

28 August 2014 Minutes

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KAYSVILLE CITY PLANNING COMMISSION

August 28, 2014

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

Staff Present: City Manager John Thacker, City Engineer Andy Thompson, Secretary Annemarie Plaizier

Others Present: Council Member Jared R. Taylor, Julianne Baker, Julie Olsen, Zach Olsen, Scott A. Graham, Richard Ensign, David Bennion, Alena Walker, Nate Harbertson, Matt Miller, Bob Rees, Ryan Wade, Mike Yeates, JD Frazier, Jan Williams, Curtis Dalton, Jeff Hufford, Andrea Richardson, Paul Allred

OPENING

The Planning Commission meeting was held on Thursday, August 28, 2014 at 7:00 p.m. in the Municipal Center.

Chairperson Gary Bullock opened the meeting by welcoming those present. Mr. Bullock commented that recently Zoning Administrator Wade Flint retired from Kaysville City and thanked him for all the work he's done for the city and Planning Commission over the years.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B, PRESCHOOL AT 2142 SOUTH 50 EAST – ALENA WALKER

Andy Thompson explained that Mrs. Walker will be conducting one preschool session out of her home from 1:00 to 3:00 p.m. on Mondays and Wednesdays. She will have a maximum of eight children per class. Staff has reviewed the home occupation ordinance with Mrs. Walker and inspected the area of the home where the preschool will be conducted. Off-street parking will be provided with the driveway area, and Mrs. Walker will be informing parents to only drop off and pick up students at specific times.

Alena Walker commented that if a parent wants to stay during a preschool session, they will park in the driveway.

Betty Parker asked if Mrs. Walker's neighbors were aware of this home business.

Alena Walker responded that she has spoken with her neighbors in regards to the preschool and hadn't received any concerns.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation B, preschool at 2142 South 50 East for Alena Walker. Russell Lindberg seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 92 NORTH 400 EAST – JAMES FRAZIER

Andy Thompson explained that the Frazier family has requested a conditional use permit for farm animals with the intent to keep chickens on their property at 92 North 400 East. Based on their lot size of 13,000 square feet, the Frazier's will be able to keep up to eight chickens or similar sized animals. Staff has inspected the property and has ensured that the coop area is in compliance.

Lorene Kamalu made a motion to grant a conditional use permit for farm animals at 92 North 400 East for James Frazier. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 15 SOUTH 760 EAST – JULIE BAKER

Andy Thompson explained that the Baker's have requested a conditional use permit for farm animals on their property at 15 South 760 East. They anticipate having three alpacas and six chickens to start with. Based on their lot size, they will be allowed up to four alpacas and twelve chickens. Staff has spoken with the Baker's to discuss the conditional use permit and have verified the location of where the animals will be kept met setback requirements.

Betty Parker made a motion to grant a conditional use permit for farm animals at 15 South 760 East for Julie Baker. Jake Garn seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 155 SOUTH 300 EAST – SCOTT GRAHAM

Andy Thompson explained that Staff had recently received a complaint in regards to chickens being kept in the Graham's backyard. The Graham's have a coop area which contains the chickens, as well as a fence around the entire backyard. The coop area is in compliance with the setback requirements. The Graham's are now requesting a conditional use permit in order to get into compliance with Kaysville City ordinance. Based on their lot size, they are limited to ten chickens.

Scott Graham commented that they had previously owned a rooster, and understand that roosters aren't permitted in their zone. They currently own eleven chickens, but will be getting rid of one in order to be in compliance.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 155 South 300 East for Scott Graham. Matthew Anderson seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 587 SOUTH TERESA STREET – ZACH OLSEN

Andy Thompson explained that recently Staff received a complaint that the Olsen's were keeping chickens in the backyard at 587 South Teresa Street. The Olsen's are now requesting a conditional use permit in order to get into compliance with Kaysville City ordinance. Staff has met with the Olsen's to discuss the conditional use permit and verified that the existing coop meets setback requirements. The Olsen's currently have about twenty chickens, but based on their lot size would be able to have up to fifty-six chickens.

Zach Olsen commented that they had owned a couple of roosters, but have since gotten rid of them after being notified of complaints that had been made to the city about them.

Stroh DeCaire asked about how many chickens the Olsen's plan to own.

Zach Olsen responded that they will probably only house about twenty chickens, at the most.

Jake Garn made a motion to grant a conditional use permit for farm animals at 587 South Teresa Street for Zach Olsen. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A PERFORMING ARTS ACADEMY AT 1700 SOUTH FRONTAGE ROAD – JAN WILLIAMS

Andy Thompson explained that Ms. Williams is applying for a conditional use permit for a performing arts academy, "Show Stopper Productions", at what was previously the Elevation Church, located at 1700 South 50 West (Frontage Road). Her students will range in age from seven through eighteen. For the first semester, which will run until January, Mrs. Williams plans to hold classes from 4:00 to 8:00 p.m. on Mondays and Thursdays, and from 9:00 to 11:00 a.m. on Saturdays. She hopes to add additional nights and times in future semesters. The existing church is set up with classrooms where classes will occur, and a stage where performances will be held a couple of times a year. The site is fully developed providing plenty of off-street parking. Public and quasi-public buildings of the educational, recreational, or cultural type are allowed in residential zones by conditional use according to Kaysville City Ordinance, Section 17-12-4(1).

Jan Williams said that she has been teaching performing arts for many years in other cities, and has been contemplating purchasing this building to continue with her performing arts classes. Ultimately she would like to also start a community theater at this location. Many of her students are local and this will give a good central location for them. She hopes that by January 2015 she will be able to start a small community theater in conjunction with her business.

Matthew Anderson asked if the community theater would be allowed in this residential zone.

Andy Thompson responded that city ordinance allows for quasi-public buildings, such as churches and schools, within residential zones by conditional use. Staff will meet with Ms. Williams before the community theater is incorporated into the business to ensure it meets city parameters for this type of use. Staff doesn't anticipate any problems with the community theater here as long as she continues the educational aspect of her business and is able to provide enough parking for her patrons.

Jan Williams commented that she does not have any plans to stop teaching performing arts.

Lorene Kamalu commented that this seems like a good use for this property.

Jan Williams added that she is part of the Hope Box Foundation that is a program which works with children battling cancer, and their families. She would like to create a "Hope Box Theater" as a way to give back to these families of children with cancer. It will not be a large theater, and it will be something special for the community. This property has a large area for parking and if they need more parking for a performance they could park cars on the grass.

Jake Garn said that he used to live in the adjacent neighborhood and feels that this proposed use will work well for the property.

Matthew Anderson made a motion to grant a conditional use permit for a performing arts academy at 1700 South Frontage Road for Jan Williams. Stroh DeCaire seconded the motion and it passed unanimously.

REQUEST FOR A VARIANCE TO TITLE 17-10-6(3) PLANNING AND ZONING AS IT RELATES TO THE MINIMUM FRONT-YARD SETBACK IN THE R-A ZONE – RYAN WADE

Andy Thompson explained that the Wade's are in the process of submitting a building permit for a detached garage on their property located at 1210 South Santa Anita Drive in the Sunset Equestrian Estates Subdivision. Their property is zoned R-A which requires a minimum front yard setback of thirty feet. When applying for their building permit for a detached garage, they were told by Staff that because of the layout of their lot they would need to meet the front yard setback requirement along the entire edge abutting the street of their curved lot. The Wade's have requested a variance from the thirty foot minimum front yard requirement arguing that theirs is a corner lot and should be considered as such. The Wade's have also pointed out that the lot directly to the west of theirs is a true corner lot, and therefore would only have to meet the twenty foot side yard setback requirement. Being allowed to put their accessory building at the same setback will make the subdivision look more conformed and aesthetically pleasing. If it is decided that this is not a corner lot, Mr. Wade will be required to meet the thirty foot front yard setback. The Planning Commission acts as the appeal authority for Title 17, Planning and Zoning and will need to determine if this variance request meets the criteria for approval, or if the current ordinances would allow for this lot to be interpreted as a corner lot. Because the

Wade's home currently faces to the east it could be said that it has a side yard abutting the street to the north.

Matthew Anderson said that this proposed variance doesn't seem to meet all of the criteria for a variance to be granted.

Ryan Wade commented that his brother-in-law purchased the property directly to the west of his and they would like to be able to share the yard between both lots. As part of their plan, they would like to build their detached garages directly adjacent to each other along the shared property line.

Gary Bullock asked if Mr. Wade had considered setting both garages back thirty feet rather than asking for a variance for the twenty foot setback.

Ryan Wade responded that they would like to have as much yard space behind the garages as possible, rather than encroaching on the yard, and potentially Mr. Wade's home, by pushing the garages further back into the property.

Jake Garn asked about the definition of a corner lot.

Councilman Jared Taylor commented that according to City ordinance a corner lot is a lot abutting two or more intersecting streets. This lot could potentially fit under this definition because of this street layout.

Russell Lindberg commented that he feels that this lot could be considered a corner lot because of how the home has been placed on the lot, creating a side yard to the north.

Matthew Anderson made a motion to determine that the property at 1210 South Santa Anita Drive be interpreted as a corner lot, with all applicable ordinances being applied. Therefore the variance being proposed tonight would need no further action taken. Russell Lindberg seconded the motion and it passed unanimously.

PUBLIC HEARING AND AMENDMENT OF THE KAYSVILLE CITY GENERAL PLAN

Gary Bullock explained that it recently came to the attention of Commission members that the proposed amendment to the General Plan was not posted on the City's website, and therefore the Commission would need to decide if they would like to move forward with taking action on this item tonight.

Councilman Jared Taylor suggested that the Planning Commission postpone taking action on this item until the General Plan can be posted on the website and residents given time to review the Plan.

Chairperson Gary Bullock opened the Public Hearing.

Paul Allred commented that he only recently discovered that the General Plan was being considered for amendment and therefore hadn't had much time to review the proposed changes. Mr. Allred asked that the Commission postpone any action taken so that residents could have time to review the General Plan and comment on it. Updating the General Plan is a good move by the city, but there are some concerns about increasing the density in west Kaysville.

Richard Ensign commented that he lives in west Kaysville and many residents moved to west Kaysville, himself included, because they wanted to live on larger lots away from high density areas. Mr. Ensign asked that the City consider notifying the public regarding the General Plan amendment through the city newsletter.

There were no further comments or questions. Chairperson Gary Bullock closed the Public Hearing.

Gary Bullock said that when the review of the General Plan first started in 2011, there were many concerns voiced about high density housing being allowed in west Kaysville. A committee was set up and the plan was discussed in detail. The General Plan has been revised many times to get to the proposed draft we see today.

Stroh DeCaire said that this item has been part of the Planning Commission's agenda and discussion for many months with no draw from the public. Mr. DeCaire suggested a new Public Hearing date be noticed now that the General Plan is on the City website, and to also notice it in social media avenues, through word of mouth and through the City's newsletter.

Lorene Kamalu commented that the Commission shouldn't feel rushed to make a decision on this. We want to have a lot of thoughtful discussion before a decision is made.

Councilman Jared Taylor said that something could be included in the next City newsletter which will be published in October, and suggested that the Public Hearing be scheduled during that same month.

Gary Bullock said, in regards to density of west Kaysville, we may also need to take into consideration available residential land left to be developed. Mr. Bullock asked if Staff could provide more information about this to the Commission before the Public Hearing.

Stroh DeCaire made a motion to reschedule the consideration of the Public Hearing and amendment of the Kaysville City General Plan until the Planning Commission's Regularly Scheduled meeting held on October 23, 2014. Lorene Kamalu seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Jan Williams asked about her conditional use permit approval for the performing arts academy and if she would need to come back to the Commission for approval of the community theater portion of her business.

John Thacker suggested to Ms. Williams that when she has a better idea of how she would like to incorporate the community theater into the business that she meet with Staff to discuss if this would have any impact on her conditional use approval.

Nate Harbertson commented that the city should consider amending the ordinance to add more specific language regarding uses like community theaters so there are no questions or problems for Ms. William's in the future.

Paul Allred asked if there had been any decision made about the proposed West Davis Corridor.

John Thacker commented that UDOT is still in the process of trying to find the best solution for which traffic facility will handle the traffic load best.

Paul Allred commented that it is frustrating for all of the residents who could potentially be affected by this that UDOT keeps putting off making a decision.

REPORTS

Andy Thompson reminded the Planning Commission that the Utah League of Cities and Towns will be having their Annual Conference on September 10 – 12, 2014 in Salt Lake City and encouraged Commission members to attend.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, September 11, 2014 at 7:00 p.m.

ADJOURNMENT

Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:20 p.m.