

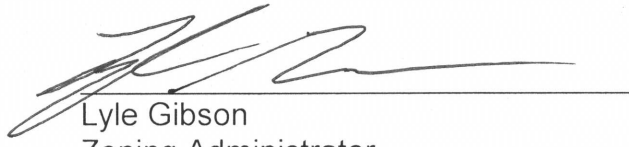
**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, January 25, 2018 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meeting of November 30, 2017.
2. Conditional use permit for a major home occupation "B":
 - a. Handyman at 412 North Flint Street – Gerardo Cruz.
 - b. Woodworking at 766 North Crimson Court – Megan Yardly.
3. Conditional use permit for an agricultural home occupation, minor automotive repair at 647 South Sunset Drive – Jeff Peterson.
4. Public hearing and amendment of Section 17-1-9, Amendments, of Chapter 17-1, General Provisions, of Title 17 Planning and Zoning of the Revised Ordinances of Kaysville City.
5. Public hearing and amendment of Section 17-34-9, Flag Lot Subdivision, of Chapter 17-34, Planned Residential Unit Development, of Title 17 Planning and Zoning of the Revised Ordinances of Kaysville City.
6. Call to the public.
7. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
8. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, January 19, 2018.



Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Handyman January 25, 2018

Applicant/Owner: Gerardo Cruz
Location: 412 North Flint Street
Zone: R-A (Residential Agriculture)

Description:

Mr. Cruz is requesting a conditional use permit for Major Home Occupation B at the above listed address. He does small jobs on site with typical power and hand tools that he is able to take on site in his truck. The property has a large driveway and large 3 car garage. It is surrounded by light industrial zoning with a vacant lot to the south, a dance studio to the north and east, and fronts along Flint Street to the west.

Staff has visited with the applicant and reviewed the restrictions of Title 17-26-4 Major Home Occupations B. Based on the nature of the business this proposal would be appropriate in any neighborhood, but in particular its location assures that the use does not negatively impact its surroundings.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, handyman, at the above listed address.

Reasoning:

The restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

412 North Flint Street





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Woodworking January 25, 2018

Applicant/Owner: Megan Yardley
Location: 766 Crimson Court
Zone: R-2 (Single and Two Family Dwelling Residential)

Description:

Ms. Yardley is requesting a conditional use permit for Major Home Occupation B at the above listed address. She creates custom signs as her business. She uses a scroll saw in her garage to cut out text and images.

Staff has visited with Ms. Yardley and reviewed the restrictions of the City's ordinances.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, handyman, at the above listed address with the following condition:

- No use of power tools for business activity between the hours of 9pm and 8am.

Reasoning:

The restrictions of the ordinance together with the recommended condition appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

766 Crimson Court





Planning Commission Staff Report

Conditional Use Permit for an Agricultural Home Occupation, Minor Auto Repair January 25, 2018

Applicant/Owner: Jeff Peterson
Location: 647 South Sunset Drive
Zone: A-1 (Light Agriculture)

Description:

Mr. Peterson previously held a conditional use permit and business license to operate 'First Response Auto' from this location. The business was in operation for some time but eventually outgrew the limits imposed on it by the Agricultural home occupation ordinance with including the concern of the business owner no longer living on site. In late 2014 early 2015 he pursued a process to have the property considered for a rezone to allow the operation to continue. Ultimately it was determined that the commercial zoning necessary to allow the larger operation was not appropriate at this location and the Planning Commission moved to allow until July of 2015 to come into compliance or have the license revoked. Within the given timeframe the applicant relocated the business outside the city and the location has been without an active conditional use or license since.

Chapter 17-2 of the City ordinances defines Minor and Major Auto Repair:

Automobile Repair, Major - General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body, frame, or fender repair, or over-all painting.

Automobile Repair, Minor - Upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including other operations, named under Automobile Repair Major, or similar thereto as determined by the Building Inspector.

The applicant is requesting to revisit this location for the use of minor auto repair within the parameters of the existing zoning and the agricultural home occupation ordinances. Currently Mr. Peterson is not living in the home at this location, but he still owns the property. Based on the history of the business at this location he wishes to pursue the Conditional Use Process to assure his use before moving back to the home and ensuing the business activity.

The basis for approval and standards for qualifying a conditional use permit are found within Chapter 17-30, Conditional Uses.

The minimum regulations which apply to all agricultural home occupations can be found in Section 17-26-5 Agricultural Home Occupations. There are many pertinent sections, however of note is the requirement to be carried on by the inhabitants of the property and no more than 3 non-resident employees. 10(e) of this section also places a limit to the number of vehicles which may be worked on at any one time to 3.

The minutes of Public Hearing from the recent rezone attempt dating 12/14/2014 reflect a range of support and concern for the business. For the purposes of considering possible conditions a few of the concerns are summarized below:

- Lots of traffic including tow trucks coming all hours of the day and night
- Noise from the garage starting early and continuing until late

Recommendation:

Staff has visited with the applicant and believes that there is enough awareness of the ramifications for working outside the parameters of the ordinance that it can be appropriately operated. Staff is recommending approval of the conditional use permit with the following conditions:

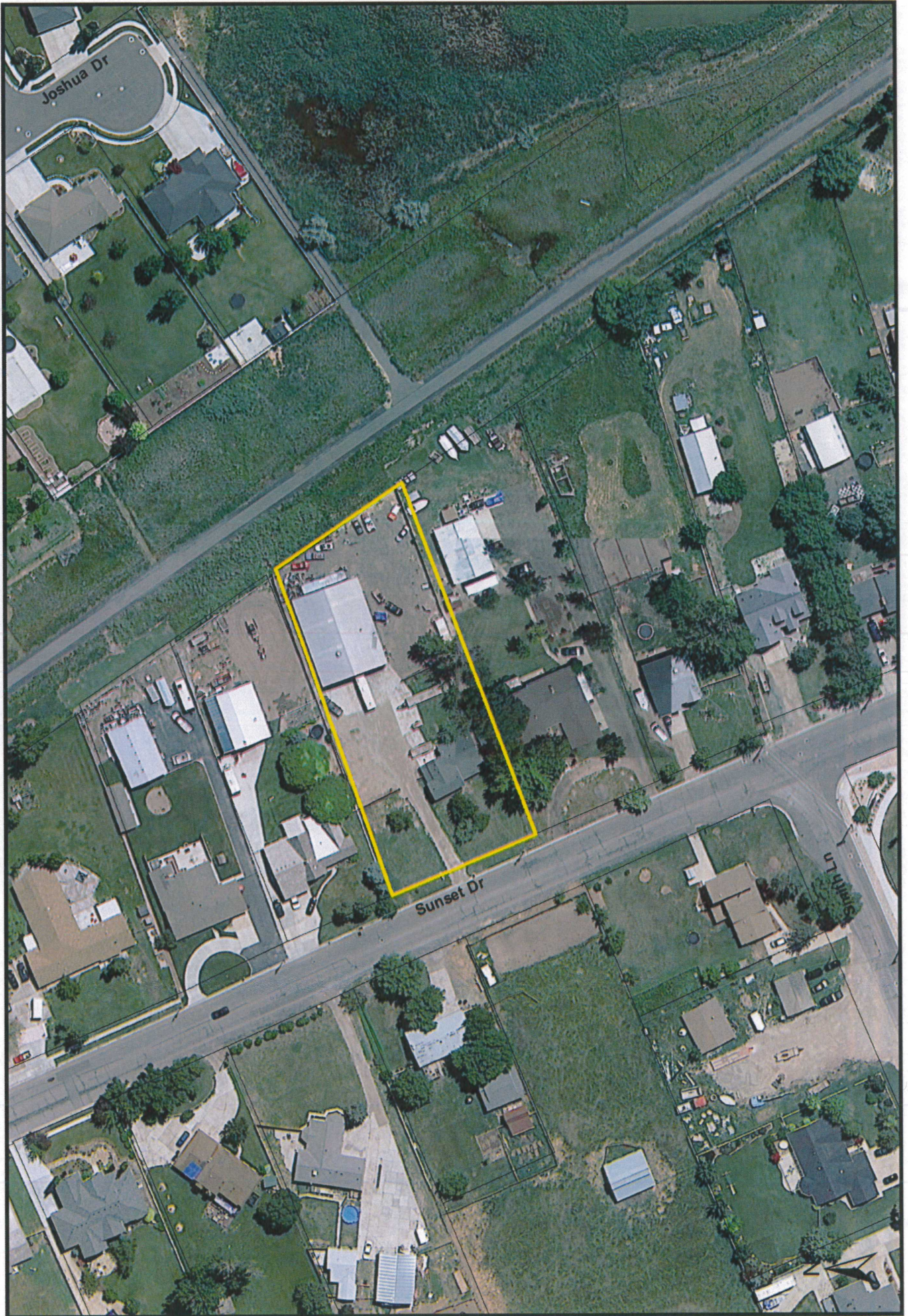
- No business license be issued until staff can verify proof that the applicant resides on the property
- No business activity between the hours of 9pm and 8 am.

Reasoning:

Based on the nature and arrangements of the business and its history, the restrictions of the ordinance, and the suggested conditions staff believes that the reasonably anticipated detrimental impacts can be mitigated.

Attachment 1: Area Map

647 South Sunset Drive





Planning Commission Staff Report

Ordinance amendments. Rezone mailers and Flag Lots on Cul-de-sac Streets. January 25, 2017

Description:

The Planning Commission has discussed in some detail the addition of mailed notice into the City's ordinance for the purpose of accommodating the City Council's desires to have better noticing to residents regarding a rezone request. Having it in ordinance per statute will also allow the city to send the mailed notice rather than post the notice in the newspaper.

The Flag Lot discussion was just recently brought up to the Planning Commission. Staff was made aware of interest of a resident to subdivide their property on a cul-de-sac street as a flag lot. The circumstance had enough merit to at least begin the discussion with the Planning Commission regarding the topic. The attached ordinance is the Planning Commission's first look at potential language to allow such a request. Also included is a map of the property which brought about the conversation as an example.

Recommendation:

The Planning Commission should discuss the proposal and either:

- Motion to table the discussion with additional direction for creating something that is more favorable to the Planning Commission before making a final recommendation.
- Recommend denial of the proposed change to the City Council.
- Recommend approval of the proposed change to the City Council with or without changes.

Attachments:

1. Zone Change Mailer Ordinance 2018-02-01
2. Flag Lots on Cul-de-sac streets Ordinance: 2018-__-__
3. Example Map.

ORDINANCE NO. 2018-02-01

AN ORDINANCE AMENDING SECTION 17-1-9, AMENDMENTS, OF CHAPTER 17-1, GENERAL PROVISIONS, OF TITLE 17 PLANNING AND ZONING OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Kaysville City Council desires that the citizens of Kaysville have sufficient opportunity to participate in the public process when appropriate; and

WHEREAS, the Kaysville City Planning Commission has held a public hearing regarding this matter; and

WHEREAS, the Kaysville City Council has requested that mailed notice be provided as a preferred form of noticing regarding a rezone request;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II:

Section 17-1-9, AMENDMENTS, of Chapter 17-1, GENERAL PROVISIONS, of Title 17, PLANNING AND ZONING, of the Revised Ordinances of Kaysville City, 1993, is amended to read as follows:

17-1-9 Amendments

1. The City Council may amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provisions of this title. Such amendments, including rezonings, are discretionary legislative actions, even if an application for amendment otherwise conforms to ordinance requirements.
2. Amendments may be initiated by the City Council, the Planning Commission or by one or more owners of property affected by the proposed amendment. Unless initiated by the City Council or Planning Commission, no amendment shall be considered without evidence of the acquiescence therein of the owners of the property involved.
3. An application for amendment, when submitted by property owners, shall be accompanied by a fee, the amount to be determined by the Zoning Administrator as adequate to cover costs of hearings, publication, and any necessary reviews. No fee assessed, or any part thereof, shall be returnable in the event that the proposed amendment is denied.
4. An application for an amendment shall be filed at the office of the Zoning Administrator and shall be accompanied by an accurate map of the land.
5. Reasonable efforts shall be made to effect notice by mail to all Kaysville City property owners within 500 ft. of the property under consideration for an amendment to the zoning map at least 10 days prior to a public hearing regarding that request.

6. Upon receipt of the application, the Planning Commission, in a public hearing, shall hear and receive information from the applicant and other interested parties, which may affect the request for amendment. The Planning Commission, after consideration of this information, shall make a recommendation on the proposed amendment.
7. A copy of any proposed amendment shall be submitted to the City Council and shall be accompanied by the recommendations of the Planning Commission.
8. After holding a public meeting, the City Council may adopt or reject the amendment either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.
9. In case an application for a change of zone district is denied, a new application for the same zoning change affecting the same property shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning Commission, to be eligible for consideration within one (1) year of the denial of the original application.

SECTION VI: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VII:

This Ordinance shall take effect 30 days after final passage by the Kaysville City Council.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this ___th day of _____, 2018

Katie Witt
Mayor

ATTEST:

Maria T. Devereux
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney

ORDINANCE NO. 2018-__-__

AN ORDINANCE AMENDING SECTION 17-34-9, FLAG LOT SUBDIVISION, OF CHAPTER 17-34, PLANNED RESIDENTIAL UNIT DEVELOPMENT, OF TITLE 17 PLANNING AND ZONING OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, residents of Kaysville City have expressed interest in subdividing property by means of a flag lot on cul-de-sac streets; and

WHEREAS, the Kaysville City Planning Commission has held a public hearing regarding this matter; and

WHEREAS, the Kaysville City Council has determined that the proposed changes are in the best interest of the City and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II:

Section 17-34-9, FLAG LOT SUBDIVISION, of Chapter 17-34, PLANNED RESIDENTIAL UNIT DEVELOPMENT, of Title 17, PLANNING AND ZONING, of the Revised Ordinances of Kaysville City, 1993, is amended to read as follows:

17-34-9 Flag Lot Subdivision

1. **Development requirements:**

- a. The area of each flag lot shall be at least 10,000 square feet or meet the lot area required by the underlying zone district, whichever is greater.
- b. Flag lots shall have access to a street by way of a projection of at least thirty feet (30') in width along its entire length. Two flag lots with projections side-by-side may each have projections eighteen feet (18') or greater in width (for a total of not less than 36 feet) and share a common paved driveway twenty feet (20') or more in width covered by an easement so that the driveway cannot be divided.
- c. Main buildings on a flag lot shall be located not closer than twenty feet (20') to any property line.
- d. Accessory buildings shall comply with KCC 17-31-2.

2. **Acceptable Uses.** Subject to the review and approval of the Planning Commission, uses acceptable in a flag lot subdivision shall be those uses which are permitted in the zoning district in which the flag lot subdivision is located. Two family dwellings on flag lots as conditional uses are prohibited.

3. **Applicability:**

- a. Flag lot subdivisions shall be considered only in R-A, R-1, R-D, R-2, R-4 and R-M zones.
- b. The access to a lot created as a flag lot shall not be further than 500 ft. from the intersection of the nearest through street. ~~Flag lot subdivisions are not allowed on cul-de-sac streets.~~

SECTION VI: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VII:

This Ordinance shall take effect 30 days after final passage by the Kaysville City Council.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this ___th day of _____, 2018

Katie Witt
Mayor

ATTEST:

Maria T. Devereux
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney

Example Area



KAYSVILLE CITY PLANNING COMMISSION

November 30, 2017

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

Excused: Matthew Anderson, Stroh DeCaire, Joshua Sundloff

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

Others Present: Council Member Larry Page, Ann P. Shunn, Robin Tolman, Brent Tolman, Heather Olson, Jared Olson, Amy Taylor, Mark Purdie, Lisa Purdie, Greg Hill, Sherry Hill, Perry Oaks, Steven Allred, Dino Pasqua, Vicki Pasqua, Kevin Funk, Mary Tibbits, Heidi Nettleton, Lorri Bird, Scott Keister, Bronson S., Steve Russell, Michael Sheets, Mark Astin, Kaylie Astin, Dave Whitaker, Carla Whitaker, Allen Anderson, Guy Slater, Zac Nash, Roni Nash, Rhett Roberts, Ashley Roberts, Spencer Prince, Scott Later, Bryan Turner, Nancy Barlow, Kathy Moffat, John Jensen, Brian Wall, Matt Redd, Doug Farr, Matthew Briggs, Valerie Briggs

OPENING

The Planning Commission meeting was held on Thursday, November 30, 2017 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the October 26, 2017 meeting were presented for approval.

Lorene Kamalu made a motion to approve the minutes of the October 26, 2017 meeting. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, LANDSCAPING AND SNOW REMOVAL OFFICE AT 1698 SOUTH 300 EAST – ZACHARY NASH

Lyle Gibson explained that Mr. Nash is requesting to use his home at 1698 South 300 East for his landscaping and snow removal business. Mr. Nash has a truck that he uses for a work vehicle, and a trailer which will be parked along the side of his home to store tools and equipment. Because of the nature of his business no customers will come to his property; all work is done on-location. The home will be used to keep equipment and do paperwork.

Zac Nash added that he owns one plow attachment which he stores inside his garage. Most of the snow removal work he does is commercial, but he has some residential jobs as well.

Gary Bullock made a motion to grant a major home occupation “B”, landscaping and snow removal office at 1698 South 300 East for Zachary Nash. Thomas Wood seconded the motion

and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 836 WEST CHARLES DRIVE – KEVIN MUNSON

Lyle Gibson explained that the Munson's live at 836 West Charles Drive and are requesting a conditional use permit to keep chickens on their property. The Munson's property is 0.46 acre which allows them to keep up to twenty-five fowl, rabbits, or similar animals. The city was made aware of animals on the property due to concerns from the area regarding roosters. When the applicant was made aware of the issue, the roosters were promptly removed and the applicant applied for a conditional use permit to keep the hens. The Munson's rear yard is enclosed and there is a coop on site for the chickens.

Thomas Wood made a motion to grant a conditional use permit for farm animals at 836 West Charles Drive for Kevin Munson. Lorene Kamalu seconded the motion and it passed unanimously.

AMENDMENT OF THE CONDITIONAL USE PERMIT FOR MOUNTAIN HIGH SCHOOL AT 490 SOUTH 500 EAST TO REMODEL THE SCHOOL AND SITE – DAVIS COUNTY SCHOOL DISTRICT

Lyle Gibson explained that Mountain High School, located at 490 South 500 East, is an alternative high school serving 11th and 12th grade students in the Davis School District. The high school has been in operation for many years. Currently the classrooms at the school are all within portable or temporary buildings. The district is proposing improvements to the site to create permanent classroom facilities for the students. The proposed project is to remove the temporary classrooms and demolish the front portion of the existing building along 500 East Street, then add two wings of classrooms to the west where the existing temporary buildings exist. The project is not for the purpose of creating more classrooms, but to provide better classrooms and an improved learning environment for the students. The school's student capacity will remain the same. In addition to the changes to the building, the District is proposing to add an additional thirty-nine parking stalls to bring the total on-site parking to ninety-five parking stalls. If approved, the project will still be subject to meeting applicable codes and ordinances as verified through the building permit review process.

Gary Bullock asked about the current capacity of the school.

Scott Later, with MHTN Architecture, said that they have about three-hundred students currently attending their school and will have about the same capacity of students after the remodel.

Betty Parker asked about what materials will be used.

Scott Later said that they will be using concrete masonry consistent with what is on site, as well as some synthetic wood materials.

Gary Bullock asked about the schedule of the remodeling.

Scott Later responded that they are anticipating starting construction in March 2018 and will continue through to August 2019. The portables will be moved over to Davis High School where the students can attend class so that school can stay in session during construction.

Bryan Turner, representing the Davis School District, said this school draws kids from all over the county. Some students drive but many of them take UTA to get to school.

Gary Bullock commented that these proposed plans will be a huge improvement to the current state of the school and will benefit the students attending school there.

Lyle Gibson said that the School District will typically receive a building permit through the State, but the City would like to review the site plan before a building permit is granted.

Gary Bullock made a motion to grant the amendment of the conditional use permit for Mountain High School at 490 South 500 East to remodel the school and site for Davis County School District. Lorene Kamalu seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR BAER CREEK HOLLOW SUBDIVISION AMENDED AT 1643 SOUTH 150 WEST (ADJUSTING A SHARED LOT LINE) – SPENCER PRINCE

Andy Thompson explained that several years ago the Baer Creek Hollow Subdivision was approved and constructed with two large flag lots platted at the end of a cul-de-sac road. The current owners of those lots have agreed to a lot line adjustment taking about 0.4 acre from Lot 6 and adding it to Lot 5. Lot 6 has an existing home that will remain in compliance with all setback requirements. The owners of Lot 5 are planning to build a home in the near future. The utilities and street improvements for these lots were installed with the original subdivision.

Chairperson Betty Parker opened the Public Hearing.

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

Lorene Kamalu made a motion to recommend preliminary and final plat approval for Baer Creek Hollow Subdivision Amended at 1643 South 150 West for Spencer Prince. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR WHISPER CREEK PUD SUBDIVISION AT 689 SOUTH 550 EAST – DAVE WHITAKER

Andy Thompson explained that several weeks ago the Planning Commission approved a request for an assisted living center at about 680 South Main Street. At that time it was indicated that the remainder of the property would be subdivided into residential building lots. This proposed project is that aforementioned subdivision. The request is to create seven lots, including the

existing home, on a private lane. While the lots all well-exceed the R-1-8 zoning requirements, Staff is concerned with the proposed private lane. The lane is proposed to connect 550 East Street to Whisper Creek Drive, with a thirty-four foot wide surface and a gate in the middle, with turn-around areas on each side of the gate. This is proposed to address the concerns of the residents regarding traffic. The City Fire Department has indicated that this proposal would not meet minimum fire code requirements for the assisted living center and has asked for an unobstructed public street in this location. The City Engineering Department agrees that the road should be a public street with no gate. The roads were clearly planned to be connected when the adjacent subdivisions were constructed and the City's policy is to provide as much connectivity as reasonable in the street patterns. Staff is therefore recommending that only the preliminary plat be approved at this time with the condition that the street be shown as a public street with no obstructions.

Chairperson Betty Parker opened the Public Hearing.

Dave Whitaker said that they had originally wanted to make this road a through private street, but nearly every one of the surrounding residents of their development has requested that it not be a through street. To try to appease both sides they are now proposing an emergency gate be installed. It will give the appearance of a gated community, but would be siren activated and will prevent through traffic.

Robin Tolman commented that while she understands that there will be a street here no matter what, a gate would prevent local traffic from using the road which is what the residents of the neighborhood want. Mrs. Tolman said that she understands that the City is sticking to the city plan, but there is a reason public hearings are held so that input from residents can be heard and addressed. The voice of the people matters. There have been comments made that having the gate would not allow minimum fire code requirements to be met, but if that's the case why hasn't that been shared with Mr. Whitaker so he can adapt those minimum requirements to his plans? Those surrounding this area will be impacted by a through street because it will impede on their privacy and will cause more concern for safety in the area. Mrs. Tolman said that they spent the afternoon going to the surrounding neighbors collecting signatures from those residents against making this a through street. That is the voice of the people. Residents have chosen to buy on Whisper Creek Drive knowing it will take emergency vehicles longer to get to their homes. The Fire Department is requesting an unobstructed road, but the gate will only be obstructing through traffic and not emergency vehicles. This request needs to be looked at with an open mind.

Perry Oaks commented that he lives in the Whisper Creek Subdivision and agree with the comments made. There are always variations to regulations. Mr. Oaks said that he has a son-in-law who works as a firefighter and he had asked him about the gated communities in his area and his opinion on them. His response was that they don't have a problem with them.

Ann Shunn stated that she lives on Main Street abutting the Whitaker property and supports what has been said about the private gated lane.

Scott Keister said that he lives at 673 South Main Street and also agrees with the comments made tonight. Mr. Keister thanked Mr. Whitaker for making adjustments to his original plan and

considering what the neighbors want. Safety is a huge concern in this area as their neighborhood is next to a busy road, and there are about thirty kids that already live here. Adding more traffic is a safety risk and will just add to the problem and make it more difficult to merge onto Main Street.

Nancy Barlow commented that she has a handicapped sister who has lived with them for many years. There are also two other residents in the area who are in wheelchairs, including one who is severely handicapped. This has been an ideal place to live because there is not a lot of traffic and it allows these disabled residents a safe environment. Their safety would be impeded should 550 East Street become a through street.

Greg Hill said that he lives on Whisper Creek Drive and was given assurances when they purchased their home from Symphony Homes that their road wouldn't become a through street. Many other residents of Whisper Creek Drive were given the same assurances.

Michael Sheets stated that he lives at the end of 655 South Street and asked why Whisper Creek Drive was allowed to be a dead end street if it was considered unsafe. It seems that what has been suggested by Mr. Whitaker is a reasonable alternative for everyone.

Kathy Moffat said that she also lives on 650 South Street and the residents in this area who are in wheelchairs enjoy visiting their neighbors. Some of them don't hear or see well, and they might not be able to see or hear oncoming traffic.

Guy Slater commented that if the private street were to be gated the residents here would only be dealing with the occasional emergency vehicle. If it were to become a through street they will see a substantial increase in traffic and would not be a safe place for the residents. Those who live here know about their disabled neighbors and drive cautiously. If this becomes a through street it could make the handicapped neighbors prisoners in their own home because it won't be as safe to go out in the neighborhood anymore.

Allen Anderson stated that he also lives in this area and agrees with what has been said tonight.

John Jensen said that he lives on 650 South Street and said that there has been compelling reasons mentioned tonight to give an exception to this situation, and Mr. Whitaker's plan should be approved as proposed.

Lisa Purdie said that she lives at 656 Whisper Creek Drive and supports what's been said tonight and agrees that a through street should not be allowed.

Heidi Nettleton said she lives just north of Whisper Creek Drive and asked about having more access to the hollow just south of here. There is a great trail system there, but the only way to access it is from the top and bottom of Nichols Road, except to those who live along that hollow.

Andy Thompson said that Mr. Whitaker's development doesn't abut the hollow, and therefore no access could be required with this development. There will be sidewalk installed along Main Street as his property is developed.

Brian Wall commented that his twenty-five year old son is one of the handicapped residents that has been mentioned tonight. They live on the corner of 650 South and 550 East, and it's a very steep corner and hard to see traffic as you come around the corner. They have already had one young man hit on 650 South and a through street would just add to the safety concerns here. His son likes to visit the neighbors and they all know him. A car could easily come around the corner and not see him crossing the street. The safety of all the residents needs to be evaluated.

Dino Pasqua stated that he lives on Whisper Creek Drive and also agrees with what has been said tonight. There seems to be a conflict of opinion between the Fire Department and the residents, however the Fire Department will rarely need to use the emergency access gate, whereas the existing residents will have to deal with the daily use of traffic on a through street.

Matt Redd said that he lives on Whisper Creek Drive and it seems that a gate would be faster for the Fire Department to take access on than having to deal with all the street turns in this neighborhood. The public will use this street as a thoroughfare and they won't think about those residents who live in the area as they drive through.

Lorri Bird said she lives next to the Whitaker property that is being developed as the assisted living facility. Some of the neighborhood treasures are the people who live here and have lived here for years. People don't want to feel like they are closed in their own homes, but want to have the life they know now. The neighbors don't want to see their disabled neighbors lose their freedom because their street has become a through street and unsafe to cross.

Thomas Wood asked Mrs. Bird if they were told their street might become a through street when they purchased their home.

Lorri Bird said that they were never informed of the potential of it becoming a through street, and they always assumed that if Mr. Whitaker's property were to be developed that it would take access off of Main Street.

Jared Olson, at 499 East 650 South, stated that he has a neighbor next door who uses a wheelchair to get around. The residents bought their homes here because they have specific needs and safety concerns. Having a gated street would help to maintain the quality of life for these individuals, and will also add value to the community. There seems to be some confusion as to what is required by code, and the codes should be clarified before anything is approved.

Kevin Funk said that he currently lives a couple of blocks east of this area, but has a deposit on a lot in the Whisper Creek Subdivision and agrees that a through street should not be allowed.

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

Gary Bullock thanked the members of the audience who spoke tonight as they were very civil and the comments made had been well thought out.

Thomas Wood asked about the fire code requirements and if there were any flexibility to them.

Andy Thompson commented that the fire code typically gives a lot of discretion to local jurisdictions.

Gary Bullock asked how this situation differs from other gated communities.

Andy Thompson responded that the biggest concern mentioned by members of staff and the Fire Department is regarding providing the needed emergency assistance to the adjacent assisted living center if a fire should break out. If the residents need help getting out, the fire department won't have clear access to all points of the building if the gate is in place.

Dave Whitaker commented that he has met with the Fire Chief and can see the need for fire safety access off of the back of the assisted living center. They have provided access, as well as a small paved area on the northeast side of the assisted living center property. He was told that any fire apparatus needs at least 150 feet from the apparatus to the building. To help address the concerns, Mr. Whitaker has offered to move the gate to a different point along the private lane. However there is also concern about getting needed access to fire hydrants as well and the gate being in the way or closing on safety lines and equipment. Emergency access gates are made with many different options, including fail safes, which would allow emergency vehicles to pass through the gate, even in case of a total power failure. Unlike other gated communities where there are gates on all access points, they aren't cutting traffic off to these residents. Both 550 East and Whisper Creek Drive would remain open. There will be a sidewalk on the private street to allow pedestrian access through the neighborhood.

Thomas Wood asked who would maintain the private road and gate.

Dave Whitaker said that this development would be part of an HOA who would be required to maintain the road.

Gary Bullock commented that he would like to have more direction and understanding from the Fire Chief about his concerns. There are always concerns about a gate slowing down these safety vehicles in an emergency situations.

Lorene Kamalu asked about the private road.

Dave Whitaker responded that in order to have the gate, the road must be a private road. They are proposing to put a development sign on either side of the development, and they feel that where the gate is being proposed makes the most sense for their subdivision plans and the surrounding area.

Lorene Kamalu said that connectivity and traffic flow is encouraged in considering developments, and there doesn't seem to be much connectivity here.

Thomas Wood commented that there are many misconceptions about stub roads. Many consider them as cul-de-sac streets when the stub road is intended for a future road connection.

Thomas Wood made a motion to recommend preliminary and final plat approval for Whisper Creek PUD Subdivision at 689 South 550 East for Dave Whitaker subject to the developer working with the Fire Department to agree on the best placement for the emergency access gate while still meeting fire code, and that the road be approved as a private drive. Gary Bullock 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 drainage issues are properly addressed.

Lorene Kamalu asked about the access to the Briggs' property to the east.

Andy Thompson responded that the developer is proposing that that area not be included in the HOA and the HOA will maintain that portion of the property until the Briggs are ready to develop their property. It will be a flag lot driveway when developed, and the access will be deeded over to the Briggs.

Doug Farr commented that he is the attorney for the Taylor and Tice families, and while his clients do not oppose development, they want to ensure that this development is done properly and that it doesn't do damage to their properties. They do not feel like their concerns have been met or satisfied at this point by the developer. They also feel that the city has not been transparent or cooperative. Mr. Farr said that they had requested that copies of the engineering and geotechnical plans be provided before this meeting and even met with the City Engineer earlier this week. However, yesterday morning they were informed by the city that the documents could not be provided because they are considered private record. However, Mr. Farr said that they feel these documents are public record and the short notice restricted their being able to apply for a GRAMA request in time for tonight's meeting. They feel that they should be given time to review the plans before this development is approved so that they can make sure the drainage and road plans will be adequate. They would like to be able to have their own engineer review the plans because there are serious water issues in this area. It is important to conserve the character of the area and assure this development is compatible with the existing neighborhood. Mr. Farr said that his clients are also concerned about the vacation of 100 North

Street and feel that they will be materially injured by it.

Lorene Kamalu asked about 100 North Street.

Andy Thompson responded that it was stubbed many years ago when this area was developed in anticipation of a connection being made to Fruit Heights. However that connection was never done when the adjacent Fruit Heights property was developed. Therefore the stub road was no longer necessary and can be vacated.

Doug Farr commented that the stub road could be used by the Briggs to develop their property. Vacating 100 North Street only benefits the developer and it materially impacts the neighbors. The road is also being proposed to be elevated eight feet from the ravine, which is a privacy concern for those living here. Tonight is the first time they have heard about a fence being proposed for the western edge of the development. There is also concerns about how the private road will be plowed so as to not damage neighboring properties. The neighbors don't feel that a retaining wall will stop any unnecessary hardship on their properties. They have drawn up alternate plans for the development that would utilize the city's right of way on 100 North Street, and still allow the developer to be able to develop five lots.

Gary Bullock said that the vacation of 100 North Street was approved by the City Council subject to final plat approval. Mr. Bullock added that there still seems to be a lot of concerns to be addressed before a recommendation should be made.

Spencer Prince responded that there has already been substantial amount of time and opportunity given to meet with the neighbors to further discuss the development. Part of the delay in bringing this final plat before the city is because they were having studies done of the property. They have met with the Briggs and their attorney along with the City Engineer four different times now, and in the end the Briggs decided to stop meeting with him. When engineering is submitted to the city it's not submitted to the neighborhood as well. They have discussed the fence with the neighbors and they have been aware of his intent to install a fence.

Thomas Wood said that he was just informed of a personal matter and asked to be excused.

Thomas Wood was excused for the remainder of the meeting.

Andy Thompson explained that because there was no longer a quorum in attendance that the Planning Commission could not vote on this item tonight.

Lorene Kamalu asked about the engineering for storm water.

Spencer Prince responded that they have had many engineers review and develop the proposed plans. They have both a storm drain system as well as a detention pond on the property. They decided to install a retaining wall to not only help with privacy concerns, but will help to keep any water drainage off of the neighboring properties. There will be a vinyl fence installed on top of the retaining wall, and trees will be planted along the wall as well. Mr. Prince commented that he is worried about having to wait even longer for approval as his project has already been

delayed.

Gary Bullock stated that this project shouldn't be delayed longer so the neighbors can review the plans. This item will be put on the next Planning Commission agenda which will give them time to talk to the developer before that meeting. The delay tonight by lack of quorum was sudden and unintentional.

Matthew Briggs commented that they had met with Mr. Prince several times but in the end didn't feel they could make it work for both parties and that development fees would cost too much for him so he decided not to meet anymore. Mr. Briggs said that they still have concerns about access to their property and that the right-of-way shouldn't be vacated. He would like to have some assurance that utilities are in place for when he decides to develop his property. Mr. Briggs said that he doesn't want to pay for access to his property. They have tried to discuss other subdivision layouts with Mr. Prince which allowed the same number of lots but Mr. Prince was uninterested. The PRUD overlay zone is in place to help assure these developments fit into the neighborhood, which it doesn't feel like this does. The proposed plans seem messy and just because it meets the requirements doesn't mean that it's what should be approved. The neighbors should be able to have a say because this development will affect them.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, December 14, 2017 at 7:00 p.m.

ADJOURNMENT

Gary Bullock made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:25 p.m.