

14 July 2016 Minutes

KAYSVILLE CITY PLANNING COMMISSION

July 14, 2016

Members Attending: Vice-Chairperson Betty Parker, Gary Bullock, Joshua Sundloff, Thomas Wood

Excused: Matthew Anderson, Stroh DeCaire, Lorene Kamalu

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Shan M. Kettle, Paul Clifton, Greg Barlow, Steven Staten, Kelly Staten, Amy Tuttle, Joel Johnson, Colin Major, Heather Campbell

OPENING

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

Vice-Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the June 9, 2016 meeting were presented for approval.

Gary Bullock made a motion to approve the minutes of the June 9, 2016 meeting. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, MASSAGE THERAPY AT 553 SOUTH WELLINGTON DRIVE – SHAN M. KETTLE

Lyle Gibson explained that Mrs. Kettle is requesting a conditional use permit to do massage therapy services from her home located at 553 South Wellington Drive. Each session would last approximately an hour and clients would come by appointment only. Mrs. Kettle doesn't anticipate having appointments later than seven in the evening, for more than a few days a week. Parking shouldn't be a problem as there is enough space in the driveway for clients.

Shan Kettle said that massage therapy has been something she's always wanted to do and is eager to get started.

Thomas Wood made a motion to grant a conditional use permit for a Major Home Occupation “B”, massage therapy at 553 South Wellington Drive for Shan M. Kettle. Josh Sundloff seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1311 SOUTH 150 EAST – STEVEN AND KELLY STATEN

Lyle Gibson explained that the Statens are requesting a conditional use permit to have ducks on their property at 1311 South 150 East. Staff was recently made aware of the ducks being kept on the Statens property, and notified them that they would need to obtain a conditional use permit to keep them. The property is 8,220 square feet in size, allowing the Statens up to five fowl, rabbits or similar animals. There are currently more than the five permitted animals, but the Statens intend to comply with the amount allowed and will find a new home for the extra ducks. There is a coop already on site which is in compliance with city ordinance. The coop area is currently surrounded by a chicken wire fence on two sides, with a solid vinyl fence on the east and south sides. While the two foot fence may be adequately containing the ducks, Staff is concerned about the possibility of predators getting into the pen and is recommending the Commission consider requiring a taller fence to contain the ducks.

Josh Sundloff asked if the ducks fly.

Kelly Staten responded that ducks are social and don’t like to leave the other ducks. Before they obtained the ducks they did some research and found that predators typically leave the ducks alone after they have grown. There is a coop that the ducks can be put in at night to help protect them.

Josh Sundloff made a motion to grant a conditional use permit for farm animals at 1311 South 150 East for Steven and Kelly Staten with the condition that a fence of at least four feet in height be installed to enclose the area of the yard where the ducks are housed.

The motion died for a lack of second.

Steven Staten said that they prefer to use chicken wire because the weave of the fence is tighter.

Josh Sundloff asked if the Statens back yard was completely enclosed.

Kelly Staten responded that it was not. Only the area where the ducks are housed is enclosed.

Josh Sundloff said that the issue of keeping potential predators out should be more the concern of the animal’s owners rather than the Commission.

Josh Sundloff made a motion to grant a conditional use permit for farm animals at 1311 South 150 East for Steven and Kelly Staten with the condition that the animals be enclosed with at least a two foot high fence. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGE CENTER SIGN AT 2260 WEST ISLAND DRIVE – DAVIS SCHOOL DISTRICT

Lyle Gibson explained that the Davis School District recently completed construction on a new elementary school, Kays Creek Elementary, at 2260 West Island Drive. With the school construction, a sign has been built which includes an electronic message board. Generally in a residential zone, signs of this nature would not be permitted. However Title 17-33-7(8) allows for them on sites of at least five acres or larger by conditional use. The sign measures ten by eight feet, with the electronic message center portion of the sign measuring at eight by three feet. Because this sign is located so closely to residential homes across the street, the Planning Commission will need to consider whether conditions need to be placed to help mitigate any impacts the sign may have on neighboring properties.

Josh Sundloff commented that even though the sign has already been constructed, the Commission shouldn't feel pressured to approve the sign if there are impacts to neighboring properties that need to be mitigated. There is a concern about light pollution this sign might have on adjacent properties. Also, will vehicles be able to safely see oncoming traffic and pedestrians, or does the sign impede the line of sight? Does this meet city standards for site triangles at intersections?

Lyle Gibson responded that schools obtain their building permits through the State and oftentimes overlook needing other permits through the individual cities. The city's site triangle regulations wouldn't apply in this situation since the sign is at the intersection of a driveway and not a public street.

Josh Sundloff said that he would like to see that the sign be both dimmed and then turned off at certain times of the day.

Thomas Wood commented that it seems that there are many questions left to be answered and suggested tabling this item until someone from the School District could be present to answer their questions.

Gary Bullock commented that he would like to see the site plan for the sign to find out if it had to meet some kind of site triangle regulation when obtaining the building permit.

Gary Bullock made a motion to table the request for a conditional use permit for an electronic message center sign at 2260 West Island Drive for Davis School District to give Staff time to investigate some of the questions and concerns that have been mentioned tonight, and to see if a representative could be present when this item is brought before the Planning Commission again. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A SINGLE FAMILY DWELLING IN THE GENERAL COMMERCIAL ZONING DISTRICT LOCATED AT 294 NORTH 300 WEST – GREG BARLOW

Lyle Gibson explained that the property located at 294 North 300 West has a single family home and detached garage on the site. The previous owner operated a machine shop on site and was licensed as a home occupation with the understanding that the business owner also lived on site, as required by the home occupation ordinance. Mr. Barlow was aware of the previous use of a home and business on the property and desired to continue the use as an office for his construction company. However, Mr. Barlow does not live on the property, but rather has one of his employees as a tenant of the home. The use of the property for the construction business is a permitted use in the General Commercial zoning district, while residences can be allowed by conditional use if the dwelling is an integral part of a commercial use and serves as housing for the proprietor or an employee. Mr. Barlow's tenant takes care of the property and equipment on site. This property is surrounded by both commercial and residential zone districts, and the dwelling appears to be a compatible use with its surroundings and does not appear to be a detriment to its neighboring properties. If the conditional use permit is approved, the ability to only use the property strictly for residential purposes would be abandoned after one year.

Gary Bullock asked if the business license would be revoked should the employee move out of the home or if the home became vacant.

Josh Sundloff commented that the home would have to remain associated with the business.

Lyle Gibson added that the tenant of the home must be either the proprietor or an employee. Because the owner does not live on the property it cannot be considered a home business. If Mr. Barlow wants to use the home as part of his business he would have to remodel it to meet commercial building code.

Greg Barlow said that he bought this property because he was looking for a commercial location for his business. When he was inquiring about the property, he was informed by the previous property owner that although they had started their business as a home business, eventually they decided to rent out the home and keep the business in the detached garage. The City was unaware of this non-compliance, but contacted him after a sign was installed on the garage to let him know he needed to obtain a city business license. Mr. Barlow stated that he feels that his business operations would be similar to what the previous owner conducted and therefore wouldn't change what has already been existing on the property. He plans to have his superintendent or another employee living in the home to help maintain the business equipment and the property.

Gary Bullock asked about the detached garage.

Greg Barlow responded that it is being used as a construction office and storage of tools.

Josh Sundloff commented that because this type of use is anticipated for this area as well as the zone he doesn't feel that it would be a detrimental impact to the area. This proposed single family dwelling seems to be an integral part of the commercial use and serves as housing for an employee of the business.

Josh Sundloff made a motion to grant a conditional use permit for a single family dwelling in the General Commercial zoning district located at 294 North 300 West for Greg Barlow. Gary Bullock seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 1.61 ACRES OF PROPERTY
LOCATED AT 42 NORTH ANGEL STREET FROM A-1 (LIGHT AGRICULTURAL)
TO R-A (RESIDENTIAL AGRICULTURAL) – PAUL CLIFTON**

Lyle Gibson explained that Mr. Clifton owns the property at 42 North Angel Street and would like to be able to subdivide his property in order to build another home behind the existing home on the property. The property is surrounded by A-1 zoning to the north and south along Angel Street, with the R-A zoning located across the street and in the near vicinity to the north and east. The R-A zoning district has a minimum lot size of half an acre. Ultimately the PRUD overlay zone will also need to be approved along with the plat once that is ready for review.

Gary Bullock asked, if the requested rezone receives approval, could the property could be split into more than two lots.

Lyle Gibson responded that potentially it could be split into three lots, but Mr. Clifton has indicated he would only like to have two.

Vice-Chairperson Betty Parker opened the Public Hearing.

There were no comments or questions from the public. Vice-Chairperson Betty Parker closed the Public Hearing.

Paul Clinton commented that he is currently in the process of having his property surveyed. He intends to split the property so that his daughter can build a home on the second lot within the next year.

Josh Sundloff made a motion to recommend approval of the request to rezone 1.61 acres of property located at 42 North Angel Street from A-1 (Light Agriculture) to R-A (Residential Agricultural) for Paul Clifton. Gary Bullock seconded the motion and it passed unanimously.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Betty Parker opened the floor for nominations for Planning Commission Chairperson and Vice-Chairperson.

Josh Sundloff nominated Matthew Anderson as Chairperson. Thomas Wood seconded the nomination. No other nominations were made. Matthew Anderson was approved as Planning Commission Chairperson by unanimous vote.

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

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

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

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 7:58 p.m.