

**West Point City  
Planning Commission  
3200 West 300 North  
February 26, 2015**

**Present:** Brad Lee, Brian Vincent, John Detamore, Jeremy Strong, Jeff Macfarlane, Curtis Seeds, Boyd Davis – City Engineer, Kyle Laws – City Manager, Michelle Bailey – Planning Commission Secretary

**Excused:** Korey Kap

**Visitors:** Spencer King,

**WORK SESSION**

**Discussion regarding a conditional Use Permit for an accessory building located at 4403 West 800 North, Spencer King, applicant.**

Boyd Davis reviewed what was discussed in the last meeting. He stated that Spencer King built a large building that will be used as a horse riding arena. He did not obtain a permit before starting the building. Staff was notified of the building being constructed by some neighbors. Staff spoke with Spencer and his contractor and told him he needed to obtain a conditional use permit and a building permit. Mr. King did apply and pay for the permits. The neighbors are concerned because of the size of the building. Mr. King thought he was exempt under the agricultural exemption. His lot is too small to qualify for that. Staff asked the contractor to stop construction until the proper permits were issued. He meets all of the criteria to have the building. It was tabled in the last meeting due to some questions/concerns the Commission had. One question was, what happens if he violates the conditional use permit terms and we need to revoke it. The other question was, can we put conditions on it that limit the number of horses, or the number of trailers that are there at any given time. There is concern that it could turn into something bigger than what is allowed by Code. Boyd Davis spoke with the City Attorney about the concerns. His response was that it's probably not a good idea to limit the number of trailers and people because the conditional use permit is issued on the building only. Any conditions set should be based on the construction of the building. Concerns with lighting, exterior materials, or height of the building could be addressed. The number of horses kept on the property is covered by another ordinance. The Zoning Code says that ranching and farm industry is a permitted use; which means he doesn't even need a conditional use to do those kinds of things.

Brad Lee said he is fine with the answers given by the City Attorney. John Detamore wondered about placing conditions on maintaining the exterior landscaping so weeds don't get out of control. Jeff Macfarlane commented that there is a riding arena down the street from his home and it's a wonderful building that doesn't cause any problems for anyone in the area. Jeremy Strong asked what the neighbors' complaints are. Jeff Macfarlane said they neighbor's view is partially blocked, but there is nothing that can be done about that. The height of the building was in question, but due to the size of the lot, there is no restriction. Curtis Seeds said, aesthetics wise, it is a nice looking building. It

will match the other barn and will look nice on the property. Kyle Laws asked if landscaping conditions could be placed on it since the attorney said the only conditions placed would have to be on the building itself. Boyd Davis responded that he didn't ask that specifically. John Detamore asked if they could place a condition on the building regarding adding on to the structure. Boyd Davis suggested that it might be appropriate to state if the owner wants to add on to the building, he must come back to the Commission for approval.

## **REGULAR MEETING**

### **1. Call to Order**

### **2. Pledge of Allegiance**

### **3. Prayer:** given by Jeremy Strong

### **4. Approval of Minutes from February 12, 2015.**

Brian Vincent made a motion to approve the minutes for February 12, 2015, as written. Curtis Seeds seconded the motion. All voted aye.

### **5. Public Comments:** None given

### **6. Consideration of a Conditional Use Permit for an accessory building located at 4403 West 800 North, Spencer King, applicant.**

Spencer King was present to answer questions. Boyd Davis stated this item was discussed in the last meeting and was tabled because Staff was asked to consult with the city attorney regarding if it is allowed to place conditions on things such as horses, the number of trailers on the property, etc. The attorney's answer was probably not because this is a conditional use permit on a building. Any conditions placed should be on the construction or some aspect of the building. The other question was what happens if the conditional use permit gets revoked. Since the conditional use permit is on the building, if the permit must be revoked, the building would have to be moved or torn down. Since the conditions are on the construction of the building itself, if the Commission is ok with it at the time it is built, unless there is a significant change to the building, it is very unlikely that it will be revoked. After the discussion in the pre-meeting, Staff is recommending approval of the conditional use permit subject to any conditions the Commission feels would be necessary to place on it.

Brian Vincent made a motion to approve the conditional use permit for an accessory building located at 4403 West 800 North, Spencer King, applicant. Jeff Macfarlane seconded the motion. Jeremy Strong mentioned that as per discussion in the pre-meeting, he would like conditions placed on the lighting on the exterior of the building, as well as a requirement that if Mr. King adds on to the structure, he must first obtain approval from the Planning Commission. Brad Lee asked Mr. King if he will be using exterior lighting on the riding arena. Spencer responded, "The building that is in front already has all of

the exterior lighting on it. The new building won't have exterior lighting. It's sole purpose is to ride inside. I don't plan to put lighting on the outside of it." Brad Lee clarified that his light will come from the barn in front of it. Spencer said there are two lights on the back of the barn. Brian agreed to amend the motion stating that if there is any additional building added to the plan that is currently in place, it be brought forth before the City for approval. Jeff Macfarlane seconded the amendment to the motion. All voted aye.

Boyd Davis told Spencer King that his building permits are ready for him to pick up and pay for. Boyd Davis asked Spencer if he understood the conditions placed on the permit. Spencer said he understood them and is fine with them.

Boyd Davis stated, for clarification purposes, he feels like there needs to be two motions made, one for each of the conditional use permits that were applied for. The motion previously made was for the riding arena. He would like another motion to be made specifically for the barn. Spencer King stated that the two buildings would be connected by a breezeway that will be about 20' x 30'. Staff assumed the buildings would be separate.

Curtis Seeds made a motion to approve the conditional use permit for a barn, including the breezeway connecting the barn and the riding arena, located at 4403 West 800 North, Spencer King, applicant. John Detamore seconded the motion. All voted aye.

## 7. Planning Commission Comments

Jeff Macfarlane thanked Spencer King for his patience through this process.

John Detamore also thanked Spencer for his patience. He thanked Staff for looking into the items in question.

Brian Vincent thanked Spencer King for his patience.

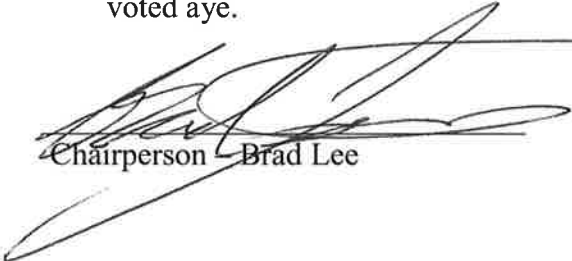
Curtis Seeds had no comment.

Jeremy Strong had no comment.

Brad Lee thanked Staff for their work on this project.

## 8. Adjournment

Brian Vincent made a motion to adjourn at 7:12 p.m. Brad Lee seconded the motion. All voted aye.

  
Chairperson – Brad Lee

  
Secretary – Michelle Bailey

