

**West Point City
Planning Commission
3200 West 300 North
October 25, 2018**

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

Visitors: Melissa Howard, Donald Sandberg, Mark Sandberg, Marilyn & Jay Fowers, Christina Norrie, Dennis & Raylene Montgomery

WORK SESSION

- 1. Discussion regarding the rezone of two parcels of property from A-40 Agricultural and R-2 Residential to R-1 Residential, located at approximately 40 South 4500 West, Barlow Corporation, Dale Corp., Green Bell, LLC, and others listed as parcel owners, applicants.**

Boyd Davis recapped the application information. Staff has received two different applications for rezoning two parcels, 12-042-0116 and 12-042-0027. Parcel 12-042-0116 is owned by eight owners. Parcel 12-042-0027 is owned by Green Bell LLC. The current zoning on these two properties is A-40 and R-2. In the last meeting, Staff told the Commission that the developer wanted to maintain the R-2 zoning on the two pieces. This week the developer said that is not important to him; he is willing to go along with the General Plan and zone all of the property to the R-1 zone. This is consistent with the General Plan.

There were two issues that came up in the last meeting. First, Craig Haslam was claiming a 10 foot strip along the west boundary and said that was within the area that was being rezoned. After talking with the County Surveyor and County Recorder offices, Staff found out that the County had deleted that parcel. They said it doesn't actually exist. Staff feels for Mr. Haslam. He has been paying taxes for some property that he thought he owned. Unfortunately, that is something he will have to work out with the County; the City has no authority over the ownership and the recording of parcels. From everything the County has shown Staff, they understand why it was deleted, so Staff feels we should move forward with this based on what the County is showing. At some point in the future, if Mr. Haslam gets that reversed with the County then this would need to be adjusted. The way it sits right now however, that issue is resolved; it does not exist. The second issue was the gap on the east side between Montgomery's property and Parcel 12-042-0116. The gap also exists between three other properties to the north. Originally the County Surveyor said the gap could be as large as 20 feet. He has now looked at it closer and said that it is probably more like seven to nine feet. Boyd Davis has gone in and reviewed the survey that the developer's surveyor sent in. Boyd drew in the legal descriptions and it appears that the gap is more like six feet. After talking to the developers, they have chosen to leave that gap out of their project at this time, as well as out of the rezone request. Staff feels that the developer is within his rights to request that. If this gets resolved at some future date, they may expand their project. The gap to the

north is about three feet wide. It narrows as it goes north. Boyd Davis explained the way the gap was calculated by the County Surveyor and the way he calculated the gap himself. Jeff Macfarlane asked if that gap would be added to the property owners to the east. Boyd responded that it will be between the two property owners to decide. For the time being, it will be left as no-man's land until they come to an agreement. Boyd also said it can be decided when that phase will be developed. This area will be in approximately the 5th phase of the development so there is still time to reconcile it. For the time being, it doesn't have to be resolved. There was a brief discussion regarding the rezoning of parcels at a later date. The Zoning Code talks about interpreting boundaries. Zoning is rarely done based on an exact survey. Staff will research that and get back to the Commission. Staff recommends approving the rezone request.

Brian Vincent brought up some questions that were asked during the Public Hearing at the last meeting. One question was regarding irrigation and water rights for one of the properties. It should not be affected. Another question was asking if a traffic study had been done along that road. UDOT granted an access to that road; they have the control over the road. UDOT did not require a traffic study. Mark Sandberg said they did a traffic study. Boyd Davis addressed the question regarding irrigation. Boyd said if they have any flood irrigation ditches that feed the properties, the developer is required to protect their rights to have the water there. He can re-route the ditch, but it has to supply the water to the same location and the same quantity of water. The developer is required to protect the rights of the existing owners to continue their flood irrigation.

2. Discussion regarding a Conditional Use Permit for an accessory building located at 574 North 2625 West, Lance Adams, applicant.

Troy Moyes reviewed the application. Lance Adams is seeking a Conditional Use Permit to construct a 1,500 square foot accessory building on his 0.41 acre property. During the last City Council meeting, held on October 16, 2018, the City Council approved Mr. Adams' request to amend his lot to make the necessary changes to allow this accessory building to have the proper setbacks on the side yard of his lot. The proposed structure is a 30' x 50' building that will peak at 22' when completed. The building will be a stucco and brick finish to match the primary dwelling. Since this will be constructed in the side yard, he must meet certain requirements. He must maintain the same setback as the primary dwelling. He must maintain a 10' separation between the home and the accessory building. Also, it can't be any closer than 15' from a residential dwelling on an adjacent lot. It may not occupy more than 20% of the lot area less the footprint of the main building. It occupies 11%. The building may not be closer than 10' from the primary structure. Also, it may not create a significant nuisance due to design, construction or placement to neighboring properties. Lance Adams said it will have footings and a foundation. Also, if he can get enough brick, he will brick the entire front of the building and then four feet up the sides of the building. Staff recommends approval of the application.

3. Discussion regarding a Conditional Use Permit for a daycare, Missy's Munchkins, located at 68 North 1700 West, Melissa Howard, applicant.

Melissa Howard is seeking a Conditional Use Permit for a Major Home Occupation for a daycare business she will run in her home called Missy's Munchkins. She is proposing to have six children, including her own child.

West Point City Code requires that all daycare providers must:

- Obtain a State Residential Child Care Certificate
- More than 8 children may require a second employed adult
- Required background check
- CPR training
- Adequate off-street parking
- Fenced play area
- Fire inspection

Bruce Dopp, our Code Enforcement Officer, has inspected the site, and his report is in the packet. Everything meets the Code requirements. Staff recommends approval.

4. Discussion regarding a Conditional Use Permit for a daycare, West Point Kiddie Cove, located at 1547 West 25 North, Christina Norrie, applicant.

Christina Norrie is seeking a Conditional Use Permit for a Major Home Occupation for a daycare business she will run in her home called West Point Kiddie Cove. She is proposing to have eight children in her home. This business is close to the other business just discussed.

West Point City Code requires that all daycare providers must:

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Bruce Dopp, our Code Enforcement Officer, has inspected the site, and his report is in the packet. Everything meets the Code requirements. Staff recommends approval.

Jake Shepherd asked if these situations meet all of the requirements and have passed an inspection by the Code Enforcement Officer, could they be approved by Staff rather than coming before the Commission. Troy Moyes responded that our Code requires Major Home Occupations to get approval from the Commission because there can be situations where conditions need to be placed on these large businesses and that is up to the Commission to determine.

5. Discussion regarding amendments to West Point City's General Plan.

Troy Moyes stated that Staff has revised the proposed changes to the General Plan again to reflect suggested changes the Planning Commission has discussed. The dynamics of the City are always changing. What was planned 20 years ago is not necessarily the plan for today. With new transportation needs, utility demands, building costs and development challenges, West Point City will always need to address land use and where those uses best fit within the city. Listed below are some of the recommended changes to the General Plan map.

1. *Change R-1 to R-3 to allow some higher density around the schools.* This area is owned by the School District. They are proposing a possible campus for a high school, junior high and elementary school. This was originally R-1 and proposed to change it to an R-3 to create a buffer so more kids can walk to school.
2. *Change R-1 to R-2 to allow some higher density around the schools.* This was suggested, again, to create more density around the school.
3. *Change R/1-P (Industrial) to R-3 to allow higher density around the school and create a buffer with the industrial zone to the east.* Boyd Davis suggested keeping this Industrial next to the school; placing the Commercial in the front and Industrial in the back. Troy Moyes is suggesting zoning it R-3 to buffer the school with the Industrial. There is an application from someone that would like to do some higher density homes in this area and extending up into the unincorporated area. They own property in Clinton as well where they want to do a residential development. Currently, this is shown on the General Plan as Industrial. This group would like to change it to R-4 Residential. Access is a big issue here. 1800 North is a State road. UDOT has spacing requirements for access. It would be a challenging piece to develop. Jake Shepherd said he feels that Residential would be a better buffer than Industrial in this area.
4. *Change R-1 to R-3 to allow some higher density in close proximity to the schools.* On the east side of the corridor, there is a long piece that was originally shown as R-2, after discussion, they suggested making the whole section R-2 as well. They left another piece as R-1 and that is the area where the Isla Vista Subdivision is being built.
5. *Change R-3 to R-4 as requested by the land owner. This does match up with existing uses around the area.* Staff has a request from the current land owner to zone the property R-4. That fits with the surrounding area.
6. *Change from R-2 to Park due to the close proximity to the new corridor and high water table issues.* They want to consider changing the zoning of this because the land is very difficult to develop because it is very wet. It would be a good place for ball diamonds etc.
7. *Change from R-1 to Public/Institutional for a future church.* This property is owned by the Church of Jesus Christ of Latter Day Saints.
8. *Remove the master planned park at the end of the Bannock Subdivision.* The park that was planned for this area has been done away with.
9. *Change from R-C to R-4 to allow higher density around the school and create a buffer with the Regional Commercial zone to the east.* Next to the future junior high, it was showing on the General Plan as Regional Commercial and they would like to buffer that use with R-4 Residential.
10. *Change from R-1 to R-2 to allow some higher density around the schools.* This is being suggested as a buffer.

11. *Change from R-1 to R-2 to create a buffer between the higher density in the Syracuse development to the east and the R-1 zones to the west.* This is the same thing. Syracuse has some higher density here so this would be to create a buffer.
12. *Change from R-1 to R-2 to create a buffer between the higher density in the Syracuse development to the east and the R-1 zones to the west.* This is the same as #11.
13. Along the Corridor, this is new from last meeting, and would create a buffer from the Corridor. Staff was trying to find a natural dividing line. This suggested line follows the Hooper Canal. Everything east of the canal between that and the Corridor would be zoned R-3. This was suggested to create a tighter buffer there.
14. This area comes off from 1800 North. Making that an Industrial area seemed to make sense.
15. This is the Paice Farms Subdivision. It is showing R-2 because some of the lots are smaller. The black lines on the map are the actual lots that fall under 12,000 square feet; which is a requirement of the R-1 Zone. It has an R-1 feel, but there are some lots that fall into the R-2 lot size requirements. This won't be rezoned, but this would just need to be shown on the map as R-1 or R-2.
16. Staff just put some dashed lines in this area to show the future annexation plan of the City. This is all unincorporated.

Jeff Macfarlane asked if this plan addresses the new Federal Regulation regarding affordable housing. Troy Moyes said affordable housing has everything to do with land value and nothing to do with how many lots you can fit on it because someone will still charge more for their property and that doesn't really affect moderate income housing. If lots are smaller, you'll typically assume those homes will cost less than homes on a big lot. We have some deficit in the City but it's not significant. The brick standards could also help lower some of the housing costs.

Brian Vincent commented that we currently have two elementary schools and a junior high in our city. We are planning for two more elementary schools, two more junior high schools, and a high school within our city limits. Is that realistic? Troy Moyes responded that the next junior high to be built in the County, will be this junior high. The one to the north is far down the road. They look at the City's density, General Plan etc. Finding land availability is difficult as well. They feel these would meet the needs for the north end of Davis County; and sometimes school district boundaries cross county lines.

Jeremy Strong asked a question regarding the sewer in the northern part of the City with the possible annexation area. Boyd Davis said there is a Master Plan that shows some big lift stations being built up there but it's an expensive thing to put one of those lift stations in. It's not clear who is responsible to pay for that; does the City use taxpayer money to put those in to help people develop their property, or do we require the developers to put it in because it benefits them. How does any one developer afford to put in a million dollar lift station? Jeremy Strong asked if they could just do septic systems. Boyd Davis responded that they can do septic systems, but it's on a limited basis. They County controls that and they usually must have a minimum of one acre to have a septic system. Some type of arrangement will need to be made in the future.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jake Shepherd
4. **Approval of Minutes from October 11, 2018.**

Jake Shepherd made a motion to approve the minutes from the meeting held on October 11, 2018, as written. Brad Lee seconded the motion. All voted aye.

5. **Public Comments: Louis J. Micallef – 45 North 4500 West** - Mr. Micallef was not able to attend the meeting and submitted a prepared statement to City Staff requesting it be read aloud as part of the public comment period. Mr. Micallef's statement is attached hereto and included in these official minutes of the meeting.
6. **Rezone of two parcels of property from A-40 Agricultural and R-2 Residential to R-1 Residential, located at approximately 40 South 4500 West, Barlow Corporation, Dale Corp., Green Bell, LLC, and others listed as parcel owners, applicants.**

Brian Vincent stated that the Planning Commission has held two Public Hearings regarding this rezone. He asked Boyd Davis to review all of the findings and the issues that have come up during the process. Boyd Davis said Staff has received two applications for a rezone of parcels 12-042-0116 and 12-042-0027. These are located at approximately 40 South 4500 West. Parcel 12-042-0116 is owned by the Barlow Corporation and seven others; there are eight owners total. Parcel 12-042-0027 is owned by Green Bell, LLC. The current zoning map shows that the majority of the property is zoned A-40 Agricultural with two pieces that are zoned R-2 Residential. The developers are requesting that the property be rezoned to R-1 Residential. This is consistent with the General Plan. There were two issues that have been discussed during this process. There was an issue with a gap on the west side. Staff believes that has been resolved. The County says that parcel does not exist. There is also a gap on the east side of the property. Staff believes that gap does exist and that it is about six feet wide. The developer has decided to leave the gap out of his request. The gap will not be part of the rezone tonight. Staff recommends approval of this rezone request. There was no further discussion.

Rob Ortega made a motion to approve the rezone of two parcels of property from A-40 Agricultural and R-2 Residential to R-1 Residential, located at approximately 40 South 4500 West, Barlow Corporation, Dale Corp., Green Bell, LLC, and others listed as parcel owners, applicants. Jake Shepherd seconded the motion. All voted aye.

7. **Conditional Use Permit for an accessory building located at 574 North 2625 West, Lance Adams, applicant.**

Lance Adams was present to answer questions. Mr. Adams is seeking a Conditional Use Permit to construct a 1,500 square foot accessory building on his 0.41 acre property.

During the last City Council meeting, held on October 16, 2018, the City Council approved Mr. Adams' request to amend his lot to make the necessary changes to allow this accessory building to have the proper setbacks on the side yard of his lot. The proposed structure is a 30' x 50' building that will peak at 22' when completed. The building will be a stucco and brick finish to match the primary dwelling.

Lance Adams said he plans to try to find brick to match the brick on his home. The existing fence will go around the accessory building and then tie into the detached garage so it will all be fenced in except the front face of the building. He is planning to do a half round driveway.

Brad Lee made a motion to approve the Conditional Use Permit for an accessory building located at 574 North 2625 West, Lance Adams, applicant. Jeff Macfarlane seconded the motion. All voted aye.

8. Conditional Use Permit for a daycare, Missy's Munchkins, located at 68 North 1700 West, Melissa Howard, applicant.

Melissa Howard was present to answer questions. Melissa Howard is seeking a Conditional Use Permit for a Major Home Occupation for her daycare business, Missy's Munchkins. She is proposing to have six children in her home including her own child.

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Bruce Dopp, our Code Enforcement Officer, has inspected the site, and his report is in the packet. Everything meets the Code requirements. Staff recommends approval.

Brian Vincent asked Melissa if she has run a daycare previously. Melissa said she has run a daycare for five years. She said they are in the military so she has had daycares in Arkansas, Las Vegas and now Utah. Brian Vincent said normally there is a concern with parking. He asked about drop off and pick up times. Melissa said her business will be open from 7:00 am – 5:00 pm. With the military some weekends they have longer shifts so the hours may vary occasionally. She assured the Commission that pick up and drop offs are very swift; 10-15 minutes and no longer than 20 minutes. They may park in the driveway or on the street. Melissa also said she would instruct the parents to park in front of her home and not in front of other homes. Melissa said she is doing what is called Family Child Care for the Base. They do Warrior Care, PCS Care, and Reservist Weekend Care and extended duty hours because the child development center on the base is only open for seven hours. FCC providers contribute to help with those programs.

Jeremy Strong made a motion to approve the Conditional Use Permit for a daycare, Missy's Munchkins, located at 68 North 1700 West, Melissa Howard, applicant. Brad Lee seconded the motion. All voted aye.

9. Conditional Use Permit for a daycare, West Point Kiddie Cove, located at 1547 West 25 North, Christina Norrie, applicant.

Christina Norrie is seeking a Conditional Use Permit for a Major Home Occupation for a daycare business she will run in her home called West Point Kiddie Cove. She is proposing to have eight children in her home. This business is close to the other business just discussed.

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Bruce Dopp, our Code Enforcement Officer, has inspected the site, and his report is in the packet. Everything meets the Code requirements. Staff recommends approval.

Christina said she is licensed to have up to 16 children in her home if she has another provider with her. She doesn't plan to care for that many children, but if she does, her husband is licensed as a substitute and has had the background check and fingerprinting done as well. She is open from 6:30 am – 5:30 pm. She has a garage parking spot, a side parking area and is able to fit three vehicles in the driveway. Her families are staggered with pick up and drop off times. She said the time the parents are there is very minimal because she discusses things with the parents in the evening when necessary. Christina has been running a daycare business for the past eight years. She has operated her business in Alaska, South Dakota, North Dakota and now Utah. Brad Lee thanked Christina and her husband for their service to our Country.

Brad Lee made a motion to approve the Conditional Use Permit for a daycare, West Point Kiddie Cove, located at 1547 West 25 North, Christina Norrie, applicant. Jeremy Strong seconded the motion. All voted aye.

10. Planning Commission Comments

Rob Ortega had no comment.

Jeff Macfarlane had no comment.

Jeremy Strong had no comment.

Brad Lee thanked Staff for their hard work.

Jake Shepherd had no comment.

Brian Vincent thanked Staff for their work.

11. Staff Update

Boyd Davis reviewed what was discussed during the most recent City Council meeting. Jake Shepherd and Lance Adams had applied to have their plats amended so they could build their accessory buildings. The Council also discussed the Brick Standards. They plan to take more time discussing that. Also, the rezone that was approved tonight was discussed. They held a Public Hearing for the rezone. Because it was tabled, they are not required to hold another Public Hearing, but some residents requested that they hold another Public Hearing and the Council felt that would be appropriate. It will be held on November 20, 2018.

12. Adjournment

Jeff Macfarlane made a motion to adjourn at 7:31 p.m. Jeremy Strong seconded the motion. All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey

