

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

May 14, 2020

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

Staff Present: Lyle Gibson, Dan Jessop, Heather Nielsen

Public Attendees: Mike Bastian, Paul Burger, Steve Einfeldt, Phil Holland, Kelle Page, Vance Hayden, Holly Ferguson.

OPENING

The Planning Commission meeting was held on Thursday, May 14, 2020 at 7:00 p.m. via online Zoom Meeting. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present.

The minutes of the April 23, 2020 meeting were presented for approval. Steve Lyon made a motion to approve the minutes. Quan Nguyen seconded the motion and they were unanimously approved.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION ‘B’, LANDSCAPING CONTRACTOR, LOCATED AT 112 NORTH 850 WEST FOR HV LAWN SERVICES-HAYDEN VANCE.

Dan Jessop explained the applicant is requesting a conditional use permit for a Major Home Occupation “B” at 112 North 850 West. Hayden is a 21 year old entrepreneur starting a Lawn Care business. He has a pickup where he will keep his lawn mower and trimmer in the back. His family has an existing shed in the back yard where he will keep his tools when not in use. He anticipates having no employees and no signs in the yard. A Major Home Occupation “B” is subject to the provisions of KCC 17-26-4.

Vice Chairperson Joshua Sundloff made a motion to approve the conditional use permit for a Major Home Occupation “B” for landscaping located at 112 North 850 West for HV Lawn Services-Hayden Vance. Steven Lyon seconded the motion and it was unanimously approved.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION ‘B’, LAWN CARE LOCATED AT 212 EAST 2300 SOUTH FOR KELLE PAGE’S LAWN CARE- KELLE PAGE.

Dan Jessop said that the applicant is requesting a conditional use permit for a Major Home Occupation “B” at 212 East 2300 South. Kelle Page is a young entrepreneur starting a lawn care

business. She has a pickup and a small utility 8'x10' trailer where she will keep her lawn mower and trimmer in the back. Her family has an existing attached garage where she will keep her tools when not in use. She anticipates having no employees and no signs in the yard.

Scott Hess made a motion to approve the conditional use permit for a Major Home Occupation "B" for landscaping located at 212 East 2300 South for Kelle Page's Lawn Care. Jared Doxey seconded the motion and it was unanimously approved.

CONDITIONAL USE PERMIT FOR FARM ANIMALS-GOATS LOCATED AT 42 SOUTH 100 WEST FOR HOLLY FERGUSON.

Dan Jessop said that Holly Ferguson and her 14 year old daughter Lauryn are requesting a conditional use permit for farm animals at the above listed address. Their property is approximately 0.7 acres or 30,492 sq. ft. The request for farm animals includes two goats. Lauryn loves animals her parents finally gave in and believe she would make a fantastic goat keeper.

Based on the size of the property, up to 5 sheep, goats, llamas or similar animals could be permitted. Currently she only wishes to have the two (2) goats. The property currently has a fence that encloses the rear yard and she feels is capable of containing the goats. The property has an enclosure which meets all setback requirements from housing and other out buildings which will shelter the 2 goats.

Staff is recommending approval of the proposed conditional use permit for farm animals subject to compliance with the provisions of chapter 17-24 Farm Animals.

Scott Hess asked if this permit only allowed for the two goats requested or does it extend up to five goats allowed for the property size. Lyle Gibson said that the permit would allow for the five goats and that they don't need to return for another permit to increase from two to five goats.

Steve Lyon made a motion to approve the conditional use permit for farm animals-goats located at 42 South 100 West for Holly Ferguson. Scott Hess seconded the motion and it was unanimously approved.

FINAL PLAT FOR DESERET DRIVE PUD SUBDIVISION LOCATED AT APPROXIMATELY 700 SOUTH DESERET DRIVE FOR PHIL HOLLAND.

Lyle Gibson introduced both the Deseret Drive PUD Subdivision and the Old Mill Landing Subdivision. He said the developer has been working with the city for several months on the rezone of the subject property. The proposed final plats are consistent with the development agreement that is in place with Kaysville City and the preliminary plat which has been previously approved.

The lots on the commercial property meet the requirements of the LI zone they are located in and are set up to accommodate users that the Planning Commission has seen for separate conditional

use permits and architecture review.

The residential subdivision consists of 41 lots and open space parcels. They have provided larger lots to the south to transition to the existing neighborhood as requested in the development agreement and have provided a second access to Deseret Drive as requested during the preliminary plat process.

Staff has reviewed the plat and construction details and is ready to recommend approval of the final plat for both the Deseret Drive PUD Subdivision and the Old Mill Landing PUD Subdivision.

The proposed subdivision plats meet the requirements of the Kaysville City Ordinance, are consistent with the approved preliminary plat, and comply with the terms of the applicable development agreement for the subject property.

Scott Hess made a motion to approve the Final Plat for Deseret Drive PUD Subdivision located at approximately 700 South Deseret Drive for Phil Holland. Steve Lyon seconded the motion and it was unanimously approved.

FINAL PLAT FOR THE OLD MILL LANDING SUBDIVISION LOCATED AT APPROXIMATELY 700 SOUTH DESERET DRIVE FOR PHIL HOLLAND.

Scott Hess made a motion to approve the final plat for Deseret Drive PUD Subdivision located at approximately 700 South Deseret Drive for Phil Holland. Quan Nguyen seconded the motion and it was unanimously approved.

FINAL PLAT FOR DARLING PLACE PHASE 1 SUBDIVISION LOCATED AT 37 SOUTH ANGEL STREET FOR STEVEN AND SHERRILEE EINFELDT.

Lyle Gibson said a couple of months ago this property was rezoned to the R-1-14 PRUD zone and received a preliminary plat approval. The final plat and improvement drawings have now been completed and are in good order for phase 1.

The phase 1 plat contains 2 lots closest to Angel Street. The proposal is consistent with the concept and approved preliminary plan and all lots within the subdivision meet the minimum frontage and size requirements for the zone. They are completing phase 1 which will include the two lots at the west end of the subdivision closest to Angel Street then at a later date phase 2 will complete the other proposed future lots.

Quan Nyguen made a motion to approve the Final Plat for Darling Place Subdivision located at 37 South Angel Street for Steven and Sherrilee Einfeldt. Toby Barrus seconded the motion and it was unanimously approved.

**REQUEST FOR A VARIANCE FROM FRONT YARD SETBACK REQUIREMENT
LOCATED AT 2120 WEST BONNEVILLE LANE FOR MIKE BASTIAN.**

Lyle Gibson said that the applicant is seeking a variance for some property that they recently purchased. The applicable zoning on the subject property requires that the lot have a 30 ft. front yard setback per 17-10-6. As a corner lot the other side yard abutting a street must be at least 20 ft. per 17-12-6 (6).

Based on the shape of the lot there is only one yard against a street which would be considered a front yard the way city staff has interpreted the city's ordinance. Then there would be one side yard of 8' and one rear yard of 30'.

The applicant is asking to have the yard requirement against Bonneville Lane reduced to 20' due primarily to the impact of the power easement on the buildable area.

Mike Bastian said that they purchased the lots from Rocky Mountain Power and they want to make this lot buildable so they are requesting a variance.

Chairperson Wilf Sommerkon said one of the rules of a variance is that it not be a self-created hardship. The previous owner of the property increased the size of the easement impacting the buildable area and Mr. Bastian purchased the property knowing that there was a power easement on it. Therefore, it does not meet the variance requirements. Vice Chairperson Joshua Sundloff seconded this statement.

Vice Chairperson Joshua Sundloff said he would like to see examples of what type of house could be built on the property without the variance.

Scott Hess asked if they could combine this lot with the others they purchased to make a subdivision with a PRUD overlay. Lyle Gibson said that they could, however they would need to create an HOA and common space areas. This was something Mr. Bastian did not want to pursue.

Chairperson Wilf Sommerkorn suggested that Mr. Bastian work with Kaysville City staff to think of alternative options because the variance does not fit. Mr. Bastian said they would look into that. They would also like the opportunity to present examples of houses that they would like to build there.

Steve Lyon made a motion to table the Request for a Variance from front yard setback requirement located at 2120 West Bonneville Lane for Mike Bastian. Toby Barrus 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, May 28, 2020 via Zoom Meeting.

ADJOURNMENT

Toby Barrus made a motion to adjourn the meeting. Steve Lyon seconded the motion and it passed unanimously. The meeting adjourned at 8:25pm.