

11 February 2016 Minutes

KAYSVILLE CITY PLANNING COMMISSION

February 11, 2016

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Stroh DeCaire, Lorene Kamalu, Joshua Sundloff, Thomas Wood

Excused: Betty Parker

Staff Present: City Engineer Andy Thompson, Secretary Annemarie Plaizier

Others Present: Council Member Larry Page, Shelby Fernandez, Marisol Garcia, Jorge Garcia, Tony Coombs, Dan Stephenson, Zack Morby, Chris Moody, Tiffannie Cozzens, Carson Jones, Christina Jones, Mark Dyson, Eric Hopper, Devin Smith, Terry D. Messerly, Diane Messerly, Natalie Messerly, David Moore, Judy Fisher, David W. Fisher, Steve Burke, Mike Standridge, Jennifer Standridge, Wendell Peery

OPENING

The Planning Commission meeting was held on Thursday, February 11, 2016 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, HANDYMAN SERVICES AT 680 NORTH MAIN STREET #E-3 – JORGE GARCIA

Andy Thompson explained that Mr. Garcia is requesting a conditional use permit for a major home occupation “B” at 680 North Main Street #E-3 to do handyman services. He will be using his home for scheduling appointments, preparing bids, and processing paperwork. He has a storage shed where he will store his tools and equipment until needed for each job.

Jorge Garcia added that he does not plan to have clients come to his home at any time.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation “B”, handyman services at 680 North Main Street #E-3 for Jorge Garcia. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, PERSONAL FITNESS TRAINING AT 133 NORTH 400 EAST – CHRIS MOODY

Andy Thompson explained that Chris Moody is a personal fitness trainer and is requesting a conditional use permit to conduct business from his home at 133 North 400 East. Mr. Moody has done personal fitness training before from a commercial gym environment, but would like the

option to offer training sessions from his home. The sessions will be by appointment only, and will be one-on-one. His home has a single car garage, plus space in the driveway for two additional cars.

Thomas Wood asked if Mr. Moody plans to hold classes at his home.

Chris Moody responded that he will not be holding classes, but only one-on-one sessions with clients a couple hours a day, five days a week. Mr. Moody says that he doesn't plan to have more than fifteen total clients at a time.

Josh Sundloff said that if Mr. Moody decided to hold classes in the future he might need to come back to the Planning Commission for review of his conditional use permit.

Gary Bullock made a motion to grant a conditional use permit for a major home occupation "B", personal fitness training at 133 North 400 East for Chris Moody. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.95 ACRE OF PROPERTY AT 85 EAST CRESTWOOD ROAD FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-4 (ONE TO FOUR FAMILY RESIDENTIAL), WITH A PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – DAN STEPHENSON

Andy Thompson explained that Dan Stephenson owns the property located at 85 East Crestwood Road, directly across from Heritage Park. Although it is immediately surrounded by the R-1-8 zone district, it is located near the Main Street commercial district and some R-M (Multi-Family Residential) zoning. Mr. Stephenson has submitted a concept site plan and building type in consideration of the proposed rezone request. This development is proposed to have dwellings with individual ownership, common open space and a private street. An HOA would be set up to maintain the open space and street. The R-4 zoning district allows for a density of up to fourteen units per acre. The current site plan shows twelve units at a density of 12.6 units per acre. With the details provided, Staff is unable to verify if the proposed development would meet the requirements of a common open space subdivision. The Kaysville City General Plan states that east of I-15 the City should allow zero to five units per acre with some higher density housing. It also states that the majority of housing should be single family, about ten percent should be more than one unit per structure, and multiple unit housing should consist mostly of duplexes and some three to six unit structures dispersed throughout the City.

Chairperson Matthew Anderson opened the Public Hearing.

Steve Burke said that he was asked by two of his neighbors, Ruth Ann Baker and Sylvia Hadfield, who couldn't be at the meeting tonight to share letters written by them. Ruth Ann Baker shares a property line with this proposed development and is concerned with adding more density along two major streets. Also, there is already a lot of other multi-family properties nearby. In Sylvia Hadfield's letter, she also expressed concern with the high amount of traffic already in this neighborhood. Ms. Hadfield stated that she does not want to have high density housing in her backyard, and feels that it wouldn't be appropriate where it would be surrounded

by a single family neighborhood. There will be twelve families packed into this one acre property. That is too many families and no place for children to play. Mr. Burke continued by stating that this development will not help to improve the area and should be located adjacent to a commercial zone as a buffer, as this zone was designed for. A few years ago the property at 65 East Crestwood Road was proposed for a rezone to commercial and was denied. Commercial uses should stay west of 30 West Street, and this development should only be allowed four units, at most, on this property.

Devin Smith said that he lives next to this property and is concerned with adding more density into this area. The General Plan states that multi-family housing should be dispersed throughout the city. There is already a lot of high density housing in their area and adding more will cause the existing residents to carry the burden. Should this proposed rezone be approved it might also set a precedence for the area and we may see more high density developments being proposed.

Eric Hopper said that he lives to the east of the property and is concerned that the proposed development will decrease the value of his home and property. He moved into this area because of the small neighborhood feel and would like it to stay that way.

Mark Dyson said that he also lives east of the proposed development and is concerned about how closely the units could be built to adjacent homes. There doesn't seem to be enough space on the property to fit twelve units and the open space.

Tiffannie Cozzens said that she has lived in the home on the corner of 30 West and Crestwood Road and are looking to fix up their home because they appreciate the value of the historic home and the feel of Kaysville. While they understand that Kaysville has progressed and grown as it should, this development doesn't fit with the natural flow and beauty of the area.

Terry Messerly, living at 384 North 30 West, said that he has lived in his home for many years and has watched multi-family developments bought by investors to be used as rental units. Rentals tend to decrease the property values in a neighborhood and affect the look and feel of an area.

Jennifer Standridge said that she lives in the area and agrees that these type of multi-family units won't help to add to the overall value of the neighborhood.

David Fisher said that he owns and lives on the property to the west of this development where he also keeps cattle. Mr. Fisher said that he is concerned with high density housing being built in their neighborhood. More homes will not only bring more traffic but more noise to the area. Mr. Fisher added that he is concerned about residents getting into his property and asked that a fence be installed.

Tony Coombs said that he has been working with Dan Stephenson on this development and they thought this type of multi-unit development would fit well into this area because it sits near the park, library and other city services. The units will have a more modern look, and won't be taller than two stories. These units will be sold individually, however, they could still potentially be rented. It is up to the homeowners to decide.

David Moore said that it seems that the owner of the property is only interested in making money, and is not concerned about the effect it will have on the neighborhood. This subdivision needs to be rethought so that it will be more comparable to this area.

Diane Messerly said that she is concerned with the number of homes being adjacent to a busy street, and how residents will safely cross the road to get to the park.

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

Matthew Anderson said that it appears from the concept plan that there is not enough space to accommodate the number of units they want on the property.

Andy Thompson said that this is only a rough concept plan. When the preliminary plat is submitted, Staff will verify that the open space meets city requirements.

Stroh DeCaire said that the city ordinance states that open space needs to be usable and functional. However, the limited amount of open space, as well as its layout, doesn't seem to meet that criteria.

Gary Bullock commented that he is concerned about the setbacks shown on the concept drawing. There are four units shown along the northern side of the developer with small side yards. This sets them closer to the adjacent properties and could be a potential problem. Also, is there enough space at the end of the lane to meet fire code regulations?

Andy Thompson responded that there will be a shared driveway for two units at the end of the lane to create a place for fire trucks to turn around. It is unsure if this will be adequate for fire apparatus, and will need approval before final plat review.

Josh Sundloff said that it is not unprecedented to create a higher density residential zone within a less dense residential zone. There are similar situations in other areas of the city.

Lorene Kamalu asked about the number of units being proposed and if the developer had considered a different plan with lesser units, which might better fit the intended zoning.

Thomas Wood said he has been involved in land development before and this is a good location for a multi-family development. However, he feels that this proposal does not meet the Kaysville City General Plan in regards to having high density housing dispersed throughout the city. There seems to be more multi-family dwellings concentrated to this area and approving this high density development would go against the General Plan.

Matthew Anderson added that the General Plan also states that high density housing needs to be located along major roads and along the city center, which makes it harder to disperse them out further into other areas of the cities. There are limited locations where multi-family housing would be appropriate.

Gary Bullock commented that there is also limited land left available for development. This location is a good proximity to the downtown area. If this development is tastefully done it can enhance and contribute to the neighborhood and the community. Mr. Bullock said that he would like to see more details about the setbacks and open space, as well as a development agreement.

Lorene Kamalu said that on paper these units seem to be good in size for young families or empty nesters and seem well planned. However, she feels uncomfortable approving the proposed rezone until more of the concerns can be addressed.

Stroh DeCaire thanked those in attendance tonight for their comments and concerns about this development. Mr. DeCaire said that he is concerned about the small amount of open space shown on the concept plan, as well as the number of proposed units. What is the owner of the property trying to accomplish with this proposed development? There are a lot of unanswered questions and therefore this proposal should be tabled until the developer can address these questions.

Josh Sundloff said that he would like to see a more detailed site plan. While he agrees that this area tends to be taking more of the burden of the higher density housing, there really isn't anywhere else for this type of housing to go. This is located close to the downtown core of the city and along major roads. Mr. Sundloff added that children crossing the street from this location is a cause for concern and might need to be addressed through the development agreement.

Stroh DeCaire made a motion to table the request to rezone 0.95 acre of property at 85 East Crestwood Road from R-1-8 (Single Family Residential) to R-4 (One to Four Family Residential), with a PRUD (Planned Residential Unit Development) overlay zone for Dan Stephenson so that the developer and the property owner can address the comments and concerns mentioned. Gary Bullock seconded the motion and it passed unanimously.

REQUEST FOR A VARIANCE FROM PRUD ORDINANCE REQUIRING A THIRTY-FOOT ACCESS PROJECTION ON A FLAG LOT AT 278 EAST SHEPARD LANE – WENDELL PEERY

Andy Thompson explained that Wendell Peery received preliminary and final plat approval for a two-lot subdivision on this property at 278 East Shepard Lane. The subdivision includes a standard lot as well as a flag lot, both taking access off of Shepard Lane. The flag lot's approach is immediately adjacent to the D&RGW Rail Trail Property. After subdivision approval, Mr. Peery discovered that his property line lies over a Tesoro Pipeline easement along the eastern edge of his property. Tesoro Pipeline will not permit construction of any structures, including fences, within eight and a half feet of their utility lines. Because of the thirty foot flag stem requirement, the west boundary of the stem would encroach into the easement and he would be unable to fence along the western edge of Lot 1. Mr. Peery is requesting a variance so that he would only be required to provide a twenty-four foot wide flag stem. This way he would not be encroaching into the pipeline easement, and would still be able to fence Lot 1. Because this flag stem is only servicing one lot, Mr. Peery feels that a twenty-four foot flag stem would be

adequate. Staff is recommending that the Planning Commission review each of the five variance requirements to determine if this application meets the criteria.

Matthew Anderson said that he doesn't feel that this variance request meets all of the requirements for approval because granting the variance is not essential to the enjoyment of a substantial property right possessed by other properties in the same zone, and because Mr. Perry has not shown that this would cause an unreasonable hardship to him.

Gary Bullock asked if a twenty-four foot driveway would still allow enough space for fire truck access.

Andy Thompson responded that he believes that there would still be adequate space.

Wendell Peery said that having to keep the thirty foot flag stem would create a six foot section of unused property along the stem and there would be some ambiguity on who would have to maintain that property. By approving the variance it would make the layout of the lot better and the property would be more easily maintained.

Lorene Kamalu asked Mr. Peery if he was informed of the easement when purchasing the property.

Wendell Peery responded that he was, and he had planned to split the property after purchasing the property. However, he was unaware of the thirty foot flag stem requirement at that time.

Gary Bullock said that Mr. Peery is in an unusual situation being located adjacent to the rail trail as well as having a pipeline easement on his property, therefore he feels that this variance could be justified.

Josh Sundloff said that while he agrees that it's a substantial property right to be able to fence your property, is a variance justified in order to enjoy the property?

Stroh DeCaire commented that there is ambiguity in the criteria required for the approval of a variance.

Thomas Wood said that he feels that there is reasonable hardship for Mr. Peery, whether self-imposed or not, because of the utility easement located on his property. Mr. Wood said that he also feels that this is a reasonable request and is following the spirit of the law.

Josh Sundloff said that it seems an unreasonable hardship to impose a thirty foot flag stem in light of the layout of the property and utility easements included. Mr. Peery's special circumstance is an encroaching utility easement. Something that is not attached to other properties. Mr. Sundloff said that he also feels that granting a variance is essential to the enjoyment of the property because it will enable Mr. Peery to be able to install a fence, which is a substantial property right. Granting this will not affect the general plan and not be contrary to the public interest, and by granting it the spirit of the Title is observed. Mr. Sundloff said that he feels that Mr. Peery's request for a variance meets all of the criteria. Because there has been no

public comment or interest in this request, it also seems that Mr. Peery's neighbors would not have a problem with this.

Lorene Kamalu made a motion to grant a variance from the PRUD ordinance requiring a thirty-foot access projection on a flag lot at 278 East Shepard Lane for Wendell Peery because, as detailed by Mr. Sundloff, the criteria for a variance as outlined in Kaysville City Ordinance 17-4-6 has been met. Thomas Wood seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lorene Kamalu commented that when she had gone to look at Wendell Peery's property, she spoke with the contractor currently working on Mr. Peery's property. The contractor mentioned that he has worked as a contractor on projects for the city for many years and is impressed with the city Staff. He'd mentioned that the Public Works director has always done a good job supervising each project and has always been good to work with.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, February 25, 2016 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:45 p.m.