



**West Point City Council Meeting  
3200 West 300 North  
West Point City, UT 84015  
November 18, 2014**

**Mayor**  
Erik Craythorne  
**Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Andy Dawson  
R. Kent Henderson  
Jeffrey Turner  
**City Manager**  
Kyle Laws

**Administrative Session**  
**6:00 PM**

Minutes for the West Point City Council Administrative Session held at 6:00 pm on November 18, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Pro-Tem Petersen presiding.

**MAYOR AND COUNCIL MEMBERS PRESENT** – Mayor Pro-Tem Gary Petersen, Council Member Kent Henderson, Council Member Jeff Turner, and Council Member Andy Dawson

**EXCUSED** – Mayor Erik Craythorne, Council Member Jerry Chatterton, and City Manager Kyle Laws

**CITY EMPLOYEES PRESENT** – Boyd Davis, Assistant City Manager; Evan Nelson, Administrative Services Director, Paul Rochell, Public Works Director; and Misty Rogers, City Recorder

**VISITORS** – Rob Ortega

**1. Discussion of Proposed Mixed Use Zone – Mr. Boyd Davis**

Mr. Davis stated approximately two years ago, the Planning Commission and City Council had discussed possible uses for the property located on the corner of 2000 West 300 North and the church farm property (from 2000 West to 2800 West). He then stated it was during those discussions that an amendment to the General Plan was approved. Mr. Davis provided the Council with a brief overview of the General Plan (*attachment A*) and the zonings for the property located on the corner of 2000 West and 300 North from 2000 West to 2800 West (the church farm property). Mr. Davis stated along 2000 West, the majority of the area is zoned as Community Commercial (C-C). West of the C-C zone, the areas are zoned as Research and Industrial (R/I-P) and Mixed Use (M-U).

Mr. Davis stated when the Mixed Use area was incorporated into the General Plan, it was determined that a definition would need to be created. Over the past few months, the Planning Commission has worked to draft a definition of the Mixed Use Area to propose to the Council. He then stated as the area of 2000 West and 300 North are developed, it will be crucial the zonings are appropriate for the area. Mr. Davis stated the original intent of a Mixed Use Area was to give developers flexibility when determining the best use for the area.

Council Member Dawson asked if there are limits to what zones could be allowed in the Mixed Use Area. Mr. Davis stated yes, only specific zones will be allowed into the Mixed Use Area.

Mr. Davis informed the Council that Mr. Nelson has been instrumental in working with the Planning Commission to draft a final proposal of a Mixed Use Area. He then stated the Planning Commission has agreed on the following three objectives:

1. Preserve adequate space & opportunity for commercial development
2. Provide an opportunity for high density residential development and industrial and research development.
3. Allow flexibility in the arrangement of the uses for the area

Mr. Davis stated the proposed Mixed Use Area Code is a newer concept and will give a significant amount of control to a developer.

Council Member Turner asked when the Mixed Use Area had been incorporated into the General Plan. Mr. Davis stated the General Plan had been amended approximately two years ago.

Mayor Pro-Tem Petersen stated the intent of the Mixed Use Area is not to allow a developer to determine an appropriate use for an area. He then stated that the "flexibility" in the Mixed Use Area was intended to allow for flexibility as development comes.

Mr. Davis stated the original Mixed Use policy began as a stricter policy and the Planning Commission had lessened the restrictions and has allowed for more flexibility.

Mayor Pro-Tem Petersen asked if the policy being presented is new; as he hadn't understood the Mixed Use policy to allow a developer to determine what is allowed and developed in the Mixed Use Area. Council Member Henderson stated that he agrees with Council Member Petersen, he too is concerned with giving a developer more control.

Mayor Pro-Tem Petersen asked when the Planning Commission had drafted the proposed Mixed Use Area Code. Mr. Davis stated the Planning Commission has been working to draft a definition of a Mixed Use Area over the past several meetings. But the actual process of incorporating a Mixed Use Area into the Code began approximately two years ago when the General Plan was amended. Mr. Davis stated again, a portion of the proposal is new, and it is a recommendation from the Planning Commission.

Mr. Davis stated the proposed Code will allow for a developer to request a specific zone for an area. However, the zoning requested by a developer must be approved by the Planning Commission and the City Council.

Council Member Turner asked if a City has the authority to dictate specific for an area if the zoning has already been set. Council Member Petersen stated the Mixed Use Area on the General Plan is only a plan; the actual zoning for the area hasn't been approved.

Council Member Turner stated if a specific zoning has been set for an area, the Council must approve any use allowed within that zone.

Council Member Dawson that he believed the original intent of the Mixed Use Area on the General Plan was to incorporate high density and research and industrial with using commercial as a buffer. He then recommended using "density" to determine a use or zoning for an area.

Mr. Davis stated the Mixed Use Area is designated on the West Point City General Plan; however it is not considered an actual zone for the area. The Mixed Use Area will allow developers and the Council to determine specific uses and zones within the City Code. Mr. Davis stated while discussing the General Plan and the Mixed Use Area with the Planning Commission, it was decided to only allow a developer to apply for zoning found within the definition of the Mixed Use Area. This requirement will give the Council control as they would have the opportunity to pick and choose developments for the area. Mr. Davis then informed the Council of the following zones in which the Planning Commission proposes be included into the Mixed Use Area:

- R-4 (Residential, Medium Density – up to 10 units per acre)
- R-5 (Residential, High Density - up to 10 units per acre)  
Mr. Davis stated the R-4 and R-5 zone allows for townhome developments.
- R-6 (*NEW ZONE* - High Density residential zone – up to 20 units per acres)  
Mr. Davis stated the R-6 zone (20 units per acre) allows for standard apartments. He then stated the R-6 zone is a new zone. If the Council accepts the proposal, the R-6 zone would be to ask the Planning Commission to create the R-6 zone.
- N-C (Neighborhood Commercial)
- C-C (Community Commercial)
- R-C (Regional Commercial)
- P-O (Professional Office)
- R/I-P (Research and Industrial Park)

Council Member Dawson cautioned allowing an R/I-P zone within the Mixed Use Area as a portion of the area has already been designated as Research and Development (R/I-P).

Mr. Davis stated the Planning Commission is supportive of the flexibility in this area. He then stated at the time the General Plan was amended, both the Planning Commission and the City Council believed the zonings were appropriate for the area. He then stated the General Plan can be changed in the future if the Council deems it necessary.

Mayor Pro-Tem Petersen stated there are specific locations within the City where only certain zonings must be allowed.

Council Member Henderson stated when the General Plan had been amended; the Council used the extension of SR-193 to West Davis Corridor when determining zonings and uses for the area.

Mr. Davis stated when the General Plan was amended; the zoning was done in such a way that other uses could be incorporated into the area if necessary.

Council Member Turner asked which zone a business such as Boondock's would be permitted. Mr. Davis stated a development such as Boondock's would be likely allowed in the R/I-P zone.

Mr. Davis stated the process and approval of an acceptable use for the Mixed Use Area will be at the discretion of the Planning Commission & City Council. He then stated that when the Planning Commission discussed the Mixed Use Area, they expressed concern with designating an accurate percentage of zoning for each area. The Planning Commission felt it would be appropriate to have the zoning approved by the City Council on a project by project basis.

Council Member Dawson stated there is both a benefit and risk to accepting the proposed Code. Allowing zoning to be determined project by project could ultimately negatively affect the City in the future.

Mayor Pro-Tem Petersen stated the land being discussed will only be developed once and it is critical the Council use caution way considering uses and zoning. He then stated using percentages to determine the use of an area gives a reasonable amount of control to the City. Approving zoning project by project could limit development in the future.

Mr. Davis stated the Planning Commission has spent numerous hours discussing the Mixed Use Area. He then stated that he expects the Council to also spend a significant amount of time discussing the Mixed Use Area.

Mayor Pro-Tem Petersen stated the Council should follow specific steps to ensure an adequate amount of property is being saved for development. He then stated it is critical that the Planning Commission and the Council maintain reasonable control.

Council Member Henderson stated if percentages are used to determine the zoning for an area, future Councils could amend the General Plan if necessary.

Mayor Pro-Tem Petersen stated if controls are not in place, a developer could "strong-arm" the City. This could limit what uses could be approved and denied.

Mr. Davis stated the Planning Commission should be commended as they have spent numerous hours discussing and drafting a Mixed Use Area policy. He then stated members of Staff have also been concerned with regards to what could be allowed in a Mixed Use Area. Mr. Davis stated it is important for the City Code to have predictability, not only for the developer but also members of Staff.

Mr. Davis informed the Council that because of the uncertainty of the market, the Planning Commission believes the proposed Mixed Use Area policy is a good option.

Council Member Henderson stated the General Plan could be amended in the future if necessary. He then stated not including parameters in the Code could allow for issues with developers in the future.

Council Member Dawson stated now that SR-193 is reality, revisions to the General Plan should be considered. Access to the future developments in the area may dictate certain uses.

Mayor Pro-Tem Petersen stated 2000 West is scheduled to be widened in approximately 2017 and the extension of SR-193 is dependent upon development. It is likely that as SR-193 extended west, development in the area will occur.

Mayor Pro-Tem Petersen stated the development in the area will likely be driven by access. He expressed the need to use caution when determining the best uses for the area.

Mr. Davis stated with the comments made by the Council, it seems as if the Council would like consider amending the General Plan.

Council Member Dawson stated considering the Mixed Use as an area and not an actual zone seems a more suitable.

Mr. Davis stated he believes the Mixed Use Area could be a beneficial tool; however it is important for the Code to be correct.

Mr. Davis stated the Planning Commission has looking in to the future and is also proposing vertical stacking. He then defined vertical stacking as defined as two different uses within the same building. For example, commercial on the main level with residential above. He then stated it is unclear when the market would allow for vertical stacking within West Point City and it isn't likely to occur in the near future.

Mr. Davis stated the only zone which would allow for vertical stacking is an R-6 zone. He then stated that the proposed Mixed Use Area Code will only work if the R-6 zone is approved.

Council Member Turner asked why when referencing zones "R" is used. Mr. Davis stated the "R" is a terminology used by Planners.

Council Member Turner asked if another zone could be created.

Mr. Davis stated only specific uses within an R-6 zone such as retail would allow for vertical stacking.

Mayor Pro-Tem Petersen asked what is the highest density currently allowed in West Point. Mr. Davis stated the highest density currently allowed in West Point City is 10.5 units per acre. He stated a density of 10.5 units per acre allows a maximum of townhouses, apartments would not be permitted.

Mayor Pro-Tem Petersen stated apartments could be permitted in an R-5 zone. Mr. Davis stated yes, apartments could be permitted. However, they wouldn't be considered as traditional apartments. He then stated 10.5 units per acre is low density, apartments within an R-5 zone are quite large.

Council Member Turner asked if the R-6 zone is more beneficial to the City. Mr. Dawson stated the benefit to the City is the collection of additional sales tax.

Mayor Pro-Tem Petersen expressed concern with the R-6 zone and vertical stacking. He then stated a visual design and the questions of when, how, and why would need to be answered. Mayor Pro-Tem Petersen stated in the past, the Council has used extreme caution when approving developments in townhouse areas. He then expressed concern with quality developments.

Council Member Dawson stated the R-6 zone could include any density the Council chooses.

Council Member Turner asked if a plan exists for mass transit in West Point City. Mayor Pro-Tem Petersen and Mr. Davis stated no. Mr. Laws stated currently, bus service is the mass transit option for West Point City.

Mr. Davis stated the Mixed Use Area is for discussion purposes only; it would be brought before the Council again in the near future for further discussion. He then stated because the proposed Mixed Use Area is a very flexible area we have considered changing the name from a Mixed Use Area to a Flexible Use Area.

Mr. Davis stated the Planning Commission and the City Council will have complete discretion and control as there are no limits set within the current proposal. If the current proposal is approved by the Council, an R-6 zone must be created. He then reminded the Council the proposed Mixed Use Area will allow developers to be creative and to adjust to the market.

Mayor Pro-Tem Petersen stated when a rezone request is submitted, a developer should be required to provide the City with a proposal which includes requirements found in the West Point City Code. He then stated a developer should not have the ability to propose something for an area that doesn't fit within the City Code.

Mr. Dawson stated a Developers Agreement exists for most projects within the City and this allows the City to maintain some type of control.

The Council Members adjourned out of the Administrative Session and proceeded into the Community Development and Renewal Agency of West Point City meeting.



**West Point City Council Meeting  
3200 West 300 North  
West Point City, UT 84015  
November 18, 2014**

**Mayor**  
Erik Craythorne  
**Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Andy Dawson  
R. Kent Henderson  
Jeffrey Turner

**City Manager**  
Kyle Laws

**General Session**  
7:00 pm – Council Room

Minutes for the West Point City Council General Session held at 7:00 pm on November 18, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

**MAYOR AND COUNCIL MEMBERS PRESENT** - Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Jeff Turner, Council Member Kent Henderson, and Council Member Andy Dawson

**CITY EMPLOYEES PRESENT** - Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Evan Nelson, Administrative Services Director; Paul Rochell, Public Works Director; and Misty Rogers, City Recorder

**VISITORS PRESENT** – Randy Sant, Rob Ortega, Darrell Mueller, Ashley Weeks, Teresa Walker, Howard Stoddard, and Anne Stoddard

- 1. Call to Order** - Mayor Craythorne welcomed those in attendance.
- 2. Pledge of Allegiance** – Repeated by all
- 3. Prayer** – Council Member Chatterton
- 4. Communications and Disclosures from City Council and Mayor**

Council Member Henderson – no comment

Council Member Turner – no comment

Council Member Petersen – no comment

Council Member Dawson – no comment

Council Member Chatterton – no comment

Mayor Craythorne – no comment

**5. Communications from Staff**

Mr. Laws reminded the Council of the following dates:

- December 1<sup>st</sup> - West Point City Lighting Ceremony (6:00 pm)
- January 9<sup>th</sup> – West Point City Council Retreat

Mr. Laws then stated that the restrooms at the City Parks have been closed for the winter.

Mayor Craythorne informed the Council that the fencing around the tennis courts at the Loy Blake Park will be taken down on Wednesday. He then stated the 800 North Sidewalk Project is nearing completion and bids have been received for the replacement of the playground equipment at the Loy Blake Park.

**6. Consideration of Adoption of City Council Minutes from October 21, 2014 and November 6, 2014**

Council Member Petersen motioned to approve the Minutes from the October 21, 2014 and November 6, 2014 City Council meeting.

Council Member Henderson seconded the motion.

The Council unanimously agreed.

**7. Citizen Comment – no comment**

**8. Consideration of Ordinance No. 11-18-2014A, the Approval and Adoption of the Project Area Plan for the 300 North Community Development Project – Mr. Kyle Laws/Mr. Randy Sant**

Mayor Craythorne informed those in attendance that Ordinance No. 11-18-2014A is the approval and adoption of the Project Area Plan for the 300 North Community Development Project. He then stated the project area is located on the corner of 300 North 2000 West and it is anticipated that a Smith's Marketplace will developed in this area. Mayor Craythorne turned the time over to Mr. Randy Sant.

Mr. Sant stated Ordinance No. 11-18-2014A, is the official approval and adoption of the Project Area Plan for the 300 North Community Development Project. He then stated, the CDRA of West Point City has approved the 300 North Project Area Plan and has recommended the West Point City Council also approve the plan. Once the project area is adopted by Ordinance, the 300 North Community Development Project will become official.

Mr. Sant stated earlier in the day, the Davis County School District approved an Interlocal Agreement to participate in the project area. He then stated that the Davis County Commission is scheduled to act on the Interlocal Agreement on Tuesday. The Commission has requested the CDRA sign the Interlocal Agreement before they take action. Therefore, the Mayor and City Recorder will attest the Interlocal Agreement following the meeting. Mr. Sant stated the CDRA will be asking the NDFD, the NDSD, and Weber Basin Water to participate in the project area as well.

Mr. Sant thanked the Members of Staff and the Council for their assistance with the Creation of the CDRA and the Project Area Plan for the 300 North Community Development Project.

Council Member Dawson motioned to approve Ordinance No. 11-18-2014A, the approval and adoption of the Project Area Plan for the 300 North Community Development Project.  
Council Member Chatterton seconded the motion.

**Roll Call Vote**

- Council Member Henderson – yes
- Council Member Turner – yes
- Council Member Petersen – yes
- Council Member Dawson – yes
- Council Member Chatterton – yes

The Council unanimously agreed.

**9. Consideration of Approval of Interlocal Agreement between West Point City and the West Point CDRA, for the Advancement of Funds to the Agency – Mr. Kyle Laws/Mr. Randy Sant**

Mr. Sant stated the proposed Interlocal Agreement between West Point City and the CDRA allows for the City to advance funds to the agency when necessary to assist with expenditures.

Mr. Sant informed the Council that the CDRA will only receive operating revenue (property tax revenue) when a project within the area is developed and listed on the tax rolls. Mr. Sant stated the CDRA has expenses that must be paid, and the purpose of the Interlocal Agreement is to allow the City to advance the CDRA funds if necessary. The Interlocal Agreement funds advanced to the CDRA will be paid back to West Point City at a 4% interest rate.

Mayor Craythorne stated the Interlocal Agreements allow the CDRA to collect 50% of the property tax collected from each taxing entity within the project area for 15 years or until a maximum of \$2.1 million dollars has been collected by the CDRA.

Mr. Sant stated the property located within the 300 North Project Area Plan currently pays \$351 in property tax each year and the portion of property tax revenue received by the City is only \$15. He then stated it is projected that the 300 North Project Area will generate approximately \$284,000 in additional property tax revenue each year. If the Interlocal Agreements are

approved, the CDRA and the taxing entities will each receive 50% (approximately \$142,000) of the property tax revenue collected. Mr. Sant stated by participating in the project, each taxing entity will receive a significant increase in revenue.

Council Member Dawson asked how it was determined that the CDRA could collect \$2.1 million dollars. Mr. Sant stated an analysis has been completed to estimate the amount of tax increment that could be generated off of the property. The expenditures were then considered and it is projected that expenditures will reach over \$2.1 million. It was then determined that if the CDRA collects \$142,000 in property tax revenue each year for 15 years, the agency will receive an estimated \$2.1 million in revenue.

Mr. Laws stated with regards to the Interlocal Agreement and the advancing of funds, the CDRA has already incurred operating expenses for engineering, surveys, consultant fees, etc. He then reminded the Council that it is likely the CDRA will not receive tax increment for approximately two years.

Council Member Petersen thanked Members of Staff for their involvement with creation of the CDRA and the 300 North Project Area. He then motioned to approve an Interlocal Agreement between West Point City and the CDRA of West Point City for the advancement of funds to the agency.  
Council Member Turner seconded the motion.

The Council unanimously agreed.

#### **10. Motion to Adjourn to the Closed Session**

Mayor Craythorne informed those in attendance that the Council will adjourn into a Closed Session pursuant to UCA §52-4-205(1)(d), a Strategy Session to Discuss Real Property.

Council Member Chatterton motioned to adjourn into a Closed Session  
Council Member Dawson seconded the motion.

The Council unanimously agreed.

The Council adjourned into the Closed Session.

**NOVEMBER 18, 2014**

#### **WEST POINT CITY COUNCIL - CLOSED SESSION**

Immediately following the General Session – Board Room

**MAYOR AND COUNCIL MEMBERS PRESENT** - Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Jeff Turner, Council Member Kent Henderson, and Council Member Andy Dawson

**CITY EMPLOYEES PRESENT** - Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Evan Nelson, Administrative Services Director; Paul Rochell, Public Works Director; and Misty Rogers, City Recorder

#### **1. Call to Order**

Council Member Henderson motioned to open the Closed Session  
Council Member Petersen seconded the motion

The Council unanimously agreed.

#### **2. Pursuant to UCA §52-4-205(1)(d), Strategy Session to Discuss Real Property**

#### **3. Motion to Adjourn the Closed Session**

Council Member Chatterton motioned to adjourn the Closed Session.  
Council Member Henderson seconded the motion.

The Council unanimously agreed.

**11. Motion to Adjourn**

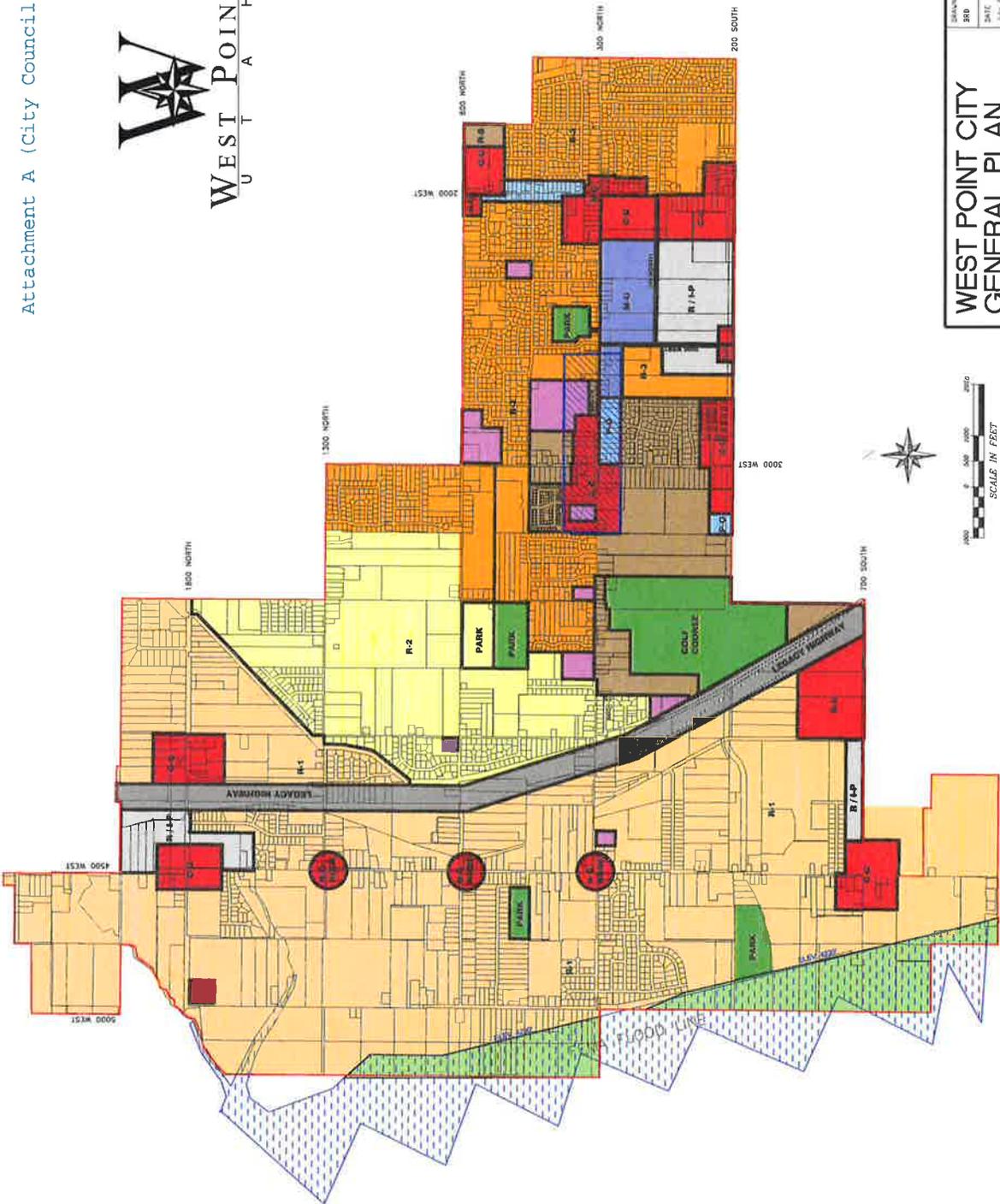
Council Member Petersen motioned to adjourn  
Council Member Dawson seconded the motion.

The Council unanimously agreed.



  
ERIK CRAYTHORNE, MAYOR      12-2-14  
DATE

  
MISTY ROGERS, CITY RECORDER      12-2-2014  
DATE



- R-1 (RESIDENTIAL 2.2 UNITS PER ACRE)
- R-2 (RESIDENTIAL 2.7 UNITS PER ACRE)
- R-3 (RESIDENTIAL 3.5 UNITS PER ACRE)
- R-4 (MEDIUM DENSITY 6.9 UNITS PER ACRE)
- R-5 (HIGH DENSITY 10.5 UNITS PER ACRE)
- A-1 (AGRICULTURAL AND FARM)
- A-2 (INDUSTRIAL 1 UNIT PER 5 ACRES)
- A-3 (AGRICULTURAL 1 UNIT PER ACRE)
- A-4 (MIXED USE)
- A-5 (NEIGHBORHOOD COMMERCIAL)
- A-6 (COMMUNITY COMMERCIAL)
- A-7 (REGIONAL COMMERCIAL)
- A-8 (PROFESSIONAL OFFICE)
- A-9 (INDUSTRIAL PARK)
- A-10 (RECREATIONAL)
- M-C (MIXED COMMERCIAL)
- M-U (MIXED USE)
- N-C (NEIGHBORHOOD COMMERCIAL)
- R-C (REGIONAL COMMERCIAL)
- P-O (PROFESSIONAL OFFICE)
- R/I/P (RESIDENTIAL/INDUSTRIAL/PARK)
- RECREATIONAL (RECREATIONAL)
- PUBLIC/QUAZI (PUBLIC/QUAZI)
- LEGACY (LEGACY)
- HIGHWAY (HIGHWAY)
- DTEC (SEE DTEC MASTERPLAN)
- CENTRAL BUSINESS DISTRICT (CENTRAL BUSINESS DISTRICT)



DATE	APPROVED	DRAWING NUMBER
DATE	APPROVED	PROJECT NAME
July 2014		WEST POINT

**WEST POINT CITY  
GENERAL PLAN**