

KAYSVILLE CITY PLANNING COMMISSION

December 13, 2018

Members Attending: Vice-Chairperson Thomas Wood, Gary Bullock, Wilf Sommerkorn, Tamara Tran

Excused: Matthew Anderson, Betty Parker, Joshua Sundloff

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Larry Page, Elton Over, Nancy Over, Craig Smith, Janet Smith, Carole G. Walters, Robert Green, Hugh Parke, Jim Neuner, Paul Waldrop, Cheryl Richter, Bill Dixon, Shauna Dixon, Dina Hargrave, Craig Carlyle, Gary Mumford, Brenda Mumford, Clark Steed

OPENING

The Planning Commission meeting was held on Thursday, December 13, 2018 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Thomas Wood opened the meeting by welcoming those present. The minutes of the November 8, 2018 meeting were presented for approval.

Gary Bullock made a motion to approve the minutes of the November 8, 2018 meeting. Wilf Sommerkorn seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION, “B”, MENTAL HEALTH GROUP SESSIONS AT 581 SOUTH 350 EAST – DINA HARGRAVE

Lyle Gibson explained that Dina Hargrave is requesting a conditional use permit for a Major Home Occupation “B” to hold group sessions from her home at 581 South 350 East. The group sessions would be for adolescents and their families coping with mental health issues. Ms. Hargrave is currently trying to find a commercial location to operate from, but in the meantime she would like to start holding sessions from her home. Starting out the sessions would only be held on Thursdays between 4:00 and 6:00 p.m., and as her business grows she will add an additional night session on another day. Groups would be limited to no more than twelve people at any one time. Ms. Hargrave has room for four cars to park in her driveway, with three more being able to park in front of her home. Staff is recommending approval of the proposed conditional use permit with the condition that the number of participants be limited to no more than twelve at any one time.

Gary Bullock asked if Ms. Hargrave’s neighbors were aware of her business plans.

Dina Hargrave said that she had not spoken with the neighbors.

Gary Bullock asked about an anticipated timeframe for when they will be moving to a commercial location.

Dina Hargrave responded that they don't plan on using her home for more than six months.

Gary Bullock suggested that the conditional use permit be approved for a period of one year. Then if Ms. Hargrave finds she needs more time then she can come back to the Planning Commission to extend her conditional use permit.

Craig Carlyle said that he lives a couple houses down from Ms. Hargrave and has spoken with many of the surrounding neighbors about her business. There has been some concerns expressed about this type of business operating within their neighborhood. It will create more traffic and parking onto this cul-de-sac. It is oftentimes already a struggle for the existing residents to find parking along the street. There is also a lot of children who live in the area and the neighbors are concerned about their safety because of the extra traffic, as well as what types of clients this business will bring to the area. Will any of the clients have criminal records or be coming from a detention facility? Will clients be staying overnight? What if Ms. Hargrave is unable to find a commercial location? Mr. Carlyle said that because he only found out about this request a couple of days ago he was unable to speak with Ms. Hargrave personally about his concerns. There should have been more notice of this request. There are too many unanswered questions. This business would be better suited in a commercial location and not in a residential neighborhood.

Dina Hargrave commented that the groups will be limited to twelve per session and they will likely only be there for an hour. There will be no overnight stays as that is not the intention of their business. Their clients are adolescents who will be coming with family members for mental health counseling. Most of the adolescents will be traveling together with the family member and therefore at the most they would have six students coming with one parent each. Ms. Hargrave said that she understands the concerns about traffic and could potentially ask the church down the street if her clients could park in their parking lot.

Gary Bullock asked if Ms. Hargrave had done this business previously.

Dina Hargrave responded that she had worked at health clinics, as well at local schools to help with mental health counseling. She has recently finished up her psychology license and decided that she wanted to branch out on her own.

Gary Bullock commented that if the neighbors find that the business is creating problems then they need to let the city know. If Ms. Hargrave fails to resolve any issues, then the conditional use permit could come back to the Planning Commission for review.

Craig Carlyle said that it would have helped if Ms. Hargrave had gone to the neighbors to discuss her business plans before the meeting tonight. There is not enough room in their cul-de-sac to add six more cars.

Lyle Gibson said that approval of the conditional use permit can't be subject to the clients parking at the nearby church because it is private property. However, it could be approved subject to clients not parking inside the cul-de-sac.

Tamara Tran said that it would be hard to police which cars parked inside the cul-de-sac belong to which homes.

Craig Carlyle responded that 550 South Street does not have much parking near the cul-de-sac either and could potentially be dangerous as cars would be parking near the busy intersection along Main Street.

Gary Bullock made a motion to grant a conditional use permit for a major home occupation "B", mental health group sessions at 581 South 350 East for Dina Hargrave with the following conditions:

1. There be no more than twelve people in attendance at each group session.
2. Participants not park within the cul-de-sac of 350 East Street.
3. The conditional use permit expire in one year. If Ms. Hargrave is still conducting group sessions from her home at that time then the conditional use permit will need to come back to the Planning Commission for review.

Wilf Sommerkorn seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR THE MID OAKS FARM SUBDIVISION AT APPROXIMATELY 1300 WEST ROUECHE LANE – J.D. HORNE

Lyle Gibson explained that Mr. Horne owns the property at approximately 1300 West Roueche Lane and would like to split it into two building lots. The property is currently zoned R-A (Residential Agriculture) which requires full half-acre lots with 100 feet of frontage. The lots are 104 feet wide, and meet the required 21,780 square feet. The Planning Commission gave preliminary plat approval for this subdivision in October of this year.

Wilf Sommerkorn made a motion to grant final plat approval for the Mid Oaks Farm Subdivision at approximately 1300 West Roueche Lane for J.D. Horne. Tamara Tran seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR THE RICHTER FARM SUBDIVISION 2ND AMENDMENT AT 1572 SOUTH SUNSET DRIVE – CHERYL RICHTER

Lyle Gibson explained that Cheryl Richter owns the property at 1572 South Sunset Drive and is requesting to subdivide her property into two total lots. The existing home would stay on Lot 101, measuring at over an acre of property. The new 1.8 acre lot would be created to the south. Both lots front Sunset Drive, which is already fully improved on their side of the street at this location. The R-A zoning requires half-acre lots with at least 100 feet of frontage, which both lots well exceed.

Cheryl Richter said that they are requesting this lot split because they have a potential buyer who

would like to build an estate on the property.

Vice-Chairperson Thomas Wood opened the Public Hearing. There were no comments or questions from the public. Vice-Chairperson Thomas Wood closed the Public Hearing.

Tamara Tran made a motion to recommend preliminary plat approval for the Richter Farm Subdivision 2nd Amendment at 1572 South Sunset Drive for Cheryl Richter. Gary Bullock seconded the motion and it passed unanimously.

Tamara Tran made a motion to grant final plat approval for the Richter Farm Subdivision 2nd Amendment at 1572 South Sunset Drive for Cheryl Richter, subject to the City Council's approval of the preliminary plat. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 4.1 ACRES OF PROPERTY AT 1480 WEST WILLOW DRIVE AND 1576 WEST 200 NORTH FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) AND R-A (RESIDENTIAL AGRICULTURE) TO THE R-2 (SINGLE AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT – ROBERT GREEN AND JAMES NEUNER

Lyle Gibson explained that Robert Green owns the property at 1576 West 200 North, and James Neuner lives on the property abutting his to the north at 1480 West Willow Drive. The two properties have two different zones and the owners are requesting a rezone in order to accommodate a potential residential subdivision. The property borders the Rail Trail to the east, with a residential neighborhood to the west. The current zones allow for a two unit per acre type development. The requested R-2 zoning district allows for residential development of one and two-family dwellings in a standard subdivision. An exhibit has been provided showing the applicants' initial thoughts on how the property may be developed under the existing zoning. This type of development would also require the PRUD overlay zone. Also provided is a concept development plan indicating what they would like to propose, including open space and private lanes. If this development were to be rezoned without the PRUD overlay zone it would make it very difficult to lay out a subdivision plat with good orientation. If the rezone is approved, additional steps would be necessary to verify that the layout of the development would work. The Planning Commission will need to determine if this proposal is appropriate for this location and if it meets the language of the General Plan. There has not been any technical reviews done yet, however Staff has discussed this development with the Central Davis Sewer District who has indicated that their system may not have the capacity to serve this many units in this area. If the Planning Commission feels this type of development would be appropriate for this location, the developer would need to verify that the infrastructure would allow for this many units. Staff is recommending, should this item be recommended for approval, that it be subject to a development agreement being put in place to help ensure that this type of development would be implemented.

Wilf Sommerkorn asked about the Sewer District's comments regarding their service capacity.

Lyle Gibson responded that the Sewer District has said that their system was built to only handle two units an acre in west Kaysville. It is possible that this development could feed a line to

connect Flint Street, but that is not verified. Their line along Angel Street is only slated for two units an acre and this development would not be able to feed into it.

Wilf Sommerkorn commented that there is a fair amount left in west Kaysville that could be developed. Will those properties also have to meet the two units an acre limitation?

Lyle Gibson responded that he doesn't know if it's impossible to overcome that limitation. It would need to be a part of any subdivision process to verify that it would work. Any sewer upgrades or pump stations would have to be paid for by the developer.

Tamara Tran asked about noticing for this item.

Lyle Gibson responded that the notice was posted online on both the state and city's website ten days ago, which is required by State Statute. A public notice sign was posted on the property a week before tonight, and notice was also mailed to property owners within 500 feet of this project, per city ordinance.

Hugh Parke, the developer working with the owners on this project, said that he served on the Planning Commission in Layton City before and has also helped develop many similar projects over the last ten years. This property is challenging to develop into single family homes. Mr. Neuner is interested in selling an acre of his property in order to help create a better subdivision layout. A higher density housing development would be a better use for this property because it will help to create a buffer between the commercial uses to the east and the lower density residential properties to the west. There is a demand for townhome type of housing on the market. Bott Pantone Architects has developed similar projects in the past and have found them to be well-maintained. A professional landscaper will maintain the open space of the property. Many of the younger generation looking for housing prefer to have homes where they do not have yards to take care of. These townhomes will be more affordable, selling in the \$300k range and will be quality homes. Bott Pantone Architects has drawn up a conceptual idea of how the development might look. There is still a lot to be discussed, including addressing concerns about infrastructure. There are also capacity studies that still need to be done. The plan presented tonight is just one idea for the layout and will likely change before being presented formally as a subdivision plat.

Vice-Chairperson Thomas Wood opened the Public Hearing.

Gary Mumford said that he lives at 1504 West Willow Drive and is in favor of residential zoning for this area and hopes that the developer is able to make this project work here. He would rather see this property used for residential use rather than commercial or industrial. The entrance to this development should line up with the entrance to Mountain Vistas Road to create a safer traffic pattern. The neighbors do have some concerns with increased traffic and privacy of the neighboring homes. Dead end streets also seem to be a problem, especially for delivery trucks. Snow plowing needs to be addressed. There needs to be more green space included in the plans so that there are places for kids to play. Dumpsters should be shown on these conceptual plans so we know they will be kept away from neighboring residential properties. Will this property be fenced? There is a tall fence along the back of Smith's Marketplace, and this property should

be fenced similarly to help block any noise. UTA owns an easement along the Rail Trail and have restrictions on people placing trees or fencing along that easement. These types of townhome subdivisions tend to only have parking for their residents, and there needs to be a place for visitors to park off the streets. If these townhomes are built as two-story homes, they will be taller than the neighboring homes and will be an invasion of privacy. The townhomes should be set back further on the side nearest to the existing homes, and those homes should only be allowed to be single story.

Elton Over said that he lives at 1488 West Willow Drive, right next to the Neuner's property, and this development will be built up against his southern property line and will be a huge invasion of privacy. It feels that the developer is cramming a bunch of homes into a small space, and it's inappropriate for this single-family home area. West Kaysville has only ever allowed for single family homes and it should stay that way. This project needs to be looked at further before anything is decided.

Clark Steed, at 1528 West Willow Drive, said that he moved here in 2002 because he wanted his family to stay in Kaysville. Before the property to the east was developed into the Smith's Marketplace, Mr. Steed said he approached the city and asked about the future plans for it. He was told that it would become residential, and the neighbors have fought for years against anything other use being approved for that property. Kaysville tries to portray a hometown feel, and a high density housing development will alter it. Mr. Steed said that he has a lot of concerns about a sewer pump station being built near his home. There is already a ballast station nearby, and the pipeline owns an easement along the eastern side of the Green's property, which cannot be built on. The pipeline is over fifty years old and hasn't been replaced, and it doesn't seem safe to build a development next to a high-pressured pipeline. The neighbors feel like there hasn't been enough time to review this development and would like to Planning Commission to postpone making a decision until it can be further reviewed.

Paul Waldrop, at 245 North Seemore Drive, said that many of the homes in this area have problems with flooding in their yards. How will this development affect ground water and storm water run-off? The existing homes here are very nice and the homeowners have put a lot of work into their properties. Don't mess that up. This development will put a lot of stress on the existing infrastructure systems, which doesn't seem to keep up with all of the recent development as it is. There are also large pieces of undeveloped property in this area and the neighbors are worried that allowing this higher density housing development will set a precedence. A high density housing development will affect this community and will bring the value of their homes down.

Brenda Mumford said that this feels like a request for spot zoning, which is not appropriate planning for the city. Single family homes should be the only type of development allowed here. Private lane developments tend to get worn down, and the residents tire of having to take care of their streets and landscaping.

Nancy Over commented that she's a lifelong resident of Kaysville, and they built their current home at 1488 West Willow Drive over twenty years ago. They've spent their retirement on their home and doesn't want a subdivision to back right up to their property. It will depreciate the

worth of their home and their neighborhood. This will affect a number of people negatively.

There were no further comments or questions from the public. Vice-Chairperson Thomas Wood closed the Public Hearing.

Jim Neuner said that he understands that there is a lot of emotion that surrounds this proposal and understands the feelings of the neighbors. He understands their concerns regarding the proximity of higher density housing to their homes. He also had his own concerns when Smith's was developed because the city had told the neighbors that it was planned to be residential property. However, it's hard for the city to envision what will happen with the city in the future. Although the wall that was built by Smith's has helped lessen the impact of it, it still has negatively impacted the surrounding properties. This development will create a buffer between the commercial uses and residential subdivisions. Younger generations are looking to stay in Kaysville and there isn't much available that is affordable for them to buy. This development will help to provide a place for them. Mr. Neuner said that as he's gotten older he doesn't want such a large yard to take care of anymore, and had looked into creating a flag lot. However, he doesn't have enough frontage. When the West Davis Corridor is built, 200 North will become a four-lane road. People don't like to buy single family homes along major arterial streets. Mr. Neuner said that he had spoken with some of his neighbors before tonight's meeting and appreciated their feedback.

Robert Green commented that he is the son of Jay Green who has owned this property for many years. Oftentimes people move into the city and don't want more development around them. Mr. Green said that he had approached Ed Green about developing this property into single family homes, but they could not find any interested buyers. The easements on the property make it more difficult to develop. The concept drawing presented tonight was just a starting point. The city might feel that a commercial development would be a better use for the property. They just want to build something that the city will be proud of and will become a legacy. Having townhomes next to Smith's Marketplace will be desirable to those residents who live there and who can utilize those services.

Gary Bullock said that he agrees that the access road for this development should be aligned with the Mountain Vistas Road intersection, and that the road pattern is designed for better traffic flow.

Hugh Parke responded that the concept plan presented tonight is just one possible design. There is a forty-foot setback easement between their property line and the Rail Trail. They plan to meet with the providers that occupy the utility easement on the property as well. As part of the subdivision process they will have the property surveyed. They will rework their concept plans to attempt a turnaround or cul-de-sac pattern to see if that will create a better traffic flow. Items such as dumpster locations, fence details and visitor parking will be addressed with the development agreement. They can also consider a larger setback requirement from the properties to the west. The townhomes would have pitched roofs, with a brick, stone or hardie board facade. They would design the look of the homes to fit into the area.

Tamara Tran asked about why they are not looking to develop single family homes.

Hugh Parke responded that the layout of the property makes it much harder to develop single family homes because the access is not very feasible. If this property could be accessed from Willow Drive it would make more sense to develop this property as single family homes.

Wilf Sommerkorn said that the General Plan allows for higher density housing along major streets, such as 200 North, and therefore this type of higher density housing would be appropriate here. The project is worthwhile to consider to try to help address housing affordability in Kaysville. Mr. Sommerkorn commented that he is concerned about the sewer capacity issues that have been mentioned. If the Sewer District can't service this property when developed, what about the other undeveloped properties around here? How will development affect the culinary water pressure?

Gary Bullock said that this is primarily a residential community and the General Plan allows for growth along major streets. This is an irregular piece of property and, given the layout and location of the property, this is likely a better use than just single family residential. However, it seems too preliminary to make a decision with so many unanswered questions. Mr. Bullock said he would like to see more information about potential traffic generated and traffic patterns.

Tamara Tran commented that she is in favor of adding more high density housing to Kaysville because we don't have a lot of diversity in the city. Mrs. Tran said that she appreciates that the owners are interested and willing to do what is the best fit for the community. However, she also feels that it's too early to make a decision. There needs to be more public outreach, and would like to hear what the neighbors and city feel would work best here.

Wilf Sommerkorn said that while he understands why the developer can only give general information about the development with a rezone request, he would like to see more definitive answers about the infrastructure before voting on this request.

Thomas Wood said that he feels that this is a good use for the property and a good location for higher density housing. This is a great example of where we want this type of housing along major roads to create a buffer. The General Plan is not specific and is adapted to our needs at the time they are updated. This item should be tabled to give an opportunity for the developers to gather more answers, and for the neighbors to be able to come and speak to the Planning Commission at our next meeting. Hearing comments from the public helps the city make their decisions and might present a better solution.

Wilf Sommerkorn made a motion to table the request to rezone 4.1 acres of property at 1480 West Willow Drive and 1576 West 200 North from R-1-20 (Single Family Residential) and R-A (Residential Agriculture) to the R-2 (One and Two-Family Residential) zoning district for Robert Green and James Neuner, so that the applicants can work towards finding answers to the questions and comments made tonight. Tamara Tran seconded the motion and it passed unanimously.

Lyle Gibson commented that this item will likely be put on the next Planning Commission agenda for review on January 10, 2019.

CALL TO THE PUBLIC

Clark Steed commented that the pipeline easement is not part of the Rail Trail easement, but runs alongside it. This will push the setback further into the Green's property, further limiting the amount of space that will be buildable.

Thomas Wood responded that the developer will verify easements with a survey and will need to work with all of those owners of the easements.

REPORTS

Lyle Gibson commented that yesterday an Open House was held regarding the future of Main Street and the City's space needs. The public was asked for their input asking how they would like to see Main Street. The City is still taking public comment if anyone is interested in sharing their input.

Tamara Tran asked about mailed notification to residents regarding these types of rezone requests.

Lyle Gibson responded that the state requires certain public notifications for each type of request presented to the City. The City has decided to send mailed notification with rezone requests to property owners within 500 feet of the subject property. The request is also posted on the property, the state's public notice website, the city's website as well as social media. It's a common complaint from the public about not receiving proper notification. But it's hard to ensure everyone is notified. Mailers have helped to bring more people in to these meetings.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, January 10, 2019 at 7:00 p.m.

ADJOURNMENT

Wilf Sommerkorn made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:05 p.m.