

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

June 11, 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: Abbigayle Hunt, Gary Couser, Ian Harvey, Jim Neuner, John Harvey, Mickell Clawson, Kyle Burk, Jennifer Burk, Malcom Harvey, Nathan Alvey, Nephi Harvey, Ryan Regis, Trent Nelson, Wayne Neeley, Josh Belnap, Richard Collard, Tammy Right.

OPENING

The Planning Commission meeting was held on Thursday, June 11, 2020 at 7:00 p.m. via online Zoom Meeting. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present. Scott Hess made a motion to approve the minutes. Steve Lyon seconded the motion and they were unanimously approved.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION ‘B’, FOR PRIVATE AND GROUP VIOLIN LESSONS LOCATED AT 545 EAST 250 NORTH FOR THE DAVIS COUNTY VIOLIN SCHOOL/MCKENZIE CLAWSON.

Lyle Gibson explained that the applicant is requesting a conditional use permit for Major Home Occupation “B” at the above listed address to offer violin lessons. Ms. Clawson plans to teach primarily one-on-one lessons to students a few days a week in the afternoon, but hopes to be able to hold a group session twice a month where a group as large as 10 students would be able to attend.

Per KCC 7-26-4 (12) 3, organized classes are permitted by approval of the Planning Commission, but shall have a limit placed on the number of students and/or the number of vehicles transporting students to the home occupation to prevent congestion.

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:

- Group lessons be allowed only 3 days a month.
- Groups be limited to no more than 10 students at a time.
- When doing group lessons, there must be a gap of at least 15 minutes after the last lesson and before the next lesson to allow for pick-up and drop-off to complete.

Chairperson Wilf Sommerkorn asked Mrs. Clawson to speak. She stated that she wanted to offer both individual and group lessons, focusing mainly on individual lessons.

Quan Nguyen made a motion to approve the conditional use permit for a Major Home Occupation "B" for group and individual violin lessons with the conditions as outlined by staff located at 545 East 250 North for the Davis Violin School- McKenzie Clawson. Scott Hess seconded the motion and it was unanimously approved.

PUBLIC HEARING FOR THE REZONE OF 1.1 ACRES OF PROPERTY LOCATED AT 1599 WEST GALBRAITH LANE FOR THE CREATION OF A FLAG LOT WITH A PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE AND PRELIMINARY PLAT FOR NATHAN ALVEY.

Lyle Gibson stated that the property includes an existing home fronting Galbraith Lane which is proposed to remain with some modifications while the primary purpose of the request for the PRUD overlay is to accommodate a new lot behind the home to the south.

The underlying R-A zone would remain in effect. The proposed preliminary plat indicates 2 lots that each meet the minimum frontage or width requirement as well as the minimum acreage for the R-A zone. The flag lot provisions of the PRUD ordinance require that the standard lot fronting the street keep its typical standards for width and setbacks and the access to the new lot be provided at 30 feet in width to a single lot. Each lot must be at least 10,000 sq. ft. in size or meet the minimum for the zone which in this case is 21,780 sq. ft. The property contains enough acreage and is wide enough to accommodate 2 lots which comply with the provisions of the applicable ordinances, but in order to meet the required side yard setback from a property line it is necessary to remove portions of the home as proposed on the preliminary plat.

This area has multiple flag lots surrounding the property. There have been concerns expressed to staff in recent years regarding water which collects in this section of town in the rear yards of properties along Leola St. which would be appropriate to consider with final plat details if the commission and council are on boards with pursuit of the idea of a flag lot at this location.

Chairperson Wilf Sommerkorn invited Nathan Alvey to speak. Mr. Alvey told the Planning Commission that ultimately he would like to ask for the R-1-20 zoning district, however he wanted to move forward with the rezone for the flag lot only instead of doing it all at once.

Scott Hess asked Mr. Alvey what he knew about the standing water on the property. Mr. Alvey said he didn't know anything about water issues. Jared Doxey said that they have had problems with standing water in his neighborhood so they put in a French drain. Perhaps they can put in that drain and connect into the city's storm drain system.

Chairperson Wilf Sommerkorn opened the public hearing. He also stated that there were several emails from citizens that will be entered into the record.

Richard Collard said that his property backs the property in issue. He has major concerns with the standing water issues. Mr. Collard stated that in some years there has been several feet of standing water. He isn't opposed to the flag lot but wants to have the water issues resolved before it is rezoned.

Trent Nelson said the flag lot does not make sense. Drainage in this area is a huge problem. The neighbors had ducks living in several feet standing of water last year from all the flooding. He is opposed to this flag lot being approved.

Kyle and Jennifer Burk second everything said about the water drainage issues. They purchased their home about 6 months ago and their backyard would be right next to the proposed road for the flag lot. Mrs. Burk asked the Planning Commission if they could require Mr. Alvey to put in a fence along the road that backs their back property for safety and privacy. Chairperson Wilf Sommerkorn said that this was something they could require.

Tammy Right said they have lost several trees in their backyard from standing water issues. She said it hurts property values when buyers hear about flooding issues in the area so it needs to be addressed.

Nathan Alvey responded stating that flooding and standing water are huge concerns for the area, but if the water is there then it is coming onto his land from other homes. He is willing to come up with a solution for his property but feels it should be a shared expense to fix the drainage issues for the subdivision. Mr. Alvey said that he would look into the idea of a French drain tying into the city's storm drain system.

Chairperson Wilf Sommerkorn closed the public hearing.

Vice Chairperson Josh Sundloff said the creation of a flag lot is not the issue here it is the water and how Mr. Alvey is going to drain the water off his property. Vice Chairperson Josh Sundloff said, as he was looking at the properties slope, he felt there would be enough of a slope to connect into the city's storm drain system. He does however, agree that everyone in the neighborhood should pitch in the help the entire subdivisions drainage issues.

Toby Barrus agreed that all neighbors should help with the subdivision water issues but that Mr. Alvey needs to take care of the water on his property.

Chairperson Wilf Sommerkorn said the engineering for water issues needs to be addressed on this lot before they move forward with plat approval.

Scott Hess made motion to forward a favorable recommendation to the Kaysville City Council for the rezone of 1599 West Galbraith Lane for the creation of a flag lot with a PRUD (Planned Residential Unit Development) overlay zone for Nathan Alvey. Toby Barrus seconded the motion and it passed unanimously.

Scott Hess said he would like to table the preliminary plat application for Nathan Alvey due to the fact that they would like to see more engineering for the properties drainage issues.

Steve Lyon said he would also like the agreement for fencing to be added along the south side of the road to be built for privacy and safety reasons.

Jared Doxey said they need to look at the possibility of connecting into the city's storm drain system and that the French drain is a really good idea.

Steve Lyon made a motion to table the preliminary plat for a flag lot located at 1599 West Galbraith Lane for Nathan Alvey. Scott Hess seconded the motion and it passed unanimously.

PUBLIC HEARING FOR THE CONSIDERATION OF A DEVELOPMENT AGREEMENT AND THE REZONE OF APPROXIMATELY 14 ACRES OF PROPERTY LOCATED AT 1773 WEST 200 NORTH, FROM THE A-5 (HEAVY AGRICULTURE) TO THE R-10, R-1-14, R-1-6 (SINGLE FAMILY) ZONES AND THE R-2 (ONE AND TWO FAMILY RESIDENTIAL) ZONE WITH THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE TO BE INCLUDED OVER EACH DISTRICT FOR NEPHI AND MALCOLM HARVEY.

Lye Gibson asked the Planning Commission if they could discuss the rezone along with the preliminary plat since they went together. The Planning Commission approved this request.

Lyle Gibson explained that the applicants are requesting a rezone to multiple different zoning districts to accommodate their desire for a future residential development with a variety of lot sizes and housing types. The applicant has submitted a preliminary plat to demonstrate their desired use of the property which includes an anticipated 4 phases of development along public streets which are designed to create connections from existing stubbed dead ends to 200 North street. There are some private streets and common areas and varied lot sizes. At the request of staff to better predict and administer the type of development to occur each phase has been proposed to be regulated by a separate zoning district.

Phase 1 which would be regulated by the R-1-10 district contains 9 lots ranging in size from 10,922 sq. ft. to 21,841 sq. ft. in size all along a standard public right of way.

Phase 2 is proposed to be included in the R-2 district includes 55 lots in a townhome style configuration with common open space. Spread over 5.2 acres this phase has a density of 10.5 units an acre.

Phase 3 is proposed to be in the R-1-14 district includes 8 lots ranging in size from 15,534 sq. ft. to 23,325 sq. ft. in size. Most of the lots are accessed from a private cul-de-sac street.

Phase 4 is proposed to be in the R-1-6 zoning district with 6 lots at 7,007 sq. ft. to 8,509 sq. ft. in size.

All phases of the proposed preliminary plat are dependent upon approval of a rezone as the property currently requires that all divisions be to lots of at least 210,000 sq. ft. in size.

Toby Barrus asked Lyle Gibson how the sewer system could handle this many units. Chairperson Wilf Sommerkorn said he read the email from the sewer district regarding its inability to handle this many units in the area. He asked Lyle Gibson if there has been an analysis done with the sewer district on what they can handle for the future. Lyle Gibson said the system is set up to handle two units per acre. Right now the sewer district has stated that they cannot serve this development as proposed.

Vice Chairperson Josh Sundloff made a statement that

the property belonging to Caroline Anderson is not part of this proposal, which is why he is guessing there is a half cul-de-sac at lot 109. He wondered what the intent is for that road extension. Lyle Gibson said based on initial thinking they would not do the entire subdivision at once and this would be phase three. Right now there is development happening on 75 South Street with Ovation Homes that would provide that second outlet onto 200 north. From a preliminary concept this is an emergency turn around for safety departments. Lyle Gibson said he would ultimately like to see these emergency pull a rounds go away.

Chairperson Wilf Sommerkorn invited the applicants to speak.

Nathan Alvey said he was representing the Harvey family. He said that they would stub all utilities for the property and create an emergency pull around until phase three or the Anderson piece opens up. He said that the land on phase three is currently being farmed and will continue to be farmed until all previous sections are done. The entire subdivision will be multi phased. Mr. Alvey stated that the Harvey's could be flexible on some of the phases but phase one and three are set in stone for them with the private road cul-de-sac. Six of the lots are already spoken for by Harvey family members.

Scott Hess said he would like to see some tweaks to the plan to add more street connectivity. Toby Barrus also agreed with Scott Hess that there needs to be more road connectivity.

Chairperson Wilf Sommerkorn opened the public hearing. He also mentioned that they had received several emails concerning the rezone and those will be added into the records.

Ryan Regis said he was concerned on how the high density housing subdivision would fit in with the larger homes in the Preserve Subdivision. He suggested that the developers reconfigure the plat to have the higher density housing units on the other end of the property.

Gary Couser seconded what Mr. Regis said. He was concerned because the high density townhomes would be right against his property. He disagrees that this area should be rezoned to a R2. He suggested that they reduce the number of units and make them higher end single family homes.

Chairperson Wilf Somerkorn closed the public hearing.

Scott Hess said that he still wants to see more connectivity. He felt that this plat design looked like two separate subdivisions.

Nathan Alvey said if you were to require the connectivity then everyone on 75 South opposing the connectivity. If you require the connectivity it would take out lot 104 which is a lot already spoken for by a Harvey family member. They don't want to make any changes on the plan for the lots 101-109.

Vice Chairperson Joshua Sundloff said that he does not like cul-de-sacs. He wants more connectivity throughout the city. He would like to see the road connect from 75 South to Morning Mist Lane. We have to look at what is best for the area as a whole. Creating the road connectivity would create more balance with flowing traffic.

Vice Chairperson Josh Sundloff also said that he is familiar with the Andersen family and his guess is they won't be selling the 200 North property in the foreseeable future. They are also currently building a barn on the property.

Scott Hess said he would like the plat reconfigured so that a road can connect through.

Chairperson Wilf Sommerkorn said in reading the emails regarding the R-2 zoning district, many people were not opposed to having higher density, they just did not want it adjacent to existing homes. He supports the idea of reconfiguring the plat. He would like to move the higher density from the East and South end more towards 200 North. He also wants to see the connection from 75 South to Morning Mist Lane. This provides more options of ways to enter and exit the subdivision.

Steve Lyon agrees that there should be a buffer zone in-between the existing homes and the new higher density development.

Chairperson Wilf Sommerkorn said he would be more inclined to approve the rezone if all these things were addressed.

Quan Nguyen said he likes the principal plan. He said if we are not going to put higher density along 200 North then where would we? Chairperson Wilf Sommerkorn said he has no problem with higher density.

Nathan Alvey again said that they don't want the connectivity through any of the lots numbered 101-109 because these lots have been selected by Harvey family members for building. Chairperson Wilf Sommerkorn reminded Mr. Alvey that their job as a commission is to do what is right for Kaysville City and the road connection makes sense.

Vice Chairperson Joshua Sundloff also seconded the notion stating that they are responsible to do what is best for the community with this proposed subdivision. The road connectivity evenly disperses traffic throughout the subdivision. He would like to see the plat reconfigured.

Quan Nyugen did not agree with reconfiguring the plat. He would like to vote on the rezone as proposed.

Toby Barrus made a motion to recommend approval to the Kaysville City Council the rezone as it stands for approximately 14 acres of property located at 1773 West 200 North, from the A-5 (Heavy Agriculture) to the R-10, R-1-14, R-1-6 (Single Family) zones and the R-2 (One and Two Family Residential) zone with the PRUD (Planed Residential Unit Development) overlay zone to be included over each district for Nephi and Malcolm Harvey. Quan Nguyen seconded the motion.

Voting was follows:

Jared Doxey: Nay
Scott Hess: Nay
Quan Nguyen: Aye
Steve Lyon: Nay
Chairperson Wilf Sommerkorn: Nay
Vice Chairperson Joshua Sundloff: Nay
Toby Barrus: Aye

The motion failed due to lack of support.

Vice Chairperson Joshua Sundloff made a motion to recommend denial of the rezone as proposed for approximately 14 acres of property located at 1773 West 200 North, from the A-5 (Heavy Agriculture) to the R-10, R-1-14, R-1-6 (Single Family) zones and the R-2 (One and Two Family Residential) zone with the PRUD (Planed Residential Unit Development) overlay zone to be included over each district for Nephi and Malcolm Harvey. Steve Lyon seconded the motion and it passed unanimously.

PUBLIC HEARING FOR THE REZONE OF 1.5 ACRES OF PROPERTY TO INCLUDE THE PRUD OVERLAY ZONE AND PRELIMINARY AND FINAL PLAT FOR BAILEY SUBDIVISION LOCATED AT 1480 WILLOW DRIVE FOR JAMES J. NEUNER.

Lyle Gibson told the Planning Commission that the property located at 1480 West Willow Drive is currently zoned R-1-20. The existing lot is 66,806 square feet in size. The applicant, Blake Bailey, is anticipating creating a new lot of 21,929 square feet with 143.5 feet of frontage. This will leave the existing home on a 45,672 square foot lot. The new proposed lot will face the private road in the new subdivision which is under construction to the south. Both the existing and new proposed lot meet the frontage and square footage requirements for the existing R-1-20 zoning district, however the PRUD overlay is needed as the access for the new lot will be off of the new private street. The owner has coordinated with the developer of developer of the property to the south for permission and ability to get utility services to the new proposed lot.

The new lot facing Wooden Shoe Way North is deep enough to provide a building pad that meets the minimum dwelling size requirements of 17-31-16, Dwellings.

All setbacks are standard for the R-1-20 zone with the exception of a 20 foot front yard set back requested along the private road consistent with 17-34-8 (d).

Chairperson Wilf Sommerkorn opened the public hearing.

No one came forward.

Chairperson Wilf Sommerkorn closed the public hearing.

Vice Chairperson Joshua Sundloff made a motion to recommend approval to the Kaysville City Council the rezone of 1.5 acres of property to include the PRUD overlay zone located at 1480 Willow Drive for James J. Neuner. Steve Lyon seconded the motion and it passed unanimously.

Quan Nguyen made a motion to recommend approval to the Kaysville City Council the Preliminary Plat and approve the Final Plat for the Bailey Subdivision located at 1480 Willow Drive for James J. Neuner. Jared Doxey seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR THE HORNE SUBDIVISION LOCATED AT 1422 SOUTH SUNSET DRIVE FOR CARL AND MARVIN HORNE.

Lyle Gibson explained to the Planning Commission that the City Council approved the PRUD to allow for a flag lot and the preliminary plat for the Horne Subdivision at this location early this year.

This proposed final plat is consistent with the preliminary plat that was previously approved and meets the minimum lot size and frontage requirements. All of the right-of-way improvements such as curb, gutter, and sidewalk are already in place. Only utility stubs are needed prior to recording.

Steve Lyon made a motion to approve the Final Plat for the Horne Subdivision located at 1422 South Sunset Drive for Carl and Marvin Horne. Jared Doxey seconded the motion and it was unanimously approved.

PUBLIC HEARING TO CONSIDER AN ORDINANCE ENACTING SUBSECTION 19-5-7, TECHNICAL SPECIFICATIONS AND DRAWINGS, OF CHAPTER 19-5, SUBDIVISION STANDARDS, OF TITLE 19, SUBDIVISIONS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY.

Lyle Gibson said Kaysville City has utilized standards specifying the way that public improvements such as streets and utilities are constructed that were adopted in 1994. These standards have been in file with Kaysville City and distributed upon request to developers or others doing work to build, maintain, and repair the city's infrastructure.

The proposed ordinance updates the standards and provides more clear detail and drawings that will be adopted by ordinance. This will make it easier for the standards to be found and make it more clear what the city expects. Many of the standards remain the same as they have served the

city well for many years, one of the big changes is the requirement to install conduit to house future communications infrastructure.

Chairperson Wilf Sommerkorn opened the public hearing.

No one came forward.

Chairperson Wilf Sommerkorn closed the public hearing.

Steve Lyon made a motion to recommend approval to the Kaysville City Council an ordinance change enacting subsection 19-5-7, Technical Specifications and Drawings, of Chapter 19-5, Subdivision Standards, of Title 19, Subdivisions, of the revised ordinances of Kaysville City. Quan Nyugen seconded the motion and it was unanimously approved.

AMENDMENT TO THE KAYSVILLE CITY ANNEXATION POLICY PLAN.

Lyle Gibson said Kaysville City has recently gone through an Annexation Process. When so doing, city staff recognized some ways in which our policy could be clearer. The primary way is a requirement in our policy document that annexed property be served by all utilities provided by Kaysville City.

While the City Council may make an exception to this policy at the time of annexation, having this requirement in a policy plan will give both staff and any proposed annexation landowner an expectation of what it means to be in Kaysville.

A public hearing is scheduled with the city council on 6/18/20 to further discuss this item and affected entities have been mailed notice of that meeting. The planning commission is tasked with making a recommendation to the council for their consideration on that date. No change is proposed to the map of expansion areas.

Toby Barrus made a motion to recommend approval to the Kaysville City Council the amendment to the Kaysville City Annexation Policy Plan. Quan Nguyen seconded the motion and it was unanimously approved.

CALL TO THE PUBLIC

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

PLANNING COMMISSION

Commissioner Steve Lyon requested that Staff consider changes to the Flag Lot Ordinance and propose an Accessory Dwelling Unit Ordinance.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, June 25, 2020 via Zoom Meeting.

ADJOURNMENT

Steve Lyon made a motion to adjourn the meeting. Quan Nguyen seconded the motion and it passed unanimously. The meeting adjourned at 10:55 pm.