

14 April 2016 Minutes

KAYSVILLE CITY PLANNING COMMISSION

April 14, 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, Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Larry Page, Mark Chamberlain, Mason Chamberlain, Justin Bennett, Sandy Bennett, Steven Brough, Brian Bingham, Sandra Winchester, Cassidy Duncan, Bryant Duncan, Penni Eads, Reva Taylor, Toby Barrus, David Black

OPENING

The Planning Commission meeting was held on Thursday, April 14, 2016 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the March 10, 2016 meeting were presented for approval.

Lorene Kamalu made a motion to approve the minutes of the March 10, 2016 meeting. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, SWIMMING LESSONS AT 1394 WEST RAMOLA STREET – MELANIE BINGHAM

Lyle Gibson explained that Mrs. Bingham is requesting a conditional use permit to conduct swimming lesson from her home at 1394 West Ramola Street. Mrs. Bingham plans to hold group lessons during the months of June, July and August for about two weeks a month, Mondays through Thursdays between 9:00 a.m. and noon. She initially plans to have about six children in each class. The property has a circle drive providing plenty of parking and easy drop-off. However, it is anticipated that many of her students will walk or ride their bikes to their lessons.

Matthew Anderson asked about limiting the number of students allowed at the home at one time.

Lyle Gibson responded that it has been the practice of the city to limit group classes in a home business to twelve students. This helps to keep traffic and parking down.

Matthew Anderson added that if traffic or parking becomes a problem the conditional use permit could be brought back before the Planning Commission for review.

Thomas Wood suggested that class times be staggered so that there will be a fifteen minute break between each class. This would help to alleviate traffic congestion.

Lorene Kamalu asked if the neighbors had been made aware of Mrs. Bingham's business plans.

Brian Bingham, representing Melanie Bingham, responded that they had spoken with their neighbors about their plans for swimming lessons and haven't received any complaints.

Stroh DeCaire made a motion to grant a conditional use permit for a Major Home Occupation "B", swimming lessons at 1394 West Ramola Street for Melanie Bingham with the condition that the number of students be limited to no more than twelve at any one time. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN AGRICULTURAL HOME OCCUPATION, PIANO INSTRUCTION AT 953 SOUTH SUNSET DRIVE – PENNI EADS

Lyle Gibson explained that Mrs. Eads has been teaching piano for many years and would now like to also begin holding group lessons from her home at 953 South Sunset Drive to teach students how to effectively teach piano on their own. She plans to hold classes once a week and her property has a large circle driveway providing easy drop-off and room for a significant amount of cars. Eventually Mrs. Eads would like to install a small low profile sign in connection with her home occupation. These types of signs are only permitted with an agricultural home occupation. When ready, she will bring the sign before the Planning Commission for conditional use permit approval.

Penni Eads said that she has been teaching for thirty-five years and has always wanted to teach her students how to help teach other students. Right now she only has a few students that will be taking the group class, but anticipates that she will have more students in the future. The group class would be held Wednesdays from 4:00 p.m. to 5:00 p.m.

Stroh DeCaire asked about the low-profile sign.

Penni Eads responded that she plans to put it in front of her home, but since it is still being designed it wasn't ready to present to the Planning Commission for approval tonight.

Gary Bullock made a motion to grant a conditional use permit for an agricultural home occupation, piano instruction at 953 South Sunset Drive for Penni Eads with the condition that

the number of students be limited to no more than twelve at any one time. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 2028 WEST PEACH BLOSSOM DRIVE – SANDRA WINCHESTER

Lyle Gibson explained that Ms. Winchester is requesting a conditional use permit to have farm animals, specifically chickens, on her property at 2028 West Peach Blossom Drive. Her property is approximately 19,200 square feet which allows her up to thirteen fowl, rabbits, or similar animals. Ms. Winchester's yard is completely enclosed and she has already selected a coop that will be placed on site once approval is received. Staff has received complaints from the neighbors in regards to this request not meeting the subdivision's covenants. It is not the responsibility of the city to enforce subdivision covenants and Staff recommends proceeding forward with reviewing this request.

Matthew Anderson added that it is the responsibility of the Homeowners Association to enforce their subdivision's covenants.

Sandra Winchester added that she has been working with legal counsel in regards to this matter and feels that her subdivision's HOA is not meeting certain requirements of Utah Code. Because of this she decided to move forward with her conditional use permit request.

Thomas Wood made a motion to grant a conditional use permit for farm animals at 2018 West Peach Blossom Drive for Sandra Winchester with the condition that the coop be placed to meet the provisions of Chapter 17-24 Farm Animals. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 741 SOUTH 1350 WEST – GUILIN LI

Lyle Gibson explained that Mr. Li would like to keep chickens on his property at 741 South 1350 West and is requesting a conditional use permit for farm animals. His property is approximately 0.46 acre which allows him up to twenty-five fowl, rabbits, or similar animals. Mr. Li has constructed a chicken run in the back of his property, as well as a coop for chickens, which are both in compliance with city ordinance. The property is adjacent to an agricultural zoned property to the east where there are already chickens.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 741 South 1350 West for Guilin Li. Gary Bullock seconded the motion and it passed unanimously.

PRELIMINARY PLAT APPROVAL FOR HERITAGE SQUARE TOWNHOME SUBDIVISION PHASE 2 AT 560 WEST MUTTON HOLLOW ROAD – JUSTIN BENNETT (TABLED ITEM)

Andy Thompson explained that Mr. Bennett developed his property at 560 West Mutton Hollow Road about two years ago into two two-unit townhomes served by a private lane. Mr. Bennett would now like to add three more units to the project. Under the existing R-2 zoning the property would accommodate a total of seven units and because of 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 total units be allowed on the property. This condition was agreed to and documented with a recorded development agreement. Mr. Bennett acknowledges the development agreement but believes that now that the first four units have been completed that many of the concerns expressed with the original approval have dissipated. About a month ago the Planning Commission reviewed this request, tabled the item and asked Mr. Bennett to investigate some additional housing options. Mr. Bennett has explored several options and believes his best option is to build three additional attached single level units as shown on the preliminary plat. As directed by the Planning Commission, Mr. Bennett has also contacted the adjacent Stonne Lane Subdivision HOA about attaching his project into theirs to create a different road pattern. The HOA responded that they have no interest in this proposal. If the Planning Commission recommends approval for this project, the development agreement will need to be modified.

Chairperson Matthew Anderson asked for public comment.

Toby Barrus said that he lives on Country Shire Drive, near this proposed development, and attended previous meetings when this development was first presented. Mr. Barrus said that in those meetings he'd expressed his opposition to this development because it would bring additional density to an already highly dense area. There's a reason the developer was restricted to four units and it should remain that way.

David Black said that he wasn't able to come to the March 10, 2016 meeting, but was able to listen to it online. From the comments made in that meeting, Mr. Bennett indicated that he did not have enough money to make improvements to the open space area, and was seemingly asking the city to bail him out from his poor planning. Mr. Bennett signed a development agreement where he agreed to build only four units. He is being deceptive because he has made it obvious that he intended the whole time to develop the seven units as he proposed originally. When Mr. Bennett was told he could only build four units he could have redesigned his plans to make better use of the property. This area has an abundance of high density housing and is being overburdened. We need to quit cramming as much housing as possible into this area and creating a hardship on those who already live there.

Steven Brough said that he has been working with Mr. Bennett on this project for the last couple of years and feels that this location's best use would be for townhomes. Having only four units might have been what was best for the property at the time of approval, but may not be the same now. There are not a lot of starter homes on the current market because either land costs too much or because buyers don't want to live in a place where they have a yard to take care of. What Mr. Bennett has proposed is more viable for the property and for current demand. There is a market and a demand for the townhomes being presented, and there needs to be an area in the city for them. It will be a better use for the property than left vacant and a burden to be maintained.

Matthew Anderson said that because such a large piece of land was left undeveloped from the rest of the project, it gives the impression that Mr. Bennett never intended to leave it as open space.

Steven Brough said that there are not a lot of other options for this piece of property. Mr. Bennett did what was asked by the Commission and researched the current market. He feels that building townhomes would meet current demand. The market has changed since this development was originally approved and what is being proposed is currently the best use for the property.

Thomas Wood said that in the June 12, 2014 Planning Commission meeting minutes, Mr. Bennett commented that he planned to put grass, trees and a small playground in the open space area. Those plans seem more appropriate than building more units on the property and might help to draw more families here.

Steven Brough said that because Mr. Bennett was limited to four units, he might have felt that the best use of the open space at that time would be to install a playground.

Josh Sundloff stated that he'd read the Planning Commission and City Council minutes where this development was discussed back in 2013 and 2014. At the time this property was rezoned, the adjacent parcel to the west was also rezoned from General Commercial to the R-2 zone. As mentioned, Mr. Bennett had originally proposed seven units for this development, and there was some discussion about the adjacent property being developed in the future to mirror Mr. Bennett's development layout. This would have brought a total of fourteen new units to the area. The City Council felt it best to compromise by restricting the number of units on these properties, which would still allow Mr. Bennett to develop his property, but would also not add too much more density to the area. During this same timeframe, Crimson Court had recently been approved for twenty-eight units which might have affected the approval for Mr. Bennett's project. However, Mr. Sundloff said that he feels that Mr. Bennett is making the same arguments now as he did when he first made application. What has changed to make it so more units should be allowed now?

Justin Bennett responded that he feels that there have been some insinuations that he is trying to be deceptive, but was told after he was limited to only four units that he could either develop the number of units granted or he would have to wait a year to try to reapply for his original seven unit request. Because he needed to start development, he resorted to remove the back three lots so he didn't have to redesign the entire project. Now that the four units are complete, he submitted application to try to develop the three units that were removed. Landscaping is planned to be installed in the spring. It's harder to maintain an empty lot and would like to see something built on it. The adjacent property owner to the west still resides on the property and has never had plans to develop his property anytime soon.

Matthew Anderson asked about the negotiations with the residents of Stonne Lane.

Justin Bennett said that he had approached the HOA for Stonne Lane back in 2013 when he had started this project and they were not interested in allowing access to their road. After the March

10, 2016 Planning Commission meeting, Mr. Bennett contacted the HOA again and was told that they are still concerned about having additional traffic on their street and would not allow Mr. Bennett to take access off of Stonne Lane.

Josh Sundloff asked how many units would be allowed on this property per the current zoning requirements.

Andy Thompson said that without the current limitation there could be seven units on the property.

Thomas Wood asked if the residents living within this development own their units.

Steven Brough said that they were built to sell off individually but Mr. Bennett has decided to keep them for a while and rent them.

Gary Bullock said that while he is sympathetic to Mr. Bennett's situation, there were standards and expectations set in the development agreement which was signed by Mr. Bennett. Mr. Bullock said that while he feels that three more units wouldn't significantly impact the traffic or density of the area greatly, the City is now being asked to change the original development agreement that was put in place and agreed to for a reason, and we need to honor the agreement made.

Steven Brough said that Mr. Bennett signed the development agreement because he felt like he had no other choice.

Gary Bullock responded that Mr. Bennett still made the choice to sign the agreement.

Lorene Kamalu asked about Mr. Bennett's original proposal and asked why it did not receive approval if it met the zoning requirements.

Josh Sundloff said that in the City Council minutes when this item was first approved, the Council had mentioned concern about the number of units that could potentially be built on both this property and the adjacent property to the west within such a high density area. Because of this, they felt it best to restrict the number of units. Mr. Sundloff asked if the adjacent property had the same density restrictions.

Andy Thompson responded that property to the west was also included within the development agreement and has the same four unit limitation.

Stroh DeCaire said that he has been serving on the Planning Commission throughout most of this development consideration and is concerned that the units were built to be sold individually but have not been, but rather kept as rental units. One of the concerns that was expressed to the City by the neighbors in this area was that these units become rentals.

Matthew Anderson said that he agrees with Mr. Bullock's comments about honoring the development agreement that is in place. The Agreement was drawn up and signed by both

property owners, and to change the agreement makes it feel like we are disregarding all of the work and consideration that was put into it. Approving a revision to the development agreement might also be setting a precedence for the future. Mr. Anderson added that while he doesn't want to see the land left vacant, he feels uncomfortable changing something that was agreed upon.

Josh Sundloff suggested allowing one additional unit, with an open playground area. A Homeowners Association should be created to help to maintain the property. It would still require an amendment to the development agreement, but this might be a good compromise and wouldn't leave the ground vacant.

Thomas Wood added that there is also a storm water detention area that will need to be considered if more units are laid out on the property.

Justin Bennett responded that the current units proposed are single story units, which take up more space, but there would be enough space as to not interfere with the detention area depending on the layout of the units.

Lorene Kamalu said that Mr. Bennett has done well developing this property thus far and feels that allowing more units would help complete it. If it's not uncommon to revise development agreements in other situations, there is just cause to allow Mr. Bennett's to be changed now. What is being proposed tonight might be the highest and best use for the property at this time. It is a good design and would be very desirable in today's market. Mr. Bennett has done what the city asked of him and has done well addressing concerns.

Stroh DeCaire commented that he is concerned about setting a precedence for future developments. It is incumbent for the Planning Commission to consider things very seriously before they go against something that has already been put in place.

Josh Sundloff said that if the Commission feels that the original approval was misguided we can make that known and move forward with a recommendation to the Council.

Reva Taylor commented that she is grateful to see the Commission consider each property individually. Situations are constantly changing and sometimes previous approvals need to be amended to better utilize a property.

Matthew Anderson said the General Plan also states that high density housing needs to be spread throughout the city, but it seems that this area is just being permeated by it even more.

Thomas Wood said that when this development was approved by the City Council in 2014, Mayor Hiatt made a comment about how much high density housing is already in the area and asked the question when is it enough? It seems that we are overburdening this area by approving more high density housing, however it doesn't seem fair to ask property owners to leave developable properties empty.

Josh Sundloff said that if we were to amend the development agreement to allow three more units on Mr. Bennett's property, we could potentially be also allowing seven total units on the adjacent property as well. Mr. Sundloff said that while he feels it best to find a compromise, allowing seven units on each property may be too much density to add to the area.

Councilman Larry Page commented that this is a tough situation where residents in this area have to deal with living in a highly dense area. Mr. Page suggested that the Commission make their recommendation to the City Council so that they can review the application and have a discussion on it. It will also give the citizens another chance to be heard, and ask the Council to address this problem. There is a reason that this area has been oversaturated with high density housing and it will give a chance for the Council to review the issue.

Lorene Kamalu made a motion to recommend preliminary plat approval for Heritage Square Townhome Subdivision Phase 2 at 560 West Mutton Hollow Road for Justin Bennett, subject to a modification to the development agreement.

The motion died for lack of a second.

Josh Sundloff made a motion to recommend preliminary plat approval for Heritage Square Townhome Subdivision Phase 2 at 560 West Mutton Hollow Road for Justin Bennett subject to a modification to the development agreement, and with the condition that there be no more than six units on each of the parcels listed within the agreement, and not more than eleven total units between the two parcels.

Andy Thompson commented that since both properties are listed within the development agreement, both property owners will need to agree to and sign the amended agreement.

The motion died for lack of a second.

Gary Bullock made a motion to recommend preliminary plat approval for Heritage Square Townhome Subdivision Phase 2 at 560 West Mutton Hollow Road for Justin Bennett subject to a modification to the development agreement, and with the condition that there be no more than six units on each of the parcels listed within the agreement, and that an adequate amount of green space be included in the development. Josh Sundloff seconded the motion.

Voting was as follows:

Thomas Wood	nay
Gary Bullock	aye
Lorene Kamalu	aye
Stroh DeCaire	nay
Matthew Anderson	aye
Josh Sundloff	aye

The motion passed with a vote of four to two.

**PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR
MERIDIAN SUBDIVISION AT 370 NORTH MAIN STREET – LARVIN POLLOCK**

Andy Thompson explained that recently the Kaysville City RDA approved the sale of the northeast corner of 300 West and Main Street. The submitted plat shows this property is to be combined with the adjacent property, where the car wash currently sits, creating one commercial lot to accommodate proposed development. The new lot size is 0.72 acre with frontage and access from both Main Street and 300 West. The subdivision plat appropriately accounts for existing easements and required right-of-way dedication.

Chairperson Matthew Anderson opened the Public Hearing.

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

Lorene Kamalu made a motion to recommend preliminary and final plat approval for Meridian Subdivision at 370 North Main Street for Larvin Pollock. Stroh DeCaire seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR
KAYSVILLE BUSINESS PARK NO. 18 AMENDED SUBDIVISION AT 350 NORTH 900
WEST – ED DAYTON**

Andy Thompson explained that this property is located within the Kaysville Business Park at 350 North 900 West. It is zoned for Light Industrial, which does not have a lot or yard requirement except for situations where LI properties abut residential properties, which is not applicable in this situation. While the LI zoning district does not have lot size requirements, the covenants of the Kaysville Business Park do require that each lot have an area of at least one acre. The existing building onsite will remain on Lot 1A and two new lots will be created. Each lot exceeds the required one-acre minimum lot size of the Business Park, and will have sufficient access from the existing 350 North Street cul-de-sac. There are multiple utility easements running through the property which continue to be shown on the amended plat.

Chairperson Matthew Anderson opened the Public Hearing.

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

Stroh DeCaire made a motion to recommend preliminary and final plat approval for Kaysville Business Park No. 18 Amended Subdivision at 350 North 900 West for Ed Dayton. Gary Bullock seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR AMANDA’S PLACE SUBDIVISION (FORMERLY RWT SUBDIVISION) AT 472 AND 482 NORTH MAIN STREET – REVA TAYLOR

Andy Thompson explained that in January this property located at 472 and 482 North Main Street was rezoned from General Commercial to R-1-8 and received preliminary plat approval. Further work has now been done and a final plat submitted for approval. The plat consists of five lots, three new lots and two lots which have existing homes on them. Since preliminary plat approval the plat has been modified from a double flag lot configuration to a private lane for access to the back two lots. This change was made to increase the buildable area of the lots. It has also been requested to phase the project, splitting off the two existing homes into Phase 1, and leaving the three new lots as Phase 2. This will facilitate the sale of the existing homes. Since this project contains a private road, the PRUD overlay zone is required and requires a noticed Public Hearing. Approval of the final plat should be made subject to completing the overlay zone approval process.

Josh Sundloff asked if the existing driveway would remain in place, creating a thoroughfare to the new private lane.

Reva Taylor commented that it is not their intention to create a through street with the existing driveway from the private lane to Main Street. However the driveway will remain for the existing home to take access off of. Subdivision Covenants will be created so as to help clarify the intended use of the driveway.

Lorene Kamalu made a motion to recommend final plat approval for Amanda’s Place Subdivision (formerly RWT Subdivision) at 472 and 482 North Main Street for Reva Taylor subject to the subdivision receiving approval of a PRUD overlay zone. Thomas Wood seconded the motion and it passed unanimously.

PRESENTATION AND APPROVAL OF THE KAYSVILLE CITY ACTIVE TRANSPORTATION PLAN

Lyle Gibson explained that Kaysville City’s General Plan states that the City should “implement the Kaysville Active Transportation Plan”. Staff has been working with Alta Planning and Design, along with a steering committee, for over six months on the Plan and first presented it to the Planning Commission at their regular meeting on March 10, 2016. The Commission reviewed it again at their March 24, 2016 meeting and then directed Staff to research if eminent domain could be used, address the east-west connectivity projects making the Burton Lane and Shepard Lane projects a top priority, and insert language into the Plan about public involvement as the Plan continues to evolve. Staff has reviewed each of these items and revised the plan as needed. Those amendments are now being presented for approval. Mr. Gibson continued and said that in regards to the question about eminent domain, Staff found that it is stated in Utah Code that governing bodies can take certain properties with just cause and with reimbursement in the interest of the health, safety and welfare of the city. However, trails are not considered within the code as a just cause for eminent domain. Therefore trails would likely only be

installed along a typical right-of-way. Mr. Gibson added that Staff made an amendment to the Plan to add 200 North as an additional project, and also rearranged the project list to catalog the 200 North and Burton Lane projects at the top. Extra language was also added to address public involvement in the Plan for the future.

Matthew Anderson commented that he feels that there needs to be at least one east-west connection project listed in the Plan as top priority.

Josh Sundloff added that the projects are also listed in Appendix C and need to reflect the same order.

Lorene Kamalu stated that priorities of projects could change depending on the situation and the cost. Mrs. Kamalu asked about the Shepard Lane project.

Lyle Gibson responded that the portion of Shepard Lane that is considered a Plan project is located within Farmington City and therefore Kaysville should focus on our other east-west connections as their priority project.

Matthew Anderson suggested letting those who have helped to design this plan and are more of an expert determine which project should be Kaysville's first priority.

Lorene Kamalu made a motion to recommend approval of the Kaysville City Active Transportation Plan subject to the project lists within the Plan being amended to reflect the highest priority east-west connection projects first. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, April 28, 2016 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:20 p.m.