

KAYSVILLE CITY PLANNING COMMISSION

April 26, 2018

Members Attending: Chairperson Betty Parker, Matthew Anderson, Gary Bullock, Stroh DeCaire, Joshua Sundloff, Thomas Wood

Excused: Lorene Kamalu

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

Others Present: Ryan Butler, Brian Altom, Chris Harmon, Dan Stephenson, Darrin Johnston, Todd Christensen, Gordon Christensen, Marvin Thurn, Georgina Thurn, Fara Nowak, Chase Freebairn, Bryon Prince, Kalli Kunzler, Emery Bahm, Sue Bahm, Alan Bott, Wade Watkins, Randy Fullmer, Steve Burke, Brent Palmer

OPENING

The Planning Commission meeting was held on Thursday, April 26, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the April 12, 2018 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the April 12, 2018 meeting. Matthew Anderson seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", CONTRACTOR AT 752 WEST CHRISTOPHER CIRCLE – RYAN BUTLER

Lyle Gibson explained that Ryan Butler lives at 752 West Christopher Circle would like to use his home as a contractor office. The home would primarily be used for office purposes such as scheduling jobs. The property has a significant amount of garage space for storage of any tools and equipment.

Stroh DeCaire made a motion to grant a Major Home Occupation "B", contractor at 752 West Christopher Circle for Ryan Butler. Gary Bullock seconded the motion and it passed unanimously.

Josh Sundloff arrived.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, GROUP MUSIC LESSONS AT 2013 WEST PHILLIPS STREET – CHRIS HARMON

Lyle Gibson explained that Chris Harmon would like to offer music lessons from her home at 2013 West Phillips Street. Individual music lessons fall under the category of a Minor Home Occupation, but group lessons require approval for a Major Home Occupation. Mrs. Harmon has taught music lessons before from her home in Layton. She primarily does one-on-one lessons, but occasionally has more than one student at a time. Some students walk or ride their bikes to her home where others may be dropped off.

Betty Parker asked what time of day Mrs. Harmon would hold lessons.

Chris Harmon responded that students will come to her home before or after school. The earliest lesson could be at 6:30 a.m., and the latest at 6:00 p.m. She will have two group lessons, and the rest would be private lessons. Currently one group has eight students and the other has ten, but she has had up to twelve students at a time.

Matthew Anderson asked about parking and how many cars typically come at a time.

Chris Harmon responded that parents can park in her driveway and along the side of her house. There could be up to six cars coming at a time to drop off or pick up students. All recitals will be done at other locations. Mrs. Harmon said that she had spoken with her neighbors and they didn't have any concerns with the business. Classes will not have any overlap as to avoid having parents coming to pick up and drop their kids off at the same time.

Matthew Anderson made a motion to grant a conditional use permit for a Major Home Occupation “B”, group music lessons at 2013 West Phillips Street for Chris Harmon with the condition that there be no more than twelve students at a time, and that lessons be scheduled with a break between classes. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, YARD CARE AND PEST CONTROL AT 22 EAST 400 NORTH – STEVE BURKE

Lyle Gibson explained that Steve Burke lives at 22 East 400 North and is requesting a conditional use permit for a Major Home Occupation “B”. Mr. Burke works full-time in a different position, but would like to have a side business taking care of a few yards, small pest control jobs, as well as being able to do drywall and painting services. Mr. Burke has held a business license from this property in the past, and also has a state license to do pest control. This previous business functioned without complaints to the city from neighbors.

Betty Parker asked about storage of the pesticides.

Steve Burke said that he has a very small amount of pesticide that will be stored in a locked shed.

Gary Bullock made a motion to grant a conditional use permit for a Major Home Occupation “B”, yard care, pest control and handyman services at 22 East 400 North for Steve Burke. Stroh

DeCaire seconded the motion and it passed unanimously.

**EXTENSION OF THE CONDITIONAL USE PERMIT FOR A DEVELOPMENT SIGN
LOCATED AT 85 EAST CRESTWOOD ROAD – BUFFALO PROPERTIES LLC**

Lyle Gibson explained that in April of 2017 the Planning Commission approved this development sign at 85 East Crestwood Road for a year. The developer is now requesting a time extension of the conditional use permit for an additional year. The subdivision improvements are in place and homes will be under construction this year. This subdivision consists of five lots. The development sign measures at four by eight feet, and stands about twelve feet tall, which meets city regulations.

Stroh DeCaire commented that he voted against this sign and development originally. Mr. DeCaire asked about the smaller sign placed next to this subject sign.

Lyle Gibson responded that it is a construction sign which is considered a permitted use per city ordinance.

Gary Bullock asked if the development sign met the line of sight regulations.

Lyle Gibson said that he would make sure it's placement meets regulations.

Thomas Wood made a motion to grant an extension of the conditional use permit for a development sign located at 85 East Crestwood Road for Buffalo Properties LLC, with the stipulation that the sign be allowed for an additional year or until all lots within the subdivision are sold, whichever is less. Matthew Anderson seconded the motion.

Voting was as follows:

Josh Sundloff	aye
Thomas Wood	aye
Gary Bullock	aye
Matthew Anderson	aye
Betty Parker	aye
Stroh DeCaire	nay

Voting passed with a vote of five to one.

**PUBLIC HEARING AND REQUEST TO REZONE 25.0 ACRES OF PROPERTY AT 700
SOUTH DESERET DRIVE FROM GC (GENERAL COMMERCIAL) TO THE R-M
(RESIDENTIAL MULTI-FAMILY) ZONING DISTRICT TO INCLUDE THE PRUD
(PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – IVORY
HOMES**

Lyle Gibson explained that the property at approximately 700 South Deseret Drive is currently vacant and Ivory Homes is requesting a rezone of the property from commercial to allow for

residential development. The existing General Commercial zoning district allows for office and retail sales and services. The proposed R-M (Residential Multi-Family) zoning district is for residential use with potential density as high as fifteen units per acre. The PRUD overlay zone would allow for some flexibility in development of the property, such as common open space subdivision or some deviation from typical requirements of the R-M zone. The Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this location. Because of the large size of this property and the potential use of the PRUD overlay zone, should the Planning Commission be inclined to recommend changes to the existing zoning on either all or part of the property that it be done only after the creation of a development agreement.

Bryon Prince, representing Ivory Development, said that this property has been owned by America First Credit Union and has been marketed for sale off and on for six years. Back in 2015 Ivory Homes had looked into developing this property but based on feedback from Staff decided not to move forward with it. Last fall Ivory Homes was again approached by the property owners to see if there was interest in developing the property. Ivory Homes has met with the Mayor and Council Members about six weeks ago to get feedback on what kind of zoning they would be in favor of for this property. They were told that the Mayor and Council would support the R-M zoning as long as there were no multifamily dwellings and that there be some kind of commercial component on the property. Ivory Homes plans to designate about five acres of property for commercial use, preferably retail. They want to be able to build townhomes and single family detached homes, which would all be individually owned. Mr. Prince commented that he is not necessarily looking for a vote on this tonight, but would like some feedback from the Commission so he knows where to go from here.

Chairperson Betty Parker opened the Public Hearing.

Brian Altom said that he lives south of this property and a few years ago Deseret Drive had a traffic study done. The study said that Deseret Drive averages over 1,200 cars a day, and they had some cars that excessively exceeded the speed limit. However, nothing has been done to address the problem since. Homes average two to three cars, and with high density housing it will add a substantial amount of cars to Deseret Drive. Something should be done to address the traffic concerns before more traffic is added.

Georgina Thurn said that she lives to the west of this property and it's difficult for them to get out of their neighborhood with the traffic problems that exist. Cars already back up on 600 West trying to pull out onto 200 North. Adding more traffic to the area will just increase that traffic jam. High density housing is too much saturation for this area.

Alan Bott said that he lives on Peter Drive and is also concerned about increasing traffic congestion here. Also, the only way to access this property is through residential properties which causes safety concerns.

Brent Palmer said that he lives on Wind Mill Lane and asked why Ivory Development is requesting the R-M zone if they are not building multifamily houses. Once the R-M zone is

approved it seems they could build the multifamily anyway.

Kalli Kunzler said she also lives on Wind Mill Lane and feels that Deseret Drive is already a very fast-moving street. The road runs through a residential area and there are many children living here. The neighbors are concerned about the safety of those who live here and would like to see some options of how traffic might be slowed in the area.

Wade Watkins stated that he lives on Peter Drive and is also concerned about traffic congestion. Trying to turn onto 200 North is already a problem and traffic backs up very quickly. There needs to be a better solution put in place.

Betty Parker added that the Planning Commission had received some letters from neighbors who also expressed concern about traffic, and also had concerns about giving up commercially zoned property for more residential uses.

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

Stroh DeCaire commented that he doesn't live in this area but can echo the concerns mentioned about traffic congestion here. In looking at the city's zoning map, there are no properties west of I-15 that are zoned R-M. Granting this rezone could set a large precedence. This twenty-five acre parcel is the last congruent area of undeveloped commercial zone in Kaysville. We talk about sharing the tax burden, and it seems we should try to attract more commercial development to Kaysville to help bring in more tax base. Smith's Marketplace wasn't well received by that neighborhood at first, but it has become a huge success. This development only shows one small piece of commercial development. Mr. DeCaire said that he is concerned about rezoning this property to R-M when the developer has said they have no interest in building multifamily housing. It is not wise for the city to give up twenty-five acres of commercially zoned land.

Bryon Prince said that they have been marketing this property for years and haven't been successful. They have a single tenant interested as using the proposed commercial area in their proposed development. The R-M was proposed because they would be able to have a more flexible design with townhomes or smaller single family homes. Ivory Homes is open to drafting a development agreement to provide detailed architecture and development plans. The concerns regarding traffic are legitimate, however, any development of this property will generate more traffic. Ivory Homes feels that a commercial use will generate more traffic than a residential development. Mr. Prince stated they would be willing to consider other zoning options if the city feels it's a better fit.

Gary Bullock commented that even detached homes can still have a multifamily feel depending on how they are developed.

Bryon Prince said that they would like to have about seven to ten units per acre. This location is difficult to market. But these smaller homes and this type of housing is in high demand and is lacking in this area. Ivory Homes would be targeting buyers that want to move back or stay in Kaysville but the houses will be more affordable. The units would likely be around \$300,000

and would be built of quality material.

Gary Bullock agreed this is a hard location to attract commercial buyers. It is likely that no major retailers would be interested in this location. It would be better suited for a destination location or some form of commercial entertainment. Those types of uses are very specific and harder to bring, and that is probably one of the reason this property has remained vacant for so long. Mr. Bullock stated that he would like to see much more of the land remain for commercial use than what is being proposed. There needs to be a balance between the residential and commercial uses here. Four or five acres of commercial property isn't enough. What is developed needs to complement what we already have in Kaysville. The R-M zoning doesn't seem to do that. Having twenty acres of higher density housing here will really tax the area. It's a challenging spot to draw in commercial uses, but we need to leave that option available here.

Bryon Prince said that the commercial tenant that is interested in coming here is asking for the five acres, which can be accessed from Deseret Drive. The tenant is aware of the area and is looking for the exposure along I-15.

Gary Bullock responded that he feels the commercial use should extend across the property so that access will be direct onto Deseret Drive. The proposed plan has traffic driving through some residential to get to the commercial area. Not only would this development add more cars, but would add larger delivery vehicles. Growth is inevitable but we have an opportunity to shape how this area will be developed here. Mr. Bullock added that he would also like to see more green space here.

Bryon Prince stated that they are planning to install green space along the edge next to the railroad.

Stroh DeCaire responded that it seems that any open space along there would be mostly unusable because of its location along the railroad and freeway.

Gary Bullock said that there should also be more buffering between the commercial uses and residential.

Josh Sundloff asked about future road improvements here.

Andy Thompson responded that the city is aware of the growing traffic problems in the west part of Kaysville. Deseret Drive was designed as a collector street and is wider than other neighboring streets. It also doesn't have any homes fronting it. The city has also been working with UDOT to address the traffic congestion near the freeway ramps. A traffic signal cannot be installed at 600 West Street because it is too close to the lights at the freeway ramps. They have been discussing other options here to help alleviate the congestion, but most options cost a substantial amount of money. The city is currently in the process of conducting a traffic capital facility plan, which addresses many of the concerns mentioned tonight and once completed should help with traffic. Now that the federal project of the 200 North bridge has been closed, the bridge will be allowed to be restriped to two lanes in each direction within the next couple of months.

A member of the audience said that while there are no homes fronting Deseret Drive, there are still many pedestrians who travel Deseret Drive and people drive very fast. There are multiple blind corners further south on Deseret Drive and it's a concern for pedestrian travel.

Josh Sundloff commented that there might be traffic calming options that could be done to help slow traffic down in the area. While there might not be any major retailers interested, other commercial uses would eventually fill this property if allowed to. Mr. Sundloff said that he would like to study traffic details, including road trip analysis to see what kind of traffic the proposed development would generate versus a general commercial development. It would help to make a final decision on whether this proposed rezoning would be appropriate. We don't want to allow a development that would be burdensome to the area.

Gary Bullock suggested tabling this item to give the developer time to review their recommendations and feedback.

Josh Sundloff added that he would also like to see some general numbers on how the different uses would bring tax revenues to the city. Any potential commercial for this area will probably be similar to what is in the Kaysville Business Park; likely an office-type use or industrial manufacturer.

Thomas Wood responded that the property has sat vacant for many years so any development will bring the city some kind of tax base. Do we want to put this development off for potentially many years if there's a chance we could sell it now? Mr. Wood added that he would rather see the property developed than have it sit for years.

Bryon Prince said that they have already been working with Hales Engineering about doing a traffic study.

A member of the audience said that the types of homes being proposed don't fit in with what is already in the area. It should be comparable. Also the neighbors would rather have local residential traffic in the area than commercial traffic. Existing traffic problems should be resolved before we add more traffic.

Bryon Prince stated that they have no intention of proposing the same density as what's already in the area.

Josh Sundloff said that a development agreement will specify exactly what can be done with the property. It's a contractual agreement that the developer will be bound by.

Thomas Wood made a motion to table the request to rezone 25.0 acres of property at 700 South Deseret Drive from GC (General Commercial) to the R-M (Residential Multi-Family) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone for Ivory Homes. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR MADSEN MEADOWS SUBDIVISION LOT 3 AMENDED LOCATED AT 1833 SOUTH 200 WEST – DOUG AND FARA NOWAK

Andy Thompson explained that Doug and Fara Nowak would like to subdivide their property at 1833 South 200 West. The property is just over two acres and has one home on the eastern portion of the lot. The Nowak's are requesting a second lot just west of the existing home. This changes the configuration from a single flag lot to a double flag lot. Each lot will be just over an acre in size, clearly conforming to the R-1-20 zone. At the last Planning Commission meeting, they reviewed a request for a variance for this same project because the double flag stem was only thirty-four feet wide; roughly two feet short of the required thirty-six feet. The Planning Commission tabled the variance and asked the applicant to talk to the adjacent property owners and see if the needed property could be acquired. The Nowak's approached the owners to the north of the flag stem on his property and was able to acquire the needed land. With the additional property acquired, this proposal now meets the requirements for a double flag lot, eliminating the need for a variance.

Chairperson Betty Parker opened the Public Hearing.

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

Stroh DeCaire made a motion to recommend preliminary and final plat approval for Madsen Meadows Subdivision Lot 3 Amended located at 1833 South 200 West for Doug and Fara Nowak. Matthew Anderson seconded the motion and it passed unanimously.

REQUEST FOR A VARIANCE FOR SECTION 17-12-6(3) "SINGLE FAMILY RESIDENTIAL DISTRICT, AREA, LOT WIDTH, AND YARD REQUIREMENTS", REGARDING THE FRONT YARD SETBACK REQUIREMENTS – DARRIN JOHNSTON

Lyle Gibson explained that Darrin Johnston lives at 2088 South 450 East and is requesting a variance to be able to build a detached garage on his property. The property is considered a corner lot and is an odd shape. The property's zoning setback requirements further restrict the location and amount of space he has available for an outbuilding. Benchland Water District and Mountain Fuel both have an easement along the south side of the Johnston's property, further restricting the amount of space Mr. Johnston has to build an outbuilding. Mr. Johnston's property sits in the R-1-20 zoning which requires that he have a setback of thirty-feet in his front yard. He is requesting a variance from the front yard setback along the northern property line allowing a ten-foot encroachment into the front yard on the west side of the property, deeming it to be the front. An alternative consideration would be to consider a variance of one foot six inches for the yard on the west side of the property deeming it to be the front yard, and the northern portion of the property would then be the side yard against a street, which would only require a twenty foot side yard which the proposed garage would meet.

Nic Mills stated that Mr. Johnston would need to meet all five criteria to be approved for a

variance.

Josh Sundloff commented that variances are very difficult to approve because most do not meet the outlined criteria to be granted.

Darrin Johnston stated that when he bought the land he was under in the impression that he'd have enough space to build a detached garage and was unaware of the easements on the property. There is a large unused area of the yard that he would like to be able to utilize by building a garage where he could work on cars as a hobby. However, that is where the easements run. If he's not able to build a garage here he will potentially have to sell his home and move elsewhere.

Gary Bullock asked if the garage could be made a little smaller.

Darrin Johnston responded that it needs to be the proposed size so as to be able to fit his trailer in it.

Josh Sundloff said that he doesn't feel that Mr. Johnston's request meets the criteria for a variance, and the only way he'd be able to build this outbuilding would be to change the current city codes.

Gary Bullock added that the Planning Commission is bound by State statute when it comes to variances and there is no leniency in them. However it seems that there needs to be allowances made in certain situations such as this.

Matthew Anderson asked about the easements on the property.

Darrin Johnston responded that one easement is owned by Mountain Fuel and that he cannot build over their easement.

Thomas Wood suggested Mr. Johnston reach out to Benchland Water to see if they'd be willing to give him permission to build over their easement.

Andy Thompson suggested that the Planning Commission table or deny this request and give Staff specific direction to work on an ordinance to address situations like this.

Matthew Anderson made a motion to deny the request for a variance from Section 17-12-6(3) "Single Family Residential District, Area, Lot Width, and Yard Requirements", regarding the front yard setback requirements for Darrin Johnston. 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, May 10, 2018 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:00 p.m.