

**WEST HAVEN CITY
PLANNING COMMISSION AGENDA**

February 9, 2022 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **February 9, 2022** THE WEST HAVEN PLANNING COMMISSION WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:00 PM WORK SESSION 6:00 PM REGULAR PLANNING COMMISSION MEETING**. JOIN US DIGITALLY FOR THE WORK SESSION <https://us06web.zoom.us/j/87579084825> AND PLANNING COMMISSION MEETING <https://us06web.zoom.us/j/86111616212>

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. ACTION ON MINUTES-JANUARY 26, 2022
4. REPORT- ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS
5. DISCUSSION AND ACTION ON PUBLIC HEARING-CONCERNING A REQUEST TO VACATE AN OPEN SPACE EASEMENT AT 3042 W 2325 S PARCEL NUMBER 154220024 (Applicant: Chris Wall)
6. DISCUSSION AND ACTION ON PUBLIC HEARING- CONCERNING A PROPOSED REZONE FROM A-2 TO R-2 ON A 15.51 ACRE PARCEL LOCATED AT APPROXIMATELY 3112 S 3200 W PARCEL NUMBERS 150920079 AND 150920073 (Applicant: Weber School District)
7. DISCUSSION AND ACTION – REGARDING A PRELIMINARY SITE PLAN FOR 43 APARTMENTS AND 3,752 SQ FT OF COMMERCIAL SPACE LOCATED AT 3451 MIDLAND DRIVE (Applicant: Steve Lovell)
8. DISCUSSION AND ACTION – REGARDING AN ORDINANCE REGULATING PATIO HOMES
9. DISCUSSION AND ACTION- SETTING PUBLIC HEARINGS FOR THE FOLLOWING:
 - a. STANDARDIZATION OF THE DEFINITION OF AN ACRE
 - b. AN ORDINANCE UPDATING THE WEST HAVEN SITE PLAN AND DESIGN REVIEW REQUIREMENTS
10. ADJOURNMENT

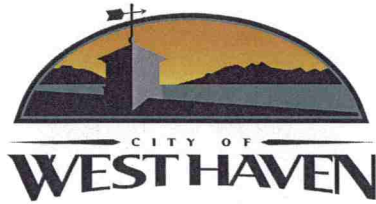
Charis Sully

Charis Sully, Deputy Recorder

In compliance with the Americans with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 731-4519 or by email: emilyg@westhavencity.com at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed city recorder, does hereby certify that the above notice and agenda has been posted in the West Haven City Recorder's office; at the West Haven City Complex on the Notice Board and at westhavencity.com; emailed to the Standard-Examiner with a request that it be posted in their Wednesday night meeting section; mailed and emailed to the West Haven City Mayor and each West Haven City Council Member who has email capacity and to the city attorney.



WEST HAVEN CITY
PLANNING COMMISSION WORK SESSION AGENDA
HELD PRIOR TO PLANNING COMMISSION MEETING
WEDNESDAY FEBRUARY 9, 2022

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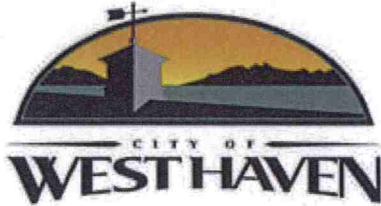
5:00 PM – In City Council Chambers

NO ACTION CAN OR WILL BE TAKEN ON ANY PLANNING COMMISSION MEETING AGENDA ITEMS
DISCUSSED DURING PLANNING COMMISSION WORK SESSION
DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.

MEETING TO ORDER: CHAIRMAN DEEM

REPORTS AND DISCUSSION AS FOLLOWS:

1. Discussion- An Ordinance Standardizing The Definition of an Acre
2. Discussion- An Ordinance Regarding Site Plan and Design Review
3. Discussion-Agenda items



Planning Commission Meeting Minutes
January 26, 2022 6:00 P.M.

City Council Chambers
4150 S 3900 W West Haven, UT. 84401

Present: Darin Deem
Becky Roundy
Kirt Nalder
Natalie Wilson
Scott Epperson
Andrew Reyna
Melinda Stimpson

Chairman
Vice Chair
Commission Member
Commission Member
Commission Member
Commission Member
Commission Member

Staff Present: Charis Sully
Shari Phippen
Amy Hugie

Deputy Recorder
Community Development Director
Attorney

5:00 WORK SESSION

Brooke Morris talked to the planning commission about possible creating a light industrial zone.

*Chairman Deem joined the Work Session at 5:30

Shari explained to the commission some possible changes to be made to the Chapter 28 Design Review Ordinance.
Planning Commission discussed agenda items.

*Commission member Reyna Joined the Work Session at 5:50

AGENDA

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. ACTION ON MINUTES-JANUARY 12, 2022
4. REPORT- ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS
5. DISCUSSION AND ACTION-REGARDING A CONDITIONAL USE APPLICATION FOR A AUTO DEALER/SALES OFFICE LOCATED AT 1805 W 1950 S PARCEL NUMBER 152790001 (Applicant: Keith Wooten or Didi DeCorso)
6. PUBLIC HEARING- A PUBLIC HEARING TO RECEIVE COMMENT CONCERNING A REQUEST TO VACATE AN OPEN SPACE EASEMENT AT 3042 W 2325 S PARCEL NUMBER 154220024 (Applicant: Chris Wall)
7. DISCUSSION AND ACTION ON PUBLIC HEARING- CONCERNING A REQUEST TO VACATE AN OPEN SPACE EASEMENT AT 3042 W 2325 S PARCEL NUMBER 154220024 (Applicant: Chris Wall)
8. PUBLIC HEARING- A PUBLIC HEARING TO RECEIVE COMMENT CONCERNING A PROPOSED REZONE FROM A-2 TO R-2 ON A 15.51 ACRE PARCEL LOCATED AT APPROXIMATELY 3112 S 3200 W PARCEL NUMBERS 150920079 AND 150920073 (Applicant: Weber School District)
9. DISCUSSION AND ACTION ON PUBLIC HEARING- CONCERNING A PROPOSED REZONE FROM A-2 TO R-2 ON A 15.51 ACRE PARCEL LOCATED AT APPROXIMATELY 3112 S 3200 W PARCEL NUMBERS 150920079 AND 150920073 (Applicant: Weber School District)
10. DISCUSSION AND ACTION-REGARDING FINAL SITE PLAN APPROVAL FOR LKL ASSOCIATES AT APPROXIMATELY 2200 W WILSON LANE. (Applicant: Eddie Bowen)
11. DISCUSSION AND ACTION-REGARDING FINAL PLAT APPROVAL FOR HAVEN PARKWAY PH 4 AT APPROXIMATELY 1789 S 2300 W (Applicant: Ivory Homes)
12. DISCUSSION AND ACTION-REGARDING FINAL PLAT APPROVAL FOR FAIRHAVEN PH 2 AT APPROXIMATELY 2531 W 1800 S (Applicant: Ivory Homes)
13. DISCUSSION AND ACTION- REGARDING PRELIMINARY SITE PLAN APPROVAL FOR UTAH FARM BUREAU AT APPROXIMATELY 984 W 2100 S (Applicant: Utah Farm Bureau)
14. ADJOURNMENT

The Planning Commission met at their regularly scheduled meeting at the City Office Vice Chairman Roundy called the meeting to order at 6:00 PM.

1. INVOCATION was offered by Commission Member Nalder

2. PLEDGE OF ALLEGIANCE was offered by Commission Member Epperson

3. ACTION ON MINUTES- JANUARY 12, 2022

Commission member Wilson made a motion to approve the minutes with the changes stated. Commission member Nalder seconded the motion. Commission member Epperson, aye; Commission member Stimpson, aye; Commission member Nalder, aye Commission member Reyna, aye; Commission member Wilson, aye. The vote was unanimous.

4. REPORT- ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS

There was no City Council meeting to report on.

5. DISCUSSION AND ACTION-REGARDING A CONDITIONAL USE APPLICATION FOR A AUTO DEALER/SALES OFFICE LOCATED AT 1805 W 1950 S PARCEL NUMBER 152790001 (Applicant: Keith Wooten or Didi DeCorso)

Keith Wooten was present for this item.

Mr. Wooten stated that he would like to buy cars from auction and sell them.

Commission member Epperson asked how many cars he typically has.

Mr. Wooten stated that with the way the market is he doesn't get very many, but he can fit 8.

Commission member Roundy asked if there will be any work done on the cars at this location.

Mr. Wooten stated that there will not be.

Commission member Stimpson asked if people will be coming to this location to pick vehicles up.

Mr. Wooten said that it is possible but there are other locations they can pick up from as well.

Commission member Epperson asked if Mr. Wooten already has his dealer's license.

Mr. Wooten stated that he does.

Commission member Roundy asked if there are any issues with zoning.

Dan stated that there are none. This business is in a C-2 zone and is permitted with a conditional use.

Commission member Reyna asked if the cars will be parked inside or outside.

Mr. Wooten stated that they will be both indoor and outdoor.

Commission member Reyna made a motion to grant a conditional use for an Auto Dealer/Sales Office located at 1805 W 1950 S with the conditions that no more than 8 cars to be parked inside the building in the fenced yard area and no on street parking. Commission member Wilson seconded the motion. Commission member Roundy, aye; Commission member Epperson, aye; Commission member Stimpson, aye; Commission member Nalder, aye Commission member Reyna, aye; Commission member Wilson, aye. The vote was unanimous.

6. PUBLIC HEARING- A PUBLIC HEARING TO RECEIVE COMMENT CONCERNING A REQUEST TO VACATE AN OPEN SPACE EASEMENT AT 3042 W 2325 S PARCEL NUMBER 154220024 (Applicant: Chris Wall)

No one was present for this item.

Shari explained that after the notifications for the public hearing were sent out, we were informed that Mr. Wall would not be able to attend, and the public hearing would be still have the possibility of being held.

Shari stated that in Secrist Estates there are several properties that have a conservation easement on them. She stated that there are two other properties that the city has vacated a portion of the open space easement on. Lot number 226

had 60' and lot number 227 had 75'. Mr. Wall is asking for 100' to be vacated to allow for a shop to be built. The Wall's had the easement go further onto their property than the rest of the properties so the line would be approximate with the other 2 properties.

Shari stated that it should be required that Mr. Wall remove everything that is parked on the easement before anything is adopted.

Commission member Nalder made a motion to enter into public hearing. Commission member Wilson seconded the motion. Commission member Deem, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Reyna, aye; Commission member Wilson, aye; Commission member Stimpson, aye. The vote was unanimous.

No one spoke on this item.

Commission member Nalder made a motion to leave public hearing. Commission member Stimpson seconded the motion. Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Reyna, aye; Commission member Wilson, aye; Commission member Stimpson, aye. The vote was unanimous.

7. DISCUSSION AND ACTION ON PUBLIC HEARING-CONCERNING A REQUEST TO VACATE AN OPEN SPACE EASEMENT AT 3042 W 2325 S PARCEL NUMBER 154220024 (Applicant: Chris Wall)

There was a discussion about tabling the item until Mr. Wall could be present.

Commission member Epperson asked if there is a list that shows what is allowed to be on the easement.

There was a discussion about what can be done on the property.

Commission member Nalder made a motion to table a request to vacate an Open Space Easement at 3042 W 2325 S. Commission member Wilson seconded the motion. Commission member Stimpson, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Wilson, aye. The vote was unanimous.

8. PUBLIC HEARING-A PUBLIC HEARING TO RECEIVE COMMENT CONCERNING A PROPOSED REZONE FROM A-2 TO R-2 ON A 15.51 ACRE PARCEL LOCATED AT APPROXIMATELY 3112 S 3200 W PARCEL NUMBERS 150920079 AND 150920073 (Applicant: Weber School District)

Jeff Hales was present for this item.

Mr. Hales stated that the property is located behind Kanesville Elementary. A portion of the property existed in West Haven and was zoned at R-2.5 and the other portion that was annexed into the city was anticipated to be R-2.5. In the Meantime, West Haven City redid the General Plan and put those properties at A-2 when the property was annexed in, it was annexed in under the A-2 zone. The property to the south has 3 units to the acre and the property to the North is 1 unit per acre and they feel this would be a good compromise at 2 units per acre.

Commission member Epperson asked how many acres are undevelopable.

Mr. Hales stated that it is 3 acres.

Commission member Wilson asked how many acres was originally R-2.5.

Mr. Hales said about 5 acres.

Commission member Wilson made a motion to enter into public hearing. Commission member Nalder seconded the motion. Commission member Deem, aye; Commission member Epperson, aye; Commission member Roundy, aye;

Commission member Nalder, aye Commission member Reyna, aye; Commission member Wilson, aye; Commission member Stimpson, aye. The vote was unanimous.

George Lamar stated that the rezone goes against the principals for which the A-2 zone was created and by rezoning to R-2, the future residents will have severely impacted property rights pertaining to permitted uses, conditional uses, animal keeping, site development standards will be reduced, and housing density will be increased by 50-80%. Mr. Lamar also stated that he does not support this rezone from A-2 to R-2.

Mark Randall stated that he is not comfortable with the R-2. Mr. Randal stated he had a conversation with the school district a while ago and they said that it was important to them for the density to not be too high that it would create a problem for them to manage growth within the schools. Mr. Randall is concerned that the minimum lot size will make the density greater. He also stated he would like more information before a decision is made.

Commission member Nalder made a motion to leave public hearing. Commission member Wilson seconded the motion. Commission member Stimpson, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Wilson, aye; Commission member Reyna, aye. The vote was unanimous.

9. DISCUSSION AND ACTION ON PUBLIC HEARING- CONCERNING A PROPOSED REZONE FROM A-2 TO R-2 ON A 15.51 ACRE PARCEL LOCATED AT APPROXIMATELY 3112 S 3200 W PARCEL NUMBERS 150920079 AND 150920073 (Applicant: Weber School District)

Shari stated that her staff report did not say there would be an 80% increase in density it is a difference of between 8-10 homes from an A-2 to an R-2. The school district has not requested an increase in density for a portion of the property that is not developable. They would still be required to maintain the minimum lot sizes to maintain the minimum frontage. There have not been any conversations about extra density because of the powerline easement. The open space that will be there will flow into open space that is on the property to the South.

Commission member Roundy asked what the zone of Aspire Pointe is.

Shari stated that Aspire Pointe, located to the southwest and Grace Park to the East are both R-2.5.

Commission member Wilson asked what the zone to the North is.

Shari stated that the properties that have been annexed into the city to the North is A-2. The properties that have been developed adjacent to this property are denser than the zone being requested.

Commission member Wilson stated that she is in favor of smaller lots around an elementary school.

Commission member Roundy agreed and stated that it does buffer between the R2.5 and the lower density to the North.

Mr. Hales stated that he thinks this property fits very well at an R-2 and if you don't then you will have A-2 next to 3 units to the acre. The property to the South, even though it was zoned R-2.5 they were given extra density because of the powerline easement. He also stated that they would put the larger lots to the North that border the A-2 zone. Mr. Hales stated that this property would almost be undevelopable at 1 acre lots.

Commission member Nalder suggested tabling the item so they can do some more homework.

Commission member Nalder made a motion to table a request to rezone from A-2 to R-2 at approximately 3112 S 3200 W. Commission member Epperson seconded the motion. Commission member Stimpson, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Wilson, aye; Commission member Reyna, aye. The vote was unanimous.

10. DISCUSSION AND ACTION-REGARDING FINAL SITE PLAN APPROVAL FOR LKL ASSOCIATES AT APPROXIMATELY 2200 W WILSON LANE. (Applicant: Eddie Bowen)

Eddie Bowen was present for this item.

Commission member Stimpson asked what the plan is for fencing around the home that is adjacent to this site.

Mr. Bowen said they have approached the property owner about purchasing the property and she is not willing to sell. He stated they would leave the existing fence and the sound wall with go East and West to her property.

Shari stated that since they are complaint with the site plan and have met the standards that are in place and also met the conditions from preliminary, it is not appropriate to put additional conditions.

Commission member Stimpson stated that she believes there was something that was supposed to be done to protect the existing home from the new business.

Mr. Bowen stated that they have to build a fence on the east side that will come up to the south fence of the existing home and they might be able to corner around it with homes of purchasing that property in the near future.

Amy stated that that the city can not require things now that were not required during preliminary unless they are willing to agree to something.

Commission member Nalder asked if staff has any issues.

Shari stated there are not any issues, they have done everything that was asked and have met all the standards.

Commission member Nalder made a motion to grant final site plan approval to LKL Associates at approximately 2200 W Wilson Lane. Commission member Epperson seconded the motion. Commission member Stimpson, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Wilson, aye; Commission member Reyna, aye. The vote was unanimous.

11. DISCUSSION AND ACTION-REGARDING FINAL PLAT APPROVAL FOR HAVEN PARKWAY PH 4 AT APPROXIMATELY 1789 S 2300 W (Applicant: Ivory Homes)

Skylar Tolbert was present for this item.

Mr. Tolbert stated that nothing has changed from preliminary approval. Everything meets the development agreement.

Shari stated that she reviewed the pats and the MDA and everything is compliant and meets all the conditions and standards.

Commission member Wilson made a motion to approve final plat approval for Haven Parkway Ph 4 at approximately 1789 S 2300 W. Commission member Nalder seconded the motion. Commission member Stimpson, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Wilson, aye; Commission member Reyna, aye. The vote was unanimous.

12. DISCUSSION AND ACTION-REGARDING FINAL PLAT APPROVAL FOR FAIRHAVEN PH 2 AT APPROXIMATELY 2531 W 1800 S (Applicant: Ivory Homes)

Skylar Tolbert was present for this item.

Mr. Tolbert stated that this is the second of four phases and they are currently under construction on phase 1.

Mr. Tolbert stated that the name of the subdivision is incorrect on the Staff Report.

Commission member Wilson made a motion to approve final plat approval for Fairhaven Ph 2 at approximately 2531 W 1800 S. Commission member Nalder seconded the motion. Commission member Stimpson, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Wilson, aye; Commission member Reyna, aye; Commission member Deem, aye. The vote was unanimous.

13. DISCUSSION AND ACTION- REGARDING PRELIMINARY SITE PLAN APPROVAL FOR UTAH FARM BUREAU AT APPROXIMATELY 984 W 2100 S (Applicant: Utah Farm Bureau)

Kelley Nielson and Chad Evans were present for this item.

Shari stated that they will need to show sufficient parking on the final site plan.

Shari stated that they need to meet with the Fire Chief.

Commission member Nalder made a motion to grant preliminary site plan approval for Utah Farm Bureau at approximately 984 W 2100 S. Commission member Wilson seconded the motion. Commission member Stimpson, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Wilson, aye; Commission member Deem, aye; Commission member Reyna, aye. The vote was unanimous.

14. ADJOURNMENT

Commission member Epperson made a motion to adjourn at 7:15 PM Commission member Stimpson seconded the motion. Commission member Stimpson, aye; Commission member Epperson, aye; Commission member Roundy, aye; Commission member Nalder, aye; Commission member Reyna, aye; Commission member Wilson, aye. The vote was unanimous.

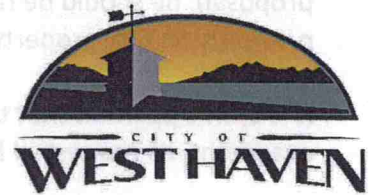
Charis Sully
Charis Sully
Deputy Recorder

Date Approved: _____

Planning Commission Staff Review Memo

January 19, 2022

Shari Phippen, Community Development Director



Conservation Easement Vacation- 3042 W 2325 S

Request: To vacate 100' of the West Haven City conservation easement located on Lot 224 in Secrist Estates subdivision

Property Address: 3042 W 2325 S

Property Zone: Open Space (OS)

Property Size: 1.13 acres

Applicant: Chris Wall

Governing Document(s):

Decision Type: Legislative Recommendation

Staff Recommendation: See comments under "Staff Review"

Public Hearing Posting: The required public hearing was duly noticed on January 14, 2022

Background

West Haven City has received a letter from Chris Wall, requesting that the City vacate a portion of the conservation easement behind his home located at 3042 W 2325 S. The easement is approximately 150' x 160' and he is requesting that it be vacated so that the easement is approximately 150' x 60'.

In November 2020 and March 2021, the City received similar requests from the owners of Lots 226 and 227 in Secrist Acres. Those easements were granted, reducing the conservation easement by 60' and 75', respectively.

Mr. Wall's stated purpose for requesting the easement vacation is to construct a 30'x'50' shop on his property.

Vacation of a public easement of any kind is done by ordinance, so this is before the Commission for their recommendation to the Council.

Staff Review

As the City has recently approved two similar easement vacations in this subdivision, I have no issue with the request, from a planning perspective. I do have a concern with the fact that Mr.

1/11/22

Re: Vacate Conservation Easement Request

Attn: West Haven City Planning Department

City Planning Department,

I am hoping to build a shop behind my home located at 3042 W. 2325 S. In order to accomplish this, I am asking for a 100' vacate of the conservation easement in the back of my yard. Moving this easement line would allow for me to build a 50' X 50' shop.

I am requesting that the current easement line that is 170' from my front property line be moved to 270' to the North vacating 100' of the easement.

I have made many attempts to decrease the amount of vacated area needed but due to the size of my lot and the natural slope of the hill my fence is on I have been unable to reduce it any more than 100'. Please understand that I have adjusted and compressed the layout as much as possible.

Thank you for your consideration in this matter.

I have attached a plot showing the easement and a drawing of my back yard to help explain the 100' vacate.

If you have any questions, please contact me.

Thank You,

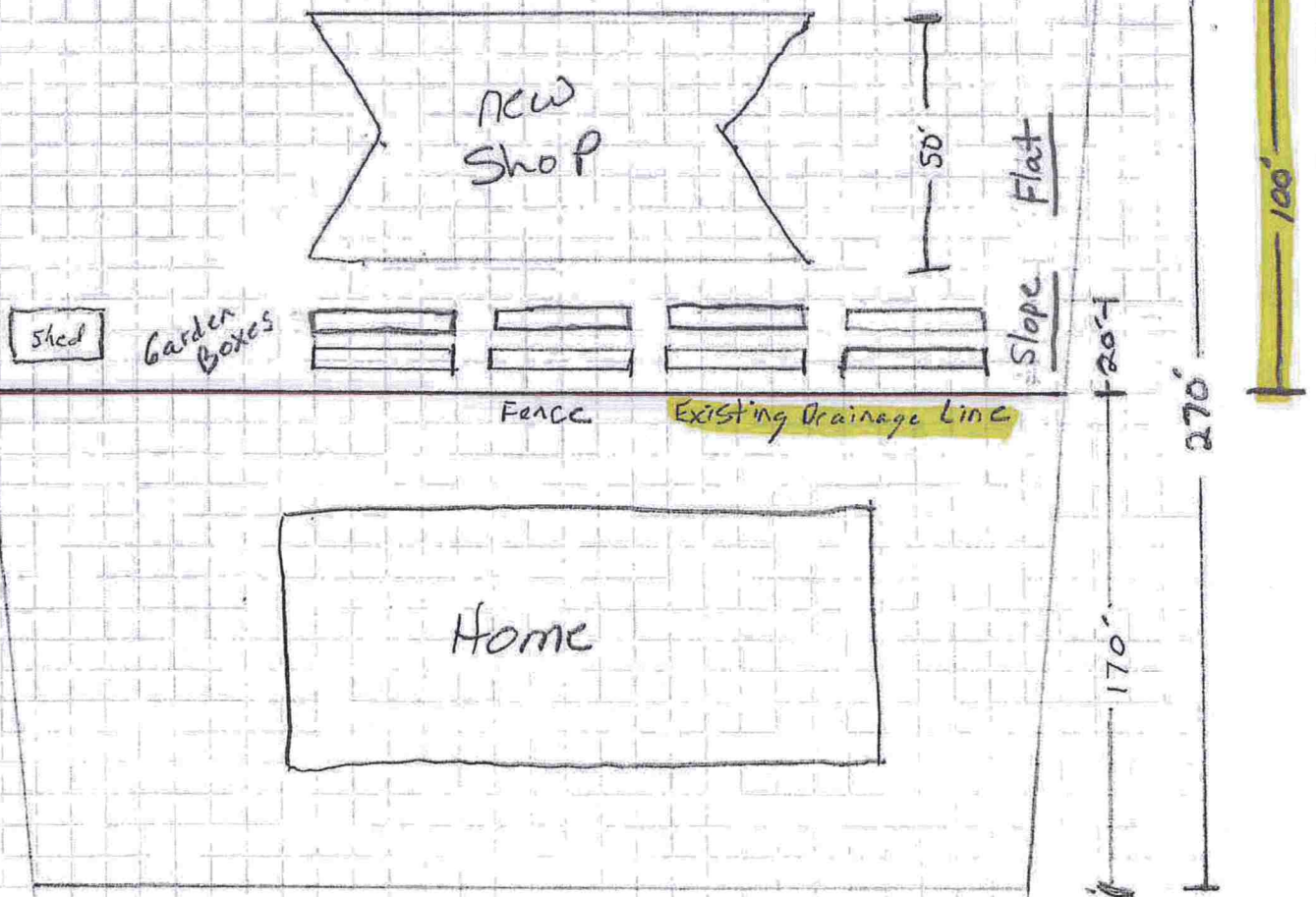
Chris Wall

801-940-0195

chris@unlimitedsiding.com

Lot #224
Secrist Acres
3042 W. 2325 S

Proposed new Drainage Line



Planning Commission Staff Review Memo

February 3, 2022

Shari Phippen, Community Development Director



Weber School District Rezone

Request: To rezone property from A-2 to R-2

Property Address: Approx 3112 S. 3200 W.

Property Zone: A-2

Property Size: 15.51 acres

Applicant: Weber School District

Governing Document(s): WHZC

Decision Type: Legislative Recommendation

Staff Recommendation: See comments under "Staff Review"

Public Hearing Posting: The public hearing was noticed on January 14, 2022 and held on January 26, 2022.

Background

Weber School District has applied to rezone 15.51 acres located immediately behind Kanesville Elementary School. The property is currently zoned A-2 and they are proposing to rezone to R-2, which is slightly less dense than Aspire Point and Grace Park, the two subdivisions which would be immediately adjacent to this property. Those subdivisions are zoned R-2.5.

When the property was proposed for annexation, WSD requested that the property be annexed in as R-2. At the time of annexation, July 2021, the Council opted to annex in the property as A-2 but indicated that they would entertain a rezone to R-2 if the District chose to present a rezone proposal to the City.

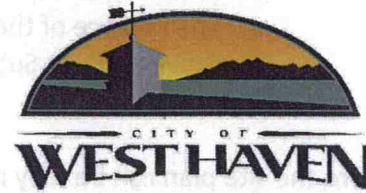
By way of additional context, a similar WSD property, located at the corner of 5100 West and 3600 South (Future Elementary), was annexed into the City in 2021, and was rezoned as R-2 at the time of annexation. As with this property, the General Plan called for the Future Elementary property to be zoned A-2 but it was granted R-2 upon annexation.

<u>Planning Commission action</u> ☐ Approved ☐ Denied Date _____ 	Scheduled for Planning Commission Agenda <u>1/26/22</u> Conditions: _____ _____ _____ _____ _____ _____ _____ Date Received: <u>1/6/22</u>
<u>City Council action</u> ☐ Approved ☐ Denied Date _____ 	

**Planning Commission
Staff Review Memo**

February 3, 2022

Shari Phippen, Community Development Director



Preliminary Site Plan Approval- 3451 S Midland Apartments

Request: Grant preliminary site plan approval for 43 apartments, approx.. 3700 sq ft of commercial uses and associated parking

Property Address: 3451 S. Midland Drive

Property Zone: MU (Mixed Use)

Property Size: 1.54 Acres

Applicant: Steven Lovell

Governing Document(s): Knudson Corner MDA, WHZC 54 (Design Review), WHZC 23 (Mixed Use)

Decision Type: See below

Staff Recommendation: Deny, for reasons outlined in Staff Review

Public Hearing Posting: No public hearing is required

Background

We have received an application for preliminary site plan approval for the property located at 3451 S. Midland Drive. The applicant is requesting they be allowed to construct 43 apartments on a 1.54 acre parcel, which would be a density of 28 units per acre.

The property was originally presented to the City as part of the Knudson Corner development¹. A timeline of events and actions on this property are as follows:

- March 7, 2018: The City Council adopted Ordinance 03-2018 which rezoned the property to Mixed-Use (MU).
 - o The City Council meeting minutes of that evening reflect that the intent of this parcel was to develop commercially, which would satisfy the requirement of the Mixed-Use Zone (WHZC 23.02 (online version)).
- May 2, 2019: The City and Project Funding III LLC entered into a Master Development Agreement (MDA)
 - o The legal description of the MDA pulls this property into the applicability of the MDA's provisions, although it does not anticipate improvements on the property.
- November 2019, May 2020, July 2020- Phases 1-3 of Knudson Corner are recorded with the Weber County Recorder's Office
 - o Phase 1 Density: 14 u/a (2.2 acres)

¹ The project is referred to as Knudson Crossing on documents recorded with Weber County. Staff has verified that it is the same project as this site plan.

The requirements of WHZC 23.02 are as follows:

1. *The Mixed-Use Zone is characterized as a pedestrian-friendly zone made up of developments which are required to contain two or more of the following elements: commercial, residential, open space, recreational, cultural, and institutional uses.*
2. *To wit, the zone may include:*
 - a. *Areas of mandatory commercial overlays as designated on the General Plan Map*
 - b. *Developments with combined commercial and residential uses such as a corner store with house attached, a main floor home business with a residence above it, or first floor commercial suites with residences above, etc.*
 - c. *Walkable commercial opportunities within the district which allow residents to walk to, rather than drive to, those businesses*
 - d. *Higher density multifamily residential buffers between commercial, industrial or manufacturing zones and lower density residential areas as appropriate.*
 - e. *A mix of different housing types and densities, including single family homes, townhomes, apartments and affordable housing units.*
 - f. *The preservation of open space through the use of clustering in residential and non-residential developments.*
 - g. *Neighborhood and regional parks, and other recreational features (trails excluded).*
 - h. *Community cultural facilities such as community centers and facilities for the arts.*
 - i. *Institutional uses such as libraries, educational institutions, religious facilities, or public buildings.*

The revised project before you does meet the requirement of the Mixed-Use zone, as it contains two elements- commercial and residential. The applicant has not provided the City with any information as to the intended commercial uses, but has provided the space for commercial development.

After consultation with Amy Hugie, West Haven City Attorney, and after further review of the Knudson Corner MDA, West Haven Zoning Code Chapters 23 and 54 (online version) and the documents submitted by the applicant, **Staff (myself and Ms. Hugie) recommend that the application for preliminary site plan be denied, with the following as specific findings.**

- 1- **The property is encumbered by the Knudson Corner Master Development Agreement and any improvements to the property must be viewed considering the MDA.**
 - a. **The applicant shall be required to present the proposal to the City Council as part of a request to amend the MDA.**
- 2- **March 7, 2008 minutes of the West Haven City Council state that the property will be developed as a purely commercial component of Knudson Corner and this proposal does not meet the stated intent of the Council.**
- 3- **No determination has been made by the Planning Commission regarding the allowed density, as required in West Haven Zoning Code 23.06(3), so the project cannot be evaluated against that determination.**



SITE PLAN APARTMENTS

Date November 23, 2021

Address of Site: 3451 Midland Dr., West Haven, UT 84401

Property Parcel # 08-028-1140 & 08-028-0105

Applicant's Name: Steward Land Holdings, LLC

Application is hereby made to West Haven City requesting the following permitted use(s),

Residential, Commercial and

Site plan design, be approved on 1.54 (Acreage) with 1 (Amount) of buildings of

Property in the ZC Mixed Use zone in accordance with the attached site plan. (see attached form for site plan requirements.)

Signed: Machel Jackson Date: 11/23/2021
(Owner/Petitioner)

I authorize Steward Land Holdings, LLC and its representatives to act as my representative in all matters relating to this application.

Dyllpax, LLC Machel Jackson 11/23/2021 (Owner)
Brad Brown (Agent as Authorized by Owner)

Percentages of Landscaping 21% Number of Parking Spaces 81

N/A	Received	Letters of acknowledgment/approval/conditions from
☐	☐	Culinary Water Company (stating if they want secondary water provided on proposal)
☐	☐	Fire Department
☐	☐	Health Department (If Applicable)
☐	☐	All other items required by City Planner

Please initial to indicate that you have received a copy of the site plan requirements and Chapter 28

Planning Commission preliminary action ☐ Approved ☐ Denied Date _____	Scheduled for Planning Commission Agenda _____
City Council preliminary action ☐ Approved ☐ Denied Date _____	Conditions: _____
Planning Commission final action ☐ Approved ☐ Denied Date _____	_____
City Council final action ☐ Approved ☐ Denied Date _____	_____

ALL APPLICABLE ITEMS MUST BE RECEIVED BEFORE BEING ADDED TO THE AGENDA.



freeman | lovell
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Sandy, Utah 84070
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January 17, 2022

West Haven City
Attn: Planning Commission
4150 S. 3900 W.
West Haven, UT 84401

RE: Application for Site Plan Approval (the "Application") from Steward Land Holdings, LLC ("Applicant") pertaining to that certain property located at 3451 Midland Drive, West Haven, UT (the "Property").

Dear Commissioners:

Enclosed please find the above referenced Application together with Applicant's site plan (the "Site Plan") for the development of an apartment building containing forty-three (43) residential units and three thousand seven hundred and fifty-two square feet (3,752 sq ft) of commercial space (the "Project"). Applicant seeks substantive review and approval of the Application and Site Plan from the West Haven Planning Commission (the "Planning Commission"). Please direct any correspondence regarding the Application to my attention.

The Property is approximately 1.54 acres within that certain 29.836 acre Knudsen Corner Mixed Use Development (the "Development") and is subject to that certain Development Agreement for the Development dated on or about May 2, 2019 (the "Development Agreement"). The Planning Commission previously assigned a medium/high density for the Development, which would allow for a total of 445 units within the Development. Currently the Development only contains approximately 275 units. The additional 43 residential units for the Project would increase the Development's overall density to 318 units, or 10.65 units per acre.

Due to the fact that the Property was previously rezoned Mixed Use and was included in the Development Agreement, Applicant is only seeking administrative approval of its Site Plan from the Planning Commission, which is the Land Use Authority in this case. All of the legislative decisions regarding the Property were made when the Property was rezoned, and said decisions were incorporated into the Development Agreement. Pursuant to Section 10-9a-509 of the Municipal Land Use, Development, and Management Act ("LUDMA"), Applicant is entitled to approval of the Application so long as it conforms to the requirements of the West Haven City Zoning Code (the "Code") and the Development Agreement. To the extent that the Development Agreement failed to specifically address any matter or concern related to the development of the Project, such matters/concerns shall be governed by applicable land use regulations in Section 23.06 of the Code (see LUDMA Section 10-9a-532(2)(d)).

To the best of Applicant's knowledge, the enclosed Application meets all of the terms of the Development Agreement and the Code, and Applicant has previously submitted the applicable Application fee.

Applicant looks forward to working with City Staff and the Planning Commission on this Project and desires to develop a very nice and attractive mixed-use development which will add value to the City and the surrounding communities. Please let me know if you have any questions or concerns with regards to the Application.

Sincerely,

FREEMAN LOVELL, PLLC

/s/ Steven R. Lovell, Esq.
steve@freemanlovell.com
801-214-4826

CC: Targee Tomisin



4
P2.1 **SOUTH WEST ELEVATION**
1/8" = 1'-0"

EXTERIOR MATERIALS

IMAGE	MATERIAL	STYLE	FINISH COLOR
	THIN BRICK VENEER	RUSTIC	RED
	FIBER CEMENT SIDING	6" HORIZONTAL	WOOD LOOK, MEDIUM BROWN
	STONE VENEER	STACKED STONE	CREAM
	STONE VENEER	STACKED SLAB	DARK BROWN
	METAL TRIM	BRUSHED	BRONZE

MATERIAL PERCENTAGES

ELEVATION VIEW	PRIMARY S.F.	SECONDARY S.F.
SOUTH WEST	2,014 S.F.	1,066 S.F.
SOUTH EAST	3,260 S.F.	2,210 S.F.
NORTH EAST	1,706 S.F.	737 S.F.
NORTH WEST	3,537 S.F.	1,931 S.F.
TOTAL S.F.	10,517 S.F.	5,944 S.F.
TOTAL PERCENTAGE	64 %	36 %



2
P2.1 **SOUTH EAST ELEVATION**
1/8" = 1'-0"

P2.1
ELEVATIONS
WEST HAVEN PROJECT PROPOSAL





1 NORTH EAST ELEVATION
P2.2 1/8" = 1'-0"

EXTERIOR MATERIALS

IMAGE	MATERIAL	STYLE	FINISH COLOR
	THIN BRICK VENEER	RUSTIC	RED
	FIBER CEMENT SIDING	6" HORIZONTAL	WOOD LOOK, MEDIUM BROWN
	STONE VENEER	STACKED STONE	CREAM
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2 NORTH WEST ELEVATION
P2.2 1/8" = 1'-0"

P2.2
ELEVATIONS

WEST HAVEN PROJECT PROPOSAL



Planning Commission Staff Review Memo

February 3, 2022

Shari Phippen, Community Development Director



Patio Homes Ordinance

Request: Made amendments to the West Haven City Patio Home Ordinance

Property Address: N/A

Property Zone: N/A

Property Size: N/A

Applicant: N/A

Governing Document(s): WHZC

Decision Type: Legislative Recommendation

Staff Recommendation: See comments under "Staff Review"

Public Hearing Posting: Notice of the public hearing was posted on the City website, the Utah public notice website and at City Hall on November 24, 2021.

Background

The Commission previously made a legislative recommendation to the Council regarding amendments to the patio home ordinance. Those amendments included changes to the allowed density and also removed design requirements, once the Utah State Legislature enacted a bill prohibiting cities from putting design requirements in place for single-family homes.

The Commission opted to leave the allowance for zero-lot lines in place. When the ordinance was reviewed by the Council, they discussed removing that allowance. Because the Commission did not have a specific recommendation on that portion of the ordinance, the City Attorney felt it would be wise for the Commission to hold a second public hearing on the ordinance and have a discussion specific to that item.

After that public hearing was held, the Commission requested staff put language into the ordinance that would allow zero lot-line development under a development agreement. Staff has included that language in the attached ordinance and it is noted in red in this draft.

PH- RESIDENTIAL PATIO HOME ZONE**Section 1**

- 1.01 Purpose
- 1.02 Permitted Uses
- 1.03 Conditional Uses
- 1.04 Building Lot Requirements
- 1.05 Location of Structures
- 1.06 Maximum Structure Height
- 1.07 Landscaping
- 1.08 Off Street Parking
- 1.09 Permitted Signs

1.01 Purpose

The Purpose of the Patio Home Zone is to provide an acceptable housing style for single family “empty nest” type housing that is a sustainable quality product within West Haven City. To provide for areas in appropriate locations where quiet residential neighborhoods may be established and protected.

1.02 Permitted Uses

- 1. Accessory Uses and buildings (Only behind homes) Less than 200 sq. ft.
- 2. Dwellings, single family
- 3. Animal Keeping. See Animal Keeping Ordinance.
- 4. Home Occupations with no visiting clientele
- 5. Pets, the Keeping of household pets

1.03 Conditional Uses

Conditions for approval shall be determined as provided in the conditional use ordinance.

- 1. Church (temporary churches held in open areas, tents or in temporary structures excluded.)
- 2. Home Occupations with visiting clientele in accordance with the Home Occupation Ordinance.

1.04 Building Lot Requirements

- 1. **Density:** There shall be no more than 5.0 residential units per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously completed phases of the same development have sufficiently low density that the average is still 5.0 residential units per acre or less.
- 2. **Lot Area:** There shall be a minimum of six thousand (6,000) sq. feet in each lot. Corner lots shall be a minimum of six thousand four hundred (6,400) sq. feet.
- 3. **Lot Width:** Minimum lot width shall be 50 feet, Corner lots 60 feet.

the next May 15th. The entire Landscape Cash bond amount shall be held by the City until final completion of the required landscaping.

1.08 Off Street Parking

As provided in West Haven's parking ordinance

1.09 Permitted Signs

See West Haven City Sign Ordinance

DRAFT