

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

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

Excused: Korey Kap, Jeremy Strong

Visitors: Gary Wright, Eddie Montgomery, Bryan Bayles, Burt Johnson

WORK SESSION

Discussion regarding a rezone from A-40 to C-C, R-4 and R-5 at approximately 2250 West 300 North, Gary Wright, applicant.

Boyd Davis said Gary Wright is applying for the rezone. They don't have any immediate plans for the property, but they are planning for the future. They are requesting to do a portion of it C-C, a portion for medium density residential, and a portion for higher density residential. The General Plan in that area calls for it to be a Mixed Use Zone. That hasn't been defined yet, but this does generally meet the concept of a mixed use zone; a mix of some commercial and some residential. Staff approves of this idea because they have intentions of placing the commercial portion along 300 North. It makes sense to have it along a main road. Staff recommends approval of the rezone request.

Discussion regarding a rezone from R-2 to R-4 at 2333 West 300 North, Eddie Montgomery, applicant.

This property is currently zoned R-2 and a small portion of it is zoned A-40. Eddie Montgomery owns the property. There are two small houses on the single parcel, which wouldn't be allowed now, but these houses are 80 years old. Mr. Montgomery would like to tear the homes down and build a duplex in their place. A duplex is not allowed in the zone he currently has on the property. It is a single family zone, so he could only put one residence on that property. The current Code states there may only be one building per parcel. Mr. Montgomery talked about splitting the parcel into two parcels so he could build two homes, but he doesn't have enough width to meet the zoning code. His other option is to try to rezone it to a multi-family zone that would allow a duplex. Staff recommends not rezoning this property. The reasoning behind that is Staff recommends they preserve that area for future commercial. If those houses were to be torn down, they recommend it be left vacant or preserved for commercial. Boyd has talked to Eddie Montgomery about this and let him know what Staff's recommendation is. He understands their reasoning but he still wanted to come before the Commission to plead his case. Mr. Montgomery was also told that, regardless of the Planning Commission's recommendation, this will move on to the City Council.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Curtis Seeds

4. Approval of Minutes from February 26, 2015.

John Detamore made a motion to approve the minutes for February 26, 2015, as written. Jeff Macfarlane seconded the motion. All voted aye.

5. Public Comments: None given

6. Public Hearing regarding a rezone from A-40 to C-C, R-4 and R-5 at approximately 2250 West 300 North, Gary Wright, applicant.

Boyd Davis stated that this property located at approximately 2250 West 300 North is open ground right now and is currently zoned A-40. The proposal is to rezone this property to a mix of C-C, R-5, and R-4 zones. The plan for that area is the Mixed Use Zone. The Mixed Use Zone hasn't been completely defined in the Code, but the concept of that mixed use is a mixture of commercial and residential. The proposal of the combination of the commercial along 300 North with the residential zones behind seems to meet the intent of the General Plan. Staff recommends approval of this rezone request. This is only a recommendation to the City Council; it is not a final decision tonight.

There were no comments made.

7. Consideration of a rezone from A-40 to C-C, R-4 and R-5 at approximately 2250 West 300 North, Gary Wright, applicant.

John Detamore recommended approval of the rezone from A-40 to C-C, R-4 and R-5 at approximately 2250 West 300 North, Gary Wright, applicant. Curtis Seeds seconded the recommendation. All voted aye.

8. Public Hearing regarding a rezone from R-2 to R-4 at 2333 West 300 North, Eddie Montgomery, applicant.

Boyd Davis stated that currently there are two homes on the property. Mr. Montgomery's desire is to redevelop this property. He is requesting that it be rezoned to an R-4 zone which would allow a multi-family dwelling. His plans are to put a duplex there in place of the two homes. The property is currently zoned R-2 with the back portion being zoned A-40. The R-2 zone only allows a single family dwelling. The General Plan for this property is the same as the previously discussed rezone. It is planned to be part of the Mixed Use Zone, which is a mixture of residential and commercial. Staff feels that if there is going to be commercial in the mixed use area, it should be kept along the main road, which is 300 North. For that reason, Staff does not recommend approval of this

rezone. Staff feels that if those houses go away, the best and highest use for that property would be commercial. Boyd has spoken with Mr. Montgomery about this and would like Mr. Montgomery to take a minute to address the Commission.

Eddie Montgomery said he grew up in West Point. His parents are Chester and Beverly Montgomery who owned Kiddie Kollege. Mr. Montgomery said he is having a hard time insuring the houses on that property because they are so old and because they are rentals. If they were homes, the insurance company would cover them. Because of the age of the home, the underwriters refuse to insure them. The only way Mr. Montgomery can see to correct that is to rebuild. The homes are 80 years old so it would be cheaper to rebuild than to fix up. By doing this, he feels it would be a benefit to him as well as his family. His father created a heritage for him, and he asked the Commission to consider the rezone so he can create a heritage for his children and grandchildren. Mr. Montgomery said the lot has two sewer connection, two water connections and two addresses. By rebuilding, it would improve the lot. By constructing duplexes, he wouldn't have to change the sewer or water connections because the infrastructure is already there. Mr. Montgomery said his property currently won't support commercial, but it will support the R-4 zone. Mr. Montgomery figured the cost to rebuild and he feels he can recoup the cost within eight years. In 12 to 15 years, he can double his money. If someday down the road, 15, 20 or 30 years, this will support the commercial property, he probably won't be around, but his children will probably accept the commercial property. He needs to do something now so that is why he is asking the commission to consider what he is facing. Mr. Montgomery said he is committed to the City for the long haul; he grew up here and loves West Point. Mr. Montgomery lived in those houses when he first got married. His daughter plus several nieces and nephews have lived in those houses over the years. It has been good for his family.

Boyd Davis stated, "Regardless of the decision the Planning Commission makes tonight, this will be forwarded to the City Council so there will be a second hearing for Mr. Montgomery to request this as well."

9. Consideration of a rezone from R-2 to R-4 at 2333 West 300 North, Eddie Montgomery, applicant.

Jeff Macfarlane stated, "In light of the General Plan, we've talked about the General Plan for a long time and we feel good about that General Plan, where this doesn't meet with the General Plan, I would move that this not be approved for the rezone from R-2 to R-4 at 2333 West 300 North, Eddie Montgomery, applicant." Curtis Seeds seconded the motion. All voted aye.

10. Planning Commission Comments

Jeff Macfarlane thanked Mr. Montgomery for coming in and pleading his case. He expressed hope that Mr. Montgomery didn't feel like that was a pre-made decision. Mr. Montgomery said he did not understand and asked why they turned him down. Jeff Macfarlane explained that it doesn't fit in with the General Plan. The General Plan calls for commercial along 300 North and this would be a residential piece. We have gone over the General Plan a lot over the years and feel really good about it. We have a hard time

making changes and tweaking it all the time. Mr. Montgomery replied, "So basically what you're saying is that you're tying my property up." Jeff Macfarlane reminded Mr. Montgomery that the City Council will make the final decision. Mr. Montgomery said he is not familiar with the process. Brad Lee explained that the Commission is sending a recommendation to the City Council; they are not approving or denying the rezone. Mr. Montgomery asked why they don't want to change the zoning on the property so he can use his property for what it has been used for. He said, "The property can support what it is now. How long will I have to wait before it will support commercial. We don't know, do we? You don't have a crystal ball and neither do I. What I'm saying is right now it will support the R-4. I'm not against the commercial. What I'm asking is for you to let me use my property for what it will support now. Then down the road, follow the City plan, follow your plan, and when it supports commercial property, let's do it. I'm not against that. But what you're saying to me, if I understand it, is that if we look at this in a timeline, in the here and now, I've got to do something because of the age of the homes. Now you're saying that you want the commercial property, you want to be down here, but we've got 15, 20, 30 years before it gets to that point. That's all I'm asking for is that you work with me. Let me use the property in the way it will support now and not 20 or 30 years down the road. Put yourself in my position. Would you want somebody to tie your property up for 30, 40 or 50 years? That's all I'm asking, and I guess I'm pleading my case after the fact, right, because it's been cleared and you're done." Brad Lee assured Mr. Montgomery that the City Council will make the final decision and they can vote whatever way they choose regardless of the recommendation from the Commission. Mr. Montgomery responded, "I know that because of what Boyd said, and what that is, I know that you have a tendency of following what Boyd recommends. I know also that what you recommend to the City Council is what the City Council usually follows. I'll plead my case to the City Council." Jeff Macfarlane said "That's not necessarily the case. We had a similar situation down where I live and the City Council went opposite of what the Planning Commission recommended. I'm not saying it's not going to happen. I think our vote was correct as far as the General Plan. We are just following what the General Plan is. I understand you are talking about a time issue and all we really voted for tonight was that this didn't meet with the General Plan. The City Council can override that and maybe they will go with your recommendation." Mr. Montgomery asked if he needs to apply for it to go to the City Council. Boyd Davis responded that it will automatically go to the Council..

John Detamore said that Boyd Davis is a paid employee of the City of West Point. He provides, as Staff, some recommendations based on years of research. Ultimately, the decision needs to be made as to what is best for the entire city. There are some difficult decisions that have to be made. John thanked Mr. Montgomery for coming to the meeting.

Curtis Seeds had no comment.

Brad Lee extended appreciation and gratitude to City Staff for the good work that they do.

11. Adjournment

John Detamore made a motion to adjourn at 7:31 p.m. Brad lee seconded the motion. All voted aye.


Chairperson – Brad Lee


Secretary – Michelle Bailey

