

Kaysville City Planning Commission Meeting Minutes
December 14, 2023

The Planning Commission meeting was held on Thursday, December 14, 2023 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Steve Lyon, Commissioners Wilf Sommerkorn, Rachel Lott, Mike Packer, Krista Keetch and Megan Sevy

Staff Present: Mindi Edstrom, Dan Jessop, and Melinda Greenwood

Public Attendees: City Councilmember Abbi Hunt, James Pearson, Michael Halls, Colton Mooney, Clint Streadbeck, Kelly Siekiera, Kent Fox, Farrin Goran, Judy Goran, Ryan Wilde, Jacalyn Wilde, Brian Alfaro, Gonzalu Calquin, Missy Streadbeck, Kaleb Larsen, and Beau Ogzewalla

1- OPENING

Chair Lyon opened the meeting by welcoming all in attendance to the December 14, 2023 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE NOVEMBER 9, 2023 PLANNING COMMISSION MEETING.

Commissioner Lott made a motion to approve the minutes from November 9, 2023 Planning Commission meeting and Commissioner Packer seconded the motion and the vote was unanimous in favor of the motion (5-0).

3- OATH OF OFFICE FOR PLANNING COMMISSIONER MEGAN SEVY

Ms. Edstrom swore in Ms. Megan Sevy as a Planning Commissioner and invited her to take the stand.

4- ELECT NEW VICE-CHAIRMAN FOR PLANNING COMMISSION

Commissioner Packer nominated Commissioner Debora Shepard to be the new Vice Chair for Planning Commission. Commissioner Sommerkorn seconded the nomination of Commissioner Debora Shepard. The vote was unanimous in favor of the motion (6-0).

5- CONDITIONAL USE PERMIT FOR J5 CONSTRUCTION, A MAJOR B HOME OCCUPATION LOCATED AT 1731 WEST 75 SOUTH.

The item was introduced by Mindi Edstrom who said Clint Streadbeck is the owner of J5 Construction located at 1731 West 75 South. Mr. Streadbeck had started building an accessory structure in his backyard and a neighbor called the City with questions about the structure. This conversation brought an unlicensed business to the attention of the Community Development Department. In order to be compliant with the city, Mr. Streadbeck applied for a Major Home Occupation B business license. Because of the nature of his business of being a contractor, it is required for Mr. Streadbeck to also apply for a Conditional Use Permit.

Mr. Streadbeck has a skid loader with flatbed trailer, a mini excavator with a flatbed trailer and an enclosed trailer for his business equipment. After the city's noticing sign was placed at the property, Community Development received one email and four phone calls regarding concerns with the amount equipment that is being stored outside, the impact a business will have on the home values, employees coming to the home, the size and scale of the business, the proposed business operations being an incompatible use in the residential zone, stormwater violations and safety.

Staff's recommendations for approval of the Conditional Use Permit were explained to the Commission and include that no more than 5% of the total lot including the dwelling and accessory structure to be used for the business. Ms. Edstrom explained that the number, size, and type of vehicles allowed for the business can be determined by Planning Commission.

The Conditional Use application has been reviewed by staff and the business as proposed will be compliant with City Zoning, Utah State Department of Commerce, and Utah State Department of Public Licensing. The proposed use is consistent with the Kaysville City Code 17-26-4 Major Home Occupation B and the applicant has been made aware of the Major Home Occupation B regulations and has agreed to comply.

Ms. Edstrom stated that staff is recommending approval of this Conditional Use Permit with any other conditions that Planning Commission feels necessary.

Ms. Greenwood shared that there were two Conditional Use Permit agenda items to present to the Planning Commission that evening and one thing that is often misunderstood in these cases is the ability for the Planning Commission to say that the Conditional Use Permit cannot be granted. She explained that Utah State law says that if we have the use in our code we have to approve the use. She explained that a conditional use is permitted but based on the nature of that use there may be additional conditions that the Planning Commission would want to place on the permit to help mitigate any impact on the neighborhood.

Ms. Greenwood shared that Mr. Streadbeck is building an accessory building and the size of the building was a concern that was brought to the city. The building is in compliance with city ordinances however the resident had been running a business from the home for some time and that the property has been used for storage of materials for the business. She suggested that some of the conditions that could be placed on the permit were things like the number and length of vehicles and equipment appropriate for a home occupation.

The applicant, Clint Streadbeck, approached the Commissioners for questions and discussion. He began by explaining that J5 Construction is a part time business for him, so the movement for the business is part time and done within the hours allotted by city code. Mr. Streadbeck said he is in the process of building an accessory building so he can park his personal camp trailer and boat.

Mr. Streadbeck wanted some clarification on the storage of materials outside and what is

deemed storable. He said that his skid loader and excavator are stored on a trailer and the amount of work that would be done at the home would be the loading and offloading of the equipment. He addressed the neighbors concern of equipment going up and down the street by saying that he has done concrete work for over 18 homes in the neighborhood so he would appear to be pretty visible. Mr. Streadbeck said he has some wood that has been stored at a construction site and that he will be bringing to his home so that he can construct his accessory building. He also said that his son is the only employee working for him that comes and goes from the home and does not have customers come to the home.

Commissioner Sommerkorn asked how many vehicles are kept on the property.

Mr. Streadbeck said that he has one skid loader, a mini excavator, two flatbed trailers that manage the equipment and a fully enclosed trailer that is pulled by one of two trucks.

Commissioner Sommerkorn asked how many of them are longer than 22 feet.

Mr. Streadbeck said the goose neck is 20 feet and two flatbed trailers that are 16 or 18 feet. He said that the intention of building the accessory building is so he can store his ATV and camping trailers.

Commissioner Sommerkorn asked if Mr. Streadbeck would be able to fit all of his business equipment into the 5 % of property allowed for storage?

Mr. Streadbeck said that his intention is to fit all equipment and materials into that 5% of the property.

Ms. Greenwood said that she spoke with the City Attorney who said that the 5% allowable space is meant to be cumulative, so no more than 400 square feet of the home can be used for the home occupation and collectively no more than 5% of the lot.

Commissioner Keetch said that there might be overlap with the equipment and materials being for both personal and business and that it would be hard for the city to go out and enforce what is being stored because it would depend on what job the resident would be working on.

Mr. Streadbeck said that he wants to know what is allowed so that there is no confusion.

Commissioner Lott asked if the concrete pad on the side of the home goes all the way to the back yard.

Mr. Streadbeck replied, yes.

Mr. Jessop said he had added up the footage of the trailers coming out to about 540 feet of storage if the trailers were used to store materials and equipment.

Commissioner Sommerkorn made a motion to approve the Conditional Use Permit for a Major B Home Occupation at 1731 West 75 South for J5 Construction with the conditions that no more than 5% of the total lot area including the dwelling and accessory dwelling areas be used for the business, including the parking of vehicles and any other equipment and materials that he may have.

Commissioner Keetch seconded the motion and the vote was unanimous in favor of the motion (6-0).

6- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR MOONEY CONSTRUCTION LOCATED AT 278 EAST SHEPARD LANE FOR COLTON MOONEY

This item was introduced by Mindi Edstrom. She started by saying that this is a different situation than the prior agenda item as the applicant will not be storing any equipment on the property. She said the applicant, Colton Mooney, lives at 278 East Shepard Lane and is in the process of getting his DOPL license with the state. His business, Mooney Construction business will be building homes, remodels, building additions and anything else related to the building process. Mr. Mooney said there will not be any equipment stored at the home and no employees or customers will be coming to the home. He said the trucks and trailers that are at the home are all for personal use. Ms. Edstrom said the city's notification sign was placed on the property December 8, 2023 and there had only been one call from a neighbor inquiring if the property was going to be turned into a duplex.

The findings and conditions for a recommendation of approval are that the proposed use is consistent with the Kaysville City Code 17-26-4 Major Home Occupation B regulations for Contractors that have equipment such as a trailer stored at the home. The application has been reviewed by staff and the proposed business is compliant with City Zoning, Department of Commerce, and once completed, the Department of Public Licensing. This business will not have any adverse effects on the use, enjoyment, or valuation of property in the proposed neighborhood as regulated by KCC 17-26-4 Major Home Occupation B regulations.

Ms. Edstrom said staff is recommending approval of the Conditional Use Permit located at 278 East Shepard Lane for Mooney Construction.

Commissioner Packer made a motion to approve the Conditional Use Permit for a Major B Home Occupation for the business Mooney Construction located at 278 East Shepard Lane.

Commissioner Lott seconded the motion and the vote was unanimous in favor of the motion (6-0).

7- PUBLIC HEARING FOR AN APPLICATION TO REZONE 196 NORTH 200 WEST AND 166 NORTH 200 WEST FROM GENERAL COMMERCIAL TO MIXED USE ZONING DISTRICT OVERLAY

This item was introduced by Ms. Greenwood. She started by saying that on March 23, 2023 the Planning Commission approved the Final Plat Subdivision for the MCW subdivision. The owners now have submitted an application for a Mixed-Use Zone overlay. The City's Mixed Use code,

17-27, requires a Mixed Use rezone application be accompanied by a development agreement and other specific project details which allows the city to consider a complete project with the rezone.

Ms. Greenwood showed an aerial map of the location, the zoning map of the local area, and the Future Land Use Map. She said the Future Land Use Map indicated the property is to be used as a mixed-use development, so the proposed Mixed Use zone change is supported by that element of General Plan. She explained the project is also located within the City Center Preferred Concept which was identified in the 2022 General Plan.

She said there are multiple goals and objectives in the General Plan that speak towards to create a city center. Ms. Greenwood referred to Chapter 1 Land Use and Placemaking Plan, Chapter 3 Housing and Neighborhoods and Chapter 5 Economic Development and Prosperity and briefly explained that those chapters contained substantial principals, goals, objectives and specific implementation measures that support the requested General Commercial Mixed Use rezone and the mixed use project as proposed.

Ms. Greenwood shared project specifics for the commercial space, residential space, parking, amenities, traffic and landscaping. She said Building A is a two-story office building consisting of 10,280 square feet of space and 36 parking stalls. The building is proposed to be 32 feet in height. She explained the office building is 49% of the total square footage of the project, and the MU code requires that be at least 30%. She said the developer is proposing a 6 foot fence and an 8 foot landscape buffer at the south end of the property, as well as a couple of benches for the residents to enjoy.

Ms. Greenwood shared renderings which were submitted with the application. She showed the rendering of the townhomes, which would be two stories tall and include a basement and a two-car garage for each unit. She continued that the three studio units are proposed to be 400 square feet with each having a two-car garage.

Ms. Greenwood shared that Public Hearing notices were sent out to those within the 500' radius and mailed out on December 1, 2023. The notices were sent out to 31 residents and a sign was placed on the property on December 8, 2023. She said residents have shared their comments via email, in person visits to City Hall, and phone calls. The concerns they expressed were the most common concerns such as traffic, density, parking safety, storm water, setbacks, location of parking, and fencing.

Ms. Greenwood said a traffic study was submitted with the application and the City Engineer and Public Work Director have reviewed the traffic study and do not have any concerns. She said the project has met requirements for parking spaces and the storm water pipes will be required to tie into those in 200 North.

Ms. Greenwood recommended that the Planning Commission send a recommendation of approval to the City Council.

Commissioner Lyon opened up the Public Hearing and asked the public to limit comments to three minutes.

James Pearson shared from the Kaysville City General Plan cover page that states “Preserving Kaysville’s small town feel by regulating new development and protecting single family neighborhoods.” He said he feels that there are other areas that moderate income housing can go besides the single family neighborhood where he lives. Mr. Pearson read from the letters that he brought into the Community Development Department on November 17, 2021. (See attached letters at the end of the minutes.) The documents shared his frustration for water drainage getting backed up at his property every time there was a heavy rain. He asked for a traffic study for the project and referred back to the document he gave Commissioners, saying traffic is backed up on his street and many people speed through the neighborhood. He said that six more residents would increase the number of cars and traffic.

Kelly Siekiera spoke about traffic, privacy, and said she opposed the mixed use rezone.

Kent Fox said he is opposed to rezone and is worried about the height of the building and the lack of privacy for his mother, who lives next door to the project. He said he feels the project is too close to the property line.

Judy Goran said she and her husband are the owners of the businesses directly across the street to the west. She relayed concerns with the parking lot drainage and hopes that the drainage will not affect her system. She said the esthetics of the building don’t match the rest of the existing buildings, that there will be traffic congestion with new residents, she didn’t know where the dumpster will be placed, and that the buffer between the residential neighborhood and the project is concerning.

Farrin Goran spoke and said his main concern is the additional traffic the project will bring and he said he would like the Planning Commission to evaluate the additional traffic to the grid.

After seeing no other speakers, Chair Lyon closed the Public Hearing.

Chair Lyon invited the applicant, Gonzalo Calquin, to approach the Commissioners for questions and discussion.

Mr. Calquin spoke to concerns from the public comments. He said the project makes a smooth transition from the commercial area to the residential use. He said that a traffic report was submitted with the application and that there were no concerns with trips generated and that there will be very few cars added to the existing road. Because of the carwash adjacent to this project, the storm drain concerns have been addressed. Mr. Calquin said they will be improving the curb all the way down to the southern border of the property and will do what they can to maintain the large trees on the property.

Commissioner Lott restated several points that Mr. Calquin mentioned in previous comments, stating the storm drain issue will be improved between this project and Mr. Carwash, the height of the residential buildings proposed are lower in height than the 35 feet that a commercial building would be allowed, and the soft shoulder will be replaced with curb and gutter.

Commissioner Keetch asked for a little bit more clarification regarding the storm drain issue so that the residents and other business owners can rest assured.

Mr. Calquin said because this is a commercial project, all the water issues will be reviewed by City Engineering so that the water runoff will be contained inside the project.

City Engineer, Dexter Fisher, stated that the applicant will need to provide the storm drain design during the building permit phase. He said the city is updating the code for storm drain retention so that projects will have to detain water for a 100-year storm. The water does not all have to stay on the site but they will have to control the release into the UDOT system on 200 North.

Commissioner Sommerkorn asked the applicant who performed the traffic study.

Mr. Calquin said Hunt Day Engineering performed the study.

Mr. Fisher said he reviewed the traffic study, and it used the ITE Trip Generation data which is industry standard. Mr. Fisher had the applicant's traffic engineer look at the four intersections of 200 North and 200 West, 200 North and 100 West, 300 West and 100 North, and 300 West and 200 North. The level of service did not decrease and at peak hours, the project is projected to only produce 16 trips.

Commissioner Sommerkorn mentioned the residents would like the building design to match the neighborhood and asked the applicant would consider modifying the design.

Mr. Calquin said that the project already has an upgraded architecture with brownstone features and feels like it makes it look a little older in appearance.

Commissioner Sommerkorn said that the Kaysville City General Plan strongly supports this rezone. He continued that if this project were to be strictly commercial and not mixed use there would be much more traffic generated from a commercial business and that this project would reduce traffic from that of a full commercial business.

Chair Lyon said a buffer is provided between the residential and commercial use and if he lived there he would rather look at housing than a fast food restaurant.

Commissioner Packer said that City Council makes the ultimate decision and they would appreciate the comments from the residents in making their decision regarding the rezone. The Planning Commission is tasked at looking at things differently and said that he too would rather

have this type of a project as his neighbor than a fast food restaurant.

Ms. Greenwood responded to some of the residents' concerns for the project saying that curb, sidewalk, and gutter would be required. She said a resident asked her before the meeting about needing two drive approaches for ingress and egress and explained that 200 North is a UDOT facility and the city does not have any say in what is allowed on 200 North between Main Street and the Interstate, and UDOT will not allow access onto 200 North. She also shared the height dimensions, parking requirements and setbacks for this project and stated they are compliant with city code.

Commissioner Lott made the motion for recommendation of approval to the City Council for the rezone application for Gonzalo Calquin located at 196 North 200 West and 166 North 200 West from General Commercial to Mixed Use Zoning Overlay.

Commissioner Sommerkorn seconded the motion with the following comments:

- The project complies very specifically with the General Plan recommendations for this area.
- The proposed development will actually result in less traffic than what might have occurred there had it remained General Commercial.
- The project provides some variety in the housing that the city has been looking for as outlined in the Moderate Income Housing Plan and General Plan.
- The project is adjacent to major roadways.

The vote was unanimous in favor of the motion (6-0).

8- PUBLIC HEARING FOR TEXT AMENDMENTS FOR TITLE 17, TITLE 18 AND TITLE 19

Agenda item 8 was introduced by Ms. Greenwood and Mr. Fisher and they each addressed the changes in the code and why the changes have been considered.

Ms. Greenwood said Title 17 changes were mainly housekeeping items.

Chair Lyon suggested that subdivision items are an administrative item and therefore do not require them to come to Planning Commission.

Commissioner Sommerkorn added if items are administrative items and they meet the requirements of the city code, then we are obligated to approve them and residents get frustrated with the public hearing process because there is no point for them to attend and make comments.

Mr. Fisher addressed Title 18 which speaks to storm water and engineering design. He said in section 18-3-3 there was language which would exempt developers from installing sidewalk and that has been removed so the city does not have to do a Deferral Agreement. By removing that option, it makes the process cleaner and avoids future problems.

Previously there was language stating the City Engineer could determine items with the sewer system, however, since the sewer system belongs to Central Davis and North Davis's, the updates remove the City's involvement so that the city is no longer involved.

The detention requirement previously was a 10-year storm requirement and the updates to the ordinance will go up to 100-year storm detention requirement.

Mr. Fisher said that Bowen Collins Engineering is looking through Kaysville City Code for changes to help avoid natural drainage problems in the future. In the meantime, the City will defer to the Davis County Flood Control requirements until Bowen Collins get the update back to the city.

He said another change to Title 18 is that anything east of US 89 may use culinary water for irrigation purposes which gives some flexibility so the city can evaluate development proposals and determine if it is too much of a burden on the city's system.

Mr. Fisher moved on to Title 19, which he said is very much driven by the State Legislature. The current draft has the Planning Commissioners as the Administrative Land Use Authority, but it is suggested to modify that to make city staff the Administrative Land Use Authority so preliminary plat subdivision wouldn't go to Planning Commission. He said the subdivision is a two step administrative process with both preliminary plat and the final plat, however if recommended by the Commissioners, that could be made into a one step process requiring one public meeting for only the preliminary plat but that has a review deadline of 15 days from the complete application submission to the meeting agenda. The final plat would have a 20 business day review period from the time of a complete application. The city would only be allowed four review cycles in total. Once the city has done the first review with comments and red lines, the city is not allowed any additional comments that aren't for safety, changes that the applicant made or for state laws or federal code.

Mr. Fisher said there is now an appeal process added and if the time frame has expired or there hasn't been a consensus after the four review cycles, the city and the developer have to put together an appeal board that would include an engineer that the city would provide, an engineer that the developer would provide and a third engineer that both parties agree upon. The developer and the City would split the cost of the appeal 50/50.

He said retaining walls have not previously been addressed in the subdivision process so new language has been added that says the developer has to provide an engineered design and then that engineer of record has to provide inspections and a report back to the city after installation and report that the wall is safe.

He explained the city is now required to allow developers to bond for infrastructure in order to record their plat. The current code says that everything has to be installed before a plat was recorded and that is a violation of state code.

Ms. Greenwood asked the Commissioners if they had any thoughts on protection strips or grudge strips because they often impede road connections.

Chair Lyon said that he believes that protection strips are illegal.

Commissioner Sommerkorn referred to back in the day when there hadn't been a lot of development and the protection strips were put in so that all the property owners would help pay for the cost when they got around to developing. However there are far better ways to accomplish that now and feels it is a good thing to get rid of them.

Commissioner Sommerkorn asked staff what they would prefer in regards to preliminary plats coming to the Planning Commission or not having them come to the Planning Commission.

Ms. Greenwood said her preference is to not have administrative items come to the Planning Commission and to handle them all administratively with staff. She gave a couple of examples from previous items that have come before the Planning Commission and the residents left more upset due to the fact that their comments could not help influence an outcome for a Preliminary Plat.

Chair Lyon opened up the meeting for the Public Hearing. No comments were made and Chair Lyon closed the Public Hearing.

Commissioner Sommerkorn made the motion to recommend approval of the changes to the subdivision code and the new ordinances as they have been presented to the Commissioners with a recommendation that the Preliminary Plat also be handled administratively by staff.

Commissioner Lott seconded the motion and the vote was unanimous in favor of the motion (6-0).

9- CALL TO THE PUBLIC

No comments were made from the public.

10- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood said that the next meeting will be January 11, 2024.

Commissioner Sommerkorn said that the Land Use Institute of Utah is doing a zoom workshop December 20, 2023 on moratoriums and is free. Ms. Greenwood said that she will send out information for the meeting.

11- ADJOURNMENT

Commissioner Lott motioned to adjourn the meeting at 9:10 pm

Cover Letter

The following attached pages of comments address the construction of a commercial/residential development located just west of the Golden West Credit Union on 200 North and ending at 200 West. The residents of this area have a vested interest in how this development is allowed to take place. It is certainly assuring that the number one bullet on the Kaysville City General Plan cover page is as follows:

“Preserving Kaysville’s small town feel by regulating new development and protecting single family neighborhoods.”

It is hoped that the city recognizes that the above mentioned development does adjoin an historic single family residential neighborhood. Please take the following comments into very strong consideration before any proposed plans are given approval. It is also hoped that once a plan is approved that the city will hold the developer to any requirements made by the city. Many of the people in the neighborhood have read and agree with all the comments.

Thank You,

Jim Pearson

[REDACTED] Kaysville Utah 84037

[REDACTED]

[REDACTED]

Traffic:

Commercial stores and apartments on the SE corner of 200 North and 200 West will undoubtedly create increased traffic in this area. There is already much traffic on the side streets of the neighborhood caused by vehicles bypassing the red light at Main St. It seems very likely that building a complex development attached to a residential neighborhood will exacerbate the already frustrating amount of people speeding through the side streets to get where they are going. Adding to that, the 200 West intersection is frequently blocked by traffic that backs up all the way from the red light at 300 West.

Auto accidents are already frequent between 400 West and the I-15 North on-ramp. The big apartment complex now being built on 400 West will undoubtedly make that situation worst. Kaysville City General Plan recommends putting in a 2-way multi-use side path along the entire length of 200 North. The purpose for this is to encourage people to walk or ride their bikes instead of driving. That is a very unlikely and expensive solution to reduce traffic. Introducing a bus route is also recommended. How well that will work is to be seen.

Vehicles, bicycles, and pedestrians are dependent on the safety and functionality of our streets and roadways. A comprehensive traffic study, which includes neighboring side streets, should be undertaken by a reputable and independent engineering company. They should identify and document any deficiencies or improvements necessary to accommodate and or mitigate the projected traffic volumes any development will create. Recommendations should be implemented and become criteria by which the design of any development is guided. Please keep our streets safe and uncongested.

Drainage:

The construction of any development at the SE corner of 200 North and 200 West will likely entail covering the area with impermeable blacktop and cement. Much of the storm water from the development will no longer drain into the ground. Instead it must not end up in the old irrigation water ditch on the west side of the street. These ditches are mostly unmaintained and have overflowed in the past due to plugging. Overflow water goes down driveways and into homes and garages during heavy downpours. They would certainly be inadequate to contain any additional runoff that is caused by the inability of the ground to absorb water.

A storm water collection sewer on the east side of 200 West is piped under the street into the old irrigation ditch on the west side of the road. This was installed ~10-15 years ago at the request and expense of Bob Waite (deceased) to eliminate the puddles of water that accumulated near the driveways of the duplex he owned and rented. The water now accumulates in the ditch and becomes a breeding ground for mosquitos. The debris that flushes into the ditch becomes an anaerobic pile of stink and creates a maintenance issue for that homeowner. This drainage system needs to be removed. Runoff from the commercial east side of the street needs to be routed to the main storm water drainage system that empties into the Kaysville ponds, not into the old residential irrigation ditches.