

# KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

April 9, 2020

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

Alternates Present: Abbigayle Hunt

Staff Present: Lyle Gibson, Dan Jessop, Heather Nielsen

## **OPENING**

The Planning Commission meeting was held on Thursday, April 9, 2020 at 7:00 p.m. via online Zoom Meeting. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present.

The minutes of the March 12, 2020 meeting were presented for approval. Steve Lyon made a motion to approve the minutes. Toby Barrus seconded the motion and they were unanimously approved.

## **CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B” CONTRACTOR (PLUMBING) LOCATED AT 143 SOUTH BONNEVILLE CIRCLE FOR DARIS KILLIAN-PANTRY’S PLUMBING.**

Dan Jessop explained that the applicant is requesting a conditional use permit for Major Home Occupation “B” at the above listed address. Daris Killian with Pantry’s Plumbing is currently anticipating running a plumbing business from his home. He has a 10 foot trailer that will be stored on the property and will be parked on a large drive at the end of a cul-de-sac. Mr. Killian has informed staff that no employees will report to the home address. The materials needed to perform services will be picked up by Mr. Killian on the way to job sites or delivered to the job. The home occupation will not display any signs on the premises.

Staff recommends approval of the proposed conditional use permit for Daris Kody Pantry’s Plumbing Services with no additional conditions.

Vice Chairperson Joshua Sundloff made a motion to approve the conditional use permit for a major home occupation “B” for contractor plumbing located at 143 South Bonneville Circle for Daris Killian-Pantry’s Plumbing Services. Steven Lyon seconded the motion and it was unanimously approved.

**CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGING CENTER  
LOCATED AT MCDONALD'S 320 WEST 200 NORTH FOR YESCO-JUSTIN GRUBB.**

Dan Jessop explained that the McDonald's located at 320 West 200 North is seeking a conditional use permit for a sign with an electronic message center component to replace the black letter marquee portion of their existing ground sign. The proposed sign is considered an on - premise ground sign per city code which is allowed under 17-33-9 signs permitted by zone under the following restrictions:

**On-Premise Ground Sign:**

Size: 1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15; 1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum within 3.000 feet of I-15 or within 1.320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum at other locations.

The property has 260 feet of frontage along 200 North and 380 feet along 300 west which allows up to 400 sq. ft. of signage. The proposed sign is 53 sq. ft.

Based on the proximity to principal arterial streets, a maximum height of 45 feet is allowed. The proposed sign is existing so it is within its allowed height.

**1 Sign per Frontage**

Other: Illumination may be built into or attached to signs. More than one sign on one parcel shall be separated by 100 ft. The base and structure of all on premise ground signs beyond 300 ft. of I-15 shall be the same method of construction, style and design of the materials used in the construction of the building(s). The sign element shall be an integral part of the architecture and design of the site. The colors shall be subdued and unobtrusive. Signs with exposed metal supports or metal masking shall not be permitted.

**Electronic Message Center (EMC):**

Size: Allowable EMC size shall not exceed 50% of total allowed sign size and not more than 75% of any sign cabinet.

The EMC component of the sign is less than 50% of total allowed sign size and less than 75% of the total sign cabinet.

EMC signs shall not cause glare or rapid blinking, nor be intensely lighted so as to create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. EMC signs shall be capable of being programmed to automatically dim according to ambient light conditions. Conditional use in zones where permitted. Allowed only as part of monument and ground signs. As part of the conditional use review the Planning Commission may consider hours of operation, sign height, sign size, and/or setbacks from property lines.

As proposed the sign height, size, and percentage of EMC all appear to meet minimum requirements of the ordinance. The site plan indicates that the sign would sit perpendicular to 200 North Street 12 feet behind the sidewalk. The sign ordinance requires that the leading edge of all signs be set back at least 18” from any property line. Staff has verified with the applicant that the sign is capable of dimming according to ambient light conditions.

Scott Hess asked Lyle Gibson if this sign was able to be dimmed for night traffic. Lyle Gibson said this was something that they could require from the applicant.

Quan Nguyen made a motion to approve the conditional use permit for an Electronic Messaging Center located at McDonald’s 320 West 200 North for Yesco-Justin Grub with the condition that the sign be able to dim for nighttime traffic. Vice Chairperson Joshua Sundloff seconded the motion and it was unanimously approved.

**CONDITIONAL USE PERMIT FOR A DEVELOPMENT SIGN FOR THE TYLER MEADOWS SUBDIVISION LOCATED AT 831 SOUTH TYLER COURT FOR BLAKE SMITHING.**

Dan Jessop explained that Tyler Meadows Phase 2 is starting development work and is looking for approval of a development sign at the above noted address, therefore the applicant is requesting a conditional use permit. The subdivision improvements are being installed and homes will be under construction this year.

17-12-4 Conditional Uses of Section 17-12, which regulates uses in the R-1 Single Family Residential District, allows development signs as a temporary use subject to the sign ordinance. Section 17-33-9 “Signs Permitted by Zone” allows Development signs as a conditional use for new development with at least 4 lots for sale. Signs are allowed up to 12 ft. in height and 96 sq. ft. in size based on frontage of the development.

The sign is a 4’ x 8’ sign or 32 square ft. which stands about 8 feet tall.

Staff is recommending approval of the for the development sign with the following conditions: The sign shall be allowed for a period of 1 year from the date of approval or until all lots within the subdivision or sold, whichever is less.

Tobby Barrus made a motion to approve the conditional use permit for a development located at 831 South Tyler Court for the Tyler Meadows Phase 2 Subdivision. Scott Hess seconded the motion and it was unanimously approved

**CONDITIONAL USE PERMIT FOR A TWO-FAMILY DWELLING UNIT AT 932 THORNFIELD ROAD FOR MACIAH OLSON.**

Dan Jessop said the applicant is requesting approval for an existing split entry house at the above listed address to be converted to two-family dwelling. The upper and lower level will have

similar configurations each with two bedrooms and one bath. With the driveway and garage, the site meets the minimum parking requirements of the city ordinance at 2 spaces per unit. There is also a detached shed on site for storage.

A two-family dwelling is allowed only by conditional use according to KCC 17-12-4 (9). Specifically this section allows two-family dwellings by conditional use as follows: ‘Not more than two duplexes (4 units) may be allowed within 500 feet of any duplex (2 units). The 500 feet shall be measured in a straight line from the center of a duplex site to the boundary of any other duplex or twin home property.’

Staff has reviewed the 500 foot radius from the center of the duplex site and has not identified any city approved duplexes or two-family dwellings.

Staff is recommending approval of the proposed two-family dwelling with the following conditions.

- Parking be provided at a minimum of 2 parking stalls per unit in accordance with KCC 17-32-5, Number of Parking Spaces Required. No more than no more than 2 of the required parking stalls may be in tandem.
- A building permit be pursued and inspections by the Kaysville building department be conducted to confirm the building is compliant with applicable building code for a duplex.
- Applicable impact fees for the new dwelling unit be paid with the building permit for the change of occupancy.

Should the planning commission determine that additional details are needed to verify whether a two-family dwelling would meet the other standards of the city’s ordinances, additional information may be requested for further review before a decision is made.

Quan Nguyen asked Lyle Gibson about parking for all of the cars since parking already looked tight from pictures the commission received from a neighbor.

Maciah Olson responded and said that she would be willing to put extra parking on the side and backyard to accommodate more vehicles.

Vice Chairperson Joshua Sundloff asked Ms. Olson how many people she plans on putting in the two family home. Ms. Olson said that she would like to house two separate families. One downstairs and one upstairs.

Chairperson Wilf Sommerkorn made notice that there were a few participants on the Zoom meeting that would like to comment on this matter. He allowed them each a few minutes to speak.

Mr. Black lives on Thornfiled road and wanted to voice his opposition to the conditional use permit being given. He felt that having a two family dwelling home would decrease home

property values and that traffic would rise. He is already concerned with the additional parking since the current parking situation is pretty bad.

Dustin Didericks who live next door to the property said that he wants to make sure that the renters are safe. He is worried that rental properties attract the wrong kind of people. He does not want the neighborhood to go downhill due to unruly renters.

Brandon Bishop also said he is worried about the parking. He said that there are several cars that already park on the street now. The owner needs to find parking spaces for all the additional cars during the winter since they can't park on the street.

Lyle Gibson read an email sent to the Planning Commission from a concerned citizen. They also were concerned about the additional traffic and the lack of available parking.

Scott Hess said that she needs to make parking available on the side and back of the property because they can't count the street as being a parking option.

Vice Chairperson Joshua Sundloff said that they driveway needs to be squared off so that it can accommodate four cars to be parked there.

Chairperson Wilf Sommerkorn asked Lyle Gibson if they need to make the curb cut larger. Lyle Gibson stated that they are well within the 40 feet requirement and that the curb cut can be squared off.

Vice Chairperson Joshua Sundloff made a motion to approve the conditional use permit for a Two-Family Dwelling Unit at 932 Thornfield Road for Maciah Olson with the condition that the driveway be squared off to accommodate 4 cars to fit in the driveway. Abby Hunt seconded the motion and it was unanimously approved

**PUBLIC HEARING FOR THE REZONE OF .39 ACRES OF PROPERTY LOCATED AT 890-914 EAST 200 NORTH FROM AN R-2 (ONE TO TWO FAMILY RESIDENTIAL DISTRICT) TO A RM (RESIDENTIAL MULTI-FAMILY) ZONING DISTRICT FOR ERIC ORTON.**

Lyle Gibson explained that Eric Orton is requesting a zone change at 890–914 East 200 North in order to accommodate a Multi Family Dwelling. The property is now zoned R-2 for the existing duplex dwellings now on each lot. The applicant wants to rezone and then combine the two existing .18 and .21 acre lots into one .39 acre large lot and do an addition to create a six unit dwelling.

The requested R-M district is primarily for Multi-Family homes, or single family dwellings are permitted.

The applicant has provided a site plan indicating how they currently anticipate how the site would be used.

As a rezone action the Planning Commission has broad discretion as to whether or not to pass along a favorable recommendation to the City Council

After holding a Public Hearing, 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. The Planning Commission may make recommendations to approve, approve with modifications or specific conditions that could be imposed by a development agreement, or deny the request. The Planning Commission may also table a decision pending additional information.

Chairperson Wilf Sommerkorn opened the public hearing.

Nothing was brought forward to the commission.

Chairperson Wilf Sommerkorn closed the public hearing.

Scott Hess asked Lyle Gibson about the curb gutter, sidewalk, etc. that would need to be put in. What about green space and grass areas? He asked Lyle Gibson if this was the developer's responsibility and Lyle said yes, in this case staff would prefer that the city take a fee in lieu of the improvements.

Vice Chairperson Joshua Sundloff asked how parking was going to work especially with 200 North being widened in the future. He referenced the building plans sketch and said that all parking options shown would disappear so where will people park? Lyle Gibson said that there may need to be some alterations made to the site plan and fix the driveway to accommodate the cars.

Vice Chairperson Joshua Sundloff said perhaps we should wait on the rezone until the changes are made to the plan. Scott Hess suggested that they have the applicant provide an agreement for no parking on 200 North.

Quan Nguyen said that he like the plan of offering more affordable housing in Kaysville City. Chairperson Wilf Sommerkorn also agreed on that note.

Scott Hess made a motion to forward a favorable recommendation to the Kaysville City Council the rezone of .39 acres of property located at 890-914 East 200 North from an R-2 (One to Two Family Residential District) to a RM (Residential Multi-Family) zoning district for Eric Orton with the added condition that the property owner provide an improvement agreement assuring the city that parking will be located outside the 200 North widened area. Steve Lyon seconded the motion and it was approved unanimously.

**PUBLIC HEARING FOR THE REZONE OF 1.17 ACRES OF PROPERTY LOCATED AT 650 NORTH MAIN FROM A GC (GENERAL COMMERCIAL) TO AN RM (RESIDENTIAL MULTI-FAMILY) ZONING DISTRICT FOR DESTINATION HOMES.**

Lyle Gibson said Destination Homes is seeking a rezone at the subject property to accommodate

future residential development.

The existing zoning district permits office and retail sales and services, but does not allow for residential uses except for single family units needed to support a business function.

The property is abutting commercial property along Main Street to the north and south and residential development to the east. There are some R-M zoned properties in the vicinity across the street and near the corner of Mutton Hollow and Main Street.

The R-M zoning district regulated through Title 17-16 allows for multiple-dwelling structures by permitted use and the zone may have a density of 15.5 units per acre.

The applicant has provided a detailed concept of what they envision for the corner property. The concept includes 16 townhome units. The homes vary from 2 to 3 stories in height positioned around the perimeter of the property around a central parking area.

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 current rezone request would allow for anything permitted by the R-M zoning district. Should the Planning Commission wish to set more specific restrictions to ensure certain development such as the proposed concept, a development agreement may be considered.

The Planning Commission is tasked with making 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 residential development is desired and the Commission wishes to ensure a project similar to the included concept, a development agreement may be necessary. The Planning Commission may forward a recommendation to the council subject to an agreement to be reviewed by the council, or the item may be tabled to have an agreement brought back before the Planning Commission before a recommendation is made.

Chairperson Wilf Sommerkorn invited the applicant John Warnick to speak. Mr. Warnick said that these homes will be starter homes selling in the \$250,000 to \$300,000 range. He explained that these homes are in high demand and feels that this location is a good fit for this development.

Steve Lyon asked Mr. Warnick if he was aware that Safe Harbor was directly behind this purposed development. Mr. Warnick said yes and that they have been talking with them.

Tobby Barrus asked about the traffic in the area and how Destination Homes plans to manage that. Tobby said that making a left hand turn there is very difficult and in the site plan they provided the exit would not work with the trees being there.

Chairperson Wilf Sommerkon opened the Public Hearing.

Lyle Gibson read an email to the Planning Commission from Thomas Wood regarding the rezone. Mr. Wood was not in favor of the rezone since it would be taking Kaysville City's commercial property and developing it into more housing units. He encouraged the Planning Commission to vote no on the rezone.

Lyle Gibson read an email from Norita Barrios who also seconded the notion that Kaysville City does not have that much commercial property and should not give it up for development.

Chairperson Wilf Sommerkorn closed the Public Hearing.

Steve Lyon said that this lot has been vacant for a really long time. The property sits on a transit line and he feels that this development would be a good fit here.

Scott Hess also agreed that the development makes sense for this location.

Tobby Barrus feels that Kaysville City should not give up commercial property. He stated that there was already too much high density housing in this area. He would like to see multi housing developments spread out around the city and not clustered into one area.

Vice Chairperson Joshua Sundloff said he is okay with this piece of property being developed into housing because the lot has sat vacant for so many years. He did however feel that there was too much high density housing in this particular area.

Scott Hess made a motion to forward a favorable recommendation to the Kaysville City Council the rezone of 1.17 acres of property located at 650 North Main from a GC (General Commercial) to a RM (Residential Multi-Family) zoning district for Destination Homes with the caveat that the City Council gather more data for infrastructure capacity and roads to handle additional traffic. Steve Lyon suggested they look at putting a light at that intersection. Steve Lyon seconded the motion and voting was as follows:

Aye:

Chairperson Wilf Sommerkorn  
Steve Lyon  
Scott Hess  
Vice Chairperson Joshua Sundloff  
Abby Hunt

Nay:

Tobby Barrus  
Quan Nguyen

Motion passes with majority Aye votes.



**PUBLIC HEARING FOR THE REZONE AND PRELIMINARY PLAT OF 3.75 ACRES OF PROPERTY LOCATED AT 706 SOUTH ANGEL STREET FROM THE R-A (RESIDENTIAL AGRICULTURAL TO THE R-1-LD (SINGLE FAMILY LOW DENSITY) ZONING DISTRICT FOR VERNON SMITH.**

Lyle Gibson explained that the applicants are requesting to rezone the subject property to divide the property into 6 residential lots.

The application of the R-1-LD zone would allow the developer some flexibility in the layout of lots without the need for common open space. The R-1-LD zone still limits the number of homes in a subdivision to two dwellings per acre while allowing lots to be as small as 12,000 sq. ft. in size.

The Smith Family hopes to keep their existing home and to create 1 new lot to the north and another 4 lots to the south all with frontage along Angel Street. The existing house will remain on a 46,354 square foot lot. The 5 other lots will range from 17,106 sq. ft. to 32,729 sq. ft. All 6 new proposed lots meet the frontage and square footage requirements for the R-1-LD zoning district. All right-of-way improvements are in place along frontage of this subdivision. The southernmost portion of the property will need to be further looked at to ensure the floodplain is appropriately handled before approval of final plat in accordance with KCC 19-5-5.

The R-1-LD zoning district regulations are found in Chapter 17-12 of the Kaysville City Ordinances. Lots must be at least 12,000 square feet in area with a minimum 90 ft. lot width.

In regards to housing, the General Plan states that ‘West of I-15, allow for similar housing densities in existing neighborhoods while considering medium density housing along the major streets and higher density housing near transit stops and arterial streets (200 North, Interstate 15, and the West Davis Corridor).’

The surrounding zoning is R-A and R-1-20 to the west with some remaining agricultural properties across the street to the east and south. Angel Street is classified as a Collector Street in Kaysville City’s Major Street Plan.

After holding the public hearing and considering the application, the Planning Commission should forward a recommendation to the City Council for both the rezone and the preliminary plat.

The recommendation for the rezone should be based on the Commission’s findings of how well the application complies with the language of the Kaysville City General Plan and how well it conforms to the surrounding area.

Staff recommends that the Preliminary Plat for the James Place Subdivision be recommended for approval subject to receiving the requesting zoning district as it complies with the requirements of the Kaysville City Ordinances for the R-1-LD zoning district.

Steve Lyon pointed out that there is a lot within a flood zone and he wanted to make sure that

everyone knew that. Lyle Gibson said that they are aware that a lot sits in the flood plain. He said that they would work with the developer on placing restrictions on that lot or making improvements to make it buildable.

Chairperson Wilf Sommerkorn opened the Public Hearing.

Lyle Gibson read an email from Kayleen Van stating that she is concerned with how many houses they plan to put in. She does not like the density.

Chairperson Wilf Sommerkorn closed the public hearing.

Vice Chairperson Joshua Sundloff made a motion to recommend approval to the City Council the rezone of 3.75 acres of property located at 706 South Angel Street from the R-A (Residential Agricultural to the R-1-LD (Single Family Low Density) zoning district for Vernon Smith. Quan Nguyen seconded the motion and it passes unanimously.

Steve Lyon made a motion to approve the preliminary plat for the James Place Subdivision located at 706 South Angel Street for Vernon Smith with caveat that the southern lot engineering be worked out because it is located in a flood plain. Toby Barrus seconded the motion and it passed unanimously.

**FINAL PLAT FOR ALTAIR TOWNHOMES (FORMERLY ISLAND VIEW TOWNHOMES) LOCATED AT 750 EAST 250 SOUTH FOR ADVANCED SOLUTIONS GROUP.**

Lyle Gibson explained that the City Council approved the Rezone from R-1-8 to R-2 in August 2019 and then preliminary plat for this subdivision in October of 2019. The subject 1.267 acre property is to be divided into 6 lots ranging from 5,750 sq. ft. to 7,506 sq. ft. These 6 lots were granted conditional use for twin homes instead of duplex dwellings. This type of development allows for individual ownership of dwellings.

The subdivision will complete improvements along 250 South Street connecting the stubbed roadways and creating a through street. Improvements will be standard right of way improvements.

Staff is recommending approval of the proposed final plat for the Altair Townhomes as proposed.

Toby Barrus made a motion to approve the final plat for Altair Townhomes (Formerly Island View Townhomes) located at 750 East 250 South for Advanced Solutions Group. Steve Lyon seconded the motion and it passed unanimously

### **CALL TO THE PUBLIC**

Nothing was brought forward from the public to the Planning Commission.

### **CALENDAR**

The next regularly scheduled Planning Commission meeting will be held on Thursday, April 23, 2020 via Zoom Meeting.

### **ADJOURNMENT**

Scott Hess made a motion to adjourn the meeting. Chairperson Wilf Sommerkorn seconded the motion and it passed unanimously. The meeting adjourned at 9:45pm.