

## KAYSVILLE CITY PLANNING COMMISSION

### MEETING MINUTES

February 10, 2022

**Planning Commission Members in Attendance:** Chairman Nguyen, Commissioners Sommerkorn, Doxey, Branch, Barrus, Lyon, and Sundloff

**Staff Present:** Melinda Greenwood, Mindi Edstrom, Dan Jessop

**Public Attendees:** Thomas Burningham, Margarita Hernandez, Dakota Daines, Ellen Daines, London Jacobs, Amy Christensen, Tim Stephens, Mike Eaton, Annett Allred, Lee Allred, Alex Bagley, Carrie Cyr, Spenser Neel, Lindsey Edmunds, Christian Nielsen, James S. Bean Jr., David Hogan, Lindy Hogan, Lonilyn Neel, Daryl Downs, Diane Langstson, Jared Warren, Andrea Warren, Jun Cui, Douglas F. White, Don K. Davies, Abbigayle Hunt, Brittany Bringham, Tyler Bringham, Celeste Bringham, Isabella Bringham, John Love, Sarah Love, Pat Shaw, Mike Belnap, Rich Shon, Ross Eveson, and Candi Stephens.

The Planning Commission meeting was held on Thursday, February 10, at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street. Chairman Nguyen opened up the meeting by welcoming those present.

#### **MINUTES:**

Commissioner Nguyen asked for a motion to approve the minutes from the January 27, 2022 meeting.

Commissioner Lyons made a correction in the draft minutes stating the motion for the Conditional Use Permit approval was made by Commissioner Sommerkorn and added that Commissioner Lyons seconded the motion. Commissioner Nguyen asked for a motion to approve the change and Commissioner Lyons made the motion to approve the minutes subject to the correction. Commissioner Doxey seconded the motion and the Commissioners unanimously approved the minutes.

#### **Oath of Office for Cody Branch and Paul Allred:**

Melinda Greenwood led the swearing in of Cody Branch and Paul Allred, who both took the Oath of Office.

Commissioner Nguyen welcomed them to the Planning Commission and thanked them for their time.

#### **Election of a Vice Chair:**

Commissioner Nguyen explained the purpose of election for Vice-Chair.

Commissioner Lyon nominated himself to serve as Vice-Chair.

Chair Nguyen inquired if there were any other nominations, and the Commission declined making further nominations.

**Motion:** Commissioner Sundloff made a motion to appoint Commissioner Lyon to Vice-Chair. Commissioner Doxey seconded the motion.

**Vote:** 7-0

**Public Hearing for Ordinance 17-7-5: Explosives Prohibited in Residentially Zoned Districts:**

**Introduced by: Melinda Greenwood**

Commissioner Nguyen gave a brief explanation of what a Public Hearing is and that the Planning Commission has guidelines to follow. He then asked about how many attendees were present for the hearing regarding ordinance 17-7-5 and only one resident indicated he was there for the hearing.

Melinda Greenwood: Stated this is a straight forward ordinance proposing that we prohibit the manufacturing of explosives in single family residential, mixed use and multifamily zoned districts.

Melinda Greenwood corrected her misuse of the term firearms in the memo in the packet it should read explosives. Commissioner Nguyen noted the change.

Melinda Greenwood shared that last fall the Bureau of Alcohol, Tabaco, Firearms and Explosives came to the city to see if we allowed the manufacturing of explosives in residential neighborhoods. It was determined by staff that we didn't allow it nor was it listed as prohibited. Based on this, staff recommends the Planning Commission forward to the City council a recommendation of approval of the 17-7-5 explosives ordinance. This ordinance has been reviewed by the Kaysville City Fire and Police Chief.

Commissioner Lyon asked if there is any zone in which it is allowed. He suggested that if it wasn't allowed, he would like to include locations where the use would be allowed.

Melinda Greenwood responded and said if that is the Planning Commission's wish, language could be added into the ordinance with a motion. Commissioner Nguyen ask Commissioners to discuss where this ordinance should it be allowed.

Commissioner Sundloff asked staff for an explanation of why this issues was brought to staff.

Melinda Greenwood explained that there had perhaps been a change in staff or existing ATF rules. After discussion with staff it was determined we shouldn't allow manufacturing of explosives in a residential neighborhood. The ATF follows the lead of the local jurisdiction when they issue permits, and subsequently is why we are attempting to addressing the concern.

Commissioner Sundloff: Do we know what the ATF is concerned about?

Melinda Greenwood said that City Attorney, Nic Mills, drafted the ordinance and went back and forth on language with the local ATF agent. Many of the definitions in the ordinance were taken from the ATF.

Commissioner Sundloff asked if there has been any inquiry into what other cities have done in Davis County?

Melinda Greenwood: Staff has not made that inquiry and offered that other cities she has worked in would not allow this use in residential zones.

Commissioner Sommerkorn: In ordinance 17-7-3-1 it states no land or building can be used for anything other than what is listed as permitted uses. He continued and said if it is not stated in the ordinance as permitted, it means we don't allow that use in that zone. He questioned the need for the proposed ordinance and asked why we would need extra assurance.

Melinda Greenwood shared that there is a resident who has been receiving permits in the past and that to her knowledge, this is the first time that the ATF checked with the city prior to issuing a permit.

Commissioner Sundloff restated that the reason the ATF came to the city is because it is in our purview and it is up to us and City Council.

Commissioner Sommerkorn: It sounds like explosives manufacturing is not allowed as of right now and this ordinance would be secondary assurance.

Commissioner Nguyen asked Commission members where they felt explosives manufacturing should be allowed in the city.

Commissioner Sundloff suggested the Industrial zone, Business Park, Manufacturing Zone, potentially Commercial Zones and not Residential Zones.

Commissioner Nguyen opened discussion about the limitations on black powder.

Commissioner Sommerkorn: As of right now, we do not have an ordinance that includes explosives. Does it mean that as of right now we do not allow it or do we allow it because we don't have it in our ordinance?

Commissioner Nguyen suggested the need to limit black powder.

Dan Jessop said the ATF regulates explosives and gun powder for reloading as a propellant and it is not classified as an explosive. He explained it is regulated by the ATF in commercial locations and said if they have more than 50 pounds they are to put them in a powder magazine.

Commissioner Sommerkorn said he is interested in the perspective of resident Mr. McGraw,

Commissioner Nguyen opened the Public Hearing.

Bruce McGraw: Mr. McGraw explained he has been an explosive hobbyist for over 40 years. And this matter was brought to the city last year when he needed to renew his

permit, which is something he does every three years. It was at that point the ATF asked if it was allowed in Kaysville City. He said he believes this is what started the ordinance.

Mr. McGraw apologized for doing the explosives in his front yard and said he was not aware it was against city ordinance. He also apologizes for how many emails he sent to the Commission members.

Mr. McGraw said he feels strongly that if this ordinance passes it should be sent to every resident in Kaysville City so that everyone would know about it. He said that any intelligent person can make an explosive bigger or louder but it takes someone with talent to do what he does. Mr. McGraw said he is willing assist in drafting a new ordinance in place of the one proposed.

Commissioner Nguyen asks if anyone in the audience have any comments and no one else chose to comment. Commissioner Nguyen then closed the Public Hearing.

Commissioner Sundloff said he doesn't think there is an urgency to push this through and feels like we should get additional information about our concerns and he said the information given tonight is from a narrow window.

Commissioner Sommerkorn agreed with Commissioner Sundloff and would like more time to find out if this is a problem and to determine if we really need to add this to our ordinances.

Commissioner Branch said we are vacillating between two topics. One being if we really need the ordinance and the other is that we don't have enough information to make the decision tonight.

Commissioner Barrus added that he feels the same and that it would be in the best interest to table the item and get more information.

Commissioner Doxey would like to know if there are other city's in Davis county doing this.

**Motion:** Commissioner Branch made a motion to defer making a recommendation to City Council. Commissioner Sommerkorn seconded the motion.

**Vote:** The motion passed 7-0.

### **Public Hearing for Ordinance 17-7-5: Explosives Prohibited in Residentially Zoned Districts:**

#### **Introduced by: Melinda Greenwood**

Melinda Greenwood gave an introduction of the Rezone at 478 South Main Street and said public hearing notices were mailed out to the required homes within the 500 square foot radius. She explained the area has various zoning districts in the local area. She shared that the 2019 General Plan has provisions which support the rezone request. She specifically mentioned that the Plan for Additional Moderate Income Housing from the 2019 General Plan listed zoning properties to R-M, permitting multiple unit structures

and rezone for densities necessary to assure the production of moderate income housing.

Commissioner Nguyen mentioned the 2021 General Plan has not been approved so the 2019 General Plan is the reference plan for this hearing.

Melinda Greenwood said that when considering a rezone we are talking about uses of the property not a particular project. She said the applicant is aware they could construct eight units if they could make that fit the site, but they know they will at least do six units. She went through slides showing the concept renderings submitted by the applicant and include in the packet, but noted the renderings may not depict what the final project would be.

Commissioner Nguyen asked Melinda if the applicant is required to submit a site plan and said at past hearings the Commission has asked for a site plan.

Melinda Greenwood stated a site plan is not a requirement of the rezone application.

Commissioner Nguyen invited the applicant, Kelly White, to come forward and address the Planning Commission.

Kelly White said he owns a small business in Kaysville and said his partner, Mark Lund is not present at the meeting, but is watching it on Youtube. He explained they have an idea of what they would like to do with this project, but they are open to the comments of the Planning Commission and the public.

Commissioner Nguyen asks the applicant if they have communicated with residents and get the word out about their project.

Kelly White said they came to the last City Council meeting to speak with council members anticipating that residents would be at the Q&A to discuss the Rezone and no one came. They felt that residents would be uncomfortable with them knocking door due to COVID concerns said they have not sent any flyers to neighbors. Kelly said he has read several comments on Facebook about the rezone and wanted to have a face to face conversation with people instead of over the keyboard.

Commissioner Nguyen asks applicant why they are wanting to rezone to R-M and not leave it as R-1.

Kelly White stated concerns that about affordability and wondered if anyone would want a home on a busy Main Street corner. They did not feel that it would be something anyone would want to buy and be cost effective.

Commissioner Sundloff asks if the project would be for sale or rent and Mr. White replied they are open to both options.

Commissioner Branch thanked residents for comments they had received and said big concerns revolved around the parking with this project.

Kelly White said that .5 spaces per unit is what is required and said they are willing to put more parking in and double garages. The property would be able to absorb the

parking if it is developed. He also said the public is currently parking going on the street but he doesn't feel that would be an issue with their development. He said they have not approached UDOT for having an entrance on the west side and understands the biggest concerns are with the school hours because of the schooling hours.

Commissioner Sundloff asked if they had considered any traffic study to determine project impacts.

Kelly White said they have not looked into a traffic study. Refers to the draft general plan about the three activity centers and the Davis High and DTC area is one of those activity centers.

Commissioner Barrus stated that the current zone would allow three single family homes as it is right now. He said he had an open field across from his home and there was a concern from the neighbors about increased traffic. He said after it has been built he feels that there isn't that big of a difference from three units to six.

Commissioner Branch: Asked Melinda if she could find anywhere that this project would not align with what is outlined in the general plan?

Melinda Greenwood: You could probably find information in the General Plan that would be counter to the information which supports the rezone, but I didn't necessarily look for that.

Wilf Sommerkorn said the language would allow for the uses for the rezone but the Planning Commission looks at it to see how we feel about it and if it fits into the surrounding area and neighborhood.

Melinda Greenwood said a traffic study isn't required and would be counter intuitive for a development under 50 units. The traffic impacts on the difference of three to six would be negligible. She added that UDOT wouldn't even require a study for a project this small.

Commissioner Sommerkorn said the zoning would potentially allow up to 8 units without looking at setbacks or green space and parking.

Melinda Greenwood: Once you start adding green space, parking and setbacks the site could potentially limit a project to six or seven units.

Melinda Greenwood added that while the public often comments on renters versus ownership, the city does not regulate ownership.

Commissioner Doxey: Where we have not adopted the new General Plan, the former plan supports higher density housing on major arteries.

Commissioner Nguyen: It does fall in line with SB34 which provides affordable housing and funding from the state.

Commissioner Allred said the staff report included information about moderate income housing and asked Melinda to explain to the public and the Planning Commission what moderate income housing is.

Melinda Greenwood: There is a difference of what people think is affordable housing and housing affordability. Affordable housing traditionally includes some sort of subsidy from the government. Housing affordability more commonly refers to the price point of a home. Attached dwelling units like townhomes or the like are generally far less expensive than single family homes and provide less costly opportunities for those with moderate incomes. The State requires us to have a moderate income housing plan in place and each December we are required to submit a report to the state on how we are helping do our part.

Commissioner Nguyen opened the public hearing and requested a 3 minute limit to each speaker.

Jim Stevens lives at 246 East 475 South and stated he is not totally opposed to the project and understands the need. He asked the Commission consider the project and the rezone and said a rezone is a legislative act. He suggested the use of a development agreement for the project. He said General Plans are mandated in California and you have to follow them but not Utah. He said the future land use map shows the property as open space and said he thinks there should be a brief analysis if this would be appropriate for multi-family.

Commissioner Nguyen acknowledged email comments and a petition from the public.

Will Walters resides at 446 South Main Street, directly adjacent to the property on the north side. He said in a three block radius there is a series of R-2 zoning in a two block area. He said the 2021 General Plan draft says on page 180-182 that the west side of Main Street is an area of stabilization and residents want to maintain small town feel preserve Kaysville small town. Page 38 shows a map of the city center. The plan states, "That residential stand-alone uses are proposed along the eastern edges helping to create a seamless transition, a mix of yard and row buildings are envisioned, the height and density decreasing as one approaches established neighborhoods."

Craig Carlisle who lives at 358 East 550 South said he has lived in his home for 36 years and loves living there. When he moved in there was not a traffic signal at that time and he said he has called 911 twenty five times for accidents that have happened at Main Street and 550 South and said Main Street is dangerous. He wondered where are all the cars going to park. He said he lives in a single family home and he had duplex come in across the street and the duplex wasn't kept up. He said he is concerned about up keep up the townhomes and parking on the street and says he can't park in front of his home.

Mark Jensen: 407 South 225 East said if the project turned into 8 units it would be an impervious lot and detention is a huge issue.

Doug Hyer: 475 South. He has lived there 34 years. Cars parked for the garden were an inconvenience for the neighborhood. If Multi Family then the developer should widen the street.

Rich Shaw: 125 East 475 South has lived in Kaysville for over 30 years. His concerns are that he moved there because of the single family zoning that was around them. He

commented about traffic calming and says experience trumps someone's opinion and said it is narrow at that location on the street. He said he has a brother that has done construction and teaches at the DTC his brother doesn't feel the rezone fits the neighborhood. He said that development doesn't fit the neighborhood.

Austin Stevens resides at 192 East and 475 South and said not being able to reference the new General Plan is an issue. He said he takes offense that there was no effort made to reach out to the neighborhood by the developer. He also indicated that only one neighbor parks their "toys" on the street.

Sarah Love: 475 South referenced the draft 2021 General Plan and the major corridors and the stress the traffic is putting on Main Street. She asked the Commission to leave the property zoned as R-1 and not make it a R-M zone.

Amy Christensen: 552 Laurelwood Drive said there are business on Main Street that are located within single family homes and that helps keep the small town feel residents want to preserve.

Thomas Burningham at 801 South 200 East says he lives around the corner of proposed project and expressed concerns with traffic congestion and feels the project will increase congestion. He said we are living in a democracy and we are represented by those who represent us as well as a large vision. He asked the Commissioners to vote no to the rezone.

Al Starky: 573 North 350 East submitted a letter to staff and said in a 3.8 mile radius there is an elementary school, a junior high school, and a high school and any change has to count for increases in traffic and students and safe routes.

Christian Nielson said he is a resident of Kaysville and sees a lack of housing for his children in the future. He stated his support for more housing in Kaysville and says when he looks at Layton he sees zoning that allows for more housing. He thinks that we should rezone the entire 200 South area to RM because we need a place for housing. He said to rezone all residential housing to RM and then we would have the housing needed in the future. Has said he owns a business and a home in Kaysville and appreciates that neighbors are very passionate. He said this is a hard decision for everyone and is support of the rezone and he would like to see more of this in Kaysville.

Ross Eveson: 475 South 143 East said they are not opposed to housing but the level and type of housing. She said she finds it difficult to rezone without knowing what exactly is going to be there. She said that 475 South has posed a problem with traffic and said it is a thorough fair all the way down to Ponds Park. She said the corner is a hazard that his own wife has been hit there making a turn onto Main Street.

Larene Starky: 573 South 350 East she has two neighbors with Down Syndrome children. She feels families moved here for families to be protected and said many have been injured because of the traffic there.

Dave Hogan said he has lived at 564 south 300 East and has been living in Kaysville for 22 years. He mentioned that many cars have been hit in that area including his own

daughter. He asked about other areas a project like this could be located and stated it doesn't match the neighborhood. He said he feels neglected that the developer did not choose to reach out to the residents.

Ellen Daines: 285 East 475 South said her big concern is the height and the density of new development, especially height as it approaches existing neighborhoods. She said something else to consider is that the elevation will feel higher because it is at the top of the street. She said traffic is not just limited to certain times but high school games, band competition, Thursday night basketball games and Saturday events.

Margarita Hernandez: 572 s. Main Street said she has happily lived in the area for 20 years, lives alone and knows her neighbors. She said if the property is rented you lose knowing your neighbors because they come and go. She is concerned that renters will create safety and security issues.

Fe Cui: Lives at 293 E. 475 South and said most of his points have been covered by his neighbors. He said he got car accident reports from the police department yesterday and submitted the report to Chair Nguyen. He said the draft General Plan shows affordable housing should be focused on the north east quadrant of the city and not in the south east where the Community Garden is located. He mentioned a buffer zone, said he measured the distance from the property to be .9 miles from downtown and doesn't feel that this would be considered the city center.

Chair Nguyen closed the public comments.

Commissioner Barrus clarified the height of the building is limited to 30 feet. He said that right now a residential home could also be 30 feet. He said there is a possibility of an apartment eight-plex and noted that apartments versus townhomes are one in the same as they are attached buildings.

Kelly White asked the Commissioners if they had any questions for him.

Chair Nguyen asked Mr. White if he was willing to set a time to meet with the neighbors to discuss the rezone, and Mr. White indicated he would be happy to set up several meetings if needed.

Chair Nguyen asked how many units they wanted to build and asked if they would consider doing a development agreement to limit the project to six units.

Mr. White affirmed but said if they limit the project to six units he assumes that fewer units would make each unit cost more per unit.

Chair Nguyen asked Mr. White if he would you be willing to provide a traffic study and Mr. White indicated they would if staff required it for the project.

Melinda Greenwood commented she would defer to the City Engineer, Dexter Fisher, to see if he felt a traffic study would be beneficial.

Chair Nguyen: Asked Mr. White if he would be willing to create a HOA for building maintenance and project upkeep.

Mr. Kelly White said he is frustrated with the thought that every single renter is a bad person and read that comment in the petition form.

Commissioner Doxey: How open would you be for a development agreement?

Mr. White said they are willing to do a development agreement and said the draft General Plan indicates the residents prefer a craftsman style building and they would want to follow preferred styles.

Chair Nguyen turned the conversation over to Planning Commission.

Commissioner Sundloff: The council has a lot of discretion a legislative decision. He agreed with staff that a traffic study it is not necessary. He said at most the site would have eight units didn't see much traffic impact or trips based on his little bit of experience with traffic studies. He continued that down the street an assisted living facility came in about 3-5 years ago and suggested no real traffic impacts have resulted.

He continued and said density is a relative term and R-M is on the lower end of density. He said parking on the street was mentioned many times and said if this property did not get rezoned, it could have three driveways and all three homes could have cars parking on the street the second residents move in. He said that the property just east of the Davis Tech Center had six town homes put in and he drives by the new development from time to time to see how it has impacted the neighborhood. He said that project is in more project is more in a neighborhood than this one and it doesn't seem to have negative impacts.

He said we can all agree that housing is needed and that we don't have enough of supply. In the General Plan survey there is 80-90% satisfaction of living in Kaysville, but says there is not enough places to live. He said he feels this location seems like a great place to put higher density but contested eight units was too much but six would be good.

Commissioner Sommerkorn said he looks at the items the General Plan provides for and noted more dense housing at this location fits and is worth considering. He said when you talk about density you include how it is designed but suggested our code is not specific enough to require certain design. He said this is not going to be that big of a difference in impact.

Commissioner Sommerkorn suggested the developer look at other options in our code and encouraged they look at R-2 zoning. He said It allows for two family dwellings on 8,000 square foot lots and this option might fit better into the existing neighborhood.

Commissioner Lyon echoed Commissioner Sundloff comments regarding traffic impact, and said it would be minimal to the neighborhood. The said residents in the duplexes above the DTC said the most significant impact on traffic was during construction. He expressed concerns about deficiencies on middle of the market housing and said it is a big issue.

Commissioner Sundloff: Let's say we don't recommend R-M and recommend R-2, however it is the applicant's prerogative to request the rezone be R-2.

Commissioner Doxey said he is sensitive to the concerns which were raised by the have a public but said we have a housing crisis in Kaysville and in Utah. He said state legislators are wanting to override zoning laws so that we can have affordable housing.

Commissioner Branch: I agree with most of what has been said but fees the parking issue with townhomes is different than from three single family homes. He believes that traffic is a hang up in that area.

Commissioner Sommerkorn suggested the development agreement require additional parking. Commissioner Barrus agreed to this provision.

Chair Nguyen: This is different than the Whisper Cove and thinks about the rights of the owner. He wondered what kind of precedence this would set and agreed with Commissioner Lyon regarding the affordable housing problem. He offered that veterans can't find affordable housing and many are homeless.

**Motion:** Commissioner Sommerkorn made a motion to table the rezone request to a future meeting and instructed staff to engage with the applicant to see if there are some other options they would be willing to consider. Commissioner Doxey seconded the motion.

**Vote:** Vote was unanimous at 7-0.

Chair Nguyen asked how the commissions would vote if applicant still wants to roll the same project, but the Commissioners all held their voices for a vote at a future meeting.

**Call to the Public:**

Craig Carlisle said he has three things that concern him in the rezone, which is parking, if they will be rented or sold, and water.

Annette Allred: Asked Mr. Sundloff how many of the residents drive at Whisper Cove, the assisted living facility and said if residents drove, there may be parking on the streets but not likely. She added that for access, there is a turning lane the whole length of that rezone lot so there is no way that UDOT would allow for access from Main Street be into that lot.

Will Walter said accident report filed from 5 years and just waiting for the R-2 is a perfect solution for that lot. He feels the presented plan dulls the neighborhood.

Christian Nielson said when he got divorced he needed to look for a place to rent, that he was a good renter and said the consideration of having renters should not affect the decision.

John Lot: said is a great neighborhood and anyone who comes in will be welcomed. The rezone would be great as R-2.

Ellen Daines: The R-2 is very appealing to the neighbors and said there is value in single family residential.

Chair Nguyen closed the Call to the Public.

**Other matters that properly come before the Planning Commission:**

Staff reminded the Commission of land use training on February 24<sup>th</sup> and said it will be done in place of the regular Planning Commission meeting. The February 24<sup>th</sup> PC meeting is cancelled and the next regular meeting will be held March 10<sup>th</sup> at 7:00 p.m.

Commissioner Sommerkorn asked Melinda if UDOT staff would come to Planning Commission meeting to discuss Main Street discussion.

Melinda Greenwood commented that UDOT has put together a preferred alternate proposal and waiting to get some high level budgeting and hopefully have it in a couple of weeks.

**ADJOURNMENT:**

Motion to adjourn by Commissioner Lyon.

Meeting was adjourned at 9:53 pm.