

**West Point City
Planning Commission
3200 West 300 North
September 13, 2012**

Present: Rawlee Wilson, Brad Lee, Jeremy Strong, Curtis Seeds, John Detamore, Kent Henderson – City Council Representative, Boyd Davis – City Engineer, Jeff Oyler – City Planner, Michelle Bailey – Planning Commission Secretary

Excused: Lowell Mielke

Visitors: Kyle Hamblin

WORK SESSION

1. Discuss final plat for Phase 1, Wise Country Meadows –

Kyle Hamblin was present to answer any questions pertaining to the subdivision. Jeff Oyler stated that Phase 1 has 21 lots. Staff has received some of the approval letters from the utility companies. They are still waiting to hear from others. Kyle said the only letter he isn't sure of is the letter from Clearfield Irrigation. Hopefully that will be taken care of soon. They are also waiting to hear from Davis/Weber Canal Company. Kyle has e-mailed all of the information to the Fire District and is waiting to hear back from them as well. Jeff Oyler explained that city policy is to give final approval for a subdivision only after the approvals from the other entities have been granted. Kyle Hamblin said he understands the City's policy and that he wasn't there to push buttons. He was there because his boss asked him to see if they could get approval conditional on getting the approvals from those other entities before taking this to City Council. Jeff Oyler said a problem that sometimes occurs is when one of those service providers says the plan won't work and they need something redesigned then the developer is forced to start all over again with the process. He feels it's a good idea and a good policy to say the approvals must be in before giving final approval.

Jeff Oyler said that they sat down with the developer to discuss the enhanced landscaping on 3000 West. What they came up with is, along 3000 West, a six foot sidewalk that goes right to the back of curb and then a 5 ½ foot landscape strip to the fence. Staff's preference would be to do a five foot park strip, a five foot sidewalk, and then a five foot landscape strip. That is possibly the way the new ordinance will read in the future. Right now, since it isn't in the Code, they must work with the developer and come to a reasonable agreement. The developer doesn't want to create an HOA for the subdivision. Instead of having each of the homeowners maintain the area behind their fence, Staff worked out a deal with the developer where he will build his model home on Lot 1. Then he will place a note on the plat stating that whoever owns Lot 1 will be responsible to maintain that entire landscape strip in perpetuity. The developer will maintain it while they have the model home in place. When the model home is sold, that homeowner will maintain it from then on. The Planning Commission was against that idea. They don't

feel like it will be adequately maintained once the model home is sold. Boyd Davis stated the options they discussed to do with the area. First option is to do nothing. They could concrete the whole area so it doesn't need any maintenance. Second option would be to do a standard park strip and sidewalk and don't do the enhanced landscape area behind the sidewalk. Someone would still need to mow the park strip. The third option is what was mentioned before to do six feet of concrete then the enhanced landscape area. Boyd Davis said that Staff feels that this is the biggest issue facing this subdivision. They would like to see the enhanced landscaping but realize that determining who will maintain it adequately is a problem. Discussion took place regarding how to resolve the issue. Rawlee Wilson asked if Staff discussed the possibility of setting aside some funds. Jeff Oyler said the developer is willing to put up approximately \$10,000 that the City would retain in case there is a need down the road to replace bark or trees etc. Staff feels it is wrong to place responsibility on the City to maintain that area in the future.

Rawlee Wilson asked each commissioner to give their opinion on if that area should be landscaped or not. John Detamore feels it should be landscaped. Brad Lee feels it should be landscaped but agrees that once it is turned over to the homeowner, it will not be maintained properly. Jeremy Strong feels it should be landscaped but feels that once the model home is sold the maintenance will fall on the City so he feels there needs to be a fund in place to take care of the costs. Curtis Seeds feels it should be landscaped but also agrees that it will fall to the City for proper maintenance. Kyle Hamblin suggested that possibly the developer give the money to an independent HOA company instead of the City and set it up with them. They would then become the enforcer of the HOA rather than someone within the subdivision being forced to confront neighbors about issues. Boyd Davis asked if there were any other concerns regarding the subdivision aside from the landscaping issue. No other concerns were mentioned. Boyd said his other main concern is the new intersection that is being created at 550 North 3000 West. They need to ensure that it will be safe for the school kids coming and going to West Point Junior High and Lakeside Elementary.

2. Brian Higgs lot approval –

Jeff Oyler stated this is an approval for a single lot. It is located at approximately 3600 West 1800 North. It is a .75 acre lot and Mr. Higgs is going to build one house on the lot. They have owned the property for several years and it needs to be approved as a building lot. He will run all of his utilities off of 1800 North. He has approval from UDOT to do all of that. He will not be required by the city to install curb, gutter and sidewalk. There is nothing on that side of the street. There are three items that will need to be completed. The City will record the address at the Davis County Recorder's office. Mr. Higgs will need to transfer water shares to the city. Also, he will be responsible to bring in all private utilities such as power, gas and phone. It will be a slab-on-grade home because the water table is too high for a basement. Boyd Davis mentioned that Mr. Higgs is up against a time constraint with UDOT. They will not allow him to dig in the road to install his utilities after October 15, 2012.

3. Discuss day care approval for Jeanette Laub –

Staff has received an application for a daycare center. They are applying for the basic daycare approval which will allow them to have up to eight children under one care provider. The address is at 3105 West 1050 North. It is a conditional use and a major home occupation. She has met all of the requirements under West Point City Code. She has passed the inspection by the City Building Inspector. Also, she has had an inspection and received approval from the Fire Marshall and the Health Department. She is in the process of obtaining a State license. That cannot be completed until the City has granted approval. One of the stipulations on the Conditional Use Permit must be that she completes the State licensing procedure.

4. Discuss church farm plan –

Jeff Oyler stated that Staff would like to get something in the General Plan to fill the hole where nothing exists in this area. Staff feels that they have the Commercial zones in the correct areas on the map. The more difficult part will be defining Mixed Use in the Code, and determining what should be allowed in those areas. Industrial Park zone will need to be defined, as well.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Rawlee Wilson

4. Approval of Minutes from August 9, 2012

Brad Lee made a motion to approve the minutes from August 9, 2012, as written. John Detamore seconded the motion. All voted aye.

5. Public Comments: None given

6. Approve/Deny final plat for Phase 1, Wise Country Meadows

Rawlee Wilson stated that this item has been discussed in the work session. John Detamore made a motion to table this item to give the developer more time to complete the items listed in the Staff Report that are still pending. Jeremy Strong seconded the motion. All voted aye.

7. Approve/Deny lot approval for Brian Higgs

Jeff Oyler stated that the address for the lot is 3611 West 1800 North. It is a .75 acre parcel. They would like approval for one building lot on that parcel. He will stub all of his utilities off of 1800 North, which is a UDOT road. He has received approval from UDOT to cut the street and bring the utilities to his lot. He has received approval letters from North Davis Sewer District, North Davis Fire District, Davis/Weber Canal, and UDOT. Staff recommends approval for the one building lot subject to the address being recorded at the Davis County Recorder's Office, water shares must be transferred to West Point City, and the owner is responsible to bring in all private utilities to the property.

Jeremy Strong made a motion to approve a lot for Brian Higgs located at 3611 West 1800 North, contingent that he meet the three items listed on the Staff Report and mentioned above. John Detamore seconded the motion. All voted aye.

8. Approve/Deny conditional use permit for a day care

Rawlee Wilson stated that there is an application for a daycare called Jennie's Just Like Home Childcare located at 3105 West 1050 North, applicant Jeanette Laub. Jeff Oyler stated that this is a Conditional Use approval for a Major Home Occupation. She will be licensed to care for up to eight children. She has met the requirements of conditional use approval as per West Point City Code. She has passed inspections by West Point City, North Davis Fire District, and Davis County Health Department. She is waiting for approval to receive her Childcare Certificate from the State of Utah. Staff recommends that the conditional use permit be subject to her acquiring that final State certificate.

John Detamore made a motion to approve a Conditional Use Permit for Jennie's Just Like Home Childcare, located at 3105 West 1050 North, applicant Jeanette Laub, with the condition that she completes her State of Utah childcare certificate. Brad Lee seconded the motion. All voted aye.

9. Approve/Deny General Plan Map for church farm

Jeff Oyler stated that this has been discussed extensively. The intent is to lay out the uses that could take place on this 230 acre piece of property that currently is not shown on the General Plan. This map would become the General Plan part of that property with a mix of commercial, mixed use, and research/industrial park areas as shown on the map. Also shown are a couple of possible major road routes through that property that is part of this approval. This is intended to be general in nature meaning that those uses could change or move around. This is the first step in the process of moving towards that goal. This would be a recommendation to the City Council and then they will hold a public hearing.

Brad Lee asked how much time the property owners that face 2000 West are given if there is a development coming in that will require demolition of their homes. Do those owners know now that their home is in that specific area? Or is there potential for loss there? Boyd Davis stated, "If a development affects those houses, the developer would

have to buy those houses. They would find out at that point.” The first time they will receive information about this plan for the property is when they receive notification about the public hearing. Boyd continued to say that those homes may also be affected by the widening of that road and UDOT will handle that notification.

Brad Lee made a motion to approve the General Plan map for the church farm property as proposed. Jeremy Strong seconded the motion. All voted aye.

10. Work session items

Zoning Updates:

Billboards - Staff has been discussing these items and wanted to bring them to the Commission’s attention for further discussion and approval. Tonight is for discussion only. The first item deals with billboards. There has been discussion regarding putting into the ordinance something dealing with billboards. There is nothing in the ordinance currently that deals with them. Staff feels that, at the present time, they do not want to allow any billboards to be placed within the city limits. They have written a definition of what a billboard is. Then as a second part to that, under our Prohibited Sign Section, they would like say billboards are not allowed within the corporate limits of West Point City. This follows what a lot of other cities along the Wasatch Front have done. Staff realizes there is not a huge demand in the city at this time, to place billboards within the city, but most cities, even if they have existing billboards, have limited those to the ones that are in existence and do not allow new ones. Rawlee Wilson asked if it would be appropriate in the definition to indicate a size. Jeff Oyler responded that it would be appropriate to do that. There are several different off-premises signs that are allowed within the city so defining what size is considered a billboard would be advantageous.

Apartments in commercial zones – Jeff Oyler stated that in our Code we allow multiple unit dwellings in our Commercial Zones. Staff would like to have a discussion regarding deleting those uses from our commercial zones at the present time. Then they can decide how they will deal with multiple family dwellings in the mixed use zone in the future. It will be proposed to take that language out of the C-C and R-C zone.

Street Landscape Standards: Staff has been asked to put together an ordinance that can deal with enhanced street landscaping on our major street corridors. This is specifically dealing with subdivisions that have lots that back onto arterial or collector streets. Jeff displayed different alternatives to consider. The current standard is a 4 ½ foot park strip and a five foot sidewalk. Staff would like to consider two different alternatives. Alternative A would be a five foot landscape strip, five foot sidewalk, and a five foot landscape strip on both sides of the street. Staff is proposing not to increase the road right-of-way but to require that extra piece as an easement on private property. Alternative B would be to do a six foot back of curb sidewalk and a seven foot park strip. Rawlee Wilson asked why they prefer a five foot property easement versus the street right-of-way. Jeff Oyler responded that there are a couple of reasons for that. One reason is that if it is kept as private property it is taxed. Two is that the property owner

can still count that as part of their lot to meet the minimum lot-size requirement. They can also use that as part of their rear setbacks. The way it is presently written, it could be done one of two ways. It either stays in private ownership with an easement or it becomes a separate parcel that is owned and maintained by the HOA. Staff feels that it is more advantageous to the lot owner to have it in private ownership. The sidewalk would then be the property line rather than the fence being the property line. Discussion took place regarding the rear setbacks. Also, discussion took place regarding sizes for the landscape and sidewalk areas.

Jeff Oyler mentioned that Staff spoke with some employees of Clinton City. They have had experience with this and recommend that the city require that HOA's be professionally managed. Apparently, there are banks that manage HOA companies. They have had a lot more success by requiring that. Things are more likely to be professionally taken care of if they are professionally managed. In discussions with Layton City's attorney, Jeff found out that it is legal to require a developer to set up an HOA. They would be required to take care of everything; watering, maintenance, replacing dead trees or shrubs etc. Staff's initial thought was to require that trees be planted every 25 feet and then in between those, require that five shrubs be planted. The Commission agreed to discuss this more at the next meeting.

11. Planning Commission Comments

Curtis Seeds had no comments.

Jeremy Strong had no comments

John Detamore had no comments.

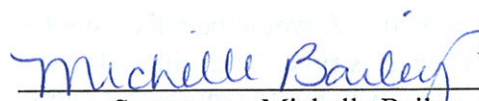
Brad Lee had no comments

Rawlee Wilson had no comments

12. Adjournment

Brad Lee made a motion to adjourn at 8:02 p.m. John Detamore seconded the motion. All voted aye.


Chairperson – Rowland S. Wilson


Secretary – Michelle Bailey