

**West Point City
Planning Commission
3200 West 300 North
December 11, 2014**

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

Visitors: Troy Wolverton, Bret Wahlen, Gary Wright, Terry Ellis, Jon Craythorn, Lynn Craythorn,

WORK SESSION

Planning Commission training video

Discussion took place regarding some of the highlights of the training video. Jeremy Strong asked about the discussion regarding quitclaim deeds. Boyd Davis stated that both parties must sign a quick claim deed regarding boundary lines. The Planning Commission now has no control over boundary line agreements. Jeff Macfarlane mentioned staff approving conditional use permits. Boyd Davis commented that currently, Staff approves some conditional use permits. In the past, every home occupation license had to get approval from the Planning Commission. Staff decided it was not necessary for the commission to approve every business. Staff now reviews all minor home occupations. The major home occupations are still required to receive approval from the Planning Commission. Business licenses are the only conditional use permits that, by Code, staff has the authority to approve. Brad Lee asked if the Code would need to be amended in order to grant Staff the authority to approve more conditional use permits. Boyd Davis said it would need to be amended to make a change like that. Public clamor was mentioned in the training. If a public hearing is being held and there are angry people there, the commission cannot base their decision on the public clamor. If evidence is brought forth, it should be taken into account, but the decision can't be made due to angry residents that don't agree with something. Boyd Davis brought up the topic from the training regarding certain items that the Planning Commission is required, by State Code, to review. There are others that the commission is not required, and should not review. Many cities allow their commissions to review items that they don't have authority to review. Planning Commission is over planning, zoning, General Plan, etc. They have no authority over things such as City funds, the budget, etc. Another topic was subdivisions that have been approved, but the approval has expired. The training leader said some of the City Codes may have changed since they got their first approval and the new Codes apply to those subdivisions. Once approval of the subdivision has been granted, the developer has one year to begin construction. Another topic discussed was small lot and single lot subdivisions. The instructor said that by State Code, they now are not required to do a plat. Boyd Davis reminded the Commission that our Code says something different. We require a plat for every subdivision, regardless of how many lots they have.

We were running into issues with people recording illegal lots. Even though the State Code allows it, our City Code is stricter.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by John Detamore

4. Approval of Minutes from November 20, 2014

Jeff Macfarlane made a motion to approve the minutes for November 20, 2014, as written. Korey Kap seconded the motion. All voted aye.

5. Public Comments: None given

6. Approval of meeting schedule for 2015

John Detamore made a motion to approve the meeting schedule as submitted. Brian Vincent seconded the motion. All voted aye.

7. Consideration of preliminary approval for Craythorne Homestead Subdivision, located at approximately 500 South 4500 West, Craythorne Construction, applicant.

Erik Craythorne was present as a representative of the applicant. Mr. Craythorne is acting as an agent for Terry Ellis and her family; they are the property owners. They were available to answer questions as well as Mr. Craythorne. Boyd Davis stated that this subdivision received preliminary approval in 2009. As discussed earlier, approvals are only valid for one year so that has expired. They are back now and are ready to move forward. Not much has changed on the plans since that time. The City Codes were checked to see if any changes that have been made would apply to this subdivision. The lots were larger than they needed to be in 2009 so they are still ok, except for a couple of lots. There are several parcels here. One parcel is owned by Davis School District for a future elementary school. Another parcel is owned by the LDS Church for a future meetinghouse. The remainder is owned by the Craythorne family. Boyd pointed out on a map Cold Springs Road also the Hooper Irrigation Canal is buried there. The Davis/Weber Canal Company's secondary water pond is located in the vicinity. The Davis County drainage channel goes through there. 4500 West is a State highway so UDOT will be involved with this project. There will be 123 lots in the subdivision. It is within the allowed density. The property has already been rezoned. It is an R-1 zone. They are within the 2.2 units per acre requirement. Jeff Macfarlane asked about a comment in the Staff Report regarding lots 3 and 11 being vacated. Boyd responded, "There was a home on Lot 11 and there is still a property line that exists there but the home has been torn down. We just need to get rid of those property lines and include

home has been torn down. We just need to get rid of those property lines and include them in the subdivision. The same situation applies to Lot 3.” Following are some items to consider from Staff’s review. There are a couple of cul-de-sac lots that are too small; the lot is big enough but the frontage is too small. These comments have been given to the developer’s engineers and they are working on them. Staff doesn’t believe this will be a problem, but during the UDOT approval for the West Davis Corridor, they showed alternative A as going through the middle of this property. UDOT has selected alternative B as their preferred route and that is east of this property. Staff wanted the Commission to know that one of the alternatives did affect this property, but they don’t believe that will be the final route. There is a new City Code in place that requires a subdivision with any lots that back up to a collector road to provide landscaping there. The developer must also create an HOA to provide the maintenance of that landscaping. Water shares will be required to be submitted to the City. Also, there is a payback agreement in place on this property. The Davis/Weber Canal Company installed a secondary water line that goes from their pond up to 300 North. It benefits all of those properties in that area so there is a payback agreement in place that will need to be satisfied before they can record a plat. The Staff Report has a list of other agencies they will need to get approval from. Those are not required for preliminary approval, but they do need to bring those in before final approval will be considered. Staff recommends preliminary approval.

John Detamore made a motion to grant preliminary approval for Craythorne Homestead Subdivision, located at approximately 500 South 4500 West, Craythorne Construction, applicant, contingent on all items listed on the Staff Report be met. Jeremy Strong seconded the motion. All voted aye.

8. Consideration of preliminary site plan approval for the West Point Commercial Project, located at 2000 West 300 North, Gary Wright, applicant.

Gary Wright, Bret Wahlen, and Troy Wolverton were present to answer questions. A site plan was presented for review and discussion. Bret and Troy work for Anderson, Wahlen Associates. They are working in conjunction with Wright Development and Smith’s Food and Drug. Staff recommended that if the Commission feels comfortable with the things presented, they may take action on the preliminary project tonight. It will then come back for further approvals such as final site plan, as well as conditional use permits and building approvals. The Commission saw the elevations at the last meeting. There has been a change in the elevation drawings of the building. They have added additional stone since the last time it was discussed. The columns all have stone on them. The site plan has also changed slightly from the last time it was discussed. The Smith’s pad is exactly the same but some of the pads out front were reconfigured slightly. Right now, it is showing a credit union, fast food, retail, fast food, and fast food again. There are no commitments on those pads at this time. Those could change. The only thing being considered tonight is the Smith’s building. A diagram was distributed illustrating how this fits with the surrounding property and where the street accesses will be.

Boyd Davis explained to the Commission that they will be considering three different motions tonight. First, they will be considering preliminary approval for the overall site

plan; that is including all of the pads and the street accesses to the site. Then they will be considering a preliminary approval for the Smith's pad; just the property where the Smith's sits as well as the parking going along with that building and the fuel center. In addition, they will be considering a subdivision plat. Just like a residential subdivision, each of the buildings is on its own lot and they have to record a surveyed plat to create each of those lots.

Some of the items to consider tonight are:

1. The subdivision plat,
2. A beer license will be required on this project
3. The site plan currently shows a vinyl fence around the property. Staff would like the Commission to consider some alternatives to that. Staff feels that a vinyl fence doesn't seem as durable as other products
4. The buffer needs to be considered. Along the south end of the project, between the fast food pad and another property, there is an existing house. The Code requires there be a 50 foot buffer between that to protect the house from the noise and activity. The developer is asking for that to be reduced. The Commission may grant approval by a conditional use permit to reduce that. They need to consider what needs to be done if that is reduced in order to protect that home. Keep in mind that road will be widened and the house probably won't be there for very long, but in the short term, it needs to be protected.
5. The architectural requirements. They are showing enough brick as required by Code. They are also showing the articulation, which is the change in the roofline and also the wall planes in the building so it has bump outs and relief in the walls. The plans look great; Staff doesn't have any complaints with the look of the building. Technically by Code, some of the bump outs aren't as big as they should be so that needs to be considered.
6. The street improvements. We are all aware that 2000 West is going to be widened. UDOT has said they plan to begin that project in 2017. Because of that, the developers are showing that being left as an undeveloped road along their frontage. The idea is that they want to get this store going and then let UDOT come in and build the road themselves when the time is right. Their thought behind that is they probably can't build it to the right elevations and the construction standards that UDOT will need when they do the entire road. They do plan to do some type of landscaping out there to make it look nice.

Boyd Davis stated that Mayor Craythorne, the City Council and staff members went to the Grand Opening of the Smith's Marketplace store in West Jordan. Boyd Davis turned the time over to Troy Wolverton and Bret Wahlen to make a presentation and answer questions about the development. Bret Wahlen stated that their corporation, Anderson, Wahlen & Associates, has done all of the Smith's Food and Drug work for the past 30-35 years. They have built hundreds of these stores. They were involved with the stores recently finished in North Ogden and Los Alamos, New Mexico. Both of those stores have done better than projected. Their success and acceptance in both communities has been very good. They brought to the meeting a 3-D model of what the site will look like. They showed the landscape plan. For the most part, Smith's has been very anxious to

have an upscale shopping center. They are trying to get away from the Walmart-style shopping center. You'll see that the products are quality products that they are offering. Landscaping, architecture and driveway accesses are important to them as well as to the community. Speaking of the landscape plan, some of the critical areas would be on the rear of the store as well as getting a significant amount of vegetation out in the parking lot. Smith's is looking to do about 15 stores in the next five years along the Wasatch Front. They are looking to escalate their projects because of some of the successes they've had recently. Kroger, Smith's parent company, is anxious to move these projects to the forefront due to the successes they are having along the Wasatch Front. The sooner we can get this into high gear, the better chance that it moves forward without any hiccups. They are anxious to have this store open by the end of the next fiscal year. That is a very quick turnaround time. Working with the community is very important to them. Kroger requires their construction department to bid it out and then go back to Kroger to make sure it is within budget; that takes additional time. The sooner we can move through this process, chances are very high it will happen in the time frame desired.

The retail pads shown on the 3D model have no design currently. The ones shown are just there to show mass and scale to see how the sight lays out. The architecture that is in for the Smith's Food and Drug is accurate and based on the architect's model that he has created. The differences with the building here compared to the ones in North Ogden or West Jordan are that the block that is used on the building, the precision block and the split-face block band, are going to be integral color block instead of being painted. That is an upgrade for the buildings. They will supply a materials board so the commission can see exactly what those look like.

As consultants, they are trying to make sure the budgeted money is spent to upgrade the sight as much as possible. Their best experience is looking at opportunities and ways to utilize landscaping along those walls. Station Park, in Farmington, has some green screens which are screens which go up the walls and you can plant ivy and other vegetation which can climb those. They feel that would be a perfect way to meet what our City Code is trying to make happen.

On the south property line, there was concern about a buffer between the resident and the project. They proposed to have some denser planting, some pinion or something that wouldn't drop its leaves in the winter, to provide a buffer there. The fence along there is still an issue that needs to be discussed. They suggest that at the rear of the store, the vinyl fences tend to be destructible. They have found that it's better to beef those areas up with additional landscaping and then if there is a need for some type of security, they put black chain link fence in. It tends to blend out and you don't see it. They suggest that on the docks they extend some screen walls and do it in a different fashion than putting it right on the property line. That would screen the trucks more. They have found that landscaping can do a much better job at buffering because you don't have graffiti issues and the industrial-feel elements to it. It's a longer term solution. They suggest using evergreen trees at the rear of the site behind the truck docks. Then on the area to the south, the General Plan calls for that to be commercial, so as those homes are taken out, it

would seem like it is going to be a commercial use and not a residential use. The wall really wouldn't have any benefit.

One of the big challenges for Smith's is trying to get their store open and not come back and have the street tore up later. Upon speaking with UDOT, they say they are planning on putting all concrete street improvements back in and it will all be new. Whatever Smith's installs will be removed. They have been looking at trying to find a way that will meet the needs of Smith's and Wright Development in the interim in adding some deceleration lanes or right turn lanes coming in to accommodate the project. They would try to put some temporary landscape materials out there that would go all the way out to the asphalt. It would all be removed later. That is one of the big challenges this project has. It is all time related. If Smith's had their choice, they would like to push the project back and wait a couple of years, but their program is such that they are anxious to get these stores out in the communities and Kroger is pushing them very hard to spend the money in these areas. With that being said, they feel it is a good middle ground to move forward on that basis.

Troy Wolverton stated that the UDOT access is an ongoing process. They have a level 3 traffic study that they will need to submit. They are requesting variances for some of the accesses. That is a process that will need to be done before final approval. Brad Lee asked about signage. Troy responded that they had talked about pylon signage as well as monument signage. In this particular instance, because the Code does not allow some of the fuel center signage that Smith's is asking for, they will come back to the commission with a conditional use application that will be a master sign plan for the overall project. They are still trying to work out the theme and details of what they will look like.

Boyd Davis commented about how excited we are to have Smith's coming to West Point, and how grateful we are to Gary Wright for working so diligently on this project. Jeremy Strong said, "We talked about the bump outs on the front and how they aren't quite up to Code. How far off are they?" Boyd Davis responded, "By Code, they are supposed to stick out a foot and a half. The plans show 10 inches." Troy Wolverton stated, "We have found over time that those bump outs get hit by shopping carts, the stone starts to come off and those types of things. It is a maintenance issue for Smith's. We are able to provide some relief and this has a protective base around the bottom. The bottom is actually a bit wider, then what is up on the wall doesn't stick out quite as far to provide some relief, yet it is not quite in conformance with the Code." Bret Wahlen said you'll find that this building has substantial elements, as you look at the front entries, the money they are spending on embellishing those is quite significant. Troy Wolverton pointed out that the span across the top, for vertical articulation within the Code, is limited to twice the vertical height of the walls, which would be 60 feet. Their proposal is 70' 8". The purpose of that is that it messes up the balance associated with the windows below to change that, as well as some of the proportionality of these entrance features. To shorten that up makes the building look very tall. There are some architectural nuances there associated with keeping that span and keeping the balance of the building. They are requesting some minor deviations from the Code, one of those would be 10' 8" on the span across the top.

John Detamore asked how many docks they planned to have. They have five docks planned. A lot of times, docks will be below grade but in this situation because of the slope across the property, the docks will be at grade. Boyd Davis asked about dumpsters. Troy Wolverton showed the location for the dumpster. It is more of a compactor and not your typical dumpster. Smith's has a recycle program. Their compactor units are all self-contained.

Jeremy Strong said, "Boyd, going back to the differences in our Code and what they are proposing, do we have to do special things for those, like the frontage and the bump outs, or is it just one lump and done?" Boyd Davis responded, "What we've been discussing is creating a developer's agreement and putting any of those deviations in that agreement so it's on record. The City Council would need to approve the developer's agreement." Brett Whalen said, "What we've found is that there are a lot of things that we are going to do that exceed your Code, and so there may be a few areas that we ask forgiveness on. We also have, working with the redevelopment agency on some funding, a developer's agreement in draft form that Boyd and his staff have not seen yet. We will be getting with them in the next week or two and try to get started with that developer's agreement and identifying all of the exhibits and so forth." Troy Wolverton commented, "The Code, if you'll allow me, provides the Planning Commission a little bit of room to deviate in the percentages of those materials. But as far as some of the other articulations that we are talking about, the Planning Commission doesn't have that authority so it's really asking, 'Are you ok with it?' and we would draft it into a document that would provide that authority." Staff would expect the Planning Commission to make a recommendation to the City Council. These details don't need to be worked out tonight for preliminary approval, but they do need to be worked out before final approval. Troy Wolverton said, "One of the elements of the Code that is also required is to have as much foundation landscaping as possible. We slipped in a five foot landscape buffer along here to provide for that foundation element. We've also got some trees in there as well and this is where the green screen would go as opposed to the faux windows. Note these other trees out in this parking area, we've had a determination that this would be a street facing façade of the structure, but we're kind of indicating that there's a lot of landscaping to break up that large side wall."

Brian Vincent said, "So, our buffer requirement is 50 feet between residential and commercial. What is being proposed?" Troy Wolverton said they have proposed 20 feet. Boyd Davis said that is the landscape width. The buffer has to be completely landscaped so that is just the landscape width. This isn't the setback width to the building, it is just the buffer width. Boyd Davis said we had a similar issue with the 7-Eleven building; the buffer and the rear of the building were smaller than required and the compromise was a block wall versus a vinyl fence. Gary Wright stated, "That buffer is along the pad that I retained and own, and so I would agree to do a block wall there. I would also tell you that one of the things to think about is that landscape buffer is there to buffer that adjacent home. This probably, based on our construction schedule, wouldn't be finished until the end of 2015. Then by 2017, UDOT would have had to acquire the adjacent home and all the homes there and then that residential impact would go away. But I would also agree

in this meeting, because it would be my cost, I would pay for a block wall there if that's what the Planning Commission wants. That would be a short-term mitigation, but if that is something that is important to you, I would agree to do that." Brad Lee feels that would be very reassuring to the residents that live along there and he feels it is a nice compromise. Bret Wahlen mentioned that will probably be the last pad to be developed, so most likely that home will be gone before any use goes in there. Gary Wright also said, "Just for use, and I can't commit anything yet, but last week we met with the Physician's Group of Utah and they've asked for a proposal for a group of doctors to do a 6,000 square foot medical building on that pad. It would not be a fast food pad. We are talking with them and that's where they want to be. That's nice too because that provides a little better transition than maybe a fast food. We will agree to do what's required if it's commercial. We would come back for a site plan approval and you could tell us what you want then." Jeff Macfarlane asked if the reason for the 25 feet versus 50 feet was just because of where the property line ended? Bret Wahlen answered, "The best answer to that would be if you look at this plan, and I was involved with Gary and Smith's Food and Drug, their big issue is to try to make sure they have windows and visibility into the sight so as you come up to the corner that you have windows and visibility in. As you start laying this out, what actually happened is that this piece, with the 50 feet, this piece would go away and therein lies the challenge." Gary Wright added, "It becomes unbuildable. This road lines up with the road across the street so this location is fixed in concrete. If you take another 30 feet out of there, it's too narrow for development. So by you considering the 20 foot, it allows that to be a feasibly, useable pad or medical building site. That's really important to make that useable."

Troy Wolverton stated, "To give you a sense of scale, there is some diagonal hatching on the plan. That is the existing asphalt that is there now. The additional width to that dashed line on the plan, is the additional width of the roadway there. So as you look at some of the aerial photos and those kinds of things, kind of take that pavement width and double it and that gives you an idea of where that edge of right-of-way will be. That would be a foot off of back of sidewalk." Brad Lee pointed out that 2000 West will be a five-lane road, similar to Highway 193. Bret Wahlen mentioned that when they first started the project, before the schedule was escalated by Kroger and Smiths, they were looking to work with the State to see if they could get the monies early on to get the street widening put in. It's not even possible now with the schedule of the project being pushed up.

Boyd Davis asked Bret Wahlen to explain the landscaping plan again. Bret replied, "My opinion was the landscape rock; we would put some fabric down and just put landscape rock down through that area. That can at least be reused as it is torn up. There would be no need to put irrigation in that area; it would be a waste of time and money. To make it conducive for Smith's, it's got to look good or they're not going to do it. I know they are still struggling a little bit with that. At today's vantage point, that is what we are proposing. We still don't have a buy off from them because they are nervous about wanting to make sure it looks ready to open when they open the store." Troy Wolverton said, regarding the sidewalk, "What we've more recently tried to accomplish is trying to look seriously at what the profile of that road would be. We've looked at some options so that it transitions. When UDOT does widen the road, we'd like to be able to provide some

improvements out there so that there is a means of transitioning. It also provides a hard edge to build to; instead of having some situation where the drive approaches are low and the impact as it transitions into the property is more impactful, we've really tried to set what we refer to as a sidewalk edge. That's part of what we've talked about; maybe just building the sidewalk. It provides a pedestrian way and those kinds of things as well. But getting it to the elevation within, say, plus or minus 6" of what we anticipate the road to eventually develop to."

Korey Kap asked why the State isn't forcing their hand to push the improvements on 2000 West because 300 North is a State road and they are going to have to do all the curb and gutter on that. Boyd Davis responded that we haven't heard the final word from UDOT; we don't believe they will because they have a project plan. Smith's is working with UDOT and hoping they will accept this plan. Gary Wright commented, "One of the things UDOT told us when we met with them, is any improvements we put in on 2000 West, which we were shocked, any improvements, curb, sidewalk, road, they would tear it all out. Everything that we would install would be torn out because they are anticipating doing either a concrete road or the design in the elevations, but they told us if we were to put that in now, it would all be destroyed and torn out. It just doesn't make sense to do that for that period of time."

Bret Wahlen said, "One of the things we didn't mention was that in the parking lot lighting, they have gone to all LED lights." He continued, "It makes our job a lot easier, those are the issues we typically argue and fight with, now they have just upgraded it and provided those quality products. The other things they do is they have a green standard on their buildings. They have skylights throughout the building. A lot of their lights adjust throughout the daytime so they are energy conscious. They're doing a lot of those great things."

Jeremy Strong made a motion to approve the site plan as drawn as a preliminary plan for the entire commercial development located at 2000 West 300 North. John Detamore seconded the motion. All voted aye.

9. Consideration of preliminary Commercial Plat approval, located at 2000 West 300 North, Gary Wright, applicant.

John Detamore made a motion to approve the preliminary Commercial Plat for property located at 2000 West 300 North, Gary Wright, applicant. Curtis Seeds seconded the motion. All voted aye.

10. Preliminary Commercial Pad approval for the Smith's Marketplace Retail Center, located at 2000 West 300 North, Smith's Food & Drug, applicant.

Brian Vincent made a motion to approve the Preliminary Commercial Pad for Smith's Marketplace and the fuel center and Retail Pad A. Korey Kap seconded the motion. All voted aye.

11. Planning Commission Comments

Jeff Macfarlane thanked Gary Wright for making this project look very appealing.

John Detamore welcomed and extended appreciation to the gentlemen presenting the ideas at the meeting. He appreciates them being so professional and prepared.

Jeremy Strong seconded the comments regarding the City being excited to see them come in with this project and move forward. He also thanked the Ellis' and Mayor Craythorne for what they are doing to help move our city along.

Curtis Seeds concurred with the things previously stated by the commissioners. He also thanked Staff for the Christmas party that was held.

Brian Vincent echoed the things already stated. He realizes this has been discussed many times and feels we have really hit the nail on the head with this project. Thanks to everyone who has worked so hard on this project.

Korey Kap wished everyone a Merry Christmas.

Brad Lee concurred with previous comments.

12. Adjournment

Korey Kap made a motion to adjourn at 8:22 p.m. Brad Lee seconded the motion. All voted aye.


Chairperson – Brad Lee


Secretary – Michelle Bailey