

Kaysville City Planning Commission Meeting Minutes
March 28, 2024

The Planning Commission meeting was held on Thursday, March 28, 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, Michael Packer, Paul Allred, and Erin Young

Planning Commissioners Absent: Commissioner Megan Sevy

Staff Present: Melinda Greenwood, Dan Jessop and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Jill Dredge, and Jared Schimdt

1- WELCOME AND MEETING ORDER

Chair Lyon opened the meeting by welcoming all in attendance to the March 28, 2024 Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

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

3- REZONE REQUEST AND PUBLIC HEARING FOR PROPERTY AT 1400 WEST WILLOW BROOK LANE FROM A-5 (HEAVY AGRICULTURE) TO R-1-14 (SINGLE FAMILY 14,000 FT²) FOR APPLICANT RUSSELL WILSON

Dan Jessop introduced the agenda item for the rezone application for 1400 West Willow Brook Lane. This odd shaped parcel is located east of the 7.74 acres at 357 South Angel Street which was rezoned February 15, 2024 from A-5 to R-1-14. This property is .31 acres and is a non-conforming lot. Symphony homes now owns the 7.74 acres to the east and is requesting this rezone so the lot can be included with the development of that property.

Mr. Jessop shared the surrounding land uses and zoning of the lots of the property. If rezoned, the characteristics of the property would be consistent to the surrounding R-1-14 and R-1-20 established zones.

Mr. Jessop said that the 2022 General Plan Future Land Use Map shows the property at 1400 West Willow Brook Lane to be in a Single-Family Dwelling category and the rezone request to R-1-14 would be supported by the Future Land Use Map.

Mr. Jessop said staff recommends approval of the zone change from A-5 to R-1-14 with support of the 2022 General Plan. This compatible zone will create existing homes that are of the neighborhood character.

Commissioner Shepard asked Mr. Jessop why this piece of property was not rezoned with the rezone in February.

Mr. Jessop said that Symphony did not own the 7.74 acres at the first rezone, however, Symphony has now purchased the 7.74 acres and by including this lot to the subdivision would help with a connector road and potentially more homes.

Chair Lyon invited Jared Schmidt of Symphony Homes to approach the Commissioners.

Jared Schmidt said they have owned the piece of property since Symphony Homes finished the Mountain Vistas neighborhood and the property was a remnant parcel.

Commissioner Shepard asked the applicant if he had any plans or layout ready to share.

Mr. Schmidt said that they have been working on some plans and said they intend to do a thru street stubbed to Angle Street.

Chair Lyon opened the Public Hearing up. No one wished to address the Commission so Chair Lyon closed the Public Hearing.

Commissioner Shepard asked staff if there had been any public comments regarding the rezone.

Mr. Jessop responded saying no public comments had been received.

Commissioner Allred made a motion to send the City Council a recommendation to approve the rezone petition with the following findings:

- 1- The rezone has been thoroughly reviewed by staff.
- 2- The property will be connected with property that was recently rezoned to be part of that development and will tie in nicely.
- 3- There has been no public opposition or findings that would countervail the positive findings from the staff.

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

Commissioner Shepard: Yay
Commissioner Lyon: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay
Commissioner Allred: Yay
Commissioner Packer: Yay

4- PUBLIC HEARING FOR A TEXT AMENDMENT TO KAYSVILLE CITY CODE 17-31-2 ACCESSORY BUILDING

Melinda Greenwood introduced the agenda item for a text amendment for accessory buildings.

She explained the item is before the Planning Commission because some of the language in KCC 17-31-2 is unclear. She continued that tonight's dialogue would give staff and the Commissioners a chance to discuss the allowed height of accessory buildings, which is 30 feet in all of the residential zones. She also explained there is some confusion on whether or not an accessory building is allowed without a main structure on the property.

Ms. Greenwood said she reworked the code to show what amended code could look like if the City wants to allow buildings without a main structure. These changes would ensure that if an accessory building was allowed without a main structure, the property would still have room for a main structure to be constructed later on.

Ms. Greenwood said there has been confusion with the definition used for "required side yard" and the proposed text amendment would change that to "required setback of a side yard."

Ms. Greenwood also explained that the zoning code is inconsistent with building code which requires a building permit for any structure "in excess of 200 square feet." The way our ordinance is currently written, it includes buildings which are 200 square feet in size. The change in code would make the city's land use code align with building code. She also said staff wanted the code to clarify that there is a one-foot setback minimum from the property line for all accessory structures to allow for storm water runoff to remain on the property and not go into the adjacent neighbor's land.

Ms. Greenwood continued saying that there could be no calculations for the allowance of an accessory building without knowing what the main building/footprint would be. In order to have calculate the size allowance for an accessory building, you need to first know the size of the main structure. Item 7 in the text amendment would not allow an accessory building to exceed 10% of the lot area. Item 8 of the amendment would clarify not allowing accessory buildings in an R-1 district unless the main dwelling structure is constructed or under construction. The Planning Commission can continue to allow accessory structures to be constructed without a main structure on site and not allowing them to exceed the 20% of the area would be a way to make sure enough room would be left for the main structure. The Commissioners could recommend that a site plan be required showing the footprint of the future main building or applicant provide enough details with setbacks and accessory location allowing the main structure to still fit on the lot.

Commissioner Sommerkorn asked Ms. Greenwood if the city is seeing any problems with accessory structures being built and if so, what are the issues.

Ms. Greenwood said staff gets quite a few complaints from neighbors about height and size, and residents inquiring if their neighbor's structure is permitted and if it is too close to the property line.

Mr. Jessop gave a simple explanation on how to determine how far back the structure will need to be depending on how tall the structure is going to be.

Chair Lyon asked if the city is seeing more structures being built on unused lots so that when they are to be built on, the lot will not be able to accommodate a house or structure.

Ms. Greenwood is not aware of any lots where the accessory structure placed first didn't allow enough room for the main structure to fit.

Chair Lyon asked if by amending the text would the City be trying to solve a problem before it has occurred, or would we be clarifying what is already in the marketplace so the city wouldn't be creating further issues for Kaysville citizens.

Ms. Greenwood said that we are trying to fix some of the inconsistencies and items in the code that are ambiguous. However, amending the text would give us the opportunity to have some conversations about the height allowance in the code and other items. She wanted to have our city code clear for staff and residents.

Chair Lyon expressed his concerns of having an accessory building without having a main structure. He was concerned of inviting a commercial activity on the property without being able to regulate it. He gave the example of someone running a small business out of the building before moving in. How would that be regulated? Chair Lyon said he leans more to having a main structure on the property and then allowing the accessory building.

Ms. Greenwood said if that occurred, the city would have to send code enforcement over to regulate the property. She also said that the argument to allow the accessory building before the main structure would be to put in a large detached garage or pool house because it would be easier to get materials in and into the back area.

Commissioner Young thinks allowing an accessory building to be put in before a main dwelling gives the owner some flexibility.

Commissioner Shepard about some of the lots that already have an accessory structure on them? What happens?

Ms. Greenwood shared an example of a resident who rezoned his property from an R-1-8 to an R-1-6 so he could subdivide the lot. There was a detached building on one of the properties and the setbacks would not work for the new lot plus the accessory building would be on both lots. Because the building did not meet the setbacks, the owner had to cut off 4 feet from the building to meet the setbacks.

Commissioner Sommerkorn said that the state legislature approved a bill that grandfathers in accessory structures and a permit for another structure on the property cannot be denied if there is an existing structure even if it is not conforming to the local codes.

Commissioner Allred asked if it is possible to put an accessory building in the side yard as long

as the accessory building also meets the setbacks?

Ms. Greenwood replied, “yes the way the code is written it would be allowed”.

Chair Allred suggested that for corner lots with two setbacks, the side opposite of the way the house faces, the main structure in that side or rear yard has to be met by the accessory building.

Mr. Jessop shared how the city currently allows accessory structures on corner lots.

Chair Allred suggested clarifying which side of the accessory building should be 1 foot from the property line. He continued saying that he feels that an accessory structure should not be allowed without a main structure on the property and shared an example why he feels that way.

Chair Lyon also gave several examples how accessory structures create more problems if placed before the main structure.

Chair Lyon asked the Commissioners if they were ready to make a motion.

Ms. Greenwood said that instead of making a motion, the Commissioners could give staff direction to continue refining the text.

Chair Lyon opened up the Public Hearing and no one wished to speak, so he closed the Public Hearing.

Commissioner Shepard suggested there be a time frame put on building the main structure if the accessory structure was permitted to be built first.

Commissioner Sommerkorn said that would be a hard ordinance to enforce if the resident didn't make a time frame.

Ms. Greenwood feels that it would be very difficult for staff to track and regulate with various permits and timeframes.

Commissioner Allred made a motion that staff and Commissioners continue the discussion and request staff to clarify the concerns discussed in the meeting including research from other nearby cities and to include graphics demonstrating the ordinance. Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (6-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

Commissioner Allred: Yay
Commissioner Packer: Yay

5- APPROVAL OF THE MINUTES FROM THE MARCH 14, 2024 PLANNING COMMISSION

Chair Lyon asked for a clarification on the motion for the EMC Sign at Charlie's Carwash. This is the motion from the March 14, 2024:

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

There was confusion in the wording of and/or and staff needed clarification. Commissioner Sommerkorn's intent was for it to say "sunset or closing whichever is earlier" and not and/or.

Commissioner Young made the motion approve the minutes with the amendment change and Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (6-0).

Commissioner Shepard: Yay
Commissioner Lyon: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay
Commissioner Allred: Yay
Commissioner Packer: Yay

6- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Chair Lyon reported on the ULUI meeting.

Ms. Greenwood said she would send out a form for reimbursements for the ULUI travel costs.

Ms. Greenwood pointed out the new state flag in the council chambers.

Ms. Greenwood said that the next meeting will be held April 25, 2024.

Commissioner Sommerkorn reminded the Commissioners of the training April 8, 2024 for how to chair the Planning Commission meeting.

Commissioner Sommerkorn asked what is happening with the old library building.

Ms. Greenwood said that it is still in the process and waiting for it to be subdivided.

Commissioner Young shared the Connected Community Conference that was coming up in September.

7- ADJOURNMENT

Commissioner Allred motioned to adjourn the meeting at 8:20 pm.