

26 March 2015 Minutes

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KAYSVILLE CITY PLANNING COMMISSION
March 26, 2015

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

Excused: Jake Garn

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Jared R. Taylor, Kevin Mauchley, John Stout, Michelle Blackburn, Kirk Anderson, Melissa Anderson, Diana Coffey, Adam Spillman, Tres Smith, Charlie Smith, Scott Jensen, Ian Stuart, Bruce Brinkerhoff, Brent Peterson, Jennifer Williams, Mary Tibbets, Elaina Duke, Blaine Duke, Brent N. Bateman, Bruce Clark, Jerry Wiser, Ray Nettleton, Jeff Morgan, Tyler Higley, Russ Jensen

OPENING

The Planning Commission meeting was held on Thursday, March 26, 2015 at 7:00 p.m. in the Municipal Center.

Chairperson Gary Bullock opened the meeting by welcoming those present. Mr. Bullock commented that although he was not present at the March 12, 2015 meeting, he had listened to the audio recording from the meeting. There were some comments made during the meeting that implied that the Planning Commission was being managed and told how to vote by the City Manager. These accusations are completely untrue. The Planning Commission members think independently and make decisions based on facts and what they feel will be best for the city.

The minutes of the March 12, 2015 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the March 12, 2015 meeting. Russell Lindberg seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 757 EAST SHANNON ROAD – HOLLY PHILLIPS

Lyle Gibson explained that Ms. Phillips has requested a conditional use permit for farm animals, specifically ducks, at her home at 757 East Shannon Road. Her property is approximately 0.2 acres, or 8,700 square feet, which will allow Ms. Phillips to have up to five fowl, rabbits, or similar animals. The setback requirements for structures housing such animals is at least fifteen feet from all buildings on adjacent lots predominately used or occupied by humans. The rear yard of Ms. Phillips property is fenced, and the applicant is aware of where the coop will need to be placed to be in compliance. Staff is recommending approval of this conditional use permit request with the conditions that a coop be put on site for the animals to be kept, and that any ducks capable of flying have their wings clipped to prevent them from leaving the property.

Lorene Kamalu made a motion to grant a conditional use permit for farm animals at 757 East Shannon Road for Holly Phillips with the following conditions:

1. A coop be placed on site to house the animals, and that the coop meet setback requirements.
2. Any ducks capable of flying have their wings clipped in order to help prevent them from leaving the property.

Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MODEL HOME AT 1994 WEST ORCHARD HARVEST DRIVE – DESTINATION HOMES

Lyle Gibson explained that Destination Homes has previously had a model home located across the street to the west in Phase 1 of the Hill Farm development. The applicant is now requesting a conditional use permit for a model home, which will be located within Phase 2. Temporary buildings, such as model homes, and tract offices are required to obtain a conditional use permit. Parking for the model home will be provided via the alley to the north of the home. Additional parking stalls will be available along Angel Street, similar in situation to their current model home location. Staff is recommending approval with the condition that the conditional use permit for the model home be reviewed in one year if still in use.

Matthew Anderson asked about signage for the model home and parking areas.

Lyle Gibson responded that Destination Homes has indicated that they will only be using permitted real estate signs on the property.

Stroh DeCaire stated that Hill Farms has had a huge presence in the community and the development has been well planned and well built. Mr. DeCaire added that he was disappointed that there has not been a representative from their company here tonight.

Matthew Anderson made a motion to grant a conditional use permit for a model home at 1994 West Orchard Harvest Drive for Destination Homes with two conditions:

1. The conditional use permit for the model home be reviewed in one year if still in use.
2. Signage be put in place to indicate where parking for the model home is located.

Betty Parker seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR JERRY WISER SUBDIVISION AT 507 SOUTH 800 EAST – JERRY WISER

Lyle Gibson explained that Mr. Wiser owns about three acres of property on several parcels at the end of 800 East Street. A preliminary subdivision plat for this same property was submitted several months ago and the Planning Commission recommended that the proposed plat be denied. There has been concern about allowing 800 East Street as a cul-de-sac, rather than connecting it as a through street. The plat has since been modified, with the flag lot being removed. Mr. Wiser is still proposing the development as a cul-de-sac street. Staff is recommending that the Planning Commission examine the potential traffic patterns in this area and determine if connecting 800 East Street should be required. If the traffic pattern is acceptable without the through street connection, the plat should be approved since it complies with city requirements.

Jerry Wiser said that since the last meeting, he has worked with an engineer on subdivision designs and has found that the cul-de-sac layout is the most practical way to develop the property. Traffic concerns in this area won't be resolved by making 800 East a through street. In speaking with neighborhood residents, he found that most prefer that it be developed as a cul-de-sac. There is already a through street providing adequate access via 875 East Street, and 800 East has been a dead-end street for the last fifteen years. Building four or five homes into the area won't affect current traffic. Making 800 East a through street is unnecessary and won't be beneficial to traffic patterns. The bike path at the end of the cul-de-sac will help create better pedestrian flow in the area.

Matthew Anderson asked about the existing home and outbuilding on Lots 6 and 7.

Jerry Wiser responded that he recently sold Lots 6 and 7, and understands that both the home and the outbuilding will remain.

Chairperson Gary Bullock opened the Public Hearing.

Ray Nettleton said that he lives at the intersection of 600 South and 700 East and feels that having a through street would help to alleviate traffic from the new Penelope Subdivision development. Currently the only access for the Penelope Subdivision is 600 South Street, and any traffic alternatives in the area would help to create more of a natural traffic flow.

Michelle Blackburn commented that she lives on 800 East, just south of Lot 6 on the proposed plat, and is in favor of developing the street as a cul-de-sac rather than bringing more traffic to the area by creating a through street. This dead-end road has become a gathering area for the kids in the area, and by leaving it as a cul-de-sac it would help to keep this area a safer place.

John Stout said that he lives next to the Blackburn's, on the corner of 800 East and 600 South, and agrees that making 800 East a through street would be detrimental to the area as it will create a safety concern with the increased traffic. Most through traffic takes access from 600 East, and therefore 800 East would probably not be utilized.

Kirk Anderson said that he lives on 800 East as well and one reason he was drawn to the area was because 800 East as a dead end street. There are many children living in the area and a cul-de-sac would create a safer environment.

Jennifer Williams said that she lives on 600 South and although she doesn't live on 800 East she feels that it should be developed as a cul-de-sac. Through streets bring more traffic and with it more safety concerns.

Blaine Duke said that he lives at 503 South 875 East, and agrees that it is unnecessary to make 800 East a through street because of the close proximity to other through streets in the area. Also, the layouts of the lots are large and fit well into the area.

Betty Parker asked if Mr. Wiser had discussed the possibility of a through street with the neighbors.

Jerry Wiser commented that he hadn't.

Bruce Brinkerhoff said that he lives on Cherrywood Drive to the north of this property and is concerned about the increased traffic that the Penelope Rose Subdivision will bring to the area, especially with only one road access.

Elaina Duke said that she lives on 875 East and feels that there aren't many cul-de-sacs in the area where neighborhood kids can gather, with the exception of this 800 East Street. Cul-de-sacs are safer for children in the neighborhood because there is less traffic. The bike path will provide a safe way for kids to travel to and from school.

Jeff Morgan, living at 433 South 800 East, said that he is in favor of the proposed cul-de-sac because he would prefer not to have more traffic on 800 East, and it will also be safer for the residents.

Kathy Stout said that she also lives on 800 East and the road has been a dead end street for many years and feels that it should not be turned into a connecting road.

Melissa Anderson said that the neighborhood children seem to gather at this location because there doesn't seem to be a safe place to do so nearby. The addition of a few more homes on a cul-de-sac won't change that, but a through street would because of the additional traffic.

Adam Spillman said that he bought Lots 6 and 7, which includes the existing home and outbuilding, and one reason they were attracted to this property was because it wasn't on a thoroughfare.

Tyler Higley said that he lives on Laurelwood Drive nearby and is excited to see that the city is encouraging more bike and walking paths in the city. The walking path will add to the neighborhood and be a great place for pedestrian traffic.

Russ Jensen, living at 445 South 800 East, said that he supports Mr. Wiser's proposed plan. While he doesn't have any children living in his home, he has many grandchildren come to visit and he would prefer that the amount of traffic be as limited as possible.

Ray Nettleton asked if it was ever in the master plan to connect 800 East to make it a through street.

Gary Bullock said that side streets, such as this, would not be specified on exactly where they'd be planned, but rather would be approved on a case-by-case basis by the city.

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

Jerry Wiser stated that he has spoken with many of his neighbors and has studied traffic patterns of the area. Mr. Wiser says the he feels the addition of four or five homes on a cul-de-sac won't have a detrimental impact and will help keep an open feel.

Matthew Anderson commented that when this came before the Commission previously there were some concerns expressed about providing good traffic flow and access to the area. It seems that this development is small enough that there isn't enough merit to justify requiring a through street.

Betty Parker said that she agrees that children tend to gather in cul-de-sacs, however, the layout of the surrounding area seems to indicate that 800 East would be connected at some point.

Lorene Kamalu said that while cul-de-sacs tend to seem safer, creating another access point for traffic would help with traffic flow. However, the property rights of Mr. Wiser also need to be considered. Drivers tend to take whichever street will give them the quickest route and there is no way to determine if 800 East would be utilized as much or possibly even more than other streets nearby, or if the additional road would improve the flow of traffic in the area at all.

Gary Bullock stated that when this issue was first brought before the Planning Commission he wasn't in favor of having a cul-de-sac on 800 East, because it would cut off access to the north. However, he has recently driven through this neighborhood several times to analyze current traffic flow and concluded that if a cul-de-sac were approved it wouldn't make a negative impact to the surrounding area.

Matthew Anderson made a motion to recommend preliminary plat approval for Jerry Wiser Subdivision at 507 South 800 East for Jerry Wiser. Lorene Kamalu seconded the motion and it passed unanimously.

Chairperson Gary Bullock proposed holding Call to the Public before the next agenda item.

CALL TO THE PUBLIC

Brent Peterson said that he lives on 700 East, near where Penelope Rose Subdivision will take access off of 600 South, and is concerned about having only one access point for all the homes planned, especially in the event of an emergency. Mr. Peterson asked if the road could connect to Main Street.

Matthew Anderson responded that the developers of the subdivision attempted to create an access road onto Main Street but was told by UDOT, the owners of Main Street, that it was not an option and that they wouldn't receive their approval.

Brent Peterson commented that he has some strong concerns about having so many homes with only one access point. How would the residents be able to get out should an emergency arise? It will be hard to get anyone out and the city should seriously consider finding another access point for the residents.

Bruce Brinkerhoff asked if a connection to Nichols Road had been considered.

Stroh DeCaire commented that the developers had considered creating a road connection to the south but found it difficult and very expensive to get the right permitting to create a road over the culvert to the south. It wasn't a feasible connection.

PLANNING COMMISSIONER TRAINING PRESENTED BY THE UTAH STATE PROPERTY RIGHTS OMBUDSMAN, BRENT BATEMAN

Brent Bateman, a Utah State Property Rights Ombudsman spoke with the Planning Commission on various topics, including protecting the property rights of citizens, the Planning Commission's role, handling public clamor, basing decisions on evidence, how to handle conditional use requests and when to put conditions upon them.

REPORTS

Lyle Gibson commented that in conjunction with Farmington City, the city had recently received funding to help prepare an active transportation plan.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, April 9, 2015 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:00 p.m.