

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

August 13, 2020

Planning Commission Members Attended: Chairperson Wilf Sommerkorn, Steve Lyon, Toby Barrus, Quan Nguyen, Jared Doxey, Scott Hess and Larry Page.

Absent: Vice Chairperson Joshua Sundloff

Staff Present: Lyle Gibson, Dan Jessop, Heather Nielsen.

Public Attendees: James Giles, Jerry Larsen, Cameron Garner, Greta Garner, Mary Jo Heath, Jason Larsen, Michael Larsen, Mr. Larsen, Dallin Thatcher, Ken Morley, Greg Peterson, Avery Peterson, Richard Collard, David Law.

OPENING

The Planning Commission meeting was held on Thursday, August 13, 2020 at 7:00 p.m. at the Business Resource Center for the Davis Technical College. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present.

Scott Hess made a motion to approve the minutes from the July 9, 2020 meeting. Steve Lyon seconded the motion and they were unanimously approved.

Chairperson Wilf Sommerkorn invited members of the Planning Commission to nominate members to serve as a new Chair and Vice-Chairperson for the 2020-2021 year.

Scott Hess nominated Joshua Sundloff to serve as Chairperson for the Planning Commission's upcoming year. Steve Lyon seconded the nomination. Joshua Sundloff was unanimously approved as the new Planning Commission chair.

Steve Lyon nominated Scott Hess to serve as Vice-Chairperson for the Planning Commission's upcoming year. Jared Doxey seconded the nomination. Scott Hess was unanimously approved as the new Planning Commission Vice Chair.

Wilf Sommerkorn acted as Chairperson for the remainder of the meeting.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION 'B', FOR A CONSTRUCTION BUSINESS LOCATED AT 382 EAST 200 SOUTH FOR KEN MORLEY

Heather Nielsen explained that applicant is requesting a conditional use permit for a major home occupation "B" for handyman services to be offered from the address listed above.

Mr. Ken Morley would like to run a handyman business from his home. He has a trailer that will be stored off his property but could possibly be parked in front of his house on rare occasions.

Mr. Morley has informed staff that no employees will report to the home address. He will also not display any advertising signs at the home's address. Materials needed to perform his services will be picked up by Mr. Morley on the way to jobs or delivered to the job site.

Staff recommended approval of the proposed conditional use permit with no additional conditions.

Steve Lyon made a motion to approve the conditional use permit for major home occupation 'B' for a construction business located at 382 East 200 South for Ken Morley. Larry Page seconded the motion and it was unanimously approved.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION 'B', FOR A LAWN CARE BUSINESS LOCATED AT 114 NORTH 100 WEST FOR BLUE MOON LAWN CARE/JAMES GILES.

Heather Nielsen said that the applicant is requesting a conditional use permit for a major home occupation 'B' for lawn care services at 114 North 100 West for BlueMoon Lawn Care/James Giles.

Mr. Giles has a pickup truck that he will use to transport his lawnmower and other equipment to job sites. When he is not using his equipment it will be stored behind the home.

Staff recommended approval of the proposed conditional use permit for a major home occupation "B", lawn care service with no additional conditions.

Scott Hess made a motion to approve the conditional use permit for major home occupation 'B' for a lawn care business located at 114 North 100 West for Blue Moon Lawn Care/James Giles. Steve Lyon seconded the motion and it was unanimously approved.

(TABLED ITEM) CONDITIONAL USE PERMIT FOR MAJOR HOME OCCUPATION 'B' PRIVATE AND GROUP SWIMMING LESSONS LOCATED AT 2052 WEST PEACH BLOSSOM FOR CAMERON GARNER/PEACH BLOSSOM SWIMMING.

Lyle Gibson informed the Planning Commission that this was an item that had been tabled due to the commission having some questions for the applicant who was absent at the previous meeting.

Lyle Gibson explained that the applicant is requesting a conditional use permit for a major home occupation 'B' to offer group and private swimming lessons from their home. Staff has been informed that classes will have 10 students or less at any particular time (2 groups of 4 plus 2 individual/private lessons). Typical lesson structure includes 30 minute class sessions.

The pool on site is an outdoor swimming pool. Lessons are Monday through Friday starting at 8 am going until 12pm.

The request being an organized class per 17-26-4 (12) requires that a limit be placed on the number of students and/or the number of vehicles transporting students in order to prevent congestion.

Staff recommended approval of the proposed conditional use permit with the following stipulations:

- The number of students be limited to 10 per class.
- A 15 minute gap between class start and end times to allow for traffic control.
- The applicant discourages people to park in front of neighbors' homes.

The applicant, Mr. Garner stood and said that he runs 30 min group classes and two private sessions every half hour making a total of ten students at a time.

Chairperson Wilf Sommerkorn asked Mr. Garner if they could abide by the city's request of a fifteen minute gap in-between sessions for traffic control. Mr. Garner said that fifteen minutes would be hard to follow, but he would if they had to. He would prefer it be just five minutes in-between sessions. Mr. Garner said that he would request parents to drop off their students instead of staying to watch the lessons. He would also encourage more people to walk to the lessons.

Lyle Gibson reminded Chairperson Wilf Sommerkorn that there were several emails received on this issue and that there people in attendance that wished to speak.

David Law stood and said that they support the swimming lesson business but that traffic and parking has become a problem. He has counted about 20 cars coming and going at one time. He often has people playing in his yard and in the flower beds. He has people eating lunch on his lawn while he is trying to cut his grass. The traffic has become a big problem. He supports having a break in-between the classes of fifteen minutes.

Quan Nguyen began to make a motion to again table the item so that Mr. Cameron Garner could work with neighbors on figuring out a parking solution. The motion was seconded by Steve Lyon. Mr. Garner stood and said that he would not like the item tabled but would like a solution reached this evening so that they did not have to return. He said he would talk to his neighbors to figure out a plan that satisfies everyone. As result Quan Nguyen withdrew his motion. Steve Lyon seconded the withdrawn motion.

Additional options to mitigate the impact of traffic were discussed.

Scott Hess made a motion to approve the conditional use permit for major home occupation 'B' private and group swimming lessons located at 2052 West Peach Blossom for Cameron Garner/Peach Blossom Swimming with the following conditions:

- The number of students be limited to 10 per class.

- 5 minute gap between start time and end time to allow for traffic to clear out.
- Discourage parents to stay for the lessons.
- Discourage parents to park in front of neighbors' homes.
- Encourage parents to walk their students to classes.

Quan Nguyen seconded the motion and it was unanimously approved.

PUBLIC HEARING AND CONSIDERATION OF A DEVELOPMENT AGREEMENT FOR THE REZONE OF 0.42 ACRES OF PROPERTY LOCATED AT 263 EAST 100 NORTH FROM THE R-D (SINGLE FAMILY DWELLINGS) TO A RM (RESIDENTIAL MULTI-FAMILY) ZONING DISTRICT WITH A PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE FOR JERRY LARSEN.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR JERRY LARSEN SUBDIVISION LOCATED AT 263 EAST 100 NORTH FOR JERRY LARSEN.

Lyle Gibson said the property is under consideration for a rezone to accommodate a proposed common open space subdivision on a private street which would include six units in a townhome style configuration.

The Planning Commission is tasked with considering the rezone items first to determine if the type of use and development is consistent with the general plan and appropriate at the specific location. The subject property is surrounded on all sides by the R-D district. This zoning district covers a neighborhood with a variety of housing types that developed historically, however the ordinance now requires that new development under the R-D zone be single family dwellings only. While the zoning is consistent all the way around this property, the use of land is reflective of the districts history including a variety of housing types.

The development of new single family homes under the existing ordinance would be limited to lots of 8,000 sq. ft. in size, however with the PRUD overlay a common open space subdivision in the R-D district may have a density equal to that allowed in the R-M district. Because a request for the PRUD overlay was required, city staff felt the consideration of the R-M would be appropriate to clarify the different sections of the city ordinance as to what type of housing may be permitted.

The project as proposed includes 2 story townhomes with a footprint of about 900 sq. ft. each. Based on the size of the units and the number of units the project would require 5,800 sq. ft. of open space. The current proposal includes 6,000 sq. ft. of open space. The units would be accessed by a private street that forms a hammerhead turnaround for the shared driveway that the units front with a zero lot line against the private street, 19 foot yards to the north and south of the units, and an 8 foot yard to the east.

The amount of open space would meet the standard requirement of the common open space provisions, however the following would require approval through an acceptable development agreement:

- Zero lot line, distance between buildings – standard is buildings set back 20’ feet from private street, detached homes standard side yard is 8 feet.

Staff would recommend the commission forward a favorable recommendation of the preliminary plat to the city council if the development agreement and rezone items be acceptable to the Planning Commission. Staff encouraged the Commission to bring the project back for review of the Commission if changes to the development agreement are desired.

Chairperson Wilf Sommerkorn invited the applicant Mike Larson to the stand. Mr. Larsen said that there are several multi-family housing units surrounding the area. They feel that this plan would be a good way to maximize the use of the property.

Chairperson Wilf Sommerkorn asked Lyle Gibson if there was anything in the development agreement that the Planning Commission needs to be made aware of. Lyle Gibson said that the agreement references limiting the units to six total and that they would install a mason fence. It also allows for a decreased setback allowing units to be close to the private drive.

Chairperson Wilf Sommerkorn opened the public hearing.

Chairperson Wilf Sommerkorn reminded the Planning Commission that they had received several emails regarding this property and hope that everyone had read through those.

David Law stood and said he supports the project. He felt that it would be a lot nicer that what is currently there.

Jason Larsen who is the brother of the developer stood and seconded the idea that this townhouse development would be a lot nicer than what is currently there. This would be a great addition to the area.

Greg Peterson stood and said that he lives two houses to the west of the proposed development and he has some concerns about how many units they plan to fit onto such a tiny piece of property. He felt that adding six more units would add too much traffic to the already over used road. He said that many people use the frontage road to get to school and there is a lot of traffic during the mornings and late afternoon. Mr. Peterson also wanted them to burry any power lines they use so that nor more will be added to the pole in his backyard.

Jason Larsen stood and said that with the PRUD they can make sure that the power lines will be placed underground.

Chairperson Wilf Sommerkorn closed the public hearing.

Mr. Mike Larsen said that they would address any concerns that the neighbors have. He said that they want to build a good product with an affordable price point. They would put in nice looking landscaping and trees.

Scott Hess said he understands that we need to provide more affordable housing in Kaysville City but felt that this proposed development was a little too dense. He would like to see four townhomes put there.

Larry Page said he likes the concept but Kaysville City needs to spread these higher density housing units around the city. Not keep them all in one area.

Quan Nguyen made a motion to recommend approval to the Kaysville City Council the rezone of 0.42 acres of property located at 263 East 100 North from the R-D (Single Family Dwellings) to a RM (Residential Multi-Family) zoning district with a PRUD (Planned Residential Unit Development) overlay zone for Jerry Larsen. Jared Doxey seconded the motion and it was unanimously approved.

Scott Hess made a motion to recommend approval to the Kaysville City Council the preliminary plat for a townhouse subdivision located at 263 East 100 North for Jerry Larsen with the stipulation that there needs to be one visitor parking stall added per home development. This would make a total of six visitor parking stalls that need to be added to the plat. Steve Lyon seconded the motion and it was unanimously approved.

**FINAL PLAT APPROVAL FOR THE GALBRAITH KAYSVILLE SUBDIVISION
LOCATED AT 1599 WEST GALBRAITH LANE FOR NATHAN ALVEY.**

Lyle Gibson said that the Kaysville City Council recently approved a rezone to the R-1-20 zone with the PRUD overlay to allow for a single flag lot development at this property together with the preliminary plat. In consideration of the concerns that were expressed through the rezone and preliminary plat process the Council determined that any engineering solution that was proven to meet the city's requirements was acceptable and that no fencing would be required by the city.

The final plat has been provided which indicates the layout as approved in the preliminary plat process with lots that each meet the minimum width and size requirements of the PRUD ordinance and R-1-20 zone. The applicant has coordinated with Kaysville City staff and has proposed a solution for the storm water that pipes the water from this property out to Galbraith Lane using pipe available from Kaysville City Public Works. The City Council did not require this design solution, but the applicant has been willing to pursue it in collaboration with the City

Staff recommended approval of the final plat for the Galbraith Kaysville subdivision.

Jared Doxey made a motion to approve the final plat for the Galbraith Kaysville Subdivision located at 1599 West Galbraith Lane for Nathan Alvey. Toby Barrus seconded the motion and it was unanimously approved.

AN ORDINANCE AMENDING SECTION 17-31-18 TO REFINE CLEAR VIEW REQUIREMENTS FOR CORNER LOTS PROHIBITING THE PLANTING OF TREES.

Lyle Gibson presented an ordinance change for amending Section 17-31-18, Chapter 31 to refine clear view requirements for corner lots prohibiting the planting of trees near intersections.

AN ORDINANCE CREATING SECTION 17-31-3, ACCESSORY DWELLING UNITS, AND AMENDING MULTIPLE CHAPTERS OF TITLE 17, PLANNING AND ZONING, TO DESIGNATE WHERE ACCESSORY DWELLING UNITS MAY BE CONSIDERED.

Lyle Gibson presented another ordinance change creating section 17-31-3, Accessory Dwelling Units, and amending multiple chapters of Title 17, Planning and Zoning, to designate where accessory dwelling units may be considered. This ordinance had previously been discussed. Staff indicated where changes had been made at the request of the Planning Commission to allow more flexibility in where and how an Accessory Dwelling Unit may be considered.

AN ORDINANCE AMENDING SECTION 17-31-2 ACCESSORY BUILDINGS, OF TITLE 17, PLANNING AND ZONING.

Lyle Gibson presented another ordinance change to Accessory Building Amendments amending section 17-31-2 Accessory Structures, of Title 17 Planning and Zoning, of the Kaysville City Ordinances. The presentation indicated changes made based on prior discussion from the Planning Commission that would allow more flexibility for placement of small accessory buildings on properties with multiple street frontages while keeping side yards clear. The proposed changes also allowed for some flexibility in the rear yard in relation to covered patios or in the case of non-square homes. Finally a change to the height allowance for accessory buildings was discussed which would in effect revert back to an old rule.

Chairperson Wilf Sommerkorn opened the public hearing for these suggested ordinance changes.

No one came forward to speak.

Chairperson Wilf Sommerkorn closed the public hearing.

Scott Hess made a motion to recommend approval to the Kaysville City Council the three ordinance changes as described above. Larry Page seconded that motion and it was unanimously approved.

CALL TO THE PUBLIC

Scott Hess presented to the Planning Commission his ideas and concerns regarding 200 North and bike lane traffic. He talked about how he felt it was a huge disservice to the city to have removed the buffered bike lanes in the west side of 200 North in order to add more travel lanes that he indicated were unnecessary based on existing and future traffic projections shared with

the Commission. We need to create more dedicated bike lanes instead of shared bike lanes due to the speed and volume of traffic allowed our roads. Removal of the buffered lanes along 200 North cut off an important route for many neighborhoods to be able to access the rail trail and other amenities. Biking as a form of transportation is increasing and Kaysville City needs to handle safety better for those on the road. This has become a huge issue and something that we need to address.

CALENDAR

The next regularly scheduled Planning Commission meeting is anticipated to be held on Thursday, August 27, 2020 at the Business Resource Center for the Davis Technical College.

ADJOURNMENT

Larry Page made a motion to adjourn the meeting. Scott Hess Seconded the motion and it was approved unanimously and the meeting was adjourned.