the community. The variance of two car and three car garages and the variance in the width of many of the plans combined with the no side yard parking restriction make for a much wider looking and more aesthetically pleasing side yard than a traditional neighborhood

Traditional Neighborhood



Ovation Example



Answers to Specific Code Points brought up in the PUD ordinance.

17.68.090 Design *The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.*

A. Density. *Density of land use shall in no case be more than 35% higher than allowed in the zoning district.*

Under the R-1-10 zone the 9.13 acre site yields 31 lots 10,000 square foot in size. A 35 percent increase from this number would yield 41.85. Ovation is asking for only 39 units.

B. Arrangement where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.

Ovation is proposing an all rambler community where the average heights of the buildings are much lower than a two story structure built in the straight R-1-10 zone. Ovation building heights vary from 19' to 25' tall at the top peak of the gable. In homes are oriented so that the long side of the roof peaks run east to west which provides a much smaller view obstruction that would we expected with traditional product running north to south.

C. Specific Regulations. *Lot area, Width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.*

- Lot range in size from 6923 to 9181 sqft.
- The lots are 70' wide and 65' wide. The shallowest lots go from 102' in depth to 118.8'
- The Density of 39 units is 4.27
- Plan heights vary from 19' to 25' tall depending upon the plan type.

17.68.100 Minimum Standards

A. General Regulations. *A minimum of 7 acres of land in the A-1 zone, and **four 4 acres** in R-1-22 and R-1-10 zone is required for a proposal to be developed as a PUD.*

The Pony Haven site meets the acreage requirement for a PUD. The site is 9.13 acres more that twice that required by the PUD code.

B. Open Spaces. *Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:*

1. *Dedication of land as a public park or parkway system; or*
2. *Creation of a permanent, open space easement on and over private open spaces to guarantee that the open space remain perpetually as open space or as an agricultural or recreational use, as the case may be, with ownership and maintenance being the responsibility of a corporation or other association established with articles of association and bylaws or similar rules, which are satisfactory to the Planning Commission.*

Ovation is willing to dedicate the parks as permanent open space and insure their long term care and maintenance through and HOA.

C. **Parking – Garages and Parking Lots.** Each dwelling unit in a Planned Unit Development shall include at least two (2) car garage constructed in accordance with West Bountiful City building standards. In addition, every PUD shall provide for adequate off street parking of vehicles, including recreational vehicle parking.

On average we have over 50% of our homes are selected with a 3 car garage. All our plans are either 3 car or 2 car garages.

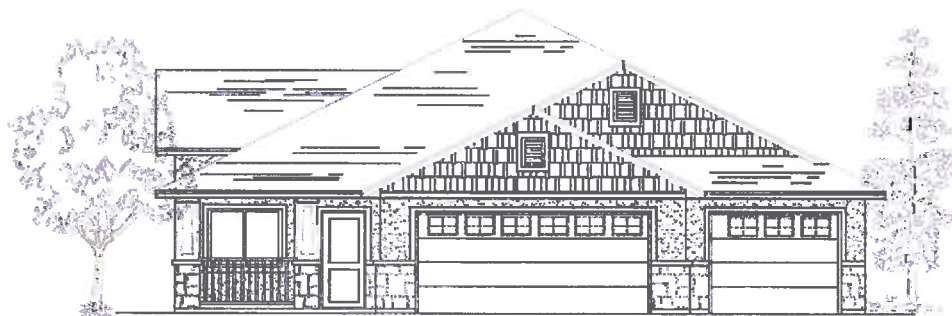
D. **Attractive Elevations Variety and Architecture.** Structures in the Planned Unit Development must include, at a minimum, the following design elements.

1. A variety of elevations, roof types (e.g., mansard, hip, gabled, traditional), colors, materials, and other architectural features must be incorporated into the housing units so as to eliminate or greatly reduce the impression of tract housing.

Ovation homes goes to the extra expense deliberately designing home plans with a variety of roof styles. Except for Mansard which is the roof style of a barn and is vary rarely used for homes. Ovation uses hips and gables to reduce the overall massing of the roof while at the same time adding variety and flavor to the home. In the examples below there is not one massive front gable over the entire home but rather the use of smaller gables combined with hip roofs make for a more decorative and smaller over all mass.



The Evergreen Model



The Kingston Plan



Havenwood Plan



Hamilton Plan

2. *Garage doors must not be the most prominent feature of the structure. Side entry garages that do not face Public streets, garage doors that are recessed from the front of the structure, or other creative solutions are highly encouraged.*

In 20 years of working with city governments on subdivisions we have learned two very important lessons. The first is that we cannot change the width of roundabouts that a city has. Most roundabouts have a diameter of 100' or 85' of asphalt in most cities. This dimension has become a sacred feature of subdivision design. As a developer we have learned to just accept these large circles as a necessary part of our society. Developers see them as highly space consuming but cities and the residents that drive on them find them convenient. They allow residents both old and young room to turn without great difficulty and provide a factor of safety for fire departments.

The second lesson we have learned is that a turned garage does not work on any lot smaller than a ½ acre. Ironically the reasons they do not work are the same reasons roundabouts do work. Roundabouts have room to turn and side yard garages on lots smaller than ½ acre do not have room to turn. Code requires 25' from the side property line to the front of the garage door in order to have a turned garage. Under the requirement of a turned garage the side yard setbacks for these lots would be 25' + 10' making a combined 35' of side yard setback. Such a huge side yard dimension entirely destroys the reason we are requesting a PUD.



The key feature that a ½ acre lots has that a ¼ acre lots do not have is width and depth. In the example below. In the first example the garage is moved in front and over the main house to provide the necessary turning radius to get into the garage. In the second example the lot is much smaller and there is not

sufficient depth to allow the garage to come to the front and move over. The only way to make the turned garage in this instance work is to sacrifice main floor living space which is so vitally needed for the senior resident we are targeting. Therefore, a turned garage scenario is a two story scenario. This example to the left is a two car garage turned away from the street. This house sits on a ½ acre lot which has the building envelope depth and width to move the garage forward and over towards the front door. By doing this the house meets the 25' code requirement from the sideyard yard property line to the face of this garage door. This 25' however, is not sufficient for the owner to make the turn into



the two car garage with his truck. In an effort to make turning into the two car garage easier the owner plans to concrete over the grass between the property line and his driveway. This is the exposed dirt that he currently runs over as he tries to get in out of his driveway. He worries about running over the light pole and the mail box when he adds even more concrete. His wife insists on using the one car garage bay as she hates turning and likes to drive straight in and straight out of the one car garage that faces the street. The boat is rarely parked in back of the yard but put either directly adjacent to the property line on the driveway which is aesthetically ugly and annoys his neighbor because it makes the them feel encroached upon. Generally, the boat is left park out front which is against the city ordinance and compromises the entire reason for the turned two car garage which was to not have a garage door centric view from the street. Instead the neighbors cannot see the house due to the boat being parked in front of it.

The aerial image to the left shows this same ½ lot in yellow outline. The blue line shows what our lots would look like. Please remember that this house is designed for a large family and our houses and lots are designed for retirees.

As we all age, our driving skills begin to decline. Navigating tight turns become more difficult. The active adult community we propose in this application write up request garages where the residents are able to drive straight in and straight out as this is easier.

Ways of Mitigating Garage Centric neighborhoods in an Automobile centric society.

With some intelligent use of color, windows, and trellises we can significantly reduce the feel of track housing and enhance the overall beauty of the neighborhood. Here are some examples on how we can go about that. The following requirements can help make a better looking over all community.

- No home garage elements can be the same as each home on each side of it or directly across the street.
- Each houses garage door must have a feature. These features include, a window configuration, a specialty paint or stain color. A trellis over the door



Window Example



Window Example



Specialty Stain Example



Specialty Paint Example



Trellis example



Specialty paint and window example.

3. *Dwellings with the same or similar elevations (façade, exterior design, or appearance) must not be placed adjacent to each other or across the street from dwellings with the same or similar elevations except when the Planning Commission for good cause approves limited variation in the Planned Unit Development.*

Similar to the garage door requirements Ovation proposes the following requirements. To promote variety in the community.

The same plan may be built next to another plan but the exterior materials used must be different as well as the garage element design and color. For example, if one house has a tan stucco as its base with brick and it is proposed that the house next to be the same plan it must employ a different primary material color of stucco or use Hardy Cementous Siding, In addition, It must have a different garage door elements such as the color and the house must use stone in lieu of the brick that was employed next door.

- E. *Upgraded Materials* *The materials used to construct the structures in a Planned Unit Development will represent an upgrade from typical construction practices. At a minimum all residential structures within a Planned Unit Development will include at least eighty (80) percent hard surface exterior materials defined as brick stucco, stone, stacked stone, simulated wood concrete siding, or similar materials. The applicant must present samples of proposed materials to the Planning commission for review in connection with approval of the PUD.*

Ovation agrees with this requirement and will not use aluminum or vinyl siding on any of its homes. This combined with the variety of exterior rules proposed above will result in an upgraded look and feel for the community.

F. *Vehicular and Pedestrian Access.*

A traffic study will be completed. No traffic related problems are expected, as the community has four accesses leading to significantly different collectors.

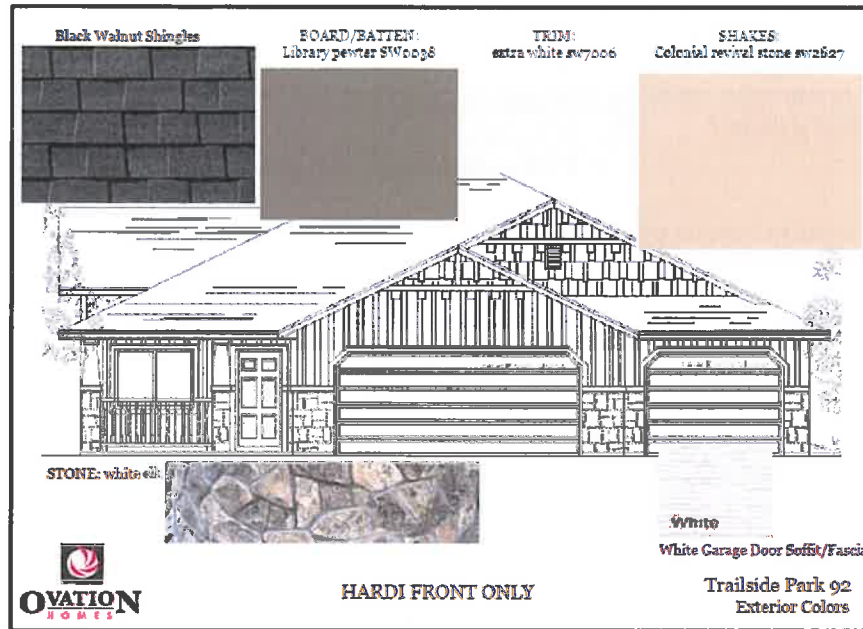
G. *Connection with Trails*

Pony Haven will have full sidewalks on both sides of the street and on 1600 north. There is no trails available to connect Pony Haven to.

H. *Signage*

Signage will be upgraded to permanent stone or block as desired by the city.

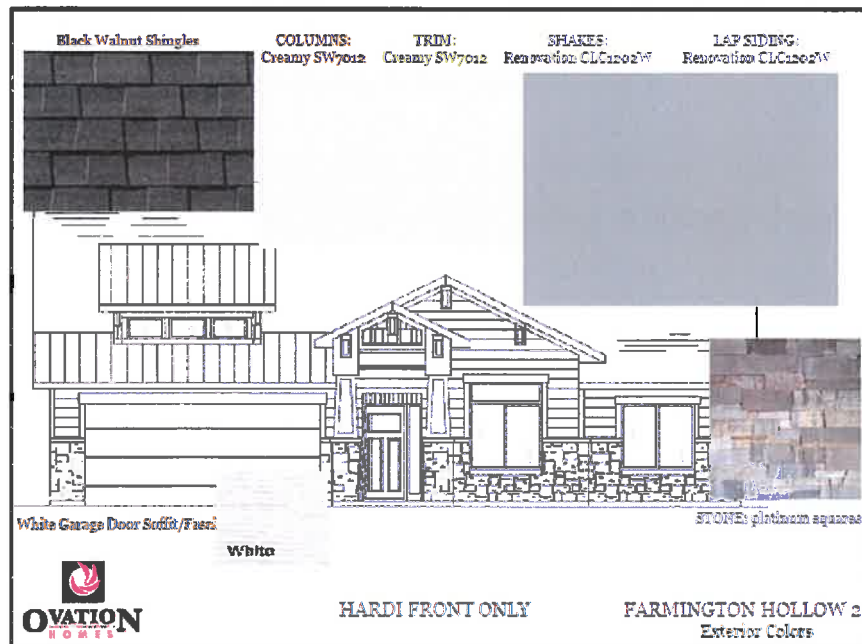
Process for Insuring Exterior Material Variety Requirements



With each building permit application Ovation will provide an exterior material sheet like the two shown here.

With these sheets the building official at the City can quickly compare the proposed plan against the lots directly adjacent to it to insure that the garage doors and exterior materials vary according to the requirements described above

This type of system is commonly used by cities to insure variation of material colors and the materials themselves as required in a PUD prior to the issuance of the building permit.



Density Bonus Considerations From The PUD Code.

17.68.120 A Building and Project Design 5%

The planning Commission will consider and give comprehensive and critical attention to architectural design and style, including unit types, architectural theme, building materials and colors, fence and wall treatment, solar considerations, project entrances, orientation of buildings to amenities within the development, neighborhood design elements and visual appearance of the development from outside the project.

Architectural Design and Style.

The major design element of all of Ovation homes plans are that of Ramblers designed in their entirety for retirees. Many of these plans come with front porches and back or side yard patio's.



Unit Types

The unit type is that of single family detached ramblers without basements. No attached product is proposed with this PUD.

Building materials are low maintenance and chosen in our design center by the customer.

Ovations customers are very particular about the type of materials they are willing to accept on the exteriors of their homes. Ovations customers tend to avoid building materials that will require extra effort to maintain like exposed wood beams or trims that require frequent painting. Stucco is highly desired as it requires the least amount of maintenance. Ovation customers have the opportunity to make their exterior color and material selections in the design center. This insures a broad selection of materials as our sales agents and designers deliberately guide the owners away from color and material schemes that are similar to nearby homes.



Fence and wall treatment



Fences are chosen by the developer and are installed throughout the community generally around the time that landscaping is installed. Placement of these fences are placed at the back of the lot so as to promote the openness of the community. Retaining walls in this community are expected to be very minimal do to the flat terrain. Unlike many builders, the installation of fencing is not left to the home owner but is installed by the developer.

Solar Considerations

No Solar panels are to be placed on any of the homes within the community as governed by the developer and the CC&R's restricting the community in perpetuity.

Project Entrances

Ovation is going above and beyond a normal project entrances. On 1600 north there will be two parks off the street leading into the community. Signage will be provided along with upgraded landscaping,

benches and rockery that is designed for the purpose of picture taking and quiet enjoyment of the area. The third park will be placed in the back of the community and will have dual use as a detention basin and a pump house. There will be landscaping around the perimeter of the detention basin.



Orientation of building amenities to development. The park amenities will be at the front middle and back of the community.

Neighborhood design elements and visual design elements from outside the project. The four parks will provide an upgraded feel to those looking in from outside of the community.

For these reasons described here and throughout the document we feel a full 5% is appropriate for building and project design.

A. Innovative Site Plan 5%

The planning commission will consider an innovative site plan which is in harmony with the topography and other natural features of the site. An innovative site plan could also include a variety of lot sizes, setbacks, dwelling unit types, clustered development patterns, and natural resource protection.
17.68.120 B

The proposed project with its 3 parks is as geometrically as innovative as the site shape and topography will allow. The lot sizes do vary to allow for more variety of Ovation Homes plans.

Please remember that if this were a 300 acre master plan making application under the PUD ordinance. The developer would propose several different product types that would meet the needs of the different consumers in the market. If this were a 300 acre PUD application it would be considered wanting if it did not include a segment of land to be dedicated towards senior housing. In like manner, if you consider the 300 acres that surround the Pony Haven Property it should be appropriate and completely within the discretion of the City Council to approve a project to meet the needs of seniors.

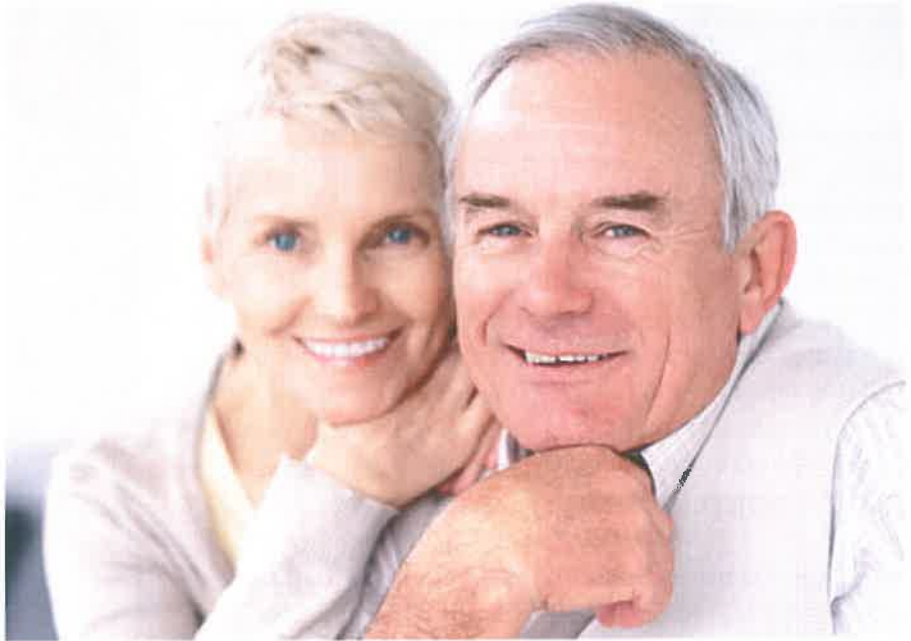
In 5 years this project will be built either as a PUD designed for active adult residents that do not currently have housing provided for them in the city or it will be built as and R-1-10 subdivision that will be the same as every other R-1-10 subdivision in West Bountiful. If built as a R-1-10 subdivision residents walking by in 5 years will not say anything because the subdivision will not be different than the subdivisions around it that were also R-1-10 subdivisions. If however, the proposed PUD is selected the residents walking by in 5 years will definitely notice a difference. It is Ovation's Belief that the city will be able to confidently say to those questioning in the future "that this community was an Innovation by the city and the developer to provide housing for its senior residents through the PUD ordinance. For this reason, the full percentage points ought to be awarded.



B. Substantial Public benefit 10%

The Planning Commission will consider this amenity bonus if substantial public benefit through the provision of public facilities. (such as park dedication, trail system, or other recreational facilities), that are both unusual in character and serve the needs of an area greater than the immediate development, is provided by the project. No density increase for substantial public benefit may be approved unless the public facilities provided are in excess of the typically required street improvements, sidewalks or trails, public recreational amenities, utilities and drainage facilities. 17.68.120 C

If there is any prior areas under the PUD code where it is not felt that Ovation Homes does not deserve the full density bonus they are asking for this area is where Ovation makes up for it and then some. Please remember that a PUD is legislative which means it is at the discretion of the Commissioners to move percentage points around from one area to another to justify a decision in their minds to do what they feel is in the best interest of the city.



In terms of physical benefits to the city, it is envisioned that the parks that are placed at the entries will be available for the enjoyment of the Pony Haven residents as well as other residents within the city to enjoy. These items are what is traditionally thought of as meeting a substantial public benefit. They are sufficient for Ovation to get the full percentage points toward the density requested in the PUD.

It is understandable, for a city to want to maintain a certain way of life through certain types of neighborhoods with housing that meets traditional zoning parameters. The bigger and broader question this document hopes will be asked is... **Does tradition and heritage come from bricks and mortar alone? Does tradition and heritage also come from the aging residents who want to stay residents in the city?** The demographic chart on page 6 seems to indicate that the city is losing its seniors. No matter how much we try to deny it, all of us get old and the stairs get difficult and the lawn is too large to mow. The “Substantial Public Benefit” of this project is that it enables these seniors to stay with us longer. This is where the extra credit comes from. This is where Ovation should get more than 10%

C. Provision, Protection and Maintenance of Open Space 10%

The planning commission will consider the provision, protection and maintenance of permanent common open space or agricultural open space which is distinguishable from a standard subdivision by its quality. The open space should be readily accessible to the residents of the development, when appropriate. Consideration will be given for innovative clustering designs that maximize open space and preserve the scenic views and beauty of the community. Open space placed in conservation easements in perpetuity will be valued highly in the PUD process. In order to gain a larger density bonus, the developer must provide a plan for the ongoing maintenance of the open space by means of a homeowner's association or other entity which does not encumber the City. 17.68.120 D



Ovation homes utilizes a Home Owners Association to maintain the common areas in the project. They also utilize the HOA to maintain the yards of the residents in the HOA. Within the HOA there will be an Architectural Control Committee that will enforce the provisions of the Architectural standards of the community. We expect that these Architectural standards will be developed with the Planning Commission and City Council of West Bountiful in conjunction with the PUD approval.



Ovation takes the longevity of its HOA's seriously. For example, Ovation has kept the streets public so as to avoid putting the burden of street replacement and maintenance on the HOA. In addition, Ovation has not put the burden of a club house on the residents within the community. We feel the best use of the residents monthly HOA dues is in maintaining their yards and landscaping as well as maintaining the parks they use. This includes snow removal in the winter and maintenance and renewal of the landscaping in the summer. Things that the residents highly value.



D. Interior Amenities and Landscaping 5%

The planning Commission will consider the provision of private recreational facilities such as tennis courts, equestrian facilities, recreational centers, jogging paths, trails, water features, parks and similar facilities which are accessible to the residents of the development. Additionally, the Commission will consider overall streetscape, including street and sidewalk treatment, street trees, overall landscaping, signs, graphics, mail boxes, lighting, garage placement, car port screening, and dwelling entrances.

17.68.120 E

- **Extra Landscaping.** One street tree per lot 1.5" caliper, then Sod for front and back, then 3 large 3 gallon shrubs and 3 1 gallon shrubs all installed upfront with the construction of the house weather permitting.
- **Park Landscaping.** A detailed Landscape plan of the 3 parks will be created and approved by the Developer and approved by the city council.



Conclusion

Ovation Homes humbly requests that the Planning Commission forward to the City Council this PUD request with a positive recommendation. The PUD is a great vehicle for this type of application because it affords the City Council the flexibility and discretion to make an application like this work. Ultimately this application comes down to the legislative will of the City Council to allow a community designed specifically for active adults. The PUD application comes with many benefits we have described above that do not come with a straight R-1-10 application. We feel these benefits are commensurate to the request for increased density. We further feel that there is a real demand and need for this housing type in West Bountiful. Through this product the longtime residents of West Bountiful do not need to move to other cities to find housing without the burden of stairs and yard maintenance.

We strongly believe that in 5 years' residents will walk by this project and see what Ovation homes has built and remark how great the project looks. We believe that existing residents that do not live in this neighborhood will be happy to have this project in the city because it is well maintained, because it provides a place for the seniors they love to live in, and because it is a grand example of how a city and a developer can work together to come up with an innovative project that meets the needs of its residents.

Storm Runoff Calculations

Nupetco Property
9/15/2015

The following runoff calculations are based on the Rainfall - Intensity - Duration Frequency Curve for the West Bountiful, UT area taken from data compiled by NOAA Atlas14, using a 100 year storm.

Runoff storm water has been calculated for two different sets of conditions, one being the existing undeveloped land and the other with land fully improved. The difference between the two quantities will be retained in a holding pond. All water that runs off and over the property at present will be diverted into the holding pond and released at a reduced rate into the existing drainage system.

The calculations are as follows:

1. Runoff from the undeveloped existing land.
 Runoff Coefficient C = 0.200
 Rainfall Intensity I = 4.99 IN./HR.
 Runoff Quantity Q = CIA
 Acreage A = 8.35 ACRES
 $Q(out) = C \cdot I \cdot A = 1.87 \text{ CFS}$
 (Outlet calculated to Allow 0.2 discharge Out)

2. Runoff from developed land
 Runoff Coefficients
 Paved Area 88,625 C = 0.9
 Landscaped Area 179,377 C = 0.2
 Roof 139,360 C = 0.9
 Weighted Runoff Coefficient C = 0.59

Rainfall Intensity I = varies with time
 Runoff Quantity Q = CIA

3. Detention Basin
 Volume in Q * t
 Volume out 1.87 * t

The capacity of the detention basin is calculated as the maximum difference between the volume flowing in and the volume flowing out.

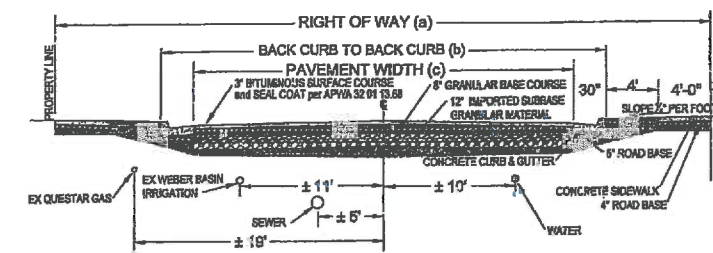
The outflow from the detention basin is limited to outflow if undeveloped. Use 1.87 cfs for Q outflow

The required volume of the detention basin is 28,131 cubic feet

USE A 6.3 INCH DIAMETER ORIFICE AT OUTLET

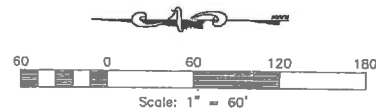
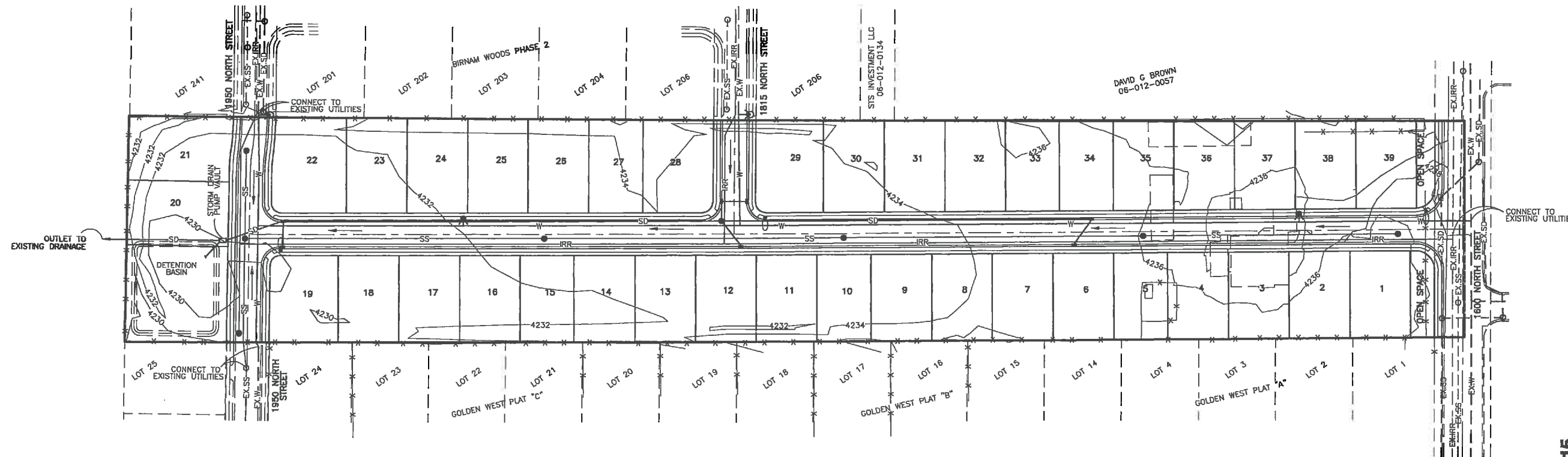
Legend

- = BOUNDARY LINE
- = LOT LINE
- - - = ADJOINING PROPERTY
- SS = PROPOSED SANITARY SEWER LINE
- EX.SS = EXISTING SANITARY SEWER LINE
- IRR = PROPOSED IRRIGATION WATER LINE
- EX.IRR = EXISTING IRRIGATION LINE
- W = PROPOSED CULINARY WATER LINE
- EX.W = EXISTING CULINARY WATER LINE
- [] = EXISTING BUILDINGS
- [] = EXISTING FIRE HYDRANT
- [] = PROPOSED FIRE HYDRANT
- [] = PROPOSED SANITARY SEWER/STORM DRAIN MANHOLE
- [] = EXISTING SANITARY SEWER/STORM DRAIN MANHOLE
- [] = PROPOSED SINGLE GRATE CATCH BASIN WITH BICYCLE-SAFE GRATE
- [] = AIR-VAC ASSEMBLY
- [] = PROPOSED STREET LIGHT
- SD = PROPOSED STORM DRAIN
- EX.SD = EXISTING STORM DRAIN



R.O.W. (a)	(b)	(c)
80'	34'	29'
88'	66'	45'

Street Section



Nupetco Property

West Bountiful City, Davis County, Utah

Developer:

Ovation Homes
 Brad Frost
 893 N. Marshall Way, #A
 Layton City, UT. 84041
 (801) 564-3898

Revised: Oct. 30, 2015

Project Info.

Engineer: N. Reeve
 Designer: C. Cave
 Begin Date: September 14, 2015
 Name: NUPETCO PROPERTY
 Number: 5061-850

Sheet 2
 2 Sheets

Reeve & Associates, Inc.
 I&A
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
 1000 SOUTH 1000 WEST, SUITE 200, OGDEN, UTAH 84403
 TEL: (801) 474-1100 FAX: (801) 474-1101
 WWW.REEVE-ASSOCIATES.COM

REVISIONS	DESCRIPTION
DATE	

Nupetco Property
 PART OF THE NE 1/4 OF SECTION 13, T.2N, R.1W, S.1B & M., U.S. SURVEY
 WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH
Utilities Plan

1 **West Bountiful City** **PENDING APPROVAL** **October 13, 2015**
2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
4 website and the West Bountiful City website, and sent to Clipper Publishing Company on
5 October 9, 2015 per state statutory requirement.

6 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**
7 **October 13, 2015, at West Bountiful City Hall, Davis County, Utah.**

8

9 **Those in Attendance:**

10

11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice
12 Chairman Terry Turner, Laura Charchenko, Mike Cottle, and Alan
13 Malan, and Corey Sweat.

14

15 **MEMBERS EXCUSED:** Councilmember Kelly Enquist

16

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

19

20 **VISITORS:** Robert West and his son.

21 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Denis
22 Hopkinson. Denis Hopkinson gave a prayer.

23 **I. Accept Agenda.**

24 Chairman Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as posted.
25 Alan Malan seconded the motion and voting was unanimous in favor.

26

27 **Business Discussed:**

28 **II. Consider Conditional Use Application for AutoZinc.com, LLC at 1090 W 500 South to**
29 **Display and Repair Vehicles to Be Sold.**

30 Included in the Commissioner's packet was a memorandum dated October 8, 2015 from Cathy
31 Brightwell and Ben White regarding AutoZinc.com, LLC, a Conditional Use Permit Application,
32 Site plan, and Commercial Business License Application from Robert West for AutoZinc.com
33 LLC, at 1090 West 500 South. Currently Mr. West operates an auto sales business by the same
34 name at 735 West 500 South in Woods Cross and desires a location nearby to hold and display

35 vehicles that he may not have room for on his sales lot. The West Bountiful location will be
36 used to display vehicles for sale, he will also perform minor service work on his own vehicles,
37 but not to the general public.

38 **The memorandum included the following information:**

- 39 • Request for Conditional Use Permit
- 40 • Reference to City Code 17.34.030 and 17.60.040
- 41 • Staff Recommendation

42 Cathy Brightwell reviewed the application received from Mr. West to display/store vehicles at
43 1090 West 500 South, and listed suggested conditions to grant the Conditional Use Permit along
44 with items from Section 17.60.040 of the Conditional Use ordinance to be considered by the
45 Commission. She added that the fire inspection was approved earlier today.

46 Chairman Hopkinson invited Mr. West to the stand. Mr. Robert West took the stand.

47 Chairman Hopkinson asked the Commission if they had any questions for Mr. West.

48 Corey Sweat, Mike Cottle, and Terry Turner had no questions of the applicant.

49 Laura Charchenko asked how much space he would have and how many cars would be on the
50 property at any given time. Mr. West responded a maximum of 25 cars at one time. He stated
51 that he does not yet hold a dealer license for this location but needs a business license from the
52 city before he can get it.

53 Alan Malan asked staff regarding the need to have a building permit for signs. Mr. White
54 responded that some signs need building permits. Mr. Malan questioned why he would not be
55 able to do sales at that location and have to return back to the city for another application. Mr.
56 West responded that he will not be selling at this time but plans to move that direction and will
57 let the city know when he does. He would appreciate the opportunity to extend into sales when
58 he is ready to do so without coming back for additional approval.

59 Mr. Hopkinson talked about how nice it will be to clean up the property. Mr. White informed
60 the Commission that in the spring, curb, gutter and sidewalk will be placed along the side of that
61 building (on 1100 West) by Holly which will cure the eye sore on the corner. Mr. West said he
62 has plans to paint the building and also stated that the storage units behind the building will
63 continue to be under the control of the property owner, not him as the lessee.

64 **ACTION TAKEN**

65 *Alan Malan moved to approve the Conditional Use Permit for Robert West/AutoZinc.com LLC*
66 *at 1090 West 500 South with the following conditions: Proof of insurance be provided;*
67 *building permit as needed for signs; vehicles on display will be operable and in sellable*

68 *condition; inventory will be limited to prevent the need to stack vehicles on the property; no*
 69 *outdoor storage other than vehicles to be sold will be allowed; and a business license will be*
 70 *purchased upon granting of the conditional use permit. The Commission finds as follows::*
 71 *The proposed use at the particular location is necessary or desirable to provide a service or*
 72 *facility that will contribute to the general well-being of the neighborhood and community; the*
 73 *proposed use will not be detrimental to the health, safety, or general welfare of persons*
 74 *residing or working in the vicinity; and the proposed use will conform to the intent of the city's*
 75 *general plan. Laura Charchenko seconded the motion and the following friendly amendment*
 76 *was made by Chairman Hopkinson.*

77 **Friendly Amendment:**

78 *Chairman Hopkinson offered a friendly amendment to require a copy of the dealer bond and*
 79 *to add language "after repair" following "all vehicles on display will be operable and in*
 80 *sellable condition." Alan Malan accepted that friendly amendment and Terry Turner*
 81 *seconded the motion and voting was unanimous in favor.*

82 **III. Staff Report**

- 83 • Mr. White reported that he has talked with Ovation homes and they will most likely come
 84 before them with a formal proposal at their next meeting. Mr. Hopkinson commented
 85 that based on their earlier presentation, he does not see a benefit to the City for reducing
 86 the rear yard setback and he would not support a proposal to grant bonus density to any
 87 application that included the reduced setback proposal.
- 88 • Ben met with the developer (Plum) and Ivory homes about developing the Equestrian
 89 Center area. No specifics were provided but it is likely the developer will probably
 90 request a rezone and a PUD. Current zoning is Blended Use (BU) zone.
- 91 • Park update – the concrete work is finished. The volleyball courts are almost completed.
 92 Playground equipment may be put in next week. The large tree that was currently in the
 93 middle of the playground has been removed. It had too much dead wood to save it.
- 94 • A neighborhood meeting was held two weeks ago on the Pages Lane Project. Some
 95 residents were in favor and some not so much. Duane did a great job conducting the
 96 meeting. The project continues to grow with additional needs being found as we go
 97 forward.
- 98 • The old Shopko building is being converted to an At Home store that will likely open the
 99 first part of 2016.
- 100 • A Day Spa type business will take some of the space in the old Winger's location, and
 101 Tuesday Morning will go into the Halloween Express space when they leave next month.
- 102 • City Council is having a special meeting on Thursday night in regards to the Prospector
 103 Rail trail and upkeep and maintenance of the trail and right of way. UTA is clearing the
 104 right away at present and then the city will take over maintaining it. Some details need to

105 be worked out regarding what trees to remove and personal improvements done by
106 residents that abut the trail.
107

108 **V. Approval of Minutes for September 22, 2015**

109 **ACTION TAKEN:**

110 **Alan Malan moved to approve the minutes dated September 22, 2015 as corrected. Mike**
111 **Cottle seconded the motion and voting was unanimous in favor among those members**
112 **present.**

113

114 **VI. Adjournment**

115 **ACTION TAKEN:**

116 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting at**
117 **8:10 pm. Laura Charchenko seconded the motion. Voting was unanimous in favor.**

118

119
120 The foregoing was approved by the West Bountiful City Planning Commission on November 10, 2015, by
121 unanimous vote of all members present.

122 _____

123 Cathy Brightwell - City Recorder

124

125

126