

KAYSVILLE CITY PLANNING COMMISSION

January 25, 2018

Members Attending: Chairperson Betty Parker, Matthew Anderson, Gary Bullock, Stroh DeCaire, Lorene Kamalu, Joshua Sundloff

Excused: Thomas Wood

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

Others Present: Council Member Larry Page, Jeff Peterson, Ken Sheffield, Megan Yardley, Gerardo Cruz, Barbara Morley

OPENING

The Planning Commission meeting was held on Thursday, January 25, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the November 30, 2017 meeting were presented for approval.

Lorene Kamalu made a motion to approve the minutes of the November 30, 2017 meeting. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, HANDYMAN AT 412 NORTH FLINT STREET – GERARDO CRUZ

Lyle Gibson explained that Gerardo Cruz recently purchased the home at 412 North Flint Street and is requesting a conditional use permit for a major home occupation “B” to run his handyman office there. Mr. Cruz 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 three-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 frontage along Flint Street to the west.

Ken Sheffield stated that he owns the dance studio next door and doesn’t want to see any equipment being stored in the front yard of Mr. Cruz’s home.

Josh Sundloff commented that while the ordinance addresses outside storage, it might be good to reiterate it as a condition of approval.

Gerardo Cruz stated that he owns a tile saw and some hand tools, all of which will be kept in his truck. If he needs to store them somewhere they will be stored inside the garage.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation “B”, handyman at 412 North Flint Street for Gerardo Cruz, with the condition that no building materials or equipment be stored in the front yard of his home. Matthew Anderson seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”,
WOODWORKING AT 766 NORTH CRIMSON COURT – MEGAN YARDLEY**

Lyle Gibson explained that Megan Yardley lives at 766 North Crimson Court and creates custom wood signs as her business. Wood shops are considered as a major home occupation in Section 17-26-4 and require a conditional use permit. Ms. Yardley 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. Staff is recommending approval with the condition that the use of power tools be restricted to specific hours.

Josh Sundloff and Gary Bullock disclosed that they know Ms. Yardley but have no financial gain involved in her business.

Megan Yardley commented that she owns an Etsy shop and sells most of her signs online. If the buyers are local she will occasionally deliver their orders, but otherwise orders will be mailed. She will rarely, if ever have customers come to her home. Her neighbors are aware of her business and have never had a problem with it. The tools she uses aren’t very loud and she is usually working on the signs during the day.

Matthew Anderson made a motion to grant a conditional use permit for a major home occupation “B”, woodworking at 766 North Crimson Court for Megan Yardley with the condition that no use of power tools for business activity between the hours of 9:00 p.m. and 8:00 a.m. Gary Bullock seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR AN AGRICULTURAL HOME OCCUPATION,
MINOR AUTOMOTIVE REPAIR AT 647 SOUTH SUNSET DRIVE – JEFF PETERSON**

Lyle Gibson explained that Jeff Peterson previously held a conditional use permit and business license to operate “First Response Auto” from this location at 647 South Sunset Drive. The business was in operation for some time but eventually outgrew the limits imposed on it by the Agricultural Home Occupation ordinance, which included the concern that the business owner no longer lived on site. In late 2014 and early 2015, Mr. Peterson pursued the 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 2015 for Mr. Peterson to come into compliance or the license would be revoked. Within the given time frame, the applicant relocated the business outside the city and this location has been without an active conditional use or license since. The applicant is requesting to revisit this location for the use of minor automotive repair within the parameters of the existing zoning and the agricultural home occupation ordinances. Mr. Peterson currently works full-time with a different employer, but would do minor automotive repairs as a side business. Currently Mr. Peterson is not living in the

home at this location, but still owns the property. Based on the history of the business at this location, he wishes to pursue the conditional use process to assure approval of his use before moving back to the home and starting the business activity. There is a requirement in Section 17-26-5 which requires that the occupation be carried out by the inhabitants of the property and no more than three non-resident employees. This same section also places a limit to the number of vehicles which may be worked on at any one time to three. During the Public Hearing at the December 14, 2014 Planning Commission meeting where this item was previously discussed, there was a range of support and concern for the business. Some concern expressed included there being lots of traffic, including tow trucks coming at all hours of the day and night, and noise from the garage starting early and continuing until late in the night. Staff has visited with Mr. Peterson 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 with the condition that Mr. Peterson verify proof that the applicant resides on the property before a business license be issued, and that no business activity occur between the hours of 9:00 p.m. and 8:00 a.m.

Stroh DeCaire asked, based on the history of this business, what kind of assurance there would be that Mr. Peterson would operate within the confinements and parameters of the ordinances.

Jeff Peterson commented that with his previous business he got himself into a situation that didn't meet city regulations and he tried to find other solutions unsuccessfully. Mr. Peterson said that he knows that his business will be shut down again if he doesn't follow the rules. There are neighbors here who know what is going on and will let the city know if he's out of compliance again. Mr. Peterson said he's not trying to start up his old business. That business has been dissolved since and he has been working at Big O Tires full-time for the last two years. He is aware of what will be required of him, and what the laws allow. And he would like to be able to try to do small auto repairs part-time here. Before, he let his business grow too large and beyond what is allowed. He doesn't plan on having three employees, and clients will come by appointment only. For the last couple of years when people have called him about having car repairs done he's just had them bring their vehicles to Big O Tires. This shop is sitting here empty now and he would like to be able to do small auto repairs on the side.

Stroh DeCaire said that Mr. Peterson would need to be living here to obtain a license and asked what Mr. Peterson's plans were.

Jeff Peterson responded that there is currently a renter in the home which he will need to give thirty days to find a new place to live. If approved for this type of business here again, he plans to move back into this house and sell his other home. It might be a couple of months before he's able to relocate back to this home and start the business again.

Lorene Kamalu commented that people seemed to like the services Mr. Peterson provided in the past. He knows the parameters and will probably have some clients happy to see him back in business.

Jeff Peterson commented that previously his business produced a lot of noise and traffic, and the neighbor next door was elderly and would sleep during the day so they tried to start about 10:00

a.m., running to 6:00 p.m. There were times he would stay late to get a job done as well. It would be fair to keep to a time restriction to help keep noise and traffic down.

Betty Parker asked if there were any members of the audience wishing to speak regarding this item.

Barbara Morley said that she lives on the north side of this property and is not as concerned about Mr. Peterson living there. However, she is concerned about the amount of cars that accumulated here with Mr. Peterson's previous business, and is worried that it will happen again. At one point Mr. Peterson had at least twenty-two cars parked in his back yard. He is only supposed to be allowed three. He was very considerate to the neighbors and would usually only be working during regular hours. However, he took advantage and created a full-fledged business, moved away and then left the neighbors with the mess. Ms. Morley said she didn't move here to live next to a car repair shop, and they are very concerned about the number of cars Mr. Peterson will bring on his property. There should only be three cars for the business and doesn't want to let it get out of control again. The home on this property is not as nice as Mr. Peterson's home, and Ms. Morley wondered if there could be an exception made so Mr. Peterson didn't have to move back here.

Gary Bullock said that while it's possible, it seems less likely that Mr. Peterson will allow his business to grow like it did previously because he knows that his license will be revoked again. Mr. Peterson seems to have a clear understanding of what is allowed. The Planning Commission doesn't have the power to change the requirement that the owner live in the home on the property. It is part of city ordinance and would have to be amended, which would be a risky move because it would allow similar situations throughout the city.

Josh Sundloff asked about which regulations Mr. Peterson was out of compliance with before his previous license was revoked.

Lyle Gibson said that one of the main concerns was that Mr. Peterson didn't live at his home anymore. He had also exceeded the number of vehicles allowed on the property, and there had been complaints made about the noise and traffic his businesses was creating. He had also placed an illegal sign out in front of the house. Mr. Peterson's business had just exceeded the scale of what a home business is allowed.

Betty Parker asked if the cars on the property had been moved.

Jeff Peterson said that he was given six months to clean up the property but had the cars moved within three months. He has good neighbors here who have had to put up with his business for five years and he doesn't want to cause any more problems. He plans to have up to three cars at a time and he might only hire one other employee later on. He will only keep cars on his property that he is currently working on.

Lyle Gibson added that Mr. Peterson will also need to meet the regulations for oversized vehicles on the property, and all cars will need to be registered unless stored behind a screened fence.

Stroh DeCaire made a motion to grant a conditional use permit for an agricultural home occupation, minor automotive repair at 647 South Sunset Drive for Jeff Peterson with the following conditions:

1. No business license be issued until Staff can verify that Mr. Peterson resides on the property.
2. There be no business activity between the hours of 9:00 p.m. and 8:00 a.m.
3. Meeting all of the requirements of Title 17-26-5 "Agricultural Home Occupations".

Lorene Kamalu seconded the motion and it passed unanimously.

Jeff Peterson asked what would be needed to verify proof of residence.

Nic Mills responded that it could be done through utility documents or an affidavit submitted with the City.

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

Lyle Gibson explained that the Planning Commission has previously 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 rezone requests. Having it in the ordinance per statute will also allow the City to send the mailed notice rather than post the notice in the newspaper.

Chairperson Betty Parker opened the Public Hearing.

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

Gary Bullock commented that the notice in the Davis County Clipper seems to be an ineffective way to notice the public. This is a good change and update of our current ordinances.

Lorene Kamalu made a motion to recommend approval of the 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. Gary Bullock seconded the motion and it passed unanimously.

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

Lyle Gibson explained that Staff was recently approached by a resident about subdividing their property on a cul-de-sac street to create a flag lot. The circumstance had enough merit to at least begin the discussion with the Planning Commission regarding the topic. The ordinance being

presented tonight is the Planning Commission's first look at potential language to allow such a request. Years ago an infill committee was put together to discuss future developments within the city. Part of the discussion was regarding flag lots and if we wanted to allow them anymore. There are some examples within the city of flag lots at the end of cul-de-sacs and the infill committee decided to not allow those types of flag lots anymore because the flag lot stem extended the length of the cul-de-sac which could potentially cause problems with servicing the flag lot. The resident making the inquiry about subdividing currently has a home set a fair distance back from the cul-de-sac. They would like to subdivide their property so they can sell off the front portion of it. If they developed their property as a standard subdivision, it would leave a small unusable portion of property adjacent to their driveway. By creating a flag lot they would only own the stem of the lot and it would make it be a cleaner subdivision.

Gary Bullock asked about the regulation on the length of cul-de-sac streets.

Lyle Gibson responded that the city limits the length of a cul-de-sac street to six-hundred feet. However, it could be interpreted that by adding a flag lot it would be extending the length of a subdivision outside the restricted length.

Matthew Anderson said that by creating a flag lot at the end of a cul-de-sac you could also be potentially causing problems with providing emergency service access, or being able to provide utilities to a home on the flag lot. The ordinance needs to be worded carefully as to address the concerns connected with extending the length of the road.

Stroh DeCaire asked about regulations of the flag lot stem.

Lyle Gibson responded that city ordinance restricts the width of a flag lot stem, but currently does not restrict the length.

Josh Sundloff said that the language also needs to better clarify how the length of a cul-de-sac and flag stem is measured.

Gary Bullock commented that we don't want to create a problem where a home is built too far from a fire hydrant.

Lorene Kamalu asked if there hasn't been a problem of creating too long of a flag stem in the past, then why should it be changed now.

Matthew Anderson responded that there are still places in the city where there could potentially be a home built on a long flag stem. Mr. Anderson suggesting putting a restriction that would measure the distance from the cul-de-sac to the dwelling on the flag lot, rather than limiting the length of the flag stem itself.

Lyle Gibson said that city utility lines would never run longer than 600 feet on a cul-de-sac street. Any utilities built further than that would be a private lateral.

Josh Sundloff asked if there is a concern with these types of flag lots occurring on a narrow lot in

a more infilled area.

Gary Bullock responded that he would be more concerned with providing services to the home rather than making a neighborhood more dense.

Matthew Anderson said that flag lots on a cul-de-sac tend to create less of a community and neighborhood feel.

Chairperson Betty Parker opened the Public Hearing.

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

Lyle Gibson suggested tabling this item until further discussion and information be collected by Staff.

Gary Bullock made a motion to table the request to amend Section 17-4-9, Flag Lot Subdivision, of Chapter 17-34, Planned Residential Unit Development, of Title 17 Planning and Zoning of the Revised Ordinances of Kaysville City so that Staff can review this item in further detail and address questions made tonight, including clarifying the language regarding restricting the length of a flag lot stem or distance from the cul-de-sac to a dwelling, and addressing concerns about providing utilities and public safety. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lyle Gibson said that Jim Puffer's appeal has not been brought before the Planning Commission as of yet because they are working with Staff to resolve the issue.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, February 8, 2018 at 7:00 p.m.

ADJOURNMENT

Lorene Kamalu made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:26 p.m.