

**West Point City
Planning Commission
3200 West 300 North
May 15, 2014**

Present: Brad Lee, Jeremy Strong, Korey Kap, John Detamore, Brian Vincent, Jeff Macfarlane, Boyd Davis – City Engineer, Kyle Laws – City Manager, Kent Henderson – City Council Representative, Michelle Bailey – Planning Commission Secretary

Excused: Curtis Seeds

Visitors: Kyle Hamblin, Ryan Brown, Lloyd Heslop, Bud Heslop, Darrell Mueller, Kelly Barber, Lorrie Barber, Jay Barber

WORK SESSION

1. Conditional Use Permit for an accessory building located at 1383 North 4350 West, Ryan Brown, applicant.

Boyd Davis stated this shed is proposed to be 26' x 44'. He is proposing a garage with double doors. This size is just over 1,100 square feet, so due to the size of lot that he owns, he is required to get a Conditional Use Permit. Boyd reviewed the criteria for conditional use permits to be issued. It must be 15 feet from any adjacent dwelling structure. The shed cannot occupy more than 20% of the total lot area. If an accessory building is over 1,000 square feet, it requires a conditional use permit if the lot is smaller than 15,000 square feet. It is limited to one story. It is not allowed on a vacant lot. It must be set back a minimum of one foot from the property line. No living space is allowed in accessory buildings. Ryan Brown meets all of the criteria. Staff recommends approval.

2. Conditional Use Permit for an accessory building located at 999 North 3000 West, Darrell Mueller, applicant.

Mr. Mueller has a long, skinny one-acre lot so he has plenty of room for the building. He is proposing approximately a 1,700 square foot shed. This will be quite a distance behind his home. He has proper distances from all dwelling structures. This must meet the same criteria as just reviewed, except this falls under the Code that states, "accessory buildings over 1,500 square feet require a conditional use permit regardless of the size of the lot." Staff recommends approval. Brad Lee asked if there is sufficient access between his home and his neighbor's home. It looks very close. This will be a post and frame construction building.

3. General Plan revision for the Heslop property

Boyd Davis gave a quick review of the topic. Castle Creek Homes is requesting a change to the General Plan. They are requesting that a portion of this property be designated as an R-5 zone. That would allow townhouses to be built on the property. Staff has

discussed this. They are fine with the idea of townhouses in this area because they feel that it would provide a buffer between the existing houses and the future commercial. The City Council was originally pushing to leave all of the property as commercial. They feel that this is a bit of a compromise. The current General Plan shows the entire property as C-C zone. The proposal is to change the General Plan and show the eight acres being discussed be designated as R-5. Staff has sent out notices for the public hearing to be held tonight. Staff sent letters to all of the residents, to the other cities, the Sewer District, the Fire District; any other entity that might serve that area that could be affected by this change. Staff recommends that they approve the request. The Planning Commission has three options tonight. They may approve it, deny it, or table it for further discussion. If there are comments made tonight in the public hearing that bring up pertinent information that you need to further review, tabling the item would be appropriate.

Brad Lee reminded the commission that this is simply a request to amend the General Plan to designate the property to an R-5 zone. This is not to rezone the property.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Jeff Macfarlane

4. Approval of Minutes from April 24, 2014

Korey Kap made a motion to approve the minutes for April 24, 2014, as written. Brian Vincent seconded the motion. All voted aye.

5. Public Comments: None given

6. Conditional Use Permit for an accessory building located at 1383 North 4350 West, Ryan Brown, applicant.

Ryan Brown was in attendance to answer questions. Boyd Davis reviewed the application. The shed is 26'x44'. There will be double garage doors and windows. Boyd reviewed the criteria for the accessory building. It must be 15 feet from any adjacent dwelling structure. The shed cannot occupy more than 20% of the total lot area. If an accessory building is over 1,000 square feet, it requires a conditional use permit if the lot is smaller than 15,000 square feet. It is limited to one story. It is not allowed on a vacant lot. It must be set back a minimum of one foot from the property line. No living space is allowed in accessory buildings. Mr. Brown meets all of the criteria. Staff recommends approval of the permit. Mr. Brown asked for permission to add a foot each way so it would be 27'x45'. Boyd Davis said that is allowed.

John Detamore made a motion to approve the conditional use permit for an accessory building located at 1383 North 4350 West, Ryan Brown applicant. Korey Kap seconded the motion. All voted aye.

7. Conditional Use Permit for an accessory building located at 999 North 3000 West, Darrell Mueller, applicant.

Darrell Mueller was present to answer questions. Mr. Mueller requested permission to build a garage on his one-acre lot. He would like to change his request on the size of the building. He would like it to be 32'x 56'. The walls will be 12 feet tall. It is post and frame construction. Boyd Davis displayed a picture of Mr. Mueller's lot and it illustrated where the building would be located. This meets all of the criteria for a conditional use permit. Staff recommends approval. John Detamore asked Mr. Mueller if there is adequate access to the back of his lots between his home and his neighbor's home. Mr. Mueller said there is plenty of room to access the accessory building. He has a driveway on the north side of his home.

Jeremy Strong made a motion to approve the conditional use permit for an accessory building located at 999 North 3000 West, Darrell Mueller, applicant. Brian Vincent seconded the motion. All voted aye.

8. Public Hearing to accept comments regarding a proposed amendment to the West Point City General Plan for property located at approximately 1800 West 800 North, from C-C zone to R-5 zone.

Boyd Davis presented the information being proposed. The property being proposed for the amendment is the Heslop property located at approximately 1800 West 800 North. Castle Creek Homes is the developer that has purchased the property. Last year, they requested a rezone of the property but it was denied by the City Council because it did not match the General Plan designation. The General Plan currently calls for that property to be commercial. Castle Creek Homes was proposing residential homes. Now, Castle Creek Homes has submitted a letter requesting that the General Plan be amended to allow a residential zone in that area, rather than commercial. Keep in mind that the General Plan is a preliminary step to the zoning of a property. The General Plan is a map the City has that is a future vision of what all of the zoning in the city should be. If there is a change made tonight, this will have to come back to the Planning Commission in the future to be officially rezoned. This is just an amendment to the General Plan being discussed tonight.

Boyd Davis explained that the request before the Planning Commission tonight is to change the zoning from Commercial (C-C) to R-5. The R-5 zone is a residential zone that would allow 10.5 units per acre, which would accommodate townhouses. Staff is comfortable with this proposal because they feel that the R-5 zone is more compatible with the future commercial to the west of that. The townhouses would provide a buffer between the existing houses to the east and to the south, and the future commercial. If townhouses were not allowed to go there, and it is to be standard single-family houses,

there would possibly be another buffer required in the future that might shrink the commercial property even smaller. Boyd Davis showed a map that displayed the current General Plan. The proposal is to change the east portion of that property to R-5. It is approximately eight acres. There is a process in place to amend the General Plan. First, the request is to be reviewed by the Planning Commission. Then the public hearing is advertised. Notices were sent to all of the property owners. The public hearing will be held tonight. The Planning Commission will then vote on a recommendation. That recommendation will be forwarded to the City Council, who will have the final vote on the proposal. Staff's recommendation to the Planning Commission is that they hold the public hearing tonight. Staff recommends approval of this amendment. The Planning Commission can approve, deny or table the proposal.

John Detamore made a motion to open the public hearing. Jeff Macfarlane seconded the motion. All voted aye.

Bud Heslop – 1775 West 800 North – Bud stated that he is one of the prior owners of the property. He said they are extremely concerned about rezoning this to R-5. He said, “When we sold the property, one of the criteria was that we would end up with some really quality homes, and that is what my mother and dad always envisioned going there. The proposal was to go somewhere between 19 and 25 homes on that piece of land. If you switch it over to an R-5, you’re opening yourselves up, and us, to have 70 homes built in our backyard. We realize that we’ve got planners and engineers that are trying to protect the future of West Point. But somewhere along the line, those of us that have lived here our entire lives and our families have been here for a couple hundred years; we need that same protection. I’ve been involved enough to know that those kinds of subdivisions do not hold the property value like the good quality homes. We’ve been here for a very long time. I bought my mother and dad’s house with the intention of living there for the rest of my life and hopefully having property value on that piece of property go up not the opposite direction. I think we can go back if we have to, and show what they do to property value; not the short term, but the long term. We are just extremely concerned of the number of dogs and automobiles and those kinds of things that 70 units will bring to the table. Now they may, in fact, not use the whole entire 70, but if, in fact, Mike decides he’s not going to develop that, you’ve now opened the door for him to sell a paper subdivision and anything could happen at that point in time. As a family, we are extremely concerned. It wasn’t what was proposed when we sold the ground. I told the folks that bought it that if we knew this was going to happen, it wouldn’t have got sold.”

Lorrie Barber - 734 North 2000 West – “I think I’m the property that you think is commercial and is going to be buffered; part of Jay Barber’s family. At this point, he has no intention to sell that property commercial. So there doesn’t seem to be a need to have a buffer for it. As long as we’re living there and he is living there, and his daughter lives there, there won’t be any intention to sell that property; it will remain as farmland until all of us are gone. Just to clarify that it’s not going to have a need for it. I just thought I would share that we have, really when they said they were selling it and wanting to divide into, you know, third-acre and half-acre pieces of land, then you say, ‘Oh that’s nice because that keeps commercial from that area that we live. I do live right on 2000 so

it is busy, but it keeps that commercial property away. If you put these homes in then, again, that does decrease the value of our property. This family has lived here on this property for, you know, generations. So it is a hardship to all of us to have you change this to meet a desire to build a lot of commercial and get more tax base; which is what it feels like to us you want, is just more money.”

Jeff Macfarlane made a motion to close the public hearing. John Detamore seconded the motion. All voted aye.

9. Consideration of an amendment to the General Plan for property located at approximately 1800 West 800 North, from C-C zone to R-5 zone.

Brad Lee reminded the public that this is not a recommendation to rezone any property; it is simply to make an amendment to the General Plan. Lorrie Barber said she was confused and asked for clarification on what is being done tonight. Boyd Davis stated, “The proposal tonight is just to amend the General Plan, not to rezone property. The General Plan is just what it says; it’s a very general plan that the City has. It’s a planning tool that says what the vision is for the future of all of the properties in West Point. The developer has made a request to amend the General Plan just for this property.”

Brian Vincent said this has been discussed in detail and feels that the commission understands a lot of the concerns before them. Understanding the concerns, Brian made a motion to approve the amendment to recommend to the City Council that the General Plan be changed. Jeremy Strong seconded the motion. All voted aye.

10. Planning Commission Comments:

Jeff Macfarlane had no comments.

Korey Kap had no comments.

John Detamore had no comments.

Brian Vincent said he appreciated the public for coming tonight for the public hearing. He also thanked Staff for the work done on this project.

Jeremy Strong had no comments.

Brad Lee had no comments.

11. Adjournment

John Detamore made a motion to adjourn at 7:32 p.m. Korey Kap seconded the motion.
All voted aye.


Chairperson – Brad Lee


Secretary – Michelle Bailey