

KAYSVILLE CITY PLANNING COMMISSION

July 26, 2018

Members Attending: Chairperson Betty Parker, Matthew Anderson, Wilf Sommerkorn, Joshua Sundloff, Tamara Tran, Thomas Wood

Excused: Gary Bullock

Staff Present: City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Kirk Livingstone, Corinne Green, Brandon Radmall, Bruce Morley, Ron Johnson, Jim Newton, Clyde Terry, Chad Smith, Brian Bare, Mike Herbst, Walt Whitehead, Mikki Whitehead, Jed Stanger, Mike Davey

OPENING

The Planning Commission meeting was held on Thursday, July 26, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. Mrs. Parker introduced Wilf Sommerkorn and Tamara Tran as the newly appointed Planning Commission members.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Betty Parker suggested moving the election of the Chairperson and Vice-Chairperson to the end of the meeting.

APPROVAL OF THE MINUTES FROM THE MEETING OF JUNE 28, 2018

The minutes of the June 28, 2018 meeting were presented for approval.

Thomas Wood made a motion to approve the minutes of the June 28, 2018 meeting. Matthew Anderson seconded the motion. Tamara Tran and Wilf Sommerkorn abstained from voting since they were not on the Planning Commission at that meeting. The motion passed unanimously.

CONDITIONAL USE PERMIT FOR A TEMPORARY SALES TRAILER AT 170 WEST 200 NORTH – VASA FITNESS

Lyle Gibson explained that Vasa Fitness is currently working on an extensive remodel of the old Fresh Market store in order to open a new gym at this location. While they are under construction Vasa would like to place a temporary sales trailer in the parking lot to start advertising and collecting memberships to their gym before opening. They hope to have the

sales trailer in place by August and it will remain until their store opens before the beginning of the new year. The trailer will use a generator for power and they would like to place the trailer near the northeast corner of the parking lot, just off of Main Street. Staff is recommending that this conditional use permit be approved for a temporary sales trailer for a period of six months or until the gym facility is open, whichever is sooner. Should they not be open by that six month date, Vasa would have to come back to the Planning Commission for renewal of their permit.

Betty Parker asked where other Vasa gyms are located.

Kirk Livingstone, representing VASA Fitness, responded that they are based out of Orem and their main presence is currently in Salt Lake and Utah Counties. They have expanded rapidly and have reached Colorado and Kansas.

Matthew Anderson made a motion to grant a conditional use permit for a temporary sales trailer at 170 West 200 North for Vasa Fitness for a period of six months or until the gym facility opens, whichever is sooner. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MODEL HOME AND DESIGN CENTER AT 2101 WEST 200 NORTH – DESTINATION HOMES

CONDITIONAL USE PERMIT FOR A MODEL HOME AT 1994 WEST ORCHARD HARVEST DRIVE – DESTINATION HOMES

Lyle Gibson explained that Destination Homes has been developing the Hill Farms neighborhood for several years. Moving from phase to phase, they have occasionally sold a model home and relocated it to another lot. Their model home at 1994 West Orchard Harvest Drive has been previously approved for use as a model home by the Planning Commission. Their proposed model home and design center at 2101 West 200 North home will be used not only to provide a walk-through space of their product, but will also have designers to meet with home buyers one-on-one. These would typically only be a few times a week, with extended appointments so that buyers can fine-tune the details of their home.

Matthew Anderson asked if the city had ever received any complaints about their model homes.

Andy Thompson said that the city had not. Typically if the city does receive complaints about model homes it's because of parking issues.

Betty Parker asked about the model homes hours of operation.

Corinne Green, representing Destination Homes, responded that the model home on Orchard Harvest Drive will be open during regular business hours. The design center home will only be open for pre-scheduled appointments only. They plan to only have the design center here temporarily until a more permanent design center elsewhere is ready. They don't anticipate that they will utilize this Kaysville location for a full year. The design center is used specifically for clients who have already committed to purchasing the home and are ready to pick out the colors and other design options for the home.

Betty Parker asked how many designers would be working from this location.

Corinne Green responded that they will have two designers, with another one that could be on-hand should they need them.

Matthew Anderson asked if simultaneous appointments will occur between clients and the designers.

Corinne Green said that while both designers might be on site at one time, there will only be one client scheduled at a time because they like to give each buyer their full attention.

Thomas Wood made a motion to grant a conditional use permit for a model home and design center at 2101 West 200 North for Destination Homes for a period of one year or until all lots of the Hill Farms development are sold, whichever is less. Any accompanying development sign on the property is also approved for the same time frame. Matthew Anderson seconded the motion and it passed unanimously.

Thomas Wood made a motion to grant a time extension for the conditional use permit for a model home at 1994 West Orchard Harvest Drive for Destination Homes for an additional year, or until all lots of the Hill Farms development are sold, whichever is less. Matthew Anderson seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A CHURCH MEETINGHOUSE AT 1185 WEST WEBB LANE – LDS CHURCH

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR WEBB LANE CHURCH SUBDIVISION AT 1185 WEST WEBB LANE – LDS CHURCH

Lyle Gibson explained that the LDS Church is seeking a conditional use permit to construct a new stake center at 1185 West Webb Lane. The property consists of just over four acres and will include the meeting house, a pavilion and 288 parking stalls. Roughly 30% of the property is landscaped, with final landscaping details yet to be provided. The required subdivision process for the creation of the lot will mandate the completion of the street, curb, gutter and sidewalk improvements along Webb Lane, with access via parking lot around the entire building. The main parking lot is blocked from view in large part from the street by the building. There is a landscape buffer between adjacent property lines and the parking lot. The proposed layout meets the parking requirements of city ordinances. Staff is recommending that the Planning Commission grant the proposed conditional use permit with the condition that the landscaping be compatible with the surrounding environment and meet a minimum tree requirement similar to what is required in the Kaysville Business Park. After noticing the agenda, Staff was made aware that this one lot subdivision no longer requires Planning Commission approval, and therefore the Commission does not need to take action on the subdivision.

Wilf Sommerkorn asked if the applicants were aware of Staff's desires in regards to the landscaping requirements.

Lyle Gibson responded that he had spoken to the applicants about them and was told that they are okay with meeting those requests.

Josh Sundloff asked about parking requirements.

Lyle Gibson responded that parking for this type of use is based on the number of seats. Staff does not have the plans for the building yet and therefore cannot determine the exact number of seats planned. However, the LDS Church typically plans for many more parking stalls than what is required.

Josh Sundloff commented that he would like to see landscape islands and trees planned for the parking lot. Mr. Sundloff asked about the width of the landscape buffer on the eastern and western edges of the lot.

Lyle Gibson responded that the landscape buffer is about eight to ten feet wide.

Josh Sundloff said that he would like to see a wider landscape buffer.

Matthew Anderson asked if a privacy fence will be installed with this project.

Lyle Gibson responded that he was unsure. There is not a representative from the church currently present tonight, and therefore the Commission could table this item until another meeting when the applicant could be here to answer questions.

Josh Sundloff commented that he feels that the fence should be opaque to help with screening.

Matthew Anderson commented that while he feels landscape islands in parking lots are more aesthetically pleasing, they tend to be harder to maintain and can cause problems with snowplowing.

Josh Sundloff said that installing an irrigation system would not be too difficult, and the type of plants used will determine how hard the islands would be to maintain. It would be worth removing a few parking stalls from the plans to create a more aesthetically pleasing look.

Wilf Sommerkorn asked about minimum tree requirements.

Lyle Gibson responded that there is not a city ordinance specifying the minimum requirements for landscaping, just that the landscaping should be compatible with the surrounding environment. Staff would like to see the requirement set for the church be based similar to what the city requires for the Kaysville Business Park.

Wilf Sommerkorn commented that the city ordinances might be too general in their requirements and that the ordinances should be reviewed so applicants know what exactly will be required of them.

Matthew Anderson suggested granting approval of this request with the condition that the applicant increase the amount of landscaping on the property and that they work with Staff to determine what would be most compatible for this area.

Chairperson Betty Parker opened the Public Hearing for the preliminary plat for Webb Lane Church Subdivision.

There were no comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Matthew Anderson made a motion to grant a conditional use permit for a church meetinghouse at 1185 West Webb Lane for the LDS Church with the following conditions:

1. The applicant work with Staff to ensure that the amount of landscaping area is increased within the parking lot to be compatible with the surrounding environment.
2. The applicant shall provide a minimum of 30 trees per acre of landscaping, including vegetation and trees around the perimeter to help screen the parking from neighboring residents.
3. Opaque fencing be installed along the perimeter of the property abutting other lots.

Tamara Tran seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 4.0 ACRES OF PROPERTY AT 993 SOUTH SUNSET DRIVE FROM A-1 (LIGHT AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW-DENSITY) ZONING DISTRICT – ROBYN BARKDULL

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR BRADY ESTATES SUBDIVISION AT 993 SOUTH SUNSET DRIVE – ROBYN BARKDULL

Andy Thompson explained that the Barkdulls' own the property at 993 South Sunset Drive and are requesting a rezone to the R-1-LD zone in order to develop the property. The current zoning of A-1 is primarily agricultural and requires lot sizes of roughly one acre in size or larger. The requested R-1-LD zone would allow for development of two units per acre, with a variation in lot sizes as small as 12,000 square feet. The property is adjacent to the A-1 zoning on the north and west side, and the R-A zoning to the south. The proposed plat shows six lots, with a proposed road that would bring Preakness Drive to Sunset Drive, while creating new potential access for development to the north. The lots, which are at least 18,000 square feet or larger, comply with the density, frontage and size requirements of the requested zoning district.

Chairperson Betty Parker opened the Public Hearing.

There were no comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Tamara Tran asked about having a development agreement.

Andy Thompson responded that the city doesn't typically require a development agreement on a standard subdivision, but could require one with final plat approval if the Commission feels it necessary.

Thomas Wood asked about the width of the road.

Andy Thompson responded that this will be a public street. A typical public street has a right-of-way width of fifty-five feet. However, this road is proposed with a forty-five foot right-of-way with the additional ten feet being provided when the adjacent property owner decides to develop.

Matthew Anderson made a motion to recommend approval of the request to rezone 4.0 acres of property at 993 South Sunset Drive from A-1 (Light Agriculture) to the R-1-LD (Single Family Low Density) zoning district for Robyn Barkdull. Wilf Sommerkorn seconded the motion and it passed unanimously.

Matthew Anderson made a motion to recommend preliminary plat approval for Brady Estates at 993 South Sunset Drive for Robyn Barkdull. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR TYLER MEADOWS PHASE 2 AT 1020 AND 1034 WEST SMITH LANE – WRIGHT DEVELOPMENT GROUP

Andy Thompson explained that the City Council recently rezoned the properties at 1020 and 1034 West Smith Lane to the R-1-LD zone. At that time, the applicant submitted a concept plan showing a likely layout of the subdivision. The submitted preliminary plat is very similar to that concept plan, showing six lots on a cul-de-sac street. The total property includes 3.3 acres of land with lots ranging from 0.34 acres to 0.77 acres in size. The density, lot size, frontage and public street improvements shown on the preliminary plat are all in compliance with applicable ordinances.

Chairperson Betty Parker opened the Public Hearing.

There were no comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Matthew Anderson made a motion to recommend preliminary plat approval for Tyler Meadows Phase 2 at 1020 and 1034 West Smith Lane for Wright Development Group. Tamara Tran seconded the motion and it passed unanimously.

REQUEST FOR A VARIANCE FROM SECTION 17-31-2 “ACCESSORY BUILDINGS” – WALTER AND MICHELE WHITEHEAD

Lyle Gibson explained that Walter and Michele Whitehead, living at 472 North Main Street, are seeking a variance so that an existing structure may be permitted to remain on their property. The structure has been on site for many years, but was brought to the attention of Staff as an

issue during review of the Amanda's Place Subdivision. Prior to the Whitehead's purchase of this property it was zoned as commercial property. In early 2016, the property was rezoned to R-1-8 and then purchased in August by the Whiteheads. When this shed was built in the commercial zone there were no setback requirements and it therefore existed legally for many years. When this property was developed for the Amanda's Place Subdivision, it was developed with a new private street to the east of it. Kaysville City Ordinance states that "on corner lots, the yards which abut a street shall be not less than twenty feet from the street for both main and accessory buildings". With the new street, the existing shed does not meet the setback requirement. Based on the background the Planning Commission should determine if this would be considered a legal non-conforming use, if a variance is appropriate or if the shed needs to be relocated.

Walter Whitehead explained that their home is a historic home and was built with very little storage space inside the home, consisting of one interior closet and some modest cabinet space. There is no basement and any attic storage is inaccessible. The shed is their only means of protected storage for their belongings and the loss of this storage would create a situation of hardship. The entire shed is bolted to its foundations making it impossible to move. When they closed on their home, they were aware of the ongoing discussion between the Amanda's Place developers and the city, and were supportive of this project. At this time they were assured by the developers that the location of the shed would not be impacted by the subdivision. It was never their intent to remove the shed as it would not only remove their available storage space, but they would incur the expense of removing the shed and replacing it. The need for external storage and the utilization of their shed is unique to their residence because most modern homes are built with the needed storage space inside. They have taken extreme efforts to not deform or alter the interior wall construction of the home, in keeping with the original period construction practices. Events happened with the development to have caused their shed to become in non-compliance without their knowledge. They are looking to have a variance approved so they can legally keep their storage space.

Betty Parker asked about when a variance might expire.

Lyle Gibson responded that should it be approved, the variance would expire when the shed is removed or altered. However if it were to burn down they would be able to build another shed in its place.

Matthew Anderson stated that it seems that if it is considered as a non-conforming use then a variance would not be necessary.

Lyle Gibson added that under typical circumstances, the developer would not be allowed to create any issues on non-compliance. They would have likely had to remove the shed in order to meet the city setback requirements before moving forward with their development.

Andy Thompson said that when the developer came in for preliminary plat approval, it was for the development of a five-lot subdivision, including a double-flag lot. This type of development left the shed in compliance. However, when they came back to the city for final plat approval, there was limited building space on these lots to the east and so they revised the plat to remove

the flag lot and created a private lane subdivision in its place. It was at about that time that the Whiteheads were interested in purchasing this property and so the developer submitted for final plat approval for Phase 1 in order to split off the two lots with existing homes on them so they could be sold. While the developer had been told about the non-compliance of the shed at this time, during this revision from the original preliminary plat there was some confusion and oversight with bringing the shed into compliance.

Wilf Sommerkorn said that the Whiteheads did not create a self-imposed hardship but rather it was created by the developer and they should be responsible for bringing this building into compliance.

Wilf Sommerkorn asked about the setback requirements.

Andy Thompson responded that the ordinance states: “on corner lots, the yards which abut a street shall be not less than twenty feet from the street for both main and accessory buildings”. However, it does not specify whether the setback is required on both public and private streets.

Josh Sundloff said that the State has set the requirements for approving a variance, and those variances are very difficult to approve because each requirement must be met. Every request for a variance is considered individually and we are not bound by what the Commission has done with past variance requests.

Matthew Anderson said that while he could agree that this request would meet some of the criteria for a variance, he doesn’t feel that having this shed is “essential to the enjoyment of a substantial property right possessed by other property in the same zone”. You can enjoy a house without having a shed and there are other ways to create storage for a house without altering the structure. Mr. Anderson said he feels this situation is better considered as a legal non-conforming building than as one to grant a variance for. The shed might also be able to be moved elsewhere.

Thomas Wood said that if it has to be moved then it will need to be set closer to the house in order to meet setbacks from both the private lane street and Creekside Way. Their situation is unique because they abut three separate streets whereas other corner lots are only abutting two.

Wilf Sommerkorn commented that when the property was zoned General Commercial it was in compliance, but when it was rezoned it put it in non-compliance with the setback from Creekside Way. Now that it also sits next to a private lane it will still remain in non-compliance, but will now be with two setbacks instead of one.

Matthew Anderson said that if the shed is considered as non-conforming it would be limited to the life of the shed. It is harder to time limit the existence of the shed with a variance and therefore this should be considered as a legal non-conforming use.

Josh Sundloff said that this situation should have been solved by the developer.

Matthew Anderson made a motion to deny the request for a variance from Section 17-31-2

“Accessory Buildings” for Walter and Michele Whitehead because the shed is a non-conforming use and therefore a variance is not needed.

Wilf Sommerkorn suggested modifying the motion to clarify that the Commission is interpreting the ordinance that this shed meets the definition of non-conforming use.

Matthew Anderson modified the motion to deny the request for a variance from Section 17-31-2 “Accessory Buildings” for Walter and Michele Whitehead, and determine that this accessory building be interpreted as a non-conforming use, making the variance unnecessary. Wilf Sommerkorn seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Chad Smith commented that his property on 1020 Smith Lane was turned into a corner lot when the neighboring property developed and it has affected the use of the land. It changes the setbacks of the property and adds more of a burden. These types of situations could be handled better in the future so that situations like Mr. Whitehead’s don’t occur. Mr. Whitehead is now being affected by streets on three sides of his property. Mr. Smith asked if the city had recently reviewed the ordinance regarding accessory buildings.

Lyle Gibson responded that it has been reviewed several times and Staff has not come to a conclusion as of yet.

Matthew Anderson stated that if similar instances occur as the Whiteheads and a corner lot is created because of a developer’s subdivision, it would affect how a person would be able to place an accessory building on their property in order to meet the new setbacks. It would be an encroachment onto their property. People might have moved into their home because they didn’t want to live on a corner lot.

REPORTS

Lyle Gibson said that the city is holding an Open House to discuss the old Kaysville City Library building on Wednesday, August 1, 2018 from 6:00 to 8:00 p.m. The City Council is looking for input from the public in regards to how they would like to see the building utilized. Also, Ivory Homes will be holding a Community Open House at the Kaysville Branch of the Davis County Library on Wednesday, August 15th from 6:00 to 8:00 p.m. to discuss the development of their property on Deseret Drive.

Matthew Anderson asked if the Ivory Homes Open House was noticed.

Lyle Gibson responded that because it’s not a Public Hearing, no mailed or posted notice was done. However, the city has posted the information on the city’s website and social media pages. Ivory Homes also plans to have a meeting later on with the immediate neighborhood before bringing their development before the Planning Commission for approval. Mr. Gibson also announced some training opportunities with the Utah APA on Thursday, October 4, 2018, and also with the ULCT on September 12-14, 2018.

Wulf Sommerkorn suggested that the city look into reviewing its requirements for landscaping to be more specific. In his work they've found that more generalized standards are easily challengeable and will fall in favor of the applicant.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Betty Parker opened the floor for nominations for Planning Commission Chairperson and Vice-Chairperson.

Thomas Wood nominated Josh Sundloff as Chairperson. Josh Sundloff declined the nomination.

Betty Parker nominated Matthew Anderson as Chairperson. Tamara Tran seconded the nomination. No other nominations were made. Matthew Anderson was approved as Planning Commission Chairperson by unanimous vote.

Betty Parker nominated Thomas Wood as Vice-Chairperson. Matthew Anderson seconded the nomination. No other nominations were made. Thomas Wood was approved as Planning Commission Vice-Chairperson by unanimous vote.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, August 9, 2018 at 7:00 p.m.

ADJOURNMENT

Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:50 p.m.