

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

June 10, 2021

Planning Commission Members in Attendance: Chairperson Josh Sundloff, Commissioners Steve Lyon, Toby Barrus, Jared Doxey (via Zoom), Wilf Sommerkorn and Abigayle Hunt.

Staff Present: Lyle Gibson, Dan Jessop, Mindi Edstrom

Public Attendees: Aaron Jones, Ashley Jones, Tim Gallup, Amy Roskelly, John Warnick, Jack Clark, Brett Harris, Greg Carter, Brandon Wood, Jeran Bingham, Britton Sommer, Darin Izatt, Emily Rasmussen, Thom Thackeray, Joyce Clarkson, Christian Nielsen, Brandt & Jennifer Wheeler, Tom Wood, Bill Curtis, Barbara Parry, Glenn Zeh, Holly Ferguson, Kimball Clark, Beau Ogzewalla, and Jay Welk

OPENING

The Planning Commission meeting was held on Thursday, June 24, 2021 at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street. Chairperson Joshua Sundloff opened the meeting by welcoming those present.

Commissioner Lyons made a motion to approve the minutes from the June 10, 2021 meeting. Abigayle Hunt seconded the motion and they were unanimously approved.

Commissioner Sundloff gives a brief description of the responsibilities of the Commission. Shares that each one on the Commission varied background in real estate, law etc. The Planning Commission is advisory to City Council on some things like ordinances and rezones and makes the final decision on things like conditional use permits. The Planning Commission is heavily involved in the creation of the city's general plan.

Conditional Use Permit for a Major Home Occupation 'B', Preschool located at 1053 Roueche Lane Emily Rasmussen- Bizzy Bee Preschool

Introduced by: Lyle Gibson

Description:

The applicant is requesting a conditional use permit for Major Home Occupation B at the above listed address to run an in-home preschool. The applicant plans to teach a morning class from 9:00 am to 11:30 am Monday and Wednesday. As preschool participants increase she will then move to sessions Monday, Tuesday, Wednesday, and Thursday's from 9:30 am-11:30 am and 12:30 pm-2:00 pm.

Because a preschool is an organized class, section 17-26-4 (12) d. requires that 'limits be placed on the number of students and/or the number of vehicles transporting students to prevent congestion. The applicant's home has a long driveway with room for several cars, and it is across the street from an open space area in the neighborhood where there is lots of room for cars to park at the curb for pick-up and drop-off.

Recommendation:

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:

- Groups be limited to no more than 12 students at a time.

Reasoning:

The restrictions of the ordinance together with the recommended condition appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Public Comment:

Emily Rasmussen would like to see if there can be more than 12 applicants allowed.

Discussion:

Mr. Gibson shares that the ordinance requires a limit, but because of the lot size and site conditions this property could handle the traffic.

Commissioner Sommerkorn is wondering why the limitation of 12 and asks how high of a limit does the neighborhood want to go with the amount of traffic?

Mr. Gibson responded that the ordinance is not specific with a limit in the case of a pre-school but that daycare is limited to 12 students so the recommendation uses that number as a reasonable benchmark.

Commissioner Sundloff suggest that the lot would not impact the road with traffic.

Commissioner Lyons asks the applicant what number of students she would propose. The applicant, Emily Rasmussen proposes 15.

Motion: Commissioner Doxey motions to approve up to 15 students and the Major Home Occupation 'B'

Motion to approve: Commissioner Doxey

Motion to second: Commission Sommerkorn

Vote on the motion: Vote is unanimous

Conditional Use Permit for a Major Home Occupation ‘B’, Preschool located at 448 Fountain Crest Way for Nanette Banz- Bright Beginnings Preschool

Introduced by: Mindi Edstrom

Description:

The applicant is requesting a conditional use permit for Major Home Occupation B at the above listed address to run an in-home preschool. The applicant plans to teach a morning class from 9am to 11am and an afternoon class from 12pm to 2pm Tuesday and Thursdays.

Because a preschool is an organized class, section 17-26-4 (12) d. requires that ‘limits be placed on the number of students and/or the number of vehicles transporting students to prevent congestion. The applicant’s home has a long driveway with room for several cars. Also there is no driveway across the street for cars to park at the curb for pick-up and drop-off.

Recommendation:

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:

-Groups be limited to no more than 12 students at a time.

Reasoning:

The restrictions of the ordinance together with the recommended condition appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Public Comment: Applicant is not here

Discussion:

Mr. Gibson showed the commission that the lot across the street from pickup has no driveway so there should not be any concerns on safety and traffic.

Motion: Commissioner Hunt motions the limit to no more than 12 students at a time and a Major ‘B’ Home Occupation

Motion to approve: Commissioner Hunt

Motion to second: Commissioner Lyons

Vote on the motion: Vote is unanimous

Conditional Use Permit for a Major Home Occupation 'B', Insulation Contractor located at 635 Kate Way for Britton Sommer- Energy Pr, LLC.

Introduced by: Mindi Edstrom

Description:

Mr. Sommer is requesting a conditional use permit from Major Home Occupation B at the above listed address for contractor office. The home would primarily be used for office purposes to do scheduling and make phone calls. All insulation supplies and equipment are stored away from the subject residence.

Recommendation:

Staff has visited with the applicant and reviewed the restrictions of Title 17-26-4 Major Home Occupations B.

Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, at the above listed address without additional conditions.

Reasoning:

The restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Public comment:

The applicant, Britton Sommers states that there are no customers to come to the home residence and an occasional employee will come by. Applicant's mail is picked up at the UPS store.

Discussion:

Motion: Commissioner Sommerkorn makes the motion to approve the Home Occupation 'B'.

Motion to approve: Commissioner Sommerkorn

Motion to second: Commissioner Lyons

Vote on the motion: Vote was unanimous

Conditional Use Permit for a Major Home Occupation ‘B’, Flooring Contractor located at 18 W. Alfred Ave. for Greg Carter-GCS Floor Installation

Introduced by: Mindi Edstrom

Description:

Mr. Greg Carter is requesting a Conditional Use Permit for a Major Home Occupation “B” to do flooring installation from the address listed above. This type of business falls into the Major ‘B’ category as a contractor. Mr. Carter will not have any employees, materials delivered to the residence nor will he display any company signage outside his home. His home is used for phone calls and writing checks.

Mr. Carter has a truck that will be stored nightly in his driveway. Staff has visited with the applicant and reviewed the restrictions of Title 17-26-4 Major Home Occupations B.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation ‘B’, Flooring installation, at the above listed address.

Reasoning:

The restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Public comment:

Greg Carter, the State requires him to have a business license. Stays plenty busy but just needs a home office.

Discussion:

Commissioner Sundloff shares what the home occupation permit allows. If the nature of the business changes from what has been presented to the business and causes problems, then we will address the concern.

Motion: Commissioner Barrus makes the motion to approve the Major Home Occupation ‘B’

Motion to approve: Commissioner Barrus

Motion to second: Commissioner Hunt

Vote on the motion: Vote was unanimous

Conditional Use Permit for sales trailer at the Talbot Estates Subdivision located at 1100 N. Hwy 89 for Brighton Homes

Introduced by: Lyle Gibson

Description:

Brighton Homes is requesting a conditional use permit for a sales trailer at the entrance to the Talbot Estates Subdivision currently under construction. The sales trailer would be placed near the south side of the development just off the frontage road on the east side of Highway 89.

The Subdivision is located in the R-1-8 zone which allows for model homes or sales trailers under the following provision:

7-14-4 Conditional Uses

5. Temporary tract offices and development signs subject to the provisions of KCC 17-30-7 and KCC 1/-33.

17-30-7 Temporary Uses

A Conditional Use Permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for one (1) year, whichever period of time is shorter. The Planning Commission may grant extensions of six (6) months each under exceptional circumstances.

The typical visitors to the sales trailer are 2-3 per week, 20 minutes per visit. They will be parking along the frontage road. The hours of operation will be 12pm-6pm Monday through Saturday.

Recommendation:

Staff recommends approval of the proposed sales trailer for a period of 1 year.

Public Comment:

Tom Thackery representing Brighton Homes states that there not much foot traffic at the sales trailer. This sales trailer is temporary and should be able to be removed within the year.

Discussion:

What impact are concerned with? Lyle Gibson shares that these come to Planning Commission because it is essentially a business working with in a neighborhood

Commissioner Sundloff suggests a change in the verbiage of the ordinance to simplify the process so that staff can approved these. Other commissioners agreed they don't really see a need for the Commission to have to address these.

Motion: Commissioner Lyons make a motion to approve the Sales Trailer in Talbot Estates

Motion to approve: Commissioner Lyons

Motion to second: Commissioner Sommerkorn

Vote on the motion: Vote was unanimous

Conditional Use Permit for auto body repair shop at 451 N. Main Street- Caliber Collision

Introduced by: Lyle Gibson

Description:

The applicant is requesting approval for an auto body repair shop at the subject location. The property was recently occupied by a car sales lot where a portion of the building was used for auto repair.

The proposed use fits in line with a retail service as a permitted use in some regard but due to the amount of processing the opinion of staff as the main purpose of the proposed business is repair and reassembly of vehicles that it fits into the light industry type use for review of the Planning Commission.

The applicant has provided a description of the business and their proposed changes to the site. In discussion with the applicant the business will have property paint booths and equipment for the work they are performing. The primary concern from staff was the storage of damaged vehicles to which the applicant has proposed putting a visual barrier fence on north west side of the property where such vehicles could be screened from site along Main Street.

The use as proposed seems to address the other elements identified in the ordinance under KCC 17-23 managing odors, smells, sounds and vibrations.

Recommendation:

Staff recommends approval of the proposed use as proposed by the applicant where vehicles to be repaired are stored behind the visual barrier fence.

Reasoning:

The request at the particular location should not create any traffic impact or undue burden on existing or proposed residential properties.

Public Comment:

Tim Gallup architect said that they are cleaning up the site and the building. They will also be adding ten more parking spaces. No vehicles needing repair will be stored out front of the area. Caliber has a good system that has the parts come in first and then have the car come in to be worked on so that there are not cars sitting around. These cars are worked on inside.

Discussion:

The Planning Commission discussed the location had been a previous auto business. They also asked the applicant about the fumes from the paint bay and the proximity to the neighbors. The applicant assures the Commission that the paint booths have a scrubber system and that there is no air exchanged in the building. Commissioner Lyons also states that the state has required compliance for the paint booth.

Motion: Commissioner Lyons makes a motion to approve the Conditional Use Permit

Motion to approve: Commissioner Lyons

Motion to second: Commissioner Hunt

Vote on the motion: Vote was unanimous

Tabled item- Consideration of a rezone 1.1 acres of property at approximately 600 N. and Main Street from GC (General Commercial) to the R-M (Residential Multi-Family) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone. – Destination Homes.

And

Preliminary Plat for the Mutton Hollow Townhomes Subdivision

Introduced by: Lyle Gibson

Update:

The Planning Commission tabled this item after the last meeting primarily to see how the request fits in with the direction of the general plan update before making a recommendation to the City Council. The Commission has had time to consider concepts presented at the last meeting as to what uses may occur at the subject location based on the input received thus far in the planning process.

The applicant has also submitted a preliminary plat for consideration with the rezone request to better show the final details of what they hope to build.

The proposed subdivision includes 16 single family attached lots on a one way private drive.

The private drive as shown is 20 ft. in width and sits 74 ft. from the intersection of Mutton Hollow and Main. The closest approach is an entrance only to avoid conflict from traffic existing onto Mutton Hollow Road near the intersection.

Recommendation:

Rezone:

The Planning Commission is tasked with making a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location.

Staff recommends that additional direction be given to the applicant. If residential development is desirable at this location, additional direction may be given to address concerns or opportunities. A development agreement would be appropriate to further refine the proposal and ensure desirable development. The Commission may request review of such detail at preliminary plat review or request that it be part of a development agreement to be either reviewed again by the Planning Commission or to be presented to the City Council.

Preliminary Plat:

Staff recommends that the private drive be widened to 24 ft. for improved emergency service Access. The approval of the plat would be subject to receiving the requested zoning. The Planning Commission may request additional details or changes if it finds it necessary to meet the regulations of the PRUD ordinance such as additional landscaping detail if desired.

Public Comment:

Amy Roskelly from Destination Homes; Speaks to the concerns of the residents. Everything that they can see is that this plan fits in with the proposed general plan

Discussion:

Commissioner Sundloff asks for Mr. Wood to come up as the commission has requested Destination Homes return with information about the commercial viability of the property. The property in question is currently zoned commercial and has been vacant for some time. The city doesn't want to lose commercial land now because we don't know what is coming. Is commercial really a viable proposal for this property?

Brandon Wood: Shares experience in commercial real estate. Destination asked him to come and share thoughts. Also a resident of Kaysville City. Could commercial go here? Maybe not retail. More of a strip mall concept. Far enough off the main arteries of the city center. Stated that as a resident this project would be similar to the homes built by Destination Homes at the old motel on Main Street across from IHC and like how it would create sort of a bookend to that part of town. Feels that adding the townhomes can help out a rather bland street north of IHC.

Commissioner Sundlof asks what kind of clients would want to come into the parcel across the street.

Mr. Wood shares that outside of grocery, not sure what other retail users would want to come to this area. Big box users are unlikely to come in across the street because there isn't enough frontage to include retail pads.

Commissioner Sundlof discusses his concern of the viability of this property and if commercial brings in traffic.

Commissioner Hunt questions about traffic and would commercial generate more or less traffic than high density? This project would be 16 units and feels that it would very similar to a light commercial use in regards to traffic, but would generate less traffic than many commercial uses.

Comments from the public:

Christian Nelson: Sees this property staying as a commercial. He currently rents. I would like to own his own office building. Has heard arguments about traffic. He would like to put his small business on this property. Has an agent and submitted a backup offer with little to no contingency. States that there is an interest. Would still like to purchase this piece of property. Sad that this idea of putting more high density in this part of town feels like red lining. Kaysville has great schools, but adding more students into the same schools may have negative impacts. The Planning Commission should look at high density housing to be sought out for in other places in the city. Sees value for small businesses here.

Tom Wood has sent numerous emails and shared thoughts. Do the best interest of Kaysville is the charge of the Planning Commission. We need to broaden our perspective.

Darrin Izzat has been in commercial real estate has tried to help the Smith family (owners of the subject property) sale the property. There has been at least 50 offers for multifamily over the 12 years they have listed the site.. The family was not ready for that. This is an affordable option for 16 young families to come into the community. Doesn't see how this hurts anyone. This small development will not impact any new business potentially coming in. Feels this a good use for this property. Mr. Gibbs Smith wanted the property to be for families.

John Warnick is a resident in support of the Destination Home proposal. Families want to be able to keep sons or daughters to stay in the community where there is not options for affordable housing at the moment.

Amy Roskelley states that there is a flex room in the bottom level of the townhomes and could be used for point of sale and business licenses. Lots of empty spaces in commercial around the city. Building permits fees would be collected which would generate income for the city. There is a gap in the housing market. Destination Homes would like to get involved on both west and east sides.

Commissioner Lyons questions if \$400k is really affordable.

Amy Roskelley states that the townhomes would sale for around \$400k for the town and prices may go down with the supply and demand issue of lumber right now.

Commissioner Sommerkorn questions what kind of commercial would be good to go there? Some commercial businesses would generate more traffic than others.

Lyle Gibson replies that the amount of traffic would all depend on the type of business.

Kimball Clark lives on a very busy street with a stop light and is concerned about the amount of traffic this proposal would bring in.

Commissioner Sundloff suggests that the City Council do a traffic study for this property.

Kimball Clark also asks if the RM zone allow this.

Mr. Gibson responds with no it doesn't work as a RM Zone but coupled with the PRUD requested it does. The only change noted by staff would be an increase in width of the drive to 24 feet. Ultimately this would work under the zoning being requested.

Kimball Clark also asks if this is setting a precedence for future decisions on commercial properties. This is precedence for future decisions.

Catherine Smith the owner of the property stated she has not been approached for any commercial sale for this. Believes that this would be the best use for this lot since there is no easy freeway access and thinks this is a nicely planned development. Improvement over the weeds. In favor of Destination Town Homes going on this property.

Discussion:

Commissioner Sundloff asks about the tabled item from last meeting because we were waiting to have the General Plan discussion.

Commissioner Sommerkorn stated it was discussed for MU and well as commercial from last week's meeting.

Commissioner Barrus feels we need to preserve our commercial property.

Commissioner Lyons agrees that there is a lot of high density housing in this area. Feels that there is a dilemma.

Commissioner Barrus asks what we want Kaysville to look like. What will generate the most tax revenue?

Commissioner Sundloff asks why we want to maintain commercial zones as they are. Why are we wanting to keep them that way?

Commissioner Lyons shares that once you lose commercial zones you don't get it back and lose that tax base. He also doesn't want high density all in one area. Keep commercial as a buffer.

Commissioner Barrus mentions that the women's shelter nearby and other commercial. There are a lot of calls to these properties. We don't want to put neighbors at odds with one another by adding more. Feels that commercial would be a good use with less risk for the townhome residents.

Commissioner Doxey said that here have been 50 calls for multi-family uses over the 10-12 years of helping the family list the property. Only one interested party for the space as commercial.

Amy Roskelly speaks in regards to Safe Harbor. Kristin from Safe Harbor was concerned with the confidentiality of the residents. Feels that this is the best proposals for her residents.

Commissioner Sommerkorn speaks about the housing crisis. Err on the side of more housing. Commissioner Sundloff said that these look like a \$500k price point. Not enough units for those that want housing

Commissioner Hunt thinks that it is part of our job to look into the future and not be panicking because of the current housing. A housing density heat map of Kaysville shows the population in this Mutton Hollow as the only area that is red. Over time this project will contribute to the already high density in that area. Residents stated that they would rather have commercial here than residential.

Commissioner Barrus mentions the letters and emails that have been sent in on this issue should be considered by the Commission.

Recommended:

Commissioner Doxey motions for consideration to rezone from general commercial to residential multiple with the PRUD overlay

Motion to approve: Commissioner Doxey

Motion to second: Commissioner Sommerkorn

Vote on the motion:

Yay: Commissioners Sundloff, Sommerkorn, and Sundloff

Nay: Commissioners Barrus, Lyons, Hunt

This will go to City Council as a split vote

Preliminary Plat for the Mutton Hollow Townhomes Subdivision

Mr. Gibson We don't have a development agreement as of yet but if the Planning Commission desires one, we can provide one. The commission was instructed that whether they support the rezone or not, this item should be looked at in regards to whether or not it would meet the requested zoning.

This is all subject to City Council giving the final approval of the requested zoning.

Motion: Commissioner Hunt recommends to approve the preliminary plat

Motion to approve: Commissioner Hunt

Motion to second: Commissioner Lyons

Vote on the motion: unanimous

Lyle Gibson: This could be going to council on July 15th agenda. The council will allow public comment up to 10 people.

Tabled item-consideration of Kaysville City Ordinance to create chapter 27 – mixed use (mu) zoning district of title 17 planning and zoning, of the Kaysville City Ordinances.

Introduction: Lyle Gibson

Update: Josh is giving clarification on the MU ordinance on 200 North. This MU district has been considered over several meetings. The developer did not drive the ordinance. The example shown was just an example concept plan. At the meeting the concept plan then looked a little different from feedback. The images that were out in social media were not the updated concept.

Mr. Gibson says that the MU Ordinance gives a great amount of flexibility where this is a very specific project approval. Every MU request will have a public hearing. This is set up as an overlay zone for GC, CC, LI, and RM districts.

Updates have been made to the ordinance after the Planning Commission meeting two weeks ago to address the input that was given.

Mr. Gibson shows the new additions and updates to the put into the ordinance.

Public Comment:

Scott Simpson says that MU ordinance will be a useful tool in the future. Questions asked... What happens in a MU zone when that property abuts a state road? Departure out of the

neighborhood where he lives is difficult. How does the flow of traffic flow for greatest safety? What control does the municipality have on state roads?

Commissioner Lyons says that the Planning Commission considers the land use. In a development like this it would be a more walkable community. Hopefully you are mitigating traffic. Traffic and parking would be considered as part of the planning of the development.

Consider language asking for a traffic study with review of each project.

Christian Nielson is in favor of MU as it brings value. Consider requiring timing of commercial to come first or together with residential to ensure it isn't left out. Commercial development has to be developed at the same time as the residential is a suggestion of wording to go in the ordinance.

Glen Zeh is a longtime resident. 2.5 minute wait to turn out of his own neighborhood. Where are we going as a city with traffic flow and quality of life? What is the direction that we are wanting to go? Glen is worried about the amount of time in travel because of population.

Aaron Jones has the same concern of the same as previous resident. Kaysville has changed over time. Reads from Chapter 11 of old town Kaysville. Feels that the MU is not a reflection of this. He is worried about lighting issues from large development that would be right in his back yard. Feels that the MU could be put in an area that it is planned to go and developed around it instead of trying to put in existing locations.

Joyce Larsen and has lived in Kaysville 30 years and came to be informed. Hates to see Kaysville City change. Thinks that Kaysville is losing the vision. What do the residents want for our city? Loves her little house. Likes that things are case by case. But is afraid to not be informed if she misses one email.

Kimball Clark asks about the setback distance in ordinance. Traffic is always a concern, how wide will we go on 200 North Street? If commercial is built close to the road, than roads can't be expanded in the future and keeps the city smaller.

Lyle Gibson: Setbacks of the underlying zone will stay in place.

Lonnie Zeh: Kaysville has grown. Consider planning ahead of large development, infrastructure needs to be considered.

Scott Simpson: Consider line of sight and 30 view triangle

Bo Ogzwalla: Part of the community and they care about the community. Values public's feedback. Wants to thank the public and the Commission. They would like to be part of the discussion. Miss information has been going around.

Discussion:

Commissioner Sundlof likes the ordinance as it stands but asks if we can we add any additional language for a traffic study as part of the ordinance. The commission asked the question if this is too risky for developers as written even though it very safe for the city.

Motion: Motion to forward to City Council to adopt chapter 27 with the stipulation that the staff add additional language regarding compatibility, traffic studies, and timing of development.

Motion to approve: Commissioner Sommerkorn

Motion to second: Commissioner Lyons

Vote on the motion: Vote is unanimous

CALL TO THE PUBLIC

Nothing was brought forward

REPORTS, CORRESPONDANCE AND CALENDAR

Mr. Gibson shares the Facebook Page for the Planning Commission and suggests a content calendar. Lyle Shows links from LUAU website with short videos for the website explaining the purpose of the Planning Commission.

Upcoming items:

Home Occupations concerns with Major Home Occupation ‘B’ and swimming pools and not related employees. There has been a shift in business models over the last few years

ADU: Accessory Dwelling Unit ordinance to be adopted by October and a landscape ordinance seems timely due to the drought.

Next meeting will be voting for a new Chair and Vice Chair.

Meeting to be cancelled on July 22nd.

ADJOURNMENT

Motion to adjourn by Commissioner Sundloff and seconded by Commissioner Lyons.

Meeting was adjourned at 10:20 pm