

28 September 2017 Minutes

KAYSVILLE CITY PLANNING COMMISSION

September 28, 2017

Members Attending: Chairperson Betty Parker, Stroh DeCaire, Gary Bullock, Lorene Kamalu, Joshua Sundloff

Excused: Thomas Wood, Matthew Anderson

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

Others Present: City Councilmember Larry Page, Rebecca Goeckeritz, Issac Goeckeritz, Bob Weger, Casey Bullock, Chris Trujillo, Neal Witbeck, Melanie Witbeck, Rhett Rampton, Page Bennett, Michelle Bennett, Brooke Bennett, Hal T. Anderson, Kathy Mower, Barry Mower, Lance Munson, Brian Powell, Nathan Alvey, Shaun Thompson, Zach Jacobs, Gaylene Bullock, E.L. Wilson, Nathan White, Patricia Rawlings, Jason Peterson, Holly Peterson, Fred Nichols, Dean Lore, Tom Pruess, Levier Gardner, Chelsea Perkins, Elizabeth Garner, Amy Stevens, Grant Stevens, Jenn Barlow, Dean Wall, Athena Fresques, Anthony Fresques, Tosha O'Grady, Michael Allred, Janae Morris, Melanie Larsson, Jake Whitley, Ryan Allen, Duncan Barlow, Bret Wahlen, Dennis Forbush, Elizabeth Wilson, John Warnick, Nate Denney, Seth Ferber, Dave Adams II, Matt Yeates

OPENING

The Planning Commission meeting was held on Thursday, September 28, 2017 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the September 14, 2017 meeting was presented for approval.

Stroh DeCaire made a motion to approve the minutes of the September 14, 2017 meeting. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", ESTHETICIAN AT 1497 SOUTH 650 EAST – BROOKE BENNETT

Lyle Gibson explained that Ms. Bennett is an esthetician and is requesting a conditional use permit to offer her services from her home at 1497 South 650 East. Clients would come by

appointment only and Ms. Bennet plans to have about five appointments each day. Each appointment would last up to two hours depending on the type of services being offered. Staff has visited with Ms. Bennett and has reviewed the requirements of the ordinance with her.

Lorene Kamalu made a motion to grant a conditional use permit for a major home occupation “B”, esthetician at 1497 South 650 East for Brooke Bennett. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.56 ACRES OF PROPERTY AT APPROXIMATELY 860 SOUTH ROUECHE LANE FROM A-1 (LIGHT AGRICULTURE) TO THE R-A (RESIDENTIAL AGRICULTURE) ZONING DISTRICT WITH THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – BOB MASON

Lyle Gibson explained that Bob Mason owns the property at approximately 860 South Roueche Lane and is requesting to rezone 1.56 acres of the property to accommodate two additional home lots. The property has a large barn building which will remain in the A-1 zoning district. The remaining 1.56 acres along the east end along Roueche Lane would be rezoned to the R-A zoning district where the new lots would be platted. Mr. Mason has submitted a conceptual drawing showing a possible layout which includes a private lane subdivision, requiring the PRUD overlay zone approval.

Chairperson Betty Parker opened the Public Hearing.

There were no comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Gary Bullock asked if the proposed private lane will meet the requirements for safety vehicles to be able to access it.

Lyle Gibson responded that a wider lane will be installed with the development of these lots.

Stroh DeCaire made a motion to recommend approval of the request to rezone 1.56 acres of property at approximately 860 South Roueche Lane from A-1 (Light Agriculture) to the R-A (Residential Agriculture) zoning district with the PRUD (Planned Residential Unit Development) overlay zone for Bob Mason. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.46 ACRES OF PROPERTY AT APPROXIMATELY 560 NORTH MAIN STREET FROM GC (GENERAL COMMERCIAL) TO THE R-2 (RESIDENTIAL SINGLE AND TWO-FAMILY DWELLINGS) ZONE DISTRICT – DALE CORPORATION

Lyle Gibson explained that this property is at the corner of Hyde Park Lane and Main Street and is currently vacant. This property and the one immediately to the east were originally previously both zoned General Commercial. At the time The Cottages at Hyde Park Subdivision was proposed, the City Council determined to leave this property along Main Street zoned

commercially. Now that the subdivision to the east is finished, the applicant believes that this property would better fit as a continuation of The Cottages at Hyde Park Subdivision and has requested a rezone to accommodate more homes. As many as five more homes could be built on this property under the requested zoning district.

Chairperson Betty Parker opened the Public Hearing.

Duncan Barlow, representing Dale Corporation, said that they have bought several homes along Main Street in this area. The other properties are a better fit for commercial developments. This property has more of a residential feel and would be more appropriate to have homes built here. The home located just north of this subject property was just recently converted to a commercial business and until parking was built behind the home there were many cars parking along Main Street and Hyde Park Lane. If this property remains commercial, it could potentially bring more traffic to these residential private lanes. Because Hyde Park Lane is a private lane, anything that is built on this property would have to obtain permission from the HOA in order to take access off of the street. If access isn't granted by the HOA the only access the property has will be off of Main Street. Leaving this property as commercial will bring more problems. Mr. Barlow said that he had spoken with the HOA President of The Cottages at Hyde Park Subdivision who said that he would like to see that three single family dwelling lots be developed, similar to what is in the area.

There were no further comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Lorene Kamalu asked about the other properties owned by the Dale Corporation.

Duncan Barlow responded that they have a couple other houses just south of this along Main Street that are being used for residential uses currently, but are also zoned as General Commercial.

Gary Bullock asked about when The Cottages at Hyde Park Subdivision had been developed, and the reasoning behind leaving this particular property zoned in the General Commercial district.

Duncan Barlow responded that the subdivision had been developed about four years ago and when it was approved the City Council wanted this property to remain in the General Commercial zone because commercial use properties are limited in Kaysville City and because of its location along Main Street. However, the residents of the Hyde Park Subdivision would rather see this property used for residential use.

Lorene Kamalu asked if the proposed lots would be fenced and which way the homes would face.

Duncan Barlow responded that they would most likely install a fence along the northern edge of the property, and off the three lots, two would face Hyde Park Lane and one would face Main Street.

Lorene Kamalu commented that if this property were to be developed as residential lots, because of their location along busy Main Street, she has some concerns about privacy as well as the one lot taking access off of Main Street.

Betty Parker stated that it is hard for the city to give up commercial land. The General Plan states that commercial uses should be located along Main Street.

Josh Sundloff commented that while he's not sure what the demand is for commercial properties right now, it's only a matter of time before there is more of a demand as nearby vacant commercial properties are developed and this property will become more marketable. This area will become more commercial. It seems shortsighted to rezone this property right now until we see more of what the demand will be in the future.

Gary Bullock said that it is natural for commercial growth to occur along the main arteries of the city. Because this property is along the main corridor of Kaysville and is almost completely surrounded by commercial uses it makes more sense long-term to have it remain zoned for commercial. We need to look to the future as to where we want to grow commercially.

Stroh DeCaire added that the Marketboro area to the west of this property is another main commercial area for the City. Rather than adding more residential homes to the area, we should confine the commercial uses to these areas and not remove what little commercially zoned properties we have in the city.

Duncan Barlow responded that he feels that changing the zone of one lot wouldn't make that much of a difference.

Josh Sundloff said that if this property were zoned residentially it seems like it would make it more difficult to have it as a marketable lot because of its location along Main Street and next to commercial uses. If some of the residential lots to the south were combined into one lot it would create a more feasible commercial use.

Josh Sundloff made a motion to recommend denial of the request to rezone 0.46 acres of property at approximately 560 North Main Street from GC (General Commercial) to the R-2 (Single and Two-Family Residential) zoning district for Dale Corporation. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 7.17 ACRES OF PROPERTY AT APPROXIMATELY 2100 WEST 200 NORTH FROM GC (GENERAL COMMERCIAL) TO THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT – TERRAVENTURE DEVELOPMENT

Andy Thompson explained that the applicant, Terraventure Development, owns the property at approximately 2100 West 200 North and is requesting a rezone from the current GC (General Commercial) zone to the LI (Light Industrial) zoning district. The property is just over seven acres and recently a new office building was constructed, with a second building approved on the property to the east. The General Commercial zone is more restrictive than the Light Industrial

zone in that the permitted uses allowed in the General Commercial zone are limited to primarily offices and retail sales and services, while the Light Industrial zone also permits manufacturing, warehousing and storage, among other uses.

Chairperson Betty Parker opened the Public Hearing.

Bret Wahlen, with Anderson Wahlen & Associates, said that he is representing Terraventure Development, who has submitted a concept plan for what they would like to develop. If there is opposition to this development, they would like to meet with the residents outside of this meeting to speak about their concerns and address them. The concept plan shows future office buildings, with storage units along the southern and westernmost portions of the property. The storage units would have a twenty-four hour onsite manager living at the facility. The units would also be fully enclosed with a fence, and the walls of the storage units would help as a screening mechanism from adjacent properties. The use of storage units is compatible with the area and would have no impact to the other commercial uses also planned for the property. These storage units would produce minimal traffic and would provide storage services to the west side of the city. There are very few storage units located west of I-15 in Davis County.

Grant Stevens stated that he lives next to this property and is concerned about spot zoning this property, and also about how a rezone might affect neighboring property values. This development will bring more traffic to the area and he would like to see safety concerns addressed.

Issac Goeckeritz asked about the landscaping requirements for the LI zone.

Lyle Gibson responded that there are landscaping requirements which differ from those in the GC zone. The GC zone also has building design standards that would need to be followed as well.

Issac Goeckeritz said that he would like to see the development designed to look similar to what is already in the area.

Brian Powell said that when buyers are looking for a new home they will look at what's in the immediate area. Having storage units here could potentially deter future home buyers from buying homes here.

Casey Bullock said that light industrial uses or storage units don't fit into this area and those who own property in this area are concerned about how this development might affect the value of their properties. The property should be used for commercial buildings similar to what is already on the property.

Jason Peterson stated that he lives just south of the proposed development and is strongly opposed to the rezone request. If this requested rezone is approved, what kind of guarantee will be put in place to ensure that the developer builds what they have proposed as well as maintain the property? Oftentimes industrial use developments are not maintained because there isn't a

capital need to drive them to update and upkeep the property. The proposed use of the property won't add any value to west Kaysville.

Dean Wall said that although he doesn't live near this property he is opposed to this rezone because it seems there hasn't been enough notification to the neighbors. This development almost feels pushed to the last minute.

Elizabeth Garner said that she is a resident of the Hill Farms Subdivision and this development won't serve the residents but rather will be detrimental to the area. Many of their neighbors could not be in attendance tonight but have expressed that they feel the LI uses should not be allowed, as it will take away from the area. This type of development should be located in an industrial area and not in a residential area. The neighboring residents should have a voice because they are the ones who live here and will be affected by it.

Rebecca Goeckeritz said that she also lives in the Hill Farms Subdivision and chose this area to live because of its beauty and charm. Mrs. Goeckeritz said that they knew when they bought their home that this property was zoned for commercial uses and feel that the offices that have been built have been good for the community and the area. The residents here have invested a lot into their homes and properties. Adding storage units would be detrimental and would take away from the area.

Dennis Forbush said that he lives on Angel Street and is concerned about the look of these brick buildings along one of the main gateways of Kaysville. Is this what we want people to first see when coming into Kaysville from West Davis Corridor?

Nathan White said that he is a resident of Hill Farms and feels it telling when plans include the installation of security fencing and twenty-four hour surveillance on a property. Such security measures are needed because these types of businesses bring a criminal element with them. Kaysville has had a recent rash of burglaries and we don't need to have a reason to draw more in. Storage units bring traffic at all hours of the day or night. There are a lot of kids in the area walking to and from the nearby school, and traffic safety is already a problem. Approving this development would just exacerbate the issues and create more problems.

Patricia Rawlings said that she had helped to put together a petition opposing the requested rezone of this area and received hundreds of signatures. What is being planned is not the highest or best use of the property. Many neighbors have serious concerns about the safety of their homes and families. This request seems contrary to the General Plan. The doctor's offices that have been built here have added to the area. However, if this is approved for light industrial uses it could potentially become something worse. Light industrial uses tend to bring more pollution to an area. Ms. Rawlings read a statement by Dr. Brandon Jones who could not be here tonight. Dr. Jones has his practice in one of the office buildings on this property and he is concerned about how having storage units nearby would affect this business and if it would deter patients. The city has already planned an area of the city for Light Industrial uses in the Kaysville Business Park. There are LI zoned lots in the business park that are still empty and should be developed before considering creating a separate light industrial use area.

Stroh DeCaire asked about the petition.

Patricia Rawlings said that she and two other neighbors composed an online petition site which records each signer's name, IP address and e-mail address. It doesn't allow for duplicate signatures. It was shared on social media platforms and e-mailed to many neighbors and friends.

Gary Bullock said that he received the petition and thought it was well-written, courteous and had some very good and intelligent points.

Stroh DeCaire added that the Planning Commission members had received at least thirty-five e-mails from the residents of the area. Correspondence can help give the Planning Commission a better understanding of an issue. Mr. DeCaire said that he has never seen a more organized and passionate public response on an issue. Responses were well-written and concise, as well as very polite.

Betty Parker added that sometimes residents feel as if the city doesn't listen but their voices are heard and every e-mail and letter are read carefully and taken into account.

Elizabeth Wilson said her property is immediately adjacent to this development and is extremely passionate about this not being rezoned. She does not want to live right next to a storage unit complex. This property should not be made into a light industrial area. This is a good city to live in and the City should consider the existing neighbors and how these types of developments will affect them.

John Warnick said that he has purchased a home in the Hill Farms subdivision and asked that the city make good planning decisions. It doesn't make sense to put a light industrial zone in the middle of a residential area. The Utah Code requires that these development conform to each city's current General Plan, which this development does not. Mr. Warnick said that he would rather see more residential homes built here than office spaces. It seems that there are many empty commercial spaces and we don't need to create more that will sit empty.

Nate Denney said that he lives on Buffalo Trail Drive and helped Patricia Rawlings put together the petition against this rezone. If you researched each name you would see that the vast majority of the signers are from this area. Approving this development could set a precedence and could open it up for other areas to be zoned. There are vacant LI properties in west Kaysville already and it doesn't make sense to create more areas of light industrial until those vacant properties are developed.

Michael Allred said that he just recently moved to this neighborhood from the Utah County area. They moved to escape the influx of industrial and commercial development there, including the increased amount of car and truck traffic. They don't want to have to look at a fenced property with twenty-four hour surveillance. Many families have left Utah County because they were pushed out by developments like this. So many people have left that schools are closing because enrollment has dropped. Let's not create the same problem here.

Tom Pruess said he lives just east of this property and has lived here for a while. There has been an expectation set by the city for this property and it shouldn't change.

Nathan Alvey said he is representing the HOA of Schick Farms, west of this subject property, which was developed about ten years ago. There was some land near here that was previously zoned for commercial use but was rezoned to residential. The community is trending towards residential uses and what is being proposed is opposite that. Grassy Plain Drive and Buffalo Trail Drive could become a secondary access point for this development and they are small residential streets, which is cause for concern for those who live here.

Holly Peterson said that their family used to live in California and while they are used to living near large commercial buildings they would never have moved to this neighborhood had there been light industrial uses allowed nearby. They have lived here for about three years and it's a charming area with a small-town feel. This is a safe neighborhood and rezoning this to light industrial could potentially bring more crime to the area. Light industrial uses tend to create more pollution. It would make their area less appealing to live and raise a family in.

Levier Gardner said that he lives west of this property and has twenty years of experience as a realtor and therefore feels that this proposed development would definitely effect property values in the area. Potential buyers will have much less interest in purchasing a home next to storage units. With the future West Davis Corridor being built, this will be a gateway to the city. Are storage units what you want people to see first as they drive into the city? Storage units shouldn't be allowed. Also, there didn't seem to be much notification to residents regarding this rezone request. It seems that information was given residents last minute. While development can be a good thing, let's make sure it's the right fit.

Seth Ferber commented that now is a good time to take another look at the General Plan now that we know that the West Davis Corridor will be built. We need to look at what we want in our city and where we want it. Other cities have created maps specifically outlining where commercial uses should be located which might help to resolve this type of conflict. The City needs to determine if they want the LI zone in this area. Having the GC zone here is likely to draw more commercial to the area. If you allow for one property to be zoned for LI, it's harder to justify why other properties couldn't be zoned similarly.

There were no further comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Betty Parker commented that she would have liked to see a more detailed development plan presented.

Bret Wahlen said that while many have commented about concerns with this drawing more criminal activity, general security technology has changed drastically over the years and they will be able to keep track of which units are being opened at what times. Storage units are now being built to be much more aesthetically pleasing than before and lighting is better directed so as to not cause light pollution to neighboring properties. The General Commercial zone would be just as impacting as the LI zone to the surrounding properties, however, they feel that they

will be able to design this project so as to minimize any negative impacts. They would have maximum security, and only the storage unit area would need to be zoned LI so the remaining property could stay in the GC zone. The building materials used for the storage units would be consistent with the other buildings on the property.

Stroh DeCaire said that having an onsite manager and full security system will not erase the potential for criminal element. By inviting this kind of use in close proximity to upscale housing developments invites issues that have been outlined by a vast majority of the people who have spoken tonight and the e-mails that have been sent. There can't be a guarantee that crimes won't happen just because there are security measures in place.

Bret Wahlen said that a development agreement could be written up addressing the concerns mentioned and would require them to meet the city's requirements. These units would serve the citizens in this part of the valley. Many residents have RVs and trailers and need a place to park them. This facility would provide that storage service for them. It has been identified as a need in the community and this would provide a way to meet those needs.

Gary Bullock commented that this proposed development seems to have many flaws with it. No matter how the units will look, they will still be large buildings bordering residential homes. The General Plan was recently reviewed and as part of that the committee reviewing it looked at what the future might bring, including the West Davis Corridor. They looked at residential, commercial, industrial uses and where they would fit best in the city. Mr. Bullock said that he feels that this development does not meet the goals and objectives of the General Plan. It is in place to help preserve and identify the goals of the community. While the city is also interested in generating a tax base, commercial developments need to be well planned and enhance the community. This development does not conform to the neighborhood or the intent of the zone. Developments need to support the residents, but also mitigate the negative impacts on them. Mr. Bullock said that he lives near this area and has heard from many of his neighbors about this issue. Even if he did not live here, Mr. Bullock stated that he doesn't feel this development is the right for the property. This is not the highest and best use of the property. Terraventure has done a lot for the community and is a good developer. However, this is a beautiful and unique community. The Hill Farms development is different from others and has become a very desirable residential neighborhood. While commercial services need to be provided to support residential properties, this development does not fit into the area and doesn't provide the support needed.

Lorene Kamalu commented that this is a very important area of Kaysville because we are still growing here and it will become a main artery as the West Davis Corridor is built. We need to be careful of what kind of commercial goes in here. This area will become more of a main artery and we need to have places to provide the commodities and tax base needed. Mrs. Kamalu said that while she feels that the developers are striving to be very thoughtful about this development, the Light Industrial zone is less desirable than the current zoning.

Dave Adams said that they see the need for storage units in this area and therefore have only requested the LI zone because they are not allowed in the current GC zone. They have spoken to many residents in the area who have agreed there is a need for storage units in the area. There

are other storage units in the city and Mr. Adams said he was unaware of any security problems they might have. Terraventure wants to work with the neighbors to create a valuable project and make it the highest and best use of the property. Mr. Adams asked that the Planning Commission consider tabling their rezone request until they can meet with the neighbors to try to work through some of their concerns and come up with something that would be beneficial for both groups. They want to try to provide a high quality space for people in the community to store their belongings. Mr. Adams said that he feels it possible to create a development that would be beneficial to the community and would like to be given the opportunity to work with the city and the neighbors before a decision is made.

Josh Sundloff commented that he's not as concerned about how this might bring more of a potential for crime to the area because there aren't problems with other storage units in the city. There isn't any evidence to support that. Mr. Sundloff asked if Terraventure had anyone under contract for the development.

Dave Adams responded that they had been contacted by many developers interested in this type of project, but nothing is under contract. Terraventure feels storage units will bring the least amount of traffic to the area. What they will build will be constructed with high quality materials.

Josh Sundloff commented that this is a very preliminary plan, and therefore if the rezone request is approved he would like to see a development agreement in place so that what is being proposed is built and nothing else. Mr. Sundloff asked about noticing for this rezone request.

Lyle Gibson responded that a public notice was published at least ten days before tonight's meeting, and property owners within five-hundred feet of this property were also notified with a mailer.

Josh Sundloff said that there are always concerns about commercial properties in residential areas, however, this property has a very high potential of becoming a neighborhood commercial area. By creating this into a neighborhood commercial area, you could possibly help to alleviate traffic burdens in other areas of the city. Storage units would not do that. Having storage units here would also eliminate the ability to create neighborhood commercial area. These opportunities are needed here, especially with West Davis Corridor being built. This is prime property as it sits along two major arterial roads. It's a very marketable property and it has the ability to provide commercial support to residents here rather than pushing them east. This property isn't close to I-15, multi-use rail lines, quasi-industrial uses, and it has no natural buffers to help mitigate a light industrial use impact on surrounding properties.

Gary Bullock said that the city should look at the General Commercial zone and the intent of the zone. What types of commercial uses would best serve the community?

Dave Adams commented that he doesn't feel that a neighborhood commercial development here would be beneficial at this time.

Gary Bullock responded that the recent construction of Smith's Marketplace nearby has been a great enhancement and has added value to the community. It has provided services to the west side of Kaysville that has not been there before. Most of the city's services are located east of I-15 and there needs to be more on the west side. The medical offices that have been built here has enhanced the neighborhood and the site. This will become a more viable property as the West Davis Corridor is built and as more rooftops are built to help support neighborhood commercial.

Betty Parker commented that she would prefer not to table this item.

Lorene Kamalu said that discussing the item would give the developer the opportunity to speak with the citizens about their comments and concerns, and give the residents a chance to let the developer know what kind of commercial developments they would like to see here.

Stroh DeCaire commented that he doesn't feel that the neighbors would change their opinion regarding the proposed storage units.

Dave Adams said that he wished to formally withdraw his application.

Lyle Gibson commented that if the developer comes back again with the same application the city would follow the same noticing process as before.

PUBLIC HEARING AND AMENDMENT OF THE KAYSVILLE CITY ANNEXATION POLICY PLAN

Andy Thompson explained that the Planning Commission recently held a public meeting where input was solicited from affected entities regarding the consideration of modifying the Kaysville City Annexation Policy Plan and Map to include nearly sixty acres of property east of Highway 89. The input received so far from the affected entities has not raised any concerns with the amendment. Rather comments received have expressed interest in being kept informed of the actual annexation proposal and future development request. The property owners within this area proposed to be included in the Map of Kaysville City Expansion Area have also been notified of this Public Hearing. Per Utah Code 10-2-401.5(1), "no municipality may annex an unincorporated area located within a county unless that area is part of an adopted annexation policy plan." The petitioners are interested in the property coming into Kaysville City rather than Layton City for future development based primarily on the potential for providing culinary water to the site that would permit development at a higher elevation. The first step in consideration of amending the Annexation Policy Plan is to hold a public meeting allowing affected entities to examine the proposed annexation policy plan and to provide input, which has been completed. The next step is for the Planning Commission to hold a Public Hearing where a recommendation will be provided to the City Council after consideration of input received to this point. Approving this amendment to the Annexation Policy Plan does not bind the city to annex the property, but rather it allows us the ability to consider an annexation here.

Chairperson Betty Parker opened the Public Hearing.

Matt Yeates said that he is one of the developers for this subject parcel and they have met with and received input from several residents living in the area, and have tried to address their questions and concerns. It did not seem that they were all entirely opposed to the annexation, but they have some concerns to be addressed. They have also met with the different utility providers to make sure that this property can be developed. However, at this point the developers are just looking for approval of the Annexation Policy Plan amendment so an annexation could even be considered.

Lance Munson said he lives near here and wants to make sure this annexation won't force him to annex his property as well, and it won't cut his property off from the County.

Andy Thompson responded that while Mr. Munson's property is included on the Map of Kaysville City Expansion Area, it won't be annexed until Mr. Munson chooses to. The City has spoken with the County offices and they informed us that they have no problem keeping Mr. Munson's property in their jurisdiction.

Lance Munson added that he is concerned about the Highway 89 expansion and how it will affect their property. There could be a substantial increase in traffic on his street and it is a safety concern. Also, it is rumored that the subject property being considered tonight will become a place for high density housing which is not appropriate for this area.

Barry Mower said that he lives in Layton next to this development and originally this subject property was supposed to be part of their subdivision when it was developed. The residents who live here want to see that this property be developed to be similar to what is already here, and that no high density housing be built.

Athena Fresques said that she also lives just north of this property in Layton and has some concerns about how this property might be developed and if the developer will be held to the promises they make to residents. Before an annexation is approved, the city should make sure they have an agreement in place assuring that what is proposed is actually built. Mrs. Fresques asked if the residents of Layton City have any say in this development, even though they live outside Kaysville City boundaries.

Josh Sundloff said that he would encourage any concerned residents, no matter their jurisdiction, to attend the City Council meeting when this annexation is requested and have their voices heard there. The City Council will be the body who will ultimately decide on an annexation.

Chris Trujillo, another developer of this property, said that they never made an official petition for annexation to Layton City. They feel that their development would fit better into Kaysville City and would be a good addition to Kaysville. They have been working and talking to the neighbors and have heard their concerns, and would be willing to have further discussion with them. It is not their intent to build high density housing here and there have been some misconceptions of their development.

There were no further comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Betty Parker asked about the zoning of the property.

Andy Thompson explained that a zone will be determined and assigned when the annexation is approved.

Stroh DeCaire made a motion to recommend approval of the amendment of the Kaysville City Annexation Policy Plan and Map of Kaysville City Expansion Area with the following:

1. The Map of Kaysville City Expansion Area be modified to include the Highway 89 right-of-way between existing Kaysville City residences and the subject property at approximately 1400 North Highway 89.
2. The text of the Annexation Policy Plan be updated to address comments relevant to this most recent amendment process. i.e.: "Statement Addressing any Comments: In consideration of adding an additional 60 acres of potential expansion areas east of Highway 89, there were no concerns expressed by affected entities during the allotted comment period."

Gary Bullock seconded the motion and it passed unanimously.

REQUEST FOR A VARIANCE FROM SECTION 17-12-6(6) REGARDING THE PLACEMENT OF AN ACCESSORY BUILDING ON A CORNER LOT AT 1969 SOUTH 25 WEST – ZACH JACOBS

REQUEST FOR A VARIANCE FROM SECTION 17-12-6(6) REGARDING THE PLACEMENT OF AN ACCESSORY BUILDING ON A CORNER LOT AT 14 WEST 1950 SOUTH – DEAN SHAWN THOMPSON

Andy Thompson explained that recently Staff sent code enforcement letters to Zach Jacobs and Dean Shawn Thompson in regards to accessory structures on their properties being in violation of Section 17-12-6(6) which states: "on corner lots, the yards which abut a street shall not be less than twenty feet from the street for both main and accessory buildings." While the buildings are smaller than two-hundred square feet so as to not require a building permit, the zoning ordinance is still applicable. The applicants are requesting a variance to allow their sheds to remain where they are currently placed. As part of the request both applicants have provided separate letters demonstrating why they believe that a variance is appropriate. After review and hearing from the applicant, the Planning Commission needs to determine if a variance is appropriate based on the criteria outlined in Section 17-4-6.

Zach Jacobs commented that before putting his shed on his property he had attempted to contact the city regarding accessory building rules. He was told that he could place his shed up to one foot from the property line. When he spoke with a local shed company they told him the same thing. So when he received a letter from the city after his shed was put into place he was surprised. He has spoken with the school and his neighbors about the shed and so far has received no concerns about it. It is not blocking the view of traffic, and it's not an eyesore or a safety concern. There are many other sheds in the city in similar situations. The shed is sitting

on a gravel pad with curbing around it. He has put in a lot work and money into his shed and would like to be able to keep it where it's at.

Josh Sundloff said that while he doesn't feel that Mr. Jacobs or Mr. Thompson's situations meet the criteria to be approved for a variance, he doesn't feel that they should be required to move their shed because they are not a nuisance. Mr. Jacobs did his due diligence in trying to find out the regulations for the placement of sheds. The Planning Commission is bound by state law which requires that each of the outlined criteria be met in order to allow a variance. Mr. Sundloff said that if what Mr. Jacobs says is true and there are many sheds in the city out of compliance with city ordinance, then maybe the shed requirements in our ordinances need to be reviewed and the language cleared up.

Andy Thompson said that it is within the Planning Commission's purview to recommend ordinance revisions when you find a land use ordinance is outdated and needs updating. The city has been willing to work with people and have allowed non-compliant situation to exist while modifications are considered. If nothing changes then the applicants will need to move their sheds to be in compliance with city ordinances.

Gary Bullock commented that every situation is different and every lot is different. However, allowances should be made.

Josh Sundloff said that the ordinances are being interpreted different as it is. Mr. Sundloff asked if situations could be grandfathered into a new ordinance.

Andy Thompson said that they would have to meet any new code created. If it's the Planning Commission recommendation to review the code then enforcement on these situations would be held in abeyance until a decision is made on the code. Then at that point the city would reenact enforcement to address the new code.

Lorene Kamalu made a motion to recommend denial of the request for a variance from Section 17-12-6(6) regarding the placement of an accessory building on a corner lot at 1969 South 25 West for Zach Jacobs, with the recommendation that Staff review the city ordinances and consider revising the language to address the placement of accessory buildings on corner lots or similar situations. Josh Sundloff seconded the motion and it passed unanimously.

Lorene Kamalu made a motion to recommend denial of the request for a variance from Section 17-12-6(6) regarding the placement of an accessory building on a corner lot at 14 West 1950 South for Dean Shawn Thompson, with the recommendation that Staff review the city ordinances and consider revising the language to address the placement of accessory buildings on corner lots or similar situations. Josh Sundloff seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Dean Wall said that he had heard that there would no longer be an interchange from the West Davis Corridor to 200 North Street in Kaysville anymore because it's not funded.

Andy Thompson responded that there has always been an interchange planned for 200 North Street in Kaysville and those plans have not changed.

REPORTS

Lyle Gibson said that the Utah American Planning Association would be holding their Fall Conference on October 5-6, 2017 in Park City.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, October 12, 2017 at 7:00 p.m.

ADJOURNMENT

Gary Bullock made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 10:05 p.m.