

KAYSVILLE CITY PLANNING COMMISSION

February 28, 2019

Members Attended: Chairperson Matthew Anderson, Gary Bullock, Betty Parker, Tamara Tran, Thomas Wood

Excused: Wilf Sommerkorn, Joshua Sundloff

Staff Present: Zoning Administrator Lyle Gibson, Secretary Heather Nielsen

Others Present: MacRay Baxter, Sheila Baxter, David P Hirichi, Nancy Over, Elton Over, Erin Hoffman, Chaleh Trujillo, Matt Yeates, Chris Trujillo, Richard Allen, Ben Hutchins, Elizabeth Hutchins, Carole G. Walters, Craig Smith, Hugh Parker, Clyde Terry, Stroph DeCaire

OPENING

The Planning Commission meeting was held on Thursday, February 28, 2019 at 7:00 p.m. in the Municipal Center.

Vice Chairperson Thomas Wood opened the meeting by welcoming those present. The minutes of the January 24, 2019 and February 14, 2019 meetings were presented for approval. Gary Bullock made a motion to approve the minutes. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, LAWN CARE AND PEST CONTROL AT 326 N APRICOT GROVE—ANGELA ASHBY

The applicant is requesting a conditional use permit for Major Home Occupation B at the above listed address to for a lawn care and pest control business. The applicant is looking only to do paperwork, schedule appointments, and have an address for contact and mailings at this location. Ms. Ashby has arrangements with a business partner already where all the equipment is off site. All of the work takes place off site as well. There would be no customers or employees coming to this location.

Gary Bullock asked if all the pesticides would be stored off site. Lyle Gibson answered yes; all pesticides and equipment will be housed offsite.

Matthew Anderson made a motion to grant a conditional use permit for a major home occupation “B”, Lawn Care and Pest Control at 326 N. Apricot Grove for Angela Ashby. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, PRESCHOOL AT 321 N AUTUMN CHERRY WAY—ERIN HOFFMAN

The applicant is requesting a conditional use permit for Major Home Occupation B at the above listed address to run an in-home preschool. The applicant plans to teach a morning classes

Tuesday through Thursday from 9:00 am to 11:45 am.

She anticipates having about eight students in her class. She has tried to coordinate the timing of her class so that it does not conflict with drop off and pick up times for kindergarten and elementary classes.

Because a preschool is an organized class, section 17-26-4 (12) d. requires that 'limits be placed on the number of students and/or the number of vehicles transporting students to prevent congestion. The applicant's has expressed the intention to work with parents on a consistent drop off and pick up pattern to keep traffic flowing one way through the neighborhood to improve flow and minimize impact.

Staff is recommending approval of the proposed conditional use permit for a Major Home Occupation B, preschool, at the above listed address with the following condition: Groups be limited to no more than 10 students at a time.

Lyle Gibson explained that traffic flows one-way so there is no conflict of kids running across the street to get to the home. There is a requirement to place a limit on the number of cars coming to drop them off or the number of students. She is most likely have eight students at a time keeping the students to 10 or less.

Thomas Wood asked applicant to come to the stand. Erin Hoffman approached the stand and began by saying that she has been teaching preschool for the last 5 years in Holladay and would like to start teaching in Kaysville.

Erin Hoffman told the Planning Commission that she did reach out to her neighbors letting them know about her preschool plans. Her neighbors were all fine with the idea. She also posted a notice about her preschool plans on the Hill Farms Facebook page and other local sites.

Gary Bullock said he appreciated that Ms. Hoffman scheduled the preschools start time later so it did not interfere with other school traffic.

Betty Parker mentioned that Ms. Hoffman should tell students parents not to park blocking neighbor's driveways. That creates a big problem for homeowners.

Betty Parker made a motion to grant a conditional use permit for a major home occupation "B", Preschool at 321 N. Autumn Cherry Way for Erin Hoffman. Tamara Tran seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.31 ACRES OF PROPERTY AT 1048 TYLERS WAY FROM RA (RESIDENTIAL AGRICULTURE) TO THE R-1-10 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT – MACRAY BAXTER

Lyle Gibson explained that the applicant's property is located at the end of the cul-de-sac on Tyler's Way surrounded by R-A and R-1-20 zoning districts.

The subject property is well over an acre in size with an existing home and large detached garage building already on site. While the property is large and could be divided based on an acreage calculation in the existing zoning district, as it sits on the end of a cul-de-sac it lacks the necessary frontage to be subdivided with the existing zoning. The purpose of the applicants' request to rezone the property is to be able to divide the lot into 2 total lots keeping the existing home and allowing the detached garage to be on a separate lot ultimately to be converted into a dwelling.

The regulations of the existing R-A zoning district are found in Chapter 17-10. Primarily this zone is for residential purposes with lots half an acre in size or larger. Properties in this zoning district do not require a conditional use permit for farm animals.

The requested R-1-10 zone has all the same uses allowed on the rest of the cul-de-sac and the surrounding R-1-20 neighborhood, the difference is that it allows for smaller lots with a smaller frontage requirement.

The concept subdivision includes a lot with the existing home at about 20,000 sq. ft. in size. The 2nd lot with the garage to be converted would be roughly 37,000 sq. ft. in size. The concept plan shows a 90 ft. frontage for the existing home which is consistent with the required frontage for the R-1-20 zone. The larger lot however would be left with only 80 feet of frontage, this requires the R-1-10 zoning district.

A flag lot division under the existing zoning has been considered, but creates a side yard setback issue between the existing buildings as there is only 20 feet from the home to the detached garage. There would be sufficient space for the required side yard under the proposed or existing zoning if the property could be subdivided into standard lots.

As a rezone is a legislative decision, the Planning Commission and ultimately the City Council have broad discretion in their decision making. The Planning Commission is looking to make a recommendation to the city council.

Vice Chairperson Thomas Wood opened the Public Hearing. There were no comments or questions from the public. Vice Chairperson Thomas Wood closed the Public Hearing.

Tamara Tran asked if the garage on the lot would stay or go. Lyle Gibson said that they would keep the garage and turn it into a livable dwelling. They would only have one dwelling per lot.

Gary Bullock asked if they were rezoning the lot because of frontage requirements. Lyle Gibson said yes, but reminded the Planning Commission that they could restrict development on these lots to only two dwellings for the plat.

Matthew Anderson remarked this approach is better than doing a flag lot. He then asked about the separation between the existing building and the lot change suggestion. Does it fit in the 8ft requirement? Lyle Gibson said yes and agreed that this approach is better than a flag lot. Betty Parker noted that they would need to come back to the Planning Commission if they wanted a PRUD.

Thomas Wood asked to see the zoning map. He wanted to see if another property with the R-1-10 zoning was close to this. Lyle Gibson said there are not many of these zones west of freeway but several on the east side of town. Thomas Wood asked if R-1-10 zoning was the only option for this property. Lyle Gibson responded by saying that it is the only option because it meets the frontage requirements, unless a more intense zoning district is desired.

Thomas Wood mentioned that they do not like to do spot zoning or create islands of zoning. He made note that there are a few islands on the map; however, they are creating something unique in this area.

Tamara Tran mentioned that zoning is a case-by-case request and she is comfortable with approving this because it is not as if it is going from agriculture to commercial.

Mathew Anderson made a motion to recommend approval of the request to rezone 1.31 acres of property at 1048 Tyler's Way from RA (Residential Agriculture) to the R-1-10 (Single Family Residential) zoning district for MacRay and Sheila Baxter with the exception that no more than two units be allowed on this parcel of land. Gary Bullock seconded the motion and it passed unanimously.

REQUEST TO REZONE 3 ACRES OF PROPERTY AT 1576 WEST 200 NORTH FROM R-A (RESIDENTIAL AGRICULTURE) TO THE R-2 (ONE AND TWO FAMILY RESIDENTIAL) ZONING DISTRICT WITH THE PRUD OVERLAY ZONE – ROBERT GREEN

Lyle Gibson explained that the Planning Commission has held a public hearing on this item on 12/13/18, and again on 1/10/19. From these meetings the Planning Commission has asked that the developer work with the surrounding neighbors in an effort to come back with a development that is more palatable. The developers set up a meeting with and invited many from the surrounding neighborhoods on 1/30/19 and discussed multiple concepts and issues. At this meeting among other items, some 20 residents discussed concerns with traffic, pipelines, fencing, and compatibility issues.

The applicant has proposed a modified development with an accompanying agreement reducing the number of units from the originally proposed 37 to 29 units. The property owned by the Neuner family would be removed from the rezone and would not have any new homes, but would be utilized by way of easement rights as open space for the proposed development. Under such a scenario, the 3-acre piece that would be subdivided for the building of homes must meet the open space requirement for the proposed number and size of homes, the easement open space to the north would be in addition to the required space on the Green property.

Staff has worked with the developer and negotiated a development agreement that is included with this report to ensure that anything pursued beyond the rezone is essentially as portrayed in the agreement.

The Planning Commission requested at its last meeting that some data be given regarding traffic impact and trip generation. While not a full traffic study, as was directed, staff has researched

data to demonstrate the impact of this development primarily on 200 North Street. According to the Institute of Transportation Engineers Trip Generation Manual, a townhome type development would be expected to generate an average of 7 roughly 7 daily trips per dwelling with a peak hour generation of approximately 0.7 trips per unit. This equates to an average of 203 new daily vehicle trips and 20 new trips during peak hours. 200 North Street is a 2-lane facility with a center turn lane. According to the Highway Capacity Manual from the Transportation Research Board, such a facility (street) can service up to 18,300 vehicles per day at an acceptable level of service. The most recent numbers Kaysville City has from traffic counts on this section of 200 North Street indicated 10,230 average daily trips. The proposed development would increase this by approximately 2% keeping the amount of traffic on 200 North Street well within its designed capacity.

The proposed number of units on the 3-acre property is within the allowed density of the R-2 PRUD zoning requested.

There is an indication that there are solutions the previously raised concerns with sewer capacity, and the potential for fencing the eastern property boundary. Among most the technical items. These items must be verified as part of the process should the rezone be approved.

As a rezone request, this is a legislative decision and the Planning Commission will be seeking to make a recommendation to the City Council where the final decision will be made.

Lyle Gibson stated that he attended the neighborhood meeting. Gary Bullock asked Lyle Gibson how many people attended the meeting. Lyle Gibson responded about 20 to 25 and that the meeting had a good open conversation. During this meeting there was discussion dealing with fencing along the perimeter and the rail trail. Lyle Gibson told the Planning Commission that there was enough room for a fence to be constructed.

The neighbors also voiced concern regarding storm water and flooding issues. Lyle Gibson stated that at the rezone stage without specs on their engineering design we cannot tell what their plan is, however they will need to figure something out.

Thomas Wood reminded audience members that they have already held two separate public hearing sessions and received several emails of communication from the public. He further stated that they would not be taking public comments at this meeting, however, if they forwarded this issue to City Council the public would be able to comment and bring questions there.

Gary Bullock asked Mr. Park the developer to approach the stand. Gary Bullock asked Mr. Park about the privacy fencing change. Mr. Park said that the fence was originally supposed to be constructed out of brick and cement, however now it is a vinyl fence. In regards to fencing along the easement, Mr. Park said Tesoro did not want any fencing along their easement. As result, Lyle Gibson called UTA and Tesoro to ask if they could have a fence installed. They are willing to consider it and the developer added a fence in the development plan.

Gary Bullock said he was concerned about the properties to the west and what would be done on that side of the development for fencing. He would like to see a decorative fence that acts as a

buffer between the properties. Mr. Park said there is currently a wood fence there that they would repair and maintain. They would then continue with a vinyl fence. Gary Bullock asked Mr. Park if they have committed to any other form of a fence. Mr. Park said that they did not agree to anything.

Gary Bullock asked if the green space area was a water retention area. Mr. Park said no, the area would not be used for water retention. At this moment, they are unsure where to place a retention area. He said they might have to lose a townhouse unit to accommodate.

Tamara Tran asked if this development could help relieve the pressure of storm drain water. Lyle Gibson responded it is possible that this might help, but the developers are only required to take care of the water on their property not help relieve others issues.

Gary Bullock mentioned that this location was a good spot to put these townhouses. He is pleased to see that the developer reduced the number of units due to high density however; even with the reduced number of units, the units per acre has only a 200 sq. ft. difference between the two plans. The density is still the same.

Gary Bullock referenced an email he received with plan ideas that created more visitor parking and less units. He liked the plan and felt that the developer needed more visitor parking and turn around areas. Gary Bullock recommended taking out three or more townhouse units from the far northwest corner and southwest corner to create more parking spaces.

Gary Bullock stated his concern about the upper green space area. He asked if it would be owned by the development or part of the other subdivision. Mr. Park said that they are looking to purchase the piece under the easement making the development based on the three acres and reducing the density per acre.

Tamara Tran asked Lyle Gibson if there is a pre-existing rule regarding how many guest-parking stalls are needed per unit. Lyle Gibson referenced the code that states, in a multi-unit development, there is a minimum of 8 parking spaces required plus the 1.5 parking spaces for every unit over five in total. He said, as a rule of thumb, for every 4 units an additional parking stall should be added.

Mr. Park said the development plan has two parking spaces per unit but they should have added more additional parking spaces since you can't park on 2nd north.

Mr. Park said he is hoping the subdivisions HOA will be responsible for policing or ticketing cars parking illegally in the subdivision.

Tamara Tran asked Mr. Park if there were only four extra parking spots provided in this development plan. Mr. Park said yes, but they will go back and add more.

Lyle Gibson addressed the Planning Commission stating that the development needs a total of 8 guest-parking stalls under the Kaysville ordinance and 11 under the example that he presented earlier. Lyle Gibson reminded the committee that they have the power to limit the number of townhouses and ask for more parking.

Matthew Anderson switched topics and asked about a plan to connect a path to the rail trail. Mr. Park said there is a plan to connect a path to the rail trail. Linking the trail is an attractive piece of this development

Matthew Anderson asked if the townhomes will look like the pictures provided and will they all look the same. Mr. Park said yes, however the end homes might have a bit of architecture difference. They are looking at using hardy board, stucco or brick for the construction.

Matthew Anderson suggested having a cul-de-sac or hammerhead next to the parking stalls so that cars can turn around instead of just blocking the road. Lyle Gibson told the Planning Commission that Kaysville City would not approve building plans if they did not have a turnaround separate from the parking stalls.

Gary Bullock brought up the issue of water and pressure. He asked about water shares. Lyle Gibson said they need to talk to Davis Weber to make sure that they have enough shares to do this subdivision. If utilities cannot service this subdivision then Kaysville City will not sign off on it. Lyle Gibson said even if the property is approved rezoned, utility providers can still say no it would not move forward.

Thomas Wood said he appreciated Mr. Park and developers meeting with the neighbors. He appreciated that Mr. Park returned with answers to their questions. Thomas Wood said it is not our job to figure out sewer and water. We only need to decide if the rezone works.

Thomas Wood then asked for a recommendation.

Tamara Tran asked for changes with more guest parking stalls so that people are not parking on street and causing problems. She also said that the road that just stops in the plan needs to be fixed. She remarked that these townhouses are a good idea and give people some other housing options.

Tamara Tran moved to approve the rezone of 3 acres of property at 1576 W. 200 N from R-A to R-2 with the PRUD Overlay for Robert Green with the following additions to the development agreement:

- Min 8-10 guest parking stalls outside garages and driveways
- A turn around or something complying to public safety where the road stops at the southeast corner.
- Language change in the development agreement to reflect either ownership or easement of the green space.
- Two connections to rail trail

Betty Parker seconded the motion and it was unanimously approved

FINAL PLAT APPROVAL FOR THE ORCHARD RIDGE PHASE 1 SUBDIVISION AT APPROXIMATELY 1402 N HIGHWAY 89—COMPASS HOLDINGS DEVELOPMENT

Lyle Gibson stated last spring, the City Council approved an annexation agreement that outlined the conditions upon which the City would annex this property and approved a preliminary plat for the Orchard Ridge Estates Subdivision.

The Annexation agreement allows for a maximum of 95 homes meeting R-1-8 zoning requirements and allowing for the use of a PRUD overlay zone. The approved preliminary plat contains 92 lots, including two existing homes, with lots as small as 6,000 square feet. The preliminary plat includes common open space and some private streets and did not include any attached housing units.

Applicable to phase 1, the following items were approved with the preliminary plat:

- Sidewalk on only one side of the public streets and no sidewalk on the private streets.
- The side yards are permitted at 8 feet on one side and 5 feet on the other side.
- The front yards are allowed at 20 feet.
- The private road uses may utilize a hammer head turn around.

Phase 1 includes 26 lots on the western and lower portion of the Orchard Ridge Estates development. The plat is consistent with what has been approved by city council for the preliminary plat. While the right of way and layout of the subdivision has not changed, in contrast to what was approved at preliminary plat, the developer is proposing the installation of sidewalk on both sides of the public street. This came about based on utility requirements and the amount of cut and fill that would be necessary on site.

As a common open space subdivision, this phase requires 25,077 sq. ft. of Open Space. 32,915 sq. ft. of open space has been provided in parcels A, B, C, and E. The developer and the city have been in coordination with UDOT regarding the Highway 89 and frontage road project which is accounted for with Parcel D.

Thomas Wood asked the developer Matt Yates to approach the stand. He asked the developer about the road on the south end of the development and if it goes anywhere or just stops. Lyle Gibson responded by saying that the road just ends but is developed so that it can connect to future development as they grow.

Tamara Tran asked when they plan to develop this subdivision. Matt Yates replied really soon.

Garry Bullock moved to make an approval for the final plat of the Orchard Ridge Phase 1 Subdivision at approximately 1402 N. Highway 89 by Compass Holdings Development. Matthew Anderson seconded the motion and it was unanimously approved.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, March

28, 2019 at 7:00 p.m.

ADJOURNMENT

Chairperson Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:30 p.m.