

KAYSVILLE CITY PLANNING COMMISSION

April 12, 2018

Members Attending: Vice-Chairperson Stroh DeCaire, Gary Bullock, Joshua Sundloff, Thomas Wood

Excused: Matthew Anderson, Lorene Kamalu, Betty Parker

Staff Present: City Engineer Andy Thompson, Secretary Annemarie Plaizier

Others Present: Mayor Katie Witt, Marilyn DeBry, Andre Lortz, Kyle Lortz, Tyson Webster, Rosemary Lindsay, Robert Lindsay, Rick Jones, Jacquie Jones, Ryan Butler, Stella Allred, Heather Porter, Megan Porter, Scott Edwards, Julie Edwards, Josh Griffin, Dana Griffin, Dennis Hepworth, Richard Allen, Fara Nowak, Doug Nowak, Marciea Casselman, Russell Wilson, Lindsay Jones

OPENING

The Planning Commission meeting was held on Thursday, April 12, 2018 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Stroh DeCaire opened the meeting by welcoming those present. The minutes of the March 8, 2018 meeting were presented for approval.

Gary Bullock made a motion to approve the minutes of the March 8, 2018 meeting. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, GROUP SWIMMING LESSONS AT 2288 WEST 600 NORTH – ANDRE AND KYLE LORTZ

Andy Thompson explained that the Lortz’s are requesting a conditional use permit for a Major Home Occupation “B” to offer swimming lessons from their home. Kyle would be conducting the lessons during the summer months. Lessons will be either one-on-one or small group lessons with up to four students at one particular time. The onsite pool is an indoor swimming pool, and there is a large amount of parking on the property. Lessons are anticipated to be Monday through Friday, between 9:00 a.m. to 5:00 p.m.

Thomas Wood made a motion to grant a Major Home Occupation “B”, group swimming lessons at 2288 West 600 North for Andre and Kyle Lortz with the condition that the number of students be limited to no more than eight per class. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, VINTAGE TRAILER RESELL AT 402 NORTH WILKIE STREET – MARILYN DEBRY

Andy Thompson explained that Marilyn DeBry is requesting a conditional use permit for a Major Home Occupation “B” to restore and sell vintage camper trailers. The DeBry’s mainly do interior work on the trailers, such as replacing flooring and fabrics, however some exterior and structural repair may take place. Any painting would be done with a paint roller and not sprayed on. Staff has received a couple of concerns about this type of use, including where trailers would be stored and worked on, limiting the number of trailers allowed, and not allowing the trailers to be parked on the street. To help mitigate some of the potential impacts, Staff is recommending that a time restriction be put in place for when power tools could be used, that there not be more than two trailers allowed at any one time, and that trailers be stored or displayed in the front or side yard of the property, including not being parked on the street.

Josh Sundloff asked if there was an area in the back of the home to park the trailers.

Marilyn DeBry responded that they have an RV pad in the back corner of their property where the trailers could be parked. They currently have a family trailer parked on the RV pad, and two other trailers on their property. One trailer is under renovation, and the other is being sold.

Gary Bullock asked if their backyard was enclosed.

Marilyn DeBry responded that there is a fence along the backside of her property but it is not completely enclosed.

Stroh DeCaire commented that he had received a phone call from one of the DeBry’s neighbors who was concerned about trailers being parked on the street. The neighbor also expressed concern about the DeBry’s not having an electrician’s license, however that issue is not something pertaining to the conditional use permit. Mr. DeCaire asked if the DeBry’s had any employees.

Marilyn DeBry said that they did not.

Gary Bullock asked how the DeBry’s sell their trailers.

Marilyn DeBry responded that they advertise on vintage trailer websites. Interested buyers will come to their home by appointment. Many of their clients travel from out of state to purchase their trailers.

Gary Bullock asked about how long it takes them to restore a trailer.

Marilyn DeBry said that it takes about two months to complete the work on one trailer. They don’t anticipate remodeling more than six trailers a year.

Andy Thompson asked how they would store their equipment used to renovate the trailers.

Marilyn DeBry responded that any paint will be applied with a roller brush. The paint used on the outside of the trailer is a marine-grade water based paint, and they won't use any commercial grade supplies. All equipment will be stored inside the garage.

Gary Bullock made a motion to grant a conditional use permit for a Major Home Occupation "B", vintage trailer resell at 402 North Wilkie Street for Marilyn DeBry with the following conditions:

1. No power tools may be used for work on the trailers between the hours of 9 p.m. and 9 a.m.
2. The number of trailers being restored or listed for sale on the property be limited to no more than two trailers at a time.
3. Trailers being restored or listed for sale may not be stored or displayed in the front or side yard of the property, or on the street.

Richard Allen said that he lives across the street from the DeBry's and has seen the DeBry's business expand over the years. The family's trailer being stored in the back will likely be sold as well at some point and asked if it would be included in the two trailer limit.

Marilyn DeBry commented that she would be fine with being limited to two total trailers on their property because only two trailers will fit on their RV pad.

Gary Bullock moved to amend his motion to revise the second condition as stated:

2. The total number of trailers on the property be limited to no more than two at a time.

Josh Sundloff seconded the motion and it passed unanimously.

Marilyn DeBry added that while she currently has three trailers on the property, one will be sold on the 21st of April and she will then be in compliance.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", EYELASH EXTENSIONS AT 949 SOUTH WHISPERWOOD COVE – MEGAN PORTER

Andy Thompson explained that Megan Porter lives at 949 South Whisperwood Cove and is requesting a conditional use permit for a Major Home Occupation "B" to offer eyelash extension services from her home. Ms. Porter works full-time so this would be run as a side business and she only anticipates having about five clients a week. There is a room within her home where she will apply the extensions. Clients will come by appointment only and each appointment will run an hour or two each.

Josh Sundloff made a motion to grant a conditional use permit for a Major Home Occupation "B", eyelash extensions at 949 South Whisperwood Cove for Megan Porter. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, CARPET CLEANING AT 447 WEST CREEKSIDE LANE – BOYD AND MARCIEA CASSELMAN

Andy Thompson explained that Boyd and Marciea Casselman live at 447 West Creekside Lane and are requesting a conditional use permit for a Major Home Occupation “B” to provide carpet cleaning services. Their home will be used as a home office for paperwork and setting appointments. Currently there are two vans on the property. One van is used by their son who works as a tech for them, and once they hire another tech the van will be kept at their own home. They also have an off-site storage facility where they will keep chemicals and product they use. Ultimately they expect to have no vans or products at their home.

Thomas Wood made a motion to grant a conditional use permit for a Major Home Occupation “B”, carpet cleaning at 447 West Creekside Lane for Boyd and Marciea Casselman. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, DOGGY DAYCARE AT 1583 SOUTH HAIGHT CREEK DRIVE – STELLA ALLRED

Andy Thompson explained that Stella Allred is looking to operate a doggy daycare from her home at 1583 South Haight Creek Drive and is therefore requesting a conditional use permit for a Major Home Occupation “B”. Her property is located in an R-1-8 zone which does not allow for kennels. In Kaysville City Code 17-2, a kennel is described as “any lot or premise on which three (3) or more dogs (or similar household pets) at least four (4) months old are kept.” Based on this, Staff has met with Ms. Allred to discuss her business model and assure it will be appropriate for the zone. Ms. Allred would like to offer to watch the dogs of her clients for brief or extended periods, typically when a family is traveling. Clients can have Ms. Allred go to their homes to check in on their pet, or they could have Ms. Allred pick up the dog to bring back to her home for the day. She would then return the dog to her client’s home in the evening. Apart from walks, the dogs would only be outdoors at Ms. Allred’s home when in the dog run. Ms. Allred already has a dog, so any dogs brought in would be in addition to her own pets. Staff is recommending that no client’s dogs be kept at Ms. Allred’s home overnight and that the total number of dogs on the property not exceed six at one time.

Stroh DeCaire commented that the Planning Commission had received some emails from concerned neighbors about this business.

Gary Bullock asked if Ms. Allred had conducted this type of business before and if she had discussed her business plans with the neighbors.

Stella Allred responded that she has not done this business before. There is an empty lot on one side of her property, and the dog run will sit on that side of her lot. She’s spoken to the neighbors on the other side of her house and they don’t have a problem with her business plans.

Stroh DeCaire said that if approved, he would like to see a time restriction put in place to limit the amount of time the dogs could be at Ms. Allred's home. Mr. DeCaire asked if the dogs would be kept inside or outside, and when the dogs would be picked up and dropped off.

Stella Allred said that it would be both. The area of the dog run is enclosed with a six foot fence. Ms. Allred added that she would probably be picking up the dogs from her client's homes around 7:00 a.m. and dropping them off again at 7:00 p.m.

Josh Sundloff said that one of the neighbors has expressed concerns about problems with dogs barking becoming a nuisance, and asked how barking will be controlled.

Stella Allred responded that she would make sure that any barking dogs be brought inside the house. The dogs will have direct access from the home to the fenced area so they will not be able to get out of the yard.

Thomas Wood asked about how dog waste would be disposed of properly so as to reduce smell and not attract rodents.

Stella Allred responded that she will make sure to clean up after the dogs regularly. Waste would be disposed of at least once a week. The dogs will typically only be fed twice a day, and the dog food will be kept indoors.

Stroh DeCaire commented that he has concerns about allowing up to six dogs at a time because it will magnify potential problems caused by the dogs, such as noise and waste. There are questions still to be answered because we don't know how much of an impact this business will cause.

Josh Sundloff said that conditions could be imposed to address and lessen any reasonably foreseeable detrimental impacts of this use. Some of those include: barking, pet waste, time parameters, number of dogs, time the dogs spend outside, and storage of dog food. It typically becomes the neighbors who police these issues and notify the city of non-compliance.

Stroh DeCaire said that he would have liked to see more of a structured business plan addressing these concerns. This is something that could potentially impact the neighborhood and not just the properties immediately adjacent to it. Mr. DeCaire suggested this be tabled until Ms. Allred could come back with a plan to address concerns.

Stella Allred suggested being limited to only four dogs at a time to help alleviate some concerns. The dog food will be stored in a container that animals can't get into. She could also feed the dogs at their own homes before bringing them to her house for the day, and again after she takes them home.

Gary Bullock said that four dogs would be more manageable than six.

Josh Sundloff asked what would be done if a complaint is received about this business.

Andy Thompson responded that the City would investigate the complaint and give the applicant time to get into compliance. If needed, the conditional use permit could come back to the Planning Commission for review. Also, the Planning Commission could set certain restrictions upon the conditional use permit, and if Ms. Miller would like to take care of more dogs she could come back to the Planning Commission for a modification of her conditional use permit.

Josh Sundloff made a motion to grant a conditional use permit for a Major Home Occupation “B”, doggy daycare at 1583 South Haight Creek Drive for Stella Allred with the following conditions:

1. Animal waste be controlled and disposed of properly so as to control any nuisance smells and quantity of waste.
2. Any dogs being cared for, with the exception of the Allred’s personal dogs, only be allowed at the home between the hours of 7:00 a.m. to 6:00 p.m.
3. The total number of dogs on the property not exceed four dogs at any one time. This number includes any pets belonging to the applicant.
4. No dogs being watched in connection with the business may stay overnight.
5. Any dog food be stored inside the home or garage.

Thomas Wood seconded the motion.

Voting was as follows:

Stroh DeCaire	nay
Josh Sundloff	aye
Thomas Wood	aye
Gary Bullock	aye

The motion passed with a vote of three to one.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”,
HANDYMAN SERVICES AT 86 WEST SHEPARD LANE - TYSON WEBSTER**

Andy Thompson explained that Tyson Webster lives at 86 West Shepard Lane and is requesting a conditional use permit for a Major Home Occupation “B” to conduct handyman services. Mr. Webster has contacts with a property management group who will contact him to go on site for a variety of jobs. No customers will come to his home. Typically the tasks he is asked to do require very little equipment so he does not use a trailer or even a truck.

Gary Bullock made a motion to grant a conditional use permit for a Major Home Occupation “B”, handyman services at 86 West Shepard Lane for Tyson Webster. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE APPROXIMATELY 4.0 ACRES OF PROPERTY AT 292 WEST BLOOMING GROVE CIRCLE FROM A-1 (LIGHT AGRICULTURE) TO THE R-1-20 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – DANA AND JOSH GRIFFIN

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR BLOOMING GROVE II FIRST AMENDED AT 292 WEST BLOOMING GROVE CIRCLE – DANA AND JOSH GRIFFIN

Andy Thompson explained that on March 8, 2018 the Planning Commission held a Public Hearing for the consideration of a rezone at this property to the R-1-LD zone and PRUD overlay zone. After some discussion, the Planning Commission voted unanimously to table the item with a request for additional details before making a recommendation to the City Council. Staff has met with the applicant and discussed feedback received at the meeting and ways to address the concerns expressed. Ultimately the applicant has submitted a preliminary plat to solidify their desired use of their property. The subdivision is proposed to be four lots, including the existing home on Lot 1. Each lot is 20,000 square feet in size or larger. At the suggestion of Staff, the original application was for the R-1-LD zoning district to allow for additional flexibility in lot size. The applicant laid out the lots in this preliminary plat so that it could be accomplished with the R-1-20 zoning district. The PRUD overlay is still necessary to accommodate the private Street and location of the existing barn. The private street would provide access to each lot with a new turnaround at the north end. Lots in a private street subdivision are required to comply with all requirements of the zoning district in which they are located. The R-1-20 zone requires that lots be at least 20,000 square feet in size with ninety feet of frontage along the street.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

Dennis Hepworth said that he was in attendance at the Planning Commission's March 8, 2018 meeting and had expressed his opposition to rezoning this property to the R-1-LD zone. Since then he has spoken with the Griffin's and is in favor of this new proposed rezone to the R-1-20 zone. The Griffin's have done a good job addressing the neighbor's concerns.

Lindsay Jones said that she lives next door to the Griffin's at 276 West Blooming Grove Circle and also supports the Griffin's development plans. There is an open feel to this area and they feel that this proposed rezone and subdivision plat won't negatively affect the neighborhood.

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

Stroh DeCaire commented that he agrees that this rezone is appropriate for the area and the proposed plat has a good layout.

Thomas Wood stated that this is a good example of those wishing to develop listening to the recommendations made and addressing the concerns of the neighbors.

Gary Bullock made a motion to recommend approval of the request to rezone approximately 4.0 acres of property at 292 West Blooming Grove Circle from A-1 (Light Agriculture) to the R-1-20 (Single Family Residential) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone for Dana and Josh Griffin. Stroh DeCaire seconded the motion and it passed unanimously.

Gary Bullock made a motion to recommend preliminary plat approval for Blooming Grove II First Amended at 292 West Blooming Grove Circle for Dana and Josh Griffin. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.64 ACRES OF PROPERTY AT 269 WEST BLOOMING GROVE CIRCLE FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) TO THE R-1-10 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – JULIE AND SCOTT EDWARDS

Andy Thompson explained that Julie and Scott Edwards own the home at 269 West Blooming Grove Circle and would like to build a separate home behind the existing home for an aging parent so they will be in close proximity. The City does not allow more than one building on a lot to be used as a dwelling. To accomplish the Edwards' desired plans, a flag lot subdivision would be necessary, which is not allowed on a cul-de-sac street by current city ordinance. One alternative for the Edwards' is to build an addition to the existing structure, and separate the two buildings with a breezeway. The applicant has expressed a willingness to consider such an option, but for them it is far less desirable than a separate home on a separate lot. The applicant has provided a drawing showing what is effectively a second home connected to the existing home by a breezeway which does comply with the current ordinance. While it may look like two buildings, the City would require that those living on the property to be considered as single-family. If the lot is subdivided and two single-family homes exist, each home may be occupied by different families. The request for the R-1-10 zoning district is necessary to accommodate the request based on the size of the property. The PRUD overlay zone has been requested as it is necessary to allow a flag lot. The property is surrounded by the R-1-20 zoning to the north and east with some agricultural zoning to the west. Assuming the R-1-10 zoning district is approved, there would be changes necessary to the provisions of the PRUD overlay zone as currently city ordinance Section 17-34-3(b) states: "Flag lot subdivisions are not allowed on cul-de-sac streets." The Planning Commission needs to determine as to whether or not this request is in harmony with the City's General Plan and appropriate for the proposed location. If the R-1-10 zone is recommended for approval, Staff recommends that the Planning Commission table a decision for the PRUD overlay pending changes to the City's ordinances relating to flag lots on cul-de-sac streets.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

Dennis Hepworth stated that he is in opposition of this rezone request because the size of the proposed lots are not compatible with the area. These smaller lots have much different setbacks than surrounding lots. This request is not compatible for the neighborhood.

Lindsay Jones said that her husband spoke with Scott Edwards about his development plans and while they are okay with him building another home behind the existing house, they are concerned that approving smaller lots into the area will set a precedence. Mrs. Jones asked about the narrow piece of vacant property to the west of the Edward's.

Andy Thompson responded that the piece of land is owned by the neighboring property on the corner of Shepard Lane and Sunset Drive. It is unlikely that any homes would be built there because there is a stream that runs through it.

Josh Sundloff commented that within the last couple of years a neighbor west of here on South Sunset Drive requested a rezone of their property in order to subdivide their lot and build a small home in the side yard of their property. Mr. Sundloff stated that he had voted against the proposed rezone because he felt that they were trying to force a home into an inadequate space and that type of development didn't fit into the area. Forcing smaller homes between existing homes tends to interrupt the consistency of the layout of a neighborhood. It is the same with the Edward's proposed rezone. They are removing the open feel of the area.

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

Stroh DeCaire commented that he had received phone calls and e-mails from some of the Edward's neighbors, and was informed that they do not currently reside in this home.

Julie Edwards responded that they do not live in this home. They live further down the street to the east. Recently her father passed away and they are looking for a place nearby for her mother to live.

Stroh DeCaire asked if it was the Edward's intend to move into this home.

Scott Edwards said that they have never lived in this home but have used it as rental property. The proposed home would be set as far back to the west corner as possible.

Stroh DeCaire commented that he feels this request isn't appropriate and does not fit into the area. Trying to circumvent the ordinances by attaching a breezeway between two buildings brings other issues and isn't suitable for the area.

Gary Bullock stated that the Griffins came before the Commission with a request to rezone their property to the R-1-LD zone, which has a larger minimum lot size requirement than the R-1-10 zone. The Commission felt that their request didn't fit into this neighborhood, and this does not either. The shape of the lot also makes it more challenging to place a home behind the existing house. This feels like they are forcing a home into an insufficient space. It also doesn't meet the General Plan.

Josh Sundloff asked if there were any properties zoned R-1-10 west of I-15.

Andy Thompson responded that the highest density zone west of I-15 is the R-1-14 zone located in the Hill Farms Subdivision.

Josh Sundloff commented that he feels this is not an appropriate location for the R-1-10 zone because it disrupts the character of the neighborhood. It feels like they would just be squeezing a house into the back of the lot. It also is not close to any other R-1-10 zoning district, and is also creating a flag lot on a cul-de-sac.

Thomas Wood asked if the Edwards had made any attempts to purchase more property from the neighbors to the west. The site plan shows the second home being built right up to the setback limits.

Scott Edwards responded that he had not. The referenced piece of property to the west is long and narrow, and does not seem feasible to try to build on.

Stroh DeCaire said that a viable option for the Edwards would be to move the mother into the rental home.

Scott Edwards responded that the home is a split level home and it is not favorable for her needs.

Josh Sundloff made a motion to recommend denial of the request to rezone 0.64 acres of property at 259 West Blooming Grove Circle from R-1-20 (Single Family Residential) to the R-1-10 (Single Family Residential) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone for Julie and Scott Edwards. Stroh DeCaire seconded the motion and it passed unanimously.

Andy Thompson said that the Edwards could forward their request to the City Council with the negative recommendation. If they choose to do so it would likely be on the agenda for the May 3, 2018 City Council meeting.

PUBLIC HEARING AND REQUEST TO REZONE 2.0 ACRES OF PROPERTY AT 427 WEST BURTON LANE FROM R-A (RESIDENTIAL AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW DENSITY) ZONING DISTRICT – ROSEMARY LINDSAY

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR LINDSAY SUBDIVISION LOCATED AT 427 WEST BURTON LANE – ROSEMARY LINDSAY

Andy Thompson explained that this property, located at 427 West Burton Lane, currently consists of two homes on three lots. The property owners are requesting a rezone to the R-1-LD zoning district for the purpose of creating one more buildable lot. Currently the zoning requires that each lot have half an acre of property, and at least one-hundred feet of frontage along the street. The requested R-1-LD zoning allows for lots to be as small as 12,000 square feet in size, while still requiring the overall density remain at two units per acre. Lots in the R-1-LD zoning district require a lot frontage of ninety feet, rather than the one-hundred feet. The proposed preliminary plat meets the requirements of the R-1-LD zone, where there are four total lots on just over two acres, and each lot is at least 12,000 square feet in size or larger. Lot 4 has been

configured so as to accommodate the existing barn and allow for a couple of horses per the city's Farm Animal ordinance.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

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

Josh Sundloff stated that since there are other areas of the R-1-LD zone here, and because the proposed plat doesn't change the character of this area, this proposed rezone seems appropriate. This is also in line with the General Plan and is located along major streets.

Thomas Wood made a motion to recommend approval of the request to rezone 2.0 acres of property at 427 West Burton Lane from R-A (Residential Agriculture) to the R-1-LD (Single Family Low Density) zoning district for Rosemary Lindsay. Gary Bullock seconded the motion and it passed unanimously.

Thomas Wood made a motion to recommend preliminary plat approval for Lindsay Subdivision located at 427 West Burton Lane for Rosemary Lindsay. Gary Bullock seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR THE PRESERVE SUBDIVISION PHASE 1 LOCATED AT 101 SOUTH ANGEL STREET – SYMPHONY HOMES

Andy Thompson explained that over the last several months this property has been rezoned to the R-1-LD zone and received preliminary plat approval. The first phase has now been submitted for final plat approval. Phase 1 consists of twenty-five lots on the easterly side of the project. When the preliminary plat was approved by the City Council, there was concern expressed regarding construction access. Based on this concern, Symphony Homes has worked out an agreement with the original property owner to provide a temporary construction access off of Angel Street. This access will be available before any homes begin construction. Also, city ordinance requires that any stub road intended to be connected in the future must have a temporary turnaround. Typically this is accommodated by installing a bulb at the end of the stub street. However, instead of asking the adjacent property owner to allow that temporary turnaround on their property, Symphony Homes is proposing to create large driveways on the two lots at the end of the stub road which could be used as a hammerhead turnaround facility. This has been done previously in other areas of the city and Staff feels it would be adequate. The Fire Department has also reviewed and approved this proposed turnaround system.

Stroh DeCaire asked about the temporary construction access road.

Andy Thompson responded that Symphony Homes plans to install the sewer line and then build the temporary road on top of that line. The road will be a part of the required construction improvements and installed before any building construction is started.

Gary Bullock made a motion to recommend final plat approval for The Preserve Subdivision Phase 1 located at 101 South Angel Street for Symphony Homes. Stroh DeCaire seconded the motion and it passed unanimously.

REQUEST FOR A VARIANCE FROM SECTION 17-34-9 FLAG LOT SUBDIVISION, REGARDING THE FLAG STEM DEVELOPMENT REQUIREMENTS – DOUG AND FARA NOWAK

Andy Thompson explained that Doug and Fara Nowak would like to subdivide their property at 1833 North 200 West for the purpose of creating an additional building lot. The property is just over two acres in size and includes one home on the eastern portion of the lot. The existing home is accessed by way of an existing asphalt lane to the north for which the owners have an easement allowing access to their property. After meeting with Staff to discuss potential options for further development, they have discovered that in order to subdivide their lot they would need to create a double flag lot subdivision. The Nowak's had their property surveyed and have created a plat of their desired lot layout. However, the plat indicates that the access to the public street is 34.25 feet in length. Kaysville City Code 17-31-9(1)(b) states that "two flag lots with projections side-by-side may each have projections eighteen feet or greater in width (for a total not less than thirty-six feet)". Therefore the proposed access does not meet Kaysville City ordinances and the owners of the property are now seeking a variance. If the Planning Commission determines that a variance is appropriate, Staff recommends that the allowances of that variance be very specific. Staff could then work with the applicant to ensure a plat document is consistent with the approved variance.

Stroh DeCaire commented that variances don't come before the city very often. There are five standards that have been set by State Statute which must be met in order for a city to grant a variance.

Josh Sundloff commented that because the driveway expands the further back into the Nowak's lot, there is only a small triangle of land (the width of about one foot, nine inches) necessary to meet the requirement. It seems that there might be a better mechanism to make this work for the Nowak's to be able to develop their property than to approve a variance.

Doug Nowak responded that they currently take access off the northern easement of their property. However, because they do not own that easement they cannot use it as access for their proposed subdivision. In order to meet the city's flag stem requirements they must use the southern access.

Stroh DeCaire said that it might be incumbent for the Nowak's to reach out to their neighbors to the west to see if they could acquire some property from them without violating any setback requirements of the existing homes. There might be other avenues for the Nowak's to look into before we think about granting a variance.

Gary Bullock said that while he can see this request meeting many of the variance standards, it does not meet all five of them.

Doug Nowak commented that he recently sat down with the Davis County surveyor who told him that as properties around his were sold off and developed, his property has become land-squeezed. Mr. Nowak added that he had not spoken with his neighbors about his plans for development yet.

Stroh DeCaire said that if Mr. Nowak could purchase some property from his neighbors to meet the city's requirement for a flag stem, he would be able to come back for plat approval without needing a variance. At this point, Mr. Nowak hasn't shown that he meets all five standards needed for variance approval.

Andy Thompson commented that if the Planning Commission makes an exception to a city requirement because of a small amount of land, then the city will have to start making exceptions at other locations or for other requests. On any ordinance you have to draw the line somewhere. Mr. Thompson suggested that the Commission table this item to give the Nowak's a chance to explore other avenues. Once they have exhausted those measures they can then come back to the Commission to consider a variance at that point.

Josh Sundloff suggested adding language to the flag lot ordinance to allow for exceptions on flag lot stem widths in situations such as this.

Stroh DeCaire made a motion to table the request for a variance from Section 17-34-9 Flag Lot Subdivision, regarding the flag stem development requirements for Doug and Fara Nowak. Gary Bullock seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, April 26, 2018 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:20 p.m.