

Kaysville City Planning Commission Meeting Minutes

January 9, 2025

The Planning Commission meeting was held on Thursday, January 9, 2025 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Mike Packer, Commissioners Katie Ellis, Wilf Sommerkorn, Megan Sevy, Debora Shepard, and Paul Allred

Planning Commissioners Absent: Commissioners Erin Young

Staff Present: Anne McNamara, Melinda Greenwood and Mindi Edstrom

Public Attendees: City Council Member Abbi Hunt, Scott Johnson, Ben Wilson, Jill Dredge, Gary Carlson, John Whitney, Travis Pugmire, Brenda Pugmire, Tammie Hosman, Audrey Toller, Dan Toller, Stephanie Toller, Carol Johnson, Paul Toller, Mike Brough, Frank Kramer, Astrid Kramer, Jim Wypijewski, Jerry Hintze, Charlie Hunsaker, Chase Hunsaker, Kourosh Haroni, Craig Christianson, Brittany Christianson, Macie West, David Van Orman, Alisha Van Orman, Laurene Starkey, Erin Chesley, Bryan Bell

1- WELCOME AND MEETING ORDER

Chair Packer welcomed all in attendance to the Kaysville City Planning Commission meeting.

A. Swearing in Planning Commissioner Alternate Paul Toller

Ms. Edstrom swore in Paul Toller as the new Kaysville City Planning Commission Alternate

2- DECLARATION OF CONFLICTS OF INTEREST

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

3- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR WHITNEY GUN WORKS LOCATED AT 244 EAST 1500 SOUTH FOR JOHN WHITNEY

Mindi Edstrom presented a Conditional Use Permit request for a Major B Home Occupation at 244 East 1500 South for John Whitney. The applicant is seeking approval to operate "Whitney Gun Works," a business focused on customizing firearms for customers. The business currently operates through word of mouth but plans to expand to online sales in the future.

A public notice sign was placed on the applicant's property Friday January 3, 2025, and Ms. Edstrom reported receiving two phone inquiries and both questioned what the application was for, however once explained there were no further concerns. Ms. Edstrom clarified that the business will not involve gunsmithing or the manufacturing of firearms but rather the customization of existing firearms. Customer visits to the home will be limited to product pickups.

John Whitney is in the process of obtaining a Federal Firearms License (FFL) and has been coordinating with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for a required

home inspection. Local law enforcement has been notified and has no objections at this time. Staff recommended approval of the Conditional Use Permit, pending compliance with relevant code section KCC 17-30-8 and any conditions deemed necessary by the Planning Commission. The applicant, John Whitney, was present to answer any questions from the commission.

Chair Packer asked the applicant if there was anything that he would like to add.

John Whitney addressed the Planning Commission, stating that if his business, Whitney Gun Works, grows beyond his current projections, he plans to relocate to a retail location. This move would accommodate an expanded customer base and prevent any significant impact on his home property.

Commissioner Allred inquired about security measures for Whitney Gun Works, particularly concerning ATF requirements and potential neighbor concerns.

John Whitney clarified that the ATF mandates that firearms be stored in a locked and secure area. He explained that he has designated a room in his home as a workshop and storage area, which is secured with a combination deadbolt accessible only to him. Additionally, he mentioned having safes for further security. Mr. Whitney also confirmed that no ammunition would be stored on-site, addressing potential concerns about safety and security in the neighborhood.

Commissioner Allred made a motion to approve the Conditional Use Permit for 244 East 1500 South for Whitney Gun Works and John Whitney with the condition if the city receives any comment from neighbors the applicant would need to come back for review and recommended the Conditional Use Permit based on the findings. The motion was seconded by Commissioner Sommerkorn but raised a question about whether noncompliance cases are typically brought back to the Planning Commission.

Commissioner Allred explained that historically, some controversial cases involving home occupations required further Commission involvement, especially if there were legitimate complaints from neighbors. However, he acknowledged that most issues are now handled internally by staff without the need for further Commission review.

Following this discussion, the motion to approve John Whitney's Conditional Use Permit was amended to clarify that approval would follow the conditions outlined in the staff report. With no further discussion, the Commission proceeded to vote on the motion. The vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay

4- CONDITIONAL USE PERMIT FOR A TWIN HOME FOR KOUROSH HARONI LOCATED AT 946 EAST 200 NORTH

Anne McNamara presented a Conditional Use Permit application for placing a twin home on a lot zoned R-1-8, where twin homes are a permitted conditional use. She highlighted two key considerations for the Planning Commission.

First, during the staff review, it was noted that the parcel was originally subdivided in 2020 with a City Council-imposed requirement for a pull-through driveway. While such a requirement is atypical for conditional use standards, the applicant is aware of it, and the condition remains part of the subdivision approval.

Second, Ms. McNamara addressed a provision in the city code that mandates a minimum 500-foot distance between duplexes. She clarified that this code does not apply to twin homes, which are distinct from duplexes, making the rule irrelevant to this application.

Ms. McNamara further noted that notification signage was placed on the property on January 3, and staff received several inquiries, including four or five phone calls and a visit on the morning of the meeting. Most questions centered on potential conditions that could be imposed on the project. Despite the concerns raised, staff recommended approval of the permit based on existing standards for twin homes, with any additional conditions the Planning Commission deemed necessary.

Chair Packer asked for clarification on the differences between a duplex and a twin home and if there was a standard definition or ownership.

Ms. Greenwood clarified the distinction between twin homes and duplexes for the Planning Commission. She explained that a duplex is a two-family dwelling designed for independent living on a single lot, whereas a twin home is also a two-family residence, but each unit and its corresponding lot can be owned separately. This means that twin homes require a subdivision to establish the zero-lot line separating the two units, a requirement not applicable to duplexes.

Commissioner Sommerkorn sought confirmation on zoning provisions for twin homes, asking whether an 8,000-square-foot lot in an R-1-8 zone could be split to accommodate a twin home under the conditional use provision. This was affirmed, as the ordinance permits such a subdivision for twin homes within the R-1-8 zone, aligning with the conditional use standards.

Ms. McNamara informed the Planning Commission that the applicant for the twin home conditional use permit was present and available to answer any questions. Mike Packer invited the applicant to address the Commission.

Mr. Kourosh Haroni, the applicant, introduced himself and stated that he was open to answering any questions the Commission might have regarding the application.

Commissioner Sommerkorn addressed Mr. Haroni, referencing the provision set by the City Council in 2020 when the lot was subdivided, which required a pull-through driveway. Commissioner Sommerkorn noted that as part of the conditional use review, one consideration is ensuring safe circulation for vehicles and pedestrians. He asked Mr. Haroni if he had any issues complying with the requirement for a pull-through driveway.

Mr. Haroni answered that he is ok with the pull- through.

Ms. Greenwood clarified the city's intent regarding driveway access for the proposed twin home. She referenced a similar condition in a neighboring lot, where a hammerhead or turnaround driveway was required to ensure vehicles do not back out onto 200 North, particularly at that location. Ms. Greenwood suggested that the applicant could either use a circular driveway or a hammerhead design, as long as the site plan shows sufficient space for safe vehicle circulation. The main goal was to ensure a safe exit from the property without the need for vehicles to back out onto the street.

Commissioner Allred raised two follow-up concerns. First, he asked if the city code has any restrictions on the maximum amount of impervious surface allowed in a yard, particularly regarding the front yard of the proposed twin homes. He sought clarification on whether there would be an issue if a significant portion of the front yard were paved, and it was confirmed that there are no such restrictions in the code.

Second, Commissioner Allred expressed concern about ensuring that vehicles would not block the driveway and prevent safe turning movements, particularly in regard to the pull-through or turnaround driveway. He asked whether a condition would be included to prevent such obstructions, though he did not see this addressed in the staff report.

Mr. Haroni explained how the proposed circular driveway would function, noting that each twin home would have a carport on either side, with ample space for vehicle maneuvering. The frontage is 150 feet, providing sufficient room for backing up and turning. Mr. Haroni clarified that vehicles would pull into the carport area and could back out, with a shared easement allowing for smooth circulation.

Commissioner Allred expressed concerns about ensuring no obstruction in the driveway, emphasizing that both units need to cooperate to ensure free movement. He acknowledged that the circular driveway would require coordination between the two homeowners but appreciated the clarification, confirming that the proposed setup would allow for safe circulation.

Commissioner Sevy questioned whether the carport could handle more than one car.

Mr. Haroni said that the carport should accomodate a big car.

The discussion continued with concerns about parking and driveway space. Commissioner Sevy raised the issue of whether there would be enough space if residents owned more than one car, particularly with the narrow driveway and no on-street parking available.

Mr. Haroni responded that additional parking could be accommodated on the driveway itself.

Commissioner Sommerkorn asked if on-street parking is allowed on 200 North and Ms. Greenwood noted that parking is allowed except during the winter snow ordinance. Ms. Greenwood also addressed the city's limited capacity for parking enforcement, explaining that while there have been requests for increased parking regulations, the Police Department lacks the staff to enforce such rules consistently. She further mentioned that 200 North is slated for reconstruction in the next couple of years, but parking will still be allowed on the street once completed.

Ms. Greenwood acknowledged that with 150 feet of frontage and a 25-foot setback, there should be adequate space for the required parking. Mr. Haroni also confirmed that he planned to make the parking area larger than necessary to ensure comfort for residents and visitors. Additionally, he planned to make the carports spacious enough for more than two vehicles per unit. Ms. Greenwood confirmed that the carport dimensions would be approximately 15 feet by 22 feet, and Mr. Haroni clarified that the building envelope would be 24 feet wide.

Commissioner Sevy asked if a subdivision was required for the twin home with the zero lot line, and Ms. Greenwood confirmed that yes, a subdivision is necessary, according to the city's definition, and must be completed within a year of the conditional use permit being approved.

Commissioner Allred clarified the process, noting that the applicant would need to subdivide the property before the year is up. Mr. Haroni asked if the one-year period starts from the beginning of construction or completion, to which Ms. Greenwood explained that it starts from the approval date of the Conditional Use Permit, meaning he would have until January 9, 2026, to complete the subdivision.

Ms. Greenwood also clarified that the applicant had not installed necessary utilities (such as laterals) during the initial subdivision process. She emphasized that the utilities would need to be installed and approved by staff before the subdivision could be recorded. Additionally, due to upcoming improvements on 200 North, if improvements are not completed prior to the road being repaved, there will be a four-year restriction in place and cutting into a newly paved road will not be allowed.

Mr. Haroni confirmed he had been waiting for the approval to begin utility work.

Ms. Greenwood noted that the subdivision process would require civil drawings created by an engineer, which would need approval from the city's Public Works and Engineering Department.

Chair Packer explained the nature of the Conditional Use Permit process for the public, noting that it is an administrative procedure. He clarified that the Planning Commission's role is to ensure that the application meets the required conditions, and if those conditions are met, the Commission is obligated to grant the permit. Unlike rezones, which involve a broader evaluation of various factors, a Conditional Use Permit simply requires verifying compliance with existing standards. Public comments, including emails, are considered, but the focus remains on whether the proposal fits the required criteria. Chair Packer also mentioned that other agenda items, such as code changes, are forwarded to the City Council for further consideration.

Commissioner Sommerkorn echoed Chair Packer's explanation, emphasizing that under state law and court precedents, conditional uses are almost treated as permitted uses. The Planning Commission can only deny a Conditional Use Permit if an impact arises that cannot be mitigated. Commissioner Sommerkorn highlighted that this property meets the minimum zoning requirements for a twin home and that any property in the same zone could apply for a Conditional Use Permit for a twin home. As the proposal meets the necessary requirements, it is essentially obligated to be approved.

Commissioner Sommerkorn made a motion to approve the Conditional Use Permit for 946 East 200 North for twin homes with the provisions that are noted in the staff report particularly the pull through driveway. Commissioner Ellis seconded the motion and the vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

5-CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 558 EAST CENTER STREET FOR BENJAMIN WILSON

Anne McNamara presented the Conditional Use Application for farm animals, specifically horses, on a property zoned for residential use. The property, totaling 30,709 ft², exceeds the required 4,000 ft² minimum for such applications. The code requires 10,890 ft² per horse, and this property meets that requirement. Yard and structure regulations for the farm animals will be met. A sign notifying the public was placed on the property, and staff received minimal inquiries, including two phone calls for clarification and one email of support. No additional conditions beyond the farm animal chapter are suggested by staff, who are recommending approval. The applicant is present to answer any questions.

Commissioner Sevy clarified that the lot size mentioned includes the entire property, including the house.

Commissioner Sommerkorn asked the applicant about the types of animals they intend to keep.

Benjamin Wilson, the applicant, confirmed that they have a couple of dogs, a cat, and a few chickens, but their main focus is on the miniature horses. They were hoping to get four miniature horses they brought from Florida, with two currently on the property.

Mr. Wilson mentioned that they have purchased a temporary corral and constructed a dome structure over it to provide protection for the horses from the snow.

Mr. Wilson explained that the temporary shelters they currently have for the horses are situated in a location where the structure would be at least 50 feet away from any neighboring backyards. He mentioned that while they are considering building something more permanent in the future, it is not part of their current plans.

Chair Packer discussed the nature of the meeting, explaining that this was not a public hearing but a conditional use request, which is typically permitted if the conditions are met. He expressed hesitation about allowing public comment during the meeting, as it could set a precedent. He also noted that any concerns raised should have been addressed through staff or email, as conditional uses are often difficult to modify once the conditions are met.

Commissioner Allred commented on the two main concerns people typically have about animals near their property—smell and flies. He pointed out that since the property isn't large, any issues with these would affect the property owner directly, which would encourage them to maintain the property well. He acknowledged the nuisance abatement section in the staff report, which requires the applicant to show how they will manage these concerns. He also noted that cities are generally ill-equipped to handle complaints about odor and flies. He suggested it would be beneficial for the applicant to address these concerns.

Mr. Wilson responded to Commissioner Allred's concern by explaining that when they first moved in, they had fallen behind on mucking the horses due to the chaos of unpacking their new house. However, they have since been consistent about cleaning and getting rid of the manure weekly with the garbage, with the help of their children. For vacations, they plan to hire someone to care for the horses and manage waste, rather than boarding the animals elsewhere, as it's more cost-effective and less stressful for the animals.

Commissioner Allred made a motion that Planning Commission approve the Conditional Use Permit for Ben Wilson to keep farm animals at 558 East Center, based on the findings of "A" and "B" in the staff report. He also included that the applicant provided a written plan on how he will handle 17-23-4-2 as well as compliance of structure distances on the property. Commissioner Shepard seconded the motion and the vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay

Commissioner Sommerkorn - Yay

Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

6-PUBLIC HEARING TO CONSIDER CHANGES TO TITLE 17-24 FARM ANIMALS AND 17-2 DEFINITIONS

Anne McNamara presented a zoning text amendment proposal initiated by Benjamin Wilson, aiming to add "miniature horses" as a specific category in the farm animal chapter, which currently includes sheep, goats, and llamas. The amendment clarifies existing categories and adds definitions for different sizes of farm animals, including small (e.g., fowl and rabbits), medium (e.g., sheep, goats, llamas, miniature horses), large (e.g., horses, cattle), and swine.

The proposed changes simplify the table of square footage requirements, eliminating confusing lot area specifications. Minor adjustments were also made to yard and structure regulations. The proposal was developed in collaboration with the applicant, who provided research from other cities. Staff recommended approval of the amendment based on the findings presented.

Ms. Greenwood emphasized that the proposed text amendment was a unique and beneficial opportunity for the resident, Ben Wilson, to address a specific issue affecting him. She commended the Wilson family for their cooperation and noted that, while this application stemmed from a code enforcement complaint, it had led to a thoughtful and productive collaboration. Ms. Greenwood further explained that the proposed changes to the zoning text might appear significant but were actually simplifying existing regulations, especially regarding square footage requirements for farm animals. She clarified that the earlier confusion stemmed from unnecessary and inconsistently applied numbers related to lot size, and the intent was to make the code easier for residents and staff to understand. The revisions would remove confusing rows in the table and ensure clarity in how animals are categorized based on lot size.

Chair Packer asked the applicant if he had anything he would like to add.

The applicant, Benjamin Wilson reiterated that the primary motivation for the proposed zoning change was the disproportionate classification of miniature horses, which are similar in size, weight, and waste production to smaller animals like sheep, goats, and llamas, yet currently grouped with much larger animals like full-sized horses and cattle. He emphasized that the change would better align the regulations with the characteristics of miniature horses, making them more comparable to smaller farm animals. Mr. Wilson also shared that the change would allow his family to keep the four miniature horses they brought from Florida, a breed his wife especially loves.

Ms. Greenwood explained that one of the common issues in the city's land use code is the lack of a solid definition section. This deficiency leads to confusion, particularly with categorizing animals like miniature horses and mini cows. In collaboration with Ms. McNamara and the applicant, and the City Attorney, they felt that adding clear definitions would help establish

proper categories for animals. This would address the ambiguity in the current code, which only mentioned sheep, goats, llamas, or similar animals without specifying what "similar" meant. Ms. Greenwood also expressed appreciation for the applicant's research and the effort to improve the code, emphasizing that clearer definitions would not only help city staff but also make the code easier for residents to understand, reducing confusion and the need for lengthy explanations.

Chair Packer opened up the meeting for the Public Hearing.

Gary Carlson, an adjacent property owner, identified himself as the person who originally raised the complaint about the mini horses. After listening to the discussions and understanding the proposed plan, he expressed that he has no issues with the proposal. He stated that the concerns regarding the mitigation of farm smells and flies had already been addressed and, therefore, he no longer has any objections.

Bryan Bell, a resident Kaysville, addressed the meeting with a few points of concern. He questioned the specific number "5,445" in the table, noting it seemed odd and wondered why it wasn't rounded to 5,000 or 5,500, suggesting it might have been arbitrarily included.

Mr. Bell said he wished there had been an opportunity for the public to share their thoughts and discuss the Conditional Use Permit on 200 North. He expressed support for the proposal but raised concerns about the busy road at 200 North, mentioning he wasn't sure if it was related to a sewer project or a road widening project, which could impact the previous permit. Mr. Bell also commented on the signage for the meeting, stating that although he saw the sign on January 6th, the link on it did not allow for submitting comments. He had hoped to comment on the issues discussed but acknowledged some concerns had already been addressed. Lastly, he raised a concern about the 25-foot frontage on the property in question, questioning whether the applicant intended to purchase the adjacent city property.

Craig Christianson, a resident of Kaysville, shared a couple of thoughts with the Commissioners. He asked how the inclusion of fowl, rabbits, or similar-sized animals in the proposed changes might relate to existing ordinances regarding dogs. He expressed concern about the minimum lot size and square footage requirements for farm animals, suggesting that instead of the total property size, the available square footage not already constructed on might be a more appropriate measure for farm use animals.

Chair Packer closed the Public Hearing.

Commissioner Sommerkorn clarified the question regarding the 5,445 square feet likely comes from dividing an acre (43,560 square feet) into smaller sections. Regarding dogs, he noted that they are not classified as farm animals and are regulated separately from farm animal ordinances. Ms. Greenwood explained that domesticated animals like dogs and cats are regulated by Davis County animal control, and the land-use ordinances only pertain to farm animals. She added that dogs are not subject to the same regulations.

Commissioner Allred suggested simplifying the language in the code by removing the phrase "predominantly used or occupied by humans" when referring to dwellings on adjacent lots. He also recommended adding a provision addressing pests, such as flies and insects, which can be a significant issue with animal waste. Commissioner Allred explained that pests can be a problem if manure piles up, and he proposed using the term pests to cover a broader range of issues, including rats. He further discussed how nuisance enforcement related to pests is typically handled by the Health Department rather than the city's planning staff, which often lacks the tools to measure such issues directly. He questioned whether the city contracts out nuisance abatement or handles it in-house.

Ms. Greenwood explained that the city handles its own code enforcement but refers noise complaints to the Police Department, as the noise ordinance does not specify decibel levels. The city coordinates with other departments for certain issues, like stormwater violations or illegal sewage discharge, and works with the Health Department on those matters. Ms. Greenwood also mentioned that farm animal complaints are rare, with roosters being the main issue, as they are only allowed in agricultural zones. Regarding the current amendment, she noted that some improvements to the code were made as part of a resident's application, and the aim was to make the process more efficient.

Commissioner Allred suggested clarifying the language in item four, specifically regarding when applicants should show their plans for controlling odor, dust, noise, drainage, and pests. He proposed that applicants submit a plan as part of their Conditional Use Application for review by staff or the Planning Commission. He also recommended more specificity in the language and pointed out that item five, which mentions "fence" and "corralled," could be simplified to just "corral" to avoid confusion. Commissioner Allred noted that the distance from dwellings should be revised to simply say "dwellings" rather than "dwellings on adjacent lots."

Ms. Greenwood said the current code language provides some protection for existing uses, even if new regulations or structures, like ADUs, change the landscape. She emphasized that the city's approach aims to avoid creating widespread non-conforming uses and to handle potential state-mandated ADU allowances pragmatically. Both acknowledged the complexities such scenarios could bring, emphasizing the need for balanced solutions.

The Commissioners discussed refining the language and requirements for applicants seeking Conditional Use Permits for farm animals to ensure clarity and enforceability.

Chair Packer suggested rewording the language in item four to remove unnecessary phrasing, such as "so," making it more concise and precise.

Ms. Greenwood and Commissioner Allred discussed the need for applicants to submit application materials demonstrating their plans to control issues like odor, dust, and noise.

Ms. Greenwood raised the point that while requiring submission of plans adds a layer of accountability, the language should also mandate compliance with those plans. This approach

ensures that applicants not only propose but also implement effective measures to prevent nuisances.

Commissioner Allred emphasized the importance of presenting such plans to the Planning Commission, ensuring transparency for neighbors and the public.

Commissioner Sommerkorn agreed that hearing directly from applicants provided valuable insight.

Benjamin Wilson proposed a revised wording: "Applicant shall control odor, dust, noise, etc., and shall submit a plan for how this will be accomplished." This version balanced simplicity with enforceability.

The group collectively agreed on the need for clear, enforceable language, ensuring both submission of plans and their successful implementation to prevent nuisances in the community.

Ms. Greenwood provided an overview of proposed amendments and their intent, emphasizing the balance between regulatory clarity and practicality. She suggested modifications to item four regarding drainage, ensuring enforceability and simplifying the language for clarity. The group generally agreed with the revisions, which aim to require applicants to submit and comply with plans addressing potential nuisances like odor, dust, and noise.

Chair Packer highlighted the potential inclusion of miniature horses in the medium-sized animal category, noting that their waste production and nuisance impact align with other animals in that group, such as sheep and goats.

Commissioner Sommerkorn supported this alignment, citing consistent definitions in provided materials.

Commissioner Allred raised a question about pot-bellied pigs, noting their codified requirement of a full acre for ownership. The group acknowledged this regulation, with Ms. Greenwood noting that addressing pot-bellied pigs or similar issues could be reserved for future amendments, should an ambitious resident initiate change.

Ms. Greenwood elaborated on the complexity of defining animal categories and their impacts, explaining that definitions aim to limit expansion into unregulated areas, like emus or ostriches, which could raise questions about classification. She shared insights from other communities, such as West Bountiful's point-based system, and emphasized that the current amendment focuses on the resident-driven text change rather than overhauling the broader regulatory framework.

The Planning Commission appeared to agree on moving forward with the proposed language refinements, ensuring they reflect enforceability and thoughtful consideration of animal-related regulations without delving into overly complex systems.

The discussion concluded with a focus on refining the language for clarity and intent.

Commissioner Allred suggested replacing "or" with "including" in the definition of pot-bellied pigs under hogs and swine, ensuring clear inclusion without separating categories.

Commissioner Shepard supported this adjustment, noting the importance of consistent wording to avoid misinterpretation.

Chair Packer highlighted that other definitions currently end with "or" and questioned whether changes should be uniformly applied across all definitions.

Ms. Greenwood agreed, emphasizing the need for precision in language to reflect the intent accurately, particularly in instances where specific animal categories must be explicitly included.

The group acknowledged the importance of these changes in ensuring that definitions are comprehensive and align with the overall intent of the ordinance. As the conversation wrapped up, there was a consensus on the proposed adjustments, with participants indicating readiness to finalize the language and move the amendment forward.

Commissioner Allred made a motion to recommend approval of the proposed language for section 17-24-2 regarding farm animals to the City Council. He specified that the recommendation includes the language as drafted by staff, along with all the changes discussed during the meeting. Commissioner Ellis seconded the motion and the vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

7- PUBLIC HEARING FOR KAYSVILLE CITY CODE TITLE 17 CHAPTER 38 CAR WASH STANDARDS

Ms. Greenwood presented a proposed ordinance aimed at addressing concerns stemming from new car washes in Kaysville. Recent complaints about noise and lighting from two newly opened car washes led the City Council to request staff develop regulations to mitigate impacts on residents. Ms. Greenwood explained the methodology behind the ordinance, emphasizing simplicity and practicality, while accounting for the city's unique zoning structure. She highlighted that noise, primarily from vacuums and tunnel blowers, and inadequate lighting

standards were the primary issues. Additionally, the city's existing zoning codes lack specific requirements for landscaping, buffering, and lighting to address such problems.

The ordinance proposes prohibiting new car washes east of I-15, where nine already exist, to address oversaturation in that area. A 300-foot buffer between car washes and residential uses was also recommended, based on research and local measurements of the impact zone from noise and lighting. Ms. Greenwood cited examples from other cities, such as Fort Worth, Texas, which implement similar buffer distances, and emphasized that this approach aligns with the needs of Kaysville.

To maintain consistency with zoning regulations, the ordinance excludes nonconforming residential uses from the buffer requirement. Ms. Greenwood provided the example of a general Commercial property on Crestwood Drive that has generated interest from buyers wanting to use it as a residence despite its zoning. The proposed ordinance also includes additional standards to mitigate issues, such as requiring automatic car washes to have staff on-site during business hours, ensuring vacuum stations meet buffer requirements and have on/off switches, prohibiting outdoor loudspeakers and radios, and mandating adequate vehicle stacking space to prevent traffic congestion.

Ms. Greenwood concluded that the proposed ordinance provides a straightforward and effective solution to address car wash-related concerns, balancing the need to protect residents while adapting to the city's zoning context. She noted that a public hearing will be held on the ordinance and invited questions from the Commissioners.

Commissioner Sommerkorn inquired if this would apply to all car washes.

Ms. Greenwood said that it would apply regardless of whether it was a manual or an automatic car wash.

Ms. Greenwood noted that the proposed ordinance would significantly limit options for new car washes due to the zoning structure and proximity to residential areas in Kaysville. However, she emphasized that this limitation aligns with the ordinance's intent to protect existing residents. Ms. Greenwood explained that if a car wash is constructed and a neighboring property is later rezoned for mixed-use or another purpose, the rezoning and project could still be approved. This approach ensures that residents affected by new developments are those who move in after the car wash is established, rather than longstanding residents being negatively impacted by a new car wash.

She highlighted that many of the residential areas impacted by recent car washes have been part of the community for decades, even a century, and the new developments caused substantial disruption. The ordinance aims to prevent similar situations by prioritizing protections for these established neighborhoods. Ms. Greenwood acknowledged that the limited availability of undeveloped commercial properties in Kaysville, combined with the proposed 300-foot buffer requirement, would make it difficult for additional car washes to be

constructed. However, she and the staff believe this restriction is acceptable because the community already has a sufficient number of car washes.

Ms. Greenwood concluded that while the ordinance allows for the continued provision of car wash services, it prioritizes the well-being of existing residents and encourages thoughtful development. If residents on the west side of I-15 need to travel to the east side for car wash services, Ms. Greenwood stated that this is an acceptable tradeoff for the protections afforded to residential areas.

Chair Packer opened up the Public Hearing, there were no comments so the Public Hearing was closed.

Commissioner Allred proposed simplifying the definitions of automatic and manual car washes by striking the phrase "or may not" in the sentences that mention vacuum stations. He suggested using "may include vacuum stations" for clarity and conciseness.

Ms. Greenwood added that, after further consultation with the City Attorney, it was recommended to remove the word "passenger" from the definitions referencing automobiles. This change would prevent potential arguments over whether a vehicle is designed to carry passengers. Ms. Greenwood supported this amendment, pointing out that vehicles like delivery vans, which might not typically carry passengers, could still use car wash facilities.

Commissioner Allred raised the idea of specifying that car washes are intended for non-commercial automobiles, but Commissioner Sommerkorn and Ms. Greenwood highlighted that some smaller commercial vehicles, such as Ram Pro Masters or Ford Transits, might still fit through car washes. Ms. Greenwood emphasized the importance of maintaining inclusivity for these types of vehicles while avoiding overly specific classifications.

Commissioner Allred suggested several changes to the proposed car wash ordinance. First, he recommended simplifying the language in the definitions of automatic and manual car washes by removing the phrase "or may not" and instead stating that vacuum stations "may include" in both sections.

Commissioner Allred proposed revising the language regarding loudspeakers and radios. He suggested replacing the phrase "no outside loudspeakers, radios, permitted and radio stations" with "no amplified audio systems or events shall be allowed." This change would cover all types of amplified audio, such as menu boards or intercom systems at car washes. The intent was to prevent noise from promotional events, like grand openings or radio station broadcasts, from disturbing the surrounding area.

Ms. Greenwood agreed that the revised language would simplify the regulation and better cover all forms of amplified sound, and Commissioner Sommerkorn concurred that it would be more effective to prohibit any amplified audio systems without specifically mentioning events.

Ms. Greenwood explained that the primary goal of the amplified audio system restriction was to prevent loud music from disturbing nearby residents, particularly in areas where new homes have been built near long-established businesses.

Commissioner Allred suggested simplifying the language regarding amplified audio by stating "no amplified audio systems allowed," which was agreed upon by the group.

Commissioner Allred also proposed adjusting the wording in the vehicle stacking section for better clarity and suggested addressing hours of operation for car washes. He emphasized the importance of limiting light pollution, recommending that car washes near residential areas use warm-spectrum lighting and ensure that light poles do not exceed 20 feet in height. He also suggested that lights be controlled by automatic photo sensors, turning on at night and off by midnight.

Ms. Greenwood agreed that lighting standards should be addressed, but suggested it be done on a broader scale for all commercial developments, not just car washes.

Commissioner Allred raised concerns about the potential for a car wash on 200 North, near a school and residential areas. He mentioned that neighbors had previously expressed strong opinions against certain developments in the area.

Ms. Greenwood clarified that the car wash wouldn't be allowed due to the required 300-foot setback from properties, ensuring that no car wash could be built so close to the residential areas and school. She mentioned that car washes, while beneficial in some ways, don't bring much revenue to the city, and the city is more interested in developments that generate sales tax.

Commissioner Allred expressed that the location near West Davis might seem ideal for a car wash, but he agreed that the proximity to residential areas would make it problematic.

Chair Packer raised the question about the possibility of businesses like Paul Davis or Spears Plumbing, which have fleets of vehicles, installing a wash bay on their properties.

Ms. Greenwood responded that while the current ordinance could apply, the setup would likely be more akin to a manual car wash, which tends to be less noisy. She also mentioned the city's own car wash at the Public Works facility, noting that it would be considered a non-conforming use.

Ms. Greenwood concluded by explaining that the Planning Commission is recommending approval of the ordinance to the City Council. She emphasized the urgency, as the Temporary Land Use Regulation (TLUR) governing car washes would soon expire. She also went over the modifications made to the ordinance, such as removing specific terms like "passenger" and simplifying language regarding vacuum stations and amplified audio systems.

Commissioner Sommerkorn made a motion to recommend approval to the City Council for ordinance 17-38 Car Wash Standards as presented by staff with the modification as indicated by staff. The motion was seconded by Commissioner Allred and the vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

8- APPROVAL OF THE MINUTES FROM THE NOVEMBER 14, 2024 PLANNING COMMISSION MEETING

Commissioner Ellis noticed an error in the minutes that her votes were not recorded for any of the motions.

Commissioner Ellis made a motion to approve the minutes from the November 14, 2024 Planning Commission meeting subject to that change. Commissioner Sommerkorn seconded the motion. The vote was unanimous in favor of the motion (6-0).

Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Sevy - Yay
Commissioner Ellis - Yay
Commissioner Allred - Yay
Commissioner Shepard - Yay

9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood provided updates on upcoming agenda items for the Planning Commission meeting on the 23rd, including a text amendment regarding seasonal farm stands and a Conditional Use Permit for American First Credit Union. She also mentioned a rezone application from Bryan Carling, and discussed the need for further work on a development agreement before the public hearing could take place, likely in February or March.

She noted that there will be a ribbon cutting for Ogden Clinic on January 14 at 5:30 p.m. and that Symphony Homes will be holding a neighborhood meeting the same day from 5:00 to 7:00 p.m. at Snow Horse Elementary. This meeting, not hosted by the city, aims to gather feedback from residents about the development of 70 acres in the Sunset area.

Ms. Greenwood also mentioned a Public Hearing at the City Council meeting regarding the Community Reinvestment Area, with action expected at the next council meeting. Additionally, Commissioner Allred asked about a commercial area near West Davis, which Ms. Greenwood confirmed is about eight acres. This property is undergoing a lot line adjustment, and once

completed, rezone applications for General Commercial and Residential Multifamily (RM) would be submitted.

The discussion wrapped up with Chair Packer acknowledging the updates and a motion to adjourn the meeting.

10- ADJOURNMENT

Commissioner Allred motioned to adjourn the meeting at 8:51 pm.