

**West Point City
Planning Commission
3200 West 300 North
September 16, 2010**

Present: Jake Shepherd, Lowell Mielke, Brad Lee, Rawlee Wilson, John Detamore, Matt Leavitt, Boyd Davis – City Engineer, Kent Henderson – City Council Representative, Michelle Bailey – Planning Commission Secretary

Excused: Tracy Young

Visitors: Kim McVey, Aline Nielsen, Michael Winterbottom, Sebastian Gigena

WORK SESSION

1. Conditional use permit application for an accessory apartment, located at 642 North 2800 West, Aline Nielsen, applicant.

Aline Nielsen has an existing home in West Point that has a full apartment in the basement. Her son lived there in the past and has since passed away. She also has a daughter that lives with her and has some very serious medical issues. Aline has approached the City requesting permission to rent the apartment in her basement. She has a young couple that will be married soon that will be moving in if permission is granted. The Code has only three reasons that this may be granted to a resident. The first is for family members to live in. The second is for health or age reasons and they are not able to maintain their home and grounds. The third reason is for clergy to live in. Aline is requesting this under the second reason. Boyd Davis stated that the Code requires that the apartment have a separate entrance, additional off-street parking spaces, and a one-hour fire rated door between the upstairs dwelling area and the basement apartment. This meets all of those requirements. Staff recommends approval contingent upon the Planning Commission determining that she qualifies. Brad Lee stated that he knows Aline and her situation. When her son was living with her, he did the snow removal and took care of the lawn. Brad feels that she definitely meets the requirement to apply under this specific reason. Boyd Davis stated that she has been very forthright about the situation. She approached the City because she knew the status of her permit was changing since she would no longer have family living in the apartment. This was not complaint driven and there has never been a complaint regarding the apartment. She had all of her neighbors sign the agreement, as well. Lowell Mielke commented that he saw in the Code that she would be required to renew the conditional use permit by paying an annual fee. Staff will check into that.

2. Conditional use permit application for an accessory building located at 3123 West 1050 North, Michael Winterbottom, applicant.

Staff did not see any problems with the application. He has plenty of room on his property for the building. The setbacks are adequate. Lowell Mielke commented that the

Code states that buildings over a certain square footage can be no taller than the profile of the home. Matt Leavitt asked if that is applicable since his lot is 20,000 square feet. Boyd Davis responded that it can be taller than the profile of the home but he is limited to a one-story building. Rawlee Wilson asked if the building could have a loft. Boyd responded that there is a definition in the Code regarding a mezzanine but it must be open and cannot occupy more than 20% of the building.

3. DTEC Area

Boyd Davis stated that West Point, Clearfield, and Syracuse are still combining efforts on planning the entire open area which extends up to the Freeport Center. Part of that planning effort will be that each of the three cities are going to take their proposed zoning maps and try to combine them for that area. They will most likely hire a planning consultant to do that work for the cities. There is a grant for that. Gary Hill would like the Planning Commission to attend a joint meeting with the City Council to discuss this one final time before it is given to the consultant.

4. Planning Commission discussion regarding zoning in the western portion of the city.

Lowell Mielke stated that they would focus on the west side of the city for the discussion at this time. Boyd Davis stated that it would encompass the area that follows the line of the bluff or the Layton Canal and everything west. Matt Leavitt asked where the 2,400 acres are located. Boyd pointed those out as well as the additional 900 acres that could be annexed into the city. Boyd stated that most of this area is currently zoned R-1. That is the least dense zone in the city. There has been talk in the past that possibly that is too broad for about half of the city. In recent meetings, the commission has discussed different properties such as the school properties, parks, the West Davis Corridor etc. Some have commented that maybe the zoning should be looked at in more detail rather than one big blanket area of low-density residential zoning.

Matt Leavitt asked what the North Davis Sewer District calls the trunk line that goes down 5000 West. Boyd said he believes that it is called the West Outfall Line. It is a 48" line. Lowell Mielke said that he and Boyd have discussed that if any smaller areas within this larger area are zoned to be anything other than R-1, accommodations will probably need to be made for lower density somewhere else in the west area to ensure that we stay within the utility capabilities in that area.

Matt Leavitt asked how you would determine who could have higher density and who would have lower density? Lowell stated that he and Boyd had discussed that as well. They weren't sure how that would be determined. Boyd said that it would be important to remember where the West Davis Corridor would be placed and determine most of the zones according to that area. Matt stated that he is opposed to some people receiving lower density while others get higher density. He feels that isn't fair to landowners.

Matt Leavitt also expressed concern about the capacity of the infrastructure of the sewer line. Boyd stated that when they annexed an area into the city recently, a sewer study

began. There is no sewer available in that area right now. The city asked if the Sewer District has capacity for the area. The Sewer District brought out their Master Plan which is updated frequently. They have been planning on growth there for many years. They also showed the zoning and the number of houses they are planning for that portion of the city. It was based on the R-1 density we have planned at this time. There was a brief discussion regarding what would need to be done with the infrastructure if higher density residential or commercial went up in that area.

Boyd Davis asked what the optimal size of a lot in the western portion of our city would be. John Detamore responded that he felt it would be 11,500 square feet. Matt Leavitt stated that he feels that the problem isn't the lot size, but rather the 100 foot frontage requirement. He feels that it is economically prohibitive. Jake Shepherd suggested that we consider allowing variable frontages. Matt Leavitt said that he has seen zones that have a frontage average of 85 feet for the entire development.

Boyd Davis asked if they can envision high density developments such as townhouses or condos in that area. The Commission said they felt that it could definitely be a possibility. The corridors seem to be a draw for higher density developments. Boyd asked if they foresee retail use and industrial use along the corridors. The Commission all agreed that those uses are a possibility.

REGULAR MEETING

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Brad Lee
- 4. Approval of Minutes from May 13, 2010, June 10, 2010, August 12, 2010**

John Detamore made a motion to approve each set of minutes as written. Rawlee Wilson seconded the motion. All voted aye.

- 5. Public Comments:** None given
- 6. Conditional use permit application for an accessory apartment, located at 642 North 2800 West, Aline Nielsen, applicant.**

Aline Nielsen was present to answer questions. Aline stated that this was approved for family and/or clergy seven years. She has a couple that would like to move into the apartment. She is applying for the conditional use permit under the condition that she is unable to maintain the property. Aline stated that she has a daughter with congestive heart failure and is taking care of her. Brad Lee commented that he has known Aline for several years. He continued to say that she has had many trials in her life and has

handled things very well. Lowell Mielke stated that Staff has inspected the property and found that it meets all of the conditions of the Code to grant a conditional use permit. Rawlee Wilson explained to Ms. Nielsen that upon reading the Code, the Commission found that she does not need to re-apply for this permit each year; she just must pay a small annual fee to keep the permit current. John Detamore asked what happens with the permit when the couple moves out of the apartment. Boyd Davis explained that the conditional use permit stays with the property; it is not based on who lives there. She may have anyone move in there that she chooses. Lowell Mielke stated that a conditional use permit is conditional. If the City receives complaints from the neighbors, Staff has the authority to review the application and possibly revoke the permit.

Brad Lee made a motion to approve the conditional use permit application for an accessory apartment located at 642 North 2800 West, Aline Nielsen, applicant. John Detamore seconded the motion. All voted aye.

7. Conditional use permit application for an accessory building located at 3123 West 1050 North, Michael Winterbottom, applicant.

Michael Winterbottom was present to answer questions. Michael stated that it will be used to store a trailer and projects that he has. He and his son have purchased a couple of old cars and will be restoring and parking them in the accessory building. He will not be using the building for a business and does not plan to restore cars for anyone else. It is for personal use only. Lowell Mielke asked about the height of the building. Michael stated that his fifth-wheel trailer is fairly tall, so the building will be tall to house that. He will keep the height under the limit as required by the Code. Boyd Davis stated that the accessory building may only be one story, but there is not a limit on the height. Rawlee Wilson stated that they discussed earlier that the Code allows for a mezzanine space for storage. Lowell Mielke asked what the structure of the building would be. Michael stated that it will be wood framed and stucco finished. It will be similar in color to the home.

Rawlee Wilson made a motion to grant the conditional use permit for an accessory building located at 3123 West 1050 North, Michael Winterbottom, applicant. Jake Shepherd seconded the motion. All voted aye.

8. Planning Commission Comments

Jake Shepherd asked about the counter cart that was set up on the park road. Following that, a stop sign was installed. Jake just wondered what was decided after the study was done. Boyd Davis stated that Staff wanted to get a general idea of how many cars are actually going through the entire loop. That number depended, of course, on the night of the week. The highest traffic was on game nights and there were approximately 200 cars that used that loop. On an average day, there were about 60 cars going through the loop. Jake stated that he was under the assumption that it would be blocked off so it would not be used as a through street. Boyd stated that the decision was to leave it open but slow

the traffic down. That was a Staff decision. The count and a proposal will be presented to the City Council in October.

Rawlee Wilson had no comment.

Matt Leavitt commented on the Code that deals with accessory buildings. In paragraph B, it states, "Accessory buildings in any zone shall occupy no more than 20 percent of the lot area less the area of the footprint of the main building.." Matt stated that in this case the lot is 20,000 square feet. Twenty percent of that would be 4,000 square feet. The accessory building is 2,400 square feet. Matt is wondering if the building inspector checks into the footprint of the home to see if it is over 1,600 square feet. Boyd Davis stated that he checked into that and it meets that requirement.


Brad Lee had no comment.


John Detamore asked Staff to let them know when the joint meeting will be held with the City Council.

Lowell Mielke had no comment.

9. Adjournment

Matt Leavitt made a motion to adjourn at 7:22 p.m. John Detamore seconded the motion. All voted aye.


Chairperson – Lowell Mielke


Secretary – Michelle Bailey

