

23 February 2017 Minutes

KAYSVILLE CITY PLANNING COMMISSION

February 23, 2017

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, Secretary Annemarie Plaizier

Others Present: Sharon Rowley, Sun Yong Kim-Manzolini, Mike Manzolini, David W. Fisher, Flint Barber, Dan Stephenson, Darlene Carter, Milas Howe, Steve Burke, Gladys Graham, Scott Terry

OPENING

The Planning Commission meeting was held on Thursday, February 23, 2016 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the January 26, 2017 and February 9, 2017 meetings were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the January 26, 2017 and February 9, 2017 meetings. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 625 EAST 1500 SOUTH – MILAS HOWE

Lyle Gibson explained that recently Staff received a complaint regarding rats within the Howe's neighborhood. Multiple addresses were listed as possible locations where chickens may be, potentially being the cause for attracting rodents to the area. The complaint was investigated and chickens were found on the Howe's property at 625 East 1500 South. They were then notified that they would need to obtain a conditional use permit in order to have the chickens. The Howe's have had the chickens for nearly a year with no other complaints made to the city. Their property is 8,300 square feet, which allows them to have up to five fowl, rabbits, or similar animals. The Howe's currently have four chickens on site kept in a chicken coop with a run

around it, and the rear yard is fully enclosed. Staff has found that the Howe's coop and yard are kept very clean and it does not appear that this property is the cause of any rodent problems.

Betty Parker asked if Staff was able to find other properties housing chickens in the area.

Lyle Gibson responded that he had been unable to locate any other chickens in the neighborhood. There is a subdivision development currently under construction to the south and it's possible that the rodent seen could have been pushed into this neighborhood because of it.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 625 East 1500 South for Milas Howe. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 584 SOUTH TERESA STREET – SHARON AND RYAN ROWLEY

Lyle Gibson explained that the Rowley's are requesting a conditional use permit to have farm animals, specifically chickens, on their property at 584 South Teresa Street. Their property is 0.5 acres, which allows them up to fifty fowl, rabbits, or similar animals. There are currently no animals nor a coop on site, but the rear yard is enclosed with a six-foot vinyl fence. The Rowley's have stated that they don't plan to have more than fifteen hens at the property at a time.

Stroh DeCaire asked if the Rowley's knew where they were going to place their coop.

Sharon Rowley responded that they hadn't decided yet but planned to put it somewhere along the perimeter of the backyard.

Betty Parker made a motion to grant a conditional use permit for farm animals at 584 South Teresa Street with the condition that a coop be installed prior to obtaining animals. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.08 ACRES OF PROPERTY FROM A-1 (LIGHT AGRICULTURE) TO R-A (RESIDENTIAL AGRICULTURE) AT 1053 SOUTH ROUECHE LANE – SCOTT TERRY

Lyle Gibson explained that Scott Terry is requesting to rezone his property at 1053 South Roueche Lane from A-1 (Light Agriculture) to R-A (Residential Agriculture) to allow for a possible subdivision or a property line adjustment in the future. The R-A zoning allows for a minimum lot size of half an acre, which could potentially create one additional lot on this property. There is one lot adjacent to the property which is already zoned R-A, with much of the bordering area being zoned A-1.

Thomas Wood commented that it seems that the neighbor's driveway to the south encroaches onto Mr. Terry's property.

Scott Terry responded that his brother owns the property to the south and he plans to adjust the property line to sell that piece of property to his brother. Even with that property line adjustment, he will still have enough land to create an additional lot on the property. There are no set plans as of yet, but this proposed rezone will give Mr. Terry more options for 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.

Lorene Kamalu said that she had visited the site previously and feels this proposed zone would fit well into the area.

Lorene Kamalu made a motion to recommend approval of the request to rezone 1.08 acres of property at 1053 South Roueche Lane from A-1 (Light Agriculture) to R-A (Residential Agriculture) for Scott Terry. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.18 ACRE OF PROPERTY FROM PB (PROFESSIONAL BUSINESS) TO HC (HEALTH CARE) AT 579 SOUTH MAIN STREET – LUSH ENTERPRISES, LLC

Lyle Gibson explained that Sun Yong and Mike Manzolini, the owners of Lush Enterprises, have requested to rezone the property at 579 South Main Street with the intent of using the building as an adult daycare business. The property is located just south of the DATC and has been used as a commercial space for many years, but has been vacant now for several months. The adult daycare would provide temporary care for a few hours at a time. If approved for the rezone, the applicant may also need to remodel the building to meet building code for the type of occupancy used. The existing site layout allows for adequate access for emergency services if necessary, and should have adequate parking space. Staff did send mailers to adjacent property owners to inform them of this rezone request. A complaint was received in response to the mailer concerning the potential increased traffic this business could create.

Chairperson Matthew Anderson opened the Public Hearing.

Sun Yong Manzolini, representing Lush Enterprises, commented that there is a high demand for elderly care, and there is only one other adult daycare facility within Davis County. This will be a non-profit organization and will be a place for seniors to focus on continuing their daily movements and activities. There will be a full-time physical therapist and recreational therapist on staff. Mrs. Manzolini said that her husband and her went to the neighbors and discussed their plans for the daycare. One neighbor expressed concern regarding traffic congestion this business could potentially create. The center will be open Monday thru Friday from 8:00 a.m. to 5:00 p.m., and there will only be about two or three employees on site at a time. The State has many regulations they will adhere to, including the number of adults being cared for. Mrs. Manzolini added that she had worked for Intermountain Healthcare for many years and has wanted to serve

the public since she had retired. They feel that this will be a great use for this building and will give back to the community.

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

Betty Parker asked if the building met the setback requirements for the HC zone.

Lyle Gibson responded that the ordinance states that the building should sit twenty feet from a side abutting a residential district. This building sits at about ten feet, however, city ordinance also allows for the approval of a reduced setback if it contains landscaping. There is a fence along the south and east sides which will also help to provide screening between the differing uses.

Matthew Anderson asked if there is any concern in regards to the proximity of the building to Main Street, and the safety of the visitors.

Sun Yong Manzolini responded that the doors would be locked so residents cannot get out on their own, and most of their activities will be located indoors. They might have a small garden on the backside of the building, but the residents would not be allowed to go in front and would be supervised the entire time.

Thomas Wood asked if the building was currently handicapped accessible.

Sun Yong Manzolini responded that there is a wheelchair ramp on the south side of the building leading to a basement door. Most activities will be in the basement so it will be easy for visitors to access.

Lyle Gibson added that the Manzolini's will work with the city to ensure they are within building code requirements.

Thomas Wood asked if they would provide for overnight stays.

Sun Yong Manzolini responded that they would only be open during the daytime hours, and nobody would stay overnight.

Lorene Kamalu commented that she thinks this is a good location for this type of use and there is a need for services for the aging.

Thomas Wood made a motion to recommend approval of the request to rezone 0.18 acre of property at 579 South Main Street from PB (Professional Business) to HC (Health Care) for Lush Enterprises, LLC. Stroh DeCaire seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR CRESTWOOD
SUBDIVISION AT 85 EAST CRESTWOOD ROAD, AND PRUD (PLANNED
RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – DAN STEPHENSON**

Andy Thompson explained that in February 2016 Mr. Stephenson submitted a request to rezone his property at 85 East Crestwood Road to R-4 with the intention of subdividing it in order to construct twelve townhome style dwellings. After much discussion at city meetings, Mr. Stephenson revised his development plan moving the road to the west side of the property, and changing the rezone request to the R-2 zoning district. He also reduced the number of proposed units to eight and it was brought back for review. Despite the changes, the revised request was ultimately denied by the City Council. Mr. Stephenson has recently submitted a new application with no zone change, leaving the property zoned as R-1-8, but requesting a PRUD overlay in order to build a private lane subdivision. The number of units has again been reduced, now numbering five single-family dwellings. The private lane would run along the west side of the property, and each of the five lots have at least 8,000 square feet of land. The preliminary plat shows the buildable area of each lot, and the applicant is not requesting any variations to the required setbacks for the zone. The property is located directly north of Heritage Park, and is surrounded with both commercial, single-family and multi-family uses.

Chairperson Matthew Anderson opened the Public Hearing.

Steve Burke asked if the PRUD overlay zone would change the residential use of the property.

Stroh DeCaire responded that the property will remain in the R-1-8 zone which allows for only single-family dwellings.

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

Betty Parker commented that in previous meetings, neighbors have requested that fencing be installed with this development and asked that it be considered again tonight with this request.

Stroh DeCaire said that while he appreciates the efforts Mr. Stephenson has made to address concerns by reducing the number of units within this development, he still feels that there are too many units proposed for the property. Many of the property owners living directly adjacent to this lot have come to these meetings to express their concerns about this development. This could have a significant negative impact to the neighboring properties. The elevation drawings provided tonight give us a good idea of what the homes will look like and they don't seem to fit the feel of the area.

Lorene Kamalu said that what is being proposed seems to be a step in the right direction to better fit into the neighborhood. Although the homes might not match the surrounding neighborhood, they are attractive looking. Mrs. Kamalu asked about the height of the homes and if homebuyers would be able to pick which model home they want to build on their lot.

Darlene Carter, representing Henry Walker Homes who is working with Dan Stephenson, said that the different models of homes range from 1,900 to 2,900 square feet finished and they are high efficiency homes. Only one of the homes will be single level, the rest will be two story homes but won't be taller than thirty feet in height. Single-family homes typically have a larger footprint than a townhome style building, and they are harder to fit on these smaller

lots. Although nothing has officially been decided as of yet, the lots would be sold and homes built sequentially, starting on the far end of the private lane.

Thomas Wood commented that while this project might meet the requirements of the zone, the layout still looks congested. It is understandable why there has been such a reluctance from the neighbors to be encouraged by this development.

Stroh DeCaire agreed that this development feels overcrowded and there is very little open space on the property because of the large homes. These larger homes don't seem to blend into the neighborhood. A lot of effort has been made into improving this particular area of the city and any change to the aesthetics should be considered.

Lorene Kamalu asked about requiring fencing of the development.

David Fisher said that he owns the property to the west of Mr. Stephenson's and currently keeps cattle on his property. His property is fenced with barbed wire, which will remain, however because of the close proximity of the cattle Mr. Stephenson might want to consider a more structurally sound fence.

Gladys Graham said that she lives to the north of the property and asked if all sides of the property would be fenced.

Andy Thompson responded that city ordinance says that the Planning Commission can require that a developer install a fence in order to mitigate potential impact. While it could be justified that a fence is needed on the side abutting an agriculture use, it would be hard to justify a fence on the other sides of the property where it is abutting existing similar residential uses. If the Commission feels that a fence should be required, Mr. Stephenson can present his plans for fencing at final plat approval.

Gladys Graham asked about how close the homes would sit from the properties to the north.

Andy Thompson responded that the R-1-8 zone requires that they be set back fifteen feet from the rear property line.

Lorene Kamalu made a motion to recommend preliminary plat approval for Crestwood Subdivision at 85 East Crestwood Road, and PRUD (Planned Residential Unit Development) overlay zone for Dan Stephenson with the condition that a fence be installed along the west property line, and that the developer meet with adjacent property owners to discuss fencing options. Thomas Wood seconded the motion.

Voting was as follows:

Lorene Kamalu	yea
Stroh DeCaire	nay
Matthew Anderson	yea

Betty Parker nay
Thomas Wood yea

The motion passed with a vote of three to two.

FINAL PLAT APPROVAL FOR 40 CRESTWOOD PUD SUBDIVISION AT 40 EAST CRESTWOOD ROAD – BRIAN NEVILLE

Andy Thompson explained that this development is located at 40 East Crestwood Road and is about 0.44 acres in size. The property is zoned R-M and was recently approved for a PRUD overlay zone and preliminary plat. The plat consists of two three-unit buildings on pads, with the remainder of the property as common open space area. The units are proposed as two story with a double garage and three bedrooms. Staff is recommending approval with the condition that the buildings be built similar to what has been represented.

Thomas Wood asked what the north face of the building would look like since it is what will be most visible from Crestwood Road.

Flint Barber responded that both the north and south sides of the build will have windows and a door.

Stroh DeCaire made a motion to recommend final plat approval for 40 Crestwood PUD Subdivision at 40 East Crestwood Road for Brian Neville with the condition that the buildings be built similar to what has been represented in the presented elevation drawings. Lorene Kamalu seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Betty Parker asked if there are specific situations that would cause a change in how a resident's mail would be delivered and where their mailbox should be located.

Andy Thompson responded that it would be up to the discretion of Post Office. Any new homes are required to have a box on the street.

Matthew Anderson suggested not receiving printed Planning Commission packets, and just receiving them electronically to help save money.

Andy Thompson responded that the City Council recently decided to receive their correspondence electronically and was supplied a tablet by the city. The Council would need to approve the same for the Planning Commission so as to not require that Commission members provide their own. However, in the meantime, Staff can accommodate a Commission member if they voluntarily ask to receive correspondence electronically.

Lyle Gibson stated that there are a few training opportunities coming up that would be good for Planning Commissioners to consider attending. The Land Use Academy of Utah will be broadcasting another training session on March 25, 2017 from 9:00 a.m. to 1:00 p.m. The Utah League of Cities and Towns will also be holding their mid-year conference on April 5-8, 2017 in St. George, and the Utah Chapter of the American Planning Association would be holding their Spring Conference on April 20-21, 2017 in Brigham City.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, March 9, 2017 at 7:00 p.m.

ADJOURNMENT

Betty Parker made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:22 p.m.