

13 March 2014 Minutes

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KAYSVILLE CITY PLANNING COMMISSION

March 13, 2014

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

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

Others Present: Council Member Jared R. Taylor, John Thacker - Executive Director of Kaysville City Redevelopment Agency, James Lebo, Rod Strickland, Patrick Scott, Heath Montgomery, Justin Bennett, Sandra Bennett, Daryl Ernst, David Black, Toby Barrus, Aaron Hixson, Ryan Clark, Misty Clark, Aliyah Clark, Reed Packer, Jayce Clark, Grace Clark, Laurie Barnes, Nancy Over, Elton Over, Dave Davies, James Neuner, Pam Neuner, Katherine Smith, Brett Wahlen, David Adams

OPENING

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

Chairperson Russell Lindberg opened the meeting by welcoming those present.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B, EDUCATION CLASSES AT 45 EAST WHITAKER CIRCLE – DAVID OWENS

Wade Flint explained that Mr. Owens provides classwork and mock interview sessions for college students getting ready to enter into the workforce. There is a maximum of four students per class, and classes will be held Tuesday and Wednesday from 4:30 to 6:30 p.m. A basement family room will be used as the classroom and Mr. Owen's driveway will provide adequate off-street parking.

Matthew Anderson made a motion to grant a conditional use permit for a major home occupation B, education classes at 45 East Whitaker Circle for David Owens. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B, PAINTING CONTRACTOR AT 72 WEST 250 SOUTH – HEATH MONTGOMERY

Wade Flint explained that Mr. Montgomery has been in the home building business for ten years as a general contractor and is now operating his painting contractor business from his home. His equipment consists of a pickup and materials are delivered to the jobsite by the paint suppliers. Mr. Montgomery currently has no other employees but anticipates having additional help within the year.

Betty Parker asked what is done with excess material.

Heath Montgomery responded that if there is any material leftover from a job they typically leave it on the jobsite. If for some reason he is given excess paint, it is taken to the burn plant to dispose of.

Jake Garn made a motion to grant a conditional use permit for a major home occupation B, painting contractor at 72 West 250 South for Heath Montgomery. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 877 EAST WINDSOR LANE – MISTY CLARK

Wade Flint explained that Staff has received a request for farm animals, specifically chickens, at 877 East Windsor Lane. The property is zoned R-1-8 and farm animals are allowed by conditional use. The Clark's property is just over 12,000 square feet, allowing them to have up to seven chickens. The structure housing the animals must be located at least fifteen feet from all buildings on adjacent lots predominantly used or occupied by humans. Because of the square footage of the Clark's property, they would not be allowed to have any larger animals.

Rod Strickland said that he lives at 909 East Windsor Lane, two houses down from the Clarks, and tonight was the first time he'd heard about the Clark's wanting farm animals. This area is considered residential, not agriculture, and therefore is concerned how this might affect property values. There is a hollow which runs behind their homes which already has problems with rodents. Bringing in chickens would just add to the problem. Chickens create noise and smell and the neighbors need to be protected from that. Mr. Strickland asked if there are problems in the future, who will address them.

Russell Lindberg said the Clark's are requesting a conditional use permit tonight in order to allow for the chickens in their residential zone. If the neighbors find there are any problems in the future, they can contact the city and those issues will be addressed.

Betty Parker made a motion to grant a conditional use permit for farm animals at 877 East Windsor Lane for Misty Clark. Jake Garn seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 7.36 ACRES OF PROPERTY AT 67 NORTH FLINT STREET FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) TO R-1-LD (SINGLE FAMILY RESIDENTIAL LOW DENSITY) – BRIGHTON HOMES

Andy Thompson explained that representatives from Brighton Homes have requested a rezone of 7.36 acres of property at 67 North Flint Street from R-1-20 to R-1-LD. In the R-1-LD zone district, the total number of residential units within the subdivision cannot exceed two units per acre. The number of units allowed is determined by multiplying the overall acreage of the proposed subdivision by two. The resulting whole number is the number of units allowed. The R-1-LD minimum lot size is 12,000 square feet and the setback requirement for homes is the same as the R-1-20. This particular piece of property also has an existing creek through it and the R-1-LD zone allows for a diversity in the lot size to help plat around the stream. The lots within this subdivision range from 15,000 square feet to 25,000 square feet.

Chairperson Russell Lindberg opened the Public Hearing.

Aaron Hixson said that he lives at 32 North Flint Street and he would like to see these lots remain in the R-1-20 zone because it is what is already existing in the area. By rezoning this to a less dense zone it will affect neighboring property values and the general feel of the area.

Jake Garn commented that this development will have about the same amount of units allowed as if it were in the R-1-20 zone. However the R-1-LD zone will allow Brighton Homes to be able to more easily configure the lots around the existing stream. The smallest lot measures about 15,000 square feet, and the largest 25,000 square feet.

Katherine Smith said that she lives at 193 North Flint Street and was contacted by Brighton Homes about selling some of her property. However, she declined because she would like to keep some land between her and the neighboring properties. This development will impact her, and therefore she would like to see a buffer installed between her property and the project.

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

Stroh DeCaire asked about a dotted line shown on the conceptual plat.

Andy Thompson responded that the dotted line is representative of a discrepancy that has been found in regards to the ownership along that property line. That discrepancy will need to be resolved before the plat is recorded.

Jake Garn suggested that because the Planning Commission is only considering the proposed rezone tonight, possible mitigations and stipulations for the subdivisions should be addressed with the subdivision plat.

Stroh DeCaire made a motion to recommend approval of the request to rezone 7.36 acres of property at 67 North Flint Street from R-1-20 (Single Family Residential) to R-1-LD (Single

Family Low Density) for Brighton Homes. Jake Garn seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.32 ACRES OF PROPERTY AT APPROXIMATELY 560 WEST MUTTON HOLLOW ROAD FROM GC (GENERAL COMMERCIAL) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL) – GOLDEN BENNETT

Andy Thompson explained that about a year ago Mr. Bennett made application for a rezone of his 0.67 acre lot and his neighbor's 0.59 acre lot. Mr. Bennett submitted a concept plan showing seven lots on his property. The neighboring parcel owner had no plans, but signed the rezone petition stating that he preferred to be in a residential zone rather than the current commercial zone. At that time the Planning Commission recommended the R-1-8 zone and the City Council tabled the item stating that they preferred a maximum of four units. Mr. Bennett has now submitted a site plan showing just four units. The City Council heard this item a few weeks ago and stated that since it has been several months since the public hearing, and since the proposal is significantly different from the original, that the item be turned back to the Planning Commission to hold a new public hearing and give new recommendation. The property is in an area that is surrounded by higher density housing. It is apparent that this location is not viable for a commercial use and should be rezoned. Based on previous discussions, it is recommended that the property be rezoned to R-2 subject to a development agreement limiting the number of units that may be placed on the property.

Chairperson Russell Lindberg opened the Public Hearing.

David Black said that he lives on the corner of Crimson Lane and Mutton Hollow Road and is concerned with the amount of existing high-density housing in the area. It seems that this is the only high-density area within the city, and they feel inundated by them. Therefore the neighbors would prefer to see two single family homes put on these lots instead.

Toby Barrus said that he lives nearby on Countryshire Drive and was at the meeting last year when this item was first brought before the Planning Commission for consideration. A new high-density housing development is currently being built down the street, and Mr. Barrus suggested that the City wait a year or so to see if there is a demand for more of those types of housing units in the area. This rezone could start a domino effect and the neighbors are already concerned with the value of their homes. What is going to stop others from banding together and selling their properties together like these developers are?

Justin Bennett, one of the property owners of this development, said that they feel that the multi-family housing is the most viable option for these properties. As a commercial property they found no one interested in developing it. They also haven't found buyers wanting to purchase land abutting an apartment complex to the south. Mr. Bennett said that he respects and understands the concerns of the neighbors, but feels that these units will create a good transition from the apartments to the south, to the single family homes to the east.

Daryl Ernst, the owner of the lot to the east in this development, said that he has no plans to develop his lot at this point but would like to have the option of being able to develop it into residential in the future.

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

Jake Garn said that he feels that this development is more aesthetically pleasing than previously proposed. It is a good concept plan and there seems to be a fair amount of open space.

Gary Bullock commented that this proposal seems like a good alternative for the property as it abuts an apartment complex. Its current zoning of General Commercial isn't conducive for the area, and this development seems like it will help add to the area, rather than detracting from it. The developers seem to be trying to compromise, while still being sensitive to the existing neighbors.

Matthew Anderson added that if it is decided to limit one lot to four units, the same should be done with the other lot even if it's not being developed at this time.

Russell Lindberg said while he doesn't want to see more multi-family housing put into an area that is already saturated with it, this proposal seems to be the best and most reasonable use for the property. The property owner has tried to sell this property as both single family residential and commercial with no luck.

Jake Garn made a motion to recommend approval of the request to rezone 1.32 acres of property at approximately 560 West Mutton Hollow Road from GC (General Commercial) to R-2 (One and Two Family Residential) for Golden Bennett, subject to a development agreement limiting the number of units to four on each parcel. Gary Bullock seconded the motion and it passed unanimously.

PRELIMINARY AND FINAL PLAT APPROVAL FOR KAYSVILLE NEIGHBORHOOD CENTER SUBDIVISION AT 200 NORTH AND FLINT STREET (TABLED ITEM)

Russell Lindberg commented that since their Planning Commission meeting two weeks ago, Staff and Commission members have had the opportunity to meet with some of the neighbors of this development, and explain more about the project and how the impacts of it will be mitigated.

Andy Thompson explained that the City has been working with the developer and Smith's Food and Drug Stores for several months in regards to constructing a neighborhood center at the corner of 200 North and Flint Street. The Center is proposed to have a Smith's Marketplace as the major anchor, with several pads available for other uses. The plat being proposed divides the property into lots for each pad site. Smith's Marketplace will be located on Lot one, with their fuel center being proposed for Lot 6. The other lots will be available for other uses to develop, as shown on the site plan. At their last meeting, the Planning Commission tabled this item and asked for additional information regarding how the impacts of this commercial development would be mitigated. The issues of particular concern seemed to be with the lights and the

noise. The City has negotiated and drafted a development agreement to address these and other issues. The plat meets the requirements of the Light Industrial zone, and the proposed uses permitted within this zone. Both Flint Street and 200 North will be fully improved as part of the upcoming signal project and utilities to the property have already been installed. Staff is recommending approval of this proposed subdivision plat, subject to the development agreement.

Jim Neuner, an adjacent property owner, made a presentation to the Planning Commission expressing his concerns about the impacts this development may have on adjacent neighbors. Mr. Neuner explained that there is already a problem with residents accessing the rail trail, running behind his property, by cutting through his yard. While installing landscaping along the west side of the property will help, it probably won't deter people from continuing to trespass through his and other neighboring properties. There will also be lights and noise coming into the neighbors' windows from the traffic that will run through this property all day and night. The Smith's Marketplace will be open twenty-four hours a day, and therefore they will always have their lights on. The delivery trucks will be large and loud, and will be coming all throughout the day and night. With these types of retail uses more trash will be created. The city also needs to ensure that there won't be any outside storage. The wall planned for the northern border should continue alongside the west boundary line also. Ultimately the neighbors would like to see that the wall be installed along the west edge of the rail trail, adjacent to the existing neighbors, and Mr. Neuner asked that the City try to work something out with UTA to see if that could be a possibility. The wall should be eight feet tall, and should extend as close to 200 North as possible. Once the trees that are planted mature, they will also help to filter the light and noise pollution, and Mr. Neuner asked if it would be possible to plant more mature trees for this reason.

John Thacker stated that he is the Executive Director of the Kaysville City Redevelopment Agency which has been working on this project with Terra Basin, the contract developer of this site, for several months. They have been working hard to ensure that impacts to the neighbors will be mitigated. Comments and concerns from the neighbors have been reviewed and addressed. Many expressed their concern over the noise this development will create. There are already specific city noise regulations in place which will help in protecting the neighbors. Those regulations will be supplemented by specific provisions in the development agreement for mitigating noise, including installing a concrete fence with stone appearance, six feet high along the entire northern boundary, and also along the western boundary line for 455 feet. Smith's has expressed interest in being able to have pedestrian access to the rail trail and a bicycle repair station on the western edge of the site. The rail trail will be a major access point for pedestrians and is very well used. The proposed wall will be effective in helping to block sound and light pollution. The City has been working with UTA in an attempt to receive approval to plant trees along the trail, encroaching into their corridor. The trees will be on the west side of the wall. The size of the trees has not yet been determined. The City requires that ten percent of a development site be landscaped. Any landscaping installed will need to be watered, and the irrigation system has not been designed. It is required by city ordinance that the lighting be contained on the development site. This will be done with directional fixtures and LED lighting, which reduces glare and is softer lighting. This will continue to be regulated by the city even after development is complete to ensure compliance. Another concern expressed

by residents was in regards to the signage used on this site. City ordinance does not allow free-standing signs to be over eight feet tall when the development is located more than 3,000 feet from a principal arterial. Monument and wall signs will be allowed, but will be restricted in their size. Directional signs will also be permitted. No advertising will be allowed on the north and west walls of the Smith's Marketplace. All proposed buildings will be required to meet the commercial building design regulations of the city.

Lorene Kamalu commented that a wall along the length of the western property line would help prevent people from cutting through neighboring properties.

Jake Garn commented that residents to the west of the development might be able to deter cut-through foot traffic by installing a fence around their properties with a locked gate.

Russell Lindberg said that he would prefer to see that the wall be built to eight feet so as to help better block the light and sound pollution.

Lorene Kamalu asked about extending the western wall to 200 North Street.

Jake Garn responded that if the wall were to be extended down to 200 North it would block the line of sight and create an enclosed feeling to the development. It seems best to keep the wall as shown on the conceptual site plan, where there will be the most deliveries and traffic.

Brett Wahlen, with Anderson Wahlen & Associates, said that his company has been working with the developer and Smith's on this project. They have been waiting for approval of the subdivision plat to move forward with their project design and address each concern expressed. The wall will help the most with light and noise pollution, but they will also address the possibility of limiting delivery times with Smith's.

Lorene Kamalu asked if there would be staff to help maintain the open space areas.

Brett Wahlen said that there will be an agreement with the occupants of this neighborhood center that the open space areas be maintained.

Stroh DeCaire asked about storm water runoff from the property.

John Thacker responded that the project has to be designed to handle storm drainage and water runoff, and the city will ensure it's built to that standard.

Dave Davies said that he lives on Greenbelt Circle and feels that this project has been pushed through with no notice to the neighbors. It seems that this development involves equality between both proposed and existing businesses. This development will have an effect on Bowman's Grocery Store and approving this development won't be fair to them.

Jake Garn commented that the Planning Commission can't address economic issues and recommended that Mr. Davies speak with the City Council about his concerns.

Dave Adams, representing Terra Basin, said that he is appreciative of Smith's and their commitment to this development process. This is a very sensitive and delicate process and we have to look at both the long and short term effects. Terra Basin, along with Smith's, recognizes the concerns of the neighbors and appreciates being able to work with them and the city to find what will be the best solution for everybody.

Jake Garn made a motion to recommend preliminary and final plat approval for Kaysville Neighborhood Center Subdivision at 200 North and Flint Street, subject to the terms and conditions of the development agreement. Gary Bullock seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Chad Hawkins asked about the rail trail crossing on 200 North and possible improvements that might be made to it. It is a busy crossing and there needs to be improvements made to it before someone gets hurt. With the development of this property on 200 North, it seems that this would be an opportune time to make improvements to it.

John Thacker said that the city is planning to upgrade the 200 North pedestrian crossing, but it's an issue of having the funding to do it. We hope to be able to plan improvements to it within the next year.

CALENDAR

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

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:10 p.m.