

22 January 2015 Minutes

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KAYSVILLE CITY PLANNING COMMISSION

January 22, 2015

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

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Bryan Dan Tesch, Jennifer Wheeler, Tucker Wheeler, Aaron Crookston, Lisa J. Crookston, Leslie Mascaro, Jeff Peterson

OPENING

The Planning Commission meeting was held on Thursday, January 22, 2015 at 7:00 p.m. in the Municipal Center.

Chairperson Gary Bullock opened the meeting by welcoming those present. The minutes of the December 11, 2014 meeting was presented for approval.

Jake Garn made a motion to approve the minutes of the December 11, 2014 meeting. Russell Lindberg seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1184 NORTH DEVON STREET – JACY ERICKSON

Lyle Gibson explained that it was brought to Staff's attention that the Erickson's are keeping chickens on their property at 1184 North Devon Street. Ms. Erickson was notified and she is now requesting a conditional use permit in order to get into compliance. Her property is approximately 14,440 square feet which allows her up to ten fowl, rabbits or similar animals. The setback requirements for structures housing such animals is at least fifteen feet from all buildings on adjacent lots predominantly used or occupied by humans. This property is a corner lot and the coop is currently situated along the south side of the property.

Matthew Anderson asked if Staff had received any complaints regarding the chickens.

Lyle Gibson responded that there had been no complaints received.

Stroh DeCaire commented that he lives in the area of this property and is concerned by the backyard being unfenced and the chickens getting out and going into the nearby roads. This property sits on the corner of Manchester Street and Devon Street, both of which are busier streets.

Jake Garn said that even if a fence were installed surrounding the property, that is still no guarantee that the chickens would never get out. However, if the chickens become a problem, this conditional use permit could come back to the Planning Commission for review.

Jake Garn made a motion to grant a conditional use permit for farm animals at 1184 North Devon Street for Jacy Erickson subject to the chickens being contained on the property at all times. Russell Lindberg seconded the motion.

Voting was as follows:

Russell Lindberg yea
Lorene Kamalu yea
Stroh DeCaire nay
Gary Bullock yea
Jake Garn yea
Betty Parker yea
Matthew Anderson yea

The motion passed with a vote of six to one.

CONDITIONAL USE PERMIT FOR AN ANIMATED SIGN AT 50 NORTH 100 EAST – DAVIS SCHOOL DISTRICT

Lyle Gibson explained that recently Kaysville Elementary School installed a sign on the northwest side of their building to replace the message board. The new sign is in the same location and approximately the same size as the previous sign. Because the sign has an electronic message center which is considered an animated sign and requires conditional use approval. The property is located in the R-D District which does not allow for animated signs, however because the school is on a property which exceeds five acres in size the Planning Commission may consider an on-premise sign proposal by conditional use. This type of proposal is consistent with the approval process used for other schools within the city. Because the animated sign does not face residential property, Staff doesn't feel that it will have any adverse effects to surrounding properties.

Jake Garn commented that having the sign mounted onto the school seems less intrusive.

Betty Parker asked about what hours the sign will be lit.

Bryan Tesch, the Principal of Kaysville Elementary School, said that they had planned to leave it on continuously, but can have it programmed to be on only at specific times if needed.

Matthew Anderson made a motion to grant a conditional use permit for an animated sign at 50 North 100 East for Davis School District. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR TWO MODEL HOMES, A FLAG POLE GREATER THAN THIRTY FEET IN HEIGHT, AND TWO LOW-PROFILE SIGNS AT APPROXIMATELY 2300 WEST ISLAND DRIVE – OAKWOOD HOMES

Lyle Gibson explained that Oakwood Homes is requesting a conditional use approval to permit the use of two model homes in the West Creek Side Estates Subdivision, as well as a flag pole to exceed thirty feet in height, and two low-profile signs used for advertising the development. The model homes would be located on Lots 7 and 8, with parking to accommodate visitors on Lot 6. An eight foot by ten foot community sign would be posted along 200 North Street on Lot 6, and a six by four sign on Lot 7. The flag pole will also be posted on Lot 6. Staff is recommending approval of these conditional uses with the condition that the uses be reviewed in one year if still in use.

Gary Bullock asked if banner flags would be used.

Leslie Mascaro, representing Oakwood Homes, responded that they will use on-premise directional and parking signs rather than banner signs.

Lorene Kamalu made a motion to grant the conditional use permits for two model homes, a flag pole greater than thirty feet in height, and two low-profile signs at approximately 2300 West Island Drive for Oakwood Homes with the condition that the conditional use permits be reviewed in one year from the date building occupancy on the model homes are granted, if the model homes are still in use. Stroh DeCaire seconded the motion and it passed unanimously.

REVOCATION OF A CONDITIONAL USE PERMIT FOR AN AGRICULTURAL HOME OCCUPATION, AUTOMOTIVE REPAIR AT 647 SOUTH SUNSET DRIVE – JEFF PETERSON

Lyle Gibson explained that First Response Auto is currently in violation of the Agricultural Home Occupation ordinance, and thereby is also in violation of their approved conditional use permit. Mr. Peterson's business has grown so as to consistently have significantly more than the three vehicles allowed per City ordinance. Mr. Peterson was sent notification of his non-compliance in May of 2014, and was given ten days in which to come into compliance. Staff was asked by the City Council to stay enforcement on this issue while options were considered for Mr. Peterson, and a decision made. It was suggested that Mr. Peterson's best option would be to submit a commercial rezone application in an attempt to continue his business as it currently operates. The application was reviewed by the Planning Commission and City Council, and ultimately denied. Now that a decision has been made, enforcement measures should proceed. It is Staff's opinion that the Planning Commission give Mr. Peterson a specific and reasonable amount of time in which to get his property back into compliance. If Staff finds that Mr. Peterson is still in non-compliance after the date specified, his conditional use permit for

an Agricultural Home Occupation for automotive repair and his business license for the same be revoked, and that he cease and desist all related business activities.

Jeff Peterson said that he has been actively searching for a commercial location, and once a new location is found he will be moving his business as quickly as possible. They hope to keep the business within Kaysville, but so far haven't been able to find a feasible location.

Jake Garn asked Mr. Peterson how long it will take to relocate the business.

Jeff Peterson responded that it will depend on the location and what facilities will already be in place. Once he finds a location, it could take up to a month to finish the paperwork and move all of his equipment.

Stroh DeCaire commented that he would prefer to give Mr. Peterson more time than anticipated needing just in case other plans need to be made.

Matthew Anderson made a motion to postpone the revocation of a conditional use permit for an agricultural home occupation, automotive repair at 647 South Sunset Drive for Jeff Peterson until July 31, 2015. If Mr. Peterson is still in non-compliance at that time, the conditional use permit for an agricultural home occupation for automotive repair and business license for the same will be revoked. Jake Garn seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR THE COTTAGES AT HYDE PARK AMENDED LOCATED AT APPROXIMATELY 530 NORTH MAIN STREET – OVATION HOMES

Lyle Gibson explained that this subdivision, The Cottages at Hyde Park, has been approved previously, and homes are under construction. The row of homes along the northerly side of the project were approved as attached units on pad sites with open space around the perimeter. Ovation Homes has determined that some of the homes their customers would like to build on these lots do not fit within the platted site. Ovation Homes has therefore requested to amend these lots to accommodate the slightly bigger homes.

Stroh DeCaire made a motion to recommend final plat approval for The Cottages at Hyde Park Amended located at approximately 530 North Main Street for Ovation Homes. Russell Lindberg seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lorene Kamalu asked when the Utah League of Cities and Towns next conference would be held, and if that information could be sent to the Planning Commission.

Lyle Gibson responded that typically the Utah League and Cities and Towns hold their conferences in the spring and fall. Therefore we should be receiving information about their next conference soon.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, February 12, 2015 at 7:00 p.m.

ADJOURNMENT

Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 7:58 p.m.