

**West Point City
Planning Commission
3200 West 300 North
July 26, 2018**

Present: Brian Vincent, Korey Kap, Rob Ortega, Jeff Macfarlane, Boyd Davis – Community Development Director, Troy Moyes – City Planner, Kent Henderson – City Council Representative, Michelle Bailey - Planning Commission Secretary

Excused: Jake Shepherd, Jeremy Strong, Brad Lee

Visitors: Reed Child, Adam Benard, Mike Waite

WORK SESSION

1. Discussion regarding the Preliminary Plan for Isla Vista Subdivision, located at approximately 4100 West 1300 North, Sunrise Development, applicant.

Sunrise Development is seeking preliminary plan approval for the Isla Vista Subdivision which was formerly known as Pheasant Run Subdivision. On May 10, 2018, the Planning Commission discussed and gave a favorable recommendation to the developer for the concept plan that was presented. The applicant is seeking to develop a 14 acre parcel located at 4100 West 1300 North into 25 individual building lots ranging from 18,000 square feet to 25,000 square feet. Boyd Davis commented that the North Davis Sewer District has said they are ok with the road being placed where it is proposed. There was question about an existing sewer line. There were no further questions for Staff at this time.

2. Discussion regarding changes to Chapter 17.35 of the West Point City Code – Planned Residential Unit Developments.

Troy Moyes pointed out the comments given by Spencer Wright, of Wright Development, at the end of the Staff Report. Destination Homes was contacted multiple times to give some feedback on the proposed Code but they did not respond.

In the Approval Standards and Procedures portion, there were two different ways the Council could ensure that the developer has adequate funds and has secured the property. Upon discussing that further, Staff decided to strike that from the Code. They feel that if someone has gone through the process to apply then they are already invested and it is not a criteria. It left too many questions of how they would approve that and what standards to set on that. Staff felt it was better to strike that requirement. Boyd Davis responded that he is comfortable striking that as long as the Developer's Agreement states that the approval applies to the next owner if it is sold. Brian Vincent asked if the owner has applied for the PRUD overlay zone and then sells the property, can the new owner take it back to the base zone. Boyd Davis said the new owner would have to start the process over, but it can be reversed.

There were a couple of formality things added to the Code since the last meeting. The Purpose, the Definition of Sensitive Lands, and an approval expiration. Troy Moyes reminded the Commission that these are all legislative decisions. This will be done by a public hearing like any other rezone. Then a Developer's Agreement will be signed with City Council at the time of the rezone with them. The developer would then come back to the Commission with the preliminary plan and final plan. Also, at the end of the Code, Staff put in the Maintenance Plans. A lot of that language was taken from the PVFD overlay. It basically states they must maintain the land that is common, either with an HOA or some other means, and a Developer's Agreement is required.

Also in the proposal, changing the base zone has been discussed. Currently R-1 is 2 units per acre and it is being proposed to change that to 2.2 units per acre. R-2 would go from 2.5 units per acre to 2.7. R-3 from 3.2 units per acre to 3.6. The minimum lot sizes will change also. In the R-1 zone, from 18,000 square feet to 12,000 square feet minimum. R-2 from 14,000 square feet to 10,000 square feet. In R-3, from 11,000 square feet to 9,000 square feet. Density will rule how many lots a developer will get, but we have a cap of how small a lot may be.

Brian Vincent brought up the comment from Spencer Wright again. Staff isn't overly concerned with designating a minimum project size as suggested. They don't feel like it would be a problem for a one or two lot subdivision to use the PRUD overlay.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Jeff Macfarlane
4. **Approval of Minutes from July 12, 2018.**

Rob Ortega made a motion to approve the minutes from the meeting held on July 12, 2018, as written. Jeff Macfarlane seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Preliminary Plan Approval for Isla Vista Subdivision, located at approximately 4100 West 1300 North, Sunrise Development, applicant.**

Sunrise Development is seeking preliminary plan approval for the Isla Vista Subdivision which was formerly known as Pheasant Run Subdivision. On May 10, 2018, the Planning Commission discussed and gave a favorable recommendation to the developer for the concept plan that was presented. The applicant is seeking to develop a 14 acre parcel located at 4100 West 1300 North into 25 individual building lots ranging from 18,000 square feet to 25,000 square feet. This is in an R-1 zone. Staff has given the applicant

Engineer's letters and Planner's letters. They are addressing the items listed on those. Staff recommends approval. Rob Ortega asked about the number of lots allowed per access. Boyd Davis responded that they may have 30 lots on one access.

Korey Kap made a motion to approve the Preliminary Plan for the Isla Vista Subdivision, located at approximately 4100 West 1300 North, Sunrise Development, applicant. Rob Ortega seconded the motion. All voted aye.

7. Public Hearing regarding changes to Chapter 17.35 of the West Point City Code – Planned Residential Unit Developments.

Troy Moyes said the City Council placed a temporary Land Use Regulation moratorium on March 20, 2018, for all Planned Unit Development applications. This was to clarify some current Code conflicts and to address combining the Cluster, the PVFD, and the PUD overlay options. New overlay zoning options are proposed to be called a Planned Residential Unit Development (PRUD). What is being proposed is to strike the current Cluster, PVFD and PUD overlay zoning options from the Code, create a new overlay option called a PRUD for the R-1, R-2 and R-3 single family residential zones. Also, to change the base zoning in the R-1, R-2 and R-3 zones. It is also proposed to change the minimum lot sizes as well. The new PRUD overlay option is proposed to encourage attractive and more desirable developments to benefit the community as a whole while providing greater flexibility from standards for the applicant. Under the PRUD, the applicant may increase density ranging from 5% up to 20% of the base zoning if they qualify for enhancements as listed in the Code.

There are new options in the PRUD overlay to allow the developer to get increased density. The enhancements may include increased landscaping, street trees, improved building design, improved open space, etc. There are two types of developments that could be done under this Code; Common Space Subdivisions, which are only allowed in the R-2 and R-3 zones, or Traditional Style Subdivisions allowed in any of the zones but there will be a minimum lot size. The setbacks will still be required in this Code as well. The PRUD is clearly defined as a rezone so an applicant will need to appear before the Planning Commission under a Public Hearing, receive a favorable recommendation, then proceed to the City Council to receive Final Approval from the City Council. There is an expiration of one year before they submit a Final Plan Approval. Brian Vincent asked Troy Moyes to state the process a developer must go through to apply for an overlay zone. Troy Moyes said an applicant would file an application but would file as a rezone. They would apply to rezone it to the overlay zone as well as file a Conceptual Plan that would show all of the amenities they are doing. The Planning Commission would hold a Public Hearing and then send it on to City Council. The City Council would hold a Public Hearing as well and then sign a Developer's Agreement at that time. After the rezone is granted, the developer would come back through the normal development process for preliminary approval and then final approval. Troy Moyes added for clarification that this isn't just for large scale developments, this is an option for small developments as well; anyone looking for flexibility. Staff is also proposing to strike the PUD, PVFD and Cluster Codes and replace all of them with the new PRUD Code.

A. Public Hearing

Reed Child – 4674 West 650 North – Mr. Child said, “I’m a long time resident of West Point, I own a couple of homes here. Some time ago I served on the Planning Commission. I’m a little bit interested in this overlay that you’re talking about. We had an experience with that, probably the first experience with that, on the James property near the cemetery. There is a group of patio homes there. I feel like it turned out really well, and I feel like it met some good needs and also the idea behind it was to not increase the density of that property, but to cluster those homes and to leave open space. The Master Plan goes through a big process with a lot of professionals determining the infrastructure that we have available in our geographic location and those types of things that help us understand how our City would be impacted with growth. That’s why they set up the zoning that they set up in these areas. That’s how they did it in that day; I don’t know if it’s changed. But basically to control densities is what the zoning is about. The PD overlay, from my understanding, was to allow some flexibility to make that development more efficient for the people. Like for instance in that situation with the James property, they didn’t have to run the utilities as far. They were able to move the houses closer together. They still could only have a given amount of houses on that acreage and then they were also able to allow a common space. These were mostly for retired people so a place where their grandchildren and children could come and visit. They saw a real benefit to that. This last one, with the Manning property, I kind of followed what’s going on there, and I kind of just didn’t see a good trade off. I saw an increase in density but no real trade off and benefit to the City. I understand that it’s a homeowner’s association and that’s the only way a PD overlay is going to work from what I understand. They were kind of meeting the obligations of an HOA anyway by landscaping and doing those kinds of things. What really was the benefit of that? There’s a couple more lots which the developer will be able to benefit from, but we as residents are going to pay if we continue to do that, we get to pay for the infrastructure upgrades that exceed what the Master Plan recommends. If you want to see a mess go down to West Valley City and see what’s gone on there when we start increasing the densities beyond what is reasonable. Also, Lehi has developed beyond their infrastructure capabilities. People there leave the freeway and it takes them 45 minutes to get home. That’s what this General Plan is about is to kind of control these densities, and the PD overlay, in my mind, shouldn’t be to enrich the land developer or farmer, it should just be to enrich that community and make it a better community for the people that are there. Yes, we should allow some flexibility and the farmer or developer are going to make a little extra on it, that’s fine but if you start increasing the densities and changing the recommendations of the Master Plan, then we all get to pay for it. All the long term residents get to pay for the infrastructure upgrades that are going to be required. That’s what I’ve got to say about this. I’d like you to consider that when you’re designing this rule. Thank you.”

Brian Vincent commented back to Mr. Child and said all of that was taken into consideration. They are trying to make things a lot simpler. Not only do the residents get to pay for it, but it brings more residents into the City as well and that dilutes that payment out as well. The design of this change was to make it simpler. It combines

three codes into one so there wasn't a lot of complexity. It gives flexibility to the developers but still controls the density through that.

Korey Kap made a motion to close the public hearing. Rob Ortega seconded the motion. All voted aye.

B. Action

Brian Vincent explained that there would be multiple actions to address in the motion. First, the base zones need to be changed back to 12,000, 10,000, and 9,000 square feet respectively for the R-1, R-2 and R-3 zones. Second, they will do away with the Cluster, PUD and PVFD Codes with the creation of the PRUD Code.

Jeff Macfarlane asked Staff, in regards to items Mr. Child brought up in his comment, if they feel like those concerns have been addressed as far as the density and such. Boyd Davis responded, "It is a good point; the more people there are, the more infrastructure that is required. But I don't believe that the increases we are talking about here are unreasonable. Our infrastructure can handle that. Increases to infrastructure are paid by new residents; that is the whole purpose of an impact fee. Another thought is that the Master Plan is based on a much higher density than what is on our current plan. If you remember about four years ago or so, the densities on the General Plan went way down. This is taking it back to what it was originally. So I don't see an unreasonable increase to densities or to the infrastructure." Reed Child asked what justifies us taking the General Plan back to the original densities? Boyd Davis responded that the densities were decreased to provide incentive to developers to use the PFVD Code so they could get back the density by doing certain amenities.

Jeff Macfarlane made a motion to approve the changes to Chapter 17.35 of the West Point City Code – Planned Residential Unit Developments. Brian Vincent specified that they would be getting rid of the Cluster, the PUD and the PVFD ordinance. They would also be changing the base zones back to 12,000, 10,000 and 9,000 square feet respectively for the R-1, R-2 and R-3 zones. Jeff Macfarlane accepted the amendment to his motion. Korey Kap seconded the motion. All voted aye.

8. Planning Commission Comments

Rob Ortega had no comment.

Jeff Macfarlane thanked Staff for their work on this Code change.

Korey Kap thanked Troy Moyes and Boyd Davis for all of the work that they have done on the Code change. Korey also thanked Staff for the 4th of July celebration.


Brian Vincent echoed the previous comments made. He expressed gratitude to Staff for the hours spent on writing the new Code.

9. Staff Update

Boyd Davis reviewed items from the last City Council meeting. The Council approved the Developer's Agreement for the Manning property as a PVFD project. Their preliminary plan will be in front of the Planning Commission soon. Also discussed was the Bannock Subdivision. It is located at 625 South 4500 West. It is a subdivision that has been there for a number of years. They developed the first phase about 10-12 years ago and had committed to doing a four acre park in the second phase. They have never been able to come to an agreement on doing that. They have finally reached an agreement. A developer is going to buy that four acres back from the City and develop all of it. The City will then use that money to buy park space somewhere else. That phase of that subdivision will be coming before the Commission soon. As part of that agreement, the Council agreed to accept their original preliminary plan approval, as well. They will be starting at final approval. The plan is pretty straight forward and is just an extension of the existing road that is there.

10. Adjournment

Rob Ortega made a motion to adjourn at 7:36 p.m. Korey Kap seconded the motion. All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey