

13 August 2015 Minutes

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KAYSVILLE CITY PLANNING COMMISSION
August 13, 2015

Members Attending: Vice-Chairperson Matthew Anderson, Gary Bullock, Lorene Kamalu, Betty Parker, Joshua Sundloff

Excused: Jake Garn, Stroh DeCaire

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Jared R. Taylor, Robyn Law, Robert Law, Bruce Dickamore, Bryan Sorensen, Ron Wright, Astrid Kramer, Brent Burningham, Chad Smith

OPENING

The Planning Commission meeting was held on Thursday, August 13, 2015 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Matthew Anderson opened the meeting by welcoming those present. Mr. Anderson announced that the item to discuss the amendments to Title 17, Planning and Zoning, had been removed from the agenda and would not be discussed in tonight's meeting.

The minutes of the July 9, 2015 meeting were presented for approval.

Betty Parker made a motion to approve the minutes of the July 9, 2015 meeting. Josh Sundloff seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 545 EAST 100 SOUTH – BEN SHEKAR

Lyle Gibson explained that Mr. Shekar lives at 545 East 100 South and is requesting to keep chickens on his property. The property is approximately 0.45 acres or 19,600 square feet, which would allow him to keep up to fourteen fowl, rabbits or similar animals. The applicant has had chickens on his property in the past, not knowing that a conditional use permit was required. There has been a rooster on the property in the past, but it has recently been

removed. The rear yard of the property is fenced and there is already a coop to house the chickens.

Josh Sundloff asked if any complaints had been received regarding Mr. Shekar's chickens.

Lyle Gibson responded that Staff had not received any complaints, and Mr. Shekar is aware that roosters are not allowed on his property at any time.

Lorene Kamalu made a motion to grant a conditional use permit for farm animals at 545 East 100 South for Ben Shekar. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.39 ACRES OF PROPERTY AT 186 NORTH 100 EAST FROM R-D (DIVERSE RESIDENTIAL) TO PB (PROFESSIONAL BUSINESS) – RON WRIGHT

Lyle Gibson explained that Mr. Wright is requesting to rezone his property at 186 North 100 East from R-D (Diverse Residential) to the PB (Professional Business) zone. The property sits across the street from the CC (Central Commercial) zoning district to the west, as well as the PU (Public Use) zone to the north, but is located on a city block zoned entirely R-D. The existing R-D zone primarily allows for single family dwellings with the continued use of some existing multi-family dwellings, while the requested PB zone would permit business and professional offices. The Kaysville City General Plan states that business and industry uses should be primarily located on major streets.

Vice-Chairperson Matthew Anderson opened the Public Hearing.

Ron Wright commented that there are no plans to develop the property immediately, but is planning for the future as commercial development continues to creep further east along 200 North. The home on the property is currently being rented for residential use, and will continue to be until further plans are made.

Astrid Kramer said that she owns the property to the south of Mr. Wright's and asked, if this rezone request is approved will neighboring properties will be forced to rezone their properties as well.

Matthew Anderson responded that rezone requests are typically submitted by property owners and therefore the property would only be rezoned if requested by the current owner.

There were no further comments or questions from the public. Vice-Chairperson Matthew Anderson closed the Public Hearing.

Councilman Jared Taylor commented that although Ms. Kramer's property is abutting Mr. Wright's, a commercial rezone request would not fit within the General Plan because it doesn't front a major street. The ordinance is written as such in order to avoid commercial creep into residential areas.

Gary Bullock made a motion to recommend approval of the request to rezone 0.39 acres of property at 186 North 100 East from R-D (Diverse Residential) to PB (Professional Business) for Ron Wright. Lorene Kamalu seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.19 ACRES OF PROPERTY AT APPROXIMATELY 50 EAST 220 NORTH FROM GC (GENERAL COMMERCIAL) TO PU (PUBLIC USE)

Lyle Gibson explained that Kaysville City is requesting to rezone the property at approximately 50 East 220 North from the GC (General Commercial) to the PU (Public Use) zone. The property, located on the west side of Heritage Park, was recently acquired by the City for the intent of adding additional parking to better accommodate the use and attendance of the park. The PU zone would match the zoning of the park and is very limited on its permitted uses.

Vice-Chairperson Matthew Anderson opened the Public Hearing.

There were no comments or question from the public. Vice-Chairperson Matthew Anderson closed the Public Hearing.

Betty Parker made a motion to recommend approval of the request to rezone 1.19 acres of property at approximately 50 East 220 North from GC (General Commercial) to PU (Public Use). Gary Bullock seconded the motion and it passed unanimously.

PRELIMINARY PLAT APPROVAL FOR SMITH FARMS SUBDIVISION AT 1020 WEST SMITH LANE – CHAD SMITH (TABLED ITEM)

Lyle Gibson explained that Mr. Smith owns about three acres of property located at 1020 West Smith Lane and would like to divide one 40,000 square foot lot, leaving two acres with the existing home. The proposed new lot is zoned A-1 which requires a minimum lot size of 40,000 square feet. This item was reviewed a few weeks ago with the proposed Country Meadow Subdivision but both projects were tabled to allow time for the property owners to discuss possibilities of combining their projects. The property owners have since been talking and believe that a resolution will soon be obtainable. However, Mr. Smith has requested that his subdivision be placed back on the agenda in case negotiations fail he will be able to proceed with his development. Over the last several years the City has been consistent in stating that additional development in this area would not be allowed until an additional access was provided. Mr. Smith's property is one of a few options available for access and therefore Staff is recommending tabling this request until an additional access is provided to the Tyler Estates area.

Gary Bullock said that since a resolution has not occurred yet this item should be tabled until a later time.

Josh Sundloff asked Mr. Smith about discussions between the Smith's and the neighboring developer.

Chad Smith commented that negotiations have improved and feels that they are getting closer to a decision. Both he and Mr. Buhler have been approached by developers who are interested in purchasing both properties together.

Josh Sundloff said that Mr. Smith's proposed subdivision plat meets the requirements of the city and therefore is entitled to approval. Unless there is legal documentation stating that a new development cannot be approved in this area of the city, it would seem that this request would have to be approved.

Lyle Gibson said that the city has the right to make specific requests of developments, especially if we feel it is what is best for the community. If the city is pursuing a solution then we can delay development and table development requests. Staff has some concern that by approving Mr. Smith's development it will cause other surrounding properties to become landlocked.

Betty Parker commented that she feels that Mr. Smith shouldn't have to wait on someone else's development in order to receive approval for his own.

Matthew Anderson said that he is concerned that approval of this request could force Mr. Buhler into having to take on the full burden of the road.

Lorene Kamalu added that approval could also affect the potential layout and lot sizes planned for Mr. Buhler's property.

Josh Sundloff commented that whenever any new road is proposed, the developer should take on the burden of it.

Betty Parker said that the proposed road layout will put unwanted responsibility on Mr. Smith to maintain the road frontage adjacent to his property.

Gary Bullock responded that this proposal is incomplete because the secondary road access has not been decided. This is premature and should be postponed so as to not jeopardize other neighboring property owners.

Councilman Jared Taylor commented that while Mr. Smith has an acceptable subdivision proposal, it has been mentioned that this development could be combined with Mr. Dickamore and developed as one. Another road access needs to be installed in this area and it is the city's responsibility to assure that every possible avenue for the road is explored.

Chad Smith said that the developers who have expressed interest in purchasing his property are only interested if they can purchase the Buhler's property as well. Mr. Smith said that he is requesting preliminary plat approval for this subdivision so he could have some assurance that his property will be protected if things cannot be negotiated.

Lorene Kamalu said that no one should be forced to develop their property when they aren't ready. The parties involved seem to be trying to work together to do what is best for the

neighborhood. However if a proposed subdivision meets city ordinances, it seems that the city would be obligated to approve it.

Betty Parker made a motion to recommend preliminary plat approval for Smith Farms Subdivision at 1020 West Smith Lane for Chad Smith. Lorene Kamalu seconded the motion.

Voting was as follows:

Josh Sundloff yea
Gary Bullock yea
Lorene Kamalu yea
Matthew Anderson nay
Betty Parker yea

The motion passed with a vote of four to one.

Josh Sundloff said he voted in favor of approving this requested subdivision because the proposed plat complies with city ordinances, and no formal documentation has been provided restricting approval of developments in this area until another access is provided.

Gary Bullock said that also voted for approval of this request because of its compliance with city regulations. However, he feels that this is a premature request and there is potential of the affected parties not coming to an agreement.

Matthew Anderson said that he feels that there are a lot of assumptions being made, and the Commission should be assuring that a plan is in place before approving a development. It is the responsibility of the Planning Commission to look at each development and plan for what will be best for the community.

Betty Parker said that she feels that by approving this proposed subdivision it will help Mr. Smith protect him from development encroaching onto his property. Mrs. Parker added that she hopes Mr. Smith will continue negotiations with all parties.

FINAL PLAT APPROVAL FOR FIELD OF DREAMS SUBDIVISION (FORMERLY BRYAN SORENSEN SUBDIVISION) AT 1133 WEST WEBB LANE – BRYAN SORENSEN

Lyle Gibson explained that Mr. Sorensen received preliminary plat approval for this project, located at 1133 West Webb Lane, in May and was approved with the condition that the southernmost lot have a fifty-foot setback from the south property line. The final plat has now been submitted with the lot configuration now including the required setback. This subdivision includes two flag lots, with the exiting home on a third lot fronting Webb Lane.

Lorene Kamalu made a motion to recommend final plat approval for Field of Dreams Subdivision (formerly Bryan Sorensen Subdivision) at 1133 West Webb Lane for Bryan Sorensen. Josh Sundloff seconded the motion and it passed unanimously.

AMENDMENT OF CHAPTER 17-32, OFF-STREET PARKING, AND CHAPTER 17-34,
PRUD PLANNED RESIDENTIAL UNIT DEVELOPMENT, OF TITLE 17, PLANNING AND
ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

This item was withdrawn from the agenda.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, August 27, 2015 at 7:00 p.m.

ADJOURNMENT

Betty Parker made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:10 p.m.