

**West Point City  
Planning Commission  
3200 West 300 North  
May 10, 2018**

**Present:** Brian Vincent, Rob Ortega, Jeremy Strong, Brad Lee, Jake Shepherd, Troy Moyes – City Planner, Kent Henderson – City Council Representative, Michelle Bailey - Planning Commission Secretary

**Excused:** Korey Kap, Jeff Macfarlane

**Visitors:** Robert Kelly, Adam Benard, Mike Waite, Ryan Forsgren, Tiffany Forsgren, Logan Payne, Reed Child, Kenneth Payne

**WORK SESSION**

**1. Discussion regarding a Conceptual Plan for Pheasant Run Subdivision located at approximately 4100 West 1300 North, Sunrise Development, applicant.**

Sunrise Development is seeking feedback from the Planning Commission regarding a conceptual plan for a 25 lot development located at approximately 4090 West 1300 South. This 14-acre parcel is currently zoned a combination of R-1 residential and R-2 residential on the first 200 feet along 1300 North. All lots shown are over the minimum lot size of 18,000 square feet in an R-1 zone. Staff has reviewed the plan and given engineering and planning feedback to the developer. Some of the items addressed in those letters are:

- a. A street should be stubbed to the east at Lot 17 to accommodate an existing sewer and water line.
- b. Approval letters are required before final approval from the required districts and agencies.
- c. Soils and wetland report will be required.
- d. The name “Pheasant Run Subdivision” is currently taken in the County and a new name will be required.
- e. Staff must notice UDOT, Layton Canal and Hooper Canal of this development because of its proximity to West Davis Corridor and both canals.

Brian Vincent asked about Parcel A. Adam Benard said they were thinking it could be used as additional parking for the trail or as an open, common area. Jake Shepherd asked if there is an HOA. Adam replied there is not one at this time. Brad Lee asked what their plans are for separating their property from the canal and the residents on 1300 North. Adam said they have not decided on a fencing material yet. Troy Moyes said they would be required to fence because of the buffering requirements; a minimum of a six foot chain link fence. Storm drain has been up for discussion and they will bring more information on that when they submit for preliminary approval. Parcel A was discussed again. Jake Shepherd asked who would maintain that area. Mike Waite responded that it may end up being added into Lot 25 depending on how they separate that out. There were no further questions.

## **2. Discussion on changes to the West Point City Code regarding the PUD overlay zone.**

Troy Moyes reviewed what was discussed in the last meeting regarding combining the three current overlay zones which is the PVFD, PUD and Cluster. On March 20, 2018, City Council passed an ordinance establishing a Temporary Land Use Regulation (Moratorium) that pertains to the PUD overlay zone for a period of six months. Recently the Council and Commission held a joint meeting to discuss these changes and gather information and direction. There were four main areas of focus that were discussed during that meeting. 1. Combine all three (PVFD, PUD & Cluster) overlay options into one PUD Code, 2. City Council's involvement in the approval process, 3. Townhouses addressed in the R-1 and R-2 zones, 4. Sensitive lands in density calculations.

Staff compiled a list of pros and cons of having a legislative action (rezone) versus an administrative action (Conditional Use Permit). This list was discussed briefly, then Troy asked the Commission what their thoughts are on making the new PUD Code a legislative action. Most cities have it as a legislative action; what we currently have is pretty rare. Most cities don't address the PUD on their General Plan, but when someone comes in for the rezone, they label it in brackets on their plans (i.e. This is a subdivision PUD). It can be applied in whatever zones it is determined applicable in. Currently, the PUD zone is allowed in all residential zones. During these discussions, we may determine that it is only allowed in certain zones.

Brad Lee asked if other cities that have this listed as a legislative decision have it listed in the Code as a PUD that is allowed only in certain residential zones, or is the PUD allowed in any zone? Troy Moyes said we have the ability to write it in our Code the way we want to. Jeremy Strong said his opinion is that a PUD is such a big change from the original zone, it needs both bodies to discuss it and determine if it is appropriate in that area. Jake Shepherd agreed that the City Council should have some input and make some decisions. Jake said he worries that if someone comes in wanting an R-1 zone with the PUD overlay it will be a tough sell to the City Council. There is a lot of leg work and expense incurred to go through that process to possibly be denied because they don't like it. Jake feels there should be some type of guidelines for the developer to follow. Brian Vincent commented that he can understand that frustration, but if they can write a Code, even with guidelines in it, the developer can work with the Planning Commission on the project and get it to a point they can make a favorable recommendation to the Council. If there are good standards to help guide the developer, it will be an easier process for the developer to work with.

Rob Ortega commented that he feels they have some work to do with the rezoning and narrowing down the language in the zoning code. When that is set, it will give developers guidelines to go by. He doesn't have a problem with it taking some extra time to go through that process if the Commission has the Code right. Jake Shepherd commented that in order to write a good PUD ordinance, the General Plan needs to be worked on at the same time. Brad Lee asked if they can move forward with that and open the General Plan as well. Troy Moyes stated, "You don't need to open the General Plan. You can start discussing it as soon as it is posted on an agenda. You just have to hold a public hearing at the time of the findings. Whenever you are ready to release that information to the

public, you have to do that in a public hearing. That's all that needs to happen." Jake Shepherd asked if this could be discussed further in the General Meeting. He continued saying there is a lot to accomplish in a short amount of time so they will need to meet more often or longer to get things resolved.

**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.**

Brian Vincent said before the meeting is over tonight, they need to have a list of conditions that the Commission is recommending for this project. Troy Moyes said Staff is looking for conditions that the Commission would want to reasonably impose on this development to mitigate any detrimental impact. Staff wants feedback to take to the City Attorney for approval. The City Council must look at this if the developer is looking for a variance from the underlying zone, which they are. They are looking for smaller width lots. The developer is proposing a one-acre park and then open space with natural grass. Are the lot widths too small? Is there a reasonable width that can be requested of them? In the packet, there is a table illustrating the amenities they are proposing. At this time, to get a full three units per acre they must have 50% of amenities. Currently with the amenities they are proposing, they are at 60% and they are only proposing 2.5 units per acre.

Brian Vincent asked to discuss lot widths first. They are proposing 55 foot lot widths; the smallest that is allowed anywhere in the City is 85 feet, and that is in the R-3 zone. Brian said, "With the underlying zone here being an R-1 which has 100 foot lot widths, what are your feelings or thoughts on the proposed lot widths?" Brian said he feels they are just too small. In the smallest zone, the lot width is 85 feet with eight foot setbacks on each side. The proposal for these lots are 55 foot lot widths and five foot setbacks. Rob Ortega said he agreed with that. We just changed the Code to allow for 55 foot driveways. So 55 feet lot widths just seems way too small. Brian commented that they need to get their density. They are proposing an extra 10% above what they are required for the PUD. They are offering 35% open space and they only need 25%. We have extra land there that they can still use to get their density and also increase the lot widths. We may not get clear to 85 foot lot widths, but they could be substantially larger than 55 feet wide. Jake Shepherd said he disagrees with this. We have a PUD ordinance for a reason. Lot sizes can go away; it could be one lot with common ground. The density is 2.5 units per acre in the R-1 zone and the total acreage. If it's the R-1 zone, they could get three units per acre. This is why we have the PUD ordinance; it goes outside of the regulations for amenities. Jeremy Strong mentioned a subdivision in Syracuse where he is doing some work, and they have average lots that are 65 feet in width with about six foot side yard setbacks. They are beautiful, nice homes. They have zero lot lines with maintained open space by an HOA. Jake Shepherd said he knows someone who lives in a similar subdivision and that home owner told him that when they built the home, they had the option to fence in the back yard for privacy or leave it open and the HOA would take care of it completely. Jake commented that just because the lot is 85 feet wide, doesn't mean it will be a better situation, nor does it change the density if they put some connected units on the property. Jake said he feels that if they allow the smaller lots then it has to come with conditions. The subdivisions are supposed to come with a plan and an agreement.

Jeremy asked what conditions Jake was thinking. Jake said you could allow only certain floor plans, and only single-level homes except those on the west end where they want to have basements. He feels they can control how things look down there. Troy Moyes said that the way the Code reads right now, they don't have much control. As long as it meets the minimum floor plan of 1,400 square feet and the brick standards there's nothing else the Commission can control. Rob Ortega said the numbers just don't make sense to him. He agrees they can make them look nice and it can be a really nice subdivision but he doesn't agree that it fits on an R-1. We say we have to judge it based on what we have now and not what we plan on having. What we have right now is an R-1 zone and this isn't an R-1 development. This is a great project for an R-3 zone. If we want to rezone it to an R-3 and then have them propose something that would be great. Brian Vincent asked if Rob would want to place a condition on a frontage. Rob said he isn't sure that would make it any better. Unless they plan to come in and have large, R-1 size lots, he doesn't feel that putting conditions on it to try to morph it into something that would make sense on paper would do any good.

Jake Shepherd said one of his concerns is the park area. It must be maintained. They are getting the density because of that piece of property, and it needs to be improved or useable, and then maintained to stay an improvement. Troy Moyes said he feels that is a valid condition to be placed on the project. Jeremy Strong said that is where his concern is; they want to get credit for every square foot of property that they own but then they don't want to take care of it. Jake Shepherd mentioned the trail saying, "Even if it's a gravel trail, with a border on it, and it's maintained, and a feature that people go out and walk, I think it would be fine. It needs to be maintained though. The trail and the park all need to be maintained. Otherwise natural stuff becomes natural and that's not what we want." They need to bring in a maintenance plan that says how they will control it. Jeremy Strong mentioned a property by his home that has become a huge fire hazard because it is not maintained. They don't want this to turn into that. Rob Ortega asked if any of that open space is buildable. Could they build houses on any of that property? Troy Moyes said it isn't buildable as it is right now, they would have to do some improvements, but it is buildable. Jake Shepherd commented that he is personally ok with the lot sizes the way they are, but the eight acres is a concern to him. If they were to move forward with the way it is written, they would have to have a detailed maintenance plan that is approved and agreed upon. He also worries that right now it's a PUD on an R-1 zone, the density is 2.5, and we need to protect all the land that's there from future development. The eight acre park down the road can't be sold off. It is being used as open space and must remain that way. Brad Lee said he feels they can do a lot more with the open space than what they are proposing. The proposed off-site improvements are things they have to do anyway so they shouldn't be considered extra improvements. Jake suggested they be required to submit a detailed plan to develop and maintain the eight-acre open space area. Brian Vincent asked the Commissioners if they would be willing to continue the work session following the Regular Meeting. All agreed.

## REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Brian Vincent
4. **Approval of Minutes from April 26, 2018.**

Jake Shepherd made a motion to approve the minutes from the meeting held on April 26, 2018, as written. Rob Ortega seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Planning Commission Comments**

Rob Ortega had no comments.

Jeremy Strong had no comments.

Brad Lee had no comments.

Jake Shepherd had no comments.

Brian Vincent had no comments.

7. **Staff Update**

There was no Staff update given

8. **Adjournment**

Jake Shepherd made a motion to reconvene the Work Session at 7:06 p.m. Brad Lee seconded the motion. All voted aye.

  
Chairperson – Brian Vincent

  
Secretary – Michelle Bailey

**The Work Session Meeting was reconvened at 7:10 pm in the Council Chambers.**

Brian Vincent asked to finish the discussion regarding the park before they go back to the other discussion items. One condition they would like to place on the project is that they will have a detailed development plans that explains what materials they will be using and what they plan to do in the open space. Also, a maintenance plan for that area. Rob Kelley said they will put in one acre of sod with a pavilion and have a paved path all the way around that. On the natural side, the path will be carved in and be gravel, not paved. Also, they will be planting some trees in the area and wildflowers, not wild grass, in the open space. The HOA would be required to maintain that area. There would be irrigation to the trees in the natural area. Jake suggested that since they will have water rights for the property, it would be great to have pressurized irrigation to those wildflower areas as well. Troy Moyes said, "So due to the potential impact of the open space as a potential fire hazard, we are going to require, on condition, a detailed development and maintenance plan for the park and open space around it."

Brian Vincent asked Rob Kelley about the pavilion they are planning to put in the area. Rob replied that it will be large enough for two large tables. They are willing to accommodate what the Commission would like to have. Brian Vincent said he feels that if it will be an amenity for a 52 lot subdivision, he's not sure that one or two picnic tables will be enough. Rob Kelley said their thought is to have some playground equipment as well with a large enough slab to accommodate 52 lots. Brian Vincent said one acre of sodded area will be very small for use from 52 families. Jake Shepherd said he feels it will be something people will use for large family gatherings since they have small yards. Jake suggested that it would be important for the pavilion to support three or four tables. Rob Kelley agreed to that and said it wouldn't be a problem. They don't want it to be small and a kind of a joke. They want it a nice park with playground equipment and a nice pavilion with enough tables to accommodate a large gathering for the people that live there. So another condition that should be placed on the project would be to have a pavilion and tables substantial enough to hold a large gathering. The Commission would like to see a detailed amenity proposal from the developer of how the playground and pavilion area would sustain a 52-lot development. Rob Kelley said they don't want to put in a small, chintzy park. They want to put in a park that will make people want to buy a lot and build a house there. He also commented that the trail will be eight feet wide. Rob continued saying that they are not opposed to hearing the Commission's feedback and agree to develop a park that meets their standards.

Troy Moyes said so far he has two items that they would like used as conditions on the subdivision. 1. The development and maintenance plan for the open space area. 2. A detailed plan listing the park/pavilion amenities. Jeremy Strong acknowledged that the City isn't involved in the agreement between property owners, but wondered if a condition should be set in place requiring them to get that matter settled. Troy Moyes said that cannot be included in the conditions. Jake Shepherd asked if the fence along 4500 West had been discussed previously. Rob Kelley said the fence in front of the Simpson Springs development will just be continued down. It will have an entry monument along the fence as well. Rob Kelley also said, "We walked the west side that borders the Diamond property and the berm isn't finished, but it is in, at some point, I don't know who put it in there, but it does border the entire west side, 95% of this side, with more

than enough dirt to finish off the berm. It is in there and it won't be a problem. And obviously there is a fence on the west side of the berm to keep all of the cattle in." Jeremy Strong asked if they will be required to maintain the landscape buffer Code. Troy Moyes said they will need to meet that requirement. Jake Shepherd asked if there is a projected timeline on the landscaping of the front yards. Rob Kelley responded that they will be done with construction, before occupancy. Troy Moyes said his concern is that the Code set a maximum number of 30 lots in a phase. If they build part of the subdivision and the park is not part of the first phase, then what happens to the park if development stops for any reason at that point? Rob Kelley responded that they would like to start the park right from the get go. They will only be able to pull 30 permits until the road connects for the second access. Jake Shepherd asked if the City will let the development of the lots continue past 30, but no permits be issued? Troy Moyes said the City Council has to make that decision. Jake said he recommends they do that. He would like to see, within the first 10 homes going in, or a ratio similar to that, to say something about when the park will go in because we have to protect the City. That is the amenity that they are buying the density with and we don't want that falling apart.

Troy Moyes asked if they would like to address lot sizes, lot widths, setbacks or the trail. Brian Vincent said their plan for the trail sounds good; eight foot width, gravel, maintained by the HOA. Jeremy Strong said it's hard to see the lot widths go that small, but he realizes they can do a quality project on that small of a lot. He just doesn't know how we control the quality of the product. Jake Shepherd said we have standards regarding house sizes. We can't control what goes on after the house is sold. We can gear it to have landscaping in the front yard and be maintained by the HOA, and then the front yards are maintained. Jake Shepherd asked if the developer has explored the possibility of doing all of the landscape maintenance. Rob Kelley responded that they have only looked into maintenance of the front yard landscaping. Jake said he feels that situation with all of the landscaping being done by the HOA would do well. It will be an assurance to the City that it is sustainable and years down the road it will still be a nice development. Rob Kelley said they are able to commit to the front yards because they can access all of the front yards, but with fences and gates the backyards get tricky. They haven't crossed that bridge yet. Brian Vincent posed a question. If you've got 55 foot wide lots and you take 10 feet off for setbacks you have 45 feet left; what does the house look like that is on that small of a lot? Brian said he feels that by requiring a certain lot width you maintain a certain value to the property by the nature of the size of the property. Brad Lee said he is ok with the lot widths. There are larger lots in the subdivision so people would have options. Rob Ortega asked how many lots are 55 feet wide. Troy Moyes responded that 10 of the lots are that size, the rest are larger. Rob also asked about the garages. Rob Kelley responded that the plan is to get a three-car garage on almost all of the lots which is the reasoning for the five foot setbacks on the sides. There are only a few lots that won't accommodate a third car garage. City Code only requires a two car garage, but that is something that can be negotiated, if necessary, in the Developer's Agreement. Jeremy Strong asked if the junk fill needs to be discussed. Troy Moyes said that will be part of the soils report that is required. Jake Shepherd asked how we protect the eight acres from being sold off down the road. Troy Moyes said the plat will be recorded with that and it will have a dedicated parcel to the HOA. Jake asked if the HOA could sell a piece of property down the road. Troy Moyes responded that they would not be allowed to subdivide it. It will be protected from being subdivided. If it is recorded as a dedicated

parcel, and someday it is sold off or subdivided, they would have to go to each property owner in the development and get signatures to amend the original plat. It could be sold, but it would be difficult to do anything else with it.

The suggested conditions to be placed on the development are:

1. A detailed park development and maintenance plan.
2. A detailed list of the proposed amenities; specifically the number of picnic tables and playground equipment.
3. The park must be developed during the first phase of development.
4. The eight foot gravel trail will be maintained by the HOA.

The Commissioners were in agreement to keep the setbacks the way they are proposed. Jake Shepherd asked about the front yard setbacks. Troy Moyes said the developer showed 25 foot front yard setbacks; 30 is the requirement for R-1. In the last meeting, the developer asked for 25 feet back to living space, if the living space is offset from the garage, and 30 feet back to the garage. Jake Shepherd suggested allowing 25 foot setbacks either way.

There was no further discussion. Troy Moyes said he would get these conditions to Felshaw King, the City Attorney, to see if we can impose these types of conditions. After that, Staff will work with the developer, maybe have something showing a home on a lot and how it will look, as well as the park and amenities. At that point, the Commission can have more discussion and be prepared to make a recommendation to Council. Brian Vincent suggested they get it taken care of in one meeting to get this moving. Brian Vincent asked Rob Kelley if he had any thoughts or concerns he wanted to share. Rob responded that he likes the discussion they had regarding the park, amenities, front yards and setbacks. He said he doesn't see any problems with the recommendations. He asked if they were recommending different lot sizes than what they requested. Brian said it doesn't sound like it. Rob replied that he doesn't see any problem with moving forward with all of the conditions they are submitting to the City Attorney. He also said their engineer is tweaking some of the lots slightly because some of the lots didn't make sense on the preliminary plat. Rob Ortega suggested even having two pavilions so two groups could meet at the same time if necessary. Rob Kelley said that was a valid suggestion. Brian Vincent said it would be nice if they could make the common area larger than one acre.

Rob Ortega made a motion to adjourn at 7:55. Jeremy Strong seconded the motion. All voted aye.