

**West Point City  
Planning Commission  
3200 West 300 North  
July 27, 2017**

**Present:** Brian Vincent, Rob Ortega, Jeremy Strong, Jeff Macfarlane, Brad Lee, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

**Excused:** Korey Kap, Jake Shepherd

**WORK SESSION**

**1. General Commission business.**

Troy Moyes told the commission about the Utah League of Cities and Town's yearly conference. Planner's Day will be on September 14<sup>th</sup>. Brian Vincent, Jeremy Strong, Brad Lee, and Rob Ortega would like to attend. We will check with Korey Kap and Jake Shepherd.

**2. Discussion regarding a Conditional Use Permit to operate Culvers Restaurant located at 281 North 2000 West, David Anderson, applicant.**

Troy Moyes explained that Culvers has been granted site plan approval for the structure. Based on our Code, we must hold a public hearing for this type of use. That will be held tonight. Notices were published in the paper and sent to neighboring property owners.

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

City Council has recently discussed this item and like the suggestions given by the commission. There are two places that need changes made. In Section 15.15.120 Accessory Buildings, a portion will be deleted and a new sentence will be added which will reference the provision listed in 17.75.030. Then in Section 17.75.030, they will add as Item I, "An accessory building may be used as an accessory apartment, but must maintain the same minimum setback as the dwelling unit."

Brian Vincent mentioned that in a previous meeting, they discussed that the State Code has changed and they now only require a six foot minimum between buildings instead of 10 feet. In the discussion, the commission decided to maintain the 10 foot minimum between buildings.

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

In Section 17.40.020 Animal Allowance, new verbiage has been added regarding chickens. City Council briefly discussed this at the last Council meeting. They like what the commission has put together. The new verbiage 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.” Those zones may have four chickens as a minimum and then, if they have a large enough lot, they may have additional chickens. The commissioners that were present approved of the changes being proposed.

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

Troy Moyes said there have been issues as far as setbacks for accessory buildings that required a 30 foot setback; yet the setback for the dwelling unit was only 20 feet. Troy changed everywhere that said 30 feet to 20 feet for the minimum side yard in the proposed Code. A paragraph was added to Section 17.25.080 Zone Regulations Chart. “Accessory buildings on corner lots shall be set back a minimum of 20 feet from the street side property line when a driveway accesses the street from the rear or side yard. If no access is desired from the rear or side yard, the minimum setback, up to five feet, will then be allowed.” Brian Vincent mentioned that they had discussed doing some type of tiered table to determine the distance required from the property line based on the height of the building. Troy Moyes suggested that they bring the tiered table back another time so they can focus on writing that carefully and put more time into getting it exactly the way they want it. The commission agreed to visit that later.

**6. Discussion regarding a rezone of property from A-40 Agriculture and R-2 Residential to R-3 Residential, located at approximately 464 North 3000 West, Wilford & Elva Zaugg Family Trust and Craythorne Development, applicant.**

Troy Moyes said we have two separate applications. The Wilford & Elva Zaugg Family Trust is seeking to rezone the property that is fronting 3000 West from an R-2 zone to an R-3 zone. That is in line with the General Plan. The second application was submitted by Craythorne Development. They are seeking to rezone the rest of the farm land. The Zauggs want to develop the one lot on their own and Craythorne Development will develop the other property. Craythorne Development is seeking to rezone the property from A-40 and R-2 to R-3. This is in line with the General Plan as well mostly. There is a small amount of commercial property on the General Plan that comes up onto that property slightly. General Plans are not done with a fine-toothed comb. It is a document that is a plan and not an ordinance. You are not required to rezone something based upon the General Plan, but it is a good practice. When something like this comes up, the question might come up, “Are we out of compliance by rezoning it R-3 when a C-C Commercial encroaches into that on the General Plan?” The answer to that would be no, because the General Plan is a document. It is not part of the zoning ordinance. The Commission will need to do this in two separate motions for clarification in the future. This meets the intent of the General Plan.

## REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Michelle Bailey
4. **Approval of Minutes from July 13, 2017.**

Jeff Macfarlane made a motion to approve the minutes from the meeting held on July 13, 2017, as written. Rob Ortega seconded the motion. All voted aye.

5. **Public Comments: Lynn Bennington – 445 North 3000 West** – Lynn asked each of the commissioners how long they have lived in West Point. Rob Ortega said four years, Jeff Macfarlane said 20 years, Brian Vincent said 11 years, and Jeremy Strong said 12 years. Lynn Bennington said he has lived here 31 years.
6. **Public Hearing regarding a Conditional Use Permit to operate Culvers Restaurant, located at 281 North 2000 West, David Anderson, applicant.**

Troy Moyes said David Anderson is seeking a Conditional Use Permit to operate Culvers Restaurant, located at 281 North 2000 West. Mr. Anderson has been previously approved for the building and the site plan during the planning commission meeting held on June 8, 2017. Because of the Code, fast food establishments require a public hearing and conditional use approval. Jeremy Strong made a motion to open the public hearing. Jeff Macfarlane seconded the motion. All voted aye.

### a. **Public Hearing**

There were no comments made. Jeff Macfarlane made a motion to close the public hearing. Rob Ortega seconded the motion.

### b. **Action**

Jeff Macfarlane made a motion to approve the Conditional Use Permit to operate Culvers Restaurant, located at 281 North 2000 West, David Anderson, applicant. Jeremy Strong seconded the motion. All voted aye.

7. **Public Hearing regarding West Point City Code changes.**

Troy Moyes said the commission has discussed the Code changes over the past several months. These proposed changes address the following: Minimum number of chickens allowed, accessory apartments located in accessory buildings, and corner lot setback requirements for accessory buildings. The farm animal code changes address the number of chickens for all single family residential zones; R-1, R-2 and R-3 zones. The number suggested was a minimum of four chickens; thus converting the calculation of the home of 20 points into four chickens. Each animal is given a point value. If you have a half acre

lot, that is 50 points. You would take 20 points off for the home and that would leave you the amount of point values you could have above and beyond the base number of chickens. Previously there have not been base minimums. Homes in the R-3 zone had too small of a lot to have any chickens. This would allow the smaller lots to have the base number of at least four chickens.

The accessory apartments addressed in Section 15.15.120 of the Residential Construction Code would have a phrase struck that states, "There shall be no living space allowed in an accessory building." And adding a phrase that states, "Living space in any accessory building may be permitted as set forth in the "Accessory Apartment" Code 17.75.030." In Section 17.75.030.I it will state "An accessory building may be used as an accessory apartment, but must maintain the same minimum setback as the dwelling unit."

Corner lot setback requirements for accessory buildings were the next addressed. The current Code required, on corner lots, a 30 foot setback for all accessory buildings. The primary structure only required a 20 foot setback. It was discussed and decided to reduce that to a 20 foot setback; the same as the primary structure and adding a provision saying that accessory buildings on corner lots shall be setback a minimum of 20 feet from the street side property line when a driveway accesses the street from the rear or side yard. If no access is desired from the rear or side yard, the minimum setback, up to five feet, would then be allowed. Rob Ortega made a motion to open the public hearing. Jeff Macfarlane seconded the motion. All voted aye.

**a. Public Hearing**

**Lynn Bennington – 445 North 3000 West** – Lynn asked if there is a grandfather clause for these changes so if people who aren't within the Code now will be allowed to keep their same animals? Brian Vincent said yes they would be.

There were no other comments given. Jeff Macfarlane made a motion to close the public hearing. Rob Ortega seconded the motion. All voted aye.

**b. Action**

Rob Ortega made a motion to forward the proposed changes to the West Point City Code on to the City Council as proposed. Jeff Macfarlane seconded the motion. All voted aye.

**8. Public Hearing regarding a rezone of property from A-40 Agriculture and R-2 Residential to R-3 Residential, located at approximately 2900 West 550 North, Craythorne Development, applicant.**

Brian Vincent stated that the public hearing for Agenda Items #8 and #9 will be held together. Troy Moyes said the Wilford and Elva Zaugg Family Trust and Craythorne Development, on two separate applications, are seeking to rezone the property at approximately 464 North 3000 West, from A-40 and R-2 to R-3 Residential. The Zaugg Family Trust is seeking to rezone a future building lot that faces on 3000 West, while Craythorne Development is seeking to rezone the six acres of farm ground south of 550

North and directly east of the single lot. The R-3 Residential zone minimum lot sizes are 11,000 square foot lots. Jeremy Strong made a motion to open the public hearing. Jeff Macfarlane seconded the motion. All voted aye.

**a. Public Hearing**

**Lynn Bennington – 445 North 3000 West** – Lynn said he lives across from Wilford & Elva Zaugg's house. He said, "I didn't know their agriculture land had been sold to Craythornes. Has that been completed so he can make the application?" Brian Vincent responded that as long as the owner signs the application, they can be an agent in submitting an application. Whether it is sold yet or not, we don't know. Lynn said, "So the family trust executor signed it and did the application? Can I ask who signed that for the Zaugg family?" Troy Moyes said Russell Zaugg signed the application for Craythorne Development to apply to rezone the property. He is the executor of the trust. Lynn said, "The one thing I am concerned about is, Stickney's house is on the very north side of Wilford's house. There's 120-130 foot frontage. Reed Zaugg is going to take down the blue barn on that agriculture piece. He's going to take it up to his place. That leaves enough room for a road to be put in from 3000 going east, but Stickney's property right now goes over to where the road might be wide enough. Because they have enough frontage, my concern is that, with Craythorne Development, he will come back and say he wants to put a road in from 3000 up to his property. If Stickney's don't sell it, he could get eminent domain and put a road in there anyway. So my concern is, I don't want a road coming down right across from my house. I already have roundabouts to contend with, now I'm gonna have another road right there. So it's a personal thing. Wilford and I were good friends. He originally wanted his property to be half acre lots; nothing smaller. Now that Wilford has died, his family will take over and do what they want, I'm sure, but we don't want too much traffic anyway. Another road in there is going to cause more traffic. I'm ok with not having condos; I'm great with that. I don't like high density housing. Hopefully these lots will be bigger than the ones that are farther to the north and east of that property. I think an R-3 is bigger; 11,000 sounds kind of small. 13,000 square feet is probably a third of an acre. I think a third of an acre should be as small as those lots go. That's a personal opinion. Hopefully you will consider the fact that we don't want a road going there. I know right now you might not, but two or three years down the road when development starts going in, I don't want Richard coming back and saying 'Oh, I need that road, because we require more access into those houses.' Right now there are no roads into that property. I don't know what the laws are or how much access you need to have on a certain number of houses, but I know that you can't just have one road in; you have to have access two ways. I don't want it coming down to 3000. Thank you.

**James Martineau – 467 North 3000 West** – "That lane actually goes right into my driveway. I ditto what he said. That is my only concern. My driveway will be in line with that road if they ever turn it into an access road. There is just no way I could live with that. I've got two little kids and the lights coming into the windows would be a problem. I would have to move. I'm ok with the rest as far as

the lots sizes and all of that. Quarter acre lots are smaller than I'd like to see there but it is what it is. As far as that access road there, I'm opposed to that." Jeremy Strong said it is important to note that at this time we have no plans or intentions of where houses would go. Right now this has only to do with the zoning of the property. When we get plans, those will be discussed and approved at that time.

**Nathan Scott – 379 North 3000 West** – "I was just going to request information about how many lots could fit in that space with the zoning that was requested, and I want to understand more of the process of what would happen before it is developed. I just want to understand what is going to happen going forward." Brian Vincent invited Mr. Scott to stay after the meeting to discuss that process with him.

**Jeff Flint – 370 North 3000 West** – "Is this pending Wilford's sale of his home?" Brian Vincent responded that they don't know any information about that. This is just the rezone of the property that is owned by the Zaugg family. Jeff Flint said there are questions about boundary lines and what ground goes with that house. Brian Vincent said that wouldn't be discussed tonight with the rezone.

**Lynn Bennington – 445 North 3000 West** – "I have one question. How did Richard Craythorne come to be the only potential buyer of the Zaugg estate and why is his connection to the city bringing it before with his name on a rezone request when the Zaugg family could have done the rezone request without him involved?" Brian Vincent responded that again, they don't know anything about that. It is between Craythorne Development and the Zaugg family. We only have what is on the application that comes before us. Lynn said, "Ok, it's a legal application?" Brian Vincent responded, "It is, absolutely a legal application." Troy Moyes said that developers will often times come to the city as an agent for the property owner to rezone a property; it happens 9 times out of 10. Lynn asked, "Is this Richard senior, or Richard junior?" Troy Moyes responded that it is Craythorne Development.

**Nathan Scott – 379 North 3000 West** – "Just to understand the process, the applicant of the rezoning doesn't necessarily mean one way or the other that they would be the purchasers or the owners of the property." Brian Vincent responded that technically no, it doesn't have to be.

**Jeff Flint – 370 North 3000 West** – "You said the rezone includes the pasture, but what about the hay patch further behind the barn?" Jeremy Strong said that both properties are looking for a rezone. Troy Moyes clarified the property the Zaugg Family Trust is rezoning, and the property Craythorne Development is rezoning. Jeff Flint asked who owns the hay patch. Troy Moyes said that Zauggs still own it but they have given Craythorne Development the right to act as them in the application process. Jeff Flint asked about when the surveying will take place on all of the property because so much of it was done by eyeballing the property. Jeff Flint had an unofficial survey done and he has questions about property lines. Troy Moyes said the County Surveyor will have to work all of that

out. Jeff Flint also asked about his irrigation ditch. Troy Moyes responded that all ditches will be left intact or piped but will still be functional.

**Karen Harder – 349 North 3000 West** – Karen also asked about the property lines that are unclear. She feels that it needs to be straightened out before the development goes in. All of the deeds need to be readjusted. Troy Moyes said we will definitely look at that and they will need to go through the process of verifying everything. The County Surveyor will have the final say of where exact property lines are.

**Lynn Bennington – 445 North 3000 West** – “Just one request, would you consider an R-2 rezone? Go back to Craythorne Development on that part and do R-3 on the other part. Craythorne Development might consider an R-2 which would be very desirable. Thank you.”

Jeff Macfarlane made a motion to close the public hearing. Jeremy Strong seconded the motion. All voted aye.

**b. Action**

Jeff Macfarlane commented that the rezone is completely in accordance with the General Plan of the city and he is under the opinion that they don't really have anything that would move them to do otherwise. It is the job of the planning commission to make a vote on the rezone as to whether it fits into the General Plan. It does that. Rob Ortega agreed with Jeff's comment. Rob said the concerns will be taken into consideration during the process but what they are looking at tonight is only the rezone. The only concern they had tonight was how the C-C area of the General Plan creeps up slightly into that area. The applicant is asking for an R-3 zone and that is according to the General Plan and that is what they are voting on tonight.

Jeremy Strong made a motion to approve the rezone of property from A-40 Agriculture and R-2 Residential to R-3 Residential, located at approximately 2900 West 550 North, Craythorne Development, applicant. Rob Ortega seconded the motion. All voted aye.

**9. Public Hearing regarding a rezone of property from R-2 Residential to R-3 Residential, located at approximately 464 North 3000 West, Wilford & Elva Zaugg Family Trust, applicant.**

**a. Public Hearing**

This public hearing was included in the previous public hearing.

**b. Action**

Jeff Macfarlane made a motion to approve the rezone of property from R-2 Residential to R-3 Residential, located at approximately 464 North 3000 West,

Wilford & Elva Zaugg Family Trust, applicant. Rob Ortega seconded the motion. All voted aye.

## 10. Planning Commission Comments

Jeremy Strong thanked the public for coming to the meeting. He appreciates hearing concerns and comments. As things move forward, there will be more chances to look at the designs during the process.

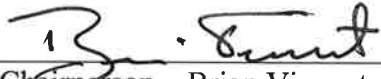
Jeff Macfarlane thanked the public for their input.

Rob Ortega thanked Staff for putting all of this information together and making it easy for the commission to do their job.

Brian Vincent said he appreciates the public coming out to the meeting and their comments and concerns being brought forward. Concerning the suggestion of changing that to an R-2 zone, the R-3 zone fits with the General Plan. The commission went through an extensive process of reviewing the General Plan over the past year. All of the property in West Point was reviewed and discussed. It does fit into a good General Plan. We are not in control over how big the lot sizes will be with it, but looking at the Plan, as a whole, all property was heavily considered. The General Plan will be opened again in a couple of years and he urged the citizens to come in and share their thoughts and concern at that time. The General Plan is not something that is taken lightly.

## 11. Adjournment

Jeff Macfarlane made a motion to adjourn at 7:41 p.m. Rob Ortega seconded the motion. All voted aye.

  
Chairperson – Brian Vincent

  
Secretary – Michelle Bailey