

**West Point City
Planning Commission
3200 West 300 North
November 12, 2015**

Present: Brad Lee, Jeff Macfarlane, Korey Kap, Jeremy Strong, Brian Vincent, Boyd Davis – Community Development Director, Troy Moyes – City Planner, Michelle Bailey – Planning Commission Secretary

Excused: John Detamore, Curtis Seeds

Visitors: Todd & Cassie White, Rick Miller, Keith Russell

WORK SESSION

1. Discussion regarding a Conditional Use Permit for an accessory building located at 3375 West 350 North, Rick Miller, applicant.

Boyd Davis stated that Mr. Miller wants to build a shed that is 1,600 square feet. By Code, anything larger than 1,500 square feet requires a conditional use permit. There are items in the Code that must be met, such as: the size of the structure which is larger than 1,500 square feet. The Code also requires that 20% of the lot still be landscaped. Mr. Miller meets that requirement. Code states that it can't be located in the side yard without approval of the Planning Commission. This will not be in the side yard. Code requires one foot setback from the property line and his building will be three feet off. He is limited to a one-story building, and he meets that requirement. Troy Moyes mentioned one concern he had in his Staff Report. He is wondering why it will be placed in that back corner where there is no access to it. Mr. Miller plans to use the building to work on and store vehicles. Mr. Miller said he is planning on connecting that to his driveway. Staff recommends approval.

2. Discussion regarding a Conditional Use Permit for a home occupation located at 1069 North 4150 West, Cassandra White, applicant.

Cassandra White has applied for a business license. She has been operating a business for a while and has been waiting to apply for the license until her new home is constructed. She is teaching dancing/singing classes at her sister's home right now until construction on her home, which is located right next door to her sister's home, is complete and she can run the business from there. Cassandra meets all of the qualifications for a home-based business. The Code states that any dance or singing class having more than two students is considered a major home occupation which requires the review of the Planning Commission. The Code suggest that the commission consider traffic issues. That is the only thing Staff feels could be a potential impact to the neighborhood. Cassandra is planning to have up to 12 students per class. There haven't been any complaints from neighbors yet, and she has been running the business from her sister's home for just over a year now. There is a lot of on-street parking available between her house and her sister's house. Staff suggested asking Cassandra what her plan is for parking. She previously said she may consider some additional parking or a drop off area

in her driveway. Brad Lee asked when the classes will be held. Boyd responded stating there are two, 50 minute classes which are run back to back with a 15 minute break between, and they are held only during the school year. Brian Vincent commented that his daughter is in one of Cassandra's classes and he has never had an issue with parking or traffic. Boyd Davis urged Brian to state for the record that his daughter participates in one of the classes. Brian will still be allowed to vote. Staff recommends approval.

3. Discussion regarding preliminary plat approval for the Homewood Subdivision located at approximately 4300 West 300 North, Keith Russell, applicant.

Boyd Davis said this was discussed by the Planning Commission recently. This had a private lane in front of the homes. City Council had concerns about the private lane and asked Staff to look into it a little more. They were concerned about aesthetics and safety. Staff asked Felshaw King, the City attorney, and he found a section of the Code that says private lanes are not allowed in this type of subdivision. Staff advised the developer about that and he took that into consideration. He came back and decided to use a different layout plan that will meet the Code. Rather than a private lane, he has eliminated one lot and has only two access points. That is what he had before, but rather than have a private lane that is connected, he is creating two different shared driveways for two lots each. Mr. Russell acknowledged that he will lose money on one lot, but on the other hand, he won't have to build the private road so he felt like it washed out equally. Korey Kap asked if the fire department would be ok with the shared driveways. Boyd responded that it will still have to be reviewed by them. The City Council has asked Staff to look deeper into the Code regarding private lanes. Mr. Russell is quite confident that UDOT will give approval of this new plan because it is the same access points he had previously that they approved. Staff recommends approval.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Jeremy Strong

4. Approval of Minutes from October 8, 2015.

Korey Kap made a motion to approve the minutes for October 8, 2015, as written. Brian Vincent seconded the motion. All voted aye.

5. Public Comments: None given

6. Consideration of a Conditional Use Permit for an accessory building located at 3375 West 350 North, Rick Miller, applicant.

Boyd Davis reviewed what was discussed in the work session. As a clarification to the previous discussion, it was said Code requires 20% of the lot still be landscaped. The

Code actually states that the accessory building may occupy no more than 20% of the lot area. Mr. Miller is planning an accessory building that will be 1,600 square feet. He meets all of the requirements. Staff recommends approval. Staff asked Mr. Miller how he plans to access the building. Mr. Miller said he will have collector cars that won't be driven in and out of the building very often; once or twice a year. He plans to eventually put a driveway along the fence line. Boyd responded that the Code doesn't require him to have a driveway.

Jeremy Strong made a motion to approve the Conditional Use Permit for an accessory building located at 3375 West 350 North, Rick Miller, applicant. Korey Kap seconded the motion. All voted aye.

7. Consideration of a Conditional Use Permit for a home occupation located at 1069 North 4150 West, Cassandra White, applicant.

Boyd Davis stated that Staff received an application for a home based business. It is for a singing group class. Code states that any classes, such as for dancing or singing, that have more than two students shall be considered a major home occupation because of the potential number of people going to that specific location. The location for the business is currently under construction and should be done within a couple of months. Staff urged Cassandra to apply for the license using her new address. The only potential concern Staff had is the traffic. The business has been operating for more than a year at a neighboring home and there have been no complaints so far. Staff recommends approval. Korey Kap asked how many students she has enrolled per class. Cassandra responded that she has 14 per class at this time. Cassandra compared it to a brownie scout meeting where most of the girls are from the area and they just walk over. It's not like a daycare or a dance class where there are lots of people coming at all times. It is once a week with most of the girls living in the neighborhood. Others that come often carpool together. Brian Vincent disclosed that his daughter attends classes at this business.

Brian Vincent made a motion to approve the Conditional Use Permit for a home occupation located at 1069 North 4150 West, Cassandra White, applicant. Korey Kap seconded the motion. All voted aye.

8. Preliminary plat approval for the Homewood Subdivision located at approximately 4300 West 300 North, Keith Russell, applicant.

Boyd Davis stated that this project came before the commission for preliminary approval a couple of months ago. The plan has changed so Mr. Russell has come back for preliminary approval again. The original plan called for a small private lane adjacent to 300 North that would provide access to the homes. The reason for the private lane is because UDOT limits the number of access points on a State highway. In reviewing the Code, the City Attorney determined that private lanes are not allowed by Code in this specific situation. The developer decided to change the plan. He eliminated one lot, changing it from seven lots to six. Rather than doing the private lane, he has two shared driveways that will provide access to two lots each. That solves a few issues; there is no need for the private lane, it also eliminates the need for a homeowners association to take care of combined landscaping. Staff feels this meets the Code and recommends approval.

Korey Kap made a motion to approve the preliminary plat for the Homewood Subdivision located at approximately 4300 West 300 North, Keith Russell, applicant. Brian Vincent seconded the motion. All voted aye.

9. Planning Commission Comments

Brian Vincent had no comments.

Jeremy Strong had no comments.

Korey Kap thanked Staff for their hard work.

Jeff Macfarlane had no comments.

Brad Lee thanked Staff. He also thanked the Veterans who have served and are serving our country.

10. Adjournment

Brian Vincent made a motion to adjourn at 7:18 p.m. Brad Lee seconded the motion. All voted aye.


Chairperson – Brad Lee


Secretary – Michelle Bailey