

**West Point City  
Planning Commission  
3200 West 300 North  
September 10, 2015**

**Present:** Brad Lee, John Detamore, Korey Kap, Jeremy Strong, Jeff Macfarlane, Troy Moyes – City Planner, Michelle Bailey – Planning Commission Secretary

**Excused:** Brian Vincent, Curtis Seeds

**Visitors:** Ross Larsen, Alicia Bass, Troy Wolverton, Greg Cooper

**WORK SESSION**

**1. Discussion regarding Homewood Subdivision**

Troy Moyes stated this is a seven lot subdivision on 300 North. They are proposing to do a private lane as part of the subdivision. The City Council has been discussing this development in the work session meetings. They expressed concern with how the private lane will look and asked for some legal advice. Staff spoke with Felshaw King, who is West Point City's attorney. Mr. King's opinion is that they cannot stop development because of verbiage in the Code. Private lanes are outlined in the PUD section. His interpretation of that is that only PUD zones may have private lanes. This development is not a PUD and it cannot be a PUD unless the developer gives up 20% of open space. This information will be presented to the City Council at their next meeting. Staff does not know what direction the Council will go with this. It may come back to the Commission at a later date. At this time, the Homewood Subdivision is on hold.

**2. Discussion regarding preliminary and final plat approval for the B&L Ranch single lot subdivision, located at 4353 West 800 North, Ross Larsen, applicant.**

Troy Moyes stated that this development is a single lot subdivision. It is roughly five acres. Ross Larsen is present to answer questions. He is acting as the developer for this subdivision. It is currently zoned Agriculture. They are proposing to place the home at the front of the lot along 800 North and the remaining portion to be a pasture/field. Mr. Larsen is currently trying to acquire more land to keep it in the greenbelt. They would like to move forward with the process though because they want to get the house framed up before the weather changes. Carla Cowley, a neighbor to the south, is selling them .34 acres and that would keep them in the greenbelt. They will lease it back to her for \$1.00 per year. They just need to keep it in the greenbelt. It is about a 34 foot wide piece that runs from about 60 feet west of the corner all the way to the edge of her property. Troy Moyes showed the plat and what they are proposing on the front portion of the lot. The driveway will be on the west. They are going to pipe a section of the ditch for the driveway. There aren't many concerns with the plat. The biggest concern at this point is that they are not officially the land owners. They are hoping to close on that soon. They are hoping to obtain some paperwork from the prior owner to take to the City Council so they can move forward with the project. Troy explained to Mr. Larsen that not owning

the property won't hold up his approval with the Planning Commission but the City Council can't grant a subdivision for land he doesn't own. There are a few minor labeling corrections on the plat, otherwise it looks good. They are hoping to get preliminary and final approval tonight.

Mr. Larsen stated that his intention would be if they get the property closed soon and it gets recorded, then the builder would start to make the improvements on the ditch and installing the sewer line. They will probably wait on the secondary water until next year. They will work through the process with the City on street cuts and such. They definitely want the water on the property and they are in the timeline with Utah Power to get the power there. It already has a line down the east side of the property that terminates right about where the house will be. That will all happen right away.

**3. Discussion regarding final plat approval for the Heslop Place Subdivision, located at approximately 1750 West 800 North, Castle Creek Homes, applicant.**

Troy Moyes stated that the developer got their information to Staff late and Staff didn't feel comfortable bringing it to the Commission yet. There are still a lot of unanswered questions. Staff will be meeting with the developer and engineer to go over some items. They want some things resolved before bringing it forward for final approval. Staff recommends this item be tabled in the Regular Meeting.

**4. Discussion regarding a Conditional Use Permit for Locomotive Learning LLC, located at 3543 West 1550 North, Nicole Green, applicant.**

Troy Moyes stated as required by City Code, any major home occupation is required to obtain a Conditional Use Permit from the Planning Commission. Nicole Green is requesting the standard amount of eight children. That is the maximum number of children allowed in a preschool session. She is hoping to get approval for four days a week, Monday through Thursday. She will hold a Monday/Wednesday class and a Tuesday/Thursday class. There will be roughly 16 children but no more than eight per session. She has received the requirements and approval from our Code Enforcement Officer, the Fire District has inspected the property, and she has completed the criminal background check. Ms. Green will not be able to attend the meeting tonight. John Detamore asked if the property is fenced and Troy confirmed that it is. She is licensed with the State. She had a preschool for several years while living in Clinton but has now moved to West Point and wants to continue it here. Jeff Macfarlane asked if the neighbors are aware of her intent. Troy responded that she obtained signatures from all the adjoining neighbors.

**5. Discussion regarding a Conditional Use Permit for Signage for The Point commercial subdivision, located at approximately 2000 West 300 North, Golden West Electrical Sign Company, applicant.**

Troy Moyes gave a history on this situation. Staff received their first proposal for the signage. Troy reviewed it and found that most of the proposed signs didn't meet City Code. He felt that the signs looked very nice though. Boyd Davis and Troy Moyes reviewed the signage code. There is a portion under general provisions which reads:

“When a parcel of land is five acres or larger, the Planning Commission may consider an on-premises sign proposal for a development that is less restrictive than regulations set forth herein. Such sign plans shall be considered a conditional use and a determination shall be made that the proposed sign exceptions are not in conflict with the purpose of this chapter and are in architectural harmony with the development and other buildings and uses adjacent to the development.” Basically it is giving the commission power to do what they feel is best. Troy showed pictures of the proposed signs. As per the Code, the Center sign will be located on 300 North and 2000 West. As far as City Code, the Code states there can be no signage from the ground level up to 10 feet high. The proposed signage starts at about 4.5 feet from the ground. Jeremy Strong asked what the purpose was in writing the Code that way. Troy responded that typically it is for visibility purposes. If the sign is placed properly, and sight triangles are followed strictly, there isn’t a problem. Troy Moyes said he likes the provision because it gives more power to the developer himself to put what they want rather than the Code driving it. Staff proposes discussing and possibly modifying the Sign Code to make it a little looser and have design standards that are passed by resolution and not by ordinance. It would give the developer what the expectations are and show a good example and a bad example as a guideline so the developer has something to go by. Troy suggested a condition be placed on the approval, if changes are made, then the applicant must meet with City Staff and make sure all of the signs are out of the sight triangle. Korey Kap asked what the setback is for signs. Troy responded that UDOT has requirements and the City does as well based off from speed of the road etc. The triangle increases based on what type of road you are entering.

Troy showed an example of the proposed monument-style fuel center sign. Korey Kap asked if there are any concerns with the canopy signs. Troy stated that he understands there was an issue with that when the 7-Eleven signs were approved. The canopy sign is actually located internally. It’s not going to be on the road. It will be on the inside so that when people are done shopping and exiting the store they can see the prices. The Code doesn’t allow for signs on top of the canopy but the provision in the Code allows the commission to grant it. Troy also showed a picture of what the sign on the building will look like.

Staff feels that the proposed signs look nice and meet the spirit of the development. They recommend approving the proposed signs as long as they meet the sight triangles.

## **REGULAR MEETING**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Jeff Macfarlane

**4. Approval of Minutes from July 23, 2015.**

Korey Kap made a motion to approve the minutes for July 23, 2015, as written. Jeff Macfarlane seconded the motion. All voted aye.

**5. Public Comments:** None given

**6. Consideration of a Conditional Use Permit for Locomotive Learning, LLC, located at 3543 West 1550 North, Nicole Green, applicant.**

Nicole Green was not present at the meeting. This item was discussed in the work session. Troy Moyes reviewed the information from the application. She is seeking approval for a Conditional Use Permit for a major home occupation to operate a preschool out of her home. Nicole has run this same preschool in Clinton for several years before moving to West Point City. She is proposing to have eight children per class and that is allowed by Code. She is proposing to have classes Monday – Thursday from 10:30 am – 12:30 pm. She had inspections by the city’s Code Enforcement Officer and the Fire Marshall. She passed those inspections and has had a criminal background check. Staff recommends approval.

Jeff Macfarlane made a motion to approve the Conditional Use Permit for Locomotive Learning LLC, located at 3543 West 1550 North, Nicole Green, applicant. Korey Kap seconded the motion. All voted aye.

**7. Preliminary and final plat approval for the B&L Ranch single lot subdivision, located at 4353 West 800 North, Ross Larsen, applicant.**

Ross Larsen was present to answer questions. Troy Moyes reviewed the information from the application. Ross Larsen is seeking preliminary and final plat approval for a single lot subdivision called B&L Ranch. It is located on 800 North on approximately five acres of land. Ross is the father-in-law of the potential land owners. The owners intend to construct a home on the front portion of the land and use the rest as pasture. They are proposing to pipe a portion of the ditch to be used as a driveway. They will need to stub in all utilities to make it a buildable lot. Staff has met with the applicant several times. They are just waiting on an approval letter from Hooper Water. The plat has some minor labeling issues. There is a postponement agreement for curb, gutter and sidewalk needed. Staff doesn’t see any reason to postpone this. They have met all of the requirements of a single-lot subdivision.

John Detamore made a motion to grant preliminary and final approval for the B&L Ranch single lot subdivision, located at 4353 West 800 North, Ross Larsen, applicant, contingent to obtaining ownership of the property. Jeff Macfarlane seconded the motion. All voted aye.

**8. Final plat approval for the Heslop Place Subdivision, located at approximately 1750 West 800 North, Castle Creek Homes, applicant.**

Troy Moyes stated that the applicant has been busy with current development and wasn't completely prepared with everything necessary for the meeting. Staff proposed that the item be tabled until the next meeting.

Korey Kap made a motion to table this item. Jeremy Strong seconded the motion. All voted aye.

**9. Public Hearing regarding a Conditional Use Permit for signage for The Point Development, located at approximately 2000 West 300 North, Golden West Electrical Sign Company, applicant.**

John Detamore made a motion to open the public hearing. Troy Moyes stated that Troy Wolverton is the Senior Project Manager for this project. They are requesting conditional use approval for signage. When they originally submitted their signage plan, some of the signs did not meet City Code. Staff gave an option to the applicant to hold a public hearing for conditional use approval. It is referenced in the Code, stating, "When a parcel of land is five acres or larger, the Planning Commission may consider an on-premises sign proposal for a development that is less restrictive than regulations set forth herein. Such sign plans shall be considered a conditional use and a determination shall be made that the proposed sign exceptions are not in conflict with the purpose of this chapter and are in architectural harmony with the development and other buildings and uses adjacent to the development." This section of the Code basically says that if you have a larger development, you may hold a public hearing and address the Planning Commission with signs that are less restrictive than the current Code requirement. The original sign proposals were not far off from the Code, but they were enough to be denied. That is why a public hearing is being held. The Code says there can be no signage from ground level up to 10 feet. The proposed sign shows signage at about 4.5 feet from ground level. Staff feels the sign is appropriate as long as it is placed appropriately so as not to block vision. Some of the other signs were slightly taller than allowed in the ordinance. Troy Moyes said the other signs typically seen on buildings meet the Code.

**Greg Cooper – 2150 West 300 North, West Point** – Greg asked if the topic of discussion was just the dimensions of the sign that are out of the Code. Troy Moyes said they public hearing is relative to the signs on the property. Mr. Cooper stated that because he lives directly across the street from this his concerns are with aesthetics and with light pollution. He wants to ensure that the signs won't be glaring into his dining room at the front of his house. It looks like the sign will be placed perpendicular to the road so therefore light shining into his home would be minimal.

Troy Wolverton responded that, as the applicant, they can provide Mr. Cooper with a photometric plan. The pole lights are 32.5 feet from the ground elevation to the light fixture. They are in compliance with the ordinance that requires one foot candle at the property line and then reducing to a half foot candle within 10 feet. The signs are perpendicular to the opposing properties so they would not be casting light across the street but more parallel to the roadway. The canopy itself will have pad approval where

some of those lighting issues will be addressed. They have a photometric plan for those and will comply with the ordinance.

Jeremy Strong made a motion to close the public hearing.

**10. Consideration of signage for The Point commercial subdivision, located at approximately 2000 West 300 North, Golden West Electrical Sign Company, applicant.**

Jeremy Strong made a motion to approve the Conditional Use Permit for the signage for The Point commercial subdivision located at approximately 2000 West 300 North, Golden West Electrical Sign Company, applicant, as long as they meet the setback requirements for the vision triangles and the speed requirements. Jeff Macfarlane seconded the motion. All voted aye.

**11. Planning Commission Comments**

Jeremy Strong thanked Staff for the fine work that they do. Also, for the public involvement at meetings.

John Detamore thanked Staff for the information provided that helps them make the decisions required of them.

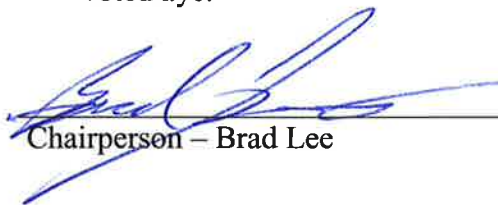
Korey Kap thanked Staff.

Jeff Macfarlane thanked Staff.

Brad Lee gave a hat off to the North Davis Fire District and other entities that assisted in controlling the large fire in the City. Brad also thanked Staff for the work they do.

**12. Adjournment**

Korey Kap made a motion to adjourn at 7:24 p.m. Brad Lee seconded the motion. All voted aye.

  
Chairperson – Brad Lee

  
Secretary – Michelle Bailey