9 July 2015 Minutes

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KAYSVILLE CITY PLANNING COMMISSION
July 9, 2015

Members Attending: Vice-Chairperson Jake Garn, Stroh DeCaire, Lorene Kamalu, Betty Parker, Joshua Sundloff

Excused: Matthew Anderson, Gary Bullock

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

Others Present: Council Member Jared R. Taylor, Robyn Law, Bob Law, Bruce Dickamore, Craig Buhler, Mike Hardin, Keesha Hardin, Lance Hale, Valerie Hale, David Bunch, Julee Bunch, Marcia Smith, Chad Smith, MacRay Baxter, Clyde Terry, Jim Newton, Anthony Browning, Lorilynn Browning, Pamela Maughan, Evan Maughan, Chris Peterson, Bobby Johnston, Philip Funk

OPENING

The Planning Commission meeting was held on Thursday, July 9, 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 June 11, 2015 meeting were presented for approval.

Lorene Kamalu made a motion to approve the minutes of the June 11, 2015 meeting. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 10.5 ACRES OF PROPERTY AT APPROXIMATELY 988 WEST SMITH LANE AND 550 SOUTH KNIGHT'S WAY FROM A-1 (LIGHT AGRICULTURAL) AND R-A (RESIDENTIAL AGRICULTURAL) TO R-1-LD (SINGLE FAMILY RESIDENTIAL LOW DENSITY) – BRUCE DICKAMORE

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE COUNTRY MEADOW SUBDIVISION LOCATED AT APPROXIMATELY 988 WEST SMITH LANE AND 550 SOUTH KNIGHT'S WAY – BRUCE DICKAMORE

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR SMITH FARMS LOCATED AT 1020 WEST SMITH LANE – CHAD SMITH

Andy Thompson explained that there are two completely separate projects being proposed tonight, however because they have impact on each other Staff believes that it would be best to discuss both projects at the same time. Mr. Bruce Dickamore, with B & D Real Estate, has assembled several parcels and would like to develop nineteen lots on the combined 10.6 acres. In past attempts to develop portions of this property, the City has stated that an additional access needs to be provided before development would be approved in this area. The properties assembled allow for that additional access. Mr. Dickamore is requesting to rezone the property from the existing A-1 and R-A to the R-1-LD zone. The lots range in size from over 16,000 square feet to 36,000 square feet, with most of the lots at about 18,000 square feet. The road would extend Knight's Way south to Smith Lane. Mr. Chad Smith owns about three acres of property on Smith Lane where his home sits. He would like to divide off one 40,000 square foot lot, also fronting Smith Lane, which would leave the remaining two acres with the existing home. The proposed new lot is zoned A-1, requiring a minimum lot size of 40,000 square feet. Mr. Dickamore's proposed subdivision plat, Country Meadows, shows Knight's Way extending south and connecting to Smith Lane adjacent to Mr. Smith's property, making Mr. Smith's lot a corner lot. In similar cases, where a new road abuts a developable property that is not part of the proposed project, the City has required the developer to only dedicate and install the road to the back of curb on the undeveloped side, leaving the park strip and sidewalk for the future development. Mr. Smith believes that requiring him to give ten feet of property and install more than four-hundred feet of sidewalk for his one lot is an unfair burden. Mr. Dickamore also believes that he should not have to be responsible for the opposite side of the road for the development. The two have met and attempted to work out a joint development and so far have been unable to come to an agreement. Both projects meet normal city requirements and once the alignment of the road is determined Staff would recommend approval for both the rezone request and preliminary plats submitted by both applicants. A few options to consider are:

1. Place the road, with full improvements, up to ten feet off of the property line into the Country Meadows property. This would place the entire burden of the road on Country Meadows and have little to no impact on the Smith's.
2. Place the road, with full improvements, right on the property line on the Country Meadows property. This would place the entire burden of the road on Country Meadows and cause the Smith lot to be on a corner with an increased setback.
3. Place the road ten feet into the Smith property. This requires Country Meadows to build the road, but not any improvements behind the curb on the Smith's side. Staff has suggested that the Smith's not be required to install the additional improvements until development occurred which could not be accessed off of Smith Lane. This would require the Smith's to give up ten feet of property to the street and would be required to have corner lot setbacks. This would significantly reduce the buildable area of his lot.

Under any of these options, a payback agreement may be implemented requiring that the Smith's pay for the improvements that would directly benefit his property when he further develops. The payback agreement would be administered by the City. There has been some concern expressed in regards to only one side of Knight's Way being fully improved, even if only temporary.

Vice-Chairperson Jake Garn opened the Public Hearing.

Chris Peterson stated that he lives on Tyler's Way and while he is glad to see another access to the area, there is still concern about the sizes of the lots and the proposed rezone, as has been mentioned in previous meetings about this project. The neighboring properties to the north are all rezoned R-1-20 and there are concerns about rezoning these properties to allow smaller lots. Mr. Law, one of the property owners, has mentioned he would like to mimic what is already in the area, and would be willing to request a rezone to the R-1-20 district to achieve this. The R-1-20 zone would fit better into the existing community and the amount of lots allowed would only be reduced by three. There is also some concern being expressed by neighbors in regards to Knight's Way being extended to Smith Lane with only one sidewalk installed. The road should be fully improved as the property is developed, and not when the Smith's develop their property.

Bobby Johnston said that he shares similar concerns as Mr. Peterson and feels that if this rezone request were approved it would stand out from what currently exists in the area. The existing properties have large lots with an open feel. Another access will bring additional traffic to the area, and having only one side of the street fully improved is a safety concern of many neighbors. This development will also have a negative impact to the Smith residence and they are being forced to live adjacent to a road.

Clyde Terry said that he lives in the Tyler Estates Subdivision and is glad to see that an additional access is being proposed because it addresses the concerns that have been voiced in previous discussions. However, the size of the lots proposed are as much as three-thousand square feet smaller than existing adjacent properties. The lots are also narrower and will change the look and feel of what is currently in the area. If a rezone is considered, it should be considered for the R-1-20 zone rather than the R-1-LD zone. The Smith's should also be able to develop their property as they wish and not be encumbered by a road. The road will be used by many in the area, and therefore should be fully improved.

David Bunch stated that he also lives in the Tyler Estates Subdivision and his family moved here because of the larger lot sizes. These new lots should be similar in size or larger to those surrounding properties. Also, the new road needs to be fully improved as there are many children living in this area, most of which will be walking to the nearby schools.

Chad Smith commented that in Kaysville City's Title 17, "Subdivisions", it states that "any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned; and the Subdivider shall present evidence to this effect when requested to do so by the Planning Commission." Also, city ordinances require a minimum road width of fifty-five feet. The extension of Knight's Way is currently being proposed at forty-five feet with only one side being fully developed. It also states that street arrangements shall not cause unnecessary hardship to owners of adjoining property when they plat their own land. Mr. Smith stated that he feels that the proposed development of Mr. Dickamore's does not meet city ordinances and therefore shouldn't be considered for approval. Also, the placement of the road will encumber his property and he would prefer that the road not be fully improved at this time as he would be required to maintain the sidewalk

along that new frontage. Mr. Smith also said that he also shouldn't be required to have to give up ten feet of his property at this time in order for the road to be fully improved.

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

Jake Garn commented that he is glad to see that another access point is being proposed because access to this area has been a serious concern in previous discussions. However, it seems that more discussion needs to take place between both parties to try to resolve some of the issues and suggested that this item be tabled.

Bruce Dickamore said that he has been working on this project for over two years and they are proposing the R-1-LD zone because it allows them to be able to create a better layout of the properties but still limit the density to two units per acre, which is the same as the R-1-20 zone. They have looked at different layouts to find what might be best for all parties involved including surrounding properties. Mr. Dickamore said that they feel that there still might be some things that could be worked out with the Smith family and could be given more time to come to some decision.

Josh Sundloff arrived.

Lorene Kamalu asked about rezoning the property to R-1-20 instead.

Bruce Dickamore said that because of the layout of the proposed extension of Knight's Way, the R-1-20 zone would make it more difficult to come up with a good layout for the lots on the west side of the road, and still try not to infringe on Mr. Smith's property.

Stroh DeCaire said that tabling this item might be best as it will provide the developer more time to find the best solution. However because this has been going on for so long, maybe a time limit should be given so that this doesn't perpetuate.

Jake Garn commented that one reason this development has taken longer to be approved is because of access issues.

Lorene Kamalu said that it doesn't seem that Mr. Smith is ready to develop his property and shouldn't be forced into anything. It would be best if an agreement could be met but is unsure if the R-1-LD zone would be the best fit for the area.

Bruce Dickamore commented that the lots are comparable in size, but some have a shorter depth. The homes built on these lots will be high-quality homes and will fit well in this neighborhood. Mr. Dickamore said that it seemed from previous discussions that property owners in this area would need to work together to provide this secondary access, so that the burden isn't placed on just one person.

Chad Smith commented that he would like to be able to continue forward with his subdivision plat approval as his request is separate from Mr. Dickamore's.

Andy Thompson responded that while Mr. Smith's plat conforms to city ordinance, it has been mentioned in the past by the Planning Commission that they would not to approve developments in this area until another access to Smith Lane be provided. Mr. Smith's property is one of the few options available for that access.

Chad Smith commented that the proposed road will do damage to his property values, and it was the city's suggestion for him to submit a subdivision plat in order to help to protect his land and keep the road as far away from his home as possible. Mr. Smith said that he shouldn't have to give up ten feet of his own land so that his neighbor can develop their property, and doesn't want to be required to maintain a sidewalk adjacent to his property. There is a lot of potential liability having a road running alongside his property, and will create a lot of frontage for him. Mr. Smith said that if he were ever to develop his property he would take advantage of the road and then pay the fees at that point, but at this point he would like to see the road set far enough away as to not encumber his land.

Jake Garn said that he's concerned about creating a road that is not fully improved in this area.

Josh Sundloff commented that if the Commission were to look at the rezone request on its own, the R-1-LD zone seems appropriate and won't change the character of the neighborhood.

Andy Thompson said that approval of the subdivision plat could be tied to the proposed rezone.

Bruce Dickamore said that they would prefer to have more assurance that a second access will be provided before anything is approved. It would be best to have each property owner involved to help take on the burden of providing a second access.

Josh Sundloff asked about tying approval of the rezone to a development.

Council Member Jared Taylor commented that most rezone requests are submitted with some sort of concept plan. In many instances it is also approved with a development agreement. The City Council prefers to see a plat before they make final approval on a rezone. It's a precedence that has been set by the City. The R-1-LD zone was created to help give opportunities for residents to better develop landlocked properties.

Josh Sundloff said that if we table all three requests tonight, it might give the impression that we are favoring Mr. Dickamore's development which will create a road encumbering Mr. Smith's property.

Stroh DeCaire commented that whether or not Mr. Dickamore and Mr. Smith can come to an agreement, there needs to be further discussion between the two of them before the Planning Commission can make a decision on the proposed items.

Chad Smith said that he didn't submit his subdivision application with Mr. Dickamore. They are two separate projects and their applications should not be considered together. This situation has

created a lot of stress on the whole neighborhood and would like to see it resolved as quickly as possible.

Jake Garn commented that the Planning Commission is reviewing the items together not to change the nature of Mr. Smith's development, but just because of the situation they are both in.

Lorene Kamalu said that if an agreement cannot be met between both parties, each party can come back again individually for review.

Stroh DeCaire made a motion to table the following items so that the applicants can further discuss and review their development options:
1. Request to rezone of 10.5 acres of property at approximately 988 West Smith Lane and 550 South Knight's Way from A-1 (Light Agricultural) and R-A (Residential Agricultural) to R-1-LD (Single Family Residential Low Density) for Bruce Dickamore.
2. Preliminary plat approval for the Country Meadow Subdivision located at approximately 988 West Smith Lane and 550 South Knight's Way for Bruce Dickamore.
3. Preliminary plat approval for Smith Farms located at 1020 West Smith Lane for Chad Smith.

Lorene Kamalu seconded the motion.

Voting was as follows:

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

The motion passed with a vote of three to two.

Betty Parker commented that she voted nay because she felt that the Smith's subdivision should be considered on its own and should have been voted on tonight.

Josh Sundloff said that he felt that the rezone request should have been voted on tonight as it seemed to fit the intended use.

DISCUSSION OF PROPOSED ORDINANCE AMENDMENTS TO TITLE 17, CHAPTER 33, SIGN REGULATIONS

Staff reviewed and discussed the amendment changes with the Planning Commission. The Commission asked Staff to schedule a Public Hearing for the proposed amendments to Title 17, Chapter 33 regarding Sign Regulations.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Jake Garn opened the floor for nominations for Planning Commission Chairperson and Vice-Chairperson.

Betty Parker nominated Jake Garn as Chairperson. Stroh DeCaire seconded the nomination. No other nominations were made. Jake Garn was approved as Planning Commission Chairperson by unanimous vote.

Betty Parker nominated Matthew Anderson as Vice-Chairperson. Stroh DeCaire seconded the nomination. No other nominations were made. Matthew Anderson was approved as Planning Commission Vice-Chairperson by unanimous vote.

CALL TO THE PUBLIC

Philip Funk commented that he appreciates the Planning Commission taking the proposed development on tonight's agenda seriously. Had Mr. Law not blocked access onto Sunset Drive, we wouldn't be here tonight. Mr. Smith should not be bearing any burden on his property because a neighbor wants to develop theirs.

Clyde Terry said that he appreciates that all three items were tabled tonight. This development will have such a great impact to the area it needs to be considered very carefully and lot size needs to be taken into consideration. The existing community has been built to the standards of the R-1-20 zone and this development should do the same.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, July 30, 2015 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:25 p.m.