# KAYSVILLE CITY PLANNING COMMISSION

November 8, 2018

Members Attending: Vice-Chairperson Thomas Wood, Gary Bullock, Betty Parker, Wilf Sommerkorn, Joshua Sundloff

Excused: Matthew Anderson, Tamara Tran

Staff Present: Zoning Administrator Lyle Gibson

Others Present: Jordan Burningham, Layne Kamalu, Shelley Ross, Chad Peterson, Elisha Peterson, Jim Peterson

## OPENING

The Planning Commission meeting was held on Thursday, November 8, 2018 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Thomas Wood opened the meeting by welcoming those present.

## CONDITIONAL USE PERMIT FOR RESIDENTIAL CHILD CHARE AT 469 NORTH 300 EAST – SHELLEY ROSS

Lyle Gibson explained that Ms. Ross is requesting a conditional use permit for residential child care from her home at 469 North 300 East. She plans to have groups of up to four children at a time. Children would range in age from 0 to 3 years old. She has previously worked at a commercial day care center and desires to start her own daycare. Residential child care of not more than twelve children may be allowed in residential zones by conditional use. Although the city ordinance allows for one non-resident employee, Ms. Ross does not anticipate having an employee. She has a room designated in the home for the use of the daycare, as well as an enclosed yard. Because she will be caring for less than five children, she is not required to obtain a child care license from the state.

Shelley Ross said that after she raised her kids she decided to do a daycare center in Bountiful for a couple of years. She recently quit that in order to start a daycare from her home.

Gary Bullock made a motion to grant a conditional use permit for residential child care at 469 North 300 East for Shelley Ross. Betty Parker seconded the motion and it passed unanimously.

Josh Sundloff arrived.

**FINAL PLAT APPROVAL FOR TRAILSIDE SUBDIVISION (FORMERLY PETERSON SUBDIVISION) LOCATED AT 849 AND 881 SOUTH SUNSET DRIVE – ELISHA PETERSON**

Lyle Gibson explained that the zoning and preliminary plat for the Trailside Subdivision, formerly called the Peterson Subdivision, was approved in January of this year. During the meeting on January 18, 2018 the City Council voted to approve the preliminary plat without the need for sidewalk along the private street. The original plat included a private lane cul-de-sac street with nine lots. The applicant has now completed the engineering and is requesting final plat approval for this subdivision. The final plat includes only eight lots on a private cul-de-sac street.

Wilf Sommerkorn made a motion to grant final plat approval for Trailside Subdivision located at 849 and 881 South Sunset Drive for Elisha Peterson. Gary Bullock seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 0.36 ACRE OF PROPERTY AT 120 SOUTH MAIN STREET FROM PB (PROFESSIONAL BUSINESS) TO THE HC (HEALTH CARE) ZONING DISTRICT – JORDAN BURNINGHAM**

Lyle Gibson explained that the property at 120 South Main Street is currently zoned Professional Business to allow for professional offices, and has been home to the Kaysville Clinic for many years where family medicine is practiced. This rezone request would allow for the Kaysville Clinic to continue operation but would accommodate an expanded use where patients who need extended care could receive aid. In addition to family medicine, the Kaysville Clinic offers outpatient addiction treatment. In partnership with Diamond Tree Recovery, the Kaysville Clinic is looking to allow patients to stay for a period of five to seven days where they would have twenty-four hour care and assistance as they seek help to begin their recovery from addictive substances. Patients would only be at this location for that short term before being moved to a longer term recovery facility where additional help can be offered. While the service continues to be medical in nature, the use more closely fits within the HC zoning district because of the type and length of care provided.

Vice-Chairperson Thomas Wood opened the Public Hearing.

There were no comments or questions from the public. Vice-Chairperson Thomas Wood closed the Public Hearing.

Gary Bullock asked about how many people the existing facility could house.

Layne Kamalu, the owner and practitioner of Kaysville Clinic, responded that they only plan to accommodate two to four patients at a time. The housing area would be in the basement of the building which will be large enough for what their plans are. They will be remodeling the basement of the building, and there will be no changes to the outside of the building. It will be a quiet operation and there won't be any signage out in front to help keep the privacy of their patients. This will be a detox facility where those who are staying here will be able to detox in a

medically supervised area before being transferred to a mental health facility. This type of detox is typically done in hospitals, but there are many detox facilities within the county doing similar type of detox procedure. Mr. Kamalu said that he feels that he can provide a better environment than the hospital can. After patients go through detox here, they will be sent directly to a rehab facility and not out onto the street.

Gary Bullock asked about what type of detox patients would be going through.

Layne Kamalu said that they would be going through what is considered a medical detox, which he would be overseeing. After going through a medical detox, they spend thirty-days in a rehab facility where they continue their detox off of whatever medication or drug that they have been dependent on. From there, they are sent to the long-term rehab. Both rehab locations are managed by Diamond Tree Recovery. These locations will be safe and controlled environments. Patients will be given the tools and counseling that they will need to help them successfully overcome their addictions.

Thomas Wood asked if it would be a lockdown type of facility.

Layne Kamalu responded that it would not be. Patients are there voluntarily.

Josh Sundloff asked how patients would be able to participate in this program.

Jordan Burningham said Diamond Tree Recovery receives referrals of patients and then conducts a psychological evaluation to determine if they meet the criteria for detox. Right now they are having to send these patients to the hospital to go through medical detox before they are sent back to their rehab facility. By going through Kaysville Clinic it will give the patients a better place to detox in a medically supervised environment.

Betty Parker asked where Diamond Tree Recovery's facility was located.

Jordan Burningham responded that they are in the residential treatment center at 845 West 200 North.

Josh Sundloff asked if patients would still be considered without insurance

Jordan Burningham said that they accept insurance and self-pay, but they also offer scholarships for people who don't have insurance and can't afford to pay for treatment.

Betty Parker made a motion to recommend approval of the request to rezone 0.36 acre of property at 120 South Main Street from PB (Professional Business) to the HC (Health Care) zoning district for Jordan Burningham. Wilf Sommerkorn seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 0.78 ACRE OF PROPERTY AT 167 NORTH 200 WEST FROM GC (GENERAL COMMERCIAL) TO THE R-T (OLD KAYSVILLE TOWNSITE RESIDENTIAL) ZONING DISTRICT – JAMES PEARSON**

Lyle Gibson explained that the property located at 167 North 200 West is located in the General Commercial zoning district, just south of 200 North Street. The property has an existing home and detached garage on it and exists as a legal but non-conforming dwelling. Mr. Pearson has informed Staff of his desires to rezone the property due to the difficulty of selling and developing the property for commercial use. While the property may continue to have a dwelling under the existing non-conforming status, Chapter 17-29-1 "Non-Conforming Uses" states that the purpose of this ordinance is "to control and gradually eliminate those uses of land or buildings, which although legal when established, do not now conform to the use regulations of the district which they are located." Meaning that additions and significant changes to the home which may make it more desirable for use as a dwelling would not be permitted. The proposed rezone to R-T would match the surrounding neighborhood to the south.

Vice-Chairperson Thomas Wood opened the Public Hearing.

There were no comments or questions from the public. Vice-Chairperson Thomas Wood closed the Public Hearing.

James Pearson said that the property, while zoned for commercial, is not a very commercially viable location. It is located on a residential side street and not along a major street, and is also boxed in by the strip malls to the north and the west. The only other properties in this area that are zoned commercial are located along 200 North. The home was built around 1900 and there are liabilities to developing the property commercially because the structures on this property would have to be torn down. The buildings could not easily be brought up to commercial code standards, and therefore does not add to its desirability as a commercial property. Mr. Pearson said that he had tried to sell the property for many years and have not had anyone interested in purchasing it for commercial use. The only interested buyers wanted to purchase land from the back of his property in order to extend the neighboring parking lots. At this point the property is deteriorating from age and there needs to be substantial upgrades done to the home. He currently has someone interested in purchasing the property, but to use as a residence and therefore he is requesting a rezone so that they can more easily sell it as a residence. Mr. Pearson stated that currently all of the water from nearby streets drain to the front of his property. If this property were to be developed, a sidewalk and sewer pipe would have to be installed in front of the property in the street. This would end up forcing water drainage to a neighboring ditch that is no longer used or maintained.

Thomas Wood commented that it seems that this property would fit better into the R-T zone because it has a home already on it and looks similar to the surrounding R-T properties.

Gary Bullock agreed that from a development standpoint, this is not a desirable piece of commercial property. It would be a challenge to develop this property because there is no exposure or frontage onto a major street.

Josh Sundloff said that the R-T zone is the only residential zone that is very specific on what kind of renovations can be done to a home so that the look of the home remain aesthetically similar to the surrounding homes.

Gary Bullock commented that he feels that this is the highest and best use for the property. It meets the General Plan and the R-T zone will fit well into the neighborhood.

Josh Sundloff made a motion to recommend approval of the request to rezone 0.78 acre of property at 167 North 200 West from GC (General Commercial) to the R-T (Old Kaysville Townsite Residential) zoning district for James Pearson. Gary Bullock seconded the motion and it passed unanimously.

## CALL TO THE PUBLIC

Nothing was brought under this item.

## REPORTS

Gary Bullock congratulated Lyle Gibson on his new position as the Community Development Director.

Lyle Gibson said that it has been discussed previously about getting the Planning Commission's information to them digitally. Since then, Staff has discussed the best options to do so and will be giving each Planning Commissioner a tablet device on which they will be receiving their packets and other necessary information digitally.

## CALENDAR

The Planning Commission reviewed the calendar for the remainder of the 2018 year and determined that they would hold their regular meetings on November 29, 2018 and December 13, 2018.

The next regularly scheduled Planning Commission meeting will be held on Thursday, November 29, 2018 at 7:00 p.m.

## ADJOURNMENT

Betty Parker made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 7:43 p.m.