



Kaysville City Planning Commission Meeting Minutes February 9, 2023

The Planning Commission meeting was held on February 9, 2023 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Toby Barrus, Commissioners Steve Lyon, Rachel Lott, Paul Allred, Josh Sundloff, Cody Branch and Wilf Sommerkorn

Staff Present: Mindi Edstrom and Melinda Greenwood

Public Attendees: Rhett Bolton, Steven Adams, Trek Loveridge, and City Councilmember Abbi Hunt

1-OPENING

Chair Toby Barrus opened the meeting by welcoming all in attendance to the January 26th Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE JANUARY 12, 2023 PLANNING COMMISSION MEETING

Commissioner Lyon made the motion to approve the minutes from the January 12, 2023 meeting and Commissioner Allred seconded the motion. The vote was unanimous (7-0) in favor of the motion.

3- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR FORSETI, LLC, A HOME BASED FIREARMS AND SPORTING ACCESSORY RETAILER LOCATED AT 71 NORTH GRAY FOX CIRCLE Introduced by Mindi Edstrom

This Conditional Use Permit came before Planning Commission January 26, 2023 and the applicant was unable to attend. The Planning Commission tabled the item from that meeting and is back before the Commission for consideration.

Ms. Edstrom explained that the Conditional Use Permit is for a Major B Home Occupation for the business Forseti, LLC, which belongs Rhett Bolton. Forseti is a home based firearms and sporting accessory retailer. Mr. Bolton meets with customers by appointment only to help them identify the parts and accessories they need for their firearms. Mr. Bolton is also a Certified Concealed Firearm Instructor and will be teaching on-site firearm safety courses.

Staff recommended approval of this application based on regulations in KCC 17-26-4.

Commissioner Lyon asked the applicant, Rhett Bolton, how many classes, and how many times he would be holding classes, and asked about the number of students in the home and what the parking looks like for the neighbors.

Mr. Bolton said he has been teaching certification classes for several years and he averages 4 to 5 people per class and classes are around 5 hours. He prefers not to teach in his home and is looking for a location to rent in the community.

Commissioner Allred made the suggestion to the applicant to look to the Recreation Department for space to rent. He feels that firearm safety is great for the public to learn more about.

Commissioner Sundloff asked staff if there is a minimum or maximum class size stated in the Kaysville City Code.

Ms. Edstrom referred to Kaysville City Code 17-266-4:

12c: Major home occupations B may include, but are not necessarily limited to the following:

- 1. Any use allowed as a minor home occupation;*
- 2. Photo studios and developing;*
- 3. Organized classes (limits shall be placed on the number of students and/or the number of vehicles transporting students to prevent congestion);*

She explained that in 12c there is not a number on allowed participants in organized classes, which allows for a number to be determined by Planning Commission.

Commissioner Sundloff said that having a class with parking and students is a different scenario than daily drop off and pick-up of 12 preschool students. The impact would be far less.

Commissioner Allred feels that the Planning Commissioners have a responsibility to allow for public streets to be used for public parking and as long as classes do not block driveways or mailboxes and does not see using the street for public parking as an issue.

Commissioner Sundloff said that not all right of ways are created equal. Some right of ways are more heavily used than others and more conducive to accommodating more parking than others. He felt that allowing up to twelve cars would be a good condition.

Commissioner Allred made a motion to approve the Conditional Use Permit with the following conditions for approval:

- The instructional courses be limited to no more than 12 students and 12 cars with the encouragement for the applicant to communicate with class participants that they are prohibited to park in the adjacent private driveway or to block any mailbox, fire hydrant, or other access to private property.

Commissioner Sundloff said that he would second the motion if it just said 12 cars and not limit it to 12 participants.

Commissioner Allred accepted the friendly amendment to the motion from Commissioner Sundloff.

Commissioner Sundloff seconded the motion. The vote was approved unanimously in favor of the motion (7-0).

4- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR HELPFUL HOME BUYERS, LLC, ADAM STEVENS FOR A REMODELING CONTRACTOR BUSINESS LOCATED AT 605 SOUTH 400 EAST

Introduced by Mindi Edstrom

Helpful Home Buyers is owned by Adam Stevens and he is a General Contractor who remodels kitchens and bathrooms. Mr. Stevens has a single axle dump trailer that he uses to dispose materials and will occasionally be parking on property, however it is usually stored on the job site. He explained that most supplies will be stored in a detached garage behind the home and he has supplies delivered to the jobsite.

Ms. Edstrom said staff recommends approval of this application with any conditions the Planning Commission felt were appropriate.

Chair Barrus invited Mr. Adams to approach and asked the Commissioners if they had any questions for the applicant.

Commissioner Allred asked what the trailer would be attached to. Mr. Stevens responded by telling Commissioner Allred that he has a truck he pulls it with.

Commissioner Allred also asked staff if this Conditional Use Permit was coming before the Planning Commission because of the applicant's detached garage.

Ms. Edstrom responded by telling Commissioner Allred that the application was before the Planning Commission because the applicant is a Contractor and in the Kaysville City Code, Contractors fall under a Major B Home Occupation.

Commissioner Sundloff asked the applicant what he will be storing in the detached garage.

Mr. Stevens responded that he stores as little as he can and he has all project materials delivered directly to the job site.

Commissioner Lyon made the motion to approve the Major B Home Occupation for Helpful Buyers LLC.

Commissioner Branch seconded the motion and the motion was approved unanimously (7-0).

5- FINAL PLAT SUBDIVISION APPROVAL FOR PINTAIL ESTATES (PRELIMINARY PLAT APPROVAL UNDER MANOR ESTATES) LOCATED AT 67 NORTH ANGEL STREET

Introduced by: Melinda Greenwood

This subdivision came before the Planning Commission for Preliminary Plat approval as Manor Estates. The City Council approved the Preliminary Plat Subdivision on December 6, 2022. The Preliminary Plat originally had 11 lots so the final plat is one lot less than what was previously proposed. There were conditions that accompanied the preliminary approval including having the temporary turnaround noted on the plat and sidewalks installed as part of the construction process. The City Council added another condition to include an escrow agreement for the removal of the temporary turnaround and installation of the rest of the curb, cutter and sidewalk outside of the temporary easement which is required as per Kaysville City Code.

Ms. Greenwood said that the Final Plat has been reviewed by staff and the City Engineer and is recommending approval for the Pintail Subdivision.

Chair Barrus asked about the strip of land discussed in the previous meeting at the end of the subdivision and if that needed to be placed on the plat.

Ms. Greenwood said that it has been added to the plat. The plat shows the right-of-way lines going all the way to the edge of the neighboring property.

Commissioner Allred asked for clarification on the turnaround. The plat says it is a 40 foot diameter but indicated it should be an 80 foot diameter.

Mr. Trek Loveridge, the applicant, said that they can change the plat to say 80 foot diameter.

Commissioner Allred also asked about public utility easements and how the utilities will run when there are no easements on the side boundaries?

Ms. Greenwood said that the city does typically require a 10 foot public utility easement around the property and that it is not being shown on the plat.

Commissioner Allred referred to the general notes on the construction drawings which stated the contact information as Andy Thompsons name for the City Engineer. He asked if that needs to be changed.

Trek Loveridge said that he would have their engineer change the name on the construction drawings to Kaysville's current City Engineer, Dexter Fisher.

Commissioner Allred made the motion to recommend approval of the Final Plat for Pintail Estates with the corrections as previously noted, which are changing the plat to have 40 foot radius or 80 foot diameter on the temporary turnaround, correcting the name of the city's engineer on the construction drawings and having staff to work with the applicant on adding in an easement between 5-7 ½ feet on the sides of all the properties.

The motion was seconded by Commissioner Lyon and the vote was unanimous in favor of the motion (7-0).

6- CALL TO THE PUBLIC

There was no one present.

7- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood reported that there have been 10 applicants for the Planning Commissioner Alternate position.

She also informed the Planning Commission that Commissioner Branch has resigned due to accepting a new job.

Ms. Greenwood had a discussion with the Commissioners to better help staff understand what they need from staff to have the confidence level that reviews have been completed and meet code. She shared the information that was requested in a GRAMA request regarding the subdivision application for Kum & Go and explained that much of it was very technical reports. Ms. Greenwood asks the Commissioners if they are wanting all the see reports and information that staff receives in regards to a subdivision included in the Planning Commission packet.

Commissioner Barrus appreciated the technical expertise that staff has and said he is good to trust staff in their review.

Commissioner Sommerkorn said that he has seen some very large Planning Commissioner packets in previous positions and most Planning Commissioners didn't go through all of the packet, but it did show that the required information had been submitted. He said that he makes a point to ask staff if the application is in compliance and if staff has reviewed it, and if the answer back is yes, then that is good enough for him because he has a level of trust due to his experience.

Commissioner Lott agrees with previous comments and said staff if has said that it has been done then she is good to trust staff.

Commissioner Allred feels that a written statement from the City Engineer stating that the packet had been reviewed and found adequate would be very helpful.

Commissioner Lyon also suggested a written statement from the City Engineer or to include a checklist in the packet.

Commissioner Sundloff feels that the Commissioners do not need to have all the technical details included in the packet. He feels that what the public needs is an understanding that the requirements listed in the code have been submitted and satisfied by staff. He feels that a statement from staff is all the Planning Commissioners need to satisfy their trust.

Ms. Greenwood said that she would work with engineering to get some type of statement to include in future packets.

Ms. Greenwood shared with the Commissioners that staff has received a Text Amendment application from the neighbor in the Westgate Subdivision and they are wanting to amend code to have stronger proximity requirements for the sale of alcohol or tobacco products.

Ms. Greenwood mentioned that the Conditional Use Permit text amendment to assign authority to staff will be coming on the next Planning Commission meeting.

She held a brief discussion regarding the sign height allowance along Legacy Parkway, Highway 89, and I-15 in regards to height allowance for signs on West Davis Corridor. She stated that Legacy Parkway is State Route 67 and when she asked the Public Works Director what SR 67 is, he answer that it is the West Davis Highway. Staff has concluded that the numbering in the Major Street Plan was meant to be for the West Davis Highway, and therefore, it would be designated as a “principal arterial” and the allowed sign height for the Kum & Go project would then be 30’. She feels that is adequate and reported to the Commission that based on that, pursuing the amendment to the sign code as previously directed was unnecessary.

Commissioner Sommerkorn quickly shared some his thoughts on what has been coming out of the Utah State legislative session.

8- ADJOURNMENT

Commissioner Lyon motioned to adjourn the meeting a 8:20 p.m.