



**Kaysville City Planning Commission Meeting Minutes
September 8, 2022**

The Planning Commission meeting was held on September 8, 2022 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

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

Staff Present: Mindi Edstrom, Dan Jessop and Melinda Greenwood

Public Attendees: Heather McGivern, MaryBeth Hall, Mark Lund, Kelly White, Phil Holland, Weston Ridd, Marsha Cook, Talicia Wilson, Cathy Johnson, Mr. Johnson, Carol Ward, Carol Bourne, Amanda Mitchell, Linda Gerner, Jason Larsen, City Councilmember Abbi Hunt

1-OPENING

Chair Barrus opened the meeting by welcoming all in attendance to the September 8, 2022 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM AUGUST 25, 2022

Commissioner Branch made a motion to approve the minutes from the August 25, 2022 meeting and Commissioner Doxey seconded the motion. All voted in favor of approving the minutes (7-0).

3- CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1064 SOUTH 750 EAST FOR HEATHER MCGIVERN

Introduced by: Dan Jessop

Mr. Jessop shared that the McGivern's are new to Kaysville and before they purchased the home, they came into city offices to see what would be allowed on their property. Mr. Jessop shared with them after doing the math that they would be allowed to have up to seven horses, four cows, fourteen sheep or llamas, and 178 chickens. He added that there is ample area to build structures needed to house the animals.

Heather McGivern approached the Commissioners and Commissioner Doxey asked Ms. McGivern what kind of animals she was planning to put on the land. She said she wants 2-3 horses, but wanted to be able to add more if she desired in the future.

Commissioner Barrus asked if there was a fence around the property and Ms. McGivern replied by saying that there is a fence in place.

Commissioner Doxey made the motion to approve the Conditional Use Permit for the use of horses at 1064 South 750 East and Commissioner Branch seconded the motion. The vote was unanimous in favor of the Conditional Use Permit (7-0).

4- CONDITIONAL USE PERMIT FOR FARM ANIMALS PARCEL 1D# 11-1150-0110 AT 676 CENTER STREET FOR MARYBETH HALL

Introduced by: Dan Jessop

Dan stated this is a Conditional Use Permit is for farm animals. This parcel is behind the home at 676 Center Street and does not have an address but is separate from the home. The neighbors next door applied for a conditional use permit several weeks ago and she thought that she should apply as well since she will be selling her home. Dan repeated that what would be allowed on the property as many as three horses, seven sheep or llamas and 95 chickens and there is plenty of room for structures for the animals and there are no conditions that he sees needing to be placed at this time.

Commissioner Keetch asked Mr. Jessop if the property had a fence around it and he said that he believes so.

The applicant was invited to approach the Commissioners. Ms. Hall said that she did not have anything else to add other than she is going to be selling the property and just wanted to be able to add that horses were allowed on this piece of property.

Commissioner Sundloff made the motion to approve the Conditional Use Permit for the home located at 676 Center Street with no additional conditions and it was seconded by Commissioner Keetch. The vote was unanimous in favor of the motion (7-0).

5- FINAL PLAT SUBDIVISION APPROVAL FOR MERIL ESTATES FOR MARK LUND AND KELLY WHITE FOR THE PROPERTY AT 478 SOUTH MAIN STREET

Introduced by: Dan Jessop

The Final Plat Application for 478 South Main Street was turned in and was looked at by the City Engineer and Staff and everything is exactly the same as the preliminary plat. Mr. Jessop said that this final plat is recommended by staff for approval.

There were no questions for staff and applicants were invited to approach the Commissioners. Neither of the applicants has anything further to add to the discussion.

Commissioner Doxey made the motion to approve the final plat application for 478 South Main Street and it was seconded by Commissioner Lott. The vote was unanimous in favor of the final plat approval (7-0).

6- PUBLIC HEARING FOR A REZONE APPLICATION FROM THE HOLLAND GROUP INC. FOR 67 NORTH ANGEL STREET FROM A-1 LIGHT AGRICULTURAL DISTRICT TO R-1-14 SINGLE FAMILY RESIDENTIAL DISTRICT

Introduced by: Melinda Greenwood

Ms. Greenwood thanked those in attendance for coming and gave a brief explanation of the rezone process and the role of the Planning Commission. Ms. Greenwood gave a description of the lot at 67 North Angel Street stating it is currently zoned A-1 and has a single family home on the lot. She explained what would be allowed on the property if it were rezoned R-1-14. She explained there are similar areas zoned R-1-14 by surrounding properties. The requested rezone fits into the new 2022 General Plan Future Land as it shows this land is to be zoned single family residential. Ms. Greenwood showed a slide that included a table giving the differences between the A-1 zone and the R-1-14 zone as far as minimum lot sizes, density, minimum lot width, front, side, and rear setback and the maximum building height. Ms. Greenwood showed a drawing that the applicant provided showing the proposed concept site plan for the rezone. She added that there are adequate elements in the 2022 General Plan to support this rezone

and said staff is recommending the Planning Commission forward a recommendation of approval to the City Council for the rezone of 67 North Angel Street from A-1 to R-1-14.

Chair Barrus invited the applicant, Phil Holland to approach the Planning Commissioners. He stated that he is not trying to maximize density because it is important to keep the ½ acre lots in the area and that he feels that this is a pretty straight forward rezone.

Commissioner Keetch asked Mr. Holland about the amount of lots he was wanting to create. He at one point said there would be 10 but she wanted to know if that was in addition to the existing home or if that was included.

Mr. Holland clarified that the existing home was included in the 10 units. He said that in keeping the house he will get a better value out of it than just selling it as an empty lot. He also stated that he would not do a bait and switch in his own neighborhood as far as adding more lots one or creating a different entrance onto Angel Street.

Commissioner Barrus opened the Public Hearing.

Dennis Forbush lives at 127 North Angel Street and is the neighbor directly to the north of this lot. He said that the quagmire is a lane he considers a utility corridor before Bonneville Lane went in and that is where he gets his irrigation water. There are four head gates that feed water to the back of his property. The ditch and water company have water shares that have to come down that road. It has an 18" pipe that comes of the main irrigation line. The thing that worries him the most with this proposal is running out of irrigation water. The lane is only 24' wide and is not wide enough for a road and he would really like it to say A-1, however he does like the large lots that are being proposed.

Talicia Wilson lives at 99 North Angel Street and her home is the home in the middle of the proposed rezone. Her concern is the lane that was previously mentioned by Mr. Forbush. Talicia said that the little lane was actually promised to him and over the last seven years he has tried to purchase the property and the owner was not ready to sell it. They were never given the opportunity to purchase the land where the lane is and they would be willing to do so. She would prefer for it to be part of one of their properties instead of being a road. Talicia is in favor of the half acre lots and likes the fact that they are keeping the house on lot one. She proposed that Lot 1, 2, & 3 remain there and still be A-1 so they still have the feel of what the west side of Kaysville is.

Cathy Johnson lives at 62 North Angel Street and gave a brief history of the piece of land proposed for the rezone and that it had belonged to her parents.

Commissioner Barrus closed the Public Hearing.

Commissioner Sundloff feels that this rezone would not affect the character of the neighborhood in terms of it not sticking out from what is already there, and it falls in line with the general plan that was recently passed.

Commissioner Sommerkorn agrees with the comments made by Commissioner Sundloff as far as this rezone being in accordance with the general plan and in keeping with the character of existing zoning.

Commissioner Sommerkorn made a motion to recommend to the City Council approval of rezone for the

property at 67 North Angel Street from A-1 to R-1-14. Commissioner Doxey seconded the motion to recommend approval of the rezone request. The vote was 6-1 in favor of the motion, with Krista Keech voting nay.

7- CONDITIONAL USE PERMIT FOR MULTIPLE DWELLINGS AT 146 EAST 200 NORTH FOR WESTON RIDD

Introduced by: Melinda Greenwood

Chairman Barrus noted to the audience that the item was changed to Conditional Use even though it was noticed as a rezone.

Ms. Greenwood gave an explanation as to why staff decided to change the rezone to a Conditional Use Permit. Ms. Greenwood the shared information on the property at 146 East 200 North, stating it is zoned R-D, it is 25,700 square feet, has an existing single family home on it and per the conditional use, up to six units would be allowed on the property. She shared aerial views of the property and an area zoning map. She also showed the 2022 General Plan Future Land use Map. She also addressed a about whether or not the property was a flag lot adding that after some research and the original 1981 plat map it was originally platted that way and is not a flat lot.

Ms. Greenwood showed the concept plan submitted with the application, which shows six units including four townhome style units on the south end of the property and two single townhome style units north of that. She stated that staff recommends that the Planning Commission approve the conditional use permit subject to the conditions in the staff report and any other conditions they feel are appropriate.

There five conditions recommended so that it meets the zoning code for 17-13 R-D, parking minimums are met per 17-32, no more than 6 dwelling units will be permitted, usable functional space will be provided per the R-M zone, and a minimum of 20 ft² enclosed outside storage for each dwelling unit as outlined in the R-M zone.

Commissioner Barrus invited Mr. Ridd to address the Commission.

Commissioner Doxey asked Mr. Ridd if he considered any other use on the site such as mixed use and Mr. Ridd said he not looked into other options for this project.

Commissioner Keetch asked Mr. Ridd if he currently resides at this property and what his ideology around the parking spaces was.

Mr. Ridd spoke to the concept plan submitted and showed the explanation for the parking and the ingress and egress. He said that all backing up traffic would be done on the property itself so they would be pulling out moving forward from the lot.

Commissioner Keetch shared that she went over the property after school had let out and it was a zoo at the intersection in front of the lot. It was a mad house and she spoke to the crossing guard and he expressed his concern to the danger of adding more traffic as well as safety for the children.

Mr. Ridd agrees with what she shared and feels that there needs to be a better solution to that intersection.

Commissioner Doxey asked Ms. Greenwood what the maximum allowable housing units that could go onto this lot and she referred to the Conditional Use Permit for R-D saying that only 6 units are allowed.

Commissioner Lott asked if there are any ordinances about driveways being close to intersections.

Ms. Greenwood did say that there is code that driveways need to be spaced a certain amount apart and said that this driveway would be a private road. She said in the site plan process we could ask that drive approach could be placed differently.

Mr. Jessop responded saying that there are ordinances for driveways requiring 12 feet between driveways that driveways be 20 feet from a corner.

Ms. Greenwood gave a brief history of the R-D zone and when it was added in 1998 and then changed again in 2006 she believes the intent was to not have more multifamily dwellings come through, but the code was not well-written and is unclear. She said if the city didn't want to have more multifamily dwellings, it shouldn't have been listed as a conditional use and the whole paragraph should have been eliminated.

Commissioner Sundloff asked to make a motion to allow comment from the public. Commissioner Keetch seconded the motion. The vote was 7-0, unanimous in favor of the motion.

Carol Ward said that her concern is the amount of dwellings that could go in there and how would you be able to get onto 200 North with all the traffic.

Marsha Cook lives behind the proposed property. She stated that she worked for the City of Kaysville when the R-D ordinance was created. And when she worked here she said that they were told it meant no new multifamily dwelling and that this being considered as a conditional use permit was very concerning.

Commissioner Sommerkorn gave an explanation that the State Legislature added to the state code a provision that is called the Plain Language Provision, which is 10-9a-306-1. The law means it doesn't matter what you think it means or what the intention was, you look only at the language of the ordinance. The law says that you interpret the law in favor of the property owner.

Marsha Cook said that it means that there was no sense in even rezoning all those years ago and Mr. Sommerkorn said that at the time it probably made sense but the state code has changed since then. Ms. Cook said that that was frustrating.

Amanda Mitchell said that if it is the case any resident could get a Conditional Use Permit for multifamily in R-D and she doesn't want her neighborhood to change.

Linda Gerner lives to the south side of the property and opposes multiple dwellings. Her biggest concern is the intersection and the speeding and back log of traffic on 200 North. She also asked about using property in the R-D zone as a storage space because the property is being used as a storage facility.

Jason Larson wants to speak in favor of multifamily dwellings and feels that this rezone fits the city's general plan.

Commissioner Sundloff said he respectfully disagrees that multifamily dwellings are a Conditional Use and said when he looks at the wording it is talking about certain multiple family dwellings, meaning those that

were legally existing the date that the coded was passed and therefore the way the city has been interpreting it in the past is the correct interpretation.

Commissioner Sommerkorn said that Commissioner Sundloff demonstrates the difference in opinion that exists.

Commissioner Branch asked staff to go back to the proposed concept plan and agrees with Commissioner Keetch's observation of the parking and traffic situation near the lot and the parking is a concern and would like to make a condition on the lot to move to five units rather than six and proposes to have more parking.

Commissioner Sundloff asked staff how the city interpreted the words "legally existing upon the effective date of this chapter."

Ms. Greenwood said any multiple dwellings that currently exists in the R-D zone.

Commissioner Sundloff suggested that there be a right in and right out condition for the driveway and that fencing could be a condition.

Commissioners Sommerkorn said that the parking requirements are met with the concept plan and that conditional uses are to be considered based on standards in your ordinance.

Commissioner Keetch made a motion to allow for off-street parking, look at the entrance and exit into the structure, not to allow for parking on 200 North and have five units allowing more parking. Then she changed her motion to only allowing five units instead of six. There was not a second and the motion failed.

The Commissioners discussed a lack of parking on the streets, taking green space and making additional parking above the required parking, being in compliance with state code and what is allowable as a Planning Commission body to impose as conditions.

Commissioner Sundloff made a motion to approve the conditional use permit with the conditions of only allowing five dwelling units, adding five additional parking stalls (for a total of 16 stalls) where unit six gets removed, to require a right in and right out for the driveway and to require 6 foot fencing around the site. Commissioner Branch seconded the motion. The vote was 4 yays (Commissioners Sundloff, Lott, Keetch, and Branch) and 3 nays (Commissioners Sommerkorn, Doxey and Barrus) in favor of the motion. Commissioner Summerkorn stated his reason for voting against the motion was due to doubling the parking requirement on the project. Commissioner Doxey and Barrus stated the same reason as Commissioner Summerkorn for voting nay.

8- DISCUSSION ON STATE CODE 17-27A-403(2) MODERATE INCOME HOUSING ELEMENT AND INCORPORATING STRATEGIES INTO THE 2022 GENERAL PLAN

Discussion was postponed until September 25, 2022.

9- CALL TO THE PUBLIC

No public for Call to the Public.

10- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION:

The League of Cities is coming up in October and the Fall Land Use Conference this fall as well. Staff will send out more information regarding those training opportunities.

Ms. Greenwood asked if the Planning Commission would like her to make revisions to the R-D Zone to clear up the confusion about multifamily dwellings being a conditional use.

11-ADJOURNMENT

A motion to adjourn was made by Commissioner Lott at 9:23 pm.