KAYSVILLE CITY PLANNING COMMISSION

October 25, 2018

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Wilf Sommerkorn, Joshua Sundloff, Tamara Tran, Thomas Wood

Excused: Betty Parker

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

Others Present: Council Member Larry Page, Jeff Randall, Dave Adams, Julie Johnson, Kasey Essex, Jake Balle, Megan Lowe, Tod B. Jones, Eric Freebairn, Zach Michaelson, Patricia Rawlings, Holly Peterson, Beth Herman

OPENING

The Planning Commission meeting was held on Thursday, October 25, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the September 27, 2018 and October 11, 2018 meetings were presented for approval.

Gary Bullock made a motion to approve the minutes of the September 27, 2018 and October 11, 2018 meetings. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "A", SALES OFFICE AT 435 SOUTH WELLINGTON DRIVE – MEGAN LOWE

Lyle Gibson explained that Megan Lowe lives at 435 South Wellington Drive and is requesting a conditional use permit for a Major Home Occupation "A". A Major Home Occupation "A" allows for a home business to be conducted by the inhabitants as well as one non-resident employee, but where no customers would be allowed at the home. Section 17-26-3 regulates these types of businesses and only a few types of businesses are allowed as a Major Home Occupation, including: office facility of a salesman, sales rep., or manufacturer's representative, professional office facilities, telephone solicitation work. Mrs. Lowe conducts online sales of small products like jewelry which can be shipped in envelopes or very small boxes, and therefore will not generate traffic from delivery trucks. She would like to have a neighbor come help a few days a week. There is available parking on site for the applicant and her employee.

Megan Lowe commented that she has an online jewelry business making and selling leather earrings. During the holiday season she gets very busy and would like the ability to have one of her neighbors come to work from her home to help. Most of her orders are shipped through the US Postal Service. About once a month she will get a shipment with a box of equipment and

supplies. There will never be any large deliveries. The neighbor would come to work for a couple hours after school during the holidays, and maybe for an hour at other times of the year depending on how busy business is.

Gary Bullock made a motion to grant a conditional use permit for a Major Home Occupation "A", sales office at 435 South Wellington Drive for Megan Lowe. Tamara Tran seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", DANCE AND THEATRE LESSONS AT 337 WEST PADDOCK LANE – KELLEY RICHARDSON

Lyle Gibson explained that the applicant had called the city earlier today and requested that their item be withdrawn from tonight's agenda.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", TUTORING AT 54 NORTH FLINT STREET – JULIE JOHNSON

Lyle Gibson explained that Mrs. Johnson is requesting a conditional use permit for a Major Home Occupation "B" at 54 North Flint Street in order to hold tutoring sessions. Most sessions will only be one-on-one, but occasionally she will have groups of no more than two students. The applicant plans to have students coming on weekdays for brief tutoring sessions with fifteen minute breaks in between each session.

Julie Johnson commented that she was a teacher for twenty-seven years and now would like to provide tutoring for students from her home. She's recognized that some students just need a little bit of extra help and would like to help provide a way to help those students succeed.

Tamara Tran asked about what days she would be teaching the students.

Julie Johnson responded that she is currently only tutoring on Tuesday, Wednesday and Thursdays. Tutoring varies between the student's homes and them coming to her home.

Tamara Tran made a motion to grant a conditional use permit for a Major Home Occupation "B", tutoring at 54 North Flint Street for Julie Johnson with the condition that groups be limited to no more than two students for each session. Thomas Wood seconded the motion and it passed unanimously.

REVIEW OF THE CONDITIONAL USE PERMITS FOR A MODEL HOME, LOW PROFILE SIGN AND FLAGS AT 920 EAST DORIS PLACE – IVORY HOMES

Lyle Gibson explained that at the October 13, 2016 Planning Commission, a twenty-four month extension was granted for the use of this model home, low profile signs, and flags with the condition that the advertising flags along Main Street be removed. Ivory Homes has complied with the condition but still have not sold all of the lots in the Monte Bella Subdivision. Ivory Homes isn't sure how long it will take to sell the remaining lots and is therefore asking for an

additional six month extension. The original approval for this model home and its accompanying flags and signage was given in 2011. While the use has been in place for some time, Staff has seen continued progress in the development of the Monte Bella Subdivision, and has not received any complaints regarding the use of the model home.

Eric Freebairn, representing Ivory Homes, said that they only have three more lots to sell and are hoping to sell them very soon.

Josh Sundloff made a motion to grant a time extension for the conditional use permits for a model home, low profile sign and flags at 920 East Doris Place for Ivory Homes, for a period of six additional months or until all remaining lots are sold in the Monte Bella Subdivision, whichever is less. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 3.92 ACRES OF PROPERTY FROM GC (GENERAL COMMERCIAL) TO R-1-20 (SINGLE FAMILY RESIDENTIAL) AND ANOTHER 1.81 ACRES OF PROPERTY FROM GC (GENERAL COMMERCIAL) TO THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT AT APPROXIMATELY 2100 WEST 200 NORTH – TERRAVENTURE DEVELOPMENT

Andy Thompson explained that this property is located at approximately 2100 West 200 North and is currently zoned General Commercial, and abuts more commercial zoning to the south and east. To the west and across the street to the north is the Hill Farms Subdivision which is zoned R-1-14 (Single Family Residential). Terraventure is requesting a rezone of a portion of their property from GC to R-1-20. This roughly four acres of property abuts housing to the west and would change the allowed uses from commercial office/retail to a single family district which allows homes and public/quasi-public buildings. The LDS Church is interested in purchasing this property for a meeting house, which would be allowed in the R-1-20 zoning district. The second part of the request is to rezone another 1.81 acres of property in the middle of the existing GC zoning district to the Light Industrial zone. The LI zoning district allows many of the same uses as the existing GC zone with some additional uses. The applicant desires to build storage units on this property which is the reason for requesting the rezone. The LI district is also not subject to the same building design standards as the GC zone. Under the proposed rezone request, the remaining frontage along 200 North Street would remain in the existing GC zone. Staff is recommending that if the Planning Commission recommends approval of this request that it be subject to a development agreement limiting the types of uses that would be allowed here.

Chairperson Matthew Anderson opened the Public Hearing.

Kasey Essex said that she lives in the Hill Farms area and would like to know more about what uses the LI zone allows, as well as what the plans are for the proposed storage units.

Jeff Randall, representing Terraventure, said that they would like to build the storage units along the south side of the property. The units will be gated, and the outer units will be roofed to help screen the interior units. They will be mimic the same architectural style as the nearby office building with a masonry look. The closest homes to the south are located about 290 feet from

the south property line. To the west of the existing office building they have planned another two office buildings and already have someone interested in purchasing one of the buildings. These buildings will also look similar in style to what is existing, and landscaping will be installed along 200 North Street. The units will sit behind these office buildings, which will help to screen them even more. All of this development will be taking access off of 200 North Street. The LDS church is interested in purchasing the 3.92 acres of property on the west side to build a stake center, which will help to buffer the commercial uses from the residential areas. It is likely that the church will plant trees and landscaping around the perimeter of their property, as well as install a fence.

Tamara Tran asked if these units would be able to be accessed twenty-four hours a day and how many units there would be.

Jeff Randall responded that they had not decided yet.

Zach Michaelson said that he lives north of 200 North in the Hill Farms development and is concerned about potential light pollution from the new buildings. The lighting on the existing office building is already very bright. If this is a twenty-four hour storage unit then cars could be coming in and out at any hour of the day or night. The development needs more review in order to address some of the neighbors' concerns.

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

Wilf Sommerkorn asked if this rezone were to be approved if this would come back to the Planning Commission for site plan review.

Andy Thompson responded that the storage units and office buildings would not because they would be a permitted use. The church, however, would be considered a conditional use and would come back for review.

Gary Bullock commented that he lives in the Shadow Crossing Subdivision south of this property and agrees that the lighting on the existing building is excessive. Mr. Bullock said that he feels that this proposal is a great concept as long as the development is done tastefully and has a nice architectural design which fits into the area. If this property were to remain in the GC zone it could potentially have a more impacting use built here, such as a retail use. As the West Davis Corridor is built, 200 North will become much busier. The land value is too high to build single family homes. The only other option is to build multifamily housing, which it seems the neighbors don't want. There are not many neighbors in the audience tonight which gives the Commission the impression that they aren't concerned about the proposal. This proposed plan is more subtle and seems to fit better into the neighborhood.

Tamara Tran asked about the fields directly south of this development, also zoned commercial.

Jeff Randall commented that it is a narrow property and because of its location off of 200 North it doesn't seem very compatible for a commercial use.

Josh Sundloff asked if Terraventure had approached the property owners to the south to see about purchasing their property and expanding the commercial area.

Jeff Randall responded that they had and the property owners are not interested in selling their property at this time.

Andy Thompson commented that when these properties were rezoned to GC, those property owners agreed to the rezone because of the potential development planned for this area. That particular development was never done and the existing owners have since indicated that they are content to remain on the property.

Josh Sundloff commented that this is the only commercial area left on the west side of Kaysville and feels that it was rezoned by the city in anticipation of creating a neighborhood commercial center here. This would be a good location for such a use because it would help to lessen traffic congestion in other areas of the city. Approving this rezone seems to be undoing any planning done previously. The Angel Street and 200 North intersection is a major intersection that should be surrounded by commercial uses. This decision seems premature as we don't know how the West Davis Corridor will affect this area and there could be a better use for the property.

Thomas Wood agreed and added that it's tough to lose what little commercial property we have in the city.

Jeff Randall responded that when this property was rezoned it was in anticipation for Smith's Marketplace to be located here. However after looking at the demographics of the area, Smith's felt that the location on 200 North and Flint Street was more marketable. This subject property is larger than what most would want to develop for a neighborhood commercial property.

Gary Bullock said that the dynamics in this area have changed dramatically since this property was rezoned to GC.

Josh Sundloff said that he doesn't think its good planning for the city to rezone commercial property for a church. There are other places that a church could be built that would be better suited and would not take away from what little commercial property we have.

Wilf Sommerkorn commented that he feels that the stake center seems to land lock the land to the south. Mr. Sommerkorn added that the GC zone allows for office space, which has already been built, and they plan for more. While these office buildings might not be what use we would like to see here, they are permitted uses. If the city had intended for this property to become a neighborhood commercial use then they should have crafted a zone for that intended use years ago.

Matthew Anderson said that there might not have been that much foresight at that time when the property was rezoned. There were no decisions made about the interchange and they likely didn't anticipate that 200 North would be as busy as what it is today.

Josh Sundloff commented that the General Plan will be reviewed again soon and wondered if it would be worth holding off on this proposed rezone until we have a better understanding of what we want in regards to future development. This is the last commercially zoned property in this area and we need to look at what is the best plan for the city and not just the neighborhood.

Jeff Randall commented that they have held meetings with the neighbors and, based on their feedback, what is being proposed tonight is what they are most supportive of.

Patricia Rawlings said that she had been at the forefront of much of the discussion between neighbors with both of Terraventure's proposals. There were a lot of people against the original rezone proposal of this property to the LI zone, and there are still a lot of neighbors that don't want any LI zone here. The majority of the neighbors would like to see more residential built. When the neighbors hears about this new proposal with a smaller amount of LI area, many were afraid to say anything for fear that something else would be proposed that would impact the neighborhood even more. The neighbors are okay with the stake center being built but are hesitant about the proposed development. Ms. Rawlings commented that she wanted to express appreciation that the developers have worked to get more information to the neighbors and answer questions that they've had.

Josh Sundloff said that there is still enough space left on the property to create a mixture of commercial uses. There could be diversity of uses and still be compatible architecturally.

Beth Herman said that she lives to the west of this development and is disappointed that not more of her neighbors came to the meeting tonight. If this proposal does not get approved it is likely that the city will hear more public outcry because the neighbors feel that the church helps lessen the potential amount of traffic in the area, and they don't want to see something more impacting be built here.

Holly Peterson said that she lives on Jake's Lane to the south and is not in favor of the proposed LI zoning district because these storage units would be in her backyard. The concept architectural drawings of the storage units are not attractive. She is also afraid that once it's zoned LI that a more impacting use would be able to come in. There is also the potential risk that the fields south of this development would be rezoned to LI to extend that zoning even closer to her home.

Josh Sundloff made a motion to recommend the denial of the request to rezone 3.92 acres of property from GC (General Commercial) to R-1-20 (Single Family Residential) and another 1.81 acres of property from GC (General Commercial) to the LI (Light Industrial) zoning district at approximately 2100 West 200 North for Terraventure Development. Tamara Tran seconded the motion.

Voting was as follows:

Thomas Wood	aye
Wilf Sommerkorn	nay
Josh Sundloff	aye

Tamara Tran	aye
Gary Bullock	nay
Matt Anderson	aye

The motion passed with a vote of four to two.

Andy Thompson informed the audience that this request could still be forwarded to the City Council with a negative recommendation if the developer chooses to do so, and the next City Council meeting would be in a few weeks.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR SOUTH ANGEL STREET SUBDIVISION AT APPROXIMATELY 1300 WEST ROUECHE LANE – J.D. HORNE

Andy Thompson explained that J.D. Horne owns this property at approximately 1300 West Roueche Lane and would like to split this property into two building lots. Mr. Horne also owns additional property to the south and west of this parcel and would like to develop that property someday as well. The property is currently zoned R-A (Agricultural Residential) which requires full half-acre lots with 100 feet of frontage. The lots are 104 feet wide, and 210 feet deep, giving them the required half-acre. The preliminary plat complies with applicable zoning regulations and other applicable requirements.

Chairperson Matthew Anderson opened the Public Hearing.

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

Wilf Sommerkorn made a motion to recommend preliminary plat approval for South Angel Street Subdivision at approximately 1300 West Roueche Lane for J.D. Horne. Tamara Tran seconded the motion and it passed unanimously.

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 said that in consideration of allowing and encouraging a broader range of telecommunication towers in Kaysville City, Staff has prepared a draft ordinance reflecting new tower types, where they are located, and standards by which they must be built. Based on feedback from previous Planning Commission discussions, the proposed draft puts all cell tower approvals under the purview of Planning Commission. More specific definitions and standards have been added, including more clearly specifying different tower types. A distance requirement has also been added in order to require space between monopole towers.

Wilf Sommerkorn added that we need to be fairly specific in what we want to see for these towers, otherwise an applicant could present a generalized plan that meets our standards and

there's nothing we could do to change it.

Gary Bullock made a motion to recommend approval of the 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. Wilf Sommerkorn seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lyle Gibson announced that the Wasatch Front Regional Council will be holding a workshop to discuss their Wasatch Choice 2050 Plan on October 30th, from 4-6:00 p.m. at Bountiful City. This meeting is for elected officials, planners and staff, but the process is open to the public to give feedback. Mr. Gibson also announced that tonight would be Andy Thompson's last Planning Commission meeting and thanked him for his many years of service.

Wilf Sommerkorn commented that he would like to see the city have something more specific in place in regards to having neighborhood commercial areas.

Andy Thompson responded that many years ago the city considered creating a neighborhood commercial zone, but decided that there were not enough compatible areas in Kaysville or enough population at the time to justify it. However it might be worth looking at again.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, November 8, 2018 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:00 p.m.