

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

May 9, 2019

Planning Commission Members Attended: Chairperson Matthew Anderson, Vice Chairperson Thomas Wood, Joshua Sundloff, Gary Bullock, Wilf Sommerkorn, Tamara Tran
Excused: Betty Parker

Staff Present: Zoning Administrator Lyle Gibson, Dan Jessop, Secretary Heather Nielsen

Others Present: Kaysville City Councilman Stroh DeCaire, Mary Swanstrom, CJ Swanstrom, James Knight, Tim Moultrie, Kyle Montgomery, David Johnson, Sue Felix, Dan Barton, Brad Frost, Norm Frost, Carole Walters, Carrie Hughes, Shane Hughes, Cricket Longaker, Matt Longaker, Tanya Bactista, Diana Barker, Catherine Webster, Janet G. Smith, Flint Barber

OPENING

The Planning Commission meeting was held on Thursday, May 9, 2019 at 7:00 p.m. in the Municipal Center. Chairperson Matthew Anderson opened the meeting by welcoming those present.

The minutes of the April 25, 2019 meeting were presented for approval. Tamara Tran made a motion to approve the minutes. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN AGRICULTURAL HOME OCCUPATION, OFF ROAD VEHICLE, 4X4 REPAIR AND ACCESSORY INSTALL AT 345 E. SHEPARD LANE—KYLE MONTGOMERY.

Dan Jessop explained that Mr. Kyle Montgomery is requesting a conditional use permit for an agricultural home occupation at the above listed address. He repairs off road vehicles, Jeeps, ATV's, and installs off road parts and accessories. Mr. Montgomery will work on them from the attached garage at the rear of his property. He has no employees. He anticipates working on one vehicle at a time with no more than two or three on site at any time. Customers will drop off the vehicle, and pick it up when the work is completed. The Montgomery's acre lot has mature trees and a privacy fence adjacent to neighbors on all three sides. Staff has visited with the applicant and reviewed the restrictions of Title 17-26-5.

Staff is recommending approval of the proposed conditional use permits for an Agricultural Home occupation, off road vehicle repair and accessory install, at the above listed address with no additional conditions.

Thomas Wood made a motion to grant a conditional use permit for an Agriculture Home occupation, off road vehicle and 4x4 repair and install accessories at 345 E. Shepard Lane for Kyle Montgomery. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B,” SWIM LESSONS AT 2137 S. 100 E.—DAVE AUSTIN.

Dan Jessop explained that the applicant is requesting a conditional use permit for a major home occupation “B,” to offer swimming lessons at the above listed address. Dave Austin’s children would teach the lessons during the summer months. Lessons will be private, semi-private and small groups. Group classes will be eight students or less. The pool on site is an outdoor swimming pool. The home is at the end of a cul-de-sac street and there is a large amount of parking on site. Lessons are anticipated to be Monday through Friday between 9 am and 11 am.

Staff is recommending approval of the proposed conditional use permit for a major home occupation “B,” Swim Lessons subject to compliance with Title 17-26-4 of the Kaysville City Ordinance and the following condition:

- The number of students be limited to 8 per class.

Tamara Tran asked about the multiple lesson sessions. Would the lessons be back to back? Dan Jessop responded that yes the lessons would be back to back between those hours.

Wilf Sommerkorn made a motion to grant a conditional use permit for a major home occupation “B,” Swim Lessons at 2137 S. 100 E. for Dave Austin. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A DEVELOPMENT SIGN AT 352 N. 75 E.—HENRY WALKER HOMES

Dan Jessop said that the subdivision at the above address has had a development sign for which the conditional use permit has expired. Henry Walker Homes is asking to extend their permit for 6 more months or until the remaining houses are sold.

The sign may be temporarily permitted as a conditional use under Section 7-12-4 (5). Under Section 17-30-7 Temporary Uses, a Conditional Use Permit for uses, which are of a temporary nature only, may be issued for the intended duration of the temporary use or for one (1) year, or all homes are sold whichever period of time is shorter. The Planning Commission may grant extensions of six (6) months each under exceptional circumstances.

The sign requested for approval is a 4’ x 8’ sign and is approximately 8’ in height. The sign placement has not changed. The sign appears to meet all corner requirements for proper 30’ site of view triangle. The allowances for Development Signs are in KCC 17-33-9 Signs Permitted by Zone.

Staff is recommending approval of the proposed conditional use permit for the development sign for a period of 6 months, or until remaining homes sell.

Gary Bullock made a motion to grant a conditional use permit for a development sign at 352 N. 75 E. for Henry Walker Homes. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE .98 ACRES OF PROPERTY AT 370 S. ANGEL STREET FROM R-A (RESIDENTIAL AGRICULTURE) TO THE R-1-20 (SINGLE FAMILY DWELLING) ZONING DISTRICT—CATHERINE L. WEBSTER.

Lyle Gibson presented the rezone request and the preliminary plat together. He said the applicant's property located at the corner of Angel Street and Galbraith Lane is just shy of 1 acre in area. The applicant desires to subdivide the property in order to create a new buildable lot to the west while keeping the existing home along Angel Street.

The R-A zoning district requires that each lot have a true half acre in size or 21,780 sq. ft. Rezoning to the R-1-20 zoning district will allow for slightly smaller lots at a minimum of 20,000 sq. ft. each.

Apart from the minimum lot size, the zoning districts are very similar other than a requirement for most farm animals in the R-1-20 zoning district to go before the Planning Commission for a conditional use approval. Farm animals are a permitted use in the R-A zone.

The Planning Commission should hold a hearing for both the rezone and the preliminary plat. After holding the required hearing for each item, a separate motion should be made regarding the rezone request and the preliminary plat.

The Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location.

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council regarding the Preliminary Plat for the David's Place 1st amended subdivision subject to final approval of the R-1-20 zoning district. Lyle Gibson told the Planning Commission that they should approve the preliminary plat even if they do not agree with the rezone. The plat meets all the acreage and frontage requirements needed for approval.

Chairperson Matthew Anderson asked Lyle Gibson where access to the new lot would be. Lyle Gibson responded that access would come off Galbraith Lane. Chairperson Matthew Anderson asked if there is a loss of value to the neighborhood if this is rezoned. Wilf Sommerkorn responded that the neighborhood would not lose value.

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 approval for the .98 acres rezone at 370 S. Angel Street R-A (Residential Agriculture) to the R-1-20 (Single Family Dwelling) for Catherine L. Webster. Mathew Anderson seconded the motion and it passed unanimously.

**PUBLIC HEARING FOR PRELIMINARY PLAT APPROVAL FOR DAVID'S PLACE
1st AMENDED SUBDIVISION AT 370 S. ANGEL STREET—CATHERINE L.
WEBSTER.**

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 David's Place 1st amended subdivision at 370 S. Angel Street subject to rezone approval from the Kaysville City Council. Gary Bullock seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 5.74 ACRES OF PROPERTY AT
1955 W. 200 N. FROM A-5 (HEAVY AGRICULTURE) AND R-A (RESIDENTIAL
AGRICULTURE) TO THE R-1-8 (SINGLE FAMILY RESIDENTIAL) ZONING
DISTRICT TO INCLUDE THE PRUD OVERLAY ZONE—BRAD FROST/CAPITAL
REEF MANAGEMENT.**

Lyle Gibson explained that the applicant has the subject property under contract and is seeking a rezone in order to accommodate a new residential development. The property which is at the end of 1700 West Street and on the south side of 200 North currently has 1 home along 200 North while the remainder is undeveloped agricultural property.

The bulk of the property (just over 5 acres) is zoned A-5 which allows for lots just under 5 acres in size, primarily the zone is for farming and grazing. The existing home sits on roughly half an acre fronting 200 North Street.

With the requested R-1-8 zoning designation and the PRUD overlay, development may occur with as many as 1 unit per each 8,000 sq. ft. of property to be subdivided. This is a density of 5.4 units per acre which could yield in on this property a maximum of 31 units.

To demonstrate their desired use of the property and reason for requesting a rezone, the applicant has provided a concept subdivision plan. The concept subdivision shows 22 units or 3.8 units per acre. This development allows for 1700 West Street to push through to 200 North in alignment with Wilkie Street to the north. The concept includes common areas and would be reviewed as a common open space subdivision through the subdivision process should the zoning be desirable. The PRUD overlay zone allows through a common open space subdivision for variations from normal development standards of the R-1-8 zone which would allow for the proposed lot sizes.

As a rezone is a legislative decision, the Planning Commission and ultimately the City Council have broad discretion in their decision making. The Planning Commission is looking to make a recommendation to the city council based on its findings of compatibility with the general plan and how well the proposal works at the specific location given its surroundings. The purpose of the PRUD ordinance should also be taken into account in regards to the request for that overlay zone. The City's General Plan states, among other things:

After holding the required hearing, the Planning Commission should make a recommendation to

the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location. If inclined to recommend the rezone request, the recommendation from the Planning Commission may at its discretion include considerations for a development agreement.

Chairperson Matthew Anderson invited Brad Frost from Capital Reef Management to approach the stand. Mr. Frost presented a slide show indicating what type of houses they would like to build in their purposed 55 and older active adult HOA subdivision. The homes would be one level with two garages and fully landscaped.

Gary Bullock asked Mr. Frost what the price range for these homes would be. Mr. Frost responded that the range would be 400k to 450k. These are high-class homes with all the newest features and outside landscaping.

Gary Bullock asked Mr. Frost about the creek that flows through the property. How will they be incorporating that? What assurances will you give neighbors that they will still have access to that water? Mr. Frost replied that it is not a creek but storm water that has been emptying onto the property. It will be capped and run through the street system.

Chairperson Matthew Anderson opened the Public Hearing.

Dr. Jim Knight approached the stand. Mr. Knight said that he did not support the project. It brings more traffic to 200 N. which is already too crowded. The property sits lower and he is concerned about possible flooding. He feels that the infrastructure for these homes is also not there.

Dave Johnson is concerned about his riding arena and how the fencing would keep his animals safe. He would like something other than vinyl fencing used since that can blow out during high winds. He is also concerned about the water rights from the creek. He stated that he has water shares and so do other families in the area and they don't want to lose the water.

Sue Felix is also worried about the traffic on 200 N. The traffic is getting worse in West Kaysville and this development will be adding to it. She is also concerned about the road entrance on 200 N. that continues through 1700 W. She would like the street blocked off at the north side of the Burton's property to prevent people from creating cut through traffic.

Dan Burton has six acres to the south of this development and would like consideration given to his property so that it doesn't become land-locked. He would like to sale his property one day. He also echoed that a second entrance does not need to be constructed into the subdivision. Thomas Wood asked Dan Burton if he experiences any flooding. He said that he does not receive any flooding in his home but does receive flooding in the lower pasture on his property.

Matt Longanker Harvey told the Planning Commission that the flowing water was not creek/irrigation water but was water illegally being pushed onto his property. They created a ditch to move the water so that other neighbors could use it.

Flint Barber is the agent helping to sale this property. He feels this type of development is a great asset to our community. Kaysville does not have many senior living properties available and more are needed.

Susan Neck said she did not receive the notice in the mail. She is against the development. When they moved in, they thought that the properties west of the freeway would be no less than half-acre lots. This is not happening and she is upset about that.

Chairperson Matthew Anderson closed the public hearing.

Thomas Wood asked if the road does not go through can the neighborhood be developed. Lyle Gibson said that they would not recommend it from staff perspective and the Fire Chief would not sign off on it, since it can connect.

Gary Bullock asked Brad Frost about continuing the water downline if so many people depend on it. Brad Frost said that they would not stop water if it is indeed irrigation water and not storm drain water. They will work with the city on anything that needs to be done.

Wilf Sommerkorn also asked about the water issue. Is there is a head gate for turning this water on? If so, who has rights to that water? Josh Sundloff said if there are defined shares or water rights it's the developers obligation to provide accommodations those rights. Developers are legally bound to that. Josh Sundloff also said these issues will be worked out in the preliminarily plat plans.

Thomas Wood asked about the possibility of cut through traffic. He is concerned about this issue. He wants to create measures to eliminate the cut through traffic. One idea would be to put in a speed bump.

Tamara Tran made a motion to recommend to City Council the approval for the rezone of 5.74 acres of property at 1955 W. 200 N. from A-5 (Heavy Agriculture) and R-A (Residential Agriculture) to the R-1-8 (Single Family Residential) zoning district to include the PRUD overlay zone for Brad Frost--Capital Reef Management. Wilf Sommerkorn seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A TWO-FAMILY DWELLING AT 757 E. BROOKSHIRE—SHANE AND CARRIE HUGHES

Lyle Gibson stated that the applicant is requesting approval to build a new two-family dwelling at the proposed address. The property is a former lot in the King Clarion Hills No. 2 Subdivision. It has since been divided amongst neighboring property owners and the Hughes are looking to re-establish the lot and build a new home on it.

Typically a new home is a use by right, however a two-family dwelling is allowed only by conditional use according to KCC 17-12-4 (9). Specifically this section allows two-family dwellings by conditional use as follows: 'Not more than two duplexes (4 units) may be allowed within 500 feet of any duplex (2 units). The 500 feet shall be measured in a straight line from the

center of a duplex site to the boundary of any other duplex or twin home property. Staff has reviewed the 500 foot radius from the center of the duplex site and has not identified any city approved duplexes or two-family dwellings.

Staff is recommending approval of the proposed two-family dwelling with the following conditions.

- A subdivision plat be completed and approved for the creation (re-creation) of the proposed lot where the two-family dwelling would be located.
- Parking be provided at a minimum of two parking stalls per unit in accordance with KCC 17-32-5, Number of Parking Spaces Required. No more than two of the required parking stalls may be in tandem.

Gary Bullock made a motion to grant a conditional use permit for a Two-Family Dwelling at 757 E. Brookshire—Shane and Carrie Hughes. Thomas Wood seconded the motion and it passed unanimously.

CONSIDERATION OF AN EXCEPTION OR MODIFICATION FOR DISTANCE BETWEEN RESIDENTIAL STRUCTURES AT 747 E. BROOKSHIRE FOR SHANE AND CARRIE HUGHES. SEE KCC CODE (17-25-5)

Lyle Gibson explained that the applicants currently reside at the home at the above address. They are hoping to re-plat the lot to the east of their home and build a new two-family dwelling on it. They have provided a letter requesting an exception or modification from Section KCC 17-25-5 which allows the Planning Commission to consider a variation from typical side yards regarding the distance between residential structures

The applicant has provided a site plan indicating their desired side yards from the existing home which they live in to the newly proposed dwelling they would like to construct. The proposed residence has 10 feet side yards on each side. The side yard on the east is 10 feet because of a distance/separation requirement from the power line which exists along the property line in that location. The applicant has expressed a desire to keep a 10 foot side yard on the west of the proposed residence in order to leave room for additional parking such as an RV pad. As drawn, the distance between the proposed residence and the existing residence is 15 ft. 1 in. from structure to structure, or 16 ft. 6” measuring wall to wall. When measuring setbacks staff measures to foundation or structural walls and allows for a typical eave to project into required yards. So the proposal would leave as shown 16 feet between dwellings.

The Planning Commission should consider the provisions of 17-25-5 and determine if the proposed exception is warranted at this location and conducive of desirable development as stated.

Thomas Wood made a motion to grant an exception regarding the distance between the 2 residential structures at 747 E. Brookshire for Shane and Carrie Hughes with the condition that the side yard required distance be not less than 3 ft for the existing building and there be no less than 16 ft between the 2 buildings. Wilf Sommerkorn seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought to the commission

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, May 23, 2019 at 7:00 p.m.

ADJOURNMENT

Chairperson Matthew Anderson made a motion to adjourn the meeting. Gary Bullock seconded the motion and it passed unanimously. The meeting adjourned at 9:30 p.m.