

**West Point City  
Planning Commission  
3200 West 300 North  
July 13, 2017**

**Present:** Brian Vincent, Rob Ortega, Jeremy Strong, Korey Kap, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

**Excused:** Jeff Macfarlane, Brad Lee, Jake Shepherd

**WORK SESSION**

**1. Discussion regarding a Conditional Use Permit for a Major Home Occupation, Building Bees Preschool, located at 4801 West 150 North, Jane Smith, applicant.**

Jane Smith is seeking a Conditional Use Permit to operate Building Bees Preschool out of her home which is located at 4801 West 150 North. The application indicates two hour long classes for preschool aged kids from the hours of 9:30 am – 11:30 am. The requirements for preschools are listed in the Staff Report. She must have CPR training, she may not have more than eight children, she must obtain a background check on any employees, the hours of operation shall never exceed four hours, a play area must be fenced from the street, and she must have a fire inspection performed to ensure the safety of the children. Troy Moyes said Mrs. Smith is not providing an outdoor play area; she will keep the children inside. Her yard is not fenced so if she were to decide in the future that she wants to provide an outdoor play area, it would need to be fenced. Staff recommends approval. She does not intend to have any employees so she may not have more than eight children per class.

**2. Discussion regarding Preliminary Plan Approval for Oleson Fields Subdivision, located at approximately 3000 West 800 North, Castle Creek Homes, applicant.**

Troy Moyes said Castle Creek Homes is seeking preliminary plan approval for the Oleson Fields Subdivision, located at approximately 3000 West 800 North. This 14 acre development, that was recently rezoned to R-3 residential with a PVFD overlay zone, will consist of 35 lots ranging from 9,000 square feet to 28,000 square feet. On May 25, 2017, the City Council entered into a developer's agreement with Castle Creek Homes as required by the PVFD overlay zone. The developer's agreement talks about the variation of lot sizes, about the three car garages for homes that are less than 1,500 square feet, and landscape park strips. Staff has addressed issues with the developer. During final approval, the outfall of the detention basin needs to be addressed. Staff recommends approval at this time. There was extensive discussion regarding the long, skinny lot. Brian Vincent commented that the lot has a 60 foot frontage and was designed as a right-of-way into the other subdivision. Jeremy Strong pointed out that they could only have a house that is 40 feet long, with eight feet on one side and ten on the other. Mike Bastian was present to answer questions about the subdivision. Mike mentioned that that lot came up in a discussion with the City Council. The Council asked if it would become a place where people's boats, trailers and junk end up being stored. The Council asked what it would look like as a building lot. Castle Creek brought in some plans for a two-story

home that they could propose to build on that specific lot. It showed side yards and everything. That lot is about 12,000 square feet. Mike Bastian said his opinion is that it would look nicer coming down 800 North to have a house there. Brian Vincent asked what else they considered doing with that space besides making it a building lot. Mike said they discussed having it be part of that lot. Brian Vincent asked if they considered offering it to the two side neighbors and just making a wider side lot for both of them. Mike said it was designed as a right-of-way previously. Mike briefly described the two-story home they would propose to build on that lot. He said it would have a deep three-car garage, three nice bedrooms upstairs, a bonus room, a nice kitchen, etc.

There was a brief discussion regarding the irrigation for the fields west of the property. It seems that everything has been taken care of regarding the irrigation needs.

**3. Discussion on proposed changes to West Point City Code regarding Accessory Apartment regulations.**

Troy Moyes commented that in the last meeting he brought up the idea of having accessory buildings closer to the property line than what was proposed. That wasn't the intention of the Commission. Troy suggested we keep it written as suggested previously which was that the building must meet the same setback as the primary dwelling unit.

**4. Discussion on proposed changes to West Point City Code regarding Farm Animal regulations.**

Troy Moyes reviewed the new information being added to the Code. It reads: "Residents in the R-1, R-2 and R-3 zones may, at any time, keep and maintain a base number of no greater than four chickens, regardless of the size of their property, subject to the requirements of this section and any other applicable provisions of this Code. The number of additional chickens shall be based on the following formula. Rob Ortega asked about putting restrictions on where the coop could be placed on the property to protect the neighbors. The commission discussed that and felt like it would be best not to try to regulate that unless it becomes a nuisance.

**5. Discussion on proposed changes to West Point City Code regarding Accessory Building regulations.**

Troy Moyes said that currently our Code requires a 30 foot setback for accessory buildings, on corner lots, that are built on the non-street side of the property. Twenty foot setbacks are required for dwelling units. Several of the commissioners wondered why the Code is more strict for accessory buildings than dwelling units. Staff has done research and can't find any explanation for that. Upon researching the Code for several cities, Troy found that Kaysville and Springville have a minimum of 20 foot setback. Option 1 is that we could bring our minimum down to 20 feet as well. Draper City is similar; they have the same setback for accessory buildings as the dwelling unit. They won't let any accessory buildings encroach on any easement or right-of-way. Syracuse City requires a minimum of 20 feet from the side property line when the driveway accesses the street from the rear or side yard. Also, their Code says the setback is based off the height of the structure (not allowed closer than 5' from property line) if they access the building from

the front of the lot. Troy said he feels that is a good way for a city to police that situation. Regarding the permit that was discussed in the last meeting, obviously that road could be a long time before its developed, so that's a risk they would take if we were to change the Code to say something similar to Syracuse's Code. If it does access that side street, then they would have to maintain the 20 foot setback. The way it was illustrated on the application, the access is from the front of the lot, so they could be as close to the property line as the commission sets. Many city's codes are very vague regarding this topic.

Brian Vincent said he likes that suggestion. This would only apply to buildings in the rear yard. Troy Moyes stated that if the accessory building was in the side yard then it would have to maintain the same setback as the primary unit. Brian Vincent said, "One suggestion would be, if they are accessing the building from the side street, then it would be required to be 20 feet back from the property line to give them a driveway. If they are not accessing it from the side street but from the front of the lot, then our Code allows them to build it one foot from the property line. They would still have to have the eight foot street buffer, however, but it would keep it off of the street a little. If they move it that close to the property line, they could not access it from the side street. If, at a later date, they want to access it from the side street, they would be required to move the building." Troy Moyes commented that there is another option to consider. He suggested that they could address the setback from property line based upon the size of the structure. For example, from the highest point of the structure, if you're 21 feet – 30 feet, you would have to be five feet away from the property line; the larger the building, the further it has to be from the property line. Korey Kap said he would be on board with that option. He just doesn't like a big building being constructed one foot from the property line. Jeremy Strong commented that he feels we should have minimums and it should be a little bit away from the property line; the one foot from property line just doesn't work.

Troy Moyes also asked the commission to consider changing something else. Troy said we are the only city that he has seen that requires a 10 foot separation between primary dwellings and accessory buildings; everyone has dropped their minimum to six feet. The fire code used to require a 10 foot separation. They changed that requirement about 10 years ago; a six foot separation is required by fire code now. Jeremy Strong said he would support changing the Code to six feet. Korey Kap said he likes the 10 foot requirement. Rob Ortega said he was fine with either option.

Brian Vincent recapped the discussion. The commission is considering using a table for height for the distance of the setback on the side yard. Everything must be in the rear yard with this. If they are going to access the building from the side street, they should be a minimum of 20 feet from the property line.

## REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jeremy Strong
4. **Approval of Minutes from June 22, 2017.**

Korey Kap made a motion to approve the minutes from the meeting held on June 22, 2017, as written. Rob Ortega seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Conditional Use Permit for a Major Home Occupation, Building Bees Preschool, located at 4801 West 150 North, Jane Smith, applicant.**

Jane Smith was present to answer any questions that were asked. Troy Moyes reviewed the application. Jane Smith is seeking a Conditional Use Permit to operate Building Bees Preschool out of her home which is located at 4801 West 150 North. The application indicates two hour long classes for preschool aged kids from the hours of 9:30 am – 11:30 am. Brian Vincent asked Mrs. Smith how many kids she plans to have in her classes. She responded that she will have up to eight children. Brian Vincent also commented that if there is a play area in the yard that the preschool children will be using, it needs to be fenced. Mrs. Smith responded that she does not intend to have an outdoor play area. Brian told her that as a condition on her permit, if she ever wants to have an outdoor play area for her preschool students, it will need to be fenced. She agreed to that.

Korey Kap made a motion to approve the Conditional Use Permit for a Major Home Occupation, Building Bees Preschool, located at 4801 West 150 North, Jane Smith, applicant. Rob Ortega seconded the motion. All voted aye.

7. **Preliminary Plan Approval for Oleson Fields Subdivision, located at approximately 3000 West 800 North, Castle Creek Homes, applicant.**

Troy Moyes reviewed the application. Castle Creek Homes is seeking preliminary plan approval for the Oleson Fields Subdivision located at approximately 3000 West 800 North. This 14 acre development, that was recently rezoned to R-3 residential with a PVFD overlay zone, will consist of 35 lots ranging from 9,000 square feet to 28,000 square feet. On May 25, 2017, the City Council entered into a developer's agreement with Castle Creek Homes as required by the PVFD overlay zone.

Jeremy Strong made a motion to approve the Preliminary Plan for Oleson Fields Subdivision, located at approximately 3000 West 800 North, Castle Creek Homes, applicant. Korey Kap seconded the motion. All voted aye.

## 8. Planning Commission Comments

Rob Ortega commented on the great 4<sup>th</sup> of July city celebration. He also thanked Staff for their work on these agenda items.

Korey Kap thanked Staff for their hard work and for the wonderful 4<sup>th</sup> of July celebration.

Jeremy Strong commented on what a good experience it was this year to serve food and get to know some of the citizens at the 4<sup>th</sup> of July celebration.

Brian Vincent commented on how amazing it is to watch Staff work behind the scenes to bring all of these things about. He also commented on how awesome it was to realize how many people come participate in our city celebration that are not residents of West Point. It has grown to be such a great celebration.

## 9. Adjournment

Rob Ortega made a motion to adjourn at 7:09 p.m. Korey Kap seconded the motion. All voted aye.

  
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Chairperson – Brian Vincent

  
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Secretary – Michelle Bailey

