

28 April 2016 Minutes

KAYSVILLE CITY PLANNING COMMISSION

April 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: Dan Reeve, Charlie Anderson, Tony Coombs, Dan Stephenson, Jennifer Standridge, Michael Standridge, Kim Jones, Mark Dyson, Kurt Coppersmith, Jessica Coppersmith, Terry Messerly, Diane Messerly, Devin Smith, Matt Tanner, Deanne Tanner, Steve Burke, David W. Fisher, Judy Fisher, Gladys Moore, David Moore, Tiffannie Cozzens

OPENING

The Planning Commission meeting was held on Thursday, April 28, 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 24, 2016 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the March 24, 2016 meeting. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, CHIROPRACTIC OFFICE AT 227 SOUTH CHRISTINE WAY – ANDREW WHITE

Lyle Gibson explained that Mr. White is a chiropractor and currently has an office in Salt Lake City, but has been receiving requests for his services from people located in the area and therefore would like the option of having a home office as well. His home is located at 227 South Christine Way and off-street parking would be provided via a driveway. Appointments would typically run fifteen or twenty minutes, but would be scheduled for every thirty minutes to help avoid overlapping.

Lorene Kamalu made a motion to grant a conditional use permit for a major home occupation “B”, chiropractic office at 227 South Christine Way for Andrew White. Betty Parker seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 90 EAST 500 NORTH –
KURT COPPERSMITH**

Lyle Gibson explained that the Coppersmith family is requesting a conditional use permit to keep chickens on their property at 90 East 500 North. Their property is approximately 0.19 acre, which will allow them to have up to five fowl, rabbits, or similar animals. The rear yard of the property is fenced and the coop will be installed before obtaining any chickens.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 90 East 500 North for Kurt Coppersmith with the conditions that a coop be installed in compliance with Ordinance 17-24-3 prior to obtaining chickens. Josh Sundloff seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 998 EAST 400 SOUTH –
MELISSA JONES**

Lyle Gibson explained that Ms. Jones is requesting a conditional use permit to have farm animals, specifically chickens, on her property at 998 East 400 South. Her property is approximately 8,700 square feet which allows her up to five fowl, rabbits, or similar animals. The Jones yard is completely enclosed, and a coop and chicken run will be installed once approval is received.

Gary Bullock made a motion to grant a conditional use permit for farm animals at 998 East 400 South for Melissa Jones with the conditions that a coop be installed in compliance with Ordinance 17-24-3 prior to obtaining chickens. Stroh DeCaire seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1563 WEST LEOLA LANE –
DEANNE TANNER**

Lyle Gibson explained that Ms. Tanner would like to keep Nigerian Dwarf goats, and possibly chickens, on her property at 1563 West Leola Lane and is requesting a conditional use permit for farm animals. Her property is approximately 0.52 acre which allows her up to two goats, sheep, llamas or similar animals, as well as twenty-five fowl, rabbits, or similar animals if they choose to have them. The rear yard of her property is currently fenced. If Ms. Tanner does decide to have chickens, Staff is asking that a coop be placed on site before obtaining the chickens.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 1563 West Leola Lane for Deanne Tanner with the conditions that a coop be installed in compliance with Ordinance 17-24-3 prior to obtaining chickens. Gary Bullock seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 1.35 ACRES OF PROPERTY AT 472
AND 482 NORTH MAIN STREET TO PRUD (PLANNED RESIDENTIAL UNIT
DEVELOPMENT) OVERLAY ZONE – REVA TAYLOR**

Andy Thompson explained that the Planning Commission approved the Amanda's Place Subdivision at 472 and 482 North Main Street at their April 14, 2016 meeting, subject to the application of the PRUD overlay zone. The required Public Hearing has now been properly noticed and the overlay zone may be applied. This project contains a private road and therefore is required to obtain a PRUD overlay zoning.

Chairperson Matthew Anderson opened the Public Hearing.

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

Thomas Wood made a motion to recommend approval of the request to rezone 1.35 acres of property at 472 and 482 North Main Street to PRUD (Planned Residential Unit Development) overlay zone for Reva Taylor. Stroh DeCaire seconded the motion and it passed unanimously.

REQUEST TO REZONE 0.95 ACRES 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 (TABLED ITEM)

Andy Thompson explained that this item was reviewed by the Planning Commission following a Public Hearing in their regular meeting of February 11, 2016. The Planning Commission determined that more detail was needed and unanimously tabled the item so that the “developer and the property owner can address the comments and concerns mentioned” in that meeting. In response to the Planning Commission’s request, additional detail has been provided and the private road has been moved to the eastern boundary to create more buffer for the adjacent homes to the east. As proposed, the plan meets the City’s requirements for density and open space in the requested R-4 zone. The proposal still includes twelve units in three structures served by a private street. The units are proposed to be platted as individual lots which may be sold independently, and the landscaping area around the units will be considered common area. The property is located across the street to the north of Heritage Park, on Crestwood Road between Fairfield Road and Main Street. There are both commercial and multi-family uses in the area, with the properties immediately adjacent to the subject parcel zoned as R-1-8. The Kaysville City General Plan states in the housing section that east of I-15 the City should allow zero to five units per acre with some areas of higher density housing. It also states that the majority of housing should be single family with about ten percent being more than one unit per structure, and multiple unit housing should consist of mostly duplexes and some three to six unit structures dispersed throughout the City. Since the proposed project contains a private road, the PRUD overlay zone is also being requested.

Chairperson Matthew Anderson asked for public comment.

Steve Burke said that he attended the February 11, 2016 meeting and made comments against this development. Since that meeting, a petition has been created against this rezone and there are over fifty neighbor signatures on it, and climbing. This area already carries the burden of

multi-residential zoning and many in the area feel that it should be dispersed more throughout the city. The plan being proposed is very dense and has very little open space. There are more suitable lots near Main Street that would better suit this development plan. By putting high density housing in the midst of single family residential it feels like an invasion to the neighborhood. There is also a historical home nearby that would be better protected by keeping this area a low density residential feel.

Devin Smith said that he lives to the north of this property and feels that this is already a high density area. In the February 11, 2016 meeting it was questioned where these high density housing developments should be allowed. It seems more appropriate to put them adjacent to commercial zones in order to create a buffer between the commercial uses and residential uses. The General Plan states that at least ten percent of the city should have multi-family housing. Do we know if we meet or exceed that criteria? The City seems to have set goals for the city within the General Plan, but there doesn't seem to be any data to back up any planning decisions made. Data should be maintained and used to make decisions with. Mr. Smith said that he had recently done his own research on the surrounding area to count the multi-family units. According to his findings, this area is well over the 10% multi-family housing criteria mentioned in the General Plan. We need to look at the future as approving this rezone could potentially set a precedence and the area could become oversaturated by more high density.

Tiffannie Cozzens said that she lives in the historic home on the corner of Crestwood Road and 30 West and is concerned about the aesthetics of the planned townhomes. In looking at the concept drawings, the units don't seem to fit into the area. They have more of a mid-century modern look and Mrs. Cozzens said she feels that they should have more of a historic image to help tie them with the feel of Heritage Park across the street.

Terry Messerly said that he is concerned about additional traffic this development might bring. Crestwood Road and Fairfield Road are already very busy streets with barely enough room to park cars on either side of the road and not impede traffic. Mr. Messerly said that he also feels it's a safety concern to have the driveway of a multi-family development this close to the intersection of Crestwood Road and Fairfield Road.

David Fisher said that he lives to the west of this development and feels that the Planning Commission has created the master plan of the City and should better protect the residents by not changing that master plan. The neighbors are in support of the zoning already in place for this property, and are against the proposed development.

David Moore said that in the February 11, 2016 meeting, almost every property owner directly adjacent to the property was in attendance. This development will affect many people and those people want to protect their properties. It is too dense and plans need to be reconsidered for a lesser density.

Jennifer Standridge said that she lives at 71 East Crestwood Road, directly adjacent to the development, and is concerned about the aesthetics of these townhomes. They don't look or represent the feel of Kaysville. Having so many homes crowded onto this property is not

conducive to the area. Mrs. Standridge said that while she doesn't own her home, she is still part of the community and wants the character of the area to remain.

Tony Coombs said that he has been working with the owner of the property, Dan Stephenson, and expressed appreciation for the comments made by the audience. There is about forty-five feet from the front of the units to the east property line, and twenty-two feet from the rear of the units to the west property line. In the current zone, a single family dwelling could be built as close as eight feet to a property line. It is the developer's intent to sell these homes individually. There is a demand for housing on the east side of Kaysville and they anticipate no problems selling them. If the units need to be redesigned to look similar to the surrounding homes in the area they are willing to do that. Multi-family housing is a great use for this property because it is close to downtown Kaysville and to transportation, as well as many city activities.

Matthew Anderson asked if the subdivision's covenants would restrict rental units.

Tony Coombs said that they fully intend to sell the units individually, but cannot control if the new property owners will rent their unit.

Stroh DeCaire commented that they have had other developers make similar promises and not follow through with them. There is a negative perception that has been put on rental homes in general, and with that bring many concerns.

Gary Bullock said that the covenants could potentially stipulate that only a certain percentage of the units could be rented.

Thomas Wood asked if the developer was interested in purchasing the property to the west.

Tony Coombs responded that they had inquired about purchasing the property at 71 East Crestwood Road with the intention of developing it along with this, but ultimately decided that the development plans they had would not work for the property.

Gladys Moore commented that she feels that there are too many units being proposed and the zoning should not be changed to accommodate high density housing, but rather the property owner should try to come up with a development plan to meet the current zoning.

Michael Standridge stated that they are renting their home at 71 East Crestwood Road and just recently received notice that they would have to find a new place to live. This is a nice area and they had planned to purchase the property themselves in the future. Mr. Standridge said that he feels their property owner intends to develop the property into multi-family units in the near future as well. If one high density development is allowed, more will come as properties become available. Where do we draw the line? It is understood that every property owner has the right to try to develop their property, this type of multi-family development would be better suited closer to a commercial use area.

David Fisher asked what would happen if other property owners wanted to develop their property similarly.

Matthew Anderson responded that they would have to go through the same process of getting their property rezoned.

There were no further comments or questions from the public. Chairperson Matthew Anderson thanked those audience members who had made comments tonight.

Betty Parker said that she is concerned about the distance of this high density development to the Crestwood Road and Fairfield Road intersection. Both of these streets are very busy and there is also concern for pedestrians crossing the road to Heritage Park. Mrs. Parker added that she feels that there isn't enough open space within the development.

Josh Sundloff asked about installing a crosswalk.

Thomas Wood responded that a traffic study is typically required in order to have a crosswalk installed. Because this is a public street, the developer won't have the ability to install one on their own as part of the development.

Andy Thompson added that typically crosswalks are not included as a requirement for new residential development. There is certain criteria required for crosswalks and it is important that the criteria be met before crosswalks are installed.

Lorene Kamalu asked about the size of the garages planned.

Tony Coombs responded that each unit has a two-car garage.

Betty Parker commented that the Planning Commission needs to determine what would be considered as too many units within an area.

Devin Smith said that this area has more than ten percent of multi-family housing within it.

Matthew Anderson said that the General Plan accounts for multi-family housing in the city as a whole and not just in one area.

Andy Thompson responded that it was intentional to not specify in the General Plan which properties within the city should be deemed for high density housing. Rather each development should be reviewed individually so that the Planning Commission's discretion could be used.

Matthew Anderson said that he is most concerned with the density of the proposed development and would like to see an alternative plan showing less density.

Thomas Wood commented that he recalled that in the February 11, 2016 meeting the Commission had asked the developer to present a plan showing fewer units, but it seems that all that has changed is the plan has been flipped to put the street on the opposite side of the

property. Mr. Wood said that while he appreciates the work the developer has done to present better concept plans, he was hoping to see an alternative to the original plan presented. The plan needs to be more in alignment with the neighborhood. Mr. Wood added that he is concerned about putting limitations on a development with a development agreement if the agreement can be altered.

Josh Sundloff asked if development agreements are amended often.

Andy Thompson responded that it is more common to amend development agreements for larger developments with many phases.

Lorene Kamalu commented that she is concerned with the proposed high density rezone because it is a dramatic change from the current zone. We need to consider what will be the best zone for everyone affected. Mrs. Kamalu asked what would be the property owner's options if this rezone was denied.

Andy Thompson responded that in the current R-1-8 zoning, five more units would fit on the property and wouldn't require a rezone. The developer would only have to receive subdivision plat approval. The developer could also apply for a different zone, such as the R-2 zone which would allow for about ten units.

Lorene Kamalu stated that she would like to see alternate plans that would meet the current R-1-8 zoning.

Stroh DeCaire commented that he feels that this development would create traffic congestion along streets that are already busy. It also seems like a conflict to rezone this property to allow for high density when it's surrounded by low density homes. There needs to be more information to support the implied need for multi-family housing in the area. Mr. DeCaire asked about the open space.

Andy Thompson responded that the proposed plan meets the open space requirements.

Thomas Wood said that multi-family units have a tendency to use more city services and become neglected over time because they become rentals and have a higher turnover.

Gary Bullock agreed that the proposed density seems too high for the surrounding area and lends itself to become rental units. Mr. Bullock suggested the developer investigate developing the property into single family units, as well as consider changing the aesthetics of the units to better fit the surrounding area.

Josh Sundloff commented that there is a demand for this type of housing and therefore these units will probably sell quickly. It will help to bring a variety of people to the neighborhood. A decision shouldn't be based the potential of these units becoming rentals. The concerns mentioned about the aesthetics could be addressed through a development agreement. Traffic and safety concerns are valid but without a traffic study it is hard to determine if congestion would occur. As for the applicability of the General Plan, it suggests that high density housing

be located along major streets, which Crestwood Road and Fairfield Road could be considered as such. There is a certain point where an area could become oversaturated, but this area hasn't reached that point yet.

Stroh DeCaire said that he feels that the R-4 zone is too dense for this property and would prefer to see a request for the R-2 zone, or see the developer try to draw up a plan to comply with the current zone.

Gary Bullock commented that while he's not opposed to high density housing, he agrees that the proposed development doesn't fit the area.

Thomas Wood added that he would rather see high density housing closer to an artery road.

Lorene Kamalu said that zoning decisions should be based on its compatibility with the area. Change can be hard, especially when the use or density of a property is being altered. There have been some valid comments made by the neighboring property owners, and it seems that this development isn't suitable for the property.

Josh Sundloff said that the city needs a variety of housing options and this proposal seems to meet what is outlined in the General Plan.

Josh Sundloff made a motion to recommend approval of 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 subject to a development agreement containing the required elements of the development.

The motion died for lack of a second.

Thomas Wood made a motion to recommend denial of 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. Betty Parker seconded the motion.

Voting was as follows:

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

The motion passed with a vote of six to one.

FINAL PLAT APPROVAL FOR SHADOW CROSSING PHASE 3 SUBDIVISION AT SHADOW WAY AND BRADY LANE – PERRY HOMES

Andy Thompson explained that a few years ago Perry Homes received preliminary plat approval for Shadow Crossing Subdivision. Phases 1 and 2 have been constructed and Perry Homes has submitted an application for Phase 3 which is located at Shadow Way and Brady Lane. The proposed Phase 3 consists of twenty-three lots and will complete the Shadow Crossing project. On the submitted final plat, Lot 319 is only 19,710 square feet instead of the required 20,000 square feet. Perry Homes has been notified and has since submitted a corrected plat.

Gary Bullock made a motion to recommend final plat approval for Shadow Crossing Phase 3 Subdivision at Shadow Way and Brady Lane for Perry Homes subject to Lot 319 being brought into compliance. 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, May 12, 2016 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:00 p.m.