

**West Point City
Planning Commission
3200 West 300 North
May 23, 2019**

Present: Brian Vincent, Rob Ortega, Jeremy Strong, Brad Lee, Korey Kap, Kyle Laws – City Manager, Boyd Davis – Community Development Director, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

Excused: Jake Shepherd

Visitors: John Diamond, Robert Kelley, Josh Hughes, Dennis Montgomery, Melissa Payne, Donna Payne, Kenny Payne, Logan Payne

WORK SESSION

1. Discussion regarding the Written Decision and Conditional Use Permit for the Sunset Vistas PUD Subdivision Project, located at approximately 1200 South 4500 West, Kelly Hughes Construction, applicant.

Kyle Laws stated that after the discussion and the action taken at the last meeting, there was a motion made to approve the Conditional Use Permit. The Commission also gave a directive to Staff and outside legal counsel to put together a written decision and Conditional Use Permit with recommendations for the City Council for the Development Agreement. The intent of the discussion tonight is to go through that document to make sure they have captured all of the key points discussed in the last Planning Commission meeting. In the General Session, the Commission will be asked to approve the document with any modifications they feel are needed.

Kyle Laws read the Written Decision and Conditional Use Permit of the West Point City Planning Commission for the Sunset Vistas PUD Subdivision Project. The Commission discussed items as they were read. Under Item 2a, Kyle Laws commented that in the developer's proposal, they agreed to include the three-foot wainscot on corner lots on the street facing side. They also agreed to a two-foot wrap.

Korey Kap asked when the park has to be put in. Kyle Laws responded that it would have to be done before they can start Phase 2. Boyd Davis responded that it would go like any other subdivision where they have a certain amount of time to install it, and then they have a warranty period. Before they can start that warranty period, they have to have the park done. That gives them incentive to get the park done quickly. All of the amenities must be done before they can start the warranty, except the landscaped yards. Those are done with the building permits. Boyd Davis commented that the submitted plat shows the whole thing in one phase. Has it been discussed to do it in more than one phase? Josh Hughes said a preliminary plat would always show everything and a final plat will break it down. So far, their final plat is showing one phase because they would like to ask the Council to approve it as one phase. Josh Hughes continued, saying, "There is so little risk for the City in approving it all at once. You're going to be holding all of that money. I

don't know, really, what the sense is in delaying part of the approvals. I'm sure you guys get sick of seeing us. I don't know what the sense is of coming back if you guys are holding all the money to make sure the whole thing happens anyway." Kyle Laws responded that it would be a decision the Council would have to make. Boyd Davis said his concern is to make sure the road in Simpson Springs which connects the two subdivisions is recorded before this plat gets recorded. Kyle Laws added that if that road is not secured, they can only do 30 lots in this subdivision. Brian Vincent asked the developer how its going getting letters from the affected entities. Josh Hughes responded that all of it is in the process; some are completed and some they have only done the first round of redlines, but all are close. They anticipate having it ready for review and final approval at the June 13th meeting. Kyle Laws stated that if the access isn't there when they are ready to do a final plat, they will be required to submit a Phase 1 plat showing their 30 lots for that. The final approval requires all of the letters from the appropriate agencies be obtained. Many of the comments from the public hearing regarding fire issues and water issues will be reviewed and addressed upon receipt of those letters.

Brian Vincent asked the Commission if they have any questions regarding the Written Decision. Jeremy Strong asked if they need anything in the Developer's Agreement that addresses the farmlands around this property regarding drains, berms, etc. Kyle Laws responded that the City's outside legal counsel felt that wasn't necessarily a decision the Planning Commission needed to be involved with. The public comments regarding those issues will be presented to the Council and they will address those. All of the Commissioners agreed with the contents of the Written Decision.

Brian Vincent asked if there was anything from the Public Hearing comments they feel need to be addressed that haven't already been addressed in the Written Decision. There were some legal issues that were brought up that the Commission doesn't have any authority to deal with. Rob Ortega agreed saying there were several good points that were made but there aren't many that apply to what the Commission can do at this stage; those things will be worked out during the process. Brian Vincent spoke with Boyd Davis previously about a few items that were previously brought up. He verified that the FEMA flood plain is not on the property. There was an easement with Hooper Water that was brought up and Boyd Davis will check on it and verify where that is located. There was no further discussion.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Kyle Laws
4. **Approval of Minutes from May 9, 2019.**

Jeremy Strong made a motion to table the minutes from the meeting held on May 9, 2019. Korey Kap seconded the motion. All voted aye.

5. **Public Comments:**

Melissa Payne – 1200 South 4500 West, Syracuse – Mrs. Payne thanked the Commission for acknowledging the concerns of the citizens. They know this will be developed. They are asking that the City stand firm in developing this one phase at a time in order to ensure things are handled appropriately and correctly. Mrs. Payne said she spoke with someone today and they will be looking at the wetlands, and she is hoping to get clarification as to if the City has anything on record as far as the wetlands in that area and that they have been recorded. It is her understanding that the City is responsible to notify the appropriate people if development is occurring in these areas. She also encouraged the Commission to go to the property to see it for themselves. Again, she thanked the Commission for the time and thoughtfulness they have put into this and asked them to put the citizens before the developers. She also asked that they surveyors stop trespassing on her property.

John Diamond – 3269 West 1800 North, Clinton – Mr. Diamond wanted to make some comments about things that were discussed in the previous meeting. He said there are a couple of new issues that have come to light over the past week or so. He said the roadway connecting the two properties is nowhere close to being settled. The roadway going in Simpson Springs is three feet higher in elevation than the roadways of Payne Lane and Diamond Ranch Road. The contractor indicates that it will be another foot and a half with asphalt and curb and gutter. That makes it four feet higher than the two lanes that go down through there. That is a real concern; it can't block the lanes into their properties. Also, as previously mentioned, he has a Development Agreement with Kip Cashmore, and they are nowhere close to coming to an agreement on any of those issues. As far as he is concerned, Mr. Diamond feels his Development Agreement is in full force. It will continue to be until some decisions are made. The next concern he has is with fencing; what will be fenced initially and what won't be fenced? Kyle Laws responded that there hasn't been a request to deviate from the Code on the fencing so they will be required to comply with that. It is required that a developer install a minimum of a six-foot chain link fence around the project that borders agricultural property. The only exception is that they have agreed to put up a rock fence along the front of their project. The Code does not address the timing of when the fence must be put up. It must be done with the improvements though so they can't pull building permits before it is installed.

Brian Vincent said, "In answer to the phases, without a road in, without a second access, they can only do 30 lots on that so there would only be a first phase allowed as well until the second access is granted on that." Regarding the wetlands, Staff will look into that. The wetlands issue will not have any bearing on the decision being made tonight, but it certainly could on the development, so they will look into it.

6. Consideration of Approval of the Written Decision and Conditional Use Permit for the Sunset Vistas PUD Subdivision Project, located at approximately 1200 South 4500 West, Kelly Hughes Construction, applicant.

Kyle Laws commented that the decision tonight is to approve the Written Decision and Conditional Use Permit for the Sunset Vistas PUD Subdivision Project. This Written Decision is what Staff and outside legal counsel put together at the request of the Planning Commission in their motion at the last meeting to summarize the decisions that were discussed and made regarding bonus density requirements, the negotiations that took place regarding landscaping the back yards, and allowing for other deviations from the Code. This document will then be forwarded, if approved, to the City Council and they will use that as they finalize a Development Agreement with the applicant. It was read verbatim in the last meeting. Staff recommends approval of the Written Decision and Conditional Use Permit.

Brian Vincent read the items from the Written Decision that were negotiated on so the citizens present would be aware of those. There was no further discussion.

Korey Kap made a motion to approve the Written Decision and Conditional Use Permit for the Sunset Vistas PUD Subdivision Project, located at approximately 1200 South 4500 West, Kelly Hughes Construction, applicant. Brad Lee seconded the motion. All voted aye.

7. Planning Commission Comments

Rob Ortega had no comments.

Korey Kap thanked Staff for all of their work on this project.

Brad Lee commended Staff for their work on this project. He also invited everyone to participate in the City's 4th of July celebration.

Jeremy Strong thanked the public for all of their input. They are doing their best to get the best project possible. He also thanked Staff for their work on the project.

Brian Vincent echoed all the comments made.

8. Staff Update

Kyle Laws gave an update regarding the last City Council meeting. The Council approved the amended budget for the current year. They will be looking at a tentative budget for the next year in June. They also unanimously approved an agreement with Utopia for fiber internet in West Point. That agreement states that it will be available to all residents to begin subscribing within 14 months, hopefully sooner. It is a 250 mb up and download speed for \$65 per month. Or 1 gb up and down for \$78 per month. More information can be found at Utopia's website, www.utahfiber.com. This will be a great thing for the City since many subdivisions only have one option for an internet provider. Utopia is only providing the infrastructure. They contract with service providers, they have 11 providers, that residents may choose from. The pricing is very competitive. It will be a great thing for our City. Lastly, there will be construction on 300 North from 3000 West to 4500 West, and on 4500 West from 1800 North to Antelope Road. It will be milled down and repaved. Then it will be chip sealed this year or next year. They will begin milling June 12 and paving will be done by the end of July.

9. Adjournment

Rob Ortega made a motion to adjourn at 7:27 p.m. Brad Lee seconded the motion. All voted aye.



Chairperson – Brian Vincent

Secretary – Michelle Bailey

