

**West Point City  
Planning Commission  
3200 West 300 North  
February 27, 2014**

**Present:** Brad Lee, Curtis Seeds, John Detamore, Jeremy Strong, Korey Kap, Brian Vincent, Jeff Macfarlane, Erik Craythorne – Mayor, Kyle Laws – City Manager, Michelle Bailey – Planning Commission Secretary

**Visitors:** Matt Meyer, Kyle Hamblin

**WORK SESSION**

**1. Concept plan discussion for the Point West Subdivision, located at 1200 South 4500 West, Matt Meyer, applicant.**

Boyd Davis stated that this subdivision was submitted several years ago, in several different forms but they never went forward because of the economy and other factors. They have recently approached the City and said they are ready to give it another try. It is located at the intersection of 1200 South and 4500 West. They annexed this property into the City just to do this subdivision; prior to that it was just unincorporated property in the county. It goes up to the wetlands area. Boyd displayed the plat that was submitted. There are 31 lots. Their access will come off of 4500 West. When they submitted this a few years ago, they had another access on the south. The neighbors there weren't very happy with the plan and don't want the access road going through there. The developer has decided to go forward without putting that access there. He has, however given plenty of access to the property to the north. The next property will be able to develop and be interconnected with it without any problems.

The plat shows 31 lots with only one access. The Code says you may only have 30 lots off from one access. One of the lots is facing 4500 West and will have a driveway on 4500 West; that leaves just 30 lots off from the access. They must get approval from UDOT for the driveway that will be on 4500 West. If they are not able to get approval from UDOT, he will have to redesign a portion of the subdivision and incorporate that lot inside somehow. Curtis Seeds asked why UDOT wouldn't allow that access. Boyd Davis said it is because the driveway is too close to the street; however, they may be able to apply for a variance. There are added setback rules for a home facing an arterial street, like 4500 West. They must have a 40 foot setback which is 10 feet more than a standard lot. The lot is deep enough to accommodate the larger setback.

Boyd reminded the commission that this is a concept plan; it is just for discussion. There are no approvals required tonight. If the developer is at the regular meeting, he will be able to answer questions then.

A couple of issues with the property have surfaced. The back portion of some of the lots is below the flood line. FEMA has designated 4,217 as the lowest elevation you can build

at. The back of the lots are below that so they can't build on that portion of the lot. Those lots will most likely be limited to a slab on grade and must stay above that line. The other issue is that these lots were filled in a few years back. They brought it a bunch of fill and there are concerns that there is a bunch of garbage fill in there which is not suitable to build houses on. The developer is aware of this issue. They must get it certified before they can build on it. Someone will have to come in and take samples. The owner of the property is Kip Cashmore, but the person working with Staff on the project is Matt Meyer.

The North Davis Sewer trunk line goes through the access road and will go through an easement on one of the lots. That was installed a few years ago. The trunk line going through is what makes this property developable.

The developer must get approvals from UDOT, Hooper Water, North Davis Fire District, North Davis Sewer District, Davis/Weber Canal, and Davis County Flood Control. Also, there are no basements allowed in that area without a land drain system. The detention pond will drain into Davis County's 700 South drains. Davis County has a rule that a developer can buy their way out of doing a detention pond, or they can do improvements somewhere else on their system in lieu of a detention pond. They will deal with Davis County on that issue.

## **2. Discussion regarding Regail Estates amended plat, located at approximately 1600 West 350 North, Doug Hamblin, applicant.**

Boyd Davis stated that there is a lot in Regail Estates that has never been built on because it is too small. The developer thought they owned more of the property than they did so when they went to record the plat, the County still let them record the plat, but this specific lot ended up being too small to be a buildable lot. For several years, the developer has been trying to purchase some property from Rocky Mountain Power to make that lot big enough to build on. He has gotten approval from Rocky Mountain Power. The developer submitted a petition today that has his signature and Rocky Mountain Power's signature on it stating they are able to amend the plat. Doug Hamblin is the developer. Staff has reviewed the amended plat and given the developer some comments. There were a few errors on some of the dimensions and he is having them corrected. Staff recommends approval contingent upon the developer correcting the errors. He has a buyer for the lot that would like to start building on it right away. The State does not require us to hold a public hearing to amend the plat because they are not creating an additional lot in the subdivision. Since we are just adjusting lot lines and the total number of lots will remain the same, there is no requirement for noticing or holding public hearings at all.

## **3. Discussion regarding the subdivision rule of 80% of lots sold.**

Boyd Davis stated that the current City Code requires a developer to have sold 80% of the lots in a phase before they can move on to the next phase of the subdivision. This issue came up recently with the Wise Country Meadows subdivision. The Planning

Commission and City Council approved the second phase of the subdivision contingent upon the developer selling the additional lots required before beginning phase 2. The City Council discussed this and decided that this is a difficult thing to monitor. It is hard to verify if the developer has actually sold the lots. They asked Staff to think of a different way to go about this. Staff is proposing that rather than go by when the lots are sold, we could go by when the building permits are issued. It is easier for Staff to verify because we issue the permits. Plus, an issued building permit is a much better indicator of that subdivision being successful. Staff feels that 80% is a high percentage if we go by permits issued. Once half of the houses are being built in the phase, it is a good start and Staff feels it would be okay to let them move to the next phase. This will be discussed at length in a future meeting.

## **REGULAR MEETING**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Jeff Macfarlane
- 4. Approval of Minutes from February 13, 2014**

John Detamore made a motion to approve the minutes from February 13, 2014, as written. Korey Kap seconded the motion. All voted aye.

- 5. Public Comments:** None given
- 6. Approval of Regail Estates amended plat, located at approximately 1600 West 350 North, Doug Hamblin, applicant.**

Kyle Hamblin was present representing the applicant. Boyd Davis gave a quick review of the information regarding this application. There was an error on the original plat regarding Lot 5. This lot was too small. The developer has been working to purchase some property from Rocky Mountain Power to add additional property to Lot 5 to make it a compliant lot. This has been done. The developer has submitted a petition that has been signed by Rocky Mountain Power. The amended plat shows that Lot 5 is larger now. Boyd found some errors upon reviewing this application. He has discussed these with the surveyor and he is correcting them. Staff is comfortable with this being approved contingent upon those corrections being made. If approval is granted tonight, it will be forwarded to the City Council for final approval. There was no public hearing required because there were no additional lots being created, there was just an adjustment to a lot line.

Jeremy Strong made a motion to approve the amended plat located at approximately 1600 West 350 North, Doug Hamblin, applicant, contingent upon Staff's comments being met. Curtis Seeds seconded the motion. All voted aye.

**7. Concept Plan discussion for the Point West Subdivision, located at 1200 South 4500 West, Matt Meyer, applicant.**

This item was not on the agenda for the regular meeting, but the applicant was not present at the work session for the discussion and wanted to discuss the item briefly.

Matt Meyer 4168 North Jackson, Ogden, UT - was present to answer questions. Boyd Davis stated that this subdivision is located at 1200 South 4500 West. The property was annexed into the city a number of years ago for the purpose of subdividing it. It was approved at one time, but due to several factors, including the economy, it never went forward. They have submitted again and are ready to proceed. There are 31 lots on the plat. There are some restrictions on the western lots because of the flood plane elevation. Those lots are still buildable, but the back half of them is not.

Some of the significant issues facing this subdivision are:

There are several outside agencies they need approval from, including: UDOT, Hooper Water, North Davis Fire District, North Davis Sewer District, Davis/Weber Canal Company, and Davis County Flood Control. Also, there are no basements allowed without a land drain system. The developer is looking into that. The fill on the west lots needs to be tested and verified.

The next step for this process would be for them to submit a preliminary plan along with the letters from all of the above listed outside agencies. After receiving their preliminary plan approval, they will come back to the Planning Commission for a final approval. Then it will go to the City Council for final approval.

Brad Lee asked about the area on the west that is not buildable. Matt Meyer showed a line on the plat that illustrates where the flood plane is located. Boyd Davis pointed out on the map the area where the fill was added that needs to be tested and verified. Matt Meyer stated, "When we put the road in and the foundations in, we are going to have to remove it. I think rather than have it tested, we will just have to remove it. We have to test and show that the road is going to hold up." Boyd Davis also stated, "By final approval, they will also have to submit a grading plan that shows all of the elevations."

**8. Planning Commission comments.**

Jeff Macfarlane had no comments.

John Detamore had no comments.

Korey Kap had no comments.

Jeremy Strong had no comments.

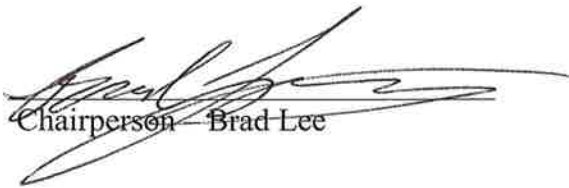
Curtis Seeds had no comments.


Brian Vincent had no comments.

Brad Lee thanked everyone for their service to the City. Thanks to Staff for their hard work.

## 9. Adjournment

John Detamore made a motion to adjourn at 7:16 p.m. Jeff Macfarlane seconded the motion. All voted aye.

  
Chairperson – Brad Lee

  
Secretary – Michelle Bailey

