

23 March 2017 Minutes

KAYSVILLE CITY PLANNING COMMISSION

March 23, 2017

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Lorene Kamalu, Betty Parker, Joshua Sundloff, Thomas Wood

Excused: Stroh DeCaire

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Larry Page, Anne Mortensen, Brent Heiner, John Wheatley, Barbara Proggess, John Proggess, Jerry Preston, Bonnie Jan Wray, Danna Ferguson, Amber Ferguson, Kathy Kay Brewer, Matt Brimhall, Mandy Brimhall, Anthony Browning, Rick Jones, Jan Peterson, Jacquie Jones, Lauren Gardner, Ron Alvey, Bonnie Baker, Thomas Bybee, Evinda Bybee, Kathryn Lisby, Dale Lisby, Shauna Mann, Matthew Mann, Dave Adams, Brock Loomis, Ron Cobbley

OPENING

The Planning Commission meeting was held on Thursday, March 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 March 9, 2017 meeting were presented for approval.

Betty Parker made a motion to approve the minutes of the March 9, 2017 meeting. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, PRESCHOOL AT 370 EAST PIN OAK CIRCLE – EVINDA BYBEE

Lyle Gibson explained that Mrs. Bybee is requesting a conditional use permit to run a preschool from her home at 370 East Pin Oak Circle. She expects to have up to eight children at one time, with one class in the morning and one in the afternoon. There will be an hour between each class to help alleviate traffic congestion from parents dropping off and picking up their children. Although there is not much frontage in front of Mrs. Bybee’s home, there is adequate parking on the street within close proximity of her home. Typically, the city restricts the number of students in each preschool class to twelve.

Thomas Bybee added that they plan to hold the preschool on weekdays, with one class at 8:45 a.m. to 12:00 p.m. and another from 1:00 to 4:15 p.m., which should help to avoid peak traffic hours.

Matthew Anderson asked if the Bybee's had discussed their business plans with any of the neighbors.

Evinda Bybee responded that they had tried to talk to as many of the neighbors as they could.

Betty Parker stated that she lives next to the Bybee's and doesn't foresee any potential problems with their business.

Thomas Wood made a motion to grant a conditional use permit for a major home occupation "B", preschool at 370 East Pin Oak Circle for Evinda Bybee with the condition that the number of students be limited to twelve per class. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1618 SOUTH WILFORD DRIVE – MANDY BRIMHALL

Lyle Gibson explained that the Brimhall's live at 1618 South Wilford Drive and would like to keep about ten chickens on their property. Their property is 0.5 acres, which allows them to keep up to fifty fowl, rabbits or similar animals. The yard is not currently fenced in, but there is a shed on site in the southwest corner of the property where the Brimhall's plan to keep the chickens. They will enclose the area around the shed to create a chicken run to keep the hens. The site complies with the distance requirements of Chapter 17-24.

Betty Parker asked if there was a distance requirement for animal housing on neighboring properties.

Lyle Gibson said the farm animal housing setback does not apply to other structures housing farm animals.

Mandy Brimhall added that they have taken precautions to help prevent any rats from getting inside the chicken coop area or the chicken feed.

Josh Sundloff made a motion to grant a conditional use permit for farm animals at 1618 South Wilford Drive for Mandy Brimhall with the condition that an enclosed chicken coop be installed before chickens are brought onsite. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1117 SOUTH 50 WEST – ANNE MORTENSEN

Lyle Gibson explained that the Mortensen's are requesting a conditional use permit to keep farm animals on their property at 1117 South 50 West. Their property is 18,730 square feet, which

allows them to have up to thirteen fowl, rabbits or similar animals. The Mortensen's recently acquired a few rabbits to participate in the local 4H program, and the rabbits are currently being kept in an enclosure in the garage. There is a fenced off area in the backyard where an enclosed coop will be placed and the rabbits relocated to. At some point the Mortensen's would also like to obtain some chickens and they understand that the total number of animals could not exceed thirteen.

Anne Mortensen said that they anticipate having less than five farm animals on their property at a time.

Lorene Kamalu made a motion to grant a conditional use permit for farm animals at 1117 South 50 West for Anne Mortensen with the condition that an enclosed chicken coop be installed before any farm animals are kept in the backyard. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 5.7 ACRES OF PROPERTY AT 1191 AND 1223 WEST WEBB LANE FROM A-1 (LIGHT AGRICULTURE) TO THE R-1-20 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT – JOHN PROGRESS AND JONATHON FAIRBANKS

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE MEADOWS AT WEBB LANE SUBDIVISION AT 1191 AND 1223 WEST WEBB LANE – JOHN PROGRESS AND JONATHON FAIRBANKS

Lyle Gibson explained that John Progress and Jonathan Fairbanks own the properties at 1191 and 1223 West Webb Lane. They are both requesting a rezone from the A-1 (Light Agriculture) to the R-1-20 (Single Family Residential) zoning district in order to create a new subdivision. There are currently two existing homes on the property, which will remain, and the applicants plan to create eight additional lots on a cul-de-sac street. The R-1-20 zone requires that lots be at least 20,000 square feet, with ninety feet of frontage. The preliminary platted lots meet the requirements for the R-1-20 zone. The property is surrounded by the R-1-20 zoning to the west and south, and the A-1 and A-5 zones to the north and east.

Jerry Preston said that he is with Elite Craft Homes and is representing the applicants for this project.

Chairperson Matthew Anderson opened the Public Hearing.

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

Gary Bullock stated that this development seems to fit into the city's General Plan and feels that it would fit well into the surrounding neighborhood.

Thomas Wood commented that the plans presented seems to show a third building on the property and asked what the plans were for that building.

Jerry Preston responded that the home at 1191 West Webb Lane has a detached garage to the east that takes access off Webb Lane. That detached garage will remain with that home. There are a few outbuildings that will be removed with the development of each lot.

Gary Bullock made a motion to recommend approval of the request to rezone 5.7 acres of property at 1191 West and 1223 West Webb Lane from A-1 (Light Agriculture) to R-1-20 (Single Family Residential) for John Prograss and Jonathon Fairbanks. Lorene Kamalu seconded the motion and it passed unanimously.

Gary Bullock made a motion to recommend preliminary plat approval for the Meadows at Webb Lane Subdivision at 1191 West and 1223 West Webb Lane for John Prograss and Jonathon Fairbanks. Lorene Kamalu seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 3.99 ACRES OF PROPERTY AT 1120 WEST WEBB LANE FROM A-1 (LIGHT AGRICULTURE) TO THE R-A (RESIDENTIAL AGRICULTURE) ZONING DISTRICT, AND TO INCLUDE A PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – BONNIE WRAY

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR WRAY SUBDIVISION AT 1120 WEST WEBB LANE – BONNIE WRAY

Lyle Gibson explained that Bonnie Wray is requesting a rezone of her property at 1120 West Webb Lane from A-1 (Light Agriculture) to R-A (Residential Agriculture) in order to subdivide her property creating two additional lots. The existing home and accessory buildings would remain. A 1.0-acre lot will be created fronting Webb Lane, and a 1.2-acre flag lot will be created to the north behind the other lots. The property is adjacent to the rail trail to the east, and there is at least 100 feet of frontage on the standard lot. The preliminary plat shows the flag lot stem as only fifteen feet in width, and city ordinance requires that it be thirty feet wide. There is sufficient space on the property to adjust the plat to meet the requirements.

Bonnie Wray added that she is subdividing her property for her children to build homes on the newly created lots. Although the homes will be along the rail trail, they have no plans to fence along that side of their property yet.

Chairperson Matthew Anderson opened the Public Hearing.

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

Betty Parker asked if it should be required that the lots be fenced because they sit adjacent to the rail trail which is actively used.

Gary Bullock said that he does not think the city should require that the property be fenced.

Betty Parker made a motion to recommend approval of the request to rezone 3.99 acres of property at 1120 West Webb Lane from A-1 (Light Agriculture) to the R-A (Residential Agriculture) zoning district, and to include a PRUD (Planned Residential Unit Development) overlay zone for Bonnie Wray. Lorene Kamalu seconded the motion and it passed unanimously.

Lorene Kamalu made a motion to recommend preliminary plat approval for Wray Subdivision at 1120 West Webb Lane for Bonnie Wray with the condition that the flag stem be shown as thirty-feet wide on the final plat. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.69 ACRE OF PROPERTY AT 1809 SOUTH SUNSET DRIVE FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) TO THE R-1-14 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT, AND TO INCLUDE A PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – RICK AND JACQUIE JONES

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE GROVE AT SUNSET SUBDIVISION AMENDED AT 1809 SOUTH SUNSET DRIVE – RICK AND JACQUIE JONES

Lyle Gibson explained that Rick and Jacquie Jones are requesting a rezone of their property at 1809 South Sunset Drive from R-1-20 (Single Family Residential) to the R-1-14 (Single Family Residential) zoning district so that the lot could be split and an additional home built. The property currently has a house towards the south side of the lot, and the Jones would like to build the new home on the north side in the side yard. There is roughly fifty feet between the existing home and the northern property line. Without a deviation in the setbacks of the zone, this would leave about twenty-six feet of buildable area for the new home. While both the R-1-20 and R-1-14 zoning districts allow for the same permitted and conditional uses, the two zones vary in minimum lot size requirements. The request for the PRUD overlay is for the purpose of creating a common open space subdivision permitting the use of one dwelling per 14,000 square feet of area, but allows flexibility in lot size and setback requirements if there is sufficient common open space provided within the subdivision. The open space area would be located behind the two lots along Sunset Drive.

Chairperson Matthew Anderson opened the Public Hearing.

Jacquie Jones said that they had purchased their property back in 2007 and developed it into The Grove at Sunset Subdivision. Their home has since become too large for the two of them as their children have moved out, and they would like to build a smaller home to move into so they can remain in the area. Back when The Grove at Sunset Subdivision was developed, they had to give a portion of the land up so full street improvements could be installed. They had discussed putting in four small units on the property but decided that the larger lots would better fit into the area. There is some discrepancy on how much space is between their home and the property line, and that will be resolved before final plat approval. However, there is enough space in the side yard area to build a small cottage-style home, which would be approximately thirty-five feet wide. The home would look similar to the homes adjacent and would fit into the area.

Matthew Mann said that he lives directly north of the Jones and will be the most impacted by this request. Mr. Mann says that the residential feel needs to be preserved, and what is being proposed will be a detriment to the community. This subdivision was developed as three lots with three homes, and should remain as such. The R-1-14 zoning district is not consistent with the surrounding zoning districts. The proposed lot would be about a third of the size of the other lots in this subdivision, which is also not consistent with the look of the neighborhood. The city ordinance regarding the PRUD overlay zone says that any new construction in already developed areas should maintain the established mass, scale, height, width, and form of the surrounding buildings. This proposed development is not harmonious or comprehensive with what already exists. Had the Jones' wanted to build a smaller home here they should have accounted for it when this property was first developed ten years ago, and not now as an afterthought. The proposed lot does not meet the frontage requirement of the R-1-14 zone. Common open space areas are typically part of larger subdivisions, and not just as two homes sharing a backyard. The open space area doesn't seem easily accessible to the new home. This subdivision was originally called Blooming Grove, and was where one of Kaysville City's founding father's lived. It is a historical site that should be preserved, as stated in the General Plan.

Danna Ferguson commented that Rick Jones has dedicated his life to public service and the Jones have always given back to the community. They are always willing to help a friend or neighbor in need and will step in wherever they are needed. This will be a beautiful development and they will build a home that will add to the area. The smaller home will better serve the Jones family and will be a place where they could retire.

Shauna Mann said that it is not a question of the Jones' character or work ethic, or if the home built will be beautiful and a quality home. Rather it is more of a matter of this being an appropriate request. Mrs. Mann said that the Jones' designed their subdivision and home and the homes here are exquisite. However, there is concern because they have invested in their home and this would infringe on their property and their privacy. How will this affect the resale value of their home? The space where the new home is proposed is very small and there does not seem to be enough room to build a home that would be harmonious to the area. There is also concerns about how approving this might set a precedence for the community. We do not want our homes to look as if we've built them on top of one another. Mrs. Mann said that they chose their home because of the location and the amount of land that provided some privacy for them. They did a lot of research and felt this the best place for them to live. They have invested in their property and in the area and want to see that it is preserved. We need to preserve the hometown feel of Kaysville and be consistent with what is allowed on the west side of Kaysville. Mrs. Mann said that she understands that growth happens, but it can be done while still protecting the neighbors and promoting healthy growth. They would like to see more retail and schools built in Kaysville. There are many who would love to live in Kaysville, but we shouldn't have to build homes on top of each other in order to allow them. City ordinances are in place to help to protect the residents. The R-1-14 zone might be more appropriate in a planned community, such as the Hill Farms Development. A rezone of this kind should be planned and promoted in advance so as to not be detrimental to existing homes.

Ron Cobbley commented that he lives up the street on Sunset Drive and does not think that there is enough room on the property to fit another home on it. He is also concerned about what kind

of trend this might create for others who want to do similar developments. The Mann's will be directly affected by this proposal and their comments should be considered seriously by the city.

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

Jacquie Jones said that she had spoken to a few realtors and was told that a small cottage would not lesson the value of adjacent homes because there are so many large homes in the area that are comparable in value. The new home would be built to look apart of the area, and both homes on the property will be able to easily access the open space area. A homeowners association would be created to help maintain the open space area.

Rick Jones added that they are going to be empty nesters soon and they would love to be able to stay in the area and retire here.

Matthew Anderson asked about the homeowners association.

Jacquie Jones responded that it would be created through a development agreement, and a draft of the agreement has already been submitted to the city. Only these two lots would be under the HOA. There shouldn't be a concern for privacy as the home will not have any windows along the north side.

Matthew Anderson asked if the Jones had considered creating a flag lot on the backside of their property to build the new home instead.

Jacquie Jones responded that they would have preferred to put the home in the back, but because of the layout and topography of the property, it wasn't feasible unless the home could be built further to the east. That would require purchasing property from that adjacent property owner and they aren't interested in subdividing their lot at this time.

Josh Sundloff commented that he appreciated the neighbors who came to the meeting to speak on this item and thanked Mr. Jones for his service in law enforcement. However, a decision on this matter will be based on the city ordinances and the General Plan.

Jacquie Jones commented that there is currently a cottage type home on the property just north of the Mann's home, and therefore having a smaller home here is not unusual for the area.

Shauna Mann said that the aforementioned property to the north of theirs is quite large and was not subdivided to include that cottage home on the property. It already existed when The Grove at Sunset Subdivision was developed. The difference is that the Jones' are asking for their lot to be subdivided to build a second home in an already established neighborhood.

Josh Sundloff asked about the referenced cottage home and how it is permitted in a single family zoning district.

Lyle Gibson responded that it is possible that the cottage home was built as part of a dwelling group, which was allowed in previous ordinances as long as both homes remain under one ownership. The ordinance has changed since that time and any new construction of that type would not be allowed under current city regulations.

Josh Sundloff commented that he does not feel that what has been proposed meets the intent of the city's PRUD ordinance because it does not maintain the massing of the area.

Rick Jones said that the new home may look small from the front, but is larger than it seems because it is long and narrow. The home will complement the surrounding homes and will look like it is part of the subdivision.

Thomas Wood said that while it may seem there will be an adequate amount of space, we do not know the exact distance between the Jones's home and their property line.

Josh Sundloff said that he doesn't feel that the proposed development fits into the existing subdivision. This proposal feels like it is taking advantage of the intent of the PRUD ordinance. The size of the proposed lot is half of what the minimum lot requirement is for the R-1-14 zone and does not meet the General Plan for properties west of I-15.

Gary Bullock said that this is a unique area and any development needs to be carefully considered. This development does not conform to the PRUD regulations and does not meet the minimum requirements of the R-1-14 zoning. It gives the feeling of a home being squeezed into an empty space.

Thomas Wood stated that while he is not opposed to rezoning the property to R-1-14, this development seems to detract from the area because of the vast difference in size compared to neighboring properties. The large common open space area in the back might be more appropriate for a home to be built, if there is enough frontage to allow for a flag lot.

Lorene Kamalu commented that a stream runs through the back of the property and could interfere with any potential buildable area in the backyard. Mrs. Kamalu added that the R-1-14 zone doesn't seem to fit into the neighborhood and feels that it doesn't make sense to recommend approval for it.

Josh Sundloff made a motion to recommend denial of the request to rezone 0.69 acre of property at 1809 South Sunset Drive from R-1-20 (Single Family Residential) to the R-1-14 (Single Family Residential) zoning district, including the PRUD (Planned Residential Use Development) overlay zone for Rick and Jacquie Jones. Gary Bullock seconded the motion.

Voting was as follows:

Matthew Anderson	yea
Betty Parker	yea
Josh Sundloff	yea
Thomas Wood	nay

Gary Bullock	yea
Lorene Kamalu	yea

The motion passed with a vote of five to one.

Matthew Anderson commented that although he voted to recommend denial of this request, he is more concerned about the proposed configuration of the development than the rezone.

Josh Sundloff said that he was uncomfortable recommending approval for the PRUD overlay zone. However because the rezone request is tied to the PRUD overlay zone he felt it best to recommend denial for both.

Josh Sundloff made a motion to recommend denial of the request for preliminary plat approval for The Grove at Sunset Subdivision Amended at 1809 South Sunset Drive for Rick and Jacquie Jones because of lack of information given on the proposed preliminary plat. Gary Bullock seconded the motion.

Voting was as follows:

Betty Parker	yea
Josh Sundloff	yea
Thomas Wood	yea
Gary Bullock	yea
Lorene Kamalu	yea
Matthew Anderson	nay

The motion passed with a vote of five to one.

**PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR
CHARLY'S ACRES #2 THIRD AMENDED SUBDIVISION AT APPROXIMATELY
2050 WEST 200 NORTH – TERRA BASIN LLC**

Lyle Gibson explained that in September of 2015, Charly's Acres #2 Second Amended was approved, creating Lot 203. Lot 203 includes the total area of the property at approximately 2050 West 200 North and the proposed Charly's Acres #2 Third Amended Subdivision. The 7.63 acres of property is proposed to be divided into Lot 303, which is half an acre in size, and Lot 304 which is the remaining 7.12 acres.

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 Charly's Acres #2 Third Amended Subdivision at approximately 2050 West 200 North for Terra Basin LLC. Thomas Wood seconded the motion and it passed unanimously.

**FINAL PLAT APPROVAL FOR SUNSET EQUESTRIAN ESTATES PHASE 17B
SUBDIVISION AT APPROXIMATELY 950 SOUTH ANGEL STREET – SYMPHONY
HOMES**

Lyle Gibson explained that Symphony Homes is moving forward with another phase of the Sunset Equestrian Estates Subdivision located at approximately 950 South Angel Street. Phase 17B is on the far north end of the development and includes nineteen lots measuring at 16,200 square feet or larger, as well as multiple parcels of open space. There is also a trail connecting to the nearby schools to the north.

Lorene Kamalu asked where this phase is located in regards to the newly proposed city Pioneer Park.

Lyle Gibson responded that it north of the proposed park.

Thomas Wood made a motion to recommend final plat approval for Sunset Equestrian Estates Phase 17B Subdivision at approximately 950 South Angel Street for Symphony Homes. Betty Parker seconded the motion and it passed unanimously.

**FINAL PLAT APPROVAL FOR PARKWOOD SUBDIVISION PHASE 2 AT
APPROXIMATELY 35 WEST SHEPARD LANE – JACK FISHER CAPITAL**

Lyle Gibson explained that the preliminary plat for Parkwood Subdivision located at approximately 35 West Shepard Lane has previously been approved, and there are several homes in Phase 1 currently under construction. Phase 2 is located on the southwest portion of the development and consists of twenty-five new lots ranging in size from 12,000 square feet to 29,000 square feet in size.

Gary Bullock said that in previous meetings some of the neighbors expressed concern about water drainage issues and asked if those issues had been addressed.

Lyle Gibson responded that storm and land drain systems have been installed as part of the development.

Josh Sundloff asked if the homes would have basements.

Lyle Gibson said that he believed basements were allowed here.

Brock Loomis, representing Jack Fisher Capital, said that the storm drainage system that has been installed seems to have helped with water drainage problems. They have also been working with the Sewer District to help pipe the water away from this area. The water is being piped through the Lodder's property to the south, but will eventually be piped through the Sewer District's property to the west. When they first started installing the improvements for this subdivision they discovered a clay shelf about four feet underground and some extensive drainage systems had to be installed. They are also installing french drain systems on each

property in addition to the land drains. The drainage systems seem to have helped to dry up the land here and the existing neighbors have noticed a visible difference.

Josh Sundloff asked if UDOT had made any progress in making a decision on the West Davis Corridor and if this neighborhood might be impacted by it.

Brock Loomis commented that one of the potential connections to the Corridor borders this subdivision and they have been working closely with UDOT to see how it might affect their development. The right-of-way for the road is currently being left open until a decision is officially made, but it is likely that it will be used for a City street and not for the corridor. JF Capital has created a stub road in Phase 2 in anticipation of that future street.

Gary Bullock made a motion to recommend final plat approval for Parkwood Subdivision Phase 2 at approximately 35 West Shepard Lane for Jack Fisher Capital. Lorene Kamalu seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lorene Kamalu stated that she had attended a training meeting presented by The Land Use Academy of Utah. The Wasatch Front Regional Council is looking for feedback regarding active transportation along the Wasatch Front, and how they would like to see public transport connect each of our communities. A website has been set up (www.wasatchchoice2040.com/scenario), for people to find out more information and give their feedback.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, April 13, 2017 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:17 p.m.