

1. Documents

Documents:

[10 MARCH 2016 PACKET.PDF](#)
[10 MARCH 2016 AGENDA.PDF](#)

**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, March 10, 2016 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meetings of January 28, 2016 and February 11, 2016.
2. Conditional use permit for a major home occupation "B":
 - a. Handyman services at 195 East 100 South – Nolan Jabczynski.
 - b. Esthetician at 977 West Mill Shadow Drive – Rachel Engstrom.
3. Conditional use permit for a two-family dwelling at 609 East 1150 South – Ross Ranzenberger.
4. Public hearing and preliminary and final plat approval for Miller Ranch Subdivision Amended at 1766 West Phillips Street – Mistie Manning.
5. Public hearing and preliminary plat approval for Heritage Square Townhome Subdivision Phase 2 at 560 West Mutton Hollow Road – Justin Bennett.
6. Presentation and approval of the Kaysville City Active Transportation Plan.
7. Call to the public.
8. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
9. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, March 4, 2016.



Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for Handyman Services February 11, 2016

Applicant/Owner: Nolan Jabczynski
Location: 195 East 100 South

Description:

Mr. Jabczynski is requesting a conditional use permit for Major Home Occupation B at the above listed address. He will be using his home for scheduling bids and appointments and processing paperwork. He has a place on site where his tools and equipment will be kept and the actual services will take place away from his home.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, handyman services, at the above listed address.

Reasoning:

Staff has reviewed the use and the provisions of the ordinance with Mr. Jabczynski and feels that the restrictions found in the ordinance are sufficient for mitigating potentially anticipated detrimental impacts of the proposed home occupation.

Attachment 1: Area Map

195 East 100 South





Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B', Esthetician. March 10, 2016

Applicant/Owner: Rachel Engstrom / Scott and Holly Jessop
Location: 977 Mill Shadow Drive

Description:

Ms. Engstrom is requesting a conditional use permit for a major home occupation 'b' for esthetician services. Ms. Engstrom is a licensed esthetician and has been practicing in commercial outfits and now desires to continue providing services to some of her clientele through her own home business.

Her appointments would be by appointment only and she generally leaves time between each appointment to do paperwork.

The property has a large driveway so there is space for customers to not have to park on the street.

Recommendation:

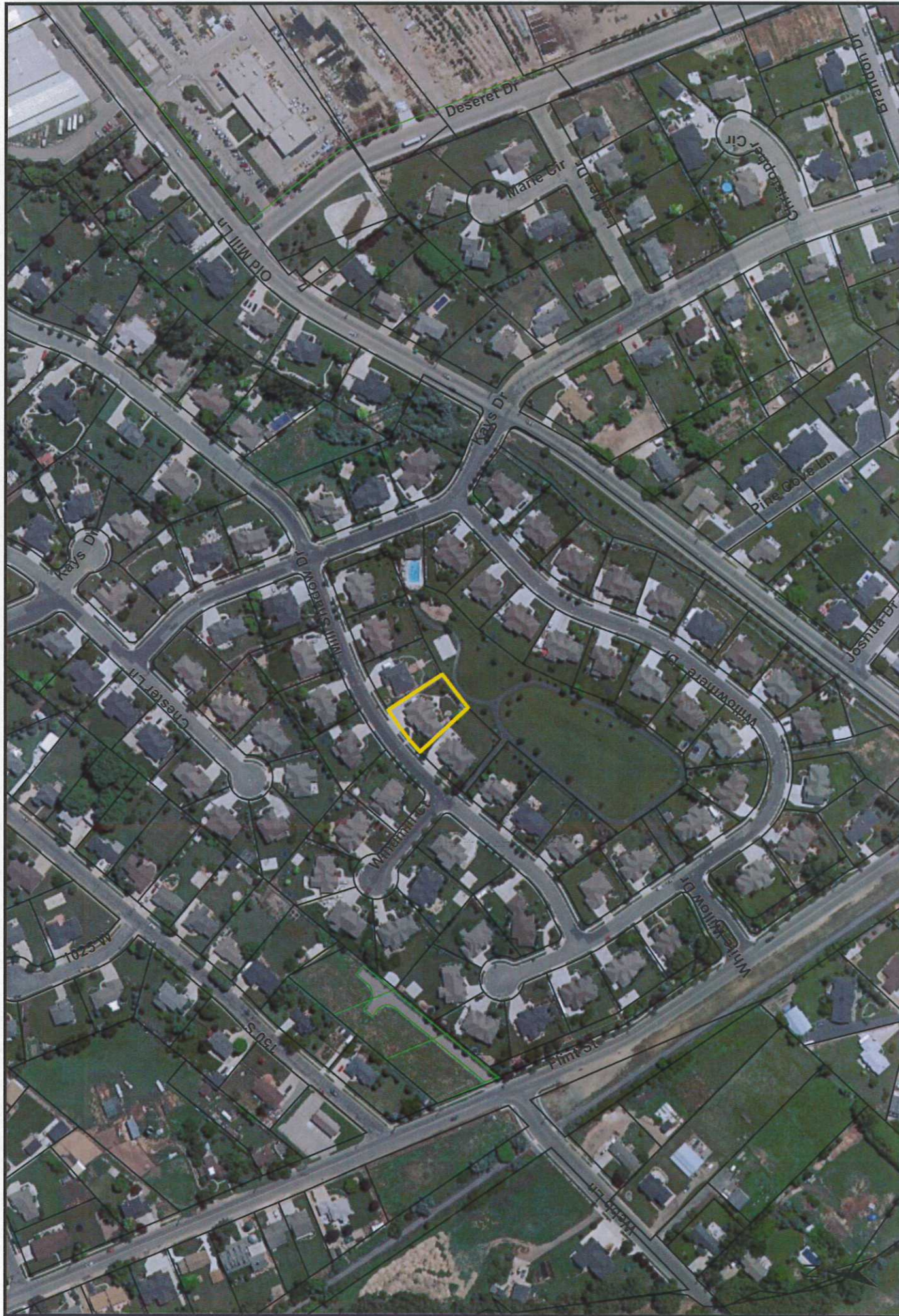
Staff is recommending approval of the proposed conditional use permits for a major home occupation 'b' subject to compliance with title 17-26-4 of the Kaysville City Ordinance.

Reasoning:

Based on the nature of the business and the amount of off-street parking on site, with the restrictions of the ordinance staff feels that approval of this application is appropriate without additional conditions.

Attachment 1: Area Map

977 West Mill Shadow Drive





Planning Commission Staff Report

Conditional Use Permit for a Two-Family dwelling March 10, 2016

Applicant/Owner: Ross and Pearl Ranzenberger
Location: 609 East 1150 South
Zone: R-1-10

Description:

Two-family dwellings are permitted in the R-1 zoning districts as a conditional use per section 17-12-4 (9). Two-family dwellings are permitted so long as not more than two duplexes (4 units) are located within 500 feet of any duplex (2 units). There are no other duplexes or two-family dwellings within 500 feet of the subject property meaning it complies with the requirement.

The proposal would be to enclose add on to the existing structure as shown in the provided plans to create the extra dwelling unit. The addition does not add extra parking to the site however there is already a 3 car garage on site and space for 3 cars in the driveway. The zoning ordinance requires 2 off street parking spaces per dwelling.

The addition will require a building permit under which building code and details as well as setback requirements for the structure will be verified. The proposal as shown complies with setback and height requirements of the zone.

Recommendation:

Staff is recommending approval of the proposed conditional use permit for a two-family dwelling with the following condition.

- The applicant complete the building permit process for a conversion from a single-family to a two-family dwelling.

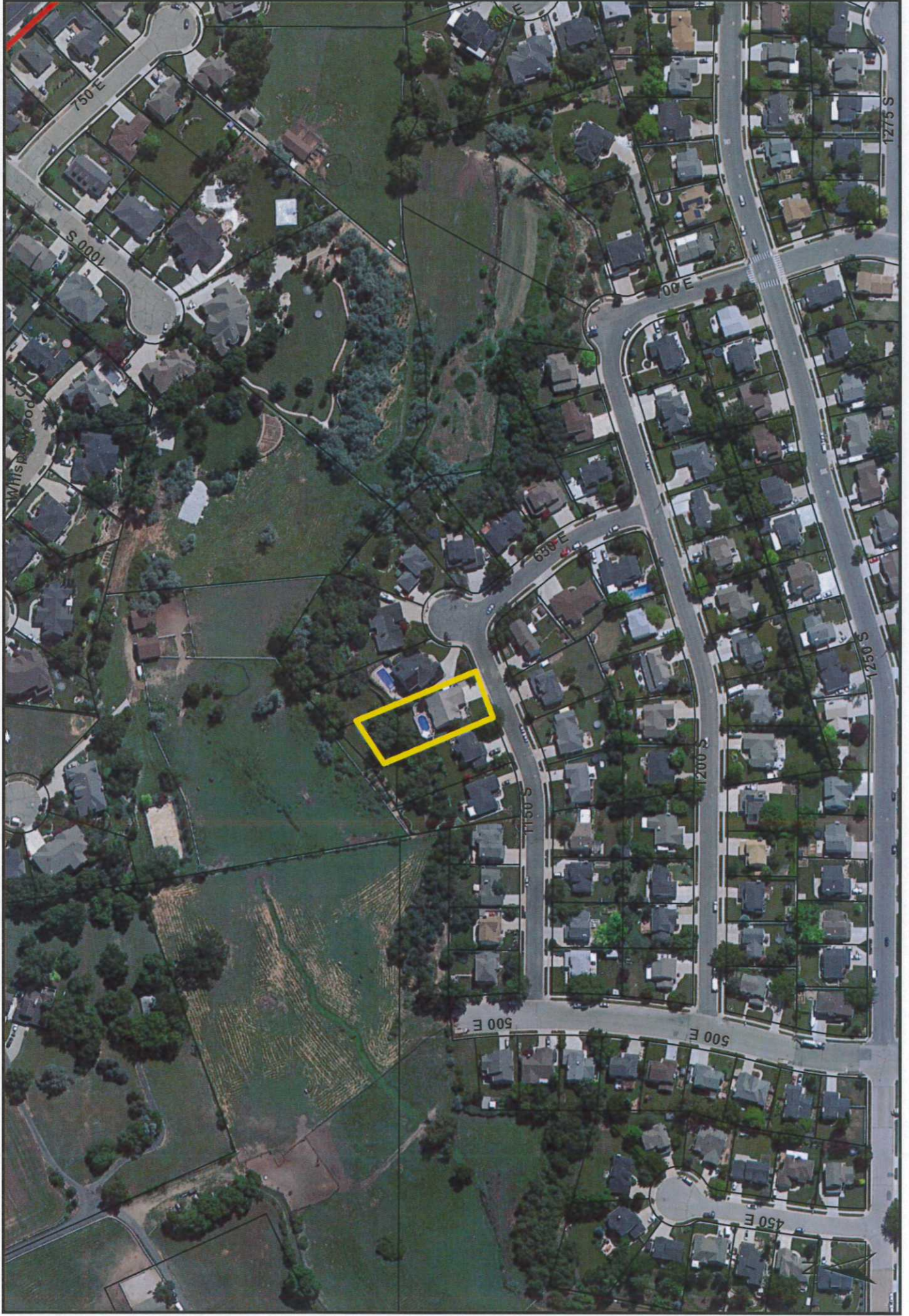
Reasoning:

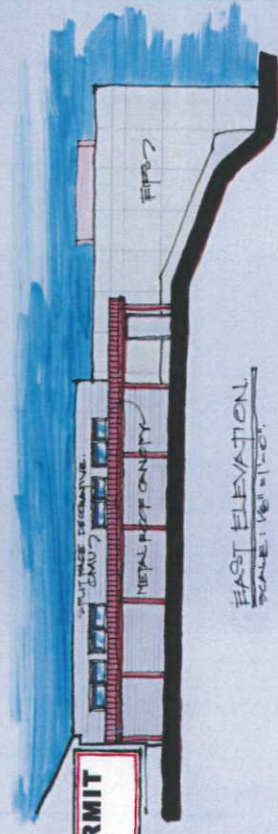
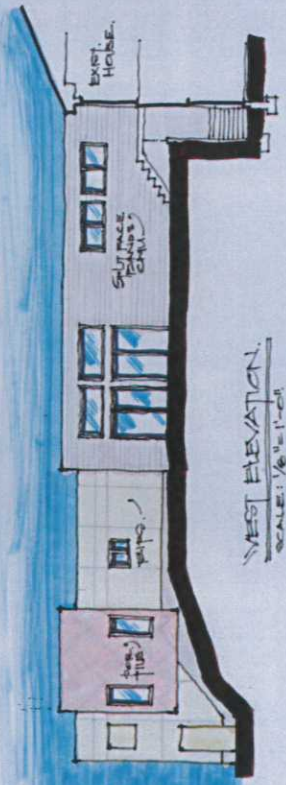
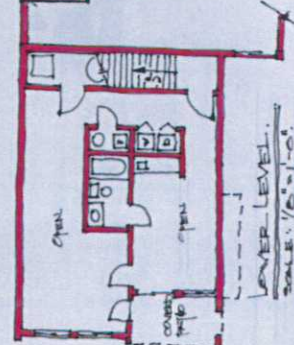
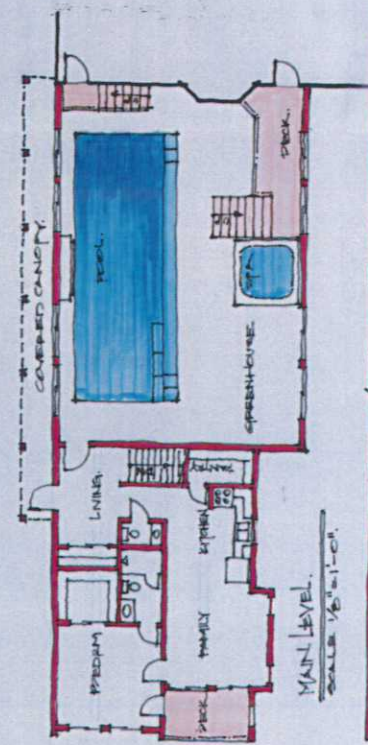
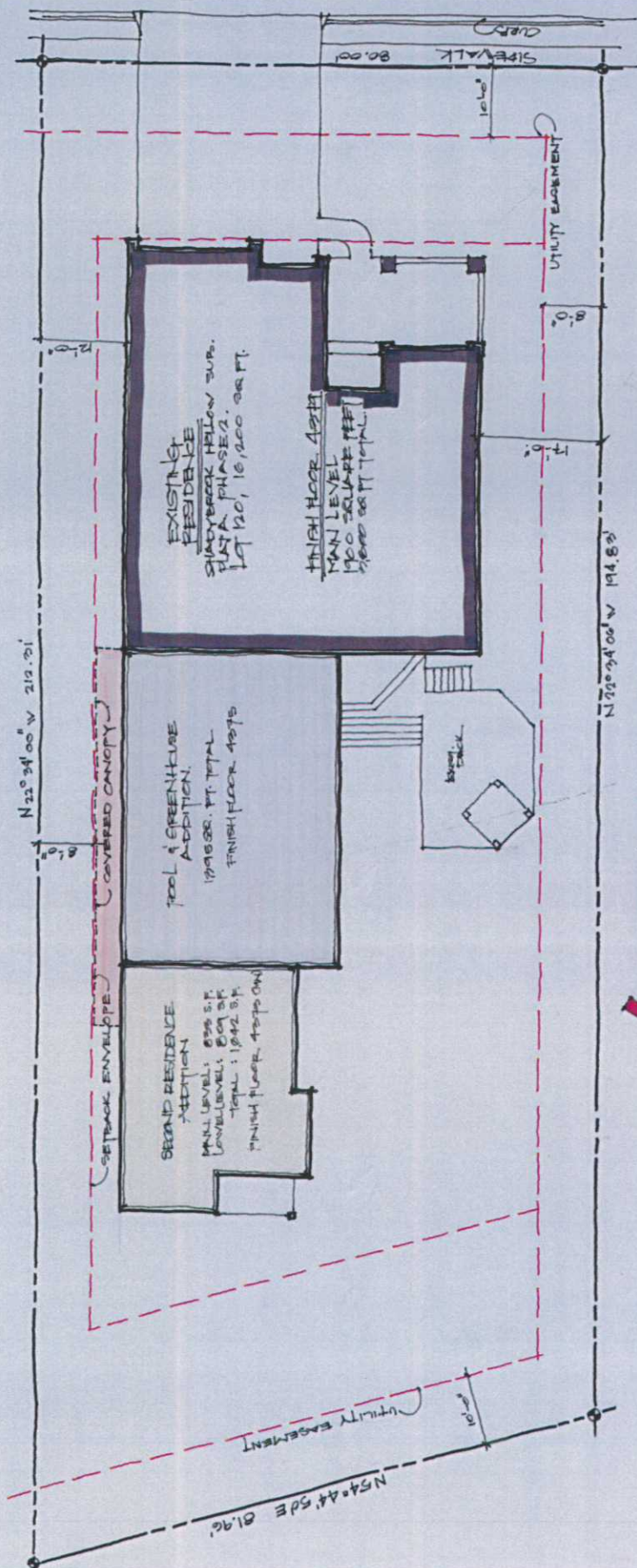
The proposed two-family dwelling meets the requirements of 17-12-4 conditional uses and has sufficient parking to comply with off-street parking requirements for two dwellings.

Attachment 1: Location Map

Attachment 2: Site Plan and proposed building elevations

609 East 1150 South





PROPOSED CONDITIONAL USE PERMIT
TWO FAMILY DWELLING
RANZENBERGER RESIDENCE
609 EAST 1160 SOUTH
KAYSVILLE, UTAH



Planning Commission Staff Report

Miller Ranch Subdivision Amended Preliminary and Final Plat March 10, 2016

Applicant/Owner: Mistie Manning
Location: 1766 West Phillips Street
Zoning: R-1-20

Description:

This plat was recently approved and recorded. As the new home was being laid out it was discovered that the originally platted lot did not provide the desired setbacks for the proposed home. A new plat has therefore been submitted moving the northerly line about 30 feet further north. Both lots are still in compliance with applicable zoning requirements.

Recommendation:

This request is a fairly minor adjustment to an already approved plat and creates no additional impacts. Staff suggests that the Planning Commission recommend approval of the preliminary and final plat for Miller Ranch Subdivision Amended.

Attachment 1: Location Map
Attachment 2: Plat

This aerial map displays a residential neighborhood with various streets and property boundaries. A red outline highlights a large area in the upper half of the map, and a yellow outline highlights a specific parcel within that area. The streets shown include Flint St, 1550 W, 225 W, 200 W, 350 W, 600 W, 700 W, and others. The map also shows a large open field in the lower left and a residential area with houses and trees in the upper right.

HNI Farms Ln



Planning Commission Staff Report

Heritage Square Townhome Subdivision Phase 2 Preliminary Plat March 10, 2016

Applicant/Owner: Justin Bennett
Location: 560 West Mutton Hollow Road
Zone: R-2

Description:

Mr. Bennett developed this property about two years ago containing two, two unit townhomes served by a private lane. Mr. Bennett would now like to add three more townhome units to the project. Under the existing R-2 zoning the property would accommodate a total of seven units, and with the already approved PRUD overlay zone, the lots and open space would be in compliance. However, when the original rezone and plat approvals were given, it was with the condition that no more than four units be allowed on the property. This condition was agreed on and documented with a recorded development agreement.

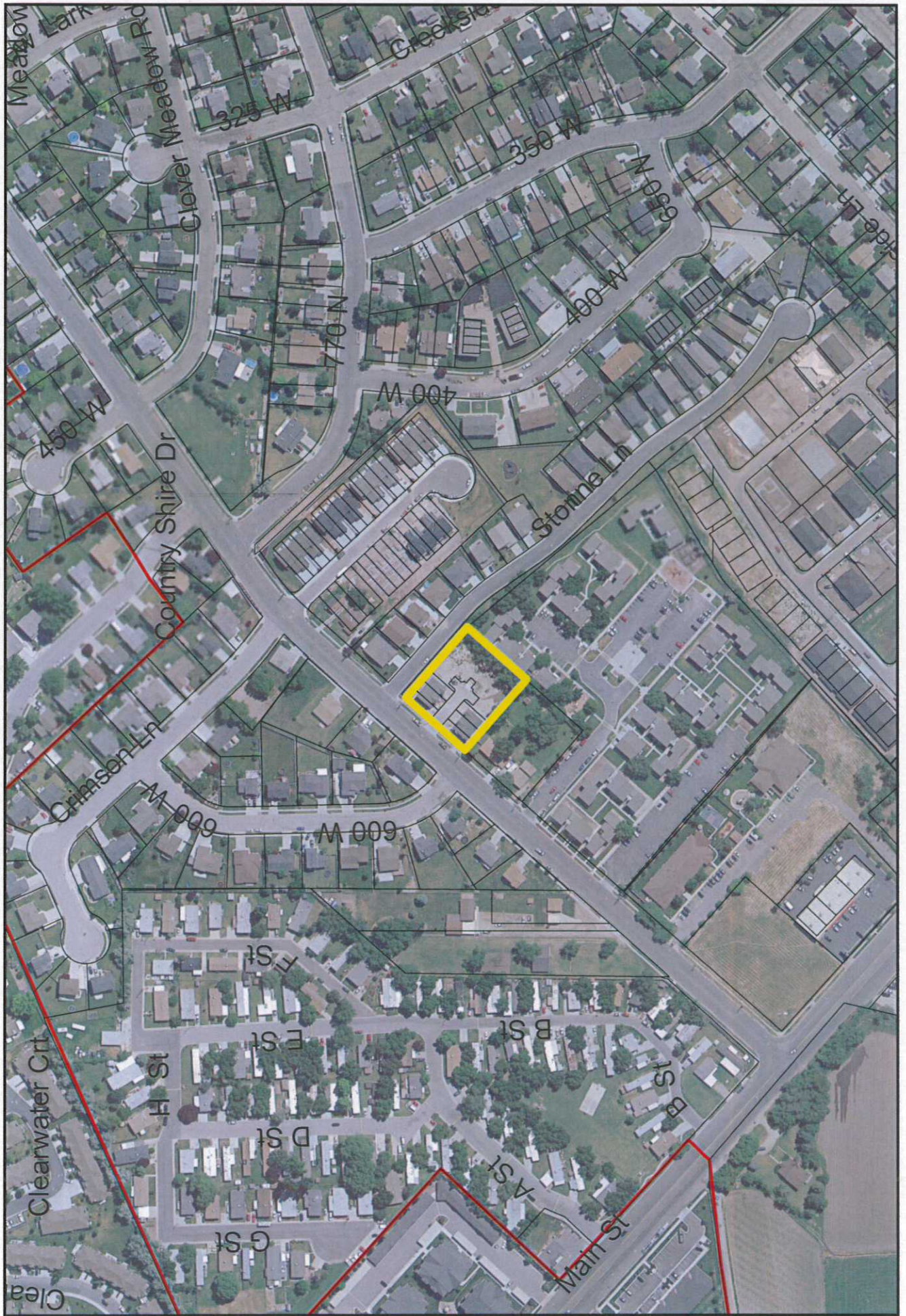
Mr. Bennett acknowledges the development agreement but believes that now that the first four units are in place that many of the concerns expressed with the original approval have dissipated.

Recommendation:

Staff recommends that the Planning Commission review this proposal and consider the impacts of the original development and the potential impacts of the requested additional units. If it is determined that the impacts are acceptable, then the project may be recommended for approval subject to a modification to the development agreement. The Planning Commission may also recommend additional provisions to the development agreement to mitigate any impacts from the additional units.

Attachment 1: Area Map
Attachment 2: Plat Map

Heritage Square Townhomes Phase 2







Planning Commission Staff Report

Presentation and Approval of the Kaysville Active Transportation Plan March, 10 2016

Description:

The Kaysville City Council adopted the most recent version of the Kaysville City General Plan in December of 2014. The Transportation and Traffic Circulation section of the plan states that the city should 'Implement the Kaysville Active Transportation Plan'.

To create the Kaysville Active Transportation Plan, staff secured funding from the Wasatch Front Regional Council and together with Farmington City to hire a consultant to help with the process. Alta Planning and Design was hired and has been working with staff and a steering committee over nearly 6 months to create the plan to this point. Feedback from significant public input has been considered in the creation of the plan. Public involvement included a website, online survey, and open house.

The city's website has a link to the project webpage: www.walkbikekf.com . The current draft can be found on this website.

Recommendation:

The Planning Commission may recommend approval of the proposed plan with or without changes or give direction on a process for further review before forwarding a recommendation to the council.

KAYSVILLE CITY PLANNING COMMISSION

January 28, 2016

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

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

Others Present: Council Member Larry Page, Brent Ray, Anna Ray, Roger Jacketta

OPENING

The Planning Commission meeting was held on Thursday, January 28, 2016 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Matthew Anderson opened the meeting by welcoming those present.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Andy Thompson explained that with the recent election of Jake Garn to City Council, a new Chairperson and Vice-Chairperson would need to be appointed.

Matthew Anderson opened the floor for nominations for Planning Commission Chairperson and Vice-Chairperson.

Gary Bullock nominated Matthew Anderson as Chairperson. Stroh DeCaire seconded the nomination. No other nominations were made. Matthew Anderson was approved as Planning Commission Chairperson by unanimous vote.

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

Matthew Anderson took over as Chair for the remainder of the meeting.

The minutes of the December 3, 2015 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the December 3, 2015 meeting. Josh Sundloff seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A TWO-FAMILY DWELLING AT 84 SOUTH FLINT STREET – BRENT RAY

Lyle Gibson explained that the home located at 84 South Flint Street was originally built as a two-family dwelling in 1973, with two separate driveways, two separate front doors, and resembling a two-family dwelling from the street. However, about ten years ago the owner decided to use the entire structure as a single unit and portions of the adjoining walls between the two units were removed and doors installed. Because of this change in use, the previously existing multi-family use was discontinued. Mr. Ray is now required to obtain a conditional use permit to restore the multi-family use on the property again. Two-family dwellings are permitted in the R-1 zoning districts as long as there are not more than two duplexes within 500 feet of any other duplex. Staff has verified that there is only one other duplex within the 500 foot requirement, and therefore this request complies. Mr. Ray has been working with the Building Department to determine the needed modifications to convert the structure to a two-family dwelling. Staff is recommending approval with the condition that Mr. Ray complete the building permit process to convert the home to a two-family dwelling. Staff has received one complaint from the owner to the south, Hyrum Bates, who has expressed concern about having another duplex adjacent to his property when he already has one to the south. Mr. Bates stated that he is afraid of how this will affect his property value and how many additional cars this duplex might bring to the property.

Gary Bullock commented that Mr. Bates would like to see more landscaping on the property, and also suggested that another carport or garage be built as well. Mr. Bullock said that while he can understand Mr. Bates's concern about having a duplex on both sides of his home, changing the use of the property won't change the appearance of the property as it was built as a duplex and the outside appearance hasn't changed. Mr. Bullock asked if the applicant plans to live on site.

Brent Ray said that he will live nearby to help maintain the property, but will not be living in the duplex. Mr. Ray said that he anticipates that one of the units will be used by one of his children, and the other side will be rented out.

Josh Sundloff said that because this was built as a duplex, it doesn't seem that adding landscaping or a carport would help to mitigate any potential detrimental impacts this multi-family use may have.

Thomas Wood asked if Mr. Bates had anything to base his concerns about property values on, such as a recent appraisal on his property.

Gary Bullock said that in the e-mail that was sent to the Planning Commission from Mr. Bates, he'd mentioned that he was not opposed to the request for a duplex, but stated that he would like to see that the property be cleaned up.

Stroh DeCaire made a motion to grant a conditional use permit for a two-family dwelling at 84 South Flint Street for Brent Ray with the condition that Mr. Ray complete the building permit process for a conversion from a single-family to a two-family dwelling. Lorene Kamalu

seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN ACCESSORY BUILDING LARGER THAN 3,000 SQUARE FEET IN AREA AT 887 SOUTH FRANCIS CIRCLE – MONIQUE JACKETTA

Lyle Gibson explained that the Jacketta's property, located at 887 South Francis Circle, is 1.13 acres in size and the applicant is requesting to build an accessory building on the northeast end of their property. Kaysville City Ordinance 17-9-4 allows for accessory buildings larger than three-thousand square feet in area with specific provisions. The Jacketta's property is currently located in the A-1 zone, which has a maximum building height of thirty feet. The proposed structure is 3,328 square feet in size, and approximately twenty-seven feet in height. The current proposal shows the building set back at least twenty feet from the property line. The Building Department will verify the final setback and building height as part of the permitting process. Since applying for this conditional use permit, an error was discovered regarding property ownership and boundary lines. Those will need to be resolved before a building permit is approved. Staff has not received any comments or concerns about this application.

Stroh DeCaire asked what the anticipated use for the building is.

Roger Jacketta responded that they plan to use it for storage.

Josh Sundloff asked about height limitations and setback requirements for accessory buildings, and if this building meets those requirements.

Lyle Gibson responded that it depends on where the building will be set from the property line. The Building Official will ultimately verify its compliance before giving building approval. As it has currently been presented to Staff, the building seems to meet city requirements.

Lorene Kamalu asked how the neighbors were notified of this application.

Lyle Gibson responded that a public notice was posted on the property, as required.

Betty Parker made a motion to grant a conditional use permit for an accessory building larger than 3,000 square feet in area at 887 South Francis Circle for Monique Jacketta with the condition that the applicant complete the building permit process to verify compliance with building height and setback requirements. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Council Member Larry Page stated that he has been assigned to be the City Council representative for the Planning Commission and looks forward to working with the Commission members.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, February 11, 2016 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 7:30 p.m.

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 a lesser number would better fit the area.

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 one of the neighbors who 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.

10 March 2016 Agenda

KAYSVILLE CITY PLANNING COMMISSION NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, March 10, 2016 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meetings of January 28, 2016 and February 11, 2016.
2. Conditional use permit for a major home occupation “B”:
 - a. Handyman services at 195 East 100 South – Nolan Jabczynski.
 - b. Esthetician at 977 West Mill Shadow Drive – Rachel Engstrom.
3. Conditional use permit for a two-family dwelling at 609 East 1150 South – Ross Ranzenberger.
4. Public hearing and preliminary and final plat approval for Miller Ranch Subdivision Amended at 1766 West Phillips Street – Mistie Manning.
5. Public hearing and preliminary plat approval for Heritage Square Townhome Subdivision Phase 2 at 560 West Mutton Hollow Road – Justin Bennett.
6. Presentation and approval of the Kaysville City Active Transportation Plan.
7. Call to the public.
8. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
9. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, March 4, 2016.

Lyle Gibson, Zoning Administrator