

12 June 2014 Minutes

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KAYSVILLE CITY PLANNING COMMISSION

June 12, 2014

Members Attending: Chairperson Russell Lindberg, Matthew Anderson, Stroh DeCaire, Jake Garn, Lorene Kamalu, Betty Parker

Excused: Gary Bullock

Staff Present: City Engineer Andy Thompson, Zoning Administrator Wade Flint, Secretary Annemarie Plaizier

Others Present: Council Member Jared R. Taylor, Chris Spendlove, Karmen Spendlove, Shelley Johnson, Daryl Ernst, Melissa Petersen, Danny Leavitt, Spencer Prince, Dan Stephenson, Sandra DeCaire, Madisyn DeCaire, Brad Walters, Jordan Carver, Bing Shen, Claire Liu, Don Woodbury, Dearwyn Woodbury, Douglas J. Brunnette, Anne Berbert, Chad Berbert, Maree Funk, Micah Peters, Greg Day

OPENING

The Planning Commission meeting was held on Thursday, June 12, 2014 at 7:00 p.m. in the Municipal Center.

Chairperson Russell Lindberg opened the meeting by welcoming those present. The minutes of the May 22, 2014 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the May 22, 2014 meeting. Jake Garn seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", HOME SPA AT 1743 SOUTH KAY DRIVE – MELISSA PETERSEN

Wade Flint explained that Mrs. Petersen is a licensed esthetician with the State of Utah. An esthetician specializes in administering facials, aromatherapy, hair and skin care, makeup, etc. She has designated an existing bedroom in the basement for the treatment area and for now she will be working one evening during the week and on Saturday mornings. Clients will come by appointment only.

Lorene Kamalu added that the Planning Commission received an e-mail this past week from Lyle Gibson, one of Mrs. Petersen's neighbors, which stated that he was in full support of this business.

Betty Parker made a motion to grant a conditional use permit for a major home occupation B, home spa at 1743 South Kay Drive for Melissa Petersen. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 2036 WEST HILL STREET – SHELLEY JOHNSON

Wade Flint explained that the Johnson's have requested a conditional use permit for farm animals on their property at 2036 West Hill Street. The Johnson's lot is just over 20,000 square feet allowing them to have smaller animals, such as fowl or rabbits, and medium-sized animals, such as sheep or goats. The family has indicated that they will start by raising chickens and rabbits.

Shelley Johnson commented that they were recently given some chicks from their elementary school and are now requesting a conditional use permit in order to keep them. They understand that they will not be able to house any roosters. They only plan to have about five chickens at any time.

Stroh DeCaire asked about the fencing of the property.

Shelley Johnson responded that since they live in a new subdivision, not many properties have been fenced yet. However, she has been working with her surrounding neighbors to try to get their property fenced, and hope to have it installed soon. Until that time, the chickens are being contained in their yard with a chicken-wire type fencing. Her neighbors are aware of the chickens and have not expressed any concern with their having them.

Matthew Anderson made a motion to grant a conditional use permit for farm animals at 2036 West Hill Street for Shelley Johnson. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1641 SOUTH 150 WEST – SPENCER PRINCE

Wade Flint explained that the Prince family own 1.14 acres at 1641 South 150 West, and have requested a conditional use permit for farm animals. With the larger parcel, the Prince family could have small, medium or large animals on their property. They have indicated to Staff that they plan to only own chickens for the time being, but may possibly consider housing some larger animals in the future.

Spencer Prince added that if they do decide to house larger animals, he understand that he will need to continue to meet the farm animals ordinance.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 1641 South 150 West for Spencer Prince. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A DUPLEX AT 1641 SOUTH 150 WEST – SPENCER PRINCE

Wade Flint explained that about ten years ago, Spencer Prince constructed a new single family home at 1641 South 150 West with a mother-in-law apartment in the basement. At that time, the Prince family decided to build the apartment to the duplex requirements in case they wanted to use it as such in the future. At this time they are requesting a conditional use permit for a duplex in the R-1-20 zone. The home is a rambler, so the two units will be an upstairs and downstairs unit with no change to the outside of the existing home. The closest duplex to this property is outside the five-hundred foot radius regulation, therefore this request is in compliance with Title 17-12-4(9) which allows a duplex in the R-1 districts by conditional use.

Matthew Anderson asked about 150 West Street, a narrow private street, and if Staff has any concerns about adding additional traffic.

Wade Flint responded that because 150 West Street is a private street it can be narrower than regular public streets. The amount of traffic that this duplex will produce will be fairly insignificant and won't make any impact to current traffic flows. Mr. Prince already has more than sufficient amount of parking space to accommodate the duplex.

Betty Parker made a motion to grant a conditional use permit for a duplex at 1641 South 150 West for Spencer Prince. Jake Garn seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.58 ACRE OF PROPERTY AT 438 NORTH MARKET STREET FROM GC (GENERAL COMMERCIAL) TO LI (LIGHT INDUSTRIAL) – DANIEL STEPHENSON

Councilman Jared Taylor excused himself from the meeting for this item.

Wade Flint explained that the owner of this property at 438 North Market Street has requested a rezone from General Commercial to Light Industrial. The property is 0.58 acre and is currently undeveloped. The proposed use of the property is an outside storage yard for recreational vehicles. This type of storage services is a permitted use in the Light Industrial zone. The owners will use the property as a storage yard until there is a need to construct a building and develop the site. There are other parcels in the immediate area being used for similar uses, and Staff feels that this rezone is appropriate for this area.

Chairperson Russell Lindberg opened the Public Hearing.

There were no comments or questions from the public. Chairperson Russell Lindberg closed the Public Hearing.

Betty Parker expressed concern with this type of use being on a corner lot where it is a central area of this business area. The look of this property could have an impact on the integrity and feel of the area. Mrs. Parker asked if landscaping is planned for the property.

Dan Stephenson responded that the property has previously been used as an impound yard in conjunction with the Jack Harris Painting and Autobody business located across the street. The only landscaping that has been on the property is some grass planted in the park strip. He plans to keep the grass and will continue to have it maintained regularly.

Wade Flint commented that this lot was previously used as an impound yard and already has gravel laid out on the property to park on. Mr. Stephenson will need to ensure that the landscaping and this non-tracking surface continues to be maintained.

Dan Stephenson added that the property has become somewhat neglected and he will work to get it cleaned up. The property will also continue to be gated.

Stroh DeCaire made a motion to recommend approval of the request to rezone 0.58 acre of property at 438 North Market Street from GC (General Commercial) to LI (Light Industrial) for Daniel Stephenson. Lorene Kamalu seconded the motion.

Voting was as follows:

Russell Lindberg yea
Betty Parker nay
Matthew Anderson yea
Jake Garn yea
Lorene Kamalu yea
Stroh DeCaire yea

The motion passed with a vote of five to one.

Councilman Jared Taylor rejoined the meeting.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR CRESTED PEAKS SUBDIVISION AT 1387 SOUTH SUNSET DRIVE – BRADLEY WALTERS

Andy Thompson explained that Phase 1 of this property was recently rezoned to R-1-20, while Phase 2 was left in the A-5 zone. The Walters intend to develop Phase 1 now and build their home on the large remaining A-5 parcel, which will become Phase 2 at some future time. The plat consists of twenty lots including the existing home, with eight new lots and the existing home in the first phase. The lots all comply with the R-1-20 zoning requirements. Staff is recommending approval of the preliminary plat with the condition that Phase 2 be rezoned prior to being submitted for final plat approval.

Chairperson Russell Lindberg opened the Public Hearing.

There were no comments or questions from the public. Chairperson Russell Lindberg closed the Public Hearing.

Stroh DeCaire asked about the existing home and outbuildings already on this property.

Bradley Walters responded that the existing home has been renovated and is being rented currently. The outbuildings located on the north side of the property will remain. A road will be installed as a farm entrance off of Sunset Drive to access the east side of the property, and their future home. Phase 2 of this subdivision won't be developed anytime soon.

Jake Garn made a motion to recommend preliminary plat approval for Crested Peaks Subdivision at 1387 South Sunset Drive for Bradley Walters with the condition that Phase 2 be rezoned prior to being submitted for final plat approval. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR OUTWEST TOWNHOUSE PRUD SUBDIVISION AT APPROXIMATELY 560 WEST MUTTON HOLLOW ROAD – GOLDEN BENNETT

Andy Thompson explained that this property was recently rezoned to R-2 with the provision that no more than four units be allowed. Mr. Bennett has now submitted a plat showing two twin-unit townhomes, which complies with the requirements of the rezone. Each unit is proposed to be served from a private lane with the structure on a pad and the remainder of the property as open space. Staff recommends approval subject to the application of a PRUD overlay zone to allow the private street and open space, and with a determination of how the back portion of the property and other open space will be developed.

Chairperson Russell Lindberg opened the Public Hearing.

Daryl Ernst stated that he is the property owner to the west of this development and would like to see a privacy fence installed along the perimeter of their property.

There were no further comments or questions from the public. Chairperson Russell Lindberg closed the Public Hearing.

Russell Lindberg asked if the developer had planned to install a privacy fence.

Andy Thompson responded that he was not aware of the developer's fencing plans.

Russell Lindberg asked about the green space area and if there were any future plans for it.

Andy Thompson responded that Mr. Bennett had only indicated to Staff that it will be used as an open space area with no further details of how it might be landscaped. However the Planning Commission has the option of specifying what type of landscaping be installed.

Jake Garn asked about the PRUD overlay zone.

Andy Thompson responded that the public hearing for the PRUD overlay zone has been scheduled for the Commission's next meeting.

Jake Garn said that he would like to see fencing installed around the perimeter of the development, and that more landscaping be planned which might be utilized by the residents. At this point the landscaping and fencing details are not known, and therefore this item should be tabled until the developer could be present to answer questions.

Lorene Kamalu asked about maintenance of the property.

Andy Thompson responded that the Homeowners Association of this development will be required to maintain the property, including the private street.

Jake Garn made a motion to table the request for preliminary plat approval for Outwest Townhouse PRUD Subdivision at approximately 560 West Mutton Hollow Road for Golden Bennett until the applicant can be present. Matthew Anderson seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR PENELOPE ROSE SUBDIVISION AT APPROXIMATELY 700 EAST AND 600 SOUTH – MICAH PETERS

Councilman Jared Taylor excused himself from the meeting for this item.

Andy Thompson explained that this property was recently annexed into Kaysville City and assigned an R-1-8 zone. A preliminary plat has now been submitted showing twenty-four lots on the 8.2 acre parcel. The lots vary in size from just over 8,000 square feet to nearly a half an acre. The Baer Creek Hollow runs along the back of several lots making Lots 116 and 117 fairly steep. The plat complies with all applicable requirements and therefore Staff recommends approval of the preliminary plat with the condition that Lots 116 and 117 be shown to be buildable with the final plat. The preliminary plat shows a potential road connection to the west of this property, however the developer does not own this adjacent property and therefore cannot connect the roads at this time. It is anticipated that the adjacent lot will eventually be developed and the road network completed, but there is no time frame available for when that might happen.

Chairperson Russell Lindberg opened the Public Hearing.

Doug Brunnette commented that he lives nearby on 600 South in the R-1-14 zone, and asked the Commission members to consider requiring that the lots be enlarged to better meet the existing lot sizes in the area. Also, by increasing the size of the lots, it will help reduce the number of homes built, and thereby reduce the amount of traffic produced by new development. There are many children residing in this subdivision and there are some concerns for how the increased traffic will impact existing roads. Mr. Brunnette commented that while he's not opposed to development, there needs to be an assurance to the neighbors that two outlets will be open at the time of development.

Micah Peters, the developer of the property, commented that this is a beautiful area and the homes that they'll build will be quality homes and will fit well into the area. The average lot size of this development is about 11,000 square feet, which is larger than the average lot size of properties along 600 South Street.

Dearwyn Woodbury said that she lives near this development and is concerned that there is only one certain access road for the amount of homes planned.

Claire Liu said that she lives on the corner of 600 South and 700 East, right where the planned main road access point is planned, and is therefore very concerned about her family's safety and the impact the additional traffic will have on her property. This could potentially impact the value of the existing properties. Having only one guaranteed outlet for the new subdivision will increase the amount of traffic on existing streets significantly.

Don Woodbury asked if there is anything which dictates how much traffic can be planned for one street in regards to traffic flow.

Andy Thompson responded that there have been similar situations such as this which have come before the city for approval and traffic studies have been required. Many of those traffic studies have reported that the additional traffic that would be created by the new development would be acceptable for the existing roads to support. It is anticipated that we would find similar results if a traffic study is done for this project.

Stroh DeCaire asked about Lots 116 and 117 and if they would be buildable.

Micah Peters responded that they have had a topographical study done on the development and have found that these lots are within acceptable building parameters.

Betty Parker asked if Lot 118 could be altered to create a secondary access point from this subdivision, taking access onto Main Street.

Micah Peters responded that they have considered that option, and have discussed this possibility with UDOT. Because of its close proximity to both Nichols Road and Burton Lane, it would be very unlikely that UDOT would grant approval of another access point in such a small area. The Whittaker's currently own the property to the west and have expressed that they are not interested in developing their property anytime soon. Another possibility they have looked into, is a gated emergency access road through Lot 118.

Marie Funk said that she has lived on 600 South for eight years and it is not a thoroughfare street. They anticipate that the Whittaker's will not sell their property in the future, but rather will keep it in their family as it has been for years. There's no guarantee that there will ever be a second access road through the Whittaker property, therefore some other alternative should be considered, including reducing the number of lots planned.

Greg Day, with Focus Engineering and also working with Micah Peters on this development, said that they have been reviewing this development for about three years now and have considered many options for this property including the traffic impact it will have. It has been their findings that reducing the number of lots by even a few won't make much of a difference in the amount of traffic produced.

Claire Liu commented that even reducing the amount of lots by two or three will eliminate that much more traffic from driving past her home.

There were no further comments or questions from the public. Chairperson Russell Lindberg closed the Public Hearing.

Russell Lindberg asked why the R-1-8 zoning was chosen.

Andy Thompson responded that it was what the applicant requested when applying for annexation. Even though 600 South Street is zoned R-1-14 it is an open space subdivision and the average lot size is little more than 8,000 square feet, smaller than the average lots size of the proposed development.

Jake Garn commented that because there will only be one outlet for this development, it will increase traffic on those surrounding streets. There is not a direct route out of the surrounding neighborhoods. Mr. Garn added that unless an assurance or guarantee that a secondary connection will be created at some point in the future, he would not feel comfortable approving this development as it is at this time.

Matthew Anderson added that if an access road were opened up onto Main Street, it would create even more traffic than from just this proposed development as residents to the east would use it.

Russell Lindberg said that the existing neighborhood already seems overcrowded, and this would just be adding to the density and should be developed with fewer homes than what is being proposed.

Lorene Kamalu commented that the developers seem to have done their due diligence in looking at all of their options for this development.

Jake Garn asked if another access road could be created to connect south to Nichols Road.

Greg Day commented that they had considered that option, but because the road would have to be built over the Bear Creek, they would be dealing with trying to get permission not only from FEMA, but with Davis County. It would be very costly to the developer and not financially feasible for them.

Betty Parker made a motion to recommend denial of the preliminary plat for Penelope Rose Subdivision at approximately 700 East and 600 South for Micah Peters. Stroh DeCaire seconded the motion.

Voting was as follows:

Jake Garn nay
Lorene Kamalu nay
Stroh DeCaire yea
Russell Lindberg yea
Betty Parker yea
Matthew Anderson nay

The motion failed to carry due to lack of a majority.

Matthew Anderson made a motion to recommend preliminary plat approval for Penelope Rose Subdivision at approximately 700 East and 600 South for Micah Peters, subject to a credible traffic study being done which concludes that traffic impacts will be acceptable for this area. Betty Parker seconded the motion.

Voting was as follows:

Lorene Kamalu yea
Stroh DeCaire nay
Russell Lindberg nay
Betty Parker yea
Matthew Anderson yea
Jake Garn yea

The motion passed with a vote of four to two.

Councilman Jared Taylor rejoined the meeting.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR BERBERT SUBDIVISION AT APPROXIMATELY 1695 WEST 75 SOUTH – CHAD BERBERT

Andy Thompson explained that this property was recently rezoned and now a plat for a one-lot subdivision has been submitted. The lot abuts the newly installed extension of 75 South Street. The lot is just over the required 20,000 square feet and will contain the temporary turn-around until the street is extended in the future.

Chairperson Russell Lindberg opened the Public Hearing.

There were no comments or questions from the public. Chairperson Russell Lindberg closed the Public Hearing.

Jake Garn made a motion to recommend preliminary and final plat approval for Berbert Subdivision at approximately 1695 West 75 South for Chad Berbert. Matthew Anderson seconded the motion and it passed unanimously.

GENERAL PLAN AMENDMENT

This item was postponed.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, June 26, 2014 at 7:00 p.m.

ADJOURNMENT

Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:05 p.m.