

**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

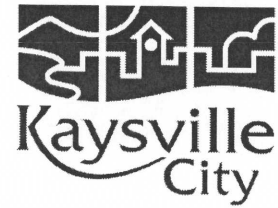
Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, February 22, 2018 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meetings of January 25, 2018 and February 8, 2018.
2. Final plat approval for the Cityside Townhomes Subdivision located 265 North 200 West and 209 West 300 North – JPL Construction.
3. Public hearing and amendment of Section 19-1-17, Definitions, of Chapter 19-1, General Provisions, of Title 19, Subdivisions, and creating Section 19-2-7, Lot Line Adjustments and Lot Consolidations, of Chapter 19-2, Development Procedures, of Title 19, Subdivisions, of the Revised Ordinances of Kaysville City.
4. Public hearing and amendment of Section 19-2-1, Subdivision Development Process, of Chapter 19-2, Development Procedures, of Title 19, Subdivisions, and Section 19-6-3, Improvements Required, of Chapter 19-6, Subdivision Improvements Required, of Title 19, Subdivisions, of the Revised Ordinances of Kaysville City.
5. Discussion of Planning and Zoning Ordinances regarding flag lots.
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, February 16, 2018.


Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Final Plat for the Cityside Townhomes Subdivision. February 22, 2018

Applicant/Owner: JPL Construction
Location: 265 North 200 West and 209 West and 300 North
Zone: R-M (Multi-Family Residential)

Description:

The property is currently zoned R-M. There are 2 separate lots where a single family home on each was recently demolished. The Planning Commission held a public hearing and recommended approval of the preliminary plat for this project on 4/27/17 and the City Council similarly approved the preliminary plat on May 4, 2017.

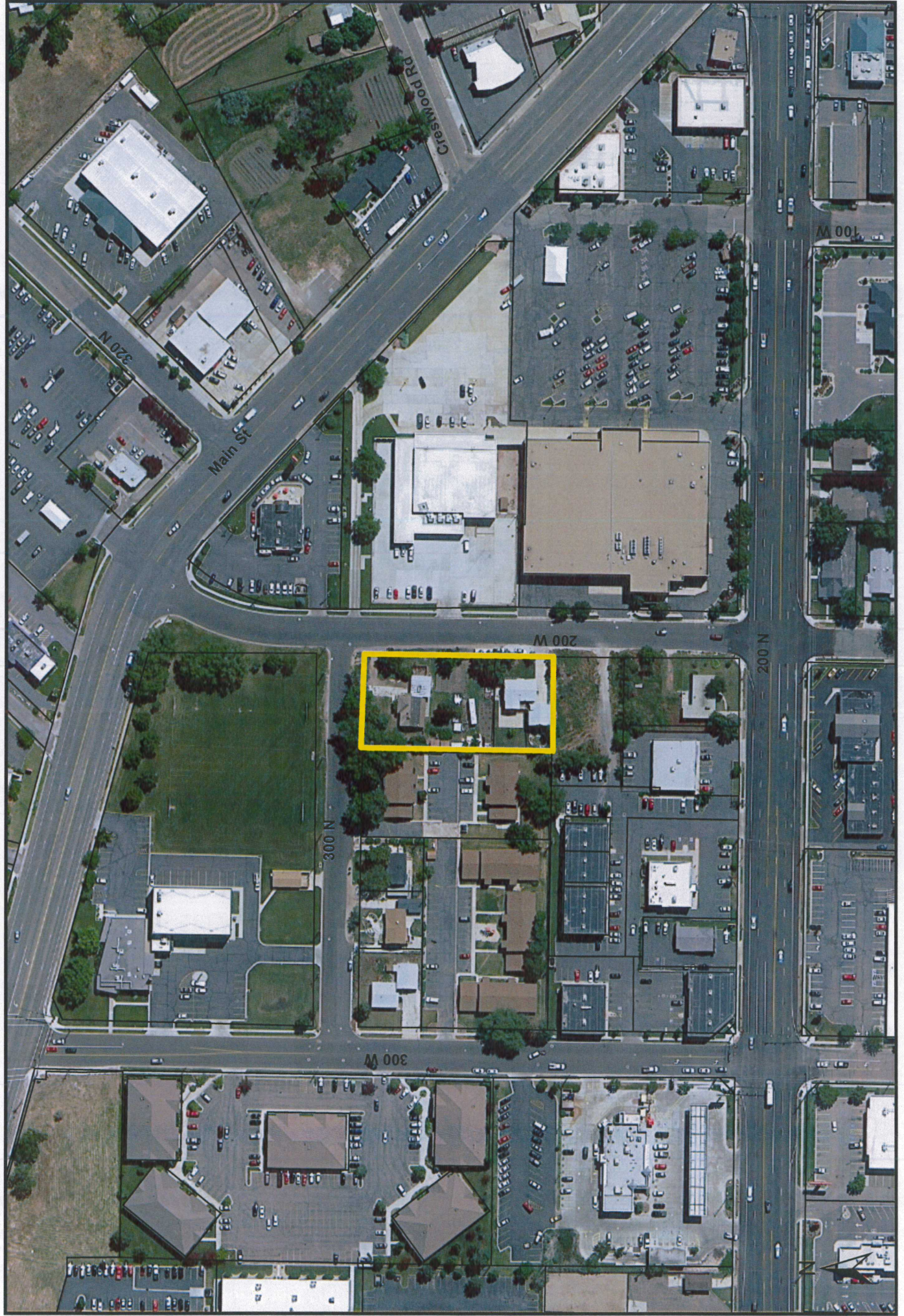
The final plat is in order consistent with the approved preliminary plat. It includes 12 townhome units each platted on their own lot with a common open space.

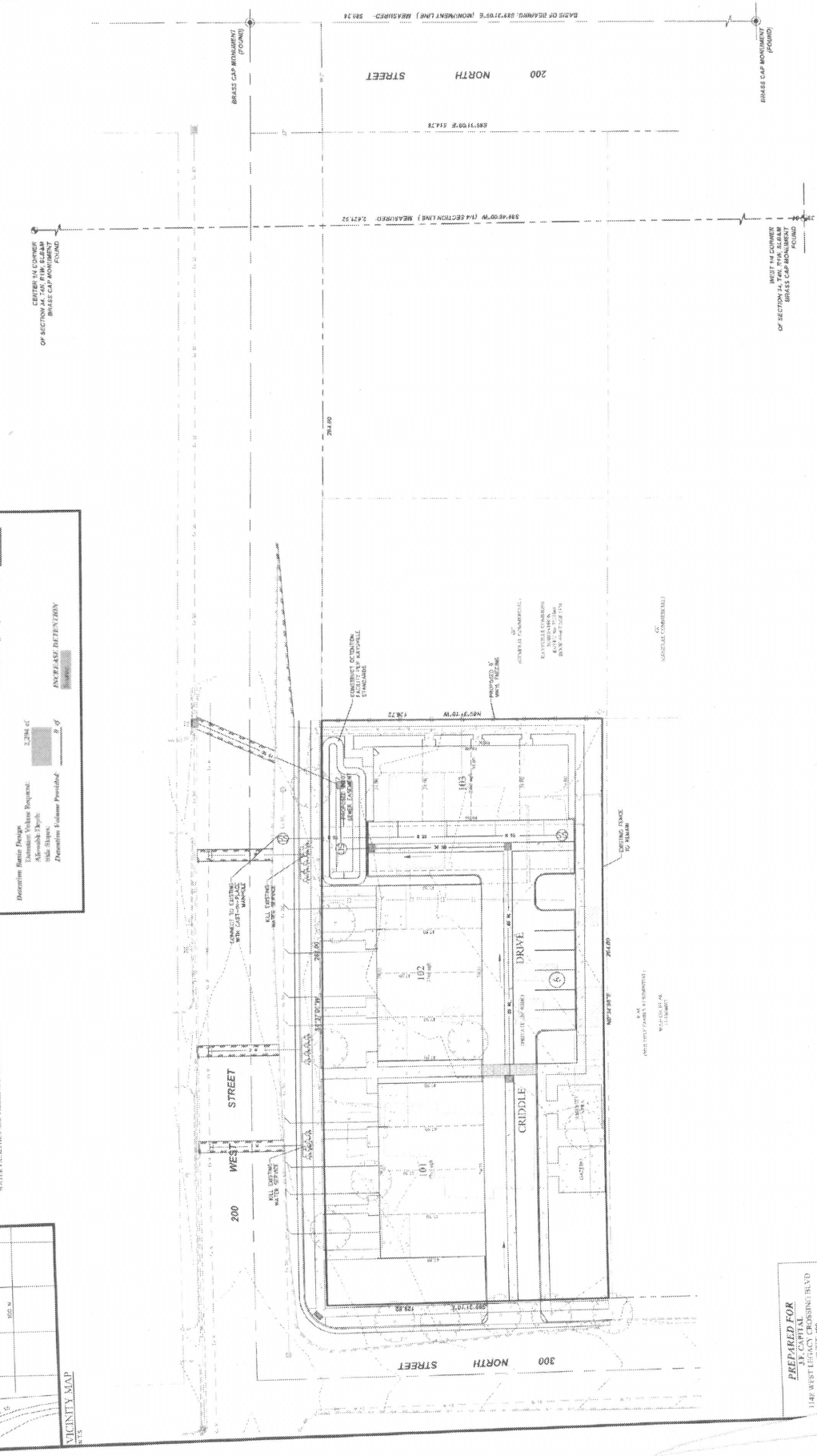
Recommendation:

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for the approval of the Cityside Townhomes Final Plat as proposed.

Attachment 1: Location Map
Attachment 2: Preliminary Plat
Attachment 3: Final Plat

265 North 200 West and 209 West 300 North



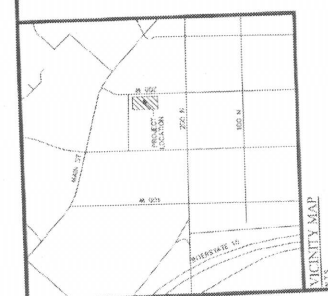


Character	Unit	Temp	Barrel	Atm	Barrel	Atm	Discharge	Barrel	Atm	Discharge	Barrel	Atm
1000	1000	7.45	15.4	0.75	2.99	0.15	44	2.26	0.15	44	2.26	0.15
1500	1500	8.51	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
2000	2000	9.57	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
2500	2500	10.63	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
3000	3000	11.69	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
3500	3500	12.75	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
4000	4000	13.81	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
4500	4500	14.87	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
5000	5000	15.93	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
5500	5500	16.99	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
6000	6000	18.05	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
6500	6500	19.11	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
7000	7000	20.17	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
7500	7500	21.23	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
8000	8000	22.29	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
8500	8500	23.35	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
9000	9000	24.41	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
9500	9500	25.47	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15
10000	10000	26.53	0.74	0.77	1.77	0.15	44	2.26	0.15	44	2.26	0.15

1000 1000 7.45 15.4 0.75 2.99 0.15 44 2.26
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NOTE: THE FOLLOWING INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT A CONTRACT. THE INFORMATION IS SUBJECT TO CHANGE WITHOUT NOTICE. THE INFORMATION IS NOT A GUARANTEE OF RESULTS. THE INFORMATION IS NOT A GUARANTEE OF PERFORMANCE. THE INFORMATION IS NOT A GUARANTEE OF ACCURACY. THE INFORMATION IS NOT A GUARANTEE OF COMPLETION. THE INFORMATION IS NOT A GUARANTEE OF TIMELINESS. THE INFORMATION IS NOT A GUARANTEE OF AVAILABILITY. THE INFORMATION IS NOT A GUARANTEE OF SECURITY. THE INFORMATION IS NOT A GUARANTEE OF INTEGRITY. THE INFORMATION IS NOT A GUARANTEE OF CONFIDENTIALITY. THE INFORMATION IS NOT A GUARANTEE OF NON-REPRODUCTION. THE INFORMATION IS NOT A GUARANTEE OF NON-DISSEMINATION. THE INFORMATION IS NOT A GUARANTEE OF NON-INTERFERENCE. THE INFORMATION IS NOT A GUARANTEE OF NON-INTERFERENCE. THE INFORMATION IS NOT A GUARANTEE OF NON-INTERFERENCE.





Planning Commission Staff Report

Public Hearing – Ordinances: Creation of a new Lot Consolidation and Lot Line Adjustment Process. & Amendments to the Subdivision Process and Required Improvements. February 22, 2018

Description:

The Planning Commission has previously discussed a number of processes and ordinances, among them were the topics addressed by these two ordinances.

1.

It has been expressed by members of both the Planning Commission and City Council that reviewing lot line adjustments and lot consolidations seemed like a process that could be done by staff. These are applications where no new lot is created, typically two neighbors are adjusting a fence-line or occasionally an owner of two lots will combine them into one large lot to build a larger home. Currently these items are processed the same as any other subdivision and require a recommendation from the Planning Commission and ultimately approval from the City Council. There are a number of ways that this type of process could be handled according to State Statute. Staff has determined that it would still like to have a plat recorded documenting the change.

The proposed ordinance would still require that a lot line adjustment or lot consolidation be reviewed by the city, but allows that review to all take place at the staff level before a plat is recorded. Staffs review would ensure that there are no illegal setbacks or substandard lot dimensions.

2.

During previous discussion with the Planning Commission in which noticing, conditional uses, and other issues were discussed. The subdivision process was a topic of consideration. In considering the role of different bodies and the type of land use applications being considered the idea of keeping legislative decisions with the legislative body and administrative decisions with staff and the Planning Commission was brought up. In as much as a subdivision is an administrative decision where if an applicant meets the requirements of the ordinance, there is a certain level of obligation for the City to approve such an application. Most of the discretion with development comes with consideration of a zone. Once a zone is approved over a property, the City has determined that the uses allowed in that zone are okay. A preliminary plat approval allows for some interpretation in determining if a proposed subdivision meets the requirements of the zone and applicable ordinances. A final plat is confirmation of the technical

details that the conditions of preliminary plat approval have been met and that all engineering and technical specifications are in order before development begins. Based on this the Planning Commission stated that the City Council should still be the approval body for preliminary plats, but that it could operate as the decision making body for the final plat.

The proposed ordinance amends the City's Code to make the Planning Commission the final approval body for a final plat only. There is also additional language added requiring a developer to install improvements identified by the Kaysville City Active Transportation Plan when applicable.

Recommendation:

Staff recommends that the Planning Commission hold a separate public hearing for each ordinance. After discussion of each ordinance the Planning Commission may vote to either:

- Recommend approval as written to the City Council.
- Table the item for further discussion.
- Recommend denial of the ordinance as written to the City Council.
- Recommend approval with changes to the City Council.

Attachment 1:	Lot Consolidation Ordinance
Attachment 2:	Subdivision Process Ordinance

AN ORDINANCE AMENDING SECTION 19-1-7, DEFINITIONS, OF CHAPTER 19-1, GENERAL PROVISIONS, OF TITLE 19, SUBDIVISIONS, AND CREATING SECTION 19-2-7, LOT LINE ADJUSTMENTS AND LOT CONSOLIDATIONS, OF CHAPTER 19-2, DEVELOPMENT PROCEDURES, OF TITLE 19, SUBDIVISIONS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Kaysville City Council and Kaysville City Planning Commission have determined that minor changes to property lines that do not create new lots do not need their oversight; and

WHEREAS, a new process has been reviewed whereby city staff would be allowed to review and approve such applications; and

WHEREAS, the necessary notice and Public Hearings have been held seeking input into this matter;

WHEREAS, the City Council of Kaysville City finds it to be in the best interests of its citizens to amend the code as outlined below.

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: Enactment.

Section 19-1-7, DEFINITIONS, of Chapter 19-1, GENERAL PROVISIONS, of Title 19, SUBDIVISIONS, of the Revised Ordinances of Kaysville City, 1993, is amended to include the following definitions to be placed alphabetically where appropriate:

Lot Line Adjustment – The adjustment of a mutual boundary between either multiple subdivided lots or multiple established lots of record where the property line is modified in compliance with yard, lot size, and frontage requirements for the applicable zoning district and where no new lot is created.

Lot Consolidation – The combination of two or more lots whether previously subdivided or established lots of record where the legal description of more than one contiguous parcel of property is revised into one legal description encompassing all such parcels of property and where no zoning violation is created.

SECTION III: Enactment.

Section 19-2-7, LOT LINE ADJUSTMENTS AND LOT CONSOLIDATIONS, of Chapter 19-2, DEVELOPMENT PROCEDURES, of Title 19, SUBDIVISIONS, of the Revised Ordinances of Kaysville City, 1993, is enacted as follows:

19-2-7 Lot Line Adjustments and Lot Consolidations

Applications that meet the definition of a lot line adjustment or lot consolidation shall be processed in the following manner.

1. The applicant petitioning for approval of a lot line adjustment or lot consolidation contacts the City Engineer for information concerning the City's amended plat requirements and discusses the proposed plan prior to preparing any plats, plans or charts.
2. The applicant pays the lot line adjustment/lot consolidation fee at the City Office.
3. The applicant submits the following to the City Engineer:
 - a. Three (3) copies of an amended plat prepared by a registered engineer or surveyor and supporting documents as specified in KCC 19-4-3 with the signature blocks for the following:
 1. City Engineer approval
 2. City Attorney approval
 - b. A copy of the lot line adjustment/lot consolidation fee receipt.
 - c. Preliminary Title Report.
 - d. Agreements if applicable.
4. The applicant submits copies of the amended plat and any applicable utility load information to agencies and service providers as needed.
5. The applicant submits the final plat and irrigation system drawings to any irrigation providers involved and obtains approval.
6. The City staff will review the documents. Ten (10) working days are allowed for completion of staff review for each submittal or re-submittal.
7. Upon completion of the staff review, the City Engineer will notify the applicant of any necessary changes to comply with applicable standards and ordinances. Once the amended plat meets all applicable standards and ordinances, the City Engineer will assign addresses to each lot on the plat as needed and notify the applicant to submit a mylar copy of the approved plat.
8. Approval of the final plat shall be effective until the later of:
 - a. One (1) year after the date of approval by the City Engineer; or
 - b. The last day of the extension period approved by the City Engineer.
 - c. If the final plat has not been offered for recording, with all approval steps completed, within the applicable period, the plat shall not be recorded or received for recording and shall have no validity whatsoever.
9. The City Attorney will review the documents submitted to insure adequacy and sign the plat when approved.
10. The City Engineer completes then signs the plat then has the final plat recorded at the office of the Davis County Recorder after which building permit applications will be accepted.
11. It shall be unlawful for any person to change the lines, drawings, lot sizes or shapes, or any other provision of a plat after it has received approval by any person whose approval is

required. Any plat that is changed in violation of this paragraph is void. The City may compel the person recording the plat to withdraw the plat from the County Recorder's office or to file a notice, or the City may itself file a notice that the recordation of the plat is void. The City Engineer is responsible for recording all subdivision plats. The applicant shall be responsible for all recording and associated fees.

SECTION IV: 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 V: Effective Date. This ordinance shall become effective 20 days after being passed by the 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

AN ORDINANCE AMENDING SECTION 19-2-1, SUBDIVISION DEVELOPMENT PROCESS, OF CHAPTER 19-2, DEVELOPMENT PROCEDURES, OF TITLE 19, SUBDIVISIONS, AND SECTION 19-6-3, IMPROVEMENTS REQUIRED, OF CHAPTER 19-6, SUBDIVISION IMPROVEMENTS REQUIRED, OF TITLE 19, SUBDIVISIONS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a final plat approval is an administrative decision wherein the approval body does not have legislative discretion; and

WHEREAS, it has been determined that the Planning Commission is desired to function as the approval body for Final Plat Applications providing sufficient oversight and added efficiency to the process; and

WHEREAS, the City Council passed a resolution in May of 2016 adopting the Kaysville City Active Transportation Plan and desires to see its implementation; and

WHEREAS, the necessary notice and Public Hearings have been held seeking input into this matter;

WHEREAS, the City Council of Kaysville City determines it is in the best interests of its citizenry to amend this ordinance as outlined below.

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: Enactment. Section 19-2-1, SUBDIVISION DEVELOPMENT PROCESS, of Chapter 19-2, DEVELOPMENT PROCEDURES, of Title 19, SUBDIVISIONS, of the Revised Ordinances of Kaysville City, 1993, is amended as follows:

19-2-1 Subdivision Development Process

The following steps are required:

1. The Subdivider contacts the City Engineer for information concerning the City subdivision requirements and compatibility with the General Plan, and discusses the proposed plan of development prior to preparing any plats, plans or charts.
2. The Subdivider pays the preliminary plat fee at the City Office.
3. The Subdivider submits the following to the City Engineer:
 - a. Three (3) copies of the preliminary plat prepared by a registered engineer or surveyor and supporting documents as specified in KCC 19-3-3.
 - b. A copy of the preliminary plat fee receipt.

4. The Subdivider submits copies of the preliminary plat and any applicable utility load information to agencies and service providers as needed. If a State highway is involved, the Subdivider provides evidence of approval of access, curbs, gutters, and sidewalks by the Utah Department of Transportation to the City Engineer.
5. The City staff will review the documents and make recommendations. Ten (10) working days are allowed for completion of staff review for each submittal or re-submittal.
6. Upon completion of the staff review, the City Engineer will place the item on the Planning Commission agenda and notify the Subdivider.
7. The Planning Commission will meet and review the preliminary plat and take action. The Subdivider or agent must attend and present the plat. The Planning Commission then forwards the plat to the City Council, with its recommendations and conditions thereon.
8. The City Council will meet and review the plat. The Subdivider or agent must meet with the Council and discuss the plat. (Refer to KCC 19-3-5(2).)
9. The Subdivider pays the final plat fee at the City Office.
10. The Subdivider submits six (6) copies of the tentative final plat to the City Engineer.
11. The City Engineer checks the tentative final plat for compliance with conditions and returns one copy to the Subdivider.
12. The Subdivider submits the final plat and irrigation system drawings to any irrigation providers involved and obtains approval.
13. The Subdivider submits the following to the City Engineer:
 - a. Original and two (2) copies of the final plat prepared by a registered engineer or land surveyor in accordance with KCC 19-4-3.
 - b. Cross sections and profiles of the streets and all other construction drawings related to all of the improvements to be constructed within the subdivision. All such drawings and materials must be signed and stamped by a registered professional engineer.
 - c. Open space improvement drawings if applicable.
 - d. Copy of final plat fee receipt.
14. The City staff will review the documents and make recommendations. Ten (10) working days are allowed for completion of staff review for each submittal or re-submittal.
15. Upon completion of staff review, the City Engineer will place the item on the Planning Commission agenda and notify the Subdivider.
16. The Planning Commission will meet and review the final plat and take action. The Subdivider or agent ~~must~~ may be required to attend and present the plat. ~~The Planning Commission then forwards the plat to the City Council with its recommendations and conditions thereon.~~
- ~~17. The City Council will meet and review the final plat. The Subdivider or agent must meet with the Council and discuss the plat. (Refer to KCC 19-4-5(3).)~~
- ~~18.~~ 17. The Subdivider submits the following to the City Engineer.
 - a. Preliminary Title Report.
 - b. Written results of a test for suspect soil in the area upon which public improvements will be constructed.
 - c. Agreements if applicable.
- ~~19.~~ 18. The City Attorney will review the documents submitted to insure adequacy and sign the plat when approved.

- ~~20.~~ 19. The Subdivider must then pay the following fees at the City Office:
- a. Development fees.
 - b. Recording fees.
 - c. Inspection fees.
 - d. Utility extension fees.
- ~~21.~~ 20. The Subdivider submits the Storm Water Pollution Prevention Plan (SWPPP) for the subdivision to the City Engineer.
- ~~22.~~ 21. The Subdivider and contractors and other representatives meet with City representatives in a preconstruction conference.
- ~~23.~~ 22. The Subdivider constructs and installs all improvements, except the Slurry Seal Type III or approved equivalent, with inspection by the City. In the event the Subdivider has constructed and installed all improvements except sidewalks and asphalt pavement in a subdivision phase and desires to begin construction of residential buildings before the sidewalks and asphalt pavement are installed in the subdivision phase, the City may accept building permit applications upon compliance with all other requirements, including recording the plat, plus the following:
- a. The Subdivider shall guarantee the proper installation of the sidewalks and asphalt pavement in accordance with Kaysville City standards and specifications, by cash deposit furnished and filed with Kaysville City in an amount equal to one hundred fifteen percent (115%) of the cost of the installation of the sidewalks and asphalt as determined by licensed contractor quote.
 - b. All building lots within the subdivision phase shall be owned by the Subdivider and remain owned by the Subdivider until the sidewalks and asphalt are installed in the subdivision phase and the improvements are completed and certified.
 - c. No final building inspection will be scheduled nor conducted and no occupancy allowed until all subdivision phase improvements have been completed and certified.
- ~~24.~~ 23. The Subdivider has as-built drawings prepared and submits them, the Improvement Completion Assurance and Improvement Warranty to the City Engineer.
- ~~25.~~ 24. The Public Works Superintendent certifies that the improvements are completed.
- ~~26.~~ 25. The City Engineer addresses the lots on the plat and has the final plat recorded at the office of the Davis County Recorder and then building permit applications will be accepted.
- ~~27.~~ 26. The City Council accepts the improvements and the Improvement Warranty Period begins.
- ~~28.~~ 27. Near the end of the warranty period, the City inspects the improvements and the Subdivider corrects deficiencies.
- ~~29.~~ 28. When the improvements comply with City standards as certified by the Public Works Superintendent, the Subdivider applies a Slurry Seal Type III or approved equivalent on all asphalt pavement in streets, then the Improvement Warranty Period ends and the Improvement Completion Assurance and Improvement Warranty are released.

SECTION III: Enactment. Section 19-6-3, IMPROVEMENTS REQUIRED, of Chapter 19-6, SUBDIVISION IMPROVEMENTS REQUIRED, of Title 19, SUBDIVISIONS, of the Revised Ordinances of Kaysville City, 1993, is amended to include the following change:

11. **Active Transportation Improvements.** Subdivisions which include or are adjacent to an element of the Kaysville City Active Transportation Plan shall account for and install the applicable improvements including off street shared use paths and street improvements such as striping.

This subsection shall be added between what is currently listed as subsection 10. Sidewalks and subsection 11. Driveway Approaches. Subsequent subsections within Section 19-6-3 shall be renumbered accordingly.

SECTION IV: 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 V: Effective Date. This Ordinance shall take effect 20 days after being passed and adopted by the 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

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.