

Mayor
Kenneth Romney

**City Engineer/
Zoning
Administrator**
Ben White

City Recorder
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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West Bountiful, Utah 84087

Phone (801) 292-4486
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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 AT 7:30 PM ON TUESDAY,
MAY 10, 2016 AT THE CITY OFFICES AT 550 NORTH 800 WEST**

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda.
2. Public Hearing regarding a request by Terry Olsen for a 3-lot subdivision at 1014 W Pages Lane designated as Olsen Farms 8, and Rezone a Portion of the Property from R-1-22 to R-1-10.
3. Consider Request from Terry Olsen to Re-zone his property at 1014 W. Pages Lane from R-1-22 to R-1-10.
4. Consider Preliminary Plat for Olsen Farms 8 Subdivision.
5. Consider Preliminary Plat for The Cottages at Havenwood Subdivision.
6. Consider Conditional Use Permit for Lost Boys Garage & Fabrication, previously Tracy's Repair Center, at 1387 W 1200 North.
7. Staff Report.
8. Consider Approval of April 26, 2016 Meeting Minutes.
9. 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 May 6, 2016.

1 **West Bountiful City**
2 **Planning Commission**

May 10, 2016

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice website
4 and the West Bountiful City website, and sent to Clipper Publishing Company on May 6, 2016 per state
5 statutory requirement.

6

7 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**
8 **May 10, 2016, at West Bountiful City Hall, Davis County, Utah.**

9

10 **Those in Attendance:**

11

12 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Vice Chairman Terry
13 Turner, Alan Malan, Mike Cottle, Laura Charchenko, Corey Sweat, and Council
14 member Andy Williams.

15

16 **MEMBERS/STAFF EXCUSED:** Cathy Brightwell (City Recorder)

17

18 **STAFF PRESENT:** Ben White (City Engineer) and Debbie McKean (Secretary)

19

20 **VISITORS:** Randy Celia, Heather Sather, Gary Jacketta, Craig Jacobsen, Duane
21 Atwood, Terry Olsen, Kelly Enquist, James Bruhn.

22

23 The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson.
24 Laura Charchenko offered a thought.

25 **I. Accept Agenda**

26 Chairman Hopkinson reviewed the agenda.

27 **ACTION TAKEN:**

28 **Mike Cottle moved to accept the agenda as presented. Terry Turner seconded the motion**
29 **and voting was unanimous in favor among members.**

30 **Business Discussed:**

31 **II. Public Hearing regarding a request by Terry Olsen for a 3 lot subdivision at**
32 **1014 West Pages Lane designated as Olsen Farms 8, and Rezone a Portion of the**
33 **Property from R-1-22 to R-1-10.**

34 **ACTION TAKEN:**

35 **Laura Charchenko moved to open the public hearing regarding Terry Olsen for a 3 lot**
 36 **subdivision at 1014 West Pages Lane Subdivision at 7:35 pm. Alan Malan seconded the**
 37 **motion and voting was unanimous in favor.**

38 **Introduction:**

39 Chairman Hopkinson instructed the public on how to proceed with the Public Hearing
 40 and shared his appreciation to the public for being here.

41 Ben White explained the nuances with the subdivision and described the said property.
 42 Two separate applications will be up for approval tonight. One of them will be the subdivision
 43 and the other a request to rezone the property.

44 **Public Comment:**

- 45 • **James Bruhn** (Terry Olsen's neighbor to the west). He is requesting that if there is
 46 rezone, he would like his property considered in the rezone as well.
- 47 • **Heather Sather** (Terry's neighbor) was in favor of Mr. Olsen's proposal for lot 3. Their
 48 property is approximately 1/3 of an acre. She feels the design of Mr. Olsen's property is
 49 lovely and she approves of the subdivision and rezoning.

50 **ACTION TAKEN:**

51 **Terry Turner moved to close the Public hearing regarding the request for a 3 lot**
 52 **subdivision at 1014 West Pages Lane at 7:40 pm. Laura Charchenko seconded the motion**
 53 **and voting was unanimous in favor.**

54
 55 **III. Consider Request from Terry Olsen to Rezone his property at 1014 West Pages**
 56 **Lane from R-1-22 to R-1-10.**

57
 58 Included in the Commissioner's packet was a site plan and a memorandum from Ben
 59 White dated May 4, 2016 regarding Olsen 8 Subdivision and Rezone Request. The
 60 memorandum included the following information:

- 61 • Mr. Olsen would like to subdivide his 2.5 acre parcel into three lots and one parcel.
- 62 • The north parcel is not a buildable lot due to utility lines.
- 63 • The majority of the street and utility improvements have been constructed for this
 64 subdivision.
- 65 • Curb and sidewalk would be a requirement along the Pages Lane portion of the property.
- 66 • Property is located in both the R-1-10 and the R-1-22 zones. Mr. Olsen would like to
 67 have the entire property zoned R-1-10. With a minimum proposal to realign the R-1-10
 68 boundary to allow him to square off lot 3 west boundary.
- 69 • The proposed subdivision can be constructed without a rezone.
- 70 • Reference to municipal code (17.12.030.E.)

- 71 • Staff suggestion to follow proposed property lines so there are not multiple zonings
 72 within one single property.
 73 • Recommendations for possible motions.

74 **Commissioner's Comment:**

- 75 • **Chairman Hopkinson** stated that there is consternation over spot zoning and mentioned
 76 various reasons for that. He asked Mr. Olsen if his request is due to the Lot # 3
 77 configuration. He asked what his plans would be for the shop on his property. Mr. Olsen
 78 stated that it would remain the same. He pointed out that his property is half R-1-10 and
 79 half R-1-22. Terry Olsen pointed out on the diagram his property and how it came to
 80 being laid out as it was. He noted that in order to enhance the properties to the west, he
 81 traded ground from the west side of his property to the east. He stated that it makes
 82 building impossible unless he is either one zone or the other. He informed the
 83 Commission that all amenities are in. Terry pointed out his plans for realigning property
 84 lines for Lot 3. The last parcel along 1850 North is unbuildable due to utility lines.
 85 Mixing the good land with this parcel of land would be a benefit to him. He desires all
 86 lots to be in the R-1-10 zone.
- 87 • **Ben White** confirmed that the east side of the property is zoned R-1-10. It is not ideal
 88 for this property to be in separate zones. The majority of the property is zoned R-1-22
 89 and according to our ordinances would be the presiding zone.
- 90 • **Chairman Hopkinson** pointed out the recommendations on the memorandum from
 91 Staff.
- 92 • **Alan Malan** asked Mr. White about the parcel on the north side of the property which is
 93 half acre in size. Mr. White stated that it is buildable but is not a desirable lot. The
 94 property could be made buildable in the future but meets the minimum size for the zone.
 95 If the zoning was R-1-10 it could become a buildable lot. Adding adjoining property
 96 could also make it a buildable lot. Mr. White stated that it makes more sense to have all
 97 lots the same zone.

98 Some discussion took place regarding possibilities for the property and the effects of
 99 adjacent property owners. It was also a topic of discussion as to what would be the best situation
 100 for that area. Further discussion took place regarding the rezoning of property all the way to
 101 1100 West. The Commission discussed the mixing of zones and the pros and cons and the
 102 options to take action upon.

103
 104 **ACTION TAKEN:**

105 **Mike Cottle moved to propose a recommendation to city council to rezone all the of the**
 106 **Olsen 8 property from R-1-22 to R-1-10. Laura Charchenko seconded the motion and a**
 107 **roll call vote was taken as shown below:**

108 **Mike Cottle- Aye**
 109 **Terry Turner- Nay**
 110 **Laura Charchenko- Aye**
 111 **Denis Hopkinson- Aye**
 112 **Alan Malan- Nay**

113 **Motion passed 3 to 2 in favor.**

114 **IV. Consider Preliminary Plat for Olsen Farms 8 Subdivision**

115

116 **ACTION TAKEN:**

117

118 **Laura Charchenko moved to approve the preliminary plat for Olsen 8 Subdivision with the**
 119 **condition that curb, gutter and sidewalk be placed along Pages Lane. Alan Malan**
 120 **seconded the motion and voting was unanimous in favor.**

121

122

123 **V. Consider Preliminary Plat for the Cottages at Havenwood Subdivision**

124

125 Information from Staff was reviewed from the memorandum.

126

127 • **Alan Malan** would like to see one more street light. Mr. Malan also thought that fencing
 128 was required around all properties. Mr. White informed him that it is only being built
 129 around the boundaries of the development and is not a condition for the developer to put
 130 fencing around every property.

131 • **Laura Charchenko** questioned the size of the homes required being 1500 square feet.

132 • **Terry Turner** asked the Ovation representative how he envisioned this development
 133 would add value to our community. He stated that the homes are well designed and have
 134 variety. All of their communities are well received across the valley.

135 • **Chairman Hopkinson** inquired if there is an agreement with Davis County for the
 136 drainage plan and development plan for discharging water. Mr. White stated that there is
 137 an agreement in place that will take care of this situation. The capacity of the canal will
 138 be increased. The design for Weber Basin will be in place before final approval.
 139 Chairman Hopkinson asked if side yard easements will be in place for the final approval.
 140 Mr. White responded in the affirmative.

141

142 There was great hesitancy for any Commissioner to make a motion at this time due to the
 143 process that took place coming to this point. Ben White reminded the Commissioners that
 144 approval was already given for this development from the City Council and the planning
 145 commission's duty is to address the preliminary plat as they would for any subdivision.

146

147 **ACTION TAKEN:**

148 **Mike Cottle moved to approve the Preliminary Plat application for the Cottages at**
 149 **Havenwood Subdivision as presented. Laura Charchenko seconded the motion and voting**
 150 **was done by roll call as shown below:**

151 **Mike Cottle - Aye**

152 **Terry Turner - Nay**

153 **Denis Hopkinson - Aye**

154 **Laura Charchenko - Aye**

155 **Alan Malan - Nay**

156

157

158 **VI. Consider Conditional Use Permit for Lost Boys Garage & Fabrication, previously**
 159 **Tracy's Repair Center, at 1387 West 1200 North.**

160
 161 Packet included a Conditional Use Application from Randy Celia and a memorandum
 162 from Ben White/Cathy Brightwell dated May 6, 2016 regarding Lost Boys Garage &
 163 Fabrication. The memorandum included the following information:

- 164 • Lanny Tracy has been providing automotive repair, restoration and Customization
 165 services on a grandfathered basis for many years at 1387 West 1200 North. It was a pre-
 166 existing business prior to annexing into the City.
- 167 • Mr. Tracy is passing his business on to Randy Celia but still plans on living on the
 168 property. Mr. Celia will lease the property for the same type of business and do business
 169 under the name of Lost Boys Garage and Fabrication.
- 170 • The Planning Commission granted Mr. Tracy a conditional use permit in 2003.
- 171 • A list of conditions were included in the memorandum.
- 172 • Staff recommendation was to grant the Permit with the same conditions as previously
 173 required.

174
 175 Ben White gave a brief history of the business. The property was annexed into the City
 176 many years ago and has some interesting nuances to our city ordinance. The business is
 177 grandfathered because it existed prior to being annexed into the city. Mr. White spoke to the
 178 Property Ombudsman and reported that he felt that the owner had rights that were probably hard
 179 to challenge regarding continuing the business even if he does not manage it himself. If the
 180 house were to be torn down, that would create a new scenario to consider.

181
 182 Mr. Randy Celia was invited to take the stand. Ms. Charchenko inquired about the
 183 vehicles that are to the east of the property and what the plans were for the vehicles. Mr. Celia
 184 replied that the vehicles currently there will be removed. He will not be working on big trucks
 185 and semi's. He stated that he has adequate storage inside the shop for the vehicles he will be
 186 working on. He informed them that he will be the only employee.

187
 188 **ACTION TAKEN:**

189 **Alan Malan moved to approve the conditional use permit application for Lost Boys Garage**
 190 **and Fabrication for Randy Celia with the same conditions as those imposed to Lanny**
 191 **Tracy in 2003. Findings per the Conditional Use Ordinance, Section 17.60.040, include the**
 192 **proposed use at the particular location is necessary or desirable to provide a service or**
 193 **facility that will contribute to the general well-being of the neighborhood and community;**
 194 **will not be detrimental to the health, safety, or general welfare of persons residing or**
 195 **working in the vicinity, or injurious to property or improvement in the vicinity; the**
 196 **proposed use and/or accompanying improvements will not inordinately impact schools,**
 197 **utilities, and streets; and the conditions to be imposed in the conditional use permit will**
 198 **mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish**
 199 **the purposes of this subsection. Mike Cottle seconded the motion and voting was**
 200 **unanimous in favor.**

201
 202
 203 **VII. Staff Report**

204 **Ben White reported:**

- 205 • Moratorium may be put on PUD ordinance for revamping.
- 206 • This Friday at 1:30 pm there will be a ribbon cutting at City Park for the new basketball
- 207 courts. Representatives from Larry Miller Charities, the Jazz, Jazz bear, Jazz dancers,
- 208 and city officials will be there. Hot dogs will be served.
- 209 • Sidewalk on 800 West should be done in the next week or so.

210

211 **IV. Approval of Minutes of April 26, 2016.**

212

213 **ACTION TAKEN:**

214 **Laura Charchenko moved to approve of the minutes dated April 26, 2016 as corrected.**
 215 **Alan Malan seconded the motion and voting was unanimous in favor among those**
 216 **members present.**

217

218 **IX. Adjournment**

219

220 **ACTION TAKEN:**

221 **Alan Malan moved to adjourn the regular session of the Planning Commission meeting.**
 222 **Laura Charchenko seconded the Motion. Voting was unanimous in favor. The meeting**
 223 **adjourned at 8:50 p.m.**

224

225

226

227 The foregoing was approved by the West Bountiful City Planning Commission on May 24, 2016, by
 228 unanimous vote of all members present.

229

230 

231 Cathy Brightwell – City Recorder

232

