

**West Point City
Planning Commission
3200 West 300 North
June 27, 2019**

Present: Brian Vincent, Rob Ortega, Jeremy Strong, Brad Lee, Jake Shepherd, Kyle Laws – City Manager, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

Excused: Korey Kap

Visitors: Josh Hughes, Rob Kelley, Kenny Payne, John Diamond, Blake Bastian, Peter Madsen

WORK SESSION

1. Discussion regarding Final Plat Approval for Sunset Vistas PUD Subdivision, located at approximately 1100 South 4500 West, Kelly Hughes Construction, applicant.

Kyle Laws commented that all of the conditions and issues the Planning Commission discussed regarding this subdivision were also discussed by the City Council. They were comfortable approving a Development Agreement that took care of most of those issues. The Development Agreement has not been signed yet. There were two issues the City Council wanted resolved prior to signing. One of those was working out some verbiage in the agreement that talked about the timing of the installation of the landscaping. It said in the agreement that it would be installed during construction, but sometimes construction of homes happens in the winter and landscaping is not possible. Therefore, there is some language that the attorneys are working through to come up with an escrow process or something there. The other issue was regarding the junk fill material and requiring some process for verification that it meets soil compaction requirements, is cleaned up and removed, as well as meets the compaction requirements needed for construction over the top of that. Those are the two items that are holding up signing the Agreement, but neither of those are big issues, it's just a matter of coming up with the right language in the Agreement.

This subdivision is on the agenda tonight for Final Plat Approval. The Developer is required to submit approval from all agencies that will provide utilities or will be affected in some way by the development. Staff has received letters from UDOT, Hooper Water, North Davis Sewer District, a revised wetlands delineation report, a storm drain easement from the developer to the City and a permit from Davis County for access and drainage to the channel. Until recently, Staff was under the impression that this was in a stall mode. Monday, Staff had heard that the County was willing to issue that but the person that needed to write the letter was out of the office. Tuesday, Staff got word that the County was now backing off because of the dispute they had learned about regarding some kind of boundary issue between the developer and an adjacent property owner, John Diamond. The County said that needs to be resolved before they are comfortable issuing the permit. Davis County Public Works called Kyle a couple of hours ago and they said their attorney's office gave them approval to issues a permit for access and drainage to the

channel, subject to an indemnification agreement; if the developer is willing to indemnify the County over any boundary issues or access from their property to the drainage channel. The Developer said they are willing to do that. Basically, the County is ok with them draining into their channel and are granting the access and drainage, but how they get there is still to be determined. The caveat is that the indemnification agreement has not been drafted or signed, but both parties are willing to enter into it. They still don't have a permit from the County although they did say it looked positive for an approval. The County is still waiting on something with drainage from the subdivision that they still needed to see plans for. Their attorney is comfortable allowing that permit with the indemnification agreement. The Developer would still like to receive approval from the City tonight.

On the revised plat, there are some changes on the West end, on the very last row of homes. Their revised wetlands report showed some different wetlands than what they had before. Their process moving forward is to avoid those wetlands entirely. To avoid those, they shrunk some of the lots and moved everything over. They still have the same number of lots. Staff asked what the developer will do there to ensure that won't become an eyesore at the end of the cul-de-sac. The Developer said they would be willing to put up a vinyl fence across the front of there and will also put in a landscape buffer behind the sidewalk up to the fence. They also suggested that the builder may be appealing the report. If they are awarded that, they may shift things back to the way they were on the previous plat. Staff suggested the Commission go off from what is before them now. Kyle Laws said his thought is to require that fence there and to also fence along that side of the property of Lot 126. Also, to require the same landscaping as they are putting along 4500 West. They have already submitted a plan for the eight-foot buffer, so having that same eight-foot landscape buffer behind the sidewalk with a fence there would be appropriate.

Jody Burnett, the City's Land Use Attorney, commented that he is aware that, traditionally, the City doesn't grant Conditional Final Approvals. Under the circumstances, he recommends the Commission be willing to consider approving this with the two conditions Kyle Laws discussed. The situation with Davis County is basically approval of a third-party service provider, like any other service. Obviously, we need something in writing, but part of the issue needing to be resolved involves property that is not part of the plat and is outside the West Point City limits. Mr. Burnett suggested having two conditions on Final Plat Approval, first being the fencing and landscaping as described by Kyle Laws. The second condition being receipt of final, formal, written approval from Davis County, with the caveat that in the event that the plat, itself changes, it would come back to the Commission for approval. If it is just verifying that this plat works, and getting the formal approval regarding the storm drain issue with Davis County, then Staff would be authorized to confirm compliance with those two conditions. Also, that the Development Agreement gets finalized and signed. At that point, the Mayor would be authorized to sign the Final Plat. Again, if it requires changes to the plat, it will come back to the Commission.

Jeremy Strong asked if there is a second access into the subdivision yet. Jody Burnett responded that the Developer's Agreement is consistent with the Code, stating that unless they can resolve that and construct the second access, they would be limited to doing it in

phases with phase one consisting of 30 lots. Also, they would be required to submit a phasing plan to the City that would verify that the phasing plan doesn't exceed any of the cul-de-sac limits etc. If it must be done in phases, the park would be done with phase 1. Final Plat Approval is approving all 62 lots in one phase. Subject to the Development Agreement, if they are ready to begin construction of the first lots and still don't have the second access, they are required to submit a phasing plan showing how those first 30 lots will be done. Josh Hughes said it would be the north most 30 lots of the subdivision plan if they have to phase it.

Rob Ortega asked what will happen on the property that is located on the west side of Logan Payne's home. Josh Hughes responded that it is a portion of the natural park and the trail loops over in that direction. Kyle Laws asked if they would have a fence along that property line. Josh responded that there is not a fence required because it is residential abutting residential. They had it staked out and it would put the fence in Logan's back yard. They are guessing that the Payne's would prefer to not have the fence there. There is actually some natural brush and trees in that area that create a natural barrier. Rob Kelley said they haven't spoken with Logan Payne about that yet, but they will talk with him and do whatever he prefers. They are inclined to leave it as it is though. Rob Ortega commented that he feels that the Payne's would most likely want to keep the trees along there so he encouraged the developer to talk with him before doing anything else in that area.

Jake Shepherd asked about the conditions that need to be placed on the subdivision when the motion is made. Jody Burnett said it needs to be conditional upon Davis County giving formal written approval for the storm drainage. Also, if the plat changes at any time, it must come back to Staff. The second condition is that there be a vinyl privacy fence and 8-foot landscaping that matches what the landscape plan shows on 4500 West. The motion must also include verbiage stating that the Development Agreement must be finalized and signed.

2. Discussion regarding a request to change the General Plan for property located at approximately 1200 South 4500 West, Ovation Homes, applicant.

Ovation Homes has asked for some time to make a presentation to the Commission. They have already made this presentation to the City Council, but wanted the Commission to see it as well. They are requesting a change to the General Plan.

Peter Madsen, representing Ovation Homes, made the presentation. Ovation Homes has the property under contract and are looking for an opportunity to have the City review an adjustment to the General Plan. The property is approximately 64 acres and is shown on the General Plan as R-1. They are looking at a PRUD overlay. They are proposing to develop a master planned community with a variety of housing and a neighbor/community open space with a pool and amenities for the residents. They propose rezoning about 2/3 of the property to the R-3 zone and leaving the west portion in the R-1 zone trying to respect the lower density feel that is prevalent in that part of the City. The zoning of adjoining property in Syracuse City, is a little confusing. The Criddle Farms property is zoned R-3 with approximately 4 units per acre. That seems to be fairly consistent with West Point City's R-3 zone. They would like the Commission and

Council to think about the future recommendations for higher density, similar to what is in Syracuse, along 700 South. Going further East, there is a N-C Neighborhood Commercial recommendation at the intersection. Those don't often come first; usually after you start getting the rooftops that are needed to generate the interest in the market. They feel this bolsters that opportunity, given the fact that densities become lower and lower the farther west you go.

They are looking at doing ¼ - 1/3 acre single family lots on the west end being built by Aspire Homes, their sister company. Ovation Homes, which builds the active adult single family attached and detached homes, would then build the rest of the subdivision. Looking through the PRUD ordinance, they would look at amenities to address that, and would then formalize them in a Development Agreement with the City. They are looking at landscaped entryways, landscaping throughout the project, landscaped front yards, landscaping completely around the attached, active adult units, a unifying architectural theme, a neighborhood pool, pavilion, restrooms and a pickleball court area. They would also use all masonry materials on all of the buildings. Mr. Madsen showed examples of pool pavilion projects in other subdivisions in Davis County.

This concept plan has gone through several revisions. They feel this one addresses items discussed earlier, in particular the lower density on the west. They are trying to be sensitive to the single-family residential to the south in Syracuse. Another area being the active adult detached and active adult attached homes. That would be closer to the four-unit per acre type of developments in Syracuse City. To get the type of amenities they would like to bring to this development, the variety of housing, getting over three units per acre, really helps them get to the point where they can invest a significant amount of money into the amenities of the project to make it work. Mr. Madsen said he understood there is not a formal process to amend the General Plan but they are working with Staff to get it reviewed. Ovation Homes is looking for the Commission's input and guidance even though it is past their hands at this time. They are hoping the City Council will include this in their update of the General Plan.

Jake Shepherd asked how many PUDs would be in the project. Mr. Madsen said there would be one PUD; with a possible separation of one area which would have its own HOA like larger lot, single-family homes like to do. If they do that, it would be done at the phase line. Jake Shepherd said he thought it would be better to separate those HOAs. Mr. Madsen said it gets tricky with the overlay zone requirements in the Code as they blend two zones. Brian Vincent asked if there are lot lines, and Mr. Madsen said there are lot lines. They find that most of the residents of the active adult communities still want a small area, backyards in particular, for privacy. The central area will be where the recreational amenities will be. The size of that would be dictated by meeting the guidelines of the PRUD ordinance. They are looking at doing an enhanced entry streetscape area. They would probably widen the street out a bit to make a statement there. Brad Lee asked if they had any idea on cost for the homes. Mr. Madsen said the larger lots would be similar to what is being built around the City now, probably in the \$400,000 - \$550,000 range. The Aspire Home project would probably start in the low \$300,000's and go through the low \$400,000's depending on the options they choose. The active adult detached would probably start in the high \$300,000's going up to the high \$400,000's depending on what the buyer chooses. The active adult attached units

would go from about \$270,000 to about \$300,000, but they are fairly fixed in their square footage. Jake Shepherd said they are proposing 226 lots on 64 acres and that works out to be about 3.53 units per acre. Jeremy Strong asked if 1200 South would actually become a road in that plan instead of the dirt road that it is now. Mr. Madsen said it was his understanding that it would. Jake Shepherd asked if they have figured out how many units would be allowed with the current proposed General Plan zoning with the PRUD overlay. Mr. Madsen said he thought it would be around 190 units. Troy Moyes said he thought it was more like 170 units. That would be a difference of approximately 50 lots. Mr. Madsen said this lines up with what Criddle Farms, in Syracuse, is platted for. On 4500 West, they have to deal with UDOT and their restrictions, but their engineer has made contact with them. This would meet with their access management plan. It also lines up with Sunset Vistas. Jeremy Strong said his biggest concern is traffic. Between this subdivision and Sunset Vistas, that is a lot of traffic to add to 4500 West. There were no further questions.

3. Discussion regarding Final Plat Approval for Craythorn Homestead, Phase 3, located at approximately 550 South 4250 West, Elite Craft Homes, applicant.

This item will be discussed in the General Session.

4. Discussion regarding a Conditional Use Permit for a Model Home, located at 4023 West 550 South, Elite Craft Homes, applicant.

This item will be discussed in the General Session.

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

This has been discussed in previous Work Sessions. Staff took feedback from the last meeting and decided to focus mainly on Item 3: Side yard design standards for this discussion. The main concern of the Commission in the past has been that accessory buildings in the side yard may not have the same design standards that are required for the home; whether it is a metal or plywood shed etc. The Planning Commission has expressed a desire to have some design standards for accessory buildings that are located in side yards. Staff is recommending that they have two design standards; which are Items A and B.

A. Accessory buildings that are below 200 square feet and are located 10 feet behind the front plane of the primary dwelling in the side yard are exempt from design standards outlined in subsection "b". If the structure is located closer than 10 feet from the front plane of the primary dwelling, the design standards listed in subsection "b" must be followed.

B. All permanent and semi-permanent accessory buildings that are greater than 200 square feet and located in any portion of the side yard must adhere to the same building material standards as it pertains to the front façade as outlined in 15.15.130(C) of the West Point City Code.

Troy Moyes said it has been discussed, as with the landscape standards, that if a resident wanted to go beyond the scope outlined, they would need to come before the Planning

Commission. They could do something similar with this ordinance. There are homes that were built prior to the brick standards that may be all wood siding etc. so the ordinance would need to include something about it being congruent with the primary structure. In other words, there could be an appeal process for someone to say they want to do something outside of the standards because it matches the design of their house better.

Troy Moyes asked what the Commission's thoughts are regarding the 10-foot requirement, pertaining to standards in the side yard. Jake Shepherd said he likes it. Jeremy Strong said he still feels like there should be a privacy fence if sheds are in the side yard if they don't meet the building standards. Obviously, carports could be excluded from that. Jake Shepherd said he is concerned with that too, but if you look at Item B, it brings up the question of where you define the side yard. Is it after 50% of the home, or is it the whole side yard? In a cul-de-sac lot, the side yard gets really big. Troy Moyes said that all needs to be defined, and he is considering adding some exhibits in the Code that would be drawings defining what the side yard is. Brian Vincent suggested that, on the irregular shaped lots, we set a standard of what a side yard is. They would just follow the same setbacks around the curve. Jake Shepherd agreed with that. Discussion took place regarding scenarios with irregular shaped lots and how they could define the side yard. Jeremy Strong said certain subdivisions would dictate what could be built due to size and shape of the lot.

For clarification purposes, Troy Moyes asked, "As far as the standard for the building material for the primary dwelling, are you ok with that same standard for the accessory building whether it is the brick or hardie, 40%, no wainscot requirement etc.?" Jake Shepherd commented that he feels it needs to be congruent with the front elevation of the existing home. Jeremy Strong said he feels there could be verbiage in the Code stating that the Planning Commission may grant a variance. This is something that could be approved by Staff unless they want to vary from the Code, then it would go to the Planning Commission to grant a variance. Jeremy Strong suggested that buildings behind a privacy fence could have more leeway on exterior materials. Jake Shepherd commented that he feels once a fence is put up, everything behind the fence basically becomes the backyard. All of the Commission said they like the 10 foot standard unless the building follows the same design standards as the primary residence. Brian Vincent recapped what had been discussed by saying, "If they do not want to put a fence up, they don't want the fence, then the side yard would fall under these building standards." The Commissioners agreed with that. Jake Shepherd said if it's under 200 square feet, 10 feet back and a privacy fence if it doesn't meet the architectural standards, that's acceptable. If it's larger than 200 square feet then maybe it needs to be pushed back farther, or it could be up at the front but must meet the architectural standards. Troy Moyes wrapped things up saying he would revise some of the language and then discuss more next time.

GENERAL SESSION

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jeremy Strong
4. **Approval of Minutes from June 13, 2019.**

Brad Lee made a motion to approve the minutes from the meeting held on June 13, 2019, as written. Rob Ortega seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Public Hearing regarding a Conditional Use Permit for a Model Home, located at 4023 West 550 South, Elite Craft Homes, applicant.**

Elite Craft Homes is seeking a Conditional Use Permit to operate a model home located at 4023 West 550 South. The home has already been completed and is ready to operate as soon as approval has been granted. They have adequate off-street parking. They plan to have a banner sign on the east side of the home that says the model home is open. They will also have one flag. Blake Bastian said he will have a sign in front of the home as well.

Jake Shepherd asked about the ordinance regarding the longevity of a model home. Blake Bastian said the Code allows it to remain a model home for three years. Troy Moyes said the Code also says the model home must be removed when the subdivision is more than 80% completed or has been occupied for three years, whichever comes first. The Planning Commission may grant a six-month extension of that as they see fit. Jeremy Strong asked about the banner and flag in regards to the Code. Troy Moyes said what he is proposing fits the Code. The sign in front of the home will be a real estate sign and that is different than what the Code is talking about. Real estate signs are not prohibited in the City.

a. Public Hearing

There were no comments given. Brad Lee made a motion to close the Public Hearing. Rob Ortega seconded the motion. All voted aye.

b. Action

Jeremy Strong made a motion to approve the Conditional Use Permit for a Model Home, located at 4023 West 550 South, Elite Craft Homes, applicant. Jake Shepherd seconded the motion. All voted aye.

7. Final Plat Approval for Sunset Vistas PUD Subdivision, located at approximately 1100 South 4500 West, Kelly Hughes Construction, applicant.

Kyle Laws said he has nothing new to bring up that wasn't already discussed in the Work Session. Anyone listening to the minutes can refer back to the Work Session discussion. Brian Vincent wanted to review a few things that were discussed for the record. First, one of the conditions they considered was the receipt of a formal letter from Davis County, which has not been received yet. That will be a condition of having the final plat approval granted. The Mayor will not sign until that has been received. Second, would be the condition regarding the cul-de-sac, around the sidewalk there will be an eight-foot landscape buffer with a vinyl fence running along Lot 126 and between the landscaping and the street. Third, would be making sure the Development Agreement is signed and completed by both parties. There are a couple of items on that that the lawyers are still working on.

Jake Shepherd made a motion to approve the Final Plat for Sunset Vistas PUD Subdivision, located at approximately 1100 South 4500 West, Kelly Hughes Construction, applicant, conditioned upon the following items: 1. A formal written letter is received by City Staff from Davis County granting approval to accept storm water. 2. The changes that were on the plat concerning the road and Lot 126. The developer agrees to install a vinyl fence eight feet back from the property line, with an eight-foot landscape buffer and a privacy fence along Lot 126 which would be the east property line of Lot 126. 3. The Development Agreement be drafted and accepted by all parties, both the City and the developer, which is under way. If there are any changes to the plat, it must come back to the Planning Commission. Rob Ortega seconded the motion. All voted aye.

8. Final Plat Approval for Craythorn Homestead, Phase 3, located at approximately 550 South 4250 West, Elite Craft Homes, applicant.

Craythorne Development is seeking Final Plan Approval from the Planning Commission regarding Phase 3 of the Craythorn Homestead Subdivision located at 4100 West 550 South. This phase will consist of 19 lots ranging from 13,000 square feet to 19,000 square feet. This proposed phase will be directly west of Phase 1 that has access from Cold Springs Road. This will connect into the Bannock Subdivision to the south. Staff has reviewed the plans and have sent comments to the applicant addressing engineering and planning concerns as it pertains to the final plans. All of the comments and required letters have been submitted and reviewed. Currently, West Point City Code requires a minimum of 50% of the lots in the previous phase have a building permit before the next phase can be started. Currently, less than 50% of the lots in Phase 1 have building permits issued. Until this requirement has been met, they will not be able to record this phase. Staff feels this should not be an issue with regards to approval from the Planning Commission but felt that it should be mentioned. Phase 2 was a single lot. Blake Bastian guessed that about 45% of the lots have permits taken out on them at this time; they are getting close on the required percentage.

Jake Shepherd made a motion to approve the Final Plat for Craythorn Homestead, Phase 3, located at approximately 550 South 4250 West, Elite Craft Homes, applicant. Jeremy Strong seconded the motion. All voted aye. Troy Moyes stated that UDOT was notified

of this phase. Their proposed S.R. 193 extension will be just north of this phase. They are aware of this and are comfortable with the City recording this phase.

9. Planning Commission Comments

Brad Lee invited everyone to join us at the Party at the Point. There will be a lot of fun things happening in the City over the next week. Brad discussed the events that are part of the City celebration.

Rob Ortega had no comments.

Jeremy Strong echoed Brad Lee's comments.

Jake Shepherd thanked Staff for their work on the Accessory Building Code.

Brian Vincent thanked City Staff for the work they have done on recent projects. He congratulated Sunset Vistas and wished them the best on their project.

10. Staff Update

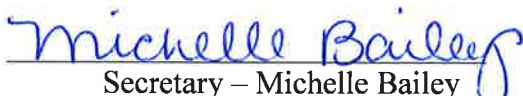
Kyle Laws said the most recent City Council meeting was mostly centered around the Development Agreement with Sunset Vistas. Also, Jeff Macfarlane was recognized for his service on the Planning Commission. Hopefully that vacant spot will be filled soon.

11. Adjournment

Rob Ortega made a motion to adjourn at 7:29 p.m. Jeremy Strong seconded the motion. All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey

