

KAYSVILLE CITY PLANNING COMMISSION

November 29, 2018

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

Excused: Gary Bullock

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Chase Freebairn, Roy Stoner, Brent Merrill, Dan Reeve, Heidi Nettleton, Kathy Linford, Jennifer Crockett, Treva Hacking, Sam Hacking, Kevin Burton, Derek Miller, Julie Miller, Pam Thompson, LeVar D. Thompson, Charles R.A. Lamb, Ronda Jensen, Michael Jensen, Josh Callister, Eric Strong, Tami Strong, Brian Jensen, Tyler Higley, Rob Dansie

OPENING

The Planning Commission meeting was held on Thursday, November 29, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the October 25, 2018 meeting was presented for approval.

Tamara Tran made a motion to approve the minutes of the October 25, 2018 meeting. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN AGRICULTURAL HOME OCCUPATION, CONTRACTOR OFFICE AT 876 SOUTH SUNSET DRIVE – KEN LELACHEUR

Lyle Gibson explained that Ken LeLaCheur has been operating his plumbing contractor business from his home in Kaysville for nearly twenty years under his existing conditional use permit. He has been building a new home next door where he plans to continue his business operation in much the same manner. There is a detached garage where the business equipment will be stored. A few employees typically meet on site at the beginning of the work day to get their assignments and pick up any needed supplies. The majority of the work will take place on location. Some products are delivered to the home on occasion, but others will go straight to the job site. As it has been awhile since Mr. LeLaCheur has gone through the conditional use permit process, Staff reviewed the requirements of the ordinance and the details of Mr. LeLaCheur's business with him recently.

Thomas Wood made a motion to grant a conditional use permit for an agricultural home occupation, contractor office at 876 South Sunset Drive for Ken LeLaCheur. Betty Parker seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”,
CONTRACTOR OFFICE AT 1987 WEST HILL STREET – MARK HIGGS**

Lyle Gibson explained that Mark Higgs lives at 1987 West Hill Street and is seeking a conditional use permit for a major home occupation. The majority of the work that Mr. Higgs does takes place on location installing flooring for customers. He does keep a few product samples at his home so that customers could, by appointment, see different options. Once a product is selected, it is delivered to the location where it will be installed.

Tamara Tran made a motion to grant a conditional use permit for a major home occupation “B, contractor office at 1987 West Hill Street for Mark Higgs. Wilf Sommerkorn seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 58.6 ACRES OF PROPERTY AT
2300 WEST SCHICK LANE (200 NORTH) FROM R-A (RESIDENTIAL
AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW DENSITY), R-1-8
(SINGLE FAMILY RESIDENTIAL) AND GC (GENERAL COMMERCIAL) TO THE R-
2 (SINGLE TO TWO-FAMILY RESIDENTIAL) ZONING DISTRICT – PERRY HOMES**

Lyle Gibson explained that Perry Homes owns a large section of property at 2300 West 200 North, which will be adjacent to the proposed West Davis Corridor to the west. An existing open space area and church abut the property as well as a patio home development. A single family development, located in the R-1-20 zone, is located on the eastern edge. The property is currently zoned R-A which allows for development at two units an acre, but which requires that lots be at least a half-acre in size, with a minimum of one-hundred feet of frontage. Taking into account known infrastructure in the area and the current market, Perry Homes is requesting to rezone the property from the existing zoning district into three different zones. Under the current zoning, Perry Homes would be allowed up to 122 homes at a density of two units per acre. Perry Homes has expressed the willingness to keep the open space intact as well as provide some commercial property near the proposed interchange to the West Davis Corridor. Therefore they are looking for different residential zoning designations to allow the same number of homes as would have been previously developed in the current zone, with some flexibility on how they are arranged. The R-1-LD zoning district, while limiting the total density, allows for flexibility in lot sizes as long as they be at least 12,000 square feet in size and have at least ninety feet of frontage. The 44.39 acres of this zoning district could yield as many as eighty-eight units depending on the final layout. The R-1-8 zoning district is being requested along the far west edge of the property, which will be against the new freeway. This zoning district allows for lots of at least 8,000 square feet in size with at least sixty feet of frontage. The 11.21 acres of this zoning district could yield as many as sixty-one units. This would not be feasible without the approval of the PRUD overlay zone. The remaining three acres of property is being proposed for the General Commercial zone. While the applicant has provided an exhibit of how the property would likely develop, the request under consideration is for rezone only. A development agreement may be considered to ensure certain details are pursued through the subdivision and development process.

Chairperson Matthew Anderson opened the Public Hearing.

Brent Merrill said that he lives on Wellington Drive in the Ashwood Estates Subdivision. It is a patio home development with private streets. There is a stub street on the northwest side of the property and is currently blocked off by barricades. Because the roads in their subdivision are private, the residents here would like the barricades to remain so it doesn't become a thoroughfare.

Lyle Gibson said that the city will look at the traffic flow patterns during the subdivision process, and as part of that the stub street will be addressed. Because it's a private street it's likely that something could be worked out so the road continues to be blocked or turned into an emergency access road.

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

Tamara Tran asked if there were any users in mind for the proposed General Commercial property.

Lyle Gibson responded that there is nothing planned yet.

Josh Sundloff commented that it will likely be a gas station, based on the size of the property. It will also be a great location for it as the West Davis Corridor will be built nearby.

Dan Reeve, representing Perry Homes, said that at this point in time they feel the commercial property is not viable for development. However, they know that once the Corridor is built that will change.

Wilf Sommerkorn stated that the Planning Commission received an email from Taylor Spendlove expressing support of this proposed rezone.

Eric Strong said that he lives on the corner of Island Drive and Island Way, and the proposed commercial property will be located across the street behind their house. The idea of having commercial property here isn't appealing because traffic will be coming and going all day and night. Mr. Strong said that it feels that having commercial here would reduce the value of surrounding homes.

Betty Parker commented that three acres isn't very much property for commercial would be ideal for a small store.

Josh Sundloff asked about the area of land under the power line corridor.

Dan Reeve said that the referenced piece of land under the power line, north of their development, is part of the Kays Creek Subdivision in Layton City and is maintained by their HOA. It is likely that it must remain as that subdivision's open space in order to meet the size requirements as a cluster subdivision. There are also restrictions for what you can build under the power lines. Permanent structures are not allowed, but landscaping could be installed. Perry

Homes is proposing a twelve foot wide trail that would run from Eulalia Way to the open space area to allow for pedestrian access.

Tamara Tran commented that the City will soon be reviewing the General Plan and she would like to see more commercial allowed in the city in the future to help generate tax revenue and would like to see this development have more commercial area planned. It seems that once the West Davis Corridor is installed that any commercial located here would be very successful. Mrs. Tran added that she would like to see a convenience store and maybe some other small retail spaces be allowed here. It will help to support our rooftops and will contribute to the city.

Tami Strong said that there are several other open commercial spaces elsewhere in the city that should be filled before we consider adding more commercial. Many neighbors moved here thinking that it would be a peaceful and quiet place to live, and now both the West Davis Corridor and commercial uses are being considered, further impacting their neighborhood.

Josh Sundloff commented that the R-1-LD zoning meets the General Plan with having two units per acre west of I-15. While the R-1-8 zoning has more than two units an acre, it will be backed up against the West Davis Corridor and is a good location for the smaller lots. We need more commercial areas in the city and this requested GC zone will be a good location for small neighborhood commercial. This will help to alleviate some traffic congestion further down the road and will be well used.

Thomas Wood made a motion to recommend approval of the request to rezone 58.6 acres of property at 2300 West Schick Lane (200 North) from R-A (Residential Agriculture) to the R-1-LD (Single Family Low Density), R-1-8 (Single Family Residential) and GC (General Commercial) zoning districts for Perry Homes. Josh Sundloff seconded the motion.

Voting was as follows:

Thomas Wood	aye
Wilf Sommerkorn	aye
Betty Parker	aye
Josh Sundloff	aye
Tamara Tran	nay
Matthew Anderson	aye

The motion passed with a vote of five to one.

PUBLIC HEARING AND REQUEST TO REZONE 10 ACRES OF PROPERTY AT APPROXIMATELY 700 SOUTH DESERET DRIVE FROM GC (GENERAL COMMERCIAL) TO THE R-2 (SINGLE AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT – IVORY DEVELOPMENT

Lyle Gibson explained that recently Ivory Homes had come before the Planning Commission and City Council requesting consideration of a rezone to the R-M zone on the entire twenty-five acres owned by America First Credit Union. Over several meetings the proposal evolved to

include 12.5 acres of R-2 zoning with the PRUD overlay and 12.5 acres of LI (Light Industrial). The Planning Commission at that time recommended approval of the request with a stipulation that five acres be left in the GC (General Commercial) zone. The City Council ultimately denied Ivory Homes' request. If an application for a change of zone is denied, Kaysville City Ordinance does not allow for new application for the same zoning change affecting the same property for a period of one year. A new application affecting or including all or part of the property must be substantially different from the original application if considered before that one year time period has passed. Ivory Homes has told Staff that they wish to continue working with the City to find an acceptable zoning outcome and has submitted this new application, which is being presented tonight. Staff feels that the new application is different enough from the original application that it may be considered. This new application is to rezone ten acres of property on the south side of the America First property to the R-2 zone.

Chairperson Matthew Anderson opened the Public Hearing.

Chase Freebairn, representing Ivory Development, commented that while they were disappointed with the aforementioned denial, they took the feedback received and reworked it. Their original application was designed to better fit the uses of the interested parties they were working with. America First has been marketing this property unsuccessfully for many years. Buyers are not willing to purchase twenty-five acres of property with such a challenging access. Ivory Development is now only proposing a residential use on ten acres of the property and have reduced the number of proposed units from the original proposal. The units will still be single family homes, with an open space area located in the middle of the development. Some of the neighbors to the south of the property were concerned about the number of lots alongside their properties, therefore Ivory Homes has enlarged those lots on the south edge.

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

Wilf Sommerkorn asked why the Council had denied the rezone request.

Lyle Gibson responded that the City Council stated that they preferred to see the property remain in the General Commercial zone for the time being as there is not much commercial property left in the city.

Wilf Sommerkorn asked if Ivory Home's plans haven't changed much from the original application denial, why should the outcome be any different now. The City Council has indicated that they currently aren't willing to rezone any commercial properties and there is nothing here indicating that this new application will change their minds.

Betty Parker stated that she would like to see this property remain commercial because it could be a good opportunity for a commercial user to build here.

Tamara Tran said that she would also like to this property remain commercial until the city has a chance to review the General Plan and determine how they would like to see this property used. Mrs. Tran asked if there was a plan for the remaining commercial property that is not being

considered for this rezone.

Chase Freebairn responded that America First plans to keep the remaining property for now. They have had a difficult time finding potential commercial buyers because it is a large piece of property with difficult access to it. Ivory Homes feels that there needs to be more rooftops here to support the commercial use areas. There needs to be good mix of both types of uses.

Josh Sundloff asked if America First had considered subdividing the property themselves in order to sell in smaller pieces.

Chase Freebairn responded that America First wasn't interested in subdividing the property themselves and is why they had approached Ivory Homes. Ivory Homes agreed to help in developing the property because there were already commercial users interested in purchasing the commercial use areas. Those users are no longer interested in the property, therefore America First has decided to retain the property. Mr. Freebairn said that while he couldn't speak to what America First had done specifically to market the property, they have owned it for over ten years and they've struggled to sell it as one piece. While he understand why the city wants to keep any potential tax base, keeping the property undeveloped doesn't seem like the better option.

Josh Sundloff commented that whatever is built on this property will have to be destination commercial user. It is unlikely that any large retailer would be interested in this site, which is why this property hasn't been sold in the past.

Wilf Sommerkorn said that while he understands the reasoning behind why the City wants to retain the property, it is unlikely that there will be much retail users here, if any. With the review of the General Plan the city might also look into higher density along the freeway.

Matthew Anderson commented that it's usually the market that determines what will be built on a property, if anything. The owner of the property needs to figure out how to best market their property. Mr. Anderson said that while he would like to see commercial on this property, how long should we wait for a commercial user to be interested in it?

Thomas Wood stated that he is skeptical that this property has been marketed for ten years with no interested buyers. Mr. Wood said that he'd like to hear from America First to hear what they've done to market the property and about any potential offers they've had. Mr. Wood said that he would feel more comfortable approving this request had the builder shown that what is being proposed tonight was their last option.

Lyle Gibson commented that previously America First has not been willing to split the property, which has added to the challenge of selling the property. There have been commercial users interested in developing smaller lots here.

Josh Sundloff said that in reviewing the General Plan, the city might consider creating a new mixed use zoning district, and consider including this property in that zone.

Tamara Tran made a motion to recommend denial of the request to rezone 10.0 acres of property at approximately 700 South Deseret Drive from GC (General Commercial) to the R-2 (Single and Two-Family Residential) zoning district for Ivory Development. Betty Parker seconded the motion.

Voting was as follows:

Wilf Sommerkorn	aye
Betty Parker	aye
Josh Sundloff	nay
Tamara Tran	aye
Matthew Anderson	aye
Thomas Wood	aye

The motion passed with a vote of five to one.

Wilf Sommerkorn commented that he's not against the proposed residential use but feels that we need more robust planning progress in our community.

Josh Sundloff said that he doesn't feel that delaying this rezone request to review the General Plan will solve anything.

Matthew Anderson commented that he feels that there needs to be more understanding of the market and the marketing efforts made by America First before making a decision.

Thomas Wood said that he agreed with Mr. Anderson and that there needs to be more reasoning for approving this request.

PUBLIC HEARING AND REQUEST TO REZONE 0.96 ACRES OF PROPERTY AT 233 SOUTH 400 EAST TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – HEIDI NETTLETON

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE PRIGMORE FLAG LOTS SUBDIVISION AT 233 SOUTH 400 EAST – HEIDI NETTLETON

Lyle Gibson explained that this property is located just north of Davis High School and is currently zoned R-D (Residential Diverse). Heidi Nettleton, the owner, desires to build a couple of homes on the rear portion of their property, and in order to do this the PRUD overlay zone is necessary. The underlying zone of R-D will remain the same. The Prigmore Flag Lots Subdivision preliminary plat includes a total of three lots. The existing home will remain on a standard lot fronting 400 East Street, on about 11,800 square feet of property. The flag lots will be 12,300 and 16,300 square feet in size, and will both access 400 East Street via a shared twenty-foot driveway.

Chairperson Matthew Anderson opened the Public Hearing.

LeVar Thompson said that he owns property which abuts to the north and east of this subject property, and has lived there for fifty-two years. He purchased a portion of his property from the Prigmore's years ago, with a verbal agreement that neither party would develop anything behind their homes. Because it was only a verbal agreement there is nothing to prove that this is going against what had been discussed many years ago. Davis High School has a building directly south of the Prigmore's property and the proposed flag stem driveways will run right alongside that building. The building is going to shade that driveway and will cause it to ice over in the winter. The neighbors here, including the Prigmore family, have spent much time in front of the City Council asking for help with the parking problems caused by the students of nearby schools. Students constantly block resident's driveways all along 400 East, and adding another driveway along here will just add to the problem. There are many schools in this area which brings in hundreds of cars here every morning. This street, 400 East, is already heavily traveled and the residents would like to see traffic lessened. It's already hard enough for residents to get out of their driveways as it is. They have also been seen kids jumping the neighbor's fences here and cut through backyards. Building a home behind other people's homes is an invasion of privacy to the neighboring homes. There are some very big safety concerns here and think those need to be addressed before we proceed forward with more development. The Prigmore family has a right to do something with their property, but this isn't the right development for it.

Michael Jensen said that he lives on 200 South, and these proposed homes would be directly in his backyard. They will degrade the value of his property and will be an invasion of privacy. Mr. Jensen commented that he has worked as a fireman for Kaysville City for many years and has dealt with several instances where they are responding to incidents on flag lots and it makes it very difficult to find the flag lot addresses. It causes confusion and delays their response times. It also is very hard to get emergency response vehicles to the homes in the back because of the narrow driveways. It's not the ideal situation and could be argued that flag lots go against public safety standards. They put both firefighters and the community at risk.

Matthew Anderson commented that the ordinances regarding flag lots were put into place by the City Council. As long as proposed flag lots meet the ordinances and regulations than there's not much reason to deny them unless city ordinances were changed.

Lyle Gibson added that the Fire Marshal reviews these flag lots and has input on whether they meet the fire standards or not.

Derek Miller said that he owns property on 200 South to the east. There is a flag lot further north on 400 East that hasn't been fully developed and is full of weeds where there are no houses yet. Mr. Miller said that adding a long driveway right next to the school will tempt kids to park in it. If the Prigmores' want to divide their property they should only be divided into two lots to better fit into the neighborhood.

Sam Hacking said that while he's not opposed to the development of a flag lot, he agrees with the comments made by Mr. Thompson. The neighbors are not in favor of this being developed into flag lots.

Tyler Higley commented that he is in favor of this project and sees the benefit that flag lots can

bring to a neighborhood. It wouldn't hurt to have a few backyard neighbors. This seems to be a good compromise instead of multi-family housing being built here. These are good sized lots and it's likely that some of these old trees could be preserved with the development as well.

Kevin Burton said that he used to live on 400 East in a duplex. There are many people along 400 that street who have kids. Building a flag lot will create more traffic and could create a hazard for the children in this area.

Rob Dansie said that he lives on 400 East and asked the Planning Commission to take into consideration how this development will impact the neighborhood. Mr. Dansie said that he hopes that whatever goes in there only benefits the community and the neighborhood as a whole. The neighbors certainly care what happens to their neighborhood. Many residents living here have been here a very long time. This request needs to be reviewed respectfully and responsibly to make all parties happy.

Derek Miller added that there are at least twenty seniors in the area with large lots who likely will want to develop their properties in a similar manner. This situation will likely occur again and this decision could set a precedence for the area.

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

Heidi Nettleton said that she lives on 400 East and this property was her grandparents. Her aunt and sister manage and maintain the home now. They had finally decided that they wanted to sell it, and she has an agreement to purchase the existing home pending the approval of this development. She has met with city staff and feels that they have met the requirements for flag lots. The lots will be the same size or larger than the existing surrounding lots here, with single family homes on them. Mrs. Nettleton added that she had spoken with some of the neighbors, most of which live adjacent to the property, to discuss their plans for the property. It is possible that her grandfather made an oral agreement with the neighbors to not develop the property, but it is something she's unaware of. Parking is definitely a problem in this area. Students are constantly blocking driveways, but adding two flag lots won't change that. Two more homes won't significantly add traffic to roadways. There will be mailboxes along the street front with all the buildings addresses. They plan to build homes that will fit into the look of the area and add to the neighborhood. They will be similar in size to the surrounding homes, and will be a good value. There is enough frontage here that they are going to be able to keep the original house on the property. They will also be trying to keep as much of the existing foliage as they can. Large lots, such as this, are more difficult to maintain and potential buyers aren't looking for lots with large yards anymore.

Josh Sundloff stated that these types of homes will attract families to the area and will be a benefit to the neighborhood.

Tamara Tran asked about what is required for the flag stems with the Fire Department.

Lyle Gibson responded that there will be a twenty foot shared driveway for the two flag lots.

They can exceed that width if they'd like, but the Fire Marshal will review the plans to ensure that they are in compliance.

Betty Parker asked if there are any restrictions on the number of flag lots that can be built in an area.

Lyle Gibson said that there is not. The city receives many inquiries from people living in this area about developing their properties into flag lots. However, while many of the lots around here are large enough to do so, they don't have the frontage required for flag lots. The land itself limits the amount of lots that can be built in an area.

Josh Sundloff commented that the proposed flag lots will be larger than some of the surrounding lots, and therefore this proposed development won't drastically change what is already here.

Wilf Sommerkorn commented that under the current zoning the applicant could split the lot in half without having to come before the Planning Commission and City Council for approval. We are only talking about a difference of one unit here.

Thomas Wood asked about the maintenance of the driveway.

Lyle Gibson responded that it would be maintained by the property owners.

Matthew Anderson added that the parking problems caused by the nearby schools is not the property owner's problem here.

Thomas Wood said that while he's not a fan of flag lots, he feels that this project fits within the neighborhood and meets the standards for a flag lot. The city has been approving flag lots in this area for years so a precedence has already been set. It's possible to change that when we review the General Plan, but as the ordinance is currently this development has met the requirements.

Wilf Sommerkorn made a motion to recommend approval of the request to rezone 0.96 acres of property at 233 South 400 East to include the PRUD (Planned Residential Unit Development) overlay zone for Heidi Nettleton. Thomas Wood seconded the motion and it passed unanimously.

Wilf Sommerkorn made a motion to recommend preliminary plat approval for the Prigmore Flag Lots Subdivision at 233 South 400 East for Heidi Nettleton. Thomas Wood seconded the motion.

Voting was as follows:

Josh Sundloff	aye
Tamara Tran	nay
Matthew Anderson	aye
Thomas Wood	aye
Wilf Sommerkorn	aye

Betty Parker aye

The motion passed with a vote of five to one.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

The Planning Commission discussed the new procedure for providing the Planning Commission information about their meetings digitally.

Tamara Tran asked about changing the review process for certain conditional use permits.

Lyle Gibson responded that Staff could review the current procedure and see if there is a more timely way that those reviews could be done.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, December 13, 2018 at 7:00 p.m.

ADJOURNMENT

Betty Parker made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:30 p.m.