

**West Point City
Planning Commission
3200 West 300 North
September 27, 2018**

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

Excused: Korey Kap

Visitors: Todd & Jennifer Flint, Mark Sandberg, Adam Benard, Randy & JoAnn Holmstead, Marilyn & Jay Fowers, Ray & Debra Cornia, Susan Brown, Louis Micallef, Ken & Nancy Nelson, Dennis & Ralene Montgomery, Dany & Lori Montgomery, Matt Leavitt, Johnny Willis, Jeremiah Doman, Richard Roginski, Duncan Barlow, Larry Barker, Douglas Hawkes, Marge Hawkes, Spencer Hawkes, Blake Smithing, John Nelson

WORK SESSION

1. **Discussion regarding the rezone of property from A-40 Agricultural to R-1 Residential, located at 40 South 4500 West, Barlow Corporation, Dale Corp., applicants.**

Barlow Corporation and Dale Corp. are seeking to rezone 26 acres of land located at approximately 40 South and 4500 West from A-40 Agricultural to R-1 Residential for the purpose of a future development. West Point City's General Plan has designated this particular area as a future R-1 development. All noticing for this rezone has been done in compliance of State and City Codes. Troy showed a map illustrating the parcels being proposed to be rezoned. This is a legislative act; the Commission will forward either a favorable or unfavorable recommendation to the City Council and the Council will make the final decision. The Public Hearing is strictly for the rezone of this property that would allow the use to change to residential. Brian Vincent asked how much property would be rezoned. Troy Moyes responded that it will be 26 acres to be rezoned. Boyd Davis said the total acreage owned by the developer is 59 acres. An unidentified resident asked which properties will actually be rezoned because there is some property being shown in the proposed rezone area that is not owned by the developer. Boyd Davis said the application has signatures of all of the property owners that want their property rezoned. Boyd continued saying, "There are several different properties in there. We can pull up the map if the Commission would like and show the exact names of each owner, but they turned in an application and there are seven or eight owners that have all signed it." Another unidentified resident said, "We didn't sign anything. Our property is there." He continued saying his property and the Micallef property are included on there and they haven't signed anything. Boyd Davis said if a landowner hasn't signed the application, they will not be part of the rezone. They can only rezone the property that they own. Boyd Davis continued by saying, "When this is done, the final approval with the City Council, there will be an ordinance passed and that ordinance will have a legal description attached to it that will describe in legal terms what property is being rezoned. This is a map that Staff put together of what they were told the developers were planning

to rezone.” Boyd Davis asked if there were any others, besides these two, that shouldn’t be included on this map. There were not. Brian Vincent asked who signed the application. Troy Moyes said, “Country West Inc., Mark Spalding, Redlands Inc., Redlands LLC, Blake Hazen, Brentwood LLC, Barlow Corp., Dale Corp., Country West Construction.” Jake Shepherd asked if there had been a legal description given with this. Boyd Davis responded that there hasn’t been at this point. The parcel ID’s given were: 12-042-0099, 12-042-0076, 12-042-0116. Brian Vincent suggested using the specific parcel numbers given on the application when making the motion so only those parcels are what will be rezoned. An unidentified resident said, “If the property to the south of me is rezoned, and west of me, can there be pressure put on me down the road to rezone, or am I ok?” Brian Vincent told the man he gets to do what he wants with his property. Another resident asked if they could force him to get rid of his horses. Jeremy Strong said that man is still zoned Agricultural so he may still have his horses. A resident asked what happens down the line if someone complains. Jake Shepherd responded that there is an ordinance in West Point that if you are there and have an operation, for example a dairy farm, there is protection for all of that. Another resident asked about the cottonwoods. She said they have lots of cotton fly in the Spring and wonders if the new move ins will complain and then the City will make them cut their cottonwood trees down. Brian Vincent said he is not sure; we had complaints about the cottonwoods in the city park and they had to take the trees down. Brian explained that when it becomes a safety issue, it has to be controlled. She asked what kind of safety issue could be caused by cotton. Brian responded there can be a huge safety issue with fire. Boyd Davis showed a map and pointed out the parcels owned by Barlow Corp, and Greenbell LLC, which is applying for a rezone, and the properties owned by Micallef, Holmstead, and Fowers that will not be included in the rezone. Jake Shepherd suggested that they postpone voting on the rezone until the confusion with the parcels is straightened out. Staff agreed with that. Discussion came up later in the meeting regarding this. Jake Shepherd asked if Staff had any new information. Boyd Davis said he checked the numbers. Staff apologizes, but the parcel numbers on the application are not correct. The Public Hearing will still be held because we know which properties they intend to rezone, but a vote will not be taken tonight. Another Public Hearing will be held to vote on the rezone.

2. Discussion regarding the Final Plat approval for the Sun Meadow Subdivision, located at 3500 West 800 North, Psion Homes, applicant.

Psion Homes is seeking Final Plat approval from the Planning Commission regarding the Sun Meadow Subdivision (formerly known as the Manning property) located at 3500 West 800 North. On August 9, 2018, the Planning Commission approved the Preliminary Plan for this development. This development falls under the old PVFD overlay option which was approved by the City Council on July 17, 2018, allowing the density to change from 2.5 units per acre to 2.7 units per acre. The applicant has submitted new plans and have addressed many of the concerns that were outlined in the Engineer’s letter. They addressed the storm drain which was a concern. Staff recommends approval of the Final Plat. Also included in the updated plans was their landscape plan which will also need to be included in the final motion.

Boyd Davis said the drainage has been a significant issue. He said, “Our Master Plan calls for a storm drain along 800 North; an 18” pipe. The developers have been working

on this for a long time trying to figure out where to put it. They were going to go down the center of the road and that would've been very expensive to restore the road. There wasn't a lot of room on the shoulders of the road. The irrigation company came to us and said, 'Why don't you combine the storm drain and the irrigation system together because there's not many users on that irrigation system anymore. They are going away over time as that property is developing.' And their irrigation system is in bad shape so this would give them an upgrade and it would give a place for the storm drain to be constructed without destroying the road. It seemed like a win-win so they've revised their plan. I've reviewed it. Along the north side of the road they will replace the old irrigation ditch, there is some pipe and some concrete ditch there, they will replace that with a new 18" concrete pipe and that will carry both the storm drain and the irrigation water. It will go from the Manning property down to 4000 West where the church is. We have an existing storm drain pipe there that it will connect to and then it flows to the north. It meets our Master Plan. I think it's a win win for both. It took a bit of work to put that together." John Nelson, from Psion Homes, said, "To keep Mr. Wade's property, across the street close to the park, we need to just cut a trench across there to make sure that he gets water across the street, which he currently is right now." Brian Vincent asked about an escrow for the east side of the property. Boyd Davis said the agreement is that the developer will put money into an escrow for the landscaping in the future. This was done in a signed agreement between the developer and the City Council. John Nelson said they will maintain that also with the trees and landscape on 800 North. They will keep the weeds down adjacent to Mr. Kirkman's property. They plan to put some weed barrier down and then some cobble rock to make sure the weeds don't grow up along the project to keep it looking good. It will be maintained weekly with the other part.

3. Discussion regarding the Preliminary and Final Plat approval for the Isla Vista Subdivision, located at 4100 West 1300 North, Sunrise Development, applicant.

Sunrise Development is seeking to modify the Preliminary Plan for the Isla Vista Subdivision that was approved by the Planning Commission on July 26, 2018. This 14-acre development is located at 4100 West 1300 South. Since the time of their original approval, the base density has been modified with the most recent Code changes. The applicant is seeking approval from the Planning Commission to modify their Preliminary Plan. The original Preliminary Plan consisted of 25 building lots ranging from 18,000 square feet to 25,000 square feet. The max base density for the R-1 zone is 2.2 units per acre. Sunrise Development is proposing a density of 2.07 units per acre which falls under the maximum density allowed. An Engineer's letter was sent to the developer. They have addressed many of the issues. The Corridor runs close to the property. UDOT has given their comments to the developer. Lot 121, where the Corridor right-of-way clips the corner, has brought comments from UDOT. There will be no landscaping requirements because they have no homes on a main road. There is a North Davis sewer line that is following this road that already exists so they don't have many options for how it will be laid out. They are proposing 30 lots with one access. The road will be stubbed so it meets the Code requirements of only having one access. Boyd Davis said the drainage was a big thing to work through on their plans. Their drainage will all go to the northwest corner. They will install a pipe that will go across the neighbor's property and he has given an easement, in West Point City's name, to allow that pipe to be there. It will flow into the existing pond that is out there. That then drains into the Davis County storm drain ditch.

The County was contacted and they said there are no permits required from them. They will allow that water to flow into their drain because that pond is currently going into the drain. Boyd Davis continued saying that all of that drainage system is temporary. UDOT acknowledged that in their letter to the developer, because of the future West Davis Corridor. When that is built in the future, they will tear out the pipe, the pond will go away, and UDOT has property identified already for future detention ponds that they will construct as part of the highway. Brian Vincent asked what UDOT's recommendations were for Lot 121. Troy Moyes said it was just acknowledgement from the property owner and to redraw it so there is an easement there then at some point UDOT will take that little portion. This subdivision has required a lot of outside agency input. The Layton Canal comes through. Staff has had discussion with Weber Basin Water to make sure the canal is protected. They seem fine with the submitted plans. Staff recommends a favorable recommendation. Brian Vincent asked for an explanation about the diagonal on the plans. Boyd Davis said one side is in Land Drain Zone B and the other is in Land Drain Zone C. One side will allow basements and one side will not. Technically the Code says they can go 24" below the back of curb. Brad Lee asked what the plans are for separation between the property and the canal. The developer said they are getting bids to do chain link fence all around the property since it is surround by A-40 zone. For buffering purposes, they are required to fence their entire project. The standard required is a six-foot chain link fence with a top rail. The adjacent owner, at their own expense, can put a bottom rail. Staff has considered vinyl fencing as an equal on other subdivisions, but feel that chain link fencing is wise in this situation and hope the developer will stick with that.

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

Troy Moyes said the Planning Commission, over the past several meetings, has considered looking at the Brick Standards for residential housing. Currently the requirement is 40% brick, stone or rock on the front façade and a three-foot wainscot to be used on the sides of the home. If it is a corner lot, the Code requires 40% brick, rock or stone on the side that faces the public street. The Commission has discussed adding another option because of the Hardie Board and LP Smartside products that are in high demand now.

The Commission has discussed adding a second option to the Brick Standards. Option 2 would allow all front and side exterior walls, including corner lots for single family, duplex, or townhomes, to be constructed of 100% brick, rock, stone, or engineered siding. That includes the fiber cement board such as Hardie Board, or engineered wood sidings such as LP Smartside as a standalone product or in combination with other materials previously mentioned. In the last meeting, Jeremy Strong suggested trying to address the layout of the façade so it is more aesthetically pleasing. New proposed verbiage was presented. It reads: "Specific to the front face of the house, homes with 100% engineered siding must use a different pattern on the gables. Homeowners must either break the pattern up with an engineered siding batten pattern (Hardie planks that run vertical on a Hardie backer board), or they may use Hardie shake pattern boards on the gables." It was suggested to change the word "Hardie" to say "engineered siding" which would cover the two dominant products. Jeremy Strong asked if we need to add anything on corner lots for that to break up the gables on it as well. Troy Moyes said they

could change it to say "...front face and side yard corner lots..." Another suggestion was to remove from the Code the three foot wainscot requirement on the sides of the homes. Jake Shepherd questioned the verbiage on the gables, he can see that they don't want a wall that goes all the way from the foundation to the gable peak being lap siding, but said they could have a roofline that broke up that gable. Boyd Davis suggested that they strike the last sentence and leave it that they must use a different pattern on the gables. Jeremy Strong said that is the spirit of what they were going for; things just need to be broken up a bit. A brief discussion took place regarding ways it could be broken up. Jeremy said he is ok with it as long as there is a break; whether it is paint or roofline, just something so it's not one solid color, 25 feet in the air, all the same pattern. Jake Shepherd said he understands the intent but feels it will be difficult to put into the standards.

Brian Vincent asked to shift gears to discuss the three foot wainscot. Jake Shepherd said he is fine with deleting that from the Code, but is fine with keeping the brick requirement on the corner lots. Discussion took place regarding options of how much brick to require. Rob Ortega said he doesn't want to completely strike the brick option on the sides of corner lot homes. A fence helps, if it is installed, but there are so many homes around with 30-foot stucco walls and it isn't attractive. These regulations were put into place to keep a standard in our city. A lot of homes have been built since the brick standards were put into place and there was an expectation that future homes would be built that way as well. People expect new homes will be held to at least the same standards they were held to when they built their homes. Staff said they would come up with more options to discuss during the next meeting.

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

There was not time to discuss this item during the work session.

REGULAR MEETING

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Jeff Macfarlane
- 4. Approval of Minutes from September 13, 2018.**

Jeff Macfarlane made a motion to approve the minutes from the meeting held on September 13, 2018, as written. Brad Lee 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 40 South 4500 West, Barlow Corporation, Dale Corp., applicants.

Brian Vincent said this was discussed in the Work Session. During that discussion, they discovered that the parcels were listed wrong on the application. Because the Public Hearing was scheduled for tonight, and because it was publicized that it would be held, the Public Hearing will still be held. Troy Moyes and Boyd Davis will address the parcels on the map that were intended to be part of the rezone so the public knows what parcels were intended to be on there. No action will be taken on this tonight until the application is correct. We will hold another public hearing once the parcels are identified properly.

Troy Moyes said, “Barlow Corporation and Dale Corp. are seeking to rezone 26 acres of land located at approximately 40 South 4500 West, from A-40 Agricultural to R-1 Residential, for the purpose of future development. West Point City’s General Plan has it designated for future R-1 development. All noticing for this particular rezone has been done in compliance with State and City Code. Just to clarify a couple of things, again, I sincerely apologize to those that were in the Work Session.” Troy showed the area intended to be rezoned as compared to what was on the application. In light of this information, we will be holding another public hearing so the information presented is correct. This was noticed for a public hearing so it is recommended that we hear information from the public. There were no questions from the Commission. Brian Vincent reminded the citizens that all that is before the Commission at this time is an application for the rezone of this property. There may be a lot of questions concerning the development portion of that, but the Commission has seen nothing of that. This is only for a rezone to change the land use from an agricultural land use to a residential land use.

A. Public Hearing

Ralene Montgomery – 4600 West 200 South, West Point – Mrs. Montgomery said, “I understand it is not your policy to respond to questions, but mine is a very simple one. In your staff report that is dated today, it said that all noticing for this rezone has been done in compliance with State and City Code. Again in another section, it says that notices have been sent out. So my question is, ‘What criteria do you use in sending out the notices?’ Because as major land owners, who are affected by this proposed rezone, we were not sent a notice. So that is my question. Why were we not sent a notice? Brian Vincent said they would be happy to answer her question after the meeting. Mrs. Montgomery continued by saying, “I just feel that as a major landowner, we should have been sent a notice. Thank you”

Duncan Barlow – Barlow Corporation and Dale Corporation – “I just wondered what was wrong with the application. I know when we purchased the property there was a Tax ID number, but that Tax ID number has been changed. I thought the new application was correct. What was the problem? Brian Vincent directed Mr. Barlow to talk with Boyd Davis and Troy Moyes about the application following the meeting. Brian said the parcel numbers were wrong on the application. Mr. Barlow said, “So

I'm just wondering, the ones that were given to us by the County... Well I will talk with them afterwards so we can get it right."

Jeremy Strong made a motion to close the Public Hearing. Jake Shepherd seconded the motion. All voted aye.

B. Action

Brad Lee made a motion to table the action. Jake Shepherd seconded the motion. All voted aye.

7. Final Plat approval for the Sun Meadow Subdivision, located at 3500 West 800 North, Psion Homes, applicant.

John Neilson was present representing the applicant. Troy Moyes said Psion Homes is seeking Final Plan approval from the Planning Commission regarding the Sun Meadow Subdivision, (formerly known as the Manning property) located at 3500 West 800 North. On August 9, 2018, the Planning Commission approved the Preliminary Plans for this development. This development falls under the old PVFD overlay option which was approved by the City Council on July 17, 2018, allowing the density to change from 2.5 units per acre to 2.7 units per acre. Staff has reviewed the plans and has sent comments to the applicant for their review. The applicant has submitted new plans and has addressed many concerns that were outlined in the Engineer's letter. Staff recommends approval of the Final Plat.

Brian Vincent said it looks like everything has been completed. The landscape plan is there. The drainage was discussed in the Work Session. There were no questions from the Commission.

Rob Ortega made a motion to approval the Final Plat as well as the Landscape Plan for the Sun Meadow Subdivision, located at 3500 West 800 North, Psion Homes, applicant. Jake Shepherd seconded the motion. All voted aye.

8. Preliminary Plat approval for the Isla Vista Subdivision, located at 4100 West 1300 North, Sunrise Development, applicant.

Troy Moyes said, "Sunrise Development is seeking to modify the Preliminary Plan for the Isla Vista Subdivision that was approved by the Planning Commission on July 26, 2018. This 14-acre development is located at 4100 West 1300 North. Since the time of their original approval, the base density has been modified with the most recent Code changes. The applicant is seeking approval from the Planning Commission to modify their Preliminary Plan. Brian Vincent commented that nothing changed from the first preliminary plan except they added a couple of lots when we dropped to the new base density. Jeremy Strong said before the vote, he wanted to recuse himself from voting because he works with Sunrise Development in his employment.

Brad Lee made a motion to approve the modified Preliminary Plat approval for the Isla Vista Subdivision, located at 4100 West 1300 North, Sunrise Development, applicant. Jeff Macfarlane seconded the motion. All voted aye.

9. Final Plat approval for the Isla Vista Subdivision, located at 4100 West 1300 North, Sunrise Development, applicant.

Jeff Macfarlane asked why we are voting on Preliminary and Final Plans on the same night. Troy Moyes explained that the preliminary plan was originally approved by the Planning Commission under the old Code. City Council has recently changed the Code and changed the density requirements back to the original setting previous to 2016, which is slightly higher density. The applicant has modified their preliminary plan in accordance with the new Code so they are required to receive approval on their new Preliminary Plan.

Jeff Macfarlane made a motion to approve the Final Plat for the Isla Vista Subdivision, located at 4100 West 1300 North, Sunrise Development, applicant. Jake Shepherd seconded the motion. All voted aye. Jeremy Strong did not vote.

10. Planning Commission Comments

Jake Shepherd said he appreciates everything Staff has done on these items.

Brad Lee thanked Staff for the job they do and the public for their interest in what is happening in the City.

Jeremy Strong welcomed all of the public and thanked them for being there.

Jeff Macfarlane echoed Brad Lee's comments. Jeff encouraged everyone to come out when we open the General Plan because that is the time a lot of questions are answered. Once it is in place, that is what drives the decisions made here.

Rob Ortega agreed with the other comments given.

Brian Vincent echoed Jeff Macfarlane's comments. The Commission plans to address the General Plan more often than it has been in the past. Previously it would go four to five years between revisions. They intend to do it more often than that. Brian thanked the public for their input and comments.

11. Staff Update

Boyd Davis said there was one item of interest to the Commission addressed by the City Council in their last meeting. The PRUD ordinance was approved. The Council was very happy with the work the Commission did on that new Code and it is now in place.

12. Adjournment

Brad Lee made a motion to adjourn at 7:30 p.m. Jeremy Strong seconded the motion. All voted aye.



Chairperson – Brian Vincent



Secretary – Michelle Bailey

