

12 March 2015 Minutes

12 March 2015

KAYSVILLE CITY PLANNING COMMISSION

March 12, 2015

Members Attending: Vice-Chairperson Jake Garn, Stroh DeCaire, Lorene Kamalu, Russell Lindberg

Excused: Matthew Anderson, Gary Bullock, Betty Parker

Staff Present: City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Parks Director Cole Stephens, Secretary Annemarie Plaizier

Others Present: Council Member Jared R. Taylor, Angie Freedman, Craig Buhler, Ashlee Whitley, Jill Hartvigsen, Greg Hartvigsen, Philip Funk, Anthony Browning, Kris Peterson, Jaynalee Peterson, Marcia Smith, Susan W. Terry, Clyde Terry, MacRay Baxter, Jason Watson, Sean Burnham, Robyn Law, Robert Law, Charlene Horne, Richard Smith, Blair Scoresby, Nathan Nelson, Rachel Lott

OPENING

The Planning Commission meeting was held on Thursday, March 12, 2015 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Jake Garn opened the meeting by welcoming those present. The minutes of the February 26, 2015 meeting were presented for approval.

Russell Lindberg made a motion to approve the minutes of the February 26, 2015 meeting. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, HAIR SALON AT 420 NORTH MAIN STREET, UNIT 37 – ASHLEE WHITLEY

Lyle Gibson explained that Ms. Whitley is requesting a conditional use permit for a major home occupation “B” to have a hair salon in her home at 420 North Main Street, Unit 37. The salon will provide services for cutting, styling and coloring hair. Ms. Whitley’s home is part of the Kays Landing Townhomes and parking is provided in a common area. The common area has a total of six guest parking stalls, and is a short walking distance from her home.

Jake Garn asked how many clients Ms. Whitley plans to have at one time.

Ashlee Whitley responded that she only has a one chair salon and therefore would only have one client come at a time.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation “B”, hair salon at 420 North Main Street, Unit 37 for Ashlee Whitley. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 491 SOUTH 200 EAST – SEAN BURNHAM

Lyle Gibson explained that Mr. Burnham would like to have chickens and is requesting a conditional use permit for farm animals on his property at 491 South 200 East. The property is approximately 0.21 acres, or 9,140 square feet, allowing up to six fowl, rabbits or similar animals. Mr. Burnham has not purchased the animals yet, and will be building a coop to meet the requirement that structures housing the animals be at least fifteen feet from all buildings on adjacent lots predominantly used by humans. Their backyard is also fenced which will help to contain the chickens.

Russell Lindberg made a motion to grant a conditional use permit for farm animals at 491 South 200 East for Sean Burnham. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 808 SOUTH WELLINGTON DRIVE – ANGIE FREEDMAN

Lyle Gibson explained that Ms. Freedman has requested a conditional use permit for farm animals at 808 South Wellington Drive in order to keep a goat on her property. The property is approximately 0.48 acres, or 20,900 square feet, which will allow up to two goats, sheep, llamas, or similar animals. Staff has explained to Ms. Freeman that structures housing farm animals be at least fifteen feet from all buildings on adjacent lots predominantly used or occupied by humans. The rear yard of Ms. Freedman’s property is also fenced.

Russell Lindberg asked if Ms. Freedman planned to have more than one goat.

Angie Freedman responded that she plans to have only one goat at this time.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 808 South Wellington Drive for Angie Freedman. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN ANIMATED SIGN AT 44 NORTH MAIN STREET – KAYSVILLE CITY

Lyle Gibson explained that Kaysville City is requesting a conditional use permit for an animated sign at 44 North Main Street. The installation of the sign with a video board will allow the city to relay information to the residents. The sign is considered a government sign by definition, which does not require a conditional use permit. However, because of the animated portion of the sign, Staff feels that a conditional use is required. The sign is thirteen feet wide and eight feet in height. The animated portion of the sign measures eight feet wide and four feet in height. The sign will be placed in front of the current library building, about eight feet behind the sidewalk. Staff is recommending approval with the condition that the sign be capable of being dimmed in order to minimize any impact the lighting might have on nearby properties and traffic.

Cole Stephens, Kaysville City's Parks Director, added that this sign mimics the same size and shape as the "Welcome to Kaysville" signs placed at city entrances. The sign will be set on a slightly elevated berm and will be two-sided so that it can be seen by both northbound and southbound traffic. The sign will be powered via a connection to the Police Station, which has a generator so that in an emergency it will still be able to function.

Russell Lindberg made a motion to grant a conditional use permit for an animated sign at 44 North Main Street for Kaysville City. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 6.74 ACRES OF PROPERTY AT APPROXIMATELY 550 SOUTH KNIGHT'S WAY FROM A-1 (LIGHT AGRICULTURE) AND R-A (RESIDENTIAL AGRICULTURE) TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY) – ROBERT LAW AND NATHAN NELSON

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE ROBERT LAW SUBDIVISION AT APPROXIMATELY 550 SOUTH KNIGHT'S WAY – ROBERT LAW AND NATHAN NELSON

Andy Thompson explained that since application, Mr. Law has decided to withdraw his request for preliminary plat approval but is still requesting that the rezone request be considered. The Law property is located at approximately 550 South Knight's Way, and ultimately Mr. Law would like to subdivide the property by extending Knight's Way through to the south with a stub street, with a cul-de-sac extending to the east. A similar proposal was heard by the Planning Commission in July of 2013 when a recommendation for denial of the rezone and preliminary plat was passed by the Planning Commission. Currently the property is zoned A-1 (Light Agriculture) and R-A (Residential Agriculture). Mr. Law is requesting a rezone to the R-1-LD (Residential Single Family Low Density) zone district which allows for up to two units per acre, with a minimum lot size of 12,000 square feet. The setback and frontage requirements are the same in the R-1-LD and R-1-20 zones. When this property was discussed previously there were concerns regarding the overall road pattern in the area. The situation remains that there are only two accesses to this property, Tyler's Way off of Angel Street and Bishops Street off of Webb Lane. An additional access would be of great benefit to this area and to this development. A connection through to Smith Lane and Sunset Drive were each discussed previously in the 2013 meeting. However, since that time the possible Sunset Drive connection has been blocked with

the construction of a new home. A through connection south to Smith Lane is still uncertain at this point. Staff feels that there needs to be further guarantee that Knight's Way would be extended to Smith Lane before a subdivision plat is approved.

Vice-Chairperson Jake Garn opened the Public Hearing.

Craig Buhler stated that he owns the property abutting the south of the Law property, where access to Smith Lane is being proposed. Since purchasing their property it has always been their intention to build a home and barn on the property, and keep the remaining acreage for their horses. They have no plans to develop their property, and feel that they shouldn't have to be encumbered by a road because of a requested developing on a neighboring property.

Kris Peterson said that he lives to the north of this property and while he understands that everyone has the right to develop their property, he is concerned about approving this development for low density because of the potential for smaller lots. It seems that the R-1-20 zone would be more a more appropriate zone to fit the surrounding area. Mr. Peterson added that he is appreciative that Mr. Law has been upfront and honest about his intentions in developing.

Rachel Lott said that there are over one-hundred children in the Tyler's Estates Subdivision neighborhood and many neighbors are already concerned with the current amount of traffic on the neighborhood streets. Most children walk or ride their bike to the nearby schools, and adding more homes and traffic to the area will just add to their safety concerns.

Anthony Browning said that he lives at 431 South Bishop's Street and has lived there seventeen years. When the Tyler Estates development was originally proposed to be developed, it was suggested that an access point be created onto Sunset Drive. Because of concerns with the location of that access, it was eventually reconfigured with its current access point off of Angel Street. Many neighbors share concern about bringing more homes and traffic to their already busy neighborhood streets.

Marcia Smith said that she lives adjacent to Craig Buhler on Smith Lane and is also concerned about approving the request for lower density lots. It is also not fair to force the property owners to the south to provide an access road onto Smith Lane, as it will impact the value of their properties.

Philip Funk commented that there needs to be some assurance that a secondary access will be installed to connect to Smith Lane. The Buhler's have mentioned that they don't want to develop and it might be years before another access road is constructed.

Clyde Terry said that he lives at 535 South Knight's Way and is concerned with how this development could potentially affect accessibility for emergency services. More access points would help to assure that those emergency services would be more able to get into the subdivision quickly and easily if there is a problem.

There were no further comments or questions. Vice-Chairperson Jake Garn closed the Public Hearing.

Jake Garn commented that although any property owner has the right to potentially develop their property if it meets regulations, a development shouldn't encumber the neighboring properties.

Stroh DeCaire said that although he wasn't on the Planning Commission when this item came previously, he has researched and reviewed this request thoroughly and feels that there is no difference in the request.

Robert Law said that since the 2013 meeting, Nathan Nelson, the co-developer, and himself have looked into many other options trying to find a way to create another access and have not had success. Other developers have also asked about potentially purchasing and developing the property, but were unable to find an ideal configuration for this property. At the 2013 meeting it was requested that a secondary access be constructed to connect to Sunset Drive. However, utilities had already been installed on the lot fronting Sunset Drive and plans for a home were in place. Being unable to find another viable solution quickly for this development, a home was built on the lot and therefore any potential access point was removed. Mr. Law added that he brought this request before the Commission tonight in an effort to get some direction on how the city would like to see this developed.

Russell Lindberg said that he had listened to the July 11, 2013 meeting earlier and in that meeting Mr. Law had mentioned that he had no intention of ever putting in an access road out to Sunset Drive.

Robert Law said that he had always been under the impression that the city wanted a street connection to Smith Lane, and was surprised and frustrated when asked to abandon his plans for a home and install a road in its place.

Russell Lindberg said that he is hesitant to approve a rezone request with no subdivision plat showing what will be developed.

Stroh DeCaire said that there is no compelling reason to vote in favor of this rezone request with no available secondary access. Mr. DeCaire added that he feels that the R-1-20 zone district would be homogeneous for the area rather than the R-1-LD zone.

Robert Law responded that it is not their intention to create all 12,000 square foot lots by requesting the R-1-RD zone, but to be able to configure the subdivision so they are congruent with the surrounding properties. If the Planning Commission feels that the R-1-20 zone is more appropriate, then the subdivision can be reconfigured to meet those zoning requirements.

Lorene Kamalu commented that she would feel more comfortable approving a rezone with a proposed subdivision plat. It seems that a proper decision cannot be made until the property owners to the south are ready to develop their property.

Russell Lindberg asked if a rezone would put the existing outbuildings into noncompliance.

Lyle Gibson responded that it would not.

Russell Lindberg commented that both the R-1-LD zones and R-1-20 zones are similar enough that he would feel comfortable approving either zone. The problem remains that a second access is not available.

Robert Law said that he feels that it's unfair to ask him to provide a type of connectivity agreement and to bear the burden of providing access for the neighborhood to the north.

Robyn Law stated that their proposed development won't create an impacting amount of traffic to the neighborhood to the north. Mrs. Law added that she feels that they are being discriminated against and the city isn't meeting the precedence that has already be set.

Jake Garn commented that while he can share empathy for the Law's situation, the Planning Commission must look long-term at each proposal brought before them, and how it might potentially impact the surrounding area. In 2013 this proposed development was denied because it was felt that another access point needed to be provided, and that hasn't changed. There is still potential that other options could be found, and things could be worked out with the neighboring property owners.

Stroh DeCaire suggested that Mr. Law try meeting with the neighbors to see if a plan could be put together. At this point nothing has changed since this was brought before the Planning Commission originally. Rather the situation has been further complicated with the construction of a home at what was an ideal access point.

Jake Garn asked if the Commission thought it would be appropriate to table this item at this time.

Andy Thompson responded that if the Commission feels that tabling would be the best decision, to give Mr. Law a specific time frame so he'll have time to reassess the situation. Mr. Law also has the option of removing his request altogether at this point with no recommendation, which would not restrict him on the time this same request could be brought back for approval.

Robert Law and Nathan Nelson withdrew their request to rezone 6.74 acres of property at approximately 550 South Knight's Way from A-1 and R-A to R-1-LD, as well as their request for preliminary plat approval for the Robert Law Subdivision at this same location. No action was taken on these items.

PUBLIC HEARING AND REQUEST TO REZONE 2.9 ACRES OF PROPERTY AT 1429 SOUTH SUNSET DRIVE FROM A-5 (HEAVY AGRICULTURE) AND R-A (AGRICULTURAL RESIDENTIAL) TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY), AND PRUD OVERLAY ZONE – CHARLENE HORNE

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE CHARLENE HORNE SUBDIVISION AT 1429 SOUTH SUNSET DRIVE – CHARLENE HORNE

Andy Thompson explained that Ms. Horne has owned the 2.95 acre property at 1429 South Sunset Drive for many years and would now like to subdivide the property. The property is

about 130 feet wide and nearly 1,000 feet deep with a road stubbed to the property about halfway back. Based on this configuration, two flag lots are being requested in the preliminary plat, giving them a total of five lots with the existing home being located on Lot 1 fronting Sunset Drive. The R-1-LD zoning allows two units per acre of gross density with a minimum lot size of 12,000 square feet. This zoning allows the flag lots to be larger and more desirable while the lots on the front of the flag lots are a little smaller. Since flag lots are included in this development, the PRUD overlay zone is required. This rezone request complies with the general plan requirement of two units per acre, and the preliminary plat complies with the R-1-LD zone with the PRUD overlay zone. Staff believes that this preliminary plat works well for this property based on its configuration.

Jake Garn asked about the existing outbuildings on the property.

Blair Scoresby responded that the hay barn will be removed, but the existing home on Lot 1 and the garage behind it will remain.

Vice-Chairperson Jake Garn opened the Public Hearing.

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

Blair Scoresby added that initially there were three lots planned on the easternmost side of the subdivision, and they could potentially come back later to add another flag lot onto the back if they decided to. However, they felt that this was the best configuration for the development at this time.

Stroh DeCaire made a motion to recommend approval of the request to rezone 2.9 acres of property at 1429 South Sunset Drive from A-5 (Heavy Agriculture) and R-A (Residential Agriculture) to R-1-LD (Residential Single Family Low Density), and PRUD Overlay Zone for Charlene Horne. Russell Lindberg seconded the motion and it passed unanimously.

Stroh DeCaire made a motion to recommend preliminary plat approval for the Charlene Horne Subdivision at 1429 South Sunset Drive for Charlene Horne subject to the completion of the rezone. Russell Lindberg seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lyle Gibson reminded the Planning Commission that the Property Right's Ombudsman would be at their meeting on Thursday, March 26, 2015.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, March 26, 2015 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:15 p.m.