

**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, October 11, 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 meeting of September 13, 2018.
2. Conditional use permit for major home occupation "B":
 - a. Hair salon at 904 West Zenyatta Way – Lisa McKeown.
 - b. Preschool at 163 East 1400 South – Lisa Ferguson.
 - c. Health coaching at 311 West Flour Mill Drive – Karen Nance.
3. Amendment of 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.
4. Call to the public.
5. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
6. 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, October 5, 2018.



Andy Thompson
City Engineer



Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B' Hair Salon October 11, 2018

Applicant/Owner: Lisa McKeown
Location: 904 West Zenyatta Way
Zone: R-A

Description:

The applicant is requesting a conditional use permit for a major home occupation 'B' to operate a salon from her home. Ms. McKeown is a licensed cosmetologist with the State of Utah. She hopes to have clients come to her home by appointment for hair cutting, coloring, and styling. She anticipates that she may have 5 or so clients a week that come while her children are at school.

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 the need for additional conditions.

Reasoning:

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

Attachment 1: Area Map

904 West Zenyatta Way





Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B' Preschool October 11, 2018

Applicant/Owner: Lisa Ferguson
Location: 163 East 1400 South
Zone: R-1-8

Description:

The applicant is requesting a conditional use permit for a major home occupation 'B' to teach preschool classes from her home. The applicant teaches a morning and afternoon class on Tuesdays and Thursdays for 3 hours each class. Her teaching model includes working with multiple small groups at different learning stations where children are able to focus on their specific needs while still being in a setting where they learn important social skills for their age. Because of this she desires to be able to have as many as 15 students at a time. To help with the students as many as 3 parents participate on a voluntary basis during each class.

The home is on the end of a cul-de-sac so there is little to no room for parking on the street. The applicant does have a large driveway where the volunteer parents for the day would park. The rest of the students are dropped off and at the end of the 3-hour class Ms. Ferguson walks with the students to down the street to where there is a bunch of parking near the church.

The request being an organized class 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. Commonly the Planning Commission has used 12 as a limit, this number comes from a limit in ordinance for daycare businesses, however a preschool is not a daycare and could be allowed to have more than the 12 students frequently allowed.

Recommendation:

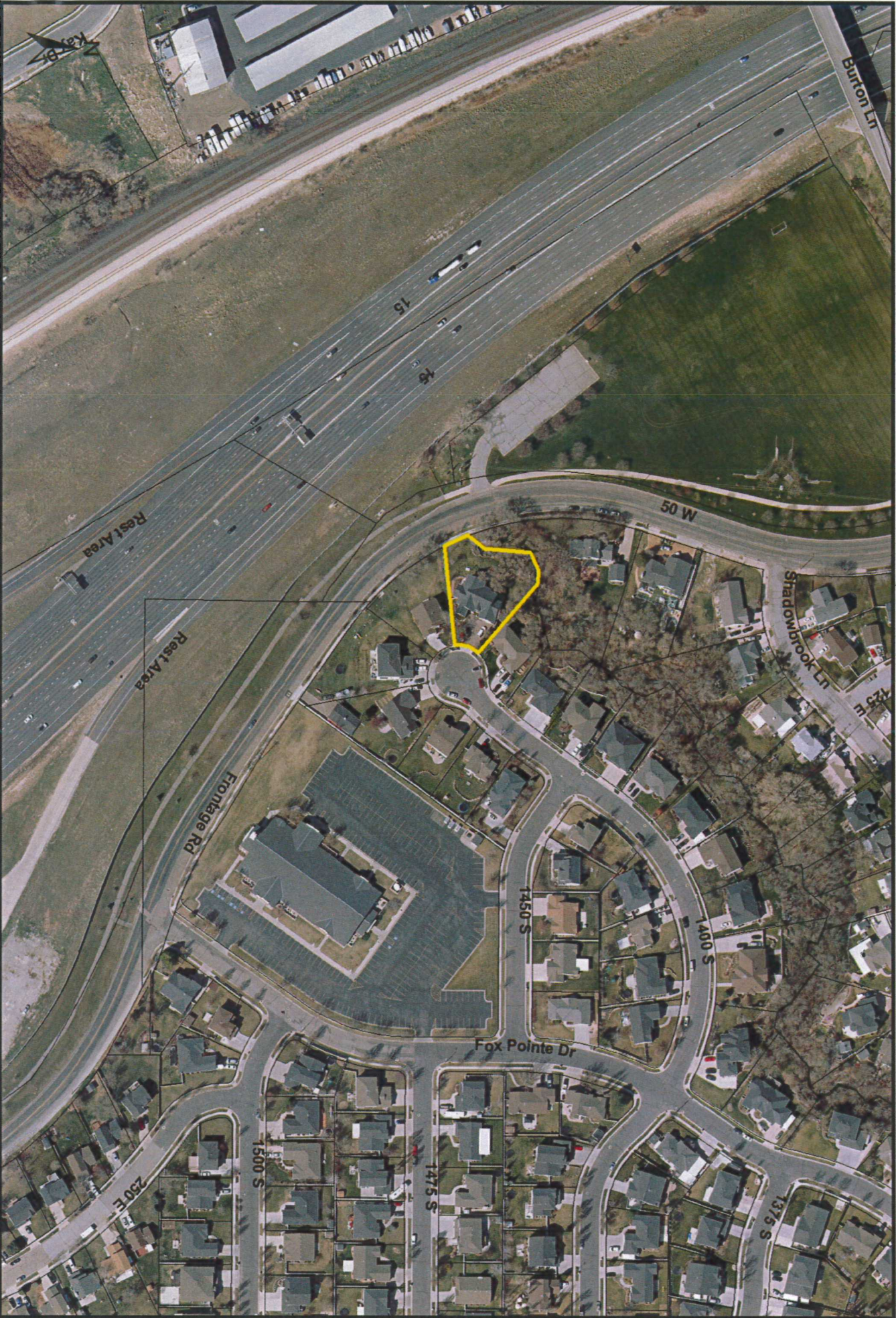
Staff is recommending approval of the proposed conditional use permit for a major home occupation 'B' subject to compliance with Title 17-26-4 of the Kaysville City Ordinance and the following conditions:

- The number of students be limited to no more than 15 per session.
- No more than 3 adult non-resident helpers 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



163 East 1400 South



Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B' Health Coaching October 11, 2018

Applicant/Owner: Karen Nance
Location: 311 Flour Mill Drive
Zone: R-1-20

Description:

The applicant is requesting a conditional use permit for a major home occupation 'B' to offer group and one-on-one health coaching. Sessions would vary by demand and may include groups as large as 12 individuals. Often clients may come alone or in a family or group setting.

There is an office in the home as well as space for larger groups. In addition to the 3 car garage, there is space for as many as 8 vehicles in the driveway that would accommodate clients as they come to the home.

The request being an organized class 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 clients be limited to no more than 12 per session.

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

311 Flour Mill Drive



ORDINANCE NO. 18-__-__

AN ORDINANCE AMENDING 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.

WHEREAS, Kaysville City desires that its businesses and residents have access to quality wireless telecommunication options; and

WHEREAS, Kaysville City has determined that it is in the best interest of its residents and businesses to allow for more creativity in the placement and design of telecommunication facilities;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment.

Section 17-31-25, TELECOMMUNICATION TOWERS, of Chapter 17-31, SPECIAL PROVISIONS APLPYING TO PARTICULAR USES; of Title 17, PLANNING AND ZONING, of the Revised Ordinances of Kaysville City, 1993, is amended as follows:

17-31-25 Telecommunication Towers.

(1) Each person or company desiring to locate a telecommunication tower within the City shall submit a Site Location Master Plan. This plan shall be submitted and accepted by the Planning Commission prior to the processing of any permits for telecommunication towers. The plan shall identify existing locations of facilities, and approximate proposed locations of new facilities to provide service within City boundaries and the surrounding area for the ten (10) years following the date the plan is submitted. These estimates shall be based on projected population growth and anticipated development. The applicant shall provide the City with the owner's current name, address, and an emergency telephone number for each facility.

~~(2) The owner of any telecommunication tower shall consent to two co-locations (in addition to the owner's) on the tower and construct the tower in such a manner as to be able to accommodate the owner's equipment and two others on the same tower.~~

~~(23)~~ Applicants for telecommunication tower permits shall co-locate their facilities on existing towers, unless it can be shown by a preponderance of the evidence that all existing towers are inadequate to serve the applicant's reasonable needs due to the location, height or other reason; and shall pay reasonable compensation to the tower owner to fairly share past and future costs.

(34) Telecommunication towers shall be located, designed, and constructed to be as unobtrusive and as few in number as possible. They shall be subject to requirements that minimize the impact on surrounding properties and the City. No telecommunications tower shall exceed one hundred twenty feet (120') in height from the finished grade of the ground to the highest point on the structure.

.(52) The owner of any telecommunication tower shall:

(a) consent to two co-locations (in addition to the owner's) on the tower and construct the tower in such a manner as to be able to accommodate the owner's equipment and two others on the same tower.

Or

(b) construct a facility which is considered stealth. The Planning Commission may still require that the owner of the tower consent to at least one co-location (in addition to the owner's).

A tower may be considered stealth if it includes unique design and construction techniques that minimize the visual impact of the facility. Examples include utilization of existing utility poles or towers, wall mounted antenna, roof mounted antenna, or any other facility which the Planning Commission or Community Development Director finds meets the intent of a stealth tower by significantly reducing its visual impact.

(6) Monopoles, antennas, and any associated buildings or equipment shall be painted to blend with the surroundings by which they are most commonly seen. The color shall be determined on a case-by-case basis by the Planning Commission for conditional uses and the Community Development Director for permitted uses. Within six months after the facility has been constructed, the Planning Commission or the Community Development Director may require the color be changed if it is determined that the original color does not blend with the surroundings.

(7) The following shall be considered by the Planning Commission for conditional uses.

- a) Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.
- b) Location of the antenna on other existing structures in the same vicinity such as other monopoles, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc. where possible without significantly impacting antenna transmission or reception.
- c) Location of the antenna in relation to existing vegetation, topography including ridge lines, and buildings to obtain the best visual screening.
- d) Spacing between monopoles which creates detrimental impacts to adjoining properties.
- e) Installation of, but not limited to, curb, gutter, sidewalk, landscaping, and fencing.
- f) Any other items that are determined to be necessary to mitigate the impact of the proposed facility.

(8) Cables shall be installed on the interior of any monopole or telecommunications structure.

(95) Each application for a permit to construct a telecommunication tower shall be certified by a licensed professional engineer that the design of the facility meets all applicable standards for the facility including, but not limited to, electrical safety, material and design integrity, wind and seismic

safety. The professional engineer shall certify that the tower meets acceptable design criteria or standards to withstand 150 mph (3 sec gust), Vult ASCE-7~~100 mph winds~~wind speeds.

(106)

(a) The tower owner shall maintain the tower, site, and improvements in a state of good repair. If a telecommunication tower is abandoned or not maintained, the Zoning Administrator may notify the owner of the tower that it must be repaired and used within thirty days after the notice was sent, or the facility must be removed. If the communication facility is not repaired, used, or removed within thirty days after notice was sent, the Zoning Administrator may order the removal of the facility and the restoration of the property at the owner's expense. Any conditional use permit issued for the facility will be automatically revoked.

(b) If a telecommunication tower is not used for more than six months, it shall be deemed to be abandoned for purposes of Subsection (a).

(11) Notwithstanding being listed or not as an approved use in any zoning district, telecommunication towers shall be permitted in Kaysville City's zoning districts as follows:

<u>Zone</u>	<u>Monopole</u>	<u>Stealth</u>
<u>A-1, A-5</u>	<u>C*</u>	<u>C</u>
<u>R-A, R-1 zoning districts</u>	<u>C**</u>	<u>C**</u>
<u>PU</u>	<u>=</u>	<u>C</u>
<u>PB</u>	<u>=</u>	<u>=</u>
<u>LI</u>	<u>C</u>	<u>P</u>
<u>CC</u>	<u>=</u>	<u>C</u>
<u>GC</u>	<u>C</u>	<u>P</u>
<u>HC</u>	<u>=</u>	<u>=</u>
<u>P = Permitted Use</u> <u>C = Conditional Use</u> <u>* = Must be 300 feet from the property line of a residential zoning district</u> <u>** = Allowed only on properties greater than 10 acres in size which are also occupied by a public or quasi-public use.</u>		

SECTION III: Enactment.

Section 17-8-4, CONDITIONAL USES, of Chapter 17-8, A-5 HEAVY AGRICULTURAL DISTRICT; and Section 17-9-4, CONDITIONAL USES, of Chapter 17-9, A-1 LIGHT AGRICULTURAL DISTRICT; and Section 17-19-4, CONDITIONAL USES, of Chapter 17-19, GENERAL COMMERCIAL DISTRICT, and 17-20-4, CONDITIONAL USES, of Chapter 17-20, CENTRAL COMMERCIAL DISTRICT; and Section 17-21-4, CONDITIONAL USES, of Chapter 17-21, LIGHT INDUSTRIAL DISTRICT; of Title 17, PLANNING AND ZONING, of the Revised Ordinances of Kaysville City, 1993, is amended as follows:

17-8-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC Chapter 17-30.

1. Major home occupations A and B subject to the provisions of KCC Chapter 17-26.
2. Agricultural home occupations subject to the provisions of KCC Chapter 27-26.
3. Golf courses subject to the provisions of KCC 17-31-8.
4. Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
5. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
6. Public utility substation or storage facilities developed by a public agency.
7. Animal hospital or clinic, dog breeding, dog kennels, dog training school, provided any building or enclosure for animals shall be located not less than one hundred feet (100') from a public street and not less than fifty feet (50') from any dwelling or adjacent property.
- ~~8. Telecommunication towers and telecommunication towers of height greater than thirty feet (30') subject to the provisions of KCC 17-31-25.~~
- 9.8. Accessory building larger than three thousand (3,000) square feet in area, subject to the provisions of KCC 17-31-2.

17-9-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC Chapter 17-30.

1. Major home occupations A and B subject to the provisions of KCC Chapter 17-26.
2. Agricultural home occupations subject to the provisions of KCC Chapter 17-26.
3. Golf courses subject to the provisions of KCC 17-31-8.
4. Greenhouses and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
5. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
6. Public utility substation or storage facilities developed by a public agency.
7. Animal hospital or clinic, dog breeding, dog kennels, dog training school, provided any building or enclosure for housing animals shall be located not less than one hundred feet (100') from a public street and not less than fifty feet (50') from any dwelling on adjacent property.
- ~~8. Telecommunication towers and telecommunication towers of height greater than thirty feet (30') subject to the provisions of KCC 17-31-25.~~
- 9.8. Accessory building larger than three thousand (3,000) square feet in area, subject to the provisions of KCC 17-31-2.

17-19-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC Chapter 17-30.

1. Single family dwellings which are an integral part of a commercial use and serves as housing for the proprietor or an employee.
2. Light industry/research uses subject to the provisions of KCC Chapter 17-23.
3. Buildings of height greater than thirty-five feet (35').
4. Recreational vehicle parks subject to the provisions of KCC 17-31-24.

~~5. Telecommunication towers and telecommunication towers of height greater than thirty-five feet (35') subject to the provisions of KCC 17-31-25.~~

~~6.5.~~ Public utility substations.

~~7.6.~~ Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.

~~8.7.~~ Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.

17-20-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC Chapter 17-30.

1. Theaters.

2. Motels or hotels.

3. Light industry/research uses subject to the provisions of KCC Chapter 17-23.

4. Dwellings and household pets.

5. Social halls, lodges, fraternal organizations.

6. Automotive repair that does not break the continuity of retail store frontage for pedestrians, does not impose a nuisance on residences or other surrounding uses, does not create traffic hazards or undue traffic congestion, and has pump islands located so that vehicles serviced or awaiting service do not block any public sidewalk or driveway.

7. Amusement arcades.

~~8. Telecommunication towers and telecommunication towers of height greater than thirty-five feet (35') subject to the provisions of KCC 17-31-25.~~

~~9.8.~~ Public utility substations.

~~10.9.~~ Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.

~~11.10.~~ Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.

17-21-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC Chapter 17-30.

1. Food and kindred product manufacturing or processing.

2. Textile products manufacturing.

3. Furniture and fixtures manufacturing.

4. Stone, clay and glass products manufacturing.

5. Fabricated metal products industries (not to include primary metal industries).

6. Contract construction services.

7. Buildings of height greater than thirty-five feet (35') or less than ten feet (10').

~~8. Telecommunication towers and telecommunication towers of height greater than thirty-five feet (35') subject to the provisions of KCC 17-31-25.~~

~~9.8.~~ Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.

~~10.9.~~ Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.

SECTION VII: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IX: Effective Date. This Ordinance shall take effect 20 days after being passed and adopted by the City Council.

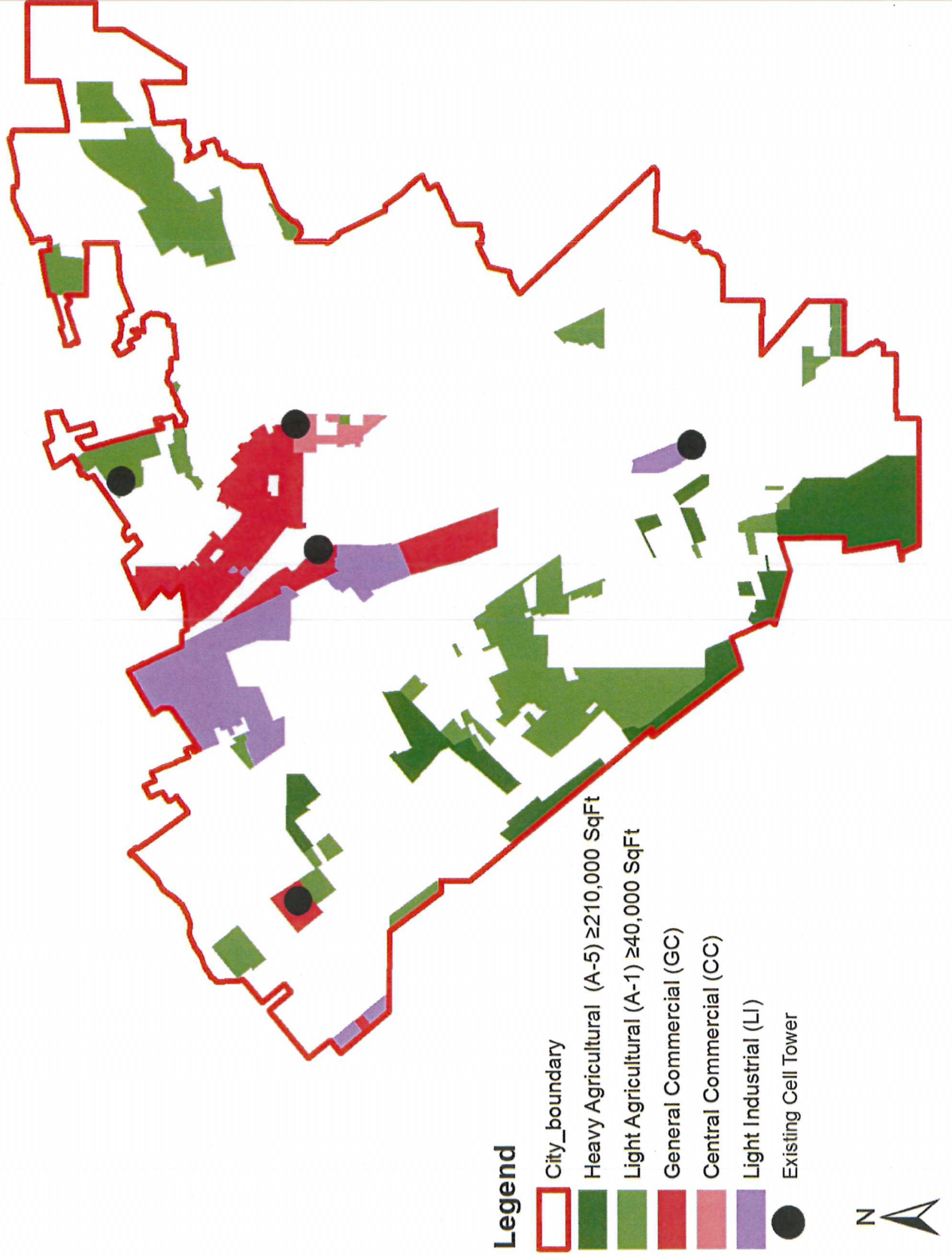
PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this ___th day of _____, 2018

Katie Witt
Mayor

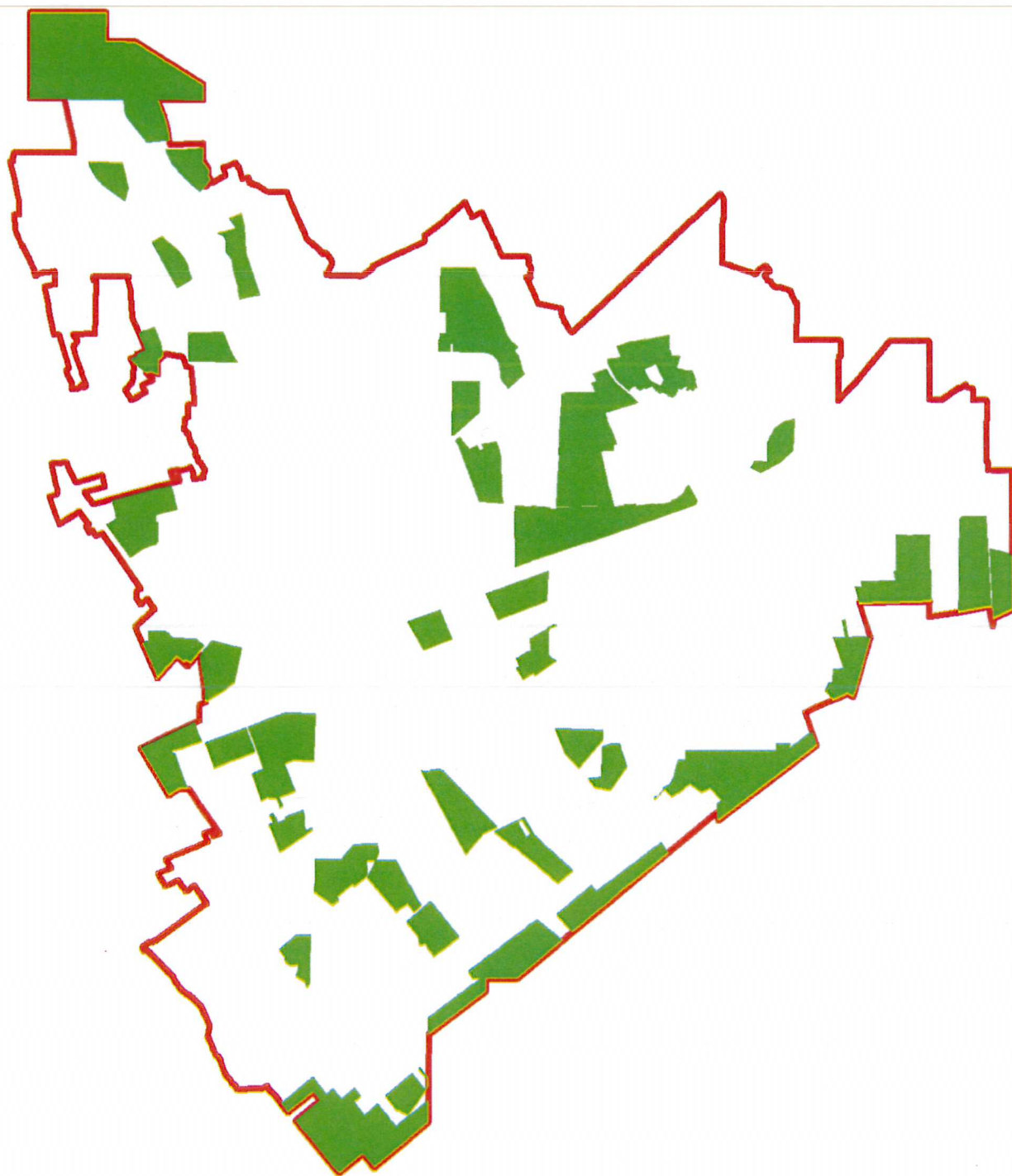
ATTEST:

Maria T. Devereux
City Recorder

Current Telecommunication Tower Locations



Properties over 10 acres in size



KAYSVILLE CITY PLANNING COMMISSION

September 13, 2018

Members Attending: Chairperson Matthew Anderson, Betty Parker, 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: Council Member Larry Page, Marv McAllister, Marilyn McAllister, Fred Nichols, Camille Huggard, Dave Huggard, Kevin Barkdull, Robyn Barkdull, Kris Kaufman, Jennie Dopp, Randy Beyer, Brian Knowlton, Brian Altom, Brian Bare, Aiden Christiansen, Bryson Bare, Griffin Brostrom, Hudson Barnes, Carter Brostrom, Cooper Barnes, Andrew Evans, Mike Olsen, Stephanie Olsen, Adam Starnes, Brittney Starnes, Lance Munson, Jim Newton, Scott Johnson, Chaleh Truillo, Matt Yeates, Chris Truillo, Vicky Yeates, K. Delyn Yeates, Jeff A. Wood, Paul Stringham, Chad Smith, Bryon Prince, Chaz Walker, Ina Gold, Dwight Rigby, Cam Preston

OPENING

The Planning Commission meeting was held on Thursday, September 13, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the July 26, 2018 and August 9, 2018 meetings were presented for approval.

Thomas Wood made a motion to approve the minutes of the July 26, 2018 and August 9, 2018 meetings.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, ESTHETICIAN AT 474 EAST 1310 SOUTH – BROOKE DAVIS

Lyle Gibson explained that Brooke Davis is requesting a conditional use permit to operate as an esthetician from her home at 474 East 1310 South. She will be offering services typical of an esthetician, such as eyelash extensions. However, she will also be offering lessons to help her clients become certified with this skill set. Both appointments and lessons would be one-on-one and by appointment only. Parking will be available on-site in the applicant’s driveway.

Tamara Tran made a motion to grant a conditional use permit for a major home occupation “B”, esthetician at 474 East 1310 South for Brooke Davis. Betty Parker seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”,
PRESCHOOL AT 108 NORTH 2300 WEST – CAMILLE HUGGARD**

Lyle Gibson explained that Camille Huggard is requesting a conditional use permit for a major home occupation “B” to run a preschool from their home at 108 North 2300 West. Classes are anticipated to have seven to eight children at a time. Currently it is envisioned that classes would only be in the mornings, Monday through Friday. The Huggard’s 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 applicant’s 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 applicant’s 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.

Tamara Tran asked how many sessions Mrs. Huggard will hold a day.

Camille Huggard responded that she plans to have a session for three-year olds on Tuesdays and Thursdays, and then another session for four-year olds on Mondays, Wednesdays and Fridays. Each session will run from 9:00 to 11:30 a.m.

Wilf Sommerkorn asked if the city ordinances had a standard for the number of students allowed for these types of uses.

Lyle Gibson responded that the city ordinances allow the Commission to review each application on a case-by-case basis and determine what might be best for the proposed use. Staff is recommending limiting Mrs. Huggard to eight students per session, which will still meet the owner’s anticipated needs while helping to mitigate any negative impacts the additional traffic might bring.

Betty Parker made a motion to grant a conditional use permit for a major home occupation “B”, preschool at 108 North 2300 West for Camille Huggard with the condition that the number of students be limited to eight per class session. Josh Sundloff seconded the motion and it passed unanimously.

**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 TO THE LI (LIGHT INDUSTRIAL)
ZONING DISTRICT – IVORY HOMES**

Lyle Gibson said that since the previous meeting where this development was discussed, the City and Ivory Homes have done additional outreach to the general public to discuss this development in regards to their desired use of the land, and gather input on the Ivory Homes proposal. Based on the input received, Ivory Homes has revised their concept and are now presenting their new

concept designs and development agreement for review. Most comments received were from those living near the proposed development, who stated that they would prefer to see a single family development similar to their existing neighborhoods. Neighboring HOAs would also like to ensure that any new residential development has its own amenities, and that the proposed commercial user is desirable. The city also received limited comments made by those outside the subject area who expressed 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. Ivory Home's 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. The R-2 zoning district allows for one to two family residential units, but through the development agreement a limitation on type of housing could be set. Ivory Homes is proposing both front-load and rear-load residential units where homeowners will take access to their home via a private lane in back to the garage. Also planned is a common open space area, as well as trails. Ivory Homes has considered asking for a reduced front and side yard setback on the lots so that larger homes would be able to be built here. 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 a gym proposed on nearly 8.0 of those remaining acres. The applicant has been in negotiation with Kongo Gym who would like to operate a facility that focuses on team sports and training, so they have planned several courts and fields to be 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 LI (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 which would not allow for Kongo Gym to build a steel building as planned, and will make the Kongo Gym proposal cost prohibitive. 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.

Chairperson Matthew Anderson said that he would like to hear from the audience and opened the floor up for public comment.

Bryon Prince, representing Ivory Development, said that the property owner is America First Credit Union and they had obtained this property around 2009 because of a defaulted loan. They put it on the market about 2011 and have been doing so since. Feedback from potential buyers said that the property was too large, relative to its location and access to the property. Most commercial buyers are usually smaller users looking for a piece of property measuring at two to five acres. America First Credit Union has no interest in subdividing the property themselves, which is why they have reached out to Ivory Development to see what might be done with the property. There is only one access point from I-15 and 200 North making it harder to get to and attract drive-by traffic. Ivory Development has sat down with the Mayor and was told that the city would likely be supportive of the development as long as there was more commercial space retained. In June of this year, Ivory Development came before the Planning Commission with a

proposed development showing twenty acres dedicated to residential use, and five acres of commercial use. At that meeting they received feedback that there was not enough commercial use remaining, there were some serious concerns regarding traffic, and it was suggested that a meeting be set up to discuss this development with the neighbors to get some feedback. From this discussion, Ivory made the commitment to provide more commercial use on the property, showing over twelve acres dedicated to commercial. The development will have six units an acre of housing, with Kongo Gym sitting in the middle of the property next to the eastern boundary. Feedback from neighbors indicated that they preferred that there be more residential here rather than have this property remain as a large commercial lot. The homes will all be single family detached homes. The front load garage homes will be set around the perimeter of the development layout, with rear-load or ally-load detached garage homes in the middle. The park strip will be a continual look from what has been done at Boondocks to look uniform. There will be about a forty-foot setback between Deseret Drive and the homes to give the homes a buffer from the busy street. The lots to the south are all at least seventy feet wide. Common open space will sit on the south east corner of the project. It will be an area for kids to play and will also serve as a retention area. A privacy fence will also be installed around the property.

Betty Parker asked if there were any conceptual drawings for the commercial use area.

Bryon Prince responded that they have not yet been put together. Besides Kongo Gym, they have a potential buyer interesting in purchasing the remaining property to build storage units or office buildings. Because that remaining space will be a long and narrow lot, it will limit what will work for the property.

Tamara Tran asked how many residential lots were planned.

Bryon Prince responded that they are planning seventy homes. These types of single family homes on smaller lots is what is in high demand on the market. The average price of these homes will be around \$400k.

Tamara Tran asked if any fencing will be installed.

Bryon Prince responded that they will be installing a fence along the eastern border adjacent to I-15, Boondocks and the Kongo Gym. They will also likely install a privacy fence along the south border.

Chaz Walker, owner and operator of The Kongo Gym, said that when he first started his business seven years ago it was only a youth facility. About three years later they moved locations and started doing competitive sports. They have been located in Kaysville for the last three years and have found it a central location for their students and athletes as most of their clientele live within the Kaysville and Layton areas. At this point they are in need of a bigger facility so they don't have to utilize recreation centers in the area. This proposed facility will give them better space to meet their ever-growing needs. Their gym will have personal trainers, sports medicine, practicing teams and athletes, basketball and volleyball areas, indoor turf and outdoor areas for the athletics clubs to utilize for soccer and baseball. Mr. Walker stated that he will be meeting with the Mayor soon about the city possibly using their facility for their recreational sports.

Tamara Tran asked about the hours of operation.

Chaz Walker responded that they work around when school is in session, so they are typically open from 2:30 to 8:00 p.m. The sports medicine and physical therapy areas will be open during normal business hours.

Tamara Tran asked if they would open their fields and court areas to adult leagues.

Chaz Walker responded that they are considering it and have also spoken with a few clubs in the Davis County area. If that were to happen they would extend their hours of operation hours in order to accommodate those adult leagues.

Josh Sundloff asked if any other architecture options had been considered.

Chaz Walker responded that they had considered other options, including concrete and masonry but because of the size of the building and free span needed to accommodate the basketball courts it wasn't a financially feasible option for them. The metal façade will cut their building costs by about 40%. It is made to look like concrete tilt-up and they will be using a couple of different colors to break up the look.

Thomas Wood asked about the height of the building.

Chaz Walker responded that the height of the building walls are twenty feet tall, but the roof will arc to about thirty-two feet.

Thomas Wood asked about signage for the building.

Chaz Walker responded that they would be utilizing the east side of the building for signage as it fronts I-15. The west side, or front of the building, will have little to no signage as their business is a destination business and they don't need as much drive-by advertising.

Tamara Tran asked about the number of students they will have and how many of them will require parking.

Chaz Walker responded that they plan on having up to four-hundred students, but the majority of them are dropped off by a parent. Most patron parking will be used by those coming for sports medicine and physical therapy. Occasionally they will also hold scrimmage games.

Matthew Anderson commented that this proposed development will likely still generate less traffic than if this property were to remain completely as a general commercial use.

Scott Johnson, representing Hales Engineering, stated that their company did a traffic study for Ivory Development and conducted a comparative analysis using the industry standard to forecast how much traffic different types of land uses would generate at this location. With each land use analysis conducted, they found that the general commercial use will still generate the most traffic

at this location.

Betty Parker said that she has some concerns about setting a precedence for the remaining commercial area if a steel building were allowed here.

Matthew Anderson said that he would rather only recommend approval for the area planned for The Kongo Gym to be rezoned to the LI zone, keeping the remaining commercial area zoned as GC. Those future buyers interested in the rest of the commercial property can request a rezone if needed. Mr. Anderson added that he is also concerned about the proposed steel building and feels that the development agreement should require higher building standards.

Lyle Gibson said that the development agreement could list architectural requirements.

Josh Sundloff asked about the differences in uses allowed between the GC and LI zoning.

Lyle Gibson responded that while most of the permitted uses are similar, there are a few differences. For instance, light manufacturing is allowed in LI zone, but is a conditional use in the GC zone. Storage units would be allowed in the LI zone but isn't allowed in the GC zone. Also, there are larger setback requirements for buildings abutting a residential use in the LI zone. Overall, the LI zone is more permissive in its allowed uses.

Bryon Prince said that they have been working with potential users for the remaining commercial space and those users have consistently requested for the LI zoning because of its flexibility beyond the GC zone. They feel that rezoning the area to LI is the highest and best use for the property.

Josh Sundloff asked about the history of the commercial zoning of this area.

Andy Thompson responded that the area from where Tri-City Nursery is located north to Old Mill Lane was previously zoned for agricultural use. It was rezoned to the LI use when the city's operation center was built to better accommodate the uses for the property. There was a legislative decision later on to rezone the rest of these properties to GC.

Matthew Anderson asked about access for this development.

Lyle Gibson responded that there are two entry points from the property to take access onto Deseret Drive. Pedestrian trails will connect to the existing trail network in the area to the south and north.

Matthew Anderson asked about the forty foot buffer along Deseret Drive.

Lyle Gibson responded that Dominion Energy has a pipeline easement along there and therefore it cannot be built on. Staff feels this is a good use of the property to help buffer these homes from the busy Deseret Drive.

Josh Sundloff said that this development could be considered as being in compliance with the

General Plan because it meets the two units per acre requirement with some higher density along major streets, and it also helps to promote development that is diversified and adaptable to changing conditions. This development is providing a housing product that may be in demand in Kaysville. Traffic was previously a concern, however it's been shown that total trips will be better with this project than if the property were to remain in the current commercial zoning. Ivory Development has done well to address concerns regarding traffic as well as reaching out to the neighbors to address their concerns and get feedback. Mr. Sundloff said that while he's not as concerned about the look of the metal building, he is concerned about what uses might be allowed once the property is zoned to LI.

Matthew Anderson commented that he feels that there needs to be more commercial space preserved on the property than what is being proposed.

Wilf Sommerkorn stated that this is a challenging location for commercial uses and not very accessible. Affordable housing is currently a problem in Utah and this seems to be a fair tradeoff.

Tamara Tran said that this is one of the last large commercially zoned parcels in Kaysville. We don't have enough sales tax revenue in the city and adding more houses will not add to the revenue. Mrs. Tran said that while she understands this is a difficult parcel to sell, we have not seen any other proposals for this space come before us.

Josh Sundloff said that it appears that the types of commercial uses that would bring in more sales tax revenue haven't expressed any interest in being located here.

Bryon Prince responded that there are better locations within the city for those types of commercial uses. There are existing buildings that are vacant or properties at a lower cost that would provide a better opportunity. People looking to develop their commercial uses are looking for smaller parcels.

Thomas Wood said that if this were to remain as it is currently zoned it may never be developed.

Paul Stringham, representing Think Storage, said that he is interested in developing the rest of the commercial area to build self-storage units. This piece of property will be a long narrow lot and it will be hard to find a retailer interested in that space with only one access to the road. There has been a proliferation of storage units throughout the community. Storage has evolved to an institutional-type property. Think Storage's projects have been developed successfully. Their management is on the property from open to close during normal business hours. They are a very professional business and will develop a nice product. The traffic counts for storage units are low and they will be a quiet neighbor. This is a good location for them and would like the opportunity to develop in Kaysville City.

Andy Thompson suggested that because of the feedback and comments made tonight that the proposed development agreement be reviewed closer to make sure that things represented tonight are within the agreement. If the Commission recommends approval, it should be subject to finalizing the development agreement before the zone is implemented.

Matthew Anderson made a motion to recommend approval of the request to rezone 25.0 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 for Ivory Development with the following conditions:

1. The property north of the residential area not used by The Kongo Gym remain zoned General Commercial and removed from this rezone proposal.
2. The property designated for The Kongo Gym to be located be rezoned to LI, and the residential use area be zoned to R-2.
3. The developer work with Staff to revise the development agreement and ensure what is being proposed meets the concerns and conditions as discussed.

Wilf Sommerkorn seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR ORCHARD RIDGE ESTATES SUBDIVISION AT APPROXIMATELY 1400 NORTH HIGHWAY 89 – COMPASS HOLDINGS DEVELOPMENT

Andy Thompson explained that for several months Compass Holdings Development has been working toward annexing this property into Kaysville so that it could be developed. Last spring the City Council approved an annexation agreement outlining the conditions which the developer has been working to meet. 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, and 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 ninety-five homes meeting the R-1-8 zoning requirements and allowing for the use of a PRUD overlay zone. The proposed preliminary plat contains ninety-two 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 rezoned to 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 that are 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:

1. Sidewalk is shown on only one side of the public streets and no sidewalk is shown on most of the private streets.
2. 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.
3. 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.
4. The side yards for the smaller lots are shown as eight feet on one side, and five feet on the other side. The typical City standard is eight feet on both sides.
5. The front yard setbacks are requested to be twenty feet instead of the typical

- twenty-five or thirty feet.
6. The two private roads in the smaller lot area use hammer-head turn around areas rather than the typical cul-de-sac.
 7. Lots 70, 71 & 72 are double-frontage lots.

Mr. Thompson added that the developer has been working with a builder, Ovation Homes, to create an active adult community located on most of the small westerly lots. All of these homes will be platted as single family dwellings in a patio home concept. There is also planned to have an area south of this property to be used for emergency access, if needed, until that property develops. Staff is recommending approval 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.

Wilf Sommerkorn asked how the expansion of Highway 89 will affect this development.

Andy Thompson responded that there is a piece of land on the western edge that will be dedicated to UDOT for a future frontage road.

Wilf Sommerkorn asked if Staff was comfortable with the mixed use of both public and private streets in this subdivision.

Andy Thompson responded that under this proposed configuration, Staff is comfortable with the development layout. There have been similar situations in other areas of town.

Chairperson Matthew Anderson opened the Public Hearing.

Chaleh Trujillo, with Compass Holdings Development, said that they have been working on this project for over two years and have been able to work extensively with the city. They have gone through several revisions of this concept to get it to an acceptable point, given the terrain as well as the property's location to Highway 89. They have had several meetings with the neighbors to the south, and the neighbors expressed concern about townhomes being built. Compass Holdings has partnered with Ovation Homes to propose an area of their development for an active adult community. These kinds of homes are needed and are appealing to the community. They are also working with the city to relocate the water tank and have had it designed and a geotech study done of the property. This development is about forty acres in size, and they are asking for less homes than what they were allowed for in their development agreement.

Lance Munson commented that he lives south of this property and has spoken with the developers. They are looking to build an additional ninety homes in this area, and Mr. Munson encouraged the Commissioners to look at the property in person before making any decision tonight. This property should be zoned R-1-LD and not be allowed more than two units per acre, which would be more compatible to what already exists here. When his home was built, they were required to have at least one acre lots. What the developers are proposing is misleading. They will be piling in as many small units as they can on the west side, so that they can keep very large lots on the east side. Any developer can put in small, cheap homes as long as they meet the zoning requirements. The neighbors are concerned about safety and traffic issues, and

how this development will affect the quality of life and the infrastructure of the area. A retirement community isn't the highest and best use of the property. The developer needs to hold an open house for the neighbors to be able to come to and discuss their concerns about this project. The only residents who have agreed to the annexation are those who don't live in the area anymore.

Brad Frost said that he's the owner of Ovation Homes who specializes in building active adult communities. They have been working with the developer and are excited to be part of this project because there are not many opportunities for these types of communities on the east side of Davis County. Active adult communities are in high demand and the homes sell very quickly because people want to remain in the area but live on a smaller lot. They currently have many on waiting lists to purchase one of their homes. The homes will be between 1,900 and 3,000 square feet, and these could potentially have basements. They will be built of quality materials and will not be inexpensive. The lots will also be maintained by an HOA.

Brittney Starnes commented that she lives immediately to the south of this property and the emergency access road is planned to run next to her property. They help plow the road in the winter, and the road might not be able to be used for emergency access when not plowed. There are also portions of the road that are narrow and a fire truck might not be able to fit through. Their family wanted to move here because it has a country feel. They have spoken with the developer and the number of lots proposed is a lot more than what they'd discussed previously. This is a high density development and will impact the entire neighborhood. The value of their home could be significantly impacted. They don't want to be forced to annex into Kaysville, and they feel like they will be with this proposed development.

Andy Thompson that in an annexation a majority of the property owners have to sign the petition to annex. Only the proposed development area is being considered for annexation at this time, which does not include the Starnes property.

Jennie Dopp stated that she lives in the Tanglewood Subdivision to the north of this development and thanked the developer for their time and effort put into the consideration for this development. Ms. Dopp said that she shares many of the same concerns that have been mentioned by Mr. Munson. They moved into their subdivision twelve years ago, and all of their homes are of the same nature. There is a need for these types of communities and Ovation Homes is a good builder, but there is concern about the small lot sizes. They don't fit into what already exists here. There aren't many places left to develop this type of community on the east side of the County, however the neighbors' concerns need to be addressed and maybe a compromise should be made.

Chris Trujillo, also with Compass Holdings Development, said that they appreciate and acknowledge the concerns of the neighbors. The current land owner has signed the annexation petition and the County has already held a meeting to discuss the annexation. Originally the County objected to the annexation, but after some discussion they withdrew the objection. Compass Holdings believes that this development will maintain the current value of the surrounding properties, if not increase it. Also, active adult communities tend to have less traffic than traditional family homes.

Ina Gold said that they live south of the development and is appreciative that the developers have been willing to listen to the neighboring residents. Mrs. Gold said that while she's in favor of an active adult community, there are concerns about how it will affect property values, and how this development will affect their agricultural business as the frontage road is built. It is already hard for the residents here to get onto Highway 89, and Mrs. Gold stated she is concerned if the frontage road will be able to handle the additional traffic.

Dwight Rigby stated that he lives just north of this property, and it seems that this developer is just trying to build homes on top of one other. This area has typically been orchards and open space. This will be the only high density in the area and the lot sizes are much smaller than what already exists here. The developers have been misrepresenting their project. The character of the development is disproportionate and does not fit here. Those who live here did not move to the area to live next to high density housing. While he is not opposed to development, this project is out of character for the area, and the history of the area should be maintained.

DeLyn Yeates said that he developed the Bromsfield Subdivision to the north of this property and feels that Compass Holdings Development has worked methodically with the city to plan this development nicely. There will be plenty of open space and the homes will be comparable to those in the area. This area will be developed eventually. There are existing problems with access onto Highway 89, but those problems should be alleviated as the highway is expanded and overpasses are installed. The values of the homes in the area will not drop, but rather will be enhanced.

Matt Yeates, with Compass Holdings Development, stated that once the property is rezoned they will be held to the development agreement. While their plan is to build ninety homes, the lot sizes vary throughout the project. The active adult community is in high demand today because as people get older they don't want as large of a house or yard to maintain, and they are looking to remain in the area.

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

Tamara Tran asked about access roads for this development.

Andy Thompson responded that there are two roads that will connect to streets in Layton to the north. There is also a road that will connect down to Corral Drive, the future frontage road for Highway 89, and a stub road planned on the south edge of the development so that when the property to the south develops it can connect to that stub road. The owner of that property to the south has been working with this developer to ensure that's where the road would end up in order to accommodate future development.

Tamara Tran asked what kind of public outreach there has been to discuss this project.

Matt Yeates responded that about a year ago they had four meetings with the neighbors to receive their input on what they'd like to see built here. Most of the neighbors they received

input from live to the south of this property in the unincorporated Davis County area. Residents were notified of these meetings by e-mail and through phone calls. The neighbors to the north in Layton were not involved in the meetings.

Lyle Gibson added that through the annexation process, multiple public hearings have also been held.

Tamara Tran asked about why there were not sidewalks planned on the private roads.

Brad Frost responded that they've found that residents of these active adult communities would rather have more greenspace, and having sidewalk only on one side of the street is more than adequate for them as there is not much traffic on their streets.

Josh Sundloff said that concerns about how development might affect property values is almost always anecdotal. The only time it might affect the value is if there is a stark land use being proposed. This development won't negatively affect the surrounding communities and the character of a neighborhood is subjective.

Wilf Sommerkorn commented that it's not realistic to ask that a property not be developed at all. It's a matter of accommodating a development and making sure it's appropriate for the area.

Cam Preston, with Ensign Engineering, said that because of the terrain they've had to plan most of the lots on the western side of the property. The terrain also makes it harder to install because of how steep parts of the property are.

Josh Sundloff stated that he would prefer to see sidewalk on both sides of the street because people end up walking in the road where there are not sidewalks.

Matthew Anderson asked if the fire department had reviewed these plans and also if the furthestmost hammerhead street could be connected to the street to the east of it.

Andy Thompson responded that they have discussed this with the fire department and they are okay with this layout. The referenced hammerhead road will not be connected because the terrain is too steep.

Dwight Rigby said that the reason high density housing isn't east of the highway is because it doesn't contribute to the area. A development shouldn't be allowed if it affects the neighbor's quality of life. The developer needs to hold an open house to further discuss this because there are still a lot of concerns about this project. The residents here tonight are not in favor of this. At what point does the city listen to the existing residents?

Thomas Wood responded that Kaysville is changing and this property is going to be developed. The Planning Commission tries to be representative for the community, but property owners also have a right to develop their own land through certain specifics. The Commission isn't oblivious to the neighbor's desires, but are trying to ensure that this development meets the city's regulations and is developed properly.

Tamara Tran added that it's also part of the General Plan to have diverse housing in the city. This supports that need.

Thomas Wood asked about the green space.

Brad Frost commented that they will landscape what they can based on the elevations. They hope to build some pathways along the ridge with benches along the way.

Tamara Tran said that while she likes the configuration of the project, she feels that there are too many homes planned and thinks it should be less dense.

Chaleh Trujillo responded that they had considered townhomes, but the neighbors didn't want them to be built here.

Thomas Wood asked if the surrounding neighborhoods had sidewalks on both sides of the street.

Jennie Dopp responded that they have streets with a sidewalk on both sides, and some on just one side of the street.

Tamara Tran made a motion to recommend preliminary plat approval or Orchard Ridge Subdivision at approximately 1400 North Highway 89 for Compass Holdings, subject to the annexation being completed with a compatible zone designation. Wilf Sommerkorn seconded the motion.

Voting was as follows:

Wilf Sommerkorn	aye
Betty Parker	aye
Josh Sundloff	aye
Tamara Tran	aye
Matthew Anderson	nay
Thomas Wood	aye

The motion passed with a vote of five to one.

Matthew Anderson commented that he voted against the motion because he would have liked to have seen less density, as well as sidewalks on both sides of all streets required.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR 40 EAST CRESTWOOD PUD SUBDIVISION AT 40 EAST CRESTWOOD ROAD – BRIAN NEVILLE

Andy Thompson explained that in February 2017 this project was approved by the City. However, 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. It is roughly 0.44 acres and zoned R-M. It received approval for 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.

Chairperson Matthew Anderson opened the Public Hearing.

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

Wilf Sommerkorn made a motion to recommend preliminary and final plat approval for 40 East Crestwood PUD Subdivision at 40 East Crestwood Road for Brian Neville. Betty Parker seconded the motion and it passed unanimously.

Josh Sundloff commented that he voted for this development for all the reasons he'd mentioned when this came before them in 2017.

FINAL PLAT APPROVAL FOR TYLER MEADOWS SUBDIVISION PHASE 2 AT 1020 AND 1034 WEST SMITH LANE – WRIGHT DEVELOPMENT GROUP

Andy Thompson explained that recently this property 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. The plat is in compliance with the city regulations and ordinances.

Tamara Tran made a motion to grant final plat approval for Tyler Meadows Subdivision Phase 2 at 1020 and 1034 West Smith Lane for Wright Development Group. Thomas Wood seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR BRADY ESTATES SUBDIVISION AT 993 SOUTH SUNSET DRIVE – ROBYN BARKDULL

Andy Thompson explained that last July this property at 993 South Sunset Drive 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 four acres, with a street connecting Sunset Drive to Preakness Drive. The home that was on the property has been removed.

Tamara Tran asked if fencing would be addressed in the development agreement.

Andy Thompson responded that because this is a standard subdivision a development agreement is not required. The Barkdull's have spoken with the neighbors and resolved any fencing concerns there.

Thomas Wood made a motion to grant final plat approval for Brady Estates Subdivision at 993

South Sunset Drive for Robyn Barkdull. Tamara Tran seconded the motion and it passed unanimously.

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

Lyle Gibson explained that Staff has determined that there is a need for an improved means of handling appeals to land use decisions in Kaysville City. Currently the City's ordinances are not clear on who hears appeals for many land use decisions. Appeals to a land use decision made by Staff will still be heard by the Planning Commission. However, when the Planning Commission or City Council are the decision-making body, the existing ordinance does not clearly address how an appeal would be handled. The proposed ordinance would create a process whereby a trained attorney would act as a hearing officer for appeals to land use decisions made by the Planning Commission or City Council. This route is desirable because of the nature of an appeal. Having an administrative law judge will better serve the city, applicants, and those filing an appeal to ensure they are given a fair and just process that follows appropriate procedure.

Chairperson Matthew Anderson opened the Public Hearing.

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

Wilf Sommerkorn asked if there was language used in the proposed ordinance which designates the hearing officer as the appeal authority. The State code requires that the City Council designate an "appeal authority".

Lyle Gibson said that it speaks towards appeals, but is not sure if the term "appeal authority" is used. That is something that we could add to make it clear that they are acting as such.

Matthew Anderson asked if the hearing officer would be a contract employee.

Lyle Gibson responded that they would be.

Josh Sundloff asked about variance procedures. In Title 19 it lists the administrative judge as the one to grant variances, whereas Title 17 those variances are brought before the Planning Commission.

Andy Thompson explained that currently only the City Council are allowed to grant variances to Title 19, which are subdivision ordinances. The Planning Commission grants variances to Title 17 because they are land use ordinances. An appeal to the administrative law judge's decision would go to a district court. With this revision, only things involving internal city issues would continue to go before the City Council for review.

Josh Sundloff said that there doesn't seem to be a standard of review for the administrative law

judge and would like to see that items be brought before them de novo. We need to consider how much deference we want to give the law judge to an earlier decision.

Wilf Sommerkorn said that he thinks the appeal authority should be able to look at the records of what and how a decision was made, because otherwise it seems they would just be opening up a new hearing and decision making process. The decision needs to be made through whomever is that administrative process, and the appeal authority would make sure that the process was done correctly. It doesn't seem appropriate to have a whole new process in front of a single administrative law judge and give them the authority to make a new decision.

Matthew Anderson said that there needs to be a balance between what's on the record and keeping it de novo to the administrative law judge. They need to look at the process and not ask for more substantial evidence from the applicant to start a new discussion.

Lyle Gibson said that the language could be altered to say that if the applicant were to bring in additional evidence that it would be treated as a new application based on that new evidence.

Wilf Sommerkorn said that he feels that the administrative decision should lie with the administrative authority and not the law judge. Otherwise you're just allowing that administrative law judge to make all the decisions.

Wilf Sommerkorn made a motion to recommend approval of an ordinance establishing the creation of the positions of an administrative law judge and the parameters in which that office functions, amends and adds to multiple sections of the Kaysville City Ordinances with the revisions that the term "appeal authority" be included within the language of the ordinance, clarifying that the administrative law judge be the appeal authority.

Betty Parker seconded the motion.

Josh Sundloff said that he feels that there needs to be some deference or de novo.

Voting was as follows:

Matthew Anderson	aye
Thomas Wood	aye
Wilf Sommerkorn	aye
Betty Parker	aye
Josh Sundloff	nay
Tamara Tran	aye

The motion passed with a vote of five to one.

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

Andy Thompson commented that there is no urgency to review this item. Because of the late hour the Planning Commission could table the item until their next meeting. However, a Public Hearing was noticed and will need to be held for this item.

Chairperson Matthew Anderson opened the Public Hearing.

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

Thomas Wood made a motion to table the 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. Josh Sundloff seconded the motion and it passed unanimously.

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, as well The Utah Land Use Institute will be holding their Fall Conference on October 23-24, 2018 in Sandy, Utah.

Wilf Sommerkorn asked about the annexation declaration policy.

Lyle Gibson said that in order to annex property it has to be on the city's annexation policy plan. Last year the plan was amended to include this property and it was brought before the Planning Commission for review.

Andy Thompson announced that he would be retiring from the City within the next two months and the City is currently taking applications for a Community Development Director. It is likely that the position for a City Engineer will also be opening up soon as well.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, September 27, 2018 at 7:00 p.m.

ADJOURNMENT

Betty Parker made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 10:53 p.m.

DRAFT