

**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, July 26, 2018 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening.
2. Election of Chairperson and Vice-Chairperson.
3. Approval of minutes from the meeting of June 28, 2018.
4. Conditional use permit for a temporary sales trailer at 170 West 200 North – Vasa Fitness.
5. Conditional use permit for a model home and design center at 2101 West 200 North – Destination Homes.
6. Conditional use permit for a model home at 1994 West Orchard Harvest Drive – Destination Homes.
7. Conditional use permit for a church meetinghouse at 1185 West Webb Lane – LDS Church.
8. Public hearing and preliminary plat approval for Webb Lane Church Subdivision at 1185 West Webb Lane – LDS church.
9. Public hearing and request to rezone 4.0 acres of property at 993 South Sunset Lane from A-1 (Light Agriculture) to the R-1-LD zoning district – Robyn Barkdull.
10. Public hearing and preliminary plat approval for Brady Estates Subdivision at 993 South Sunset Drive – Robyn Barkdull.
11. Public hearing and preliminary plat approval for Tyler Meadows Phase 2 at 1020 and 1034 West Smith Lane – Wright Development Group.
12. Request for a variance from Section 17-31-2 “Accessory Buildings” – Walter and Michele Whitehead.
13. Call to the public.
14. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
15. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, July 20, 2018.


Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for a Temporary Sales Trailer. July 26, 2018

Applicant/Owner: Vasa Fitness
Location: 170 West 200 North
Zone: GC (General Commercial)

Description:

Vasa Fitness is working on a large remodel of the old Fresh Market store site to open a new gym by the end of 2018. During the construction, Vasa is seeking approval to place a temporary sales trailer in the parking lot in order to pre-sale memberships to their gym. Vasa is hoping to have the sales trailer up in September until their expected store opening before the new year.

The trailer will utilize a generator for power. They are asking to place it within their parking lot near the north east corner just off of Main Street as shown in the attached site plan.

Recommendation:

Staff is recommending approval of the proposed conditional use permit for sales trailer for a period of 6 months or until the gym facility is open, whichever is less.

Reasoning:

The existing conditions on site and the restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts of the sales trailer.

Attachment 1: Site Plan
Attachment 2: Example photos of sales trailer







Planning Commission Staff Report

Conditional Use Permit for Model Homes and Design Lab. July 26, 2018

Applicant/Owner:	Destination Homes
Location:	2101 West 200 North (Model and Design Lab) 1994 West Orchard Harvest Drive (Model Only)
Zone:	R-1-14 (Single Family Residential)

Description:

Destination Homes has been developing the Hill Farms neighborhood for several years. Moving from phase to phase they have on occasion sold a model home and relocated it to another lot. The model home at 1994 West Orchard Harvest Drive has been previously approved for use as a model home by the Planning Commission. The applicant is seeking to renew this permit to extend the use while Destination homes completes construction and the sale of homes on its final phases of the Hill Farms Development.

In a similar manner, the 2101 West 200 North home is to be used as a model home showcasing a different home design, but more distinctly Destination intends to use the space as a design lab. Apart from the typical use as a model providing a walk through space of a product, this particular space will have designers who meet with home buyers typically only a few times a week for extended appointments where they fine tune the details of their home.

Title 17-12-4 (4) and (5) allow for temporary buildings and tract offices with new development subject to: 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.

Recommendation:

Each location should be considered and addressed by a separate motion.

- Staff is recommending approval for the extension of the conditional use permit at 1994 West Orchard Harvest Drive for an additional year or until all lots of the Hill Farms development are sold, whichever is less.
- Staff recommends that the Planning Commission grant approval of the conditional use permit for the model home and design lab at 2101 West 200 North for the period of one year or until all lots of the Hill Farms development are sold, whichever is less. Together with the use of the structure as previously stated staff recommends that the accompanying development sign be allotted for the same time frame.

Reasoning:

The existing conditions on site, the restrictions of the ordinance, the history of model homes in the Hill Farms development, and staff's understanding of the proposed use indicate that the requested uses can function without the need for additional conditions. Should there be concerns staff would suggest that the Planning Commission consider conditions limiting the # of employees or hours of operations as a means of mitigating impacts related to the standards found in 17-30-8 such as traffic and parking.

Attachment 1: Map of 1994 West Orchard Harvest Drive

Attachment 2: Photo of model at 1994 West Orchard Harvest Drive

Attachment 3: Map of 2101 West 200 North

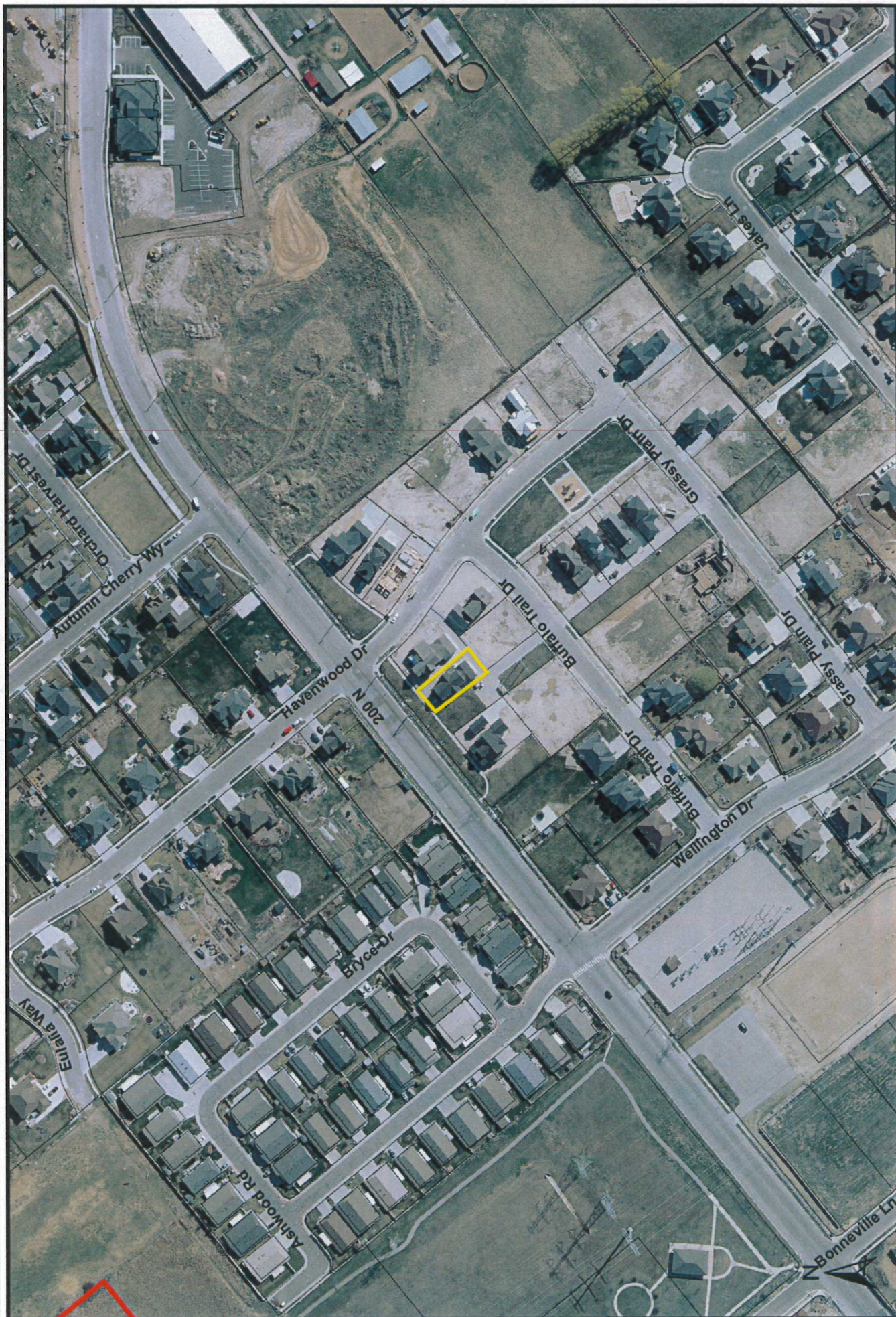
Attachment 4: Photo of Model / Design Lab and sign at 2101 West 200 North

1994 West Orchard Harvest Drive





2101 West 200 North







Planning Commission Staff Report

Conditional Use Permit for a Church Meetinghouse. July 26, 2018

Applicant/Owner: Mike Davey, BHD Architects / LDS Church
Location: 1185 Webb Lane
Zone: R-1-20

Description:

The R-1 zoning districts allow for 'Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type...'

The LDS Church is seeking a conditional use approval to construct a new stake center on Webb Lane. The property which consists of just over 4 acres includes the meeting house, a pavilion, and 288 parking stalls. Roughly 30% of the property is landscaping with final landscape details yet to be provided.

The required subdivision process for the creation of the lot will mandate the completion of the street, curb, gutter, and sidewalk improvements along Webb Lane. The site itself includes a church meetinghouse along the front portion of Webb Lane with access via parking lot around the entire building. The main surface parking lot is blocked from view in large part from the street by the building and there is a landscape buffer between adjacent property lines and the parking lot.

Recommendation:

Staff has reviewed the proposal and is recommending approval of the conditional use permit for a church meetinghouse with the following condition:

- To provide landscaping that is compatible with the surrounding environment, the applicant shall provide a minimum of 30 trees per acre including vegetation and trees around the perimeter that helps screen the parking from neighboring residents. Based on conditional use standards found in 17-30-8. To be verified by staff at time of building permit.

Reasoning:

City staff believes that the project with the recommended condition sufficiently addresses the impacts of the proposed use.

Attachment 1: Proposed Site Plan.

Total Proposed Church Site Area:
4.20 Acres (182,936 sf)

Pavilion & Grass Recreation Area:
0.38 Acres

Meetinghouse Plan:
Heritage 175C Stake Center

Parking Stalls:
288



① PROPOSED SITE PLAN - OPTION C-1
SCALE: 1" = 40'



② VICINITY PLAN
SCALE: NOT TO SCALE



C-1

OPTION C-1

PROPOSED SITE PLAN

PROJECT NAME

Future Stake Center Site for

Kaysville UT West Stake

Approximate 1755 Webb Lane

Kaysville, Utah

PROJECT #08

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS



16 E. Washington Plaza, Suite 205, Provo, UT 84606
Tel: 801.537.1000 Fax: 801.537.1000
www.churchofjesuschrist.org

STAMP

DATE	20 Apr 2017	1716
REVISION #	1716	1716
PROJECT #	1716	1716
PROJECT NAME	Future Stake Center Site for	Kaysville UT West Stake
APPROXIMATE ADDRESS	1755 Webb Lane	Kaysville, Utah
PROJECT #	08	



Planning Commission Staff Report

Webb Lane Church Subdivision Preliminary Plat July 26, 2018

Applicant/Owner: BHD Architects / LDS Church
Location: 1185 Webb Lane
Existing Zone: R-1-20

Description:

The subject property on Webb Lane is now owned by the LDS Church and is being proposed as a new meetinghouse location. Section 17-12-4 of the City Ordinances allows 'Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type...'

The proposed plat 1 lot on 4.306 acres of property to accommodate a meetinghouse facility and its parking and open areas. The use and details of the site are separate from the plat review, but provide background to the purpose of the subdivision.

Recommendation:

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for approval of the preliminary plat for Webb Lane Church Subdivision.

Recommendation:

The preliminary plat complies with applicable zoning regulations and other applicable requirements.

Attachment 1: Location Map
Attachment 2: Preliminary Plat

1185 Webb Lane



PROPOSED
WEBB LANE CHURCH SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER
OF SECTION 4,
TOWNSHIP 3 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN

Webb Lone Church Subdivision

A parcel of land, situate in the Northwest Quarter of Section 4, Township 3 North, Range 1 West, Salt Lake Base and Meridian, said parcel also located in Kayaville, Utah, more particularly

Beginning at a point which is North 89°16'37" West 57.39 feet along the section line and North 22°56'38" West 225.69 feet to a found rail and washer in the intersection of Flint Street and Webb Lane, and South 45°13'35" West 995.15 feet along the centerline of Webb Lane and South 44°16'25" East 16.50 feet from the North Quarter Corner of said Section 4, Township 3 North, Range 1 West, Salt Lake Base and Meridian and running.

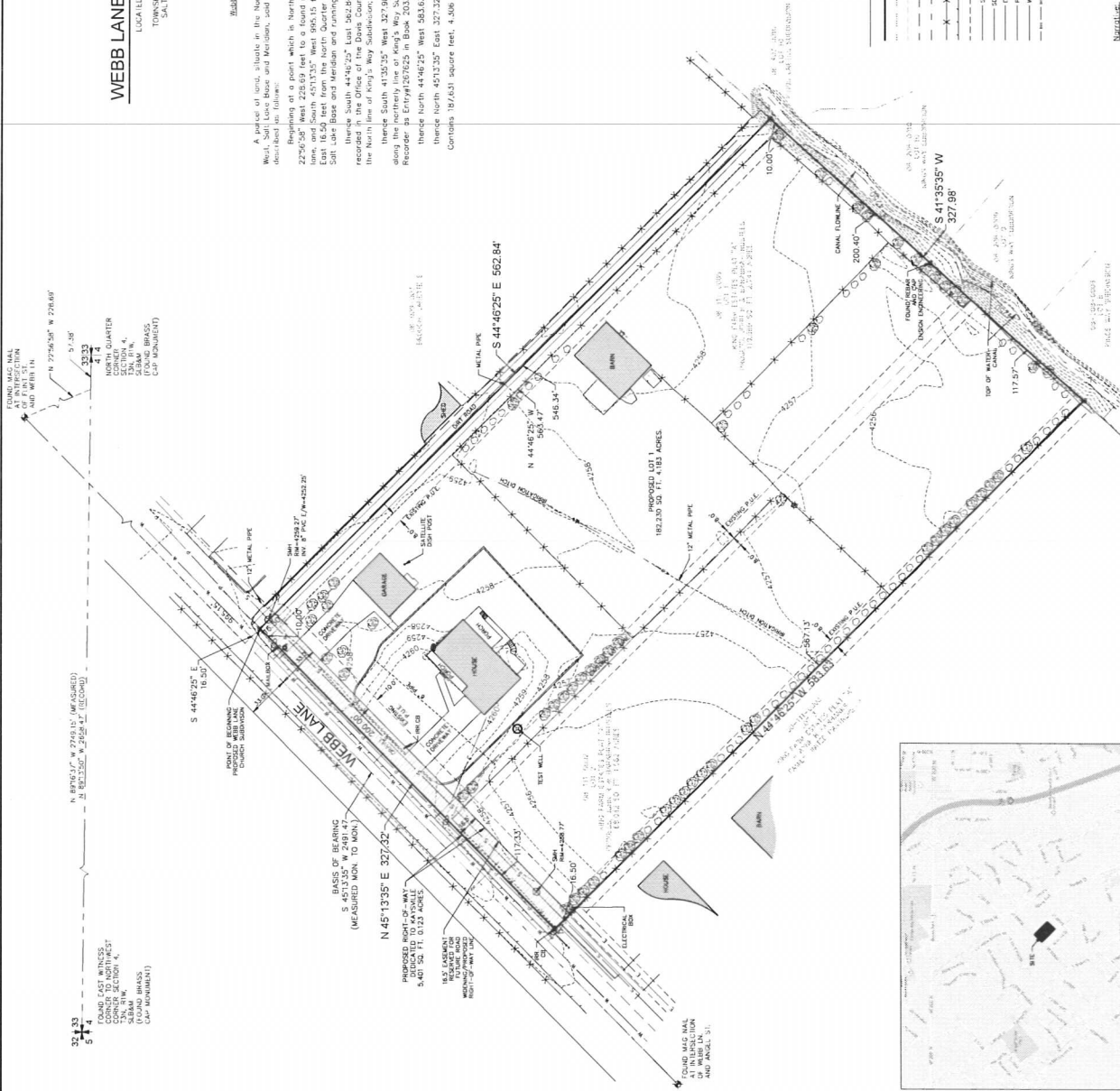
thence South 44°46'25" East 562.84 feet to the northerly line of King Creek Subdivision, as recorded in the Office of the Davis County Recorder as Entry#2195167 in Book 4102 at Page 38 and the North line of King's Way Subdivision;

thence South 41°35'35" West 327.98 feet along the northerly line of said King Creeks to and along the northerly line of King's Way Subdivision as recorded in the Office of the Davis County Recorder as Entry#1267625 in Book 2033 at Page 1028;

thence North 44°46'25" West 583.63 feet;

thence North 45°13'35" East 327.32 feet to the point of beginning.

Contains 187,651 square feet, 4,306 acres.



Narrative: The basis of bearing is South 45°13'35" West between the found mag nails in Webb Lane at the intersections of Flint Street and Angel Street located in the Northwest Quarter of Section 4, Township 3 North, Range 1 West, Salt Lake Base and Meridian. The survey control was established with GPS from the Utah State VRS system. The GPS data was measured on the Utah State Plane Central USF NAD83 system and was then projected to a local ground system for this survey.

VICINITY MAP
NOT TO SCALE

PROPOSED WEBB LANE SUBDIVISION
1211 WEST WEBB LANE
KAYSVILLE, UTAH

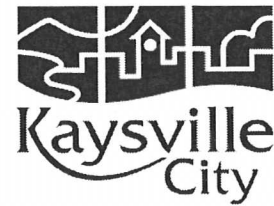
DIAMOND
LAND SURVEYING, LLC

Boundary Surveys
Topography Surveys
Subdivisions
Construction Staking
ALTA & ACSM Surveys

5242 South Greenlane Drive
Murray, Utah 84123
Phone (801) 266-5039 Fax (801) 266-5032
diamond@diamondsurvey.com www.diamondsurvey.com



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DATE PLOTTED 7/12/2018	JOB No. 17-108	SHEET 1 of 1



Planning Commission Staff Report

Public Hearing for the Rezone of 4 acres of property at 993 South Sunset Lane from A-1 (Light Agriculture) to the R-1-LD (Single Family Low Density) zoning district.

Preliminary Plat for the Brady Estates Subdivision at 993 South Sunset Drive.

July 26, 2018

Applicant/Owner: Robyn Barkdull

Description:

The subject property is on the east side of Sunset Drive next to the D&RGW rail trail. The property to the south is zoned R-A with A-1 zoning to the north and west.

The applicant is requesting the R-1-LD zone in order to develop the property. In brief the current zoning is primarily agricultural and requires lot sizes of roughly 1 acre in size or larger. The requested zone would allow for development at 2 units per acre with a variation in lot sizes as small as 12,000 sq. ft. in size.

The regulations governing the R-1 zoning districts are located in Chapter 17-12 while the regulations of the existing zoning district are found in Chapter 17-9 of the Kaysville City Ordinances.

A rezone is a legislative decision, meaning that the Planning Commission and ultimately the City Council have broad discretion in the decision it makes as to whether or not the request is in harmony with the City's General Plan and is appropriate in the proposed location.

The City's General Plan states, among other things:

Identity and Character:

Kaysville should be primarily a residential community with a vision to promote business, industry and public use.

Housing

A. Housing should be located throughout the City and restricted only where it is incompatible with other necessary uses.

1. West of I-15, allow zero to two units per acre with some higher density housing along the major streets.

- B. The majority of the housing should be one unit per structure (single unit).
About ten percent (10%) of the housing should be more than one unit per structure (multiple unit).
Multiple unit housing should consist mostly of duplexes (two unit structures) and some three to six unit structures dispersed throughout the City.
- C. Housing development should have a minimum of through vehicular traffic and a maximum of open space.
- D. Housing developments should essentially pay for themselves.

Sunset Drive is classified as Major Streets per Kaysville City's Major Street Plan in Section 8-3-2.

The applicant has also submitted an application for preliminary plat showing the desired development of this property. The plat shows 6 lots on the 4 acres of property, one lot includes the existing home. The subdivision would also bring Preakness Drive though to Sunset drive while creating new potential access to development to the north. The lots, which are at least 18,000 sq. ft. or larger, comply with the density, frontage, and size requirements of the requested zoning district.

Recommendation:

The Planning Commission should make a separate recommendation or motion for both the rezone and preliminary plat.

Rezone:

The Planning Commission should make 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.

Preliminary Plat:

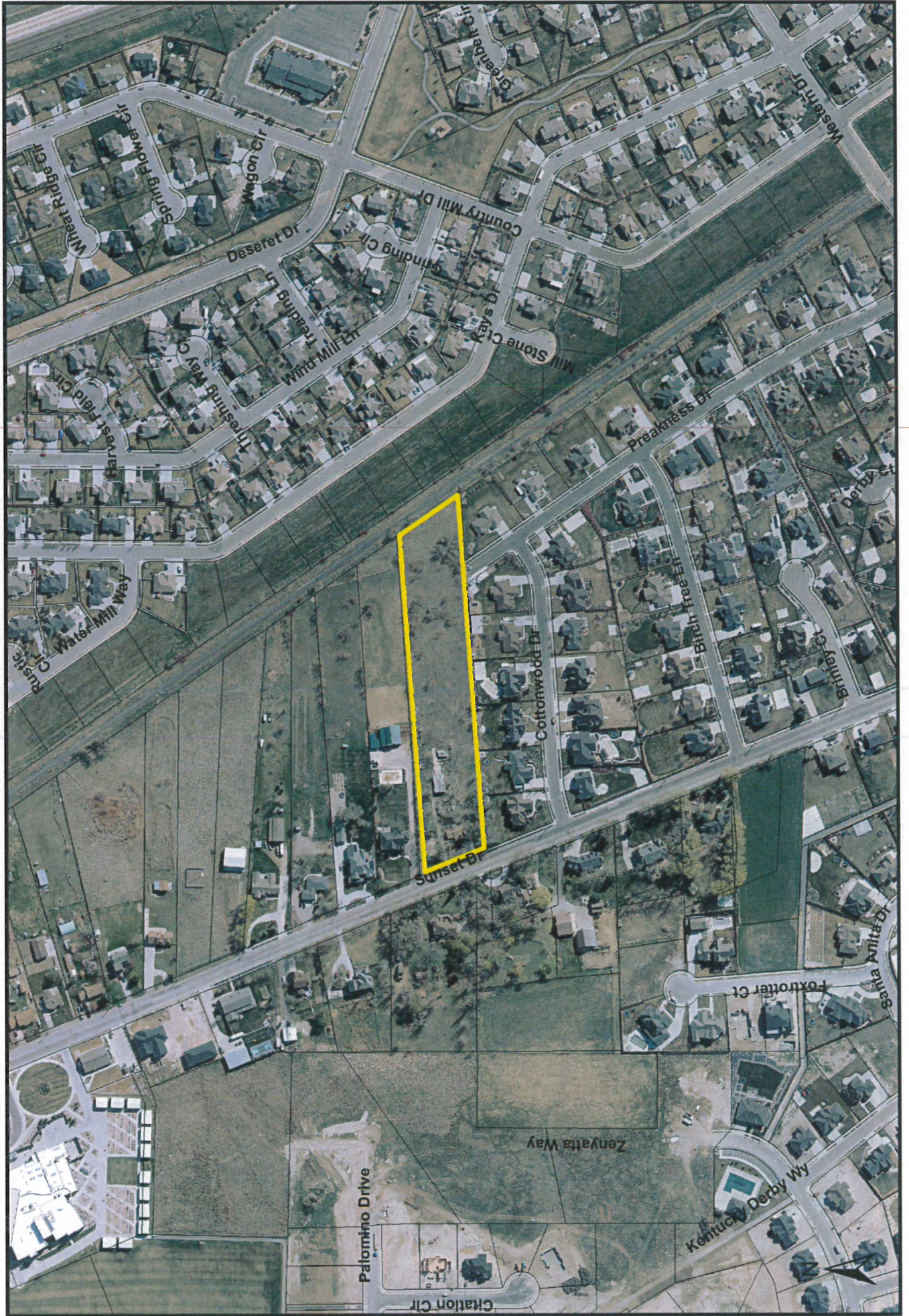
Staff recommends that the Planning Commission recommend approval of the preliminary plat as it complies with applicable ordinances subject to the approval of the R-1-LD zoning district.

Attachment 1: Area Map

Attachment 2: Zoning Map

Attachment 3: Preliminary Plat

Rezone of 993 South Sunset Drive from A-1 to R-1-LD







Planning Commission Staff Report

Tyler Meadows Subdivision – Phase 2 Preliminary Plat July 26, 2018

Applicant/Owner:	Wright Development Group
Location:	1020 and 1034 West Smith Lane
Existing Zone:	R-1-LD

Description:

The City Council recently rezoned the subject property to the R-1-LD zone allowing for development at a density of 2 units per acre. The applicant at the time submitted a concept plan showing a likely layout of the subdivision including 6 lots on a cul-de-sac street.

The submitted preliminary plat is very similar to the concept/yield plan showing 6 lots on a cul-de-sac street. The total property includes 3.3 acres of land with lots ranging from 0.34 acres (14,877 sq. ft.) to 0.77 acres (33,599 sq. ft.) in size.

The R-1-LD accommodates these lot sizes allowing up to two units per acre with a minimum lots size of 12,000 square feet. The density, lot size, frontage, and public street improvements shown on the preliminary plat are all in compliance with applicable ordinances.

Recommendation:

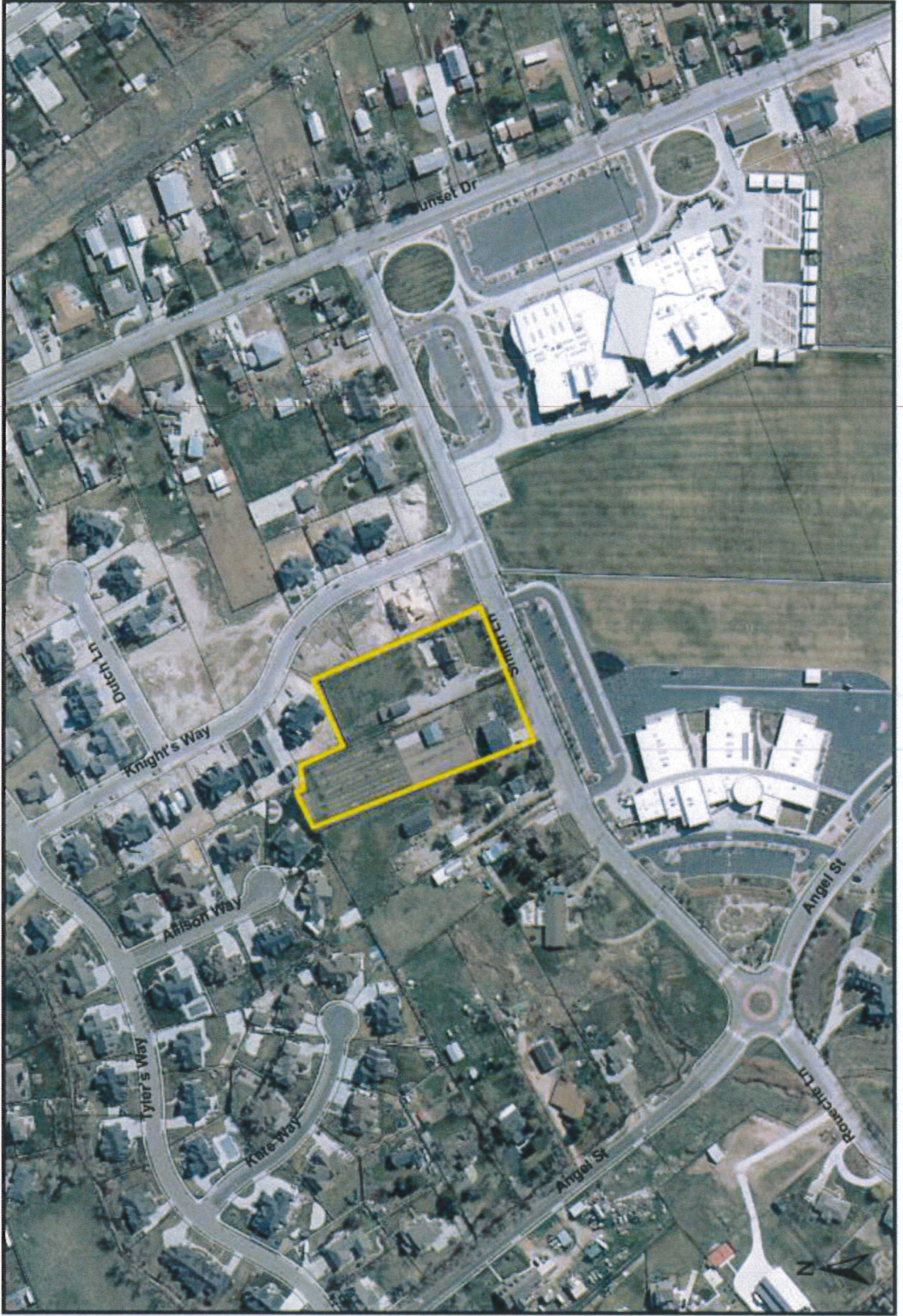
Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for approval of the preliminary plat for Tyler Meadows Phase 2.

Recommendation:

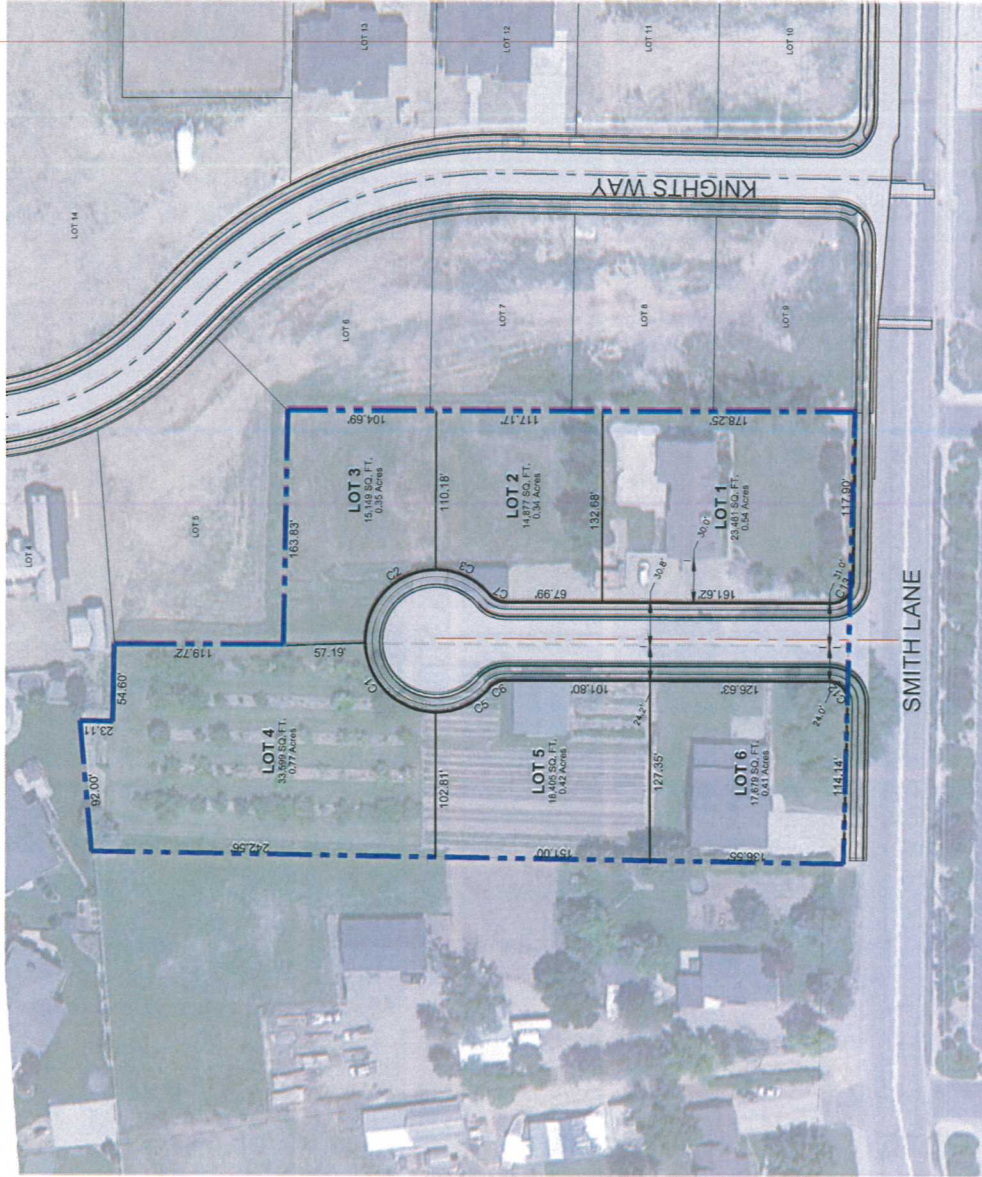
The preliminary plat complies with applicable zoning regulations and other applicable requirements.

Attachment 1: Location Map
Attachment 2: Preliminary Plat

Tyler Meadows Phase 2



TYLER MEADOWS - PHASE 2
PRELIMINARY PLAT
A WRIGHT DEVELOPMENT



LAND USE SUMMARY

OVERALL PROJECT SIZE - 33.3 ACRES
6 LOTS, INCLUDING 2 EXISTING HOMES

ZONING R4-D

GENERAL NOTES

1. NOT BASED ON A SURVEY
2. OTHER EXISTING FEATURES SHOULD BE TAKEN INTO CONSIDERATION, SUCH AS AN EXISTING CONTOURS, LARGE TREES, AND STORM DRAINAGE CONNECTIONS.

NEWTON PARCEL

APPROXIMATELY 1.82 ACRES
RETAINS 0.41 ACRES
SELLING 1.41 ACRES

SMITH PARCEL

APPROXIMATELY 1.50 ACRES
RETAINS 0.54 ACRES
SELLING 0.96 ACRES

PRELIMINARY PLAT
TYLER MEADOWS - PHASE 2
KAYSVILLE CITY, DAVIS COUNTY, UTAH

Scale in feet
North Arrow
North Arrow
North Arrow

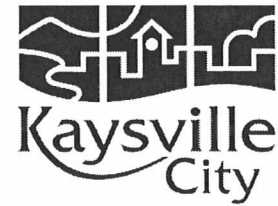
MEAD
MEAD
MEAD

MEAD
MEAD
MEAD

DESIGN
DRAWN
CHECKED
DATE

SHEET:
C1

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TAN	CHORD	CHORD BRG
C1	76.85'	50.00'	88°03'32"	45.33'	69.50'	N20°06'11"E
C2	80.23'	50.00'	91°55'28"	51.72'	71.90'	S89°53'49"E
C3	42.91'	50.00'	49°10'04"	22.87'	41.60'	S0°39'27"W
C4	42.91'	50.00'	49°10'04"	22.87'	41.60'	N48°30'37"W
C5	12.87'	15.00'	49°10'04"	6.86'	12.48'	N48°30'37"W
C6	12.87'	15.00'	49°10'04"	6.86'	12.48'	S0°39'27"W
C7	23.77'	15.00'	90°47'33"	15.21'	21.36'	N21°28'12"E
C8	23.35'	15.00'	88°12'27"	14.79'	21.07'	S88°31'48"E



Planning Commission Staff Report

Request for a Variance from Section 17-31-2 Accessory Buildings January 12, 2017

Applicant/Owner: Walter and Michele Whitehead
Location: 472 North Main Street
Zone: R-1-8 (Single Family Residential)

Description:

Additional details regarding this request for a variance are included with the letter provided by the applicant, in short the applicant is seeking the variance so that an existing structure to may be permitted to remain. This structure has been on site for many years, but was brought to the attention of staff as an issue during review of the Amanda's place subdivision. The following sections of the City's ordinances are in conflict with the existing structure.

Section 17-12-6 Area, Lot Width, and Yard Requirements states that 'On corner lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings.'

Section 17-31-2 Accessory Buildings states 'All accessory buildings shall comply with the provisions of this Title. No accessory building shall be located in any front yard or required side yard.'

Section 17-31-18 View Obstructions states 'On a corner lot in any district, no obstruction to view, except utility fixtures not higher than three feet (3'), shall be allowed to impede vision between a height of two feet (2') and ten feet (10') above the centerline grades of the streets within a triangular area formed by the streets at property line and a line connecting them at points thirty feet (30') from the intersection of the property lines.'

Consistent with Utah Code 10-9a-702, approval of a variance is subject to Chapter 17-4-6 Variances.

17-4-6 Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of this Title as applied to a parcel of property that he or she owns, leases, or in which he or she holds some other beneficial interest, may apply to the Planning Commission for a variance from the terms of this Title.

(2) (a) The Planning Commission may grant a variance only if:

(i) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;

(ii) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

(iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) The spirit of this Title is observed and substantial justice done.

(b) (i) In determining whether or not enforcement of this Title would cause unreasonable hardship under Subsection 2(a), the Planning Commission may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought; and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of this Title would cause unreasonable hardship under Subsection (2)(a), the Planning Commission may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the Planning Commission may find that special circumstances exist only if the special circumstances:

(i) Relate to the hardship complained of; and

(ii) Deprive the property of privileges granted to other properties in the same district.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

Recommendation:

Upon review of this report and hearing from the applicant the Planning Commission needs to determine if a variance is appropriate based on the criteria of Chapter 17-4-6.

As stated, the burden of proof for justifying a variance is on the applicant. If the Planning Commission feels that the applicant has reasonably proven to qualify for a variance, staff recommends that the allowances of that variance be very specific.

Attachment 1: Variance request letter and photos.

July 18, 2018

Kaysville City Planning Board

23 East Center St.

Kaysville, UT 84037

Attn: Lyle Gibson – Zoning Administrator

Re: Zoning Variance – 472 N. Main St., Kaysville, UT

Mr. Gibson,

We present this communication to you as a formal request for variance consideration on our outdoor shed located at 472 N. Main St., Kaysville.

This request is necessitated by a ruling rendered by Andy Thompson, City Engineer, for the Kaysville City Planning Board, regarding a proposed new subdivision to be developed, known as “Amanda’s Place”, Phase 2. Mr. Thompson’s correspondence was dated 08/31/16.

In Mr. Thompson’s correspondence to Mr. Keith Russell & Craig Taylor, representing the Amanda’s Place project developers, a determination was made identified as Sheet C-100 stating:

- 1) Kaysville City Ordinance 17-34-8 (d) states that “no building shall be closer than twenty feet (20’) to any street improvement.” The existing garage does not meet this requirement.

It is this determination that we wish variance consideration on.

In support of our request, we offer the following insight for your consideration.

Our home is a two story Victorian Eclectic brick design with Queen Anne elements constructed between the late 1890’s and completed around 1900. The home was designed and built by William Allen and is one of several local structures built by Mr. Allen, including the Kaysville Tabernacle. Like many of Mr. Allen’s projects, our home is identified as a Utah Historic Site as well as appearing on the National Historic Register. Historical notes support major renovations and restorations being performed in the 1940’s and 1980’s with a rehabilitation project under a Federal Tax Credit being completed around 2005. We are confident that great pains were taken in the restoration efforts to limit the use of modern day building materials such as sheet rock, etc.

Prior to our purchase, the home, while meticulously maintained, served as commercial property with numerous businesses being housed at this site. In early 2016, the property was rezoned residential and on 08/10/2016 was purchased by my wife & myself. However, prior to our purchase, we were required to restore a kitchen and bathing area in the home. This becomes significant as in our efforts to do so, we went to extreme lengths to preserve the period authenticity and historic value on each renovation. After months of searching, we were successful in completing each project with vintage hardware and furnishings and we used zero sheet rock in accomplishing our renovations.

Given the age and building practices at the time our home was built, it becomes important to state that our home comes complete with ONE (1) original interior closet and some modest (modern) cabinet space. There is no basement and any attic storage is inaccessible, leaving our shed as the only means of protected storage for our seasonal clothing, tools and other belongings as well as much needed additional food storage. The loss of this storage would represent an unmanageable situation with many associated hardships.

We have enclosed several photos of the shed and private drive entrance and exit. The shed construction is exceptional with a cinder block foundation, poured concrete floor and power. Measuring 24' in length, 15' deep and a ceiling height of 8', the entire structure is bolted to its foundation with shelving throughout making it virtually impossible to move. Utilizing various size plastic tubs, as mentioned, our out of season clothing are stored on the shelves along with stored canned goods and other food storage items and belongings currently not essential due to seasonality.

Regrettable but necessary, we must call your attention to the timing of our home purchase and the corresponding city determination. We closed on our home on August 10, 2016 following the completion of the renovations mentioned above. At this time, we were aware of ongoing discussions between the Amanda's Place developers and the city planning board and we were supportive of the project. At this time, however, we had been assured by the developers, that the location of our shed would not be impacted by the subdivision. As you might imagine, it was not our intent to remove the precious little storage that we have and certainly not at the incurred expense of removing the shed or replacing it. Further compounding our dismay is the obvious timing disparity between our closing date of 08/10/16, Mr. Thompsons stated findings dated 08/31/16 and who authorized/accepted responsibility for the Shed nonconformance as it certainly was not the Whiteheads. Imagine our surprise when some days later, in Sept., we were verbally notified by the developer of the determination. One would imagine that effective 08/10/16, any and all discussions concerning any actions to our property would have been held with us.

In summary and in support of Kaysville City's Variance Request criteria:

- (i) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;

As stated above, given the age and authenticity of our home, our home comes complete with ONE (1) original interior closet and some modest cabinet space with no basement or accessible attic storage. Our shed is the only means of protected storage for our seasonal clothing, tools and other belongings as well as much needed additional food storage. The loss of this storage would represent an unmanageable situation with many associated hardships.

- (ii) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

Our home is a two story Victorian Eclectic brick design with Queen Anne elements constructed between the late 1890's and completed around 1900. The home was designed and built by William Allen and is one of several structures built by Mr. Allen, including the Kaysville Tabernacle. Like many of Mr. Allen's projects, our home is identified as a Utah Historic Site as well as appearing on the National Historic Register. It is our intention to continue the preservation of the historic value of our home within the Kaysville community.

- (iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

The need for external storage and the utilization of sheds is not unique to our residence as many neighbors employ the same strategy. Our situation is somewhat compounded by the lack of interior home storage due to the age of the home and the trend during the early 1900's to not include interior storage to any large degree. Further, as supported by our recent renovations to the kitchen and bathing area, extreme efforts have been taken to not deform or alter the interior lathe and plaster wall construction in keeping with the original period construction practices.

- (iv) The variance will not substantially affect the general plan and will not be contrary to the public interest;

Maintaining the authenticity and cultural value of our home and associated properties and its place on both the Utah Historic Site and National Historic Register is certainly a plus for the entire community and should in no way detract from the city's general plan or public interest. Modernizing our home to accommodate interior closets could potentially put the historic value of the home at risk and significantly damage our plans of maintaining the homes original charm and comforts.

- (v) The spirit of this Title is observed and substantial justice done;

Given the sequence of events surrounding our purchase of this home site and subsequent determinations held between the Kaysville City Planning Board the developers of the Amanda's Place subdivision, we respectfully submit that granting this variance is at present the only means of assuring that justice will have been done. In the absence of this determination, one might legally question actions taken by other than the property owner and the resulting determinations to proceed with this subdivision. In pursuit of justice being done, we ask only that our shed be allowed to remain in place and that we be left alone to enjoy the beautiful home site that we purchased.

Let us take a moment to further express our concerns with the community impact and public interest as we now view efforts to date concerning the Amanda's Place subdivision. While we will address our concerns as they directly relate to our home and property, the resulting neighborhood impact is also in question.

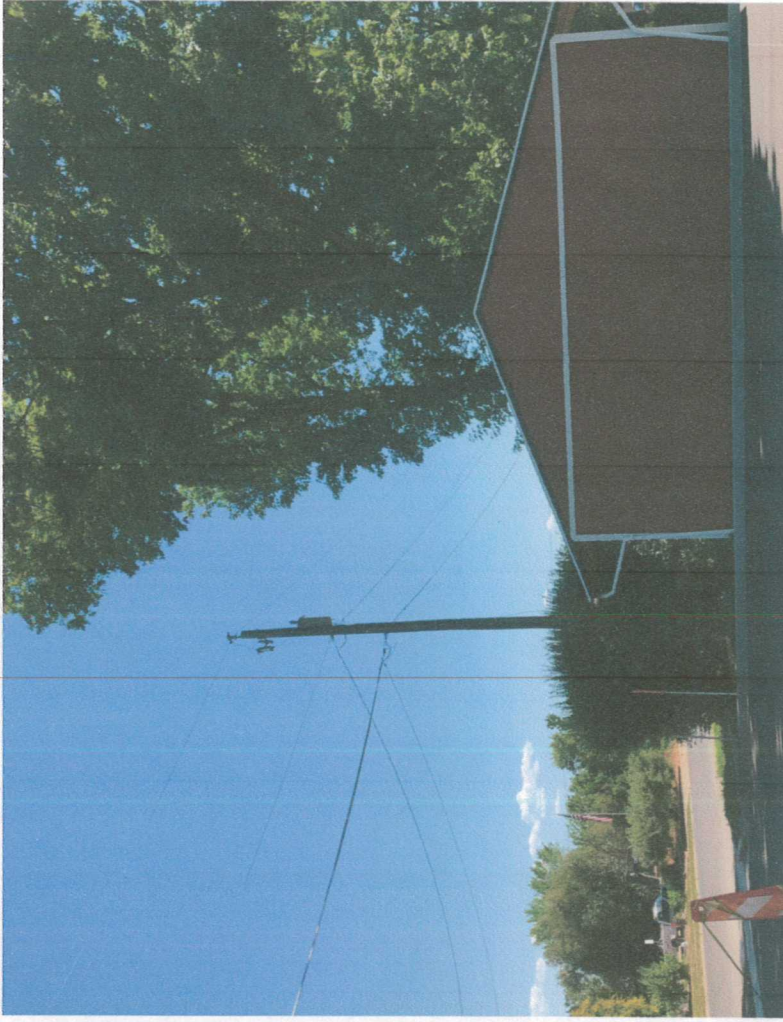
Since construction has begun for the eventual subdivision and the private road constructed, the resulting change to the topography has been significant. Where at one time our property was level with the surrounding area, now the northeast boundary of our property sits some 16" below the private street level. This will most certainly result in a snow melt/storm water collection area with resulting stagnant water present until Mother Nature resolves the issue. Any attempt to recontour our property to eliminate this collection area would result in a negative grade directing runoff towards our home rather than the desired away from our home condition. As you might imagine, this new condition would also present significant issue with either relocating our shed or reconstructing it as now, as the result of the new private street, most of our eastern property line is now below street level. A condition certainly not desirable with an exterior storage facility due to potential water run off concerns. Quite frankly, given this most recent development, the existing shed location appears to be the most sensible and sound location despite its nonconformance to city ordinances as it sits on the southeast corner of our property experiencing the least amount of topography impact.

Let us once again state our overall support of the Amanda's Place subdivision. That support has not changed given that the completion of the subdivision will be in accordance with current Kaysville City over site and resulting inspections and approvals to insure compliance with city building requirements. We are confident that our city authorities will do everything in their power to protect individual rights/concerns and community harmony.

In conclusion, our request for variance to the 08/31/16 ruling to remove our shed would pose an insurmountable obstacle to our comfortably residing in a home that we have grown to love and treasure along with the many historical nuances and treasures this home holds. While contrary to current city ordinances, this home and shed have represented the values and comfort of an earlier time and should be preserved. The private street associated with the Amanda's Place subdivision will service some 4-5 residence. While our shed would not conform to today's guidelines, it has been in place for many years, It does not detract from the harmony nor aesthetics of the neighborhood and should not pose a danger due to obstructed vision to the subdivision.

Respectfully yours,

Walter C. & Michele E. Whitehead





KAYSVILLE CITY PLANNING COMMISSION

June 28, 2018

Members Attending: Chairperson Betty Parker, Stroh DeCaire, Lorene Kamalu, Joshua Sundloff, Thomas Wood

Excused: Matthew Anderson, Gary Bullock

Staff Present: City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Mayor Katie Witt, Council Member Larry Page, Rosemary Lindsay, Graeme Layton, Shelly Altom, Janna Roberts, Wilf Sommerkorn, Sandra DeCaire, MacRay Baxter, Tyler Wood, Lisa Wood, Justin Lund, Jerald Wilson, Wade Watkins, Chase Freebairn, Ryan Hales, Bryon Prince

OPENING

The Planning Commission meeting was held on Thursday, June 28, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the June 14, 2018 meeting were presented for approval.

Lorene Kamalu made a motion to approve the minutes of the June 14, 2018 meeting. Stroh DeCaire seconded the motion and it passed unanimously.

Mayor Katie Witt made a presentation of appreciation to Lorene Kamalu for her participation as a member of the Planning Commission for over four years and thanked her for her service. Mrs. Kamalu has contributed much to the community and we wish her luck in her future endeavor as Davis County Commissioner. Mayor Witt introduced Wilf Sommerkorn as the new Commission member, who was appointed at the City Council's last meeting on June 21, 2018.

Mayor Witt announced that earlier that week Stroh DeCaire was chosen by the City Council as the candidate to be appointed to take James Hansen's position on the Council for the remainder of his term. Mr. DeCaire's replacement will be appointed at the City Council's next meeting.

FINAL PLAT APPROVAL FOR SUNSET ACRES SUBDIVISION AMENDED AT 427 WEST BURTON LANE – ROSEMARY LINDSAY

Andy Thompson explained that recently Rosemary Lindsay received approval for a rezone of the property at 427 West Burton Lane to the R-1-LD zoning district, together with the preliminary plat for the proposed subdivision. Ms. Lindsay has now submitted a Final Plat for the subdivision which includes four total lots on 2.06 acres. Two of the lots have existing homes on

them which will remain, while the remaining property will be split into lots where two new single family homes may be built. The final plat is consistent with the approved preliminary plat, and meets density, lot size, and lot width requirements.

Stroh DeCaire made a motion to approve the final plat for Sunset Acres Subdivision Amended at 427 West Burton Lane for Rosemary Lindsay. Thomas Wood seconded the motion and it passed unanimously.

Stroh DeCaire was excused for the remainder of the meeting.

REZONE OF 25.0 ACRES OF PROPERTY AT 700 SOUTH DESERET DRIVE FROM GC (GENERAL COMMERCIAL) TO THE R-M (RESIDENTIAL MULTI-FAMILY) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE - IVORY HOMES

Lyle Gibson explained that the Planning Commission held a Public Hearing in April regarding this proposal. After the hearing and additional conversation, the Planning Commission voted to table a decision regarding the request, pending: a development agreement further detailing the plans for the property, a traffic study comparing trip generation of commercial and residential use of the property, and there be shown a balance of commercial and residential use to compliment the area. Since the meeting, the applicant has worked with a traffic engineer to generate a traffic study. This study indicates that the transportation network with the additional development will continue to function at a high level of service. The notable exception to this is the intersection at 200 North and 600 West which currently rates poorly. Various scenarios, including an office development and a commercial shopping center were analyzed to compare with the proposed residential development. In each scenario the level of service was similar at buildout. The applicant has also provided a more detailed site plan showing how the property would likely be developed, including sample photos of a similar development, as well as a draft development agreement to commit themselves to certain development, including a limitation on density and housing types. Ivory Homes had stated that they would like to develop the residential portion at eight units per acre consisting of single family homes. Single family homes can be attached (townhomes) or detached. Since the time Planning Commission packets were sent to Commission members, Ivory Homes has met with the Mayor and Staff, and has changed their proposed concept plans for the property. With this new plan, Ivory is proposing a mostly even split of the property, with half of the land being for commercial uses and the other half for residential. They are still proposing to have eight units per acre, which requires a rezone to the R-M zoning district. With the additional information provided, the Planning Commission could consider making a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan, how well the proposal works at this specific location, and how well the development agreement and provided details address the concerns of the Planning Commission and public.

Bryon Prince, representing Ivory Homes, responded that they have done extensive research and have had discussions with potential commercial users of this property with the intent to understand what could be achieved here. Unfortunately the current seller of the property could not be here tonight but they have e-mailed a formal statement to the Commission clarifying their

position on this and gave some context as to what has happened up to this point with the property. The bank, the seller, has been marketing this property for some time. Ivory Homes is now coming back to respond to some of the questions and concerns that have been made previously. A comparative traffic impact study has been done to analyze what impact each type of use would have to this area. Ivory Homes has been working with Ryan Hales with Hales Engineering who has created a traffic study. Because Ivory Homes has changed the concept plans for the property, the development agreement will also need to be updated to accommodate those adjustments.

Thomas Wood asked about what type of commercial uses Ivory had envisioned.

Bryon Prince responded that they already have one user for the five acre parcel which will use their portion as a destination type of use. Other commercial users would be a similar type of use and will likely not be traditional retail spaces.

Lorene Kamalu asked about how the seller acquired the property.

Bryon Prince responded that a developer had owned it previously but lost it from bankruptcy. The bank was listed as the lender and therefore the land went back to them in 2013. The property started to be marketed in 2014 and was listed for two years with no interested buyers.

Ryan Hales, representing Hales Engineering, said that when compiling a traffic study they look at the Trip Generation Manual which is a national standard. When comparing a commercial or residential use on this property, if this were developed residentially it would generate an average of 290 trips during peak hours in the morning and 666 trips during peak evening hours. If it were developed commercially, there would be an average of 316 in the morning and 1306 trips in the evening. A mix of both commercial and residential uses generated an average in between the two uses. In any situation, the intersection of 200 North and 600 West is in a failing condition. There is not much that can be done to change the situation right now. It cannot be signalized because it is too close to the freeway ramps. It's a bad intersection and will remain so no matter how this subject property is developed. UDOT will need to look at the traffic here to help create a better situation. Northbound traffic at 600 West is the most difficult movement and creates the largest delay for users.

Josh Sundloff commented that if we had more of a specific idea of what type of commercial users would be located here then these trip numbers would be more refined. These numbers are showing us the worst case scenario for these intersections and average traffic generated. Mr. Sundloff asked about what commercial uses tend to generate more trips.

Ryan Hales responded that fast food restaurants and gas stations bring some of the highest number of trips. This is a desirable location because of its visibility from the interstate, however the access to the property is difficult and tends to scare potential commercial users away.

Josh Sundloff commented that it seems unlikely that any high traffic generators would be located here, and therefore the trip numbers might even be less than what is being presented tonight. Mr. Sundloff asked about the intersection at 200 North and 600 West and potential plans for

improvements to it.

Andy Thompson responded that the city has had many discussions with UDOT and UDOT anticipates that this interchange will be reconstructed in the next ten years to help alleviate the congestion at this intersection.

Lorene Kamalu asked if UDOT will take into consideration the city's active transportation plan.

Andy Thompson said that they would.

Chairperson Betty Parker stated that a Public Hearing had already been held on this rezone, however if there is anyone in the audience who would like to make a public comment she would allow it.

Janna Roberts said that this concept plan being presented tonight is new to everyone. Even with the new design, there could potentially be a hundred homes added to this area and the neighbors have some concerns about that large of a number. It will have an impact to our schools which are already full and over capacity. Adding such a large amount of new homes will also be a burden on the infrastructure in the area. Ms. Roberts asked why the R-M zone is being proposed when the developer is saying they are only building single family homes. Also, what kind of commercial businesses are being proposed here? Would the Council be able to have a say on what types of uses can be here? Once a rezone is approved the property owner could come back with a completely different concept plan.

Josh Sundloff responded that the developers are seeking the R-M zoning district because they would like to have a higher number of units per acre, but not multi-family homes. The R-M district would allow them up to fifteen units, however a development agreement would be approved as well which would limit them to only eight per unit. The city can also limit what types of commercial uses could go here, but not who the users would be. That would also be outlined within a development agreement. It's something that would be considered down the road with the City Council.

Thomas Wood commented that with this new concept plan, we should only be rezoning 12.2 acres of the land, and not the 25.0 acres as originally requested, to the R-M zone since it's already zoned for GC now.

Andy Thompson said that any rezone request could be modified, and because this is all owned by one property owner you could tie the development agreement to the whole property, including the commercial, in exchange for the R-M zoning. It doesn't seem that we have enough to make a recommendation for this rezone tonight, but it would be appropriate to give the developers a good indication of what you'd like to see here.

Lorene Kamalu asked if Ivory Homes had met with the neighbors.

Andy Thompson responded that it has been recommended to Ivory Homes that a meeting with the neighbors would be appropriate to give the opportunity for more communication. Then after

the two groups have met have the developer come back with a plan that both groups feel more comfortable with.

Jerald Wilson responded that he lives on Country Mill Drive and his property backs up to this. Mr. Wilson said that these concept plans show no common open space areas for these homes. It's likely there will be many children living here and there needs to be more open space areas for the kids to play at. Kids could be out riding their bikes on Deseret Drive or walking over to the closest park which is in Old Mill Village. There will be an ingress of children to the surrounding neighborhoods.

Lorene Kamalu asked if the park in Old Mill Village was a city park.

Andy Thompson responded that it is the HOA's park.

Wade Watkins said that he lives on the west side of Deseret Drive and because this is the first time everyone has seen the latest concept plan, it would seem best for the neighbors to be able to have a meeting with the developer to discuss the new plans. The neighbors understand that the sellers have a right to develop their property, and they would like to work out some of the neighbors' concerns. Mr. Watkins said that he is concerned about the placement of the ingress and egress to the property as headlights from the cars leaving the property will shine into their homes across the street.

Byron Prince apologized that the concept plan wasn't made available further in advance. When they spoke with the city and indicated that they would like to move this rezone forward for approval, it wasn't expected they'd be on the agenda so soon. When people hear the R-M zone they automatically assume apartment buildings. However Ivory Homes chose the R-M zone not with the intention of building multi-family housing but rather having a higher density in the acreage. After hearing feedback from Staff and the Planning Commission, they decided to come back with a concept plan showing more commercial uses on the property. They have been working to find a balance between a feasible marketplace and a good development. The demographics of this property makes this a challenging commercial site. They want to make sure that they provide a product that will complement the neighborhood. Ivory Homes is willing to hold open houses to have a more detailed conversation with the neighborhood and get ideas of how to make this work for both the neighborhood and the site. Once they have done that, they plan to bring it back to the Commission for a more in-depth conversation as well. They will send out letters to the homes regarding the open house when that occurs.

Lorene Kamalu said that she has spoken with many in this neighborhood and have heard many complaints about the 600 West and 200 North intersection. People have said that it's hard to even turn right there at certain times of the day. It's discouraging to hear that it's a failed intersection that won't be fixed for years to come. Hopefully it will become more of a priority for UDOT. Mrs. Kamalu thanked those who have commented tonight to help bring attention to concerns we might not have thought about. This property is valued space and there needs to be some kind of sustainable commercial here that would be supported by the rooftops. It is good to see that Ivory Homes would like to meet with the community to have more open discussions about the possibilities for this property.

Josh Sundloff made a motion to table the requested rezone of 25.0 acres of property at 700 South Deseret Drive from GC (General Commercial) to the R-M (Residential Multi-Family) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone for Ivory Homes. Lorene Kamalu seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Graeme Layton asked why more homes similar in size to what is already in the area couldn't be developed on the Deseret Drive property.

Andy Thompson responded that while it could be developed as such, that it isn't what the developer is requesting for their development.

REPORTS

Lyle Gibson said that with the recent changes in Planning Commissioners, we won't have all the new members in until the second meeting in July and therefore will elect a new Chairperson and Vice-Chairperson at the Planning Commission's July 26, 2018 meeting.

Lorene Kamalu stated that "Stroll Kaysville" will be occurring again on July 12, 2018 from 6:00 to 9:00 p.m. along Main Street. Their first event brought in over eight hundred attendees and we have more people interested in participating in this next one. Mrs. Kamalu also thanked the Commissioners and Staff for their work. It has been a great group of people to work with and learn from. Wilf Sommerkorn is highly regarded and respected, and will add a lot of experience to the Planning Commission body.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, July 12, 2018 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:07 p.m.