

30 July 2015 Minutes

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KAYSVILLE CITY PLANNING COMMISSION
July 30, 2015

Members Attending: Chairperson Jake Garn, Gary Bullock, Stroh DeCaire, Betty Parker, Joshua Sundloff

Excused: Matthew Anderson, Lorene Kamalu

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Mayor Steve Hiatt, Council Member Jared R. Taylor, Russell Lindberg, Michelle Last, Alan Last, Jason Thaxton, David Vance, Corin Vance, John Thorpe, Lacey Solomon, Clyde Terry, Wade Bowen, Stan Pugsley, Truman Pugsley, Owen Pugsley, Sidney Stevenson, Jo Carlson, Gary Carlson, William Jorgensen, Tab Jorgensen, Mike Pettingill, Enrique Loera

OPENING

The Planning Commission meeting was held on Thursday, July 30, 2015 at 7:00 p.m. in the Municipal Center.

Chairperson Jake Garn opened the meeting by welcoming those present. The minutes of the June 25, 2015 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the June 25, 2015 meeting. Betty Parker seconded the motion and it passed unanimously.

Mayor Steve Hiatt made a presentation of appreciation to Russell Lindberg for his participation as a member of the Planning Commission and thanked him for his service.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, ESTHETICIAN AT 27 EAST MONTICELLO DRIVE – CORIN VANCE

Lyle Gibson explained that Mrs. Vance lives at 27 East Monticello Drive and is a licensed esthetician with the State of Utah. An esthetician specializes in such things such as administering facials, aromatherapy, hair and skin care, and makeup. Mrs. Vance has designated

a room in her home for the treatment area and the driveway will be used to provide off-street parking.

Corin Vance added that she plans to only have one client come to her home at a time, and they will come by appointment only.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation “B”, esthetician at 27 East Monticello Drive for Corin Vance. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, TUMBLING CLASSES AT 1128 SOUTH KAYS DRIVE – LACEY SOLOMON

Lyle Gibson explained that Ms. Solomon would like to teach tumbling classes from her home at 1128 South Kays Drive. Her home has a three-car garage and additional space in the driveway for three more vehicles to provide off-street parking. Staff is recommending approval with the condition that the number of students be limited to twelve at one time, and that parents drop off and pick up students at designated times.

Lacey Solomon added that she doesn’t anticipate having more than nine students at one time because of the limited amount of space in her home. Her students range in age from three to twelve years old, and most of her students live nearby and will walk to her home. Parents will also be instructed to drop off and pick up their children at specific times. Classes typically last forty-five minutes to an hour, and there could be up to thirteen classes held throughout the week.

Josh Sundloff said that he has some concern about the number of students coming and leaving her home at home time and suggested that class times be staggered.

Lacey Solomon said that she has previously been teaching classes in Clearfield but recently moved to Kaysville. During the time she taught in Clearfield she didn’t stagger class times with no issue, but would be willing to in order to help mitigate potential traffic problems.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation “B”, tumbling classes at 1128 South Kays Drive for Lacey Solomon. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, FASHION CONSULTANT AT 57 EAST PARK DRIVE – JASON THAXTON

Lyle Gibson explained that Mr. Thaxton is requesting a conditional use permit to do fashion consulting from his home at 57 East Park Drive. Mr. Thaxton’s business would deal primarily with consulting for men’s fashion but would also include incidental retail sale of clothing product. The property has a two-car garage, plus space in the driveway for a least four vehicles. Customers will visit the property by appointment only.

Josh Sundloff asked if Mr. Thaxton would ever have large groups or sales parties at his home.

Jason Thaxton responded that the only time groups come to his home would be to place an order for a wedding. Orders are sent directly to his home for pickup by the customer.

Betty Parker made a motion to grant a conditional use permit for a major home occupation “B”, fashion consultant at 57 East Park Drive for Jason Thaxton. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 149 NORTH 700 WEST – WADE BOWEN

Lyle Gibson explained that Mr. Bowen is requesting to have chickens on his property at 149 North 700 West. The property is approximately 0.49 acres or 21,200 square feet which will allow Mr. Bowen to have up to twenty-six chickens, rabbits or similar animals. The rear yard of the property is currently enclosed by a fence and a coop for the chickens will be onsite.

Josh Sundloff said that he was aware that Mr. Bowen already has the chickens and asked if any complaints had been received about the chickens.

Lyle Gibson responded the city has not received any complaints about them.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 149 North 700 West for Wade Bowen. Josh Sundloff seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 49 SOUTH 500 EAST – SHERI STALWORTH

Lyle Gibson explained that Staff had recently received a complaint about a rooster in the area of 49 South 500 East and upon investigation discovered chickens on Ms. Stalworth’s property. Ms. Stalworth was notified that a conditional use permit is required to keep the chickens, and Ms. Stalworth thereby made application to the city. She does not currently have any roosters, and understands that roosters are prohibited on her property. The property is approximately 0.25 acres or 10,700 square feet which allows her up to six fowl, rabbits or similar animals. The property has a fence that encloses the rear yard and a coop for the chickens.

Gary Carlson stated that he owns the property adjacent to Ms. Stalworth and is opposed to having chickens next door to his home. He has lived next to this property for about fifteen years and the yard has been unkempt for years and when the chickens were brought onto the property about nine months ago they added to the problem. The chickens run freely and have attracted rodents to the area. Mr. Carlson said that he feels that Ms. Stalworth is being untruthful about owning a rooster. She is not the owner of the property and asked if the owner was contacted regarding this request. An inspection needs to be done to the property to ensure that it meets city abatement ordinances.

Lyle Gibson responded that he has spoken with both Ms. Stalworth and Ms. Marilyn Rodriquez, the property owner, on the phone about this request. Staff members have heard a rooster in the area but have yet to confirm which property it is being housed on.

Stroh DeCaire commented that he would like to have had Ms. Stalworth present so that they could discuss her item with her.

Gary Bullock said that he is concerned about tabling this item because it would delay Ms. Stalworth's noncompliance in regards to keeping farm animals.

Jake Garn added that enforcement on any nuisance or abatement issues will go forward whether the conditional use permit is approved or not.

Councilman Jared Taylor stated that if a rooster found in the area, a citation should be issued by Staff. Staff will need to take further steps to help enforce abatement issues. By approving this conditional use permit it helps to mitigate the impact those chickens may have on neighboring properties. If the property can't be brought to compliance within a certain time frame, the conditional use permit can come back to the Planning Commission for review.

Josh Sundloff made a motion to grant a conditional use permit for farm animals at 49 South 500 East for Sheri Stalworth with the condition that the property be brought into compliance with city regulations within fifteen days and that if there is a rooster on the property that it be removed. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 579 SOUTH ANGEL STREET – WILLIAM F. PICARD

Lyle Gibson explained that historically Mr. Picard's property, located at 579 South Angel Street, has been zoned agricultural and therefore did not require a conditional use permit for the keeping of farm animals. A few years ago the property was rezoned to R-1-20, which still allows for horses but only as a conditional use for properties greater than a half-acre in size. The property is approximately 0.92 acres or 40,000 square feet which will allow up to six horses, cattle or similar animals to be kept on the property. Because Mr. Picard had previously kept horses here, a stable and corral are already onsite for the animals. Mr. Picard is in the process of selling his home and the interested buyers wanted some assurance that horses would be allowed and therefore Mr. Picard is now asking for conditional use permit approval at this time. This area has many agricultural uses already in place and is very commonplace to keep farm animals.

Josh Sundloff asked if Staff had received any complaints about Mr. Picard's animals in the past.

Lyle Gibson responded that he was unaware of any complaints.

William Jorgensen said that he is looking to purchase the property and may possibly have chickens and goats along with the horses.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 579 South Angel Street for William F. Picard. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MODEL HOME AT 53 NORTH FLINT STREET – BRIGHTON HOMES

Lyle Gibson explained that Brighton Homes is requesting a conditional use permit to use the home at 53 North Flint Street, in The Homestead at Hales Farm Subdivision, as a model home. The home was recently finished and already has an approved sign on the southeast corner of the lot indicating the subdivision. The developer is not requesting any additional signage, and off-street parking will be provided via the driveway.

Gary Bullock made a motion to grant a conditional use permit for a model home at 53 North Flint Street for Brighton Homes with the condition that the model home conditional use permit be reviewed in one year if still in use. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.59 ACRES OF PROPERTY AT 1111 WEST WEBB LANE FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) TO R-1-LD (SINGLE FAMILY RESIDENTIAL LOW DENSITY) – MIKE BLACKHAM

Lyle Gibson explained that Mr. Blackham is requesting to rezone his property at 1111 West Webb Lane from R-1-20 to the R-1-LD zone. The property is located directly adjacent to another property which has also recently been rezoned to the R-1-LD zone. The two zones are very similar in that they both would permit three lots on Mr. Blackham's property. Currently a specific subdivision has not been proposed or requested.

Chairperson Jake Garn opened the Public Hearing.

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

Gary Bullock asked about future development of the property.

Lyle Gibson responded that nothing has been proposed as of yet, but Mr. Blackham wanted to request a rezone before investing any money into a plat. Staff has a good understanding of what development could potentially be proposed and feels comfortable with an approval for this rezone.

Jake Garn commented that when the neighboring property came to the City for approval, neighbors expressed concern about flag lots in this area and therefore it might be best to wait to approve this rezone until a plat could be proposed showing the configuration of the lots.

Mike Blackham responded that together with his neighbor they would like to create a private lane subdivision by combining the driveways to the flag lots on both properties. Years ago they

had both received approval for a similar subdivision plan but because of the economy the decided not to move forward with development. By combining the stems of the flag lots from both properties, they should be able to create a private lane and will be able to share the cost of it.

Gary Bullock commented that he likes the idea of a private lane being developed, rather than having a bunch of flag lot driveways next to each other.

Mike Blackham said that he requested the R-1-LD zone to give him the flexibility to move the property line around the existing barn so that it can remain with the home currently on the property.

Stroh DeCaire made a motion to recommend approval of the request to rezone 1.59 acres of property at 1111 West Webb Lane from R-1-20 (Single Family Residential) to R-1-LD (Single Family Residential Low Density) for Mike Blackham. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR THORN-FIELD PHASE 2 SUBDIVISION AT 810 EAST WINDSOR LANE – JOHN THORPE

Lyle Gibson explained that several years ago the Thorn-Field subdivision was developed, and subsequently the property adjacent to the south was acquired by the new lot owners. Mr. Thorpe would like to build a detached garage on the back portion of his property, however the property must be brought into compliance with subdivision ordinances before a building permit can be issued. Mr. Thorpe has submitted a plat combining his property into one lot. There was previously some concern about an easement on the property but Staff has verified that the easement has been vacated.

Chairperson Jake Garn opened the Public Hearing.

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

Stroh DeCaire made a motion to recommend preliminary and final plat approval for Thorn-Field Phase 2 Subdivision at 810 East Windsor Lane for John Thorpe. Josh Sundloff seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR PETTINGILL ESTATES AMENDED AT 1593 WEST GALBRAITH LANE – MIKE PETTINGILL

Lyle Gibson explained that Mr. Pettingill recently received preliminary plat and PRUD overlay zone approval for this same proposed subdivision at 1593 West Galbraith Lane. However, after receiving approval Mr. Pettingill had to make some adjustments to the proposed lot lines to ensure that each lot met the minimum square footage requirement for the R-A zone. The subdivision consists of four lots, with two standard lots fronting Galbraith Lane and two flag lots

sharing a driveway access. The lots all measure at approximately one-half acre each. The modifications made did not change the density or general layout of the property.

Stroh DeCaire made a motion to recommend final plat approval for Pettingill Estates Amended at 1593 West Galbraith Lane for Mike Pettingill. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND AMENDMENT OF SECTION 17-32, OFF-STREET PARKING, SECTION 17-33, SIGN REGULATIONS, AND SECTION 17-34, PRUD PLANNED RESIDENTIAL UNIT DEVELOPMENT, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

Lyle Gibson reviewed the amendment changes to Title 17, Sections 17-33 and 17-34 with the Planning Commission in regards to off-street Parking regulations and sign regulations.

Josh Sundloff commented that he is concerned about reducing the required amount of landscaping requirements for parking lots. Landscaping should be included within the confines of the parking area because it can help to make parking lots more aesthetically pleasing. There needs to be a balance between the landscaping and asphalt areas of a parking lot.

Jake Garn stated that every situation should be considered on a case-by-case basis, but there needs to be some general guidelines in place as well. Kaysville doesn't have many vacant commercial lots left that a large parking lot could be built.

Councilman Jared Taylor said that irrigation for landscaping in a parking lot also needs to be considered.

Chairperson Jake Garn opened the Public Hearing to discuss the proposed amendments to Section 17-34, Off-Street Parking, and Section 17-33, Sign Regulations.

There were no comments or questions from the public. Chairperson Jake Garn closed the public hearing.

Stroh DeCaire suggested tabling the proposed amendments to off-street parking regulations until the Commission could discuss this further.

Stroh DeCaire made a motion to table the amendment of Section 17-32, Off-Street Parking, of Title 17, Planning and Zoning, of the revised ordinances of Kaysville City. Josh Sundloff seconded the motion and it passed unanimously.

Stroh DeCaire made a motion to recommend approval of the amendment of Section 17-33, Sign Regulations, of Title 17, Planning and Zoning, of the revised ordinances of Kaysville City. Gary Bullock seconded the motion and it passed unanimously.

Lyle Gibson explained that recently the City Council was approached by residents who were concerned about the city's current regulation of flag lots and asked the city to review our

ordinances to address their concerns. Upon consideration of expressed concerns, the city is proposing amendments of Title 17, Section 34, PRUD Planned Residential Unit Development.

Chairperson Jake Garn opened the Public Hearing to discuss the proposed amendments to Title 17, Section 34, PRUD Planned Residential Development.

Mike Blackham commented that he has seen many proposed flag lots brought to the city and feel that they bring another opportunity for residents to develop their properties. Concerns about flag lots have been brought before the City before, and committees have been formed to discuss them in detail. These committees have found that there is a need and desire for flag lots within the city. If everyone said they didn't want anything in their backyard there wouldn't be anywhere to develop in Kaysville. There are a lot of deep pieces of property within Kaysville and it gives those property owners a way to develop their properties and also creates lots off of main roads. The flag lot ordinance is very restrictive and has been made more restrictive over the years to help further mitigate the potential impact of them.

Kim Blackburn provided a copy of a letter written to the Planning Commission by himself and said that he lives off of Whit's End and is concerned about flag lots because they intrude on the privacy of the surrounding neighbors. Homes built on flag lots are built too close to property lines and tend to have a lot of turnover. Flag lots should not be included in established parts of the city because it seems that most people who live on these deeper lots moved there because of the size of the lots and the space between neighboring homes. Flag lots also bring another driveway running along the property line and more traffic to an area. They seem to be more intrusive than a standard lot.

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

Councilman Jared Taylor thanked Mr. Blackburn for the time and research he has put into this issue. Mr. Taylor commented that while the City reviews every proposed flag lot, we also need to consider the impact this will have on the whole city and potential future developments. Properties throughout the city have been divided many times over the years to create more lots. We shouldn't penalize those property owners who have held off on developing until later down the road rather than developing with their neighbors. Space is becoming more limited within the city, and it is one reason why the R-1-LD zone was created to help future development occur. Both the R-1-LD zone and flag lots give property owners the ability to create considerable sized lots, and still keep the density the same.

Jake Garn said that maybe another citizens group needs to be formed to review and discuss these issues again.

Gary Bullock made a motion to table the amendment of Section 17-34, PRUD Planned Residential Unit Development, of Title 17, Planning and Zoning, of the revised ordinances of Kaysville City. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lyle Gibson said that the Utah League of Cities and Towns will be holding their Annual Conference on September 16-18, 2015 in Salt Lake City. Typically Thursday is the “Planner Day” and would be beneficial for Planning Commission members to attend.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, August 13, 2015 at 7:00 p.m.

ADJOURNMENT

Betty Parker made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:35 p.m.