

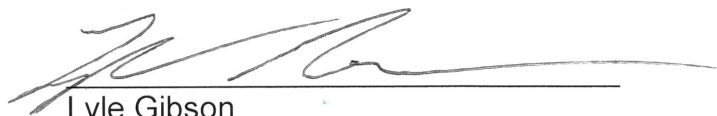
**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA
AMENDED**

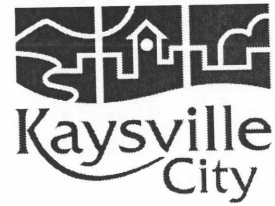
Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, September 13, 2018 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of the minutes from the meetings of July 26, 2018 and August 9, 2018.
2. Conditional use permit for major home occupation "B":
 - a. Esthetician at 474 East 1310 South – Brooke Davis.
 - b. Preschool at 108 North 2300 West – Camille Huggard.
3. Rezone of 25 acres of property at 700 South Deseret Drive from GC (General Commercial) to the R-2 (One to Two Family Residential) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone and the LI (Light Industrial) zoning district – Ivory Homes.
4. Public hearing and preliminary plat approval for Orchard Ridge Estates Subdivision at approximately 1400 North Highway 89 – Compass Holdings Development.
5. Public hearing and preliminary and final plat approval for 40 East Crestwood PUD Subdivision at 40 East Crestwood Road – Brian Neville.
6. Final plat approval for Tyler Meadows Subdivision Phase 2 at 1020 and 1034 West Smith Lane – Wright Development Group.
7. Final plat approval for Brady Estates Subdivision at 993 South Sunset Drive – Robyn Barkdull.
8. Public hearing and review of an ordinance establishing the creation of the position of an administrative law judge and the parameters in which that office functions, amends and adds to multiple sections of the Kaysville City Ordinances.
9. Public hearing and request to amend Section 17-31-25, Telecommunication Towers, together with amendments to applicable zoning districts within Title 17, Planning and Zoning, to clarify where tower types may be located and by which process they may be considered.
10. Call to the public.
11. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
12. 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 Tuesday, September 11, 2018.


Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B' Esthetician September 13, 2018

Applicant/Owner:	Brooke Davis
Location:	474 East 1310 South
Zone:	R-1-8 (Single Family Residential)

Description:

The applicant is requesting a conditional use permit to operate as an esthetician from her home. Her business would offer services typical of an esthetician such as eyelash extensions, but unique to this proposal is the offering of lessons helping others get certified with her skill set.

Both appointments and lessons would be one-on-one and by appointment only. Parking would be available on site in the applicant's driveway.

Recommendation:

Staff is recommending approval of the proposed conditional use permit for a major home occupation 'B' subject to compliance with Title 17-26-4 of the Kaysville City Ordinance without any additional conditions.

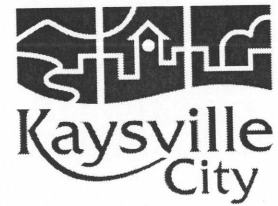
Reasoning:

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

Attachment 1: Area Map

474 East 1310 South





Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B' Preschool September 13, 2018

Applicant/Owner: David and Camille Huggard
Location: 108 North 2300 West
Zone: R-A (Residential Agriculture)

Description:

The applicants are requesting a conditional use permit for a major home occupation 'B' to run a preschool from their home. Classes are anticipated to have 7 to 8 children at a time. Currently it is envisioned that classes would only be in the mornings Monday through Friday.

The applicants' home is across the street from Kays Creek Elementary School. While it is located near the bus drop-off rather than the primary drop-off for parents, traffic can get busy at key times during the school year. Because of this the applicants' classes would begin after the drop-off rush and would be finished well before the elementary school is let out. As homes only front one side of the street, there is space for parking along the street for parents coming to the preschool in addition to the applicants driveway. A preschool operates as a type of organized class, and per 17-26-4 (12) requires that a limit be placed on the number of students and/or the number of vehicles transporting students in order to prevent congestion.

Recommendation:

Staff is recommending approval of the proposed conditional use permit for a major home occupation 'B' subject to compliance with Title 17-26-4 of the Kaysville City Ordinance and the following condition:

- The number of students be limited to 8 per class.

Reasoning:

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

Attachment 1: Area Map

108 North 2300 West





Planning Commission Staff Report

Rezone of 25 acres of property at 700 South Deseret Drive from GC (General Commercial) to the R-2 (Residential) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone and the LI (Light Industrial) zoning district.

September 13, 2018

Applicant/Owner: Ivory Homes

Description:

Update:

At the behest of the Planning Commission the City and Ivory Homes have done additional outreach to the general public to discuss the subject property in regards to their desired use of the land and input on Ivory Homes proposal. Based on the input received from the Planning Commission at previous meetings and that received from an open house held at the Kaysville Library and a second presentation done at Boondocks Ivory a revised concept and development agreement are being presented to the Planning Commission for its review.

To summarize the feedback from the open house and presentation, there is no absolute consensus from the general public and nearby property owners, however there seem to be some reoccurring comments and input worth noting. Knowing development will eventually occur, nearby residents would prefer large lot single family development similar to their existing neighborhoods. Neighboring HOAs want to make sure that any new residential development has its own amenities, and the proposed commercial user is desirable.

Most of the comments received at both events were from those who live near the proposed development. The limited comments from outside the subject area felt that it would be good for the city to have more diversity in housing types west of the freeway, but also voiced concern for giving up commercial property and the potential tax implications that may have.

The revised concept plan includes 12.12 acres of single family residential development. The development agreement suggests the R-2 zoning district in order to allow for the proposed number of units, and the PRUD overlay allows for the common areas and flexibility in design. More detail would be worked out through the subdivision process should the zoning and type of development be approved by the city. The remaining property includes 12.8 acres of commercial property with an gym proposed on nearly 8 of those acres. The applicant has been in negotiation with Kongo Gym who would operate a facility that focuses on team sports and training so has several courts and fields that are used by teams for practices

and games among other items. The development agreement proposes that this and the entirety of the non-residential property in the development be zoned to the Light Industrial zoning district for the purpose of accommodating the gym facility. While the GC zone would allow for this use, the GC zone comes with building design standards that would make the Kongo Gym proposal cost prohibitive.

From 6/28/2018

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 the following:

- A development agreement further detailing the plans for the property.
- A traffic study comparing trip generation of commercial and residential use of the property.
- Show a balance of commercial and residential use which compliments the area.

Since this meeting the applicant has worked with a traffic engineer to generate a traffic study. This study indicates that for the most part 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. Some scenarios with office development and a commercial shopping center were analyzed to compare with the proposed residential development shown in Appendix E of the report. 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. Specifically of note the agreement states that there will be a minimum of 5 acres of commercial and that residential development shall consists of a maximum of 8 units per acre consisting of single family homes. Single family homes can be attached (townhomes) or detached.

Original report from April 26, 2018:

The subject property just south of Boondocks between Deseret Drive and the freeway is currently vacant. The applicant is requesting a rezone of the property from commercial to allow for residential development.

The existing GC zoning district regulated by Kaysville City Code (KCC) Chapter 17-19 allows for office and retail sales and services.

The RM zoning District regulated by KCC 17-16 is for residential use with potential density as high as 15.5 units per acre.

The PRUD overlay zone found in KCC 17-34 would allow for some flexibility in development of the property such as a common open space subdivision or some deviation from typical requirements of the RM zone should the applicant prove that the development will create a more desirable product than would otherwise be feasible without the overlay.

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.

Growth and Development

A. Growth should mostly occur through development within the City. Development should improve public safety and sense of community. An adequate revenue base should be developed to fund City operations and infrastructure.

1. Refurbish or replace deteriorating structures so that land is used to its long-term potential.
2. Reserve land and promote development that is high quality, diversified and adaptable to changing conditions.
3. Encourage businesses and industries to locate and invest within the City.
4. Regulate the more intensive uses that create traffic and public service problems and costs

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.

Business and Industry

A. Most sites used primarily for business or industry should be located on major streets. Mitigate impacts on adjacent residential uses through compliance with ordinances and regulations.

B. Home occupations should be located throughout the City, but not be allowed to change or interfere with the character of residential areas.

Deseret Drive and I-15 are both classified as Major Streets per Kaysville City's Major Street Plan in Section 8-3-2.

Recommendation:

Rezone:

With the additional information provided, 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, 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 provided to date. The Planning Commission may make recommendations to approve, approve with modifications, or deny the request. Modifications to the development agreement can span a wide range of items including limitations of use in the proposed LI zoning district, the acreage of commercial and residential, or changes that would impact the number or type of units in the residential district. The Planning Commission may also table a decision pending additional information.

Attachment 1: Area Map

Attachment 2: Zoning Map

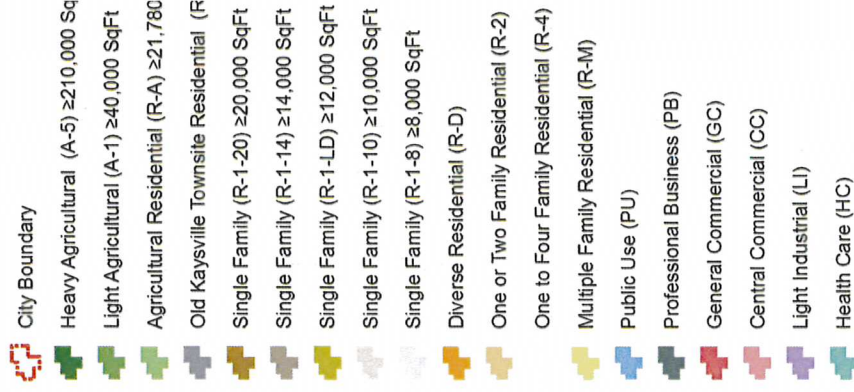
Attachment 3: Draft Development Agreement

Attachment 4: Kongo Gym Architecture

700 South Deseret Drive



April 2018



When Recorded, Return to:

Ivory Development, LLC
Bryon Prince
978 East Woodoak Lane
SLC, UT 84117

Affecting Tax Parcels No.: 08-001-0082 and 08-001-0025

**AMERICA FIRST CREDIT UNION PROPERTY
SUBDIVISION DEVELOPMENT AGREEMENT**

(25 Acres on Deseret Drive, Kaysville, UT)

For ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, THIS AMERICA FIRST CREDIT UNION PROPERTY SUBDIVISION DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2018, by and between Kaysville City, a municipal corporation of the State of Utah, ("City"), and Ivory Development, LLC, a Utah limited liability company ("Developer"), sometimes referred to jointly herein as "Parties."

RECITALS:

- A. Developer owns real property within the City located at 700 South Deseret Drive more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference ("Property").
- B. Developer has heretofore made application to the City for approval of Developer's Project as a subdivision.
- C. Developer and the City desire that the Property be developed in a unified and consistent fashion according to the terms set forth herein.
- D. Developer has pending a zone amendment application for purposes of amending the zoning of the Property from the GC (General Commercial) zoning district to the LI (Light Industrial) zoning district and the (R-2 Two Family Residential) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone as depicted in Exhibit "B".
- E. Developer and the City desire to enter into this Agreement to specify the rights and responsibilities of Developer to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.
- F. The Parties understand and intend that this Agreement is a "development agreement" within the meaning of, and entered into pursuant to the terms of Utah Code Ann. §10-9a-102.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Recitals Incorporated.

The above Recitals are integrated into the terms and conditions of this Agreement.

2. Development Requirements.

Subject to the City's approval of the Project as a subdivision, together with all necessary zoning changes, entitlements and approvals, and subject to the terms and conditions of this Agreement, Developer shall proceed with the Project as follows:

a. Compliance with City Ordinances and Development Requirements. The Project shall be developed in accordance with the ordinances and development requirements of the City governing preliminary and final subdivisions. All required plats, drawings and other supporting documents for the Project, and each phase thereof, shall be prepared and submitted to the City for its review and approval.

b. Dedication or Donation. Prior to or simultaneously with recording of the final plat for the Project, or any phase thereof, at the office of the Davis County Recorder, Developer agrees to dedicate, transfer or donate to the City all required easements and public right-of-ways for the purpose of constructing, installing, operating and maintaining public utilities and improvements of every nature and kind as determined necessary by the City.

c. Project Use. Developer's project for development of the Property shall consist of a minimum of twelve and a half (12.5) acres of commercial use with the remaining acreage a residential use.

d. Residential Lot Density. The residential portion of Developer's project for development of the Property shall consist of a maximum of 70 units or a maximum density of 5.8 units per acre consisting solely of single-family detached homes and no multi-family housing, which multi-family housing is specifically prohibited within the project pursuant hereto. The residential portion of Developer's project shall substantially resemble the concept plan attached hereto as Exhibit "C". Lots with border the existing Old Mill Village Subdivision along the south side of Developer's project shall be a minimum of 70 feet in width.

3. Construction Standards and Requirements.

All Construction shall be conducted and completed in accordance with the ordinances and development standards of the City. All required improvements for the Project shall be constructed in accordance with the City's construction standards and/or plans specifically approved for this project and all required Public improvements and easements shall be dedicated to the City. Prior to commencing any construction or development of any building, structures or other work or improvements within the Project, the Developer shall secure any and all permits which may be required by the City or any other governmental entity having jurisdiction over the work. The Developer shall construct, or cause to be constructed, all improvements for the Project in conformity with all applicable federal, state and/or local laws, rules and regulations.

4. Payment of Fees.

The Developer shall pay all required fees to the City in a timely manner pertaining to the Project or any portion thereof.

5. Reimbursement for “Upsizing”. In addition to the credits set forth above in Section 4, the City shall not require Developer to “upsized” any public improvements (i.e., to construct the improvements to a size larger than required or not necessary to service the Project) unless financial arrangements reasonably acceptable to Developer and the City are made to compensate Developer for the costs associated with upsizing the improvements. In the event any off-site infrastructure or on-site infrastructure designed, constructed, or developed by Developer are oversized for the benefit of any property other than the Property, Developer shall be entitled to reimbursement for the portion of the costs attributable to the oversizing of such improvements within ninety (90) days of submitting an invoice for such work to the City.

6. City Obligations.

Subject to the Developer complying with all of the City’s Ordinances, rules, regulations and the provisions of this Agreement, the City agrees to:

- a. Provide standard municipal services to the Project including police and fire protection, subject to payment of all fees and charges invoiced or levied therefor by the City.
- b. Cause the City’s administrative personnel, with reasonable diligence, to take or cause to be taken all actions required or advisable to be taken preparatory to, but not including, final legislative action by the City Council or the Planning Commission, in connection with adoption of the pending zone amendment and approval of this Agreement.
- c. Maintain all utilities, roads, and other infrastructure and improvements dedicated to the City as part of the Project.
- d. Assign the LI (Light Industrial) and the R-2 (Two-Family Residential) zoning districts as shown on Exhibit “B” to include the PRUD (Planned Residential Unit Development) overlay zone along the residential property.

7. Assignment.

The Developer shall not assign this Agreement or any rights or interests herein without the prior written consent of the City.

8. Default. If Developer or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the party believing that a Default has occurred shall provide Notice to the other party. Said Notice of Default shall, (1) specify the claimed event of Default; (2) identify the provisions of this Agreement claimed to be in Default; (3) identify why the Default is material; and (4) (optional) propose a method and time for curing the Default. Upon the issuance of a Notice of Default, the parties shall engage in a “Meet and Confer”. If the issue is not resolved during the “Meet and Confer” process, the parties shall engage in a mediation process. If a mediation process is necessary based on the foregoing, the parties shall appoint a mutually acceptable mediator within ten (10) days of the “Meeting and Confer”. If the parties are unable to agree on a single acceptable mediator, each shall, within ten (10) days, appoint their own representative. These two representatives shall choose the single mediator. Developer shall pay the fees of the chosen mediator. After being named mediator, such individual shall within fifteen (15) days, review the positions of the parties regarding the mediation issues and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems to be appropriate. The mediator’s opinion shall not be binding on the parties. If the parties are not able to resolve the Default by “Meet and Confer” or by

mediation then the parties may have all rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages.

9. Notice.

Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer:
Ivory Development, LLC.
Attn: Bryon Prince
978 Woodoak Lane
Salt Lake City, Utah 84117

To City:
Kaysville City
Attn: City Manager
23 E. Center St.
Kaysville, UT 84037

Any party may change its address for notice by giving written notice to the other party in accordance with provisions of this Section.

10. Attorneys' Fees.

In the event of any lawsuit between the parties hereto arising out or relating to this Agreement, or any of the documents provided for herein, the prevailing party or parties shall be entitled, in addition to the remedies and damages, if any, awarded in such proceeding, to recover reasonable attorneys' fees and costs.

11. Integration.

This Agreement, together with the exhibits hereto, integrates all of the terms and conditions pertaining to the subject matter hereof and supersedes all prior negotiations, representations, promises, inducements or previous agreements between the parties hereto with respect to the subject matter hereof. Any amendments hereto must be in writing and signed by the perspective parties hereto.

12. Headings.

The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

13. No Third Party Rights/No Joint Venture. This Agreement does not create a joint venture relationship, partnership or agency relationship between the City and Developer. Further, the Parties do not intend this Agreement to create any third-party beneficiary rights. The parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements at which time all rights and responsibilities for the dedicated public improvement shall be the City's.

14. Binding Effect.

This Agreement shall inure to the benefit of, and be binding upon the parties hereto and their respective heirs, representatives, officers, agents, employees, successors and assigns (if any assignments are allowed as provided hereinabove).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

Developer:

IVORY DEVELOPMENT, LLC,
a Utah limited liability company

By: _____

Name: _____

Its: _____

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

On this ____ day of _____, 2018, personally appeared before me _____, known or satisfactorily proved to me to be the person who signed the foregoing instrument, and acknowledged to me that he/she is the _____ of Ivory Development, LLC, a Utah limited liability company, and acknowledged to me that said limited liability company executed the same.

Notary Public

City:

KAYSVILLE CITY

By _____

Katie Witt, Mayor

Attest and Countersign:

Dated:

City Recorder

STATE OF UTAH)

: ss.

COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Katie Witt, Mayor.

Notary Public

EXHIBIT "A"

PROPERTY DESCRIPTION

Parcel ID 08-001-0082: BEG 367.70 FT S & S $66^{\circ}31'10''$ W 290.89 FT & S $15^{\circ}37'20''$ E 1012.66 FT FR NE COR SEC 4-T3N-R1W, SLM; SD PT BEING ON THE E'LY LINE OF DESERET DR DEDICATED 01/08/2007, E# 2234041 BK 4194 PG 514; & RUN TH ALG SD LINE 3 COURSES AS FOLLOWS: S $15^{\circ}37'20''$ E 259.01 FT TO A PT ON THE ARC OF A 1000.00 FT RAD CURVE TO THE LEFT 116.74 FT (LC BEARS S $18^{\circ}58'00''$ E 116.68 FT) & S $22^{\circ}18'40''$ E 874.17 FT; TH S $88^{\circ}06'40''$ E 139.66 FT; TH N $21^{\circ}27'40''$ W 1209.28 FT ALG EXIST FENCE; TH N $63^{\circ}31'05''$ E 654.31 FT ALG SD FENCE TO W'LY LINE OF RR R/W; TH N $19^{\circ}36'30''$ W 69.50 FT ALG SD R/W; TH S $65^{\circ}53'22''$ W 766.74 FT TO POB. CONT. 5.08 ACRES

And

Parcel ID 08-001-0025: BEG S 367.7 FT ALG SEC LINE & N $66^{\circ}31'10''$ E 400.67 FT TO W'LY LINE OF A RR R/W & S $19^{\circ}36'30''$ E 1107.93 FT ALG SD R/W FR NW COR SEC 3-T3N-R1W, SLM; TH S $63^{\circ}31'05''$ W 654.31 FT ALG AN EXIST FENCE LINE; TH S $21^{\circ}27'40''$ E 1209.28 FT ALG A FENCE LINE TO S LINE OF THE NW 1/4 OF SD SEC 3; TH S $88^{\circ}13'$ E 639.9 FT, M/L, ALG S LINE OF SD NW 1/4 TO W LINE OF SD RR R/W; TH N $19^{\circ}44'$ W 1520 FT, M/L, ALG SD RR R/W TO POB. CONT. 20.26 ACRES

This is a detailed zoning map of a residential area. The map features several distinct zones, each color-coded and labeled with a zoning code:

- GC (General Commercial):** A red-shaded area located in the upper left quadrant.
- LI (Light Industrial):** A purple-shaded area located to the right of the GC zone.
- R-1-20 (Single-Family Detached):** A large yellow-shaded area covering the central and lower portions of the map.
- R-1-LD (Single-Family Detached - Low Density):** A green-shaded area located in the lower right quadrant.
- PU (Public Use):** A blue-shaded area located in the upper right quadrant, adjacent to a large body of water.

Key streets and landmarks include:

- Streets:** Deseret Dr, Country Mill Dr, Wagon Dr, Joshua Dr, Jay St, Sunset Dr, and Zenyatta Way.
- Water Body:** A large blue area in the upper right, likely a reservoir or lake.
- North Arrow:** Located in the bottom right corner, pointing towards the top of the map.

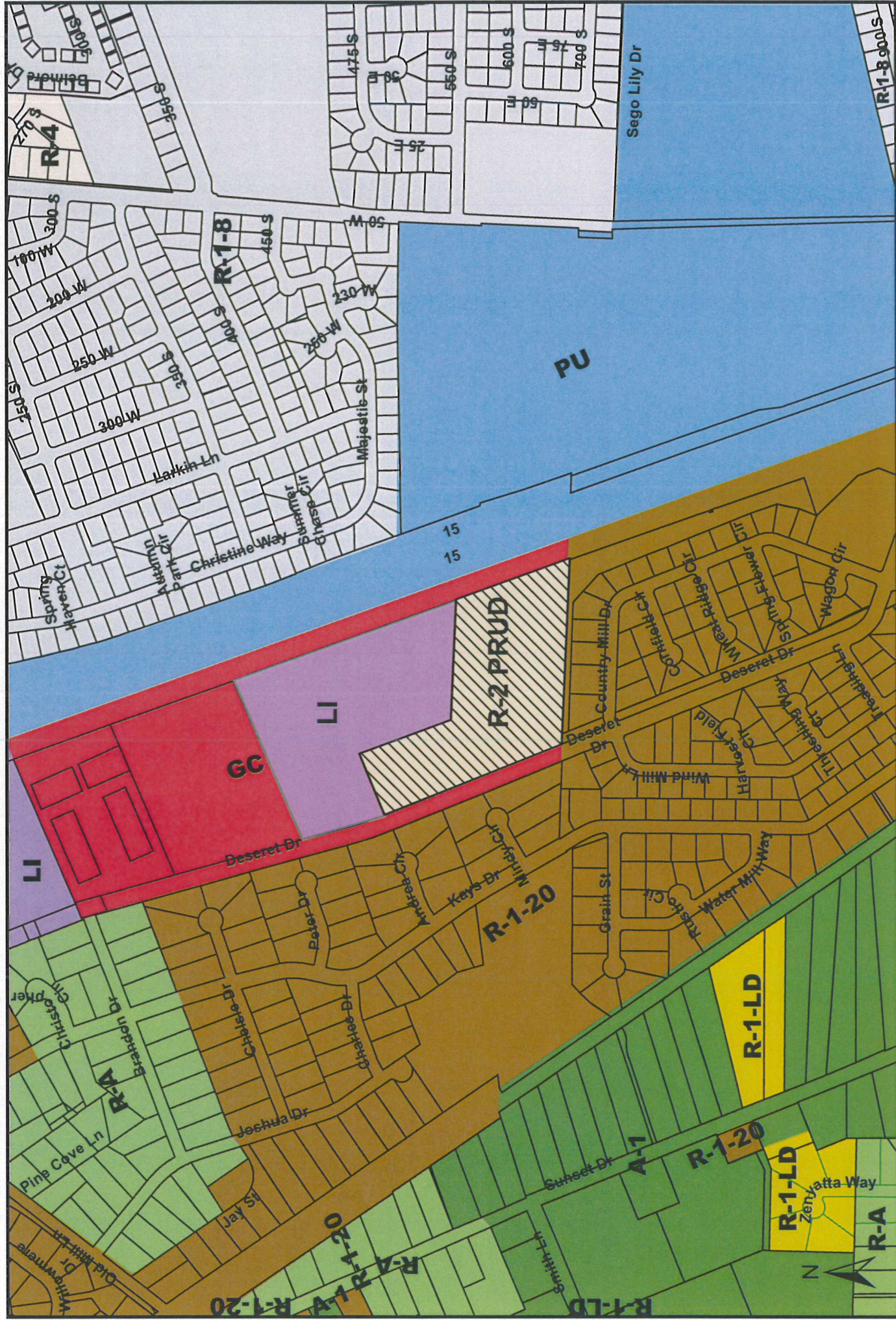


Exhibit "C"



3900 S 700 E, 823 Salt Lake City, UT 84107
(801) 302-4479
www.edmpartners.com



SCALE: 1" = 60'

DEVELOPER:
Ivory Development
579 East Woodlark Lane
Salt Lake City, UT 84117
801-247-7000



NOTES:

STATISTICS

TOTAL PROJECT AREA	24.92 ACRES
COMMERCIAL AREA	12.80 ACRES
RESIDENTIAL AREA	12.12 ACRES
TOTAL UNITS	70
DENSITY	5.78 DU / AC

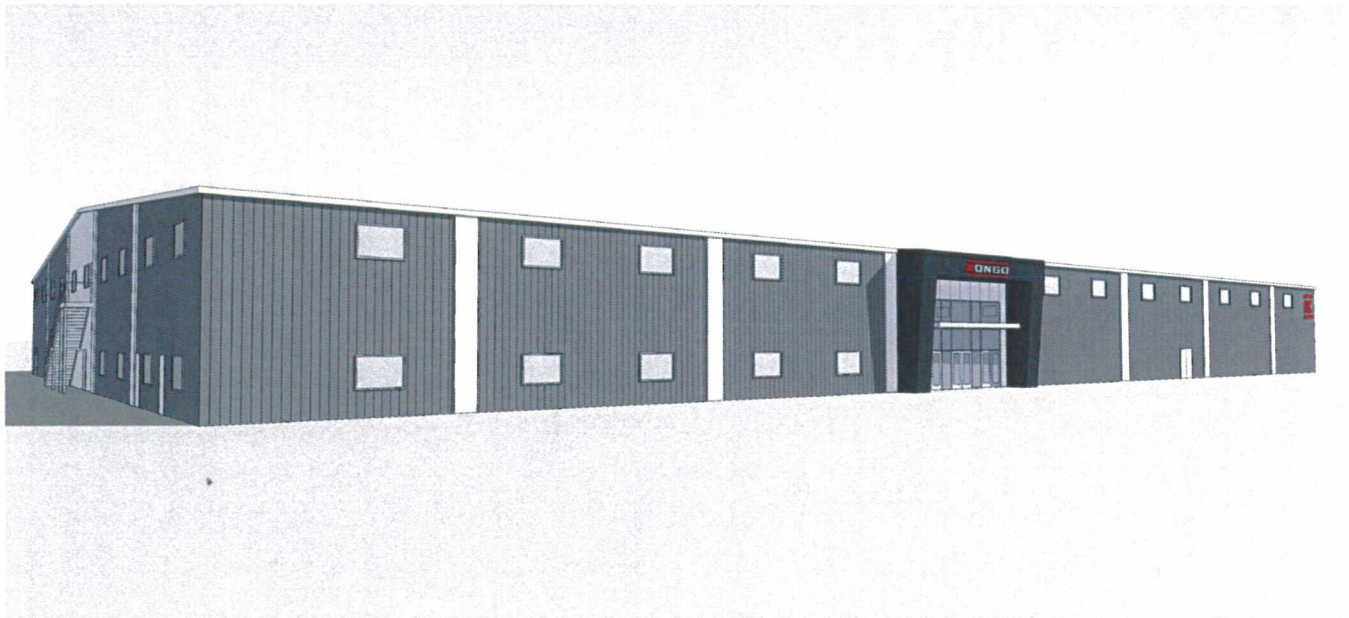
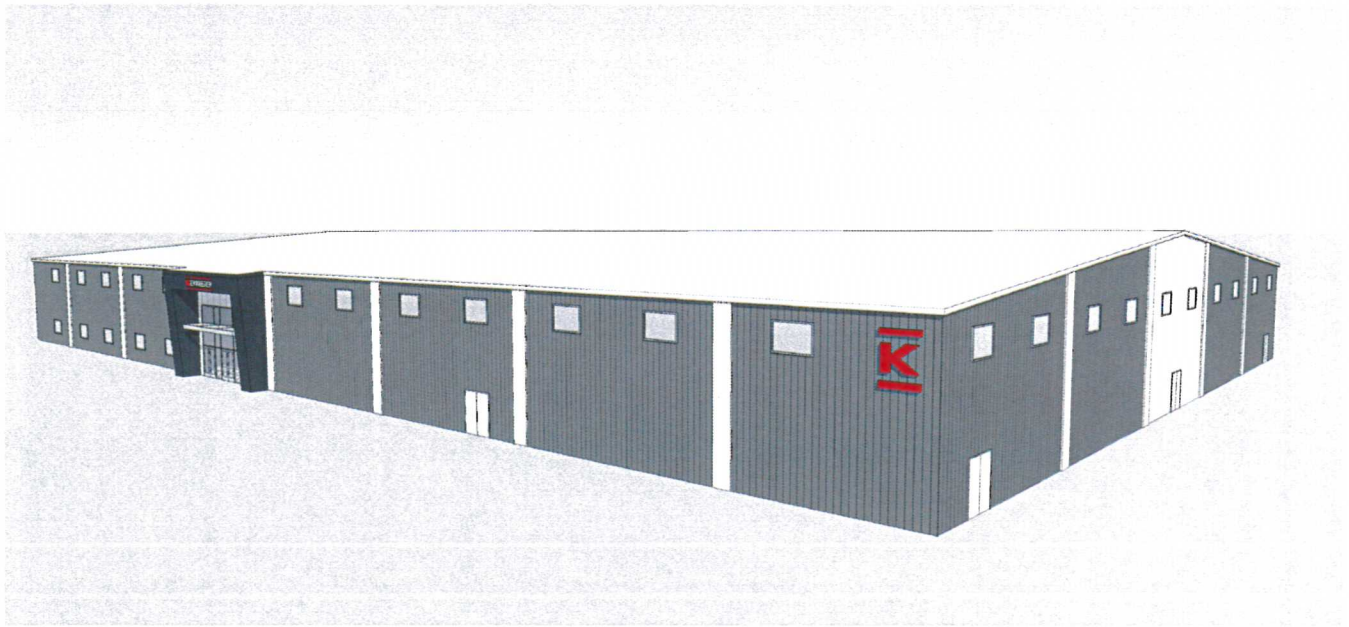
DISCLAIMER:
THIS PLAN IS FOR INFORMATION ONLY. IT IS PROVIDED AS IS AND MAY BE ALTERED OR AMENDED AT ANY TIME. IT IS PROVIDED AS IS AND MAY BE ALTERED OR AMENDED AT ANY TIME. IT IS PROVIDED AS IS AND MAY BE ALTERED OR AMENDED AT ANY TIME. IT IS PROVIDED AS IS AND MAY BE ALTERED OR AMENDED AT ANY TIME.

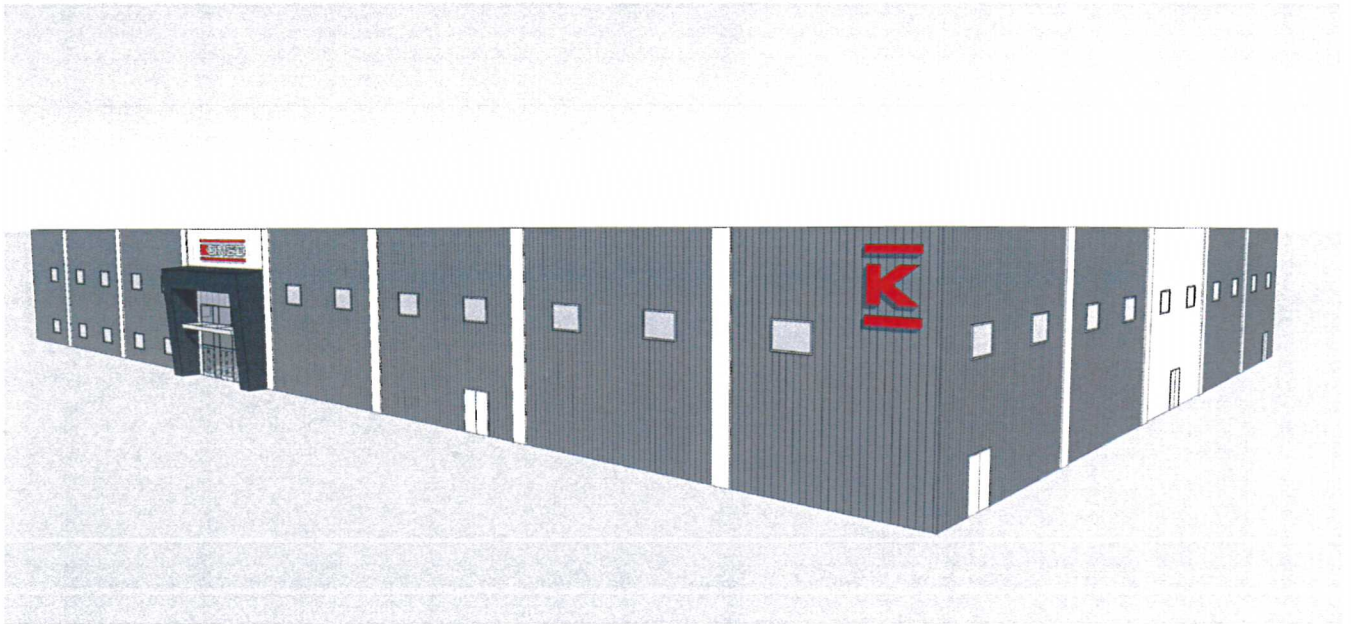
Kaysville AFCU Parcel Conceptual Site Plan

PROJECT:	NAME:
DESIGNER:	REVIEWED BY:
DATE:	DATE:
REVISIONS:	REMARKS:

DATE: August 29, 2018
SHEET NUMBER:

O-1







Planning Commission Staff Report

Orchard Ridge Estates Subdivision Preliminary Plat September 13, 2018

Applicant/Owner: Compass Holdings Development
Location: Approximately 1400 North Highway 89
Zoning: R-1-10, R-1-14, R-1-20 & PRUD Overlay

Description:

For the last several months, Compass Holdings has been working toward having this property annexed into Kaysville City so that it could be developed. Last spring, the City Council approved an annexation agreement that outlined the conditions upon which the City would annex this property and the developer has been working to meet those conditions. They have now resolved enough of the issues to feel comfortable closing on the property and completing the annexation. The City Council will likely consider the annexation in one of their meetings in October, it is desired to allow the Council to review the preliminary plat at the same meeting as they consider the annexation.

The Annexation agreement allows for a maximum of 95 homes meeting R-1-8 zoning requirements and allowing for the use of a PRUD overlay zone. The proposed preliminary plat contains 92 lots, including two existing homes, with lots as small as 6,000 square feet. Based on the average lot size and the amount of open space provided, the project meets the requirements for an open space subdivision in the R-1-10 zone. The lots to the east are significantly larger and will be recommended to be zoned R-1-14 and R-1-20. The preliminary plat proposes common open space and some private streets and does not include any attached housing units.

In addition to the standard items to be reviewed for a preliminary plat, the following items are being requested for this project, that while under the PRUD overlay zone can be permitted, should be given due consideration:

Sidewalk is shown on only one side of the public streets and no sidewalk is shown on most of the private streets.

The cul-de-sac on the east exceeds the City's standard length of 600 feet. Future development to the south will shorten the length to around 800 feet and the top 600 feet is proposed as a private lane.

In order to serve this project with culinary water, a water tank is proposed to be constructed on lot 86, the property for this tank will likely be deeded to the City.

The side yards for the smaller lots are shown as 8 feet on one side and 5 feet on the other side, the typical City standard is 8 feet on both sides.

The front yards are requested to be 20 feet instead of the typical 25 or 30 feet.

The two private road areas in the smaller lot area use hammer head turn around areas rather than the typical cul-de-sac.

Lots 70,71, & 72, are double frontage lots.

Recommendation:

The preliminary plat meets the requirements of the annexation agreement, including the proposed zoning, and the street pattern and lot configuration is acceptable. Staff recommends that the Planning Commission recommend preliminary plat approval for the Orchard Ridge Estates Subdivision with the condition that sidewalk be installed on both sides of all public streets and that the approval is subject to the annexation being completed with a compatible zone designation.

Staff is comfortable with the other listed modifications since this is an open space PRUD project and the variations, as allowed by section 17-34-4, tend to help the project meet many of the purposes of a PRUD development and help the project fit on this property with the existing terrain.

Attachment 1: Area Map

Attachment 2: Preliminary Plat

Orchard Ridge Estates Subdivision





Planning Commission Staff Report

40 East Crestwood PUD Subdivision Preliminary and Final Plat September 13, 2018

Applicant/Owner: Brian Neville
Location: 40 East Crestwood Road
Zone: R-M (Residential Multi-Family)

Description:

In February 2017, this project was fully approved by the City. The developer was not able to build the project at that time and the approvals have all expired. The Developer is now ready to construct the project and must have it reapproved. The property is located on the south side of Crestwood Road between Main Street and Heritage Park. The property is roughly 0.44 acres or just over 19,000 sq. ft. in size. The property is zoned R-M and received the PRUD overlay zone last year.

The plat consists of two three-unit buildings on pads with the remainder of the property as common area. The units are proposed as two story with a double garage and three bedrooms.

Recommendation:

The plat complies with the zoning and with the previously approved plat. Staff recommends that the Planning Commission recommend approval of the Preliminary Plat for 40 East Crestwood PUD Subdivision with the condition that the buildings be similar to what has been represented. Staff also recommends that the Planning Commission approves the final plat for the subdivision subject to receiving preliminary plat approval from the city council.

Attachment 1: Area Map
Attachment 2: Plat Map
Attachments 3-6: Conceptual Site Plan, Elevation, and Floor Plans

40 Crestwood Subdivision





ATTENTION

RE: DEBON MANTAN'S "HE
NATIONAL SECURITY TO THIS
PROPERTY. ALL RIGHTS ARE
RESERVED, AND SHALL NOT BE
REPRODUCED OR COMBINED WITHOT
THE REQUESTED WRITTEN
CONSENT OF THE DEBON
NATIONAL SECURITY OR PROSECUTION

THIS PLANT MAY NOT BE USED FOR THE CONSTRUCTION OF ANY BUILDING BECAUSE THE ONE FOR SUCH PURPOSES AND HERE ORIGINALLY ISSUED, SUCH USE SHOULD BE AN AUTHORIZED PERSON OR COMPANY.

© ALL RIGHTS RESERVED

PROJECT NAME:
40 CRESTWOOD
3 PLEXS

LOCATION INFO:

LOT #
101
SUBDIVISION
SUBNAME
SUBNAME
CITY
CITYNAME
STATE
UTAH

CLIENT NAME:

MR. AND MRS.
CLIENT

PLAN NAME:

PLAN NAME

ORIGINAL RELEASE:

JAN 1, 2007

REVISION DATES

XXXXXX

DOI: 10.1002/for





1436 S. LEGEND HILLS DR #200
CLEARFIELD, UTAH 84015
801.271.3727

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PROJECT NAME:
40 CRESTWOOD
3 PLEXS

LOCATION INFO:
LOT #
SUBDIVISION
SUBNAME
SUBNAME
CITY
CITY NAME
STATE
UTAH

CLIENT NAME:
MR. AND MRS.
CLIENT

PLAN NAME:
PLAN NAME

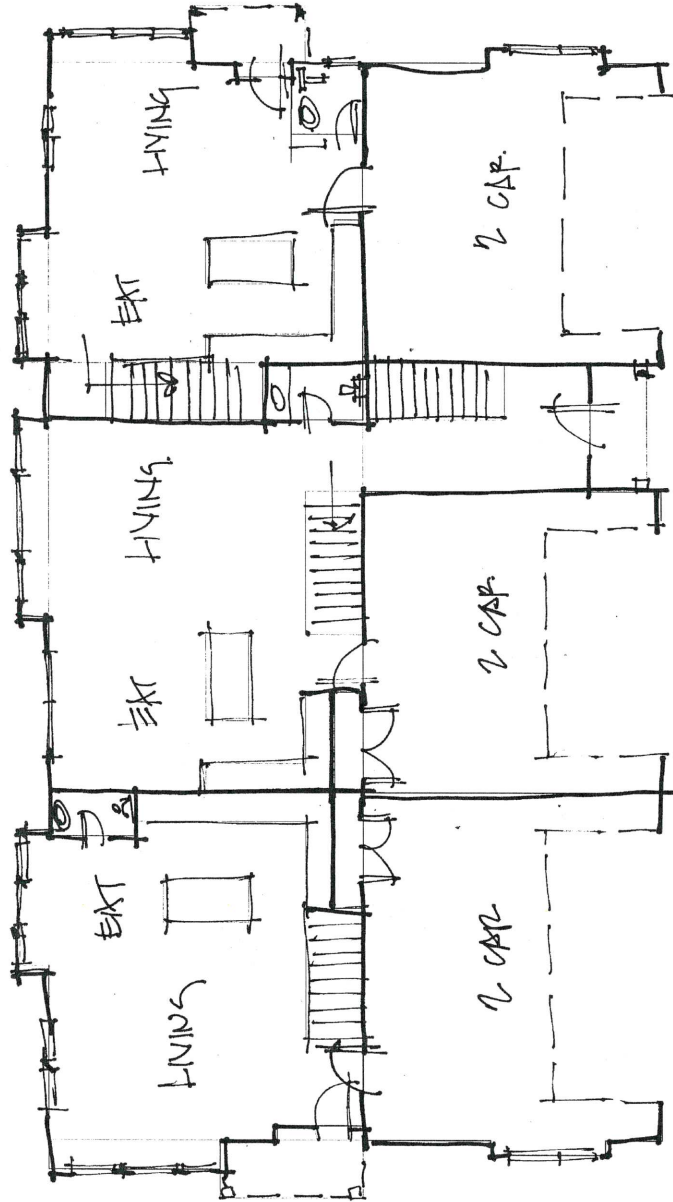
ORIGINAL RELEASE:
JAN 1, 2007

REVISION DATES
XXXXXX
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XXXXXX
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MAIN
FLOOR
PLAN

A3|3

PAGE 10 OF 23



A MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



1408 S. LEGEND HILLS DR. #200
CLEARFIELD, UTAH 84015
801.217.3727

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PROJECT NAME:
40 CRESTWOOD
3 PLEXS

LOCATION INFO:
LOT #
SUBDIVISION
SUBNAME
CITY
STATE
UTAH

CLIENT NAME:
MR. AND MRS.
CLIENT

PLAN NAME:
PLAN NAME

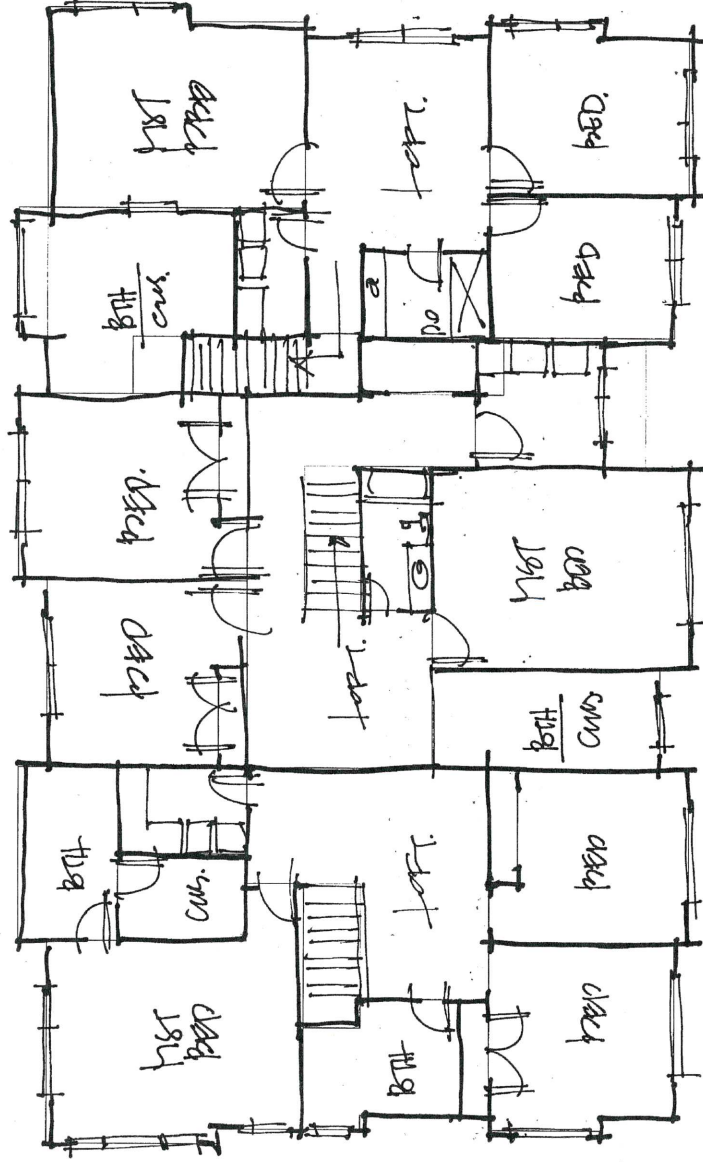
ORIGINAL RELEASE:
JAN 1, 2007

REVISION DATES
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XXXXXXXXXX
XXXXXXXXXX

UPPER
FLOOR
PLAN

A3 | 5

PAGE 12 OF 23



UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"

A





Planning Commission Staff Report

Tyler Meadows Subdivision – Phase 2 Final Plat September 13, 2018

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

Description:

Recently this property, located on Smith Lane, was rezoned to the R-1-LD zone and a preliminary plat was approved.

The applicant has now completed the engineering and is requesting final plat approval. The plat consists of six lots on a cul-de-sac street including two existing homes which will remain.

Recommendation:

The plat is in compliance with the preliminary plat, the existing R-1-LD zone, and the engineering is in good order, therefore, Staff recommends that the Planning Commission grant approval for the final plat of the Tyler Meadows Phase 2 Subdivision.

Attachment 1: Location Map
Attachment 2: Final Plat
Attachment 3: Preliminary Plat

Tyler Meadows Phase 2



IN THE SW QUARTER OF THE NE QUARTER AND THE
E NW QUARTER AND THE NW QUARTER OF THE SE QUARTER
SHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH
JULY 2018



CURVE	LENGTH	RADIUS	DELTA	IN	CHORD	CHORD BKG
C1	23.84	10.00	90°	11.91	21.27	N12°43'00"E
C2	13.87	10.00	48°10'00"	6.96	12.48	N68°01'07"W
C3	35.14	50.00	57°36'31"	17.57	32.54	N45°35'07"W
C4	85.17	50.00	57°36'31"	42.60	73.25	N14°05'47"E
C5	81.89	50.00	43°39'02"	40.95	72.51	E107°44'11"E
C6	42.91	50.00	43°39'02"	21.45	41.62	E107°44'11"E
C7	12.87	10.00	49°10'00"	6.44	11.93	N13°08'17"E
C8	23.48	10.00	59°42'00"	11.74	22.97	S68°17'00"E

PLANNING COMMISSION APPROVED THIS _____ DAY OF _____ A.D. 2018 BY THE KANSASVILLE CITY PLANNING AND ZONING COMMISSION.	CITY COUNCIL ACCEPTANCE APPROVED THIS _____ DAY OF _____ A.D. 2018 BY THE KANSVILLE CITY COUNCIL.
CHAIRMAN _____ MAYOR _____ CITY RECORDER _____	

CITY ATTORNEY APPROVAL
APPROVED THIS _____ DAY OF _____ A.D., 2018
BY THE KANSASVILLE CITY ATTORNEY.
CITY ATTORNEY _____

CITY ENGINEER'S APPROVAL
APPROVED THIS _____ DAY OF _____ A.D. 2018
BY THE KAYSVILLE CITY ENGINEER

CITY ENGINEER

DEVELOPER
JUSTIN ATWATER
PEMBRIDGE HEATHROW HOLDINGS
(801) 913-0268

SURVEYOR'S CERTIFICATE:

[illegible]

MICHAEL L. WANGEMANN
LICENSE NO. 6431156

BOUNDARY DESCRIPTION	BOUNDARY TYPE	BOUNDARY VALUE
Top	Free	
Bottom	Fixed	
Left	Free	
Right	Free	

[illegible]

BASIS OF BEARINGS:

A BEARING OF SOUTH 09°52'05" WEST BETWEEN A FOUND INTERSECTION MONUMENT AT SUNSET DRIVE AND SMITH LANE AND A CENTERLINE MONUMENT ALONG SMITH LANE WAS USED AS THE BASIS OF BEARING FOR THIS SURVEY.

CORPORATE ACKNOWLEDGEMENT:

STATE OF UTAH
COUNTY OF DAVIS S.B.

ON THE DAY OF A.D. 2018, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC AND FOR SAID COUNTY CANON, WHO AFFIRMED THAT HE WAS THE LAWFUL OWNER OF THE SAID PROPERTY, THE PERSONS SIGNED TO ME THAT THEY BOUGHT IT FREELY AND VOLUNTARILY ON BEHALF OF SAID SOCIETY FOR THE LIVES AND PROSPERITY THEREIN.

OWNERS DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAID TRACT TO BE SUBDIVIDED INTO PARCELS, LOTS, AND STREETS TO BE HEREFTER KNOWN AS:

TYLER MEADOWS SUBDIVISION PHASE 2

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE, AND RIGHTS OF WAY AS A PUBLIC UTILITY AND DRAINAGE EASEMENT.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUT HANDS THIS _____ DAY OF _____

TYLER MEADOWS SUBDIVISION PHASE 2

LOCATED IN THE SW QUARTER OF THE NE QUARTER AND THE SE QUARTER OF THE NW QUARTER AND THE NW QUARTER OF THE SE QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
KAYVILLE CITY, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED THIS _____ DAY OF _____ 2018

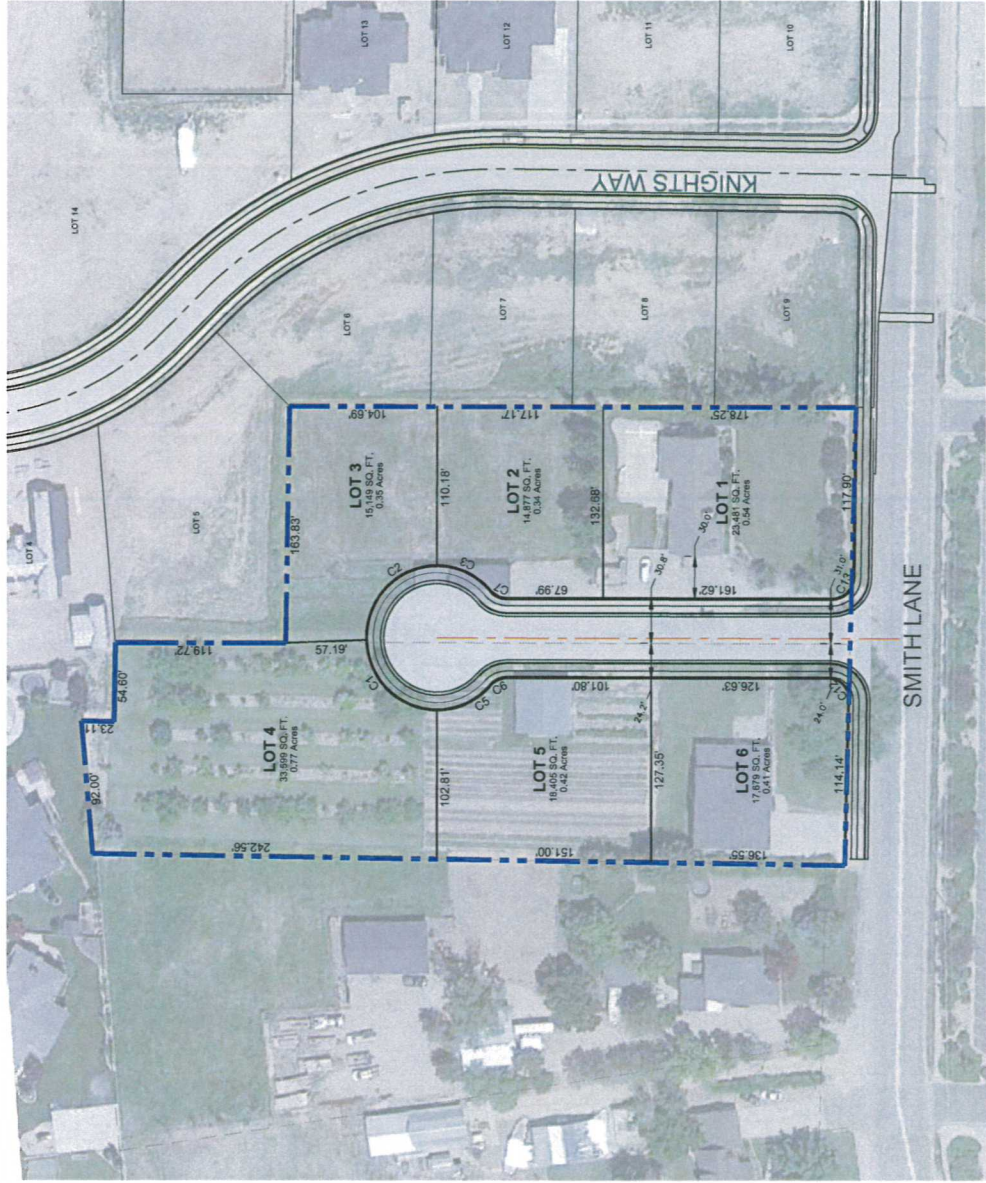
AT _____ IN BOOK _____ PAGE _____

DAVIS COUNTY RECORDER

BY: _____
DEPUTY RECORDER

TYLER MEADOWS - PHASE 2

PRELIMINARY PLAT
A WRIGHT DEVELOPMENT



(IN FEET)
1 inch = 40 ft.

LAND USE SUMMARY

OVERALL PROJECT SIZE: ~3.3 ACRES
8 LOTS, INCLUDING 2 EXISTING HOMES

ZONING R/L-D

GENERAL NOTES

- NOTES ON A SURVEY
- OTHER EXISTING FEATURES SHOULD BE TAKEN INTO CONSIDERATION, SUCH AS 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

TYLER MEADOWS - PHASE 2

PRELIMINARY PLAT

KAYVILLE CITY, DAVIS COUNTY, UTAH

MEAD
KAYVILLE, UTAH 84302
801.783.6797
www.mead.com



DESIGN: JRM
DRAWN: JRM
CHECKED: JRM
DATE: 05/20/2018
SHEET: C1

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TAN	CHORD	CHORD BRG
C1	76.85'	50.00'	85°10'32"	48.33'	69.50'	N20°06'11"E
C2	80.23'	50.00'	91°52'26"	51.72'	71.90'	S89°53'49"E
C3	42.91'	50.00'	48°10'04"	22.87'	41.60'	S0°39'27"W
C4	42.91'	50.00'	48°10'04"	22.87'	41.60'	N48°30'37"W
C5	12.87'	15.00'	48°10'04"	6.86'	12.48'	N48°30'37"W
C6	12.87'	15.00'	48°10'04"	6.86'	12.48'	S0°39'27"W
C7	12.87'	15.00'	48°10'04"	6.86'	12.48'	N48°30'37"W
C8	12.87'	15.00'	48°10'04"	6.86'	12.48'	S0°39'27"W
C9	23.35'	15.00'	89°12'22"	14.79'	21.07'	S89°31'45"E



Planning Commission Staff Report

Brady Estates Subdivision Final Plat September 13, 2018

Applicant/Owner: Robyn Barkdull
Location: 993 South Sunset Drive
Existing Zone: R-1-LD

Description:

Last July this property, located on the east side of Sunset Drive next to the D&RGW rail trail, was rezoned to R-1-LD and a preliminary plat was approved.

The applicant has now completed the engineering and is requesting final plat approval. The plat consists of 6 lots on about 4 acres with a street connecting Sunset Drive to Preakness Drive. The home that was on the property has been removed.

Recommendation:

The final plat is in compliance with the preliminary plat, the R-1-LD zone, and the engineering is in good order, therefore Staff recommends that the Planning Commission approve the final plat for the Brady Estates Subdivision.

Attachment 1: Area Map
Attachment 2: Final Plat
Attachment 3: Preliminary Plat

Brady Estates Subdivision





10

KAYSVILLE CITY PLANNING COMMISSION

July 26, 2018

Members Attending: Chairperson Betty Parker, Matthew Anderson, Wilf Sommerkorn, Joshua Sundloff, Tamara Tran, Thomas Wood

Excused: Gary Bullock

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

Others Present: Kirk Livingstone, Corinne Green, Brandon Radmall, Bruce Morley, Ron Johnson, Jim Newton, Clyde Terry, Chad Smith, Brian Bare, Mike Herbst, Walt Whitehead, Mikki Whitehead, Jed Stanger, Mike Davey

OPENING

The Planning Commission meeting was held on Thursday, July 26, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. Mrs. Parker introduced Wilf Sommerkorn and Tamara Tran as the newly appointed Planning Commission members.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Betty Parker suggested moving the election of the Chairperson and Vice-Chairperson to the end of the meeting.

APPROVAL OF THE MINUTES FROM THE MEETING OF JUNE 28, 2018

The minutes of the June 28, 2018 meeting were presented for approval.

Thomas Wood made a motion to approve the minutes of the June 28, 2018 meeting. Matthew Anderson seconded the motion. Tamara Tran and Wilf Sommerkorn abstained from voting since they were not on the Planning Commission at that meeting. The motion passed unanimously.

CONDITIONAL USE PERMIT FOR A TEMPORARY SALES TRAILER AT 170 WEST 200 NORTH – VASA FITNESS

Lyle Gibson explained that Vasa Fitness is currently working on an extensive remodel of the old Fresh Market store in order to open a new gym at this location. While they are under construction Vasa would like to place a temporary sales trailer in the parking lot to start advertising and collecting memberships to their gym before opening. They hope to have the

sales trailer in place by August and it will remain until their store opens before the beginning of the new year. The trailer will use a generator for power and they would like to place the trailer near the northeast corner of the parking lot, just off of Main Street. Staff is recommending that this conditional use permit be approved for a temporary sales trailer for a period of six months or until the gym facility is open, whichever is sooner. Should they not be open by that six month date, Vasa would have to come back to the Planning Commission for renewal of their permit.

Betty Parker asked where other Vasa gyms are located.

Kirk Livingstone, representing VASA Fitness, responded that they are based out of Orem and their main presence is currently in Salt Lake and Utah Counties. They have expanded rapidly and have reached Colorado and Kansas.

Matthew Anderson made a motion to grant a conditional use permit for a temporary sales trailer at 170 West 200 North for Vasa Fitness for a period of six months or until the gym facility opens, whichever is sooner. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MODEL HOME AND DESIGN CENTER AT 2101 WEST 200 NORTH – DESTINATION HOMES

CONDITIONAL USE PERMIT FOR A MODEL HOME AT 1994 WEST ORCHARD HARVEST DRIVE – DESTINATION HOMES

Lyle Gibson explained that Destination Homes has been developing the Hill Farms neighborhood for several years. Moving from phase to phase, they have occasionally sold a model home and relocated it to another lot. Their model home at 1994 West Orchard Harvest Drive has been previously approved for use as a model home by the Planning Commission. Their proposed model home and design center at 2101 West 200 North home will be used not only to provide a walk-through space of their product, but will also have designers to meet with home buyers one-on-one. These would typically only be a few times a week, with extended appointments so that buyers can fine-tune the details of their home.

Matthew Anderson asked if the city had ever received any complaints about their model homes.

Andy Thompson said that the city had not. Typically if the city does receive complaints about model homes it's because of parking issues.

Betty Parker asked about the model homes hours of operation.

Corinne Green, representing Destination Homes, responded that the model home on Orchard Harvest Drive will be open during regular business hours. The design center home will only be open for pre-scheduled appointments only. They plan to only have the design center here temporarily until a more permanent design center elsewhere is ready. They don't anticipate that they will utilize this Kaysville location for a full year. The design center is used specifically for clients who have already committed to purchasing the home and are ready to pick out the colors and other design options for the home.

Betty Parker asked how many designers would be working from this location.

Corinne Green responded that they will have two designers, with another one that could be on-hand should they need them.

Matthew Anderson asked if simultaneous appointments will occur between clients and the designers.

Corinne Green said that while both designers might be on site at one time, there will only be one client scheduled at a time because they like to give each buyer their full attention.

Thomas Wood made a motion to grant a conditional use permit for a model home and design center at 2101 West 200 North for Destination Homes for a period of one year or until all lots of the Hill Farms development are sold, whichever is less. Any accompanying development sign on the property is also approved for the same time frame. Matthew Anderson seconded the motion and it passed unanimously.

Thomas Wood made a motion to grant a time extension for the conditional use permit for a model home at 1994 West Orchard Harvest Drive for Destination Homes for an additional year, or until all lots of the Hill Farms development are sold, whichever is less. Matthew Anderson seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A CHURCH MEETINGHOUSE AT 1185 WEST WEBB LANE – LDS CHURCH

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR WEBB LANE CHURCH SUBDIVISION AT 1185 WEST WEBB LANE – LDS CHURCH

Lyle Gibson explained that the LDS Church is seeking a conditional use permit to construct a new stake center at 1185 West Webb Lane. The property consists of just over four acres and will include the meeting house, a pavilion and 288 parking stalls. Roughly 30% of the property is landscaped, with final landscaping 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, with access via parking lot around the entire building. The main parking lot is blocked from view in large part from the street by the building. There is a landscape buffer between adjacent property lines and the parking lot. The proposed layout meets the parking requirements of city ordinances. Staff is recommending that the Planning Commission grant the proposed conditional use permit with the condition that the landscaping be compatible with the surrounding environment and meet a minimum tree requirement similar to what is required in the Kaysville Business Park. After noticing the agenda, Staff was made aware that this one lot subdivision no longer requires Planning Commission approval, and therefore the Commission does not need to take action on the subdivision.

Wilf Sommerkorn asked if the applicants were aware of Staff's desires in regards to the landscaping requirements.

Lyle Gibson responded that he had spoken to the applicants about them and was told that they are okay with meeting those requests.

Josh Sundloff asked about parking requirements.

Lyle Gibson responded that parking for this type of use is based on the number of seats. Staff does not have the plans for the building yet and therefore cannot determine the exact number of seats planned. However, the LDS Church typically plans for many more parking stalls than what is required.

Josh Sundloff commented that he would like to see landscape islands and trees planned for the parking lot. Mr. Sundloff asked about the width of the landscape buffer on the eastern and western edges of the lot.

Lyle Gibson responded that the landscape buffer is about eight to ten feet wide.

Josh Sundloff said that he would like to see a wider landscape buffer.

Matthew Anderson asked if a privacy fence will be installed with this project.

Lyle Gibson responded that he was unsure. There is not a representative from the church currently present tonight, and therefore the Commission could table this item until another meeting when the applicant could be here to answer questions.

Josh Sundloff commented that he feels that the fence should be opaque to help with screening.

Matthew Anderson commented that while he feels landscape islands in parking lots are more aesthetically pleasing, they tend to be harder to maintain and can cause problems with snowplowing.

Josh Sundloff said that installing an irrigation system would not be too difficult, and the type of plants used will determine how hard the islands would be to maintain. It would be worth removing a few parking stalls from the plans to create a more aesthetically pleasing look.

Wilf Sommerkorn asked about minimum tree requirements.

Lyle Gibson responded that there is not a city ordinance specifying the minimum requirements for landscaping, just that the landscaping should be compatible with the surrounding environment. Staff would like to see the requirement set for the church be based similar to what the city requires for the Kaysville Business Park.

Wilf Sommerkorn commented that the city ordinances might be too general in their requirements and that the ordinances should be reviewed so applicants know what exactly will be required of them.

Matthew Anderson suggested granting approval of this request with the condition that the applicant increase the amount of landscaping on the property and that they work with Staff to determine what would be most compatible for this area.

Chairperson Betty Parker opened the Public Hearing for the preliminary plat for Webb Lane Church Subdivision.

There were no comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Matthew Anderson made a motion to grant a conditional use permit for a church meetinghouse at 1185 West Webb Lane for the LDS Church with the following conditions:

1. The applicant work with Staff to ensure that the amount of landscaping area is increased within the parking lot to be compatible with the surrounding environment.
2. The applicant shall provide a minimum of 30 trees per acre of landscaping, including vegetation and trees around the perimeter to help screen the parking from neighboring residents.
3. Opaque fencing be installed along the perimeter of the property abutting other lots.

Tamara Tran seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 4.0 ACRES OF PROPERTY AT 993 SOUTH SUNSET DRIVE FROM A-1 (LIGHT AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW-DENSITY) ZONING DISTRICT – ROBYN BARKDULL

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR BRADY ESTATES SUBDIVISION AT 993 SOUTH SUNSET DRIVE – ROBYN BARKDULL

Andy Thompson explained that the Barkdulls' own the property at 993 South Sunset Drive and are requesting a rezone to the R-1-LD zone in order to develop the property. The current zoning of A-1 is primarily agricultural and requires lot sizes of roughly one acre in size or larger. The requested R-1-LD zone would allow for development of two units per acre, with a variation in lot sizes as small as 12,000 square feet. The property is adjacent to the A-1 zoning on the north and west side, and the R-A zoning to the south. The proposed plat shows six lots, with a proposed road that would bring Preakness Drive to Sunset Drive, while creating new potential access for development to the north. The lots, which are at least 18,000 square feet or larger, comply with the density, frontage and size requirements of the requested zoning district.

Chairperson Betty Parker opened the Public Hearing.

There were no comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Tamara Tran asked about having a development agreement.

Andy Thompson responded that the city doesn't typically require a development agreement on a standard subdivision, but could require one with final plat approval if the Commission feels it necessary.

Thomas Wood asked about the width of the road.

Andy Thompson responded that this will be a public street. A typical public street has a right-of-way width of fifty-five feet. However, this road is proposed with a forty-five foot right-of-way with the additional ten feet being provided when the adjacent property owner decides to develop.

Matthew Anderson made a motion to recommend approval of the request to rezone 4.0 acres of property at 993 South Sunset Drive from A-1 (Light Agriculture) to the R-1-LD (Single Family Low Density) zoning district for Robyn Barkdull. Wilf Sommerkorn seconded the motion and it passed unanimously.

Matthew Anderson made a motion to recommend preliminary plat approval for Brady Estates at 993 South Sunset Drive for Robyn Barkdull. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR TYLER MEADOWS PHASE 2 AT 1020 AND 1034 WEST SMITH LANE – WRIGHT DEVELOPMENT GROUP

Andy Thompson explained that the City Council recently rezoned the properties at 1020 and 1034 West Smith Lane to the R-1-LD zone. At that time, the applicant submitted a concept plan showing a likely layout of the subdivision. The submitted preliminary plat is very similar to that concept plan, showing six lots on a cul-de-sac street. The total property includes 3.3 acres of land with lots ranging from 0.34 acres to 0.77 acres in size. The density, lot size, frontage and public street improvements shown on the preliminary plat are all in compliance with applicable ordinances.

Chairperson Betty Parker opened the Public Hearing.

There were no comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Matthew Anderson made a motion to recommend preliminary plat approval for Tyler Meadows Phase 2 at 1020 and 1034 West Smith Lane for Wright Development Group. Tamara Tran seconded the motion and it passed unanimously.

REQUEST FOR A VARIANCE FROM SECTION 17-31-2 “ACCESSORY BUILDINGS” – WALTER AND MICHELE WHITEHEAD

Lyle Gibson explained that Walter and Michele Whitehead, living at 472 North Main Street, are seeking a variance so that an existing structure may be permitted to remain on their property. The 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. Prior to the Whitehead's purchase of this property it was zoned as commercial property. In early 2016, the property was rezoned to R-1-8 and then purchased in August by the Whiteheads. When this shed was built in the commercial zone there were no setback requirements and it therefore existed legally for many years. When this property was developed for the Amanda's Place Subdivision, it was developed with a new private street to the east of it. Kaysville City Ordinance states that "on corner lots, the yards which abut a street shall be not less than twenty feet from the street for both main and accessory buildings". With the new street, the existing shed does not meet the setback requirement. Based on the background the Planning Commission should determine if this would be considered a legal non-conforming use, if a variance is appropriate or if the shed needs to be relocated.

Walter Whitehead explained that their home is a historic home and was built with very little storage space inside the home, consisting of one interior closet and some modest cabinet space. There is no basement and any attic storage is inaccessible. The shed is their only means of protected storage for their belongings and the loss of this storage would create a situation of hardship. The entire shed is bolted to its foundations making it impossible to move. When they closed on their home, they were aware of the ongoing discussion between the Amanda's Place developers and the city, and were supportive of this project. At this time they were assured by the developers that the location of the shed would not be impacted by the subdivision. It was never their intent to remove the shed as it would not only remove their available storage space, but they would incur the expense of removing the shed and replacing it. The need for external storage and the utilization of their shed is unique to their residence because most modern homes are built with the needed storage space inside. They have taken extreme efforts to not deform or alter the interior wall construction of the home, in keeping with the original period construction practices. Events happened with the development to have caused their shed to become in non-compliance without their knowledge. They are looking to have a variance approved so they can legally keep their storage space.

Betty Parker asked about when a variance might expire.

Lyle Gibson responded that should it be approved, the variance would expire when the shed is removed or altered. However if it were to burn down they would be able to build another shed in its place.

Matthew Anderson stated that it seems that if it is considered as a non-conforming use then a variance would not be necessary.

Lyle Gibson added that under typical circumstances, the developer would not be allowed to create any issues on non-compliance. They would have likely had to remove the shed in order to meet the city setback requirements before moving forward with their development.

Andy Thompson said that when the developer came in for preliminary plat approval, it was for the development of a five-lot subdivision, including a double-flag lot. This type of development left the shed in compliance. However, when they came back to the city for final plat approval, there was limited building space on these lots to the east and so they revised the plat to remove

the flag lot and created a private lane subdivision in its place. It was at about that time that the Whiteheads were interested in purchasing this property and so the developer submitted for final plat approval for Phase 1 in order to split off the two lots with existing homes on them so they could be sold. While the developer had been told about the non-compliance of the shed at this time, during this revision from the original preliminary plat there was some confusion and oversight with bringing the shed into compliance.

Wilf Sommerkorn said that the Whiteheads did not create a self-imposed hardship but rather it was created by the developer and they should be responsible for bringing this building into compliance.

Wilf Sommerkorn asked about the setback requirements.

Andy Thompson responded that the ordinance states: “on corner lots, the yards which abut a street shall be not less than twenty feet from the street for both main and accessory buildings”. However, it does not specify whether the setback is required on both public and private streets.

Josh Sundloff said that the State has set the requirements for approving a variance, and those variances are very difficult to approve because each requirement must be met. Every request for a variance is considered individually and we are not bound by what the Commission has done with past variance requests.

Matthew Anderson said that while he could agree that this request would meet some of the criteria for a variance, he doesn’t feel that having this shed is “essential to the enjoyment of a substantial property right possessed by other property in the same zone”. You can enjoy a house without having a shed and there are other ways to create storage for a house without altering the structure. Mr. Anderson said he feels this situation is better considered as a legal non-conforming building than as one to grant a variance for. The shed might also be able to be moved elsewhere.

Thomas Wood said that if it has to be moved then it will need to be set closer to the house in order to meet setbacks from both the private lane street and Creekside Way. Their situation is unique because they abut three separate streets whereas other corner lots are only abutting two.

Wilf Sommerkorn commented that when the property was zoned General Commercial it was in compliance, but when it was rezoned it put it in non-compliance with the setback from Creekside Way. Now that it also sits next to a private lane it will still remain in non-compliance, but will now be with two setbacks instead of one.

Matthew Anderson said that if the shed is considered as non-conforming it would be limited to the life of the shed. It is harder to time limit the existence of the shed with a variance and therefore this should be considered as a legal non-conforming use.

Josh Sundloff said that this situation should have been solved by the developer.

Matthew Anderson made a motion to deny the request for a variance from Section 17-31-2

“Accessory Buildings” for Walter and Michele Whitehead because the shed is a non-conforming use and therefore a variance is not needed.

Wilf Sommerkorn suggested modifying the motion to clarify that the Commission is interpreting the ordinance that this shed meets the definition of non-conforming use.

Matthew Anderson modified the motion to deny the request for a variance from Section 17-31-2 “Accessory Buildings” for Walter and Michele Whitehead, and determine that this accessory building be interpreted as a non-conforming use, making the variance unnecessary. Wilf Sommerkorn seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Chad Smith commented that his property on 1020 Smith Lane was turned into a corner lot when the neighboring property developed and it has affected the use of the land. It changes the setbacks of the property and adds more of a burden. These types of situations could be handled better in the future so that situations like Mr. Whitehead’s don’t occur. Mr. Whitehead is now being affected by streets on three sides of his property. Mr. Smith asked if the city had recently reviewed the ordinance regarding accessory buildings.

Lyle Gibson responded that it has been reviewed several times and Staff has not come to a conclusion as of yet.

Matthew Anderson stated that if similar instances occur as the Whiteheads and a corner lot is created because of a developer’s subdivision, it would affect how a person would be able to place an accessory building on their property in order to meet the new setbacks. It would be an encroachment onto their property. People might have moved into their home because they didn’t want to live on a corner lot.

REPORTS

Lyle Gibson said that the city is holding an Open House to discuss the old Kaysville City Library building on Wednesday, August 1, 2018 from 6:00 to 8:00 p.m. The City Council is looking for input from the public in regards to how they would like to see the building utilized. Also, Ivory Homes will be holding a Community Open House at the Kaysville Branch of the Davis County Library on Wednesday, August 15th from 6:00 to 8:00 p.m. to discuss the development of their property on Deseret Drive.

Matthew Anderson asked if the Ivory Homes Open House was noticed.

Lyle Gibson responded that because it’s not a Public Hearing, no mailed or posted notice was done. However, the city has posted the information on the city’s website and social media pages. Ivory Homes also plans to have a meeting later on with the immediate neighborhood before bringing their development before the Planning Commission for approval. Mr. Gibson also announced some training opportunities with the Utah APA on Thursday, October 4, 2018, and also with the ULCT on September 12-14, 2018.

Wilf Sommerkorn suggested that the city look into reviewing its requirements for landscaping to be more specific. In his work they've found that more generalized standards are easily challengeable and will fall in favor of the applicant.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Betty Parker opened the floor for nominations for Planning Commission Chairperson and Vice-Chairperson.

Thomas Wood nominated Josh Sundloff as Chairperson. Josh Sundloff declined the nomination.

Betty Parker nominated Matthew Anderson as Chairperson. Tamara Tran seconded the nomination. No other nominations were made. Matthew Anderson was approved as Planning Commission Chairperson by unanimous vote.

Betty Parker nominated Thomas Wood as Vice-Chairperson. Matthew Anderson seconded the nomination. No other nominations were made. Thomas Wood was approved as Planning Commission Vice-Chairperson by unanimous vote.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, August 9, 2018 at 7:00 p.m.

ADJOURNMENT

Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:50 p.m.

KAYSVILLE CITY PLANNING COMMISSION

August 9, 2018

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Wilf Sommerkorn, Tamara Tran, Thomas Wood

Excused: Betty Parker, Joshua Sundloff

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

Others Present: Council Member Larry Page, Justin Page, Cameron Garner, Jessie Pond, Mark Taylor, Julie Taylor, Lauren Taylor

OPENING

The Planning Commission meeting was held on Thursday, August 9, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, GROUP SWIMMING LESSONS AT 2052 WEST PEACH BLOSSOM DRIVE – CAMERON GARNER

Lyle Gibson explained that the Garner’s are requesting a conditional use permit for a major home occupation “B” to offer swimming lessons from their home at 2052 West Peach Blossom Drive. The family teaches swimming lessons during the summer months while school is out. Typical lesson structure includes thirty minute classes starting at 9:00 a.m. until noon, Monday through Friday. Every thirty minutes there may be as many as two groups with four students in each class. Staff is recommending approval with the condition that the number of students be limited to eight students at any one time.

Wilf Sommerkorn asked about limiting the number of students to eight.

Lyle Gibson responded that the limitation recommendation is based on how the Garner’s have been doing their business with only eight students per session. However we have approved applicants to have up to twelve students per class. One reason we set a limitation is to try to mitigate the amount of traffic.

Tamara Tran asked about the number of classes that will be occurring at the same time.

Lyle Gibson responded that they will have two groups with two different instructors.

Gary Bullock suggested approving the permit with the limit of eight students per class, and then if they find they would like to have more students they can come back for review.

Tamara Tran made a motion to grant a conditional use permit for a major home occupation “B”, group swimming lessons at 2052 West Peach Blossom Drive for Cameron Garner with the condition that the number of students be limited to eight students at any one time. Gary Bullock seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AMENDMENT TO A PUBLIC UTILITY SUBSTATION AND STORAGE FACILITY AT 485 EAST SHEPARD LANE – BENCHLAND WATER DISTRICT

Lyle Gibson explained that in the late 1990’s Benchland Water District (known at that time as Farmington Area Pressure Irrigation District) received a conditional use permit for an office and storage area at 485 East Shepard Lane. A site plan was approved at the time which indicated the existing office and the open storage area towards the eastern portion of the property. Benchland now desires to add a new utility building and storage bins on site. Their proposal includes four 450 square foot concrete storage bins containing materials such as road base, sand, and gravel. Adjacent to the bins will be a newly constructed utility building that is just over 1,100 square feet in size. The single-story pitched roof structure is proposed as a metal-skinned building with a couple of garage bays to store equipment. The bins and building will be 36 feet from the closest property line on the north, leaving room for multiple utilities and over 150 feet to any other property line. The existing conditional use permit approval was granted on May 28, 1998 as follows: “Conditional use permit granted to FAPID offices and equipment storage at the location indicated on the condition that the Staff approve the elevation drawings and exterior for the front of the office building; that it be in some finishes that make it look other than a traditional steel building and attractive; that heavy equipment not be utilized in and out of the facility during the summer months other than to fuel; that the heavy equipment be allowed to be stored inside the building between October 15 and April 1, and that the Staff approve the landscaping and other matters along the street.”

Matthew Anderson asked about the site and how much of it can be seen from Shepard Lane.

Lyle Gibson responded that there is vegetation along Shepard Lane which helps to screen the site.

Matthew Anderson asked if the city had received any comments from neighbors about this request.

Lyle Gibson responded that they hadn’t. The neighbors will benefit by this because it will help to screen the open storage.

Matthew Anderson asked if there were any concerns about the aesthetics of the new building.

Lyle Gibson responded that Staff feels that what is being proposed is appropriate for the type of use and location.

Gary Bullock asked if their conditional use will allow for additional types of uses here in the future.

Lyle Gibson responded that if there are any changes from the original approval then they have to come back to the Planning Commission for approval.

Thomas Wood asked about the vegetation along Shepard Lane, and if it would have to be replaced by Benchland if removed.

Lyle Gibson said that Benchland does not own that piece of ground and therefore has no control over what happens to the property. It is considered city right-of-way and is in place in anticipation of Shepard Lane being widened at some point in the future. There's no assurance that the vegetation would remain.

Matthew Anderson said he feels that some kind of screening should remain between Shepard Lane and the storage area, no matter what happens along Shepard Lane. Mr. Anderson asked what kind of fencing there is on the property.

Justin Page, representing Benchland Water District, said they currently have open chain link fencing surrounding the property.

Gary Bullock said that slats could be installed in the existing chain link fencing. The proposed building and storage bins will improve the look of the property.

Gary Bullock made a motion to grant the amendment to a public utility substation and storage facility at 485 East Shepard Lane for Benchland Water District with the condition that in the event that the vegetation along Shepard Lane is removed that something comparable be installed along the fence. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FOOD MANUFACTURING (BAKERY) AT 590 NORTH 900 WEST, SUITE 104 AND 112 – KETO CAKES UTAH, LLC

Lyle Gibson explained that the applicants, Keto Cakes Utah, are looking to locate their bakery at 590 North 900 West, Suites 104 and 112. The property is located in the Kaysville Business Park, and is zoned LI (Light Industrial). In the LI zoning district, food and kindred product manufacturing or processing is considered as a conditional use. Keto Cakes bakes and sells low carb, sugar free, gluten free cupcakes. They sell preorders online and deliver to several pickup locations across the Wasatch Front in a refrigerated truck. They bake about 5,000 to 8,000 cupcakes per week. There will be fifteen employees total, and five employees will work each shift typically baking from 8:00 a.m. to 5:00 p.m. Sysco delivers twice a week during the morning hours, with wholesale deliveries coming a few times a week. This location will occasionally be used as a will-call pickup. The location is a newly developed building with each suite having large bays to handle shipments and deliveries. Keto Cakes will take two of the sixteen suites, and based on the employee count is required to have six available off-street parking spaces. While parking is not assigned, the average per business parking at this location

is five stalls per suite, so the bakery would essentially have ten stalls available to use.

Jessie Pond, representing Keto Cakes Utah, said that there is more of a demand for these types of cakes and they have been looking for a better space to bake. Their business started out of their house and has grown substantially. Each suite is about 4,000 square feet, and they'll have spaces for freezers. Their space will be inspected to meet health and fire safety codes before obtaining their business license.

Thomas Wood made a motion to grant a conditional use permit for food manufacturing (bakery) at 590 North 900 West, Suites 104 and 112 for Keto Cakes Utah, LLC. Tamara Tran seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO AMEND CHAPTER 19-4, FINAL PLAT, OF TITLE 19, SUBDIVISIONS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

Lyle Gibson explained that recently the City Council approved Ordinance 18-3-2 which made the Planning Commission the final approval body for final subdivision plat applications. Since approval, Staff has found a conflict with the amendment in Chapter 19-4 and is requesting tonight's amendment in order to correct the language and get it into compliance. The proposed ordinance amendment also modifies the number of hard copies required with submittal of the final plat, and requires a digital copy of the plat to be submitted for review. This is reflective of current needs and review methods.

Chairperson Matthew Anderson opened the Public Hearing.

There were no comments or questions from the public. Chairperson Matthew Anderson closed the Public Hearing.

Gary Bullock made a motion to recommend approval of the request to amend Chapter 19-4, Final Plat, of Title 19, Subdivisions, of the Revised Ordinances of Kaysville City. Matthew Anderson seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO AMEND SECTION 17-34-9, FLAG LOT SUBDIVISION, OF CHAPTER 17-34, PRUD PLANNED RESIDENTIAL UNIT DEVELOPMENT, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

Lyle Gibson explained that the Planning Commission has recently had multiple discussions considering flag lot development on cul-de-sac streets. Historically this type of development was permitted in Kaysville City by conditional use, but has been prohibited for nearly a decade. A large amount of interest from property owners for this type of development has continued, thus Staff has pursued additional discussion with the Planning Commission and internally to determine whether or not allowing flag lots on cul-de-sac streets was problematic from a utility and public safety standpoint. The proposed ordinance amendments eliminates one sentence from the criteria for a flag lot in 17-34-9 which currently states: "Flag lot subdivisions are not allowed on cul-de-sac streets." It is the opinion of Staff that removing this text is an appropriate action

because of how flag lots are permitted. A flag lot subdivision can only be approved with the approval of a PRUD overlay zone. Because approval of a zone or overlay zone is a legislative decision it allows for case-by-case discretion. Experience with existing development along with discussion between city departments has yielded little to no concern regarding distance from through streets and providing utilities, even at the end of the city's longest cul-de-sac streets. Any hesitations have been softened by the ability to provide input case-by-case on a subdivision proposal for the consideration of the Planning Commission and City Council before approving the necessary zoning.

Chairperson Matthew Anderson opened the Public Hearing.

Mark Taylor said that he would rather see that the city limit the number of flag lots on a cul-de-sac to only one because of the already limited parking on cul-de-sac streets. Adding a flag lot stem road will take up more available street parking on a cul-de-sac.

There were no other comments or questions from the public. Chairperson Matthew Anderson closed the Public Hearing.

Lyle Gibson commented that parking on cul-de-sac streets is a very valid concern as driveways take up a lot of space on a cul-de-sac. However, flag lots can also be a benefit for safety vehicles as cars won't be parked in front of those driveways. Since these will be taken on a case-by-case basis, we can review to see if a flag lot on a cul-de-sac is appropriate for the location.

Wilf Sommerkorn asked what the rationale was for not allowing flag lots on a cul-de-sac street.

Andy Thompson responded that about ten years ago the east side of the city was seeing several requests for flag lots. An infill committee was put together to discuss land development in the city and they felt that it would be best to reduce the number of flag lots allowed. Their reasoning was because of concerns with addition additional length to a cul-de-sac street, and the limitations on the length of cul-de-sac streets. To add a flag lot to a cul-de-sac felt like an extension beyond that street length limitation. The 600 foot cul-de-sac length limitation is an arbitrary number that Kaysville felt was appropriate for our city.

Wilf Sommerkorn made a motion to recommend approval of the request to amend Section 17-34-9, Flag Lot Subdivision, of Chapter 17-34, PRUD Planned Residential Unit Development, of Title 17, Planning and Zoning, of the Revised Ordinances of Kaysville City. Thomas Wood seconded the motion and it passed unanimously.

PLANNING AND PROJECTS PRESENTATION – LYLE GIBSON

Zoning Administrator Lyle Gibson made a presentation discussing the background of planning in Kaysville, some of the projects that are currently happening within the city, and anticipated future city plans and projects.

Matthew Anderson asked if a pedestrian overpass is planned to go over I-15 in the future.

Andy Thompson responded that at some point a new overpass will be built over I-15 and they will likely add a pedestrian component to it.

Tamara Tran commented that with limited space available to develop in Kaysville, the city will need to discuss infill development within the city.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lyle Gibson announced training opportunities with the Utah APA on Thursday, October 4, 2018, and also with the ULCT on September 12-14, 2018. The Utah Land Use Academy of Utah also holds trainings regularly that are broadcast at the USU Botanical Center.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, August 23, 2018 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:04 p.m.