

27 April 2017 Minutes

KAYSVILLE CITY PLANNING COMMISSION

April 27, 2017

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

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

Others Present: Councilman Larry Page, Joseph Brown, Debra Brown, Brock Johnston, David Becker, Valerie Becker, Jeff Hardy, Jason Larsen, Jason Hogan, Jim Puffer, Dave Bush, Kevin Criddle, Lauri Criddle

OPENING

The Planning Commission meeting was held on Thursday, April 27, 2016 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the April 13, 2017 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the April 13, 2017 meeting. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, HANDYMAN SERVICES AT 221 EAST 650 SOUTH – JEFFERY HARDY

Lyle Gibson explained that Jeffery Hardy lives at 221 East 650 South and is requesting a conditional use permit in order to run his handyman business from his home. The Utah Department of Professional Licensing has specific regulations limiting handymen on the size and types of jobs done. All of Mr. Hardy’s equipment is kept in his vehicle and garage.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation “B”, handyman services at 221 East 650 South for Jeffery Hardy. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, PLUMBING CONTRACTOR AT 297 NORTH 750 EAST – JASON HOGAN

Lyle Gibson explained that Mr. Hogan is a plumbing contractor and would like to have an office in his home at 297 North 750 East. Mr. Hogan has a van where his tools and equipment will be stored, and he will park it along the side of his home. Mr. Hogan typically does smaller jobs which do not require a significant amount of equipment or materials, and therefore he is able to keep his property free from items that may otherwise create a concern.

Betty Parker asked Mr. Hogan about his van and if it had any advertising on it.

Jason Hogan said that it has his company logo and a phone number on the side.

Lorene Kamalu made a motion to grant a conditional use permit for a major home occupation “B”, plumbing contractor at 297 North 750 East for Jason Hogan. Stroh DeCaire seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”,
PHOTOGRAPHY STUDIO AT 1184 SOUTH KENTUCKY DERBY WAY – BRANDON
BURK**

Lyle Gibson explained that this item has been withdrawn from tonight’s agenda by request of Mr. Burk.

**CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 129 WEST 575 NORTH –
AARON AND SHANNON CAMPBELL**

Lyle Gibson explained that the Campbell’s live at 129 West 575 North and would like to obtain a conditional use permit in order to keep chickens on their property. Their lot is 0.19 acres, which allows the Campbell’s to have up to five fowl, rabbits, or similar animals. There is already a coop onsite which meets the setback requirements of the farm animal ordinance, and the rear yard of the property is enclosed with a fence.

Thomas Wood made a motion to grant a conditional use permit for farm animals at 129 West 757 North for Aaron and Shannon Campbell. Lorene Kamalu seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 109 SOUTH 1025 WEST –
DAVID AND VALERIE BECKER**

Lyle Gibson explained that the Becker’s live at 109 South 1025 West and would also like to be able to keep chickens on their property. Their property is 0.46 acres, which allows them up to twenty-five fowl, rabbits, or similar animals. The Becker’s have started to build a coop area for the chickens, and plan to place it on the northwest corner of the property which meets the setback requirements.

Betty Parker made a motion to grant a conditional use permit for farm animals at 109 South 1025 West for David and Valerie Becker with the condition that the chicken coop be completed and in

compliance with Chapter 17-24 before the farm animals are placed on the site. Lorene Kamalu seconded the motion and it passed unanimously.

REQUEST TO REZONE 1.53 ACRES OF PROPERTY AT APPROXIMATELY 1450 SOUTH BURTON LANE FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) TO THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT – JIM PUFFER (TABLED ITEM)

Lyle Gibson explained that a public hearing has already been held for this item and therefore it is not required to hold another one tonight. However, should the Commission feel it appropriate, a public hearing could be held tonight. Also, because this was a tabled item, mailers were not sent to the adjacent property owners notifying them of the meeting. However, information about this item has continually been posted on the City's website as well as on a sign posted on the site itself.

Matthew Anderson asked if there were any members of the audience wishing to speak. Seeing none, the Commission continued discussion.

Lyle Gibson explained that this item was tabled at the Planning Commission's previous meeting at Mr. Puffer's request until he could be present at the meeting. Many years ago this subject property was part of the common open space area for the Old Mill Village subdivision. However this property, along with much of the common areas, were never completely improved as planned. The subdivision's HOA approached the developer of the subdivision in an attempt to get the open space areas improved with no success. They then approached the city to see if there were other options for the common open space areas. The city reviewed the open space requirements for the subdivision and determined that the subject property was not actually needed as open space within the subdivision because the final number of homes built in Old Mill Village was less than what was originally planned. Because this subject property was separated from the rest of the subdivision, the HOA decided to sell it and use the funds to help improve the other common areas. Since the property was no longer under the control of the HOA, Jim Puffer purchased the vacant lot as a place to store bins for his landscaping business. Mr. Puffer has stated that he ultimately would like to have a building on site to store certain materials that are prone to theft. Under the current R-1-20 zoning district, only homes and accessory buildings to the home are allowed to be built. The proposed LI zoning district will allow for construction of a storage building, and would be a better fit for the evolving use of the site. The LI zone requires that buildings be at least thirty feet from property lines abutting residential districts. The property is surrounded by the R-1-20 zoning to the north, R-A zoning to the west and south, and the LI zoning to the east. It also abuts the Denver and Rio Grande Western Trail to the west.

Matthew Anderson said that he has some concern having an LI zone area almost completely surrounded by residential zones. He is also concerned about the use expanding to the point where it's no longer appropriate for this location. Also, what kind of uses can be put on this property in the future?

Lyle Gibson said that a development agreement could be put in place to restrict the property to specific uses.

Stroh DeCaire said that because of the configuration of the lot, the buildable areas on the property are quite limited. The rail trail will create a substantial buffer between this lot and the abutting residential properties.

Lyle Gibson commented that Staff is recommending that if the Commission feels that the LI zone is appropriate for the property, then the zone be extended to the westerly rail trail property line so that Mr. Puffer would be allowed to build closer to the rail trail. If the property is rezoned only to his property line then he would have to still set his building back an additional thirty feet from the residential zone to meet the zoning requirements.

Lorene Kamalu said that Mr. Puffer has kept this property very tidy with his equipment storage. What other things will Mr. Puffer put on the property? Will there be any kind of fencing or landscaping to help with buffering?

Jim Puffer said that he lives in Fruit Heights but has his business in Kaysville and wants this to be something positive for the community. He wants to make the property look aesthetically pleasing because it will be a reflection on him and his business. They plan to plant some trees on the hillside to help break up the view and to help add to the look of the property. They will also be adding some rock landscaping as well. Most of the work trailers are kept on their work sites, but occasionally trailers will be stored here. They are very sensitive to the neighbors and existing residents. There are many easements on the property and it is a very tough property to building anything on it. It would be very difficult to use it for any other use than what he is using it for. The proposed building would be similar to a small garage and would be used to put tools and equipment that are more prone to theft.

Lorene Kamalu asked about access to the property.

Jim Puffer responded that there is currently a dirt road which takes access off of Burton Lane on the south side of the property. However, the access point is at a dangerous angle because it's hard to see oncoming traffic. They will put in some structural fill to improve the access point and make it perpendicular to the road.

Lorene Kamalu asked about the size of the garage they would like to build.

Jim Puffer said that they planned to have a garage about twelve feet by twenty feet in size. Right now they are in the process of building an office space over in the Kaysville Business Park where most of their vehicles will be kept. This location will be used mostly to store materials and hand tools.

Matthew Anderson asked about the length of the property at its widest point.

Lyle Gibson responded that it is approximately one hundred and fifty feet wide.

Lorene Kamalu commented that the rail trail easement needs to be protected because it is safer for those that use the rail trail.

Jim Puffer said that there is currently a six foot vinyl fence that goes along the entire west side of the property and along a portion of the south property line. There are a couple places on the fence that will need to be repaired.

Matthew Anderson said that he would like to see something in the development agreement about a fence remaining on the west side of the property. Mr. Anderson suggested adding more trees along the rail trail easement.

Josh Sundloff asked about what type of signage would be allowed.

Lyle Gibson said that the LI zone permits for one ground sign. The overall size and height of the sign is based off of the amount of frontage they have and how close the property is located to I-15.

Matthew Anderson added that if they wanted to limit the size of the sign it could also be included in the development agreement.

Josh Sundloff said that he feels that this is the most logical use for the property. Based on the configuration of the lot and the easements on it, it is not feasible for a home to be built here. This property is close to I-15 and is along a main road. That doesn't make it appealing for most home buyers. The LI zoning district is located across the street, and therefore it wouldn't feel like a spot zoning type situation. There is already a built-in buffer with the trail and fence on the west side of the property. Because of the limited buildable area on the property, Mr. Sundloff feels it would be best to extend the LI zone to the rail trail to give Mr. Puffer a little more space.

Gary Bullock said that this is not a very developable property for a residential use. Based on Mr. Puffer's intentions for the property, it will enhance the area and will allow the lot to not remain vacant.

Lorene Kamalu made a motion to recommend approval of the request to rezone 1.53 acres of property at approximately 1450 South Burton Lane from R-1-20 (Single Family Residential) to the LI (Light Industrial) zoning district for Jim Puffer with the following conditions:

1. A development agreement be included which requires a fence to remain on the western property line that is at least six feet in height and that no signage be allowed on the property.
2. Trees be planted along the rail trail corridor.
3. Any future change of use will require an amendment to the development agreement.
4. The LI zone be extended across the trail to allow building near the property line.

Betty Parker seconded the motion.

Voting was as follows:

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

The motion passed with a vote of six to one.

Josh Sundloff commented that he voted against the motion because although he is in favor of the rezone, he didn't feel it necessary to require a development agreement because he felt the LI district requirements were substantial enough.

PUBLIC HEARING AND REQUEST TO REZONE 1.66 ACRES OF PROPERTY AT 373 EAST SHEPARD LANE FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) TO THE R-1-LD (SINGLE FAMILY RESIDENTIAL LOW DENSITY) ZONING DISTRICT – BROCK JOHNSON

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR ANGLERS COVE SUBDIVISION AT 373 EAST SHEPARD LANE – BROCK JOHNSON

Andy Thompson explained that Brock Johnson is requesting a rezone of his property at 373 East Shepard Lane from R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential Low District) zoning district in order to subdivide the property into three total lots. The existing home facing Shepard Lane would remain on 0.90 acre, while the other lots would be 0.38 acre each. The requested zoning limits development to two units per acre, but allows for some flexibility in lot size so long as each lot has at least ninety feet of frontage, and no less than twelve thousand square feet.

Chairperson Matthew Anderson opened the Public Hearing.

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

Stroh DeCaire commented that the two new lots would not increase the density of the surrounding area as they are similar in size to surrounding properties.

Stroh DeCaire made a motion to recommend approval of the request to rezone 1.66 acres of property at 373 East Shepard Lane from R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential Low Density) zoning district for Brock Johnson. Lorene Kamalu seconded the motion and it passed unanimously.

Stroh DeCaire made a motion to recommend preliminary plat approval for Anglers Cove Subdivision at 373 East Shepard Lane for Brock Johnson. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR CITYSIDE TOWNHOMES SUBDIVISION AT 265 NORTH 200 WEST AND 209 WEST 300 NORTH, AND PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – JPL CONSTRUCTION INC.

Andy Thompson explained that about a year ago, a similar subdivision request for this same property was presented to the city to develop it into a townhome subdivision. The property has since had new buyers interested in the property and they are now presenting a new subdivision plat. The plat is nearly identical to the one that was approved previously, which includes twelve townhome style dwelling units. The units would be accessed through a private drive from 300 North Street. There would be three lots with four units each. The buildings are planned to be twenty-five feet from the 200 West Street property line, twenty feet from the 300 North Street property line, fifteen feet from the apartments to the west, and ten feet from the commercial property to the south. Eight of the units will be twenty feet wide, and the other four will be twenty-two feet wide. Among other factors, the width of the units is relevant in considering the parking lot capacity. Apart from the covered parking provided within each unit, there are six parking stalls provided along the drive for guests and residents. The parking requirements for a four-unit dwelling is two spaces per unit. There are also included on the plat some common open space areas.

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 asked about what kind of construction materials will be used for these units.

Jason Larsen, with JPL Construction, said that they anticipate using mostly brick and stone on the exterior of the units. They might also include some clapboard or hardie board siding.

Thomas Wood asked if JPL Construction owned the two lots.

Jason Larsen responded that they are under contract right now in anticipation of the approval of this development.

Lorene Kamalu asked about including a form based code for building in Kaysville.

Josh Sundloff commented that it's a good idea for some cities, but might not be useful in Kaysville where the city has been almost built out. Mr. Sundloff said that he didn't feel that the city should dictate what kind of materials should be used or how the units should look.

Matthew Anderson responded that he doesn't feel that the Commission is overstepping their bounds by requesting that units look a specific way. Rather he feels it is the Commission's responsibility to ensure that a development fits into the surrounding area, as long as they are not overly infringing on the property owner.

Josh Sundloff made a motion to recommend preliminary plat approval for Cityside Townhomes Subdivision at 265 North 200 West and 209 West 300 North, and PRUD (Planned Residential Unit Development) overlay zone for JPL Construction Inc. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lyle Gibson said that in December 2016 the Planning Commission had received a request for a variance for the placement of a shed. The applicant had placed their shed in what the city defines as the front yard of their home, and the applicant felt that it should be deemed as the side yard because of the configuration of the home on the property. The Commission denied the applicant's request for a variance and required that the shed be moved. Because of the timing of the request, the City allowed the applicant a time extension so the shed could be moved when the weather was warmer. Recently the applicant contacted Staff in preparation of moving the shed and asked Staff for clarification from the Commission on whether the shed needed to be thirty feet back from the curb or from the property line, and if any exceptions were granted.

Josh Sundloff commented that he recalled that the variance had been denied with no deviation from the current regulations.

The Planning Commission unanimously agreed that there was no ambiguity in the interpretation of current city ordinances, and no exceptions had been granted to the applicant.

Lorene Kamalu reminded the Commission that the Active Transportation Plan is an important asset to the city and should continue to be considered as part of the decisions that are being made by both the City Council and the Planning Commission. The Active Transportation Plan will benefit our city in many aspects.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, May 11, 2017 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:19 p.m.