

**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, January 10, 2019 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 November 29, 2018.
2. Conditional use permit for a major home occupation "B":
 - a. Finish carpentry at 228 North Seemore Drive – Jason Garcia.
 - b. Electrical contractor at 271 East 200 South – Richard Olsen.
 - c. Massage Therapist at 559 East 1250 South – Melony Warner.
3. Conditional use permit for an agricultural home occupation, auto restoration at 651 South Sunset Drive – Scott Barben.
4. Public hearing and preliminary plat approval for Charly's Acres #2 Forth Amended Subdivision at approximately 2100 West 200 North – Terraventure Development.
5. Public hearing and request to rezone 0.71 acres of property at 2062 South 450 East from R-1-20 (Single Family Residential) to the R-1-14 (Single Family Residential) zoning district – Casey Brown.
6. Public hearing and request to rezone of 4.1 acres of property at 1480 West Willow Drive and 1576 West 200 North from R-1-20 (Single Family Residential) and R-A (Residential Agriculture) to the R-2 (Single and Two-Family Residential) zoning district to include the PRUD overlay zone – Robert Green and James Neuner.
7. Call to the public.
8. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
9. 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, January 4, 2019.



Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Finish Carpentry January 10, 2019

Applicant/Owner:	Jason Garcia
Location:	228 North Seemore Drive
Zone:	R-1-20 (Single Family Residential)

Description:

Mr. Garcia is requesting a conditional use permit for home occupation at the above listed address. Has been in business in Kaysville City for several years, just at a different address. Mr. Garcia's work consists of jobs off site where he does finish carpentry. Other than his truck and tools, he does not store material or equipment on site with his business.

Kaysville City does not have any record of complaints or problems from his business activity at the previous address.

Staff has visited with the applicant and reviewed the restrictions of Title 17-26-4.

Recommendation:

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

228 North Seemore Drive





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Electrical Contractor January 10, 2019

Applicant/Owner: Richard Olsen
Location: 271 East 200 South
Zone: R-D (Single Family Residential)

Description:

Mr. Olsen is requesting a conditional use application for a home office for his electrical contractor business. Effectively he only does paperwork from this property.

Staff has visited with the applicant and reviewed the restrictions of Title 17-26-4.

Recommendation:

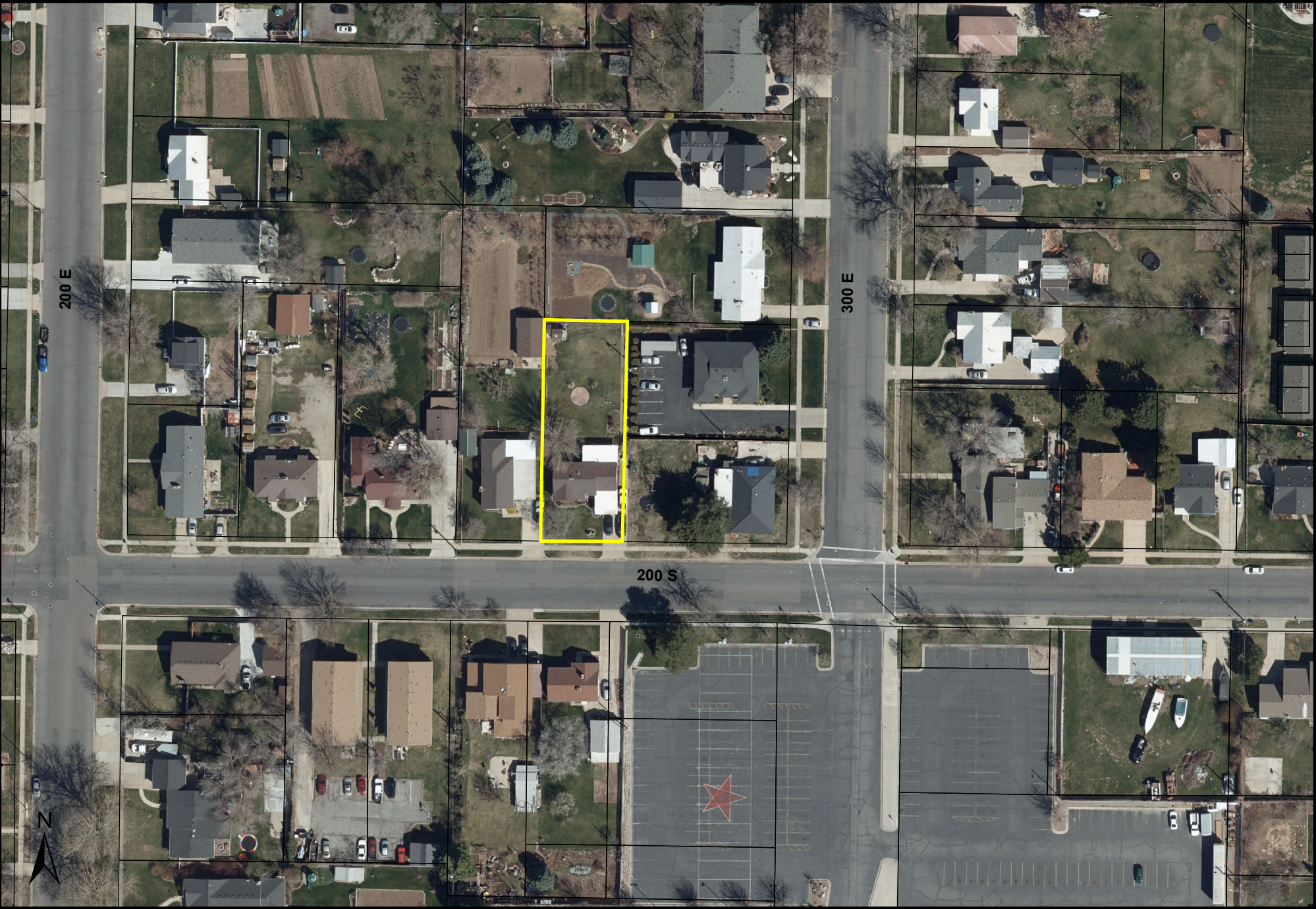
Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, at the above listed address with the need for additional conditions.

Reasoning:

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

Attachment 1: Area Map

271 East 200 South





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Massage Therapy January 10, 2019

Applicant/Owner: Melony Warner
Location: 559 East 1250 South
Zone: R-1-8 (Single Family Residential)

Description:

Ms. Warner is looking for a conditional use approval to offer massage therapy from her home. The applicant would have clients at her home by appointment for 50 – 90 minute sessions. The sessions would be on Monday and Wednesday afternoons and Thursday and Friday evenings. She expects that she would have at least 10 minutes between appointments to recover and prep for the next client.

Staff has visited with the applicant and reviewed the restrictions of Title 17-26-4.

Recommendation:

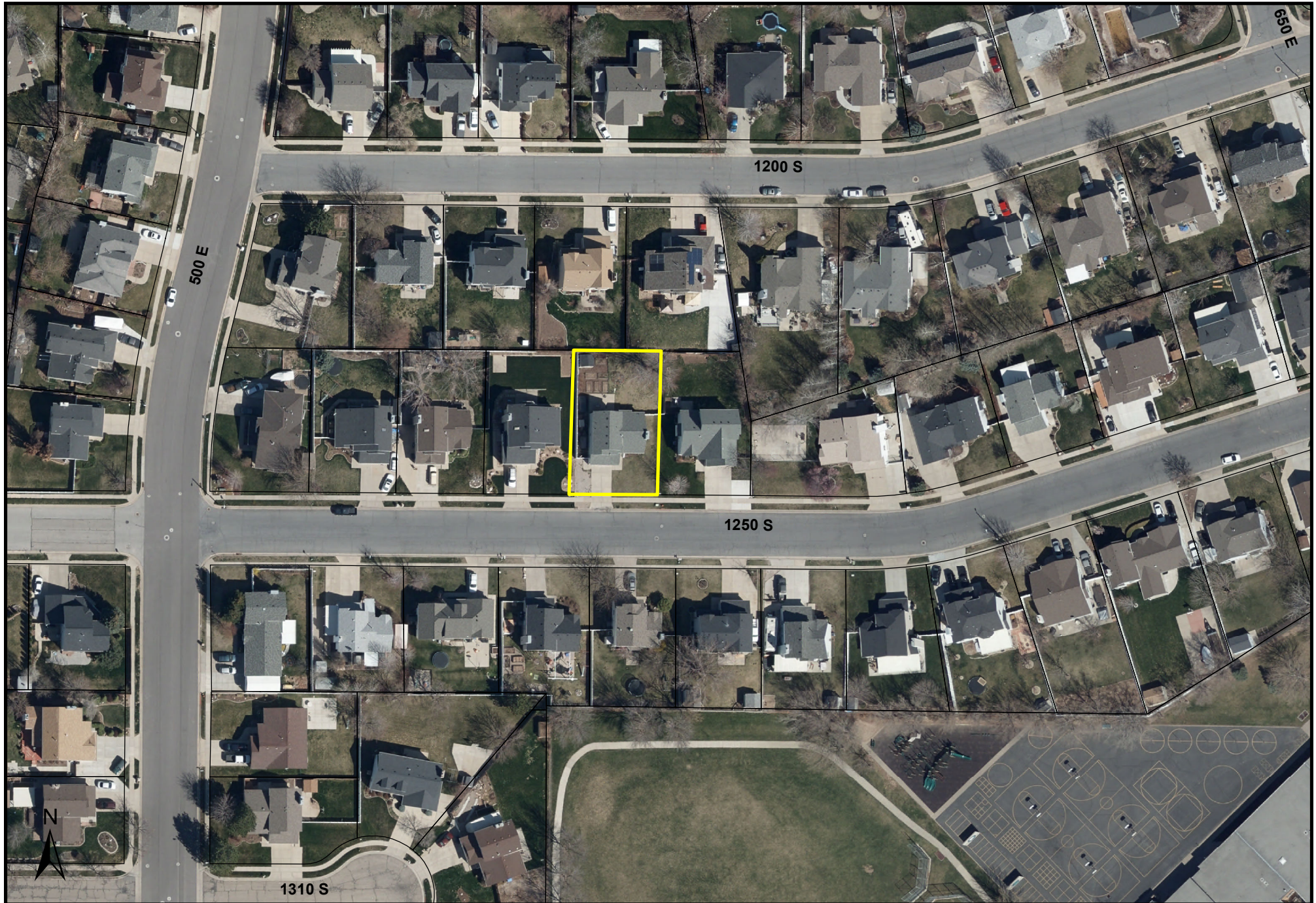
Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, at the above listed address with the need for additional conditions.

Reasoning:

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

Attachment 1: Area Map

559 East 1250 South





Planning Commission Staff Report

Conditional Use Permit for an Agricultural Home Occupation, Auto Restoration January 10, 2019

Applicant/Owner: Scott Barben
Location: 651 South Sunset Drive
Zone: A-1 (Light Agriculture)

Description:

Mr. Barben is requesting a conditional use permit for home occupation at the above listed address. He restores cars and works on them from the shop at the rear of his property. He anticipates only working on 1 car at a time and restoring 1 or 2 cars a year. No customers come to the home, he outsources major paint and body work. All the parts and the project cars are stored in the shop.

Staff has visited with the applicant and reviewed the restrictions of Title 17-26-5.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for an Agricultural Home occupation, auto restoration, at the above listed address.

Reasoning:

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

Attachment 1: Area Map

651 South Sunset Drive





Planning Commission Staff Report

Preliminary Plat for Charly's Acres #2 Fourth Amended Subdivision at approximately 2100 West 200 North

January 10, 2019

Applicant/Owner: Terraventure Development
Zones: R-1-20 (Single Family), LI (Light Industrial), and GC (General Commercial)

Description:

In November of 2018 the City Council voted to approve a development agreement and rezone the subject property to set the stage for the development of a new church building and storage unit facility. The applicant is requesting a subdivision to divide the property in conjunction with that effort, creating a separate lot on the R-1-20 zone and another lot encompassing the LI zoning district with access provided to 200 North Street. An additional 2 lots will be created along 200 North in the remaining General Commercial zoning.

The lot in the R-1-20 district well exceeds the minimum 20,000 sq. ft lot minimum and 90 ft. frontage requirement.

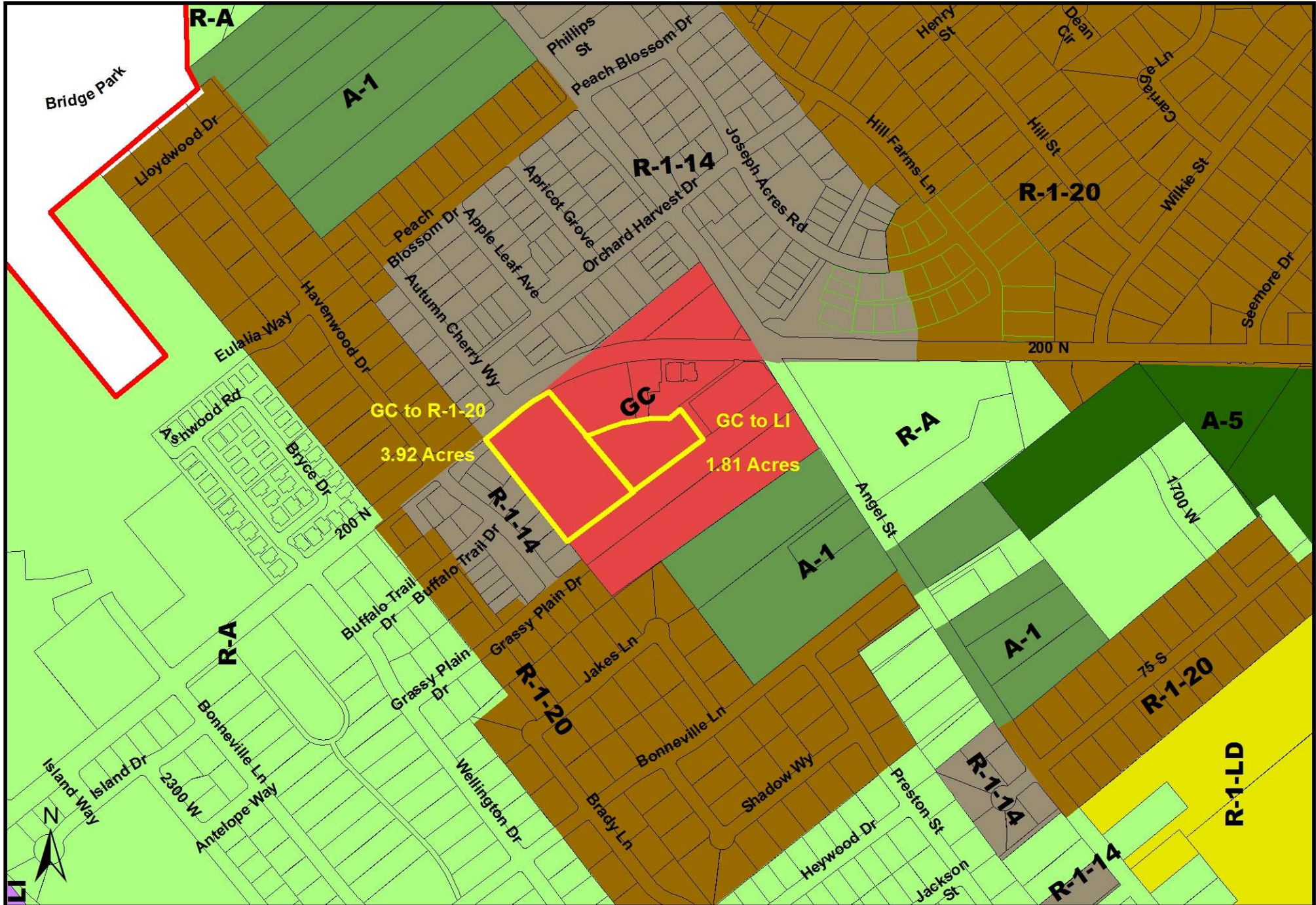
The LI and GC zoning districts do not have a minimum lot size or frontage requirement, however it is necessary that each lot have access via ownership to a street. Thus a strip of ownership between lots 403 and 404 has been provided for.

Recommendation:

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for the approval of the preliminary plat as the proposed plat is consistent with the terms of the development agreement and the proposed lots are in compliance with applicable ordinances.

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

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

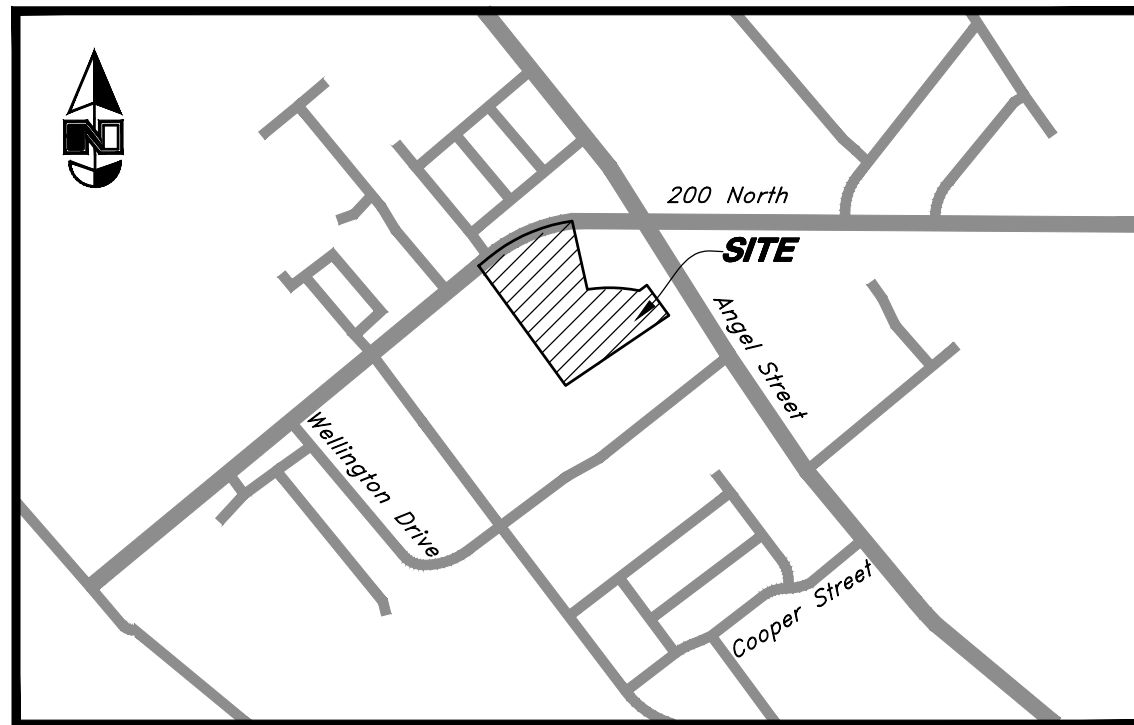


2100 West 200 North - Rezone from GC to R-1-20 and LI



Charly's Acres #2 Fourth Amended Subdivision

Amending Lot 304, Charly's Acres #2 Third Amended Subdivision
A part of the Southwest Quarter of Section 32, T4N, R1W, SLB&M, U.S. Survey
Kaysville City, Davis County, Utah



Vicinity Map

A part of Kaysville, Davis County, Utah
Not to Scale

NARRATIVE

This Survey and Subdivision was requested by Terraventure to create 3 lots.

A 2015 Boundary Survey retracing and establishing the underlying subdivision was honored for control.

A line between monuments found for the Southwest Corner and the West Quarter Corner of Section 32 was assigned the Davis County bearing of S 00°05'30" W as the Basis of Bearings.

SURVEYOR'S CERTIFICATE

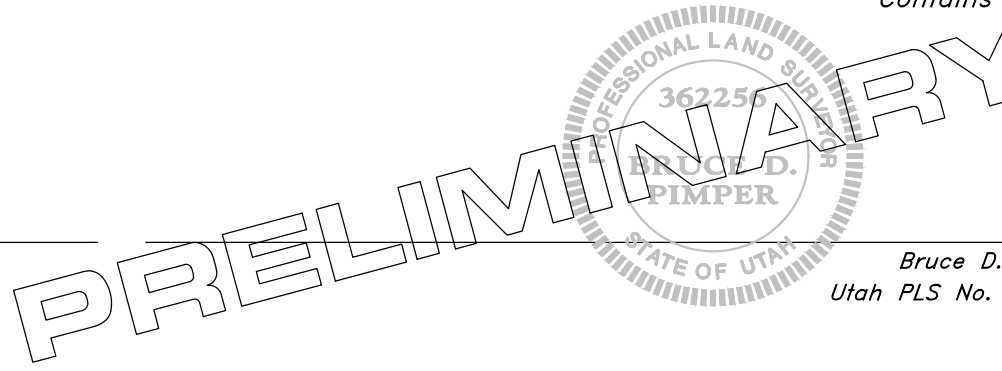
I, Bruce D. Pimper, a Professional Land Surveyor in the State of Utah, do hereby certify that this plat of Charly's Acres #2 Fourth Amended Subdivision in KAYSVILLE City, Davis County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the herein described lands in said subdivision based on data compiled from records in the Davis County Recorder's Office and from a survey made on the ground. I further certify that the requirements of all applicable land use codes of Kaysville City concerning zoning requirements have been complied with.

BOUNDARY DESCRIPTION

All of lot 304 of Charly's Acres #2 Third Amended Subdivision in Kaysville City, Davis County, Utah according to the Official Plat thereof.

Beginning at the most Southerly Corner of said Amended Subdivision as it exists on the ground located 739.47 feet South 0°05'30" West along the Section Line, and 1644.33 feet South 89°54'30" East from the West Quarter Corner of said Section 32; and running thence North 39°28'00" West 524.57 feet along the Southwesterly line of said Subdivision to the Southerly line of 200 North Street as it exists at 40.00 foot half-width; thence along said Southerly line the following two courses: North 50°27'05" East 178.81 feet to a point of curvature; and Northeasterly along the arc of a 914.93 foot radius, curve to the right a distance of 474.56 feet (Central Angle equals 29°43'07" and Long Chord bears North 65°18'39" East 469.26 feet) to the Westerly line of Lot 303 of said Third Amended Subdivision; thence South 9°49'47" East 233.00 feet along said Westerly line to the most Southerly Corner thereof; thence Easterly along the arc of a 681.93 foot radius curve to the right a distance of 119.23 feet (Center bears South 9°49'47" East, Central Angle equals 10°01'04" and Long Chord bears North 85°10'45" East 119.08 feet) along the Southerly line of said Lot 303 and the Southerly line of WCP Kaysville Condominium; thence along the Southerly line of said Condominium the following two courses: South 89°48'43" East 11.32 feet; and North 52°14'43" East 57.12 feet to the Westerly line of Lot 201, Charly's Acres #2 Second Amended Subdivision; thence South 37°44'01" East 150.26 feet along the Westerly line of Lot 201 to the most Southerly Corner thereof; thence South 52°34'57" West 676.98 feet along the Southeasterly line of said Third Amended Subdivision as it exists on the ground to the point of beginning.

Contains 312,465 sq. ft.
or 7.173 acres
3 Lots



Date _____
Bruce D. Pimper
Utah PLS No. 362256

Owner's Dedication

We, the undersigned owners of the hereon described tract of land, hereby set apart and subdivide the same into lots as shown on this plat, and name said tract Charly's Acres #2 Fourth Amended Subdivision and hereby dedicate to KAYSVILLE City those certain strips as easements for public utility purposes over and across the portions of the lots designated as public utility easements, as shown hereon, the same to be used for the installation, maintenance and operation of public utility service lines, as may be authorized by KAYSVILLE City.

In witness whereby I Have hereunto set my hand This _____ Day of _____ AD, 20 ____.

~ Terraventure Development LTD ~

by: Stuart Adams
its: General Partner

Acknowledgment

State of _____
County of _____ } ss

On the _____ day of _____, 20____, personally appeared before me Stuart Adams, who being by me duly sworn did say that he is the General Partner of Terraventure Development, by authority of its members or its articles of organization, and he acknowledged to me that said company executed the same.

Residing in _____ County, _____
Commission Expires: _____
Commission Number: _____

Print Name _____ A Notary Public

KAYSVILLE CITY APPROVAL

This is to certify that this plat and dedication of this plat were duly approved and accepted by the City Council of KAYSVILLE City, Utah this _____ day of _____, 20 ____.

KAYSVILLE CITY ENGINEER

I hereby certify that I have carefully investigated the lines of Survey of the foregoing plat and legal description of the land embraced therein and find them to be correct and to agree with the lines and monuments on record in this office.
Signed this _____ day of _____, 20 ____.

KAYSVILLE CITY PLANNING COMMISSION

Approved by the KAYSVILLE City Planning Commission on this _____ day of _____, 20 ____.

Chairperson

KAYSVILLE CITY ATTORNEY

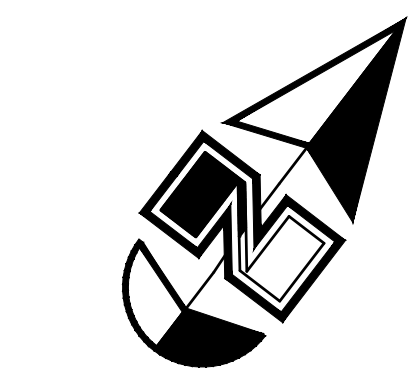
Approved by the KAYSVILLE City Attorney this _____ day of _____, 20 ____.

Signature

Attest: City Recorder

Mayor

Signature



Scale : 1" = 60'



Southwest Corner of section 32, T4N, R1W, SLB&M, U.S. Survey (found monument)

Basis of Bearings
S 0°05'30" W DC
S 89°54'30" E

West Quarter of Section 32, T4N, R1W, SLB&M, U.S. Survey (found monument)

$\Delta = 29°43'07"$
 $R = 914.93'$
 $L = 474.56'$
 $LC = 469.26'$
 $N 65°18'39" E$

Hill Farms Subdivisions

$\Delta = 9°04'03"$
 $R = 914.93'$
 $L = 144.79'$
 $LC = 144.64'$
 $N 54°59'07" E$

Lot 401
170,827 sq. ft.
or 3.922 acres

$\Delta = 1°33'57"$
 $R = 914.93'$
 $L = 25.00'$
 $LC = 25.00'$
 $S 68°38'13" W$

Lot 403
21,973 sq. ft.
or 0.504 acres

$\Delta = 4°39'27"$
 $R = 681.93'$
 $L = 55.43'$
 $LC = 55.42'$
 $S 64°57'29" W$

Lot 402
84,719 sq. ft.
or 1.945 acres

$\Delta = 10°58'11"$
 $R = 681.93'$
 $L = 130.56'$
 $LC = 130.36'$
 $S 85°38'03" W$

$\Delta = 1°33'57"$
 $R = 914.93'$
 $L = 25.00'$
 $LC = 25.00'$
 $S 68°38'13" W$

Lot 404
34,946 sq. ft.
or 0.802 acres

$\Delta = 10°45'01"$
 $R = 914.93'$
 $L = 171.67'$
 $LC = 171.41'$
 $N 74°47'42" E$

Lot 303
Cross Access Easement
Entry # 2940092
Book 6521, Page 1202

$\Delta = 10°01'04"$
 $R = 681.93'$
 $L = 119.23'$
 $LC = 119.08'$
 $N 85°10'45" E$

$\Delta = 11°32'$
 $R = 681.93'$
 $L = 57.12'$
 $N 52°14'43" E$

Cell Tower Utility Easement
Entry # _____, Page _____

WCP Kaysville Condominium

Charly's Acres #2 Second Amended Subdivision
Lot 201

Angel Street
(Paved Public Street)

East Quarter of Section 32, T4N, R1W, SLB&M, U.S. Survey (found monument)

Legend

- PUE Public Utility Easement
- Section Corner
- Property Line
- Centerline
- Section Line
- Right of Way Line
- (R) Radial
- (N/R) Non-Radial
- 5/8"x24" Rebar with AWA Plastic cap or nail with AWA brass tag to be set



ANDERSON WAHLEN & ASSOCIATES

2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-8529 - AWAengineering.net



Planning Commission Staff Report

Public Hearing for the Rezone of 0.71 acres of property at 2062 South 450 East from R-1-20 to the R-1-14 zoning district January 10, 2019

Applicant/Owner: Casey Brown

Description:

The applicant's property is located on the corner of Shepard Lane and 450 East. The applicant desires to rezone the property from the existing zoning designation with the hope to subdivide the property into 2 lots creating the potential for a new home on the southern portion of their land.

The existing and proposed zoning are both R-1 designations governed by Chapter 17-12 of the Kaysville City Ordinances. The permitted uses, conditional uses, setback requirements, and lot frontage requirements are identical. The difference between the R-1-14 and the R-1-20 is the total lot size requirement. A lot in the existing R-1-20 zone must be at least 20,000 sq. ft. in size, while a lot in the R-1-14 zone must only be as large as 14,000 sq. ft. in size.

As part of the rezone application, the applicant has provided a concept plan showing a 14,610 sq. ft. lot and a 16,200 sq. ft. lot that could be permitted should the rezone be approved.

As a rezone is a legislative decision, the Planning Commission and ultimately the City Council have broad discretion in their decision making. The Planning Commission is looking to make a recommendation to the city council.

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

Identity and Character:

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

Housing:

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

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

B. The majority of the housing should be one unit per structure (single unit).

About ten percent (10%) of the housing should be more than one unit per structure (multiple unit).

Multiple unit housing should consist mostly of duplexes (two unit structures) and some three to six unit structures dispersed throughout the City.

- C. Housing development should have a minimum of through vehicular traffic and a maximum of open space.
- D. Housing developments should essentially pay for themselves.

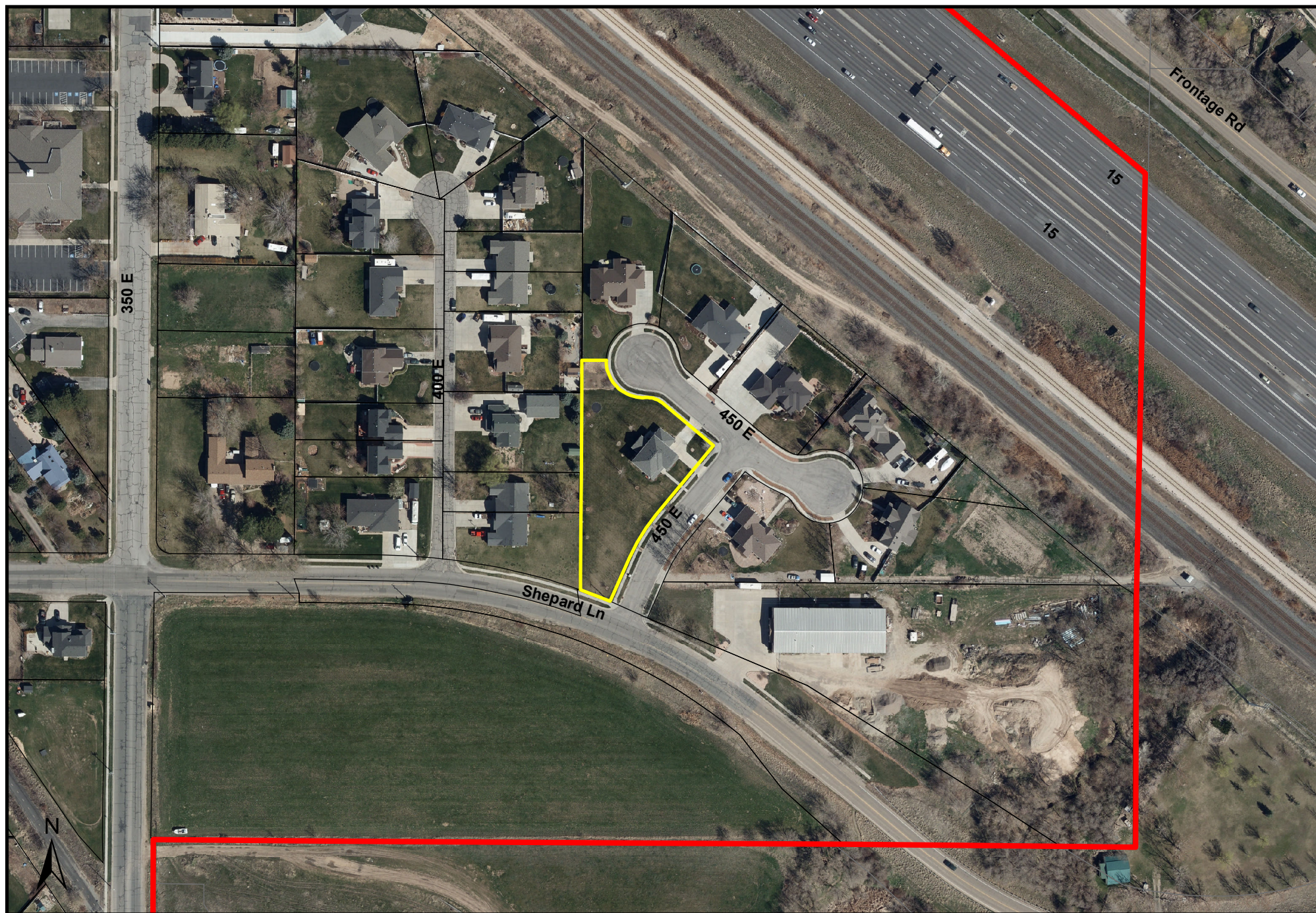
Shepard Lane is classified as Major Streets per Kaysville City's Major Street Plan in Section 8-3-2.

Recommendation:

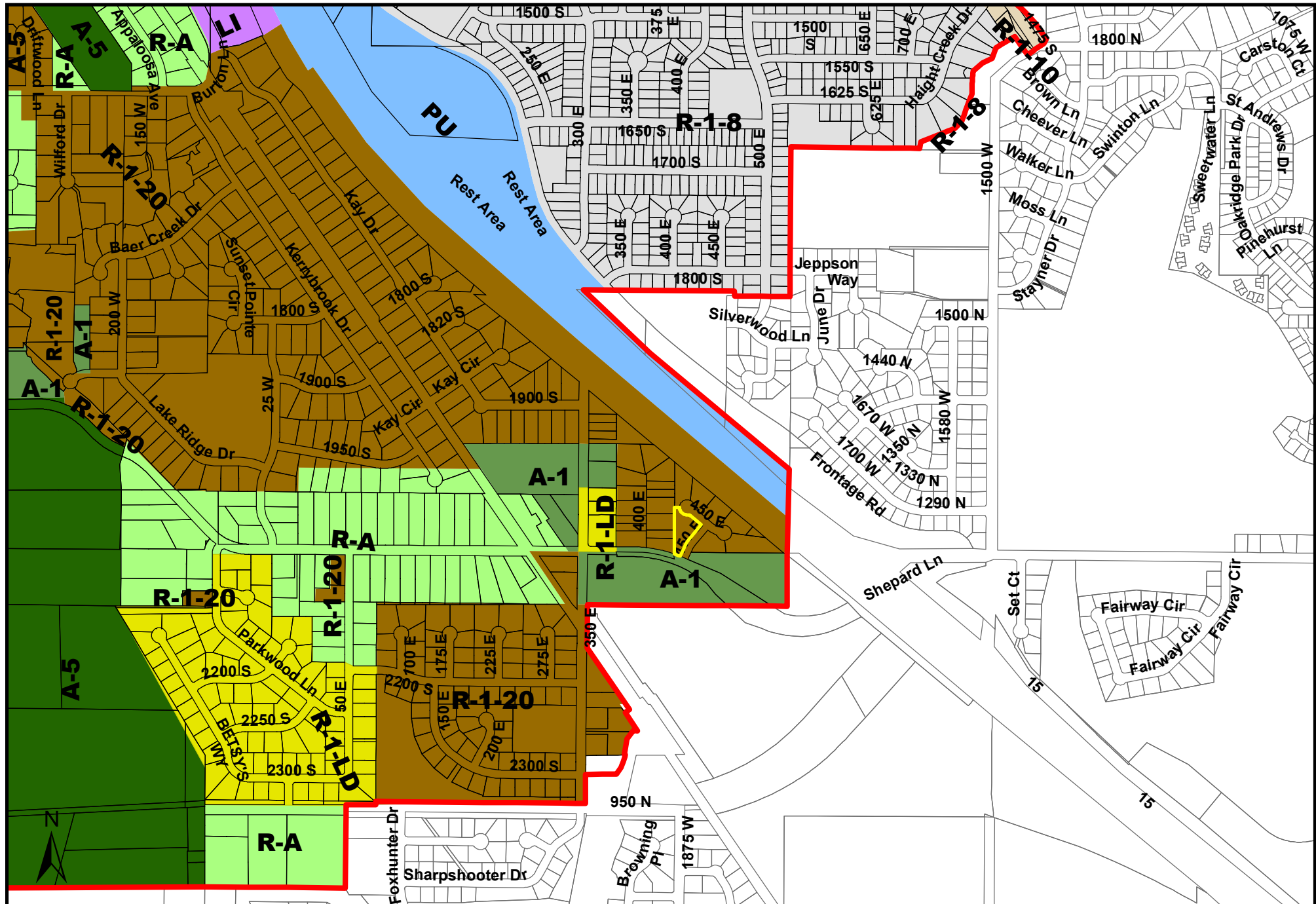
The Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location.

- Attachment 1: Area Map
- Attachment 2: Zoning Map
- Attachment 3: Concept Plat (3 pages)

Rezone of 2062 South 450 East from R-1-20 to R-1-14



Rezone of 2062 South 450 East from R-1-20 to R-1-14



N00°00'06"E

L6

RAD.

S39°26'01"

39.57'
27.5'
S50°33'59"E
193.73'
173.73'

98.5'

2062 S.

STREET

1

30810 S.F.

Property Owners:
Casey and Lisette Brown

309.92'

450 EAST STREET

121.28'
N39°26'01"E
148.78'

27.5'
27.5'

121.40'

B.

C20

C21

C18

C19

S23°30'36"W
53.10'

CURB &
CUTTED (TYP)

N00°00'06"E

L6

34D.

S39°26'01"

39.57'
27.5'
S50°33'59"E
193.73'
173.73'

98.5'

2062 S.

STREET

~16200 S.F.
Rezone R-1-14

309.92'

~14610 S.F.
Rezone R-1-14

150 EAST STREET

121.28'

N39°26'01"E
148.78'

121.40'

B.

C20
C21

64.57'
S23°30'36"W
64.13'
C18
C19

27.5'
27.5'
11.47'

S23°30'36"W
53.10'

CURB &
CUTTED (TVD)





Planning Commission Staff Report

Public Hearing and request to rezone 4.1 acres of property at 1480 West Willow Drive and 1576 West 200 North from R-1-20 and R-A to the R-2 zoning district to include the PRUD overlay zone.

January 10, 2019

Applicant/Owner: Robert Green/James Neuner

Update:

The Planning Commission held a public hearing on 12/13/18 regarding this project. The item has been re-noticed to include the overlay zone and is scheduled for a new public hearing. Currently comments from the original hearing can be heard by watching the YouTube media feed from the city's agenda center <https://www.kaysvillecity.com/AgendaCenter>.

The planning commission motioned to table the request that it be re-noticed with the PRUD and have the applicant return with answers to the concerns that were expressed during the meeting. To this the applicant has proposed a development agreement setting some limitations and constraints regarding how the property would be developed. The developer and staff have also been in touch with the sewer district regarding the question of capacity and ability to serve the number of units proposed. While a formal commitment to serving the proposed 37 units has not been given, the sewer district has acknowledged that there is potential to connect into a sewer line to the east that has more capacity than the original anticipated route. This would require approval from UTA and the pipeline company to cross their easement and property. Another issue raised regarded culinary water pressure. The city water department believes that there are not any issues with being able to provide adequate pressure to serve the proposed development.

As of the date of this report, staff has not received a copy of what is referred to in the development agreement as Exhibit D, which would be an example of the architecture anticipated for the development. The applicant expects to have all exhibits available for presentation at the meeting on 1/10/19.

Original Report from 12/13/18:

Description:

The property owners at the listed addresses are requesting a zone change to their land in order to accommodate a potential residential subdivision. The property, which borders the Rail Trail to the east and residents to the west, is currently zoned to accommodate 2 units per acre type development.

The requested R-2 zoning district allows for residential development of one and two family dwellings in a standard subdivision, with a density of just over 10 units per acre when done as a PRUD type subdivision. The applicant has provided a concept development plan indicating what that may look like.

The applicant has provided an exhibit which shows their initial thoughts on how the property may develop under the existing zoning. This type of development would also require the PRUD overlay zone.

As a rezone action the Planning Commission has broad discretion as to whether or not to pass along a favorable recommendation to the City Council.

R-2 ZONING DISTRICT - CHAPTER 17-14:

17-14-1 Purpose

To provide for areas in appropriate locations where quiet medium density neighborhoods may be established, maintained, and protected. The regulations of this district are designed to promote and encourage a suitable environment for families, many of whom will have children. To this end, the regulations permit the establishment of one and two-family dwellings, and also permit, with proper controls, those public and quasi-public activities such as schools, libraries, churches, parks and playgrounds, which serve the needs of families. The regulations are intended to prohibit the establishment or operation of any activity which would be adverse to such a residential environment.

17-14-2 Site Plan Review

Conditional uses in an R-2 Zone District, except for temporary buildings and temporary offices and the keeping of farm animals, shall be subject to a site plan review as specified in KCC Chapter 18-4. On a case-by-case basis, the Commission may also require temporary buildings and temporary offices to obtain site plan approval.

17-14-3 Permitted Uses

1. Single-family dwellings.
2. Two-family dwellings.
3. Agriculture.
4. 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.
5. Minor home occupations subject to the provisions of KCC Chapter 17-26.
6. Two household pets per dwelling unit.
7. Private swimming pools subject to the provisions of KCC 17-31-9.
8. Accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the provisions of KCC 17-31-2.

17-14-4 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. Twin homes subject to the provisions of KCC Chapter 17-28.
7. Farm animals subject to the provisions of KCC Chapter 17-24.
8. Swimming clubs subject to the provisions of KCC 17-31-10.
9. Public utility substations subject to the provisions of KCC 17-31-15.

17-14-5 Height Regulations

1. No building shall exceed thirty feet (30') in height, except as provided in KCC 17-25-2.
2. No accessory building shall exceed fifteen feet (15') in height, except as provided in KCC 17-25-2 and KCC 17-31-2.
3. No main building shall be less than ten feet (10') in height, or no accessory building less than six feet (6') in height.

17-14-6 Area, Lot Width, And Yard Requirements

The following minimum requirements shall be observed except where increased for conditional uses.

1. The lot area shall be not less than eight thousand (8,000) square feet.
2. The minimum width of any lot for a main building shall be seventy feet (70') at a distance thirty feet (30') back from the front lot line.
3. The front yard for any building shall be at least twenty-five feet (25').
4. The side yard for any dwelling shall be not less than eight feet (8') and the total width of the two (2) required side yards shall be not less than sixteen feet (16').
5. Other main buildings shall have a side yard of not less than twenty feet (20') and the total width of the two (2) required side yards shall be not less than forty feet (40').
6. On corner lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings.
7. The minimum rear yard for any main building shall be fifteen feet (15').

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

Identity and Character:

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

Growth and Development

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

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

Housing

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

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

B. The majority of the housing should be one unit per structure (single unit). About ten percent (10%) of the housing should be more than one unit per structure (multiple unit). Multiple unit housing should consist mostly of duplexes (two unit structures) and some three to six unit structures dispersed throughout the City.

C. Housing development should have a minimum of through vehicular traffic and a maximum of open space.

D. Housing developments should essentially pay for themselves.

200 North is classified as a Major Street per Kaysville City's Major Street Plan in Section 8-3-2.

Recommendation:

Rezone:

After holding a Public Hearing, 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. The Planning Commission may make recommendations to approve, approve with modifications, or deny the request. The Planning Commission may also table a decision pending additional information.

The recommendation from the planning commission may include any changes it desires to see to the proposed development agreement.

Attachment 1: Development Agreement and exhibits

DEVELOPMENT AGREEMENT
FOR THE REZONE OF 4.1 ACRES AT 1480 WEST WILLOW DRIVE AND 1576 WEST
200 NORTH FROM R-1-20 AND R-A TO R-2 PRUD.

THIS AGREEMENT is made and entered into this ____ day of _____, 2019 by and between Kaysville City, a municipal corporation organized and existing under the laws of the State of Utah (hereinafter the “City”), and _____(hereinafter the “Developer;”) (“Developer” includes successors and/or assigns of _____, as follows:

RECITALS

WHEREAS, Developer is desirous of developing a single family attached subdivision (the “Subdivision”) on certain real property located in the City of Kaysville, County of Davis, State of Utah and more particularly described on the approved site plan, construction drawings and buildings plans. The conceptual site plan is attached hereto as Exhibit C (the “Site Plan”); and

WHEREAS, the purpose of this Agreement is to define the development standards, conditions and improvements, schedule for development of the Subdivision and other terms and conditions pursuant to which the Subdivision proposed by Developer is to be developed within the City; and

WHEREAS, the City is willing to rezone the Property to the R-2 (single and two family zoning district) to include the PRUD (Planned Residential Unit Development) overlay zone as indicated in Exhibit B for the purpose of authorizing the development of the Subdivision proposed by Developer in conformance with this Agreement, City Ordinances, and applicable Utah law;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. GENERAL DESCRIPTION.

A. Area Description. The property upon which the Subdivision shall be developed (the “Property”) is located as shown on the Property Location Map, a copy of which is attached as Exhibit A hereto and incorporated by reference herein. The property is further described as parcels # 11-421-0021 and Easterly Approx acre of 11-406-0014.

B. Project Description. The project proposed by Developer is a residential common open space subdivision. The Subdivision shall include single family attached units each to be platted on its own lot with a common area owned and maintained by a home owners association.

2. DEVELOPMENT STANDARDS AND GUIDELINES

A. Adoption of Development Standards. The City hereby adopts, as the development standards and guidelines for the Subdivision (the “Development Standards”), the following in addition to all other applicable City Ordinances, standards and guidelines:

(1) Compliance With Approved Plans. Developer shall comply with all requirements identified in the approved site plan included as Exhibit C, and the development of the Subdivision shall conform in all material respect with the approved site plan.

(2) Allowed uses. Developer shall be permitted to construct single family attached dwellings and supporting infrastructure including private streets, landscaping, and amenity improvements as shown on Exhibit C.

(3) Number of Units. Developer shall be limited to develop no more than 37 dwellings as indicated in Exhibit C.

(4) Architecture. Developer shall construct homes in the Subdivision in substantial compliance and conformance with the Architecture as set forth in Exhibit D. Exhibit D contains a likeness of the design that the developer will use. It is not considered final or preliminary plans. It is an example of the colors and designs anticipated that the developer will

use. Colors will be traditional and fitting with the hometown feel of Kaysville city. All materials will be brick, stucco, or cement fiber board. (example drawings).

(5) Lighting. Exterior lighting on the building and throughout the site shall enhance safe circulation of pedestrians and vehicles while reflecting light away from any adjoining properties or uses. Acceptable lighting fixtures should shield the light source to reduce glare, light trespass into neighboring properties, and light pollution.

B. Findings of Compatibility. In adopting the Development Standards identified in Section 2, the City hereby expressly finds that the development of the Subdivision, in conformance with the Development Standards and this Agreement, promotes the creation of a desirable residential neighborhood in an appropriate location. The City further finds that the development of the Subdivision, in conformance with the Development Standards and this Agreement, will not violate the general purpose, goals and objectives of the City Ordinances and any plans adopted by the Planning Commission and City Council of the City.

Subject to the Developer's performance and compliance with the terms of this Agreement and City Ordinances in effect on the date of this Agreement, Developer's rights to develop the Subdivision in accordance with the approved site plan will be vested pending the approval of Preliminary and Final Subdivision Plans subject to the requirements and provisions of Kaysville City Code Title 19 and approval from all affected utility providers verifying the ability to serve the proposed Subdivision.

3. ON-SITE PROJECT IMPROVEMENTS

Developer shall construct and install all site improvements, including utilities, required for the Subdivision, at Developer's sole cost and expense, in compliance with approvals, and all applicable ordinances, regulations, standards and status of the City, the secondary water provider, The Central Davis Sewer District, other providers and the State of Utah.

4. OFF-SITE PROJECT IMPROVEMENTS

In accordance with applicable standards and subject to the design approval of the City Engineer, Developer shall construct and install street improvements, utilities, and drainage improvements, on 200 North as necessary, with construction of the on-site improvements.

5. REPRESENTATIONS OF DEVELOPER

A. Authority. Developer hereby represents that is has authority to proceed with the Subdivision.

B. Ability. Developer represents that it has the ability to timely proceed with the development and construction of the Subdivision. Developer agrees to begin construction of the Subdivision as soon as practicable and complete development in accordance with the Development Procedures outlined in Kaysville City Code Title 19, Subdivisions.

6. ASSIGNMENT

Developer may assign this Agreement to any other third party provided that the City consents to such assignment, which consent shall not be unreasonably withheld, upon a showing to the satisfaction of the City that such third party has the financial ability to perform Developer's obligations hereunder.

7. BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

8. ATTORNEY'S FEES

In the event that this Agreement or any provision hereof shall be enforced by an attorney retained by a party hereto, whether by suit or otherwise, the fees and costs of such attorney shall be paid by the party who breaches or defaults hereunder, including fees and costs incurred upon appeal or in bankruptcy court.

9. SEVERABILITY

If any term or provision of this Agreement shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or provision shall not affect the enforceability of any other term or provision of this Agreement.

10. CAPTIONS

The section and paragraph headings contained in this Agreement are for the purposes of reference only and shall not limit, expand or otherwise affect the construction of any provisions hereof.

11. GOVERNING LAW

This Agreement and all matters relating hereto, shall be governed by, construed and interpreted in accordance with the laws of the State of Utah.

12. ENTIRE AGREEMENT

This Agreement, together with the exhibits attached hereto, constitutes the entire understanding and agreement by and among the parties hereto, and supersedes all prior agreements, representations or understandings by and among them, whether written or oral, pertaining to the subject matter hereof.

13. CONSTRUCTION

As used herein, all words in any gender shall be deemed to include the masculine, feminine, or neuter gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

14. AUTHORIZATION OF EXECUTION

A. City. The execution of this Agreement by the City has been authorized by the City Council of Kaysville City at a regularly scheduled meeting of that body, pursuant to the notice.

B. Developer. The execution of this Agreement has been duly authorized by the Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

DEVELOPER

ATTEST:

Secretary

By: _____
DEVELOPER
TITLE

ATTEST:

Maria Devereux
City Recorder

KAYSVILLE CITY

By:

Katie Witt
Mayor

NOTARY PUBLIC

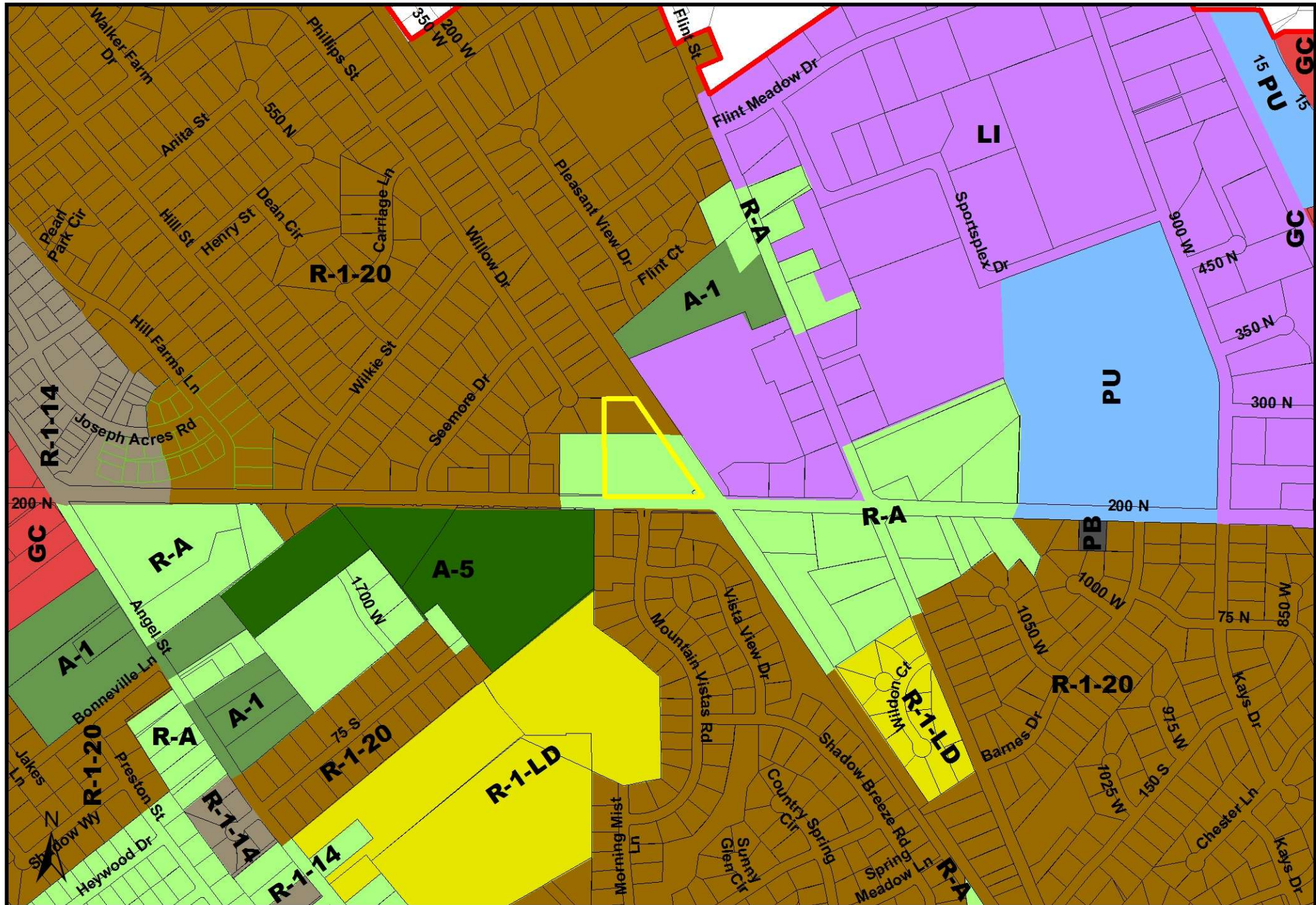
NOTARY PUBLIC

7

**Exhibit A: Rezone of 4.1 acres from R-1-20 and R-A to R-2 PRUD
at 1480 W. Willow Dr. and 1576 W. 200 N.**



**Exhibit B: Rezone of 4.1 acres from R-1-20 and R-A to R-2 PRUD
at 1480 W. Willow Dr. and 1576 W. 200 N.**



GENERAL SITE PLAN NOTES:

- KEYED NOTES:

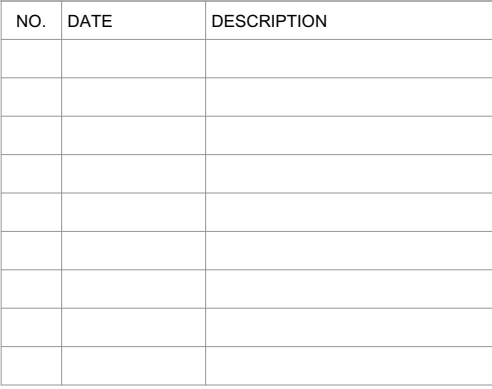
SITE PLAN LEGEND:

- NORTH
- 
- A circular diagram divided into four quadrants by a vertical and a horizontal line. The top quadrant is labeled 'NORTH'.

1" = 30', 1' = 1'-0"
09.28.18 **CONCEPTUAL DESIGN**
Project Number: 1884

GREEN PARK TOWNHOME DEVELOPMENT
1576 WEST
KAYSVILLE, UTAH

SD 1.1



KAYSVILLE CITY PLANNING COMMISSION

November 29, 2018

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

Excused: Gary Bullock

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Chase Freebairn, Roy Stoner, Brent Merrill, Dan Reeve, Heidi Nettleton, Kathy Linford, Jennifer Crockett, Treva Hacking, Sam Hacking, Kevin Burton, Derek Miller, Julie Miller, Pam Thompson, LeVar D. Thompson, Charles R.A. Lamb, Ronda Jensen, Michael Jensen, Josh Callister, Eric Strong, Tami Strong, Brian Jensen, Tyler Higley, Rob Dansie

OPENING

The Planning Commission meeting was held on Thursday, November 29, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the October 25, 2018 meeting was presented for approval.

Tamara Tran made a motion to approve the minutes of the October 25, 2018 meeting. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR AN AGRICULTURAL HOME OCCUPATION, CONTRACTOR OFFICE AT 876 SOUTH SUNSET DRIVE – KEN LELACHEUR

Lyle Gibson explained that Ken LeLaCheur has been operating his plumbing contractor business from his home in Kaysville for nearly twenty years under his existing conditional use permit. He has been building a new home next door where he plans to continue his business operation in much the same manner. There is a detached garage where the business equipment will be stored. A few employees typically meet on site at the beginning of the work day to get their assignments and pick up any needed supplies. The majority of the work will take place on location. Some products are delivered to the home on occasion, but others will go straight to the job site. As it has been awhile since Mr. LeLaCheur has gone through the conditional use permit process, Staff reviewed the requirements of the ordinance and the details of Mr. LeLaCheur's business with him recently.

Thomas Wood made a motion to grant a conditional use permit for an agricultural home occupation, contractor office at 876 South Sunset Drive for Ken LeLaCheur. Betty Parker seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”,
CONTRACTOR OFFICE AT 1987 WEST HILL STREET – MARK HIGGS**

Lyle Gibson explained that Mark Higgs lives at 1987 West Hill Street and is seeking a conditional use permit for a major home occupation. The majority of the work that Mr. Higgs does takes place on location installing flooring for customers. He does keep a few product samples at his home so that customers could, by appointment, see different options. Once a product is selected, it is delivered to the location where it will be installed.

Tamara Tran made a motion to grant a conditional use permit for a major home occupation “B, contractor office at 1987 West Hill Street for Mark Higgs. Wilf Sommerkorn seconded the motion and it passed unanimously.

**PUBLIC HEARING AND REQUEST TO REZONE 58.6 ACRES OF PROPERTY AT
2300 WEST SCHICK LANE (200 NORTH) FROM R-A (RESIDENTIAL
AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW DENSITY), R-1-8
(SINGLE FAMILY RESIDENTIAL) AND GC (GENERAL COMMERCIAL) TO THE R-
2 (SINGLE TO TWO-FAMILY RESIDENTIAL) ZONING DISTRICT – PERRY HOMES**

Lyle Gibson explained that Perry Homes owns a large section of property at 2300 West 200 North, which will be adjacent to the proposed West Davis Corridor to the west. An existing open space area and church abut the property as well as a patio home development. A single family development, located in the R-1-20 zone, is located on the eastern edge. The property is currently zoned R-A which allows for development at two units an acre, but which requires that lots be at least a half-acre in size, with a minimum of one-hundred feet of frontage. Taking into account known infrastructure in the area and the current market, Perry Homes is requesting to rezone the property from the existing zoning district into three different zones. Under the current zoning, Perry Homes would be allowed up to 122 homes at a density of two units per acre. Perry Homes has expressed the willingness to keep the open space intact as well as provide some commercial property near the proposed interchange to the West Davis Corridor. Therefore they are looking for different residential zoning designations to allow the same number of homes as would have been previously developed in the current zone, with some flexibility on how they are arranged. The R-1-LD zoning district, while limiting the total density, allows for flexibility in lot sizes as long as they be at least 12,000 square feet in size and have at least ninety feet of frontage. The 44.39 acres of this zoning district could yield as many as eighty-eight units depending on the final layout. The R-1-8 zoning district is being requested along the far west edge of the property, which will be against the new freeway. This zoning district allows for lots of at least 8,000 square feet in size with at least sixty feet of frontage. The 11.21 acres of this zoning district could yield as many as sixty-one units. This would not be feasible without the approval of the PRUD overlay zone. The remaining three acres of property is being proposed for the General Commercial zone. While the applicant has provided an exhibit of how the property would likely develop, the request under consideration is for rezone only. A development agreement may be considered to ensure certain details are pursued through the subdivision and development process.

Chairperson Matthew Anderson opened the Public Hearing.

Brent Merrill said that he lives on Wellington Drive in the Ashwood Estates Subdivision. It is a patio home development with private streets. There is a stub street on the northwest side of the property and is currently blocked off by barricades. Because the roads in their subdivision are private, the residents here would like the barricades to remain so it doesn't become a thoroughfare.

Lyle Gibson said that the city will look at the traffic flow patterns during the subdivision process, and as part of that the stub street will be addressed. Because it's a private street it's likely that something could be worked out so the road continues to be blocked or turned into an emergency access road.

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

Tamara Tran asked if there were any users in mind for the proposed General Commercial property.

Lyle Gibson responded that there is nothing planned yet.

Josh Sundloff commented that it will likely be a gas station, based on the size of the property. It will also be a great location for it as the West Davis Corridor will be built nearby.

Dan Reeve, representing Perry Homes, said that at this point in time they feel the commercial property is not viable for development. However, they know that once the Corridor is built that will change.

Wilf Sommerkorn stated that the Planning Commission received an email from Taylor Spendlove expressing support of this proposed rezone.

Eric Strong said that he lives on the corner of Island Drive and Island Way, and the proposed commercial property will be located across the street behind their house. The idea of having commercial property here isn't appealing because traffic will be coming and going all day and night. Mr. Strong said that it feels that having commercial here would reduce the value of surrounding homes.

Betty Parker commented that three acres isn't very much property for commercial would be ideal for a small store.

Josh Sundloff asked about the area of land under the power line corridor.

Dan Reeve said that the referenced piece of land under the power line, north of their development, is part of the Kays Creek Subdivision in Layton City and is maintained by their HOA. It is likely that it must remain as that subdivision's open space in order to meet the size requirements as a cluster subdivision. There are also restrictions for what you can build under the power lines. Permanent structures are not allowed, but landscaping could be installed. Perry

Homes is proposing a twelve foot wide trail that would run from Eulalia Way to the open space area to allow for pedestrian access.

Tamara Tran commented that the City will soon be reviewing the General Plan and she would like to see more commercial allowed in the city in the future to help generate tax revenue and would like to see this development have more commercial area planned. It seems that once the West Davis Corridor is installed that any commercial located here would be very successful. Mrs. Tran added that she would like to see a convenience store and maybe some other small retail spaces be allowed here. It will help to support our rooftops and will contribute to the city.

Tami Strong said that there are several other open commercial spaces elsewhere in the city that should be filled before we consider adding more commercial. Many neighbors moved here thinking that it would be a peaceful and quiet place to live, and now both the West Davis Corridor and commercial uses are being considered, further impacting their neighborhood.

Josh Sundloff commented that the R-1-LD zoning meets the General Plan with having two units per acre west of I-15. While the R-1-8 zoning has more than two units an acre, it will be backed up against the West Davis Corridor and is a good location for the smaller lots. We need more commercial areas in the city and this requested GC zone will be a good location for small neighborhood commercial. This will help to alleviate some traffic congestion further down the road and will be well used.

Thomas Wood made a motion to recommend approval of the request to rezone 58.6 acres of property at 2300 West Schick Lane (200 North) from R-A (Residential Agriculture) to the R-1-LD (Single Family Low Density), R-1-8 (Single Family Residential) and GC (General Commercial) zoning districts for Perry Homes. Josh Sundloff seconded the motion.

Voting was as follows:

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

The motion passed with a vote of five to one.

PUBLIC HEARING AND REQUEST TO REZONE 10 ACRES OF PROPERTY AT APPROXIMATELY 700 SOUTH DESERET DRIVE FROM GC (GENERAL COMMERCIAL) TO THE R-2 (SINGLE AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT – IVORY DEVELOPMENT

Lyle Gibson explained that recently Ivory Homes had come before the Planning Commission and City Council requesting consideration of a rezone to the R-M zone on the entire twenty-five acres owned by America First Credit Union. Over several meetings the proposal evolved to

include 12.5 acres of R-2 zoning with the PRUD overlay and 12.5 acres of LI (Light Industrial). The Planning Commission at that time recommended approval of the request with a stipulation that five acres be left in the GC (General Commercial) zone. The City Council ultimately denied Ivory Homes' request. If an application for a change of zone is denied, Kaysville City Ordinance does not allow for new application for the same zoning change affecting the same property for a period of one year. A new application affecting or including all or part of the property must be substantially different from the original application if considered before that one year time period has passed. Ivory Homes has told Staff that they wish to continue working with the City to find an acceptable zoning outcome and has submitted this new application, which is being presented tonight. Staff feels that the new application is different enough from the original application that it may be considered. This new application is to rezone ten acres of property on the south side of the America First property to the R-2 zone.

Chairperson Matthew Anderson opened the Public Hearing.

Chase Freebairn, representing Ivory Development, commented that while they were disappointed with the aforementioned denial, they took the feedback received and reworked it. Their original application was designed to better fit the uses of the interested parties they were working with. America First has been marketing this property unsuccessfully for many years. Buyers are not willing to purchase twenty-five acres of property with such a challenging access. Ivory Development is now only proposing a residential use on ten acres of the property and have reduced the number of proposed units from the original proposal. The units will still be single family homes, with an open space area located in the middle of the development. Some of the neighbors to the south of the property were concerned about the number of lots alongside their properties, therefore Ivory Homes has enlarged those lots on the south edge.

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

Wilf Sommerkorn asked why the Council had denied the rezone request.

Lyle Gibson responded that the City Council stated that they preferred to see the property remain in the General Commercial zone for the time being as there is not much commercial property left in the city.

Wilf Sommerkorn asked if Ivory Home's plans haven't changed much from the original application denial, why should the outcome be any different now. The City Council has indicated that they currently aren't willing to rezone any commercial properties and there is nothing here indicating that this new application will change their minds.

Betty Parker stated that she would like to see this property remain commercial because it could be a good opportunity for a commercial user to build here.

Tamara Tran said that she would also like to this property remain commercial until the city has a chance to review the General Plan and determine how they would like to see this property used. Mrs. Tran asked if there was a plan for the remaining commercial property that is not being

considered for this rezone.

Chase Freebairn responded that America First plans to keep the remaining property for now. They have had a difficult time finding potential commercial buyers because it is a large piece of property with difficult access to it. Ivory Homes feels that there needs to be more rooftops here to support the commercial use areas. There needs to be good mix of both types of uses.

Josh Sundloff asked if America First had considered subdividing the property themselves in order to sell in smaller pieces.

Chase Freebairn responded that America First wasn't interested in subdividing the property themselves and is why they had approached Ivory Homes. Ivory Homes agreed to help in developing the property because there were already commercial users interested in purchasing the commercial use areas. Those users are no longer interested in the property, therefore America First has decided to retain the property. Mr. Freebairn said that while he couldn't speak to what America First had done specifically to market the property, they have owned it for over ten years and they've struggled to sell it as one piece. While he understand why the city wants to keep any potential tax base, keeping the property undeveloped doesn't seem like the better option.

Josh Sundloff commented that whatever is built on this property will have to be destination commercial user. It is unlikely that any large retailer would be interested in this site, which is why this property hasn't been sold in the past.

Wilf Sommerkorn said that while he understands the reasoning behind why the City wants to retain the property, it is unlikely that there will be much retail users here, if any. With the review of the General Plan the city might also look into higher density along the freeway.

Matthew Anderson commented that it's usually the market that determines what will be built on a property, if anything. The owner of the property needs to figure out how to best market their property. Mr. Anderson said that while he would like to see commercial on this property, how long should we wait for a commercial user to be interested in it?

Thomas Wood stated that he is skeptical that this property has been marketed for ten years with no interested buyers. Mr. Wood said that he'd like to hear from America First to hear what they've done to market the property and about any potential offers they've had. Mr. Wood said that he would feel more comfortable approving this request had the builder shown that what is being proposed tonight was their last option.

Lyle Gibson commented that previously America First has not been willing to split the property, which has added to the challenge of selling the property. There have been commercial users interested in developing smaller lots here.

Josh Sundloff said that in reviewing the General Plan, the city might consider creating a new mixed use zoning district, and consider including this property in that zone.

Tamara Tran made a motion to recommend denial of the request to rezone 10.0 acres of property at approximately 700 South Deseret Drive from GC (General Commercial) to the R-2 (Single and Two-Family Residential) zoning district for Ivory Development. Betty Parker seconded the motion.

Voting was as follows:

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

The motion passed with a vote of five to one.

Wilf Sommerkorn commented that he's not against the proposed residential use but feels that we need more robust planning progress in our community.

Josh Sundloff said that he doesn't feel that delaying this rezone request to review the General Plan will solve anything.

Matthew Anderson commented that he feels that there needs to be more understanding of the market and the marketing efforts made by America First before making a decision.

Thomas Wood said that he agreed with Mr. Anderson and that there needs to be more reasoning for approving this request.

PUBLIC HEARING AND REQUEST TO REZONE 0.96 ACRES OF PROPERTY AT 233 SOUTH 400 EAST TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – HEIDI NETTLETON

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE PRIGMORE FLAG LOTS SUBDIVISION AT 233 SOUTH 400 EAST – HEIDI NETTLETON

Lyle Gibson explained that this property is located just north of Davis High School and is currently zoned R-D (Residential Diverse). Heidi Nettleton, the owner, desires to build a couple of homes on the rear portion of their property, and in order to do this the PRUD overlay zone is necessary. The underlying zone of R-D will remain the same. The Prigmore Flag Lots Subdivision preliminary plat includes a total of three lots. The existing home will remain on a standard lot fronting 400 East Street, on about 11,800 square feet of property. The flag lots will be 12,300 and 16,300 square feet in size, and will both access 400 East Street via a shared twenty-foot driveway.

Chairperson Matthew Anderson opened the Public Hearing.

LeVar Thompson said that he owns property which abuts to the north and east of this subject property, and has lived there for fifty-two years. He purchased a portion of his property from the Prigmore's years ago, with a verbal agreement that neither party would develop anything behind their homes. Because it was only a verbal agreement there is nothing to prove that this is going against what had been discussed many years ago. Davis High School has a building directly south of the Prigmore's property and the proposed flag stem driveways will run right alongside that building. The building is going to shade that driveway and will cause it to ice over in the winter. The neighbors here, including the Prigmore family, have spent much time in front of the City Council asking for help with the parking problems caused by the students of nearby schools. Students constantly block resident's driveways all along 400 East, and adding another driveway along here will just add to the problem. There are many schools in this area which brings in hundreds of cars here every morning. This street, 400 East, is already heavily traveled and the residents would like to see traffic lessened. It's already hard enough for residents to get out of their driveways as it is. They have also been seen kids jumping the neighbor's fences here and cut through backyards. Building a home behind other people's homes is an invasion of privacy to the neighboring homes. There are some very big safety concerns here and think those need to be addressed before we proceed forward with more development. The Prigmore family has a right to do something with their property, but this isn't the right development for it.

Michael Jensen said that he lives on 200 South, and these proposed homes would be directly in his backyard. They will degrade the value of his property and will be an invasion of privacy. Mr. Jensen commented that he has worked as a fireman for Kaysville City for many years and has dealt with several instances where they are responding to incidents on flag lots and it makes it very difficult to find the flag lot addresses. It causes confusion and delays their response times. It also is very hard to get emergency response vehicles to the homes in the back because of the narrow driveways. It's not the ideal situation and could be argued that flag lots go against public safety standards. They put both firefighters and the community at risk.

Matthew Anderson commented that the ordinances regarding flag lots were put into place by the City Council. As long as proposed flag lots meet the ordinances and regulations than there's not much reason to deny them unless city ordinances were changed.

Lyle Gibson added that the Fire Marshal reviews these flag lots and has input on whether they meet the fire standards or not.

Derek Miller said that he owns property on 200 South to the east. There is a flag lot further north on 400 East that hasn't been fully developed and is full of weeds where there are no houses yet. Mr. Miller said that adding a long driveway right next to the school will tempt kids to park in it. If the Prigmores' want to divide their property they should only be divided into two lots to better fit into the neighborhood.

Sam Hacking said that while he's not opposed to the development of a flag lot, he agrees with the comments made by Mr. Thompson. The neighbors are not in favor of this being developed into flag lots.

Tyler Higley commented that he is in favor of this project and sees the benefit that flag lots can

bring to a neighborhood. It wouldn't hurt to have a few backyard neighbors. This seems to be a good compromise instead of multi-family housing being built here. These are good sized lots and it's likely that some of these old trees could be preserved with the development as well.

Kevin Burton said that he used to live on 400 East in a duplex. There are many people along 400 that street who have kids. Building a flag lot will create more traffic and could create a hazard for the children in this area.

Rob Dansie said that he lives on 400 East and asked the Planning Commission to take into consideration how this development will impact the neighborhood. Mr. Dansie said that he hopes that whatever goes in there only benefits the community and the neighborhood as a whole. The neighbors certainly care what happens to their neighborhood. Many residents living here have been here a very long time. This request needs to be reviewed respectfully and responsibly to make all parties happy.

Derek Miller added that there are at least twenty seniors in the area with large lots who likely will want to develop their properties in a similar manner. This situation will likely occur again and this decision could set a precedence for the area.

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

Heidi Nettleton said that she lives on 400 East and this property was her grandparents. Her aunt and sister manage and maintain the home now. They had finally decided that they wanted to sell it, and she has an agreement to purchase the existing home pending the approval of this development. She has met with city staff and feels that they have met the requirements for flag lots. The lots will be the same size or larger than the existing surrounding lots here, with single family homes on them. Mrs. Nettleton added that she had spoken with some of the neighbors, most of which live adjacent to the property, to discuss their plans for the property. It is possible that her grandfather made an oral agreement with the neighbors to not develop the property, but it is something she's unaware of. Parking is definitely a problem in this area. Students are constantly blocking driveways, but adding two flag lots won't change that. Two more homes won't significantly add traffic to roadways. There will be mailboxes along the street front with all the buildings addresses. They plan to build homes that will fit into the look of the area and add to the neighborhood. They will be similar in size to the surrounding homes, and will be a good value. There is enough frontage here that they are going to be able to keep the original house on the property. They will also be trying to keep as much of the existing foliage as they can. Large lots, such as this, are more difficult to maintain and potential buyers aren't looking for lots with large yards anymore.

Josh Sundloff stated that these types of homes will attract families to the area and will be a benefit to the neighborhood.

Tamara Tran asked about what is required for the flag stems with the Fire Department.

Lyle Gibson responded that there will be a twenty foot shared driveway for the two flag lots.

They can exceed that width if they'd like, but the Fire Marshal will review the plans to ensure that they are in compliance.

Betty Parker asked if there are any restrictions on the number of flag lots that can be built in an area.

Lyle Gibson said that there is not. The city receives many inquiries from people living in this area about developing their properties into flag lots. However, while many of the lots around here are large enough to do so, they don't have the frontage required for flag lots. The land itself limits the amount of lots that can be built in an area.

Josh Sundloff commented that the proposed flag lots will be larger than some of the surrounding lots, and therefore this proposed development won't drastically change what is already here.

Wilf Sommerkorn commented that under the current zoning the applicant could split the lot in half without having to come before the Planning Commission and City Council for approval. We are only talking about a difference of one unit here.

Thomas Wood asked about the maintenance of the driveway.

Lyle Gibson responded that it would be maintained by the property owners.

Matthew Anderson added that the parking problems caused by the nearby schools is not the property owner's problem here.

Thomas Wood said that while he's not a fan of flag lots, he feels that this project fits within the neighborhood and meets the standards for a flag lot. The city has been approving flag lots in this area for years so a precedence has already been set. It's possible to change that when we review the General Plan, but as the ordinance is currently this development has met the requirements.

Wilf Sommerkorn made a motion to recommend approval of the request to rezone 0.96 acres of property at 233 South 400 East to include the PRUD (Planned Residential Unit Development) overlay zone for Heidi Nettleton. Thomas Wood seconded the motion and it passed unanimously.

Wilf Sommerkorn made a motion to recommend preliminary plat approval for the Prigmore Flag Lots Subdivision at 233 South 400 East for Heidi Nettleton. Thomas Wood seconded the motion.

Voting was as follows:

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

Betty Parker aye

The motion passed with a vote of five to one.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

The Planning Commission discussed the new procedure for providing the Planning Commission information about their meetings digitally.

Tamara Tran asked about changing the review process for certain conditional use permits.

Lyle Gibson responded that Staff could review the current procedure and see if there is a more timely way that those reviews could be done.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, December 13, 2018 at 7:00 p.m.

ADJOURNMENT

Betty Parker made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:30 p.m.