

KAYSVILLE CITY PLANNING COMMISSION

December 14, 2017

Members Attending: Chairperson Betty Parker, Gary Bullock, Lorene Kamalu, Joshua Sundloff, Thomas Wood

Excused: Matthew Anderson, Stroh DeCaire

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

Others Present: Kenneth Brown, Craig Larsen, Spencer Prince, Jason Robbins, Lauren Hayes, Doug Farr, Amy Taylor, Sue Tice, Matt Briggs, Valerie Briggs, Alan S. Bachman, John Wheatley, Jared Schmidt, Kim Caldwell

OPENING

The Planning Commission meeting was held on Thursday, December 14, 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”, EYELASH EXTENSIONS AT 1071 SOUTH KAYS DRIVE – LAUREN HAYES

Lyle Gibson explained that Lauren Hayes is requesting a conditional use permit for a major home occupation “B” to offer eyelash extension services from her home at 1071 South Kays Drive. Ms. Hayes anticipates starting with about five clients per week. She has a space within her home with a table where she will apply the extensions. Clients would come no earlier than 7:00 a.m. and no later than 6:00 p.m. Her clients would come by appointment only, and appointments would run about an hour or two each. Staff has visited with Ms. Bennett and reviewed the requirements of the ordinance with her.

Lorene Kamalu made a motion to grant a major home occupation “B”, eyelash extensions at 1071 South Kays Drive for Lauren Hayes. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, DOG TRAINING AT 299 WEST CLOVER MEADOW ROAD – JASON ROBBINS

Lyle Gibson explained that Jason Robbins is requesting a conditional use permit for a major home occupation “B” to offer dog training classes from his home at 299 West Clover Meadow Road. Mr. Robbins has another job working full-time, so the dog training classes would only happen occasionally. The sessions are an hour long where Mr. Robbins will work with both the

dogs and their owners to teach them techniques in dog training. Training would be one dog at a time, with one or more individuals working on the training techniques with the dog. However, once a month there may be multiple dogs and their owners coming to his home for a group session. This monthly session would run for about an hour. Mr. Robbin's business model fits within the "organized classes" definition of city ordinance and Staff feels that a limit on the number of vehicles is appropriate for preventing traffic congestion.

Jason Robbins added that he would work with all types of dogs. He has done an internship with another dog trainer and would be teaching the dogs advanced obedience training.

Gary Bullock asked about what time clients would come to his home.

Jason Robbins responded that he works full-time as a school teacher and would have clients coming to his home between 3:00 p.m. and 9:00 p.m. The one large class would have up to eight dogs and their owners at a time, but would only occur once a month. That larger class is offered for ongoing training support for those he has worked with one-on-one.

Betty Parker asked where Mr. Robbins will teach the classes.

Jason Robbins responded that he has a large carport which he has fenced. Most training will occur there, although at times he will use other areas of his yard and a room in his home.

Thomas Wood made a motion to grant a conditional use permit for a major home occupation "B", dog training at 299 West Clover Meadow Road for Jason Robbins with the following conditions:

1. No trainings take place after 9:00 p.m. to mitigate the potential noise from barking dogs.
2. The number of vehicles for students be limited to three cars at a time, with the exception of a one-time per month limit of ten vehicles for a period not to exceed two hours.

Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", INTERIOR DESIGN AT 1352 SOUTH SIR BARTON DRIVE – KIM CALDWELL

Lyle Gibson explained that Kim Caldwell lives at 1352 South Sir Baron Drive and has operated a licensed office from her home for some time. As her business has experienced growth it has expanded past what is allowed as a minor home occupation, therefore Ms. Caldwell is requesting a conditional use permit for a major home occupation "B". Ms. Caldwell would like the ability to have clients come to her home by appointment. Also, while the business is primarily interior design consulting, the applicant anticipates selling specific art or furniture pieces to her clients as well. These would be occasionally delivered to her home before being taken to their final destination.

Betty Parker asked if Ms. Caldwell would have a showroom in her home.

Kim Caldwell responded that she will have pieces displayed throughout her home, but will not have a specific area set up as a showroom.

Lorene Kamalu made a motion to grant a conditional use permit for a major home occupation “B”, interior design at 1352 South Sir Barton Drive for Kim Caldwell. Thomas Wood seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR WHISPERWOOD SUBDIVISION AT 650 EAST 100 NORTH – SPENCER PRINCE

Andy Thompson explained that the Whisperwood Subdivision is located at the east end of 100 North Street and is being proposed as a private lane subdivision. The development includes five new lots ranging in size from 9,491 square feet to 11,260 square feet. This project received preliminary plat approval last summer with several conditions. The Planning Commission also recommended approval of the PRUD overlay zone to allow the private lane. The proposed final plat is similar to the approved preliminary plat with the exception that the access to the property to the east has been moved one lot to the south. This change is proposed to better accommodate the utilities and access to the adjacent property. The proposed project meets the requirements of the city regulations, as well as the conditions placed by the Planning Commission at preliminary approval. As part of this development, the developer is planning to install a retaining wall and privacy fence along the western edge of the property to help protect the privacy of the neighboring homes. The developer has also had a geotechnical survey done to ensure that water and drainage issues are properly addressed.

Chairperson Betty Parker asked if there were members of the audience who would like to speak regarding this item.

Spencer Prince commented that 100 North Street was approved to be vacated by the City Council in their May 18, 2017 meeting. The preliminary plat for this subdivision was approved on June 15, 2017. The final plat being presented tonight complies with all of the requirements requested by the city and the Planning Commission. A retaining wall will be installed along the western edge of the property and a six foot vinyl fence, matching the neighbor’s fence, will then be installed along the top of the wall. Trees will be planted along the retaining wall and fence which will also help with screening. The private road will be twenty-four feet wide and will run alongside the west side of the property. Currently the Brigg’s property is not large enough to be a buildable lot. With the development of this property the Brigg’s will be obtaining more space and a driveway access making their property buildable. There is both a storm drain system as well as a detention pond for the development. Both are designed to contain more water run off than what is required, and will solve current run off issues on the property. The water draining onto to the Taylor’s property will be moved and directed around their property.

Alan Bachman said that he is Matt and Valerie Brigg’s legal representative and thanked the Planning Commission for taking the time to review this item. The Briggs are concerned about the lack of time they have had to review the engineering plans, which have not been provided to them. The neighbors want to ensure the engineering will adequately address water problems here. This final plat was only made known to the neighbors a couple of weeks ago. In order to

meet due process, those affected by this development should have effective noticing and have a chance to be heard. The Briggs do not want to stop this development but want to make sure that this development meets state and city ordinances. In reviewing the requirements made by the Planning Commission at their May 25, 2017 meeting, they feel that not all requirements have been addressed. There needs to be a neutral mediator to work between the neighbors and the developer. There are still some serious concerns that haven't been addressed adequately. The Brigg's are still unsure about how they will be provided adequate access to their property because the proposed driveway access to their property doesn't align with 100 North Street. The Briggs feel that 100 North Street should not be vacated so that they would be able to take direct access from it. The Utah Constitution doesn't allow for private property to be taken or damaged for public use without just compensation. The Brigg's have invested a lot into their property and they are looking for assurance that they will not be negatively impacted by this development. They understand that public clamor shouldn't delay a development, but things shouldn't be rushed when there are legitimate issues.

Doug Farr, representing the Tice's and Taylor's, said that his clients want this development to be done responsibly. They have spoken with both the City Engineer and the developer, but would like the chance to look at the plans to ensure that water issues will be resolved. They hadn't heard about the fence and trees being planned until tonight, however they are still concerned about the grading of the property. There is no way to make the property slope away from the Taylor's home. After the previous Planning Commission meeting, Mr. Farr said he e-mailed Mr. Prince and sent a GRAMA request to the City. The City claimed that the documents he'd requested were confidential and could not be provided to them. However, he was told previously that they would be able to review them before tonight's meeting. There needs to be better clarification and time to review the necessary documents. They are willing to sign a confidentiality or non-disclosure agreement. The neighbors just want to make sure that this development will be done correctly. They keep getting told that these plans meet requirements, but they want some kind of protection in place and would like to make that determination themselves.

Kenneth Brown said that he was representing Spencer Prince, and said that they are focused to make sure problems and concerns be resolved and answered. The property labeled as Parcel 1 on the plat will be deeded to give thirty feet of right-of-way access to the Brigg's property. They never intended to deprive the Briggs access to their property, but rather have been trying to work something out with them. Privacy has been addressed through the retention wall and fence on the western edge of the property. They have attempted to formulate a solution that will work for everyone.

Gary Bullock asked about allowing the neighbors to review the plans.

Spencer Prince said that he has been hesitant to allow the neighbors review the plans because they have not always had the best intentions. Nevertheless, he has tried to reach out to the neighbors to arrange a meeting with them, and is still willing to do the same. They have had four separate engineering firms look at these plans, and had a specialized engineer do a hydrology study. He is also willing to allow the neighbors to review the plans, but doesn't want to delay the approval of this subdivision until the neighbors approve of them.

Alan Bachman commented that he doesn't feel it's reasonable to only allow the neighbors a couple weeks to review the plans until the next City Council meeting.

Thomas Wood stated that he feels that the developer has resolved the issue of providing access to the Briggs's property.

Lorene Kamalu commented that the Briggs would prefer to see 100 North Street extended to their property edge so they could take access from it instead of the driveway access.

Thomas Wood said that had 100 North Street not been vacated, the Briggs would have no guarantee of ever having access to their property because there would be no guarantee of 100 North Street ever being extended to their property line. This development is giving them the opportunity to develop their property immediately if they wanted to. Mr. Wood added that he feels that privacy concerns have been addressed with the retaining wall, fence and trees as proposed.

Gary Bullock commented that the requirement to the developer was that access to the Briggs property be resolved, which he has done.

Josh Sundloff said that he can understand the Briggs concerns about having to pay additional taxes from the acquired piece of vacated property. However, the City Council has already approved the vacation of 100 North Street subject to the final plat approval. Tonight we are reviewing the plat to ensure it meets the conditions required at preliminary plat approval. Mr. Sundloff asked if the developer would be willing to stub utilities to Parcel 1.

Spencer Prince responded that Parcel 1 will be stubbed in so that two lots could have access to it should the Briggs decide to develop. Those utilities will be stubbed in at the stem of the flag. It will be cheaper for the Briggs to develop their property into flag lots because they will not have to be putting a roadway in.

Thomas Wood asked about the geotechnical report.

Andy Thompson responded that it was prepared and submitted to the city by the developer. It has addressed what type of soils are in the area, as well as ground water. The study is adequate and addressed the water concerns of the property.

Lorene Kamalu asked about the existing retaining wall.

Spencer Prince responded that it sits over the property line, but instead of having the Taylor's remove it, they will give the Taylor's written permission to keep the wall there.

Lorene Kamalu asked about the slope of the property and water run-off.

Spencer Prince responded that the private road will be the low point where water will collect and then be directed to a detention basin located on Lot 1. The basin is five times larger than what is

required. One reason why this property had flooding issues in the past was because of a grate being blocked because it was too small. The new grate will be larger, and the runoff system will direct water away from the Taylor's property.

Lorene Kamalu commented that the proposed plans seem that they will make this area better for years to come. It is the responsibility of the Planning Commission to review the laws and ordinances, and ensure that any requirements placed on a development are met in the final plat. It might help the neighbors to feel more comfortable with this development if they are given time to review the plans.

Josh Sundloff commented that he feels that Mr. Prince has adequately addressed each of the provisions outlined at preliminary plat approval. The Brigg's property is not being isolated from a city right-of-way or city utilities.

Gary Bullock made a motion to recommend final plat approval for Whisper Hollow Subdivision (previously reviewed as Whisperwood Subdivision) located at 650 East 100 North for Spencer Prince. Thomas Wood seconded the motion and it passed unanimously.

Gary Bullock suggested that the neighbors and the developer try to meet before this item goes for City Council review to help give the neighbors some reassurance.

Valerie Briggs commented that this development has cost the neighbors and the city a lot and it's a mistake to approve it.

FINAL PLAT APPROVAL FOR SUNSET EQUESTRIAN ESTATES PHASES 16A AND 19 AT APPROXIMATELY 1950 SOUTH ZENYATTA WAY – SYMPHONY HOMES

Andy Thompson explained that Symphony Homes has been developing the northern portion of Sunset Equestrian Estates over the last few years. They have recently completed Phase 18 and would now like to start on the remaining phases. Phase 16A will complete Zenyatta Way and connect the newest phase on the north to the existing phases with the road along the eastern side of the property. This phase is part of the original Sunset Equestrian Estates and is consistent with the overall preliminary plat. It consists of eighteen lots all exceeding 20,000 square feet. Phase 19 was rezoned to the R-1-LD zone and received preliminary plat approval last spring. This plat consists of six lots on a cul-de-sac. These lots range from over 18,000 square feet to over 33,000 square feet.

John Wheatley, with Symphony Homes, commented that there is a portion of property along Zenyatta Way that is owned by the Belnap's, and Symphony Homes has an agreement to stub utilities to his property.

Josh Sundloff commented that he would have liked to have seen Zenyatta Way connect to Sunset Drive.

Lorene Kamalu made a motion to recommend final plat approval for Sunset Equestrian Estates Phases 16A and 19 at approximately 1950 South Zenyatta Way for Symphony Homes. Gary

Bullock seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR THE BOB MASON SUBDIVISION AT 860 SOUTH ROUECHE LANE – BOB MASON

Andy Thompson explained that in October of this year the City Council approved a preliminary plat and rezone for this property at 860 South Roueche Lane. This subdivision would accommodate two additional home lots. The property currently has a large barn which will remain on Lot 1. The remaining 1.56 acres along the east end up against Roueche Lane would be split into two additional lots. All of the street improvements along Roueche Lane are already in place. This is a private drive subdivision, with a unique drive that runs through the middle of the lots as it follows the route of the existing driveway. This access will be improved to meet private street standards and will include a cul-de-sac style turnaround on Lot 2. All properties within the subdivision will be able to utilize the drive by means of access easements. While this could potentially cause issues, Staff feels that the property owner is aware of those impacts and it is still a buildable lot.

Thomas Wood made a motion to recommend final plat approval for the Bob Mason Subdivision at 860 South Roueche Lane for Bob Mason. Gary Bullock seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lyle Gibson stated that the Mayor Elect and the City Manager have been reviewing the schedule for 2018 and have considered moving Planning Commission meetings to Tuesday nights so that the City Council would have Thursdays between Council meetings available to hold work sessions. They are asking for feedback from the Planning Commission about this.

Gary Bullock commented that he would not be available on Tuesday nights. Mr. Bullock added that when they were appointed to the Planning Commission they were told it would be on Thursday evenings and that is what they have committed to.

Josh Sundloff said that if he had to, he would try to make Tuesdays work but Thursdays work much better with his schedule. It is likely he would miss meetings more often if they were on Tuesdays.

Betty Parker and Matthew Anderson said that they would be able to meet on Tuesdays or Thursdays.

Lorene Kamalu commented that Thursdays are better for her schedule.

Andy Thompson explained that the City Council reviewed the Whisper Creek PUD Subdivision

and did not agree with the Planning Commission's recommendation to have an emergency access gate. The plat was approved subject to a public street instead.

Thomas Wood asked about Mr. Jim Puffer's appeal.

Andy Thompson said that recently there has been some negotiation between Mr. Puffer and the neighbor's so we were advised to hold off on the appeal until the negotiations have ended.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, January 11, 2018 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:57 p.m.