

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

April 8, 2021

Planning Commission Members Attended: Chairperson Joshua Sundloff, Vice Chairperson Quan Nguyen, Toby Barrus, Wilf Sommerkorn

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

Public Attendees: City Council Member Mike Blackham, Bob Larsen, Cindy Jenkins, Scott Vincent, Brad Walters, Julie Walters, Seth Poor, David Ward, Michelle Powner, Terrie Kauffman, Mark Blatter, Janele Whipple, Kent Whipple, Rose Wlama, Tymble Clemens.

OPENING

The Planning Commission meeting was held on Thursday, April 8, 2021 at 7:00 p.m. in the Kaysville City Municipal Building located at 23 East Center Street. Chairperson Joshua Sundloff opened the meeting by welcoming those present.

Vice Chairperson Quan Nguyen made a motion to approve the minutes from the March 25, 2021 meeting. Toby Barrus seconded the motion and they were unanimously approved.

FINAL PLAT FOR ORCHARD RIDGE ESTATES PHASES 2 & 3 SUBDIVISION LOCATED AT 1406 HWY 89 FOR CAPITAL REEF AND COMPASS HOLDINGS.

This item was tabled by the developer for a later date.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION ‘B,’ FLOORING INSTALL LOCATED AT 736 NORTH CREEKSIDE WAY FOR TODD WILLIAMS.

Heather Nielsen explained that Mr. Todd Williams was requesting a Conditional Use Permit for a Major Home Occupation “B” flooring installation at the address listed above. Mr. Williams will not have any employees. He will not have materials delivered to the residence nor will he display any company signage outside his home.

Mr. Williams has a truck which will be used to pick up materials on his way to job sites. His truck will be stored nightly in his driveway.

Vice Chairperson Quan Nguyen made a motion to approve the Conditional Use Permit for a Major Home Occupation “B” flooring install located at 736 North Creekside Way for Todd Williams. Wilf Sommerkorn seconded the motion and it was approved unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION ‘B,’ HANDYMAN SERVICES LOCATED AT 1862 HILL STREET FOR MARK BLATTER.

Heather Nielsen said the 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. Mark Blatter would like to run his business, Big Sky Handyman from his home. He has a trailer for his business that will be stored nightly on his property behind a fence.

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

Wilf Sommerkorn made a motion to approve the Conditional Use Permit for a Major Home Occupation “B” handyman services located at 1862 Hill Street for Mark Blatter. Vice Chairperson Quan Nguyen seconded the motion and it was approved unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION ‘B,’ LAWN CARE AND HANDYMAN SERVICES LOCATED AT 74 SOUTH 100 EAST FOR MICHELLE POWNER.

Heather Nielsen explained that the applicant is requesting a conditional use permit for a major home occupation ‘B’ for lawn care and handyman services at 74 South 100 East for POW Property Services-Michelle Powner.

The Powner’s have a truck that they will use to transport lawnmowers and other equipment to job sites. When they are not using the equipment, it will be stored behind the home.

Toby Barrus made a motion to approve the Conditional Use Permit for a Major Home Occupation “B” lawn care and handyman services located at 1862 Hill Street for Mark Blatter. Wilf Sommerkorn seconded the motion and it was approved unanimously.

CONDITIONAL USE PERMIT FOR A TWO FAMILY DWELLING UNIT LOCATED AT 919 SOUTH KAYS DRIVE FOR JANELLE WHIPPLE.

Dan Jessop said that the applicant is requesting approval for an existing house at the above listed address to be converted to two-family dwelling. The house is currently a two story with 3 bedrooms and 2 baths in the upper unit. The basement has 2 bedrooms, a single bath and walkout for the second unit. There is a 3-car garage and wide drive for required parking.

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 rom 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. Similarly, staff has checked for any conflicts with the allowed number of units and density for the Old Mill Village Subdivision and has not found any information to prohibit the proposal.

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.

Wilf Sommerkorn asked Dan Jessop how the set up would be for the two- family dwelling. Dan Jessop said it would be a home where the top would be rented separate from the bottom. They will be required to verify that they have separate HVAC units and the required fire walls. They also have separate entrances and enough parking for all renters.

Chairperson Joshua Sundloff made a statement to the audience that the city's rules and ordinances are separate from the HOA's rules. The Planning Commission gives approval based on the rules relating to the city, they do not take into account HOA's rules. An HOA is a private entity and the government's rules are something separate.

Chairperson Joshua Sundloff let audience members approach the stand to talk to the Planning Commission about the two-family dwelling.

James Durrant, the HOA Manager said he was contacted by several homeowners who were concerned about a duplex being proposed for the neighborhood. He would like the Planning Commission to add a rule on the Conditional Use Permit stating that the homeowners need to obtain approval from the HOA board before this use can move forward.

Scott Vincent stood up and said he would like Kaysville City staff to review HOA rules beforehand in regards to these types of Conditional Use Permits. He said that HOA's should sign off on these types of applications before they even get to the Planning Commission.

Kent Whipple is the husband to the applicant and said he did talk to the HOA board and found out that there are several other mother-in-law apartments that are being rented out in the neighborhood.

Vice Chairperson Quan Nguyen said that the neighbors bring up a good point with the HOA board needing to approve the use before these permits can go through. Wilf Sommerkorn said the city and the HOA are two separate entities and the city does not answer legally to the HOA a private entity. The city has its own rules and so does the HOA.

Scott Vincent stood up again and said that this is about the mitigation process. The city granted power to the HOA's therefore the city should check with the HOA beforehand to see if this use could be granted. He said this would keep harmony among the residents and create dual consideration for the purposes of a Conditional Use Permit and the HOA rules.

Chairperson Joshua Sundloff explained to Mr. Vincent and others present that the city does not have any authority or interest in the creation of an HOA other than to make sure an entity exists to take care of common areas. They do not grant power to HOA's or have anything to do with them. An HOA is group of neighbors that get together and record a document of rules against the title of their property. The neighbors agreed that they would abide by those rules. The city is not a party to nor does it have a say in the contractual agreement that neighbors have created.

Wilf Sommerkorn said that the city is only obligated to meet the rules of the city. He talked about a new State of Utah bill that makes it legal for homeowners to create an internal accessory home dwelling unit. Cities and HOA's cannot restrict these dwellings.

Wilf Sommerkorn circled back to the issues at hand and said that Kaysville City has a list of criteria for two family dwelling units and this homeowner has met all the requirements, therefore, they are obligated to approve the Conditional Use Permit.

Tobby Barrus made a motion to approve a Conditional Use Permit for a Two Family Dwelling Unit with the condition that they provide two parking stalls per dwelling unit located at 919 South Kays Drive for Janelle Whipple. Wilf Sommerkorn seconded the motion and it was approved unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 13.5 ACRES OF PROPERTY AT 1387 SOUTH SUNSET DRIVE FROM THE R-1-20 AND A-5 (LIGHT AGRICULTURAL) ZONING DISTRICT TO THE R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY) ZONING DISTRICT.

Lyle Gibson explained that a zone change is being requested at the subject address in order to accommodate a proposed single family dwelling subdivision. The property is currently zoned to accommodate Single Family and Light Agricultural.

The requested R-1-LD zoning district is primarily for flexibility in lot size but maintaining the low density zone requirements. The requested rezone also reconfigures the boundaries of the A-5 zoning district.

The applicant has provided a site plan indicating how they currently anticipate the site would be used. The proposal accounts for the future connection of Spur Lane to the south.

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.

The existing A-5 district would be reconfigured is governed by KCC 17-8. KCC 17-12 regulates both the R-1-20 and R-1-LD.

Chairperson Joshua Sundloff opened the public hearing.

Mr. Walters approached the stand and said that he wanted to flip the zoning districts to make more use of the land and the public street to create a subdivision. They would like to keep five acres under the A-5 zone so that they could build a house and have farm animals.

Rose Coleman stood and said that smells from animals should be considered when building the subdivision because five acres could house up to twenty-five cows if they wanted.

Chairperson Joshua Sundloff closed the public hearing.

Tobby Barrus said there isn't really much of a change, they are just looking to move things around in this area.

Vice Chairperson Quan Nguyen said the product looks good. It provides more housing in Kaysville City.

Vice Chairperson Quan Nguyen made a motion to recommend approval to the Kaysville City Council the rezone of 13.5 acres of property at 1387 South Sunset Drive from the R-1-20 and A-5 (Light agricultural) zoning district to the R-1-LD (Residential Single Family Low Density) zoning district for Brad Walters. Wilf Sommerkorn seconded the motion and it was passed unanimously.

REPORT FROM Y2 ANALYTICS WITH COMMUNITY SURVEY RESULTS.

Lyle Gibson said with the ongoing process to update the city's general plan, public input is being collected to inform the process. An initial attempt to collect information from the public regarding potential development scenarios fell short of what the Planning Commission and city hoped to receive as far as the amount of input.

The Y2 Analytics team presented findings from the new data collected by surveying methodology to assure statically valid results. Over one thousand participants completed the survey.

The data showed interest in housing diversity but showed favoritism in preserving single family homes and new development being similar to adjacent homes. The citizens want to maintain the small town feel. Residents are concerned about growth and the traffic impact.

The survey found a large interest in adding more parks and open space. Residents want to

preserve the open space that is currently here.

(TABLED ITEM) CONSIDERATION OF AN ORDINANCE AMENDING MULTIPLE SECTIONS OF TITLE 17, PLANNING AND ZONING, OF THE KAYSVILLE CITY ORDINANCES TO CLARIFY WHAT FLEXIBILITY A PLANNED UNIT DEVELOPMENT MAY BE ELIGIBLE FOR, THE PROCESS FOR PERMITTING FLAG LOT SUBDIVISION, AND AMENDMENTS TO WHAT IS REQUIRED IN COMMON OPEN SPACE SUBDIVISIONS FOR OPEN SPACE AND AMENITIES.

Lyle Gibson said that after the previous meeting where the Planning Commission discussed this item, staff was asked to verify how the proposed changes work in light of recent and anticipated legislation. Staff discussed this with the Kaysville City Attorney it appears that the requirements as outlined are appropriate, as they are not the only means of developing.

In addition to clarification on the legality of the proposal. Bullet points have been prepared and input from the public has been solicited. Staff posted these bullet points on the city's website, Facebook page and Planning Commissioners posted them on other Facebook sites relating to Kaysville City.

Chairperson Joshua Sundloff was still not comfortable with the requirement that PRUD subdivisions can only have 30% of the open space as natural. He asked again why the restriction?

Lyle Gibson said we want to have developers create open space that is useable space. Adding amenities that the subdivision can use, not just grass areas. We are looking for them to add pavilions, playgrounds, benches, etc. for the neighbors.

Wilf Sommerkorn made a motion to recommend approval to the Kaysville City Council an ordinance amending multiple sections of Title 17, Planning and Zoning, of the Kaysville City Ordinances to clarify what flexibility a planned unit development may be eligible for, the process for permitting flag lot subdivision, and amendments to what is required in common open space subdivisions for open space and amenities with the caveat that they review the Planning Commission's discussion about the 30% open space rule. Toby Barrus seconded the motion and the vote was as follows:

Vice Chairperson Quan Nguyen: Nay
Chairperson Joshua Sundloff: Yea
Wilf Sommerkorn: Yea
Tobby Barrus: Yea

The vote passed three to one and will move onto the Kaysville City Council for discussion.

CALL TO THE PUBLIC

Nothing was brought forward.

CORRESPONDANCE AND CALENDAR

The next regularly scheduled Planning Commission meeting is anticipated to be held on Thursday, April 25, 2021.

ADJOURNMENT

Wilf Sommerkorn made a motion to adjourn. All were in favor and the meeting was adjourned at 9:40pm