

**West Point City  
Planning Commission  
3200 West 300 North  
April 12, 2018**

**Present:** Brian Vincent, Rob Ortega, Jeff Macfarlane, Jeremy Strong, Brad Lee, 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:** Greg Day, Josh Hughes, Robert Kelly, Jason Caldwell, Lynn & Dianne Manning, Donna Payne, Kenneth Payne, Greg Cooper, Kathy Josephson, JaNae Manning, Tiffany Forsgren, Ryan Forsgren, Melissa Payne, Logan Payne, Lissa Davies, John Diamond

**WORK SESSION**

**1. Discussion on a Conditional Use Permit for an accessory building located at 2150 West 300 North, Greg Cooper, applicant.**

Troy Moyes stated that Greg Cooper, located at 2150 West 300 North would like to construct an 1,100 square foot metal carport and shed within the side yard of his property. West Point City Code requires all accessory buildings located in the side yard to obtain a Conditional Use Permit. Mr. Cooper has submitted all of the required documentation for the Planning Commission's review. The Code outlines some requirements for accessory buildings specifically in side yards. They must maintain the side yard setback the same as the residential dwelling. The standard is greater than or equal to 10 feet. Mr. Cooper has a 25 foot setback. It shall not create a significant nuisance due to design, construction or placement to neighboring properties. It must not be closer than 15 feet from a residential dwelling on an adjacent lot. The standard is greater than or equal to 15 feet. Mr. Cooper is proposing 60+ feet. A combination of all accessory buildings are not to occupy more than 20% of the lot area less the footprint of the main building. The standard is less than or equal to 20%. Mr. Cooper is proposing 3%. It may not be closer than 10 feet from the main building. The standard is greater than or equal to 10 feet. Mr. Cooper is proposing 25 feet. Mr. Cooper meets the requirements. Staff recommends approval of the application. Mr. Cooper has indicated to Staff that the shed/carport being proposed will be white metal to match the home. Some possible conditions for the Planning Commission to consider would be that the color be consistent with surrounding structures. And a condition could be set to place the structure an additional 20 feet back so it is set back further than the home. An illustration of the proposed building was shown.

Jake Shepherd commented that if the building is in the side yard and even with the front of the home, it should probably have the same architectural features as the home; siding to match the house, and an actual door. He feels this plan doesn't fit the intent of allowing someone to have an accessory building in the side yard. He has plenty of room to slide the building back. Jeremy Strong said he thinks Mr. Cooper's intent is to use the concrete that is already there so he can keep the cost down. Brad Lee said he feels like its

ok for him to construct it there. He is ok with what is proposed. Jeff Macfarlane said he is trying to figure out the intent of requiring a conditional use permit for someone building something in the side yard and does this meet the intent? Mr. Cooper easily meets all of the setback requirements; it comes down to aesthetics. Jeff Macfarlane said he doesn't really have a strong opinion of it. The neighbors have signed the application and have not expressed any concerns to Staff about it being constructed. Rob Ortega said he feels he would like to see it moved back about 20 feet, but he wouldn't stop it from being constructed where it is proposed if Mr. Cooper has a reason for building it there. Jeremy Strong said the way the Code is written, there isn't much they can do about it unless it is deemed a nuisance. Jeremy said he would like to see, in the side yard, something that resembles a building/structure, not just poles, but the way the Code is written, he doesn't feel they can do much about it. Jake Shepherd said the Code reads that it shall not create a significant nuisance due to design, construction, or placement to neighboring properties. Jake feels it is a nuisance in design so he disagrees that there is nothing they can do. He said he isn't sure if it is talking about architectural features or placement when it says design criteria. Jake said it would make sense to him to require it to be constructed of the same materials as the house. Brian Vincent said he feels that it becomes subjective; a nuisance to who, or how? Who determines if it is a nuisance? Jake Shepherd suggested Mr. Cooper push the building to the back yard or construct it of materials like the residence. Jeff Macfarlane asked if it would be different if it were just the carport and not the shed attached to it. Jake Shepherd said he would still feel the same about it. He feels it would be better to enclose the entire thing and make it a garage and put like materials on the front of it. Rob Ortega said if the building will be in the side yard, he feels it should be constructed of like materials, or it should be set back 25 feet. A brief discussion took place regarding other carports within the City. It was suggested that he could push the building back about 25 feet and put a fence in front of it and it would alleviate the problem.

**2. Discussion on a Conditional Use Permit for a PUD overlay for the Sunset Vistas Development, located at approximately 1146 South 4500 West, Kelly Hughes Construction, applicant.**

Josh Hughes from Kelly Hughes Construction is seeking a Conditional Use Permit for a PUD (Planned Unit Development) subdivision called Sunset Vistas located at approximately 1146 South 4500 West. The proposed PUD development will consist of 50 homes on nearly 20 acres of land that would increase the density of the current underlying zone, R-1 Residential, from 2.0 units per acre to 2.5 units per acre and lots ranging from 6,046 to 13,337 square foot lots, subject to proposed amenities listed below. Mr. Hughes had the following to say on his application: "We are applying for the Planned Development Conditional Use. The development will have 50 homes, a nearly 8-acre park and tree lined streets. There will be no significant increased impact to neighboring residents in comparison to its current R-1 zone without the overlay PUD. The number of homes fits existing infrastructure. Traffic will all be on a State Highway." Staff has reviewed the application and met with the developer to clarify some questions that were raised during the last meeting. Josh Hughes feels that an 8-acre, fully landscaped park that is owned by an HOA is excessive for the HOA to maintain. If feasible, they will consider moving the trail to the perimeter of the open space area as suggested. They also mentioned that they would like it to be a senior community with patio-style homes. They

would also like to reduce the side yard setback to five feet. There is a sewer line that runs through the property, and they have talked about curving the road slightly to keep that line in the roadway.

Staff recommends the following:

1. Approve with conditions (see below)  
To “conform with the intent of the West Point City General Plan” as described in 17.70.03, Staff recommends the following conditions:
  - a. Lot widths shall not be less than 85’.
  - b. All building lots shall be no smaller than 10,000 square feet. (This requirement is less than the base zone requirement of 18,000 square foot building lots to keep lots more in harmony with the intent of the General Plan. The PVFD allows as low as 12,000 square feet with improvements and amenities, and with the PUD we could be willing to go as low as 10,000 square feet.)
  - c. Maintained land and enforcement of the CC&R’s shall be done through an HOA or another reasonable means.
  - d. The junk fill on the property must be removed or no buildings to be located on that area.
  - e. Sewer line must be completely located in a road unless approved by NDSB.
  - f. Developer’s Agreement negotiated with the City Council.

Brian Vincent said the PUD is strictly density based. It doesn’t have anything to do with lot sizes; it’s all about density. They “buy back their density”, in a sense, with whatever amenities are being put into the development. Concerns that were discussed in the last meeting were: 1. The lot sizes (smallest is a 6,000 square foot lot and a couple that are 13,000 square feet) 2. Does it fit the intent of the General Plan? Brian Vincent asked Troy Moyes to review the considerations they must make. Troy read the following:

“PUD’s are allowed in all residential zones as Conditional Uses. The Conditional Use of the Code allows three types of actions: deny, grant as applied, or grant subject to conditions. The Planning Commission shall not authorize a Conditional Use Permit unless the evidence presented establishes:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood; and
- B. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity... and
- C. Comply with regulations and conditions specified in this title... and
- D. That the proposed use will conform to the intent of the West Point City General Plan; and
- E. Conditions imposed by the Planning Commission shall be based upon options listed in the Code.

Brian Vincent stated that as they review the proposal, those are the considerations they need to keep in mind. Then they have three options for an action to take: deny the proposal, grant approval subject to certain conditions, or approve the proposal as

submitted. The Public Hearing that will be held is a fact finding, information gathering tool that they have. That being said, Josh Hughes, the developer, and City Staff will have a meeting where they can have an open discussion to go over some possibilities for the development. Another thing that has come to light, which has nothing to do with the City, Kip Cashmore, who owns the property and is selling the property, has a contract in place with John Diamond. That contract has some conditions that are set. That may be brought up in the Public Hearing tonight, but it is strictly between the buyer, the seller and the Diamonds.

The concerns that were discussed in the last meeting include: the junk fill that needs to be addressed somehow. It needs to be tested and/or corrected. The park needs to be addressed. Is it going to be left as a natural park, developed/landscaped park? The trail needs to be addressed. It was discussed to have the trail go around the property and have it be a landscaped amenity to the development. Josh Hughes gave some background information regarding the park. He said, "When we originally brought the plan in and submitted it to Boyd, we said, 'Hey! Here is kind of an idea. We want to do a park on the side. We don't know what is of the most interest to West Point City. We don't know if the City would like to take it over if there is a certain facility you want there. We don't know if it could be incorporated into a regional detention. We brought up that the park is more of a filler and would like to know what the City wants in that area.'" He continued saying that if it will be retained by the HOA, they need to be sensitive to keeping costs reasonable for anyone that moves in. Jake Shepherd asked if the City has any need for this property. Boyd Davis responded that they are not interested in taking a park at this time, and the detention isn't needed. Josh Hughes said if the HOA is going to maintain it, they are thinking of keeping it natural and bringing in plants and trees that would require minimal upkeep over the years and make it more of a nature preserve. Jeff Macfarlane asked if the last row of houses are in the flood plain. Does that subject the City to some liability if people build their houses in the flood plane? Josh Hughes replied that the back row of houses, with the elevations there, will be ideal to have a walk-out basement. They are probably the only homes that will have basements on the property. Boyd responded that there is a small bluff there, but the flood plain doesn't start until you're off their property. Jeremy Strong asked what the lot sizes are in the Simpson Springs development. Josh Hughes said they have a minimum of 12,000 square foot lots. Jeremy Strong pointed out that none of the neighboring property owners were willing to sign the neighborhood agreement. Greg Day said he went around to get those signatures. He said no one would even open the door; they don't know him. Greg was able to speak with one property owner to the north, but he was the only one that would discuss anything. Jake Shepherd commented that there will be a lot of emotion in the Public Hearing, but they aren't looking for that. They are looking for anything that sheds light on the property and anything that would adversely affect their ability to develop it the way they would like to.

Brian Vincent asked if there were any concerns. Jeremy Strong said this is very far out from what the General Plan calls for in an R-1 zone. He reiterated that the General Plan needs to be addressed. Rob Ortega said that is his concern too. It's still R-1 even with the PUD overlay so it is supposed to have the look and feel of the R-1 zone when it is done. If it were zoned something else, this could be a great development, but with the R-1 zone, it doesn't meet it. Jake Shepherd said the PUD ordinance has been an overlay option on the R-1 zone for several years now. He understands there is an R-1 zone there, but yet we

have always had the R-1 zone with the PUD overlay that allows for three units per acre. So what is the intent of the R-1 zone? Whether we like it or not, it is there and is a tool. We have it so we need to interpret the Code the way it is written right now. He feels that all of the traffic will go to the adjacent property or a State road. What does it matter, to the City, if those lot sizes are smaller, if there is a community of people that want to live there and buy that? Also, the infrastructure costs are cheaper; that why the developer does it. And for the City, the maintenance for the infrastructure is going to be cheaper down the road too. We have that as an option and someone is using it whether that is the intent of the R-1 or not, that's what it is. We have a PUD overlay in the R-1 zone and they aren't even asking to max out the full density. There are a lot of things to be discussed when the developer and Staff discuss the possibilities.

## REGULAR MEETING

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

Brad Lee made a motion to approve the minutes from the meeting held on March 22, 2018, as written. Jake Shepherd seconded the motion. All voted aye.

5. **Public Comments: Kenneth Payne – 1172 South 4500 West** – Mr. Payne lives on the southeast corner of the proposed subdivision. The property Mr. Payne lives on and also the property being subdivided was homesteaded by his grandfather in 1886. Mr. Payne said he knows through the project design that to gain density through amenities through the PUD, there is a proposed park, pavilion, and walking trail in the bottom land, which is the far west portion of the project. He noted that there are eight houses proposed in the area as well. All of the homes and proposed amenities are in the FEMA flood plain and west of the FEMA flood line. He provided the Commission with a copy of a couple of pages from the Davis County Shorelands Comprehensive Land Use Master Plan. West Point City was represented by Councilman Jerry Chatterton when this was developed. Map 5 on Page 20 shows the FEMA flood line on the west below Syracuse, West Point, Clinton and Hooper. In the Planning Principles Section it states, "New development is desired West of the FEMA flood line." On Page 14, Local Issues, it states, "The City of West Point desires to limit development to lands east of the FEMA flood line." The bottom area, since it was below the flood plain, is regarded as wetlands. In 2006/2007, Kip Cashmore, who is the owner, arranged for the Weber/Davis Sewer District to truck in hundreds of loads of trench mud from the sewer line construction on 2700 South in Syracuse. This trench mud was bulldozed onto and over trees. This area also contains construction debris. Mr. Payne feels it would be wise for West Point to examine these issues before accepting these as amenities.

**6. Conditional Use Permit for an accessory building located at 2150 West 300 North, Greg Cooper, applicant.**

Greg Cooper was present to answer questions. Troy Moyes reviewed the application. Mr. Cooper would like to construct an 1,100 square foot metal carport and shed within the side yard of his property. West Point City Code requires all accessory buildings located in the side yard to obtain a Conditional Use Permit. Mr. Cooper has submitted all of the required documentation for the Planning Commission's review. As discussed in the work session, there were concerns regarding the structure itself and whether or not it creates a significant nuisance to design, construction or placement to neighboring properties. Staff feels that it meets the requirements, excluding the nuisance portion of the Code and recommends approval. Brian Vincent asked Mr. Cooper to describe the construction design of the proposed building. Mr. Cooper said there are two parts to it; the main part is an A-frame open carport and the other part is an enclosed shed. It will be made of metal. Rob Ortega asked what the shed roof material will be and Mr. Cooper replied that it will be metal also. Jake Shepherd asked if there is any type of footing associated with the structure. Mr. Cooper said no footings are required. However, the enclosed part will be anchored down to the cement and the parts over the grass will be anchored down into the dirt. Jake Shepherd said that accessory buildings are allowed in the side yard but shall not create a significant nuisance due to design. Throughout the City, we have design standards that are required on the front elevations of homes. Where this structure would be in the side yard, and the same setback as the home, he feels that it needs to have some kind of a more uniform look with the home if he wants it to be that close to the front of the home. If that is the structure he really wants, Jake recommended he move it back where it is not equal to the front setback of the home; possibly 20-25 feet. Brian Vincent clarified that the problem isn't the distance from the road that is as concerning as just that it is level with the front of the home. Jeremy Strong commented that because of where it is located and the size of it being the same size as the home, basically it is like having two structures on the lot. If there were a dividing line there, it would have to meet new construction standards. However, if the building is pushed back, the feeling is that it is another building and not a separate entity. Mr. Cooper said that pushing the building back would be difficult. Jeremy Strong suggested that he could enclose the open area and put a door on it. Greg Cooper asked if a decision needed to be made right then or asked if he could he have time to think about it. Jeremy Strong suggested that he come to the next work session for further discussion on the matter.

Jeremy Strong made a motion to table the Conditional Use Permit for an accessory building located at 2150 West 300 North, Greg Cooper, applicant. Rob Ortega seconded the motion. All voted aye.

**7. Public Hearing on a Conditional Use Permit for a PUD overlay for the Sunset Vistas Development, located at approximately 1146 South 4500 West, Kelly Hughes Construction, applicant.**

Jeff Macfarlane disclosed being contacted by adjacent property owners. Brian Vincent disclosed being contacted by an adjacent property owner. Rob Ortega disclosed being contacted by the developer via email but did not respond due to just seeing the email.

Troy Moyes reviewed the application. Josh Hughes from Kelly Hughes Construction is seeking a Conditional Use Permit for a PUD subdivision called Sunset Vistas located at approximately 1146 South 4500 West. The proposed PUD development will consist of 50 homes on nearly 20 acres of land. West Point City ordinance identifies all PUDs as requiring Conditional Use Permits. They are proposing to reduce lot sizes and clustering the density towards 4500 West and toward the road connecting this subdivision to the Simpson Springs Subdivision to the south. They are proposing some sort of trail system in the back, a park, street trees etc. The average lot size is approximately 7,700 square feet. Lot frontages range from 55 – 90 feet. They are proposing eight acres of open space. Also, an entrance feature on 4500 West. They would be required to improve 4500 West, which is a State Road, and also install the connecting road into the other development to the south.

Brian Vincent explained that holding a Public Hearing is one of the tools the Commission has to obtain information that they may not know already or otherwise have access to. There will not be discussion on comments made. This is strictly a time for the Commission to listen to comments. There will be no action taken on this item at this meeting.

**Donna Payne – 1172 South 4500 West** – Mrs. Payne said her concern is the walkway the development has planned to give more amenities for the PUD to gain density. “On the submitted plans, it indicates that the walkway would connect to the Davis County Regional Trail System. That is untrue. The Regional Trail System is 1 – 1 ½ miles east on the Bluff Road. The only connection to the Regional Trail System is to go through Rock Creek Subdivision or 700 South. Neither of these routes are designated as a designated pathway to connect to the Regional Trails. The trail that they would be connecting to is a walking path in front of Simpson Springs that then goes to a field and dead ends. It is approximately 5/10 mile long. If they make this walkway, it would go across our property and take out part of our yard and our driveway. We would then be the only house on 4500 West from 1700 South in Syracuse to 1800 North in Clinton that would have a sidewalk that connects to a trail that goes nowhere. If this trail system actually connected to the Regional Trail System, then it could be an amenity for consideration.”

**Logan Payne – 1200 South 4500 West** – Mr. Payne said he and his wife, Melissa, have been Syracuse and West Point residents all their lives. “I am not pleased with the idea of a roadway that is proposed in front of my property or houses to the west of it that are in areas that houses should not be built in flood lands and wetlands. Why are we not attempting to preserve some open lands in West Point? I know I don’t own the property and can’t control development, but I am displeased with the number of homes that will be put in this small area that will impact the way of life we have enjoyed for the last 19 years and before when I was a kid. How do we keep people off our section of the land? My dad owns the top part of the land, which we currently have to drive on to get to my place, affecting my access into my property. We don’t want to have to put up additional gates to keep people out. How do we keep people off our lane and police our part of the land? What’s going to stop people from driving up the lane and trying to get out a different way? Currently we have a section of property between us that is owned by the developer and owner which cuts our family in half. The section in question has never been maintained by the owner or developer. We have had an infestation of puncture

weeds and other invasive weeds. We've sprayed for years, mowed for years. The weeds infested the front of my yard now as well and I can't get rid of them. We've had to grade the bumpy road owned by the current property owner, buy road base and rock for years because it is not maintained and have had no effort by the current property owner to maintain his own property. Where my property sluffs off towards the bluff and the wetland area and the buildings will have to be higher than me, how are they going to prevent it from sluffing off onto me? The wetlands are about six feet lower at the lowest point and gradually sluffs off to the west. It would have to be built way higher. I don't want a big wall or barrier blocking my view. I understand that you probably don't understand the view, it's not important to you guys, but it's very important to me that I've had for several years living there. It very important for a developer to come in and put houses in where houses shouldn't go just to make more money. I don't think that is right. I think it's very inconsiderate as a developer to not even make an attempt to see what can be done to make it good for all parties. No attempt has ever been made to me. I just think it's wrong. We have rules, Master Plans, and then start changing them because a developer kinda wants to change things kinda as an experiment. I just want to make sure our voices are heard as long-time West Point residents. Thank you."

**Lynn Manning – 994 South 4500 West-** This is the property just north of the proposed subdivision. "I'm concerned with the storm water retention pond that's down in the far west, north west corner, adjacent to my property. I don't know where they are going to dump the pond to or from; there's no access. I haven't been contacted. The previous plan showed a road going into my property for a future subdivide. Now there's no road, no access road going into mine if I wanted to develop down the road. I'm concerned about the fences with my cattle, keep people out, I've got irrigation ditches that go along the north side. Can I burn them? What's going to happen down the road for that? And building a sewer line, it looks like some of the homes are on top of the sewer line; not the home itself. I'm concerned with that too. The promises that have been made, that I am aware of, in the City hasn't been followed through. Things have been promised but the follow up is not there. Who is accountable for that? Thank you"

**John Diamond – 3269 West 1800 North, Clinton –** "I own a large tract of land to the west and the south of that particular development. Currently, that property is in what is called an Ag Protected Area and there are certain rules that apply to an ag protected area. I'm opposed to this PUD and the number of houses that are being proposed. We have a commercial hunting area there and with the plan as we now see it, with the park and all of these amenities, it's going to be right down close to our hunting area and it's going to affect that greatly. We have a discrepancy over the lane which is proposed as a second access tying into the Simpson Springs development and that's on its way to court right now as we speak. That needs to be addressed before this plan is Ok'd. I'm really concerned about the promises this developer has made. I own the property west of Simpson Springs development. There were numerous promises made to us with that subdivision when it went in. None of those have been carried through and I really question the integrity of the developers in this project. We have several things I've been in discussion now with John Petrioli, I think is how he says his name, who is the individual that has taken over the Simpson Springs development. He was totally unaware of certain things I brought to his attention. We have had several problems with our lane that we have there. We built that lane 25 years ago; before that, it was an open ditch and



some old run down fences. We've gone in there and improved that. The current property owners haven't done anything to improve that lane but now they want to go across it. We have a large farming operation down there and we have a lot of equipment and things going up and down that lane. We've had several confrontations on that lane. We've been blocked out several times, had to have the Sheriff down there on several occasions, and on one occasion, the developers themselves broke a window out of one of my tractors to the cost of \$1,500 and they haven't even manned up enough to make that right. So I'm very concerned about the ramifications of what's going to happen here. Also, the storm water is a real issue. I talked to Adam Wright at the County Public Works, he's the individual that's over the storm drains for the County. At this current time, they are not issuing any more permits for storm water drainage into the 700 South drain. That's a problem. How's he going to get the storm water out of his property into that drain? That's some of the concerns we have. We know that they have the right to develop their property but the number of lots that are proposed on that development are totally out of order. Also, we have an agreement that's in order with the previous owner, Kip Cashmore, that's been signed. I believe you guys have a copy of that. All of those things will have to be met before any type of construction has been started. Those are my concerns, and I think the number of houses that are proposed there is totally out of line. Thank you."

**Melissa Payne – 1200 South 4500 West** – “It is not if you can use this ordinance in this situation, it's if you should. We the residents of West Point have to trust that, you, the Planning Commission, will put our best interest over dollar signs and empty promises from the developers that are here today and destroying the next town tomorrow. The impact of this development's secondary access point, impacts my family the most. Without Mr. Hughes' development of Simpson Springs, and inside knowledge of the secondary access necessary to make Sunset Vistas a reality, they would still be back to the drawing board. A concession could be made to reconfigure the lot plans and to have the two access points connect in and out of Sunset Vistas development only and through West Point City only. Having a subdivision exit through another subdivision, driving a quarter mile or more through neighborhoods and into a different town is asinine. On the record, I'm saying it's asinine. How are the homeowners purchasing lots in Simpson Springs going to feel about the increase of traffic through their subdivision? Are they disclosing that information to the homeowners there? I highly doubt it. I am certain that the developer of Sunset Vistas will not be disclosing to the eight homeowners whose homes will be built on the flood plain that they will need flood insurance. It will only be after those people have purchased their lot that the mortgage company will surprise them with the news that their homeowners insurance will be triple the amount yearly of their neighbors across the street. And that the deductible will be nearly double or more of the average homeowner. That is a dream home turned into a nightmare. This piece of land is a massive problem. There have been previous attempts to develop it and previous Planning Commissions prevented it because of the very problems that we are discussing today. These issues from the past are reappearing today in the present and they will continue to create detrimental problems in the future.”

**Diane Manning – 994 South 4500 South** – “I just want you to know that the best predictor of future behavior is past behavior and Josh Hughes has not had good past behavior. He has lied to several people and his property is the wrong place to do a trial

PUD and these developers are the wrong people. We need to do this somewhere else rather than out in the country. If you want to try a trial basis one of these, you need to do it somewhere else in the city, not out where we are used to having open land and putting so much density right next to the people who have built West Point. Josh said that he did not know Kip Cashmore, told us that he had nothing to do with developing this property and now he is the developer and with Kelly Hughes Construction. This property is only under contract right now as far as we know with Josh, he has not bought it. He makes and presents plans to planning committees and he gets approval. Who will make him held accountable when he does not inform the people that he turns around and sells it to, what the conditional permits are etc. He said at the last meeting it was proposed to be a senior community and in the minutes after the meeting it was discussed to be smaller houses for first time owners and those able to afford them at the lower price. This will bring down property values for everyone on 4500 West and would you like these types of homes and these people in your neighborhood?"

Brad Lee made a motion to close the Public Hearing. Jeff Macfarlane seconded the motion. All voted aye.

## **8. Planning Commission Comments**

Rob Ortega thanked Staff for all of their preparation.

Jeff Macfarlane thanked Staff and also thanked the public for being there to give their opinions and be involved.

Jeremy Strong thanked the public for coming out and helping them make decisions for the betterment of the City.

Brad Lee echoed the previous comments made. He appreciates the public for being there. That is what this community has been built on; the ability to speak freely and let our feelings be known. He feels that is what draws people to West Point. He commended the public for their passion. He commented that they will have a very good discussion regarding this going forward.

Jake Shepherd had no comments.

Brian Vincent echoed the comments made. He said it was good to hear the items the public are concerned with. The Commission is concerned with them as well and they are things they are currently discussing.

## **9. Staff Update**

Boyd Davis gave an update on the past City Council meeting. The Council discussed an inter local agreement with Syracuse City for some utility lines that are being installed for a development in Syracuse on 4000 West 1200 South. It is called the Criddle Farms project. They have sewer and storm drain lines that will extend through the West Point City boundaries. West Point and Syracuse have agreed to share those lines and both cities can use them. When property in West Point develops adjacent to those lines, we will have

access to those as well. They also discussed Pad D at the Point Development that will have the Café Rio restaurant. They discussed the same items the commission discussed, mainly the double drive thru design and the concern about the stacking distance for the Marco's Pizza. They discussed it at length and the developer's representative gave them some assurances that the property management company would take care of that and that they have a plan in place. The Council did approve that. Staff has received building plans for that building. They are being reviewed right now, and we expect to issue a building permit for that very soon.

## 10. Adjournment

Rob Ortega made a motion to adjourn at 7:43 p.m. Jeremy Strong seconded the motion. All voted aye.

  
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Chairperson – Brian Vincent

  
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Secretary – Michelle Bailey

