

Mayor
Kenneth Romney

**City Engineer/ Land
Use Administrator**
Kris Nilsen

**City Recorder/
Community
Development**
Cathy Brightwell

WEST BOUNTIFUL PLANNING COMMISSION

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Chairman
Denis Hopkinson

Commissioners
Laura Charchenko
Mike Cottle
Alan Malan
Corey Sweat
Dennis Vest, Alternate

The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.

THE PLANNING COMMISSION WILL HOLD A MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 29, 2020

Meeting will be held exclusively via Zoom (see info below)

Prayer/Thought by Alan Malan

1. Accept Agenda.
2. Discuss Request by Blake Heller to be Removed from the Historic Overlay District, and Schedule Public Hearing.
3. Discuss Historic Overlay District Regulations.
4. Staff report.
5. Consider Meeting Minutes from September 8, 2020.
6. Adjourn.

Join Zoom Meeting

<https://us02web.zoom.us/j/84665482103>

Meeting ID: **846 6548 2103**

One tap mobile

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Dial by your location

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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 September 25, 2020 by Cathy Brightwell, City Recorder.

**West Bountiful City
Planning Commission Meeting**

September 29, 2020

Posting of Agenda - The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on September 25, 2020 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, September 29, 2020 at West Bountiful City Hall, Davis County, Utah. Meeting was rescheduled from September 22.

Those in Attendance:

Due to the Coronavirus outbreak this meeting was held by teleconference measures using Zoom.

MEMBERS ATTENDING: Vice Chairman Alan Malan, Mike Cottle, Dee Vest, Corey Sweat, Laura Charchenko, and Council member Kelly Enquist.

MEMBERS EXCUSED: Chairman Denis Hopkinson

STAFF ATTENDING: Kris Nilsen (City Engineer), Cathy Brightwell (Recorder) in house and Debbie McKean (Secretary) via Zoom.

VISITORS: Via Zoom: Blake Heller

The Planning Commission meeting was called to order at 7:30 pm by Vice Chairman Alan Malan. Mike Cottle offered a prayer.

Vice Chairman Malan read the following message: The Mayor and the Planning Commission Chair have determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding this meeting through electronic means that allow for public participation without an anchor location.

1. Accept Agenda

Vice Chairman Alan Malan reviewed the agenda. Corey Sweat moved to approve the agenda as presented. Laura Charchenko seconded the motion. Voting was unanimous in favor among all members present.

2. Discuss Request by Blake Heller to be Removed from the Historic Overlay District and Schedule a Public Hearing.

Commissioner packets included a memorandum dated September 25, 2020 from Staff, a letter from Blake Heller with an application to Rezone or Remove his property from the Historic Overlay District, and a site plan for the garage he would like to build.

Cathy Brightwell introduced the request and explained that Mr. Heller is seeking to remove his property from the historic overlay district in order to build a garage in his rear yard, or in the alternative have the entire Heritage Pointe subdivision's historical codes dissolved.

Background – The Historic Overlay District

The current historic overlay district appears to have roots in an ordinance that established a historic preservation commission and the idea of historic districts with enforceable standards in 2007. This was done at least somewhat in conjunction with the Heritage Pointe subdivision. The following is a list of what has been done since the overlay district was put into place in 2007.

2012 – The Historic Overlay District is added to the West Bountiful City Municipal Code as a land use ordinance. The ordinance mapped the district and created standards the architectural review board would use to review the appropriateness of construction in the district. Again, this was done to help address construction in the Heritage Pointe subdivision, but the district map included areas outside of the subdivision. The map and the architectural standards are attached with this memo.

2014 – The Hopkinson property at 1277 N 800 W was removed when creating a new lot.

2016 – The Jones property at 887 N 800 West removed Lot 15 of Heritage Pointe to facilitate an addition to an existing home that was not in the Historic District.

2017 – The Manors at McKean Meadows subdivision removed the entire property at the time of development, except Lot 1 that fronts 800 West.

2020 – The Winegar property at 788 N 800 West was removed from the Historic Overlay District to facilitate the addition of an accessory structure. At the time of the vote, members of the city council expressed a desire to have the planning commission review the need for the historic district or its design standards.

The review and enforcement of historic design elements within the Heritage Pointe subdivision has put the city in a position more akin to a homeowners' association rather than a body protecting a historic neighborhood. This function was initially the responsibility of the Historic Preservation Commission, and when the group dissolved, it was assigned to a newly created Historic Architectural Review Board. By ordinance, this group consists of a member of the city planning department, licensed architect who has experience with Utah historic design, and the chairman of the Historic Preservation Commission. (The architect participating in this capacity recently resigned and the Historic Preservation Commission dissolved approximately ten years ago.)

Within the current historic overlay district, there is currently one vacant lot in Heritage Pointe and one vacant lot on 800 West yet to be built on. Cathy Brightwell received a list of several Heritage Pointe homeowners that would also like to be removed from the overlay district.

Heller Request

On September 16, 2020, Blake Heller submitted a request to remove his property from the Historic Overlay District or have the entire Heritage Pointe subdivision's design standards dissolved. He desires to build a detached garage on the property but due to the restrictions placed on the neighborhood, he has not been successful in obtaining satisfactory approval from the historic review board. He proposed the building be constructed of steel, resemble a barn style design with two-tone paint to match his home. The review board determined that metal is not a historic material and will

not allow it in this overlay zone. This is the primary reason Mr. Heller would like to be removed from the zone.

Next Steps

A change to the land use map or text is a legislative decision that will ultimately be decided upon by the city council after the planning commission makes a recommendation for approval or denial. The only other formal element required in this process is a public hearing to be held by the planning commission which is proposed for October 13, 2020.

Staff encouraged the planning commissioners to review and deliberate this request while considering the following:

1. How does this request fit within the city's General Plan? This question should be an overriding guideline as the other questions are considered.
2. Is there a continued need for the Historic Overlay District?
3. Is there a continued need for the architectural design standards within the district?
4. Would the removal of this property from the district be in the best interest of the community and property owner? If so, can both the community and private benefits be described?

Some discussion took place regarding the materials that Mr. Heller wants to use to construct his building. He stated he attempted to comply with the design requirements of the zone and was surprised when his proposal for steel was rejected when the Code only listed aluminum siding as a prohibited material. Cathy Brightwell noted that Mr. Heller has gone to great lengths to make an attractive structure but the Architectural Review Board felt that if they allow steel materials for him, they must allow others in that area to do the same and they may opt for a less expensive and less attractive structure.

Alan Malan, who is a member of the architectural review board, noted that the current historic overlay district code requires new construction to meet certain historic building and design standards. The code as adopted causes structures to be more expensive to build in this District due to the historic design details. Mr. Malan stated that the design regulations are not cut and dry and are open to interpretation. Ms. Brightwell stated that there has been much frustration in this District as standards have been unclear and confusing which has resulted in inconsistent application of the Code. Staff would like things to be clarified to alleviate the frustration.

Corey Sweat pointed out that he does not believe that is how we should serve the public. Language should be clean and clear enough for all to understand. There was discussion about possibly dissolving the District. Heritage Pointe has CCR's that include reference to the Historic design requirements but without a homeowner's association to enforce them, the responsibility has fallen on the city. With only one vacant lot left, it may be time to consider dissolving the historic overlay regulations. Alan Malan noted that the CC&R's are the same as the requirements of the Historic Overlay District and would still remain in place.

Additional discussion took place regarding whether the historic district along 800 West should be dissolved and most agreed that there is still a place for it. The issue was also raised that there be some residents in Heritage Pointe that complied with the Code when their homes were built and may want it to remain in place. Mr. Malan suggested we may look at waiving some impact fees instead of having

them removed from the district. The waiver of fees would free up monies to put toward the additional cost of materials to meet requirements for the district. Cathy noted that impact fees are only imposed when the initial home is built so cannot be waived in Mr. Heller's case when an accessory structure is built. Corey Sweat agreed we need to consider that others before them have borne the cost and it would not be fair to them to change standards in mid-stream.

Councilmember Enquist asked if the standards apply to the year the home was built and Mr. Malan answered in the affirmative.

Mr. Heller stated he has signatures from eight Heritage Pointe residents who would like to see the district dissolved and believes many more that he did not have time to contact would join in. He noted that only one homeowner that he has talked to so far was hesitant because he is fearful of what might be built if those regulations are lifted. Mr. Heller explained that when he purchased his home several months ago, he was not made aware that he was in the Historic Overlay District which included unique building regulations. Mr. Malan noted that the historic designation should have been disclosed on the plat and shown up in the title search. Mr. Heller stated that it was not disclosed in the title report or on any documentation.

The Commission asked that a public hearing be scheduled for October 13 to hear comments to remove Heritage Point from the Historic Overlay and asked specifically that all residents of Heritage Pointe be given notice of the hearing and encouraged to provide comments. As far as considering changes to the remaining Historic Overlay District, they asked that a separate public hearing be scheduled in the future once the Commission has time to review and discuss it further, so as not to cause additional delay to Mr. Heller.

3. Discuss Historic Overlay District Regulations

Commissioner packets included a memorandum dated September 25, 2020 from Staff regarding the Historic Overlay District with an attached copy of the regulations.

Cathy Brightwell noted that the city council has asked the planning commission to review the Historic Overlay District and make a recommendation on the need to continue the building and design standards imposed on these homes. Multiple properties have been allowed to be removed from the District and a review to determine whether these regulations are still relevant is needed.

Based on the discussion of the previous agenda item, it was suggested that this item will be included on the next agenda as a discussion only item.

4. Staff Report

Kris Nilsen

- 800 West is close to being finished.
- The bid for pickle ball should be rewarded on October 28th with project completion expected June 1, 2021.
- Paving for the school parking lot should be completed next week.
- They are also making progress on the city's new pavilion behind city hall.

Cathy Brightwell

- The city expects a proposal from Equestrian Partners (Gardner/Plumb) for their westside 127 acre development soon.
- Doug Coons began demolishing the old home on 800 West/Knighton Crt without a permit when a tree fell on it in the windstorm. The project was stopped by DEQ so appropriate inspections and permits could be issued.
- West Bountiful is working with FEMA to determine if funding may be available as part of the State of Emergency from the wind damage.
- Mike Cottle reported that there is a huge branch on 800 West and 10th North hanging over from an oak tree that needs attention so that further damage will not be done if future winds or detrimental weather conditions occur. Cathy will let Steve know about this situation.

5. Consider Meeting Minutes from September 10, 2020

Action Taken:

Corey Sweat moved to approve of the minutes of the September 10, 2020 meeting as presented. Dee Vest seconded the motion and voting was unanimous in favor.

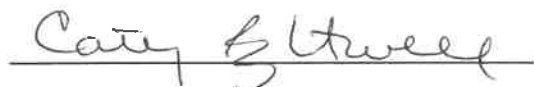
6. Adjourn

Action Taken:

Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 8:23 pm. Corey Sweat 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, 2020, by unanimous vote of all members present.


Cathy Brightwell – City Recorder

