



Kaysville City Planning Commission Meeting Minutes

March 23, 2023

The Planning Commission meeting was held on March 23, 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, Krista Keetch, Josh Sundloff, Michael Packer, Paul Allred, and Wilf Sommerkorn

Staff Present: Mindi Edstrom and Melinda Greenwood

Public Attendees: Russell Nelson, Tyler Hansen, Joseph Pienezza, Wen Fei, Ed Davis, Clarissa Parker, Blake Montgomery, and City Councilmember Abbi Hunt

1-OPENING

Chair Toby Barrus opened the meeting by welcoming all in attendance to the March 23, 2023 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE FEBRUARY 23, 2023 PLANNING COMMISSION MEETING

Commissioner Lyon made the motion to approve the minutes from the February 23, 2023 meeting and Commissioner Allred seconded the motion. The vote was unanimous (7-0) in favor of the motion.

3- PLANNING COMMISSIONER OATH OF OFFICE FOR MICHAEL PACKER

Ms. Edstrom conducted the Oath of Office for Planning Commissioner Michael Packer.

4- FINAL PLAT SUBDIVISION APPROVAL FOR THE MCW KAYSVILLE SUBDIVISION LOCATED AT APPROXIMATELY 175 WEST 200 NORTH

Introduction by Melinda Greenwood

Ms. Greenwood began by presenting slides of the aerial view of the subject property. She showed the final plat map which depicts lot one where the Golden West Credit Union currently exists. She explained that lot is included in the subdivision because lot two has purchased a few feet of property from lot one. Lot two is where a proposed Mister Car Wash would go and lots three and four are proposed to have a mixed-use project. Staff has reviewed the lot sizes, frontage requirements, and zoning regulation. The City Engineer has done a review of the plat and he finds it to be in compliance with Kaysville City requirements. Staff is recommending approval of the final plat for MCW Kaysville Subdivision. Ms. Greenwood also stated that Terraform has a representative in the audience for questions.

The Commissioners did not have any questions for staff at that time.

Commissioner Allred asked the applicant if there is a way to orient the carwash so that the tunnel does not reflect sound to the residents to the south of the property.

Joseph Pienezza responded by saying that the tunnel will be exiting to the north and that the vacuums are located on the north side of the property as well with a fence along the back end of the property. There will be a few vacuums on the south side as well.

Commissioner Allred brought up light pollution and Joseph said that Mister Car Wash has a light engineer working with them to address the lighting.

Commissioner Allred also had some suggestions regarding the plat for staff and the applicant.

- Show the zoning of the property on the plat
- Label the streets as either private or public streets and add half widths
- Clarification of Parcel A and labeled “no build”
- Plat needs a point of beginning
- Power easements consolidated
- Adding information of owner or contact info
- Corrections in the signature box titles

Commissioner Allred made a motion to approve the final plat for MCW as proposed with concerns, recommendations, and notations that were made and motion was seconded by Commissioner Lyon. The voting was unanimous in favor of the motion 7-0.

5- PUBLIC HEARING TO CONSIDER ENACTING A NEW SECTION OF KAYSVILLE CIT CODE, TITLE 17 CHAPTER 5 WATER EFFICIENT LANDSCAPE STANDARDS

Introduction by Melinda Greenwood

Ms. Greenwood gave a brief history of this ordinance over the last two years. She said that Weber Basin Water Conservancy District has dialed back some of their requirements and now there are now 18 cities that have adopted ordinances to be able to participate in the rebates from Weber Basin. Weber Basin has processed about 700 applications for the Flip Your Strip program for a total about a half million dollars. They also have another 700 applications in their queue and they have set aside a million dollars for this year’s applicants. Weber Basin still has their requirements that residents will need to follow in order to participate, but the city needs to have an ordinance in place in order for residents to be eligible for their program. Weber Basin is requiring incoming development to be regulated to minimize turf and put in more efficient water wise landscaping.

Staff wants to support Kaysville residents who want to be good stewards of their water. Because State Legislature is continuing year after year to add requirements for cities, Ms. Greenwood thought it a good idea to create a new chapter in Title 17 so that all the information regarding water efficient landscaping would be in chapter 5.

Ms. Greenwood explained the edits in the ordinance and that section 17-5-5 (a) states commercial, industrial, institutional, multi-family developments and HOA common areas shall not have turf exceed 15% of the total landscaped area. Designated active recreation areas are not included in this total. She also added that residential developments shall not have more than 35% of the total combined area of the front and side yards landscaped with turf, grass or lawn.

Commissioner Allred asked if concrete would count towards the 65% required for residential landscape standards?

Ms. Greenwood said that you would exclude hardscapes from the landscaped area. It is meant to be the landscaped area.

Commissioner Allred used his own property as an example saying that he lives on a large yard and wants to flip his strip but it will be difficult because he has a 55 foot side yard. He asked about the definition of a side yard and how the space calculated.

Ms. Greenwood shared the definition of a side yard from the ordinance as

“An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an “exterior side yard.” (KCC Title 17-2 Definitions) The city would use this definition.

Chair Barrus opened a Public Hearing for the item.

Blake Montgomery approached the Commissioners and asked if those that had already “flipped” their strip, will they be able to be reimbursed? The Commissioners answered that those who completed landscaping projects would not be eligible retroactively.

Chair Barrus closed the Public Hearing.

Commissioner Sundloff asked for clarification on the required standards and to whom they would be applicable for.

Ms. Greenwood shared 17-5-2 Applicability section that states:

17-5-2 Applicability

Except as otherwise provided in this chapter, the provisions of this chapter apply to:

All new landscapes in all zones of the city associated with construction of any new residential home, commercial or industrial structure, public facility, or mixed-use development.

Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than 50%.

If an existing property is going to modify landscaping by more than 50%, then the ordinance standards would be applicable to the property owner. The ordinance would be applicable for all newly constructed residential single family home.

Questions arose on the specifics of what Weber Basin will require for their program. Ms. Greenwood said she didn't have full clarity on how Weber Basin administers their program. They have specific requirements in order to receive reimbursement upon completion. Ms. Greenwood also said that the city wants to get this ordinance added as soon as possible and not delay it because we don't have information on how Weber Basin wants to administer their program.

Chair Barrus stated he recommends moving forward with the ordinance as is.

Commissioner Keetch asked Ms. Greenwood if she had any insight from conversations with Weber Basin indicating outcomes as far as applications submitted and processed.

Ms. Greenwood said that Weber Basin has processed about 1,400 applications and 700 have been completed. There have been difficulties completing the process due to availability of classes that are required by Weber Basin. They have created online classes to accommodate demand. She guessed that some applications are not being completed because of the detailed requirements of the program.

Commissioner Sundloff read from proposed section 17-5-2 which include two scenarios. One being any new landscape associated with new construction or build and two being that a resident would be changing the existing landscaping more than 50%. Commissioner Sundloff asked if a resident is not doing either one of these then the provisions of the code do not apply.

Ms. Greenwood answered in the affirmative. He clarified saying this ordinance would not apply to a resident only wanting to flip their strip but stills allows them to be eligible for the refund.

Commissioner Sundloff also shared his concerns for the 17-5-11 section of the ordinance, which states that the Community Development Director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code. He asked what is the enforcement mechanism and what is the penalty for violating Title 17. Commissioner Sundloff read from Title 17 that the penalty of any violation would be a Class C Misdemeanor and feel that receiving a misdemeanor is extreme.

He also stated that 17-5-10 is the only section of the ordinance that will apply standards to all properties and used the example of a resident using culinary water to water brown spots on their lawn. This would now be a misdemeanor for the resident.

Ms. Greenwood shared Title 9 Chapter 4 already lists using culinary water for landscape watering as a violation, so section 17-5-10 is not a policy to the city.

Commissioner Lyon said that there is logic in not allowing residents to use culinary water due to the possibility of having a secondary attachment backup and flow back into the culinary water causing residents to not have water for weeks. It becomes a public health threat.

Chair Barrus feels that the way the ordinance is written encourages correct water management principals and would like to approve as is.

Commissioner Allred feels this a good ordinance, however many points that need clarification however, and asked is perfect the enemy of good? By approving the ordinance we make Kaysville residents happy so that they can be reimbursed for the Flip your Strip program.

Commissioner Keetch suggested approving the ordinance section 17-5-10 for the residents that already live here and that are not part of (a) or (b) of 17-5-2 and table the rest of the ordinance to continue discussion.

Commissioner Allred made the motion to approve the Water Efficient Landscape Standards with suggestions:

- Expand the purpose section
- Move 17-5-10 to the front of the ordinance
- Move definitions to the definition section of the title and not in the code
- Clarification of how side, rear, and front yard landscape dimensions are calculated and add a graphic

The motion was seconded by Commissioner Lyon. The vote was 6-1 (Commissioner Sundloff voting nay) in favor of the motion.

Commissioner Lyon made the motion to amend the agenda to bring agenda item 7 forward and move item 6 after that. Commissioner Keetch seconded the motion and the vote was unanimous 7-0 in favor of the motion.

6-PUBLIC HEARING TO CONSIDER AMENDING TITLE 17 CHAPTER 33 SIGN REGULATION OF KAYSVILLE CITY CODE

Introduction by Melinda Greenwood

Ms. Greenwood shared slides with pictures from Maverick in Centerville at Parrish Lane and Legacy Highway. The images showed distances, sign height, and visual perspective from the north and south bound lanes. She also shared an image of a 16 foot monument sign from a business in Kaysville and explained that it was more along the lines of what City Council was hoping for.

Ms. Greenwood explained the ordinance first came to Planning Commission January 12th were the item was tabled so that staff could look into questions about the West Davis Corridor being scenic byway. The sign ordinance was then brought back on January 23rd to Planning Commission to be discussed.

Ms. Greenwood said it was determined at the January 23rd meeting that the numbering in our Master Street Plan shows the number for Legacy as State Route 67 and West Davis Corridor will have a different number. The City Council in 2007 changed the street designation of Legacy Highway to State Route 67 making the West Davis Corridor an arterial road that would allowing the applicant to have a 30 foot sign.

Commissioner Allred asked if the State of Utah would allow for the logo signs on the scenic byway.

Commissioner Sommerkorn and Ms. Greenwood both said that those signs are not allowed on Legacy Highway.

Ms. Greenwood said with the agenda tonight and the discussion that the City was clearly establishing a pending ordinance regulation, and that this will give staff time to get the sign code revised the way we want it.

Commissioner Allred said that we do not have a definition of a corridor commercial logo sign or commercial logo highway sign and if not allowed then we don't need to have them. He also said that the code does not have a definition of a freestanding or poll sign.

Chair Barrus opened up the meeting to the public hearing.

Blake Montgomery would like the Planning Commissioners to consider making the Sign Code Ordinance require those on the scenic by way to not be allowed to have sign higher than 8 feet.

Clarissa Parker shared with the Commissioners that the sign at the Maverick and Parrish Lane in Centerville is 25 feet in height because of the proximity to I-15 and not to Legacy High Way. She also stated that how the code is written it would only allow for an 8 foot monument sign for Kum and Go.

Ms. Parker asked Ms. Greenwood if the street designation has already been changed for the West Davis Corridor.

Ms. Greenwood said it would be appropriate for her to answer that question after the public hearing was closed.

Ms. Parker said she checked the Kaysville City Code that afternoon at 4:00 pm and stated that West Davis Corridor is not designated as a principal arterial street, Legacy Highway was, but not West Davis Corridor. She asked the Planning Commissioners to follow through with their original intentions for the sign height from a previous meeting.

Chair Barrus closed the public hearing.

Commissioner Sundloff read from State of Utah Code that says an application was vested upon being submitted and money paid. He continued saying that an applicant is vested unless the Land Use Authority on the record formally finds that a compelling countervailing public interest would be jeopardized by approving the application and specifies the compelling countervailing public interest in writing. He said having a 10-15 foot sign would not be a compelling countervailing public interest, however, citizens in the audience would disagree saying that it is a compelling countervailing public interest. By sharing this info, it gives the City Council an out if they are wanting a gateway entrance to Kaysville and not have a sign be that tall.

The second says that the applicant is vested the time they submit a complete application unless the municipality formally initiates proceedings to amend the municipalities land use regulations in a manner that would prohibit approval of the application as submitted. Commissioner Sundloff said this is another out for City Council.

Commissioner Sommerkorn thought a compelling countervailing public interest would be more where someone could lose their life if something wasn't changed or houses sliding off the mountain. He didn't think that the height of a sign would be a compelling countervailing argument.

An inaudible audience member asked for an answer to Clarissa Parker's question regarding the street designation.

Ms. Greenwood said that if it was the Chair's pleasure she could email both the residents the information as to why we are determining the street designation or she could answer the question this evening.

Ms. Clarissa Parker stood up from the audience seating and stated an email wasn't sufficient and that she wanted an answer now. Commissioner Sundloff said he wanted to hear the answer as well.

Ms. Greenwood explained her role and responsibility with processing applications submitted to the City. Her responsibility is remain unbiased by resident's opinions but to make decisions based on the Kaysville City Codes, state laws, case laws and the opinions of the City Attorney as well as staff who are subject matter experts. She shared an example of when there was an appeal on a conditional use permit last fall where city code was vague and ambiguous. She explained that state law and case law require us to err in favor of the applicant. Ms. Greenwood shared the history of State Route 67 and its relation to West Davis Corridor which is numbered as State Route 177. So West Davis Highway is classified as a major collector therefore a 30 foot tall sign is allowed.

Commissioner Allred agreed with Ms. Greenwood and said that one of her most important jobs is to keep the city out of court and that the city is following that rules on the books.

Commissioner Packer said that he has no problem passing this ordinance on to City Council.

Commissioner Allred made a suggestion to change the wall sign column verbiage.

Commissioner Sommerkorn asks what the street designation is of 200 North in Kaysville and Ms. Greenwood responded saying that it is a minor arterial street.

Commissioner Sommerkorn asked which streets are the major arterial streets in Kaysville and Ms. Greenwood responded those streets are I-15, US-89, and the West Davis Corridor (formerly known as State Route 67).

Commissioner Sommerkorn said that if it's not along a principal arterial or within a certain distance of a principal arterial in our code then a 30 foot sign is allowed. The on-premise and ground sign requirements in the PU, GC, CC and LI zones states that within 1,320 feet of a principal arterial it can be up to 30 feet tall as per the current ordinance.

Commissioner Allred made a motion to continue the ordinance for further discussion and motion was seconded by Commissioner Packer. The vote was unanimous in favor of the motion 7-0.

7- PUBLIC HEARING TO CONSIDER AMENDING TITLE 17 CHAPTER 19 GENERAL COMMERCIAL DISTRICT AND TITLE 17 CHAPTER 20 CENTRAL COMMERCIAL DISTRICT OF KAYSVILLE CITY CODE

Introduced by Melinda Greenwood

This item is brought forward at the request of the Mayor because of tunnel carwash applications with very close proximity to one another. This agenda item is to potentially limit carwash locations and putting proximity regulations on them. Ms. Greenwood shared a slide of the City Center Preferred Concept from the General Plan as well as a map with all the car washes currently in the city. She shared the proposed amendment would prohibit car washes if they didn't fit the three circumstances in Prohibited Uses. The amendment would prohibit all together allowing car washes in the Central Commercial Zone. She said that staff is recommending approval of this ordinance.

Chair Barrus opened up the meeting to the Public Hearing.

Russell Nelson said he is involved with one of the existing car washes in Kaysville and brought up tearing down the Good Spray car wash and leasing the property for that lot and the lot next door to put in a Quick Quack Car Wash. By amending the ordinance it would make the Good Spray a nonconforming use. He said he is asking for consideration that in the ordinance to include some language that would allow the existing car washes to be able to upgrade and expand and improve to meet market demands.

Commissioner Allred asked the applicant if they are wanting a different car wash on the same property.

Russell Nelson said that there would be a complete demo of the existing car wash and the site layout would be changed and possibly a lot line adjustment to combine the two lots.

Ms. Greenwood referred to a chapter in Kaysville City Code about conforming which are not allowed to be expanded. She said that if the proposed ordinance changes are adopted, the applicant wants this chapter to not be applicable to the car wash use.

Commissioner Sommerkorn said that there is a provision in that chapter that says that the Planning Commission can authorize a more desirable non-conforming use to be substituted for one that is more desirable.

Commissioner Sommerkorn stated that the clock has started for a pending ordinance so staff and Planning Commission have six months to discuss this new ordinance. He also said that he would be in favor of not allowing all automobile oriented businesses in the General or Central Commercial Zones.

Commissioner Sundloff made a motion that we recommend approval for the proposed amendment. Motion was seconded by Commissioner Lyon.

Commissioner Sommerkorn said that this ordinance is a good first step, but there are lots of things that need to be considered to improve.

Commissioner Lyon amended his motion to second and said that the city needs to consider area with small area plans with a designated overlay zones that have zoning designated in there to create the community feel.

Commissioner Allred wants to make sure if we send this ordinance on that the property owner does not get nixed by this ordinance and that the language is more clear that says pre-existing uses if taken out then the use can continue and be modified and have some kind of parameters of how they can be modified unless the cities intent is to say no. He also said that distance provisions are not considered defensible in court.

Commissioner Sommerkorn made a substitute motion to table this item and Commissioner Keetch seconded the motion.

Commissioner Allred asked if Commissioner Sommerkorn is open to a substitute motion to change the word from table to continue and Commissioner Sommerkorn is amendable to that substitute.

Chair Barrus said that there is a second so they can vote. The vote was unanimous in favor of the motion (7-0).

8- CALL TO THE PUBLIC

No comments were made.

9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood told the Commissioner that the next meeting would be April 27, 2023.

Ms. Greenwood shared that Commissioner Sundloff will be leaving the Commission and will attend his last meeting in April. The Commissioner's wished him well and thanked him for his many years of excellent service.

Ms. Greenwood mentioned that we have alternates that can fill his position.

10- ADJOURNMENT

Commissioner Lyon motioned to adjourn the meeting at 10:30 PM.