

**West Point City
Planning Commission
3200 West 300 North
September 25, 2014**

Present: Brad Lee, Brian Vincent, John Detamore, Korey Kap, Jeff Macfarlane, Curtis Seeds
Evan Nelson – City Finance Director, Michelle Bailey – Planning Commission Secretary

Excused: Jeremy Strong

WORK SESSION

1. Upcoming Planning Commission meeting

Brad Lee commented that the next meeting is scheduled for UEA weekend. Many of the commissioners will be out of town that night, so it was decided to cancel the meeting scheduled on October 16, 2014.

2. Discussion regarding a conditional use permit for an accessory building located at 4292 West 1550 North, Steven Sanders, applicant.

Boyd Davis was not present at the meeting but discussed the agenda with Chairman Brad Lee. He gave his thoughts and recommendations on the items scheduled for discussion. Boyd stated that this is a larger than normal accessory building. It will fit on the lot, but the front of the accessory building will be flush with the front of the residence. Mr. Sanders has agreed to use brick and stucco that would match the residence on the front façade of the building rather than what he originally had planned to use. Brad Lee stated that the Commission could ask Mr. Sanders if he is able to push the setback back farther on the lot. If he does move the building back, he would have to build a smaller building than proposed. Staff recommends approval of the conditional use permit.

3. Discussion of proposed Flexible Use Area

Brad Lee mentioned that the verbiage regarding percentages was deleted from the proposed Code. Evan Nelson stated that they reworked the ordinance per the discussion in the last meeting and took out the minimum/maximum percentage requirements. Staff added some verbiage that specifies the intent of this ordinance. It lets the developers know that when they submit an application to develop in this area, it will be evaluated based on the priorities the City has. Those priorities are preserving commercial space, providing limited, high density residential, and providing research/industrial, while still allowing flexibility. If the Commission isn't comfortable with what is being proposed, they can tell the developer they don't feel he/she is accomplishing a certain priority as much as desired. They can then work back and forth to come up with a development everyone can be satisfied with.

The name was changed back to the Mixed Use Zone so it will match the General Plan and that won't have to be opened up and changed. Brad Lee stated that he likes the sentences that reads, "The style of this code is such that the burden of ensuring proper zoning and development rests more with the Planning Commission and the City Council than would be the case with more restrictive codes." Brad Lee stated that he feels Evan has done a tremendous job with the revisions to this Code. He feels it will lend the City a lot of opportunities for better and higher quality development because they will see us as being a City that is flexible with our zoning. He feels this is moving in the right direction. John Detamore said he feels this is a great opportunity for a developer to do some great things in this area. Korey Kap mentioned that he feels this is something they can all be happy with. Curtis Seeds said this has been discussed in great detail and he has really liked it from the first discussion. He likes the flexibility. Everyone stated they have discussed this enough and feel comfortable voting on this item in the regular meeting.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Brad Lee

4. Approval of Minutes from August 14, 2014

Curtis Seeds made a motion to approve the minutes for August 14, 2014, as written. Brian Vincent seconded the motion. All voted aye.

5. Public Comments:

Dennis Day 49 North 2000 West, West Point – Dennis asked if the City and State are working together to expand 2000 West at this time to at least Highway 193, due to the shopping center that is planned on the corner of 2000 West 300 North. Brad Lee responded that he doesn't have the answer to that question. Evan Nelson said he has heard that is in the eventual plan, but it is not an active project at this moment. Dennis Day asked if the City has any influence or power to require that in the expansion due to safety along that road. There is a lot of traffic along there due to the high school and such. Brad Lee responded that with a development that size, there must be certain regulations by UDOT met by the developer. Evan and Brad both referred Dennis Day to Boyd Davis to discuss this matter in more detail. Dennis asked if this is something that will be discussed with UDOT before the project is started. Brad Lee assured him that it would be discussed in detail. It has to be part of the site plan that the developer must turn in for approval from the City. Dennis asked at what point of the planning process they will address the widening of the road to protect the citizens around the project. Brad Lee said it will be discussed before a hole is even dug. A public hearing will be held and the developer will be present to answer questions.

6. Consideration of a conditional use permit for an accessory building located at 4292 West 1550 North, Steven Sanders, applicant.

Steven Sanders was present to answer questions. Steven stated he has spoken with his neighbors and they don't have any concerns with him building the accessory building. He stated it will be a wood-frame construction building with brick and stucco on the front which will match the residence. Evan Nelson stated that this was discussed in the work session. Because of the size of the garage, the owner is required to apply for a conditional use permit. Boyd Davis has evaluated the application and stated that it meets all of the legal requirements of the Code. Staff has worked with the applicant to ensure that the building will blend in with the neighborhood and not be an eyesore. The homeowner and Staff discussed it and the homeowner agreed to do the street facing façade out of materials that will match the house. With that agreement in place, Staff recommends approval of the conditional use permit. The garage will have the same setback as the house; which is 30 feet from the front property line. It will be three feet from the rear property line and 15 feet from the side property line. Steven Sanders said the sides and rear of the building will be covered with vinyl siding. They will be using the building for storage purposes.

Korey Kap made a motion to approve the conditional use permit for an accessory building located at 4292 West 1550 North, Steven Sanders, applicant, contingent upon the conditions set forth by Staff being met as agreed upon. Curtis Seeds seconded the motion. All voted aye.

7. Recommendation on a proposed amendment to the City Zoning Code regarding the Mixed Use Zone.

Brad Lee stated that this has been discussed at great length over numerous meetings. He feels they have this to a point where it will protect the interest of the City and also allow some flexibility to future development in our different zones. Evan Nelson stated that the Mixed Use Area is on the General Plan Map at 300 North and just west of 2000 West. The Mixed Use Area is designed to be a flexible area that gives developers a lot of flexibility to be able to build a development that will be market driven, but will also meet the interests of the City. The Code has been left very simple for this area. The process is that a developer would come to the City with a proposed development and apply for a zone change in this area. The Planning Commission and City Council would consider the application and grant/deny permission based on how well the application meets the objectives of the Mixed Use Zone.

The objectives are:

- 1 – Preserve adequate space and opportunity for commercial development.
- 2 – Provide a limited amount of space and opportunity for high density residential development.
- 3 – Provide a limited amount of space and opportunity for research and industrial development.
- 4 – Allow flexibility in the arrangement of uses for this area.

The proposed Code also allows for stacking of uses. The R-6 Zone, which is the highest density residential, would be able to be stacked on top of commercial or office uses. The R-6 Zone has not yet been created in the City Code, but this is the first step to making that happen. It is a higher density residential use than what we currently allow. Staff is optimistic about this approach and feel that this is a good way to draw developers to look at this area because it gives them a lot of control and creativity to what their development could be. It also protects the City's interests because the developers would go through the rezoning process to ensure that the needs of the City are met.

Brian Vincent asked about Item 3 in the Analysis portion of the Staff Report, which reads, "We have added four bullet points, outlining the objectives of the Mixed Use Area, with the idea that applicants will be required to demonstrate furtherance of these objectives in development plans." Brian asked, "So, every time a developer comes in with a plan and says 'Hey, here's my plan for this.' He doesn't have to provide those four objectives for what he wants to do. Correct?" Evan confirmed that is correct. Brian continued, "So, if no one ever wants to come in and do a research and industrial development there, are we requiring that there has to be some research/industrial development in that area somewhere? If that's the case and if everything else has been used and there's no research/industrial development, is that their only option?" Evan Nelson responded that he and Boyd discussed that and they felt like the way it is written is loose enough that it gives discretion to the Planning Commission when those applications come in. If the applicant demonstrates furtherance of some of the objectives, they wouldn't require every application to meet all of the objectives. But if we get to the end of the development and there are two acres left and we still don't have any research/industrial, he can see where that might be an unclear standard. Brian said he can see it working if one developer comes in to develop the entire piece. But if we allow developers to come in and buy chunks of it, this could be a problem.

Korey Kap said he reads into as saying they must provide a limited amount, it doesn't say it has to go in. Brad Lee said he read it that way as well. Korey said, "What we did was we left it up to us. It says 'limited amount' but it doesn't say how much has to be that. That's why we took the percentages off." Brian Vincent wanted to make sure there wasn't a restrictive clause on there saying research development has to be somewhere on the property.

Evan Nelson said he can see where everyone is coming from. Staff wants it to be easy for everyone to work with. If there is a concern on how that could be interpreted, maybe we could change the verbiage for clarity. Discussion took place regarding how it could best be clarified. It was suggested that the verbiage be changed to read:

1. Preserve adequate space and opportunity for commercial development
2. Provide an opportunity for high density residential development and research and industrial development.
3. Allow flexibility in the arrangement of uses for this area.

John Detamore made a recommendation on a proposed amendment to the City Zoning Code regarding the Mixed Use Area according to the proposed verbiage for Chapter 17.25.085 Mixed Use Area. Korey Kap seconded the recommendation. All voted aye.

8. Planning Commission Comments:

Korey Kap thanked Evan Nelson for his hard work on this project.

John Detamore thanked Staff for their efforts on this project.

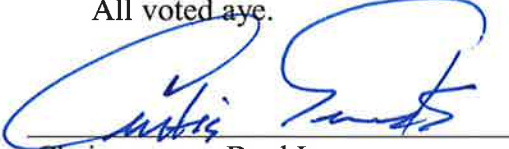
Curtis Seeds echoed the sentiments expressed.

Brian Vincent stated that he feels this is interesting and is excited to see how this develops.

Brad Lee thanked Staff for all that they do. He also thanked the Commissioners for the work that they do and the unity they have as they muddle through these projects.

9. Adjournment

John Detamore made a motion to adjourn at 7:39 p.m. Brad Lee seconded the motion. All voted aye.


Chairperson – Brad Lee


Secretary – Michelle Bailey

