

13 February 2014 Minutes

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KAYSVILLE CITY PLANNING COMMISSION

February 13, 2014

Members Attending: Chairperson Russell Lindberg, Matthew Anderson, Gary Bullock, Stroh DeCaire, Jake Garn, Lorene Kamalu

Excused: Betty Parker

Staff Present: City Engineer Andy Thompson, Secretary Annemarie Plaizier

Others Present: Council Member Jared R. Taylor, Don Keaton, Joel Harris, Jordan Cammack, Jeff Taylor, Benjamin Pace

OPENING

The Planning Commission meeting was held on Thursday, February 13, 2014 at 7:00 p.m. in the Municipal Center.

Chairperson Russell Lindberg opened the meeting by welcoming those present. The minutes of the January 23, 2014 meeting were presented for approval.

Gary Bullock made a motion to approve the minutes of the January 23, 2014 meeting. Matthew Anderson seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B, PRESCHOOL AT 2173 SOUTH 175 EAST – JULIE RICHARDS

Andy Thompson explained that Mrs. Richards will be using a basement family room for her preschool. She will hold class on Monday, Tuesday and Thursday, with two classes per day. The first class will go from 9:00 a.m. to 11:30 a.m., and the second class will go from 12:30 p.m. to 3:00 p.m. She has chosen to limit her class size to eight children, while Kaysville City ordinance would allow her up to twelve students per class.

Russell Lindberg said that there is some concern with these types of businesses being located within a cul-de-sac because of potential traffic congestion. Mr. Lindberg suggested advising Mrs. Richards to let parents know that they need to park off of the street.

Jake Garn said that there is an in-home preschool near his home and the only time he has seen traffic congestion is on graduation night. As long as parents are just dropping off and picking up their kids at designated times there shouldn't be a problem.

Matthew Anderson made a motion to grant a conditional use permit for a major home occupation B, preschool at 2173 South 175 East for Julie Richards. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B, CONCRETE LIFTING SERVICES AT 920 WEST CHESTER LANE – JOEL HARRIS

Andy Thompson explained that Mr. Harris has recently purchased equipment used for lifting up concrete slab areas that have settled, such as driveways or sidewalk sections. All of the equipment and materials needed for this process are stored in an enclosed fourteen foot trailer. Mr. Harris is not interested in having outside employees at this time.

Russell Lindberg asked where the trailer would be parked.

Joel Harris responded that because the trailer is only fourteen feet long, it easily fits in his garage. He does have an RV pad on the side of his home where he could park the trailer, however Mr. Harris said that he intends to keep it parked in his garage.

Russell Lindberg asked if there is any waste created with the concrete lifting process and if that waste product was hazardous.

Joel Harris explained to the Commission members the process he uses to lift concrete sidewalks and driveways. Mr. Harris said that there is no waste product created from this process and that there is nothing hazardous.

Matthew Anderson made a motion to grant a conditional use permit for a major home occupation B, concrete lifting services at 920 West Chester Lane for Joel Harris. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR DUPLEX AT 1237 SOUTH 500 EAST – DON KEATON

Russell Lindberg commented that Gary Bullock, Lorene Kamalu and himself all live in the same neighborhood as Don Keaton and asked if they would need to abstain from voting because of it.

Andy Thompson responded that because they are not financially benefitting from this proposal, they can participate and vote on this item.

Mr. Thompson explained that the Keaton's currently are constructing a mother-in-law apartment in their home and would now like to convert their home and apartment to a duplex. Their property is currently zoned R-1-8 (Residential Single Family) and Title 17-12-4(9) allows for a two-family dwelling (duplex) as a conditional use as long as not more than three duplexes are

within five-hundred feet of the development site. Staff has reviewed the area of the proposed duplex and there are no other duplexes within five-hundred feet of the development site. Mr. Keaton is currently working with the Building Department to meet the necessary building code requirements for the duplex conversion. The apartment is located over the garage.

Don Keaton commented that they had always intended to use this new addition to their home for family members to live in. However, they wanted the apartment to have its own utility meter, which requires that they get approval to use it as a duplex. They don't anticipate renting the apartment out to anyone else but family, but wanted those who lived in the apartment to have the responsibility of paying their own utilities.

Lorene Kamalu said that there seems to be enough parking provided with the wide driveway for both the home and apartment area.

Matthew Anderson made a motion to grant a conditional use permit for a duplex at 1237 South 500 East for Don Keaton with the condition that all building code requirements for a duplex be met. Jake Garn seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR SHADOW CROSSING SUBDIVISION PHASE 2 AT BONNEVILLE LANE AND BRADY LANE – PERRY HOMES

Andy Thompson explained that a couple of years ago Perry Homes received preliminary plat approval for Shadow Crossing Subdivision. The first phase has been constructed and Perry Homes has now submitted application for Phase 2. The proposed Phase 2 consists of eleven lots and also the extension of Jakes Lane and Brady Lane.

Gary Bullock made a motion to recommend final plat approval for Shadow Crossing Subdivision Phase 2 at Bonneville Lane and Brady Lane for Perry Homes. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND AMENDMENT OF SECTION 17-24-2, ANIMAL ALLOWANCE, OF CHAPTER 17-24, FARM ANIMALS, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

Andy Thompson explained that recently the Planning Commission requested that Staff review Title 17-24 "Farm Animals" regarding the keeping of chickens to see if there was a better way of regulating them. Staff reviewed other city's ordinances regarding farm animals and found that most city's regulations are similar to ours, with exception to keeping rooster chickens in residential zones. At the September 12, 2013 meeting, the Planning Commission directed Staff to revise the language of our "Farm Animals" ordinance to restrict the keeping of roosters in residential zones. The proposed ordinance would not allow roosters in the following zones: R-T, R-1, R-2, R-4 and RM. Roosters would be allowed in the zones where farm animals are a permitted use, such as: R-A, A-1 and A-5.

Chairperson Russell Lindberg opened the Public Hearing.

Benjamin Pace said that recently he received a conditional use permit for farm animals on his property and asked if there is a noise ordinance regulating the crowing of roosters.

Russell Lindberg commented that in the Farm Animal ordinance it mentions that any noise pollution will need to be contained to the property. With any conditional use permit, if Staff were to receive a complaint, it is investigated and the conditional use permit could possibly be revoked.

Benjamin Pace said that he'd rather see the regulating of roosters be left on a case-by-case basis rather than creating a broad regulation.

Russell Lindberg commented that the Commission has approved many conditional use permits for farm animals over the years, and the biggest complaint they get about farm animals is for crowing roosters. It is because of that that the Commission started approving the farm animal requests with the condition that roosters be restricted. By restricting the housing of roosters in our ordinance it eliminates any question right up front.

Benjamin Pace asked if someone wanted to breed their chickens, would the City would allow for a rooster to be brought in during the day.

Andy Thompson commented that as long as it's only being brought in during the day, the rooster probably wouldn't be considered as "dwelling" upon the property.

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

Matthew Anderson made a motion to recommend the amendment of Section 17-24-2, Animal Allowance, of Chapter 17-24, Farm Animals, of Title 17, Planning and Zoning, of the Revised Ordinances of Kaysville City. Jake Garn seconded the motion and it passed unanimously.

PUBLIC HEARING AND AMENDMENT OF SECTION 17-12-4, CONDITIONAL USES, OF CHAPTER 17-12, R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

Andy Thompson explained that in the R-1 zone district (Title 17-12-4(9)) it states that a two-family dwelling may be allowed by conditional use. The ordinance also provides separation requirements from existing duplexes to assure that they are dispersed throughout the R-1 zone. Staff has revised this portion of the ordinance to better clarify the separation requirements for a new and existing duplex.

Chairperson Russell Lindberg opened the Public Hearing.

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

Andy Thompson commented that this proposed amendment has been seen by the City Council and they said they have felt this helps to make the language clear.

Matthew Anderson made a motion to recommend the amendment of Section 17-12-4, Conditional Uses, of Chapter 17-12, R-1 Single Family Residential District, of Title 17, Planning and Zoning, of the Revised Ordinances of Kaysville City. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND AMENDMENT OF SECTION 19-2-1, SUBDIVISION DEVELOPMENT PROCESS, OF CHAPTER 19-2, DEVELOPMENT PROCEDURES, OF TITLE 19, SUBDIVISIONS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

Andy Thompson explained that recently the City Council was approached by a developer asking for the City to allow building permits to be issued in the subdivision prior to asphalt being installed in the streets as the current ordinance requires, since the weather was not compatible with placing asphalt. The Council directed Staff to review the ordinance and see if this could be allowed without putting the City at any significant risk. The proposed revisions to the ordinance would allow building permits to be issued prior to the streets being paved, subject to the following: can only be applied in the winter months, additional cash bonding, and the developer must own the lot being built on. Staff feels that with these conditions the City has very little risk and that the developer is not unduly delayed by weather.

Russell Lindberg commented that the term “weather condition” could be subjective, and a developer might try to use that as a way of putting off installing asphalt.

Andy Thompson responded that this exception can only be used during a specific time frame and must be approved by the City Engineer.

Chairperson Russell Lindberg opened the Public Hearing.

Benjamin Pace asked if this would apply to homeowners wanting to expand their driveway.

Andy Thompson responded that this would not apply to driveways.

Jordan Cammack asked if developers have to meet the UDOT requirements for their asphalt mix.

Andy Thompson said that there are specific regulations that the city requires developers to meet. It’s similar to UDOT’s regulations, but not exactly the same.

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

Gary Bullock made a motion to recommend the amendment of Section 19-21, Subdivision Development Process, of Chapter 19-2, Development Procedures, of Title 19, Subdivisions, of the Revised Ordinances of Kaysville City. Matthew Anderson seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lorene Kamalu said that there seems to be more concerns being brought up about the City's notification procedures and asked if there might be a better way to notify the public of proposed developments.

The Planning Commission and Staff discussed the City's current notification procedures, and possible changes that could be made to try to help better notify the public. It was suggested that information about City's public noticing policy be included in a future City newsletter.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, February 27, 2014 at 7:00 p.m.

ADJOURNMENT

Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:15 p.m.