

KAYSVILLE CITY PLANNING COMMISSION

September 27, 2018

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Betty Parker, Wilf Sommerkorn, Joshua Sundloff, Thomas Wood

Excused: Tamara Tran

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

Others Present: Jim Ridd, Walt Meacham, Tamy Bremer, Weston Ridd, Shelly Russon, Marino Toulatos, Trent Walker, Paul Stenquist, Tyler Bone, Kamille Bone, Ralph Lewis, Robyn Lewis, Roberta Crookston

OPENING

The Planning Commission meeting was held on Thursday, September 27, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, CLOTHING BOUTIQUE AT 2352 WEST ISLAND DRIVE – MINDY WEST

Lyle Gibson explained that Mindy West is requesting a conditional use permit for a major home occupation “B” at 2352 West Island Drive to do a clothing boutique business from her home. She will mainly take orders and advertise through social media and her website, but Ms. West would like the option to occasionally have customers come to her home to pick up or try on an item. Customers would come no more than two total hours a week, and they would come by appointment only. Staff is recommending approval with the condition that appointments be made between the hours of 6:00 a.m. to 8:00 p.m., while avoiding school pick-up and drop-off times.

Wilf Sommerkorn made a motion to grant a conditional use permit for a major home occupation “B”, clothing boutique at 2352 West Island Drive for Mindy West with the following conditions:

1. Customers come to the home by appointment only.
2. Appointments be made between 6:00 a.m. and 8:00 p.m., and since her home is very near Kay’s Creek Elementary School, not take place around school drop-off and pick-up times.

Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGE CENTER SIGN AT 69 EAST 200 NORTH – THE FRANKLIN GROUP

Lyle Gibson explained that The Franklin Group, located at 69 East 200 North, is seeking a conditional use permit for a sign with an electronic message center component. Currently there are only wall or flat signs attached to the building on the property. The proposed sign is considered an on premise ground sign per City Code 17-33-9. The electronic message center is less than fifty percent of the total allowed sign size. The sign height, size and percentage of the sign all appear to meet minimum requirements of the ordinance. The site plan indicates that the sign would sit perpendicular to 200 North Street, two feet from the back of the sidewalk. However, with this proposed configuration it would permanently close one of the drive approaches along 200 North Street. The electronic message center portion of the sign will be on the south side of the sign, closest to the street. A fixed cabinet will be on the northern portion of the sign.

Betty Parker asked how many companies are in the building.

Shelly Russon, with The Franklin Group, said that there are five other companies that rent space from The Franklin Group.

Betty Parker asked if each company would be allowed to put up a separate sign.

Lyle Gibson responded that only one electronic message sign is allowed per property.

Shelly Russon added that they will be giving the other businesses an opportunity to use the electronic sign for advertising space. They plan to install two feet of green space around the sign to create a landscape island. Since their original application, they have revised their site plan shifting the sign a little further to the west. This will block the furthestmost west curb cut access, but they feel it will help traffic flow in their parking lot as they have seen cars struggle with visibility at this entryway along their property.

Marino Toulatos, with The Franklin Group, said that if the entry were closed they would reconfigure their parking spaces to create a better traffic flow pattern.

Matthew Anderson asked if having the placement of the sign being two feet away from the sidewalk might block the view of oncoming traffic.

Lyle Gibson responded that the site plan will be reviewed by Staff to make sure it will be in compliance.

Gary Bullock asked if there was a curb along the west property line of The Franklin Group's property.

Andy Thompson responded that there is a small wall between The Franklin Group and Walgreen's parking lots.

Gary Bullock made a motion to grant a conditional use permit for an electronic message center sign at 69 East 200 North for The Franklin Group with the condition that the sign meet all requirements of Section 17-33 “Sign Regulations” and that no sign or landscaping improvements be closer than fourteen feet from the back of sidewalk.

Josh Sundloff suggested that Mr. Bullock amend his motion to reflect the most recent site plan showing the sign sitting two feet behind the sidewalk.

Walt Meacham said that he lives south of this building on 100 East Street, and there is currently a lighted sign on the front of the building that is very bright. How much wattage can these businesses use with their outdoor lighting and signage? Is light pollution regulated?

Lyle Gibson responded that the city’s sign ordinance states that lighted signs cannot be installed which permits light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. If the city were to receive a complaint about a sign they would investigate the complaint and try to resolve the issue with the property owner. Electronic message center signs are required to be capable of being programmed to automatically be dimmed depending on ambient light conditions or time. The Planning Commission can choose to implement additional conditions should they feel necessary. If there is a complaint about the sign that the owner refuses to resolve, their conditional use permit could come back to the Commission for review.

Thomas Wood commented that electronic message center signs can be programmed to dim or turn off at certain times of the day.

Gary Bullock amended his motion to grant a conditional use permit for an electronic message center sign at 69 East 200 North for The Franklin Group with the condition that the sign meet all requirements of Section 17-33 “Sign Regulations” and that the placement of the sign not impede the view of traffic.

The motion failed for lack of a second.

Gary Bullock made a motion to grant a conditional use permit for an electronic message center sign at 69 East 200 North for The Franklin Group with the following conditions:

1. The sign meet all requirements of Section 17-33 “Sign Regulations”.
2. The sign be placed as to not impede the view of traffic.
3. The sign be dimmed between the hours of 9:00 p.m. and 7:00 a.m.

Josh Sundloff seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.25 ACRE OF PROPERTY AT 425 EAST CRESTWOOD ROAD FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO THE PU (PUBLIC USE) ZONING DISTRICT – KAYSVILLE CITY

Lyle Gibson explained that this property is located just west of the city cemetery on Crestwood Road. The City has owned and leased the home on the property for some time and is now looking to retrofit the existing home to accommodate administrative offices. The site will also

be improved so that access and parking comes from within the cemetery. While the R-1 zoning district allows for public buildings, Staff feels the proposed use better fits within the PU district which allows for public facilities, parks, and cemeteries.

Trent Walker, Kaysville City's Cemetery Sexton, added that they hope to be able to renovate the existing home to create administrative offices for cemetery workers. The building will need to be brought up to commercial code so it's ADA compliant. They will also redo the landscaping on the property and put additional parking east of the house. Residents will be able to come here to purchase plots, make funeral arrangements and find cemetery plots.

Chairperson Matthew Anderson opened the Public Hearing.

There were no comments or questions from the public. Chairperson Matthew Anderson closed the Public Hearing.

Josh Sundloff made a motion to recommend approval of the request to rezone 0.25 acres of property at 425 East Crestwood Road from R-1-8 (Single Family Residential) to the PU (Public Use) zoning district for Kaysville City. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.59 ACRE OF PROPERTY AT 146 EAST 200 NORTH FROM R-D (DIVERSE RESIDENTIAL) TO THE PB (PROFESSIONAL BUSINESS) ZONING DISTRICT – JAMES AND WESTON RIDD

Lyle Gibson explained that this property is located on 200 North just east of Fairfield Road, and is currently occupied by a single family home. It has seventy feet of frontage and widens at the rear of the property. The existing home sits between a duplex to the west and a group of duplexes to the east. The homes to the south are single family dwellings. The existing R-D zone is a residential district that recognizes the existence of a variety of housing types, but only allows for new single family development. While the uses allowed in the PB zone are very limited, the applicant has submitted an application for a rezone without a specific user or use proposed for the property. The City's General Plan states that "Most sites used primarily for business or industry should be located on major streets." The Planning Commission should make a recommendation to the City Council addressing the rezone request based on their findings of compatibility with this specific location. Should the proposed zoning district be desirable, Staff would recommend that due to the configuration of the property and potential impact on so many adjacent residential lots, that any rezone be done with a development agreement assuring appropriate site development that is compatible with surrounding uses.

Chairperson Matthew Anderson opened the Public Hearing.

Roberta Crookston said that she lives on 200 East near 200 North and in years past the neighbors have had to come to other city meetings to stop commercial development from creeping into their neighborhood. The neighbors here don't want to live next to commercial uses. Ms. Crookston said that she thought that city ordinances didn't allow for commercial development east of Fairfield Road. There are many kids who travel these roads to get to the nearby school

and the neighbors are concerned for their safety. Ms. Crookston also asked what type of notification was given to the neighbors about this rezone request.

Lyle Gibson responded that he is unaware of any documents stating that commercial uses wouldn't be allowed east of Fairfield Road. The city's General Plan only states that sites for business or industry should be located on major streets.

Matthew Anderson stated that the Planning Commission had received a couple of e-mails from neighboring residents of this property who expressed their objection to this rezone.

Weston Ridd said that 200 North Street has become very busy over the years and is not very compatible as a residential use anymore. Therefore in obtaining this property they felt the best use of the property would be for commercial use. The home is currently vacant, and nobody is interested in buying a house next to a busy street. They would like to preserve the existing home on this property and update the yard to make it look aesthetically pleasing. Because the commercial use would be a professional business they will keep regular business hours. The use won't generate much traffic, and it will be quiet to help preserve this neighboring area.

Wilf Sommerkorn asked if the Ridd's had any interested users for the property.

Weston Ridd responded that they did not, but it would be used as a professional office.

Josh Sundloff commented in the e-mails received, some neighbors expressed concern that the backyard would be used as a construction yard or storage area. The PB zone can be a good buffer between commercial and residential uses if done correctly.

Matthew Anderson said that if the home is used for a professional office, there is a lot of leftover land in the back and asked what the plans would be for it.

Weston Ridd responded that some of it would be used for additional parking, but they don't have anything planned as of yet.

There were no further comments or questions from the public. Matthew Anderson closed the Public Hearing.

Gary Bullock said that he would like to see a development agreement created to specifically restrict what can be done with the home and the property.

Josh Sundloff commented that there could potentially be other commercial uses in the area, especially if this requested rezone is approved. How much commercial use do we want to encroach into this residential area, if any?

Gary Bullock said that there have been discussions by the Planning Commission in the past about possibility having these types of commercial uses along 200 North Street. We should consider these requests on a case-by-case basis with the General Plan. Mr. Bullock said that he has some concerns about too much commercial encroachment, especially along 100 East Street

as it's not considered a major street.

Wilf Sommerkorn asked when the property on the corner of 200 North and 100 East Street was rezoned to the PB zone.

Josh Sundloff responded that it was within the last year.

Gary Bullock said that we want to be pro-business but we also need to be smart about where we want commercial growth. Mr. Bullock said that he is not comfortable recommending approval of this rezone without knowing more details about the plans of the property. The General Plan does allow for business growth as long as it fits within the surrounding area.

Weston Ridd commented that the home on this property has not been maintained and they intend to renovate it to commercial building code standards. They want to enhance the beauty of the property and do it in a way that it won't look like a business. It needs to blend in and look more like the surrounding community.

Gary Bullock said that the renovations should preserve and enhance the property, and a professional office use will not generate much traffic. However, a development agreement is needed to outline how the property will be altered so it does not create a use that will be detrimental to the area.

Ralph Lewis said that he owns the duplexes next to this property and is in favor of this development. This property has been neglected for many years and feels that a professional office here would help enhance the property.

Josh Sundloff said asked if another building could be built behind the current home.

Lyle Gibson responded that an accessory building could be built as long as it's clearly a secondary use to the property. The building also could not interfere with the required parking for the property.

Matthew Anderson commented that adding a secondary building behind the home takes away from the residential feel of the area.

Gary Bullock commented that he is concerned that there are no clear plans for what the entire property will be used for.

Josh Sundloff said that he doesn't feel that the rezone itself would drastically change the character of the neighborhood as long as a development agreement is put in place to regulate the complete redevelopment of the property. He would like to see that the home remain, or if renovated, remain looking like a residential home.

Gary Bullock made a motion to recommend approval of the request to rezone 0.59 acre of property at 146 East 200 North from R-D (Diverse Residential) to the PB (Professional Business) zoning district for James and Weston Ridd with the following conditions:

1. A development agreement be put in place to assure appropriate site development that is compatible with surrounding uses.
2. The development agreement require that the home's structure and residential character not be modified so as to lose the character of the home. Should the home be rebuilt, it must maintain the look of a residential home and fit within the surrounding neighborhood aesthetically. The house should be preserved as much as is practical.
3. No development be allowed on the back southern portion of the property, with the exception of secondary buildings as permitted within the zoning.

Wilf Sommerkorn seconded the motion. Voting was as follows:

Thomas Wood	nay
Betty Parker	aye
Josh Sundloff	aye
Gary Bullock	aye
Matthew Anderson	aye

The motion passed with a vote of one to four.

AMENDMENT OF SECTION 17-31-25, TELECOMMUNICATION TOWERS, TOGETHER WITH AMENDMENTS TO APPLICABLE ZONING DISTRICTS WITHIN TITLE 17, PLANNING AND ZONING, TO CLARIFY WHERE TOWER TYPES MAY BE LOCATED AND BY WHICH PROCESS THEY MAY BE CONSIDERED

This item was moved to the end of the meeting.

PLANNING COMMISSIONER TRAINING

Lyle Gibson explained that recently there have been questions brought up regarding how property development might impact the value of surrounding existing homes. Staff has invited Carlos Garcia with Equity Real Estate to help address those questions.

Carlos Garcia and the Planning Commission discussed property value impact on existing neighborhoods due to developing different density and housing types in close proximity. Mr. Garcia said that when properties are appraised, appraisers are determining a value based on similar homes in size and age in the area, as well as what the current market is doing. How value is affected depends on what is being built next to the home. Most of the time the value of a home or property is not affected. Things that might affect the value would be a different use, like a railroad or a business. Larger lots and homes are not affected when smaller lots are developed nearby.

AMENDMENT OF SECTION 17-31-25, TELECOMMUNICATION TOWERS, TOGETHER WITH AMENDMENTS TO APPLICABLE ZONING DISTRICTS WITHIN TITLE 17, PLANNING AND ZONING, TO CLARIFY WHERE TOWER TYPES MAY BE LOCATED AND BY WHICH PROCESS THEY MAY BE CONSIDERED

Lyle Gibson explained that a Public Hearing was held for this item at the September 13, 2018 Planning Commission meeting. After hearing no comments, the Commission tabled this item until tonight because that meeting had gone late. This item has been brought before the Commission for consideration as the City has found a need for improved cell service for its emergency response services, better coverage for residents, and because the cell industry has sought to provide more options for telecommunications equipment in Kaysville. For these reasons, Staff has looked over the existing ordinances and proposed amendments to permit these facilities in more locations, primarily very large properties occupied by a public or quasi-public use, such as parks and schools. In addition, it seeks to provide better options in the areas where towers are currently allowed. Currently cell phone towers are only allowed in Agricultural zones. Existing towers are up to 120 feet high and can have up to three collocating users. With the proposed amendments to the ordinance, it would allow for providers to use more creative ideas to build smaller towers with only one user on them. Typically cell phone providers will not own the tower, but the private owner would build the tower and lease the space on the tower. The proposed ordinance would also state that providers would be required to be located on existing towers in an area before being allowed to build anything else. Any tower would have to be approved by the city before being allowed to be built. However these smaller towers would be less imposing than the large 120 foot towers that are currently allowed.

Gary Bullock asked about height limitations.

Lyle Gibson responded that in order to build a tower you would have to meet a specific lot size requirement, as well as distance requirements from other properties. This change also proposes to remove the allowance of having cell towers within the CC zone, which would put the existing cell tower on 200 North and about 50 East in legal non-conforming status.

Wilf Sommerkorn asked if new technology with the small cell towers has been addressed in this new ordinance.

Lyle Gibson responded that small cell towers have become more predominant in the industry. The legislation has said that cities need to have standards that when these providers want to go within the right-of-way that these small cell site providers could use existing utility poles. The City Power Department is currently looking at creating those standards to show where and how they will be accommodated. They are meant for concentrated population areas. Kaysville City is not an ideal location for those types of technologies because we are not as concentrated as other populated cities.

Matthew Anderson commented that providers are willing to pay the short term costs to make these towers more aesthetically pleasing because being able to keep their coverage area is more important to them long term. We need to extract any minor conditions needed that will make a difference long term to keep the site looking nice.

Andy Thompson added that whatever changes are required aesthetically need to fit within the natural environment of Kaysville. Some aesthetic looks may stick out more than the actual cell tower.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Wilf Sommerkorn suggested when reviewing each proposed agenda items that the Commission hear from the applicant before opening it up for public comment or the public hearing. Sometimes what they have to say will help to answer some of the audience member's questions.

Lyle Gibson announced training opportunities with the Utah Land Use Institute at their Fall Conference on October 23-24, 2018 in Sandy, Utah. Mr. Gibson also mentioned that Staff is working on being able to deliver information to the Planning Commission digitally and providing them with their own tablets to have at the meetings.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, October 11, 2018 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:15 p.m.