

8 December 2016 Minutes

KAYSVILLE CITY PLANNING COMMISSION

December 8, 2016

Members Attending: Chairperson Matthew Anderson, Stroh DeCaire, Lorene Kamalu, Betty Parker, Thomas Wood

Excused: Gary Bullock, Joshua Sundloff

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

Others Present: Braxton Schenk, Timothy Olsen, Penni Eads, Tom Eads, Flint Barbar

OPENING

The Planning Commission meeting was held on Thursday, December 8, 2016 at 7:00 p.m. in the Municipal Center.

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

Stroh DeCaire made a motion to approve the minutes of the November 10, 2016 meeting. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, WOODWORKING AT 370 WEST 100 NORTH – TIMOTHY OLSEN

Lyle Gibson explained that Mr. Olson is requesting to do woodworking from a detached garage on his property at 370 West 100 North. The garage is roughly 1,000 square feet in size and all of his tools and materials will be kept there. Much of the work that Mr. Olsen does includes installing finish work, such as trim and baseboards, as well as building custom furniture. He typically works from 8:00 a.m. to 5:00 p.m. during the week, and the equipment he uses inside the garage are not as powerful as larger commercial equipment. Mr. Olsen uses his pickup truck to transport the needed tools and supplies to each jobsite where he does installations and finish work.

Stroh DeCaire made a motion to grant a conditional use permit for a Major Home Occupation “B”, woodworking at 370 West 100 North for Timothy Olsen. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGE CENTER SIGN AT 192 SOUTH MAIN STREET – DR. JACKIE SILKEY

Lyle Gibson explained that “Utah Integrative Medicine and Surgery” is located at 192 South Main Street and has been open for about a year now. During the original construction to convert the existing house on the property to her office space, Dr. Silkey expressed the need for effective advertising for this type of private practice. The sign ordinance at that time didn’t permit electronic message center signs in the Professional Business zoning district so a different sign was installed to comply with the zoning ordinance. Since then the ordinance has been revised, and now Dr. Silkey is requesting approval of a monument sign with an electronic message center display to better advertise her business. The proposed sign is five feet in height and about eight feet in width and complies with current city ordinances. The electronic message center portion of the sign will take up about sixty percent of the proposed sign, and is capable of automatic dimming based on ambient light conditions. It will be placed just behind the sidewalk at eighteen inches from the front property line, and over sixty feet from the drive approach.

Betty Parker asked if there were similar signs along Main Street.

Lyle Gibson said that the sign for the veterinary office next door is similar in size and setback, but does not include the electronic portion of the sign. Zions Bank and the DATC signs are both located along Main Street and have electronic message centers.

Betty Parker made a motion to grant a conditional use permit for an electronic message center sign at 192 South Main Street for Jackie Silkey. Thomas Wood seconded the motion and it passed unanimously.

REQUEST FOR A VARIANCE FROM TITLE 17-33 SIGN REQUIREMENTS AT 953 SOUTH SUNSET DRIVE – PENNI EADS

CONDITIONAL USE PERMIT FOR A LOW PROFILE SIGN AT 953 SOUTH SUNSET DRIVE – PENNI EADS

Lyle Gibson explained that Mrs. Eads was recently approved for an agricultural home occupation to teach students at her home at 953 South Sunset Drive. Mrs. Eads not only teaches piano lessons, but also teaches her students how to teach piano lessons on their own. However, Mrs. Eads has indicated that students sometimes have a hard time locating her home and therefore she would like to have a sign in her front yard. Agricultural home occupations are permitted one low profile sign in connection to their business. The sign is proposed to be located mid-way between the two semi-circle drive approaches onto Sunset Drive, where Mrs. Eads feels is the most effective and visually appealing place for the sign. Upon receipt of application, Staff discovered that the requested location of the sign does not comply with the requirements of Section 17-33-9, which requires that the sign be placed six feet back from property lines. Based on the clarification of the ordinance requirements and the desires of the home occupation, Mrs. Eads has submitted a request for a variance to place the sign six feet back from the back of curb, rather than from the property line, so that the sign could still be placed between the drive approaches. In addition, the sign was originally designed to be six feet in height but Mrs. Eads

has indicated that adjustments may be made to comply with sign height requirement of four feet. The Planning Commission needs to determine if a variance is appropriate based on the criteria outlined in Section 17-4-6. Staff feels that the requested variance is not suitable for approval, but does feel that a conditional use permit could be approved for a low profile sign as long as it meets city sign requirements.

Penni Eads commented that not only would this sign help to add to the aesthetics of their property but would help her students more easily find her home. The sign will be built so that it can be easily moved if needed. It will have a gravel base with tubes that the posts of the sign will go into. The sign will be made of wood and painted white with black lettering.

Thomas Wood asked where the sign could be placed on the property and still meet city sign requirements.

Lyle Gibson said that while they might not be as beneficial, there are other locations on the Eads property where the sign could be placed.

Matthew Anderson stated that the standard for approving variances is very high and they therefore aren't approved very often. Mr. Anderson said that he feels that at least two of the required criteria for a variance has not been met. Not being able to put the sign where it is currently proposed does not make it essential to the enjoyment of this property. It also does not cause undue hardship.

Stroh DeCaire commented that variances do not come before the Planning Commission very often because they have to meet all of the criteria listed in city ordinance. When you deviate from city code you could potentially cause a precedent.

Penni Eads commented that because there are a few other home business signs in the area that are similar to this, they were under the impression that they could have a sign placed similarly.

Matthew Anderson said that it is possible that the other signs mentioned are out of compliance and asked Staff to look to ensure that those aforementioned signs in the area are to code.

Penni Eads says her business is an educational use, and it is sometimes hard for people to find her home. Mrs. Eads asked about which residential businesses are allowed to have signage.

Lyle Gibson responded that signs are permitted in residential areas in conjunction with Major or Agricultural Home Occupations, as long as they meet the sign requirements for that zone. Mrs. Eads is permitted to have a sign like this for her agricultural business as long as she obtains a conditional use permit.

Thomas Wood said that the issue is not whether or not Mrs. Eads should be allowed to have a sign, but rather where the sign can be placed.

Matthew Anderson said that there are other locations on the property where the sign could still be seen properly from the street. They might not be as ideal locations, but there are other options.

Penni Eads said that while she understands that rules need to be followed, approving this would be an improvement to the property and is the best location for the sign.

Stroh DeCaire made a motion to deny the request for a variance from Title 17-33 Sign Regulations at 953 South Sunset Drive for Penni Eads. Betty Parker seconded the motion and it passed unanimously.

Stroh DeCaire made a motion to grant a conditional use permit for a low profile sign at 953 South Sunset Drive for Penni Eads, subject to the sign meeting the requirements of Section 17-33 Sign Regulations. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR WCP KAYSVILLE CONDOMINIUM SUBDIVISION AT 2025 WEST 200 NORTH – WCP INVESTMENTS, LLC

Andy Thompson explained that WCP Investments LLC has been building the new “West Kaysville Medical Building” at approximately 2025 West 200 North, just west of Angel Street. The building itself was approved as a permitted use with the anticipation that the building may be condominiumized so that individual units could be owned separately. The proposed plat does not modify anything on the site previously approved through site review and building permit process. A final plat has been submitted identifying common areas on the property as well as the two separate units in the building. In addition to the plat documents, a copy of the proposed covenants for the condominium has been submitted to establish an entity responsible for taking care of the common areas of the property.

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 preliminary and final plat approval for WCP Kaysville Condominium Subdivision at 2025 West 200 North for WCP Investments, LLC. Lorene Kamalu seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR 40 CRESTWOOD P.U.D. SUBDIVISION AT 40 EAST CRESTWOOD ROAD – BRIAN NEVILLE

Andy Thompson explained that in October 2016 the Planning Commission recommended approval of the PRUD overlay zone for a six-unit subdivision at this same address of 40 East Crestwood Road. The City Council, following the recommendation of the Planning Commission, approved the same. Since that time, the applicant has put together a plat showing the layout of two buildings, each with three units as was originally proposed during the PRUD

overlay zone discussion. The plat indicates that while each of the buildings would be platted separately, the individual units would not. This differs from the originally proposed plat from the PRUD discussion. The buildings are shown to be set back twenty-five feet from Crestwood Road, and eight feet from neighboring property lines to the east and west. The buildings actually encroach into these side yards by a few feet because of planned cantilevers on the buildings. The center lane is twenty-six feet wide, with a guest parking area at the back of the lot. Staff has reviewed the proposed plat and site plan and feels comfortable with the proposed plat. Some minor modifications may need to be made before final plat approval based on determining additional details with utilities for the site, as well as meeting setback requirements for the zone.

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 asked what the property to the west of this subject property is currently zoned.

Lyle Gibson responded that it is zoned General Commercial.

Stroh DeCaire commented that he feels that this new development layout is a good use for the property.

Lorene Kamalu made a motion to recommend preliminary plat approval for 40 Crestwood P.U.D. Subdivision at 40 East Crestwood Road for Brian Neville. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Andy Thompson commented that recently the Mayor asked Staff to consider potential modifications to the height restrictions of accessory structures, as there seems to be more of a need for taller buildings to fit larger recreational vehicles. A proposed draft will be brought before the Planning Commission in a future meeting.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, January 12, 2017 at 7:00 p.m. Stroh DeCaire made a motion to cancel the meeting scheduled for Thursday, December 22, 2016. Betty Parker seconded the motion and it passed unanimously.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 7:53 p.m.