

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 25, 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 September 27, 2018 and October 11, 2018.
2. Conditional use permit for Major Home Occupation "A", sales office at 435 South Wellington Drive – Megan Lowe.
3. Conditional use permit for a Major Home Occupation "B":
 - a. Dance and theatre lessons at 337 West Paddock Lane – Kelley Richardson.
 - b. Tutoring at 54 North Flint Street – Julie Johnson.
4. Review of the conditional use permits for a model home, low profile sign and flags at 920 East Doris Place – Ivory Homes.
5. Public hearing and request to rezone 3.92 acres of property from GC (General Commercial) to R-1-20 (Single Family Residential) and another 1.81 acres of property from GC (General Commercial) to the LI (Light Industrial) zoning district at approximately 2100 West 200 North – Terraventure Development.
6. Public hearing and preliminary plat approval for South Angel Street Subdivision at approximately 1300 West Roueche Lane - J.D. Horne.
7. 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.
8. Call to the public.
9. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
10. 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 19, 2018.


Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'A', Sales Office October 25, 2018

Applicant/Owner: Megan Lowe
Location: 435 South Wellington Drive
Zone: R-A (Residential Agriculture)

Description:

The applicant is requesting a conditional use permit for Major Home Occupation A at the above listed address. A Major Home Occupation A allows for the home business to be conducted by the inhabitants and 1 non-resident employee. Section 17-26-3 regulates these types of businesses and only for a few business types, namely:

- Office facility of a salesman, sales rep., or manufacturer's rep.
- Professional office facilities
- Telephone solicitation work.

The applicant conducts online sales of small products like jewelry which can be shipped in envelopes or very small boxes so it will not generate traffic from delivery trucks. She would like to have a neighbor come help a few days a week. There is available parking on site for the applicant and her employee.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation A, Sales Office, at the above listed address without the need for additional conditions.

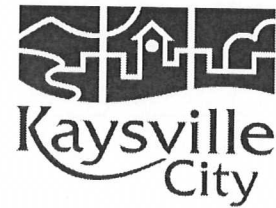
Reasoning:

The restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

435 South Wellington Drive





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Dance and Theatre Lessons October 25, 2018

Applicant/Owner: Kelley Richardson
Location: 337 West Paddock Lane
Zone: R-A (Residential Agriculture)

Description:

The applicant is requesting a conditional use permit for Major Home Occupation B at the above listed address. Groups of about 6 kids would come to the applicant's home where they would practice ballet, dance, and choreography from 1 to 2 hours at a time. Ms. Richardson is planning on hosting 3 different age groups. Lessons would be Tuesdays and Thursdays. Youngest group would be early afternoon for 45 minutes, teenagers would be around 6 pm.

The applicant works for Centerpoint Legacy Theatre where she would hold recitals and performances. She doesn't have any specific plans for parties or activities, but would like to be able on occasion to host her students for an activity.

The ordinance requires that for a group lesson a limit be placed on the number of students and/or the number of vehicles transporting students to prevent congestion.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, dance and theatre lessons, at the above listed address with the following condition:

- Groups be limited to no more than 10 students at a time with an exception to allow the applicant to host larger activities no more than 2 times per year.

Reasoning:

The restrictions of the ordinance together with the recommended condition appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

337 West Paddock Lane





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Tutoring October 25, 2018

Applicant/Owner:	Julie Johnson
Location:	54 North Flint Street
Zone:	R-1-20 (Single Family Residential)

Description:

The applicant is requesting a conditional use permit for Major Home Occupation B at the above listed address. Much of the applicant's business will be one-on-one tutoring sessions, but her business model does at times work with groups of no more than 2 students. The applicant will have students coming on weekdays for brief tutoring sessions with 15 minute breaks between each session.

Individual tutoring is considered a minor-home occupation, but as the applicant will on occasion have 2 students in a session the ordinance requires that a limit be placed on the number of students and/or the number of vehicles transporting students to prevent congestion.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, tutoring, at the above listed address with the following condition:

- Groups be limited to no more than 2 students at any 1 session.

Reasoning:

The restrictions of the ordinance together with the recommended condition appear to be appropriate for mitigating potentially anticipated detrimental impacts. Staff has reviewed the proposed condition with the applicant who is willing to accept the condition as it doesn't impede her instruction/business model.

Attachment 1: Area Map

54 North Flint Street





Planning Commission Staff Report

Review of Conditional Use Permit for Model Home, Low Profile Sign, and Flags. October 25, 2018

Applicant/Owner: Ivory Homes
Location: 920 East Doris Place

Description:

At the October 13, 2016 Planning Commission meeting, a 24-month extension was granted for the use of this model home, low profile signs, and flags with the condition that advertising flags along Main Street be removed. Ivory Homes has complied with the condition but has not completed building/selling all of the lots in the Monte Bello Subdivision. Nearly all the lots have been sold, but Ivory Homes isn't sure if the final lots will take 2 days or 2 months to sell so is asking for a 6 month extension for this use.

The original approval for this model home and its accompanying flags and signage was given in 2011. While the use has been in place for some time, staff has seen continued progress in the development of the Monte Bello Subdivision and has not received complaints regarding the use as a model home.

Recommendation:

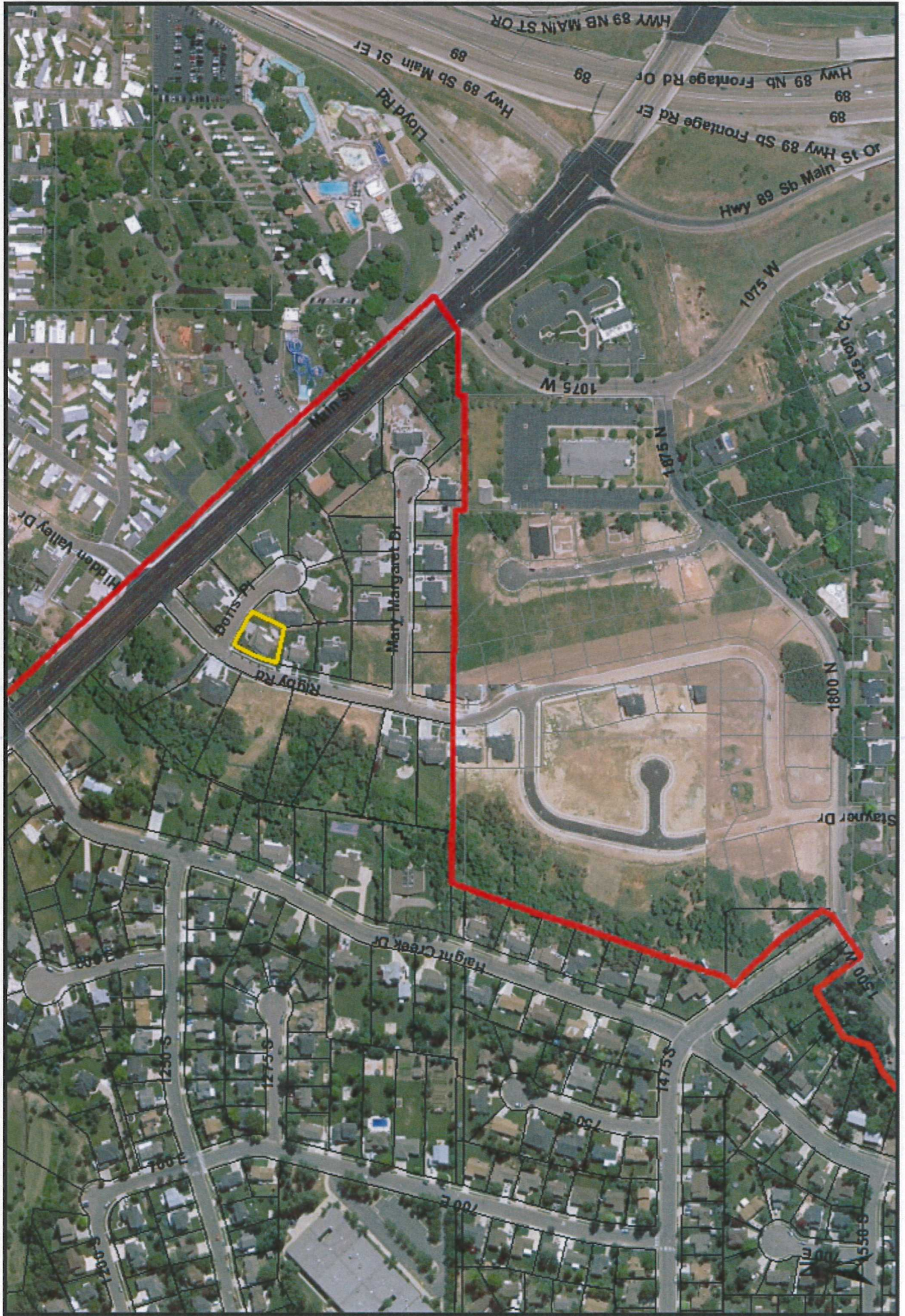
Staff recommends approval with the condition that the model home, low profile sign, and existing flags be approved for 6 additional months or until all remaining lots are sold in the Monte Bello Subdivision, whichever is less.

Reasoning:

The request is consistent with the city ordinance and no complaints have been received regarding the existing model.

Attachment 1: Property Location Map
Attachment 2: Photo of Existing Site

920 East Doris Place







Planning Commission Staff Report

Rezone of 3.92 acres of property from GC (General Commercial) to R-1-20 (Single Family Residential) and another 1.81 acres of property from GC to LI (Light Industrial) zoning district at 2100 West 200 North.

October 25, 2018

Applicant/Owner: Terraventure Development

Description:

The subject property is located west of Angel Street on the South side of 200 North Street. The property which is currently zoned General Commercial abuts more commercial zoning to the south and east. To the west and across the street to the north is the Hill Farms Subdivision zoned R-1-14 (Single Family Residential).

The applicant is requesting a rezone of a portion of their property from GC to R-1-20. This roughly 4 acres of property abuts housing to the west and would change the allowed uses from commercial office/retail to a single family district which most notably allows homes and public/quasi-public buildings. More specifically the LDS church is interested in this location for a meeting house should the zoning allow it.

The second part of the request is to rezone another 1.81 acres of property in the middle of the existing GC zoning district to the LI zone. The LI zoning district allows many of the same uses as the existing GC zoning district with some additional uses. The applicant desires to build storage units on this property which is the reason for requesting the rezone. The LI district is also not subject to the same building design standards as the GC zone. Under the proposed rezone request, the remaining frontage along 200 North Street would remain in the existing GC zone.

The uses allowed in the existing and requested zoning districts are as follows:

GC (existing) zoning district uses:

17-19-3 Permitted Uses

1. Offices.
2. Retail sales and services, not including storage services, sale of beer for consumption on the premises, sale of liquor for consumption on the premises and conditional uses in KCC 17-19-4.
3. Government offices and services.

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. Public utility substations.
7. Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.
8. Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.

R-1 (Requested) zoning district allowed uses:

17-12-3 Permitted Uses

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds, and privately-owned parks, playgrounds, and recreational grounds not operated as a business in whole or part and to which no admission is charged.
4. Minor home occupations subject to the provisions of KCC Chapter 17-26.
5. Two household pets per dwelling unit.
6. Private swimming pools subject to the provisions of KCC 17-31-9.
7. Accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the provisions of KCC 17-31-2.
8. Fowl, rabbits, or similar animals subject to the provisions of KCC Chapter 17-24.

17-12-4 Conditional Uses

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

1. 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.
2. Major home occupations A and B subject to the provisions of KCC Chapter 17-26.
3. Residential child care subject to the provisions of KCC Chapter 17-26.
4. Temporary buildings for uses incidental to construction work subject to the provisions of KCC 17-30-7, which buildings must be removed upon the completion or abandonment of the construction.
5. Temporary tract offices and development signs subject to the provisions of KCC 17-30-7 and KCC Chapter 17-33.
6. Public utility substations subject to the provisions of KCC 17-31-15.
7. Farm animals other than those allowed as a permitted use subject to the provisions of KCC Chapter 17-24.
8. Swimming clubs subject to the provisions of KCC 17-31-10.
9. Two-family dwellings. Not more than two duplexes (4 units) may be allowed within 500 feet of any duplex (2 units). The 500 feet shall be measured in a straight line from the center of a duplex site to the boundary of any other duplex or twin home property.
10. Twin homes subject to the provisions of KCC Chapter 17-28. Must also be permitted as two-family dwellings.

LI (Requested) zoning district allowed uses:
17-21-3 Permitted Uses

1. Experimental research and testing laboratories.
2. Utility substations and offices.
3. Manufacturing, compounding, processing, assembling, or packaging of articles or merchandise of the following products:
 1. Cameras and photographic equipment.
 2. Ceramics.
 3. Electrical appliances and electronic instruments, devices, small objects, and handicrafts.
 4. Jewelry, art objects, and handicrafts.
 5. Medical and dental instruments.
 6. Pens, pencils, and artists' materials.
 7. Scientific instruments.
 8. Small tools and light metal products.
 9. Sporting and athletic goods.
 10. Wearing apparel.
4. Offices.
5. Printing and publishing industries.
6. Warehousing and storage services.
7. Wholesale trade and distribution.
8. Resident quarters for a watchman or caretaker on the same premises on which employed.
9. Retail sales and services, not including sale of beer for consumption on the premises and sale of liquor for consumption on the premises.

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

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

GOALS AND POLICIES

I. Identity and Character

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

III. 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 longterm 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.

LAND USE

Background Land use in Kaysville is mostly low density residential with agriculture and open space, businesses and industries. Housing will be the greatest use of land with business, industry, recreation, education, and other uses to support that housing.

II. 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.

(Angel Street and 200 North Street are both classified as Major Streets per Kaysville City's Major Street Plan in Section 8-3-2.)

VI. Public Buildings and Grounds

A. Most public buildings should be located near Main Street.

B. Adequate Cemetery facilities should be developed and maintained.

C. Places of worship should be allowed to service the community.

1. Locate buildings for worship in residential areas.

2. Locate buildings for worship with dispersed congregations on a major street.

Recommendation:

The Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location. Should the proposed zoning district(s) be desirable, the Planning Commission may recommend that any rezone be done with a development agreement that further refines the allowed uses and type of development.

Attachment 1: Area Map

Attachment 2: Zoning Map

2100 West 200 North - Rezone from GC to R-1-20 and LI



2100 West 200 North - Rezone from GC to R-1-20 and LI





Planning Commission Staff Report

South Angel Street Subdivision Preliminary Plat October 25, 2018

Applicant/Owner: J.D. Horne
Location: Approximately 1300 West Roueche Lane
Existing Zone: R-A

Description:

The owner of this property, Mr. Horne, would like split this property into two building lots. Mr. Horne owns additional property to the south and west of this parcel and would like to develop that property someday as well. The Property is currently zoned R-A, Agricultural Residential, which requires full half acre lots with 100 feet of frontage. The lots as shown are 104 feet wide and 210 feet deep, giving them the required 21,780 square feet

Recommendation:

The preliminary plat complies with applicable zoning regulations and other applicable requirements, therefore, Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for approval of the preliminary plat for South Angel Street Subdivision.

Attachment 1: Location Map
Attachment 2: Preliminary Plat

South Angel Street Subdivision





Planning Commission Staff Report

Telecommunications Tower Ordinance Revisions.

October 25, 2018

Description:

In consideration of allowing and encouraging a broader range of telecommunication towers in Kaysville City staff has prepared a draft ordinance reflecting new tower types, where they are located, and standards by which they must be built.

Based on feedback from the Planning Commission during previous discussions, the proposed draft puts all cell tower approvals under the purview of Planning Commission. More specific definitions and standards have been added including more clearly specifying different tower types. A distance requirement has also been added in order to space out monopole towers.

Recommendation:

The Planning Commission should consider the draft and either direct staff to make additional changes or make a recommendation to the City Council to deny or approve the proposed ordinance.

Attachment 1: Proposed Ordinance

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 APPLYING 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.~~

~~(2)~~ Applicants for telecommunication tower permits shall co-locate their facilities on existing towers, unless it can be shown by a preponderance substantial 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.

(4) 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 reviewed and approved on a case-by-case basis by the Planning Commission. Within six months after the facility has been constructed, the Planning Commission may require the color be changed if it is determined that the original color does not blend with the surroundings.

(5) Telecommunication Towers and equipment shall not be permitted on any buildings used as a dwelling.

(6) The following Wireless Telecommunication equipment may be allowed according to the applicable requirements:

Wall mounted antennas. Wall mounted antennas shall be considered a telecommunication tower and must comply with the following criteria in addition to the general requirements of this chapter:

1. Wall mounted antennas shall not extend above the roof line of the building more than four feet (4').
2. Wall mounted antennas shall not be located on a building façade which faces a public street.
3. Antennas and all associated equipment shall be painted to match the color of the building or surrounding area.
4. A maximum of forty (40) square feet may be allowed on any building façade for the placement of a wall mounted antenna. The area is determined by drawing straight lines around the outermost portions of the antennas until enclosed.
5. All equipment associated with the use (excluding the antenna) must be screened by a view obstructing structure.
6. If the associated equipment is located on the ground it must be appropriately landscaped.

Roof mounted antennas. Roof mounted antennas shall be considered a telecommunication tower and must comply with the following criteria in addition to the general requirements of this chapter:

1. Roof mounted antennas can only be mounted on structures with flat roofs. Exceptions may be granted by the Planning Commission with the following stipulations:
 - a) The tower will be mounted on the roof of a building such that the building will obstruct the view of the antenna from the front of the building.
 - b) The antenna will be less visible from ground level than the typical antenna mounted on a flat roof.
2. All roof mounted antennas must be setback from the building edge one foot (1') for every one foot (1') of antenna height to a maximum of fifteen feet (15').

Monopole towers. Where permitted, all monopole towers require a conditional use approval from the Planning Commission. In addition to the general requirements of this chapter, all monopole towers must comply with the following:

1. All towers must be of a mono-pole construction. No lattice constructed towers of any kind shall be allowed.
2. All towers must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three (3) separate users on a single pole. Certification must be provided by the applicant stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for co-location as required.
3. No tower may be located within a two thousand foot (2,000') radius of another mono-pole tower unless grid documentation is supplied by an independent consultant demonstrating the need to locate near an existing tower and also showing that co-location is either not feasible or that co-location will create an unreasonable hardship. Evidence of an unreasonable hardship shall be provided by an independent engineering study provided to the City at cost to the applicant.
4. Co-location on an existing mono-pole structure is a permitted use and is handled administratively.

Stealth tower. A tower is considered stealth if it is disguised as a tree listed on the Kaysville City Tree List or is attached to a pre-existing light pole, utility pole, or similar structure in order to significantly reduce its visual impact.

1. The Planning Commission may require the owner of a stealth tower to consent to at least one co-location (in addition to the owner's).

2. No Stealth Tower shall be permitted to exceed ninety feet (90') in height.

(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 nearby existing buildings and utility structures.
- b) Location of the antenna in relation to existing vegetation, topography including ridge lines, structures, and buildings to obtain the best visual screening.
- c) Installation of, but not limited to, curb, gutter, sidewalk, landscaping, and fencing for the purpose of blending the site with the surrounding environment and providing screening for the tower and associated equipment.

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

(9) 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 according to applicable building code adopted by Kaysville City. ~~The professional engineer shall certify that the tower meets acceptable design criteria or standards to withstand 100 mph wind speeds.~~

(106)

- (a) The applicant must certify in writing that if technology renders the tower obsolete or the tower is vacated, that the agent will remove the tower, all apparatus associated with it, the top three feet (3') of the footing, and restore the site to its original condition within ninety (90) days of the vacation of the tower.
- (b) The tower owner shall maintain the tower, site, and improvements in a state of good repair. If a ~~telecommunication tower is abandoned, or~~ is 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.

- (c) 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>Wall Mount</u>	<u>Roof Mount</u>	<u>Mono-pole</u>	<u>Stealth</u>
<u>A-1, A-5</u>	<u>C</u>	<u>C</u>	=	<u>C*</u>
<u>R-A, R-1 zoning districts</u>	<u>C**</u>	<u>C**</u>	=	<u>C**</u>
<u>PU</u>	<u>C</u>	<u>C</u>	=	<u>C*</u>
<u>PB</u>	=	=	=	=
<u>LI</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>CC</u>	<u>C</u>	<u>C</u>	=	<u>C</u>
<u>GC</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>HC</u>	<u>C</u>	<u>C</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 off 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

KAYSVILLE CITY PLANNING COMMISSION

September 27, 2018

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Betty Parker, Wilf Sommerkorn, Joshua Sundloff, Thomas Wood

Excused: Tamara Tran

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

Others Present: Jim Ridd, Walt Meacham, Tamy Bremer, Weston Ridd, Shelly Russon, Marino Toulatos, Trent Walker, Paul Stenquist, Tyler Bone, Kamille Bone, Ralph Lewis, Robyn Lewis, Roberta Crookston

OPENING

The Planning Commission meeting was held on Thursday, September 27, 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”, CLOTHING BOUTIQUE AT 2352 WEST ISLAND DRIVE – MINDY WEST

Lyle Gibson explained that Mindy West is requesting a conditional use permit for a major home occupation “B” at 2352 West Island Drive to do a clothing boutique business from her home. She will mainly take orders and advertise through social media and her website, but Ms. West would like the option to occasionally have customers come to her home to pick up or try on an item. Customers would come no more than two total hours a week, and they would come by appointment only. Staff is recommending approval with the condition that appointments be made between the hours of 6:00 a.m. to 8:00 p.m., while avoiding school pick-up and drop-off times.

Wilf Sommerkorn made a motion to grant a conditional use permit for a major home occupation “B”, clothing boutique at 2352 West Island Drive for Mindy West with the following conditions:

1. Customers come to the home by appointment only.
2. Appointments be made between 6:00 a.m. and 8:00 p.m., and since her home is very near Kay’s Creek Elementary School, not take place around school drop-off and pick-up times.

Betty Parker seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGE CENTER SIGN AT
69 EAST 200 NORTH – THE FRANKLIN GROUP**

Lyle Gibson explained that The Franklin Group, located at 69 East 200 North, is seeking a conditional use permit for a sign with an electronic message center component. Currently there are only wall or flat signs attached to the building on the property. The proposed sign is considered an on premise ground sign per City Code 17-33-9. The electronic message center is less than fifty percent of the total allowed sign size. The sign height, size and percentage of the sign all appear to meet minimum requirements of the ordinance. The site plan indicates that the sign would sit perpendicular to 200 North Street, two feet from the back of the sidewalk. However, with this proposed configuration it would permanently close one of the drive approaches along 200 North Street. The electronic message center portion of the sign will be on the south side of the sign, closest to the street. A fixed cabinet will be on the northern portion of the sign.

Betty Parker asked how many companies are in the building.

Shelly Russon, with The Franklin Group, said that there are five other companies that rent space from The Franklin Group.

Betty Parker asked if each company would be allowed to put up a separate sign.

Lyle Gibson responded that only one electronic message sign is allowed per property.

Shelly Russon added that they will be giving the other businesses an opportunity to use the electronic sign for advertising space. They plan to install two feet of green space around the sign to create a landscape island. Since their original application, they have revised their site plan shifting the sign a little further to the west. This will block the furthestmost west curb cut access, but they feel it will help traffic flow in their parking lot as they have seen cars struggle with visibility at this entryway along their property.

Marino Toulatos, with The Franklin Group, said that if the entry were closed they would reconfigure their parking spaces to create a better traffic flow pattern.

Matthew Anderson asked if having the placement of the sign being two feet away from the sidewalk might block the view of oncoming traffic.

Lyle Gibson responded that the site plan will be reviewed by Staff to make sure it will be in compliance.

Gary Bullock asked if there was a curb along the west property line of The Franklin Group's property.

Andy Thompson responded that there is a small wall between The Franklin Group and Walgreen's parking lots.

Gary Bullock made a motion to grant a conditional use permit for an electronic message center sign at 69 East 200 North for The Franklin Group with the condition that the sign meet all requirements of Section 17-33 "Sign Regulations" and that no sign or landscaping improvements be closer than fourteen feet from the back of sidewalk.

Josh Sundloff suggested that Mr. Bullock amend his motion to reflect the most recent site plan showing the sign sitting two feet behind the sidewalk.

Walt Meacham said that he lives south of this building on 100 East Street, and there is currently a lighted sign on the front of the building that is very bright. How much wattage can these businesses use with their outdoor lighting and signage? Is light pollution regulated?

Lyle Gibson responded that the city's sign ordinance states that lighted signs cannot be installed which permits light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. If the city were to receive a complaint about a sign they would investigate the complaint and try to resolve the issue with the property owner. Electronic message center signs are required to be capable of being programmed to automatically be dimmed depending on ambient light conditions or time. The Planning Commission can choose to implement additional conditions should they feel necessary. If there is a complaint about the sign that the owner refuses to resolve, their conditional use permit could come back to the Commission for review.

Thomas Wood commented that electronic message center signs can be programmed to dim or turn off at certain times of the day.

Gary Bullock amended his motion to grant a conditional use permit for an electronic message center sign at 69 East 200 North for The Franklin Group with the condition that the sign meet all requirements of Section 17-33 "Sign Regulations" and that the placement of the sign not impede the view of traffic.

The motion failed for lack of a second.

Gary Bullock made a motion to grant a conditional use permit for an electronic message center sign at 69 East 200 North for The Franklin Group with the following conditions:

1. The sign meet all requirements of Section 17-33 "Sign Regulations".
2. The sign be placed as to not impede the view of traffic.
3. The sign be dimmed between the hours of 9:00 p.m. and 7:00 a.m.

Josh Sundloff seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.25 ACRE OF PROPERTY AT 425 EAST CRESTWOOD ROAD FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO THE PU (PUBLIC USE) ZONING DISTRICT – KAYSVILLE CITY

Lyle Gibson explained that this property is located just west of the city cemetery on Crestwood Road. The City has owned and leased the home on the property for some time and is now looking to retrofit the existing home to accommodate administrative offices. The site will also

be improved so that access and parking comes from within the cemetery. While the R-1 zoning district allows for public buildings, Staff feels the proposed use better fits within the PU district which allows for public facilities, parks, and cemeteries.

Trent Walker, Kaysville City's Cemetery Sexton, added that they hope to be able to renovate the existing home to create administrative offices for cemetery workers. The building will need to be brought up to commercial code so it's ADA compliant. They will also redo the landscaping on the property and put additional parking east of the house. Residents will be able to come here to purchase plots, make funeral arrangements and find cemetery plots.

Chairperson Matthew Anderson opened the Public Hearing.

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

Josh Sundloff made a motion to recommend approval of the request to rezone 0.25 acres of property at 425 East Crestwood Road from R-1-8 (Single Family Residential) to the PU (Public Use) zoning district for Kaysville City. Thomas Wood seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 0.59 ACRE OF PROPERTY AT 146 EAST 200 NORTH FROM R-D (DIVERSE RESIDENTIAL) TO THE PB (PROFESSIONAL BUSINESS) ZONING DISTRICT – JAMES AND WESTON RIDD

Lyle Gibson explained that this property is located on 200 North just east of Fairfield Road, and is currently occupied by a single family home. It has seventy feet of frontage and widens at the rear of the property. The existing home sits between a duplex to the west and a group of duplexes to the east. The homes to the south are single family dwellings. The existing R-D zone is a residential district that recognizes the existence of a variety of housing types, but only allows for new single family development. While the uses allowed in the PB zone are very limited, the applicant has submitted an application for a rezone without a specific user or use proposed for the property. The City's General Plan states that "Most sites used primarily for business or industry should be located on major streets." The Planning Commission should make a recommendation to the City Council addressing the rezone request based on their findings of compatibility with this specific location. Should the proposed zoning district be desirable, Staff would recommend that due to the configuration of the property and potential impact on so many adjacent residential lots, that any rezone be done with a development agreement assuring appropriate site development that is compatible with surrounding uses.

Chairperson Matthew Anderson opened the Public Hearing.

Roberta Crookston said that she lives on 200 East near 200 North and in years past the neighbors have had to come to other city meetings to stop commercial development from creeping into their neighborhood. The neighbors here don't want to live next to commercial uses. Ms. Crookston said that she thought that city ordinances didn't allow for commercial development east of Fairfield Road. There are many kids who travel these roads to get to the nearby school

and the neighbors are concerned for their safety. Ms. Crookston also asked what type of notification was given to the neighbors about this rezone request.

Lyle Gibson responded that he is unaware of any documents stating that commercial uses wouldn't be allowed east of Fairfield Road. The city's General Plan only states that sites for business or industry should be located on major streets.

Matthew Anderson stated that the Planning Commission had received a couple of e-mails from neighboring residents of this property who expressed their objection to this rezone.

Weston Ridd said that 200 North Street has become very busy over the years and is not very compatible as a residential use anymore. Therefore in obtaining this property they felt the best use of the property would be for commercial use. The home is currently vacant, and nobody is interested in buying a house next to a busy street. They would like to preserve the existing home on this property and update the yard to make it look aesthetically pleasing. Because the commercial use would be a professional business they will keep regular business hours. The use won't generate much traffic, and it will be quiet to help preserve this neighboring area.

Wilf Sommerkorn asked if the Ridd's had any interested users for the property.

Weston Ridd responded that they did not, but it would be used as a professional office.

Josh Sundloff commented in the e-mails received, some neighbors expressed concern that the backyard would be used as a construction yard or storage area. The PB zone can be a good buffer between commercial and residential uses if done correctly.

Matthew Anderson said that if the home is used for a professional office, there is a lot of leftover land in the back and asked what the plans would be for it.

Weston Ridd responded that some of it would be used for additional parking, but they don't have anything planned as of yet.

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

Gary Bullock said that he would like to see a development agreement created to specifically restrict what can be done with the home and the property.

Josh Sundloff commented that there could potentially be other commercial uses in the area, especially if this requested rezone is approved. How much commercial use do we want to encroach into this residential area, if any?

Gary Bullock said that there have been discussions by the Planning Commission in the past about possibility having these types of commercial uses along 200 North Street. We should consider these requests on a case-by-case basis with the General Plan. Mr. Bullock said that he has some concerns about too much commercial encroachment, especially along 100 East Street

as it's not considered a major street.

Wilf Sommerkorn asked when the property on the corner of 200 North and 100 East Street was rezoned to the PB zone.

Josh Sundloff responded that it was within the last year.

Gary Bullock said that we want to be pro-business but we also need to be smart about where we want commercial growth. Mr. Bullock said that he is not comfortable recommending approval of this rezone without knowing more details about the plans of the property. The General Plan does allow for business growth as long as it fits within the surrounding area.

Weston Ridd commented that the home on this property has not been maintained and they intend to renovate it to commercial building code standards. They want to enhance the beauty of the property and do it in a way that it won't look like a business. It needs to blend in and look more like the surrounding community.

Gary Bullock said that the renovations should preserve and enhance the property, and a professional office use will not generate much traffic. However, a development agreement is needed to outline how the property will be altered so it does not create a use that will be detrimental to the area.

Ralph Lewis said that he owns the duplexes next to this property and is in favor of this development. This property has been neglected for many years and feels that a professional office here would help enhance the property.

Josh Sundloff said asked if another building could be built behind the current home.

Lyle Gibson responded that an accessory building could be built as long as it's clearly a secondary use to the property. The building also could not interfere with the required parking for the property.

Matthew Anderson commented that adding a secondary building behind the home takes away from the residential feel of the area.

Gary Bullock commented that he is concerned that there are no clear plans for what the entire property will be used for.

Josh Sundloff said that he doesn't feel that the rezone itself would drastically change the character of the neighborhood as long as a development agreement is put in place to regulate the complete redevelopment of the property. He would like to see that the home remain, or if renovated, remain looking like a residential home.

Gary Bullock made a motion to recommend approval of the request to rezone 0.59 acre of property at 146 East 200 North from R-D (Diverse Residential) to the PB (Professional Business) zoning district for James and Weston Ridd with the following conditions:

1. A development agreement be put in place to assure appropriate site development that is compatible with surrounding uses.
2. The development agreement require that the home's structure and residential character not be modified so as to lose the character of the home. Should the home be rebuilt, it must maintain the look of a residential home and fit within the surrounding neighborhood aesthetically. The house should be preserved as much as is practical.
3. No development be allowed on the back southern portion of the property, with the exception of secondary buildings as permitted within the zoning.

Wilf Sommerkorn seconded the motion. Voting was as follows:

Thomas Wood	nay
Betty Parker	aye
Josh Sundloff	aye
Gary Bullock	aye
Matthew Anderson	aye

The motion passed with a vote of one to four.

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

This item was moved to the end of the meeting.

PLANNING COMMISSIONER TRAINING

Lyle Gibson explained that recently there have been questions brought up regarding how property development might impact the value of surrounding existing homes. Staff has invited Carlos Garcia with Equity Real Estate to help address those questions.

Carlos Garcia and the Planning Commission discussed property value impact on existing neighborhoods due to developing different density and housing types in close proximity. Mr. Garcia said that when properties are appraised, appraisers are determining a value based on similar homes in size and age in the area, as well as what the current market is doing. How value is affected depends on what is being built next to the home. Most of the time the value of a home or property is not affected. Things that might affect the value would be a different use, like a railroad or a business. Larger lots and homes are not affected when smaller lots are developed nearby.

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

Lyle Gibson explained that a Public Hearing was held for this item at the September 13, 2018 Planning Commission meeting. After hearing no comments, the Commission tabled this item until tonight because that meeting had gone late. This item has been brought before the Commission for consideration as the City has found a need for improved cell service for its emergency response services, better coverage for residents, and because the cell industry has sought to provide more options for telecommunications equipment in Kaysville. For these reasons, Staff has looked over the existing ordinances and proposed amendments to permit these facilities in more locations, primarily very large properties occupied by a public or quasi-public use, such as parks and schools. In addition, it seeks to provide better options in the areas where towers are currently allowed. Currently cell phone towers are only allowed in Agricultural zones. Existing towers are up to 120 feet high and can have up to three collocating users. With the proposed amendments to the ordinance, it would allow for providers to use more creative ideas to build smaller towers with only one user on them. Typically cell phone providers will not own the tower, but the private owner would build the tower and lease the space on the tower. The proposed ordinance would also state that providers would be required to be located on existing towers in an area before being allowed to build anything else. Any tower would have to be approved by the city before being allowed to be built. However these smaller towers would be less imposing than the large 120 foot towers that are currently allowed.

Gary Bullock asked about height limitations.

Lyle Gibson responded that in order to build a tower you would have to meet a specific lot size requirement, as well as distance requirements from other properties. This change also proposes to remove the allowance of having cell towers within the CC zone, which would put the existing cell tower on 200 North and about 50 East in legal non-conforming status.

Wilf Sommerkorn asked if new technology with the small cell towers has been addressed in this new ordinance.

Lyle Gibson responded that small cell towers have become more predominant in the industry. The legislation has said that cities need to have standards that when these providers want to go within the right-of-way that these small cell site providers could use existing utility poles. The City Power Department is currently looking at creating those standards to show where and how they will be accommodated. They are meant for concentrated population areas. Kaysville City is not an ideal location for those types of technologies because we are not as concentrated as other populated cities.

Matthew Anderson commented that providers are willing to pay the short term costs to make these towers more aesthetically pleasing because being able to keep their coverage area is more important to them long term. We need to extract any minor conditions needed that will make a difference long term to keep the site looking nice.

Andy Thompson added that whatever changes are required aesthetically need to fit within the natural environment of Kaysville. Some aesthetic looks may stick out more than the actual cell tower.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Wilf Sommerkorn suggested when reviewing each proposed agenda items that the Commission hear from the applicant before opening it up for public comment or the public hearing. Sometimes what they have to say will help to answer some of the audience member's questions.

Lyle Gibson announced training opportunities with the Utah Land Use Institute at their Fall Conference on October 23-24, 2018 in Sandy, Utah. Mr. Gibson also mentioned that Staff is working on being able to deliver information to the Planning Commission digitally and providing them with their own tablets to have at the meetings.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, October 11, 2018 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:15 p.m.

KAYSVILLE CITY PLANNING COMMISSION

October 11, 2018

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

Excused: Joshua Sundloff

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

Others Present: Council Member Larry Page, Lisa McKeown, Karen Nance, Dallin Barton

OPENING

The Planning Commission meeting was held on Thursday, October 11, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the September 13, 2018 meeting were presented for approval.

Thomas Wood made a motion to approve the minutes of the September 13, 2018 meeting. Tamara Tran seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, HAIR SALON AT 904 WEST ZENYATTA WAY – LISA MCKEOWN

Lyle Gibson explained that Lisa McKeown recently moved to 904 West Zenyatta Way and 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 who offers hair cutting, coloring and styling. She anticipates that she may have around five clients a week that come while her children are at school.

Lisa McKeown said that she recently moved from Arizona where she also had a hair salon in her home for years. She currently only has a few clients but hopes her business will grow. If she gets to the point where it grows too much she will be looking for a commercial space.

Tamara Tran made a motion to grant a conditional use permit for a major home occupation “B”, hair salon at 904 West Zenyatta Way for Lisa McKeown. Gary Bullock seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B,
PRESCHOOL AT 163 EAST 1400 SOUTH – LISA FERGUSON**

Lyle Gibson explained that Lisa Ferguson lives at 163 East 1400 South and is requesting a conditional use permit for a major home occupation “B” to teach preschool classes from her home. Ms. Ferguson teaches a morning and afternoon class on Tuesdays and Thursdays for three 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, Ms. Ferguson desires to be able to have as many as fifteen students at one time. To help with the students, she would like to have as many as three parents participate on a voluntary basis during each class. The Ferguson’s 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 could park. The rest of the students are dropped off, and at the end of the three hour class Ms. Ferguson would walk the students down the street to a nearby church parking lot for parents to pick up their students. The request being an organized class, per Code 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 twelve as a limit for organized classes. This number comes from a limit in the ordinance for daycare businesses. However the Planning Commission can determine what might be the best limit for this preschool. Staff is recommending that this request be approved with the condition that the number of students be limited to no more than fifteen per class, and that no more than three adult non-resident helpers are allowed per class. If there are any problems or complaints in the future about Ms. Ferguson’s business, this item can come back to the Planning Commission for review.

Betty Parker asked what hours the preschool will be operating.

Lyle Gibson responded that Ms. Ferguson was unable to be in attendance tonight, but believes her classes are held from 9:00 a.m. to noon, and from 1:00 to 4:00 p.m.

Betty Parker commented that peak traffic hours should be avoided to help with traffic congestion.

Gary Bullock asked what the difference was between a preschool and a daycare.

Lyle Gibson responded that preschools are typically only held for a couple hours at a time, whereas daycares provide childcare all day. Daycares are regulated by the state, which also regulates the number of kids allowed. They are also allowed to have one outside employee to help in the daycare.

Wilf Sommerkorn commented that he has concerns with parking and traffic flow because there could potentially be eighteen cars coming to Ms. Ferguson’s home all at once, two times a day. Cul-de-sacs are usually already limited in their parking.

Matthew Anderson said that it seems more likely that parents will end up picking up their kids at Ms. Ferguson’s house than being walked down to a nearby church parking lot, especially during

bad weather.

Gary Bullock said that he used to live in a cul-de-sac where a neighbor had a preschool and the only time traffic flow and parking became a problem was when they would hold their preschool graduations.

Gary Bullock asked if Ms. Ferguson was already in business.

Lyle Gibson responded that she had already started her business to see what kind of interest there would be for her preschool.

Thomas Wood asked if classes would be held year round.

Lyle Gibson responded that Ms. Ferguson will follow the same schedule as traditional schools.

Thomas Wood said that this item could be tabled until the next meeting when Ms. Ferguson could be here to answer their questions.

Gary Bullock said that he feels that Ms. Ferguson's hours of operation should be restricted.

Wilf Sommerkorn asked if the neighbors were notified of this request.

Lyle Gibson responded that mailed notice is not sent to the neighbors, but there has been a public notice sign posted in the Ferguson's front yard.

Matthew Anderson commented that they could approve this request and have Ms. Ferguson work with Staff to create an acceptable traffic plan.

Gary Bullock made a motion to grant a conditional use permit for a major home occupation "B", preschool at 163 East 1400 South for Lisa Ferguson with the following conditions:

1. The number of students be limited to no more than fifteen per session.
2. There be no more than three adult non-resident volunteers per class.
3. The hours of operation be between 9:00 a.m. to noon and 1:00 to 4:00 p.m.
4. The applicant work with Staff to create an acceptable traffic plan.

Tamara Tran seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", HEALTH COACHING AT 311 WEST FLOUR MILL DRIVE – KAREN NANCE

Lyle Gibson explained that Karen Nance is requesting a conditional use permit for a major home occupation "B" to offer group and one-on-one health coaching from her home at 311 West Flour Mill Drive. Sessions would vary by demand and groups may include as many as twelve individuals at a time. There is an office in her home, as well as space for large group sessions. In addition to the three car garage, there is also space for as many as eight vehicles in the driveway that could accommodate clients as they come to the home.

Karen Nance said that she is currently beginning to work with clients as an integrated nutrition health coach where she encourages people to become as healthy as they can through lifestyle changes and better eating habits. Currently most of her sessions are done over the phone and the internet, but she is working toward having clients coming to her home.

Tamara Tran asked how often she would hold group classes.

Karen Nance responded that classes would be held once a week in the evening or on a Saturday morning for about ninety minutes.

Matthew Anderson said that the Planning Commission had received an e-mail from a neighbor concerned about the potential traffic this might bring to the cul-de-sac.

Karen Nance said that she has places to park in her driveway and RV pad. Cars could also park adjacent to her house along Deseret Drive and go through a gate in her back yard. She will inform her clients to avoid parking on the street in the cul-de-sac.

Thomas Wood made a motion to grant a conditional use permit for a major home occupation “B”, health coaching at 311 West Flour Mill Drive for Karen Nance with the condition that the number of clients be limited to no more than twelve per session and that clients not park on the street in the cul-de-sac. Betty Parker seconded the motion and it passed unanimously.

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

Lyle Gibson explained that a Public Hearing was held for this item at the September 13, 2018 Planning Commission meeting, and then was discussed at the meeting on September 27, 2018. This item has been brought before the Commission for consideration because the City has found a need for improved cell service for its emergency response services, better coverage for residents, and because the cell industry has sought to provide more options for telecommunications equipment in Kaysville. Staff has been reviewing the City’s existing ordinances and are now proposing amendments to help allow for better telecommunication tower options and more areas than what is currently allowed. With the proposed amendments, it would allow for providers to use more creative ideas to build smaller towers with only one user on them. Providers will be required to locate on existing towers in an area before being allowed to build any new tower. Applicants will also have to show that they need coverage in an area before a new tower could be built. Staff feels that this ordinance still needs a few more revisions before approval, including clarifying the height restriction and other specific parameters regarding stealth towers, and specifying criteria for what’s required of applicants.

Gary Bullock agreed that more specific requirements are needed so that applicants don’t try to go around them.

Lyle Gibson commented that they could require that these towers blend in as much as possible.

A roof mount antenna might be more intrusive depending on how it is designed. The language could also include a provision that the city could come back and require that the tower be aesthetically altered later on if we find it too intrusive to the area. Mr. Gibson added that while these towers would be allowed in a residential area, the properties must be at least ten acres in size and would have to be part of a quasi-public use, such as a church or a school. Staff feels this would help encourage applicants to look into building a stealth tower rather than a monopole.

Matthew Anderson asked who would determine if a tower is considered a stealth tower.

Lyle Gibson responded that it would be up to Staff to make that determination.

Gary Bullock asked if there would be limitation on the number of towers that could be put in one area.

Lyle Gibson responded that at the moment there is no limitation but that Staff will look into possible distance requirements so that towers can't be bunched together.

Tamara Tran suggested that the definition of "stealth tower" be clarified.

Wilf Sommerkorn said that he feels that the more specific the ordinance is, the better it will be. If it is left too vague then other interpretations could be made. The standards of both the permitted and the conditional uses also need to be looked at. What more would be required of a conditional use applicant than a permitted use? There could be general standards, but some of them could be more specific, such as requiring that colors blend into the background.

Betty Parker was excused from the remainder of the meeting.

The Planning Commission directed Staff to take the comments made tonight and incorporate them into the language of the proposed ordinance amendment.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lyle Gibson announced that because of UEA, the City Council had decided to cancel their next regularly scheduled meeting on October 18, 2018. Also there is an upcoming training opportunity with the Utah Land Use Institute at their Fall Conference on October 23-24, 2018 in Sandy, Utah.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, October 25, 2018 at 7:00 p.m.

ADJOURNMENT

Gary Bullock made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:02 p.m.

DRAFT