

**West Point City
Planning Commission
3200 West 300 North
June 11, 2015**

Present: Brad Lee, Brian Vincent, John Detamore, Jeremy Strong, Jeff Macfarlane, Boyd Davis – City Engineer, Troy Moyes – City Planner, Kent Henderson – City Council Representative, Michelle Bailey – Planning Commission Secretary

Excused: Curtis Seeds, Korey Kap

Visitors: Keith Russell

WORK SESSION

1. Introduction of new City Planner

Troy Moyes introduced himself to the Commission.

2. Conditional Use Permit for a private dog kennel, located at 2825 West 300 North, Tim Yarbrough, applicant.

Boyd Davis explained the process for obtaining a kennel license. An applicant must first be granted a Conditional Use Permit from West Point City, then they go to the County to get the Kennel License. Tim Yarbrough lives at 2825 West 300 North. His parcel is 2.6 acres. The front portion is zoned residential and the back portion is zoned agriculture. He runs a small construction company from his home. City Code only allows two dogs without a kennel license. Mr. Yarbrough has a third dog. He has not expressed a desire to have any more dogs. Boyd suggested the commission ask Mr. Yarbrough if he plans to get any more than three dogs. There are two types of kennels listed in our Code; private and commercial. This is a private kennel so he can have the third dog. Dog kennels are only allowed in the agricultural zone and you must have a minimum of one acre. The back portion of his property is 1.6 acres and is zone agriculture so he meets that requirement. The Code doesn't say anything about location requirements of pens or dog runs. Staff suggests that the commission set some conditions as to where those things can be placed so they aren't too close to the neighbors. Mr. Yarbrough may already have a plan in place as to where he wants the pen located. The application has been submitted and the fee has been paid. The neighbors have been notified, and they have all signed the application. Davis County does not allow more than five dogs with a kennel license. Staff suggested the commission consider the following conditions: 1. Discuss the maximum number of dogs he plans to have and set a condition on the number of dogs they will allow. 2. The location of the kennel for the animals should be discussed. 3. He must obtain a kennel license from the County. Jeremy Strong asked why the Code only allows for two dogs. Troy Moyes responded that two dogs is basically the standard Code for all cities.

3. Concept plan review for Homewood Subdivision, located at approximately 4400 West 300 North, Keith Russell, applicant.

Keith Russell was present to answer any questions. The property is located at approximately 300 North 4500 West, between 4500 West and the Hooper Canal. This was first proposed in 2006. He has revised his original plan. He owns the property east of the canal as well, but that is being reserved for the West Davis Highway. The biggest issue with this property is the access. 300 North is a State Highway. They have access management rules and require developers to live by those rules. Those rules will not allow him to have a driveway at every lot. He is proposing one stub road at the west that would provide access to the property adjacent to this property, as well as for driveways for two of the lots on his property. The side street will have two accesses to the State Highway but would provide the driveways to the other five lots. He originally asked if that could be a public street. Staff discussed that, but told Mr. Russell that won't work under our Code and is not something the City wants to maintain. Staff recommends that street be a private, side street. The accesses will still need to be approved by UDOT.

This plan meets the zoning requirements. The lot sizes, frontages, lot depths, and the density all meet requirements. The access to the adjacent property is adequate. We don't ever want to develop a property that will landlock the next guy. The side street should be private. Staff has asked Mr. Russell to look for ways to provide more room for snow removal on the side street. An HOA would need to be established to maintain that. He also needs approval from several agencies. Staff recommends granting approval to Mr. Russell to move forward and submit a preliminary plan.

Brad Lee asked who owns the adjacent property. Boyd Davis responded that Rod Carter owns the property. Brad Lee asked which way the two homes would face that have access from the stub road. Boyd Davis said those houses can face any direction as long as the driveways come off the stub road. John Detamore asked about the size of the property. Mr. Russell wasn't sure but estimated it at a little more than two acres. Mr. Russell stated, "The spacing of that road and these two driveway accesses still don't meet their requirement. There is nothing I can do there to meet their requirements. The accesses match the church's accesses across the street. I think UDOT will buy off on that because they will want them to line up to avoid as much conflict as possible. But there is nothing I can do to get the accesses. He said, 'You just have to go through it. You'll get a variance for this. We can't stop you from having access. It's just the process.' I've submitted all that and am just waiting for them to tell me they like these two. That's about the best we can do is limit it to those three. My vision of the little private road is that it's going to have curb and gutter on both sides and it's going to be squared off and have asphalt so it will look like a road. To address the snow issue, I've extended it into the lots. You'll actually take that lot on the Hooper Canal and will actually extended that road in there probably half way and the driveway will be on the West side and there will be an extra 20 feet so in the summer they can park a car there, but in the winter time, they can just push the snow east and west into those drive areas. The people in those end houses will just have to know they can't park cars in that area in the winter time." Mr. Russell agreed that they could put an easement on that portion of the property. It would say "snow easement" right on the plat for those ends. Mr. Russell continued saying, "My other vision, not to go too far with all this because it's so preliminary, but the curb, gutter and sidewalk that

would go on 300 North, if you are ok with it, I'd probably think about stamped concrete in the park strip. It will be way away from everybody and will have a hard time being maintained." The ravine along 300 North will be taken care of. Boyd Davis stated that the State approached the City about a year ago and said they are concerned about safety with that ditch there. They purchased the pipe and asked the City to install it. The City will install that pipe this summer or fall. Mr. Russell talked with the builder that is building in another subdivision he owns in West Point and asked if he would be interested in building in this subdivision as well. That builder expressed interest in doing that. Now that Mr. Russell has an interested buyer, he would like to coordinate what he does with that pipe so they get boxes for catch basins in the right place so they don't have to come in later and do extra work. They would also like to get the sewer and the water in out of 300 North underneath that before it goes in.

Boyd Davis asked the commission how they felt about the private street since it is such a unique situation to our city. They were all supportive of that. Mr. Russell stated, "I acknowledge that with the State buying the pipe and the City putting it in, I mean I'm not going to open my checkbook and say 'I'll do anything you want me to do' but that will save me a lot of money. I don't have any problem spending the money to make that little private road there look as good as we want it to look with curb and gutter, asphalt; we're not going to cut corners." Jeremy Strong asked if there would be a mow strip between 300 North and the private street. Mr. Russell responded that there would be a park strip and then a five-foot sidewalk and then there is only one foot to the curb for the private road so he is thinking he would put concrete between the sidewalk and the private road. Then it must be determined what they want in the park strip, whether that be grass and trees or stamped concrete. Mr. Russell said if that would be a private street, he will probably extend the lot lines out and have that just be an easement so he doesn't have separate ownership with the HOA owning the road. Then the homeowners are responsible for the park strip, not the HOA. Jeremy Strong said that was part of their worry when they did the ordinance regarding the back of lots and side lots. You get the first homeowner that agrees to take care of that mow strip, then they sell their home and the next owner refuses to take care of it. They wrote the ordinance to prevent problems like that from happening. There were no further questions.

REGULAR MEETING

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Jeremy Strong
- 4. Approval of Minutes from May 14, 2015.**

Brian Vincent made a motion to approve the minutes for May 14, 2015, as written. Jeff Macfarlane seconded the motion. All voted aye.

5. Public Comments: None given

6. Consideration of a Conditional Use Permit for a private dog kennel, located at 2825 West 300 North, Tim Yarbrough, applicant.

There was no one present representing the applicant. Boyd Davis stated that Mr. Yarbrough would like to have three dogs. The Code only allows two dogs unless you have a kennel license. In order to get a kennel license, you must get a conditional use permit from the City. The requirements for a conditional use permit are that you are in an agriculture zone and you have at least one acre of property. Mr. Yarbrough meets both of those requirements. Staff recommends approval of the conditional use permit. However, Staff recommends placing some conditions on the permit. The Commission could possibly place a condition on where the dog kennels would be kept, and also place a condition on obtaining a kennel license from Davis County.

Jeremy Strong made a motion to approve a conditional use permit for a private dog kennel, located at 2825 West 300 North, Tim Yarbrough, applicant, conditional on him obtaining a kennel license from Davis County and he has made adequate space to keep the kennels away from his neighbors. Brian Vincent asked if they were going to place a condition on how far it should be placed from the neighbor's property. Brian asked if it would be appropriate to table this item until the applicant is there to answer questions. Brian Vincent asked if any neighbors had concerns. Boyd Davis responded that Staff heard from one neighbor that owns a home in the area that he rents out. He came to City Hall to ask if the other neighbors had signed the application. He didn't want to sign it if others had concerns. Boyd Davis said it is appropriate to table the item if the Commission would like to discuss this with Mr. Yarbrough. Brian Vincent said he doesn't have a problem with it, he just felt that it would be important to address the issues beforehand. Brad Lee agreed that it would be a good idea to err on the side of caution and discuss questions and concerns with the applicant. Boyd Davis commented that in the past there has been an unwritten policy that the applicant needs to be in attendance in order to be approved. Jeremy Strong struck his own motion. Brian Vincent made a motion to table this item until the next Planning Commission meeting. Jeff Macfarlane seconded the motion. All voted aye.

7. Planning Commission Comments

Jeff Macfarlane commented on Take Pride in West Point Day. He felt like the event went well and there was a great turnout. He thought it was a very successful event.

John Detamore commented on the Loy Blake Park stating that it was phenomenal and very interactive.

Jeremy Strong apologized for his lack of consistency in meeting attendance lately. He has now switched jobs and will be here on a regular basis.

Brian Vincent commented on what a great job Staff has done on putting together such a great park. He mentioned that his kids are constantly asking when they can go to the park.

He also mentioned that the park has been busy non-stop since Saturday when it was officially opened.

Brad Lee echoed the same sentiments as the other commissioners. It shows great foresight for the City to invest those kinds of dollars into something that will pay dividends for years. Brad welcomed Troy Moyes and said he looks forward to getting to know him and working with him. Brad also mentioned the upcoming 4th of July city celebration. He invited and encouraged all of the commissioners and their families to participate in the parade. He also invited each of them to come help with the dinner that evening as a way to give back to the city and meet the people they represent.

8. Adjournment

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


Chairperson – Brad Lee


Secretary – Michelle Bailey

