

**West Point City
Planning Commission
3200 West 300 North
May 24, 2018**

Present: Brian Vincent, Rob Ortega, Jeremy Strong, Brad Lee, Kyle Laws – City Manager, Boyd Davis – Community Development Director, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

Excused: Korey Kap, Jeff Macfarlane, Jake Shepherd

Visitors: Robb Kelly, Josh Hughes, Kenneth Payne, Jack Diamond, Mike Huffman, Jack & Joanne Bean, Dave & Kathy Hohenschild, Kelly Ross, Jordan Bybee, Derek & Amy Davis

WORK SESSION

1. Discussion regarding Sunset Vistas PUD Development located at approximately 1146 South 4500 West, Kelly Hughes Construction, applicant.

Boyd Davis showed the landscape plan that the developer provided to the City. Boyd said Staff has been consulting with Felshaw King, the City Attorney, and with the State Property Rights Ombudsman. There is some new, pertinent information to be shared regarding the process and some of the requirements of the PUD Code. The developer has acted in good faith throughout this whole process. Staff met with them on Wednesday, May 23, 2018, to share this same information with them. Staff apologizes that his information is coming out this late in the process, nevertheless, this is part of the Code.

The developer is proposing a 52 unit project along with park space. There were four points from the Code that Boyd Davis went over. 1. Council approval and how that works, 2. Planning Commission recommendation and what their role is in the process, 3. The rezone and the part that plays, 4. Net density. In West Point City Code, Section 17.35.010, it says “No such conditional use shall be granted unless the PUD meets the regulations for the zone in which it is located, except as may lawfully be modified by City Council approval.” That clearly states that the City Council must approve any changes to the zone. They are the only ones that have the legal authority to do that; they are the legislative body. In 17.35.060 it states, “The Planning Commission may approve, in concept, the preliminary development plans and any requirements of this chapter, including a conditional use permit, for the planned unit development, and may thereafter recommend to the City Council the adoption of said plans and of the PUD zone.” The important part of that is the Commission is making a recommendation to the Council. The Commission will be reviewing several things, including: the conditional use permit, the preliminary plans, and the rezone. That will be reviewed as one big package and then will be sent on to the Council with a recommendation to approve or deny. The conditional use permit gets approved at the same time as the Commission makes a recommendation to the Council. The rezone process must catch up to the conditional use permit process at this time so they can be acted on at the same time. Usually when considering a rezone, it is taking property from Agriculture to Residential and you don’t/can’t take into account what the proposed development looks like. This is already

zoned Residential and the PUD Code clearly states that as part of that rezone application, all of the development plans need to be submitted with it. So this rezone for the overlay zone is a different process than a normal rezone process. The development plans have to be considered with it to ensure that everything is being met in the Code as part of the overlay zone.

In Section 17.35.050, it states, “The application of the PUD zone to a land area shall be accomplished in the same manner as other amendments to the zoning map of West Point City...an application for a zone map amendment shall be filed with the City...” Staff feels that is very clear that a rezone is required. At this point, that is the step that is missing. It is no fault to the developer though, Staff has steered them down the conditional use path as directed by the City Attorney. It has only been this past week that Staff has come to the same understanding with the rezone as the attorney.

In Section 17.35.050(F) it states, “...(submit) a preliminary development plan containing the following information... F. General location of all dwellings and other structures in the planned development, and an indication of proposed population densities and building densities (units per net acre)...” Net acre is an important concept. In Section 17.10.020, there is a definition of Net Density. It reads, “Residential density” means the average number of dwelling units on one acre of land in a given area. Net residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that is used exclusively for residential and accessory purposes. Gross residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all land within the area.” Therefore, gross density is based on the entire site, including the open space. Net density is based simply on the area where the houses are. In this development, the houses are located on roughly 13 acres; 52 units divided by 13 acres is 4 units per acre. That is higher density than what is allowed by the Code. Up to this point, it has been presented as gross density. Staff’s understanding is that the Code requires that to be based on net acreage.

The developer has said they are studying this and getting some advice. Staff has told them they will accept and review any information they would like to provide. At this time, Staff’s recommendation to the developer is to submit a rezone application. Along with that rezone application, they must have a preliminary plan that meets the net density requirement. They will have to leave less open space or reduce the number of lots in order to meet that requirement. The developer didn’t have any questions for the Commission.

2. Discussion on changes to the West Point City Code regarding the PUD overlay zone.

Troy Moyes said they have been discussing this in the past few meetings. The first meeting it was discussed to combine the PVFD, the Cluster and the PUD Codes into one Code. In the next meeting, Council involvement was discussed. It has been determined the Commission would like to combine the three Codes into one and also to make it a rezone.

In preparation for the draft document, many of the recommended standards have been outlined below:

PUD PROCESS – Three steps

1. Conceptual Plan Review & Zoning
2. Preliminary Plan
3. Final Plan

USE IN COMBINATION – Can be applied to the following zones:

R-1, R-2, R-3

PERMITTED USES

1. Single family residential developments
2. Multi-family residential developments (in the R-3 zone only)
3. Condominiums (in the R-3 zone only)
4. Duplex dwellings (in the R-3 zone only)
5. Cluster subdivisions
6. Private recreational facilities
7. Professional services or offices to be used in the planned environment

MINIMUM LOT WIDTH

1. In no case shall lot widths be smaller than 80'
2. If smaller widths are desirable, a zero lot line development must be designed

BONUS DENSITY – Shall only be calculated on “buildable” property

1. R-1 (2.0 base – 3.0 bonus)
2. R-2 (2.5 base – 4.0 bonus)
3. R-3 (3.2 base – 5 bonus)

OPEN SPACE STANDARDS – The following can be counted as open space

1. “Non-buildable” and/or “sensitive land”
2. A peripheral buffer strip not less than 20' in width
3. Common space
4. Sensitive lands which are not buildable
5. Open and landscaped areas which are integrated in the site design.

BASE OPEN SPACE

1. R-1 – 25%
2. R-2 – 25%
3. R-3 – 25%
4. R-3 zero lot line – 50%

The base requirement can be reduced to 15% if it meets the following:

1. No additional density beyond the base if being requested.

INCENTIVES

1. 10% Max – Additional open space. 1% bonus for each 1% of open space
2. 10% Max – Major recreation facilities and site amenities such as pool, tennis courts, playground or similar facilities.
3. 10% Max – 5% bonus for developments where all homes have 50% masonry product on all sides of the primary dwelling structure. 10% bonus for developments where all homes have 75% masonry product on all sides of the primary dwelling structure.
4. 5% Max – Uniform perimeter fencing including architecturally designed brick or masonry, vinyl with brick or stone columns.

5. 10% Max – Aesthetic improvements to the physical elements of a street and yard space fronting the street, street and sidewalk paving, street furniture, landscaping and street trees.

Kyle Laws commented that removing the conditional use permit from this makes it clearer. Our PUD Code isn't far off from Layton City's with the exception of the conditional use. Our Code is better than we originally thought, but with some modifications, it can be better. Discussion took place regarding the process of conceptual, preliminary and final approvals.

In discussing the Use in Combination, Brian Vincent said he feels this is where the thought process of doing the General Plan at the same time as this comes into play. We need to determine where the R-1, R-2 and R-3 zones will be. At this point, it seems unnecessary to allow a PUD in the R-4 and R-5 zones since they are already high density zones.

In discussing Permitted Uses, Troy Moyes said they propose multi-family in the R-3 zone only as well as condominium and duplexes. That is a change from what is allowed currently. Also allowed would be cluster subdivisions, private recreational facilities and professional services. The commissioners all agreed that they prefer to see multi-family units in the R-3 zones, but not R-1 or R-2. Troy Moyes asked how they feel about a subdivision with zero lot lines. If the developer can't meet an 80 foot frontage and have to go to a zero lot line, do we want those types of subdivisions in the R-1 and R-2 zones? There was a brief discussion regarding what a zero lot line subdivision would look like. Brian Vincent commented that he doesn't see that there would be an advantage to do one outside of an R-3 zone. Rob Ortega said he felt that if done correctly, it could work in an R-1 and R-2 zone. Jeremy Strong said it wouldn't be cost effective in an R-1 zone because of the HOA having to maintain the property. Boyd Davis said that whatever the density is, it will force what the spacing is between houses. Regarding the Bonus Density, Kyle Laws suggested that if we keep a table like we currently have, for clarification it should say "Maximum Net Density with Bonus". The clarifying part is adding the word "Net". Troy Moyes commented that the incentive package is similar to what we have in the Code now. Base Open Space was discussed very briefly.

3. Discussion regarding the General Plan

This was not discussed in the work session due to a lack of time.

4. Discussion regarding a Major Home Occupation for Kiddie Cove Childcare located at 3166 West 925 North, Jordan Bybee, applicant.

This was not discussed in the work session due to a lack of time.

5. Discussion regarding a Conditional Use Permit for an accessory building located at 4914 West 25 North, Michael Huffman, applicant.

This was not discussed in the work session due to a lack of time.

6. Discussion regarding a Conditional Use Permit for an accessory building located at 702 North 2625 West, Derek & Amy Davis, applicant.

This was not discussed in the work session due to a lack of time.

7. Discussion regarding a Conditional Use Permit for an accessory building and accessory apartment located at 3950 West 1100 North, Craythorne Construction, applicant.

This was not discussed in the work session due to a lack of time.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Brad Lee

4. Approval of Minutes from May 10, 2018.

Brad Lee made a motion to approve the minutes from the meeting held on May 10, 2018, as written. Rob Ortega seconded the motion. All voted aye.

5. Public Comments: None given

6. Conditional Use Permit for a Major Home Occupation, Kiddie Cove Childcare located at 3166 West 925 North, Jordan Bybee, applicant.

Jordan Bybee was present to answer questions. Troy Moyes reviewed the application. Jordan Bybee is seeking a Conditional Use Permit for a Major Home Occupation for her daycare business called Kiddie Cove Childcare. She is proposing to have 4-6 children in her home Monday through Friday. Ms. Bybee has met all of the requirements pertaining to having a daycare in her home. West Point City's Code Enforcement Officer, Bruce Dopp has met with the applicant on site to complete all necessary inspections. All City Code requirements have been met and Staff recommends approval. Someone in the audience asked Ms. Bybee a question and Brian Vincent stated that this is a time for Ms. Bybee to discuss with the Commission only and not a time for public comment. Brian Vincent asked if all of the neighbors are aware of her desire to do this business in her home. Ms. Bybee responded that they are all aware. Brian Vincent reminded Ms. Bybee that if she ever has more than eight children she will be required to have an employee. Ms. Bybee plans to have four to six children and no more. Her hours of operation will be 6:30 am – 5:00 pm Monday through Friday. Brian Vincent asked if she has a pattern for pick up and drop off so as to alleviate traffic problems. Ms. Bybee said her driveway will

be fully accessible. Also, the children will be dropped off and picked up at different times so she doesn't foresee a problem.

Jeremy Strong made a motion to approve a Conditional Use Permit for a Major Home Occupation, Kiddie Cove Childcare, located at 3166 West 925 North, Jordan Bybee, applicant. Rob Ortega seconded the motion. Another question was brought up from the audience. Boyd Davis suggested that all questions be discussed following the meeting. All voted aye.

7. Conditional Use Permit for an accessory building located at 4914 West 25 North, Michael Huffman, applicant.

Michael Huffman was present to answer questions. Michael Huffman is seeking a Conditional Use Permit to construct a 2,880 foot accessory building on his property. This property is on .5 acres of land located within the Paice Farms Subdivision. The proposed structure is a 40' x 72' tan, steel building that will peak at 24 feet when completed. The building will have a four foot brick wainscot around it to match the home. The structure will be located in the back northwest portion of the property with a side setback of 13 feet and a rear setback of three feet. Due to the size of the building, City Code requires a Conditional Use Permit to be applied. Mr. Huffman has provided all the necessary documentation along with a completed application. Rob Ortega asked how they will access the building. Mr. Huffman responded that the access will be along the west side of the property and will be road base. Brian Vincent asked if the neighbors have been notified. Mr. Huffman obtained all of the necessary signatures. He intends to use the building for storage and hobby use. He will not be running a business from the accessory building. Brian Vincent asked what the height of the home is. Mr. Huffman was unsure of that, but said it is over 24 feet by a long ways.

Brad Lee made a motion to approve the Conditional Use Permit for an accessory building located at 4914 West 25 North, Michael Huffman, applicant. Jeremy Strong seconded the motion. All voted aye.

8. Conditional Use Permit for an accessory building located at 702 North 2625 West, Derek & Amy Davis, applicant.

Derek Davis was present to answer questions. Derek & Amy Davis are seeking a Conditional Use Permit to construct a 1,800 square foot accessory building on their property. This property is on .4 acres of land. The proposed structure is a 30' x 60' steel building that will peak at 16' when completed. The structure will be located in the back, south east portion of the property with a side and rear setback of 4 feet. Due to the size of the building, City Code requires a Conditional Use Permit. Mr. Davis has provided all the necessary documentation along with a completed application. Brian Vincent asked about access back to the building. Mr. Davis said he has an RV pad that he shares with his neighbor.

Rob Ortega made a motion to approve the Conditional Use Permit for an accessory building located at 702 North 2625 West, Derek & Amy Davis, applicant. Brad Lee seconded the motion. All voted aye.

9. Conditional Use Permit for an accessory building and accessory apartment, located at 3950 West 1100 North, Craythorne Construction, applicant.

Kelly Ross we present to answer questions. Craythorne Construction is seeking Conditional Use approval to construct a 1,500 square foot accessory building on their property located at 3950 West 1100 North. This property is 32,000 square feet. The building will be constructed with the same materials as the home and will be located in the rear yard. They intend to use the building as a detached garage, pool house and living quarters within the attic space. Because of these living quarters, the applicant is seeking a Conditional Use Permit for an accessory apartment as well. The intent at this point is not to rent it out but to use it as a guest house. Brian Vincent asked if this was planned from the beginning. Kelly Ross said it is the first house they have built. The architect urged them to build the apartment since there was room for it. Their relatives all live close so they won't be using it for guests often, mostly just as a play house. Rob Ortega asked if the homeowner is aware of the restrictions if they decide to have a resident in the accessory apartment. Kelly Ross said they are fully aware of all restrictions.

Jeremy Strong made a motion to approve the Conditional Use Permit for an accessory building located at 3950 West 1100 North, Craythorne Construction, applicant. Rob Ortega seconded the motion. All voted aye.

Jeremy Strong made a motion to approve the Conditional Use Permit for an accessory apartment located at 3950 West 1100 North, Craythorne Construction, applicant. Brad Lee seconded the motion. All voted aye.

10. Planning Commission Comments

Rob Ortega thanked Staff for clearing up the issues discussed in the work session and for their hard work.

Brad Lee said the information presented in the work session was done well and he appreciates all that they do.

Jeremy Strong echoed the previous comments and welcomed the public there at the meeting.


Brian Vincent echoed the previous comments. He thanked Staff for all the work they have put in on the proposed PUD development.

11. Staff Update

Boyd Davis said the bulk of the last City Council meeting was about the budget. Also, the Council has been discussing the developer's agreement for the Manning property, located at 3500 West 800 North. It will be coming to the Planning Commission soon. They have applied for a PVFD subdivision. The Council is working on the agreement and then it will come to the Commission for approval.

12. Adjournment

Brian Vincent made a motion to reconvene the Work Session at 7:30 p.m. Brad Lee seconded the motion. All voted aye.


Chairperson – Brian Vincent


Secretary – Michelle Bailey

The Work Session Meeting was reconvened at 7:40 pm in the Council Chambers.

Troy Moyes stated that they left off discussing Open Space Standards and Base Open Space, and how those will affect the overall net density of the development. They are proposing 25% in the R-1, R-2 and R-3 zones and 50% in the R-3 zone with zero lot lines. Jeremy Strong said if they are going to get open space, it must be maintained. Kyle Laws said he thinks that will come in with the amenities part. The Commission has the ability to define how they get the density bonus; whether that's landscaped, irrigated, or left ambiguous. They have the opportunity while revising the Code to clarify those things. Boyd Davis commented that the PUD development to the north of City Hall is a "zero lot line" subdivision and has a courtyard in the middle of the houses so they can get a feel for what a zero lot line subdivision looks like. Kyle Laws commented that it is an example of a PUD, but it is also an example of a PUD that doesn't meet the Code; the density is much higher than allowed. Open Space was briefly discussed. Troy Moyes said he would bring a draft to the next meeting for their review and to start the process. They can then discuss open space and review the amenities, as well as discuss base zones. Kyle Laws suggested that with the draft version, it is actually just a red-lined version of our existing Code where we are striking through and adding things. For the most part, the Code is good, there are just some portions that need clarification.

Rob Ortega made a motion to adjourn at 7:55 pm. Jeremy Strong seconded the motion. All voted aye.