West Bountiful City **November 24, 2015**

Planning Commission

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 November 20, 2015 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, November 24, 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 Corey Sweat, Councilmember Kelly Enquist

MEMBERS EXCUSED:

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

VISITORS: Gary Jacketta, Brad Frost, Mr. Frost (Brad's Father), Gail Zesiger, Jeff and Kathy Wilkinson, Gary Bohman, Wes Morley, Shelley and James Bruhn, Floyd Meoed, Julie Jensen, Gary Spilman, Kevin Ingram, Ron and Joan Littlefield, Mike Strand, Cari Allen, Jeff Sidwell, Jay Barton, Mark McCleery, Doug Parrish, Greg Argyle, Scott and Roxann Burningham, Richard Johnson, Terry Johnson, Teresa Thomas, Paul Maloy, Michelle Carpenter, Renee Lewis, Chris and Heather Fenhaur, Terrance Wall.

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. Terry Turner seconded the motion and voting was unanimous in favor.

Business Discussed:

II. Public Hearing for Ovation Homes' P.U.D. Request for *The Cottages at Havenwood at 690 West Pages Lane*

Included in the Commissioner's packet was the Public Notice for the hearing and a memorandum dated November 19, 2015 from Ben White regarding The Cottages at Havenwood P.U.D. (Ovation Homes) at 680 West Pages Lane and a copy of the proposed project.

The memorandum included the following information:

Ovation Home's proposal for a Planned Unit Development includes:

- An active adult community governed by CCR's,
- 37 single level living homes,
- H.O.A. maintained front yard and open space landscaping,
- 0.73 acre open space area.

As part of the P.U.D. submittal, Ovation Homes is requesting the City to consider:

- Reducing front yard setbacks to 20' and rear yard setbacks to 15',
- Reducing the lot size and width of each lot,
- Granting a combined bonus density of 24 %.

Planning Commission is to consider public input, review the information submitted by applicant, and make a recommendation to the City Council to either deny the request, or approve the request with statements including the terms of the approval, recommended bonuses, and satisfied findings from Chapter 17.68. (listed on the back of the memorandum).

ACTION TAKEN

Terry Turner moved to open the public hearing for Ovation Homes' P.U.D. at 7:35 pm. Mike Cottle seconded the motion and voting was unanimous in favor.

Public Hearing was introduced by Chairman Hopkinson and the public was invited to make comments by taking the stand and stating their name before making their comments.

Public Comments:

Jeff Wilkinson is a 16 year resident and desires to stay in West Bountiful for the rest of his life. Currently they live in a split entry home and are nearing the time in their life when it will need to be exchanged for a one level. He and his wife strongly support the proposed development and believe it adds the needed diversity in housing for the active adult community. He understands the setback impact on the adjacent home owner. He took the time to personally visit with each of the neighbors abutting the east side of the development. Each of those six neighbors is in support of the one level homes of this project. He presented the Commission with a petition of names supporting the proposed development, although he was unable to contact all home owners in that area.

Regarding the rest of the community, he and his wife have spoken with many throughout the city and found that many are in favor of this development. He pointed out that currently in West Bountiful approximately 6.5 % of our citizen's would benefit from this type of community.

Chad Fenhaur stated that he is not opposed to the proposal as a whole but is concerned that the zoning ordinance for our city is different than what is proposed. He felt that this will set a precedent for future developers. He added he is concerned is high density that does not lend itself to the rural community and is concerned with more traffic with the higher density and taking away open space.

Heather Fenhaur grew up in West Bountiful and loves this community and the feel of it. She is opposed to the number of units being proposed. She loves this quiet, peaceful city and does not want it disrupted.

Renee Lewis lives at the north end of proposed project. She understands that the property will be developed but is not in support of this particular plan. She does not feel it is the right place for this type of development. She pointed out that there are a lot of children around this area and does not feel it fits into this area of the city. She stated that there are a lot of City activities in this area that may not be conducive to this type of community. She would like to see larger family homes so that those that have outgrown their existing homes in the area will have a place to build and remain in the area. Renee feels there are better areas that could be developed in West Bountiful with this type of development. She stated that many of her neighbors around her feel the same.

Mike Strand is one of the previous owners of Pony Haven. He informed the Commission that the 10 acre property, which included the home, was stolen from his family for $35,000. He explained they are still in litigation and have been fighting this battle in court for ten years and would like to get the property back and keep it as horse pasture. He claimed that valuable personal items have disappeared and also pointed out that he has lost his oil field in Wyoming that contained approximately $10.5 million in oil.

Brad Frost took the stand and clarified the statements Mr. Strand made concerning the sale of the property. Mr. Frost stated that the property has been cleared and there are no legal rights for Mr. Strand. Ovation Homes is now the legal owner the property. He also informed everyone that they paid substantially more than $35,000 for the property from a third party.

Gail Zesiger lives on the west side of the property. She has lived there 40 years and her home was one of the first built. She would love to see the drainage fixed no matter what development may occur. She would also love to not have the weed problem and standing pools of water and mosquitoes. She is in support of whatever development would fix these problems.

Ron Littlefield is a 40 year resident of West Bountiful. He stated that he has enjoyed the horses but realizes all things must change. He and his wife give 100% approval. He also supported Gail Zesiger's statements regarding the drainage issues that need to be addressed.

Terry Wall has lived in West Bountiful for 13 years. He and his wife like the idea of this project but have a few concerns. He feels there needs to be some secure facility for RV's and boats to keep them off the street. He is concerned that the park at the north end of the street, which doubles as a storm water retention pond, may not be a useable space for residents.

Chad Sidwell lives in Bountiful and has been watching the property for 5 years. He would like to move to West Bountiful but would be disappointed to see the property developed as proposed by Ovation Homes. He feels the area should house younger people to raise families.

Kathy Wilkinson informed the Commission that she contacted a lot of community members that were in favor of this development. She felt it is the perfect opportunity to diversify our community and keep good citizens that have lived here all their life but who need a place like this to live. She stated that our community is great and will keep being great even if this type of development is built. In response to earlier claims of added traffic, she pointed out that there would be more traffic with typical family homes than in a senior development of this nature because seniors do not drive as much. She feels this type of development would make it more welcoming to all people.

Gary Spilman reviewed the plans and feels it is a great idea but would like the number of homes to be reduced. He has lived here for 40 years and has seen the City change a lot. He feels we need to have places for the young and old alike. He informed them that Pony Haven has a lot of underground springs on the property and supports the ideas that have been shared to fix the drainage problems. He feels strongly that there must be a reliable drainage system put in place.

Greg Argyle does not border the property but is concerned with the density that has been proposed. He feels this will set precedence for future developers. He does not like the setbacks that are proposed. He stated that he had requested to encroach 4 foot into the setback on his own property but was denied because it did not follow the Code. He understands PUD's are different but is concerned about the crowded conditions.

Jerry Carpenter stated that his backyard abuts Pony Haven. He bought his home 7 years ago when the previous owners had to move into a single level home. He favors the development and believes there is great demand for it but would like to see a bit less density. He realizes there is a great need for this type of development in our City. As a whole, he feels the proposed PUD would bring quality residents to the area. He stated his concerns with drainage and wants that addressed. He would also like to see the property maintained until it is developed.

Weston Morley lives on the east side of proposed project. He has lived here 12 years and has loved the horses and ponies in his back yard. He realizes that this property needs to be

developed and has thought about what type of neighbors he would like to have. He feels that this type of development would bring good things. He stated that one level homes bring security and well maintained yards. He would like lower density but realizes that there are more pros than cons to this type of development.

Jay Burton lives on lot 204 on the map. He is a five year resident who loves the horses but realizes change must take place. He supports the development and likes the one level unit proposal. Density is a concern but he would personally like more small homes than fewer of the larger homes.

Paul Maloy is looking forward to a through street being completed. His first thought when he reviewed the plans was that there would be an affordable community for his he and his wife to move into. He has lived here for two years but his extended family has been long time citizens of West Bountiful. He is not opposed to the higher density. He feels that there should be a benefit to those paying HOA fees but he is not seeing any recreation facilities, pool, or such. He stated that the greatest things in our community are children and is not sure if we should exclude younger families in this development. He is attracted to this because he is nearing the years that it would benefit him. He feels the prices seem to be out of range for the average home buyer of that age. He inquired whether property values would increase or decrease with this development. Mike Cottle feels it would add value to the existing homes in the area.

Gary Jacketta asked about the drainage pumps and who will pay for the drainage. Ben White stated that most likely the developer would bear the cost. Gary was concerned about the PUD wanting the city to take over maintenance in the future like the Jessi's Meadow situation.

Scott Burningham agrees with Gary Jacketta's statements and supported that fact that we have to take care of the water that is underground.

Richard Johnson lives one house away from the development. He stated that other than mosquitoes, West Bountiful is a great place to live. He said there is not much available for older people in the City and he feels like this development would serve our city well. He does not like the density but loves the single level home instead of the two story homes so would rather have the one level homes. He has visited other Ovation Homes projects and feels they are well built and look good. They keep their projects nice and that would be a great asset to our city.

Gary Spilman pointed out that we need to consider that 37 new homes bring 74 more people and cars. This would cause more problems with traffic. He thinks we should reconsider the density, but supports the development.

Jeff Wilkinson stated that regarding yard size, if he lived in this type of development he would not want a larger yard to take care of; it defeats the purpose. He pointed out that our community offers a lot of housing with RV parking and there are only 37 houses that this would not be

available for. More houses, fewer people, less traffic, and no impact to schools are great benefits of the project.

Gail Zesiger asked if this new development will have Weber Water. Ben White responded that it most likely will.

Shannon Wainwright supports the development as proposed.

A written petition and written comments were submitted by some who could not be present this evening. Comments were read into the recorded minutes and summarized below.

Cathy Brightwell presented a petition signed by 19 people in favor of the development. She then read letters for the record. A letter from **Jacqui Voland,** 686 W 2000 North, was read and stated that she does not believe this new subdivision proposal meets the overall goals of the community and that this property is not the right place for a senior living community situated in the middle of a quiet family subdivision. She would prefer to see family homes with decent size yards. **Laurie Orchard,** 577 W 2125 North, supports this type of single level living homes and believes it would be a great opportunity for those who would desire a single level home and still want to live in West Bountiful. **Dr. Brett and Stephanie Burrell,** 757 N 900 West, were delighted to hear about the new development proposal. They lived just east of Pony Haven at 1950 N 600 West for eight years. They believe this will bring a lot of diverstiry to the city by adding single family homes for those desiring a new home but without the need for a lot of space; ideal for families downsizing as their children get older or in retirement. The property has remained vacant for a number of years and appeared swampy and not very well kept at times. Nice new homes with well-kept yards would be great. They feel an adjustment to current city ordinances for smaller lots would be well worth it

ACTION TAKEN

Laura Charchenko moved to close the public hearing for Ovation Homes' P.U.D. at 8:50.

Chairman Hopkinson called a 5 minute break.

III. Consider Ovation Homes' P.U.D. Request for the Cottages at Havenwood

Chairman Hopkinson brought the meeting back to order and thanked the public for their comments and noted that they will not go unheard. He reviewed where our city has been and where it has come over the years with development. Chairman Hopkinson noted the plans for future development that may take place. He insured the citizens that the changing of land use ordinances is not taken lightly by the Commission and City Council.

Chairman Hopkinson summarized the development proposal. He pointed out that this development has downsized to 37 homes from 41 homes originally requested. Staff will address the drainage issues and the commitment to fix those problems.

He invited Brad Frost to the stand to comment on the Public Hearing. Mr. Frost stated that he has fallen in love with the community and the people. He has tried to make adjustments to the development as requested from those he has visited within the community. He explained the need he feels in West Bountiful for this type of community. He informed the Commission and public that currently 65% of seniors move from this community. He added that just because the city accepts this type of development, does not mean they have to accept future developments of this kind.

Mr. Frost addressed the following concerns from citizens responding in the Public Hearing.

- Density issue.
- Setbacks have been adjusted.
- He explained the type of homes that will be built and that it is different than R-1-10 but that can be a good thing that keeps people in our community.
- Traffic would be greater with traditional family homes by about 60%.
- No impact to school system.
- HOA is created in this development to maintain yards and fence. Fee approximately $90/mo.
- No open space for city to have to take over.
- No RV parking is a benefit to the community and is a safety issue and gives open space and a clean look to the development.
- Price/value of this community will add value to surrounding homes.
- He has visited the neighborhood door to door and addressed many of their issues on the east and west side of the development.
- Themed landscaping with A and B plans and alternating fronts. Propose hazelnut maple trees aligning both sides of street that grow to about 50 feet tall.
- Compared some differences to R-1-10 vs. the PUD with pros and cons. Pointed out that it brings diversity to the area.
- Discussed their openness to develop a Park area on the north side of the project that contains about 7,000 square feet.

In conclusion he pointed out that he is asking for a 25% bonus density and feels he is justified in doing so.

Questions from Public:

Chad Fenhaur wants to understand about the density created for this PUD and how it can be allowed. Mr. Frost explained how it works.

Terry Wall asked if Ovation Homes would build a different type of development if they could not build what they have proposed. Mr. Frost stated that they would likely sell out to another developer.

Ranee Lewis inquired how the HOA would work in regards to the restrictions and limitations and how they would be managed. Mr. Frost responded to her concerns.

Gary Jacketta asked about grandparents that raise grandchildren - is this allowed? No, it would not be. Mr. Frost responded that the HOA governs itself by its people, but typically households are limited to a certain number of people based on the size of the home, rather than an age restriction.

Further drainage issues were addressed and briefly discussed.

Chairman Hopkinson reviewed the memorandum from Ben White and the criteria needed to meet the PUD requirements. He appreciates Ovation Home's efforts to modify their request with the comments made by the City and its citizens.

Chairman Hopkinson invited comments from the Commissioners in regards to Amenity Density Bonus, Minimum standards, etc.

Alan Malan spoke about the minimum standard for the RV parking.

Corey Sweat asked Mr. Frost about how the park would be a substantial benefit. He did not feel that just having open space is much of a value. He wants to see some parking in that area. Mr. Frost stated they have put in small parking areas in some of their other projects and it was later removed because there was not a need and the HOA did not want to maintain it. He said he is willing to work with their ideas to design what is desirable to the city. He feels that there would be adequate parking for the use of the park.

Terry Turner disagrees with the effect it will have to the neighborhood. He supports the idea of this type of development but does not like it in this area.

Laura Charchenko feels this is great development and appreciates Ovation leaving the side yard setbacks in place. She sees the need for this type of community. She stated that she believes the benefits of this PUD far outweigh a R-1-10 development. She pointed out that neighborhood views will not be impacted. She is in favor of granting the PUD with some wrinkles to be ironed out.

Alan Malan believes that in concept it is fine, but the implementation has problems. He feels HOA is too restrictive and could cause neighborhood problems. The bonuses he would give them are taken away with other things the development is trying to restrict or not comply with.

Chairman Hopkinson explained the process and how the City Council can put together a development agreement without changing the ordinances. City Council is the land use ordinance

in this particular situation. He emphasized that the agreement does not make change to any ordinances.

ACTION TAKEN

Laura Charchenko moved to grant the PUD request as proposed by Ovation Homes at 690 West Pages Lane per the proposed plans, with the change that adequate garage and off-street parking be addressed. The Motion failed for lack of a second.

Alan Malan moved to deny the PUD request for Ovation Homes because it does not meet minimum requirements or minimum standards and does not provide substantial public benefit. Mike Cottle seconded the motion. Some discussion took place.

Roll Call vote

Mike Cottle- Aye
Terry Turner- Nay
Denis Hopkinson- Nay
Laura Charchenko- Nay
Alan Malan- Aye
Motion failed with a vote of three against and two in favor

ACTION TAKEN:

Laura Charchenko moved to grant the PUD for Cottages at Havenwood as outlined in the memorandum dated November 19, 2015 from Ben White with the following conditions: that City Council appropriately address Section 17.68.100, including minimum standards for garage and off street parking and RV parking, and address Section 17.68.120 to grant density bonus between 15 to 25 %. Terry Turner seconded the motion and some discussion took place.

A friendly amendment was made by Alan Malan to include a condition that the open space include a specific agreed upon amenity along with parking. Laura Charchenko accepted the friendly amendment and Terry Turner seconded the motion.

Roll Call Vote was taken:

Mike Cottle- Aye
Terry Turner- Aye
Denis Hopkinson- Aye
Laura Charchenko- Aye
Alan Malan- Nay
Motion Passed with a four to one vote in favor.

IV. Staff Report

Ben White reported:

- Ben received a phone call from Ivory Homes for the Equestrian Center and the City can expect them to come before us in the next few months to address the blended use language.
- Chairman Hopkinson instructed the Commission to review the blended use ordinance that has specific language stating what the city intends for that area.
- Ordinance approved to codify our city code at the last meeting of City Council. New code on city website and is very user friendly.
- At Home will occupy the old Shopko building.
- Restaurant of some type will be housed in the Burger King building
- Day Spa in Winger Area with two more available units for rent.

VI. Approval of Minutes for October 13, 2015

ACTION TAKEN:

Alan Malan moved to approve the minutes dated November 10, 2015 as presented. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.

VII. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting at 10:20 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 December 22, 2015, by unanimous vote of all members present.

Cathy Brightwell - City Recorder

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH