

27 February 2014 Minutes

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KAYSVILLE CITY PLANNING COMMISSION
February 27, 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, Pamela Neuner, Jim Neuner, Bryce Bird, Tanya Bird, Chad Hawkins, Nancy Over, Butch Over, Melanie Daw, Greg Brown, Brad Walters, Russell Keetch, Zealand Keetch, John Flint, Clyde Terry, Robert Humenansky, Shelby Humenansky, Jack Robins, Stephen H. Mitchell, Janice M. Mitchell, Shauna M. Hansen, Larry Smith, Robert Gilchrist

OPENING

The Planning Commission meeting was held on Thursday, February 27, 2014 at 7:00 p.m. in the Municipal Center.

Chairperson Russell Lindberg opened the meeting by welcoming those present. The minutes of the February 13, 2014 meeting were presented for approval.

Gary Bullock made a motion to approve the minutes of the February 13, 2014 meeting. Matthew Anderson seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.83 ACRES OF PROPERTY AT 1428 SOUTH SUNSET DRIVE FROM R-A (RESIDENTIAL AGRICULTURAL) TO R-1-20 (SINGLE FAMILY RESIDENTIAL) – STEPHEN MITCHELL

CONDITIONAL USE PERMIT FOR A DUPLEX AT 1428 SOUTH SUNSET DRIVE – STEPHEN MITCHELL

Wade Flint explained that Mr. Mitchell would like to convert his single family home to a duplex, creating a second dwelling in the basement. The first step in this process is to rezone his property to the R-1-20 zone where a duplex is allowed by conditional use since the current R-A

zoning on Mr. Mitchell's property does not allow for a duplex. The Commission will also be reviewing a conditional use permit request for a duplex, contingent on the rezone being approved. Kaysville City Ordinance 17-12-4(9) states that a duplex is allowed in any R-1 zone by conditional use permit as long as not more than three duplexes are within five-hundred feet of the development site. The five-hundred feet is measured in a straight line from the center of the development site to the boundary of any duplex. Staff has reviewed the proposed site and there are no other duplexes within five-hundred feet of the development site. Mr. Mitchell has been working with the building department in regards to what he will need to do to meet the building code requirements for a duplex.

Stephen Mitchell said that at first they will probably rent the remodeled portion of the basement out to family members, but would ultimately like the ability to rent it out to anyone 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.

Russell Lindberg asked about parking for the duplex.

Wade Flint responded that Mr. Mitchell will be required to provide two stalls for the rental unit, which he can easily do with his large driveway. The entrance for the rental will be around the backside of the home.

Shauna Hansen, the Mitchell's daughter, added that it will be a small apartment ideal for a young couple.

Jake Garn made a motion to recommend approval of the request to rezone 1.83 acres of property at 1428 South Sunset Drive from R-A (Residential Agricultural) to R-1-20 (Single Family Residential) for Stephen Mitchell. Matthew Anderson seconded the motion and it passed unanimously.

Jake Garn made a motion to grant a conditional use permit for a duplex at 1428 South Sunset Drive for Stephen Mitchell, contingent upon the rezone being approved by the City Council, and the duplex conversion meeting all building code requirements. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE APPROXIMATELY 5.0 ACRES OF PROPERTY AT 1387 SOUTH SUNSET DRIVE FROM A-5 (HEAVY AGRICULTURAL) TO R-1-20 (SINGLE FAMILY RESIDENTIAL) – BRADLEY WALTERS

Wade Flint explained that the Walters own approximately 13.50 acres of property at 1387 South Sunset Drive which is currently zoned A-5 (Heavy Agriculture). Their request is to rezone approximately five acres of their property to R-1-20 in anticipation of a residential development. The remaining property will stay in the A-5 zone and become the Walter's

personal estate lot. The R-1-20 zone request meets the General Plan density requirements for areas west of I-15.

Russell Lindberg asked why the Walters wanted to keep the remaining property in the A-5 zone.

Bradley Walters responded that they wanted to keep it in the A-5 zone to continue to be able to have horses and the outbuildings for agricultural purposes. They plan to build a home on the east side of the property for their family.

Chairperson Russell Lindberg opened the Public Hearing.

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

Matthew Anderson made a motion to recommend approval of the request to rezone approximately 5.0 acres of property at 1387 South Sunset Drive from A-5 (Heavy Agricultural) to R-1-20 (Single Family Residential) for Bradley Walters. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR KAYSVILLE NEIGHBORHOOD CENTER SUBDIVISION AT 200 NORTH AND FLINT STREET

Andy Thompson explained that over the last several months the City has been working with the Adams Company and Smith's Food Stores to construct 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 proposed plat divides the property into the lots for each of those uses. Lot 1 will be used for the Smith's and the other lots will be available to develop as shown on the site plan. The plat meets the requirements of the Light Industrial 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.

Chairperson Russell Lindberg opened the Public Hearing.

Bryce Bird said that his property is on the west side of this proposed development and feels that the proposed commercial use is too different for this residential area. The development will be a hindrance for surrounding neighbors. Being an amateur astronomer, he is concerned with the light pollution this will cause. Delivery trucks will be pulling into the parking lot at all hours, and the neighbors will have to deal with the noise they cause, and the lights from the traffic. There seems to be no landscaping planned for the west edge of the development, and he'd like to see that something aesthetically pleasing be installed.

Stephen Mitchell said that he has lived in west Kaysville for many years and watched the previous property owner try to develop this parcel for many years. The west side of Kaysville is in need of a grocery store. Residents have to travel across the freeway or to another city to do

their shopping. There isn't enough grocery stores in Kaysville to support its residents. Mr. Mitchell asked what other stores are planned for this development.

Andy Thompson responded that currently the developers are considering other uses, such as a bank or credit union, a fast food restaurant, the Smith's gas pumps, or a medical office. However, nothing is for sure yet.

Tanya Bird said that while she's not entirely opposed to having a grocery store on this property, she is concerned that this proposal has been requested so soon after neighboring residents strongly opposed a similar development a few years ago. This development is too big and doesn't fit into the feel of the area. The Smith's Marketplace building is too large, and there are too many other buildings planned. Mrs. Bird also expressed concern over the walking trail being adjacent to commercial uses because areas of the trail which are adjacent to commercial uses tend to attract crime and places for teenagers to hang out. They become areas which are unsafe and blighted. The neighbors to the west of this property already have problems with foot traffic cutting through their properties to get to the walking trail. Having commercial uses on the property adjacent will just draw more people to the property, and will make the foot traffic problem even worse. There needs to be an appropriate buffer, whether it be with a fence or landscaping to help deter people from trespassing through the neighboring properties. Installing a sound wall would help to contain light and noise pollution.

Jim Neuner said that he lives two lots south of the Bird's and is concerned about how this development will affect the surrounding properties as it is a dramatically different use than the surrounding residential use. The City needs to be sensitive to how this will impact the existing neighbors and ensure that those impacts will be mitigated.

Andy Thompson responded that there has been significant discussion between the City and the developer, and they are currently negotiating the development agreement which will address many of the potential negative impacts and how they will be mitigated. They have discussed installing a wall along the northern edge of the property, and some sort of landscaping buffer along the west edge. The developer has also discussed installing a bike station along the Rail Trail. Those are just a couple of the many things that have been addressed.

Jim Neuner said that by creating a commercial use that will encroach into the residential use, it is not fair to the neighboring property owners as it will affect the value of their properties. This development will draw more people to the area, and unless there is some barrier put in place, people will continue to cut through the neighboring properties to get to the stores. Mr. Neuner asked if there was a way for residents to get a draft copy of the development agreement and make comments on it before any decision is made.

Andy Thompson commented that the draft development agreement hasn't been completed yet.

Chad Hawkins said that he lives in the Mountain Vistas neighborhood and while he sees that there is a need for retail opportunities in the area, he echoes the concerns that have been already mentioned. Many of his neighbors in Mountain Vistas have voiced their concern over potential light pollution this development will create. A lot of care needs to be taken when considering

what type of lighting and signs will be allowed, as well as how many. The neighbors need to be able to be a part of the discussion of how these impacts will be addressed.

Butch Over said that he lives next to the Bird's and is opposed to this property being developed as commercial in a residential area. The residents need the city's help to protect them from the negative impacts of this. A wall needs to be installed on the west side of the property and the lighting used needs to be directed down so that it doesn't flood the surrounding area. Also, concerns regarding the noise from the delivery trucks and traffic will need to be addressed. More landscaping, especially along the west edge of the property, is needed to not only make it more aesthetically pleasing, but to help with light and sound pollution.

Larry Smith said that as a member of the Davis County School Board, this area encompasses the area he is over, and he came to tonight's meeting to see what this project entails. Mr. Smith said that he lives in Centerville, and has watched a new commercial development come in on the west side of the freeway, and all the traffic problems it has created. Mr. Smith asked about the light planned for 200 North and Flint Street.

Andy Thompson responded that the project for a traffic light at 200 North and Flint Street has been funded and is currently being designed. It should be installed sometime this summer.

Bryce Bird said that the Planning Commission is the voice of the citizens and he hopes that they won't approve this development without taking a look at the development agreement.

Tanya Bird said that many of the children in the area have to walk to school and use the Rail Trail as a way to get to school. Mrs. Bird asked if the city would consider putting in a flashing crosswalk across 200 North where the Rail Trail crosses.

Shauna Hansen expressed concern over the lack of green area on the proposed plat for this development. This proposal seems over-developed in that there is too much asphalt and no landscaping. It doesn't seem to fit with the look and feel of west Kaysville and needs to be redesigned.

Greg Brown said that he also lives in the Mountain Vistas area and is concerned about the increase in traffic and how it will effect traffic flow in the area. Will Flint Street and 200 North be widened in conjunction with this development?

Andy Thompson responded that 200 North has the capacity to be widened to a four-lane road, but will remain a two-lane road at this point. However, Flint Street will be widened and fully improved to its designed width with the development of this property.

Robert Gilchrist said that he also lives in Mountain Vistas Subdivision and is concerned about the impact this will have on the traffic flow through their subdivision. There is already a problem with cars using this subdivision as a through-street from Angel Street to 200 North. Has there been any consideration for how traffic will be mitigated through neighboring subdivisions?

Andy Thompson responded that the City has installed stop signs in the Mountain Vistas Subdivision to try to help with the current traffic problems. It is uncertain how this new development will affect traffic in the Mountain Vistas area.

Robert Gilchrist responded that the stop signs really haven't worked in deterring people from using the subdivision as a through street and wish he knew of a solution that would make it less appealing for people to use.

Janice Mitchell said that since moving to Sunset Drive, they have always gone to Smith's in Farmington because of its proximity. The proposed location is a good place for this type of development, especially with the planned Legacy Highway connecting onto 200 North to the west.

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

Jake Garn said that he lives along the northern edge of the property and has witnessed all that has happened in regards to the property owner trying to develop this property. He has heard a lot of suggestions of what to do with the property, both residential and commercial. However, the city has been discussing the possibility of making this property into a commercial development for over thirty years. It sits alongside two major secondary roads and is a great location to provide these kinds of services to the west side of Kaysville. There is a warranted need for commercial services on the west side of the city. Commercial development provides great tax base for the city and this is the most reasonable location for commercial use in west Kaysville. No matter where we were to put commercial in west Kaysville, there will be some sort of residential use adjacent to it. Mr. Garn said that he understands and is sympathetic to the other residents adjacent to this development. There are some major concerns about safety and potential pollution from this. However, he also understands and doesn't fault the city for their strategic placement of this commercial use. It has been planned for many years. This is a good location for it, will be supported by the surrounding area, and will be very beneficial to the city. The city will eventually have over 40,000 residents in its population and this development will help provide the needed services. The comments made tonight will be considered, however because the developer was unable to make it to tonight's meeting, it might be best to postpone this item until they can hear, and respond to, the concerns of the neighbors. This is a huge development and will impact many people. Mr. Garn said that while he is in support of this development, he could not vote in favor of this project with so many unaddressed questions.

Lorene Kamalu commented that this development will also be an opportunity to encourage more residents to support their local businesses.

Matthew Anderson said that he would like to see the development agreement to ensure that the comments and concerns mentioned tonight are addressed.

Stroh DeCaire said because this is a big issue which will impact many residents, the developer needs to have an opportunity to hear the concerns that have been mentioned tonight and address

those concerns. The residents deserve a chance to be able to speak with the developer and for them to hear their comments.

Betty Parker said that maybe someone has a better alternative or idea which could help lessen the impact of this project on the surrounding property owners.

Councilmember Jared R. Taylor said that the developer couldn't be in attendance tonight because he was in session with the State Legislature.

Gary Bullock commented that years ago the city put together an Economic Development Committee and he had the opportunity to serve on it. Potential uses for this property were discussed and it was concluded that it would be a good location for commercial use. There are city regulations that this development has to meet, and the City will ensure that all of them are met before approval. Some of these regulations include specific parking and landscape requirements. There has been some concern mentioned over the green space, and that is something that we will look into. This development will also have to have an architecture review done, and will have to meet their approval so that the architecture fits within the community. We all take pride in Kaysville, and care about the future of Kaysville. We all want to see that Kaysville is protected and that this project will benefit the community. The comments made tonight by the residents have been very informative and will help us figure out what we need to do to ensure any negative impacts will be mitigated. As the city continues to grow, this will help with the tax base and the city's infrastructure. It will be economically beneficial if done properly. We want to make this something that we will be proud of. A wall along the west property line could potentially create some safety problems along the trail. Instead, could a fence or wall be built along the opposite side of the Rail Trail, along the west side? What kind of landscaping is planned to make it more aesthetically pleasing? There are still a lot of unanswered questions at this point.

Jake Garn made a motion to table the proposed preliminary and final plat approval for Kaysville Neighborhood Center Subdivision at 200 North and Flint Street until the developer can be in attendance at a future regular Planning Commission meeting. Lorene Kamalu seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, March 13, 2014 at 7:00 p.m.

ADJOURNMENT

Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:40 p.m.