

# KAYSVILLE CITY PLANNING COMMISSION

January 11, 2018

Members Attending: Vice-Chairperson Stroh DeCaire, Matthew Anderson, Gary Bullock, Lorene Kamalu, Joshua Sundloff

Excused: Betty Parker, Thomas Wood

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

Others Present: Council Member Larry Page, Adam Howard, Sarina Howard, Greg Brown, Lynda Webster, Brad Magnuson, Jason Spencer, Isaac Riches, Brian Allen, Kole Allen, Russell Wilson

## **OPENING**

The Planning Commission meeting was held on Thursday, January 11, 2018 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Stroh DeCaire opened the meeting by welcoming those present. The minutes of the November 9, 2017 meeting were presented for approval.

Gary Bullock made a motion to approve the minutes of the November 9, 2017 meeting. Matthew Anderson seconded the motion and it passed unanimously.

## **CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, CONTRACTOR AT 1880 WEST 550 NORTH – KOLE ALLEN**

Lyle Gibson explained that Kole Allen works in construction and is requesting a conditional use permit to use his home at 1880 West 550 North as an office. The office will be used for scheduling appointments and processing paperwork. He has an off-site location to storage his equipment. Staff has visited with Mr. Allen and reviewed the restrictions of Title 17-26-4 “Major Home Occupations B”.

Lorene Kamalu made a motion to grant a conditional use permit for a major home occupation “B”, contractor at 1880 West 550 North for Kole Allen. Matthew Anderson seconded the motion and it passed unanimously.

## **CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, HANDYMAN AT 313 EAST CRESTWOOD ROAD – JASON SPENCER**

Lyle Gibson explained that Jason Spencer is moving into the home at 313 East Crestwood Road and is requesting a conditional use permit to have a handyman. Mr. Spencer subcontracts with

Paul Davis Restoration who contacts him to go onsite for a variety of jobs. No customers will come to his home, and he has an off-site location arranged to store his trailer and equipment. Mr. Spencer has a pick-up truck he will use to go to each job. Materials are typically delivered to the project location, or Mr. Spencer will pick up materials on his way to the jobsite. There will be no outside storage of any equipment or materials.

Matthew Anderson made a motion to grant a conditional use permit for a major home occupation “B”, handyman at 313 East Crestwood Road for Jason Spencer. Gary Bullock seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 4.52 ACRES OF PROPERTY AT 849 AND 881 SOUTH SUNSET DRIVE FROM A-1 (LIGHT AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW DENSITY) ZONING DISTRICT, WITH THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – ELISHA PETERSON AND JIM BAGGS**

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE PETERSON SUBDIVISION AT 849 AND 881 SOUTH SUNSET DRIVE – ELISHA PETERSON AND JIM BAGGS**

Lyle Gibson explained that the applicants are requesting a rezone of their property in order to accommodate a new private street subdivision. The requested R-1-LD zoning district allows a net density of two units per acre. Based on the total property area, this would allow them to develop as many as nine dwellings. The R-1-LD zone allows for some flexibility in lot size while keeping the overall density at no more than two units per acre. The smallest lot size allowed is 12,000 square feet in size. The requested subdivision creates a new private cul-de-sac street which provides access to seven new lots. The two existing homes will remain on site, and will continue to take access off of Sunset Drive. The smallest lot is proposed over 14,000 square feet in size. All lots include or exceed the minimum square footage for the requested zone, and meet or exceed the minimum frontage requirements. A PRUD overlay zone approval is necessary to permit a private street. The private lane would be owned and maintained by a homeowners association within the subdivision.

Vice-Chairperson Stroh DeCaire opened the Public Hearing to discuss the proposed rezone from A-1 to R-1-LD, with the PRUD overlay zone.

Sarina Howard said that she lives just north of this development and is concerned about how this might affect the traffic flow onto Sunset Drive. Sunset Drive is already extremely busy, especially being located next to the Junior High. They are also concerned about privacy as there are four proposed homes abutting their property line. Will a fence be required of the developer? Will they be required to have water shares? Will curb and gutter be installed and will a sidewalk be put along Sunset Drive? There are not many sidewalks along Sunset Drive, and many students in the area walk to school.

Adam Howard said that there is a culvert that runs on the south side of the Seminary building lot across the street and asked if the storm drain could be tied into that. Currently storm water

collects in front of their properties.

Lyle Gibson said that engineering for the development will be required before final plat approval to ensure proper water drainage and that any water issues be taken care of. The private street would have curb and gutter installed on it. The property along Sunset Drive will be improved with curb, gutter and sidewalks. It is possible that those improvements could be bonded for so that they will be installed when the rest of Sunset Drive is fully improved. The private street is not required to have sidewalks, but it could be required with plat approval

Lorene Kamalu asked about secondary water providers for the area.

Andy Thompson responded that there are a few different water providers in this area, but believes these properties are serviced by Hights Creek Irrigation. The developer would need to work with them to ensure they meet their requirements.

There were no further comments or questions from the public. Vice-Chairperson Stroh DeCaire closed the Public Hearing.

Gary Bullock commented that by combining their lots, these property owners have made this a more conducive development.

Lorene Kamalu asked about when Sunset Drive will be fully improved with curb, gutter and sidewalk.

Andy Thompson responded that it is on the list of city projects to be done, but there is not a set time frame yet.

Josh Sundloff commented that this development meets the General Plan because there are not more than two units per acre and fits in with the density of the area. Traffic from this development is not likely to create any significant impact on Sunset Drive.

Josh Sundloff made a motion to recommend approval of the request to rezone 4.52 acres of property at 849 and 881 South Sunset Drive from A-1 (Light Agriculture) to the R-1-LD (Single Family Low Density) zoning district for Elisha Peterson and Jim Baggs. Matthew Anderson seconded the motion and it passed unanimously.

Josh Sundloff made a motion to recommend approval of the request to rezone 4.52 acres of property at 849 and 881 South Sunset Drive to include the PRUD (Planned Residential Unit Development) overlay zone for Elisha Peterson and Jim Baggs. Matthew Anderson seconded the motion and it passed unanimously.

Lorene Kamalu asked about requiring sidewalk on private streets.

Andy Thompson responded that private lanes are only required to have curb and gutter, however sidewalk could be added as a condition upon approval.

Lorene Kamalu commented that she feels that sidewalks should be required so pedestrians are not forced to walk in the street.

Josh Sundloff asked how wide the private street would be.

Andy Thompson responded that it would measure at twenty-four feet wide, which includes two-feet of roll curb on either side of the street.

Josh Sundloff suggested only requiring sidewalk on one side of the street.

Lorene Kamalu said that because this development is located close to two schools it is likely kids would walk to school and it would be better to have pedestrians off the streets.

Gary Bullock commented that in the past the city has heard many concerns by residents asking for more sidewalks in order to provide safe places for people to walk. This is a highly traveled area and there should be sidewalks here.

Josh Sundloff said that he understands the concerns with safety, but having a sidewalk on both sides of a private lane seems like more than what is needed. This is not going to be a thoroughfare and the only people using the street and sidewalks would be those living here. Sidewalks will be an additional cost to the developer and might not be necessary to have sidewalks along both sides of the street.

Gary Bullock said that the Commission could request that sidewalk be installed, and let the developer decide if it should be installed on one or both sides.

Vice-Chairperson Stroh DeCaire opened the Public Hearing to discuss the proposed preliminary plat for The Peterson Subdivision.

Adam Howard asked if the power utilities will be installed underground.

Andy Thompson responded that in most cases new power lines are installed underground.

Gary Bullock said that while he feels this subdivision is compatible to the area, it would be appropriate to require a fence on the north side because it is adjacent to an agricultural use.

Adam Howard commented that there is an existing fence along the southern edge of the property with an irrigation water line that runs along the top of it. Mr. Howard says he still uses that water line and therefore would rather not have that fence torn down but rather just have a fence installed next to it. They would also like to be able to negotiate with the developers to make a fence work for both parties.

There were no further comments or questions from the public. Vice-Chairperson Stroh DeCaire closed the Public Hearing.

Nic Mills suggested that if the Commission recommends approval to make a stipulation that the

developer work with Staff to address fencing issues before final plat approval.

Josh Sundloff made a motion to recommend preliminary plat approval for The Peterson Subdivision at 849 and 881 South Sunset Drive for Elisha Peterson and Jim Baggs with the following conditions:

1. Water issues on the property be addressed, meeting at least the minimum engineering requirements needed.
2. The applicant work with both Staff and adjacent property owners regarding fencing.
3. A sidewalk be installed on either one or both sides of the private street.

Gary Bullock seconded the motion and it passed unanimously,

### **PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE PRESERVE SUBDIVISION AT 101 SOUTH ANGEL STREET – SYMPHONY HOMES**

Andy Thompson explained that the property located at 101 South Angel Street was recently rezoned to the R-1-LD zone and Symphony Homes has now submitted a preliminary plat for approval. The plat consists of eighty-two lots, including two existing homes, on 41.35 acres. Lots range in size from 13,000 square feet to over half an acre. These lots all meet the requirements of the R-1-LD zone for frontage and lot size. The plat also includes one area of open space shown as Parcel A on the plat, which is intended as a community pool. The proposed plat contains four cul-de-sacs, three of which are near the allowed maximum length of six-hundred feet. While the City does not prohibit this, Staff has some concern with this layout in regards to traffic circulation, emergency services and water quality. Cul-de-sacs are also the lowest priority for our snow plow crews. Kaysville City Ordinance 19-5-1 “Arrangement of Streets” states that the arrangement of streets shall provide for access to and circulation within the vicinity of the subdivision as determined by the City. While this layout provides access to the property, it does not create circulation within the subdivision.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

Greg Brown, living in the Mountain Vistas Subdivision, said that he is on their HOA board and knows many in the subdivision are in favor of this subdivision and feel that Symphony Homes has created a very compatible plan. However, there is concern about not being able to have access to this subdivision from Angel Street until this subdivision is almost fully developed. It is a safety concern to continue to add more homes and more traffic to only one access point. There will also be a lot of construction traffic on their roads. A secondary access point should be built immediately to allow for traffic and pedestrians to travel here safely. Mr. Brown said that he understands the cul-de-sacs meet the city standards, but would rather see better plan to address traffic flow.

There were no further comments or questions from the public. Vice-Chairperson Stroh DeCaire closed the Public Hearing.

Lorene Kamalu said that in their meeting when the rezone of this property was discussed, many neighbors spoke about this development and had legitimate fears about traffic and the amount of

homes to be built here. This proposed plan doesn't disperse traffic well and could bottleneck traffic. Mrs. Kamalu asked if other road patterns had been considered.

Russell Wilson, representing Symphony Homes, said that their company is very particular about the dimensions of their lots to ensure their house floorplans will fit on the lots. Almost all of the proposed lots exceed the minimum lot requirement. They have found that most people prefer to own a home on a cul-de-sac. They are more marketable and they are the first ones to sell. Most people don't want to have to deal with cut-through traffic on straightaway roads. They did look at other roadway plans for this development, including connecting two of the cul-de-sacs. However, it created narrower lots and really limited the floorplans they could use.

Josh Sundloff said that he took some time to review this proposed plat and feels that a better road design could be created to allow for better connectivity, without having to reduce the number of building lots significantly. The proposed cul-de-sacs significantly reduces neighborhood connectivity. It will promote more of a dependency on cars for the residents here, and will unevenly distribute traffic because it forces all the traffic from the cul-de-sacs onto one road. Roads should be designed to have an even distribution of traffic load. This road design overburdens one road, when it needs to be designed to alleviate as much traffic as possible.

Gary Bullock asked about the Harvey's property to the north and if they planned on developing.

Russell Wilson responded that they have been told that the Harvey's don't plan on developing their property anytime soon.

Gary Bullock said that walking paths could be put between the cul-de-sac lots for pedestrian travel, but that won't address creating better vehicular traffic flow.

Stroh DeCaire said he agrees with Mr. Sundloff's comments and asked about the possibility of constructing a temporary access road connecting to Angel Street.

Russell Wilson said that they will be building the roads as each phase is developed and it will probably take about four years to complete. The Webster family currently owns the property and would like to continue to farm the rest of the land while construction occurs. Therefore as part of their agreement, Symphony Homes is only purchasing pieces of their land as each phase is developed. Therefore Symphony Homes does not own the land needed to be able to create that road access point to Angel Street until the final phase of this development is purchased from the Webster's.

Lorene Kamalu commented that the residents of Mountain Vistas will definitely see an increase in traffic through their neighborhood.

Josh Sundloff said that he feels that this subdivision will still be marketable and a community people will want to live in without the cul-de-sac streets.

Russell Wilson responded that creating a subdivision plan with no cul-de-sacs will create more corner lots, which will then to be harder to sell because they have a larger setback.

Gary Bullock commented that he feels that this subdivision plan could be redesigned to create a more conducive street pattern. This proposed plat is creating a cul-de-sac community and takes away from the connectivity.

Matthew Anderson said that removing the larger lots at the bulbs of the cul-de-sacs is removing about fifteen of the more marketable lots. Would this development still be financially sustainable?

Lorene Kamalu commented that these proposed cul-de-sacs are much longer than any others in the area. They are going to be either at the maximum, or close to the maximum, length allowed.

Lorene Kamalu made a motion to recommend denial of the preliminary plat for The Preserve Subdivision at 101 South Angel Street for Symphony Homes, based on concerns about disbursing traffic long-term through the city, and connectivity concerns because of the proposed cul-de-sacs, which are close to the maximum length allowed for cul-de-sacs by city code. Josh Sundloff seconded the motion.

Voting was as follows:

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|------------------|-----|
| Gary Bullock     | yea |
| Lorene Kamalu    | yea |
| Matthew Anderson | yea |
| Stroh DeCaire    | nay |
| Josh Sundloff    | yea |

The motion passed with a vote of four to one.

#### **FINAL PLAT APPROVAL FOR HILL FARMS SUBDIVISION PHASE 6 AT 200 NORTH AND ANGEL STREET – DESTINATION HOMES**

Andy Thompson explained that over the last few years, Destination Homes has been constructing various phases of the Hill Farms Development. The final phase has now been submitted for final plat approval. Phase 6 is located just north of 200 North and east of Angel Street. This phase consists of twenty-seven lots and several areas of common open space. The plat complies with the preliminary plat.

Gary Bullock made a motion to recommend final plat approval for Hill Farms Subdivision Phase 6 at 200 North and Angel Street for Destination Homes. Lorene Kamalu seconded the motion and it passed unanimously.

**PUBLIC HEARING AND AMENDMENT OF SECTION 17-24-3, OF CHAPTER 17-24 FARM ANIMALS, CHAPTER 17-11, R-T OLD KAYSVILLE TOWNSITE RESIDENTIAL DISTRICT, CHAPTER 17-12, R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, AND CHAPTER 17-13, R-D DIVERSE RESIDENTIAL DISTRICT, OF THE REVISED ORDINANCES OF KAYSVILLE CITY**

Lyle Gibson explained that earlier this year the Planning Commission discussed city regulations regarding farm animals, more in particularly the language regarding the keeping of chickens. This proposed amendment addresses those changes discussed. Larger farm animals will still be allowed in residential zones by conditional use permit, but this amendment would allow chickens (fowl), rabbits or other similar animals to be considered as a permitted use in residential zones as long as the animals were kept in an enclosed area or structure to contain the animals on site.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

There were no comments or questions from the public. Vice-Chairperson Stroh DeCaire closed the Public Hearing.

Matthew Anderson asked if the language needed to be clarified regarding fowl, rabbits or similar animals.

Andy Thompson said that if there is ever a situation where there is a question as to what constitutes that category of farm animal it will be brought before the Planning Commission for interpretation of the ordinance.

Matthew Anderson made a motion to recommend approval of the amendment of Section 17-24-3, of Chapter 17-24 Farm Animals, Chapter 17-11, R-T Old Kaysville Townsite Residential District, Chapter 17-12, R-1 Single Family Residential District, and Chapter 17-13, R-D Diverse Residential District, of the Revised Ordinances of Kaysville City. Josh Sundloff seconded the motion and it passed unanimously.

**CALL TO THE PUBLIC**

Nothing was brought under this item.

**REPORTS**

Lyle Gibson said that Staff recently had a resident ask about subdividing their property which is located at the end of a cul-de-sac street. Their proposed subdivision would create a long flag lot stem, which could be seen as extending the cul-de-sac street. Staff is looking for more feedback from the Commission as to if these types of subdivisions should be allowed.

Andy Thompson said that about ten years ago there were flag lot subdivisions being proposed, especially on the east side of the city. An ad-hoc committee was formed to review infill developments. At the time flag lots were allowed at the end of cul-de-sac streets but the committee felt that allowing them was taking advantage of city ordinances and would be

extending a cul-de-sac street past the maximum allowance. Some concerns about these types of developments included creating congestion where the driveway, or driveways, take access off the cul-de-sac, and safety vehicles being able to access the flag lot.

The Planning Commission discussed allowing flag lots off of cul-de-sac streets. It was suggested that the length of both the cul-de-sac and stem road be limited.

### **CALENDAR**

The next regularly scheduled Planning Commission meeting will be held on Thursday, January 25, 2018 at 7:00 p.m.

### **ADJOURNMENT**

Lorene Kamalu made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:50 p.m.