

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

June 27, 2019

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

Absent: Chairperson Matthew Anderson

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

Others Present: City Mayor Katie Witt, City Councilman Larry Page, Michael Halls, Rock Schujter, Aaron Rasmussen, Elizabeth Nielson

OPENING

The Planning Commission meeting was held on Thursday, June 27, 2019 at 7:00 p.m. in the Municipal Center. Vice Chairperson Thomas Wood opened the meeting by welcoming those present. Mayor Katie Witt recognized the outgoing Planning Commission members: Betty Parker, Gary Bullock and Thomas Wood.

The minutes of the June 13, 2019 meeting were presented for approval. Tamara Tran made a motion to approve the minutes. Josh Sundloff seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MODEL HOME, DESIGN LAB AND DEVELOPMENT SIGN AT 2095 WEST 200 NORTH—DESTINATION HOMES.

Dan Jessop explained that the home located at 2095 West 200 North has been used as a model home, but more distinctly Destination intends to use the space as a design lab. Apart from the typical use as a model providing a walk through space of a product, this particular space will have designers who meet with home buyers typically only a few times a week for extended appointments where they fine tune the details of their home. Destination Homes wants to extend the conditional use for a model home, design lab and existing development sign for one year until June of 2020.

Title 17-12-4 (4) and (5) allow for temporary buildings and tract offices with new development subject to: 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, whichever period of time is shorter. The Planning Commission may grant extensions of six (6) months each under exceptional circumstances.

Staff recommends that the Planning Commission grant approval of the conditional use permit for the model home, design lab and development sign at 2095 West 200 North for the period of one year or until all the lots of the Hill Farms development are sold, whichever is less. Together with

the use of the structure as previously stated, staff recommends that the accompanying development sign be allotted for the same time frame.

The existing conditions on site, the restrictions of the ordinance, the history of model homes in the Hill Farms development, and staff's understanding of the proposed use indicate that the requested uses can function without the need for additional conditions. Should there be concerns staff would suggest that the Planning Commission consider conditions limiting the number of employees or hours of operations as a means of mitigating impacts related to the standards found in 17-30-8 such as traffic and parking.

Gary Bullock made a motion to grant a conditional use permit for a model home, design lab and development sign at 2095 West 200 North for the period of one year or until all the lots of the Hill Farms development are sold, whichever is less. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MODEL HOME AT 1994 WEST ORCHARD HARVEST DRIVE—DESTINATION HOMES.

Dan Jessop explained that the home located at 1994 West Orchard Harvest Drive has been used as a model home for some time. Destination Homes wants to extend the conditional use for their model home that they have been using until June 2020.

Title 17-12-4 (4) and (5) allow for temporary buildings and tract offices with new development subject to: 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, whichever period of time is shorter. The Planning Commission may grant extensions of six (6) months each under exceptional circumstances.

Staff is recommending approval for the extension of the conditional use permit at 1994 West Orchard Harvest Drive for an additional year or until all lots of the Hill Farms development are sold, whichever is less.

The existing conditions on site, the restrictions of the ordinance, the history of model homes in the Hill Farms development and staff's understanding of the proposed use indicate that the requested uses can function without the need for additional conditions.

Betty Parker made a motion to grant a conditional use permit for a model home at 1994 West Orchard Harvest Drive for an additional year or until all lots of the Hill Farms development are sold, whichever is less. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A NEW TELECOMMUNICAITON TOWER AT APPROXIMATLEY 950 WEST SPORTSPLEX DRIVE (BARNES PARK)—T-MOBILE/ROCK SCHUTJER.

Lyle Gibson explained that the applicant representing T-Mobile is requesting a conditional use permit to construct a new stealth cell tower. The proposed structure would replace an existing light pole near the northeast ballfield in the Barnes Park Sports Complex.

The applicant has been working with city staff to explore the area for a location that is suitable for their coverage needs and that also has the least impact on the park and its surroundings. The proposed location would include an equipment compound that would use brick/block to match the materials found in nearby buildings in the park. There is space for 2 total users. The pole would replace the existing 70 foot tall light pole with a 90 foot cell tower. T-Mobile would take the top position, with room for a future user above field lights which would replace the light pole being removed.

This would be the first tower built under the city's revised telecommunications tower ordinance and the first Stealth Tower. The applicable ordinance for the Planning Commission's consideration is below.

17-31-25 Telecommunications Towers

1. Each person or company desiring to locate a telecommunication tower within the City shall submit a Site Location Master Plan. This plan shall be submitted and accepted by the Planning Commission prior to the processing of any permits for telecommunication towers. The plan shall identify existing locations of facilities, and approximate proposed locations of new facilities to provide service within City boundaries and the surrounding area for the ten (10) years following the date the plan is submitted. These estimates shall be based on projected population growth and anticipated development. The applicant shall provide the City with the owner's current name, address, and an emergency telephone number for each facility.
2. Applicants for telecommunication tower permits shall co-locate their facilities on existing towers, unless it can be shown by substantial evidence that all existing towers are inadequate to serve the applicant's reasonable needs due to the location, height or other reason; and shall pay reasonable compensation to the tower owner to fairly share past and future costs.
3. Telecommunication towers shall be located, designed, and constructed to be as unobtrusive and as few in number as possible. They shall be subject to requirements that minimize the impact on surrounding properties and the City. No telecommunications tower shall exceed one hundred twenty feet (120') in height from the finished grade of the ground to the highest point on the structure.
4. Monopoles, antennas, and any associated buildings or equipment shall be painted to blend with the surroundings by which they are most commonly seen. The color shall be reviewed and approved on a case-by-case basis by the Planning Commission. Within six months after the facility has been constructed, the Planning Commission may require the color be changed if it is determined that the original color does not blend with the surroundings.

7. The following shall be considered by the Planning Commission for conditional uses.
 1. Compatibility of the proposed structure with the height and mass of nearby existing buildings and utility structures.
 2. Location of the antenna in relation to existing vegetation, topography including ridge lines, structures, and buildings to obtain the best visual screening.
 3. Installation of, but not limited to curb, gutter, sidewalk, landscaping, and fencing for the purpose of blending the site with the surrounding environment and providing screening for the tower and associated equipment.
8. Cables shall be installed on the interior of any monopole for telecommunications structure.
9. Each application for a permit to construct a telecommunication tower shall be certified by a licensed professional engineer that the design of the facility meets all applicable standards for the facility including, but not limited to, electrical safety, material and design integrity, wind and seismic safety according to applicable building code adopted by Kaysville City.
10.
 1. The applicant must certify in writing that if technology renders the tower obsolete or the tower is vacated, that the agent will remove the tower, all apparatus associated with it, the top three feet (3') of the footing, and restore the site to its original condition within ninety (90) days of the vacation of the tower.
 2. The tower owner shall maintain the tower, site, and improvements in a state of good repair. If not maintained, the Zoning Administrator may notify the owner of the tower that it must be repaired and used within thirty days after the notice was sent, or the facility must be removed. If the communication facility is not repaired, or removed within thirty days after notice was sent, the Zoning Administrator may order the removal of the facility and the restoration of the property at the owner's expense. Any conditional use permit issued for the facility will be automatically revoked.
 3. If a telecommunication tower is not used for more than six months, it shall be deemed to be abandoned for the purposes of subsection 10(a).

*The cell tower is more than 800 feet to the closest residential district.

Staff is recommending approval of the proposed conditional use permit for a telecommunications tower as proposed with the following conditions:

- Plans submitted for a building permit be designed to meet a 150 mph V-Ult wind speed.

Vice Chairperson Thomas Wood invited the applicant Rock Schutjer to the stand. Mr. Schutjer explained that T-Mobile is applying for the 90 ft. cell tower. They would take the top spot and there would be room for a second servicer at 80 ft. They would then install the park light underneath those. Mr. Schutjer also said that they would match the brick around the tower to the

parks existing colors.

Mr. Schutjer explained that the tower will revert to Kaysville City so T-Mobile and other users will be renting the space. All revenue will be given to the city.

Betty Parker asked Lyle Gibson who maintains the cell tower? Mr. Schutjer said that T-Mobile would install the cell tower but Kaysville City Parks and Recreation department would service the towers lighting. Kaysville City would own and maintain the tower.

Josh Sundloff asked how many trees would need to be removed to build the tower. Mr. Schutjer said one or two trees however, T-Mobile will replace the trees they remove. Josh Sundloff made a suggestion that T-Mobile replace the trees with mature trees, not small ones.

Josh Sundloff asked Mr. Schutjer what the logic was in putting the cell tower at this location instead of other areas in the park so that trees didn't have to be removed. Mr. Schutjer said it was the best spot that provided full line of sight.

Lyle Gibson told the Planning Commission that there was a concerned neighbor Aaron Rassmussen that would like to speak if allowed.

Vice Chairperson Thomas Wood invited Aaron Rassmussen to the stand. Mr. Rassmussen told the Planning Commission that he was an owner of the building across the street that rents warehouse and office space to tenants. Mr. Rassmussen felt that the cell tower would ruin the office views out of their windows. He would like the tower to be moved to another location in the park.

Wilf Sommerkorn asked Lyle Gibson if this location is the only option for the cell tower. Lyle Gibson explained that he and Mr. Schutjer have worked extensively with Cole Stephens Kaysville City's Parks and Recreation director on where the cell tower should be placed. T-Mobile needs the cell tower to be located in the north east quadrant for the best service.

Wilf Sommerkorn asked if they could build a 120 ft. cell tower in another location of the park and get the same service. Lyle Gibson said that the ordinances of the park limit poles to 90 ft.

Betty Parker stated that she would like to go on record saying she did not want the cell tower in the park area. Tamara Tran agreed with Betty Parker. They both would like to see the cell tower in a business park location.

Josh Sundloff asked the adjacent business owner Aaron Rassmussen exactly how having a cell tower view would hurt his business. Mr. Rassmussen said that they could lose business because people do not want to rent an office with windows that look at a cell tower.

Wilf Sommerkorn said that he would like to see more information on other possible locations within the park. The Planning Commission members agreed and determined to table the item.

Wilf Sommerkorn made a motion to table the conditional use permit for a new telecommunications tower at approximately 950 W. Sportsplex drive (Barnes Park) for T-Mobile/Rock Schutjer. Tamara Tran seconded the motion and it passed unanimously.

AN ORDINANCE AMENDING CHAPTER 17-32, “OFF-STREET PARKING AND LOADING,” OF TITLE 17, PLANNING AND ZONING, TO ALLOW FOR WIDER DRIVE APPROACHES IN RESIDENTIAL ZONING DISTRICTS.

Lyle Gibson explained that multiple residents have expressed interest in the ability to have wider curb cuts (drive approaches) largely due to 4 car garage homes being built. Staff has reviewed this request regarding its impact on the storm drain system, utility placement, and traffic impacts believes that it is appropriate to consider a change to the city’s ordinances to allow for wider curb cuts.

Currently a residential drive approach is limited to 30 feet in width; the proposed ordinance would increase this to 40 feet. The current number of approaches and separation requirements in ordinance as proposed would remain the same.

The Planning Commission should consider the draft and either direct staff to make additional changes or make a recommendation to the City Council to deny or approve the proposed ordinance.

Vice Chairperson Thomas Wood opened the public hearing. Nothing was brought to attention so he closed the public hearing.

Wilf Sommerkorn made a motion to recommend to the Kaysville City Council an ordinance amending Chapter 17-32, “Off-Street Parking and Loading,” of Title 17, Planning and Zoning, to allow for wider drive approaches in residential zoning districts. Tamara Tran seconded the motion and it passed unanimously.

AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF TITLE 17, PLANNING AND ZONING, TO DESIGNATE WHERE MAJOR HOME OCCUPATION C BUSINESSES ARE PERMITTED AND ESTABLISH THE PROCESS BY WHICH THEY ARE TO BE CONSIDERED.

Lyle Gibson remarked that recently the Kaysville City Council approved an ordinance to create the Major Home Occupation ‘C’ category for home businesses. These businesses are required to be licensed but have been identified as businesses that can be licensed without the need for a public meeting and conditional use permit.

The proposed ordinance designates the zones where the Major Home Occupation ‘C’ businesses may be allowed and lists them as a permitted use in each.

Staff has proposed that they be allowed as a permitted use in all agricultural and residential zoning districts.

The Planning Commission should consider the draft and either direct staff to make additional changes or make a recommendation to the City Council to deny or approve the proposed ordinance.

Vice Chairperson Thomas Wood opened the public hearing. Nothing was brought to attention so he closed the public hearing.

Gary Bullock made a motion to recommend to the Kaysville City Council an ordinance amending multiple chapters of Title 17, Planning and Zoning, to designate where Major Home Occupation “C” businesses are permitted, and establish the process by which they are to be considered. Betty Parker seconded the motion and it passed unanimously.

WORK SESSION: CONTINUED DISCUSSION ON FUTURE ORDINANCES AND GENERAL PLAN UPDATES.

Lyle Gibson reminded the Planning Commission about the previous discussion on housing as it relates to SB 34 passed during the 2019 Utah Legislative Session. To continue the conversation that was started staff has begun trying to find answers to questions asked during the last discussion and has started finding information pertinent to consideration of 10 items that were identified during the last meeting as possible strategies for further consideration that may work in Kaysville. As this data and information is still in the works, most will be provided during the meeting for further discussion.

In addition to information about the legislation and possible strategies to implement, staff has looked at some considerations for additional public involvement regarding this topic to help inform the ultimate direction the city should go. Staff would like to discuss selecting a date in mid-August to host a housing affordability/housing choices open house. This would give time to complete further research on the legislation, prepare materials for the event, advertise via social media, city newsletter, website, marquee, etc. and continue working as a commission to prepare for the meeting.

A general Summary of the legislation is below.

Affordable Housing Modifications.

1. The Utah State Legislature recently passed Senate Bill 34: Affordable Housing Modifications (4th Substitute). Every general plan now is required to have three components: Transportation, land use, and moderate-income housing. Kaysville must have a specific plan for housing which coordinates with transportation, employment, and population growth in a 5 year planning horizon for the region including income assessments and details for accommodating a variety of people at different stages of life residents at 80%, 50%, and 30% of AMI. Kaysville City’s general plan does have a Moderate-Income Housing element, but it will need to be updated.

a. The city’s general plan will also need to be updated to include the city’s active transportation plan, currently the active transportation plan is merely referenced by the general plan.

2. In addition, certain cities, including Kaysville, are required to implement three moderate-

income housing solutions from a list of 24 strategies provided in SB 34. Each city must satisfy all the requirements of SB 34 if they are to remain eligible for the Transportation Investment Fund (TIF) and the Transit Transportation Investment Fund (TTIF). These changes need to be in effect by 12/1/2019.

Below is the list of 23 strategies provided in SB 34; (items in bold were identified as items for further consideration at the last Planning Commission meeting).

- (A) **rezone for densities necessary to assure the production of moderate income housing;**
- (B) **facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;**
- (C) **facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;**
- (D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city;
- (E) **create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;**
- (F) **allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;**
- (G) encourage higher density or moderate income residential development near major transit investment corridors;
- (H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
- (I) **allow for single room occupancy developments;**
- (J) implement zoning incentives for low to moderate income units in new developments;
- (K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis;
- (L) **preserve existing moderate income housing;**
- (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate income housing;
- (N) participate in a community land trust program for low or moderate income housing;
- (O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality;
- (P) **apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing;**
- (Q) **apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;**
- (R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;
- (S) **apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;**
- (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;
- (U) apply for or partner with an entity that applies for programs administered by a

metropolitan planning organization or other transportation agency that provides technical planning assistance;

(V) utilize a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and

(W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income.

Josh Sundloff said that the most important aspect of this is to get the public involved.

Dan Jessop provided a brief summary about each of the items the Planning Commission wanted more information on from SB34. The Planning Commission decide to discuss the items further at the next meeting.

CALL TO THE PUBLIC

Michael Halls approached the stand and said that he was concerned with the December 31, 2019 deadline for the three items needed from SB34 to be implemented. He also wanted to remind the Planning Commission about the traffic on 200 N.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, July 11, 2019 at 7:00 p.m.

ADJOURNMENT

Betty Parker made a motion to adjourn the meeting. Vice Chairperson Thomas Wood seconded the motion and it passed unanimously. The meeting adjourned at 9:30 p.m.