

**West Point City
Planning Commission
3200 West 300 North
March 8, 2018**

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

Excused: Korey Kap

Visitors: Jason Caldwell, Chris Singleton, Greg Day, Josh Hughes, Gonzalo Calquin, John & Renee Warner, John Warner

WORK SESSION

1. Discussion on a Conditional Use Permit for an Accessory Building located at 2833 West 50 South, Matt Tafoya, applicant.

Troy Moyes said Matt Tafoya is seeking conditional use approval to construct a pool in the side yard of his property. Because this is a structure located in the side yard, the requirements that pertain to Accessory buildings will need to be applied. This meets all of the requirements. Staff recommends approval.

2. Discussion on a Conditional Use Permit for an Accessory Building located at 3034 West 1050 North, John Warner, applicant.

Troy Moyes said John Warner is seeking conditional use approval to construct a 1,728 square foot accessory building. The exterior finish of the building will be a gray metal to match the color of the home. The building height will be 20 feet and will be the same as the home. Two small sheds that are currently on the property will be removed with the construction of the new building. Originally, the height of the proposed structure was a concern because no accessory building may be higher than the primary structure. Mr. Warner has made some changes and is now proposing that the building will be 20 feet, the same as the primary structure. It has a gap of 10 feet between the primary dwelling and the accessory building. He maintains the requirement of 20% open space in the back. This meets all of the requirements. Staff recommends approval.

3. Discussion on a Conditional Use Permit for an Accessory Building located at 1279 North 5000 West, Jake Shepherd, applicant.

Troy Moyes said Jake Shepherd is seeking conditional use approval to construct a 48' x 36' (1,728) square foot accessory building on the property located at 1279 North 5000 West. The proposed building will be located in the rear with the setbacks as shown on the plans being one foot from the rear setback, and because this is a corner lot, 20 feet from the side setback. He will access this building from the front of the lot.

4. Discussion regarding the Landscape Plan for Torroweap Subdivision located at 4300 West 1300 North, David Boam, applicant.

Troy Moyes said this subdivision came through a while back. The developer was required to submit a landscape plan for the buffer strip that runs along 1300 North. They have submitted that plan and it needs to be reviewed at this time. The fence is already up. The developer is proposing trees and shrubs as outlined in the Code. They will have two trees and shrubs as required. They are doing the landscape along the fence line and then just doing grass to the corner. City Code gives the Planning Commission the discretion to approve or deny the landscape plan. Staff feels that it meets the requirements for a landscape buffer. The Code states that one two-inch caliper tree shall be required for every 25 feet of frontage. Trees must be picked from the City approved list. Five shrubs shall be required for every required tree. Because there are only two homes along there, those homeowners will be required to maintain that buffer strip. There will be no HOA in place. Brian Vincent commented that the proposal doesn't show enough shrubs; they will need to add two more shrubs. Troy Moyes will let the developer know.

5. Discussion regarding Site Plan Approval for Pad D at The Point Subdivision located at approximately 150 North 2000 West, Wright Development, applicant.

Wright Development is seeking pad approval for a proposed multi-tenant building located at The Point commercial development. The building will be located on Pad D and will include a Café Rio restaurant, Marco's Pizza restaurant, and a Great Clips hair cutting business. Staff has reviewed the Site Plan and sent an Engineer's comment letter back to the applicant regarding a few minor things. They are proposing a dual drive-thru. There was a lot of discussion regarding the queuing for the Marco's Pizza. They meet the requirements for parking. The exterior of the building will match the Smith's Market Place building. They will have faux windows on the top. Brad Lee expressed concern with the amount of parking stalls available. Boyd Davis said they meet the requirements, but there is also a parking lot to the north which is owned by Smith's, but it will be available for use by the patrons going to these businesses as well.

Boyd Davis said the brick requirement is measured by taking the perimeter of the building and multiplying that by 4. They could do a 4' wainscot around the outside and that would meet the requirement. But they can take the brick/stone and shift it around. They meet the brick requirement with the pillars and the wainscot around the sides.

Another requirement on commercial buildings is the roofline and wall articulation. They can't go further than two times the height of the wall without having some relief. That wall is 26' so every 52' they must have a break. They easily meet the requirement. The bump-outs are 18" and have brick wrapped around the sides of them. They followed the Code meticulously.

The landscape plan has been included and meets the requirements. Boyd Davis asked if the wall around the dumpster is tall enough. They will ask the representative in the regular meeting.

6. Discussion on proposed changes to the West Point City Code regarding the Planned Unit Development (PUD) Ordinance.

The PUD ordinance is an overlay option that is available to land owners/developers to “Encourage imaginative and efficient utilization of land through large-scale residential development and by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of dwelling units.” Staff would like to discuss some modifications to the current overlay zone that creates some concern of possible impact to the integrity of the underlying zone. These concerns are:

1. Allowing “Multi-family” structures in single family underlying zones.
2. Sensitive land calculations being used in the overall density calculations of the land.

Troy Moyes read a portion of the Code and explained that if someone were to get a PUD, they could cluster four-plexes as part of their density. A change to consider would be to only allow that in the R-3 residential zones. Another recommendation to change would be to add the following paragraph under 17.35.100 Standards and requirements. “D. The following base residential density calculation shall not include any “constrained or sensitive lands.” “Constrained and sensitive land” shall mean land which is generally unbuildable and which contains constrained and sensitive features including, but not limited to, wetlands, floodplains, faults, and other geological or environmentally sensitive features.” Those are the two proposed changes. Troy Moyes asked for the Commissioners feedback on these two items. He explained that there are several things that need to be changed in the PUD ordinance, but Staff feels that these two items need to be addressed at this time. Brian Vincent took a minutes to explain the PUD ordinance. He said a PUD is very similar to the PVFD; the PVFD was an overlay with it. It is all based on density; not on lot sizes. The developer can get credit for adding certain things into the planned development to get a higher density into the rezone. That would be adding trees, trails, etc. They are basically getting incentives to increase the density. There is a list in the ordinance of things you may add to your development to earn credit to get more density. Troy Moyes reminded the Commission that the PUD requires a Conditional Use Permit. Reasonable conditions may be put on the development as needed to mitigate the impact. Staff feels that there is a lot to discuss regarding the PUD ordinance but that these two issues need to be addressed right away. A developer could put all of their density into four-plexes and then have the rest of the subdivision as open space if they choose to do that. That isn’t their right, but they have that option. Staff feels like it would be best to just take that option completely off the table for the R-1 and R-2 zones and leave that option for the R-3 zone only. Jake Shepherd said, “So what if you wanted to do a twin home or patio home subdivision, and join two homes together in an R-1 or R-2 zone? You currently can do that, but the proposed changes to the PUD ordinance would change that?” Troy Moyes said that is correct.

Brian Vincent asked Staff to explain how you would calculate density with the sensitive land. Boyd Davis said if the developer has some sensitive land on their project, say wetlands or a floodplain or something that is non-buildable, right now the Code allows them to include that in the density calculation. For example, if you have 10 acres you could do two units per acre so you would have 20 lots. If five acres of that is non-buildable, you still get credit for that under the current Code. Staff and Council feels that the landowner should not get credit for non-buildable land. If you can’t build lots on it,

you shouldn't be able to transfer that density up to the buildable land. Jake Shepherd said he feels they need to look at the General Plan before making these decisions. He said he understands the intent but he feels that won't mathematically pan out for a developer in today's market. Boyd Davis asked Jake for clarification. Jake is saying that he would like to include the non-buildable area of the property into the density calculation. Jeremy Strong asked Jake if he thinks this ought to be addressed first because they can always change the zoning by the flood plains to a different zone so they wouldn't be affected as much as everyone around them. Jake Shepherd responded, "We have a lot of R-1, and I get it, there are probably a lot of people that don't want a four-plex, but there is also an aging community where twin home and patio home subdivisions might be a nice development in an R-1 zone; it might make a lot of sense. This is just taking out the ability to do that."

Rob Ortega asked if a developer comes in and applies for a PUD and the Commission doesn't like it, is it possible to deny it. Troy Moyes replied that we have a detailed Code that outlines Conditional Uses. There are several things that it outlines in that Code that gives the Commission the flexibility to impose reasonable conditions on a development based upon health, safety and welfare and based upon General Plan. We will have a training in the next meeting regarding Conditional Uses and how they are applied in the City, and legally, as far as State Code, what you have rights to do and what you don't have rights to do. Boyd Davis explained that the reason this is being discussed right now is because there are several developers that have approached Staff requesting a PUD. We don't have a problem with that; the PUD is a good Code, but there are a few items in there that we have concern with, like allowing townhouses in the R-1 zone and giving density credit for non-buildable land. Staff's proposal to the Commission, if they agree with Staff, is to change some of those things that are easy to change and then come back later and discuss the Code in more depth. The concern is that a developer will come in with an application and they are allowed to do townhouses in the R-1 zone. As Staff, we don't see that to be compatible with the intent of the General Plan down there. The basic question tonight is does the Commission envision townhouses in the R-1 zone? Jeremy Strong said he doesn't mind changing this in the PUD ordinance, but we need to address this on the General Plan. Jake Shepherd asked if there is any area in the City that could be an asset that is unbuildable land right now but the developer could get credit for that land on their density. Troy Moyes said we could open the General Plan and discuss these proposals. He asked the Commission how they would like Staff to proceed. Brad Lee said he felt that it was the general consensus at the last meeting that everyone agrees we need to open the General Plan more than we do. Things have changed a lot since it was last opened. Jake Shepherd asked if there is any benefit to the PUD multi-family portion of that the way it is written now? Troy Moyes suggested that Staff provides a training on Conditional Uses at the next meeting. Brian Vincent commented that the changes being suggested are to protect the integrity of the General Plan. The Commissioners all voiced a need to look at the General Plan to see if any changes need to be made. Jeremy Strong said he feels that duplexes and four-plexes don't belong in the R-1 zone; making the suggested changes make sense. But if we feel things should be different, then we need to change the General Plan.

The Work Session was reconvened following the Regular Meeting

Troy Moyes recapped where they left off from the Work Session. There are two ideas out there 1. Revisit the General Plan or 2. Move forward on making the proposed changes regarding the four-plex items and the density for the PUD. It was suggested that they look at it one item at a time beginning with the four-plexes in the R-1 and R-2 zones as a PUD overlay. Does the Commission feel that is appropriate or too strong? Jeff Macfarlane said his opinion is with Legacy eventually going through, he feels they would put commercial close to the road and the some R-3 and then R-2 and then R-1 so there is a buffer between the higher priced properties. He thought that was their intent with what they did on the General Plan. So to allow multi-family dwellings in an R-1 zone, he feels isn't the intent of the General Plan. Brad Lee said there is an area in Roy on 3000 West just below a park. They have multi-family homes along the main street. Behind that multi-family development, are some higher priced properties. Those homes act as a buffer from the street and the park. That causes a mixture of younger folks looking for a home experience but can't afford the \$300,000 - \$400,000 homes with older folks who can afford the higher priced homes. Brad feels like we are pricing our kids out of the opportunity to live in West Point. He would like to see if we can get our arms around that. Boyd Davis said, "It sounds like several of you are interested in some higher density stuff out on the West side. Do you want to control that through the use of the General Plan? Right now, the PUD opens up the entire west side for townhouses. If you do it through the General Plan, you can choose where that will go." Rob Ortega said there are a lot of areas where the PUD would make a lot of sense, but he feels it should be controlled through the General Plan. He feels there are some places in the City where we want R-1 and the low density and the PUD is not consistent with that. So he feels removing it from the R-1 and R-2 zones is good but the General Plan should be looked at to determine where we want the density. Boyd Davis said Staff has received an application and they are locked into the current rules right now. Boyd suggested that they control through the General Plan where the multi-family units would be located. Jake Shepherd said he feels like if we leave all of the areas zoned R-1, it is just saying that we aren't ready to commit ourselves to these changes that are coming. Brian Vincent said he feels that the PUD protects us somewhat because for someone to come in and propose smaller lots, they are going to add a lot of amenities so they will be nice developments. Jake Shepherd commented that he would like to get more educated regarding the Conditional Use on what the Commission is allowed to do to place conditions on them. Jake continued saying he feels we haven't kept up with the rate of development. He said he isn't willing to make a knee-jerk reaction because he wants to be informed and doesn't feel like he is at this time. Brian Vincent said he hasn't really seen the PUD brought up the whole time he's been on the Commission so he had to study up on it to understand it. Brian said his opinion is that what the PUD allows wasn't the intent in an R-1 zone; the intent was never to have multi-family in the R-1 zone. Currently, the way the PUD ordinance is written, multi-family is allowed in the R-1 zone. Brian continued to say he has two opposing thoughts; he likes the PUD ordinance but he doesn't like the aspects that it can bring to an R-1 zone. He isn't opposed to having multi-family units in that area, but they need to be in the right spots. He feels the PUD allows things into an area that they don't want there. Rob Ortega said he feels the market is moving us in the direction that we do need to plan this out now. That's the same cause of these PUD applications, the market is demanding higher density stuff. It's all the same cause, we just need to catch up to it. Having areas in the

City that are half acre lots, and protecting that, is important. The PUD is not consistent with that. Rob continued to say he feels that removing that from R-1, at least, and maybe R-2, and then find places to put some R-3 zones where they could do the PUD would be ideal. Jake Shepherd said he is very familiar with that area down there and he feels someone could sell a one-acre lot and only the front 150 feet of it is buildable, but you could still sell that lot. It would still enhance that zone. He feels the landowners down there could be taking a hit. Jeff Macfarlane pointed out that the Conditional Use will be the ticket because that allows them to make a decision; we aren't stuck with an ordinance saying it must be done a certain way. Doing it through a Conditional Use allows them to make decisions. Troy Moyes said he likes the PUD and the flexibility that it allows. It creates a way to buffer uses. He loves the maps and the zoning, but Staff has to turn down developers at this time if it doesn't fit the maps. The Conditional Use is very specific on what you can and cannot apply conditions for. This section gives a lot of flexibility to negotiate with a developer to get the end product that you want.

Troy Moyes said the issue with sensitive lands is pretty cut and dried. He said, "If you have someone that has just a sliver there and they can pack 2,000 square foot lots in an acre and a half because they have 20 acres of open space... Those types of things can be controlled by the conditions. Jake Shepherd said he would like to actually go to the properties and see what they look like before making this decision. Jake suggested that possibly we need a better definition of what is unusable land. Rob Ortega asked if we could put in the PUD Code something that says you can only go 50% of the underlying zone; that would limit it to 9,000 square feet. Then we wouldn't have to negotiate that after the fact. Everyone thought that was a very valid suggestion that makes a lot of sense. It was decided that they would discuss this suggestion at the next meeting.

REGULAR MEETING

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Jake Shepherd
- 4. Approval of Minutes from January 25, 2018, and February 22, 2018.**

Rob Ortega made a motion to approve the minutes from the meetings held on January 25, 2018, and February 22, 2018, as written. Jake Shepherd seconded the motion. All voted aye.

- 5. Public Comments:** None given
- 6. Conditional Use Permit for an Accessory Building located at 2833 West 50 South, Matt Tafoya, applicant.**

Matt Tafoya is seeking conditional use approval to construct a pool in the side yard of his property. Because this is a structure located in the side yard, the requirement that pertains

to Accessory buildings will need to be applied. Staff has reviewed this application and it meets all of the requirements outlined in the City Code.

Jeff Macfarlane made a motion to approve the Conditional Use Permit for an Accessory Building located at 2833 West 50 South, Matt Tafoya, applicant. Brad Lee seconded the motion. All voted aye.

7. Conditional Use Permit for an Accessory Building located at 3034 West 1050 North, John Warner, applicant.

John Warner is seeking conditional use approval to construct a 1,728 square foot accessory building. The exterior finish of the building will be a gray metal to match the color of the home. The building height will be 20' and will be the same as the home. Two small sheds that are currently on the property will be removed with the construction of the new building. Brian Vincent commented that he noticed on Mr. Warner's application it said the height would originally be 22'. Mr. Warner has agreed to modify the building to be 20' so it would not be taller than the primary structure.

Jeff Macfarlane made a motion to approve the Conditional Use Permit for an Accessory Building located at 3034 West 1050 North, John Warner, applicant. Jake Shepherd seconded the motion. Rob Ortega suggested that the motion mention the change of the plans to reflect the change in the height of the building. Jeff Macfarlane amended his motion contingent upon modifying the design of the building so it is only 20' in height. Jake Shepherd seconded the amended motion. All voted aye.

8. Conditional Use Permit for an Accessory Building located at 1279 North 5000 West, Jake Shepherd, applicant.

Chris Singleton was present to answer questions. Jake Shepherd is seeking conditional use approval to construct a 1,728 square foot accessory building on the property located at 1279 North 5000 West. The proposed building will be located in the rear with the setbacks as shown on the plans being 1' from the rear setback and because this is a corner lot, 20' from the side setback. This meets all of the Code requirements. Staff has reviewed the application and recommends approval.

Brad Lee made a motion to approve the Conditional Use Permit for an Accessory Building, located at 1279 North 5000 West, Jake Shepherd, applicant. Rob Ortega seconded the motion. All voted aye.

9. Approval of Landscape Plan for Torroweap Subdivision, located at 4300 West 1300 North, David Boam, applicant.

David Boam is seeking approval for the Torroweap Subdivision landscaping strip that fronts 1300 North. During the approval process for the subdivision, the approval for the landscaping strip on 1300 North was never brought back to receive approval from the Commission. The two lots that lie alongside 1300 North are individually owned but must adhere to the proposed standards of the West Point City Code. Mr. Boam has submitted the proposed plans for the Planning Commission's consideration. This was discussed in

the work session. Brian Vincent mentioned that in the 50' section, the developer is required to have two trees and 10 shrubs. The plan shows eight shrubs, so he will need to add two shrubs to that.

Jeff Macfarlane made a motion to approve the Landscape Plan for Torroweap Subdivision, located at 4300 West 1300 North, David Boam, applicant, provided the number of trees and shrubs specified in the Code are met. Brad Lee seconded the motion. All voted aye.

10. Site Plan Approval for Pad D at The Point Subdivision located at approximately 150 North 2000 West, Wright Development, applicant.

Gonzalo Calquin was present to represent JZW Architects. Wright Development is seeking pad approval for a proposed multi-tenant building located at The Point Commercial Development. The building will be located on Pad D and will include a Café Rio restaurant, Marco's Pizza restaurant, and a Great Clips hair cutting business. Staff has reviewed the Site Plan and has submitted a letter back to the architect for their review. There were no major concerns to be addressed before approval. The building elevations, articulation requirements, brick requirements, landscape requirements and parking requirements have all been met. Staff recommends approval of the application.

Brian Vincent said they discussed this in the work session and had a few questions. Rob Ortega commented that he is concerned about the drive thru for the Marco's Pizza. He is wondering how the traffic will flow if there are many cars waiting in line there. Gonzalo said the owner hasn't expressed any concerns regarding the stacking area. They originally had the drive thru further back to provide a longer stacking area but the tenant asked them to move it forward. Rob Ortega said he is concerned that it will block off the front entry way or will block off the entry for the other businesses depending on how the cars line themselves up. Gonzalo said it should never be backed up because there is a lot of space around it. Gonzalo also said they could make it a clear zone; maybe yellow striping on the ground to show that you can't park there. If there is a waiting space issue, there is plenty of space to have cars move forward and take the pizza out one of the back doors to them. Brian Vincent asked if they have designed a crossover drive-thru before. Gonzalo said he has seen something similar up in Pleasant View. It's a gas station drive-thru and a Wendy's drive-thru. It's a different situation though. The first drive-thru goes out straight, but they have the benefit of having a large parking lot so they won't have the stacking issue. The cars cross in a similar pattern to this design though. Brian Vincent asked if Marco's Pizza has done a drive-thru before and what is their expected wait times at the window. Gonzalo said his guess would be that people won't be coming up to the window and ordering a pizza and then waiting for it to be ready. He assumes they will be calling ahead and just picking up their pizza. Brian said the Commission assumed the same thing but questioned that when they saw the ordering queue. Gonzalo said he didn't know the answer to that. He said he would verify with the architect what their intent is with the drive-thru.

Rob Ortega said another concern they had was about the wall around the dumpster. He asked what will be surrounding the dumpster. Gonzalo said the architectural drawings, which have not been submitted yet, show that they will do a six foot CMU wall around it.

Gonzalo also commented on the fire line that is shown going out to 2000 West. He said it will not be there and thinks it is going farther south.

Brad Lee made a motion to approve the Site Plan for Pad D at The Point Subdivision, located at approximately 150 North 2000 West, Wright Development, applicant. Rob Ortega asked if they should wait to vote on this until they hear back about the drive-thru questions. Brian Vincent responded that it would have to be determined by how they operate it. Jake Shepherd remarked that this could be a Marco's Pizza for a year, but it could be something else down the road. The question is, is it a concept that we are willing to accept? If the business feels like they want to take that risk, that's their decision. None of the commissioners had a concern with approving the site plan at this point. Jake Shepherd seconded the motion. All voted aye.

11. Planning Commission Comments

Rob Ortega had no comment.

Jeff Macfarlane thanked Staff for their work and thanked the public for being there.

Jake Shepherd had no comment.

Brad Lee had no comment.

Brian Vincent thanked Staff for their work.

Boyd Davis gave a brief City Council update. City Council last met on March 6, 2018. In their work session, they quickly reviewed/discussed the building on Pad D. They seemed to like the building and had no concerns with it. They also spent quite a bit of time talking about Utopia Fiber Network that they are considering bringing to West Point. Some of you may have seen a survey regarding that. So far it seems favorable, but there is a lot more to come on that. They also discussed the PUD ordinance. They had some concerns about that Code. In the General Session, the highlight of the evening was the Youth Council Essay Contest winners. They also approved an inter-local agreement with Davis County for the Animal Control services. There were two subdivisions placed on warranty because they have completed all of their infrastructure. Every subdivision is placed on a one-year warranty period and we hold 10% of the cost of those improvements for a whole year to guarantee they will be kept in good condition. After that, they held a closed session to talk about some legal issues.

12. Adjournment

Brad Lee made a motion to adjourn at 7:47 p.m. Jake Shepherd seconded the motion. All voted aye.


Chairperson – Brian Vincent


Secretary – Michelle Bailey

