



**KAYSVILLE CITY PLANNING COMMISSION  
MEETING MINUTES**

**May 12, 2022**

**Planning Commission Members in Attendance:** Chair Nguyen, Vice-Chair Lyon, Commissioners Branch, Barrus, Sundloff, and Sommerkorn

**Staff Present:** Mindi Edstrom and Melinda Greenwood

**Public Attendees:** Councilmember Abby Hunt, Katherine Johnson, David Johnson, Karen Hart, Jamie Weeks, David Nielsen, Stephanie Nielsen, Natalie Mornson, Jessi Stringham, Justan Stringham, Erica Townsend, Joey DeFillipis, Brad Walters, Larry Winterton, Kimberly Winterton, Lisa Bagley, Alicia Lambert, Caleb Stroh, Mike Pluim, Jamie Weeks, Christina Castro, Dawn Steele, Tyler Ross, Samantha Kelly, Brett Markham, and Justin Taylor

The Planning Commission meeting was held on Thursday, May 12, 2022 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

**1-Opening**

Chair Nguyen opened the meeting by asking for a motion for approval for the minutes from the April 28, 2022 meeting. Commissioner Branch made that motion and it was seconded by Commissioner Sundloff. All voted in favor of approving the minutes.

**2-Conditional Use Permit for a Major B Home Occupation for IDK Contracting, Inc. located at 336 South Marie Circle**

**Introduced by:** Mindi Edstrom

Ms. Edstrom mentioned the applicant was available by phone if necessary but was not able to attend the meeting in person. She said Idk Contracting is a rock retaining wall company and the owner is the only employee. Mr. Beckstrom informed staff he has one truck and a flatbed trailer that will be stored at his home and that he is in the process of getting a cement pad poured in the backyard to store the trailer. Staff recommended the Planning Commission approve the Conditional Use Permit.

**Discussion:**

Commissioner Sundloff asked staff if Mr. Beckstrom will have any materials or other equipment stored on site.

Ms. Edstrom responded saying that there will be no equipment stored at the home and the product would be delivered to the job site.

**Public Comment:** None

**Motion:** Commissioner Sundloff made a motion to approve a conditional use permit for IDK Contracting at 336 South Marie Circle with no additional conditions. Commissioner Lyon seconded the motion.

**Vote:** Vote was unanimous in favor of the motion.

### **3- Public Hearing for the rezone application from Monnit Corporation for 492 North Flint Street from R-A Agricultural Residential to LI Light Industrial**

**Introduced by:** Melinda Greenwood

Ms. Greenwood stated that this rezone is for the property at 492 North Flint Street and is a vacant and undeveloped property that is over an acre. The rezone application is to rezone 492 N. Flint Street from an R-A zone to an L-I zone. Ms. Greenwood explained the differences between an R-A zone and an L-I zone. Ms. Greenwood stated that this rezone is supported by the 2019 general plan. She noted that mailers were sent out to the 500 ft<sup>2</sup> and that staff and Commissioners only received one public comment which expressed the concern of the architectural design of the building.

Applicant was invited to approach the Commissioners.

Brad Walters, the owner of Monnit Corporation, stated he feels this is a great addition to the city and that it falls in line with the general plan. He said he wants to build a western tech building that pays tribute to the western livestock heritage in the company. He is wants to build a two-story building with a total of 21,000 square feet of space. The back of the building would be warehouses and the rest of the building would be high end office space. He plans to have over 60 parking spots.

Mr. Walters shared more about his business and said there will be no manufacturing at this location and that they are not planning on having retail customers coming and going from the location.

Commissioner Sundloff asked Mr. Walters if the building is going to look any different than the buildings that are already there.

Mr. Walters said that it will be a business building that will have a similar look to the other buildings in the Business Park.

**Discussion:** There were no follow up questions or discussion from the Commissioners.

**Public Hearing:** Opened by Chairman Nguyen

**Public Comment:** None

**Public Hearing:** Closed by Chairman Nguyen

The Commissioners all agreed that this rezone fits with the General Plan.

Chairman Nguyen asked staff to share what the one public comment was.

Ms. Greenwood shared that the comment was not opposed to the rezone but to remind the applicant that there are still residential homes near and requested the architectural style of the building be sensitive to the residential properties in the area.

**Motion:** Commissioner Sommerkorn made a motion that they recommend to the City Council approval of the rezone request for Monnit Corporation and Commissioner Lyons seconded the motion.

**Vote:** Vote was unanimous in favor of the motion.

#### **4- Public Hearing for the rezone application from BeBuilders for 602 South Angel Street from A-1 Light Agricultural District to R-1-8 Single Family Residential District with a PRUD Planned Unit Residential Overlay**

**Introduced by:** Melinda Greenwood

For the benefit of the public in attendance, Ms. Greenwood gave a brief explanation of the rezone process from start to finish.

Ms. Greenwood shared that the applicant submitted an application to rezone application for 602 South Angel Street, requesting it go from an A-1 zone to an R-1-8 zone. The property is on 1.66 acres. Ms. Greenwood shared the differences in regulations between both zones. She said there is policy in the 2019 General Plan that supports the rezone request. Ms. Greenwood shared the concept plan that the applicant submitted in the applicant that showed nine single family homes. She said mailers were sent out to the neighbors within a 500 foot radius. She said to date there were 24 emails sent to the Planning Commission and staff and Ms. Greenwood summarized that the emails sent had comments about lot sizing being too small and density too high, concerns of traffic and safety, losing the rural feel, concerns about adequate water, and noise. She said there was one email in favor of the zone change.

Chair Nguyen invited the applicant to come approach the Commissioners and present further information.

David Nielsen with BeBuilders introduced himself and stated he submitted several slides to staff which showed the Johnson Farm rezone proposal for eight homes. He said he has had full participation of all 10 children of the Johnson Family. His proposal is for eight single family patio homes that are around 2,500 ft<sup>2</sup> with three car garages. He shared some of the existing developments that surround this property which he felt were similar in nature and would

support his rezone proposal. While developing the concept of the neighborhood they wanted to address concerns that could be presented with parking and traffic.

Commissioner Sundloff asked Mr. Nielsen about the proposed lot widths.

David Nielsen shared that they are 77ft x102 ft.

Commissioner Branch asked Mr. Nielsen about the width of the lane.

David Nielsen stated it is designed at 30 feet right now. He also shared that in the future they are hoping that they could connect to Angel Crest Way seeing that Grandma Johnson bought into that so that she could use it in the future.

The Public Hearing was opened by Chair Nguyen.

**Public Comment:**

Caleb Stroh shared concerns with the rezone, saying he feels that it could be dangerous and irresponsible to add high density housing into an already stressed infrastructure. He reminded the commissioners that the city recently repaved and refinished a new road way and that it would damage the road by allowing new construction. He was also concerned with the lack of greenspace in the proposed projects. He also has concerns with traffic and safety. He suggested that perhaps the six units would be a better fit for the community.

Commissioner Branch asked staff for clarification on whether it was eight or nine units. Ms. Greenwood said that the application was submitted with nine units.

Mike Plium shared that he is part of an HOA near the rezone lot and that the green space required for the HOA was the front yard of the Johnson's front yard.

Kathy Johnson is the wife of Art and Evelyn Johnson's son and has a long history of living in Kaysville. She shared what Kaysville looked like while growing up and the process of farmers passing on and developers coming in to swoop up and purchase the property. She realized that Kaysville is changing and it is ok.

David Johnson is the husband to Kathy Johnson and son of Art and Evelyn Johnson. He talked about the Ovation development east of him and that they put in 22 patio home units. He thinks that the patio homes has been a great addition to the area. He also mentioned that by putting in developments it would free up farming land that is using so much water. He also said that he doesn't mind the density or the diversity.

Jamie Weeks approached the commissioners very emotional because she feels very torn between the two sides. She shared that her parents, Art and Evelyn, had a conversation and that her father wanted it to be like this so that others could enjoy West Kaysville like she and many others have.

Natalie Morrison is a long time Kaysville resident and loves the rural feel is why she and her family moved here. She said she doesn't feel that the homes proposed would check the box for affordable housing and said they would not be at affordable prices. She said she is concerned with the precedent that rezoning would create in the area.

Justan Stringham said he is unaware that the development is wanting to cut into their private street. He said he lives in the neighborhood with the private street and recommended the Johnson's rezone to R-1-20 lots instead of R-1-8.

Erica Townsend lives in the Suncrest Meadows HOA behind the Johnson's property and said she has lived in Kaysville for nine years. She moved here for the small rural feel and great schools. She said s that allowing nine units would cause possible water shortages, more overcrowding in the schools and would set a precedent for more high density housing.

Joey DeFillipis said he moved here from West Valley so that he could have a larger lot than what was offered in West Valley. His stated his concerns are public safety and being able to maintain a property width that is more consistent with other lots in the area.

Christina Castro said she is a daughter of Art and Evelyn Johnson and that she grew up on the 15 acres. Christina said we should be looking into the future for those who have grown up and want to retire here. Many of her siblings want to live in the proposed neighborhood because it would have homes without stairs. She addressed the green space concern from a previous comment and said her parents always allowed the neighbors to use their front lawn.

Diane Steel commented from the back of the room and was not able to be heard because she did not come forward to the microphone.

Tyler Ross said he moved to Kaysville City two years ago after living in Bountiful and left Bountiful due to traffic, smaller lot sizes, etc. His said his biggest concern is the precedence that this will set for future rezones and development in existing farm land and feels that four units would be appropriate.

Samantha Kelly said she moved here six weeks ago because she was wanting a larger lot with more space and said loves where she lives. She shared that there can be a compromise with the neighbors so that the property won't have nine units on it and would love to not have Angel Crest Way as a connecting street.

The Public Hearing was closed by Chair Nguyen.

Chair Nguyen invited the applicant to come back up to share any thoughts with the Commissioners.

Mr. Nielsen spoke about the through road into Angel Crest Way and the biggest reason that they want to connect into the road was for emergencies and the solution was to put an iron gate. He feels that by xeriscaping and smaller lawn area would be helping the water shortage concerns that neighbors have.

Commissioner Sundloff asked Chair Nguyen if everyone who had come to the meeting had an opportunity to speak and recommended opening the Public Hearing back up, suggesting he felt the hearing was closed abruptly and he believed there were more citizens who wanted to make a public comment.

Chair Nguyen reopened the meeting back up to three individuals so they could have a chance to speak. They were asked to sign their names to the sign-up sheet.

Brett Markham said he has lived here his entire life and was concerned how power would be brought to the neighborhood and the precedent this would set for the other green space still available in West Kaysville.

Alecia Lamberts shared her concerns about the amount of land that the Johnsons are giving to people and if they can guarantee that it is 55 and older. She is concerned about the precedent that will be set for future developments, the amount of traffic it will create and the danger for school aged children.

Justin Taylor shared that he lives on Angel Crest Way and has deep roots in Kaysville. He loves living here because of the large lots and that he feels hurt because there was no conversations with them before the applicant came to Planning Commission and shared that they could have come up with a good compromise for everyone and thinks that this proposed nine units can be negotiated.

Chair Nguyen closed the Public Hearing.

**Discussion:**

Chair Nguyen started off the conversation with the Planning Commissioners. He repeated some of the concerns talked about by the residents.

Commissioner Branch brought the matter of debate for him is the interpretation of the General Plan. He shared that the staff stated that this rezone falls in line with the General Plan, however when he reads it, he felt that it didn't support the request. He drove past the property and to him there is just no question that this is very different making it so that this request is not in line with the General Plan. He read statements from the General Plan reinforcing his point. He also shared from the General Plan that housing should be compatible and complementary to existing neighborhoods. If we are using the General Plan to interpret higher density, is it strictly by the zones or are we truly looking at the density of the neighborhood and are we truly considering what is compatible with and complimentary with what's existing.

Commissioner Sommerkorn views Angel Street as one of the major streets so therefore he views the plan as saying that higher density housing that currently exist in the area or has already been developed could be allowed with rationale being that it is adjacent to those streets. He also shared the concept of looking for some diversity in neighborhoods so that they don't all look the same.

He stated that higher density does not mean affordability anymore and to keep that in mind.

Commissioner Lyon has worked with developments like this for many years and shared that the property could have a deed restriction on it to make it affordable housing. He also shared that communities like these bring lower traffic, lower impacts to the community, higher volunteerism, lower crime and are a win-win for a neighborhood. Neighborhoods similar to the 55 and older allow older residents to sale their home and have the option to continue living in Kaysville.

Commissioner Sundloff shared some homes for sale in Kaysville that were currently listed on the MLS. He said there were 45 single family homes for sale and only two of them were below \$500k. The housing market is struggling in part to a home shortage, so by putting more inventory out on the market it would create more units.

Commissioner Barrus stated that if they developed the property as is, it would create three 1.5 million dollar homes or if rezoned it would create nine homes that are between six and eight hundred thousand. He argued that more units would be helping create inventory that is affordable.

Commissioner Sommerkorn doesn't believe that this rezone will be setting a precedent for other properties because most of the land in Kaysville at this point is already developed and we only have 200-300 acres undeveloped and that by developing this it becomes a way to introduce some additional diversity, some additional inventory and maybe some additional affordable housing options.

Commissioner Sundloff readdressed many of the points from those who spoke. Traffic was a concern, the quantity of cars that this rezone would bring, sidewalks, property values going down, high density, stress on infrastructure, private lane connection, change from rural feel, and no other R-1-8's in the area. He said that the concern of R-1-8's not being near the lot was what made him hesitate and that there is no character precedence for the rezone.

Commissioner Branch said that the two arguments that are debatable is the arterial street and the diversity of housing. However neither one of those trump the idea of what is all around where they are wanting to rezone. He really leaned to suggesting a different rezone that would be more in line with the general plan.

Commissioner Barrus stated that he is in favor of not legislating from the branch and that the property owner came to them with a proposal on R-1-8 and he deserves a vote and said that that proposal should be what they vote on.

Commissioner Sommerkorn proposed that the Planning Commissioners could do a straight up and down vote for the proposal as it is or they could recommend different option, but thinks that they should ask the applicant what he would prefer. He also shared that he has observed a lot of these types of rezones and when it is finally put in and it has been there for a while, the neighborhood would say that it is great and they like the people that are there.

Chair Nguyen asked the Commissioners what they think about inviting the applicant back up and Commissioner Sommerkorn suggested that they vote and see how that vote comes out and then they could have a further discussion with the applicant.

Chair Nguyen invited the applicant, David Nielsen, back up. He said it would have been a good thing to engage with the residents. The applicant responded saying that he thought that the public hearing was that part of the process. He then asked him how much flexibility he has with this property and the application.

David Nielsen responded that he is happy to entertain any other options.

**Motion:** Commissioner Barrus made a motion to approve the rezone to R-1-8 from BeBuilders for 602 South Angel Street. Commissioner Lyon seconded the motion.

**Vote:** The vote was 4-2 with Commissioners Barrus, Sommerkorn, Nguyen, and Lyon voting yay and Commissioners Sundloff and Branch with a nay.

Chair Nguyen asked staff when the rezone will go to City Council and Ms. Greenwood said that it would more than likely be June 2<sup>nd</sup>.

Chair Nguyen asked the commissioners if they had advice for the applicant and the residents.

Commissioner Sundloff started off by telling the applicant and the residents to talk to the City Council members.

Commissioner Barrus shared his experience of a rezone in an area that he lives in and that many of the concerns were just the same as the rezone on Angel Street. He said that all of the concerns that the neighbors were never realized and there was not a traffic or safety issue and the people that live there are good residents and neighbors.

## **5- Call to the Public**

Brett Markham said that he hopes that this rezone does not start a precedence for other rezones.

Alicia Lambert said that she knows that good people will move into these houses but her concern is that we are losing agricultural land.

Natalie Morrison approached the Commissioners and shared she feels that this rezone is about precedence and that by allowing this rezone it will open up the flood gates.

Justin Taylor thought that he heard someone on the Planning Commission say that they have no problem with the remaining 300 acres in Kaysville being high density.

Commissioner Sommerkorn stated that he did not say that. He said that if all 300 acres were developed as high density it wouldn't be a huge impact on the community.

David Nielsen addressed precedent and said 150 feet west of this home are twin homes and that those are smaller than what they are wanting to do.

Erica Townsend shared that if the city doesn't keep its own rules than everybody going to come and break them.

Kathy Johnson shared how she has felt over the years watching new development come in and change Kaysville but that we all need to learn to accept the change. She understand the concern of the neighbors.

Chair Nguyen closed the Call to the Public.

## **6- Other matters that properly come before the Planning Commission**

Ms. Greenwood shared with the Planning Commission that the final draft of the General Plan is ready and we will be having a joint meeting with City Council sometime in June. Ms. Greenwood will get back to the Commissioners with a date for the meeting.

Ms. Greenwood also shared that Commissioner Sommerkorn would like to have a discussion of our appeals process so she will work on a draft ordinance for the group. She also reminded the Commissioner that she will be getting a draft ready for the Explosive Ordinance for an upcoming meeting.

Ms. Greenwood mentioned that we have had over seven applications received for the new Planning Commission seats and interviews will be next week.

Ms. Greenwood said she would like to have a workshop session with the Planning Commissioners in regards to staff reports and the meeting agenda. She specifically stated that there is no reason the agenda should include a Call to the Public section. She also suggested that in staff reports recommendations could be added, providing more information for Commissioners.

Chair Nguyen shared that he doesn't have a problem with the Call to the Public being part of the agenda and feels that it is part of his duty to listen to the residents.

Ms. Greenwood suggested that if the Commission wants to keep that portion in the agenda, the Call to the Public should be at the front of the meeting.

Commissioner Sommerkorn mentioned that in all his years of being in this field of land use, he has not seen the Call to the Public on other cities Planning Commission agendas.

Ms. Greenwood informed the Commissioners that the Main Street Project is aiming to set a date for further discussion.

### **7-Adjournment**

A motion to adjourn was made by Commissioner Lyon. The meeting was adjourned at 9:50 pm.