

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

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

Visitors: Mark Thayne, Weston Thayne, Mike Thayne, Ryan Thayne, Richard Wood, Lynn Bennington

WORK SESSION

1. Discussion on proposed changes to West Point City Code regarding Home Occupations

Troy Moyes said this has been a discussion item for several meetings now. We will hold a Public Hearing tonight. Staff has met the posting requirements to hold a Public Hearing. This is a change that is being initiated by the City Council. During the City Council work session on November 21, 2017, Staff discussed with the City Council a request from a resident to allow her daughter to operate her business out of her home. The Council would like the Planning Commission to offer a recommendation on whether or not it would be appropriate to have an immediate family member (the business owner), who is not a resident of West Point, operate a business out of an immediate family member's home who is a resident of West Point. The current Code only allows residents who live in the City to have a home occupation. Brian Vincent was at the Council meeting when the public comment was given. The business owner wants to run a type of bakery out of her mother's home because it is a bigger kitchen and better facilities for her business. The current Code won't allow her to conduct her business there because she is not an occupant of the home.

Jake Shepherd asked if this is a change being made for one specific situation, and if they discussed in previous meetings the potential for impact to the neighborhood down the road if there is any. Rob Ortega commented that he doesn't understand the purpose of the Code and asked if they can strike the Code completely. He feels that opening it up to family members could cause blurred lines. Korey Kap commented that he feels it is respectable that they came forward and asked about it rather than just running the business outside of the parameters of the Code. Korey continued by saying, "We decided that we want them to have some skin in the game. We don't want to be so stiff and say you can't have immediate family members running a business there, because who doesn't want to help their kids? But we don't want it to extend to second cousins etc." Rob Ortega said it starts to get fuzzy when you say family because family means different things to different people. None of the Commissioners voiced an opposing opinion regarding the suggested changes.

2. Discussion on a Conditional Use Permit for an Accessory Apartment located at 2181 West 800 North, Richard Wood, applicant.

Troy Moyes reviewed the Staff Report dated January 25, 2018. Richard Wood is seeking Conditional Use approval for an accessory apartment on his 1.5 acres of property located at 2181 West 800 North. The proposed accessory apartment will be located in a future accessory building that will be occupied by his daughter and grandchildren. Mr. Wood has met with Staff and indicated that he would like to construct an accessory building in the back portion of his lot and will maintain the setback requirements that were established by ordinance this past year. Mr. Wood has obtained signatures from his neighbors and all other necessary documentation. Troy Moyes said if the Commissioners can see any negative impact with this application, they may apply reasonable conditions to this.

3. Discussion on a rezone application located at approximately 1151 North 5000 West, Mark Thayne, applicant.

Troy Moyes reviewed the Staff Report dated January 25, 2018. Mark Thayne is seeking a recommendation from the Planning Commission to rezone 20 acres of his property located at approximately 1151 North 5000 West from A-40 to R-2 residential. Mark has met with Staff with a proposal of a new development in this area. The applicant is seeking the R-2 zone. One of the proposals that Staff was presented with shows varying lot sizes that range from 10,000 square foot to 22,000 square foot lots. The General Plan shows this property, and many others on the west side of the city, as R-1 Residential that allows lots to be a minimum of 18,000 square feet. Mr. Thayne is seeking for the Planning Commission to consider granting the R-2 zone, which is not consistent with the General Plan.

Mark Thayne said he has gone through all of the City's ordinances in great detail, from the Cluster ordinance to the PUD ordinance to the R-1 and R-2 zones. He explained that he needs some variable lot sizes so there are a couple of different options for him. He would like lots that range from 10,000 square feet up to almost .5 acre. Mr. Thayne's goal with this subdivision is to keep the quality of the homes to a certain standard so they are nice but allow some smaller homes and some larger homes. The other challenge he faces with this property is there is some flood plain area on the property. He feels that the cluster ordinance won't work on this property. He has sewer that goes about half way through the property and then it gets difficult. Per the current ordinances, the options he feels are feasible are to do one of two things. He can go with the R-2 Residential zoning and diversify the lot sizes with an average lot size of 13,000 square feet. The R-1 Residential zone has a minimum lot size of 18,000 square feet. He feels it warrants an R-2 Residential zone, because of the sewer challenge he has, to be able to do one of two things. He would have to put in a lift station which the City would end up taking over at some point. Or, where he would like to go, is to the low pressure to gravity sewer system on the bottom half of the property. The cost to do that is quite significant so to be able to get a diversification on the lot sizes and about four to six more lots on the property would help offset the cost of the sewer. Mr. Thayne acknowledged that the General Plan has the property shown as R-1 Residential. Mr. Thayne asked if the Commission really believes

that with Legacy Highway coming in, this area will all be R-1 Residential. Brian Vincent responded saying when they revisited the General Plan last year, that was discussed and addressed at that time. Their intent was to try to maintain the R-1 Residential zone west of the Legacy Corridor and then gradually allow the lot sizes to decrease as they approach the commercial areas. Jake Shepherd asked if they feel like there will be any commercial property along the corridor. Brian Vincent responded that they feel like there will be around the corridor off ramps. Korey Kap said when they looked at the General Plan they were looking out 2-5 years rather than 10-20 years. There was a brief discussion regarding the Paice Farms subdivision which falls under the Cluster ordinance.

Korey Kap said his personal opinion is, as hot as larger lots are right now, they could pick up that revenue difference with keeping the lots bigger and still stay with the General Plan and keep with the integrity of where they want the City to be that far west. Jake Shepherd asked why they feel like everything west of the Corridor should be R-1? Korey Kap responded that it's because it is all farmland out there and we want to keep the country feel in the area with bigger lots. Mark Thayne said he doesn't feel like that area will be R-1 in the future because there are already a couple of spots that aren't R-1 in that area now. Mark Thayne also commented that he appreciates the comment about people wanting larger lots, but he also feels there is a high demand for small lots right now; people don't want to take care of big yards. Mark Thayne also commented that he feels his property is unique because he has some flood plain on it and he has sewer problems which will take quite a bit of revenue to resolve. He acknowledged that is not a City problem; he bought the land knowing that, but it would help offset the costs to rezone it to R-2 Residential and still keep the quality of the homes high. He said he could clearly go to 12,000 square foot lots and knock the quality of the homes down and probably come out the same but he doesn't really want to have to do that. Brian Vincent asked if the PVFD would work in this situation. Mark Thayne said his opinion is that he doesn't like the PVFD overlay. He feels like the City increased the base size of the lots to 18,000 square feet, and then is forcing the developer to buy back to 12,000 square foot lots causing quite a challenge for the developers. Brian Vincent said he has been a huge proponent of larger lots. He has fought hard for them in the past. He listened to an economic developer earlier in the week and realized the tide is changing as far as lot size demand. Millennials are choosing townhomes over larger lots even when they have children. Jake Shepherd acknowledged they are just talking about a property rezone, but he commented that he likes the variable lot sizes in a subdivision. Jake said he likes the concept that Mark Thayne is proposing for the property. Mark Thayne acknowledged that there wouldn't be a vote on this at the meeting and he expressed appreciation for the Commissioners discussing this. Mark continued saying, "There is one other thing I would like to throw out. The PUD ordinance that you currently have in place would allow me to go on the front 10 acres of this and do fourplexes; that's an allowed use in the R-1 zone. I don't want to do that, but that is an option. It's strange to me that this concept plan doesn't work but fourplexes do. Again, it's not what I want to do, but it is an option for me. It's an interesting thing as I peruse through the various ordinances." Brad Lee commented, "Having kids that are in the market to buy homes, there is no way they could ever afford .5 or 1 acre of ground to build a home on. They aren't going to spend \$150,000 for a lot and put a \$150,000 home on it. That would be ludicrous. I was pushing for larger lot sizes, but when people started coming in with these types of concepts where you could get a monster home back on one of the bigger lots, yet have decent homes that

are affordable for the up and coming generation, its ideal.” Mark Thayne replied, “I said it earlier, my name is on this and there is a tone in the neighborhood where if you put fourplexes in, they question that, versus this type of development, I don’t think you’d get that type of reaction. They probably don’t want development, right? It’s typical. So that’s the reason I’m not necessarily for the fourplexes, but frankly, I could make more money off them. There are half the roads, and the density up front is huge. And my sewer problem gets solved; I don’t have to worry about the back half sewer. But my name is on it and I really do like this concept.”

Jeff Macfarlane commented that he wishes he had more experience in developing property. He commented that he doesn’t feel particularly married to the General Plan since we open it every few years to make minor changes. Jeff said he doesn’t see a big difference with rezoning this to an R-2.

Rob Ortega said he wasn’t on the Commission when the General Plan was reviewed. The way it was explained to him was that we have our business district in one area and then it gets less dense as you go out west. He feels if we are going to change that, we should be out in front of that and decide how we want things to look, rather than start making exceptions to the General Plan. People spent a lot of time getting it where it is now. He said he would really like to see this subdivision go through, so let’s figure out what we need to do so that it fits with the rest of the General Plan. He feels we should be ahead of those decisions rather than make decisions we can’t go back on.

Brian Vincent said they beg for the public’s comments, especially with the General Plan, and now that something has come up, with good reason, we can look at that. No one necessarily disagrees with this concept, but now maybe the General Plan needs to be discussed and possibly revised.

Mark Thayne commented, “You mentioned patchwork. Look at what it looks like today.” Rob Ortega responded that is what his concern is and he wants to be ahead of this and plan what things should look like. Mark said the whole upper east end of the City is patchwork. Mark reiterated that the General Plan is just a guiding plan.

Rob Ortega said he felt that his previous comment didn’t come out right. He said there is kind of a nostalgic feeling that people here have about all of the farmland and that’s not what it will always be. He feels that we need to plan ahead for what it is going to be. This development could be what we are looking for. Corey Kap commented that when they worked on the General Plan, they were looking at the whole city and trying to deal with areas for the next few years rather than for 20 years down the road.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jeremy Strong
4. **Approval of Minutes from January 11, 2018.**

Korey Kap made a motion to approve the minutes from the meeting held on January 11, 2018, as written. Jeff Macfarlane seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Conditional Use Permit for an Accessory Apartment located at 2181 West 800 North, Richard Wood, applicant.**

Richard Wood was present to answer any questions. Troy Moyes said that Richard Wood is seeking Conditional Use approval for an accessory apartment on his 1.5 acres of land located at 2181 West 800 North. The proposed accessory apartment will be located in a future accessory building that will be occupied by his daughter and grandchildren. Mr. Wood has met with Staff and indicated that he would like to construct an accessory building in the back portion of his lot, and he will maintain the setback requirements that were established by ordinance this past year. Mr. Wood has obtained signatures from his neighbors and all other necessary documentation. There were no questions of further discussion.

Brad Lee made a motion to approve the Conditional Use Permit for an Accessory Apartment located at 2181 West 800 North, Richard Wood, applicant. Rob Ortega seconded the motion. All voted aye.

7. **Public Hearing on proposed changes to West Point City Code regarding Home Occupations.**

Troy Moyes stated that during the City Council work session on November 21, 2017, Staff discussed with the City Council a request from a resident to allow her daughter, who is not a resident of West Point, to operate a business out of her home. The Council would like the Planning Commission to offer a recommendation on whether or not it would be appropriate to have an immediate family member (the business owner), who is not a resident of West Point, operate a business out of an immediate family member's home who is a resident of West Point. Staff recommends making a change in Section 17.50.060.b of the Code. It currently reads: "The owner of the home occupation business must reside in the dwelling." Staff is suggesting adding the following verbiage to the end of that "...or be an immediate family member of the resident of the home, i.e. mother, father, son, daughter."

A. Public Hearing

Lynn Bennington – 445 North 3000 West – Lynn said, “I kind of didn’t understand the change you wanted to make. Do you want to make it so people that don’t own the home can run a business out of it? Is that what it is? The occupant doesn’t have to be the owner of the home, is that correct?” Troy Moyes responded that the Code change would require the business owner to be an immediate family member of the owner of the home. Lynn said he feels that the occupant of the home should be the one that has the business and not allow other immediate family members to come back just to run a business out of their home.

Brad Lee made a motion to close the Public Hearing. Korey Kap seconded the motion. All voted aye.

B. Action

Brian Vincent reviewed what was discussed. The recommendation being proposed is to allow an immediate family member, who is not a resident of West Point, to operate a business out of the home of an immediate family member that occupies that home and is a resident of West Point. The Commission discussed this and can’t see any major impacts to the City. Korey Kap commented that, as discussed, where it is specified that it may only be immediate family, they are trying to keep it at that and not extend beyond that point. Jake Shepherd referred back to Mr. Bennington’s comment and asked if there is any reason why the home owner couldn’t just obtain the Conditional Use Permit and Business License in their name. Also, does a Conditional Use Permit stay with the property? Boyd Davis responded that a Conditional Use Permit does stay with the property, but if the use is stopped for one year, they lose their status. Brian Vincent said the home owner can obtain the business license, but if they don’t want to have ties with the business, should they be required to obtain the business license? Jake Shepherd agreed with that realizing that the homeowner may not want the business in their name. Boyd Davis clarified that the Conditional Use Permit stays with the property but the business license would not. Rob Ortega asked if the resident is required to sign something showing acknowledgement of the intent to run a business out of their home. Boyd Davis said a signature line could be added to the application for consent of the home owner.

Jeremy Strong made a motion to approve the proposed changes to the West Point City Code regarding Home Occupations. Korey Kap seconded the motion. All voted aye.

8. Planning Commission Comments

Rob Ortega had no comments

Jeff Macfarlane had no comments.

Korey Kap thanked Staff for their hard work. He also thanked the residents for coming to the meeting and giving their comments.

Jake Shepherd had no comments.

Brad Lee commented about the plans that are already under way for the 4th of July celebration this year.

Jeremy Strong had no comments.

Brian Vincent thanked the residents and his fellow commissioners for their comments and discussion tonight. Brian also reminded the Commissioners of the Planning Commission retreat that will be held on February 22, 2018.

9. Adjournment

Jeff Macfarlane made a motion to adjourn at 7:16 p.m. Brad Lee seconded the motion. All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey