

**West Point City
Planning Commission
3200 West 300 North
August 23, 2018**

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

Visitors: Jason Caldwell, Brooke Montgomery, Mark Montgomery, Mary Montgomery, Dennis Montgomery, Jennifer Jensen, Michael Speth

WORK SESSION

1. Discussion regarding the rezone of property from A-40 Agricultural to R-1 Residential, located at 4600 West 700 South, Barry Carlisi, applicant.

Barry Carlisi is seeking to rezone his property for a future residential development located at approximately 4600 West 700 South from A-40 Agricultural to R-1 Single Family Residential that consists of eight acres of land divided between two parcels. The current zoning on this particular property is split with four acres designated as R-1 and the remaining property to the north as A-40. Mr. Carlisi would like to follow the recommendation of the West Point City General Plan and rezone the remaining land that is zoned A-40 to R-1 Residential.

The noticing for this application was not in accordance to City Code which requires a 14 day noticing prior to the public meeting. Staff sincerely apologizes to the applicant and the Commission for this oversight. However, notices were sent out and Staff recommends that the public hearing be held and that a new hearing should be re-noticed and held in accordance with the City Code for the next scheduled Planning Commission meeting.

As a side note, this property is along 700 South and there is question at this time as to whether that is a public or private road, so access to this property will be a challenge to get to; not impossible, but challenging. Michael Speth is in attendance representing Barry Carlisi. Mr. Carlisi wants to rezone the property to hopefully put it on the market and sell the property for future development. He is going through the rezoning steps to be able to market his property. He does not have a project in mind. This is strictly a rezone of land. Brian Vincent commented that the access to the property is not a concern to the Commission at this point; it is merely a rezone of the property. Jeff Macfarlane said the developer would need to have that figured out before selling the property.

Michael Speth said, "I'm kind of concerned that it's a private road. When the property was sold, the disclosure spelled out that it has access from 700; a public road. The title policy was issued. The disclosures are clear cut and signed by the seller. This is all news to me that it's a private road. My question is, 'What makes you say it's a private road?'" Boyd Davis responded that some of the property owners that live along that road claim that it's private. We are not saying that it is public or private, we are just saying that there is an issue out there that needs to be resolved. Michael Speth responded, "Obviously

before we go to sell it we want to be able to sign a disclosure saying in clear conscience, knowing that it's a public road and you have access to it. That's something that will have to be squared away." Korey Kap asked if there was a right-of-way or an easement through there. Boyd Davis said they don't know; it hasn't been researched. Korey Kap said we shouldn't put the cart before the horse; why rezone the property if there isn't access to it? Jake Shepherd remarked that it's the property owners right to rezone his property if he wants to and it follows the General Plan. Boyd Davis reiterated that there is no developer at this time. It is just a property owner asking to change the zoning on their property so that it might make it more attractive to sell. As far as the access issue, it shouldn't even be an issue nor discussed in regards to the rezone. It was included in the Staff Report so the property owner is aware that there could be an issue for them. It has no holding on the decision regarding the rezone. There were no other questions at this time.

2. Discussion of West Point City Code regarding residential brick standards.

Brian Vincent said there would be no decisions made on this at this time. It is being brought up to get the ball rolling and have discussions started. Troy Moyes said the Mayor has asked the Planning Commission and Staff to look into the current façade "brick" standards for residential construction as addressed in 15.15.130(c) of the West Point City Code and whether or not to allow fiber cement boards to be used as a masonry product in the "brick" calculation.

The current Code reads:

"A minimum of 40% of the front exterior wall construction for all single-family, duplex and townhomes shall be constructed of brick, rock or stone. The 40% requirement shall be calculated by measuring the front façade of the structure from the foundation to the top plate line of the uppermost level, excluding openings for windows, doors and trim, and by multiplying that figure by 40%. The builder of the structure shall be authorized to satisfy the 40% requirement by the lacing of brick, rock or stone. On a corner lot, the façade that faces the public street or private road that services the structure shall have a minimum of 40% of that façade covered with brick, rock or stone. No vinyl siding shall be allowed on any façade that faces a street unless it is a rear façade. In addition to the 40% requirement on the front of the structure, the sides of the structure shall have a minimum of a three-foot high wainscot of brick, rock or stone along the entire length of the wall on each side of the structure."

Some questions to consider would be:

A. Should fiber cement "Hardie" boards be allowed in the 40% calculation?

Jake Shepherd commented that Hardie is a brand. There is a movement now to go away from fiber cement. There is LP siding, which is a wood product but it looks identical. Some people prefer it over the fiber cement. Jeff Macfarlane asked if the wood product lasts as well as the fiber cement. Jake responded saying that they are finding that the LP manufactures, as well as contractors that have used it, prefer it over Hardie board. It will take more impact and isn't as brittle as the fiber cement. Maybe that is something that should be considered into the calculation as well. Troy

commented that approximately one out of every three homes he reviews has an issue of trying to meet that calculation standard. Brian Vincent asked why the Code was written the way it was; what was the intent of setting the brick standard at 40%? Troy Moyes responded that he assumes it is because it adds value when more brick is added. Boyd Davis said the brick code has been part of the City Code for at least 15 years. Originally it required 40% brick on all four sides. Then it was changed to say 40% on the front of the home. The most recent change was requiring 40% on the front with a three foot wainscot on the sides. This came about due to some pressure from the Home Builders Association. They threatened to sue Syracuse City because their brick standard was too high. The City Council in West Point decided to take action before they came after us, and they lowered the standard. The motivation behind possibly changing this is that fiber cement products look good and styles are changing. They would like to allow fiber cement as an approved product. Jake Shepherd commented that there is maintenance that must be done with the fiber cement products.

Troy Moyes asked if the Commissioners feel that fiber cement products could be incorporated in that same standard; whether or not it be 100% or a portion of, could it be incorporated somehow? Jeff Macfarlane said he feels those products should be incorporated into the standard because styles change over time and we need to allow for that. Jake Shepherd commented that the fiber cement product isn't cheap to install. Jake said he feels it should be incorporated into the Code. He wouldn't mind allowing the home to be 100% fiber cement materials, as long as there is break up in the architectural look. Korey Kap said he approves of incorporating it into the Code but is wondering if there is a purpose to approve the fiber cement product and drop the brick? Can we add the fiber board product as well? Everyone agreed that both products should be added, not just the fiber cement product. Rob Ortega commented that he didn't care for the homes that are all Hardie board. He feels that some brick, rock or stone add a lot to a home and some should still be required. Jake Shepherd made the comment that every subdivision has CC&Rs and they can set standards within that development. He would rather see that rather than say across the board, everything in West Point must have 40% brick. If a subdivision wants to require 40% brick on all four sides, that's their prerogative.

B. What are the Commission's thoughts on the 40% requirement for corner lots? Should we continue this required standard or is a 3' wainscot of brick, rock or stone on side building requirements acceptable on corner lots?

Jake Shepherd said no one sees a 3' wainscot after a fence is put in. Several others commented that all stucco or siding on the side is not a good look. The Commission asked Staff to come back with a proposal for them to consider. Jake Shepherd said he feels that if it is a corner lot with a side entry, they should have to follow the requirement.

3. Discussion regarding amendments to West Point City's General Plan.

Brian Vincent said this has been discussed over the past few months while discussing the PRUD Code. The Commission has had a desire to discuss different areas in the City,

specifically those west of the Bluff. Also, they discussed reviewing the General Plan more often than what has been done in the past. This will be the first of those discussions. Troy Moyes stated that the purpose of this discussion is to gather some general information. Staff would like some feedback so they can use it to put together a working document. The west end of the City has been the focus of much discussion recently. When the General Plan was discussed in 2017, the west side was touched very lightly. Many proposals have come in recently that have generated a desire to look at the west side more closely. Troy Moyes also commented that the proposed PRUD ordinance is still being discussed by the City Council at this time. That said, there could potentially be higher density than what they are thinking in the R-1, R-2 and R-3 zones if they qualify for the provisions of the PRUD.

Korey Kap commented that since they know where the Legacy Highway will go through, maybe it would be best to start there and move out from that point. Troy Moyes responded that we know where the road will be and we know where the intersections will be. We also know where the school properties are located. There has been some commercial property listed on the General Plan in certain areas out west as well. Troy Moyes asked if they feel there is a possibility to have higher density west of the corridor. Jake Shepherd said he feels higher density would be appropriate around the school properties. Also, he feels there is potential for even higher density, R-3 and R-4, on 1800 North. Jake suggested a sports complex or something of that nature that facilitates a large group of people. Something like that would be a great buffer by the corridor. Troy Moyes said there is property between the bluff and the corridor that is too wet to build homes on and that may be a great area for a park or a sports complex. Brad Lee asked about the other through streets; will they go under the freeway? Boyd Davis said they have been told the new highway will go over the main roads. Boyd Davis continued by saying they have been told it will be done in phases. Originally they will be at-grade intersections because the first phase of the highway will be a two-lane road. As it develops into a highway over time they will bridge it over top; those main roads will always go through. The only planned interchanges on the highway when it is completed will be at 700 South and 1800 North. Troy Moyes said there was also a written request by Stan Hall to have the City consider changing his property to an R-4 on the General Plan. This property is adjacent to City Hall.

Troy Moyes recapped the suggestions so far. The Commission would like to:

1. Identify possible recreational opportunities in the City.
2. Identify higher density around the schools.
3. Consider changing the Hall property to an R-4 zone as requested by the property owner.
4. Look at current developments and identify them as what the actual zoning is on the General Plan.

Jake Shepherd wondered how the land owners feel whose property is listed as an R-1 on the General Plan. He feels they may actually want to develop that land and get more lots on it than what an R-1 would allow. Rob Ortega suggested that the area around the 1800 North interchange would be a great place for apartments. That would be convenient to have them by the freeway on ramp and it would cut down on a lot of traffic throughout the rest of the City. Jeff Macfarlane commented that we need to be sensitive to the

residents who have already built their homes there and live in the R-1 zones on big lots. Rob responded saying it would make a lot of sense to buffer so there would be R-3 areas around the schools and then taper it out from there. It doesn't make sense to have .5 acre lots next to the schools. Jeff agreed with that. Jake Shepherd wondered if there is a need to have more Industrial Zones in the City as well. They create jobs and definitely don't need to be a negative area in the City. This item will be revisited in future meetings.

REGULAR MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer:** given by Brad Lee
4. **Approval of Minutes from August 9, 2018.**

Jeff Macfarlane made a motion to approve the minutes from the meeting held on August 9, 2018, as written. Jake Shepherd seconded the motion. All voted aye.

5. **Public Comments:** None given
6. **Public Hearing regarding the rezone of property from A-40 Agricultural to R-1 Residential, located at 4600 West 700 South, Barry Carlisi, applicant.**

Troy Moyes reviewed the application. Barry Carlisi is seeking to rezone his property for a future residential development located at approximately 4600 West 700 South from A-40 Agricultural to R-1 Single Family Residential that consists of eight acres of land divided between two parcels. The current zoning on this particular property is split with four acres designated as R-1 and the remaining property to the north as A-40. Mr. Carlisi would like to follow the recommendation of the West Point City General Plan and rezone the remaining land that is zoned A-40 to R-1 Residential.

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Brian Vincent said this was discussed in the work session. The agenda item is for the rezone of property only, as requested by the land owner.

A. Public Hearing

Dennis Montgomery – 4600 West 200 South – Dennis said, “I just have one question. I know people have the right to rezone and they have the right to develop it. I think you guys do a fantastic job. My problem is the citizens that live here and what it does to them. That has been, basically, a private lane for as long as I can remember. There has only

been one new home put on it. When I was on the Council, we considered it a private lane and we let it be like it was until further notice. They can put a thing on your deed that says you have to grade out the front of your house. My concern is, Mark's house, right now, is right on the border of that road. If they widen that road at all, it will be within probably five feet of his house or ten feet of his house. And if you, as a commission, and the City, needs to look at these problems on some of these older homes and older lanes and that's the way it's going to be and that's where you want it, you need to condemn those homes and buy them out instead of saying, 'Hey you've just lost everything. You can live there til you die, we don't care.' He can't sell it because nobody will buy it. It's not right is what I'm saying. The man has a right to develop. I have no problem with that but there is some issues with the roads. Up above, they were well established, down below they were just pastures to get into people's fields. That's all they've ever been used for. Some of them are still gravel, parts of them aren't to keep the dust down. I really think it's important that you look at that. The last subdivision that went through here, just east of that, was the Craythorn subdivision. You folks did a very fantastic job. You put conditions on the thing before it was to be approved. Somehow it didn't get to the Council. It got approved. Now this poor lady here, Mrs. Montgomery, she is 81 years old and in a lawsuit and she is having to pay the bill simply because the City approved something across the street. They want to trade. There was a trade there but they want to make it something different than it was. Those are the kinds of issues that I think you need to look at and just make sure they are all taken care of before things go on record. That's all we are saying; please look into those because one little decision ruins other people's lives. Some of the people that's been here a long time. I think just with a little bit of heads up and say 'What's it gonna do if we do this? Who's it gonna affect? What's it gonna do to the water? What's it gonna do to this? What's it gonna do to that?' I think you can sure save a lot of problems. But I hate to see somebody else in another lawsuit if it gets approved and somebody goes after somebody else. That's all. Thank you."

Mary Montgomery – 696 South 4500 West – Mary said, "For 24 years, I've been married to Mark. This is his family's farm that some has been sold out. Carlisi bought this property. We have fought him once when he wanted to put storage sheds behind us. We worked together as a community, well there's a few of us here tonight, and we hired a lawyer to find out if he had any rights on this road. The Council turned it down at that time because we were telling him if he wanted to put storage lots back there, he would have to come and let every person come down that lane because it is a private lane. Jennifer had to have her paperwork signed from Mark's grandmother, who my house is from, to be able to build her house down the lane. That was signed from us and from Mannings. So the Montgomerys and Mannings had to sign paperwork saying she could use that lane as access to her house. So I'm just saying we fought this once. We didn't go far; the Council decided maybe not. We'd been approached by a few people saying 'Well, grandfathers shook hands...' My husband, with the memory he has, has a vague memory of someone in the City coming to his grandmother and his grandfather saying, 'Will you sign over this road?' and they said, 'No!' I can't tell you when this happened, but it was Stanley and Connie Manning and then Harland and Alta Montgomery that told them no. That's what we are fighting. I know we can't stop progress, but he has landlocked himself in there. Because that road, for 24 years, we have taken care of. Mannings have helped to plow it. We have tried to plow it. This last year we put rock down that road to get rid of all the bumps because the City hasn't been down there for

that long. Like I said, I've been here 24 years, that's how long I've been married to Mark, and I have maybe seen a City worker one time. You dumped a bunch of crap down the road, I know it's not you guys, sorry. Then you come and kind of pushed around and it was some road that had been dug up and they just dumped it down there and we had to fix what the City did. So that's our concern. They don't have a road. There's no way in there. I live on a dirt road. I have a dusty house. I love my house. I don't want the road right there in front of my house. I have a grandchild coming in December. I don't want them to have to worry about that road. Sorry! My four children have grown up in that house. My youngest is 16. They have never had to worry about that road. We put a sign up that says No Trespassing. Had an issue back in December and had four Sheriffs at my house. Them Sheriffs asked me if they could come down my lane before they went down 700. They are County. The sign that is up there, I have made that says No Trespassing because a lot of people drive down that lane looking for the lake. But I've also put a sign up that the speed limit is 20 so that people driving down there will try to be respectful of the dust and the dirt down there. That's my concern. Like I said, my house is there. My house was rolled there on logs. I have no clue when, but that's how long my house has been there. Thank you."

Brad Lee made a motion to close the Public Hearing. Jeremy Strong seconded the motion. All voted aye. Brian Vincent commented that the Commission is sympathetic to the property owners around there. The emotions are high when it comes to personal property. The application before the Commission is for a rezone of property; it doesn't address, at all, access, drainage, or usage of the land. There are no plans before the Commission for them to consider how they will access the property. That will come down the road. The burden is not on the Commission or the City or on you residents. The burden will be on the property owners of that property to gain access to their property and to make sure they follow the rules on that. Discussion will have to happen down the road. When the Commission votes on this at the next meeting it will be strictly regarding the rezone of the property.

7. Planning Commission Comments

Rob Ortega commented that when he first started coming to the meetings, before he was on the Commission, the idea of apartments in West Point was something he couldn't imagine would happen and then tonight he himself suggested an apartment building. That's how far he has come by being here, listening and getting the full picture. He encouraged the public to get involved and express their opinions as the General Plan is discussed.

Jeff Macfarlane had the same feelings as Rob. It's great to have more questions, opinions and perspectives on the land uses. The Commission is bound by some degree by the law so they have to make decisions based on good laws and ordinances. He expressed appreciation to Staff for all of their hard work.

Korey Kap said he appreciated the comments made by the public and invited them to be involved in things even if it isn't regarding their property.

Jeremy Strong had no comments.

Brad Lee thanked Staff for their work on these items. Also to the public who came out to make their voices heard. Brad directed his next comment to Korey Kap. Brad expressed thanks and appreciation for the many years of service Korey's wife has given to the City. She will be leaving a big hole. Those who have worked so closely with her in some of the volunteer aspects of the City will truly feel a void. On behalf of Brad and his family, he thanked Korey for allowing Jolene to be a part of their lives. They feel they are better people for knowing her. It's not only a sacrifice on Jolene's part, but her whole family and that does not go unnoticed.

Jake Shepherd had no comments.

Brian Vincent thanked the public for sharing their comments and emotions. Brian also echoed Brad's comments about Jolene Kap and said what a hole she will leave on Staff as she has accepted a job elsewhere.

8. Staff Update

Boyd Davis said Staff spent an entire work session with the Council going over the proposed PRUD Code. It went over well. The Council was very appreciative of the work the Commission has done on that Code. They had some minor comments about it and will continue discussing it at their next meeting. They plan to hold a Public Hearing at their next meeting and then vote on it the following meeting. The other item discussed was the Low & Moderate Housing plan. The Council approved that, and it will be sent to the State. The Council recognized that we need more affordable houses in the City, but they also acknowledged that we are not the only city in this situation; it is a statewide problem.

9. Adjournment

Brad Lee made a motion to adjourn at 7:24 p.m. Jeremy Strong seconded the motion. All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey