

31 July 2014 Minutes

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KAYSVILLE CITY PLANNING COMMISSION
July 31, 2014

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

Excused: Gary Bullock, Jake Garn

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

Others Present: Council Member Mark Johnson, Jared R. Taylor, Aftyn Taylor, Hanah McCloy, Victoria Chavez, Rob Dansie, Russ Wilson, John Wheatley, Dave Whitaker, Carla Whitaker, Heidi Johnson, Brad Walters, Hanah McCloy, Micah Peters

OPENING

The Planning Commission meeting was held on Thursday, July 31, 2014 at 7:00 p.m. in the Municipal Center.

Andy Thompson explained that with the absence of both the Chairperson and Vice-Chairperson tonight, a Chair Pro-Tem would need to be elected to conduct the meeting.

Betty Parker nominated Matthew Anderson as Chair Pro-Tem. Russell Lindberg seconded the nomination. No other nominations were made. Matthew Anderson was approved as Planning Commission Chair Pro-Tem by unanimous vote.

Chair Pro-Tem Matthew Anderson opened the meeting by welcoming those present. The minutes of the June 26, 2014 and July 10, 2014 meetings were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the June 26, 2014 and July 10, 2014 meetings. Russell Lindberg seconded the motion and it passed unanimously.

Jared R. Taylor commented that because he has an item on tonight's agenda he will be recusing himself as Councilman for the meeting and Mark Johnson will be representing the City Council tonight.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B, PRESCHOOL AT
231 EAST CRESTWOOD ROAD – VICTORIA CHAVEZ**

Andy Thompson explained that Mrs. Chavez will conduct one preschool session out of her home from 9:00 to 11:00 a.m., Monday through Friday with a maximum of six children per class. Staff has reviewed the home occupation ordinance with her and inspected the area in the home where the preschool will be located. Parents will drop off and pick up children at designated times and therefore parking shouldn't be a problem.

Stroh DeCaire asked about fencing of the property.

Victoria Chavez commented that the backyard is fenced, however she doesn't anticipate taking the children outside during preschool sessions. Parents will be instructed to only drop off and pick up children at designated times.

Betty Parker made a motion to grant a conditional use permit for a major home occupation B, preschool at 231 East Crestwood Road for Victoria Chavez. Stroh DeCaire seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B, HAIR SALON AT
610 EAST 100 SOUTH – HANAH MC CLOY**

Andy Thompson explained that the McCloy's have remodeled a room in their basement for the hair salon which meets the maximum requirement for area allowed for this type of home occupation. Mrs. McCloy will be operating part-time for now and will require all clients to have appointments. No walk-ins will be allowed.

Hanah McCloy added that she only has one chair in her beauty salon and plans to work in the evenings and on Saturdays.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation B, hair salon at 610 East 100 South for Hanah McCloy. Russell Lindberg seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION B, MASSAGE
THERAPY AT 985 SOUTH VIA LA COSTA WAY – HEIDI JOHNSON**

Andy Thompson explained that Mrs. Johnson will be using a spare bedroom to operate her massage therapy business Tuesday through Friday, from 9:00 a.m. to 5:00 p.m. Clients will come by appointment only, with a thirty minute break between sessions.

Heidi Johnson added that she will typically work within the hours and days as mentioned, with the occasional appointment scheduled outside that time. All clients will come by appointment only and therefore parking shouldn't be a problem.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation B, massage therapy at 985 South Via La Costa Way for Heidi Johnson. Betty Parker seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR CRESTED PEAKS SUBDIVISION AT 1387 SOUTH SUNSET DRIVE – BRADLEY WALTERS

Andy Thompson explained that this property recently received preliminary plat approval and Phase 1 has been submitted for final plat approval. Phase 1 consists of ten lots, including the existing home and a seven acre lot which may be replatted in the future as Phase 2.

Stroh DeCaire asked about the existing structures on the property.

Bradley Walters responded that he currently has no plans for the existing structures. Their family will be building a home on Lot 10, which will take access off of the newly created cul-de-sac.

Russell Lindberg made a motion to recommend final plat approval for Crested Peaks Subdivision at 1387 South Sunset Drive for Bradley Walters. Stroh DeCaire seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR PENELOPE ROSE SUBDIVISION AT APPROXIMATELY 700 EAST 600 SOUTH – MICAH PETERS

Andy Thompson explained that the preliminary plat for this subdivision was recently approved and now the final plat has been submitted. Since preliminary plat approval, the developer has removed three lots on the 8.2 acre parcel, taking the total number of lots down to twenty-one. The lots vary in size from just over 8,000 square feet to nearly a half an acre. The Planning Commission approved the preliminary plat with the condition that a traffic study be performed showing the impact of the development on adjacent streets. The traffic study has been submitted and stated that the impact is within acceptable limits. Neighbors had also mentioned a history with water drainage problems in this area. The developer has addressed these concerns by planning catch basins and berms within the landscaping.

Dave Whitaker commented that he owns the property to the west of this development and had mentioned to the city concerns about water runoff. Mr. Whitaker said that he feels that the developer has sufficiently addressed his concerns not only with the planned storm drains, but also by including language addressing water runoff within the subdivision's covenants. However, he still has concerns that need to be addressed regarding the proposed cul-de-sac because at over 725 feet it is longer than what city ordinance allows. While he understands that it is the City's hope that a through street will eventually connect to the proposed cul-de-sac, Mr. Whitaker stated that has no current plans to develop his property and cannot guarantee that a road will connect to the proposed roads. He has looked into developing his property and would like to develop it with as many lots as possible. Therefore he is not willing to give up more than one lot to provide a through street to the adjacent development. The proposed cul-de-sac will run directly behind his property, creating a ten foot right-of-way

easement encroaching into his back property line. This impact should be borne by the current development and not on the surrounding properties and therefore the road should be moved ten feet to the south to accommodate for the right-of-way. It doesn't seem like it would be a good idea to build frontage along the backside of a property, and it has created some concerns for snow removal and the potential damage it could do to Mr. Whitaker's fence.

Lorene Kamalu asked if the cul-de-sac met city ordinance.

Andy Thompson responded that city ordinance allows for cul-de-sacs longer than what is currently outlined in the ordinance, as long as there is an opportunity for a road to connect to it.

Matthew Anderson commented that he appreciated seeing that the number of lots proposed for this development had been reduced. Fewer lots will help reduce the density of the area and thereby reducing the amount of traffic.

Betty Parker asked about sidewalk in the cul-de-sac, including along Mr. Whitaker's property.

Andy Thompson responded that currently the developer is only planning to install curb and gutter along the edge of Mr. Whitaker's property, with the sidewalk running in front of the rest of the lots in the cul-de-sac. The developer felt that it wouldn't be beneficial to make the sidewalk continuous around the cul-de-sac as there would be no home fronting sidewalk along Mr. Whitaker's property.

Dave Whitaker said that a portion of his property is becoming street frontage as part of this proposed development and feels that the city should help to protect his property. Mr. Whitaker asked if fencing would be installed around the perimeter of the development.

Andy Thompson responded that typically fencing is only required if the proposed development is deemed incompatible with an adjacent property.

Lorene Kamalu commented that because of the few homes that will take access off of this cul-de-sac, it doesn't seem necessary to require a continuous sidewalk around the cul-de-sac.

Rob Dansie said that this is an ideal opportunity to require the installation of sidewalk, rather than leaving it to future Commissions to deal with. There are other areas of the city that are inconsistent with their sidewalks and has caused pedestrian traffic problems. By installing a sidewalk along here now, it won't force pedestrians to have to cross the street. We need to make sure we plan for our future and how to get the most out of each development.

Matthew Anderson asked about moving the cul-de-sac ten feet to the south to accommodate a right-of-way.

Andy Thompson responded that by moving the cul-de-sac ten feet to the south you are thereby moving those homes ten feet closer to the gully behind them.

Micah Peters, the developer, said that they considered building a sidewalk adjacent to Mr. Whitaker's property but because the few lots that surrounded it, it didn't seem beneficial to the residents of this subdivision. There won't be a lot of cross-traffic so there shouldn't be many safety concerns. They have also tried to address concerns regarding potential traffic this development could cause. The traffic study that was done found that this development won't have a critical effect on the surrounding community.

Stroh DeCaire commented that when the Planning Commission reviewed the preliminary plat for this development he was against its approval because of the density and the increased traffic it would bring to surrounding streets. Mr. DeCaire said that he appreciates that the developer listened to comments made by residents and removed a few lots from the development.

Dave Whitaker commented that for many years he's been told that a road connection would need to be built through his property at some point in time, and understands that there is a need for it. However, he has his own concerns about snow removal and would like more distance created between the road and his fence line.

Andy Thompson responded that because there will be only be a few homes on this cul-de-sac, snow removal shouldn't be too impacting.

Matthew Anderson asked about the water run-off and if there were any concern about the efficacy of the planned water mitigating measurements.

Andy Thompson responded that the developer has planned sufficient means to effectively contain any water run-off in the area.

Russell Lindberg commented that it by installing a sidewalk around the perimeter of the cul-de-sac, it gives off an assumption that a road connection will never be made at this location.

Lorene Kamalu said that it doesn't make sense to require sidewalk where no home will front it. The cul-de-sac will have a limited amount of traffic and therefore there shouldn't be any traffic safety concerns for residents living on this cul-de-sac.

Stroh DeCaire asked who would be required to landscape and maintain the right-of-way area.

Andy Thompson responded that typically it is left to the abutting property owner to maintain it.

Norm Whittaker asked if there would be any trails in this subdivision which would provide for pedestrian traffic from the development to Main Street.

Andy Thompson responded that there is a nearby trail located in Fruit Heights which runs behind this subdivision, but the subdivision itself does not have any planned pedestrian trails.

Lorene Kamalu said that the purchaser of Lot 118, located at the end of the cul-de-sac, will need to be made aware of the problem of foot traffic cutting through their property.

Andy Thompson said that the property owner could certainly allow for a trail to be run through their property, or could put up a fence to keep pedestrian traffic out.

Lorene Kamalu made a motion to recommend final plat approval for Penelope Rose Subdivision at approximately 700 East 600 South for Micah Peters. Russell Lindberg seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY PLAT AND FINAL PLAT APPROVAL FOR
ROBERT W. SPEIRS SUBDIVISION AMENDED AT 412 NORTH MARKET STREET –
JARED TAYLOR**

Andy Thompson explained that Speirs Plumbing has been on the corner of Market Street and Boro Street for a number of years. As their business has grown they have acquired other properties in the area. They would now like to consolidate three of their adjacent lots into one lot in order to have more flexibility as they continue to grow and expand. They have submitted a plat which shows the configuration of the consolidated lots. The proposed plat complies with all applicable ordinances and Staff recommends approval.

Chair Pro-Tem Matthew Anderson opened the Public Hearing.

There were no comments or questions from the public. Chair Pro-Tem Matthew Anderson closed the Public Hearing.

Jared Taylor commented that the previous owner recently rezoned this property to the LI zone which better fits the area. The newly acquired property will give their business more parking and space to expand their business.

Betty Parker made a motion to recommend preliminary and final plat approval for Robert W. Speirs Subdivision Amended at 412 North Market Street for Jared Taylor. Stroh DeCaire seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR
KAYSVILLE SUNSET EQUESTRIAN ESTATES PLAT 12 1ST AMENDED AT 1501
SOUTH KENTUCKY DERBY WAY – TYLER MERTLICH**

Andy Thompson explained that Mr. Mertlich and his neighbor would like to adjust their common property line. A plat showing the new configuration has been submitted to accommodate this adjustment. The new lots comply with the zoning for the area.

Chair Pro-Tem Matthew Anderson opened the Public Hearing.

There were no comments or questions from the public. Chair Pro-Tem Matthew Anderson closed the Public Hearing.

Russell Lindberg made a motion to recommend preliminary and final plat approval for Kaysville Sunset Equestrian Estates Plat 12, 1st Amended at 1501 South Kentucky Derby Way for Tyler Mertlich. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND AMENDMENT OF SECTION 17-21-6, AREA, LOT COVERAGE, AND YARD REQUIREMENTS, OF CHAPTER 17-21, LI – LIGHT INDUSTRIAL DISTRICT, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

John Thacker explained that it has been proposed to amend Section 17-21-6, Area, Lot Coverage and Yard Requirements, of Chapter 17-21, Light Industrial District of Title 17 Planning and Zoning, as proposed in the presented ordinance tonight. This proposed amendment will more closely emulate the requirements in the General Commercial and Central Commercial zones.

Lorene Kamalu asked if there was a specific business which prompted the discussion of this ordinance revision.

John Thacker responded that Staff has received a few inquiries in the past, but nothing recent has prompted this change. This amendment will make the Light Industrial regulations more integrated with our other commercial areas.

Stroh DeCaire made a motion to recommend the amendment of Section 17-21-6, Area, Lot Coverage, and Yard Requirements, of Chapter 17-21, LI – Light Industrial District, of the revised ordinances of Kaysville City. Lorene Kamalu seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lorene Kamalu expressed appreciation for the other Commission members and the work they put into reviewing the General Plan. We seem to have a good vision of what we want to be as a city and what we want to attract to our city in the future. Mrs. Kamalu asked about noticing for the General Plan Public Hearing.

Russell Lindberg suggested noticing it on the website, in the newspaper, on the City's social media sites, and in city notification e-mails.

Lorene Kamalu suggested that if it could also be noticed in the City newsletter and on utility bills mailed out to residents.

CALENDAR

Andy Thompson explained that the City Council has scheduled a special Council meeting on Thursday, August 14, 2014 and suggested that the Planning Commission reschedule their meeting planned for that same night.

The Planning Commission discussed possible alternate days to meet and decided to cancel their next regularly scheduled meeting on Thursday, August 14, 2014. Their next regularly scheduled meeting will be on Thursday, August 28, 2014 at 7:00 p.m.

ADJOURNMENT

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