

**West Point City  
Planning Commission  
3200 West 300 North  
June 23, 2016**

**Present:** Brad Lee, Brian Vincent, Jeremy Strong, Korey Kap, Curtis Seeds, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

**Excused:** John Detamore, Jeff Macfarlane

**Visitors:** Stephen Fackrell, Terry Ellis, Don Craythorn, Lynn Craythorn, Kyle & Cali Parks, Craig & Debbie Colledge, Lanny Ellis

**WORK SESSION**

**1. Discussion regarding a Conditional Use Permit for an accessory building located at 3558 West 1450 North, Kyle & Cali Parks, applicant.**

Troy Moyes said Kyle Parks would like to put a 1,200 square foot accessory building in their backyard. Because their lot is under 15,000 square feet, they are required to obtain a Conditional Use Permit. Staff doesn't see any problems with what is proposed, and they recommend approval. The exterior of the building will match the exterior of the home.

**2. Discussion regarding a rezone from A-40 zone to R-1 zone located at approximately 4250 West 1300 North, Stephen Fackrell, applicant.**

Troy Moyes said the applicant wants to keep the frontage that allows them to have another lot on the development. Staff agreed to that. The public hearing was advertised as required. Staff has received about four phone calls from neighbors to the property. They have had flooding issues in the past and they are concerned that any development will cause more problems. Staff feels that is a very valid concern. Staff is working with the developer to resolve issues. If he can't provide a land drain, the homes there will not be allowed to have basements. They are still working on the engineering aspect of the project. Staff recommends approval of the rezone. It meets the General Plan for that specific area.

**3. Discussion regarding Conceptual & Preliminary Plat Approval for the Torroweap Subdivision located at approximately 4250 West 1300 North, Stephen Fackrell, applicant.**

Curtis Seeds commented on the property to the north and said the drainage comes south and west. Some of the issues in the past stem from that drainage. If the developer installs a land drain, it should alleviate the problem. The Code requires a land drain system in that storm water zone to have basements. The developer is aware of this potential flooding issue. When Staff receives the final plans, they can look at the grading and discuss it with the commission. They can then enter into agreements with the property owner to make sure adequate provisions are made.

There is a requirement in the Code stating that if there are two or more side-facing properties on the main road, they must have an eight-foot landscape strip. The Code also says if there are two or more then they must form an HOA. They don't want to do that so they may propose turning one of the lots to face the street. That property owner would then maintain the landscape area instead of creating an HOA. Staff suggested even doing a side entrance, but there is nothing in the Code that would prohibit them from facing the street. If one of the lots is a detention pond, they wouldn't be required to form an HOA.

**4. Discussion regarding Preliminary and Final Plat Approval for the Craythorne Homestead Subdivision, Phase 2, located at approximately 528 South 4500 West, Terri Ellis, applicant.**

Terri Ellis owns property with a home on it and her son is wanting to build on a lot next to her. The home would face 4500 West. They have had meetings with UDOT. Staff has requested that they change the plat. They are wanting to dedicate some property to UDOT to get the property off their tax records. They don't have any accesses through, but UDOT wants them to do that. Staff feels that jeopardizes future development. They need to submit new plans with the no-access area removed. UDOT agreed to take that off the plat. There is an issue with the frontage. Code requires 40 feet of setback because it is located on an arterial road. They only have the setback at 30 feet so that needs to be addressed. The two issues Staff needs resolved are:

- The no-access area removed
- Setback needs to be changed to 40 feet.

**5. Discussion regarding Final Plat Approval for the Craythorne Homestead Subdivision, Phase 1, located at approximately 600 North 4000 West, Craythorne Construction, applicant.**

Troy Moyes stated that the Preliminary Plat Approval for Craythorne Homestead Subdivision, Phase 1, has expired. They received approval in December 2014 and that approval is only valid for one year. It is on the agenda to re-approve the preliminary plans for the subdivision. This is more of a formality than anything. Staff hasn't received everything back that they are waiting for. There are some drawing corrections on the plat that need to take place. They are still waiting on some letters from outside entities. Staff's main concern regarding outside entity letters is that they are still waiting on one from the canal company. The development will cross over the canal and they haven't received a letter granting permission to do that even though it was part of the agreement with Cold Springs Road. The commission has the option to table the item or approve it. Brad Lee stated that he doesn't see an issue to grant approval, but he doesn't feel that they would do that for any other developer. So to maintain consistency, he feels that the item should be tabled until everything is turned in. Curtis Seeds agreed with that. All developers are required to meet the same standards. The developer has also added an extra lot since the preliminary plat was approved in 2014. They put a landscape strip of three feet that needs to be dedicated to an HOA. They can't do the eight-foot landscape strip because the cross section of Cold Springs Road has a 10-foot parkstrip. There are unique challenges on that road. Jeremy Strong mentioned Phase 1 being moved to a different area of the plat. Troy Moyes responded that the cost for UDOT was too much so they want to develop from east to west instead of west to east; it is cheaper to build a new road than to meet

UDOT's requirements. The commissioners all felt that the preliminary drawing needs to be updated before they can grant approval.

## **6. General Plan discussion**

On July 19<sup>th</sup>, the Planning Commission and City Council will hold another joint meeting to discuss the General Plan.

There were a few areas on the General Plan draft that needed further discussion. Those are the areas that will be discussed in detail.

Area #1. Korey Kap expressed concern that this was not the best place to zone for industrial use. Troy Moyes said he put industrial in that area because that land is very hard to develop as residential. Troy asked if the commission wanted to sacrifice any commercial area in the city for an industrial area. Jeremy Strong felt that would be an excellent spot for industrial because 1800 North will be a direct access to the freeway so trucks will have to use 1800 North or Highway 193. Korey said that he understands that but he doesn't see that being developed as an industrial area within the next 10 years so he doesn't feel like it needs to be addressed right now. Brad Lee asked what he sees that area being if it isn't an industrial area. Troy Moyes responded that if a wealthy developer would spend the money to build a lift station, he can see that being residential. If not, he speculates that it will sit as it is for the next 20 years.

Area #7. Troy listed that area as needing more discussion because he wasn't sure how the commission felt about putting commercial in that area. The commission was all in agreement of leaving that as a commercial area.

Area #9. Previously there was concern with building off the bluff. The commission was satisfied with listing that area as residential.

Area #11. Previously, the commission had discussed making the homes in this area estate homes. There was concern as to if that was the best use for that area. Most of the commissioners liked the idea of having large lots around the golf course. Korey Kap said he likes having an area in the city with big lots, but he wasn't sure it would be good to have them in that specific area. Troy asked if they would rather zone part of the area R-1 and the other part R-2. Korey Kap suggested making Areas 11 and 12 R-2 zones. Jeremy Strong suggested that they leave Area 11 as R-1 zone and change Area 12 to R-2 zone. Everyone agreed with that suggestion.

Area #15. Previously it had been suggested to make the area by the Junior High an R-2 zone. They discussed if lots that size would fit there. Everyone was satisfied leaving that area an R-2 zone.

Area #16. Brian Vincent had drawn up some ideas for uses in this area. He wanted to keep a rural feel to the area yet have it be a destination area. He wanted to do a large pole barn looking structure to house a theater and restaurant. Another area was specified for a dog park with an open grassy area and trails going through it. He spoke with residents of surrounding cities and they expressed a need for a dog park in Davis County. They don't

have places to go with their dogs and feel there is a big need for that. Next to the dog park, Brian put a kennel/pet hotel. People could bring their dogs to the dog park and then leave them at the kennel while they go to a show or to dinner. He thought some consignment type shops would work in the area. He would like to see a rec center, or a water park in the area. He also thought an amphitheater would be nice in the area. A fishing pond and playground would be a fun thing to have for the kids to enjoy as well. Brian didn't list any residential zones in the area.

Some commissioners expressed a need to have a senior community in the city. We have residents who are getting older and want to sell their homes with large yards but would like to stay in West Point. It was suggested that Area #10 might be a great place for a senior community.

## REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jeremy Strong
4. **Approval of Minutes from June 9, 2016**

Brian Vincent made a motion to approve the minutes from June 9, 2016, as written. Curtis Seeds seconded the motion. All voted aye.

5. **Public Comments: Debbie Colledge 4277 West 1300 North** – Debbie stated, “We have some concerns about the subdivision that is proposed across the street from us. We bought our home years ago and were told it would be a rural community, which it's not been. Craythornes built a lovely subdivision up above us, there has been a subdivision below us and now a proposed one across the street from us. We were told when we built our home that the homes on the street would be comparable in value, which they are not. My concern is that when we built our home we were told that we had to have at least an acre, which we have 2.25. We were told after we built our home that the Legacy Highway would come through next to us so we are just kind of up in the air. Here we go yet again. The subdivision that has been proposed across the street from us, we have some valid concerns with. Everything that we've been told has not happened. We would like to know who the builder is, how many homes they are going to put in there, how big are the lots, are they going to have to have acre lots? Another major concern that we have is the roadway going into that subdivision. We don't want it right across the street from our home. We have grandkids there all the time and we don't want cars coming in and out of the subdivision. The traffic up and down that street is a nightmare. Anyway, now they are proposing more homes.”

**6. Conditional Use Permit for an Accessory Building located at 3558 West 1450 North, Kyle & Cali Parks, applicant.**

Troy Moyes stated that this was discussed in the work session. Kyle & Cali Parks are seeking Conditional Use approval to construct a 1,200 square foot accessory building on their property. City Code requires that all accessory buildings that are 1,000 square feet and above on fewer than 15,000 square feet of property obtain a conditional use permit from the Planning Commission. This structure will be used for RV and boat storage and will be built to match the primary structure.

Curtis Seeds made a motion to approve the Conditional Use Permit for an accessory building located at 3558 West 1450 North, Kyle & Cali Parks, applicant. Brian Vincent seconded the motion. All voted aye.

**7. Public Hearing regarding a rezone of property from A-40 zone to R-1 zone located at approximately 4250 West 1300 North, Stephen Fackrell, applicant.**

Troy Moyes said that a public hearing is required by State Code to change a zone within the City. Stephen Fackrell is applying to change this from an A-40 zone to R-1. This matches the General Plan. These lots are 15,000 square feet. The frontage will remain as R-2 which is 12,000 square foot lots. This public hearing is strictly for the rezone.

Jeremy Strong made a motion to open the public hearing. Brad Lee told Debbie Colledge that her previous comment would be noted. Debbie Colledge asked if this was just for the rezone? Brad Lee said this is just the rezone but the next item on the agenda would be discussing the proposed subdivision.

**8. Rezone of property from A-40 zone to R-1 zone located at approximately 4250 West 1300 North, Stephen Fackrell, applicant.**

Korey Kap made a motion to approve the rezone of the property from an A-40 zone to R-1 zone located at approximately 4250 West 1300 North, Stephen Fackrell, applicant. Brian Vincent seconded the motion. All voted aye.

**9. Conceptual & Preliminary Plat approval for the Torroweap Subdivision located at approximately 4250 West 1300 North, Stephen Fackrell, applicant.**

Stephen Fackrell was present to answer any questions. Troy Moyes reviewed the process of the rezone to the public. He stated that the commission is a recommending body for land use ordinances and a map is an ordinance in the city. They just recommended approval to go to the City Council. The Council is a legislative body and they actually write the law. There will be another public hearing held by the City Council to bring this item before them.

Stephen Fackrell is applying for conceptual and preliminary plat approval. This is an overall view of what they feel their development could be. There are several issues that Staff has with the development and have submitted letters to Mr. Fackrell regarding them. He has addressed these issues and sent a letter back to Staff. A big issue with this

property is the land drain/storm drain. Staff has received several phone calls from neighbors addressing concerns with past flooding in their basements. They are concerned that tearing the ground up will cause more problems. If the developer cannot satisfy the concerns with land drains/storm drains, the homes there will have to be slab on grade because of inadequate drainage.

Jeremy Strong made a motion to approve the Conceptual and Preliminary Plat for the Torroweap Subdivision located at approximately 4250 West 1300 North, Stephen Fackrell, applicant. Brian Vincent seconded the motion. All voted aye.

**10. Preliminary and Final Plat Approval for the Craythorne Homestead Subdivision, Phase 2, located at approximately 528 South 4500 West, Terri Ellis, applicant.**

Terri Ellis was present to answer questions. Terri said the City changed the address to 549 South 4500 West. Troy Moyes reviewed the application. This is a single lot development. Terri is proposing a lot adjacent to her home, facing 4500 West. There is a large area that they are wanting to dedicate to UDOT or to West Point City to get it off their tax records. They would like to place the home on Lot 22 of the Homestead Subdivision, Phase 2. There has been a setback issue. The engineer was going to redraw the lot and make it 10 feet longer. The requirement is 40 feet from the right-of-way and their plans only showed 30 feet; which is standard for a normal development but not for a home facing an arterial road.

Terri Ellis said she met with the engineer and UDOT and they will be donating the land to West Point City. They agreed that there will not be any no access put on the plat. They changed the variance and submitted all of that to UDOT. They are leaving the farm entrance until that phase of the development is done. There were three changes made to the plat. There were minor changes made in the boundary descriptions. They are donating the land discussed to West Point City and not UDOT. They need to add the facilities and the driveway for Lot 22 to the plat. The engineer is changing the east boundary so the setback will meet the requirement. They have most of the outside entity agreements, but are waiting to take the plat to the canal company so they can get their approval. They have their water shares already. The driveway access will be off from 4500 West. She has filed a variance with UDOT because that driveway is too close to her driveway. Brian Vincent commented that he didn't feel comfortable granting final approval with all of the changes that still need to be made. He would rather see the changes submitted before final approval is given. Korey Kap agreed with Brian. Terri Ellis showed Brian the paperwork that she has to explain to him what she is waiting on. Jeremy Strong commented that he felt that final approval could be granted based on contingencies that the issues be resolved.

Jeremy Strong made a motion to approve the Preliminary and Final Plat for the Craythorne Homestead Subdivision, Phase 2, located at approximately 549 South 4500 West, Terri Ellis, applicant, contingent upon the issues on the plat and the items on the Staff Report be met. Korey Kap seconded the motion. Brad Lee, Korey Kap, Jeremy Strong and Curtis Seeds voted aye.

**11. Final Plat Approval for the Craythorne Homestead Subdivision, Phase 1, located at approximately 600 North 4000 West, Craythorne Construction, applicant.**

Jeremy Strong made a motion to table the Final Plat Approval for the Craythorne Homestead Subdivision, Phase 1, located at approximately 600 North 4000 West, Craythorne Construction, applicant, until the drawings for the preliminary and final plat are changed and they receive the letters required. Curtis Seeds seconded the motion. All voted aye.

**12. Planning Commission Comments**

Brian Vincent thanked the public for attending the meeting. He also thanked Staff.

Curtis Seeds had no comments.

Jeremy Strong had no comments.

Korey Kap thanked Staff for their work and invited everyone to attend the City's 4<sup>th</sup> of July celebration.

Brad Lee commented about the City celebration and encouraged everyone to attend. He also thanked Staff.

**13. Adjournment**

Curtis Seeds made a motion to adjourn at 7:34 p.m. Brad Lee seconded the motion. All voted aye.

  
Chairperson – Brad Lee

  
Secretary – Michelle Bailey

