



**Kaysville City Planning Commission
May 26, 2022 Meeting Minutes**

The Planning Commission meeting was held on Thursday, May 26, 2022 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Commissioners Branch, Barrus, Sundloff, Doxey and Sommerkorn

Staff Present: Mindi Edstrom and Melinda Greenwood

Public Attendees: Councilmember Abby Hunt, Pamela Hunsaker, Tucker Hunsaker, Jake Balle, Heidi Jensen, Kurt Fashimpaur

1-Opening

Chair Nguyen and Vice Chair Lyon were not in attendance. Commissioner Doxey made a motion to elect Commissioner Sundloff as the temporary meeting Chair. The vote was unanimous.

Commissioner Sundloff opened the meeting by asking for a motion for approval for the minutes from the May 12, 2022 meeting. Commissioner Barrus made that motion and it was seconded by Commissioner Branch. All voted in favor of approving the minutes.

2-Conditional Use Permit for Kurt Fashimpaur for Cinnamon Creek Construction LLC at 849 East Westbrook Road for a Major Home Occupation B

Introduced by: Mindi Edstrom

Ms. Edstrom shared that Cinnamon Creek Construction is a Contractor home business that does work for State, City, and Federal contracts. He has eight employees that work for Mr. Fashimpaur but they do not come to the home and all his meetings are done on job sites. He could have one or two trucks parked in the drive way at his home and there will be no equipment stored on site. Ms. Edstrom said staff is recommends approval for the Conditional Use Permit.

Commissioner Sundloff invited the applicant, Kurt Fashimpaur to approach the Commissioners.

Mr. Fashimpaur reiterated that he does contracts for State and Federal contracts and that his home will only be used as a home office.

Commissioner Doxey asked the applicant if there will be any clients coming to the home during the day.

Mr. Fashimpaur answered that all meetings with clients are done on the job site and not at his home. He added that there might an Amazon package delivered from time to time.

Public Comment: No public comment was received.

Motion: Commissioner Sommerkorn made a motion to approve the Conditional Use Permit at 849 East Westbrook Road. Commissioner Doxey seconded the motion.

Vote: The vote was unanimous in favor of the motion.

3-Conditional Use Permit for Ivory Homes for a model home and sales office at 1407 East Orchard Ridge Lane

Introduced by: Melinda Greenwood

Ivory Homes applied for a Conditional Use Permit for a sales trailer at 1407 East Orchard Ridge Lane. Ivory Homes will be using a sales trailer until the model home construction is complete which will take roughly 6-8 months. They would then be at the model home for approximately one year. A sales trailer will be open Monday thru Friday from 11:00 a.m. to 7:00 p.m. and on Saturdays from 10:00 a.m. to 7:00 p.m. and will be closed on Sundays. Ivory Homes will have a parking area on the lot made of road base or gravel, then when the model home is complete they will use the driveway and street parking at the model home. Staff is recommending approval for a Conditional Use Permit for Ivory Homes model home and sales office at 1407 East Orchard Ridge Lane.

Commissioner Sundloff invited Mr. Jake Belle from Ivory Homes to come before the Planning Commission.

Mr. Balle said that they are wanting to get the sales trailer up and going as soon as they can and continued that Ivory Homes has a model home under construction that will not be ready for another eight to nine months. Once the model home is complete then they will move from the sales trailer into the model home and the sales trailer would then be removed from the 1407 East Orchard Ridge Lane location.

Commissioner Sundloff asked if the Conditional Use Permit will transfer when they move into the model home or will Ivory need to come back again.

Mr. Balle stated that the model home and the sales trailer are on two different lots just right next to each other.

Ms. Greenwood said that the applicant would need to come back for a new Conditional Use Permit once the location has changed.

Commissioner Branch asked the applicant if there is less traffic with just the sale trailer than if you have a model home.

Mr. Balle responded that the sales trailer would typically create less traffic than the model home.

Motion: Commissioner Doxey made a motion to approve the Conditional Use Permit with a condition that the sales office would be removed when the model home is complete.

Commissioner Branch seconded the motion.

Vote: The vote was unanimous in favor of the motion.

4-7: Conditional Use Permit for Pamela Hunsaker for Hunsaker Swimming for an Instructional Home Occupation located at 908 South Francis Circle, 942 South Francis Circle, 780 South 1350 West, and 1020 West Smith Lane

Commissioner Sundloff asked staff if the four Conditional Use Permits need to be considered individually.

Ms. Greenwood said that because they are separate addresses they will need to be considered individually. Ms. Greenwood presented a map with five locations highlighted to show where all the pools are located. The map also included another swim school location not owned by the Hunsaker's.

Introduced by: Mindi Edstrom

Ms. Edstrom shared with the Planning Commissioners the history of the Hunsaker Swim School and their business model. The Hunsaker Swim School has been very successful and there is a need to expand to other pools. Because there is not a Home Occupation Business License that would allow for a business model like this, the Instructional Home Occupation License ordinance was added to the Home Occupation Business Licenses last year.

Staff received one call in regards to the CUP for the 908 South Francis Circle. The resident shared that there is another swim school just around the corner on 1355 West which is owned by Thomas Drive, The Moon Swim School, and been there since 2013. The resident mentioned that there is typically 12-15 cars parked along Thomas Drive during those lessons and is concerned that having another swim business will create more parking along Thomas Drive, which is a very common route for walkers and runners and there are no sidewalks, so the bend in the road with additional cars could create a more dangerous road.

Commissioner Sundloff invited the applicant to approach the Planning Commissioner for questions and discussion.

Pamela Hunsaker gave a brief history of their swim school and introduced all of the individual pool owners and her son Tucker Hunsaker, who is running the business. Ms. Hunsaker explained that they teach abbreviated swim lessons which are 20 minute classes with four teachers and four students in the pool at the same time. She is aware that in the ordinance it says that you have to have a 10 minute break between sessions.

Commissioner Branch asked the applicant for clarification on the business model and if it is the same for all four locations.

Ms. Hunsaker answered saying that all the pools have the same business model and the two pools in Francis Circle will not be holding sessions at the same time. She said one pool will hold morning sessions and the other pool will have afternoon sessions with a 40 minute break in between.

Commissioner Branch asked the applicant if she knew what operating hours are for the Moon's swim school. Ms. Hunsaker said that they teach from 7:00 am until 5:00 pm.

Tucker Hunsaker approached the Planning Commission to discuss his concerns with the parking for each of the locations stating he tries to find ways to not burden the neighborhood.

Commissioner Sundloff asked staff if there was a way to craft a mechanism where if it problems arise, the Planning Commission could reevaluate the approval.

Ms. Greenwood responded that once a conditional use permit is issued there is a process for ordinance violation.

Commissioner Sundloff said we will realize that the impact after this is approved because we've never had anything like this presented before.

Ms. Hunsaker wanted to make sure that the Planning Commissioner didn't skip over the fact that the Hunsaker's are not in compliance the way they are running their swim school not including the 10 minute break in between each of the 20 minute sessions.

Commissioner Sundloff stated that the 10 minute break is already a legislative decision that was already made and we can't apply a condition that is contrary to the ordinance.

Ms. Greenwood agreed stating we could put something in place that would be more stringent but we couldn't do anything that would be less stringent.

Commissioner Sommerkorn said that we are required to stick with what the ordinance says and that we could petition City Council to change the ordinance.

Public Comment:

Tiffany McGreavy said that they have been doing swim school at their home for three years now and the neighbors are aware of the swim school. They currently have an active business license for doing swim lessons at their pool. Her license was approved before this Instructional Home Occupation ordinance.

Emily Craythorn said she lives at 942 South Francis Circle and that has never had a car parked in front of her home from the Moon's swim school down the street. She also shared that Webster's provided swim lessons last year next door to her and the neighbors across the street didn't even notice the impact of the swimming lessons. She didn't get any hesitation from neighbors who saw the city sign on her property.

Scott Jones made a comment on practicality and community burden and said that by adding 10 minutes in between lessons would add a 50% increase in time a pool being used for three hours now goes to four and a half hours making it a greater burden on the neighborhood.

Commissioner Sundloff added his thoughts about the application. He commended the applicant for being forth coming with her business model not being in compliance with the Instructional Occupation Ordinance. He stated that it makes practical sense to allow this business however we can't set aside the law.

Ms. Hunsaker presented a proposal to the Planning Commission. In her proposal she said that according to the Home Occupation ordinance we allow 12 students per session. She proposed that they call their sessions a one hour block and create a 10 minute break every hour in their schedule.

Commissioner Sundloff stated that there is no definition of a "session" in this ordinance.

Commissioner Branch reiterated that the applicant would be 10 minute increments in between every hour block.

Commissioner Sundloff said that if we went with that proposal it would meet the letter of the law.

Commission Sommerkorn also said that we would leave that up to the interpretation of the city's zoning enforcement officer.

Tucker Hunsaker shared that they tried to figure out all the configurations beforehand so that they could be in compliance with the city as well as being able to serve their customers and asked the Commission to find a way to make this work.

Ms. Greenwood pulled up the city code for the Instructional Occupation Ordinance and read from paragraph 7 about sessions. She said she believes that if we leave it open to interpretation

as to what a session is, we could do the hour sessions with the 10 minutes in between. She thinks that this is the intent of the ordinance is to mitigate the impact on the neighborhood so that there is no more than 12 students at a time.

Commissioner Sommerkorn understands why the ordinance states it this way because you could potentially have 12 different cars coming and 12 new cars coming so that interchange would be busy. But with the way the Hunsaker's want to do this, they would have four cars coming and going which is less impact.

Commissioner Branch said that as for the Planning Commission we would approve this according that you are in line with the staff and city and it is up to them to define what a session is.

Commissioner Sommerkorn read a section out of the state code and it said "If the land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply to the land use regulation to favor the land use application."

Motion: Commissioner Sommerkorn made a motion to approve the Conditional Use Permits for Pamela Hunsaker for Hunsaker Swimming for an Instructional Home Occupation. The provisions of the Instructional Home Occupation ordinance are complied with as lists with the addition that no more than four students are in a given pool at a given time for instruction. The same motion will apply to all four locations. Commissioner Doxey seconded the motion.

Vote: Vote was unanimous in favor of the motion

8-Call to the Public: None

9-Other matters that properly come before the Planning Commission:

Ms. Greenwood shared with the Commissioners that the interview process is complete for the upcoming Planning Commissioner vacancies and Mayor Tran did some reallocations trying to keep some geographical and gender diversity. Commissioner Lyon will move to an alternate position. Alternate Commissioner Page will be moving this summer. Rachel Lott and Krista Keetch will be appointed Commissioners as well as Commissioner Barrus. Their terms will be effective July 1, 2022. Commissioner Nguyen will be moving over to the Power Commission in July.

Ms. Greenwood also brought up the General Plan. It was decided to discuss it at City Council on June 2nd and have it be a work item on the agenda.

Commissioner Sommerkorn liked the change of the format in the General Plan and thinks that it reads easier.

Commissioner Sundloff asked staff if there is a place in the updated General Plan that essentially says what the purpose of the general plan is. He said that the general plan could be used by future commissions as a shield or a sword. Maybe it could say that the general plan is intended to x y or

z to guide decision making not mandate it.

Ms. Greenwood shared that there is a purpose statement in the front of the general plan that defines that.

Commissioner Sommerkorn asked Ms. Greenwood where the maps and tables that were taken out reside now.

Ms. Greenwood said that that information is not lost or gone and staff will find a way to include that in the appendices.

Ms. Greenwood received two requests from residents in regards to the general land use map. The property owners that own the property above the Smith's store are wanting that to show as mixed use instead of residential. Ms. Greenwood told the requesters that she would take that to the council. She also mentioned a piece of property that Symphony Homes owns and they were wanting it to be shown as multifamily on the map.

Commissioner Sommerkorn asked staff if there has been any movement on the proposed amendment for the appeals process and offered to help staff with the amendment if staff would like.

Ms. Greenwood said that staff has been extremely busy the last couple of months and hoping to get to it shortly.

Commissioner Sundloff proposed a new way to close meetings in the future by simply having the Chair say "Meeting adjourned."

The meeting was adjourned at 8:50 p.m. by Commissioner Sundloff.