

**West Point City
Planning Commission
3200 West 300 North
April 25, 2019**

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

Excused: Korey Kap, Jeff Macfarlane

Visitors: Barbara Balls, Natalie Vaculin, Brody Clements, Nicale Yarbrough, Josh Hughes, Logan Payne, John Diamond, Chris Bramhall, Robert Kelly, Melissa Payne, Tracy Silva, Lisa Thurston, Jody Burnett

WORK SESSION

1. **Discussion regarding a Conditional Use Permit for an Accessory Building, located at 1513 North 4500 West, Brody Clements, applicant.**

This was discussed at the last meeting and was tabled so the applicant could be present. The Commission wanted to ask Mr. Clements some questions regarding outside lighting. Nothing on the application has changed.

2. **Discussion regarding a Conditional Use Permit for a Major Home Occupation, Pulse Force Clogging, located at 4102 West 1250 North, Nicale Yarbrough, applicant.**

Troy Moyes disclosed that he and his wife own a clogging studio and Nicale Yarbrough is an employee of theirs. They are closing their studio at the end of this season. Troy wanted to be clear that he has no financial ties to this studio. Nicale is starting her own clogging studio. Boyd Davis presented the application and gave a Staff recommendation.

The Yarbroughs live on 1250 North. They have good access for a business like this because their backyard faces 1300 North. Students would be allowed to enter the house through the backyard if they choose to. They have space in their driveway for eight cars to park. They expect to have five to six students each session. Each session will last 45 minutes. Staff is concerned that they have enough of a gap between sessions so there isn't conflicts with drop off and pick up traffic arriving at the same time. Staff recommends 15 – 30 minutes between classes to alleviate this problem. In their application, they mentioned they could use the parking lot of the trailhead as a drop off area for students. Staff recommends they don't use that parking lot because it is for the trail. Staff also asked that they don't use on-street parking in the cul-de-sac. If there isn't enough parking in their driveway, there is ample off-street parking on 1300 North and the students can go in through the back entrance. Staff doesn't feel there are any major concerns with this and recommends approval with the conditions that they have no on-street parking in the cul-de-sac and no parking in the trailhead. Brian Vincent asked if they have a fence along the back of the property. Boyd Davis responded that they do but they will be installing a gate.

All of the neighbors signed the application and are aware of the business. Parking was discussed briefly.

3. Discussion regarding a Conditional Use Permit for an Accessory Building, located at 4888 West 250 North, Nathan & Lisa Thurston, applicants.

Nathan & Lisa Thurston are seeking a Conditional Use Permit to relocate an existing 96 square foot accessory building from the rear yard to the side yard of their property and expand it to a 192 square foot building. They are required to get a Conditional Use Permit because it will be in the side yard. This meets the setbacks required. They plan to match the color of the exterior of the home. A brief discussion took place regarding where the side yard begins.

4. Discussion regarding Preliminary & Final Plat Approval for the Murray Place PRUD, located at 1880 West 75 South, Craythorne Development, applicant.

This item will be discussed in the General Session.

5. Discussion regarding amendments to West Point City Code 17.80.090 regarding setbacks for swimming pools.

This item will be discussed in the General Session.

6. Discussion regarding a Conditional Use Permit for the Sunset Vistas PUD, located at approximately 1146 South 4500 West, Kelly Hughes Construction, applicant.

Boyd Davis gave a brief presentation regarding this agenda item so the Commissioners would have ample time to discuss this and ask the developers any questions they may have. The objective of the discussion tonight is for Staff to show the Commission the latest plans on the project, get the Commission's first impressions, hear any thoughts they have and then have time to ask the developers any questions they may have. There will be a Public Hearing on May 9th. Following the Public Hearing, the Commission will be able to form opinions and recommendations on this.

Boyd Davis review the latest preliminary plan that has been submitted. There will be 62 lots with an access road on 4500 West. The second access road will connect into the Simpson Springs subdivision in Syracuse to the south. The lots range in size from 5,000 square feet up to 12,000 square feet. The average lot size is between 5,000 – 6,000 square feet. The smallest frontage is 45 feet; the largest is approximately 67 feet on a corner lot. They will leave Parcel A as open space which drops down below the second bluff and is lower than the rest of the property. This was originally submitted in March 2018. The process was stalled while waiting on an opinion from the Property Rights Ombudsman because there were differing opinions on the Code. The Property Rights Ombudsman has issued an opinion and has told Staff that this will be allowed as a Conditional Use and they are allowed up to 62 lots as long as the qualify for the bonus. They have submitted new information; new layout and some landscape plans. That is what will be reviewed tonight. Boyd reviewed how the bonus density works under the PUD Code.

They are requesting a 50% increase in the density in the number of lots. Under the base zone, in the R-1 zone, they are allowed 41 lots. If they qualify for the bonus, they can get an additional 21 lots, for a total of 62 lots. The items they are proposing to qualify for the bonus are as follows:

1. 10% bonus for providing an additional 10% of open space beyond the City's PUD minimum requirement for a total of 35%.

2. 15% bonus for off-site improvements as follows:

Extending secondary water lines south from its current location near the Gallegos Property to Sunset Vistas.

3. 5% bonus for protecting sensitive environmental areas with high water table as follows:

As defined in the Code, wetlands or high water table lands are considered in this bonus item, so they are leaving all of the open space at the west end that is lower.

4. 5% bonus for providing a precast fence along 4500 West Street, to match what is in front of Simpson Springs, including both the fence and the HOA maintained landscape buffer.

5. 10% bonus for landscaped park strips with trees as follows:

Grass, sprinklers and one tree per 25 feet of grassed area.

6. 5% bonus for incorporating at least 33% brick or stone in the design of each front façade.

The total of the bonus items is 50%. There are other items in which they could have requested bonus on, but they haven't. Listed is what they have applied for but there are other items they could use to qualify. Boyd Davis reviewed the submitted landscape plan. It shows a walkway from the interior of the subdivision, back to the open space, with a concrete path around the area that will be sodded. They will have two awnings with picnic tables, a barbecue area, a playground area with playground equipment, benches and planted trees. North and south of that area, they are proposing a gravel trail that will go through the rest of that space. The center area will be landscaped and have grass, the remaining area will be left as is with the natural landscaping that is there now. The plans say that any disturbed areas they will re-seed with a natural grass mix. It also shows the landscape plan for the park strips.

Next, Boyd Davis showed the elevation drawings of the houses they have submitted. Staff recommended the Commissioners ask what the dimensions of the homes are and how they will actually fit on the lots. They are proposing 1,400 square feet on the one-story rambler, and 2,000 square feet on the two-story homes. They have committed to 33% brick on the front of the houses to receive the bonus. City standards also require a three-foot wainscot along the sides of the home, unless they do 100% hardie board. Jake Shepherd asked if they are proposing to have no fences. Josh Hughes responded that they will not provide a fence

but they will not prohibit fences either. Front yard landscaping will be included, but a plan for that has not been submitted.

Brian Vincent asked how much land is open space. Boyd Davis responded that the entire amount of open space is 7.33 acres; the grassed area is approximately one acre. Jake Shepherd commented that he feels it would be nice to have another access to the trail. Josh Hughes said he thinks that's a great idea and they will measure some frontages to see if that is something they can incorporate or not. Jake Shepherd asked about Lots 101 and 151 that are 63 feet; he asked what the distance is from the major road to the house. Boyd Davis responded that the setback is 30 feet for the side yard along 4500 West and 20 feet for interior corner lots.

Josh Hughes wanted to clarify a few items and also answer some questions for the Commission. The smallest rambler plan is over 1,400 square feet. On the two-story plans, there are about four plans that are above the 2,000 square feet but there is one plan that is less than 2,000 square feet so they have asked in the Development Agreement that the minimum on a 2-story home would be 1,830 square feet. The two most popular two-story house plans are closer to 2,300 – 2,400 square feet. Mr. Hughes said one standard that has been put into place since they applied is the three-foot wainscot. They are willing to do a three-foot wainscot on any of the sides that are going to be on corner lots; but with a five-foot setback, you won't be able to see much of the sides of the houses. He feels it would be a waste to do that, especially if someone puts up a fence. They are proposing a two-foot wrap, as far as rock and stone on the side, and only the three-foot wainscot on the sides that are exposed. Staff said that requirement has been in the Code for a while. Josh Hughes mentioned that they have the bonus items listed that would qualify them for the 50% density. But he also mentioned that they have four other items that, theoretically, would get them an extra 20%. Those items include the park, the trail, front yard landscaping and the entrance sign. They are willing to do these extra things in exchange for variances on other things. Jake Shepherd commented that for the price of the brick that it would take to do the three-foot wainscot, they could almost landscape the backyards as well. He would rather see them do that since it will be difficult to get any machinery into the backyard with the five-foot setbacks. Josh Hughes said they are proposing more extras than just the landscaped front yards and those things cost a lot of money. He said they will offer four pre-conceived front yard options for the home owner to choose from.

Going back to the side yards on the corner lots, Josh Hughes commented that they worked with Hales Engineering, a traffic engineering firm, to see if this would be an issue. They brought up the sight-distance triangles. For a 25 mph road, they recommend certain sight lengths to make sure it is safe. Based on the setbacks, the house will not limit drivers to see on-coming traffic. A fence or even trees in the park strip may be more of a sight challenge. They don't feel the side yard setbacks are a safety issue. Josh also commented that since the homes don't have frontage on the existing roadway, they wouldn't need to follow that standard. They feel their setbacks are adequate for the necessary sight range. Another reason he hopes they won't push the issue of those setbacks is because if they do, it will force them to shrink some frontages on other lots causing them to only have about three floor plans that will fit on the lots causing a cookie-cutter subdivision. Also, any three-car garages would have to be eliminated. Jody Burnett suggested that Hales Engineering send Staff an email regarding the traffic engineering issues. The prices of these homes will range from \$290,000

- \$350,000 with many upgrade options available. Josh Hughes said they are planning to sell to a builder but didn't feel comfortable disclosing who that is until the deal is finalized.

Brian Vincent asked if they had considered doing a zero lot line subdivision. Josh Hughes responded that they had thought about it, but would like people to be able to have some private space.

Jody Burnett asked about Parcel B and Parcel C. Josh Hughes responded that they are basically remainder parcels that will be maintained as open space by the HOA. They are not proposing to landscape those parcels. Boyd Davis said he can see why Parcel C won't be landscaped but asked if they would be willing to landscape Parcel B. Josh Hughes said they would consider landscaping Parcel B. Boyd Davis asked if Parcel C will definitely connect to Simpson Springs. Josh responded that this has been approved as a final plat in Syracuse, but it is not built yet. Josh encouraged Staff to reach out to Noah or Brian at Syracuse City to confirm that. Jeremy Strong asked when they will be building that subdivision and Josh said it would be as soon as possible. His concern is that if that street doesn't go in, they will only be able to build 30 homes and then stop. He feels the park must be put in during the construction of Phase 1. Josh Hughes said that is agreeable to them to construct the park in the first phase. The developer on Simpson Springs would be limited to 34 lots out of 56 if that road doesn't connect so they have vested interest in that as well. They plan to do the entire subdivision in one phase at this point. Boyd Davis asked if they are committing to do the house plans that they submitted. Josh Hughes said that is something that will be handled in the Development Agreement. It will probably be a caveat that it will be those homes as long as it is with the same builder they are talking to right now. The subdivision is designed around using those homes though.

Due to a lack of time, Josh Hughes had one more item he wanted to ask the Commission for. He requested at the May 9th meeting that the Commission vote on three things: 1. The Conditional Use Permit, 2. The Preliminary Plat, and 3. A conditional approval on the Final Plat. The thought behind that is, if the Commission has approved a Preliminary Plat and the Council has approved a Development Agreement, there is not much else to discuss. Also, because they have been at this for a year now, and since the only things in Boyd's memo for Final Plat were mostly third-party approvals, they feel a conditional approval that would allow Staff to make sure all the third party letters are submitted is reasonable. He doesn't feel it would be an efficient use of their time to draw the process out. Boyd Davis asked if they would have utility plans put together at that point? Josh Hughes responded that they will have Final Plat to propose as well as all of the construction drawings. Jake Shepherd asked if all of the sewer problems been resolved. Josh Hughes responded that that had all been adjusted on this plat. The road was moved further west and put on a little steeper angle. The sewer is now under the road. Chris Bramhall commented that they anticipate that the Development Agreement will include any recommended conditions that the Planning Commission may have. Jake Shepherd asked if they will submit something before the next meeting from Hales Engineering about the sight triangles. Josh Hughes agreed to do that.

Rob Ortega asked if they would be able to discuss the off-site improvements suggested. Jeremy Strong said that was a concern he had. He felt that what they are offering for off-site development is just something they are required to do anyway. Josh Hughes responded that it is off-site because it is off their property boundaries. Jeremy Strong responded that they have

to do that anyway so it doesn't benefit the community, only this project. Brian Vincent mentioned the secondary water line and improvement of a UDOT road. Josh Hughes said there is over \$200,000 of improvements going into the UDOT road. The secondary water line, conceivably, could benefit Mannings when they develop their property, the Wade property as well. Possibly even the Payne's if they want to tie into the secondary water line. Rob Ortega said that could be a bonus as long as there isn't a payback agreement for future developments so they get reimbursed for it. Jody Burnett suggested that maybe the other options for bonus densities could be used rather than off-site improvements if there is concern with that. Rob Ortega also commented that Item 1, which is 10% bonus for open space conflicts with Item 3, protecting sensitive environmental areas with high water tables. He feels they are double dipping with those items. Jake Shepherd asked if there is a maintenance plan for the areas that will be left "natural" so things don't get out of control. Josh Hughes said the nice thing is that the HOA will maintain it so the people that are paying for the park and using the park will be the ones determining how it is maintained. Jake Shepherd said he understands that, but it would be good to have something about it in the Developer's Agreement. We don't want it to become a forest of Russian olive trees. Brian Vincent commented that they need more discussion on this item before a vote can be made.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Boyd Davis
4. **Approval of Minutes from April 11, 2019.**

Brad Lee made a motion to approve the minutes from the meeting held on April 11, 2019, as written. Rob Ortega seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Conditional Use Permit for an Accessory Building, located at 1513 North 4500 West, Brody Clements, applicant.**

Brody Clements was present to answer questions. Mr. Clements is seeking a Conditional Use Permit to construct a 1,700 square foot building. Mr. Clements has submitted all the required documentation for the Planning Commission's review. This item was tabled during the last Planning Commission meeting due to the fact that the applicant was not in attendance to answer questions. Mr. Clements said it will be a steel building. Brian Vincent asked if there would be any exterior lighting on the building. Mr. Clements said he plans to put lights on the side of the building that faces east. He is planning to install 2 – 3 flood lights. The neighbor is aware that he will be building this. He plans to use it for cars, ATVs etc. Boyd Davis commented that Mr. Clements has done a great job of cleaning this property up. Formerly, the property was overrun and Staff greatly appreciates the cleanup effort Mr. Clements has made. There were no further questions.

Rob Ortega made a motion to approve the Conditional Use Permit for an Accessory Building located at 1513 North 4500 West, Brody Clements, applicant. Jake Shepherd seconded the motion. All voted aye.

7. Conditional Use Permit for a Major Home Occupation, Pulse Force Clogging, located at 4102 West 1250 North, Nicale Yarbrough, applicant.

Nicale Yarbrough was present to answer questions. Troy Moyes disclosed that Nicale Yarbrough is currently an employee of his. However, he has no affiliation with this business. Nicale Yarbrough is applying for a Conditional Use Permit for a major home occupation at 4102 West 1250 North. She intends to operate a clogging studio in her home. She has completed the application, including obtaining signatures from her neighbors. She plans to have 5 – 6 students per class and each class will last 45 minutes. Staff's obvious concern is traffic with drop off and pick up of the children. The Yarbroughs have room in their driveway for eight cars. They have also stated that students may be dropped off at the back and enter through a gate in the back fence. They did suggest that people could park at the trailhead parking lot. Staff's concern is that the trailhead is for other purposes. Even if it is vacant, Staff believes it should be left for people who want to use the trail. Staff feels they have sufficient parking at their house. If they need additional parking, Staff suggests they have people park along the shoulder of 1300 North. There should be plenty of parking there and the students can then enter through the back gate. Staff also recommends that there be no on-street parking in the cul-de-sac itself to avoid conflicts with neighbors. Staff also recommends there be enough gap between classes so the drop off and pick up isn't happening at the same time. Staff recommends approval with those contingencies. Brian Vincent asked how many employees she plans to have. Nicale responded that as of right now, it will only be her teaching. However, that is dependent on how many students enroll. She plans to have classes two nights per week and two classes on each of those nights. Brian Vincent asked if the students are usually dropped off or if the parents usually park and stay for the class. Nicale said they usually drop them off; not many stay for the class. She would suggest to the parents that stay to park in her driveway.

Brad Lee made a motion to approve the Conditional Use Permit for a Major Home Occupation, Pulse Force Clogging, located at 4102 West 1250 North, Nicale Yarbrough, applicant, contingent upon the suggestions discussed regarding no parking in the cul-de-sac or the trailhead parking lot, as well as staggering the class times to alleviate possible congestion. Rob Ortega seconded the motion. All voted aye.

8. Conditional Use Permit for an Accessory Building, located at 4888 West 250 North, Nathan & Lisa Thurston, applicants.

Lisa Thurston was present to answer questions. Nathan and Lisa Thurston are seeking a Conditional Use Permit to relocate an existing 96 square foot accessory building from the rear yard to the side yard of their property and expand it to a 192 square foot building. Brian Vincent asked Lisa what exterior materials they plan to use on the building. Lisa Thurston responded that they will use siding that matches the home. It also will have barn doors that face the house and a house door with a decorative glass window in it that will

go on the front side of the building. They will remove a portion of the fence and put the shed there.

Jeremy Strong made a motion to approve the Conditional Use Permit for an Accessory Building, located at 4888 West 250 North, Nathan & Lisa Thurston, applicants. Brad Lee seconded the motion. All voted aye.

9. Consideration of Preliminary Plat Approval for the Murray Place PRUD, located at 1880 West 75 South, Craythorne Development, applicant.

Over the past few months, a PRUD rezone for this particular property was presented and approved by the Planning Commission and City Council. That proposal included a total of 16 units; eight units are single family dwellings and eight units are multi-family townhomes as allowed in the PRUD overlay zone. The current plans presented are slightly different from the plans presented during the rezone as it pertains to the orientation of the townhomes. They were seeking a variance to allow a lot depth of 96 feet instead of 100 feet. That variance was approved. Phase 1 will consist of the existing home. Phase 2 will be the rest of the development. Rob Ortega asked why they are breaking it into two phases. Troy Moyes responded that the whole property is one parcel. They are taking the existing home and making that a separate parcel from the remainder of the homes that will be built. Phase 2 will come for Final Approval at a later date. Brian Vincent asked why they are splitting it into two parcels. Troy Moyes stated that the family wants to sell the existing home and in order to do that, it must be on its own parcel. Jake Shepherd asked if they are calculating open space as one of their density bonuses. Troy Moyes responded that they are not using open space for the calculation. They will use architectural standards, street trees, an entrance feature, and front yard landscaping. Rob Ortega commented that the Council was concerned that, moving forward, to maintain the density of this whole project, that parcel would have to remain a large lot and not have an option of subdividing later. Boyd Davis commented that a note will be put on the plat stating that it is a restricted lot and may not be subdivided. Rob Ortega asked how this subdivision would be different if it didn't have the PRUD overlay. Boyd Davis responded that they would have two less units of townhomes. Also, they would not be able to do connected wall construction without the PRUD. It also gives them flexibility on the dimensions of the lots. Boyd Davis also commented that the City Council had questions regarding the design of the townhouses. The applicant granted the City Council the ability to approve the final design of the townhouses. That is unique to grant the Council that authority.

Jake Shepherd made a motion to approve the Preliminary Plat for the Murray Place PRUD, located at 1880 West 75 South, Craythorne Development, applicant. Jeremy Strong seconded the motion. All voted aye.

10. Consideration of Final Plat Approval for the Murray Place PRUD, Phase 1, located at 1880 West 75 South, Craythorne Development, applicant.

Jeremy Strong disclosed that he does flooring for Craythorne Development. Jeremy Strong made a motion to approve the Final Plat for the Murray Place PRUD, Phase 1, located at 1880 West 75 South, Craythorne Development, applicant, contingent

upon Lot 1 being marked on the plat as Restricted and cannot be subdivided in the future. Brad Lee seconded the motion. All voted aye.

11. Public Hearing regarding amendments to the West Point City Code 17.80.090 regarding setbacks for swimming pools.

During a work session held on April 2, 2019, the City Council discussed a request made by a resident to address the City Code regarding pool setbacks and consider changing this requirement from an eight-foot setback to a five-foot setback. The Council would like a recommendation by the Planning Commission. The Commission discussed this item during the work session on April 11, 2019, and did not have any issues with the proposal and asked Staff to schedule a Public Hearing for the April 25, 2019 meeting. The suggestion was to change one item in the Code and that is to reduce the setback from eight feet to five feet.

a. Public Hearing

There were no comments given. Brad Lee made a motion to close the Public Hearing. Rob Ortega seconded the motion. All voted aye. Jeremy Strong asked, for clarity purposes, if this includes kiddie pools. Boyd Davis read the definition of a pool from the Code. Discussion took place regarding a pool as a structure.

b. Action

Rob Ortega made a motion to amend the West Point City Code 17.80.090 regarding setbacks for swimming pools from eight feet to five feet. Jake Shepherd seconded the motion. All voted aye.

12. Planning Commission Comments

Jake Shepherd welcomed the public that were in attendance. He encouraged those in attendance that if they are interested in participating, they should apply for the vacant position on the Commission. Boyd Davis stated the process to be considered for a position on the Commission.

Brad Lee thanked Staff for the job they do.

Jeremy Strong had no comments.

Rob Ortega had no comments.

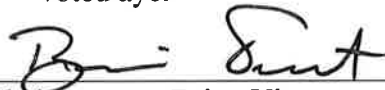
Brian Vincent thanked the Commission for the discussion that took place during the Work Session. He said he appreciated their candor and openness in discussing things.

13. Staff Update

Boyd Davis reviewed what was discussed in the most recent City Council meeting. The Council discussed the Utopia fiber optics network that they are considering for the City. This is an on-going discussion. They discussed the reimbursement agreement for the apartments to install a sewer line. They discussed a storm drain easement for the Wildfire Subdivision. They did not have time to discuss the General Plan. They approved the Murray PRUD overlay zone. They also listened to a presentation given by UTA regarding the route that goes through West Point on 2000 West. They are considering installing another bus stop.

14. Adjournment

Brad Lee made a motion to adjourn at 8:02 p.m. Brian Vincent seconded the motion. All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey