

**West Point City
Planning Commission
3200 West 300 North
June 13, 2019**

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

Visitors: Dennis Montgomery, George Vara, Hanan Webster

WORK SESSION

- 1. Discussion regarding a Conditional Use Permit for a Major Home Occupation, Treasured Birth Services, LLC, located at 3181 West 600 North, Hanan Webster, applicant.**

Hanan Webster is seeking a Conditional Use Permit for a Major Home Occupation to operate Treasured Birth Services out of her home. She is proposing to hold educational birth classes in her home for six to eight people a few hours a week. She is unsure at this time of how often these classes will be held. She seems to have adequate off-street parking to accommodate the maximum number of customers. Staff recommends approval.

- 2. Discussion regarding a Conditional Use Permit for an Accessory Building, located at 1823 North 3675 West, George Vara, applicant.**

George Vara is seeking a conditional Use Permit to construct a 2,016 square foot accessory building. He has an acre of land. Because the building is larger than 1,500 square feet, he is required to obtain a Conditional Use Permit. It will not be closer than 15 feet from the home. He is proposing a 15-foot rear setback and 45 feet for the side setback. It will be one-story. The height of the building is 21 feet. Staff recommends approval. Jeremy Strong asked if Mr. Vara has an approach off from 1800 North. Troy Moyes responded that he has a gate in his fence on 1800 North, but the curb is not cut. There is a flag lot directly behind him so there is a private land that goes along his property. There were no further questions.

- 3. Discussion regarding a rezone of property from R-1 Residential to R-3 Residential, located at approximately 200 South Cold Springs Road, Henry Walker Homes, applicant.**

Henry Walker Homes, who is the acting agent for the property owner, Duncan Barlow, is seeking approval to rezone 26 acres of land that is located at approximately 200 South Cold Springs Road from R-1 Residential to R-3 Residential. This property is identified on the General Plan as R-3 Residential. They are not proposing an overlay option; it is just a straight R-3 zone. Due to the close proximity of the West Davis Corridor, UDOT has been notified of this request and is comfortable with West Point City moving forward

with rezoning this property. They are still working with a possible different option for the extension of Highway 193. UDOT has been in contact with the property owner. Dennis Montgomery asked if the City looks at the wetland issues anymore. He is aware of three areas on that property so is curious as to whether that is discussed. Boyd Davis said they do consider wetlands, but that is discussed at the development stage, not the rezone stage of the process. Brian Vincent asked if UDOT has a timeline on when they will decide on the route for Highway 193. Boyd Davis responded that they plan to have a decision made by the end of the year.

4. Discussion regarding a site plan for the proposed Ogden Clinic, located at 125 South 3000 West, Ogden, Clinic, applicant.

Carpenter Stringham Architects, LLC is seeking feedback from the Planning Commission regarding a proposed site plan for Ogden Clinic. This proposed 13,000 square foot building will sit on 1.6 acres of land that is currently zoned C-C Commercial. They will need to come in with a plat to subdivide the property, but they would like feed back from the Planning Commission regarding the look of the structure. Staff has reviewed it as far as the requirements for commercial structures. The majority of it meets the requirements; there are minor comments that have been sent to the architect. They still need to submit landscape plans and do a traffic study on 3000 West. The applicant is looking for feedback from the Commission. They will only have one access off from 125 South; there will not be an access from 3000 West or Highway 193. They meet the parking requirements. However, they will need to modify the horizontal articulation on the buildings slightly to meet our building requirements. This will be used for medical offices and a pharmacy with a drive-thru window.

5. Discussion regarding a rezone of property from A-40 Agricultural and R-2 Residential to R-4 Residential, located at approximately 3600 West 300 North, M8 Properties, LLC, applicant.

M8 Properties LLC, who is the acting agent for EMCO LLC and David Matthews Trustees, is proposing to rezone 7.2 acres of property located at approximately 3600 West 300 North from R-2 Residential and A-40 Agricultural to R-4 Residential. This rezone proposal consists of four individual parcels that are located along 300 North. This is consistent with the General Plan. There will be no overlay options. Jake Shepherd recused himself due to having interest in this project. He will answer any questions as a representative of the developers. He also stated he is recusing himself as a Commissioner, from any further discussions in the future regarding this project. Jeremy Strong asked if they are planning to tear down the existing home. Jake Shepherd responded that they don't know yet, but this is solely for a rezone at this time. Brian Vincent asked about the split area. Jake Shepherd responded that they don't own the properties in between at this point. There are still a lot of things up in the air at this point in time so he still can't let them know what the product will be.

6. Discussion regarding West Point City Code regarding Accessory Building Standards.

Brian Vincent asked Troy Moyes to give an overview of everything, then the Commission will go back and discuss each item individually. Staff has looked into the Code and other language that pertains to accessory buildings and has a document to present for discussion. Some of the items presented in the document include:

1. Distance between accessory building and primary dwelling
2. Size of structure and the lot size percentage
3. Side yard design standards
4. Rear yard setback chart
5. Temporary structures
6. Updated zoning table and footnotes.

Each of the items were briefly explained by Staff.

1. *Distance between accessory building and primary dwelling.* Currently the standard is a distance of 10 feet away from a primary dwelling whether it is in the side yard or rear yard. Fire Code is a minimum of three feet. It was discussed to reduce it from 10 feet down to five feet between the primary dwelling and the accessory structure.
2. *Size of structure and the lot size percentage.* Troy Moyes gave an example and said Staff is suggesting reducing the current percentage from 20% down to 15% or less. Troy gave more examples of lot size, house size and accessory building sizes that would fit under the proposed percentage.
3. *Side yard design standards.* The current Code standards say any structure in the side yard is required to maintain the setback of the primary dwelling. This has been a big concern. As requested, Troy gave some proposed standards. A. Accessory buildings that are below 200 square feet and are located in the side yard are exempt from design standards that are outlined in this section. B. Permanent (buildings that have a footing and foundation) and semi-permanent (buildings without a foundation or footings that are movable but consist of durable materials) accessory buildings that are greater than 200 square feet and located in the side yard must adhere to the same building material standards as outlined in 15.15.130(C) excluding the three-foot wainscot on the sides.
4. *Rear yard setback chart.* Currently, the drip line of the building can be one foot away from the lot line. On the proposed chart, depending on the height of the building, it would need to be farther from the property line.
5. *Temporary structures.* A section was added to the proposed Code that specifically addresses "Other structures" which are temporary. These would include: pergolas, green houses, awnings, carports, tents, arbors and trellises. These could be allowed with no setbacks. All temporary enclosures of this nature shall:
 - a. Be securely tethered to the ground at all times.
 - b. Not be allowed in the front yard setback or between the front façade and the street.
 - c. Be repaired, replaced or removed immediately if they fall into disrepair.
 - d. No direct water onto neighboring properties
 - e. Will not exceed 10 feet in height, measured from the highest point on the item to the ground

- f. No minimum setback required.
- 6. *Updated zoning table and footnotes.* This is just to clean things up so all the standards are in one part of the Code.

The Commission discussed each item in more depth. Regarding Item 1, Korey Kap asked if there are problems with the Code or are they just trying to clean it up. Troy Moyes responded that residents are looking for more flexibility of where they can put their structure. Jeremy Strong asked what our Code says about structures attached to the residence by a breezeway. It would be required to meet the side yard setbacks. Jake Shepherd said he can see, in some instances, that being five feet from the residence is warranted, like if it's two front corners. Korey Kap expressed concerns of having structures so close to the home and access for firefighters in emergencies. The Commissioners wanted to give this more thought and discuss this item again later. Jake Shepherd said his opinion is that this would be determined by the setback off the property line depending on the elevation and height.

Regarding Item 2, Boyd Davis commented that he feels just the mass of something that big in someone's backyard can be a nuisance to the neighbors. Rob Ortega said he feels the nuisance is the height and the proximity to your yard. Korey Kap commented that they are trying to be flexible and let people do what they want, but now they are being restricted with setbacks so that's a problem as well. Jake Shepherd commented that he likes accessory buildings because most of the items that are out in the open can be stored in the accessory building. Easements in backyards were briefly discussed.

Regarding Item 3, Troy Moyes asked if the Commission would like to set some design standards on these permanent or semi-permanent structures that would require the same exterior materials as the residence. Jake Shepherd asked what they will do if the house is sitting on an angle on the lot. The side yard is much bigger. He felt that should be discussed and addressed as well. Also, should temporary structures be required to be behind a fence? Jake Shepherd stated he feels there should be design standards if the primary residence has design standards.

GENERAL SESSION

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Brian Vincent
- 4. Approval of Minutes from May 9, 2019, and May 23, 2019.**

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

Rob Ortega made a motion to approve the minutes from the meeting held on May 23, 2019, as written. Jake Shepherd seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Conditional Use Permit for a Major Home Occupation Treasured Birth Services, LLC, located at 3181 West 600 North, Hanan Webster, applicant.**

Hanan Webster is seeking a Conditional Use Permit for a Major Home Occupation to operate Treasured Birth Services out of her home. The applicant is proposing to hold educational birth classes in her home for six to eight people a few hours a week. She is unsure of how often these classes will be held. Ms. Webster has completed the application and it has been reviewed by Staff and Code Enforcement. The applicant seems to have adequate off-street parking to accommodate the maximum number of customers to her home. Staff recommends approval. Ms. Webster said she has been teaching classes for 2 ½ years now and has just moved to West Point. Brian Vincent asked often the classes are typically held. Ms. Webster said usually once or twice a week. Also, when it says two to eight people, that is couples coming together because it is a couples-based class. That means there would only be one to four cars there for the class. Brian Vincent suggested that those cars park in the driveway. Rob Ortega asked if she is required to have any specific licensing for this business. Ms. Webster commented that she has a Davis County license already. Her curriculum is pre-printed and sent to her and is accredited.

Brad Lee made a motion to approve the Conditional Use Permit for a Major Home Occupation, Treasured Birth Services LLC, located at 3181 West 600 North, Hanan Webster, applicant. Jeremy Strong seconded the motion. All voted aye.

7. **Conditional Use Permit for an Accessory Building, located at 1823 North 3675 West, George Vara, applicant.**

George Vara is seeking a Conditional Use Permit to construct a 2,016 square foot accessory building. West Point City Code requires all accessory buildings larger than 1,500 square feet, no matter the size of the property, to obtain a Conditional Use Permit. Mr. Vara has submitted all the required documentation for review. This was discussed in the Work Session and Mr. Vara meets all of the requirements for setbacks. Staff recommends approval. Rob Ortega asked Mr. Vara if he has an access off 1800 North. Mr. Vara said his property is fenced off, but he has not received approval from the State to cut the curb. He has a gate in the fence but no curb cut. He does not plan to have lights on the outside of the building but will have power to the building. There will be no plumbing in the building. He will use it for storage.

Rob Ortega made a motion to approve the Conditional Use Permit for an Accessory Building located at 1823 North 3675 West, George Vara, applicant. Korey Kap seconded the motion. All voted aye.

8. Public Hearing regarding a Rezone of Property from R-1 Residential to R-3 Residential, located at approximately 200 South Cold Springs Road, Henry Walker Homes, applicant.

Henry Walker Homes, who is the acting agent for the property owner, Duncan Barlow, is seeking approval to rezone 26 acres of land that is located at approximately 200 South Cold Springs Road from R-1 Residential to R-3 Residential. This item was discussed in the Work Session. Staff has been in contact with UDOT, and UDOT has been in contact with the property owner. UDOT is comfortable with the City pursuing an action on the rezone request. Staff has reviewed the application, and it meets the General Plan.

a. Public Hearing

There were no comments given. Brian Vincent made a motion to close the Public Hearing. Jake Shepherd seconded the motion. All voted aye.

b. Action

Jeremy Strong made a motion to approve the rezone of property from R-1 Residential to R-3 Residential, located at approximately 200 South Cold Springs Road, Henry Walker Homes, applicant. Brad Lee seconded the motion. All voted aye.

9. Planning Commission Comments

Jake Shepherd suggested they could take some time now to discuss the accessory building standards.

Brad Lee invited everyone to participate in the City's 4th of July celebration. It's a great opportunity to get out and meet the people they represent.

Jeremy Strong thanked the Planning Commission. They have had some tough meetings as of late and he expressed appreciation to them for their hard work.

Korey Kap thanked City Staff. He also echoed Brad Lee's comments about the 4th of July celebration.

Rob Ortega thanked Staff for bringing up the accessory building standards for review. It's good to update the Code as necessary.

Brian Vincent asked the Commission about attendance at the next meeting to see if there would be a quorum present. Brian also asked the Commission if they could stay 15 more minutes to discuss the accessory building standards in order to give Staff some direction. All agreed they could stay.

10. Continued Discussion regarding West Point City Code regarding Accessory Building Standards.

Jeremy Strong expressed his opinion that he would rather look at a six-foot fence and a 10-foot block wall above it than weeds and trash everywhere that they can't contain because we told them they can't build their building. Jake Shepherd said he is less concerned about the proportion and size of the accessory building as he is about side yards. Boyd Davis said the City receives complaints about unsightly awnings rather than boats or RVs parked in the front yard. There are several awnings throughout the city of different sizes. Most people put them up without asking if it is permitted; they just put them up. We haven't gotten a lot of complaints, but occasionally we get complaints about them. Boyd Davis said his opinion of temporary awnings is that they are ok. Sometimes they are needed. As long as they are small and not creating a nuisance for the neighbor, he feels they are fine. Jake Shepherd commented that when someone wants to add on to their house or attach something, there are standards they must follow, but now that its temporary, we don't have standards for them to follow? Jeremy Strong said if they can't make it look like the house, it should be behind a fence. Boyd Davis said there is also a big difference between the temporary things that are open-sided versus an enclosed structure; an enclosed structure needs to look like the house. If it's an open-sided thing, there is no way to make it match the house, so those have to be treated differently. Jake Shepherd agreed that he is ok with certain types of temporary structures. Boyd Davis asked for a consensus; do they have problems with the temporary awning structures, or are they ok with them? Jake Shepherd said he doesn't want to be that city that tells people they can't do stuff. There are restrictive covenants in subdivisions that speak to that most of the time. Jeremy Strong suggested, regarding carports, it can only be a certain height and can't have sidewalls, but as soon as it is enclosed, it must be hidden in the side yard behind a fence. Brian Vincent said once it has walls, it needs to meet standards to match the home. Korey Kap asked what they think about the Lifetime sheds? Will that be considered the same as a carport because they are temporary? Jeremy Strong said if it has walls, he feels it should match the materials of the home or be put in the rear yard. Boyd Davis said he feels that if it's a smaller shed, under 200 square feet, and it's on the side yard, it doesn't necessarily need to have brick on it. If it's a larger shed that is enclosed, it probably should have the same standards as the home.


Brian Vincent asked the Commissioners to look around the city and come back with some ideas of what they would like the standards to be. Jake Shepherd asked if the Conditional Use Permits for these could be taken care of by Staff rather than come before the Planning Commission since they can't really deny them anyway. Boyd Davis said they would need to change the Code, but they can look into that. Jake Shepherd suggested that if they are in the side yard, that's fine on an accessory building, but if they are equal to the front plane, it needs to match the architectural features of the house. If they are 10 feet behind the front plane of the home, they would have different criteria. So to restate it, the first 10 feet of the side yard, they would have to meet the architectural features of the home. After 10 feet, it is recommended that if they have a temporary structure, they have a fence. The discussion was wrapped up and will be discussed in the next meeting.

11. Staff Update

There was no update given

12. Adjournment

Brad Lee made a motion to adjourn at 7:54 p.m. Jake Shepherd seconded the motion. All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey