

25 May 2017 Minutes

KAYSVILLE CITY PLANNING COMMISSION

May 25, 2017

Members Attending: Chairperson Matthew Anderson, Stroh DeCaire, Lorene Kamalu, Joshua Sundloff, Thomas Wood

Excused: Gary Bullock, Betty Parker

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

Others Present: Council Member Susan Lee, Council Member Dave Adams, Gary Pierce, Michael Smith, Alan W. Auger, Ann Pritt, Tom Pritt, Kami R. Cox, Curtis A. Cox, Amy Taylor, Ashley Taylor, Rock Schutjer, Cailey Strain, Louise Nelson, Ron Nelson, Brent Major, Kevin Blamires, Dean Wall, Jim Harrison, Carole Harrison, Neal Slade, Carole Walker, Ramona Porter, Racquel Couch, David Couch, Eric Wood, Scott Cannon, Doug Cary, Karen Russell, Damon Bowcut, Spencer Prince, Michael Hennessy, James Bateman, Jordan Cammack, Nathan Easthope, Aaron Lock, Erika Lock, Sue Tice, Michael Allen, Dave Woolston, Jerry Tice, Ellen Carle, Martin Carle, Neal Hart, Karen Hart, Schuyler Allart, Sam Miles, Daniel Hash, Melissa McIntyre, Nancy M. Villamizar, Kathy Kay Brewer, Nancy Sanders, Ryan Blocker, Wendy Blocker, Brad Barker, Caden Hall, David R. Woolley, Scott Arbon, Dave Bush, Taylor Puffer, Jill Puffer, Jim Puffer, Kelly Macfarlane, Terrell Rohm, Claron Alldredge, Jeff Peterson, Gil Miller, Matt Briggs, Valerie Briggs, Pam Hunsaker, Rustin Jessen, Matt Butterfield, Jodie Butterfield, Jaiden Olsen, Joshua Clark, Craig Larsen

OPENING

The Planning Commission meeting was held on Thursday, May 25, 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 27, 2017 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the April 27, 2017 meeting. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", CARPENTRY BUSINESS AT 30 NORTH 760 EAST – DAVID & RACQUEL COUCH

Lyle Gibson explained that the Couch's are requesting a conditional use permit to operate a carpentry business from their home at 30 North 760 East. The carpentry work takes place away from the property on the job site, and the home will be used as an office to do paperwork. Any tools used for the business will be stored within a trailer which will be parked on the property when not in use. The applicant also has a truck that is used for both personal and business use. Outside storage of materials is not allowed, and the Couch's will not have any employees coming to their home.

Chairperson Matthew Anderson asked if there were any members of the public wishing to speak on this item.

Louise Nelson asked if a building would be built on the property for business use.

Lyle Gibson said that nothing has been proposed yet.

Louise Nelson commented that she is concerned about bringing additional traffic to the neighborhood because there are many children living in the area.

Stroh DeCaire commented that historically these types of businesses do not typically generate much traffic flow.

Racquel Couch added that they won't have any clients coming to their home. All of the finish carpentry work is done on the jobsite.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation "B", carpentry business at 30 North 760 East for David and Racquel Couch. Thomas Wood seconded the motion and it passed unanimously

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B",
ESTHETICIAN AT 439 WEST CREEKSIDE LANE – RACHEL ENGSTROM**

Lyle Gibson explained that Ms. Engstrom was approved to operate her home business in March 2016 at 977 West Mill Shadow Drive but recently moved to a home on Creekside Lane and is requesting a conditional use permit for the new location. Ms. Engstrom is a licensed esthetician and had been practicing in commercial outlets before starting her home business. Appointments are taken by appointment only and she generally leaves a space of time between each appointment to do paperwork. Staff has not received any complaints about the home occupation.

Lorene Kamalu made a motion to grant a conditional use permit for a major home occupation "B", esthetician at 439 West Creekside Lane for Rachel Engstrom. Stroh DeCaire seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B",
SWIMMING LESSONS AT 352 SOUTH 1000 WEST – PAMELA HUNSAKER**

Lyle Gibson explained that the Hunsaker's were approved in May 2011 for a conditional use permit to have swimming lessons at their home at 352 South 1000 West. However, a business license was never obtained through oversight, and therefore the applicant is now looking to get into compliance. Since the original approval the Hunsaker's have held private swimming lessons at the property and Staff has not received any complaints about the use. Lessons are done as private lessons, which means classes are primarily one-on-one sessions. Multiple family members in the Hunsaker family are certified swim instructors, so there may be multiple students in the pool at a time with a different instructor. Staff has reviewed the city regulations with the Hunsaker's and is recommending approval with the condition that the number of students be limited to eight at one time. Limiting the number of students could help to alleviate any traffic congestion in the area.

Pam Hunsaker commented they don't typically have more than five students at a time, and because the kids either live nearby or come with their family there is not usually more than a couple cars at their home at one time.

Thomas Wood made a motion to grant a conditional use permit for a major home occupation "B", swimming lessons for Pamela Hunsaker with the condition that the number of students be limited to no more than five students at a time. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 207 SOUTH 200 EAST – RUSTIN JESSEN

Lyle Gibson explained that Rustin Jessen lives at 207 South 200 East and is requesting a conditional use permit to keep chickens on his property. The property is 0.24 acre or 10,450 square feet, which allows Mr. Jessen to keep up to six fowl, rabbits, or similar animals. Mr. Jessen has had hens for some time but recently learned that a conditional use permit was necessary. Staff has not received any complaints regarding the animals. There is currently a coop on site and the rear yard is enclosed with a fence.

Chairperson Matthew Anderson asked if there were any members of the public wishing to speak on this item.

Dean Wall said that he lives to the east of Mr. Jessen and has seen a lot of rodents in the area, and is concerned that adding more animals will attract more rodents. Mr. Wall said that he has tried to get rid of the rodents and hasn't been able to.

Lyle Gibson commented that the city has ordinances which requires the owners of the animals keep their property free of odor, dust, noise and drainage so as to not create a nuisance. If the area is kept clean then rodents should not be a problem.

Rustin Jessen commented that their coop is completely enclosed so animals would not be able to get in. The animal's feed and straw are stored in closed containers in their garage.

Josh Sundloff asked how long Mr. Jessen had the chickens on the property.

Rustin Jessen said that he'd had them about six months.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 207 South 200 East for Rustin Jessen. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 616 EAST CHERRYWOOD DRIVE – CAROLE HARRISON

Lyle Gibson explained that Carole Harrison lives at 616 East Cherrywood Drive and is requesting a conditional use permit to keep chickens on the property. The property is 0.19 acre or 8,000 square feet, which allows her to keep up to five fowl, rabbits, or similar animals. There is currently a coop and chicken run on site which are located in compliance with city ordinances, and the rear yard is enclosed with a fence. The applicant has indicated that she only plans to have two chickens on a temporary basis.

Carole Harrison added that the chickens are her grandson's who will be living with her temporarily until his family can find a home to live.

Lorene Kamalu made a motion to grant a conditional use permit for farm animals at 616 East Cherrywood Drive for Carole Harrison. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 106 WEST 575 NORTH – BRENT D. SOUBIE

Lyle Gibson explained that the Soubie's are requesting a conditional use permit to keep chickens on their property at 106 West 575 North. Their property is 0.2 acre or 9,500 square feet which will allow them to have up to five fowl, rabbits, or similar animals. There is currently a greenhouse building on site which the Soubie's are modifying to use as the chicken coop. The rear yard is enclosed with a fence as well, and there are no chickens on site as of yet.

Thomas Wood made a motion to grant a conditional use permit for farm animals at 106 West 575 North for Brent D. Soubie. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A TELECOMMUNICATION TOWER AT 2097 WEST 200 NORTH – SPRINT COMMUNICATIONS

Lyle Gibson explained that Sprint Communications is requesting a conditional use permit in order to construct a new cellular tower at 2097 West 200 North. The proposed tower is 120 feet tall and would be built with Sprint as the user in the top location, but would allow for co-location of additional equipment for two more users. There are not many telecommunication towers on the west side of the city and this will be very beneficial to help improve service to the area. Staff is recommending approval of the proposed tower with the following conditions:

1. Plans submitted for a building permit show the tower with potential equipment for additional users and also be designed to meet a 150 mile per hour wind speed, rather than the 100 mile per hour listed under City ordinance 17-31-25(5).
2. The number of co-locations be limited to two additional users, for a total of three users on the tower.
3. The fencing surrounding the tower site be opaque, with no visible barbed wire above the fencing.

Matthew Anderson asked if other cell towers in the area were already full of users.

Lyle Gibson said that most towers are either full, or only have space for one other user.

Rock Schutjer, representing Sprint Communications, said that the closest tower that they could co-locate to is in east Layton, but the amount of coverage gained by co-locating there would not be sufficient to meet demand.

Matthew Anderson asked if there were any practical way to make the tower look as unobtrusive as possible.

Rock Schutjer said that because the tower is so tall it is hard to do anything to help hide it. This tower won't look much different than the nearby high-voltage power lines. There will be three azimuths, with two antennas on each azimuth. As technology has improved, less antennas are required, they have better coverage. The industry has tried to address the aesthetics of these sites before but haven't come up with a good solution.

Lorene Kamalu asked what kind of noticing was given to adjacent property owners. When something as large as this is proposed it would be a good idea to notify the neighbors because it could be intrusive to the neighborhood.

Lyle Gibson commented that because the request is for a conditional use permit the city is not required to send mailed notification to adjacent property owners. There has been a public notice sign posted on the property as well as information posted on the city's website.

Dean Wall asked how the cellular tower will be powered and if there will be generators used.

Rock Schutjer responded that because the property is already under development it will be easy to install power and telephone lines underground as part of the construction. It will be self-contained, and the site will be completely enclosed with a fence.

Stroh DeCaire made a motion to grant a conditional use permit for a telecommunications tower at 2097 West 200 North for Sprint Communications with the following conditions:

1. Plans submitted for a building permit show the tower with potential equipment for additional users and be designed to meet a 150 mile per hour wind speed.
2. The number of co-locations be limited to two additional users, for a total of three users on the tower.

3. The fencing surrounding the site be opaque and the barbed wire not be visible above the fencing.

Josh Sundloff seconded the motion.

Voting was as follows:

Matthew Anderson	nay
Josh Sundloff	yea
Thomas Wood	yea
Lorene Kamalu	yea
Stroh DeCaire	yea

The motion passed with a vote of four to one.

Matthew Anderson commented that he voted against the motion because he would like to see that the site look more aesthetically pleasing.

PUBLIC HEARING AND 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 previously this property located at approximately 1450 South Burton Lane was part of the common open space area for the Old Mill Village subdivision. However, along with much of the common areas, this lot was never completely improved as originally 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 look at other options to improve their subdivision's common 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 materials 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. The Planning Commission held a Public Hearing for this item at their meeting on April 13, 2017. Because of a scheduling conflict, Mr. Puffer asked that the Commission table this item until their next regularly scheduled meeting where he could be present. At that meeting the Planning Commission opted to hold a second Public Hearing, but no public comment was

given. After holding the Public Hearing and discussing this item, the Commission voted six to one in favor of recommending approval of this rezone request. The motion included a provision that the rezone be subject to a development agreement which would require a fence on the west property line at least six feet in height, that trees be planted along the trail corridor, that no signage be allowed, any future change of use require amendment to the development agreement, and that the zone extend across the trail to allow building near the property line. The descending vote was in favor of the rezone request, but voiced their opposition to the motion as the Commissioner felt that such a restrictive development agreement was not necessary. When the item was reviewed by City Council it was their desire that city Staff do additional noticing to neighboring properties to ensure that residents were informed of this request. Per their request, mailers were sent, notice was again published in the Davis County Clipper, notice was posted on the Utah Public Notice website as well as the City's website, and a public notice sign was posted on the property. Although a Public Hearing has been held previously, the City Council has requested that the Planning Commission hold another hearing and that, with the likely additional community input, a recommendation be made to the Council regarding the request.

Matthew Anderson asked about the piece of land located directly to the east of this property.

Andy Thompson responded that at one point it was considered part of the open space area for the Old Mill Village subdivision as well. However when it was determined that these properties were no longer needed for open space, the city purchased this piece of land. The city is currently using it to store excess street materials and fill dirt.

Matthew Anderson opened the Public Hearing.

Nancy Villamizar stated that she lives just south of the subject property and has put a lot of time and effort into her home and her property. Mr. Puffer's business has been an encroachment into the neighborhood and his industrial business is affecting her property. Mr. Puffer should have requested a rezone to the LI zone before using the property for his business. He has been using the property for industrial uses in a residential zone. There are heavy machinery on the property which is a concern to the neighbors because there are several children living in the area, as well as a high amount of traffic that travels on Burton Lane. Many people also travel the rail trail to the west. It is hard for large trucks to navigate this area easily. Mr. Puffer's property is covered with pavers that are stacked high, some measuring higher than the fence on the property and there is a concern that the pavers might fall over and injure someone or do damage to her property. Mr. Puffer's business has created a lot of dust, which consequentially is affecting her child's asthma. Is a permit required from the Division of Air Quality Control because of the substantial amount of dust he is creating? Mr. Puffer's business also creates a lot of noise pollution to the area, and is concerned that his business will affect the value of her property. Nobody wants to buy a home next to a messy and noisy business. Mr. Puffer could consolidate his business items to another commercial location and should not be allowed in this residential neighborhood. Ms. Villamizar added that she had received mailed notice for the first public hearing regarding this request but did not get her mail in time to see the notice.

Terrell Rohm said that his family recently moved into the home directly west of Mr. Puffer's property and before they purchased their home they did some research to see what was in the

area. They were aware of the Burton Lane storage units, but was unaware of any other Light Industrial use here. Mr. Rohm said that his property overlooks Mr. Puffer's and it's become an eyesore. The noise is intolerable, and is invasive to their property.

Claron Alldredge said that he lives on Appaloosa Avenue and while he understands there were two previous public hearings held on this item, none of the neighbors knew about them or they would have been in attendance. This request will have a serious negative impact on the environment and the neighborhood. The property has always been unsightly and an eyesore, and Mr. Puffer's business hasn't made any improvements to it. There is no guarantee that it will change or improve and Mr. Puffer has made no indication that it will change since his business has been here. He is doing his business here illegally because it goes against city ordinances. There has been some significant commercial improvements done to the property and they do not fit into the residential area. If he was told by Staff that he could have his business here than that was a premature decision. City officials should protect the residents of the city and not just one person's business activity. Mr. Puffer should be told to immediately bring back his property into compliance with the residential use of the property. The current industrial uses in the area are already an eyesore and not maintained, and is not something we want to continue to bring to the area.

Michael Smith said that he lives on Appaloosa Avenue and agrees with the comments made tonight. Properties are typically purchased contingent on a zoning approval and not with the intent to rezone the property later on. Burton Lane is very narrow for the amount of vehicular and pedestrian traffic that travels it. There are big safety concerns with adding more traffic to the area. There is no longer a crosswalk on Burton Lane since it was repaved, and access to Mr. Puffer's property is difficult and unsafe. Also, if this rezone were approved would it set a precedence for other properties in the area? Where do we draw the line? What is the master plan for this area? Mr. Puffer should be required to remove most of the equipment and supplies currently on the property and also only be allowed light access to the property.

Melissa McIntyre said that she was surprised to see the amount of landscaping supplies that were put on the property. It looks like a dump yard. Ms. McIntyre said that a neighbor tried for over two years to buy or lease the property as a place to put their horse. Mr. Puffer's business doesn't fit into the area and the noise created by it is intrusive to the neighboring homes. The equipment rattles nearby homes. This area of Burton Lane is a blind corner and it's hard for cars to navigate. Adding large trucks to the traffic flow here will add to the problem and create a hazard.

Matt Butterfield said that he also lives on Appaloosa Avenue and Mr. Puffer's trucks track dirt onto the roads creating a mess. There is also no street improvements on this portion of Burton Lane but pedestrians still use the road. Bringing in a commercial use will bring in more traffic and create more safety concerns.

David Woolley said that he lives on Country Mill Drive and is also concerned that Mr. Puffer is requesting a rezone after moving all of his business supplies to the property. There are a lot of safety concerns related to the type of business Mr. Puffer has. The gate at the driveway access is usually left open so anyone could get onto the property. There are several pallets of stacked

stone, and some of those stacks are leaning dangerously. Children would be able to easily access the property and could get hurt. Also, there are rocks that have been piled up against the existing fence and have broken or pushed out the fence along the rail trail.

Gary Pierce said that since learning of the proposed rezones the neighbors have gone door-to-door to homes within the vicinity of this property collecting signatures of people against this rezone. They collected 181 signatures, and had more people contacting him today asking if they could sign the petition as well. As they spoke with neighbors there were multiple issues and concerns brought up. Mr. Pierce said that he lives five doors down from this property and while he hasn't felt the ground shake, he has noticed that there is more dust in the air caused by Mr. Puffer's business. The entryway to the property is very narrow and is on an incline. It seems that it would be problematic for large trucks to maneuver. This is also a very busy thoroughfare, especially during peak hours, and a large truck trying to pull out into traffic could be dangerous. Mr. Puffer's trucks come to this property early in the morning and late into the evening. Mr. Pierce asked if a traffic impact study has ever been done for this portion of Burton Lane. It has been indicated by Mr. Puffer that the property will be beautified with the planting of trees along the perimeter of the property. Mr. Puffer owns a tree farm in Layton, and he has indicated that adjacent property owners of the farm enjoy living next to it. Mr. Pierce said that he had gotten in touch with some of those adjacent property owners who stated that there has been a number of problems that have been created by Mr. Puffer's tree farm, and he has not followed through with promises he's made to fix those problems and also beautify that property. The neighbors mentioned that most of their view is now blocked by Mr. Puffer's equipment. The noise created by the business is terrible at times, and large heavy equipment is being used from very early in the morning to late at night. The dust and noise from the tree farm is bad enough that they don't feel like they can enjoy their own yards. His property is not secure and it's a danger to their children. There are also many puddles of standing water left which has created an increase of mosquitos to the area. It's become an eyesore, and there is no guarantee that the subject property won't become the same. People moved to this area because it's a residential area and they would like to see it remain.

Josh Sundloff asked about how widely the petition was circulated.

Gary Pierce said that six petitions were sent out and signatures were gathered over a period of five days. Because there were many in their neighborhood who could not be at tonight's meeting they felt this was a way they could have their voice be heard.

Josh Sundloff asked if they knew about how many homes had been contacted and how many of those residents wouldn't sign.

Terrell Rohm said that he took one copy of the petition around and went to about fifteen homes. Only one homeowner of those fifteen would not sign.

Another neighbor said that she took the petition to homes along Kerrybrook Lane and Paddock Lane and only one homeowner of about sixty did not sign the petition.

Gary Pierce said he went to homes along Burton Lane and Wilford Lane and all of the homeowners he spoke with signed the petition.

Jodie Butterfield said that she had spoken with a homeowner on the east side of the freeway along Via La Costa who mentioned that she had noticed an increased number of dump trucks traveling along Burton Lane. Mrs. Butterfield added that she had also taken a petition around to homes around Kerrybrook Lane and Endeavor Elementary, and only three homeowners would not sign the petition.

Thomas Wood commented that in looking at the petition it seems that there were more than one person within a household who signed the petition.

Matthew Anderson said that he is familiar with the area and it seems that there are many names on the petition who are not within the immediate area of Mr. Puffer's property.

Josh Sundloff said that although they might have the signatures from those property owners directly adjacent to the property and thereby potentially the most affected, once you start to gather signatures from outside the area it seems as if you're trying to create a vocal minority to support one side of an issue. Mr. Sundloff said that while he appreciates the efforts the neighbors have gone to, it's difficult to determine why people signed the petition and who will be the most impacted by this business.

Matthew Anderson added that it's unknown what was said to each person who signed, or exactly why certain residents didn't want to sign the petition.

Lorene Kamalu asked if the Old Mill Village Homeowners Association sold the property directly to Mr. Puffer.

Gary Pierce commented that he was told that it was the HOA for the northern portion of Old Mill Village that sold the property to Mr. Puffer.

Kathy Kay Brewer said that she lives at the end of Shepard Lane and Sunset Drive and although she doesn't live directly adjacent to the property she will be impacted by this requested rezone because she utilizes the rail trail six days a week. As she's traveled the trail she has noticed an increase in noise and dust created by Mr. Puffer's business. Mr. Puffer should never have been allowed to put his commercial business on a residential property.

Ann Pritt said that she lives on Center Street and came to tonight's meeting for a different item, but if she was given the chance to sign the petition she would because she feels it is wrong to allow for this type of use in a residential area.

Erika Lock said that she had taken the petition around and while she only went to about fifteen homes, she spent a significant amount of time with each homeowner. Mrs. Lock added that there are hundreds of children in this area, and many have to cross Burton Lane to get to school. It is very concerning to have that crosswalk gone now. The residents in this area value their homes

and already have to worry about how living next to a railroad and a pipeline will affect potential future buyers. Allowing Mr. Puffer's business to remain will just become another concern.

Jordan Cammack said that he is the president of the Old Mill Village Homeowners Association and confirmed that they sold the land to Mr. Puffer. After they could not get their subdivision developer to complete the open space areas, they asked the city for possible solutions. It was determined this property was no longer needed to meet their open space requirements and so they worked with Brough Realty to list it for sale. They had it up for about a month and only received one offer. Even after they'd received the offer they still reached out to others to see if anyone else would be interested. Jordan Valley Water District owns many of the lots just north of this property and they were not interested in purchasing the land, but indicated they were okay with Mr. Puffer's proposed use. There were two other interested buyers; one who wanted to use the property as horse pasture, and the other to raise pigeons. However, the HOA expressed that they did not want animals to be kept there in fear of the animals creating unwanted noise and odors to the area. The property cannot be used as a residential building property because of its complicated configuration. Mr. Puffer's offer was presented to the rest of their HOA in June 2016 for approval. Once approved by the rest of the HOA, they closed on the sale of the land in September of 2016.

Dave Woolston said that he doesn't live near this property but it seems Mr. Puffer's business that it will be a detriment to the neighborhood, the environment, and is a safety concern.

Dean Wall said he also doesn't live near here, but has traveled Burton Lane and agrees that it is a dangerous street. Adding a business which uses heavy trucks will just cause more accidents here.

Doug Cary said that he lives on Driftwood Lane and cycles on Burton Lane frequently. Even with current traffic it is a dangerous road. Recently there was road construction on Burton Lane and he watched as drivers had to slam on their breaks because they could not see the construction cones on the road ahead until they got over the overpass. Mr. Cary said that he works as a real estate agent and this business will affect the value of the neighboring homes.

Ryan Blocker said that he lives on the south end of Kays Drive and was aware that the subject property was used as a dumping ground for the neighborhood before Mr. Puffer owned it. It was an abandoned lot which was not taken care of. It seems that those who signed the petition were probably only given one side of the story so that more people would sign the petition. It seems that people have something against Mr. Puffer. Mr. Puffer has had his business in Kaysville for many years and has given back to the community many times, and he will invest and improve the property from what's it's been in the past.

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

Jim Puffer said that he was grateful to be given the opportunity to speak tonight so that he can describe what exactly his intentions are. It seems there has been many misrepresentations made about him and his business. Mr. Puffer said that he has always been transparent of his intentions

for the property and he would like to help alleviate the concerns mentioned. His business was previously located on a piece of property just south of the city's Public Works building and last year he was told that he needed to find a new location so that the city could utilize their property. He was told of this piece of property and investigated its potential for relocating his business materials. He approached the Old Mill Village HOA and told them what his plans were for the property and was able to address many of their concerns and questions. Mr. Brough, his real estate agent, as well as himself approached the city to assure that he would be allowed to locate his equipment and materials here. They were told that it shouldn't be a problem but because of his business use he would probably have to rezone the property to the LI zone at a future time. The city felt like it would be a good use for the property because a portion of it was already zoned LI, and it was adjacent to the LI zone across the street. His son also approached the neighbor to the south, Ms. Villamizar, to explain their intended use of the property. After the sale of the property was closed, equipment and materials started to be moved over in October 2016. Gravel was put down and there were bins built to help contain the materials and keep the dust down. It's been a slow process, and they still are in the beginning stages. Six months has passed and there hasn't been one complaint about his business operations until he requested a rezone to the LI zone. Equipment has been on the property, but usually during the summer months they are on their job sites. Most of the noise mentioned probably during the move of the business, because otherwise there is very little activity on the property. His employees mostly drive pickup trucks, but he does own one semi. Materials for each job are delivered directly to the job site. Any excess materials will be stored here, but it is not a typical occurrence. His employees might visit this site in the morning and maybe a few times throughout a day, but then might not need anything from the site for the rest of the week. He has asked his employees to drive along Deseret Drive to help keep traffic off of Burton Lane.

Stroh DeCaire asked what prompted the rezone request.

Jim Puffer responded that as he was moving equipment over, he contacted city Staff about potentially building a small garage or shed. It was suggested at this point that they request the LI zone to be able to build the outbuilding and ultimately better fit the use. The damaged fence mentioned has been damaged since he's owned it, and he intends to repair it. Mr. Puffer said he is unaware of any damage being caused by rocks pushing up against the fence. He plans to address complaints about the unsightliness of his property by planting more trees and landscaping along the perimeter of the property to create a screening. When they first obtained this property it was full of junk and they have had to spend a lot of time cleaning the property up. Noise pollution should not be an issue as the property will not be traveled much. Access to the property is a problem and is not only dangerous to citizens but also to his employees. The drive approach will be modified to create a more direct access onto Burton Lane. Pallets that appear to be falling over will be fixed because that is a liability to them. The proposed building will only be as large as a shed or small garage. There is not a lot of buildable space on the property. They will not need any office space here as they are currently building an office building in the Kaysville Business Park. Mr. Puffer commented that he has tried to make contact with the neighbors on his own and their conversations seemed to be helpful and positive. If it's decided that his rezone request is not appropriate for this property he will probably just try to find another location. Mr. Puffer said that his reputation is important to him and although he's

not a citizen of Kaysville, he lives within the community and has had his business in the city for many years.

Kelly Macfarlane said that he is Mr. Puffer's lawyer and it is hard to use petitions as a credible source because you don't know what is being said or represented by petitioners who are collecting signatures. Public hearings are a better place for people to voice their opinion, as well as hear everyone else's opinions. It is the city's responsibility to determine what planning is appropriate. This property is directly adjacent to the LI zone and therefore is not abnormal for the area.

Michael Hennessy said that he recently moved into his home on Appaloosa Avenue and has seen a dramatic change in the look of the property. While there has been discussion and promises made by Mr. Puffer, it is very likely that no matter what Mr. Puffer does to the look of the property it will still have a negative impact, and could create a dramatic decrease to the value of the homes and properties surrounding it.

Nancy Villamizar said that when Mr. Puffer's son came to her home to discuss their business plans she was given the impression that the storage would be on a much smaller scale. She did not realize how large and obnoxious the business would quickly become. The equipment and materials were not brought to the property all at once, but rather it slowly increased in size and became much worse than what was originally presented to her. She did not know about the first public hearing held on this item or she would have been in attendance. She never saw the public notice sign posted on the property. Ms. Villamizar commented that while Mr. Puffer keeps promising to plant trees on the property, he has owned the property since the fall and there has not been one tree planted.

Thomas Wood asked if the city had received any complaints about Mr. Puffer's project.

Lyle Gibson responded that the city had not received any formal complaints. On one occasion a staff member had noticed that mud had been tracked onto the street from Mr. Puffer's property and contacted Mr. Puffer to rectify the problem, but otherwise there had been no complaints made.

Lorene Kamalu said that it seems that the residents of the southern portion of the Old Mill Village Subdivision should have been more involved in the discussions when selling the property because they would be the most impacted.

Matthew Anderson asked about the city-owned property next to Mr. Puffer's.

Andy Thompson responded that the city uses the property most extensively to store used road base materials and fill dirt. Any concrete or asphalt that has been removed from projects done around the city are stockpiled here until it can be ground-up and reused. The soil here is typically used for other projects in the city. There are trucks that come and go from this property quite frequently.

Matthew Anderson said that he is most concerned with the aesthetics of the property and the traffic along Burton Lane. Adding trees will help with the look and might also help to control sound pollution and dust. However, there are very valid concerns about traffic and safety in this area. This is a very bad section of Burton Lane and the curve of the road and the elevations make it more treacherous. Adding traffic and a driveway access from Mr. Puffer's property will just add to it. We also need to consider what would be the best use for the property. If not Mr. Puffer's business then what? Will it continue to just be used as a place to gather neighborhood trash? Mr. Anderson asked how much traffic is generated by the business and if a traffic study could be done.

Andy Thompson said that a traditional traffic study counts the number of cars that pass at a specific point in the road. It would be difficult to determine where the vehicles are coming and going. There is an option to place a video camera pointed at Mr. Puffer's property to count the number of cars that are coming and going specifically from Mr. Puffer's property.

Josh Sundloff commented that while there is some loss of trust by the residents in regards to proper noticing, city Staff followed proper procedure and followed state law.

Lorene Kamalu said that she appreciates the comments made by the audience members tonight. She also uses the rail trail as well as Burton Lane for cycling and running, and is aware of the traffic problems for both vehicles and pedestrians. The road is not very wide and it is hard to see what is ahead. This subject property has been unfinished for many years and it looks better now with Mr. Puffer's business than it has in the past. Mrs. Kamalu stated that the petition presented tonight doesn't sway her opinion one way or another, but rather her decision is based on the comments made tonight. Mr. Puffer's use is a change to the residential area and while he says that the noise is not a normal practice, it could potentially become troublesome. This puts Mr. Puffer in a difficult circumstance because he couldn't be where he was at previously and was just trying to find a new location where he believed he could store his equipment and materials.

Andy Thompson said that he spoke with Mr. Puffer last fall and told him that it would be fine to have a quasi-agricultural type of use on the property because there's nothing in the ordinance that specifically addresses this type of situation. The amount of landscaping materials being stored on a property doesn't automatically change it to a different use. Recently Mr. Gibson contacted Mr. Puffer and told him that the amount of materials and equipment now stored on the property was more than what was expected and informed him he would need to get into compliance. If the rezone is denied, Mr. Puffer will need to change what he is doing with the property. There is a gray area as to what is considered too much to the point of changing the use of the property. There is nothing clearly defined as to how much storage or usage of the property constitutes getting out of compliance with the ordinance.

Thomas Wood said that while they appreciate the work that was done to do the petition, it's hard to determine how many people are for the rezone, and how many are against based on the number of homes that were canvassed. The drive approach on this property is not acceptable and many agree it's very dangerous. This is a tough decision to decide what the best use is for the property, the community and the property owners.

Stroh DeCaire said that he feels he cannot base his decision on the petition presented because there is no assurance that the people who signed were not selectively chosen to be the most beneficial for one side or the other. It is best to hear opinions from people within public meetings, like tonight. The drive approach is completely inadequate and should have been the first thing for Mr. Puffer to improve before moving onto the property. Mr. DeCaire said that he feels that Mr. Puffer may be pushing the limit of what is allowable.

Josh Sundloff said that while putting in some vegetation may help to resolve some concerns, who would be required to maintain the vegetation along the rail trail? Would the proposed landscaping along the trail have to be approved before installation?

Andy Thompson said that the rail trail is owned by UTA and the city's Parks Department maintains it. Whatever Mr. Puffer proposes for landscaping along there would ultimately need to be approved by our Parks Department. Something similar was approved along the rail trail by Smith's Marketplace.

Josh Sundloff said that he feels that the proposed zoning would be appropriate for the property as long as a development agreement is attached to it. This property is directly adjacent to another LI zoning district and is a similar use to what is in the area. It is close to I-15 and is not a suitable location for a residential home. The property has sat vacant for a while with no other interest. If the developer of the Old Mill Village Subdivision could have used this piece of land as a residential property they would have. Conditions could be placed to help to mitigate any kind of impact to the surrounding uses and soften Mr. Puffer's use of the property.

Matthew Anderson said that a development agreement could be put in place to help improve the look of the property. However, he would feel better recommending approval of the rezone if a traffic study is done beforehand so we can see what kind of traffic is being generated by Mr. Puffer's business.

Kelly Macfarlane said that each of Mr. Puffer's trucks are equipped with a GPS device and they would be willing to provide the history of Mr. Puffer's vehicles of how often they traveled to and from this property since moving here.

Matthew Anderson commented that he is also about the configuration of Burton Lane and Mr. Puffer's drive approach.

Thomas Wood asked if a traffic light could be considered at the intersection of Deseret Drive and Burton Lane.

Andy Thompson responded that there is criteria that has to be met for a signal and this intersection probably would not qualify at this time.

Council Member Dave Adams said that it isn't commonplace for the city to help out an HOA with their open space issues. Also, if this rezone is approved, what is to stop someone else from making a similar request? The LI zone could start to creep into neighboring residential areas.

Josh Sundloff commented that every request is different and is why each is reviewed on their own. Mr. Puffer's property has more of a natural buffer already in place. This is not conducive to a residential use because a home cannot be built on it. It also sits along Burton Lane which is a highly traveled road.

Matthew Anderson made a motion to recommend denial 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 unless a traffic study could be done addressing the amount of traffic and if there is a better configuration for Burton Lane.

The motion failed for lack of a second.

Lorene Kamalu made a motion to recommend denial 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. Stroh DeCaire seconded the motion.

Voting was as follows:

Matthew Anderson	nay
Josh Sundloff	nay
Thomas Wood	nay
Lorene Kamalu	aye
Stroh DeCaire	aye

The motion failed with a vote of three to two.

Matthew Anderson made a motion to recommend denial 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 unless a traffic study can be done showing no significant impact from Mr. Puffer's use, and that the driveway be resigned to be in a safer configuration.

The motion died for lack of a second.

Matthew Anderson 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 provisions:

1. A development agreement be included which requires that trees line the exterior border of the property including along the rail trail, a fence remain on the west property line that is at least 6 feet in height, and that the fence be maintained.
2. No signage is allowed on the property.
3. Any future use requires an amendment of the development agreement.
4. The LI zone be extended across the trail to allow building near the property line.
5. A traffic study be done to show the traffic count, street usage, geometrics of the driveway access to Mr. Puffer's property, and the configuration of Burton Lane.

Josh Sundloff seconded the motion.

Voting was as follows:

Josh Sundloff	aye
Thomas Wood	aye
Lorene Kamalu	nay
Stroh DeCaire	nay
Matthew Anderson	aye

The motion passed with a vote of three to two.

Josh Sundloff suggested that the members of the audience attend the City Council where this item will be discussed.

Andy Thompson added that the City Council has rescheduled their next meeting and so the neighbors will need to watch the city website to see when this item will be on the agenda since it is unsure at this point when it will be reviewed.

Stroh DeCaire moved to take a five minute recess. Lorene Kamalu seconded the motion and it passed unanimously.

The Planning Commission reconvened at 10:49 p.m. and Chairperson Matthew Anderson called the meeting back to order.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE 50 SOUTH 500 EAST SUBDIVISION LOCATED AT 50 SOUTH 500 EAST, AND PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – ERIC WOOD

Lyle Gibson explained that Mr. Wood owns the property at 50 South 500 East and is requesting preliminary plat approval and a Planned Residential Unit Development overlay zone in order to create a flag lot subdivision. The proposal would keep the existing home on site and create a new lot in the rear for a single family home. The front lot would be 12,740 square feet, or 0.29 acre, while the rear lot would measure at 24,400 square feet, which includes the flag stem access to 500 East Street. The flag stem would run along the north side of the property.

Chairperson Matthew Anderson opened the Public Hearing.

Cailey Strain said that she lives behind Mr. Wood's property and is concerned this will be intrusive to surrounding homes. The property doesn't seem large enough to build a second home on it, and also be able to install a driveway. Ms. Strain asked if a duplex could be built on the new lot.

Lyle Gibson responded that duplexes are not allowed on flag lots.

Jaiden Olsen said that he lives just south of Mr. Wood's property and asked what the high limit would be for the new home.

Lyle Gibson responded that the height limit for this zone is thirty feet.

Eric Wood said that he purchased this property from his grandparents and wants to make the existing home their dream home. They want to be able to be able to build a home in the back for his mother. The home will be modestly sized and there will be improvements done to the existing home on the property. There is also currently a dilapidated shed in the back that will be removed.

Joshua Clark said that his grandmother lives in the home just west of Mr. Wood's and feels that building a second home in the backyard will be intrusive to the surrounding properties and will affect property values. This is an area where he grew up and is a very family-oriented neighborhood. People invest a lot into their properties and want to see them protected.

Dean Wall commented that if flag lot developments like this are allowed, more of them are likely to come into the area. Mr. Wall asked if the flag stem is wide enough to accommodate additional traffic.

Lyle Gibson responded that there is adequate space to meet the flag stem requirement of thirty feet.

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

Josh Sundloff said that while it might seem that because of the deep lots in this area that more flag lot developments could potentially be proposed, there are not many lots that have enough frontage to meet the width requirements for flag lots and therefore it is less likely that urban sprawl would occur. This is visibly a larger lot for the area and will help to follow our general plan in trying to infill areas.

Stroh DeCaire commented that while flag lots are not the most desirable, this is an acceptable use for this property and will fit well into the area.

Josh Sundloff made a motion to recommend preliminary plat approval for the 50 South 500 East Subdivision located at 50 South 500 East, and PRUD (Planned Residential Unit Development) overlay zone for Eric Wood. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR WHISPERWOOD SUBDIVISION LOCATED AT APPROXIMATELY 650 EAST 100 NORTH, AND PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – SPENCER PRINCE

Andy Thompson explained that recently the City Council considered the vacation of the 100 North right-of-way which would be necessary for this subdivision as proposed. The Council

stated that they would approve the vacation of the street subject to final plat being approved for this Mr. Prince's project. The right-of-way used to run east to the Fruit Heights city border, but as properties have developed it's been vacated down to this point. Mr. Spencer Prince is working with the owners of the property to request a private lane subdivision at approximately 650 East 100 North. The private lane would run along the west side of the property, with a turn-around near the south end of the drive. The proposed development includes five new lots. There is an existing home on the south side of the property, taking access off of Center Street. That home would remain on site and would be included as the sixth lot in the subdivision. The new lots would range in size from 9,744 square feet to 14,165 square feet. The largest lot on the far north end would have a thirty-foot easement platted in favor of access to the property to the east. That access is required so as to not land lock the vacant property to the east. The homes on the property will face to the west and take access off the newly created private lane. The Planning Commission needs to determine if this development is an appropriate use for the area and if the layout is compatible.

Chairperson Matthew Anderson opened the Public Hearing.

Curtis Cox said that he lives on Center Street, but a portion of the back of his property, where he has a tennis court, will be directly adjacent to where the private road is being proposed. If approved, Mr. Cox said that he would like to see that an opaque fence installed along the edge of the property to mitigate the impact it will have to his property. Any snow being removed will likely be deposited along his property line and could easily get pushed onto his tennis court. There is also a grade that runs down to the Taylor property to the north of his and water runoff has been a big issue here for many years. If the snow does get pushed into the fence and it's damaged, Mr. Cox said that it should be replaced by the new subdivision's HOA. Having this assurance in place beforehand will help protect both his and the Taylor's properties.

Tom Pritt said that he lives on Center Street and has been there for forty years. There has been an ongoing battle in regards to Center Street and the proposed connection to Fruit Heights. The issue has come up over and over again until recently when the right-of-way was vacated by Kaysville, and the neighbors are happy that the problem has finally been resolved. This is a small street with many homes on it and there should not be any more additional traffic added to it. Mr. Pritt asked if the proposed private lane could potentially be extended to take access off of Center Street.

Andy Thompson responded that the existing home along Center Street would remain and therefore there is not enough room to allow an extension of the proposed private lane to Center Street. All of the homes would take access off of 100 North Street.

Gil Miller said that he owns a home next to the Pritt's, along Center Street, and asked if the PRUD overlay zone could be approved to not include Lot 6 where the existing home is because it seems unnecessary to. Mr. Miller said that he is concerned that by including it in the PRUD, a future property owner could tear down the existing home and use the PRUD approval to extend the private lane onto Center Street. The street is already too narrow and congested.

Andy Thompson responded that it's possible that Lot 6 could be removed from the rest of the subdivision because only the lots that take access off of the private lane are required to have the PRUD approval. Lot 6 is only being included in the subdivision plat because it's part of the original parcel.

Sue Tice said that she lives on 100 North, directly across from the subject property and was glad to see many of the Planning Commission members visit the property before this meeting. There has been major water runoff issues in this area for many years. Even as recently as December of this last year they had been keeping horses in an area just east of their home, and they have had to go out in waders to help unplug the drain on the property. They have been working with the city for years to try to help fix the problem and in response the city has installed a berm and a water gate. While it has helped, there are still a lot of water problems. Ms. Tice said that she is not against development, but wants to see that it is done responsibly and addresses the issues. While technically five lots can fit on the property, it might not be the most appropriate layout for the land. City ordinances state that developments need to be the best use for the neighborhood, and the developer needs to provide evidence of that fact. A development needs to encourage a better living environment and meaningful open space should be provided. The character of the area should be preserved and there should be a greater compatibility for the existing neighborhood. There should also be an avoidance of any disrupting elements to the neighborhood. How will the privacy of adjacent properties be affected? Also, it doesn't seem appropriate that when a city vacates a street that the right-of-way is given to a developer to gain financial benefit.

Valerie Briggs said that she lives at 775 East 80 North and owns two small vacant properties just to the west of theirs. There has always been extreme water issues in this area and they have had to deal with them for many years. The only person who stands to gain from this development is the developer. By vacating that right-of-way on 100 North they will end up incurring cost and will be financially damaging to them. The city shouldn't give over land that a developer will profit off of. The neighbors will not gain anything by this development. Mrs. Briggs said that she doesn't want to see her property landlocked because of a development and fears that they won't be able to do anything with their property because they'll have no access. There is a creek that runs along the north side of the property and contributes to the water concerns in the area as well. The development needs to be done so as to not be detrimental to surrounding properties.

Amy Taylor said that she lives in the home on 100 North just directly to the west of the subject property and without a geotechnical study or storm drain engineering nobody really knows if the five proposed lots would fit with the lay of the land and not contribute to the existing water runoff issues. We don't know if the topography of the land would fit the proposed configuration of the five lots, and how the grade transitions to neighboring properties. There seems to be a significant difference in elevation from the neighboring properties and this one. The property is full of remnants of the city's attempts over the years to deal with the water problems. The city has spent lots of money to put in a basin to collect the water. Ms. Taylor said that they've had to have a drain installed on both the east and west sides of their property, as well as piping under their driveway to help to drain the water. When they purchased their property they knew that the city would have to vacate that right-of-way at some point, and believed they would be at the end of a cul-de-sac or near the end of one. Had they'd known they would end up on a corner lot they

probably would not have bought the property. There will be more traffic to their street, and she will have to deal with headlights shining into her house. The Commission needs to consider the impact this will have on adjacent properties. There are a lot of unknowns at this point.

Stroh DeCaire commented that because this is only a preliminary plat proposal, any engineering is not required to be shown at this time.

Dean Wall said that snow removal needs to be addressed so it's not dumped into the neighbor's yards. The city should sell the right-of-way to the neighboring property owners, rather than give it to them.

Dave Woolston said that he lives on 100 North next to the Taylor's and has been there for eleven years. When he moved into his home he was told about the flooding issues in this area, and while the city has tried to address them, the neighbors still have problems during heavy rainstorms. The area just fills up with water and the neighboring homes are affected. Oftentimes the neighbors have to go out and clean the drains out from debris. The problem hasn't been corrected yet. The creek runs to the north of this property and building a home right next to it is just asking for problems.

Michael Allen said that he also lives along 100 North and as always had to put up with a lot of water and snow. Their street snow removal has always been a problem because they plow onto the north side of the street and he is constantly having to dig his driveway out. The same thing will happen along the private lane and the snow will be pushed into the neighbor's fences. Flooding is a problem here, although it has been better since the city has stepped in and helped to install better draining systems, but there is still a lot of ground water. Allowing for five more homes to the area could potentially put twenty more cars on their road. There is enough space along the side of the Stewart's home to extend the private lane onto Center Street. The residents on 100 North shouldn't have to take on the whole burden created by this development.

Ann Pritt said that Center Street is so narrow that it would be dangerous to add any more traffic to the road. It is one of the reasons why it wasn't opened to connect to Fruit Heights.

Craig Larsen said that he is a professional civil engineer and has been working with Spencer Prince on this project to help to remedy the water concerns. There is no question that there is a water problem here, but it can be solved through appropriate design and construction. The right water drainage system will help to remedy the neighbor's water problems as well.

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

Spencer Prince said that he is the developer and is representing the owners of the property as well. Mr. Prince said that he met with the surrounding property owners and has tried to understand the issues going on, and is sensitive to the concerns of the neighbors. This particular property is long and narrow, and if it were developed just taking access from 100 North you would end up with two lots extending over 200 feet to the south, which are not very desirable lots. Neither of the Brigg's vacant lots are large enough to be developed on their own, and Mr.

Prince said that he has tried to discuss different options with them, all of which have been turned down. Mr. Prince says that as part of the development they are proposing a thirty foot easement on the north side of the Stewart's property, which would connect to the Briggs' property giving them access to 100 North Street. They have offered to gravel and pave that private drive for a flag lot, and then deed that easement over to the Briggs. The Briggs have indicated that they do not want to have to join a HOA to have access to his property, but they also don't want to have to drive on someone else's property to get to their own. Mr. Prince said that they have tried to work with the Briggs to help mitigate any impact on their property and feel they have been generous in their offers. There is no question that there are water issues on this property. The creek is open from the Haight's Creek reservoir. The city piped the creek which helped a great deal. However, there is a grate at the end of the culvert which gets full of debris and has to be cleaned out from time to time. A retention basin was put in to help, but it also didn't solve the problem. Their engineers will design a water runoff system and will figure out what to do with the culvert and reservoir to make an appropriate and adequate drainage system. Currently the Taylor's property is the most affected. Mr. Prince says he feels that by developing the property it will help to resolve many of the issues. They will have a topography survey done to see what will be the best layout for their lots. They plan to put a land drain on each lot. They understand privacy is important as well and will keep to the R-1-8 zoning regulations to ensure the setback is met. The homes will add to the neighborhood and will bring value to the existing properties.

Karen Russell asked about the right-of-way vacation.

Andy Thompson said that state statute states that if a public right-of-way is vacated by the city, that land goes to the adjacent property owners.

Josh Sundloff asked about what had been done to address water problems in the area.

Andy Thompson responded that the water is mostly coming from the creek which feeds from the Hights Creek Irrigation reservoir to the east. It is captured into a city storm drain system. The inlet, however, frequently gets clogged and has to be cleaned out. The city has also installed an overflow drainage system, a bypass pipe and a berm on the right-of-way to help with water overflow when the inlet pipe is not draining correctly.

Matthew Anderson commented that this developer has to bring in engineers to help create a drainage system that will work and it might be that kind of process that has to be completed so that we can help to solve the water issues in this area. It seems that the developer has also tried to address the concerns of not land locking the Briggs property.

Valerie Briggs said that there is an elevation difference between their property and the Stewart's property.

Josh Sundloff said that the elevation would have to be addressed anyway, regardless what type of roadway access is installed. The Briggs will be given a piece of that vacated ground making it a more buildable property. Mr. Prince seems to be giving a very viable solution to help bring access to those properties. It also seems there has been presented a solution to potentially resolve drainage issues. This property is less dense than what the R-1-8 zoning allows and

therefore is not adding more traffic to the roads than what is allowed. Grading issues will be addressed before final plat approval. Mr. Sundloff said there has been some very valid concerns made tonight and while the ultimate solution may not have been presented because we don't have all of the information yet, this is a good step in the right direction. All of these concerns would have to be addressed before final plat approval.

Lorene Kamalu asked if Mr. Prince had considered any other configuration in regards to the private lane.

Spencer Prince responded that he looked at many options but because of the natural slope of the land which slopes to the west, it made more sense to put the roadway on the west side so water would drain to the road and underneath the street into a retention basin rather than to the homes. Mr. Prince said that he has also considered placing a fence along the road and would work with the adjacent homeowners to see what would work best.

Thomas Wood said that while there are still a lot of concerns to be addressed, by approving the preliminary plat it would give Mr. Prince a chance to go see if he can solve the issues before presenting the final plat.

Josh Sundloff made a motion to recommend preliminary plat approval for Whisperwood Subdivision located at approximately 650 East 100 North, and PRUD (Planned Residential Unit Development) overlay zone for Spencer Prince with the following provisions:

1. Before requesting final plat approval, access to the Briggs property be resolved.
2. Storm water problems be addressed.
3. Privacy concerns be addressed along the western property line.
4. Work with Staff to determine if a geotechnical report is needed.
5. Lot 6 not be included in the PRUD overlay zone.

Stroh DeCaire seconded the motion.

Voting was as follows:

Lorene Kamalu	nay
Stroh DeCaire	yea
Matthew Anderson	yea
Josh Sundloff	yea
Thomas Wood	yea

The motion passed with a vote of four to one.

Lorene Kamalu commented that she voted against the motion because she felt that the because of the typography of the property that there could be a better layout of the subdivision proposed.

CALL TO THE PUBLIC

Valerie Briggs asked how Spencer Prince could offer to deed a portion of property that he doesn't own yet.

Stroh DeCaire commented that the vacation of the right-of-way is contingent on the final plat being approved.

REPORTS

Lyle Gibson said recently Staff received a request to ask the Planning Commission for clarification in regards to the city's sign regulations for political signs, more specifically regarding how the height of a sign is measured.

The Planning Commission discussed the height regulations for political signs and discussed the height of the signs being measured from the ground level up, and from where a person might be standing. Staff stated that the input from the Commission would be taken into account in putting together sign regulation information for the candidates.

Lorene Kamalu suggested that the city consider putting regulations in place regarding when political signs can be up and when they needed to be taken down.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, June 8, 2017 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 1:00 a.m.