

# 14 May 2015 Minutes

## 14 May 2015

### KAYSVILLE CITY PLANNING COMMISSION

May 14, 2015

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

Excused: Betty Parker

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

Others Present: Council Member Jared R. Taylor, Stacy Stuart, Cade Seeley, Lisa Brenchley, Robert Brenchley, Kim Blackburn, Garrett Seeley, Mike Pettingill, Cordell McDonald, Tyler Nay, Isa Perry, Marcie Clark, Kendra Babitz, Braxton Schenk, Jared Shaw, Blair Scoresby, Bryan Sorensen

### OPENING

The Planning Commission meeting was held on Thursday, May 14, 2015 at 7:00 p.m. in the Municipal Center.

Chairperson Gary Bullock opened the meeting by welcoming those present. The minutes of the April 9, 2015 meeting were presented for approval.

Jake Garn made a motion to approve the minutes of the April 9, 2015 meeting. Stroh DeCaire seconded the motion and it passed unanimously.

### CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1476 SOUTH 375 EAST – CADE SEELEY

Lyle Gibson explained that Mr. Seeley has requested a conditional use permit for farm animals on his property at 1476 South 375 East. The Seeley's property is approximately 0.18 acres which will allow him up to five fowl, rabbits, or similar animals. The property is fenced so that the rear yard is completely enclosed, and Mr. Seeley has indicated that he will build a coop for the chickens.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 1476 South 375 East for Cade Seeley. Russell Lindberg seconded the motion and it passed unanimously.

#### CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 356 EAST 600 NORTH – STACY STUART

Lyle Gibson explained that Ms. Stuart has requested a conditionals use permit for farm animals on her property at 356 East 600 North. The property is approximately 0.2 acre which will allow her to keep up to five fowl, rabbits, or similar animals. The Stuarts will be constructing a coop for the chickens and will also be also fencing the area where the chickens will be kept.

Jake Garn made a motion to grant a conditional use permit for farm animals at 356 East 600 North for Stacy Stuart. Matthew Anderson seconded the motion and it passed unanimously.

#### CONDITIONAL USE PERMIT FOR A LOW-PROFILE SIGN AT 53 NORTH FLINT STREET – BRIGHTON HOMES

Lyle Gibson explained that Brighton Homes is currently in the process of developing their subdivision Homestead at Hales Farm at 53 North Flint Street and has requested a conditional use permit for a low-profile sign to identify the subdivision. The sign will be located along Flint Street and is approximately eleven square feet in size, and will be about four feet tall. The sign will not be lighted.

Matthew Anderson made a motion to grant a conditional use permit for a low-profile sign at 53 North Flint Street for Brighton Homes. Russell Lindberg seconded the motion and it passed unanimously.

#### CONDITIONAL USE PERMIT FOR WOODWORKING AT 615 WEST BORO STREET – TYLER NAY

Lyle Gibson explained that Tyler Nay is locating his woodworking business, Trim Art LLC, at 615 West Boro Street. Because most of their wood shop operation is considered as light industrial, they are required to obtain a conditional use permit. This site has already been developed and there is already adequate access and parking available for this use.

Matthew Anderson asked if it would be more appropriate to rezone this property from General Commercial to Light Industrial.

Lyle Gibson responded that the General Commercial zone allows more types of uses and would give the property owner more options of what types of businesses could be here in the future.

Matthew Anderson made a motion to grant a conditional use permit for woodworking at 615 West Boro Street for Tyler Nay. Stroh DeCaire seconded the motion and it passed unanimously.

#### CONDITIONAL USE PERMIT FOR A CONCRETE PLANT AT 513 NORTH MARKET STREET – JARED SHAW

Lyle Gibson explained that Jared Shaw is the owner of Wasatch Cart-Crete and would like to locate his business at 513 North Market Street. This business functions as a contractor yard as well as a concrete plant which is considered a light industrial use and therefore required to obtain a conditional use permit. There will only be a couple of employees on site during operating hours, and some small equipment will be stored on the property. The concrete plant itself stands about twenty feet high and will fit on a twenty by twenty foot pad. Customers that have purchased concrete will generally bring back the concrete cart having already cleaned it out. However in the event that this has not been done, Staff feels that it would be prudent to have a concrete washout on site, and that it be constantly properly maintained.

Gary Bullock asked about the concrete washout.

Jared Shaw stated that the washout will be vital in assuring that excess concrete will be contained to one area. They will be making some improvements to the property to also make sure that any water runoff will be drained to the washout area, and not into neighboring properties. As the excess concrete builds up in the washout area, it will be taken to a recycling center.

Matthew Anderson made a motion to grant a conditional use permit for a concrete plant at 513 North Market Street for Jared Shaw. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 2.99 ACRES OF PROPERTY AT 1429 SOUTH SUNSET DRIVE FROM A-5 (HEAVY AGRICULTURAL) AND R-A (AGRICULTURAL RESIDENTIAL) WITH 0.46 ACRES TO R-1-20 (RESIDENTIAL SINGLE FAMILY), 2.5 ACRES TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY), AND PRUD OVERLAY ZONE – CHARLENE HORNE

Matt Anderson recused himself from this item due to potential conflict of interest.

Lyle Gibson explained that recently a similar request for this property was brought before the Planning Commission requesting to rezone the entire property to R-1-LD, with a five lot preliminary subdivision plat submitted. However, the applicant expressed to the Commission that eventually they would like to subdivide the furthest east property into an additional lot. The concept received a favorable recommendation by the Commission, and was sent to the City Council for review. After learning of the applicant's desire to subdivide for a sixth lot, Staff determined that the original zoning request would not accommodate the applicant's subdivision plans. The City Council recommended that the applicant withdraw their original rezone request and go through with a new request. The lot layout is the same as previously requested, however the applicant is now requesting to zone the lot fronting Sunset Drive to R-1-20 instead of R-1-LD.

Chairperson Gary Bullock opened the Public Hearing.

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

Stroh DeCaire made a motion to recommend approval of the request to rezone 2.99 acres of property at 1429 South Sunset Drive from A-5 (Heavy Agricultural) and R-A (Agricultural Residential) with 0.46 acres to R-1-20 (Residential Single Family), 2.5 acres to R-1-LD (Residential Single Family Low Density), and PRUD overlay zone for Charlene Horne. Jake Garn seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 7.9 ACRES OF PROPERTY AT APPROXIMATELY 600 EAST WINDSOR LANE TO PRUD OVERLAY ZONE – CHRIS MARTINEAU**

Lyle Gibson explained that in 2014 the Woods at Windsor Subdivision, located at approximately 600 East Windsor Lane, was approved and recorded. The minutes from the approval process refer to the subdivision being in compliance with the PRUD overlay zone, however Staff has been unable to find record indicating that the overlay zone was ever approved. In order to ensure that the subdivision is in compliance, Staff has brought this back before the Planning Commission for approval of the overlay.

Chairperson Gary Bullock opened the Public Hearing.

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

Jake Garn made a motion re recommend approval of the request to rezone 7.9 acres of property at approximately 600 East Windsor Lane to PRUD overlay zone for Chris Martineau. Stroh DeCaire seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR PETTINGILL ESTATES AMENDED AND REQUEST TO REZONE 2.0 ACRES OF PROPERTY AT 1593 WEST GALBRAITH LANE TO PRUD OVERLAY ZONE – MIKE PETTINGILL**

Andy Thompson explained that Mr. Pettingill and his neighbor each own lots on Galbraith Lane measuring approximately one acre each. They would like to re-subdivide their lots to create two new flag lots. The proposed lots comply with city requirements and provide a reasonable use to the property behind their existing homes. Flag lots are only allowed with a PRUD overlay zone approval within the R-A zone.

Chairperson Gary Bullock opened the Public Hearing.

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

Matthew Anderson asked about the width of both flag lot's driveways being adjacent to each other on the lots, and if it would be similar to a private lane.

Andy Thompson said that the road standards are different between a private road and a double flag lot, which is what is being proposed.

Stroh DeCaire made a motion to recommend preliminary plat approval for Pettingill Estates Amended and request to rezone 2.0 acres of property at 1593 West Galbraith Lane to PRUD overlay zone for Mike Pettingill. Matthew Anderson seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.6 ACRES OF PROPERTY AT 1133 WEST WEBB LANE FROM R-1-20 (RESIDENTIAL SINGLE FAMILY) TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY), AND PRUD OVERLAY ZONE – BRYAN SORENSEN

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR BRYAN SORENSEN SUBDIVISION AT 1133 WEST WEBB LANE – BRYAN SORENSEN

Andy Thompson explained that Mr. Sorensen owns about 1.6 acres of property on Webb Lane and would like to subdivide the property into three lots, including two flag lots. The two flag lots are larger, well over half an acre, and the lot on Webb Lane where the existing home sits is about a third of an acre. To accommodate these lot sizes, the R-1-LD zone is requested. This zone allows lots as small as 12,000 square feet, but limits the subdivision to a maximum density of two units per acre. The PRUD overlay zone is required in order to accommodate the flag lots. Staff feels that these flag lots provide a reasonable way to develop the large area behind the existing homes. The plat complies with zoning requirements for the R-1-LD zone and general plan requirement of two units per acre.

Bryan Sorensen said that the existing barn, located on Lot 2, will remain and in order to meet the zone's setback requirements the property line had to be moved between Lots 1 and 2, making Lot 1 about 0.33 acres and is why they are requesting the R-1-LD zoning.

Chairperson Gary Bullock opened the Public Hearing.

Robert Brenchley said that his property borders this property to the south. They have lived here for about seventeen years and is concerned about the layout of this property and the requested R-1-LD zoning because it will allow for smaller lots than what exists in the area. Mr. Brenchley also expressed concern about water runoff and problems that already exist with ground water in the area. Creating flag lots also creates more of a safety concern because it's harder to get emergency vehicles to the back of these properties. Who will maintain the driveways for these flag lots? If this proposed development is approved, it could potentially bring more flag lots into the area and will affect the value of surrounding properties. Mr. Brenchley also requested that there be better public notice to the neighbors about these types of developments.

Kim Blackburn said that he recently purchased the home at 329 South Whit's End, and is sad to see this property be developed. It seems that people don't tend to like living on flag lots because there isn't enough parking. This creates a bigger problem with two flag lots being proposed on one stem street. Flag lots are more intruding to surrounding properties and will ruin the feel of the neighborhood. Mr. Sorensen should be limited to only one flag lot so that it doesn't feel like these homes are being crammed onto the property, and so that it will be less intrusive to the area.

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

Bryan Sorensen commented that he doesn't anticipate any problems with water running off into neighboring properties as his property seems to sit lower than the neighbors. A few years ago he and his neighbors had looked into possibly developing their properties together but because of a drop in the economy those plans did not go any further. Since that time, some of those neighbors who were originally interested in developing have changed their mind and therefore Mr. Sorensen has decided to move forward on his own. This development won't infringe on any neighboring properties and could potentially improve any current ground water issues.

Jake Garn said that flag lots are currently allowed and as long as the development meets city regulations we are legally obligated to approve it. If we decide that we don't want any more flag lots in the area, the City Council would have to change our city ordinances. Water issues can be addressed as the property is developed.

Jake Garn made a motion to recommend approval of the request to rezone 1.6 acres of property at 1133 West Webb Lane from R-1-20 (Residential Single Family) to R-1-LD (Residential Single Family Low Density), and PRUD overlay zone for Bryan Sorensen. Lorene Kamalu seconded the motion.

Voting was as follows:

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

The motion passed with a vote of five to one.

Jake Garn made a motion to recommend preliminary plat approval for Bryan Sorensen Subdivision at 1133 West Webb Lane for Bryan Sorensen. Lorene Kamalu seconded a motion.

Voting was as follows:

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

The motion passed with a vote of five to one.

Stroh DeCaire commented that he voted against this proposal because he doesn't like the idea of flag lots and would prefer not to see two flag lots on this property. This development doesn't seem conducive with the area and this is not a prudent way to subdivide the land.

**PUBLIC HEARING AND REQUEST TO REZONE 9.8 ACRES OF PROPERTY AT APPROXIMATELY 850 WEST WESTERN DRIVE FROM R-A (AGRICULTURAL RESIDENTIAL) TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY) – WOODSIDE HOMES**

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR SID SMITH SUBDIVISION AT APPROXIMATELY 850 WEST WESTERN DRIVE – WOODSIDE HOMES**

Andy Thompson explained that in the middle of the Sunset Equestrian Estates Subdivision there is a nearly ten acre parcel of ground, at approximately 850 West Western Drive, that is not part of the Sunset Equestrian Master Plan. This property has now been acquired by Woodside Homes, who has submitted a request to rezone and subdivide the property. The rezone request is for the R-1-LD zone which allows lots as small as 12,000 square feet, but limits the total density to two units per acre. The lots on the proposed plat range in size from 15,000 square feet to just over 30,000 square feet. There are nineteen lots on nearly ten acres, which meets the density requirement. The plat connects two roads that have already been stubbed into the property. The proposed lots are very similar in size to the surrounding lots and should fit well into the neighborhood.

Chairperson Gary Bullock opened the public hearing.

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

Jake Garn made a motion to recommend approval of the request to rezone 9.8 acres of property at approximately 850 West Western Drive from R-A (Agricultural Residential) to R-1-LD (Residential Single Family Low Density) for Woodside Homes. Russell Lindberg seconded the motion and it passed unanimously.

Jake Garn made a motion to recommend preliminary plat approval for Sid Smith Subdivision at approximately 850 West Western Drive for Woodside Homes. Russell Lindberg seconded the motion and it passed unanimously.

**FINAL PLAT APPROVAL FOR SHEPARD'S LANDING SUBDIVISION AT 35 WEST SHEPARD LANE – JACK FISHER CAPITAL**

Andy Thompson explained that the preliminary plat for Shepard's Landing Subdivision was recently approved, and now the first phase of the development has been submitted for final plat approval. This phase contains forty lots on thirty-two acres of property, meeting the requirements of the current R-1-LD zone. The plat also has two access points as well as

pedestrian access to the park to the east. Parcel B has been included in order to meet the density requirement of two units per acre. This property will be Phase 2 and will have many of the larger lots serving as a buffer to the sewer plant. Showing the parcel on this phase assures the City that the project will stay in compliance with the zoning ordinance. At preliminary plat approval, there were some concerns expressed about drainage issues in the area. These issues have since been addressed.

Lorene Kamalu said that she'd received an e-mail from one of the neighbors about the access location along 50 East and potential traffic speeds because it is a long and straight road. Many of the homes will use 50 East and will be a thoroughfare from Shepard Lane down to the Farmington road to the south.

Andy Thompson responded that he recently spoke with the neighbor who'd sent that e-mail and assured him that his safety concerns would be addressed.

Lorene Kamalu made a motion to recommend final plat approval for Shepard's Landing Subdivision at 35 West Shepard Lane for Jack Fisher Capital. Matthew Anderson seconded the motion.

Voting was as follows:

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

The motion passed with a vote of five to one.

Stroh DeCaire commented that when this development was first brought before the Planning Commission he had concerns about the water drainage and that was the reason he'd voted against it at that time. The same concerns remain and is why he'd voted against it again tonight. Mr. DeCaire stated that he has been on the property and it is a swampland. While there has been assurance that drainage issues will be addressed with development, concerns remain that the water issues won't be resolved.

Andy Thompson added that not only will the land drain system help, but they will also be installing landscaping to help with water issues.

Russell Lindberg excused himself for the remainder of the meeting.

PRESENTATION ON THE BENEFITS OF ACTIVE TRANSPORTATION – KENDRA BABITZ, UTAH CANCER CONTROL

Kendra Babitz with the Utah Cancer Control, and Isa Perry and Marcie Clark with the Davis County Health Department made a presentation to the Planning Commission about the benefits of active transportation.

Stroh DeCaire excused himself for the remainder of the meeting.

#### DISCUSSION OF PROPOSED ORDINANCE AMENDMENTS TO TITLE 17, CHAPTERS 32 AND 33

Staff reviewed and discussed the amendment changes with the Planning Commission. The Commission suggested discussing these amendments further at another meeting.

#### CALL TO THE PUBLIC

Nothing was brought under this item.

#### CALENDAR

The next regularly scheduled meeting will be held on Thursday, May 28, 2015 at 7:00 p.m.

#### ADJOURNMENT

Jake Garn made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:55 p.m.