

# KAYSVILLE CITY PLANNING COMMISSION

April 11, 2019

Planning Commission Members Attended: Chairperson Matthew Anderson, Thomas Wood, Wilf Sommerkorn, Joshua Sundloff

Excused: Betty Parker, Gary Bullock

Staff Present: Zoning Administrator Lyle Gibson, Dan Jessop, Secretary Heather Nielsen,

Others Present: City Councilman Larry Page, Kelly Mann, Craig Rour, Sandi Rees, Hugh Park, Scott Hardwood, Donald E Woodward, Nancy Woodward, Jordan Tanner, Kimberly Tanner, Kevin Porter-Ogden Clinic, Brad Peacock, Ken Whipple, Ashley Cooper, Benson Black, Lynda Black, Vicky Wood, Richard Wood, Randy Clem, Jim Hyde, Catherine Smith, Dee Hyde, Matt Steed, Nicole Steed, Daren Hess, Blake Walker, Janet Smith, Craig Smith, Chad Hawkins, Amy Jarman, Amy Farr, Amy Karren, Clint Stella

## **OPENING**

The Planning Commission meeting was held on Thursday, April 11, 2019 at 7:00 p.m. in the Municipal Center. Chairperson Matthew Anderson opened the meeting by welcoming those present.

The minutes of the March 28, 2019 meeting were presented for approval. Thomas Wood made a motion to approve the minutes. Wilf Sommerkorn seconded the motion and it passed unanimously.

## **CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, WOODWORKING SHOP AT 469 N. CARRIAGE LANE—BLAKE WALKER.**

Dan Jessop explained that the applicant is requesting a conditional use permit for a Major Home Occupation “B” at the above listed address. Mr. Blake Walker is currently anticipating doing woodworking. His clients are mainly a local retail store off site of the residential location. His manufactured product deliveries will be made from use of a 14 foot trailer and personal vehicle. His incoming raw material deliveries will be made every 6 to 8 weeks as needed by a Home Depot delivery service.

Mr. Walker has explained to staff all sawing, sanding, and dust will be contained in a detached 24x30 shop existing on property. He explained there will be no fumes from lacquer or paints exposed outdoors. Blake also indicated all storage of materials and product will be stored in a previous detailed shop.

Staff is recommending approval of the proposed conditional use permit for a Major Home Occupation “B,” woodworking, without the need for additional conditions.

Chairperson Matthew Anderson asked the applicant to approach the stand. He asked about material deliveries to the home. Mr. Walker said that the only deliveries come from Home Depot

and he receives them at the back of the shop. Mr. Walker told the Planning Commission that he talked to neighbors about noise from the shop. All neighbors said that they cannot hear or are not bothered by any noise from the shop.

Tamara Tran asked the applicant if he would have any employees. The applicant said no.

Tamara Tran made a motion to grant a conditional use permit for a major home occupation “B”, Woodworking Shop at 469 N. Carriage Lane for Blake Walker. Thomas Wood seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, ROOFING CONTRACTOR AT 1558 BARRINGTON DR. KELLY MANN.**

Dan Jessop explained that the applicant is requesting a conditional use permit for a Major Home Occupation “B” at the above listed address. Kelly Mann is currently anticipating doing a Roofing business from home. Mr. Mann explained that no employees will come to the listed address. He has a 20 foot trailer that will be stored on the property and will be parked behind a privacy fence. Mr. Mann also explained that no roofing materials will be delivered to the home address; they will only be delivered to the job site. The home occupation will not display any signs on the premises.

Staff recommends approval of the proposed Conditional Use Permit for Mr. Kelly Mann with no additional conditions.

Thomas Wood asked the applicant if he would store any product on the trailer by his home. Mr. Mann said he only stores the trailer there on weekends or when there is a lag between jobs.

Joshua Sundloff made a motion to grant a conditional use permit for a major home occupation “B”, Roofing Contractor at 1558 Barrington Dr. for Kelly Mann. Wilf Sommerkorn seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 4.7 ACRES OF PROPERTY AT APPROXIMATELY 1325 W. 200 N. FROM R-A (RESIDENTIAL AGRICULTURE) TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT.**

Lyle Gibson explained that a zone change is being requested at the subject address in order to accommodate a proposed medical clinic. The property, which borders the Rail Trail to the west, a church to the east, and residents to the east and south, is currently zoned to accommodate two units per acre type development.

The requested GC zoning district is primarily for office and retail sales and services which are permitted uses in the zone. The full provisions of the GC zoning district are included in the staff report.

The applicant has provided a site plan indicating how they currently anticipate the site would be used, as well as some images of other Ogden Clinic buildings.

In terms of uses, following is a list of specialties that are expected in this location. This is preliminary and somewhat fluid based on need:

- Family Medicine
- Sports Medicine
- Dermatology
- Medical Weight Loss
- GI
- Lab
- Radiology
- Urgent Care (Monday – Friday from 8 AM to 8 PM, Saturday 8 AM to 3PM, Potentially Sunday)

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.

Joshua Sundloff asked if a recent traffic study has been done at the intersection of 200 N. and Flint Street. Lyle Gibson responded that there was a traffic study and traffic counts done 3 years ago however, nothing really intense. Joshua Sundloff remarked that it would be interesting to see how much traffic those roads are currently handling.

Chairman Matthew Anderson opened the public hearing.

Jim Hyden voiced his concern about the proposed development. He feels that Kaysville City does not have the proper infrastructure on 200 N. to handle the traffic in and out of the clinic. He is also concerned about the clinics night lighting.

Craig Reese is concerned about water and flooding near the southern end of the property because of the properties slope. He also stated his concern about traffic with people crossing the rail trail.

Ashley Cooper is concerned about the height of the purposed building. She would like to see the building built no taller than the adjacent church building. She is also concerned about the hazardous medical waste and how it will be disposed of.

Nicole Steed would like to see a more detailed plan for the property. What will happen with the open space near the back of the property? Will Ogden Clinic sale that open piece or develop it into something else? She would also like to see the plans for fencing and greenspace. She hopes Ogden Clinic will respect the neighborhood and work with everyone to create a good environment.

Linda Black read a prepared statement expressing her feelings in keeping West Kaysville zoned to Residential Single Family Dwellings only. She asked the Planning Commission to stop approving commercial properties in residential areas. She stated that there are several areas in Kaysville where commercial buildings can be placed. The area around the Sportsplex is one such area. She asked the commission to maintain consistency and control when deciding viable projects that are being presented.

Catherine Smith read a letter she prepared. She talked about her concern of rezoning this area to commercial along with the traffic, noise, light pollution, height of structure and security.

Chad Hawkins voiced his concerns about 200 N. turning into another Antelope Drive. He reiterated the issue of major traffic on this road. He would also like to see the Ogden Clinic be built no higher than the adjacent church.

Jeff Lidesky expressed how the neighbors are here again protesting the cramming of commercial businesses and parking into a little sliver of property. He also reiterated that the traffic in this area is excessively high and cannot handle this commercial property.

Randy Clem read a statement he prepared stating that he is not opposed to change but does not want commercial properties encroaching on residential areas. He has horses and is concerned about fencing. He wants to make sure that the fencing Ogden Clinic will put in will be high enough so that customers will not gain access to his horses.

Dee Hyde also reiterated the issue with traffic on 200 N. He says people drive too fast down this street.

Scott Harpwood is a real estate developer who does not think this is the place for this development; however, if it goes through, he wants to make sure there is a strong development agreement in place. He wants to make sure that the development agreement addresses the height of the building, landscaping and lighting.

Flint Barber is a local real-estate agent who supports this development. He stated that this type of commercial property generates the least amount of traffic. Eventually something is going to be built on this property and the Ogden Clinic is the best choice instead of something bigger.

Benson Black asked the Planning Commission members to go stand at the corner and watch the traffic on these streets. He stated that a traffic study makes sense and should be performed.

Robert Green is the trustee for the property and told the Planning Commission that the Ogden Clinic is the best natural fit for the area. They cannot build high-end homes on the property due to sewer issues so this proposition is the next best option.

Kevin Porter is the CEO of Ogden Clinic. He believes that there is a need for Ogden Clinic here in Kaysville City. They want to be a good neighbor and want people to love and attend the clinic. They are willing to hold a neighborhood meeting to talk with neighbors about the development plan and any other issues they have.

Chairperson Matthew Anderson closed the public hearing.

The Planning Commission discussed issues regarding traffic on 200 N. Tamara Tran asked if a traffic study could be done.

Wilf Sommerkorn stated that they needed more guidance on the development plan as well. Chairperson Matthew Anderson mentioned that the development agreement could be tied to the rezone approval. They can include issues such as height, landscaping and lighting.

Joshua Sundloff would like to see an extensive traffic study performed. That way the Planning Commission can make a more informed decision about this rezone. Chairperson Matthew Anderson also agreed to a traffic study.

Wilf Sommerkorn made a motion to table the rezone of 4.7 acres of property at approximately 1325 W. 200 N. from R-A (Residential Agriculture) to the GC (General Commercial) zoning district with the following conditions:

- Developer needs to meet with neighbors and review the development plan.
- Traffic Study needs to be performed

Thomas Wood seconded the motion and it was unanimously approved to be tabled.

**PUBLIC HEARING FOR AN ORDINANCE AMENDING CHAPTER 17-26, HOME OCCUPATIONS, OF TITLE 17, PLANNING AND ZONING OF THE REVISED ORDINANCES OF KAYSVILLE CITY.**

Lyle Gibson explain that the proposed ordinance makes changes that allow for certain home businesses to receive a business license without the need to come before the Planning Commission for a conditional use permit. Currently these business types are listed as Major Home Occupation B types, which require the oversight of the Planning Commission for approval.

The proposed ordinance has created a new category for select businesses that still requires licensing, continues to provide notice to neighbors, but no longer mandates review and approval by the planning commission in a public meeting. The businesses identified under a new category proposed as Home Occupation C are businesses that have been regularly before the planning commission where conditions are not being imposed.

The proposed ordinance amendments also clarify limitations on preschool class sizes, and make changes to the youth enterprise ordinance to avoid compliance issues with common youth enterprise practices.

The Planning Commission should make a recommendation to the City Council concerning the proposed ordinance. The Commission may recommend approval with or without changes, denial, or table a decision pending additional information.

Chairperson Matthew Anderson opened the Public Hearing.

There were no comments or questions from the public. Chairperson Matthew Anderson closed the Public Hearing.

Wilf Sommerkorn made a motion to forward a positive recommendation to the City Council for the ordinance amending Chapter 17-26, Home Occupations, of Title 17, Planning and Zoning, of the Revised Ordinances of Kaysville City. Thomas Wood seconded the motion and it passed

unanimously.

**PUBLIC HEARING FOR AN ORDINANCE AMENDING CHAPTER 9-4, WATER, AND CHAPTER 9-6, PRESSURE IRRIGATION, OF TITLE 9, PUBLIC WORKS, AND CHAPTER 18-3, PRESSURE IRRIGATION WATER, OF TITLE 18, BUILDING REGULATIONS AND CHAPTER 19-9 SUBDIVISION IMPROVEMENTS REQUIRED, OF TITLE 19 SUBDIVISIONS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY.**

Lyle Gibson explained as Kaysville City has been reviewing development east of US 89, Weber Basin Water District has asked that connections to secondary water not be mandatory. This is something they have been advocating with multiple cities in the region. A requirement to supply an additional water source in addition to the culinary system is of concern to the district as far as impacts to the overall function and maintenance of their system.

Also proposed, is a change to the subdivision improvement requirements that would require new subdivisions to install conduit for communication systems.

The Planning Commission should make a recommendation to the City Council concerning the proposed ordinance. The Commission may recommend approval with or without changes, denial, or table a decision pending additional information.

Chairperson Matthew Anderson opened the Public Hearing. Daren Hess from Weber Basin Water spoke about the secondary water pipe that begins at Weber Canyon and runs to North Salt Lake. This is an open channel water flow and the pipe was not placed in an area that makes it easy to pump water up the mountain for developments. Weber Basin Water does not want developments east of US89 taking secondary water from this open flow pipeline. He is supportive of approving this amendment.

Lyle Gibson said he also talked with Kaysville City's Irrigation workers and there is no opposition from them passing this amendment.

Chairperson Matthew Anderson closed the Public Hearing.

Thomas Wood made a motion to forward a positive recommendation to the City Council for the ordinance amending Chapter 9-4, Water, and Chapter 9-6, Pressure Irrigation, of Title 9, Public Works, and Chapter 18-3, Pressure Irrigation Water, of Title 18, Building Regulations and Chapter 19-9 Subdivision Improvements Required, of Title 19 Subdivisions, of the Revised Ordinances of Kaysville City. Tamara Tran seconded the motion and it passed unanimously.

**CALL TO THE PUBLIC**

City Councilman Larry Page congratulated the Planning Commission for passing the conduits requirement. He said, having the infrastructure will save Kaysville City residents millions of dollars down the road for.

**CALENDAR**

The next regularly scheduled Planning Commission meeting will be held on Thursday, April 25,

2019 at 7:00 p.m.

**ADJOURNMENT**

Chairperson Matthew Anderson made a motion to adjourn the meeting. Wilf Sommerkorn seconded the motion and it passed unanimously. The meeting adjourned at 9:25 p.m.