

Kaysville City Planning Commission Meeting Minutes
March 14, 2024

The Planning Commission meeting was held on Thursday, March 14, 2024 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, Debora Shepard, and Erin Young

Planning Commissioners Absent: Commissioners Paul Allred, Mike Packer, and Megan Sevy

Staff Present: Melinda Greenwood, Dan Jessop and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Eric Cheney, Charlie Hunsaker, Miles McFarland, Mark Reed, Randy Clem, Katie Ellis, Dwain Klein, Laurene Starkey, Jill Dredge, Matthey Steed, Brandon Wood, and Kevin Porter

1- WELCOME AND MEETING ORDER

Chair Lyon opened the meeting by welcoming all in attendance to the March 14, 2024 Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest from the Commissioners.

3- CONDITIONAL USE PERMIT FOR AN INSTRUCTIONAL HOME OCCUPATION FOR SOPHIE'S SUNSHINE PRESCHOOL LOCATED AT 10 SOUTH 100 WEST

Mindi Edstrom introduced the agenda item for Sophie's Sunshine Preschool for an Instructional Home Occupation. The applicant will be running a preschool at 10 South 100 West in the detached garage and she provided a letter of consent in her application because this is not her residency. Ms. Asay will be holding preschool sessions Monday, Tuesday, Wednesday, and Thursday and the hours will be from 9:00 am- 11:30 am and 12:30 pm- 3:00 pm. Ms. Asay provided a map with the drop off and pick up plans so students will not be crossing the road.

Staff recommended approval for the Instructional Home Occupation Conditional Use Permit with any conditions Planning Commission felt necessary as allowed by code.

Commissioner Young made the motion to approve the Conditional Use Permit for Sophie's Sunshine Preschool per the findings from staff. Commissioner Shepard seconded the motion for approval. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

4- REZONE REQUEST AND PUBLIC HEARING FOR APPROXIMATELY 1325 WEST 200 NORTH FOR BRANDON WOOD FROM GC- GENERAL COMMERCIAL TO RA-RESIDENTIAL AGRICULTURAL

Melinda Greenwood introduced the agenda item for the rezone for Brandon Wood. This property is located behind the new Ogden Clinic facility. This property was rezoned in 2019 from A-5 Heavy Agricultural to GC General Commercial. Ogden Clinic only needed 3.3 acres of the total 4.7 acreage. Brandon Wood, the applicant wants to rezone the unneeded property to R-A for his personal use.

Ms. Greenwood shared the surrounding land uses and zoning to the parcel. She also referred to the Future Land Use Map that shows that this parcel should be a single family zone and felt that when the Land Use Map was updated that perhaps the front parcel was to be General Commercial and not the parcel behind it.

Ms. Greenwood said that this property's setbacks would be 30' in the front, 8' for the sides and 30' for the rear yard and does not have any frontage because it has not ever been through the subdivision process. The parcel has some unique conditions with grade drop and long distances to utility connections. If the parcel is rezoned then the City Council will need to amend the Development Agreement from 2019 as well as combining the parcel with those existing residential properties and have the frontage and access come off of Flint Street.

Ms. Greenwood said that the General Plan is used when we go to consider a rezone and the General Plan didn't have to tip the scales to either a recommendation or a denial. However, goal number 1 says that we want to keep the small town atmosphere. So, by returning the property to Agricultural Residential it would allow the property to be utilized the same as the property to the east of it.

Ms. Greenwood said that staff is neutral on the recommendation for the rezone and that there was only one phone call from the public inquiring about the rezone.

Chair Lyon invited the applicant, Brandon Wood to approach the Commissioners.

Brandon Wood said that he represents Ogden Clinic as a Real Estate Broker and was tasked with marketing the unused commercial property. However, development costs to make the parcel viable would be more than what the property is worth. They also discovered that the proposed uses weren't desirable because they would be accessing the clinic's parking lot. Ogden Clinic determined that they would just sell the parcel as residential lot so they could choose not to have a neighbor. After talking to Catherine Smith, an adjacent property owner, she said would sell the property so they could combine them both and he fell in love with the property. He now wanted to purchase both pieces of land. Catherine Smith will have a 35-year deed restriction on the lot so that nothing can be changed beyond what the R-A zone will allow for.

Mr. Wood said that many of the adjacent neighbors reached out to him to let him know they were in support of the purchase and rezone.

Commissioner Sommerkorn asked Mr. Wood what the intent of the rezone was.

Mr. Wood said that the property will remain as R-A for the next 35 years to preserve the open space and he planned to live in the home on the property.

Chair Lyon said that this rezone makes sense for this parcel because there is not enough economic viability in the property.

Commissioner Sommerkorn asked if the fall for the sewer line was coming from 200 North or Flint Street.

Mr. Wood said that he would have to go through Ms. Smith's property for the sewer to connect to Flint Street and she would not allow that and 200 North would not be cost effective option.

Chair Lyon opened up the Public Hearing.

Mark Reed lives east of the property and loves the large pine trees on the street and mentioned the need for curb and gutter for drainage. However, he would hate to see the trees torn down to add in curb and gutter. Mr. Reed also asked for clarification of the use of the property once it is rezoned.

Dwain Kleins said that the rezone in combination with the purchase of Catherine Smith's property makes sense and appreciates the efforts in keeping the small town feeling. He believes this is a great fit for the area and is support of the zone change.

Randy Clem lives east of the property and would be happy to have Brandon Wood for a neighbor and feels strongly that the property remain a residential zone.

Chair Lyon closed the Public Hearing.

Ms. Greenwood addressed the question regarding curb, gutter, and sidewalk saying the city always likes to have that in place, but that is not something the city would require unless or until the property was developed or subdivided.

Commissioner Young feels comfortable with the rezone and thinks that it is a pleasant piece of property with the nearby trail, residential neighbors and is a great solution.

Commissioner Sommerkorn said that the property does not lend itself to commercial development very well and is favor of the rezone.

Ms. Greenwood said that Ogden Clinic has satisfied the terms of the Development Agreement as promised and still allows for adequate parking for the clinic.

Commissioner Sommerkorn made a motion to recommend approval to the City Council the request to rezone the property at approx. 1325 West 200 North from the current GC- General Commercial zone to the R-A- Agricultural Residential zone. Commissioner Young seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

5- CONDITIONAL USE PERMIT FOR ELECTRONIC MESSAGE CENTER SIGN FOR CHARLIE'S CAR WASH LOCATED AT 331 NORTH 400 WEST

Chair Lyon wanted to open this item up for public comments and asked for a motion and a second and then vote on it because there had been some impacts to the community.

Commissioner Young made the motion to allow for public comment and Commissioner Shepard seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

Dan Jessop introduced the agenda item for a Conditional Use Permit for Charlie's Car Wash and the Electronic Message Center Sign. He said that the EMC is more than 300' from the freeway and a 30' tall sign is allowed. However, the electronic messaging cannot exceed 50% of the allowed sign and 75% of the sign cabinet. The sign size is well under what is permitted. The sign installed is 30' high, the sign set back is 4'x6' from the east property which is well beyond the minimum set required of 18" from the leading edge to the property line. The sign is also 80 ft² in size and 40 ft² or 50% of the sign is the EMC.

Mr. Jessop said that the city code has conditional uses for the EMC signs and the sign fits the height, size and setbacks. The Planning Commission can impose conditions so that the sign does not have detrimental impacts to the surrounding areas. After Charlie's car wash sign was put in the public reached out to the city to see what could be done to have the sign dimmed at dark because of the brightness of the sign. The city reached out to the owner and they gladly adjusted their signs brightness to lessen the impact on the residential neighbors.

Chair Lyon asked Mr. Jessop what hours of operation the car wash has.

Mr. Jessop answered saying that the sign is still running at night, however the sign has been dimmed much lower than their regular brightness during the day. Mr. Jessop called nearby cities to see how they regulate the signs brightness. Several of the cities require signs to be dimmed to 3% or 4% after 10:00 pm.

Commissioner Sommerkorn asked how long the sign has been in operation.

Mr. Jessop said the sign had been in a couple of months.

Ms. Greenwood added that the city code allows us to regulate size, height, and setbacks and asked the Planning Commission to have those conditions as the sign currently exists so that there is no expense to the city where the sign is already in place. The code requires that EMC signs have the capability of being dimmed but it doesn't say to what percentage it would have to be dimmed or how bright it can be. The city can not legally require a condition of having it dimmed to 30% because our code does not allow us to regulate that.

If the applicant is amenable and agreeable to having us impose that condition, then Planning Commission can add that as a condition. The city did receive complaints from the residents in the town homes across from Main Street. The reason we are allowing residents to make public comments is because there has been an impact to the community.

Ms. Greenwood thanked the applicant, Mr. Hunsaker, for his willingness to dim the sign down to 75% at 6:00pm. She said that the sign code for the city does not regulate the brightness but in researching other city's code and eventually we will need to update our code.

Commissioner Sommerkorn said that there is a provision in the city code stating that a lighted sign shall not permit lights to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. When this is alleged the Building Official can investigate and if such light is determined to be in violation the owner of said light shall take appropriate corrective action as directed. The code implies that the city can do something about the brightness but the problem is that the city does not have any standards to regulate the light.

Charles Hunsaker, the applicant, approached the Commissioners. He is the owner of the car wash and brought the store's manager with him. He said that the sign company came and put up the sign, got it working and left with out any adjustments to it. He was made aware of the brightness shortly after that and began the process of figuring out how to rectify the signs brightness. He said that his manager, Miles assisted in setting a brightness schedule.

Miles McFarland approached the Commissioners. He said that the signs brightness is at 100% from 10:00 am to 4:00 pm. At 5:00 pm it goes down to 70%. At 6:00 pm it goes down to 40% and 7:00 pm-9:00 pm it goes to 25%. Then the sign goes down to 5% from 10:00 pm- 6:00 am where it starts to get brighter again.

Chair Lyon opened up the meeting to the public for comments.

City Councilwoman, Abbi Hunt said that she worked with a resident who had reached out to her with concerns regarding the sign's brightness. She had noticed that the sign was not as bright at night and appreciates the owners working to fix it.

Commissioner Sommerkorn asked Councilwoman Hunt if she had heard from the resident after

the sign had been dimmed at 10:00pm.

Councilwoman Hunt said that when she reached out to the resident after it the sign had been adjusted that it was not on at 11:00 pm when he checked. The resident lives in the town homes across from Main Street.

Chair Lyon closed the Public Hearing.

Commissioner Sommerkorn asked staff what their recommendations are for the sign's brightness and if what the applicant is already doing is sufficient.

Ms. Greenwood responded saying that what Charlie's is doing is sufficient and appreciates their responsiveness. She thinks that in the summer months they will want to adjust some of the times and brightness where the days will be longer and brighter.

Commissioner Young said that Mr. Hunsaker is being a good neighbor right now, however, is there a condition that needs to be in the motion for the future?

Chair Lyon feels that it would be enough to put the dimming percentages of the sign into the motion.

Mr. Hunsaker approached the Commissioners again saying that there will need to be different brightness in the summer months vs the winter months and the sign has the capabilities to do that.

Commissioner Sommerkorn suggested adjusting the brightness according to the sunset and sunrise. He also asked what hours the car wash is open.

Mr. Hunsaker said that they are open from 7:00 am- 8:00 pm during the summer months and 7:00 am-7:00 pm in the winter months.

Commissioner Sommerkorn made a motion to approve the Conditional Use Permit for the electronic message center sign for Charlie's Car Wash with the following conditions to mitigate the lighting nuisance:

- From 6:00 am until sunset or closing whichever is earlier, the sign can operate at 100 %.
- From sunset and/or closing until 2 hours after sunset or closing whichever is earlier, the sign can operate at 40%.
- From 2 hours after closing sunset or closing whichever is earlier, until 10:00 pm the sign can operate at 25%.
- From 10:00 pm until 6:00 am the sign can operate at 5%.

Commissioner Young seconded the motion to approve.

Ms. Greenwood said that we can only regulate the hours of operation and not the brightness. We also do not regulate the static part of the sign.

Mr. Hunsaker feels it is fair to be able to have his sign on just like the other surrounding signs that are on all night. He is happy to turn it down, but it is a sign for advertising and would like for it to be lit.

The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

6- CONDITIONAL USE PERMIT FOR ELECTRONIC MESSAGE CENTER SIGN FOR DESERET LANDING LOCATED AT 559 SOUTH DESERET DRIVE

Dan Jessop introduced the agenda item for a Conditional Use Permit for the Electronic Messaging Center on 559 South Deseret Drive. The property is 305,355 ft² and the EMC sign is placed 125' from the I-15 corridor. Because the sign is on the east side of the property there seems to be little light nuisance to the residential neighborhood to the west. The sign is permitted to be 45' tall and can be up to 300 ft² and the messaging area is allowed to be 50% of the sign. The sign is 45' tall and the site plan shows the sign more than 20' from the property line. The sign is 238.8 ft² and 147.8 ft² of the sign is for the electronic messaging which is less than 50% of allowable messaging area.

Commissioner Sommerkorn asked if the sign is on Deseret Drive.

Mr. Jessop responded saying that it placed near the rear of the lot up against I-15 to the north east corner.

Commissioner Sommerkorn asked how this is different from being a billboard.

Ms. Greenwood said that the sign is advertising for the on-premise businesses that are in the building on that parcel. If the sign were to start advertising for other businesses off-premise then we would need to regulate the sign owner.

Commissioner Young asked if the sign is visible to the residents on or near Deseret Drive.

Ms. Greenwood said that there have not been any complaints from the residents regarding the sign. The residents to the south are over 500' away and the building height is 35'.

Eric Cheney, a representative from Yesco Signs, approached the Commissioners. He said that this sign has the capability to dim and is run by their team. The sign has a photo cell on it so the sign is automatically controlled.

Commissioner Young asked if the sign is on all the time.

Mr. Cheney said that it has been running 24-7 since it was placed on the location.

Chair Lyon asked if there had been any complaints for the sign's brightness.

Ms. Greenwood said that there had not been any complaints for the sign, but that it was noticed when driving by the sign on I-15 a realized it had not come before Planning Commission for a Conditional Use Permit.

Mr. Cheney said that all the advertising on the sign is for on-premise businesses and no outside businesses.

Commissioner Shepard made a motion to approve the Conditional Use Permit for the Electronic Messaging Center Sign for 559 Deseret Drive. Commissioner Sommerkorn seconded the motion as recommended by staff. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

7- PUBLIC HEARING FOR A TEXT AMENDMENT FOR TITLE 17-20-4 CENTRAL COMMERCIAL CONDITIONAL USES

Dan Jessop introduced the agenda item for a Public Hearing for Title 17-20-4 Central Commercial Conditional Use text amendment. He explained that this is item is before the Planning Commission because there is a limited amount of commercial property the city should not allow for dwellings to be built there. He said that if there is a mixed-used overlay then a dwelling would be allowed.

Commissioner Young asked for clarification that this amendment would still allow for mixed-use dwellings.

Commissioner Sommerkorn said that this amendment would still allow for a mixed-use dwelling in Central Commercial.

Chair Lyon opened up the Public Hearing.

Chair Lyon closed the Public Hearing.

Ms. Greenwood said that staff is recommending approval of this amendment.

Commissioner Sommerkorn made a motion to recommend to City Council the modified list of conditional uses in the Central Commercial zone to remove dwellings. Commissioner Young seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

8- APPROVAL OF THE MINUTES FROM THE FEBRUARY 8, 2024 PLANNING COMMISSION

Commissioner Young made the motion to approve the minutes from February 8, 2024 Planning Commission. Commissioner Shepard seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Reminder of the ULUI Conference March 22, 2024 and the upcoming APA Conference.

Ms. Greenwood said that the State Legislature is finished and that there were not many changes that impact the Community Development Department and Planning Commission.

Ms. Greenwood shared the updates to the city's website for the subdivision changes that the state law required. Staff created a forum where they could communicate with the public about the subdivision applications and allow them to comment on the subdivision. Comments will be submitted to the developer and city staff. Comments will also be accessible later on for City Council and Planning Commission on the website.

10- ADJOURNMENT

Commissioner Shepard motioned to adjourn and Commissioner Young seconded the motion. The meeting ended at 8:38 pm.