

**West Point City
Planning Commission
3200 West 300 North
April 26, 2018**

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

Excused: Brian Vincent

Visitors: Greg Day, Josh Hughes, Robert Kelly, Ryan Forsgren, Tiffany Forsgren, Greg Cooper, Diane Cooper, Jason Caldwell, Melissa Payne, Logan Payne

WORK SESSION

1. Discussion on a Conditional Use Permit for an accessory building located at 2181 West 800 North, Richard Wood, applicant.

Boyd Davis said Richard Wood came in previously for an accessory apartment and received approval for that. Now he wants to change the location for that building. He would now like to put this building in the side yard, thus requiring a Conditional Use Permit. The street facing side of the building will be stucco. It is a single story building and meets all of the accessory building requirements. It is the exact same building presented to the Commission before, he is simply just wanting to change the location of the building on the lot. Jake Shepherd asked what building materials are on the front of the home. Boyd responded that the house is stucco and rock. The Code does not require the building to have certain building materials on the exterior. The Code does not require a separate driveway, however, there is a requirement for an additional parking space. He has ample room for parking. There was question about accessibility to the apartment; they would have to park in the driveway and walk to the apartment. Jake Shepherd commented that since the building is in the side yard, he feels that they need to decide if it is something architecturally that they want to see. Do they need to place a condition on the apartment to have masonry to match the home? A brief discussion took place regarding the necessity of it being set back from the front of the home yet still being in the side yard. Jeremy Strong asked what each commissioner thought about if the building should match the home. Jeff Macfarlane said he feels like it ought to match the home if it is an accessory apartment in the side yard. Brad Lee feels there are some discrepancies in the Code regarding accessory apartments in the side yard, but he doesn't see a nuisance in this particular situation. Rob Ortega said he feels the Code gives them the flexibility to look at things on a case by case situation. He feels this meets the intent of the Code. Jake Shepherd said he is fine with this particular situation. Jake also commented that he is all for accessory buildings in the side yard, he just feels that if they are going to be in the front part of that setback, they need to meet the standards that are set forth in the CC&Rs or the City Code. Korey Kap said he is fine with this situation, but asked what would be different if it were a detached garage, would it be required to match the home. Boyd Davis said it would not. The only requirement is that it can't create a significant nuisance.

Jeremy Strong said they need to address the side yard Code in the future so it has more clarification.

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

Boyd Davis said this item was discussed in the last meeting. Mr. Cooper submitted some slides for the Commission to view to get a better understanding of the situation with the accessory building, why they are proposing to place it in that particular spot, and the improvements that have already been made to the property. Mr. Cooper is proposing a steel structure over the existing concrete driveway. This property is zoned Commercial and will probably be torn down eventually. He needs it to cover three vehicles and the enclosed area for storage space. He shows the setback as 41 feet, which is slightly behind the front plane of the home. The Commission wondered if the carport could be shifted back farther. Mr. Cooper said it can't because that would then violate another part of the Code. It would be closer than 10 feet to another accessory building on the property which is covered up by the thick trees. The proposed structure is significantly shorter than the residence and it is narrower than the residence. Mr. Cooper said they are spending more money to get the A-frame style so it will look nicer next to the home. Mr. Cooper has also made some significant improvements to the property in the past. Staff has suggested that this be approved with some conditions regarding the setback and/or the materials so they will match the home. Mr. Cooper said it will be white with brown trim to match the home. Brad Lee commended Mr. Cooper for the work he has done to improve that lot. Jeff Macfarlane suggested that Mr. Cooper take measures to make sure the building is sitting square and straight so it looks nice. Jake Shepherd said he feels that this particular application on this particular lot works. He still feels that there are architectural ordinances for a reason and he wouldn't want this in the side yard of his neighbor's home. He also doesn't feel like he would approve it if it were in a subdivision, but he commended the Coopers for the work they have done on the property. He feels this is acceptable on this particular property. Mr. Cooper explained how it would be anchored to the ground.

3. 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.

Boyd Davis said a Public Hearing was held regarding this subdivision at the last meeting. Tonight is the developer's opportunity to present information to the Commission and have a discussion to clarify things. Korey Kap was not in attendance at the Public Hearing so he asked for a recap. Boyd Davis responded that every comment made that evening was opposed to the project for various reasons. A couple of the significant points brought up were concerns about some houses being built in the flood plain. Staff has looked at the FEMA flood plain maps and verified that they are not in the flood plain. In fact, all of this property is outside of the flood plain. The junk fill on the property was mentioned and needs to be addressed. John Diamond also commented about the agreement he has with the property owner and that he expects that agreement to be

honored. The City is not part of that agreement nor do they have any authority to enforce that agreement. Also, the sewer line must be moved so it is beneath the road.

Josh Hughes, representing the developer, shared a PowerPoint presentation to show the plans they have for the property. Josh asked if there are any specific items from the Public Hearing they would like addressed first. Josh said they took notes during the Public Hearing and have met with Staff since then to discuss the items that had merit. Jeremy Strong said he and Brian Vincent were discussing the private agreement between John Diamond and the property owner. It is a large financial burden and Jeremy wanted to know what they are doing with that. Josh replied that they are endeavoring to renegotiate certain aspects of the agreement that may be redundant or may not make sense with the way the plan has been laid out today. The original development was very different and there were homes going much farther to the west than what is being proposed now. Also, they are trying to offer Mr. Diamond some things in exchange for him easing up on some parts of the agreement. They are aware of the agreement and are working on it at this time. Josh said he doesn't see that the agreement will hold up the development at all. Brad Lee asked if it is still in litigation like Mr. Diamond said it is. Josh Hughes said there has not been any litigation at this point. Jeremy Strong said another concern they have is the lot sizes being proposed. Korey Kap said he was okay with the smaller lot sizes to try to get some of the amenities being offered, but then when he realized they can still do it without all of the amenities, he would rather hold to the bigger lot sizes.

Josh Hughes said those comments are a great way to lead into their presentation which will discuss amenities and lot sizes. Josh Hughes showed a map showing where the flood line is and that it is not on the property at all, let alone where any houses are. The total property size is just under 21 acres. The layout of the subdivision has changed some; it may work out that there will be two additional units. Theoretically, if they qualify for all of the bonus density, they will qualify for up to 60 lots. That's not what they are trying to do. With 52 lots, their density comes down to 2.5 units per acre so they would need to qualify for bonus density at 25.5%. There are several things listed in the Code to receive bonus density:

1. Increased open space beyond the minimum 25%. They can qualify for up to 10% there.
2. Offsite improvements – there are significant improvements with UDOT, and then also bringing in secondary water to the property.
3. Landscaped entry monument is 2%

Technically that would give them all of the bonus density they need to qualify for what they are asking for. Staff shows them qualifying for 52% bonus density. The developer feels they could qualify for up to 70%, which is a non-issue because they can't go above 3 units per acre. They are interested in debating any of these things, they just want to show that they aren't doing the bare minimum to qualify for the density. Some things they are offering that would qualify them for additional density, which they aren't asking for, is the significant recreational amenities, no vinyl on the homes, (they will be 100% brick, stucco, stone or hardi,) street trees, avoiding slopes and sensitive areas, areas considered wetlands, or in the flood plain, the trail, as well as landscaping the front yards included with the home. They have tried to plan a development that makes sense and will be good for the community and be a quality project.

Some of the things they are asking for: When they do provide a third car garage, which will be in most of the homes, they are asking for a 5 foot side yard setback. Homes on corners would be an additional 10 feet so a 15 foot setback. If someone wants a two car garage, or can't fit on the lot, then it would be the standard setbacks for R-1 which is 10 feet on the side and 20 feet on corners. As far as front setbacks, they are happy to stick with the 30 foot setback to the garage, but they are asking to go 25 feet back to the living space on certain house designs. Jake Shepherd asked for clarification on that. Josh said some house designs have the front room sticking out a bit in front of where the garage is. The garage would still need to be 30 feet back, but if the front room sticks out, they are requesting a 25 foot setback in those cases. Other tweaks made were angling the road to keep the sewer line underneath the road, they cut out another street that neighbors were against, also, they will be stubbing a road into the Manning property upon Mr. Manning's request. As far as clarification on the park, they are proposing one section of the trail will be 8 foot wide asphalt, approximately one acre of grass with a pavilion that sits on top of a concrete pad with a picnic table under that. To make the trail longer and access more of the properties discussed earlier, they would have more of a natural trail, like Farmington Shoreline. A portion will be done in sod. The remainder will be a hydro seed mix of drought tolerant grasses and wild flowers. Jake Shepherd asked what the intent is for the natural areas that don't have grass. How will they be maintained? Josh Hughes responded that the HOA will maintain the entire parcel. The trails, depending on how much they are used, can maintain themselves to some extent. They will use pre-emergent in the spring and weed spray as necessary. The HOA will maintain the entire park area, not just the grass. Jeff Macfarlane asked how many homes can be built with a single access. Boyd Davis responded that they Code says 30 homes with a single access. Jake Shepherd asked when they plan to develop the park. Josh Hughes said they haven't thought through a timeline for that but they would expect that the City would want to be protected with bonds and such for things that are still forth coming. Boyd Davis said that happened with a different development. Staff recommends that the improvements be required as part of the first phase. Josh Hughes said they are hoping it is a one-phase development. They realize that the access is critical to another development to the south as well, so they don't foresee a problem. Jeremy Strong asked what the average lot size is on the new plat. Josh Hughes responded that he didn't know for sure but it was approximately 7,700 square feet or a bit less. One of the lots is actually 5,926 square feet, which is probably not a buildable lot when you consider the setbacks. Korey Kap asked why they would put that lot on the plat if they know it is not buildable. Josh Hughes said they would be close to having 52 lots so they just wanted to present it as a 52 lot subdivision tonight. As things are adjusted there is a chance they will lose a lot but will still be close to 52 lots. Theoretically, they qualify for 60 lots, but aren't requesting that. Jeff Macfarlane asked if they would be slab on grade patio homes. Josh responded that the only area that makes sense to not be slab on grade is the back row of homes that go over the bluff. Everywhere else would be slab on grade or have a crawl space if the elevation requires it. Korey Kap asked what elevation they would go off; will the City put a restriction on how deep they can go below curb. They will be required to have a geo-technical study and we will go off from the recommendations of that. Josh Hughes said there has been a soil report done on the property but it is a few years old. They have reviewed that. It also addresses the junk fill and it is seven feet deep in some places. It mostly stayed west of the natural bluff.

Josh Hughes said they discussed a few meetings ago about the development of the park. He restated that it isn't practical for the HOA to maintain that much grassy area. They are trying to do some nice things that would be within a reasonable budget for the HOA such as: front yard maintenance for all of the properties, as well as the builder putting in the front yard. Boyd Davis asked if they have settled on house designs yet. Part of the PUD Code says they need to submit proposed house designs. Josh Hughes said all of the elevations that were previously submitted were from one builder. They are comfortable committing to no basements except for one specific area. But at this point, until a builder officially commits, they aren't comfortable saying they would be mandatory one-story homes. They are willing to commit to exterior materials, front yards being installed and maintained, but not the number of stories. Boyd Davis suggested two things the Planning Commission needs to feel ok with if they are going to approve the lots being the sizes. They need to be comfortable with the amenities and with the home designs. Korey Kap said he would prefer to see the whole trail asphalted. Jake Shepherd said his concern is long term maintenance of the "natural" area. Boyd Davis said if there is an HOA, the actual residents that live there will be setting the standards for how they want it maintained; they have a vested interest in how it's maintained. Jeremy Strong asked who the targeted market is for this subdivision. Josh responded that he has always looked at it as an active adult community. He can't promise that, but they can set it up to appeal to that age group. Jeff Macfarlane asked if an active adult community would be better suited closer to a commercial area. Josh responded that after talking to builders and the market, they believe there is a demand there for this community.

Rob Ortega voiced a concern about the density. We are counting 20 acres, but if there will only be one acre that is landscaped, what kind of use will we get out of a nature park? There isn't anything useable except that one acre of landscaped ground. If you only count that acre plus the 12 ½ acres for homes, then that would be 13 acres with 50 homes and that's way over the density. Josh Hughes said the PUD Code talks about amenities for the residents that live there. Boyd Davis asked for clarification on Rob's statement; is he saying the full acreage shouldn't be calculated in the density calculation? Rob said that is what he is saying; he doesn't feel that the eight acres of "natural" area should be calculated in the density calculation. Boyd Davis said that Staff's interpretation is that unfortunately, whether it's landscaped or not, it is included in the calculation. As far as Staff knows, the only portion that is undevelopable is a small portion of wetlands. Korey Kap asked how they get density bonus on something they need to do anyway as far as off-site improvements. Boyd Davis reminded the Commission that there is a whole list of amenities that would qualify for the bonus, but it is vague. It is up to the Commission to determine what qualifies as a specific amenity. Korey Kap expressed concern about how to make this functional yet not a nightmare for the HOA to maintain. Boyd Davis commented that in the PUD Code, it is written that if the HOA fails, there is a provision where the City can actually take over or start charging a nominal fee to the residents to go towards maintenance if the HOA fails their duties to maintain it. Jake Shepherd said he feels they need to decide lot sizes before amenities. There needs to be a balance to keep the HOA fees reasonable for the residents. Jake Shepherd asked if they have considered fencing. Josh Hughes said he is not prepared to talk about fencing at this time. Boyd Davis asked the Commissioners if they would be ready to vote on this at the next meeting. They felt they would need two more meetings to discuss it before voting.

4. Discussion on changes to the West Point City Code regarding the PUD overlay zone.

There was not time to discuss this item in the work session. It was discussed at the end of the Regular Session.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Korey Kap

4. Approval of Minutes from April 12, 2018.

Jeff Macfarlane made a motion to approve the minutes from the meeting held on April 12, 2018, 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 2150 West 300 North, Greg Cooper, applicant.

Boyd Davis gave a brief overview of the application. Greg Cooper is requesting a Conditional Use Permit to construct a 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 review. This item was discussed and tabled in the last meeting. The building meets all of the requirements of the Code.

Korey Kap made a motion to approve the Conditional Use Permit for an accessory building located at 2150 West 300 North, Greg Cooper, applicant, contingent that the color of the materials used will be consistent with the home. Greg Cooper said he is planning to use white panels with brown trim, the same as the house. Jeff Macfarlane seconded the motion. All voted aye.

7. Conditional Use Permit for an accessory building located at 2181 West 800 North, Richard Wood, applicant.

The applicant was not present. It was proposed to table the item until the applicant is there to discuss and answer questions the Planning Commission has.

Korey Kap made a motion to table the Conditional Use Permit for an accessory building located at 2181 West 800 North, Richard Wood, applicant. Rob Ortega seconded the motion. All voted aye.

8. Planning Commission Comments

Jake Shepherd commented that they need to decide on what kind of lots sizes they want to see in the Sunset Vistas development. The developer needs to know and be able to move forward.

Rob Ortega said he feels the same way. Rob thanked Staff for their work.

Jeff Macfarlane had no comments.

Korey Kap thanked Staff for the fine job they do.

Brad Lee commented that he feels this will be a banner year for the Commission. There has been and will be a lot on the table to discuss.

9. Staff Update

Boyd Davis said there was only one item of significance from the most recent City Council meeting. The Council is considering making a small change to the Code in regards to trees in park strips. There is a list of acceptable trees for planting in the park strip. They would like to move that list to a different section of the Code so it is easier to find. Brad Lee asked if there was any feedback regarding the joint meeting that was held between the Commission and Council? Brad commented that it was difficult to fully discuss and cover all of the necessary items that evening due to an abundance of public in attendance that evening. Boyd Davis said all joint meetings must be open to the public. Boyd Davis said the residents that were there that evening were there for a road they believe is private and that topic wasn't even on the agenda that evening. They had been told it would be discussed that evening.

Boyd Davis asked the Commission if they would like to discuss the final agenda item from the Work Session that they didn't have time to discuss then. The Commission agreed to discuss it.

10. Discussion on changes to the West Point City Code regarding the PUD overlay zone.

Boyd Davis said, "To try and keep the discussion about the PUD Code somewhat organized, Staff is suggesting the Commission talk about the following four topics in this order:

- A. Combine all three (PVFD, PUD & Cluster) overlay options into one PUD code.
- B. City Council involvement in the approval process.
- C. Townhouses addressed in the R-1 and R-2 zones.
- D. Sensitive lands in density calculations.

Tonight, Staff would like to discuss the first item, which is combining the Codes. Boyd Davis showed a chart that illustrates the similarities between the three Codes. It makes sense to have one Code. It would be easier to administer one Code and it would be much

easier for developers to understand the Code. Also, Staff feels that the PUD Code is the most clearly written of the three Codes. Staff recommends they take the PUD Code and massage it and make some changes to it; take the good things from the PVFD and Clusters Codes and add them to the PUD Code. Korey Kap asked what other cities have as far as these Codes go. Boyd Davis didn't know the answer to that. Korey said he would like to see them combined into one Code. Rob Ortega said he feels it would make sense to combine them unless it makes more sense to separate them over different zones. Jake Shepherd asked, "In an R-1 Zone, you can do 12,000 square foot lots and cluster them under the Cluster Ordinance, right? And your density can be 2 units per acres still. Is that correct?" Boyd Davis said it is correct, and the chart in the Cluster Ordinance doesn't really make sense now because the base zone densities have changed. Jake Shepherd said, "I guess right now, a Cluster in R-1 allows 12,000 square foot lots. And what is the density that is currently allowed?" Boyd Davis responded, "In a Cluster, the base zone still applies. The concept of a Cluster is that you don't change the density, you just cluster them onto smaller lots; you don't get any extra lots. And the PUD Code could be used to do the same thing. Rather than try to get all the bonus density, you just say 'I want a PUD simply to cluster. I don't want any extra lots, I just want smaller lots and I'll leave 25% open space.' So it can accomplish the same thing."

Boyd Davis said after all four of these items are discussed, Staff will put together a draft ordinance for review and discussion. Jake Shepherd asked, "So the PUD does not have a minimum lot size?" Boyd Davis said that is something that will probably be added in so it will be a future discussion. Jake responded that it will depend on how he wants to proceed forward. He asked what the overall intent is. Does there have to be a minimum lot size in a PUD? Boyd Davis responded that under current Code there does not. Jake continued saying that he doesn't know that he likes the minimum lot size because he thinks, regarding the proposed subdivision discussed earlier in the meeting, the City could be better serviced by no lot lines, perhaps. That's where he would like to see the possibility of a way around that if somebody wanted to do a PUD with no lot lines; it could be restrictive in the future for a developer. Boyd Davis said that can be discussed in future meetings. Korey Kap commented that he agrees with that from a developer's stand point, but people want to own more than just the ground underneath them. He's not sure how popular that would be. Boyd Davis said there is a market for that, but it's not 100% of the market. Boyd also said he feels there is a way they could write that in as an option in the Code. Boyd said, the R-6 zone, that is currently in place, would allow for that. Jake Shepherd asked, "What do we want to see? Because the way we proceed on all these things depends on how we feel." Boyd Davis said his personal opinion is that the PUD should be limited; it should only allow so much flexibility. If you're going to go to really high density stuff, I believe that should be controlled through zoning." Jake Shepherd said, "That goes back to the question, what are we looking at when we talk about a zone? Are we talking about minimum lot size or are we talking about density? That's where I would like to see more clarification as well."

11. Adjournment

Jeff Macfarlane made a motion to adjourn at 7:32 p.m. Brad Lee seconded the motion.
All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey

