

KAYSVILLE CITY PLANNING COMMISSION

October 26, 2017

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

Excused: Joshua Sundloff

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

Others Present: Council Member Larry Page, Todd Hilton, Pam Hilton, Debby Walden

OPENING

The Planning Commission meeting was held on Thursday, October 26, 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 28, 2017 meeting were presented for approval.

Lorene Kamalu asked that her comment on page 11 in the minutes be changed to read "Lorene Kamalu said that *discussing* the item would give the developer the opportunity to speak...".

Stroh DeCaire made a motion to approve the minutes of the September 28, 2017 meeting with the aforementioned revision. Lorene Kamalu seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR HILTON HOMES SUBDIVISION AT 289 NORTH 700 EAST – TODD HILTON

Andy Thompson explained that the final plat of the Hilton Homes Subdivision located at 289 North 700 East is consistent with the preliminary plat received and reviewed in September. The plat consists of three lots, including the existing home near the corner, and two additional lots. The property is already improved with curb, gutter and sidewalk along all sides, and takes access off of existing streets. The R-1-8 zoning district requires that all lots be at least 8,000 square feet in size. The smallest proposed lot is 8,964 square feet, and therefore meets the minimum requirements. A standard lot is also required to have a minimum of sixty feet of width along the property frontage. The smallest frontage in the proposed plat is 64.5 feet in width, which exceeds the minimum requirements.

Stroh DeCaire made a motion to recommend final plat approval for Hilton Homes Subdivision at 289 North 700 East for Todd Hilton. Gary Bullock seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Andy Thompson commented that early this year, the Planning Commission had recommended approval of a request to rezone a property owned by Mr. Jim Puffer at approximately 1450 South Burton Lane. The request went on to City Council who later approved the rezone request. Afterwards, the neighbors filed a referendum which is allowed by state law. Because a referendum was filed, the approved LI zone is not put into effect yet until forty-five days has passed in which either, if enough signatures have been collected that the property will remain in the R-1-20 zone until this issue can be put on the next municipal election ballot which won't be until 2019, or if there were not enough signatures collected then the property automatically is changed to the LI zone as approved previously. Because Mr. Puffer's property is currently in the R-1-20 zone until the forty-five days have passed, the city received a complaint by the neighbors that Mr. Puffer's property is not in compliance with the R-1-20 zone and Staff was demanded to get it in compliance. Staff sent Mr. Puffer a letter in regards to the complaint of his non-compliance and Mr. Puffer responded with an appeal against Staff's interpretation of city ordinance regarding his non-compliance. Mr. Thompson explained that Kaysville City's Attorney Felshaw King has reviewed this situation, as well as the appeal submitted and is ready to write a response to it if that is what the City asks. As the appeal body, the Planning Commission can decide in which form they would like to review this appeal, whether it be in writing or to hold a meeting where the applicant could present their case in person. The City Attorney is willing to be at that meeting as well.

Gary Bullock commented that while he understands it is allowed per state law, it seems inappropriate to have a referendum so that this issue to go to a public vote when this issue is in regards to private lands. This issue does not deal with public land or funds, and won't impact city funds or taxpayer funds. It seems this issue would be better dealt with between neighbors and the property owner. Mr. Bullock asked about the referendum.

Andy Thompson responded that they have forty-five days to collect a specific amount of signatures, which then are certified that the signatures are by registered voters in Kaysville City limits. The Planning Commission would be reviewing just the appeal and Staff's interpretation of the property's compliance with city ordinances. The referendum is separate from the submitted appeal. There is nothing in city ordinance which specifies a specific time frame that appeals have to be reviewed by, as long as they are reviewed within a reasonable time frame. Because Mr. King will be out of town for the Planning Commission's next meeting on November 9, Staff is recommending putting this item on their following meeting on November 30. However, the Commission also needs to be aware that the forty-five day time frame will be completed by this time, and if not enough signatures have been collected the property will automatically be zoned LI and the appeal will be irrelevant at that point because he will be in compliance with the LI zone.

The Planning Commission decided to wait until the forty-five days for the referendum is completed before having the City Attorney write a response to the appeal, and before scheduling a meeting to review the appeal. If enough certified signatures are received, Mr. Puffer's appeal meeting will be set for November 30.

Lyle Gibson commented that recently he was able to attend training by the Utah Land Use Authority, which has produced several training videos to help municipalities. Mr. Gibson showed one of these videos to the Planning Commission regarding due process with requests made to the city. The state sets the criteria for approving land use changes, and it's rare that they are all met.

Andy Thompson said that recently the Planning Commission asked Staff to review the ordinances regarding accessory buildings. Staff is asking for more direction of what the Commission would like to see, but the Commission needs to keep in mind some of the issues that might occur should the ordinances be changed. Currently the ordinance says that on corner lots, the side of the home that abuts a street should have a minimum setback of twenty feet. If you allow sheds to impede that twenty foot setback you could potentially be allowing sheds to essentially sit directly adjacent to the front yard of the neighboring property. It could possibly create a problem with visibility or might impede on the neighbors front yard. Also, because these sheds could be built so close to the street, is that the kind of streetscape we want to see?

Matthew Anderson said that once a fence is built which encloses the back yard, including the shed, then it's not as noticeable. If you can only see the shed it almost looks out of place.

Gary Bullock commented that it seems that a fence would be more visually impeding than a shed would be.

Mr. Anderson suggested that accessory buildings under 200 square feet be allowed within the twenty foot side yard setback, but only as long as they are fenced.

Gary Bullock commented that there needs to be some consideration for the neighbors. Even if the shed is fenced, it still seems to impede on the neighbor's front yard. The shed could sit as close as a foot to the neighbor's property.

Stroh DeCaire commented that it seems that you can't mandate that someone put in a fence.

Gary Bullock commented that the rules need to be same for everyone and not subjective. We don't want to create more problems than we are trying to solve. If we do allow sheds within the twenty foot setback area, we need to ensure it's stated that the shed doesn't impede on a neighboring front yard.

CALENDAR

The Planning Commission reviewed the calendar for the rest of the 2017 year and determined that they would hold their regular meetings on November 9, November 30, and December 14.

The next regularly scheduled Planning Commission meeting will be held on Thursday, November 9, 2017 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:00 p.m.