

**KAYSVILLE CITY PLANNING COMMISSION  
MEETING MINUTES**

January 9, 2020

Planning Commission Members Attended: Chairperson Wilf Sommerkorn, Vice Chairperson Joshua Sundloff, Quan Nguyen, Toby Barrus, Steve Lyon.

Staff Present: Zoning Administrator Lyle Gibson, Secretary Heather Nielsen.

Others Present: Rick Smith, Laura Hathaway, Jill Branch, Bekki Argyle, Jon Argyle, Phil Holland, Tom Gil, Kathy Gil, Devin Gardner, Kristi Gardner, Thalene Wilkes, Kirk Christensen, Bill Kinney, Davis Meyer, Kelly Meyer, Andrew Springer, Bryce Huff.

**OPENING**

The Planning Commission meeting was held on Thursday, January 9, 2020 at 7:00 p.m. in the Kaysville Fire Station Building. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present.

The minutes of the December 12, 2019 meeting were presented for approval. Quan Nguyen made a motion to approve the minutes. Steve Lyon seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B” FOR GROUP SINGING LESSONS AT 1539 SOUTH 650 EAST FOR JILL BRANCH.**

Lyle Gibson explained that Jill Branch is looking to offer music lessons from her home at the above listed address. Individual music lessons fall under the category of ‘Minor Home Occupation’, but group music lessons require a major home occupation approval. She has taught music lessons before from her home in Idaho. She anticipates doing one group class once a week with no more than 15 children, but occasionally may have another class if demand requires for a total of 2 group sessions per week. Classes will be no more than 2 hours per session from 4pm to 6pm. The applicant’s home is on a corner lot so frontage should be sufficient for scheduled pick-up and drop-off.

Staff is recommending approval of the proposed conditional use permit for a Major Home Occupation “B” at the above listed address with the following condition:

- The number of students be limited to no more than 15 students at any one time.

Chairperson Wilf Sommerkorn asked the applicant Jill Branch to approach the stand. Mrs. Branch explained that she used to teach group music lessons and would like to start a business in Kaysville. She would hold three one hour classes each week for children aged from 4 to 12 yrs. old.

Mrs. Branch requested that she be able to have more than 15 students. She made a suggestion to the Planning Commission that they limit her lessons to only having 15 cars drop off at her house instead of 15 students since many students would be siblings attending her classes.

Lyle Gibson explained that Kaysville City prefers to regulate students instead of cars but feels that this is a request that could be accommodated. Chairperson Wilf Sommerkorn held a discussion with the planning commission. They felt this was a reasonable request but that they review the conditional use permit within one year's time. If there are any complaints then the permit will need to come back to the Planning Commission sooner.

Quan Nguyen made a motion to approve the conditional use permit for a Major Home Occupation "B" for group singing lessons at 1539 South 650 East for Jill Branch with the condition that the total number of cars dropping and picking off are limited to 15 total. Toby Barrus seconded the motion and it was unanimously approved.

**CONDITIONAL USE PERMIT FOR A PUBLIC UTILITY SUBSTATION LOCATED AT 711 NORTH FAIRFIELD FOR DAVIS AND WEBER COUNTY CANAL COMPANY.**

Lyle Gibson explained that the Davis and Weber County Canal Company is seeking approval for a lot split and a conditional use permit for a utility substation at the subject address. The existing lot is zoned R-A and is .82 acres or 35,207 sq. ft. in size. The subdivision proposal will keep a lot for the existing home on a parcel of 22,215 sq. ft. or 0.51 acres and a new lot with 12,871 sq. ft. or 0.30 acres for the substation. This complies with the size and frontage requirements for the lot which will maintain the home, and creates a lot that is smaller than the standard allowed of the R-A zone but complies with KCC 17-31-15 which allows for deviation in typical lot requirements for public utility substations.

The applicant has provided plans for the secondary water pump station which indicates a pump house within a fenced area located 11 feet from the property line along Fairfield Road. The applicant has provided example photos of what the structure would look like based on other DWCCC properties. While they have indicated fencing, the planning commission should determine with the applicant what type of fencing is most appropriate considering the building that screens the pump equipment. The proposed side yard is less than the typical 20 ft. side yard against a public street which the Planning Commission has the ability to approve.

Staff is recommending approval of the proposed conditional use permit for a Public Utility Substation as proposed with additional clarification from the Planning Commission regarding the type of fencing that will be permitted.

Vice Chairperson Josh Sundloff made a motion to approve a conditional use permit for a Public Utility Substation located at 711 North Fairfield for Davis and Weber Counties Canal Company with the following conditions:

1. A cement masonry wall must be on the pump house similar to what was shown in the photographs.

2. A slatted chain-link fence must be installed around the utility substation's property.
3. Landscaping must be installed at the front corner site triangle to include grass and shrubbery approved by staff.

Steve Lyon seconded the motion and it was unanimously approved.

**PUBLIC HEARING FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR A PUBLIC UTILITY SUBSTATION LOCATED AT THE SOUTHWEST CORNER OF BOYNTON AND FAIRFIELD ROAD FOR THE BOYNTON CORNER SUBDIVISION AND DAVIS AND WEBER COUNTIES CANAL COMPANY.**

Lyle Gibson said staff is recommending approval of the preliminary and final plat for the Boynton Subdivision as proposed. The Planning Commission is tasked with making a recommendation regarding the preliminary plat to the City Council. The motion as it relates to the final plat shall be subject to a decision from the City Council to approve the preliminary plat.

The subdivision plat meets all applicable ordinances and standards with the conditional use permit for a public utility substation.

Chairperson Wilf Sommerkorn opened the public hearing. Nothing was brought during the public hearing.

Chairperson Wilf Sommerkorn closed the public hearing.

Vice Chairperson Josh Sundloff made a motion to recommend approval to city council the preliminary and final plat for a Public Utility Substation located at the southwest corner of Boynton and Fairfield road for the Boynton Corner Subdivision and Davis and Weber Counties Canal Company. Toby Barrus seconded the motion and it was unanimously approved.

**PUBLIC HEARING FOR THE REZONE OF 1.5 ACRES OF PROPERTY LOCATED AT 191 SOUTH FLINT STREET FROM AN R-1-20 (SINGLE FAMILY DWELLING) TO AN R-1-10 (SINGLE FAMILY DWELLING) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE FOR PHIL HOLLAND.**

Lyle Gibson explained that the subject property was previously approved for a 3 lot private street subdivision in 2008 and began installation of improvements but was never completed and recorded. The original approval had been for 3 lots under an old cluster subdivision ordinance. The property has remained in its current state for nearly a decade with a berm and fencing along Flint Street and the private street.

The applicant is looking to utilize the existing private street and is proposing a 5 lot subdivision. To accommodate the number of proposed lots, the applicant is requesting a rezone to the R-1-10 zoning district which allows for lots as small as 10,000 sq. ft. in size. The requested PRUD overlay zone is necessary for a private street subdivision. The property is surrounded by R-1-20

zoning on all sides and has frontage on Flint Street. As proposed, the rezone would allow an increase from 3 to 5 homes.

After holding a public hearing, the Planning Commission is tasked with making a recommendation to the City Council regarding the rezone request and the preliminary plat.

In consideration of the rezone the Planning Commission should consider how the use fits with the city's general plan and how it works at the specific location.

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 specific location. If inclined to recommend the rezone request, the recommendation from the Planning Commission may at its discretion include considerations for a development agreement.

Chairperson Wilf Sommerkorn invited the developer Phil Holland to the stand. Mr. Holland stated that he passes this property every day and wants to develop these into single family lots. He is requesting five lots instead of three to make the best use of this property. The houses built would be custom houses that would sale for around 700k.

Vice Chairperson Josh Sundloff asked Mr. Holland what the lot sizes of this development would be. Mr. Holland said they would be smaller lots because of the private road that needs to be built.

Chairperson Wilf Sommerkon opened the public hearing for the rezone and the preliminary plat for the property located at 191 South Flint Street.

John Argyle said he was worried about plumbing and that these lots do not go downhill. Make sure that this is fixed. He also wanted to make sure that there is enough parking along the private road they are going to build.

Devin and Christy Gardner said they were concerned with the 15ft. setback for the rear and that the developer is trying to fit five homes into this small area. The traffic and cars is a huge concern.

Tom and Kathy Gill said that they too feel that five homes would make it too tight. They asked the Planning Commission to keep it at three lots.

Mike Brakely said he is concerned how the street would connect with traffic.

John Bunch and Kaylee Wilks seconded what everyone said. They do not want smaller lots. They are fine with three lots. They also feel that the proposed road takes up too much land from those lots jamming everything too close together.

Bekki Argyle said after listening to her neighbors she too feels that five lots would be too many. The 5 ft. side setback feels more like townhomes being put in.

Chairperson Wilf Sommerkorn closed the public hearing.  
Chirperson Wilf Sommerkorn invited the developer Mr. Holland to the stand to address some of the public's questions.

Mr. Holland said that they will work with city staff on sewer and drainage issues.

Vice Chair Josh Sundloff asked why they were asking for a side yard of 5ft. when it is typically 8ft. Mr. Holland said that they needed these smaller setbacks because of the private road to allow more home design options.

Tobby Barrus made a motion to recommend approval to city council the rezone for 1.51 acres of property located at 191 South Flint Street from an R-1-20 (Single Family Dwelling) to an R-1-10 (Single Family Dwelling) zoning district to include the PRUD overlay zone for Phil Holland. Quan Nguyen seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE ELMS ON FLINT SUBDIVISION LOCATED AT 191 SOUTH FLINT STREET FOR PHIL HOLLAND.**

Lyle Gibson informed the commission that after holding a public hearing, the Planning Commission is tasked with making a recommendation to the City Council regarding the rezone request and the preliminary plat.

Staff recommends that final approval of the PRUD overlay zone be subject to approval of an acceptable final subdivision plat.

If the proposed zoning is recommended for approval, staff recommends that the Planning Commission forward a favorable recommendation of the preliminary plat to the City Council.

Tobby Barrus made a motion to recommend approval to the city council the preliminary plat for the Elms on Flint subdivision located at 191 South Flint Street for Phil Holland. Quan Nguyen seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE DESERET LANDING SUBDIVISION APPROXIMATELY LOCATED AT 700 SOUTH DESERET DRIVE FOR PHIL HOLLAND.**

Lyle Gibson said that the applicant recently went into a development agreement with the city for the subject property where residential development on the south end of the property would be allowed so long as it does not exceed 66 units or 5.5 units per acre while requiring that a minimum of 13 acres of property be used for commercial purposes.

The Planning Commission at its last meeting approved conditional use permits to allow for the function of a BigShots driving range facility on the north west portion of the property on what is

shown in the attached subdivision plat as 'Commercial Lot 1'. There is an additional 6.4 acres of commercial property along Deseret Drive shown as 'Commercial Lot 2' for a total of 16.87 acres of commercial development.

The proposed plat includes residential component which is being looked at independently as a Common Open Space Subdivision. The residential subdivision contains private streets and open space along Deseret Drive and I-15. The plat also includes 42 units on 8.13 acres at just over 5 units per acre. Larger lots abut the existing residential development to the south with a minimum frontage of 80 feet. All lots are for single family detached homes with frontage of 50' and a minimum lot size of 4,500 square feet or .1 acres. The existing development agreement has previously allowed for 20 foot front yard, 5 foot side yard, and 15 foot rear yard setbacks. The amount of open space provided has been confirmed to meet the minimum required for a Common Open Space Subdivision.

This subdivision plat defines which properties will be used for commercial development and which will be residential. The residential and commercial sections can be looked at as phases. The residential will be back with a final plat specific to that component. It is likely that 'Commercial Lot 1'. Will have a separate final subdivision plat indicating the details of the street access. 'Commercial Lot 2' will also require a final plat that may or may not add any private or public streets. Likely it will just formalize the lot.

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for the Deseret Landing preliminary subdivision plat.

Steve Lyon asked Mr. Holland the developer if there was a way that they could add another exit out of the neighborhood. He does not like to see single access subdivisions. Mr. Lyon suggested going through lot 24.

Mr. Holland responded that they are trying to accommodate commercial lot 1 owner Top Golf. Top Golf does not want subdivision access on their road since it will already be too busy. Mr. Holland responded that it would be too hard to go through lot 24 because they would have to bridge utilities. It would be very expensive.

Chairperson Wilf Sommerkon opened the public hearing.

Rick Smith from Davis Weber Counties Canal Company said they want to make sure that there is a public easement for their water.

Chairperson Wilf Sommerkorn closed the public hearing.

Vice Chairperson Josh Sundloff made a motion to approve the preliminary plat for the Deseret Landing Subdivision located approximately at 700 South Deseret Drive for Phil Holland. Quan Nuygen seconded the motion and it passed unanimously.

**FINAL PLAT APPROVAL FOR THE ISLAND VIEW TOWNHOMES LOCATED AT 750 EAST 250 SOUTH FOR ADVANCED SOLUTIONS GROUP.**

Lyle Gibson told the Planning Commission that they have previously approved a conditional use permit to allow for twin home construction, and the City Council has given approval for the preliminary plat of the proposed subdivision.

The applicant has submitted the final plat drawings which have been reviewed by staff. The plat is consistent with the concept and preliminary plans previously reviewed by the Planning Commission consisting of 6 lots which meet the R-2 zone and the previously granted conditional use permit.

Quan Nuygen made a motion to approve the final plat for the Island View Townhomes located at 750 East 250 South for Advanced Solutions Group. Steve Lyon seconded the motion and it passed unanimously.

**VARIANCE REQUEST FOR THE SIDE YARD SETBACK REQUIREMENT (17-12-6) ON A CORNER LOT AT 780 EAST 1475 SOUTH FOR BRYCE HUFF (TABLED ITEM).**

Lyle Gibson said that the applicant came before the Planning Commission on 9/12/19 with this request originally. At that meeting there was a motion to approve the request which failed to get enough votes. The commission then voted to table the variance which passed unanimously.

The applicable zoning on the subject property requires that the lot have a 30 ft. front yard setback. As a corner lot the other side yard abutting a street must be at least 20 ft. per 17-12-6 (6).

The required front yard abuts 1475 South Street, the applicant desires to do an addition to the home which as planned would require the variance to build closer than 20 ft. to the property line along Hights Creek Drive.

Chairperson Wilf Sommerkorn invited applicant Bryce Huff to the stand. Mr. Huff provided his reasoning as to why he should be given a variance to build this addition onto his property. Chairperson Wilf Sommerkorn reminded Mr. Huff that he has to meet all five factors for a variance in order to be granted one. Unreasonable hardship due to finances is not a factor that counts. Chairperson Wilf Sommerkorn explained that Mr. Huff still can build the addition he just needs to change the layout so that it fits within city code.

Quan Nuygen made a motion to deny the variance request for the side yard setback requirement (17-12-6) on a corner lot at 780 East 1475 South for Bryce Huff. Steve Lyon seconded the motion and it was unanimously approved.

After denial of the variance, the Planning Commission requested that city staff look at other recent variance requests that the seemed to make sense but were not feasible to grant based on the variance criteria. Staff should return to the commission with a proposed ordinance that would allow for the consideration of such requests.

**CALL TO THE PUBLIC**

Nothing was brought forward to the commission.

**CALENDAR**

The next regularly scheduled Planning Commission meeting will be held on Thursday, January 23, 2020.

**ADJOURNMENT**

Chairperson Wilf Sommerkorn made a motion to adjourn the meeting. Steve Lyon seconded the motion and it passed unanimously. The meeting adjourned at 10:15 p.m.