

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

November 14, 2019

Planning Commission Members Attended: Chairperson Wilf Sommerkorn, Toby Barrus, Steve Lyon, Quan Nugyen.

Excused: Tamara Tran, Vice Chairperson Joshua Sundloff.

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

Others Present: Dan Moody, Joe Linford, Colton Chromster, Sarah Forblin, Nanette Stucki, Lyndsey Wade, Leslie Jibson, Ryan Jibson, Dean Connelt, Carrie Connelt, Rod Randall, Janice Lafever, Marko Cikora, Jason Gagner, Nathan Bangster, Jake Savage, Ashley Savage, Jared Butterfield, Sam Jorgensen, Tham McDonald, Elena Driggs, Elaine Kjar, Kevin Kaye, Kenneth Wilson, Lori Thomas, Terryn Stagge, Chris Asvilar, Bryan Carling, Megan and Layne Fink, Brian Vallkse, Doug Leavitt, Jim Wypijewski, Frank Kyle, Dave Dahlberg, Char Anderson, Chase Frebarin, Mitch McKinley, Russ Lawson, Elizabeth Lasson, Pete Smith, Chris Harper, Van Christensen, Ashley Dory Alberts, Aaron Norton, Karyna Anderson, Shary Drake, Karl Price, Taya Price, Nikki Pendley, Melanie Hawkins, Curt Hawkins, Matt Hill, Steve Gilmore, Jeff Tibbs, Mark Caldwell, Danny Hafen, Dustin Qualls, Steve Hatch, Jed Stranger, Doug Stranger, Reed Nelson, Jon Croasman, Kristen Croasman, Malia Warburton, Karaden Lodder, Brent Broderick, Patsy Andersen, Dan Andersen, Eric Dastrup, Dane Struve, Brusch Peterson, Roger Hendrickson, Julie Hendrickson, Andy Springer, Michael Jordan, Chole Merrill, Evika Ochsner, Jennifer Waite, Paul Waite, Liz White, Craig Christianson, Michael Yates, Michelle Allen, Elizabeth Bently, Steve Johnston, Josh Barlow, Brian Miles, Ami Seamons, Tom McNeal, Paul Waite, Dave Dirks, Brian Velese, Rock Petersen, Alex McGlouchlin, Mr. Smith, Michelle Johnson.

OPENING

The Planning Commission meeting was held on Thursday, November 14, 2019 at 7:00 p.m. in the Kaysville City Fire Station building. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present.

The minutes of the October 24, 2019 meeting were presented for approval. Steve Lyon made a motion to approve the minutes. Toby Barrus seconded the motion and it passed unanimously.

PUBLIC HEARING FOR THE REZONE OF 19.5 ACRES OF PROPERTY AT 820 MARE CIRCLE FROM A-5 (HEAVY AGRICULTURE) TO THE R-M (MULTIPLE FAMILY DWELLING) ZONING DISTRICT FOR PAUL FESER ON BEHALF OF JEFF AND SUZANNE HANSEN.

Lyle Gibson explained that the subject property is the current site of the Sunset Equestrian Center. This center was built as a required facility as part of the Sunset Equestrian Estates

Subdivision. While the development agreement required the construction of this facility, it is not part of the required open space for the Sunset Equestrian Estates Subdivision. In considering potential impacts to the property due to pending road construction of the West Davis Corridor and an Angel Street extension, the property owner is interested in the ability to consider an alternate use of the property in the future.

The requested R-M zoning district would allow for a change in use on the property where densities of up to approximately 15 units per acre are permitted. A basic R-M zone allows for a variety of housing types. The concept project shows single family attached homes (townhomes) and common open spaces. To pursue a similar project, the PRUD overlay would be required and would be considered with the preliminary plat.

The concept plan has been provided to give an understanding of what could take place on the property, without a development agreement to ensure the development happens in such a fashion, anything which is permitted by the requested zone would be permissible in a scenario where the R-M zoning district is approved.

As a rezone action the Planning Commission has broad discretion as to whether or not to pass along a favorable recommendation to the City Council.

Steve Lyon asked Lyle Gibson about the original agreement between Sunset Equestrian's developers Symphony Homes and Kaysville City. The agreement states that the land needs to remain an equestrian center.

Jeff Hansen the owner of the equestrian center approached the stand. He stated that he was losing too much land due to eminent domain and could not continue to operate the equestrian center. As a result, he is wanting to sell the land.

The applicant and engineer Mr. Feser came to the stand. He stated that Kaysville city needs more affordable housing and that this development could provide that. Toby Barrus asked the developer what the price point per unit would be. The developer said \$350K per unit. Chairperson Wilf Sommerkon remarked that prices that high would not qualify as affordable housing units.

Chairperson Wilf Sommerkon opened the public hearing.

Bryan Carling who owns property nearby and who has served on the planning commission said that he would be in favor of something being developed there but not of this density.

Tom McNeel said Kaysville City is already becoming too dense and we are going to run out of water. He also remarked that a house selling for 350k is not affordable housing.

Megan Finx said that the schools surrounding the area are nearing capacity. The west side of Kaysville needs a fire station, UTA bus routes, and better road access. Flooding the area with this extreme density is not a smart move.

Dan Haffen said west Kaysville is already too packed. Water pressure is his main concern along with sewage capacity.

Paul Waite mentioned that the neighborhood was built around the existence of an equestrian center. Taking the center away would not help the area. This development doesn't fit the area or in the master plan. Mr. Waite asked why the city could not move the purposed road over a bit so that it didn't impact Mr. Hansen's land.

Niki Pendly bought her house based on the existence of the equestrian center. She asked why Mr. Hansen could not move his operation to a different area of the land. The area is too saturated and more traffic will make it worse.

Dave Dirks boards his horses there and would like Mr. Hansen to keep the facility going. He also asked the city if the road could be moved.

Brian Velese boards his horses there as well. He seconded the traffic issues and packed roads.

Mark Caldwell also mentioned the traffic issues. He is also concerned that there is not a fire station in west Kaysville.

Liz White worries about the lack of water, traffic and schools being over crowded.

Sam Jorgensen asked the Planning Commission to not approve such high density housing in this area. He asked why can't it be developed with larger lots?

Russ Lawson does not agree with this spot zoning. This purposed development is much tighter than anything in west Kaysville.

Stephen Hatch moved into the area because the neighborhood was marketed as an equestrian area. He also seconded the idea of the city moving the purposed road to not take his land.

John Crosman is unhappy because this proposed development is as extreme as you can get. He isn't opposed to houses being built there just not at this density.

Doug Levitt urged the Planning Commission to table the item until after the general plan is done next year for better guidance. The timing is wrong to go from an agriculture zone to the highest density possible.

Jared Butterfield seconded everything that was said. He would like to review the development agreement that was signed between Symphony Homes and the city. He wanted to make the Planning Commission aware that everyone who purchased a home in the subdivision paid HOA fees for the equestrian center to be built. They were also told that the equestrian center would stay.

Andy Springer seconded what everyone said.

Brian Bailus is a developer by profession and did extensive research about the subdivision for this meeting.

He found that in 2006 the land was rezoned to R-A with a cluster subdivision for housing. This project was difficult to approve because Kaysville City Council was against the density increase. The only reason they approved the development was because of the equestrian center and trails. The center provided the rural feel and vision which is why people purchased homes there. He quoted parts of the development agreement where it said the equestrian center was a crucial part of the development and must stay there.

Rock Petersen also said the development is too dense. He feels that everyone in the neighborhood is losing. Once a property is rezoned it is rezoned and final.

Alex McGlouchlin feels this is nothing more than a money grab. That is why Mr. Hansen is asking for the highest density possible.

John Adams feels that this proposal is not fair to neighbors. It does not function and fit. It is not fair because the property owner knew that the city road and West Davis corridor was coming in when he purchased the property. Neighbors purchased their homes thinking that the equestrian center was there to stay due to the development agreement.

Reed Nelson asked if this is a cluster subdivision where is the open space? Lyle Gibson said that the park, trails and pool space meet the requirements needed.

Matt Hill asked if something could be done to help make the equestrian center stay.

Chairperson Wilf Sommerkorn closed the public hearing.

Mr. Feser the engineer returned to the stand to address the public's comments. He said that the original plan for the West Davis corridor showed the road running on the other side of the power lines which would not have impacted his property. He also said that Mr. Hansen was not made aware of any sort of agreement where he could not sale the land for residential development.

Lyle Gibson mentioned that the development agreement must be amended before this property can be rezoned. Right now the agreement states that it needs to remain an equestrian center.

Steve Lyon said he wants to see the development agreement amended before he makes his decision.

Quan Nygen asked Lyle Gibson if Kaysville City has explored all avenues to keep the equestrian center there. Lyle Gibson said they are still exploring new ideas for the lowest impact on all property owners.

The Planning Commission made a list of things that they would like to be determined before they vote on the rezone.

1. The development agreement needs to be amended.
2. More information needs to be provided about the circumstances of the development agreement.
3. Can the UDOT road be moved?
4. What is the city's plan for a 550 West road?

Steve Lyon made a motion to table the request pending the receipt of information that was just provided to staff for the rezone of 19.5 acres of at 820 Mare Circle from A-5 (Heavy Agriculture) to the R-M (Multiple Family Dwelling) zoning district for Paul Feser on behalf of Jeff and Suzanne Hansen. Quan Nguyen seconded the motion and it was unanimously approved.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL ALONG WITH A CONDITIONAL USE PERMIT FOR TWO-FAMILY DWELLING TOWNHOMES AT 750 EAST 250 SOUTH FOR PETE SMITH WITH ADVANCED SOLUTIONS GROUP.

Lyle Gibson explained that the Plat consists of 1.27 Acres or 55,190 square feet at approximately 700 East. The subdivision fronts 250 South Street and has been proposed to be split into 6 twin home lots. A standard lot in the R-2 zoning district requires at least 8,000 square feet with either a single family or two-family dwelling allowed per lot.

Instead of building duplex units, the developer desires to build twin homes which allows for individual ownership of each unit. Twin homes are allowed in the R-2 zoning district by conditional use subject to the provisions of Kaysville City Code 17-28. This proposal meets those conditions which allows for the lot size and frontage requirement of the underlying zone to be cut in half in order to create lot line between units. Each lot contains more than the required 4,000 square feet of area based on the zoning and exceeds the 35 foot frontage requirement.

The subdivision will complete improvements along 250 South Street connecting the stubbed roadways and creating a through street. Improvements will be standard right of way improvements.

Mr. Smith the developer approached the stand and said that they need the conditional use permit because these units will be individual owned lots. He said each townhome will be around 2,000 square feet and will be placed further back on the lot to create more off street parking.

Quan Nguyen made a motion to approve the conditional use permit for Two- Family dwelling townhomes at 750 East 250 South for Pete Smith with Advanced Solutions Group. Steve Lyon seconded the motion and it was unanimously approved.

Chairperson Wilf Sommerkorn opened the public hearing for the preliminary plat.

Michelle Johnson approached the stand and said there are several duplexes in the area and this housing style needs to be dispersed throughout the city. She feels that her neighborhood is carrying the bulk of duplexes.

Chairperson Wilf Sommerkorn closed the public hearing.

Toby Barrus made a motion to recommend to city council the approval of the preliminary plat for the Island View Townhomes at 750 East 250 South for Pete Smith with Advanced Solutions Group. Quan Nguyen seconded the motion and it was unanimously approved.

PRELIMINARY PLAT APPROVAL FOR THE KOUROSH SUBDIVISION AT 946 EAST 300 NORTH FOR KOUROSH HARONI (TABLED ITEM).

Dan Jessop explained that the property is located at 946 East 300 North and is zoned R-1-8. Currently the lot is 18609 square feet. The applicant Kourosh Haroni is anticipating creating a new lot of 8616 square feet with a frontage of 151 feet. This will leave the existing home on a 9903 square feet lot. The new lot proposed will be facing 200 North at approximately 939 East. Both existing and new proposed lot will meet frontage and square footage requirement for existing R-1-8 zoning. Kourosh is providing a hammerhead, or circular driveway for safe access to 200 North Street. He has also addressed the 25 ft. front set back allowing for a legal width for a house.

Mitch McKinley stood for Kourosh Haroni who could not attend the meeting.

Steve Lyon asked what type of home they were looking to develop. Mr. McKinley said a single family dwelling. He also said that they would install a horse shoe driveway since the 200 North road is so busy.

Chairperson Wilf Sommerkorn invited members from the public to comment. Craig Christensen pointed out to the Kaysville City staff that there is an incorrect measurement on the house width shown on the plats drawing. Lyle Gibson told the Planning Commission that this would not affect approval since it still meets the width requirements.

Toby Barrus made a motion to recommend to city council the approval of the preliminary plat for the Kourosh Subdivision at 946 East 300 North for Kourosh Haroni. Steve Lyon seconded the motion and it was passed unanimously.

FINAL PLAT APPROVAL FOR THE COTTAGES AT HARVEY ESTATES PHASE 1 AT APPROXIMATELY 1955 WEST 200 NORTH FOR OVATION HOMES.

Lyle Gibson explained that Ovation Homes has been working through the final design and details for the Cottages at Harvey Estates Subdivision. While the project remains similar to the approved preliminary plans, they are proposing a phased development in order to delay the timing of demolition of structures near 200 North.

Phase 1 will develop 21 of the 22 lots which have preliminary approval. The phasing will allow the development to begin construction from 1700 West Street and after building a few homes they will then be able to demolish the existing home along 200 North that will allow for the phase 2 component of the project connecting to 200 North Street. This is consistent with the

terms outlined in the approved development agreement.

The applicants have provided plans and engineering that have been reviewed by city staff and applicable agencies. The engineering on all systems meets specifications and parameters. The developer and city are continuing to work on determining the best solution to the proposed storm water system amongst multiple acceptable options.

Steve Lyon made a motion to approve the final plat for the Cottages at Harvey Estates Phase 1 at approximately 1955 West 200 North for Ovation Homes with the construction of improvements and recording of the plat subject to the satisfaction of the public works department with the storm water arrangements. Tobby Barrus seconded the motion and it was unanimously approved.

PUBLIC HEARING FOR THE CREATION OF THE R-1-6 ZONING DISTRICT. AN ORDINANCE AMENDING CHAPTER 17-12, SINGLE FAMILY RESIDENTIAL DISTRICT, OF TITLE 17, PLANNING AND ZONING, TO CREATE A NEW R-1-6 (SINGLE FAMILY 6,000 SQ. FT.) ZONING DISTRICT.

Lyle Gibson explained that as part of the housing discussion that the Planning Commission has held over the past several months, the idea of creating a new zoning district as an option to consider allowing smaller single family lots has been discussed. In response to this the attached ordinance has been drafted to consider creating an R-1-6 zone.

Chairperson Wilf Sommerkorn opened the public hearing.
Nothing was brought

Chairperson Wilf Sommerkorn closed the public hearing.

Quan Nguyen made a motion to forward to city council the creation of the R-1-6 zoning district. An ordinance amending chapter 17-12, Single Family Residential District, of Title 17, Planning and Zoning, to create a new R-1-6 (Single Family 6,000 SQ. FT.) Zoning District. Steve Lyon seconded the motion and it was unanimously approved.

CALL TO THE PUBLIC

Nothing was brought forward for the Planning Commission

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, December 12, 2019.

ADJOURNMENT

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