

**West Point City
Planning Commission
3200 West 300 North
August 10, 2017**

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

Excused: Korey Kap, Jeff Macfarlane

Visitors: Dan Johnston

WORK SESSION

1. General Commission training.

The training was cancelled.

2. Discussion regarding a rezone of property from C-C Commercial to R-5 Multi-family Residential, located at 101 North 2000 West, The Point, LLC, applicant.

Troy Moyes reviewed the Staff Report and application. The Pointe, LLC is seeking to rezone 5.4 acres of their land located at 101 North 2000 West from C-C Commercial to R-5 Multi-family residential. This property has been discussed for a potential apartment complex just south of the Smith's Marketplace. There was a lot of discussion regarding this area during the changes being made recently to the General Plan. The appropriate noticing was done for the public hearing.

3. Discussion regarding Preliminary Plan Approval for the Zaugg Legacy Subdivision, located at approximately 550 North 2900 West, Craythorne Development, applicant.

Troy Moyes reviewed the Staff Report and application. Craythorne Development is seeking preliminary plan approval for the Zaugg Legacy Subdivision located at approximately 550 North 2900 West. This proposed development is 16 lots ranging from 11,000 to 20,000 square feet with a single access off of 550 North. There were several concerns from neighboring residents voiced at the public hearing held two weeks ago about access off from 3000 West. Lots 14 and 15 will keep the existing homes on them, but Zauggs want to sell those homes so they are incorporating that into the development. This will be the R-3 Zone and the minimum lot size requirement is 11,000 square feet. However, the average lot size is 16,000 square feet.

Jake Shepherd asked what the ordinance says about how many feet you may go with a cul-de-sac. Kent Henderson said the ordinance will allow you to go 600 feet. They will be stubbing into the adjacent property for the future development of the Flint property to the south. The Flint property would need to provide another access when it is developed.

The items listed on the Staff report that need to be finished are not a big concern at this time. However, they will need to be met before final approval. Some easements will be required for the land drain.

Jake Shepherd asked what the potential is of the Flint property being developed; how many lots would be there. Troy Moyes said the Flint property runs into commercial property. Jake Shepherd feels an access off from 300 North to the Flint property would be a poor choice.

Brian Vincent commented that another concern brought up in the Public Hearing was the desire to have larger lots and to zone the property R-2 instead of R-3. The lot sizes that are being proposed would fit in an R-2 zone anyway, so that concern is irrelevant.

4. Discussion on proposed changes to West Point City Code regarding Fence Material regulations.

Troy Moyes said we would also discuss the landscaping regulations along with the fence material regulations. In Section 17.80.260 of the City Code, it calls out residential landscaping requirements and states: “landscaping shall include a combination of lawn, shrubs, ground cover, and/or trees.” Currently this code does not clarify any specific requirements and has been difficult to enforce. Staff would like to have a discussion with the Commission regarding some possible solutions. Felshaw King, the City Attorney, said the Code needs to be more specific. Layton City’s Code is almost identical to our code, but they have added a sentence that clarifies things. Their Code reads, “Landscaping shall include at least one tree and a combination of lawn, shrubs, or groundcover. Groundcover may include vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliage plants. Groundcover may also include mineral or non-living organic permeable material or non-living organic permeable material in not more than fifty percent of the net landscaped area. Mineral groundcover may include such materials as rocks, boulders, gravel, or brick over sand. Species, size, and placement of landscape elements shall be determined by the homeowner.”

Troy said the problem has been identified and there is a loophole in the requirements so we need to decide whether to beef up the existing Code, or leave it the way it is currently. Jake Shepherd commented the CC&Rs are quite descriptive on these types of issues. Troy Moyes said the problem with CC&Rs is when the development has matured, the CC&Rs tend to go away. The City doesn’t enforce CC&Rs. Troy continued to say that there is not enough information in the Code, so legally the City can’t do anything to enforce it. The City Attorney said this needs to be more specific so it can be enforceable. Brad Lee said he feels the current Code is fine if we were to add a percentage to it, similar to what Layton City has, for clarification purposes.

Another issue that has come up is fencing in front yards. A few residents in the city have put up some sort of chicken wire to keep their dogs on their property. How do we determine what types of materials are acceptable for fences in front yards? This is another property right issue. At what point does the property rights of one property owner infringe on the property rights of their neighbor? We need to determine where the line is with that. How much responsibility should the City take on to control property values?

Jake Shepherd commented that he feels like personal property rights are very important and we don't want to over-regulate people. Brian Vincent said he could get on board with regulating fence materials because we regulate materials that go on homes and accessory buildings. We could make a list of acceptable materials for fences. Brian continued to say that he struggles with dictating the landscaping side of things; you don't want to take away people's creativity or rights. Rob Ortega said some people believe we shouldn't be using as much water as we are so if someone wants to put a bunch of rocks in their yard instead of living things so they don't have to use water, we probably shouldn't regulate that too much. But weighing that against wanting to have a beautiful city that we can drive through and appreciate is also part of the Commission's responsibility. We should maintain that as much as possible. Rob didn't feel like it was a good idea to change the Code entirely because of a couple of problems in the City. Jeremy Strong said he feels that it is their own property; just because he doesn't like it doesn't mean his neighbor doesn't like it. His opinion is that it's that person's yard and if he wants rocks then he can have rocks as long as he keeps them in his yard and takes care of it. Troy Moyes said that's the question though; where do you draw the line about what is "taking care of" and what is neglect? Brad Lee said he doesn't really care what they choose to do for landscaping as long as it is taken care of and is free of weeds. They all felt that defining what would be considered a nuisance and then enforcing that would be easier. They agreed to think about this and then continue the discussion during the next meeting.

5. Discussion on proposed changes to West Point City Code regarding Dark Sky regulations.

Brian Vincent said we don't necessarily have a dark sky ordinance in the city, but it does talk about light pollution. One of the City Council members brought this up and asked the Commission to discuss it regarding our city lights. As the city develops and grows, there will be more commercial development. Troy Moyes said dark sky ordinances vary from one extreme to another; but most all cities address it under their lighting ordinance. Our Code was written in 2000 and technology has changed a lot since then. The City is looking at updating its lighting. Most dark sky ordinances address residential lighting. There are security issues to address as well. People want the security that lighting in their neighborhoods provides. Others don't want all of the light so they can enjoy the dark sky. The Commission agreed to discuss this in an upcoming meeting.

REGULAR MEETING

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Brad Lee
- 4. Approval of Minutes from July 27, 2017.**

Jeremy Strong made a motion to approve the minutes from the meeting held on July 27, 2017, as written. Rob Ortega seconded the motion. All voted aye.

5. Public Comments: None given

6. Public Hearing regarding a rezone of property from C-C Commercial to R-5 Multi-family Residential, located at 101 North 2000 West, The Point, LLC, applicant.

The Pointe, LLC is seeking to rezone 5.4 acres of their land located at 101 North 2000 West from C-C Commercial to R-5 Multi-family Residential. This property has been discussed for a potential apartment complex just south of the Smith's Marketplace.

a. Public Hearing

There were no comments made. Brad Lee made a motion to close the Public Hearing. Jake Shepherd seconded the motion. All voted aye.

b. Action

Brad Lee made a motion to approve the rezone of property from C-C Commercial to R-5 Multi-family Residential, located at 101 North 2000 West, The Point, LLC, applicant. Jeremy Strong seconded the motion. All voted aye.

7. Preliminary Plan Approval for the Zaugg Legacy Subdivision, located at approximately 550 North 2900 West, Craythorne Development, applicant.

Craythorne Development is seeking preliminary plan approval for the Zaugg Legacy Subdivision located at approximately 550 North 2900 West. This proposed development is 16 lots ranging in size from 11,000 to 20,000 square feet with a single access off of 550 North. Erik Craythorne, representing the developer, was present to answer questions. Brian Vincent asked Erik Craythorne if he knows anything about the plans for the property to the south of this property being discussed. This was discussed in the work session and there was concern about access into those future lots. Erik Craythorne said there are four property owners to the south. One of those property owners, Jeff Flint, was at the last meeting regarding the rezone and he asked Erik if he would ever be interested in that property that he owns to the south of the property being rezoned. That was just listed on the General Plan as C-C Commercial property. Erik said he doesn't know what the long term plans are for those properties. Erik has met with Staff and they determined that with everything locked up on 3000 West, there is no other access for them. Erik felt that maybe stubbing his road into that property would be the best thing for all of them so down the road if the General Plan changes, they would be able to tie into that.

Jeremy Strong made a motion to approve the Preliminary Plan for the Zaugg Legacy Subdivision, located at approximately 550 North 2900 West, Craythorne Development, applicant. Jake Shepherd seconded the motion. All voted aye.

8. Planning Commission Comments

Jake Shepherd commented that he felt they had a good discussion regarding the role of government versus property owner's rights. He hopes that discussion can continue. He also thanked Staff for all that they do, recognizing that Staff gets put in a difficult spot at times.

Brad Lee thanked Staff for all that they do. He commented that this is a great community to live in and serve in.


Jeremy Strong seconded Brad's comments.

Rob Ortega said that with the apartment rezone that was scheduled to take place tonight, he took opportunity to start conversations with friends and neighbors. He said nobody is very excited about apartments coming to West Point. He wanted to point out that tonight's rezone was a pretty straightforward decision. It is part of the General Plan so he was happy to approve that, but he would like to articulate some concerns people have shared with him as future discussions come up. Since no one was here to voice concerns tonight, it was a pretty straightforward and easy decision to make. The Commission will keep moving forward, but if the public wants to have a voice in this, now is the time for them to come forward.

Brian Vincent seconded Rob's comments. People have the opportunity to come in and voice their concerns. The City does a lot to announce these meetings so people can be aware of what will be discussed. Brian thanked the Staff and the Commission for all that they do. Also, there is a movie in the park that will take place tomorrow night. It will be the last one for the year.

9. Adjournment

Brad Lee made a motion to adjourn at 7:14 p.m. Brian Vincent seconded the motion. All voted aye.


Chairperson – Brian Vincent


Secretary – Michelle Bailey

