

**West Point City
Planning Commission
3200 West 300 North
September 28, 2017**

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

Excused: Jake Shepherd

Visitors: Junior Hammon

WORK SESSION

1. Discussion regarding a Conditional Use Permit for a Major Home Occupation, Highline Tattoo and Piercing Studio, located at 482 North 2200 West, Junior and Erica Hammon, applicants.

Junior Hammon was present to answer any questions the Commission may have. Troy Moyes reviewed the Staff Report. Erica and Junior Hammon are seeking Conditional Use approval for a Major Home Occupation for Highline Tattoo and Piercing Studio located at 482 North 2200 West. The applicants have been running this business out of their home without the knowledge of needing to obtain a City business license. They have been registered with the Davis County Health Department with routine inspections.

Troy went over some of the requirements for Home Occupations, as listed in 17.50.030. Item B was discussed briefly. The Hammons have roughly 3,200 square feet of livable space in their home. They are proposing an addition of about 700 square feet. That would fall under the 20% of the gross floor area of the dwelling that may be used for a home occupation. Many of the guidelines listed in the Code do not pertain to this type of business. However, Item M does pertain, and it was discussed briefly. This use is not specifically listed in the Code as a business that is not ordinarily allowed as a home occupation. The closest one listed would be a medical clinic. Staff has talked extensively with Mr. Hammon about the business. Mr. Hammon intends to operate the business mostly on the weekends or a few evenings a week. He has a full-time job so this isn't meant to be a full-time job. The neighbors have all signed the application and are aware of the business. Signing the application doesn't give approval of the business; it just says they are aware of the use.

Brian Vincent asked Mr. Hammon if he intends to have a sign for his business, and Mr. Hammon said he did not. Brian asked what hours he generally runs his business. Mr. Hammon replied that it is done on an appointment only basis; he doesn't have certain business hours. He will only have one client at a time there, and he doesn't have any employees. Staff has spoken with someone from the County Health Department and were told that Mr. Hammon has been great to work with and is compliant with all of the rules. They spoke very highly of how he runs his business. Staff has not received any complaints about this business. There were no further questions for Mr. Hammon.

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

Brian Vincent said this item has been discussed extensively. A proposal was passed on to the City Council. They tabled the item and asked the Planning Commission to discuss it a little more. Troy Moyes reviewed the Staff Report. During the work session of the City Council meeting held on August 15, 2017, the recommended changes from the Planning Commission regarding the setback of accessory buildings on corner lots were discussed. The Council, during that meeting, concluded that moving the 30 foot setback to 20 feet was acceptable, but the condition of allowing accessory buildings no closer than five feet with no access to the side street would not be considered. On September 5, 2017, the City Council tabled the approval of those proposed changes to allow the Planning Commission to discuss it further.

Troy made a map to illustrate what impact accessory buildings might have on corner lots. There are 507 defined corner lots in the city. He illustrated all of the corner lot accessory buildings that are in compliance today, and would still be in compliance with the proposed Code of 20 foot setbacks. There were approximately 490 of them. He also illustrated structures that are not in compliance of the proposed Code of 20 feet. There are 17 of these. Approximately 10 of those 17 would be grandfathered into this; they are just old buildings that have been there for a long time. That leaves seven buildings that are not in compliance. Five of those seven have accessory buildings that are 200 feet or smaller. Two or three of the buildings that are not in compliance are relatively new buildings; they are large and simply not in compliance. In a nutshell, we are spending a lot of time discussing something that regards a minute percentage of non-compliant lots in the city.

Staff submitted verbiage to the Commission to consider. "Accessory buildings on corner lots shall be set back a minimum of 20 feet from the street side property line. An accessory building may encroach up to five feet if the setback from the rear and front of the property line is greater than 40 feet in each direction." Brian Vincent asked for feedback regarding the newly proposed verbiage. There was no further discussion.

3. Discussion on proposed changes to West Point City Code regarding Landscape regulations.

Troy Moyes stated that City Council is seeking direction from the Planning Commission on clarifying changes to the City Code regarding landscaping standards. The current Code has a phrase that states "Landscaping shall include a combination of lawn, shrubs, ground cover, and/or trees." After much discussion, Staff has decided to focus more on ground cover, and what percentage should be required, rather than on shrubs and trees etc. Currently, there is no definition in the Code for what "Landscape" is. So Troy created a definition in the Code for clarification. It reads, "'Landscaping' means the installation of living plant materials (i.e., lawn, ground cover, annual and perennial flowering plants, vines, shrubs, and trees). The use of water (i.e., pools, fountains, falls, and streams) and sculptures are also included as landscape design materials. As a replacement to the Code, the proposed verbiage reads, "A. All front, side and rear yards that are visible from the public view (excluding fenced rear yards), shall be landscaped; as well as the area within

the public right of way between the curb and gutter and sidewalk otherwise known as “park-strip.” That just says that all visible areas need to be landscaped and that will refer them back to what the definition of “landscape” is. “B. For all single-family homes that are constructed after the enactment of this provision, landscaping must be installed within one (1) year after the initial occupancy of the home.” That was already in the Code. “C. On lots over one-half acre in size, landscaping shall only be required on 100 feet of street frontage to the depth of the front yard setback.” This was already in the Code. “D. Residential dwelling lots shall have no more than thirty percent (30%) of non-living ground cover (excluding driveways). Materials that are used solely as ground cover without plants above will be used in this calculation.” This means if it is non-living, you can have up to 30%. “E. If more than thirty percent (30%) non-living ground cover is desired, approval must be given by the Planning Staff. If the applicant does not agree with Staff’s decision, the applicant can appeal to the Planning Commission. Approval guidelines for the Planning Staff and/or Planning Commission include but are not limited to the following principles: 1. The overall landscaping on the property enhances the visual environment by: i. Adding visual interest through native or natural textures, colors, size, shapes, and materials etc., and ii. Enhancing perspective by framing views complementing architecture, screening and creating points of interest and activity; 2. The design includes elements which work with existing topography and is designed in such a way as to make softened transitions from the landscaping of adjoining properties to the property in question; 3. Water-wise design are included on the property which are: i. Mulches are used in planting bed areas, ii. Turf areas are used in high use areas of the lot, iii. Plants are selected and installed which are appropriate for the physical condition of site-specific locations, and iv. The landscaping is kept free of weeds and junk materials.” Troy Moyes said he feels that we will have residents that will come in with a great design and it might not fit the 30%, but we want them to have a way to present to the City what they are trying to do. We aren’t suggesting that everyone that is putting in a yard submit plans to the City; only if you desire to have more than 30% of non-living material in your landscaping. Troy Moyes said we probably won’t see many plans come in, but there are issues in the City where people have lived in their homes for five to six years and never landscaped. We need to make sure we enforce this to be fair to the neighbors.

Brian Vincent was in favor of the proposed changes. Korey Kap said he has a couple of issues with this. He feels like currently we aren’t enforcing the time limit on doing landscaping. Korey feels that if we write the Code, we need to be vigilant on enforcing it. Troy Moyes agreed with Korey and said the Code isn’t specific enough to be enforced the way it is currently written. The City Attorney suggested we re-write the Code to make it more specific so it is more enforceable. We don’t want to take away property rights, but we must create a sense of wellbeing for our residents. Jeff Macfarlane agreed with Korey Kap. He said he worries that this could become a Code Enforcement nightmare; there are some homes with landscaping but they are severely neglected. They meet the Code but look terrible. The Commission all felt that if this gives the City rights to pursue some of the problem areas of the City, then it’s a good thing.

4. Discussion on proposed changes to West Point City Code regarding Tree Trimming regulations.

Troy Moyes said that in speaking with Boyd Davis, they realized we have been enforcing something that is no longer in the Code. Trees must be trimmed 13'6" from the road up so the snow plow trucks can get under there. They must be 7' up from the sidewalk. There isn't anything in the Code that specifically says that anymore so Troy will work on that and get it back in the Code. This is something that will be addressed by City Council under the nuisance ordinance.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Troy Moyes

4. Approval of Minutes from September 14, 2017.

Korey Kap made a motion to approve the minutes from the meeting held on September 14, 2017, as written. Jeff Macfarlane seconded the motion. All voted aye.

5. Public Comments: None given

6. Conditional Use Permit for a Major Home Occupation, Highline Tattoo and Piercing Studio, located at 482 North 2200 West, Junior and Erica Hammon, applicants.

Troy Moyes reviewed the Staff Report dated September 14, 2017. Erica and Junior Hammon are seeking Conditional Use approval for a Major Home Occupation for Highline Tattoo and Piercing Studio located at 482 North 2200 West. The applicants have been running this business out of their home without the knowledge of needing to obtain a City business license. They have been registered with the Davis County Health Department with routine inspections being done. This has been discussed at length during two work sessions. Staff recommends approval for this applicant with any reasonable conditions that the Commission deems necessary to place upon it.

Brian Vincent said after reviewing this, a couple of items were brought to their attention that needed to be looked into. First, the actual amount of space the home occupation would take up must be less than 20 percent of the gross floor area of the dwelling, which it does they found out. Second, the applicant has indicated that they do not plan to put signage on their home. If they would like to have signs in the future, they may only be 2'x2' and must be on the home. Third, they could not have any detrimental impact to the neighboring residents. They have been running the business for the past year and there

haven't been any complaints from neighbors, so they are in compliance with this item as well. Brad Lee commended Mr. Hammon for his efforts to reach out to his neighbors and also to have the Davis County Health Department so involved. It shows the integrity of the business. The Hammons have gone above and beyond to make sure their business is operating in a safe manner and with as much integrity and dignity as possible for a home occupation. Brian Vincent seconded Brad Lee's comments. He also added that the representative from the County Health Department commended the Hammons as well for the clean business that they run.

Brad Lee made a motion to approve the Conditional Use Permit for a Major Home Occupation, Highline Tattoo and Piercing Studio, located at 482 North 2200 West, Junior and Erica Hammon, applicants. Rob Ortega seconded the motion. All voted aye.

7. Planning Commission Comments

Korey Kap said how much he appreciates Troy's hard work on all of these Code items.

Jeremy Strong commented on going to the Utah League of Cities and Towns conference a couple of weeks ago. He said he has thought a lot about that and suggested that we should looking at the Code regarding apartments and who can or cannot rent them.

Jeff Macfarlane seconded the comments already made.

Brad Lee thanked the Staff for their hard work.

Rob Ortega echoed the comments about the business that was approved. He was happy to see how much the homeowner had already done. It was a pleasure to approve that. Rob also commented that he is against the idea of telling people how to do their landscaping, but if that is what the Council wants, and we end up going with the proposed verbiage, he will support that.

Brian Vincent echoed the comments made. Concerning the comment made by Rob Ortega, Brian agreed that property rights are in the forefront of all of their minds always as well as protecting the citizen's rights. The Commission was commissioned to care for those rights and to help the City in improvements and growth. It's a fine line to walk at times. Brian commended everyone on the Commission for their integrity in doing such without any personal agendas.

8. Adjournment

Brad Lee made a motion to adjourn at 7:15 p.m. Rob Ortega seconded the motion. All voted aye.


Chairperson – Brian Vincent


Secretary – Michelle Bailey

