

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

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, August 22, 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 August 8, 2019.
2. Conditional use permit for a major home occupation "B," small engine repair at 2088 South 450 East for Darrin Johnston.
3. Public Hearing for the rezone of 1.27 acres of property at 831 East 250 South from the R-1-8 (Single Family Residential) zoning district to the R-2 (Single and Two Family Residential) zoning district for Flint Barber representative for Jack and Elaine Palmer.
4. Public Hearing for the rezone of .44 acres of property at 946 East 300 North from the R-1-8 (Single Family Residential) zoning district to the R-2 (Single and Two Family Residential) zoning district for Kouros Haroni.
5. Final plat approval for David's Place Subdivision-First Amended at 370 South Angel St for Catherine Webster.
6. Review and approval of new Planning Commission bylaws.
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, August 16, 2019.



Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Small Engine Repair. August 22, 2019

Applicant/Owner: Darrin Johnston
Location: 2088 South 450 East
Zoning: R-1-20

Description:

The applicant is requesting a conditional use permit for a Major Home Occupation B at the above listed address. Mr. Darrin Johnston is currently anticipating doing small engine repairs in his newly constructed garage addition to his home at before mentioned address. Mr. Johnston intends to have the items for repair delivered by the owner, or he will pick up with small 6x8 trailer and personal pick up truck. Mr. Johnston will store machines for repair and all parts inside garage.

Recommendation:

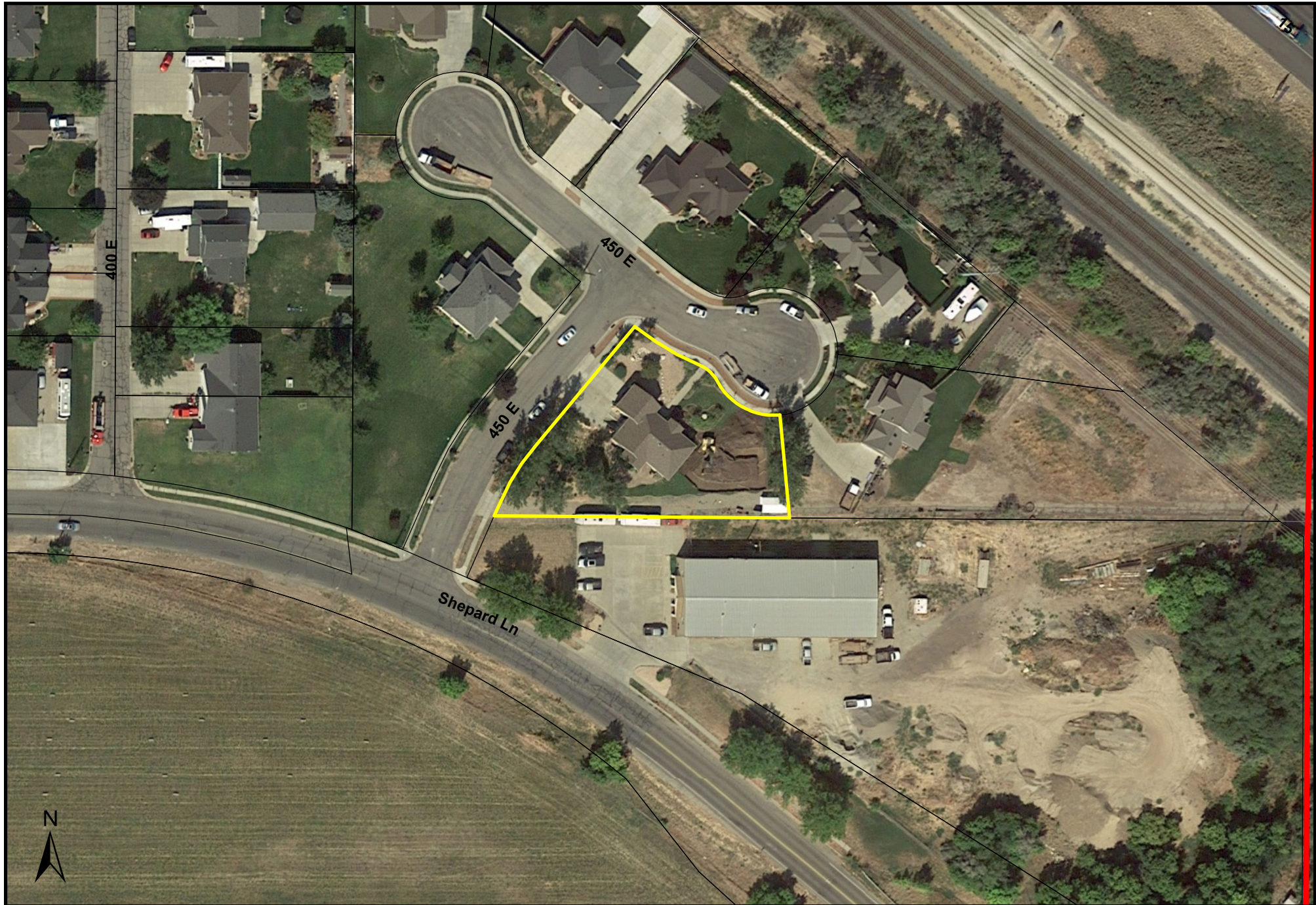
Staff is recommending approval of the proposed conditional use permit for a Major Home Occupation B, Small engine repair without the need for additional conditions.

Reasoning:

Having discussed the use with the applicant, staff feels that the restrictions already in place within the ordinance are sufficient for mitigating reasonably potentially detrimental impacts.

Attachment 1: Area Map

2088 South 450 East





Planning Commission Staff Report

Public Hearing and request to rezone 1.27 acres of property at 831 East 250 South from R-1-8 to the R-2 zoning district.

August 22, 2019

Applicant/Owner: Flint Barber representative for Jack and Elaine Palmer

Description:

The property owner at the above listed address is requesting a zone change to the property in order to accommodate a potential residential lot split for three building lots, and future construction of Duplex, or Twin Home dwelling units. There are existing Duplex and Twin Home dwellings to the east in the R-1-8 subdivision, and R-1-8 zone will not allow more than three two-family dwellings within a five hundred foot radius.

The requested R-2 zoning district allows for residential development of one and two family dwellings in a standard subdivision.

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.

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Attachment 1: Area Map

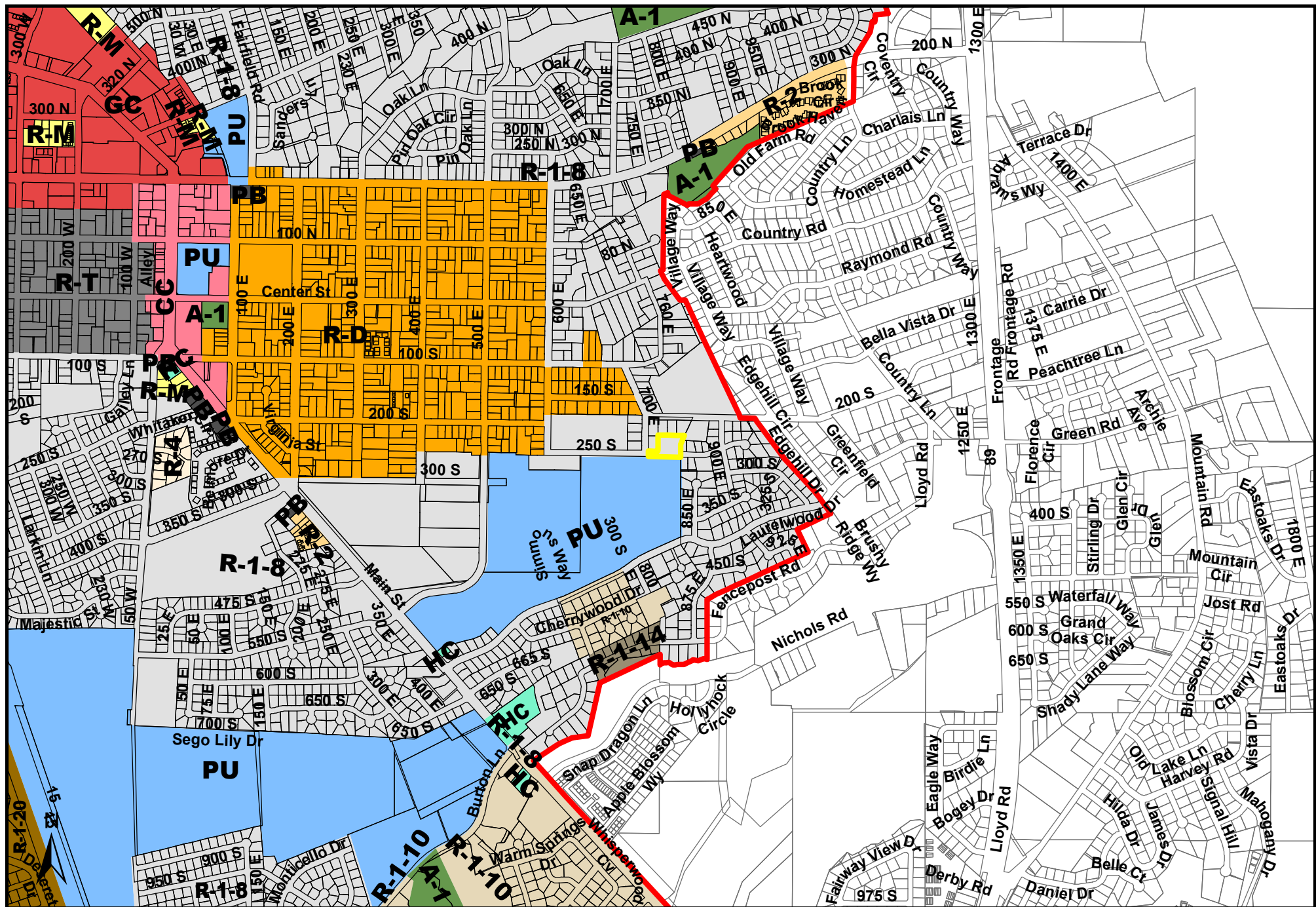
Attachment 2: Zoning Map

Attachment 3: Concept Site Plan

Rezone of 831 East 250 South from R-1-8 to R-2



Rezone of 831 East 250 South from R-1-8 to R-2



<https://www.google.com/maps/@41.030956,-111.9202109,98m/data=!3m1!1e3>





Planning Commission Staff Report

Public Hearing and request to rezone .435 acres of property at 946 East 300 North from R-1-8 to the R-2 zoning district.

August 23, 2019

Applicant/Owner: Kouros Haroni

Description:

The property owner at the listed address is requesting a zone change to the property in order to accommodate a potential residential lot split and future construction of a Duplex dwelling facing 200 North. Residents to the west have a similar lot split with a single family dwelling newly constructed.

The requested R-2 zoning district allows for residential development of one and two family dwellings in a standard subdivision.

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.

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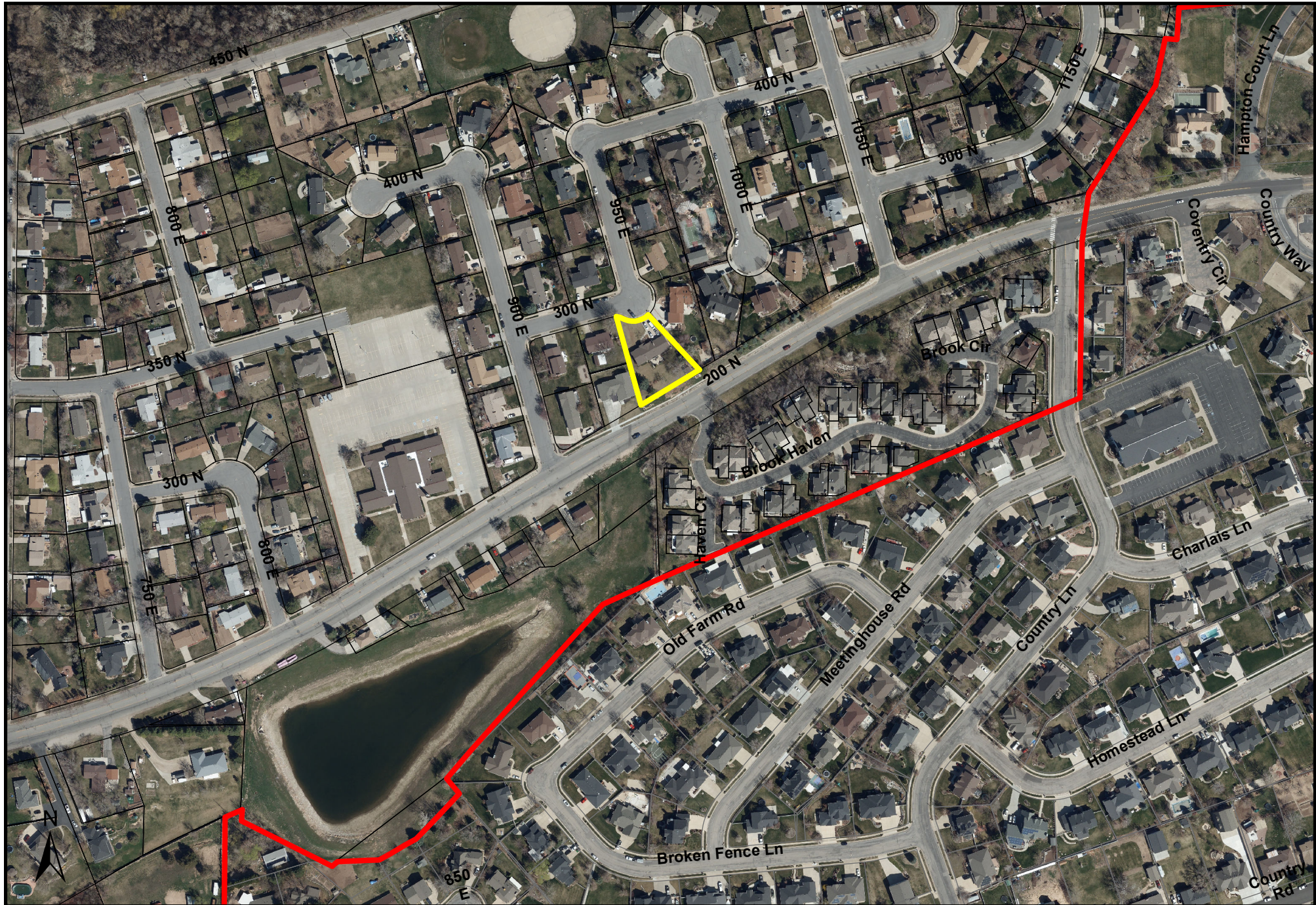
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Attachment 1: Area Map

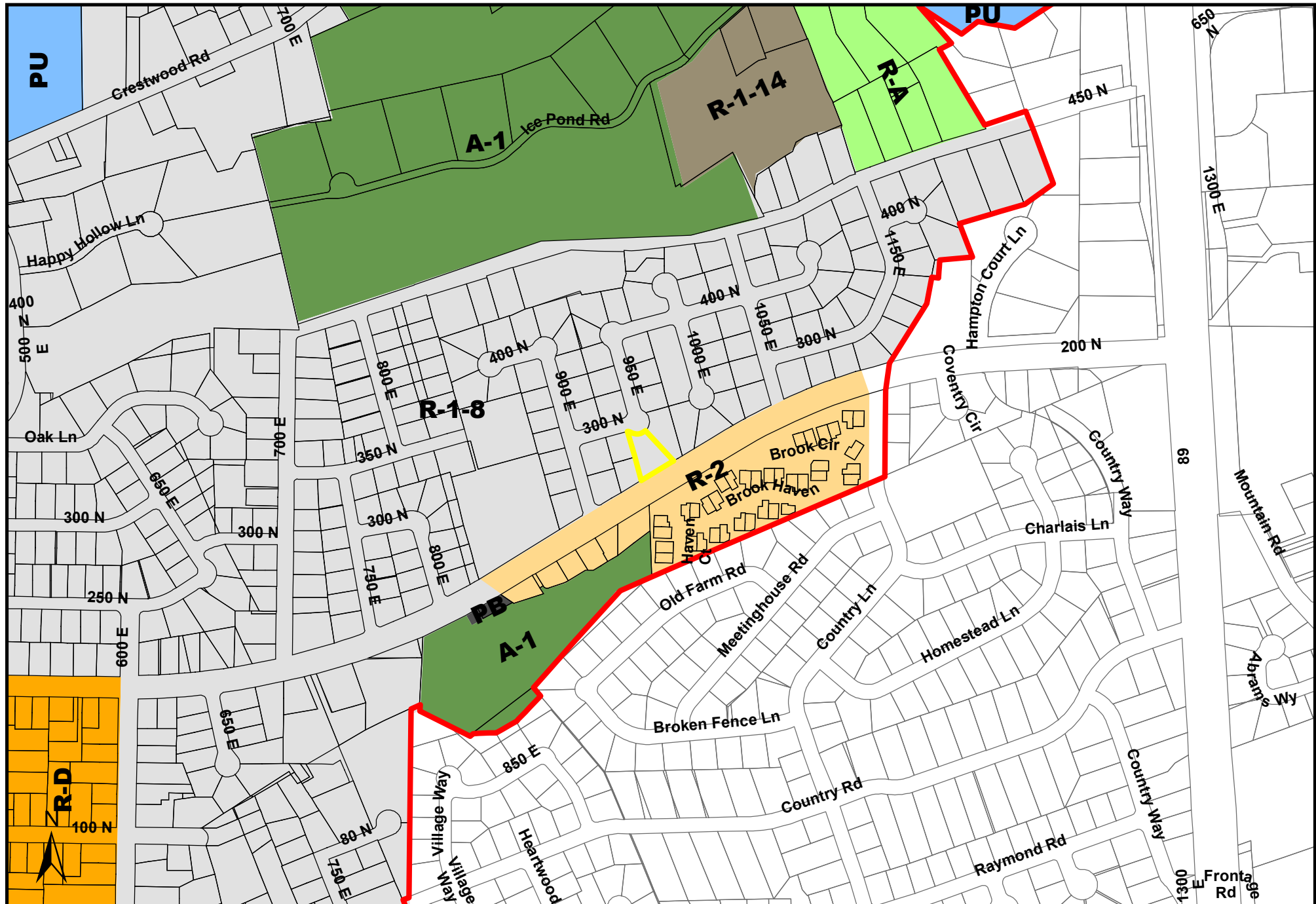
Attachment 2: Zoning Map

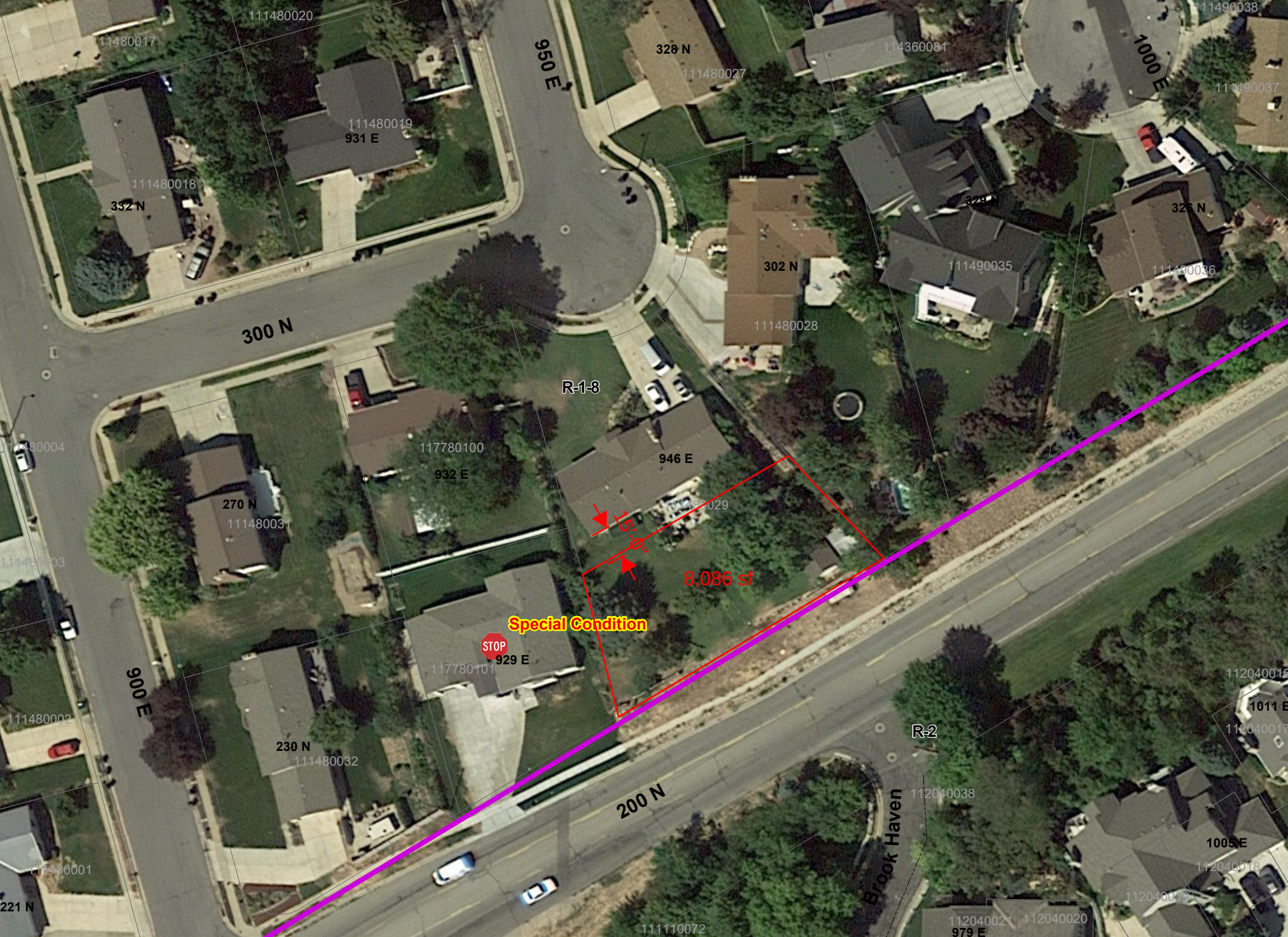
Attachment 3: Concept Site Plan

946 East 300 North - Rezone from R-1-8 to R-2



946 East 300 North - Rezone from R-1-8 to R-2





950 E

300 N

900 E

200 N

Brook Haven

R-1-8

R-2

Special Condition

8,086 sf

15.0'

6.0'

STOP

929 E

946 E

117780100

932 E

270 N

111480031

230 N

111480032

302 N

111480028

328 N

111480027

114360081

111490035

111490036

325 N

111490037

1000 E

1005 E

112040018

112040021

112040020

979 E

111110072

112040019

112040017

1011 E

112040016

221 N

111480001

111480002

111480003

111480004

111480017

332 N

111480018

111480019

931 E

111480020



Planning Commission Staff Report

Final Plat for David's Place First Amended Subdivision Preliminary Plat Approval January 11, 2018

Applicant/Owner: Catherine Webster
Location: 370 South Angel Street
Zone: R-1-20

Description:

This property was recently rezoned to the R-1-20 zoning district in order to accommodate a lot split. A preliminary plat was approved at that time. The property consists of 0.96 acres or 42,954 sq. ft.

The proposed final plat is consistent with the preliminary plat that was approved with the rezone of the property. It contains one lot with the existing home fronting angel Street which meets the lot size and frontage requirements for the zone. Lot 102 which will be the new home lot is 20,031 sq. ft. in size with 140 feet of frontage meeting and exceeding the lot size and frontage requirements for the zone.

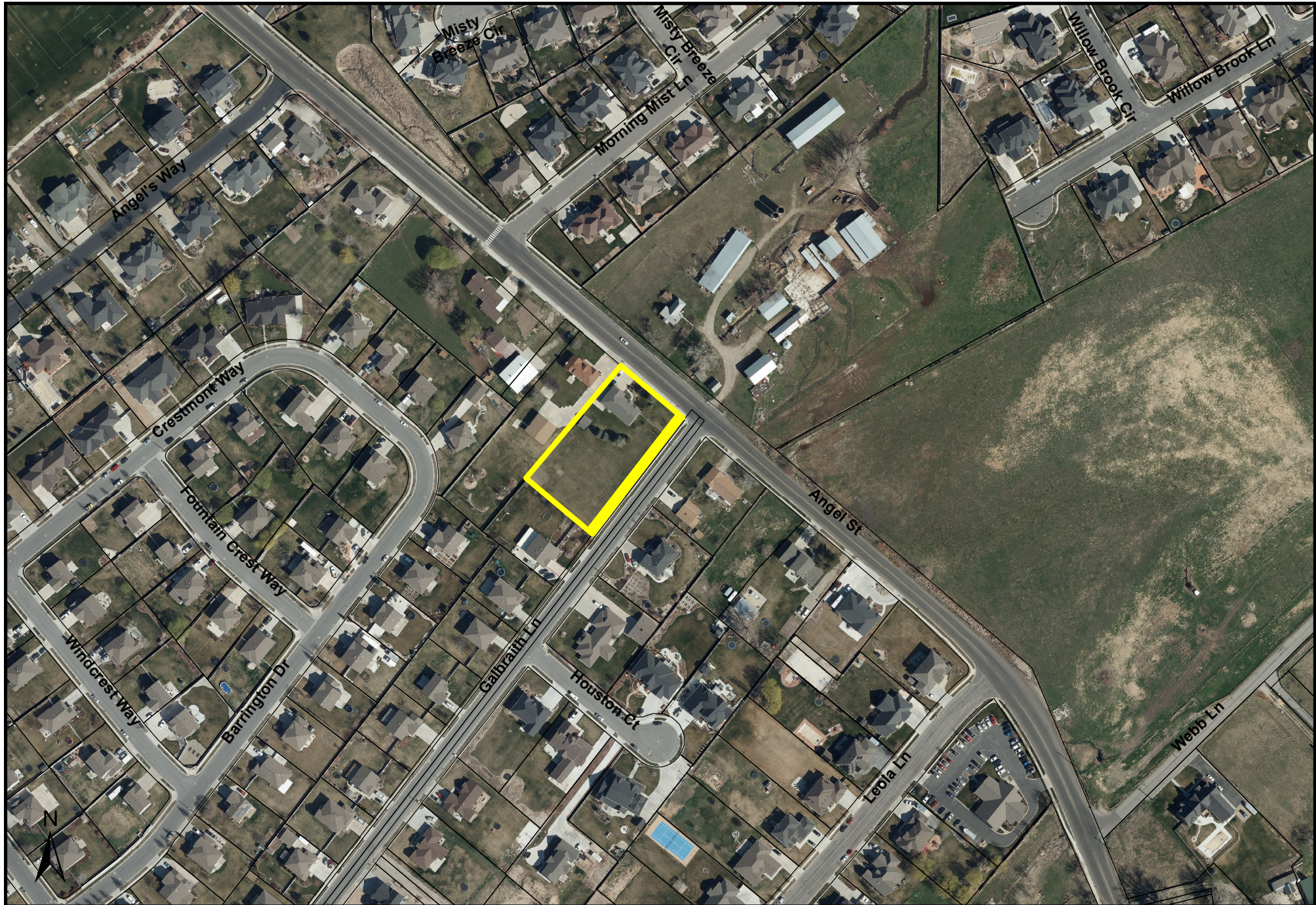
The property is already fully improved with street, curb, gutter and sidewalk.

Recommendation:

Staff has reviewed the final plat and recommends that the Planning Commission approve the final plat as proposed.

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

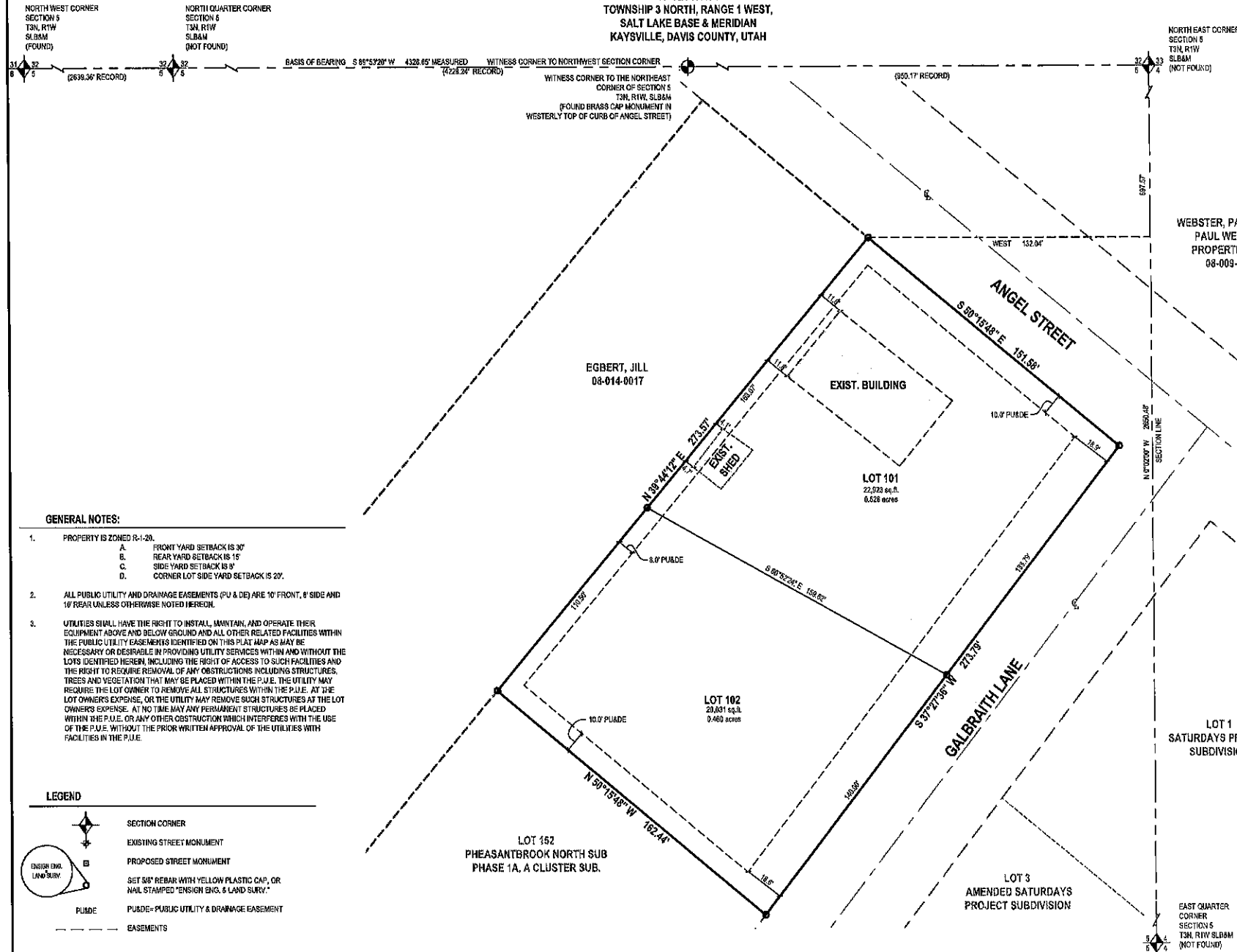
370 South Angel Street - Rezone from R-A to R-1-20



DAVIDS PLACE SUBDIVISION - FIRST AMENDED

AMENDING LOT 1, DAVIDS PLACE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER
OF SECTION 5
TOWNSHIP 3 NORTH, RANGE 1 WEST,
SALT LAKE BASE & MERIDIAN
KAYSVILLE, DAVIS COUNTY, UTAH



GENERAL NOTES:

- PROPERTY IS ZONED R-1-20.
 - FRONT YARD SETBACK IS 30'
 - REAR YARD SETBACK IS 15'
 - SIDE YARD SETBACK IS 5'
 - CORNER LOT SIDE YARD SETBACK IS 20'
- ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS (PU & DE) ARE 10' FRONT, 5' SIDE AND 10' REAR UNLESS OTHERWISE NOTED HEREON.
- UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREON INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E.

LEGEND

- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 5/8\"



LAYTON
1485 W. Hillfield Rd. Ste 204
Layton UT 84041
Phone: 801.547.1106
Fax: 801.593.8315
WWW.ENSIGNUTAH.COM

SALT LAKE CITY
Phone: 801.350.8019
TOLSON
Phone: 801.543.3290
GRAND CITY
Phone: 801.593.3443
RICHFIELD
Phone: 801.396.1583

CITY ATTORNEY'S APPROVAL

APPROVED THIS _____ DAY OF _____, 20____
BY THE KAYSVILLE CITY ATTORNEY.

KAYSVILLE CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20____
BY THE CITY PLANNING COMMISSION APPROVAL

CHAIRMAN, KAYSVILLE CITY PLANNING COMMISSION

CITY ENGINEER'S APPROVAL

APPROVED THIS _____ DAY OF _____, 20____
BY THE KAYSVILLE CITY ENGINEER

KAYSVILLE CITY ENGINEER

CITY COUNCIL APPROVAL

APPROVED THIS _____ DAY OF _____, 20____
BY THE KAYSVILLE CITY COUNCIL

CITY RECORDER

CITY MAYOR

SHEET 1 OF 1

PROJECT NUMBER: 9174
MANAGER: M. HERBST
DRAWN BY: A. SHELBY
CHECKED BY: M. HERBST
DATE: 8/1/19

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE
PAID _____ FILED FOR RECORD AND
RECORDED THIS _____ DAY OF _____, 20____
AT _____ IN BOOK _____ OF OFFICIAL RECORDS

DAVIS COUNTY RECORDER

DEPUTY RECORDER

SURVEYOR'S CERTIFICATE

I, MICHAEL B. HERBST, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 5646930 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

Beginning at a point on the Southwest line of Angel Street, said point being South 09°02'00\"

Contains 42,854 square feet or 0.986 acres and 2 Lots.

08-01-2019

Date:

Michael B. Herbst

Michael B. Herbst
License no. 5646930

OWNER'S DEDICATION

Known all men by these presents that I, the undersigned owner (s) of the above described tract of land, having caused same to be subdivided, heretofore known as the

DAVIDS PLACE SUBDIVISION - FIRST AMENDED

do hereby dedicate for public use of the public all parcels of land shown on this plat as intended for Public use. In witness whereof I have hereunto set our hand (s) this _____ day of _____, A.D., 20____.

PAUL DAVID WEBSTER ESTATE
By: CATHERINE L. WEBSTER
Its: ESTATE AGENT

By: CATHERINE L. WEBSTER

ESTATE ACKNOWLEDGMENT

STATE OF UTAH
County of Davis

J.S.

On this _____ day of _____, A.D., 20____, CATHERINE L. WEBSTER, personally appeared before me, the undersigned Notary Public, in and for said County of DAVIS, in the State of Utah, who after being duly sworn, acknowledged to me that she is the ESTATE AGENT of PAUL DAVID WEBSTER ESTATE, an Estate and that she signed the Owner's Dedication freely and voluntarily for and in behalf of said Estate for the purposes therein mentioned and acknowledged to me that said Estate executed the same.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

RESIDING IN _____ COUNTY.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH
County of Davis

J.S.

On this _____ day of _____, A.D., 20____, CATHERINE L. WEBSTER, personally appeared before me, the undersigned Notary Public, in and for said County of DAVIS, in the State of Utah, who after being duly sworn, acknowledged to me that she signed the Owner's Dedication, in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

RESIDING IN _____ COUNTY.

DAVIDS PLACE SUBDIVISION FIRST AMENDED

LOCATED IN THE NORTHEAST QUARTER
OF SECTION 5
TOWNSHIP 3 NORTH, RANGE 1 WEST
SALT LAKE BASE & MERIDIAN
KAYSVILLE, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE
PAID _____ FILED FOR RECORD AND
RECORDED THIS _____ DAY OF _____, 20____
AT _____ IN BOOK _____ OF OFFICIAL RECORDS

DAVIS COUNTY RECORDER

DEPUTY RECORDER



Planning Commission Staff Report

Review of Planning Commission bylaws. August 22, 2019

Description:

The existing Bylaws for the Kaysville City Planning Commission were last amended in 2013.

A proposed revamp of the bylaws for the commission is being proposed for consideration in order to more clearly define how the Planning Commission functions.

At the most recent Planning Commission meeting held 8/8/19 the commission reviewed the bylaws but determined to give opportunity for all members to give feedback before voting on the proposed changes.

Attachment 1: Current Bylaws
Attachment 2: Proposed PC Bylaws

BYLAWS
KAYSVILLE CITY PLANNING COMMISSION
Adopted March 28, 2013

Meetings

SECTION 1. REGULAR MEETINGS:

Regular meetings of the Planning Commission shall be held in the Municipal Center at 7:00 p.m. on the second and fourth Thursday of each month. At such meetings the Commission shall consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting.

SECTION 2. SPECIAL MEETINGS:

Special meetings of the Planning Commission shall be called and held at a time and place designated by the Chair or Vice Chair. Written notice thereof shall be delivered to each member's usual place of abode not less than twenty-four hours prior to the meeting.

SECTION 3. QUORUM:

At any meeting of the Planning Commission, a quorum shall consist of four members of the Commission. No official action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

SECTION 4. VOTING:

At all meetings of the Planning Commission, each member shall be entitled to cast one vote. Voting shall be by voice. Should any member of the Commission have a conflict of interest of any kind in a matter then before the Commission, he or she shall disqualify himself from voting upon the matter, and the Secretary shall record in the minutes that no vote was cast by such member. Action shall be taken upon a majority vote of a quorum voting.

SECTION 5. PROCEEDINGS:

- a. At any regular meeting of the Planning Commission, the following may be the regular order of business:
 - (1) Minutes of the preceding meeting
 - (2) Public hearings
 - (3) Old and new business
 - (4) Call to the public

- (5) Other matters:
 - (a) Reports
 - (b) Correspondence
 - (c) Calendar
- (6) Adjournment

b. Each formal action of the Planning Commission required by law, rule or regulation shall be embodied in a formal motion duly entered in full in the Minute Book after a vote has been taken as provided in Section 4 hereof.

c. Public hearing shall be noticed and held to consider any agenda item that received public hearing and then was tabled for longer than one (1) calendar year.

SECTION 6. RULES OF PROCEDURE:

All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Order.

Officers

SECTION 7. OFFICERS:

The officers of the Planning Commission shall consist of a Chair and a Vice Chair. The Planning Commission shall elect a Chair and Vice Chair to serve a term of one year. The Zoning Administrator shall be the Secretary of the Commission. In the event the Secretary shall be absent from any meeting, the Zoning Administrator shall designate an acting Secretary.

SECTION 8. DUTIES OF OFFICERS:

The duties and powers of the officers of the Planning Commission shall be as follows:

- b. Chair:
 - (1) To preside at all meetings of the Commission.
 - (2) To call special meetings of the Commission in accordance with these Bylaws.
 - (3) To sign documents of the Commission.
 - (4) To see that all actions of the Commission are properly taken.
- c. Vice Chair:

During the absence, disability or disqualification of the Chair, the Vice Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

d. Secretary:

- (1) To keep the minutes of all meetings of the Commission in an appropriate Minute Book.
- (2) To give or serve all notices required by law or by these Bylaws.
- (3) To prepare the agenda for all meetings of the Commission.
- (4) To be custodian of Commission records.
- (5) To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
- (6) To handle funds allocated to the Commission in accordance with its directives, the law, and City requirements.
- (7) To sign official documents of the Commission.

SECTION 9. VACANCIES:

Should any vacancy occur among the members of the Planning Commission or among its officers, immediate notice thereof shall be given to the City Recorder by the Secretary.

Amendments

SECTION 10. AMENDING BYLAWS:

These Bylaws may be amended at any meeting of the Planning Commission provided that notice of said proposed amendment is given to each member in writing at least twenty-four hours prior to said meeting.

BYLAWS OF THE KAYSVILLE CITY PLANNING COMMISSION

PURPOSE

These policies and procedures, as amended, are designed and adopted for the purpose of providing guidance and direction to the members of the Kaysville City Planning Commission in the performance of their duties.

ARTICLE 1 - GENERAL PROVISIONS

The Kaysville City Planning Commission, hereinafter referred to as "the Commission", shall be governed by the following statutes, ordinances and rules:

1.1 Applicable State Statutes and Local Ordinances and Rules

To the extent that they remain in force and in effect, as they are amended, or as they are added to, the Commission and its members shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying to public boards, members and officials.
- b. State statutes governing the activities of City Planning Commissions.
- c. The Zoning Ordinance/Development Code of Kaysville City as adopted by the City Council.
- d. The rules and policies of the Commission as set forth herein.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission

Upon taking office, all members of the Commission shall familiarize themselves with the foregoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

1.3 Rules of the Commission to be Available from Kaysville City

A current copy of the rules of the Commission shall be available as a public record in the Kaysville City office. A copy of the rules of the Commission shall be provided to new Commission members upon appointment. Additional copies shall be provided to the Commission and made available to the public upon request.

ARTICLE II - MEMBERS

2.1 Appointment, Resignations and Removals

The membership and appointment of the Commission shall be governed by the provisions of the Utah Code and applicable ordinances of Kaysville City.

Members proposing to resign shall give reasonable notice of such intent to the City Council, Planning Commission and the Mayor of the City, and make the date of resignation effective in such a manner as to allow time for appointment of replacements.

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the Chair, shall be construed by the Chair as grounds for resignation from the Commission by absence. The Chair would then recommend removal of the Commissioner to the Mayor to then be approved by the City Council.

ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Commission in the month of July, the Commission shall elect a Chair and Vice Chair. If a quorum is lacking, the Commission will hold an election at the next regularly scheduled meeting at which a quorum is available.

3.2 Succession of Vice Chair to Office of Chair

If the Chair becomes no longer a member of the Commission, the Vice Chair shall succeed to the office for the remainder of the term. If the Vice Chair becomes no longer a member of the Commission or succeeds to the office of Chair, a special vote shall be held to fill the vacancy of the Vice Chair. Said vote shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

3.3 Duties of the Chair and Vice Chair; Appointment of Temporary Chair to Preside at Meetings

If present and able, the Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside for that meeting. The Temporary Chair shall abide by all rules and policies set forth herein.

3.4 Delegation to Vice Chair

The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during his/her absence or in the case of his/her disability to perform necessary Commission functions in a timely manner.

3.5 Managerial Responsibilities

The Chair shall conduct all meetings of the Commission, interface with Mayor in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these rules, the ordinances of Kaysville City and State Law.

3.6 Appointment of Committees

The Chair may designate members of the Commission to make personal inspections when necessary for proper consideration of agenda items. The Chair may appoint standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the function of the Committee.

3.7 Appointment of Secretary: Duties

The secretary to the Commission shall be appointed by the Mayor. The Secretary shall attend to all correspondence of the Commission, send out and cause to be published all notices required, attend all meetings of the Commission and all public hearings (or arrange for a qualified substitute when unable to attend), compile and maintain all required records, schedules, minutes, files and indexes; and generally perform all clerical work of the Commission. This office need not be filled by an appointed member of the Commission.

ARTICLE IV - CONDUCT OF COMMISSION MEMBERS

4.1 Representation of Applicants and Petitioners

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest

No member of the Commission shall participate in or discuss any case in which they have financial or personal interest in the property or action concerned, or will be directly affected by the decision of the Commission, or has or believes they have any other conflict of interest. A member who has a question as to whether a conflict of interest exists should raise the matter

with the Commission members and the City Attorney in order that a determination may be made.

4.4 Voting

No Commission member shall discuss or vote on any matter deciding an application or petition except after attending the public meeting(s) and/or hearing(s) on the matter and listening to or being informed of testimony presented. A member may qualify to participate in further discussion and vote on the matter by examining the evidence, or being informed of the evidence or reviewing the record of the meeting(s) and/or hearing(s) or portion thereof at which the member was absent.

ARTICLE V - MEETINGS, HEARINGS

5.1 Regular Meetings

Regular meetings of the Commission will be held twice monthly on the second and fourth Thursday of each month at 7:00 p.m. unless the Planning Commission determines another date and time during a regularly scheduled meeting for upcoming meetings. These regularly scheduled meetings may be cancelled pursuant to section 5.9.

5.2 Open to Public

All meetings of the Commission are open to the public, in accordance with the Utah Public and Open Meetings Act.

5.3 Conduct During Hearings

During all meetings and hearings, persons providing testimony shall proceed without interruption except that from the Commission. All comments, arguments and pleading shall be addressed to the Chair. There shall not be debate or argument between individuals. The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. The Chair, after consultation with other members, may determine a time limit of speakers at the beginning of any public hearing.

5.4 Rules of Order

In accordance with these rules, the Chair shall decide all points of procedure and order, unless otherwise directed by a majority vote of the members in attendance. Where necessary in deciding points of order, the Chair may use as a reference the *Robert's Rules of Order, Newly Revised, In Brief*.

5.5 Study Sessions

Study Sessions of the Commission shall be held if found necessary. Notice of the Study Session shall be in accordance with City and State law.

5.6 Special Meetings and Study Sessions

Special Meetings and Study Sessions, for any purpose, may be held at the call of the Chair. Notice of such meeting shall be in accordance with City and State law.

5.7 Field Trips

Field trips, as the Commission may determine to be useful or necessary, shall be scheduled by the Chair during Regular meetings. Commission members shall establish an optimal time through group consensus. Field trips shall be noticed in accordance with City and State law.

5.8 Recess or Adjournment

Any Regular or Special Meeting may be recessed or adjourned from day to day, or to the time of any previously announced Regular or Special Meeting, and such recess or adjournment to a certain time and place shall be noticed as required by Utah State Code or Kaysville City Ordinance.

5.9 Cancellation

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chair by giving notice to all members, and posting appropriate public notice.

5.10 Quorum

A quorum of the Commission shall consist of four (4) members. An affirmative vote of at least three (3) members and no less than a majority of the Commission present at the meeting shall be required for any matter to pass.

5.11 Tie Votes

If a motion before the Commission receives an equal number of votes, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed denied.

5.12 Agenda, Order of Business

The Secretary shall prepare an agenda for each Commission meeting. The order of business shall be as follows:

- (1) Minutes of preceding meetings
- (2) Items of business for consideration by the Commission
- (3) Call to the public
- (4) Other matters (reports, correspondence, calendar)
- (5) Adjournment

The order of business for a given agenda may be modified upon a vote of the Commission.

ARTICLE VI – PROCEDURE: ORDER OF BUSINESS

6.1 Representation

Any applicant may appear or be represented by authorized agents. Such agents shall present documented evidence of their authorization.

6.2 Order of Consideration

The following procedure for items of business before the Commission will normally be observed. However, it may be rearranged by the Chair for individual items as may be necessary for the expeditious conduct of business:

- a. The Chair introduces the item.
- b. Staff presentation and recommendation.
- c. Applicant presentation. The Chair, after consultation with the Commission, may impose a time limit upon the presentation, as may be expeditious.
- d. Public Comment. If the item is required by Code or Ordinance to have a public hearing, the Chair shall declare the opening of the public hearing portion of the meeting. If a public hearing is not required, the Chair may, at his/her discretion, allow for limited public comment. The Chair may, as necessary for expeditious conduct of business and without objection from the Commission, impose a time limit for each speaker presenting public comment.
- e. Upon completion of public comment, the Chair shall declare the public hearing closed., without objection from the Commission.
- f. The Chair may allow the applicant to address issues raised by the public comment.
- g. The Chair shall allow members of the Commission to discuss the matter without further comment from the applicant, staff and the public. Commission members may, however, with the permission of the chair, ask questions as desired of the applicant and staff.

- h. Upon completion of the Commission discussion, the Chair may call for a motion and a second by the Commission on the application.
- i. With a valid motion and second on the table, the Chair shall allow for discussion of the motion by the Commission. Other appropriate motions may be made during this time.
- j. Upon completion of discussion, or upon a call for the question by a Commission member, the Chair will call for a roll call vote of the Commission members.

If during the proceedings the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions

With due consideration to the length of the Agenda, the nature of the case, the complexity of the evidence, and the findings required, the Chair may elect, subject to approval by the Commission, one of the following alternatives:

- a. To proceed immediately to determination and decision upon conclusion of the hearing of the case; or
- b. To defer determination and decision until a Regular or Special Meeting of the Commission as specified by the Chair.

7.2 Form and Procedure of Decisions

All such decisions shall be made at a public meeting by motion, made and seconded, and a voice vote.

Decisions of the Commission shall be final when the minutes of the meeting at which the decision was made are approved.

7.3 Notification

Notice of action taken by the Commission shall be given by the Commission to the applicant, petitioner or any party making a written request for such within ten days following approval or the decision.

ARTICLE VIII - REQUEST TO WITHDRAW, CONTINUE OR RE-HEAR APPLICATIONS

9.1 Withdrawal

Upon written request or upon verbal request during an item's consideration in a public meeting from the applicant or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case.

9.2 Continuance

The Commission may defer the hearing of cases or provide for later continuance of cases on which hearings have begun. Continuances will show cause for such stated in the motion, and, unless time and place are stated in said motion, will require public re-notice.

ARTICLE X - AMENDING OR WAIVING BY-LAWS

10.1 Amending By-Laws

These by-laws may be amended by a majority vote of the Commission except where such amendment would be contrary to the requirements or limitations set forth by State Law or City Ordinance. An amendment may be proposed at any meeting of the Commission. Members shall receive a copy of the proposed or amended by-laws not less than two days prior to the meeting at which said proposed changes shall be heard.

10.2 Waiving or Suspending Rules

A rule of procedure may be suspended or waived at any meeting by a majority vote of Commission members present, unless such rule is set by State Law or City Ordinance.

10.3 Temporary Rule

A temporary rule of procedure, in conformity with State Law and City Ordinance, may be adopted by the Commission for a meeting or agenda item following a unanimous vote of the Commission members present.

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

August 8, 2019

Planning Commission Members Attended: Chairperson Wilf Sommerkorn, Vice Chairperson Joshua Sundloff, Tamara Tran, Quan Nguyen, Toby Barrus

Absent: Matthew Anderson, Steve Lyon,

Staff Present: Zoning Administrator Lyle Gibson, Dan Jessop, Secretary Heather Nielsen

Others Present: City Councilman Larry Page, David Harris, Marge Harris, Tristan Halls, Michael Halls, Brian Frandsen, George H. Sheffield, Bert Warren, Shelly Warren, Ann Pritt, Tom Pritt, Phil Holland, Brent Burningham, Diana Hill, Dave Hill, Steve Einfeldt, Gary Hoffman, Brian Altom, Dyan Wallace, Kathy Johnson, David Johnson, Sidney Stevenson, Ramona Porter, Carole Walker, Chris Snell, Becky Burton.

OPENING

The Planning Commission meeting was held on Thursday, August 8, 2019 at 7:00 p.m. in the Municipal Center. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present.

The minutes of the July 11, 2019 meeting were presented for approval. Josh Sundloff made a motion to approve the minutes. Tamara Tran seconded the motion and it passed unanimously.

PUBLIC HEARING FOR THE REZONE OF .38 ACRES OF COMBINED PROPERTY AT 520 AND 540 E. 200 N. FROM THE R-D (DIVERSE RESIDENTIAL) TO THE R-M (MULTI FAMILY RESIDENTIAL) ZONING DISTRICT TO INCLUDE THE PRUD OVERLAY ZONE FOR BRENT BURNINGHAM.

Lyle Gibson explained that the subject property is currently developed. Each address includes an existing duplex along 200 North Street. The existing buildings were constructed in the early 1960's and the applicant/property owner is interested in options for redevelopment of the property.

The existing zoning district allows single family dwellings as a permitted use or multiple dwellings by conditional use if they are pre-existing, meaning in staff's opinion that the same number of existing units could be replaced without the need for a rezone.

The applicant is requesting the R-M zoning district to allow for the possibility of additional units and the PRUD overlay zone to allow for more flexibility in their configuration and the ability to plat each unit separately.

The property is surrounded by the R-D zoning district to the west, south, and east with R-1-8 zoning to the north.

As a rezone request, this is a legislative decision and the Planning Commission will be seeking to make a recommendation to the City Council where the final decision will be made.

Chairperson Wilf Sommerkorn invited the applicant to the stand. The applicant Brent Burningham explained that he would like to tear down the deteriorating twin homes and build new townhouses.

Quan Nguyen asked Mr. Burningham what the price per townhouse might be. Mr. Burningham said that he would like to build cheaper townhouses with single garages priced in the mid \$200,000 range.

Tamra Tran asked how many units Mr. Burningham wanted to build. He responded eight. Lyle Gibson informed the Planning Commission that based on the properties square footage the property most likely could only accommodate six units.

Chairperson Wilf Sommerkorn opened the public hearing and began by stating that the Planning Commission had received letters from neighbors concerned about the development.

Burt Warren approached the stand. He is concerned that the developer might add dirt to heighten the property and cause more water runoff onto his property. He is currently having issues with water runoff and would like something to be done about it. He is also concerned about the water pressure and feels that it is really low. Adding more users would further reduce his water pressure.

Shelly Warren delivered a letter to the Planning Commission from a concerned neighbor which they individually read.

Brian Frandsen said that there are way too many duplexes in this area. There are currently five duplexes in a one block radius making a total of 12 units. He feels that this development should be moved to another part of the city since they already have too many.

Dave Hill asked what the new zoning would do that the current zoning does not. Lyle Gibson said that as far as uses it is similar. The primary distinction would be density; how many dwelling can exist on the property.

Chairperson Wilf Sommerkorn closed the public hearing. He offered the applicant a chance to provide a rebuttal to the comments made, however the applicant declined.

Chairperson Wilf Sommerkorn made the comment, this is the evolution for older properties in Kaysville City. They will be redeveloped. They, as Planning Commission members need to ask themselves if what they have here is appropriate for the location.

Vice Chairperson Josh Sundloff said, in looking at the rezone this works with the general plan for Kaysville City. It is along a major street and revamps outdated properties.

Tamara Tran said she felt that eight units was too many for the area. Lyle Gibson, stated that based on his numbers he felt they could only build six units. Tamara Tran also wanted a fence added to the exterior of the property.

Tamara Tran made a motion to recommend approval to the City Council the rezone of .38 acres of combined property at 520 and 540 E. 200 N. from a R-D (Diverse Residential) to the RM (Multi Family Residential) zoning district to include the PRUD overlay zone for Brent Burningham with the following conditions:

- No more than six units shall be built.
- Limit the height to a two story building.
- Address the drainage issues.
- Put a fence around the exterior of the property.

Quan Nguyen seconded the motion and it passed unanimously.

PUBLIC HEARING FOR THE REZONE OF 25.34 ACRES OF PROPERTY AT 700 S. DESERET DRIVE FROM GC (GENERAL COMMERCIAL) TO LI (LIGHT INDUSTRIAL) AND R-2 (ONE TO TWO FAMILY RESIDENTIAL) ZONING DISTRICT TO INCLUDE THE PRUD OVERLAY FOR PHIL HOLLAND.

Lyle Gibson said the applicant is proposing a rezone of the property that sits just south of Boondocks between Deseret Drive and the Freeway for the purpose of potential development. A development agreement has been provided as part of the rezone application for consideration of the City which shows the desired use of the property where half of the area would be developed under the R-2 PRUD zone for single family residential use at 5.5 units per acre and the other half of the property would be developed under the LI zone with architectural standards to match the existing GC zoning district. Development in the LI zone per the proposal would include office, flex space, and storage units to replace existing units elsewhere in the city.

The proposed residential includes its largest lots up against the existing residential subdivision to the south. It would be considered a common open space subdivision and requests a 20 foot front yard and 5 foot side yard consideration as opposed to a typical 25 foot front yard and 8 foot side yard.

As a rezone the Planning Commission is tasked with making a recommendation to the city council based on its findings of how well the proposal works at the specific location and how well it conforms to the city's general plan.

Chairperson Wilf Sommerkorn invited the applicant Phil Holland to the stand. Tamara Tran asked Mr. Holland which part of the development they plan on developing first. Mr. Holland said the commercial office buildings would be built first. He already has demand for half of the commercial spaces.

Josh Sundloff asked if there is such a high demand for this commercial office space here then why not add more commercial space. Mr. Holland said that if you build too much commercial then it becomes oversaturated and too risky. He feels that this development has the right balance.

Josh Sundloff asked why they need to add storage units to the development. Mr. Holland said that the owner of the storage units near 200 North would like to build storage units in this development and redevelop his current property.

Chairperson Wilf Sommerkorn opened the public hearing.

Brian Altom approached the stand. He said he loves the residential idea of the development, however both times this plan was brought forward to the City Council it was denied. He doesn't feel that there is much of a change with this new plan. He doesn't like the idea of storage units in the development.

Chairperson Wilf Sommerkorn said they recieved some emails regarding this development and everyone on the Planning Commission has reviewed them.

Chairperson Wilf Sommerkorn closed the public hearing.

Tamara Tran said she is willing to approve the development if they include the storage unit property trade off. Josh Sundloff also agreed that this property exchange would be good for Kaysville City.

Josh Sundloff made a motion to recommend approval to City Council the rezone of 25.34 acres of property at 700 S. Deseret Drive from GC (General Commercial) to LI (Light Industrial) and R-2 (One to Two Family Residential) zoning district to include the PRUD overlay zone for Phil Holland with the following conditions:

- The storage unit property be exchanged.

Tamara Tran seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE COTTAGES
AT HARVEY ESTATE AT 1955 W. 200 N. FOR CAPITAL REEF
MANAGEMENT/BRAD FROST.**

Lyle Gibson reminded the Planning Commission that the city council recently voted to approve a rezone and development agreement at the subject property to accommodate the proposed development.

The project presented at the time of rezone included 22 lots on the 5 ½ acres of property with open spaces along 200 North and another at the west end of the cul-de-sac street for use as detention of storm water. The overall layout and number of lots has remained consistent with what was approved. The size of the lots have adjusted some in order to comply with the common open space provisions of the PRUD ordinance.

The lots range in size from 6,708 sq. ft. to 19,191 sq. ft. in size. The development will continue 1700 West Street through to 200 North Street. Per the development agreement the developer will be providing an island median at the entrance the subdivision along 200 North Street as well as improvements at Angel Street and 75 S. that are off the subdivision plat.

The proposed preliminary plan has been reviewed by multiple agencies including utility providers and public safety. There are a few utilities where different options are still being considered for final engineering design, but each reviewer believes that the general layout and number of lots can be served.

Staff recommends the Planning Commission forward a positive recommendation to the City Council for the approval of the preliminary plat for the Cottages at Harvey Estates with the following conditions to be addressed at final plat.

- As part of the final review, detail of both traffic medians be provided for the applicable locations outlined in the development agreement for the subject property.

Chairperson Wilf Sommerkon opened the public hearing.

Dave Johnson wanted to make sure that the irrigation water running through the property will be preserved and passed downline so that he and others can use it. He would also like something other than vinyl fencing put around the development because he is concerned with vinyl fence vandalism and the possibility of his horses getting loose.

Michael Halls wondered what will happen to the irrigation ditch and trees in that area. He said that the ditch irrigates his property and he would like to keep access to that. He wasn't sure looking at the plat map if that ditch was going to stay or not. He would also like to see the landscaping plan before it get developed. He sees nothing in the plan regarding landscaping and how they plan on dealing with the retention basin at the end of the property. He is also concerned about the water pressure with the development's elevations. He wants to make sure that this development does not create more issues.

Steve Einfeldt is also concerned with the irrigation water.

Kathy Johnson wanted to see if the trees along the purposed sewer line could stay. The trees serve as a buffer for her horse arena and she doesn't want them to be torn down.

Chairperson Wilf Sommerkorn closed the public hearing.

Chairperson Wilf Sommerkorn asked Lyle Gibson why the sewer district can't change the plans to keep the trees. Lyle Gibson said the Planning Commission can encourage the sewer district to run their line another way, but they can't demand the change.

Josh Sundloff asked why there were no medians shown on the plat map if the development agreement requires them. Chairperson Wilf Sommerkorn agreed with Josh Sundloff and said that

if they are supposed to be incorporated within the development then they should appear on the plat map.

Becky Burton approached the stand and said that she would not like a median to put on Angel and 75 S. because they won't be able to fit their horse trailer through the road to their barn.

Lyle Gibson said that according to the development agreement with the rezone, City Council requested a median be placed on that road. Several of the neighbors were concerned with cut through traffic and wanted the medians constructed.

Chairperson Wilf Sommerkorn said this might be something that the City Council should revisit.

Tamara Tran made a motion to recommend approval to City Council the preliminary plat approval for the Cottages at Harvey Estates at 1955 W. 200 N. for Capital Reef Management/ Brad Frost with the recommendation that City Council review the following items they addressed:

- The medians need to be added to the plat map.
- Consider the removal of the median located at Angel and 75 S.
- Review alternative sewer routes to save the trees that serve as a buffer to the horse arena.

Toby Barrus seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR WESTGATE SUBDIVISION PHASE 1 AT 2301 W. SCHICK LANE FOR PERRY DEVELOPMENT.

The applicant has been working on the engineering details for the initial phase of the Westgate Subdivision. The phasing is consistent with the original phasing plan presented to the city with the preliminary plat for the property. It consists of 28 total lots. 16 of which are in the R-1-LD zoning district and another 12 in the R-1-8 zoning district.

Phase one will connect to Bonneville lane and 200 North Street (Schick Lane). Lots range from 8,077 sq. ft. in size to 23,810 sq. ft. in size. The developer will be improving an extension of Bonneville Lane, Leach Lane, and Westgate Lane together with all the required utility improvements to serve the subdivision.

Staff recommends that the Planning Commission approve the final plat for Westgate Subdivision Phase 1.

Josh Sundloff made a motion to approve the final plat for Westgate Subdivision Phase 1 at 2301 W. Schick Lane for Perry Development. Tamara Tran seconded the motion and it passed unanimously.

REVIEW PLANNING COMMISSION BYLAWS.

Lyle Gibson told the Planning Commission that the existing Bylaws for the Kaysville City Planning Commission were last amended in 2013. Chairperson Wilf Sommerkorn has proposed a

revamp of the bylaws for the commission is being proposed for consideration in order to more clearly define how the Planning Commission functions.

The Planning Commission decided to wait to discuss and adopt the new bylaws until all members of the Planning Commission could be in attendance.

CALL TO THE PUBLIC

Nothing was brought forth.

CALENDAR

Kaysville City Housing Options Open House will be held August 14, 2019 from 6:00 to 8:00pm at City Hall.

The next regularly scheduled Planning Commission meeting will be held on Thursday, August 22, 2019 at 7:00 p.m.

ADJOURNMENT

Chairperson Wilf Sommerkorn made a motion to adjourn the meeting. Quan Nguyen seconded the motion and it passed unanimously. The meeting adjourned at 9:50 p.m.