

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

October 24, 2019

Planning Commission Members Attended: Chairperson Wilf Sommerkorn, Vice Chairperson Joshua Sundloff, Toby Barrus, Steve Lyon, Quan Nguyen.

Staff Present: Zoning Administrator Lyle Gibson, Kaysville City Attorney Nic Mills, Dan Jessop, Heather Nielsen.

Others Present: Kaysville City Councilman Larry Page, Dustin Parke, Kaitlin Parke, Ron Titus, Chase Titus, Dale Maxfield, Becky Needham, Marilyn Killpack, Brian Bolinder, Jared Schmidt, Spencer Prince, Bobbie Jo Flint, Andre Lortz, Doug Farr, Richard Ensign, Norm Whitaker, Jil Laumuh, Brian Perry, Rodney Hill, Andy Thompson, Lauren Johnson, Mitch Lillywite, Rod Hill.

OPENING

The Planning Commission meeting was held on Thursday, October 24, 2019 at 7:00 p.m. in the Kaysville City Fire Station building. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present and asked if there could be a change in the agenda order. They wanted to change the order of items numbered 5 and 6. Steve Lyon made a motion to approve the agenda change. Josh Sundloff seconded the motion and it passed unanimously.

The minutes of the October 10, 2019 were presented for approval. Steve Lyon made a motion to approve the meeting minutes from the October 10, 2019 meeting. Quan Nguyen seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A TWO FAMILY DWELLING AT 188 NORTH 650 EAST FOR DUSTIN PARKE (TABLED ITEM).

Dan Jessop explained that this was the tabled item where the applicant is requesting approval to build a new two-family dwelling at the proposed address. The property which is at the corner of 650 East Street and 200 North has an existing home which faces 650 East. The applicant is looking to remodel the home to add a unit in the basement.

In the R-1-8 zoning district, a single-family dwelling 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 identified 2 duplexes (4 units) within the 500 foot radius. It is staff's interpretation of this ordinance that this property is eligible for consideration of the conditional use permit based on this finding.

The applicant has provided plans indicating the interest in creating an access via a staircase on the east side of the property to a basement unit of about 960 sq. ft. The applicant is proposing to pour a new driveway on the north side of the property to accommodate parking to the new unit.

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

- Parking be provided at a minimum of 2 parking stalls per unit in accordance with KCC 17-32-5, Number of Parking Spaces Required.
- The driveway approach can be no closer than 20 feet to the point where the property lines would intersect at 650 East and 200 North Street per ordinance 17-32-2, Off-Street Parking.

Should the planning commission determine to approve the proposed conditional use permit. It will be necessary for the applicant to pursue a building permit to bring the structure in compliance with applicable building code for a two-family dwelling and pay the appropriate impact fees for the new unit.

Chairperson Wilf Sommerkorn invited Dustin Parke to the stand. He explained that his basement was unfinished and he would like to build another family dwelling containing a walk out basement. He would make the basement apartment accessible by building a new separate driveway.

Chairperson Wilf Somerkorn told the audience members that the Planning Commission would take a few minutes to hear from them.

Ron Titus said he felt that the city street and cul-de-sac is too narrow to add another driveway. He said you wouldn't be able to turn left into the driveway. You would have to back up and make a turnabout creating a big traffic problem.

Mary Jensen said that she lives by the house and sees no issue with them adding a two-family dwelling.

Mitch Lillywite also approves of what they purpose to do.

Marilyn Killpack said the planning commission is only looking at two standards instead of the 12 required by the state to be meet. She said this was a big deal in the neighborhood and they don't want renters. She feels that renters increase crime and create problems.

Katlyn Parke, wife of the applicant said that they would not allow anyone to rent if they are not safe. They also have in-laws living around the corner that can keep an eye on the home if they decide to move and rent both portions of the home out.

Chairperson Wilf Sommerkorn asked Lyle Gibson about the Utah standards and if they are being met. Lyle Gibson said yes, all the standards were being met and there is little change happening to the building.

Vice Chairperson Josh Sundloff asked if the driveway meets the site triangle requirements. Lyle Gibson said yes it meets the site triangle requirements.

Vice Chairperson Josh Sundloff asked where new tenants would park. He would like a condition added to the property only allowing cars to park in the new driveway. He would also like to see the driveway extend to the back of the house.

Joshua Sundloff made a motion to grant a conditional use permit for a Two-Family dwelling at 188 North 650 East for Dustin Park with the following conditions:

- Driveway has to come all the way to the back part of the home on the North side.
- 10 foot wide concrete driveway for egress and ingress and parking.
- No parking in the site triangle. This must be policed by the owners.

Steve Lyon seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY/ FINAL PLAT APPROVAL FOR THE REESE SUBDIVISION AT 10 SOUTH 100 WEST FOR LANCE AND NANCY REESE.

Dan Jessop said that the property is located at 10 South 100 West and is zoned R-T. Currently the lot is 30,492 square feet in size. The applicants Mr. and Mrs. Reese are anticipating creating a new lot of 10,744 square feet with a frontage of 70 feet. This will leave the existing home on a 19,832 square feet lot. The new lot proposed will be facing 100 West. Both existing and new proposed lot will meet frontage and square footage requirement for existing R-T zoning.

Staff is recommending that the Planning Commission forward a favorable recommendation for the proposed preliminary plat for the Reese Subdivision to the City Council.

Staff recommends that the Planning Commission also approve the final plat for the Reese Subdivision subject to receiving preliminary plat approval by the City Council.

Chairperson Wilf Sommerkorn opened the public hearing. No comments were presented so he closed the public hearing.

Quan Nguyen made a motion to approve the preliminary plat at 10 South 100 West for Lance and Nancy Reese. Steve Lyon seconded the motion and it was passed unanimously.

Steve Lyon made a motion to approve the final plat contingent to approval from the city council at 10 South 100 West for Lance and Nancy Reese. Quan Nguyen seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR THE PRESERVE PHASE 2 SUBDIVISION AT APPROXIMATELY 150 SOUTH ANGEL STREET FOR SYMPHONY HOMES.

Lyle Gibson said that Symphony Homes is looking to begin development of the second phase of the Preserve Subdivision. This phase consists of 25 lots, Parcel A which is a common area. The

subdivision will continue the development of Pheasant Meadow Drive, and makes the second connection into the subdivision at Whispering Meadow Lane. The subdivision is a standard subdivision within the R-1-LD zone.

This phase complies with the preliminary plat and other applicable requirements and therefore, Staff suggests that the Planning Commission approve the final plat for The Preserve Subdivision Phase 2.

Chairperson Wilf Sommerkorn invited the applicant to the stand. Jared Schmidt came up and said that they pride themselves on producing a nice product and feel that this development meets all standards.

Toby Barrus made a motion to approve the final plat for the Preserve Phase 2 subdivision at approximately 150 South Angel Street for Symphony Homes. Quan Nguyen seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR WHISPER HOLLOW SUBDIVISION AT 650 EAST 100 NORTH FOR SPENCER PRINCE.

Lyle Gibson explained that the Planning Commission tabled this item at their most recent meeting requesting information to address 2 remaining items:

- An explanation be provided to clarify whether or detention was ever required for a 100-year storm event.
- The city's reviewing engineer firm provide a letter stating their findings in regard to the storm water design.

This project received preliminary plat approval from the City Council in June of 2017. The project was further reviewed and received a final plat approval from the Kaysville City Council in December of 2017 but has been on hold due to litigation. Minutes from those meetings have been provided for the commission's review.

The plat consists of 5 new lots on a private street with a separate piece of property labeled parcel 1 which exists to provide access together with the necessary easements for utilities to the property to the east. The lots range in size from 9,491 sq. ft. to 11,269 sq. ft.

The applicant has since been working to address the items of concern from the concerned parties and has resubmitted a final plat application to the city with updated subdivision design details for review. The Preliminary Plat approval on hand asked that the following items be addressed in the review of the final plat:

1. Before requesting final plat approval, access to the Briggs property be resolved.
2. Storm water problems be addressed.
3. Privacy concerns be addressed along the western property line.
4. Work with staff to determine if a geotechnical report is needed.

5. Lot 6 not be included in the PRUD overlay.

The above listed items have been addressed to the satisfaction of city staff and applicable reviewing entities. The re-engineered subdivision while similar in layout to the preliminary, and very similar to the original proposed final plat, has provided a 36' wide parcel that is wide enough to provide access for a double flag lot development on the Briggs property. Enhanced storm water retention has been engineered to address storm water concerns. In addition to a configuration where homes are on the opposite side of the road from the western property line, the developer has proposed a vinyl fence and trees on the west side of the road to act as a screen in order to address privacy concerns. In regards to the last item, staff has received and reviewed a geotechnical investigation report addressing the hydrology concerns in the area. Pursuant to prior practice in preparing Staff Reports, the construction/engineered drawings and geotechnical report are not included with this report but were reviewed by staff and are available for review.

The subdivision plat is consistent with the approved preliminary plat and meets the requirements of the underlying zoning for the property.

Staff is satisfied that this project meets the applicable requirements including the conditions placed by the Planning Commission at preliminary approval. The Planning Commission should review the proposed plat and assure that these conditions have been adequately met from their prospective. Staff recommends findings of fact and conclusions of law similar to those provided herein be made by the Planning Commission, which can be revised to identify the action taken by the Planning Commission.

Lyle Gibson said that Andy Thompson the old Kaysville City engineer was presents for more clarification along with others from Haight Creek irrigation and lawyers.

Doug Farr, the Attorney for the Tice and Taylor families stood and said that their main concern is about water and flooding. This case has been involved in litigation because his clients had received information stating that the development should be developed to handle a 100 year storm event however, they are only meeting the requirements for a 10 year storm. Mr. Farr asked why the change when there have been problems with this property and water before.

Vice Chairperson Joshua Sundloff asked Mr. Farr how the 100 year storm event requirement was conveyed. Was it written or verbal? Mr. Farr said that his clients had a conversation with Mr. Andy Thompson regarding the study done by GeoStrata and in that report it says the cities engineer is requiring a 100 year storm event. It was never written down or voted upon just verbally understood.

Cam Preston with Ensign Engineering stood and explained that his third party findings are included within the packet that was posted online. Mr. Preston said that his main concern is drainage and the 20 acres of property which serves as drainage property for Haight Creek irrigation. There has been nothing addressed on the Haight Creek reservoir portion that creates pressure for secondary water. He stated that every time it rains Kaysville City Public Works is cleaning out the grate making sure that water is properly flowing through. This grate is located where property lot 1 will be. How will the city access this grate?

Vice Chairperson Josh Sundloff asked what Mr. Preston what he would propose to address the water flow from Hights creek. Mr. Preston said that they need to address how much water is draining into the Hights creek reservoir and how do they currently operate their reservoir.

Rod Hill from Hights Creek Irrigation stood and said that they are not in charge of the following issues.

1. Hights Creek is not in charge of or owners of the storm drain system. They are just users of it.
2. At this time Hights Creek is not in agreement with this plat plan. We have not signed off on anything at this time.

Vice Chairperson Joshua Sundloff asked Mr. Hill what their obligations is to the 100 year storm and the reservoir. Mr. Hill said his obligation is to make sure that the damn does not erode and that the roads are kept clear, everything else is maintained by Kaysville City.

Vice Chairperson Josh Sundloff asked Mr. Hill if there was a 100 year storm and the reservoir is at capacity what would you do, what is your obligation. Mr. Hill said they would release the water and wherever it goes it goes. They do not have an obligation to keep the water in the channel. He will release it into the storm drain system and if it cannot handle it, then that is the fault of the engineers. He is only responsible to not breach the dam.

Andy Thompson, the former Kaysville City engineer approached the stand. The Planning Commissioners asked why he gave a recommendation for a 100 year storm event plan. Mr. Thompson said he did give the developers a recommendation to design a 100 year storm drain event, however the cities engineer does not have the ability to override the city's requirement of only requiring a 10 year storm event. The developer did make their best effort to meet the 100 year storm event however, they were not able to do that.

Vice Chairperson Joshua Sundloff asked if it was open channel from the base of Hights Creek to the grate. Mr. Thompson said there is a pipe, but for the most part it is open. Vice Chairperson Joshua Sundloff asked if all of the surface area of the open channel would be deposited onto that property. Mr. Thompson said yes in that channel. Vice Chairperson Joshua Sundloff said they need to design the inlet to accommodate all of that water.

Tobby Barrus asked Mr. Thompson if in his opinion is the design better than what they had designed before. Mr. Thompson said yes.

Craig Larsen one of the developers for Whisper Hollow said that they meet more than what the city requires with the 10 year storm event. Mr. Larsen said that there are nine acres of land that the water can drain into. The area that they have taken into account for their study is 21 acres. The area of Hights Creek that could drain into their system is half of what they are accounting for.

Mr. Larsen said cleaning out the grate is easy. They will provide access if the people need to

clean out the grate. They can also build a berm for water to flow into their system.

Vice Chairperson Joshua Sundloff said he feels that there is more to the storm water issue that should be addresses. He would like to see a 100 year storm event design but since there is nothing in writing requiring it he feels that this is a good balance.

Mr. Briggs wanted to make sure that the easement is in place to access his property. The lawyers for the Whisper Hollow subdivision said that once this plat is recorded he will receive that in writing.

Vice Chairperson Joshua Sundloff made a motion to grant final plat approval for meeting all five of the requirements and adopting the purposed fact and findings and conclusion of law as indicated in the packet. If there are any changes then they should change them in writing. Toby Barrus seconded the motion and it passed unanimously.

KAYSVILLE CITY GENERAL PLAN AMENDMENT DISCUSSION.

Lyle Gibson explained that the draft before the Planning Commission is staff's idea of changes to make to comply with SB34 by December 21, 2019. He would like to have a recommendation from this meeting to forward to the city council.

Chairperson Wilf Sommerkorn opened the floor for the public to provide input.

Richard Ensign from west Kaysville said that he does not like a blanket increase in zoning. He said that increasing density does not make houses cheaper. He mentioned the Hill Farms development and how those homes are on smaller lots yet sell for more money than houses on the east side of Kaysville.

Vice Chairperson Joshua Sundloff asked Mr. Ensign where he would like to see increased density. Mr. Ensign said that he would like to keep it in commercial areas. To have multi housing options there.

Tom Larsen approached and said Kaysville City is the only area he knows of that has an east and west side. Where homes on the west side are on smaller lots and more expensive than the east. He said that the density is already too much. We don't need to make drastic changes.

Andy Thompson said he does not want higher density/mixed use in commercial zones. He felt that Kaysville City needs to hold onto these areas. Mixed use is not the place there. The city needs to be careful or all commercial land will turn into housing. He proposed that high density housing needs to be distributed throughout the city. It can't just be in one area.

Vice Chairperson Joshua Sundloff thanked those that spoke. He said they like to obtain input on these items. He suggested posting the agenda on Facebook instead of having just a link. That way more people will see what is in it.

Vice Chairperson Joshua Sundloff made a motion to forward to the city council the Kaysville City general plan with the following conditions:

- Refine numbers to city council.
- Number of units per acer language and allowing more leeway for layout of a property.
- Take out residential and multifamily dwellings within commercial.
- More qualifiers where higher density can go.
- Strengthen the language and make it broader.

Steve Lyon seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, November 14, 2019.

ADJOURNMENT

Steve Lyon made a motion to adjourn the meeting. Chairperson Wilf Sommerkorn seconded the motion and it passed unanimously. The meeting adjourned at 10:20 p.m.