

KAYSVILLE CITY PLANNING COMMISSION

October 12, 2017

Members Attending: Chairperson Betty Parker, Stroh DeCaire, Lorene Kamalu, Joshua Sundloff, Thomas Wood

Excused: Gary Bullock, Matthew Anderson

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

Others Present: Stacy Magnuson, Brad Magnuson, Alyson Chatelain, Haley Peacock, Ezra R. Harris, Wayne Neeley, R. Neil Van Leeuwen, Ed Miles, Norma Miles, Marcie Hayes, Paul Pitcher, Russell Wilson, Jeff Webster, Lynda Webster, Val Webster, Diane Webster, Denese Eggett, Nephi Harvey, Dean Wall, Kurt Robb, Greg Brown, Casey Kelly, Robb Kelly, Andrew Wolferts, Shauna Wolferts, Jason Knighton, Janae Knighton, Tanner Knighton, Jason Leavitt, Carolyn Leavitt, Brian Johnson, Elissa Wyne, Tamara Anderson, Korey Lowder

OPENING

The Planning Commission meeting was held on Thursday, October 12, 2017 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, FOOT ZONING AT 172 SOUTH 200 EAST – ELISSA WYNE

Lyle Gibson explained that Elissa Wyne lives at 172 South 200 East and is requesting a conditional use permit for a Major Home Occupation “B” to conduct foot zoning services. Foot zoning is a practice similar to reflexology specific to working with feet. Customers will come by appointment only and appointments would be less than a couple of hours at a time. Ms. Wyne plans to schedule appointments every two hours between 10:00 a.m. and 5:00 p.m. There is space in the driveway for clients to park, or if she needs more parking, Ms. Wyne will acquire an additional parking pass for on-street parking near the high school.

Betty Parker asked how long Ms. Wyne had been doing foot zoning.

Elissa Wyne responded that she just recently received her certification for foot zoning.

Stroh DeCaire made a motion to grant a conditional use permit for a Major Home Occupation “B”, foot zoning at 172 South 200 East for Elissa Wyne. Lorene Kamalu seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”,
COSMETIC INJECTIONS AT 322 NORTH AUTUMN CHERRY WAY – ALYSON
CHATELAIN**

Lyle Gibson explained that Alyson Chatelain is requesting a conditional use permit to provide cosmetic injections, or more specifically Bella Injections, from her home at 322 North Autumn Cherry Way. As a licensed APRN she is qualified to offer the treatment which is similar to a Botox treatment. She is just starting to build clientele and works at another full-time occupation so she only anticipates having clients at her home one day a week. Clients would come by appointment only and appointments only take about fifteen minutes, so she would have multiple appointments a day. Clients would come between 9:00 a.m. and 5:00 p.m. and would be spaced so as to allow for time for paperwork and preparation between clients, and to help mitigate traffic arriving and leaving at the same time.

Stroh DeCaire asked if an inspection will be done by the Health Department.

Alyson Chatelain responded that she had spoken with the Health Department on two separate occasions and was told they do not have any specific regulations at this point and is not required to get an inspection. However, she wants to push legislation for regulations for this type of business because there needs to be more safety precautions in place. Ms. Chatelain said that only qualified medical professions can do the procedure, and she will properly dispose of the medical waste. She has done these types of procedures before at a medical spa she works at and has experienced in it.

Lorene Kamalu made a motion to grant a conditional use permit for a Major Home Occupation “B”, cosmetic injections at 322 North Autumn Cherry Way for Alyson Chatelain. Thomas Wood seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, CARPET
CLEANING AT 766 SOUTH 1350 WEST – ROBERT KELLY**

Lyle Gibson explained that Robert Kelly provides carpet cleaning services and would like to have an office out of his home at 766 South 1350 West. Carpet cleaning is considered as a Major Home Occupation and therefore requires a conditional use permit. The home will only be used as a place for Mr. Kelly to do paperwork and set up appointments. The carpet cleaning equipment is stored inside his vehicle, which is kept in his garage when not in use. All services are provided off-site.

Betty Parker asked how chemicals will be disposed of.

Robert Kelly responded that he uses a truck-mounted cleaning machine which will collect the waste water used, which will then be disposed of at an RV dump.

Thomas Wood made a motion to grant a conditional use permit for a Major Home Occupation “B”, carpet cleaning at 766 South 1350 West for Robert Kelly. Stroh DeCaire seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”,
ESTHETICIAN AT 485 EAST 100 NORTH #1 – JEWEL FRAZIER**

Lyle Gibson explained that Jewel Frazier lives at 485 East 100 North #1 and is requesting a conditional use permit to provide esthetician services from her home. Her clients would come by appointment only and she expects to do a few appointments each week in the evenings as she is also employed elsewhere full-time. Each appointment will last between one to two hours depending on the services done. Staff has visited with Ms. Frazier and reviewed the requirements of the city ordinances.

Stroh DeCaire made a motion to grant a conditional use permit for a Major Home Occupation “B”, esthetician at 485 East 100 North #1 for Jewel Frazier. Thomas Wood seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 41.22 ACRES OF PROPERTY AT
101 SOUTH ANGEL STREET FROM R-A (RESIDENTIAL AGRICULTURE) AND R-1-
20 (SINGLE FAMILY RESIDENTIAL) TO THE R-1-LD (SINGLE FAMILY
RESIDENTIAL LOW DENSITY) ZONING DISTRICT – SYMPHONY HOMES**

Andy Thompson explained that Symphony Home is requesting a rezone of property near 101 South Angel Street from R-A (Residential Agriculture) and R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential Low Density) zoning district. The majority of the property is currently zoned R-1-20. Under the existing zones, if this property were developed as a PRUD (Planned Residential Unit Development), ordinances would allow the applicant to have up to eighty-nine dwellings. Under the R-1-LD zone, only eighty-two dwellings would be allowed. Symphony Homes is requesting the R-1-LD zone as it would allow some flexibility in the layout of the lots without the need for common open space. The R-1-LD zone still limits the number of homes in a subdivision to two dwellings per acre, while allowing lots to be as small as 12,000 square feet in size. Lots are required to have a minimum lot width of ninety feet, which is the same width requirement as the R-1-20 zone. The zones surrounding this area are the R-A and R-1-20 zone, with some remaining agricultural properties. Angel Street is classified as a collector street in Kaysville City’s Major Street Plan.

Chairperson Betty Parker opened the Public Hearing.

Tamara Anderson said she lives in the Mountain Vistas Subdivision and their neighborhood has had a lot of discussion about this request because the new subdivision’s streets will connect to their neighborhood. There is really only one access point from their subdivision out to 200 North Street and many surrounding neighborhoods already use that street as a thoroughfare. Building more homes will increase traffic on their streets and impact their neighborhood. There is also some concern that if smaller lots are developed it will affect property value.

Stacy Manderson said she lives on Morning Mist Lane and they currently live at a dead end street. There is already a lot of traffic that drives through their neighborhood, especially as new commercial has been developed nearby. However, the current infrastructure has not been able to

keep up with demand. Many times traffic is backed up on 200 North Street and needs to be improved before we add more homes to the area.

Brad Manderson said that these neighborhood streets are narrow and wider access roads need to be built to accommodate traffic volume. Also, there is no planned open space for this new subdivision. It seems that developer is trying to pack in as many homes as they can and are not worried how this might affect the surrounding neighbors. At some point 200 North Street will be widened, but until then we shouldn't add more rooftops.

Neil Van Leeuwen said that he also lives in the Mountain Vistas area and sees many residents of neighboring subdivisions using their streets as a thoroughfare. While he understands stub roads were put in place in anticipation of connector streets being built eventually, the number of proposed homes in this development is cause for concern. Mr. Leeuwen said that while he's not opposed to land development, the neighborhood wants to see that it's done the best way possible. Mr. Leeuwen asked about the PRUD overlay zone.

Lyle Gibson responded that if a PRUD overlay zone were approved under the R-1-20 zoning, the developer would be allowed to have smaller lots than the 20,000 square foot minimum requirement, but they would also be required to provide open space. Under a PRUD overlay zone there is not a minimum lot size requirement as long as they meet the open space requirements.

Dean Wall said that he doesn't live near this subdivision but has some concerns about if town homes might be allowed.

Stroh DeCaire responded that town homes are not being proposed and would not be allowed in the proposed zone or the current zone.

Ed Miles said that he lives in Mountain Vistas and is concerned about this development not having any open space planned because those new residents will use neighboring open spaces. Mr. Miles said that he would like to see that the developer be required to put in similar open space to what is in the area and walking paths. Also, traffic congestion is a problem in this area and is getting worse. Traffic bottlenecks trying to get over the 200 North bridge. Adding a significant amount of traffic from these proposed homes will make the congestion even worse. Once the West Davis Corridor is built it will help, but that won't be built for a while.

Andy Thompson responded that the 200 North Street bridge is planned to be restriped in the spring to add more lanes, which should help alleviate traffic congestion.

Lyle Gibson distributed a copy of a letter Staff received from neighbors in the Mountain Vistas Subdivision.

Wayne Neeley said that he lives on 75 South Street just north of this subject property and any proposed changes in zoning causes anxiety in some of the neighboring land owners and some of them ask when the changes will stop. A zoning change could potentially affect the look and feel of the area. Only time will tell if this proposed zone change will economically affect the existing

land owners. Building and land costs have gone up, and it would appear that if the developer develops this property properly that land value should be able to be maintained. However, there is some concern that if a rezone is approved, the developer will create a less appealing subdivision plat than what had been proposed previously. Any rezone approval should wait until a plat showing the details of the subdivision, such as roads and open space, could be shown. Also, any subdivision amenities should be located within the interior of the subdivision.

Korey Lowder said he lives in the Pheasantbrook North Subdivision and is concerned about rezoning this property before seeing a more detailed plat of how the subdivision will be laid out. Also, the surrounding area's infrastructure is struggling. Not only in regards to traffic congestion, but also with water pressure and irrigation, as well as power spikes and brown outs. Will sewage systems be able to handle this many more homes? Just across the street from this property is the Angel Street Park which has many soccer teams that utilize it. People park up and down Angel Street and there are many kids here. The safety of our kids needs to be a high priority as we add more traffic.

Jason Knighton said that he lives next to the church in the Mountain Vistas Subdivision, and always knew that this property would be developed. However, we need to see more details from the developer as to what kind of layout they want to do, and then have some assurance that it won't change after a rezone is approved. Mr. Knighton said that he had tried to split his lot in half but was denied because the second lot would not meet the minimum size requirements of the R-1-20 zoning. Since he wasn't allowed to have a smaller lot, he doesn't want to see one built next to him.

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

Russell Wilson, representing Symphony Homes, said that they have requested the R-1-LD zoning district because it allows them more flexibility in the variety and size of the lots, allowing them to create a better layout of the lots, while still meeting the two lots per acre density requirement. The lots proposed are on average about 15,000 square feet in size, with many half acre lots. They are similar in size to what is in the Mountain Vistas Subdivision. They plan to have an open space area with a pool and park area similar to what is in the Sunset Equestrian Subdivision, which will be located in a central location of the subdivision. The subdivision will take access from Angel Street and Whispering Meadow Lane, with a stub road planned at the east end of the subdivision in anticipation of eventually connecting to 200 North Street.

Betty Parker asked about the number of planned cul-de-sacs and if they are a safety concern.

Andy Thompson responded that cul-de-sac streets are regulated by length. After a plat is submitted, Staff will assure that they meet city regulations and the fire department will approve the plans.

Lorene Kamalu asked why the preliminary plat hadn't been submitted with this rezone tonight.

Russell Wilson commented that because this is such a large development, they wanted to know

the zoning for sure before spending the money to have the development plans drawn up. Their typical building plans need at least 13,000 square foot lots to fit, and therefore there won't be any lots smaller in size.

Thomas Wood asked about plans to help traffic congestion in the area.

Andy Thompson responded that a traffic light will be installed at 200 North Street and Angel Street within the next six months. There are also plans to widen 200 North Street from the rail trail to Angel Street to allow for additional traffic. The street will be fully improved at that time. The area of 200 North Street west of Angel Street will be widened and improved as properties along 200 North are developed.

Josh Sundloff commented that if the zone remained the same, Symphony Homes would be allowed to develop about seventy lots. They'd be allowed more lots with a PRUD overlay zone.

Russell Wilson said that the smaller lots will be located more on the interior of this development, while the larger ones will abut the existing residential homes.

Josh Sundloff added that the width of the lots and the setback requirements are the same in both the R-1-20 and R-1-LD zones. The idea that this subdivision will be much more visually dense than what exists is inaccurate. Mr. Sundloff asked about the smallest lot sizes in the Pheasantbrook North Subdivision

Andy Thompson responded that the smallest lots in the Pheasantbrook North Subdivision are about 10,000 square feet in size.

Thomas Wood said that he had received e-mails and heard comments about this development that had more to do with infrastructure problems than the proposed rezone. Those problems will exist regardless of what is decided tonight. There will still be traffic congestion problems. Stub streets are built in anticipation of connector roads being built when the neighboring property is developed. The Commission is reviewing this proposed rezone request tonight to determine if it is appropriate for the property and the area. Infrastructure problems will need to be addressed at another time. Many have commented in the past that we need to try to keep the small-town feel of Kaysville, but Kaysville isn't small anymore. Kaysville is the twenty-sixth largest city in Utah right now. We are now dealing with the problems that large towns face. Rezoning this property won't change that. Mr. Wood said that he appreciates the resident's input and people getting invested in the cause. The neighbors need to be proactive in addressing the existing infrastructure problems and getting them solved outside of this meeting. Existing infrastructure problems should not be the burden of a developer. Mr. Wood encouraged the neighbors to continue to be involved and have a voice.

Stroh DeCaire added that the Planning Commission is bound by land use ordinances, as well as state and city codes. What is being proposed meets the parameters of the code and the General Plan. It conforms with the surrounding area and could potentially enhance the area.

Diane Webster said that she is the owner of this subject property and feels bad about the

animosity that the neighbors have expressed. Mrs. Webster said she didn't want to sell her property and would have kept it until she passed on, but as neighboring subdivisions were developed their irrigation water has been compromised she hasn't been able to farm her property as she has in the past. She can't afford to be part of the green belt and can't afford to live here without farming her property, and therefore didn't have any other option than to sell her property. The roads in Mountain Vistas are public streets and can be used by anyone. Mrs. Webster added that she didn't want to make her neighbors mad at her but she had no choice to sell and have the property developed since she can't farm to make the money she needs anymore.

Ezra Harris said that he lives on Cooper Street and thanked the Planning Commission for being fair and having a hearing so all issues could be heard and dealt with. This development should be approved and moved ahead to the City Council.

Dean Wall commented that adding ninety homes to the area will create a significant amount of traffic and there aren't enough access points planned for this development.

Thomas Wood said that the layout of the development is not being considered tonight.

Lorene Kamalu commented that she understands traffic is a problem in the Mountain Vistas Subdivision, and the roads were designed to be curvy to help slow down and deter traffic from using it as a thoroughfare. It will become more of a problem as more homes are built. The city has a traffic calming policy that could be used to help address traffic problems. Mrs. Kamalu asked if a traffic light is planned for 200 North Street and Mountain Vistas Road.

Andy Thompson responded that it's not currently in the city's plans to install a traffic light at that intersection. A traffic study could be done, but it would need to meet the requirements of the Federal Highway Association it even be considered. It's unlikely that it would currently meet those requirements, but that could potentially change in the future.

Lorene Kamalu said that she doesn't feel this development would cause neighboring property values to decrease. Mrs. Kamalu added that she'd spoken with Haight's Creek Irrigation, which does not service this area, but learned a lot about how much water pressure is affected as more development occurs. It's expensive to upgrade the water systems. However, the residents have valid concerns that should be addressed. It's important to consider infrastructure with development and make changes and upgrades as necessary.

Josh Sundloff commented that smaller lot sizes doesn't necessarily mean less expensive homes or lesser property values. Mr. Sundloff asked Mr. Wilson about the request for the R-1-LD zone.

Russell Wilson said that when looking at the layout of the property and the location of the stub streets, it is easier to draw a better subdivision layout when the lot sizes can be varied, while still keeping the same density of the area.

Thomas Wood asked about the agricultural property to the north of this.

Nephi Harvey said that he is the owner of that property and has no plans to sell or develop his

property, but will keep farming it for as long as they can. They have also lost access to irrigation water as properties have been developed, but they are finally getting their water back.

Lorene Kamalu commented that she had heard suggestions about creating this development as just a cul-de-sac, only taking access off of Angel Street but that would be very dangerous to only have one access point for the number of homes proposed.

Stroh DeCaire made a motion to recommend approval of the request to rezone 41.22 acres of property at 101 South Angel Street from R-A (Residential Agriculture) and R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential Low Density) zoning district for Symphony Homes, contingent on final plat approval of the subdivision. Josh Sundloff seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Dean Wall said that allowing a developer to come into an area and only allowing one main access point to 200 North Street is not good planning. There are other ways to create more access points to 200 North and not overburden surrounding neighborhoods.

REPORTS

Lorene Kamalu asked about the traffic signal at 200 North and Kays Drive. She has heard a lot of concerns from nearby residents who have said that they have sometimes had to wait a long time for the light to change.

Andy Thompson said that they had a contractor come look at that about a year ago and could have them come look at them again. It's possible a sensor isn't working correctly.

CALENDAR

Andy Thompson informed the Planning Commission that the City Council had cancelled their meeting for Thursday, October 19, 2017.

The next regularly scheduled Planning Commission meeting will be held on Thursday, October 26, 2017 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:40 p.m.