

# KAYSVILLE CITY PLANNING COMMISSION

January 24, 2019

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Betty Parker, Wilf Sommerkorn, Joshua Sundloff, Tamara Tran

Excused: Thomas Wood

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Larry Page, Bethany Andrus, Kelley Richardson, Mike Richardson, Jeff Dopp, Michelle Dopp, Nate Brower, John Russon, Dan Ames

## **OPENING**

The Planning Commission meeting was held on Thursday, January 24, 2019 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the December 13, 2018 meeting were presented for approval.

Wilf Sommerkorn made a motion to approve the minutes of the December 13, 2018 meeting. Gary Bullock seconded the motion and it passed unanimously.

## **CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", TUTORING AT 375 EAST 200 SOUTH – KRISTINA CHRISTENSEN**

Lyle Gibson explained that Kristina Christensen would like to be able to offer tutoring from her home at 375 East 200 South and is therefore asking for a conditional use permit. Students would come for short sessions before and after school, Monday through Friday. She plans to meet with students for thirty minutes, with a few minutes between sessions. Based on the nature of her instruction, she would only have as many as two students at any one time.

Betty Parker asked about how much time there would be between each session.

Lyle Gibson responded that there would be about five or ten minutes in between classes. Ms. Christensen lives on a private lane street, but there is guest parking available to park in. Often siblings or friends will come to tutoring sessions together, or will walk. If there is concern about parking at her home it could be requested that they park or be dropped off at the end of the private lane.

Josh Sundloff made a motion to grant a conditional use permit for a major home occupation "B", tutoring at 375 East 200 South for Kristina Christensen with the condition that the number of students be limited to no more than two students during any session. Tamara Tran seconded the

motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, PRESCHOOL AT 532 NORTH RICHARDS RAMBLE ROAD – BETHANY ANDRUS**

Lyle Gibson explained that Bethany Andrus is requesting a conditional use permit for a major home occupation “B” to run a preschool from her home at 532 North Richards Ramble Road. Ms. Andrus plans to teach a morning class from 9:00 to 11:00 a.m. and an afternoon class from 12:00 to 2:00 p.m., Monday through Friday. She is hoping to pursue a building permit to finish a space in her home where the classes would be held. They have a long driveway with room for several cars to park. There is also an open space area across the street where more cars could park along the curb if needed.

Bethany Andrus said that she started a free preschool recently to see what kind of interest there was. So far she has had no problems with parking as most of her students are neighborhood kids that walk to her home. Many of them are siblings as well. She doesn’t anticipate ever needing to have more than twelve students at a time.

Gary Bullock asked if the yard is fenced.

Bethan Andrus responded that they are not required to have fencing for a preschool, and because the kids will not be at her home for very long she doesn’t plan to take them outside during the time they are at her home.

Gary Bullock made a motion to grant a conditional use permit for a major home occupation “B”, preschool at 532 North Richards Ramble Road for Bethany Andrus with the condition that groups be limited to no more than twelve students at a time. Tamara Tran seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, YOUTH PERFORMING ARTS PROGRAM AT 337 WEST PADDOCK LANE – KELLEY RICHARDSON**

Lyle Gibson explained that Kelley Richardson is requesting a conditional use permit for a major home occupation “B” in order to run a youth performing arts program from her home at 337 West Paddock Lane. Groups would come to practice ballet, dance, and choreography for one to two hours at a time. Ms. Richardson is planning to host three different age groups. Lessons would be Tuesdays and Thursdays. Mrs. Richardson works for Centerpoint Legacy Theatre where she will be holding recitals and performances. She does not have any specific plans for parties or activities, but would like to be able to host an activity for her students at her home on occasion. Staff is recommending approval of Mrs. Richardson’s request with the condition that groups be limited to no more than ten students at a time, with an exception to allow the applicant to host larger activities no more than two times per year.

Kelley Richardson stated that she had spoken with her HOA and have received their approval with the following stipulations: that there be no more than five students per day, three days a

week, with drop off and pick up totaling no more than ten trips per day. Mrs. Richardson said that she had not started doing business from her home because she was waiting until she received approval from both her HOA and the City.

Josh Sundloff asked if there would be a break between classes.

Kelley Richardson responded that starting out she would only have one group a day. There would never be overlapping classes. The HOA feels it important that traffic be restricted and Mrs. Richardson said that she is willing to do whatever needed so as to not create problems.

Chairperson Matthew Anderson asked if there was public comment.

Nate Brower said that he lives next to the Richardson's to the west and many of the surrounding neighbors are concerned about a potential increase in traffic created by this business. They have all spoken as neighbors with the HOA to discuss concerns and to try to find a way to accommodate the Richardson's request. The stipulations mentioned by Mrs. Richardson were created after much discussion and the neighbors feel that they will help to protect their neighborhood.

Betty Parker commented that while the city does not enforce or take into consideration a subdivision's HOA covenants, it's good to know that the HOA supports this request.

Wilf Sommerkorn added that even if this item isn't approved with as many restrictions as what the HOA has outlined, the Richardson's would still be held to their subdivision's covenants.

Gary Bullock said that it seems the greatest concern here is for the amount of traffic this might generate. There does not seem to be concern with pedestrian traffic that could be created.

Tamara Tran made a motion to grant a conditional use permit for a major home occupation "B", youth performing arts program at 337 West Paddock Lane for Kelley Richardson with the condition that there be no more than ten vehicular trips for drop off and pick up during the time frame that classes are held each day.

Lyle Gibson asked if visitor's cars would be included in the vehicular trip count, and who would regulate which cars are for students and which are visitors?

Josh Sundloff commented that it's easier to regulate the number of students than the number of cars are coming to and from the house.

Wilf Sommerkorn said that concerns seems to lie with the impact of vehicles coming to and from the Richardson's home than the amount of students there could be.

Josh Sundloff said that the number of students should be restricted based on the assumption that each student would be driving separately.

The motion died for lack of second.

Kelley Richardson commented that she intends to only have a few students come to her home at a time, and not more than three times a week.

Tamara Tran made a motion to grant a conditional use permit for a major home occupation “B”, youth performing arts program at 337 West Paddock Lane for Kelley Richardson with the condition that there be no more than five students per day, three days a week, with drop off and pick up totaling no more than ten trips per day, and with an exception to allow the applicant to host larger activities no more than two times per year. Gary Bullock seconded the motion.

Wilf Sommerkorn commented that he feels that the Commission should allow Mrs. Richardson to have more students. Then if down the road Mrs. Richardson might be able to work something out with her HOA for more students, she would not have to come back to the city to get her conditional use permit approved again.

Voting was as follows:

Matthew Anderson	yea
Wilf Sommerkorn	nay
Betty Parker	nay
Josh Sundloff	nay
Tamara Tran	nay
Gary Bullock	nay

The motion died with a vote of one to five.

Wilf Sommerkorn made a motion to grant a conditional use permit for a major home occupation “B”, youth performing arts program at 337 West Paddock Lane for Kelley Richardson with the condition that groups be limited to no more than ten students at a time, with an exception to allow the applicant to host larger activities no more than two times a year. Betty Parker seconded the motion and it passed unanimously.

### **CALL TO THE PUBLIC**

Jeff Dopp commented that on the approval Kelley Richardson’s item the street frontage here was not considered. There is not a lot of space for cars to park along Paddock Lane and does not feel that it will be able to accommodate the number of cars potentially dropping off ten kids at a time. The sessions will be held after school which are busier traffic times. It seems that the Planning Commission is trying to make the HOA and neighbors be responsible enforcing the stipulations that was placed on Mrs. Richardson.

Wilf Sommerkorn responded that the City isn’t bound by a subdivision’s HOA covenants, and if there is a problem created by Mrs. Richardson’s business than the neighbors can always come back to the city to review the conditional use permit.

## **REPORTS**

Lyle Gibson announced that Secretary Annemarie Plaizier had recently received the position as City Recorder and her replacement will be starting next week.

Lyle Gibson said it had been previously suggested that certain conditional use permits for home occupations not be reviewed through the Planning Commission anymore. Staff has reviewed this request and would like to present a few ideas of how these home occupations might be able to be handled, including allowing certain types of businesses to be approved by Staff, or allow certain types to be considered as a permitted use.

The Planning Commission discussed home occupations currently required to receive a conditional use permit. It was discussed how restrictions could be set through an ordinance specifying specific types of businesses which would be considered as a conditional use, or possibly grouping conditional use permit approvals together in the Planning Commission agenda so they could be approved all at once. The Commission further discussed noticing for the surrounding property owners for these types of businesses. The Commission asked Staff to take their comments mentioned and bring back Staff's proposal on how to handle these situations.

Lyle Gibson reported that Staff had been working with a consultant regarding the creation of a mixed use development zone. As part of this they have also been considering when to start the process of reviewing the General Plan later this year. The State Legislature is also currently in session with many bills before them that would have an effect on our land use ordinances. Because of all of these reasons, Staff feels it would be best to wait for these things to be finalized before the creation of a mixed use development ordinance.

## **CALENDAR**

The next regularly scheduled Planning Commission meeting will be held on Thursday, February 14<sup>th</sup>, 2019 at 7:00 p.m.

## **ADJOURNMENT**

Gary Bullock made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:12 p.m.