

**West Point City
Planning Commission
3200 West 300 North
September 27, 2012**

Present: Rawlee Wilson, Brad Lee, Jeremy Strong, Curtis Seeds, John Detamore, Lowell Mielke, Jeff Oyler – City Planner, Michelle Bailey – Planning Commission Secretary

Visitors: Chris Cave

WORK SESSION

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

Chris Cave, engineer for Wise Country Meadows Subdivision, was present representing the developer. Jeff Oyler stated that this item was tabled at the last meeting because there were still approvals that needed to be granted. Staff has now received approval letters from the North Davis Fire District, North Davis Sewer District and Clearfield Irrigation. Also, most of the items listed on the Staff Report have been completed. Staff feels that this is ready for final approval from the Planning Commission. Jeff Oyler said they still need a letter from the gentleman that has a holding strip on 550 North. The developer is required to pay that man a certain amount of money for the improvements that he previously made to build that road.

Jeff Oyler wanted to discuss the landscaping issue along 3000 West that has already been discussed extensively. At the last meeting, everyone agreed that it was a good idea to do the landscaping but a consensus was not reached on how it would be maintained. The current proposal is to have the owner of Lot 1, and there is a note on the plat stating this, maintain the approximately 600 foot landscape strip. The proposal is to have a six foot sidewalk, back of curb, and then a five and a half foot landscape strip that has trees and shrubs. The City is currently in the process of adopting a street beautification ordinance. Because that is not in effect yet, Staff is trying to get the best they can on this project. Staff met with Mike Schultz, the developer, and discussed the situation. The solution they came up with is that the developer will create a set of CC&R's to be recorded with the subdivision. That may have verbiage about minimum home sizes etc. There will be verbiage added that states that if the landscaping is not maintained to the City's specifications, the City may assess every homeowner in the subdivision an ongoing fee and it will then be maintained by the City. The model home will be built on Lot 1 and the developer will maintain the landscape strip as long as the model home is open. When the home is sold, the new owner will know they are responsible for maintaining that landscape strip. If they do not take care of it, the City has a fallback position to obtain funds to maintain it. Mike Schultz agreed to this under one condition. He wants it left up to the owner of Lot 1 to maintain it. Staff doesn't feel that this is an ideal situation, but feels that it is the best option for the current situation.

Rawlee Wilson brought up that in the last meeting, Kyle Hamblin stated that he would speak with Mike Schultz regarding setting some funds aside for maintenance of this property. Jeff Oyler responded that Kyle Hamblin had agreed to approach Mike Schultz one last time about setting up an HOA in the subdivision. He did that and Mike clearly responded that he is not willing to set up an HOA. Staff spoke with Mike Schultz and he agreed to the latest proposal. There was no further discussion about funds being given to the City for maintenance.

2. Street landscape standards –

These standards will be for all arterial and collector roads within West Point that have homes which back up onto an arterial street. Jeff Oyler presented two different alternatives. Alternative 1, which Staff is most in favor of, has five feet of park strip, five feet of sidewalk and five feet of landscape strip. Alternative 2 has a six foot back of curb sidewalk and a seven foot landscape strip. Jeremy Strong doesn't like that much land being taken away from the homeowner as will be done with Alternative 1. Five feet can make a big difference when taken out of someone's back yard. Lowell Mielke asked if the developer could be given the choice of doing either of the alternatives. Rawlee Wilson pointed out that we want to have uniformity throughout the City. Staff discussed having one standard but then having verbiage in the Code that would allow the Planning Commission to vary that standard based on certain circumstances or unique situations. Rawlee Wilson suggested that the setback requirements be changed so it would go from the fence line rather than the property line so homeowners could have larger backyards. Discussion took place regarding this suggestion. It was decided that fence lines as the property lines are too controversial, especially since the fence isn't usually in place when the home is being constructed.

Lowell Mielke asked for an explanation of a landscape easement. Jeff Oyler stated that typically you will see one of two different scenarios. One is where it stays as ownership of the property owner and it is called a landscape easement. The property owner can't do anything on that easement except maintain the landscape of that area. So whatever was put there when it was developed has to stay there. The other scenario is that that same five foot strip could be counted as a parcel by itself to be maintained by an HOA. Then it is taken out of the lot. As long as it is part of the lot, it will be recorded as a landscape easement on that lot. If it is a separate parcel, the HOA actually holds title to that strip of ground.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Jeremy Strong

4. Approval of Minutes from September 13, 2012

Lowell Mielke made a motion to approve the minutes from September 13, 2012, as written. Curtis Seeds seconded the motion. All voted aye.

5. Public Comments: None given

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

Jeff Oyler stated that this phase will have 21 lots as shown on the plat. Staff recommends that they are ready for final approval of Phase 1. Staff suggests making the approval subject to the Staff memo dated August 30, 2012. Brad Lee asked if the items still needing completion are minor items. Jeff stated that all major items discussed in the last meeting have been completed. The remaining items are minor details and will be wrapped up before going to City Council for final approval. Lowell Mielke asked "If we are going to recommend/approve this, does it have to be contingent upon an agreement with the landscaping along 3000 West?" Rawlee Wilson mentioned the note on the plat stating that the owner of Lot 1 will maintain the landscape strip. Jeff Oyler said the way the plans are drawn and the way everything is laid out, it shows that there is a set of landscape plans for that piece as has been described. The only thing remaining to do is write the verbiage that will be in the CC&R Agreement. Staff will complete that before it is taken to City Council. It has been verbally agreed upon with the developer, they just haven't had the time to put it together.

John Detamore made a motion to approve the final plat for Phase 1, Wise Country Meadows, contingent to the check list being completed from the staff memo dated August 30, 2012. In addition, that the developer will finalize the landscape requirements as agreed upon with City Staff. Also, that there will be verbiage added to the CC&R's pertaining to the maintenance of that landscape strip. Lowell Mielke seconded the motion. A roll call vote was taken. All voted aye.

7. Approve/Deny zoning ordinance updates

Rawlee Wilson stated that these fall under a couple of sections in the Code, Chapter 17.90 Sign Regulations, as well as, 17.25.070 Table of Land Use Regulations. Jeff Oyler stated that there are a couple of things that need to be updated in the zoning ordinance. One of these deals with billboards within West Point City limits. Staff would like to include a definition of what constitutes a billboard. As a second part to that, they would

like to prohibit billboards in West Point City. This is a move that is being worked on by the legislature. A lot of cities have done similar things. A billboard has never been proposed in West Point, but with Highway 193 coming into the city, and Legacy Highway in the future, those things could become an issue. In the definition, Staff suggested that anything larger than 300 square feet be considered a billboard. That would still allow all of the signage that is currently allowed off premises, in terms of subdivision signs, campaign signs, garage sales, etc. It won't prohibit anything in our ordinance that is currently allowed because all of those things are smaller than 300 square feet.

The second thing is that Staff has had several discussions in regards to deleting multiple dwelling units as a conditional use in Commercial zones. They would like to do that in reference to what is being worked on regarding the church farm plan and the General Plan. That language will be put back in somewhere when they find the appropriate place. Staff feels that for the time being, multiple family housing does not belong in a commercial zone. They are requesting to have the multiple dwelling units deleted as a conditional use in the C-C and R-C zones.

Lowell Mielke asked if they were talking about eliminating residential in C-C and R-C completely. Jeff Oyler confirmed that. Lowell Mielke said, "When we originally structured this, what we were talking about was commercial area with residential areas up on the second or third floor of those buildings. Are we now changing our mind about that?" Jeff Oyler said that for the present time they are changing that. At some point in the future, they may decide to go back to that idea, but for the present time the request is to not allow any residential building to take place in a commercial zone. Rawlee Wilson explained that the reasoning behind this is because if someone were to meet all of the criteria, they would be obligated to grant that conditional use and that criteria doesn't necessarily mean just a second or third story dwelling. It is an effort to preserve our commercial areas for commercial uses.

Brad Lee made a motion to approve the new Sign Regulations, Chapter 17.90.040 Definitions, stating "Sign, Billboard, A freestanding, off premises sign, larger than 300 square feet, designed or intended to direct attention to a business, product, or service." And 17.90.110 Prohibited Signs, stating "Billboards are not allowed within the corporate limits of West Point City." John Detamore seconded the motion. All voted aye.

Lowell Mielke made a motion to approve the changes to Chapter 17.25.070 Table of Land Use Regulations, stating, "In the C-C & R-C zones, we are deleting "multiple unit dwellings" as a conditional use." Jeremy Strong seconded the motion. All voted aye.

8. Approve/Deny street landscape standards

Jeff Oyler stated that this has been discussed multiple times. It deals with landscape improvements along arterial streets. This is part of an overall plan to beautify West Point City. This ordinance is only dealing with arterial and collector roads. This only will deal with subdivisions that would back onto one of these streets. If the homes face the street,

this wouldn't apply. This ordinance provides a requirement that additional landscaping must be provided. It dictates that it is a combination of trees and shrubbery and lawns. It states how far the trees must be spaced and how many bushes are required. It has a requirement for irrigation systems. It has requirements that it must all be maintained. It must be installed by the developer. It also requires a development to put together a Homeowner's Association and that HOA is responsible for the perpetual maintenance of these areas.

Staff has come up with two recommendations. One is to have a five foot landscape strip, a five foot sidewalk and then another five foot landscape strip. The other option is for a six foot back-of-curb sidewalk and a seven foot landscape strip. Jeff Oyler displayed a picture of what is currently required. Our standard is a four and a half foot park strip and a five foot sidewalk. They are proposing a five foot park strip, which they think would be grass, a five foot sidewalk which matches the standard, then another five foot landscape strip which would be trees and shrubs. The other option would be the six foot sidewalk and seven foot landscape strip. Discussion took place regarding sizes and maintenance of park strips. A national study shows that park strips have been named the number one largest water waster in residential landscaping. Several planning organizations are recommending that landscape strips be at least eight feet wide. Members of the commission commented on it being a public safety issue to have pedestrians too close to the street if they don't have a park strip between the road and the sidewalk. ASHTO standards recommend that if the sidewalk is back of curb then it should be a minimum of six feet wide.

Lowell Mielke made a motion to table this item concerning street landscaping standards. A decision hasn't been made yet on what options they would like to offer or even what the dimensions should be. Curtis Seeds seconded the motion. John Detamore commented that it's premature and feels they are not prepared to make a wise decision on this point yet. It will need to be discussed more prior to being passed. All voted aye.

9. Planning Commission Comments

Curtis Seeds commented that he feels it's important to continue to work through this topic. They want things to be nice and want to have everyone on board with the decision when it's made. He thanked Jeff Oyler for all of his efforts on this project.

Jeremy Strong had no comments.

John Detamore suggested that the commissioners look around at what other communities are doing and get ideas of what they like and don't like so then they can make a decision that is best for West Point City.

Brad Lee agreed with what the other commissioners have said. He also wanted to thank Staff for all the work they do. He also wanted to thank Cory Thompson for his service on the planning commission. It was short but he did great work while he was there. Also, Brad welcomed Lowell Mielke back to the commission.


Lowell Mielke commented that he has been using the trails within the city lately. He feels that we have a great trail system but he has also ridden on the trails in the surrounding cities. He feels they have spent a considerable amount of money for landscaping along the trails in their cities. He asked if there is money in West Point's budget for landscaping improvements along the trails. Jeff Oyler said he would check with Staff on that and let Lowell know.

Rawlee Wilson had no comments.

10. Adjournment

Brad Lee made a motion to adjourn at 7:50 p.m. Curtis Seeds seconded the motion. All voted aye.


Chairperson – Rowland S. Wilson


Secretary – Michelle Bailey