

**West Bountiful City  
Planning Commission**

**September 22, 2015**

**Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on September 18, 2015 per state statutory requirement.

**Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 22, 2015, at West Bountiful City Hall, Davis County, Utah.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice Chairman Terry Turner, Laura Charchenko, Mike Cottle, and Alan Malan and Councilmember Kelly Enquist

**MEMBERS EXCUSED:** Corey Sweat

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

**VISITORS:** Eric Eastman, Brad Frost, Kyle Honeycutt, Gary Jacketta, Mayor Romney, Councilmember James Bruhn, Mark McCleery, Sheri McCleery, and Wes Morley.

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

**I. Accept Agenda.**

Chairman Hopkinson reviewed the agenda. Laura Charchenko moved to accept the agenda as posted. Alan Malan seconded the motion and voting was unanimous in favor.

**Business Discussed:**

**II. Consider Terry Nilson's request to build a 7 foot fence on his property abutting the City Park, at 1716 N 560 West.**

Included in the Commissioner's packet was a memorandum dated September 22, 2015 from Ben White regarding a 7 foot fence at 1716 N 560 West, a letter from Mr. Nilson regarding his purpose for the request to propose a variance on his fence, and some photos of the current fence.

**The memorandum included the following information:**

- A description of the property and its location.
- The property is currently in disrepair with nobody living in or on the property.
- City has received many complaints about various nuisances.
- Mr. Nilson has been cooperative in addressing the concerns and nuisances related to his property that the City has addressed to him in the past.
- Mr. Nilson is seeking help and assistance from the Planning Commission to grant a variance to replace the existing 6 foot chain link fence that separates his property from the City Park property in order to reduce visibility of activity occurring on his property and protect his property from errant soccer balls, baseballs, Frisbees and possibly future basketball activity when the City builds the basketball courts next to his property.
- Reference to City Code 17.24.100 *Fence requirements*.
- Information regarding the permit from Staff.

Ben White spoke in Mr. Nilson's absence. Mr. White described the property to the Commission and informed them of the issues that he has had with maintaining the property. He noted that Mr. Nilson desires to have more privacy to his property that abuts the City Park. Mr. White informed them that the city has the right to grant the request but not to determine what material Mr. Nilson can use for the fence.

Chairman Hopkinson informed the Commission that improvements made to the city park have imposed upon Mr. Nilson's privacy. Commissioner's reviewed the photos. Mr. Hopkinson expressed his opinion to the Commissioners that it makes perfect sense for Mr. Nilson to request the higher fence both from the City's perspective and for Mr. Nilson's privacy.

Some discussion took place regarding staff's recommendation regarding the structural engineering associated with a building permit.

Mike Cottle was concerned about a steel fence killing the lawn but the cement strip would solve that concern.

Terry Turner was concerned with the invitation the metal fence would draw to attracting graffiti. As a whole, he feels this is in the best interest of both the City and the property owner.

Laura Charchenko inquired regarding the possible detrimental effect of the metal material to burning the landscaping as well. Some discussion took place that lead to the resolve of that concern.

Alan Malan inquired how high the ground elevation is next to his property. Ben White addressed his concerns. Mr. Malan felt the Park was of great impact to the property owner and supports the idea for a higher fence.

Letter from Mr. Nilson included:

- Reason for the request to build a 7 foot fence was that the current 6 foot chain link fence that belongs to the city and no longer is suitable because of the walking traffic the park has due to the sidewalk path around the park. The property is visible by all those visiting the park.
- He plans to build a fence made of steel similar to his large accessory building with post bedded in cement and an 8 inch wide mow strip. There would be 12 inches from the top of the mow strip.

Chairman Hopkinson raised concerns about the fact that this material will likely be used as a canvas for graffiti given its type and location in the park.

#### **ACTION ITEM:**

**Laura Charchenko moved to grant the request for a Conditional Use Permit from Terry Nilson at 1716 North 560 West to build a 7 foot fence on his property abutting the City Park, according to the specific building plans he has submitted and after he obtains a building permit as is required. Alan Malan seconded the motion and voting was unanimous in favor.**

### **III. Discuss Ovation Home PUD application for Pony Haven Property**

Chairman Hopkinson invited Alan Malan to share any comments he would like concerning the presentation by Ovation Homes the other evening to the surrounding neighbors of the proposed development.

Mr. Brad Frost, owner of Ovation Homes, introduced himself and his company. He provided pictures on a slide show presentation. He stated that they have built these types of developments in the Davis/Weber area for 16 years. The proposed development request for our City is for a 55 year and older community.

This community will have a public street, public sidewalks, full landscaping and fencing, maintained yards, and maintenance free designed homes.

Mr. Frost informed the Commission that they desire to fill a need to a certain demographic in West Bountiful that is not currently available in our city. This is a way for active adults 55 and over to continue to live in the city. The development would come with a very successful,

financially sound HOA in place. He noted the desirability of this type of community that will produce 60% less traffic than that of a single family development. Each buyer will receive a year's season pass to Lakeside Golf Course that will introduce them to the golf course and boost the economy of the course. In addition, it would be a great improvement to that neighborhood and bring connectivity to the area adding value to our city and the depleted condition of that area. The current drainage problems that have been ongoing in this area would be corrected. The front side of 1600 West will have a picture park with a 30 foot boundary and be a nice entry way into the development.

Mr. Frost highlighted a few things from the PUD definition and compared it to language in the R-1-10 Purpose and explanation and then talked about similarities of the two favoring what the PUD development would bring to our community.

In regards to bonus density, Mr. Frost reviewed how he perceives the project would qualify for bonuses under the various qualifying factors allowed in our ordinance. He suggested ideas and percentages for each of the following: building and project design, innovative site planning, public benefits, provision, protection and maintenance of open space, interior amenities and landscaping.

The developer is requesting a change to our current side yard setbacks allowances. This would require changing the city's current ordinance. Mr. Frost stated that this make sense for these type of developments. Mr. Frost showed the differences between what side yards are used for in R-1-10 properties and the setbacks requested for their PUD projects. He noted that no RV parking is allowed in the side or front yards resulting in a less cluttered look than most neighborhoods. In conclusion, Mr. Frost's proposal would call for a 35% density bonus.

Chairman Hopkinson responded that he could only come up with a total density bonus of 10% in his calculations. Mr. Hopkinson stated that he was very concerned about parking when family comes to visit these residents. He explained to Mr. Frost that a written proposal must be received regarding the density bonuses and the support thereof for each of them suggesting some ways they could go. He continued to review each requirement for bonus density request and explained what was needed. He explained that as Commission and Council they have to decide if this type of development is beneficial to the city enough to give them what they are requesting.

Chairman Hopkinson asked for comments from each of the Commissioners:

**Alan Malan** noted that they have 4 entrances and only gave ideas for one design. Mr. Frost stated that they were merely giving them some ideas this evening and not their whole development proposal. Mr. Malan stated that requirements in 17.16.010 will be big hurdles for them. In addition, he does not like the small backyard setbacks or the side yard setbacks. He feels that there needs to be RV and additional parking available, which is a requirement in our ordinance.

**Laura Charchenko** feels this is a needed addition to our community but is concerned with setbacks and does not want to change the code to make this project work. She loves the picture park idea. She supports the overall concept but would like to see homes farther apart.

**Terry Turner** agrees with the concept and feels it is a good fit for our community. He does not like the density that has been proposed. Mr. Turner requested information on the different elevations. Mr. Frost will bring a variety of different ideas to the next meeting. He felt like there was not enough parking for families to visit for dinners, etc. He is struggling a bit with how this fits into the general plan for the city.

**Mike Cottle** feels there is a great need for this type of project but does not like the high density proposed at this time. He knows the homes will sell but would like a proposal with less density. He is in agreement with the other Commissioner's comments.

**Councilmember Enquist** inquired about garbage and recycle can storage as well as where the mailboxes would be located. Mr. Frost responded that cans are usually stored in the garage or behind the fence. He will show those details in their next proposal.

Mr. Brad Frost said he looks forward to an open dialog with the Commission and commented that the PUD ordinance has not been addressed in recent years and suggested it may be beneficial to re-address and update some of the requirements.

Mr. Hopkinson explained that West Bountiful is not like other communities, and values its open space. He said he looks forward to seeing their innovative ideas in writing and concept drawings as part of a formal proposal. Mr. Frost responded that they will prepare the needed information in a written proposal and present it to them in the near future.

#### **IV. Staff Report**

- Ben reported that the Flag lot ordinance was approved by the City Council with no language changes.
- Ben informed the Commission that next Tuesday a meeting has been scheduled for 7:00 p.m. with the residents on Pages Lane to discuss the proposed Pages Lane project.
- Mr. White reported that the park concrete project for the volleyball courts and playground will be completed by the end of this week.
- Cathy Brightwell reported that the salaries for Commissioners will be increased this budget year by Resolution of the City Council. Their first quarterly checks next week will realize this increase. She noted that Chairman Hopkinson will now be the highest paid Planning Commission Chair in Davis County.
- Ms. Brightwell also informed the Commission that the City has secured an identity theft policy for all city employees, city council, planning commission, etc. and their families. More details to come.

**V. Approval of Minutes for September 8, 2015**

**ACTION TAKEN:**

**Terry Turner moved to approve the minutes dated September 8, 2015 as presented. Mike Cottle seconded the motion and voting was unanimous in favor among those members present.**

**VI. Adjournment**

**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 October 13, 2015, by unanimous vote of all members present.

*Cathy Brightwell*

Cathy Brightwell - City Recorder

