

3 December 2015 Minutes

KAYSVILLE CITY PLANNING COMMISSION

December 3, 2015

Members Attending: Chairperson Jake Garn, Gary Bullock, Stroh DeCaire, Lorene Kamalu, Betty Parker, Joshua Sundloff

Excused: Matthew Anderson

Staff Present: City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Brock Peterson, Phil Holland, Logan Johnson, JoLyn Carlson, Gary B. Carlson, Craig Buhler, Chad Smith, Jaynalee Peterson, D. Kim Cassity, Ryan Thomas, Raef Thomas, Royce Bartholomew, Cameron Russell, Andrew Russell, Clyde Terry, Julie Bunch, Paul Porter, Kathy Johnson

OPENING

The Planning Commission meeting was held on Thursday, December 3, 2015 at 7:00 p.m. in the Municipal Center.

Chairperson Jake Garn opened the meeting by welcoming those present. The minutes of the September 24, 2015, October 15, 2015 and November 12, 2015 meetings were presented for approval.

Lorene Kamalu asked that her comment made on page 2 of the minutes of September 24, 2015 regarding the Field of Dreams Subdivision be reworded to clarify that this development would be beneficial to the property owners looking to develop their land.

Lorene Kamalu made a motion to approve the minutes of the September 24, 2015, October 15, 2015 and November 12, 2015 meetings. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A FLAG POLE GREATER THAN THIRTY-FIVE FEET IN HEIGHT AT 780 NORTH 900 WEST – CAMPING WORLD

Lyle Gibson explained that Camping World, located at 780 North 900 West, recently installed a flag pole near the entrance of their sales lot. The flag pole is one hundred and thirty feet in height and was installed without obtaining the necessary permits from the city. In their current zoning of Light Industrial the height limit is thirty-five feet and therefore a conditional use permit is required for the flag pole. Staff is recommending approval with the condition that a building permit be obtained to verify compliance with the design criteria of Kaysville City, including

confirming wind speed loads. Also, Staff is recommending that approval be conditional upon the pole not being used for advertising signs.

Stroh DeCaire asked if the Building Official has since reviewed building plans or engineering for the flag pole.

Lyle Gibson responded that the Building Official wanted to wait to review their plans until a conditional use permit was approved.

Brock Peterson, representing Camping World, said that they are currently in the process of getting the engineering completed for the building permitting process.

John Sundloff expressed concern about making an approval conditional upon what kind of flag can be flown because it seems to be unconstitutional.

Betty Parker asked about the size of the American flag currently being flown on the pole.

Brock Peterson commented that it is approximately forty feet by eighty feet in size.

Betty Parker asked if the wind load engineering for the flag pole takes into account the size and weight of the flag being flown on it.

Brock Peterson responded that typically the wind load is only based on the pole itself, not what's attached to it. The pole was set thirteen feet underground and meets the design standard criteria.

Gary Bullock made a motion to grant a conditional use permit for a flag pole greater than thirty-five feet in height at 780 North 900 West for Camping World with the following conditions:

1. The pole not be used for advertising signs.
2. The flag pole be subject to the building permit process to verify compliance with Kaysville City specific design criteria, including confirmation of its design being able to handle wind speeds with a forty foot by eighty foot flag attached.

Lorene Kamalu seconded the motion.

Voting was as follows:

Gary Bullock yea
Lorene Kamalu yea
Stroh DeCaire nay
Jake Garn yea
Betty Parker yea
Josh Sundloff yea

The motion passed with a vote of five to one.

Josh Sundloff stated that he voted in favor of the motion because there is probably a minimal possibility that anything objectionable will be flown from the pole.

Stroh DeCaire said that he voted against the motion because he feels that either Camping World or the hired contractor should have received approval from the city before erecting such a large flag pole.

REVIEW OF THE CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 49 SOUTH 500 EAST – SHERI STALWORTH

Lyle Gibson explained that Ms. Stalworth was granted a conditional use permit in July of 2015 to keep up to six chickens on her property. Her request for a conditional use permit was prompted in response to complaints received by Staff about farm animals in the area. Ms. Stalworth was not present at the Planning Commission meeting when the permit was granted. However, a neighboring property owner was present and expressed concerns about the state of the property and that Ms. Stalworth had a rooster. The Planning Commission still approved the conditional use permit with the condition that the property be brought into compliance with city regulations within fifteen days of the meeting and that if there was a rooster on the property that it be removed. After that meeting, Staff confirmed that Ms. Stalworth's property was in compliance. It has been recently brought to Staff's attention that Ms. Stalworth has again become noncompliant by housing more than the allowed amount of chicken and at least one rooster on the property. Ms. Stalworth was sent notice of the violation, requesting her compliance, and also informing her of this review by the Planning Commission tonight. Ms. Stalworth has made contact with Staff and maintains that she only owns six chickens, and that her neighbor's chickens are continually flying over into her property. Earlier today, Staff did an inspection of the property and found it to be in compliance, but would like the Commission to review the conditional use permit to see if any further conditions need to be put in place.

Jake Garn asked if the neighbors who also have farm animals have obtained a conditional use permit.

Lyle Gibson responded that the adjacent property with farm animals was grandfathered into the ordinance and therefore are not required to obtain a conditional use permit. Because of their grandfathered status, they would also be allowed to have roosters on their property. If the Commission feels that a more contained coop needs to be required on the Stalworth's property to help contain the chickens, it can be made conditional with the permit.

Gary Carlson said that he lives to the south of the Stalworth property and has seen more than six chickens as well as a rooster on her property numerous times. The neighbor to the north who also owns chickens seems to have their chickens contained adequately. Mr. Carlson asked that if Ms. Stalworth is to be found in non-compliance again that her permit be revoked and the chickens removed immediately.

Josh Sundloff asked if Mr. Carlson had ever seen the chickens getting over the fence into neighboring yards.

Gary Carlson responded that he had, including his own.

Gary Bullock said that no matter who owns the chickens, there needs to be better containment of all of the chickens in the area.

Jake Garn said that all of these animal owners need to work together to keep their own chickens contained to their properties.

Betty Parker said that this isn't the first time this item has come before the Commission because of a complaint. Mrs. Parker added that she is disappointed that Ms. Stalworth was not present again for her agenda item.

Jake Garn asked what happens with the animals should revocation occur.

Lyle Gibson responded that the animals would be confiscated by Animal Control.

Betty Parker added that the chicken's wings could be clipped to help prevent them from flying over the fences.

Lorene Kamalu commented that she sympathizes with the neighbors who live by this problem. People need to take care of their animals so as to not unduly affect their neighbor's properties. Even if they are not her chickens, Ms. Stalworth has a responsibility to do what she can to keep the chickens out as well contain her own chickens to her yard.

Josh Sundloff made a motion to revise the approved conditional use permit for farm animals at 49 South 500 East for Sheri Stalworth with the following conditions:

1. The number of chickens allowed on the property at any time be limited to six. Any in excess of the six must be removed immediately.
2. Roosters are restricted on the property. Any currently located on the property must be removed immediately.
3. If Ms. Stalworth is ever found to be noncompliant again, the conditional use permit will be revoked immediately and she will not be able to reapply for a permit for a period of six months.

Lorene Kamalu seconded the motion.

Voting was as follows:

Stroh DeCaire yea
Jake Garn yea
Betty Parker nay
Josh Sundloff yea
Gary Bullock yea
Lorene Kamalu yea

The motion passed with a vote of five to one.

Betty Parker commented that she voted against the motion because she feels that Ms. Stalworth should have been present to give some explanation and answer questions.

Kathy Johnson suggested that the chickens be banded so it would be easier to tell which belong to whom.

PUBLIC HEARING AND REQUEST TO REZONE 12.27 ACRES OF PROPERTY AT APPROXIMATELY 550 SOUTH KNIGHTS WAY AND 988 WEST SMITH LANE FROM A-1 (LIGHT AGRICULTURE), AND R-A (AGRICULTURE RESIDENTIAL) TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY) – WRIGHT DEVELOPMENT GROUP

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR TYLER MEADOWS SUBDIVISION LOCATED AT APPROXIMATELY 550 SOUTH KNIGHTS WAY AND 988 WEST SMITH LANE – WRIGHT DEVELOPMENT GROUP

Andy Thompson explained that this property has previously been reviewed at Planning Commission meetings earlier this year as the Bob Law and Chad Smith subdivisions. Since that time all properties involved have been put under contract by the Wright Development Group. This allows the parcels to be platted as a single subdivision, not as three separate projects, which provides more flexibility in the lot layout and seems to address many of the concerns from the previous proposals. The plat contains twenty-four lots with a cul-de-sac to the east, and Knights Way being extended through to Smith Lane. The lots vary in size from just over 13,000 square feet to over half an acre. The R-1-LD zone has been requested to accommodate these lot sizes. The R-1-LD zone allows for up to two units per acre with a minimum lot size of 12,000 square feet. The density and lot size requirements of the R-1-LD zone appear to be met on the preliminary plat. Lots adjacent to existing homes have been planned to be larger to help create a buffer. There has been some concern expressed by the neighbors to the north about potential increased traffic issues the proposed through street could bring. There is some validity to these concerns as there are two public schools located just to the south of this development. However, because the intersection to the north will be off-set, Staff feels this may help to reduce cut-through traffic. Staff feels the current proposal is the best solution presented to us so far and is therefore recommending approval.

Jake Garn said that in previous meetings where this development had been discussed, there were some concern that sidewalks would not be installed along both sides of the street and asked if this was still the case with this latest plan.

Andy Thompson responded that the road will be fully improved, including sidewalks on both sides of the street.

Chairperson Jake Garn opened the Public Hearing.

Phil Holland, representing Wright Development Group, said that he grew up in Kaysville and has watched the growth of Kaysville and the increased demand for land. There's a scarcity of land, and this is a great opportunity to create an exclusive community. The Wright Development Group is partnering up with Destination Homes and Havenhill Homes with this development. The homes will be similar to what is already in the area and will have similar subdivision covenants as the surrounding neighborhoods to try to keep the look consistent. The planned road is at an angle which will help to naturally slow down traffic, as well as not give the appearance

of a through street. An entry monument and faux fence will be added on the south side of the subdivision to give the appearance of a private subdivision. It helps to also deter through traffic from the casual driver.

Jake Garn asked if there are other traffic calming ideas that could be put in place to help address safety concerns.

Phil Holland responded that they have been working with engineers as well as the city to see what would be allowed and will work best.

Jaynalee Peterson said that they live directly adjacent to this property and expressed appreciation to Mr. Garn and the Wright Development Group in their willingness to meet with the neighbors beforehand to discuss their concerns. There will be many homes built within the development, all of which will not only be using the proposed road, but will add traffic to the surrounding roads. There is also a vacant lot along Webb Lane which could potentially use the proposed road as a through street. This could create a substantial amount of traffic to the area. Traffic along Angel Street is already very congested, especially during school hours. Ms. Peterson commented that she doesn't feel that the aforementioned traffic calming ideas will be effective enough to help deter or slow down traffic along the new road, and suggested that a speed bump or cross drain be installed. With the recent school boundary changes, the homes north of this development in the Mountain Vistas Subdivision have been assigned to attend the elementary school on west 200 North, which will probably help lessen the likelihood of through traffic during school hours. However, there is still a lot of foot traffic in this area and there needs to be a crosswalk installed across Smith Lane at the new intersection.

Clyde Terry said that he lives on Knight's Way and that there needs to be a better method of controlling traffic in the area. Mr. Terry suggested putting a 3-way stop at the end of the proposed cul-de-sac. This will help to deter cut-through traffic, and slow down cars along the road. There are already a lot of children that live in the area that will be walking on these streets. Any safety measures taken will be greatly appreciated by the neighbors. Mr. Terry also suggested that a specific setback be required for the lots abutting existing homes to help give a buffer between them and the new homes.

Andy Thompson responded that typically at a three-way intersection, a stop sign will not be placed on the through leg. Because this application is preliminary, traffic control should probably not be considered in depth until it comes back for final approval.

Julie Bunch said that there are currently about two-hundred and fifty kids already in the Tyler Estates Subdivision and there is a lot of foot traffic as they walk to school. Even though the kids in Mountain Vistas won't be going to the nearby elementary school anymore, the junior high school boundaries did not change.

Paul Porter said that it seems that all of the neighbor's traffic concerns would be resolved if a through street wasn't created. Creating a through street right next to a school is just asking people to use it as a thoroughfare.

Jake Garn responded that one of the reasons previous proposed developments for this area were not approved was because of the lack of another access point. If we were to approve this without a through street it would go against the previous Planning Commission's decisions.

Kathy Johnson said that she has lived in west Kaysville almost all of her life, and has watched the growth and development of the city. Every development has brought more cars and pedestrians to the area, and existing residents have had to learn to adapt to it. The increased traffic has created some major traffic safety concerns. However, everyone needs to share the burden of the increased traffic that these developments bring. As we spread the traffic out along other streets, it might help to take some of the burden off of Angel Street and Sunset Drive.

There were no further comments or question from the public. Chairperson Jake Garn closed the Public Hearing.

Josh Sundloff said that this subdivision seems to comply with the proposed R-1-LD zone.

Stroh DeCaire said that he feels that this development has a good layout. Mr. DeCaire said that while he understands the concerns about traffic, he agrees with Ms. Johnson in that we shouldn't be putting all of the traffic burden along arterial streets.

Josh Sundloff made a motion to recommend approval of the request to rezone 12.27 acres of property at approximately 550 South Knights Way and 988 West Smith Lane from A-1 (Light Agriculture), and R-A (Agriculture Residential) to R-1-LD (Residential Single Family Low Density) for the Wright Development Group. Stroh DeCaire seconded the motion and it passed unanimously.

Stroh DeCaire made a motion to recommend preliminary plat approval for Tyler Meadows Subdivision located at approximately 550 South Knights Way and 988 West Smith Lane for the Wright Development Group. Betty Parker seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR KAYSVILLE PROFESSIONAL COMPLEX CONDOMINIUMS AT 396 NORTH 400 WEST – ROYCE BARTHOLOMEW

Andy Thompson explained that the subject property is currently part of the Olde Shop Subdivision Phase D. As an existing subdivided lot in the general commercial zone, a professional office building is allowed as a permitted use. The Kaysville Dental Arts Center group has proposed a two-story office structure that is going through the building permit process. It is planned to have four units on each of the two floors, and that these will be used as medical offices. The applicant desires to be able to have separate ownership of the suites in the building, which requires a condominium subdivision. Staff has reviewed this proposed development and it complies with all applicable ordinances.

Chairperson Jake Garn opened the Public Hearing.

There were no comments or questions from the public. Chairperson Jake Garn closed the Public Hearing.

Josh Sundloff asked about parking.

Lyle Gibson said that they have a little over one-hundred parking stalls planned, which is sufficient for their type of use as required by city ordinance.

Andy Thompson added that when Tanner Clinic was a built, a joint use agreement was put in place, and so we will probably see a shared parking lot between the two buildings. This will help with parking during peak times.

Royce Bartholomew said that both owners have agreed to not allow exclusive parking, but to have the parking lot available for both buildings.

Gary Bullock made a motion to recommend preliminary and final plat approval for Kaysville Professional Complex Condominiums at 396 North 400 West for Royce Bartholomew. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Gary Bullock made a presentation of appreciation to Jake Garn for his participation as a member of the Planning Commission and thanked him for his service.

Lorene Kamalu commented that the Kaysville and Farmington Cities will be holding an Open House on December 8, 2015 from 5:00-8:30 p.m. at the Kaysville City Library to discuss the recently drafted Active Transportation Plan.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, December 17, 2015 at 7:00 p.m.

ADJOURNMENT

Betty Parker made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:07 p.m.