

KAYSVILLE CITY PLANNING COMMISSION NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, February 13, 2020 at 7:00 p.m. in the **Kaysville Fire Station Building at 175 South Main St, Kaysville, UT.**

The agenda shall be as follows:

1. Oath of Office Ceremony – Swearing in of Planning Commission by Annemarie Plaizier – City Recorder
2. Opening and approval of the minutes from the January 9, 2020 meeting.
3. Conditional use permit for a major home occupation “B” for a general contractor at 273 East 100 South – Brice Tippetts.
4. Conditional use permit for a major home occupation “B” for life coaching sessions at 99 North 760 East – John and Andrea Spears.
5. Conditional use permit for a major home occupation “B” for a flooring contractor at 946 East 300 North – Frank Jameson with Frank’s Floors.
6. Approval of Kong Gym commercial building design and parking requirement.
7. Public hearing and rezone consideration for 3.98 acres of property at 700 South Deseret Drive from the R-2 (Residential) to the LI (Light Industrial) zoning district – Privet Barrow.
8. Public Hearing for the rezone and consideration of a development agreement to add the PRUD (Planned Residential Unit Development) overlay zone to 1.5 acres of property at 191 South Flint Street – Phil Holland.
9. Public Hearing and Preliminary and Final Plat approval for the Elms on Flint 3 lot subdivision at 191 South Flint Street – Phil Holland.
10. Public hearing and consideration of a rezone of 2.22 acres of property at 1422 South Sunset Drive from the R-A (Residential Agriculture) to the R-1-LD (Single Family Low Density) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone – Carl Horne.
11. Public hearing and preliminary plat approval for the Horne Flag Lot Subdivision located at 1422 South Sunset Drive – Carl Horne.
12. Public hearing and preliminary plat approval for the Angel Place Subdivision Amended at 37 South Angel Street – Steven and Sherrilee Einfeldt

13. Final Plat approval for the Hob Hill 2nd Amended Subdivision (Formerly Kourosh Subdivision) at 946 East 300 North – Kourosh Haroni.

14. Public hearing and consideration of an ordinance enacting section 17-4-7, appointment of Planning Commission Alternates of Title 17, Planning and Zoning.

15. Public hearing and consideration of an ordinance mending multiple sections of title 17 dealing with lot width and yard requirements, Section 17-25-6, Projections into Required Yards, Exemptions or Modifications, and Section 17-31-2, Accessory Buildings of Title 17, Planning and Zoning.

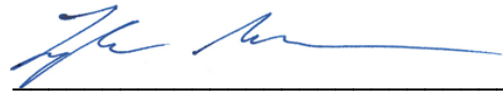
16. Call to the public.

17. Other matters that properly come before the Planning Commission:

- a. Reports.
- b. Correspondence.
- c. Calendar.

18. 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, February 7, 2020.



Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation "B" Contractor (General Contractor) February 13, 2020

Applicant/Owner	Brice Tippetts
Location:	273 East 100 South
Zone:	R-D (Residential Diverse)

Description:

The applicant is requesting a conditional use permit for a Major Home occupation "B" at the above listed address. Brice Tippetts is hopes to run a General Contractor business from his home. Mr. Tippetts explained that no employees will visit the listed address. Mr. Tippetts has a 20 foot trailer that will be stored on the property and will parked behind a privacy fence. The applicant has explained to staff that no construction materials will be delivered to his home address; they will only be delivered to the job site. The home occupation will not display any signs on the premises.

Recommendation:

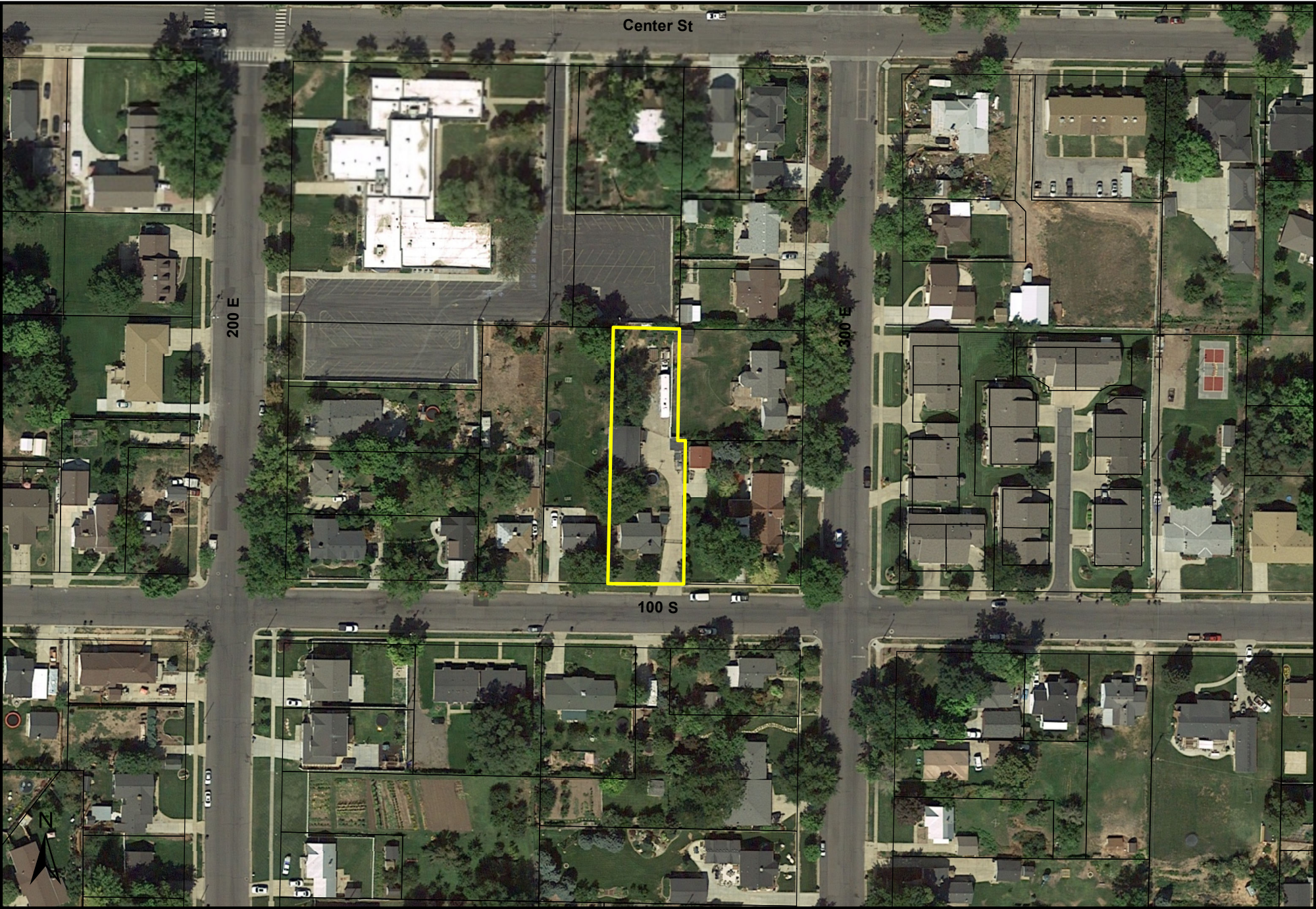
Staff recommends approval of the proposed Conditional Use Permit for a Major Home occupation "B", for Mr. Brice Tippetts with no additional conditions.

Reasoning:

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

Attachment 1: Area Map

273 East 100 South





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation-B Life coaching Feb 13, 2020

Applicant/Owner	Andrea Spears
Location:	99 North 760 East
Zone:	R-1-8 (Single Family Dwellings)

Description:

The applicant is requesting a conditional use permit for Major Home Occupation "B" at the above listed address. Andrea Spears is currently anticipating doing Life Coaching, at present she anticipates having only one or two clients per week at separate sessions. She is applying for a major home occupation conditional B in anticipation of sometime having a group session of no more than 15 people or family group, which would exceed the Home Occupation C limit of less than 4 people at single session. There is ample frontage and driveway for customer parking.

Organized classes are permitted as a Major Home Occupation B per KCC 17-26-4 (12) (c) with the requirement that limits be placed on the number of students and/or the number of vehicles transporting students to prevent congestion.

Recommendation:

Staff recommends approval of the proposed Conditional Use Permit for Andrea Spears with the condition that a limit of 15 people be put in place in order to help prevent potential congestion per KCC 17-26-4 (12) (c).

Attachment 1: Area Map

99 North 760 East





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Flooring install contractor Feb 13, 2020

Applicant/Owner:	Frank Jameson
Location:	946 E 300 N
Zone:	R-1-8 (Single Family Residential)

Description:

Mr. Jameson is requesting a conditional use permit for Major Home Occupation B at the above listed address. Frank is anticipating being a flooring installation contractor from his home. He will have no employees or materials delivered to the subject residence. Mr. Jameson will not have any signs or commercial vehicles.

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

Recommendation:

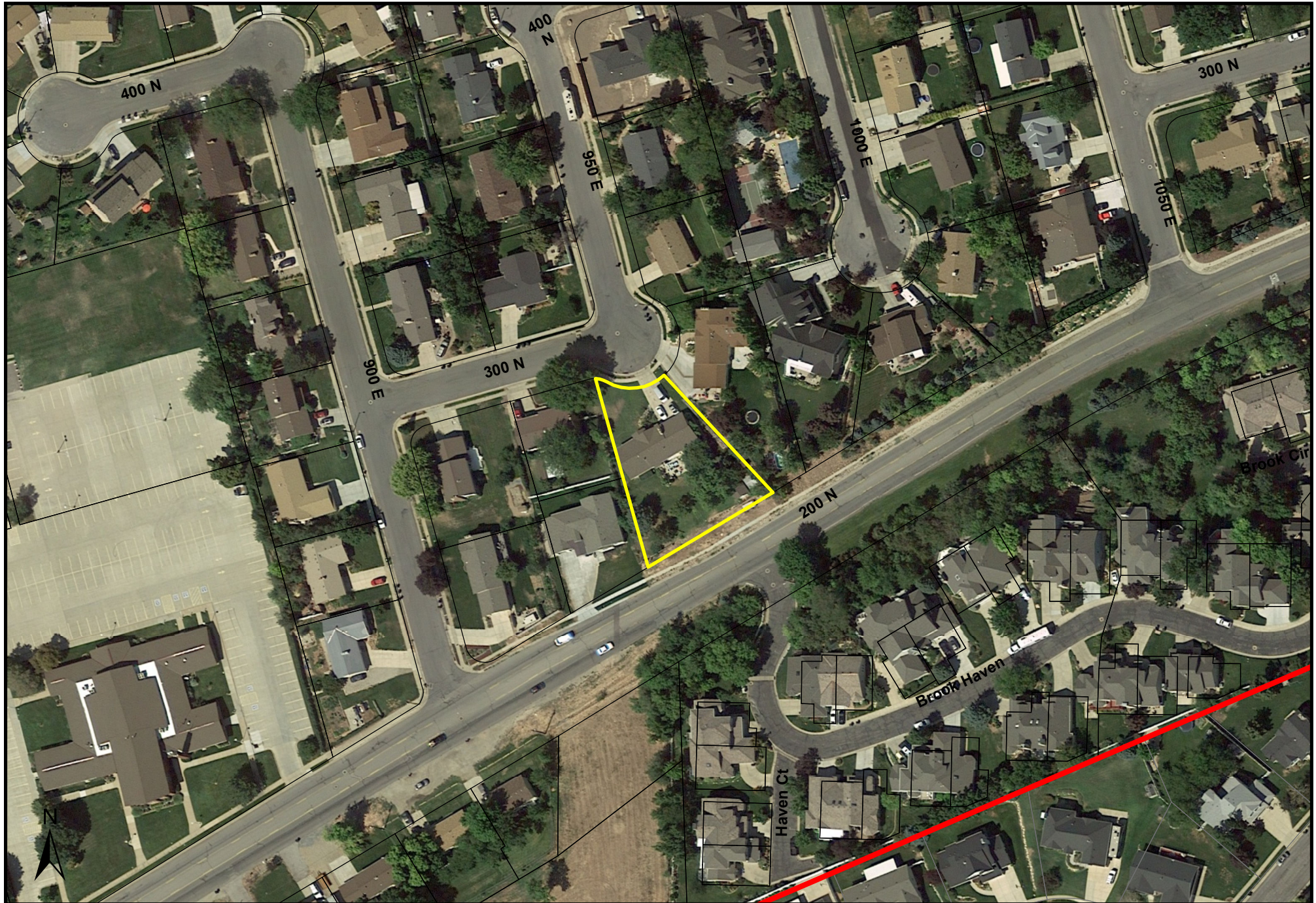
Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, Flooring installation contractor, at the above listed address without additional conditions.

Reasoning:

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

Attachment 1: Area Map

946 East 300 North





Planning Commission Staff Report

Commercial Building Design and Parking Requirement Approval. February 13, 2020

Applicant/Owner: Chaz Walker with Kongo Gym
Location: Approximately 700 South Deseret Drive
Zone: LI (Light Industrial)

Description:

The property along Deseret Drive just south of Boondocks has been under review for some time in consideration of future development. Last a rezone was approved for the property which changed the zone from the GC (General Commercial) to the existing LI (Light Industrial) zoning district. The intent at the time behind the rezone was to be a bit more flexible in the uses that would be permitted on the property in particular to allow for more uses without the need for conditional use approval. A development agreement was put in place at the time which gave the LI district but maintained the requirement that buildings constructed on the commercial acreage shall be subject to the provisions of Chapter 18-5-1 through 18-5-9 of KCC.

Generally staff completes this review and is able to approve commercial building design standards at time of building permit. The applicant is aware of the design standards and has sought to comply with them but is seeking approval from the Planning Commission for their proposed structure primarily due to the type of construction the applicant desires to pursue. The ordinance states in 18-5-5 that 'facades should be stone, brick, concrete masonry, stucco and/or glass. Wood vinyl and metal may be used as trim, accent, soffit, or fascia materials.' The proposed building is a steel structure, however the applicant believes that this will comply with the ordinance as the specific product can mimic the look of other approved materials and follows the purpose of the commercial building design chapter.

The applicable ordinances for Commercial Building Design are below.

18-5-1 Purpose

This Chapter and the regulations contained herein are adopted and enacted to promote architectural and site design treatments that enhance the visual appearance of commercial development within Kaysville City; enhance the streetscapes of the City; create and maintain a strong community image and identity; require treatments that reduce the mass/scale and uniform monolithic appearance of large commercial buildings, and insure that commercial buildings and projects incorporate architectural features that provide visual interest, while allowing design flexibility.

18-5-5 Building Materials And Colors

The following guidelines are intended to encourage colors and durable materials that are compatible with and complimentary to the area.

1. Building facades should be stone, brick, concrete masonry unit, stucco and/or glass. Wood, vinyl and metal may be used as trim, accent, soffit, or fascia materials. Fiber cement siding may be used as an exterior material on buildings with City approval.
2. The color of all buildings is subject to City approval. The dominant overall color scheme of the building should generally be subtle, subdued, low reflectance, neutral or earth tones. Building colors should enhance the architecture of the building as opposed to promote garish colors simply intended to attract attention. Brighter primary colors may be used as accent elements, such as door and window frames and architectural details. Fluorescent or metallic colors should only be allowed as signage.
3. All buildings in a Commercial Complex should be compatible by using one or more of the same building materials and colors.

Pictures of the building and the proposed material are provided in this report. The applicant is also anticipating bringing a sample of the building material to the Planning Commission meeting.

In addition to consideration of the material used for the building façade, the Planning Commission is tasked with determining the parking requirement for this use per KCC 17-32-5 which states that recreation areas parking is determined by specific review of the Planning Commission. As a benchmark and gage, per 17-32-5 (2) it states that Parking for uses not specifically listed [in this section] shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the Planning Commission.

Kaysville City's ordinance list the following uses that most closely approximate some of the uses proposed in the building:

Intensive retail commercial: 3.5 spaces per 1,000 sq. ft. of shops selling directly to the floor area public.

Less intensive commercial: 1.5 spaces per 1,000 sq. ft. of business as furniture, appliance floor area and lumber sales.

Offices – personal services including medical and dental: 2 spaces per 1,000 of floor area plus 1 for each employee per shift

Offices – Business – 3.5 spaces per 1,000 sq. ft. of floor area.

Bowling alleys, skating rinks – 2 spaces per 1,000 sq. ft. of floor area.

Golf Courses, tennis courts, and similar recreation areas: Determined by the Planning Commission.

In addition to considering uses already listed in the city's ordinances, staff has the following for the consideration of the Planning Commission:

- Based on experience of staff members attending games, we estimate about 30 cars per field/court, about 1 car per athlete (15 players per team), + parking to handle transitional traffic adds about 30 more needed stalls. This equates to **60 stalls per field**.
- Per the Institute of Transportation Engineers Parking Generation Manual: soccer complex, sports complex generates **58.8 vehicles per field** during peak times.
- Our parks department shoots for **50 stalls per field** and they claim that were they have that much parking it is sufficient 90% of the time.

- Looking at other community ordinances many don't specify a number for the type of use being proposed, most say 'as determined by the planning commission'. One that I did find was from Salt Lake City that asks for 3 spaces for each 1,000 sq. ft. of gym/rec facility.

Based on this information, staff recommends that parking be provided at 50 spaces per field and 2 spaces per 1,000 sq. ft. of space dedicated to other uses. This could mean approximately 450 needed parking stalls.

The applicant has provided a letter stating their reasons for requesting less parking. Staff has checked some of the cited ordinances and confirmed the numbers provided by the applicant.

Recommendation:

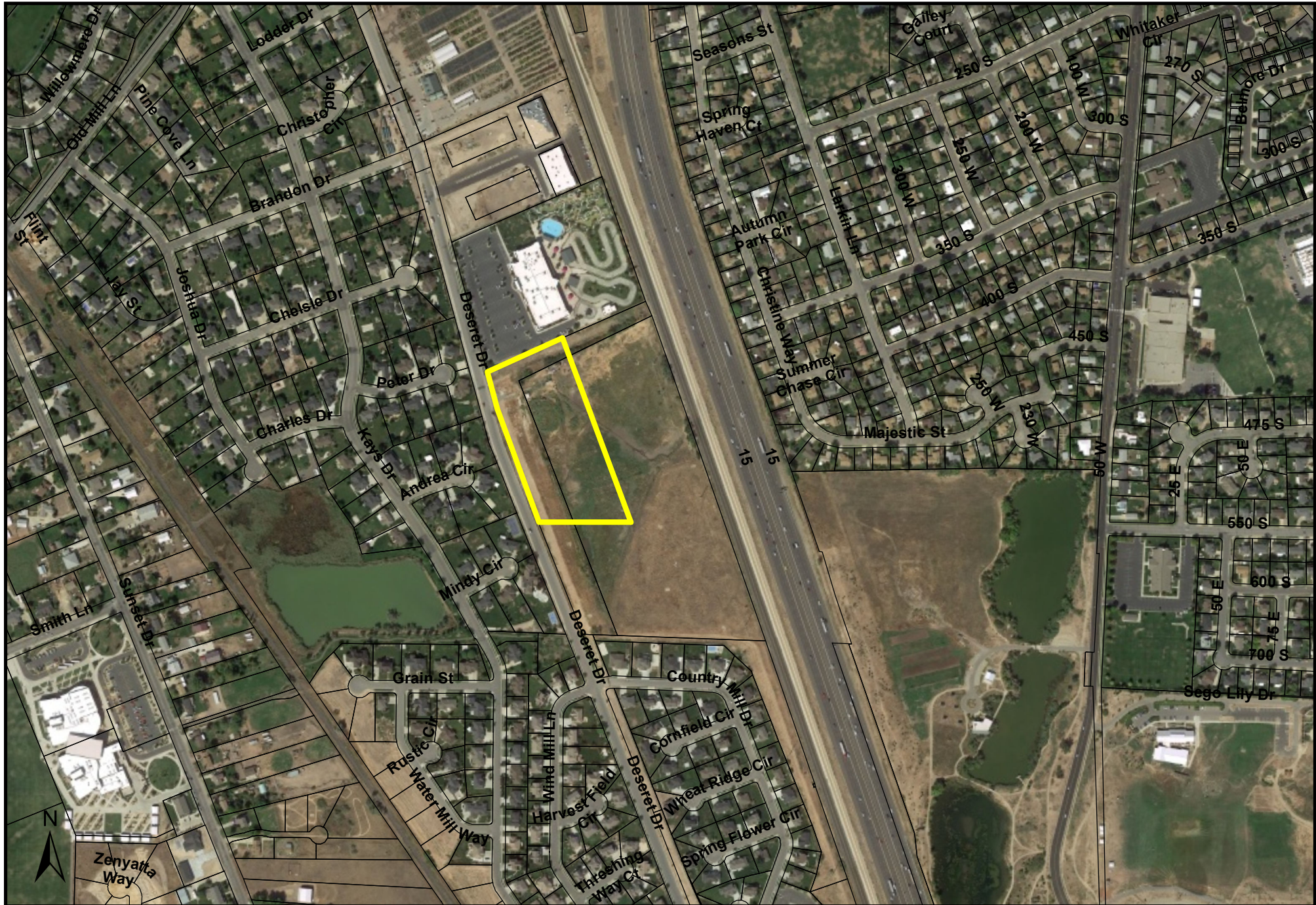
Staff is seeking a motion on 2 items.

It is staff's opinion that there are many different building materials available on the market that may not have been around when the ordinance was written that can meet the intent and purpose of the city's ordinances and create attractive facades, if the Planning Commission feels that the material resembles a material allowed by the ordinance the applicant should be allowed to use it to construct the building.

Without consideration to the applicant's specific business model, staff's recommendation for the parking requirement is 50 spaces per field/court and 2 spaces per 1,000 sq. ft. of space dedicated to other uses. Whatever number is determined to be appropriate by the Planning Commission, staff would recommend that it be approved as a ratio rather than a total number of required stalls as the final building design may change.

- Attachment 1: Area Map
- Attachment 2: Site Plan
- Attachment 3: Floor Plan
- Attachment 4: Proposed Elevations.
- Attachment 5: Photos of building material.
- Attachment 6: Letter from applicant explaining parking.

Kongo Gym Location - Approx. 700 South Deseret Drive



ZONING
KONGO GYM = GENERAL COMMERCIAL, GC
RECREATION/OFFICE

<u>SITE</u>	
TOTAL AREA =	278,766 SF
ENCLOSED BUILDING FOOTPRINT =	111,160 SF (40%)
REQUIRED LANDSCAPING =	27,876 SF (10% OF SITE)

ACCESSIBLE PARKING REQUIRED = 6
ACCESSIBLE PARKING PROVIDED = 6 (1 VAN)

[illegible]

541 WEST 6570 SOUTH
MURRAY, UT 84123

paul@order-arch.com
www.order-arch.com

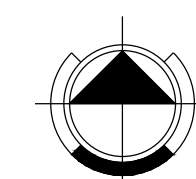
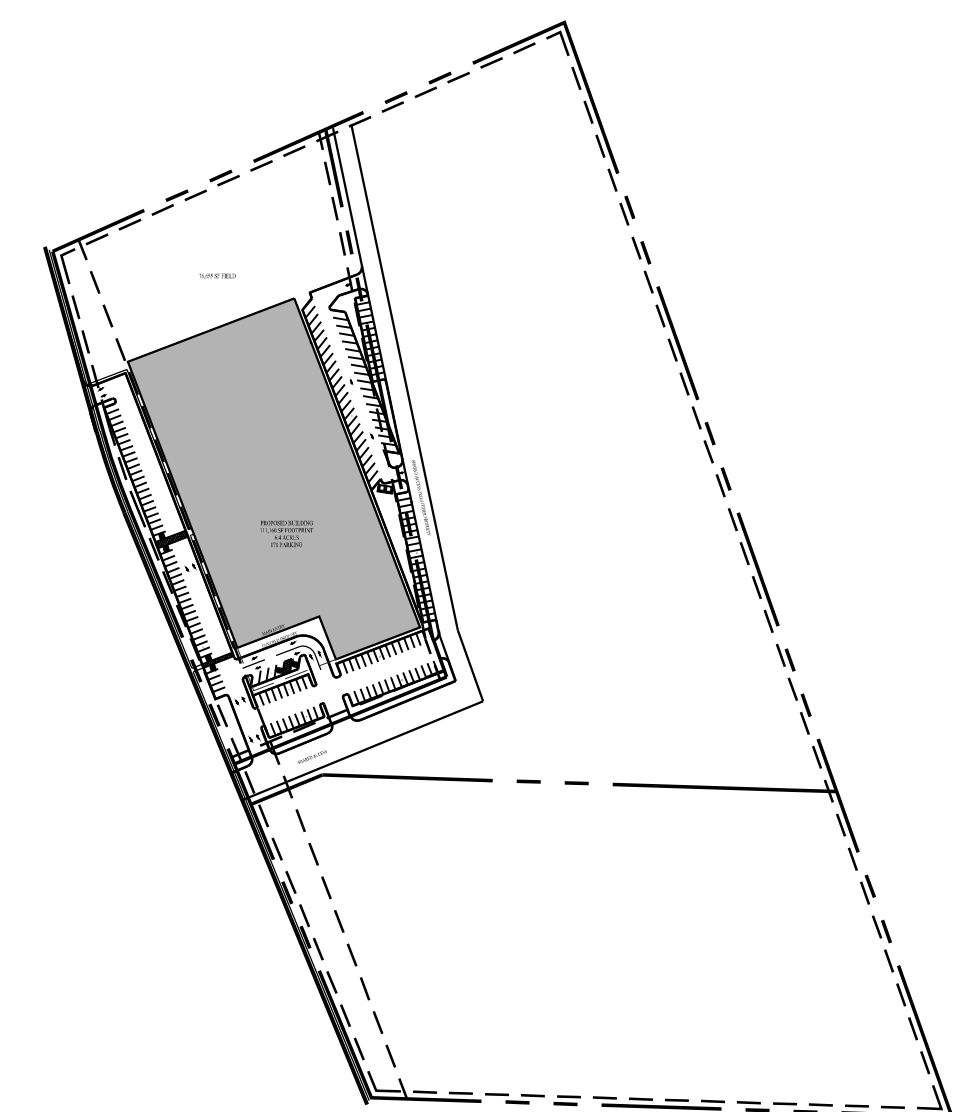
KONGO GYM
555 SOUTH DESERET DRIVE
KAYSVILLE, UTAH 84037

PROJECT NUMBER
123.1801

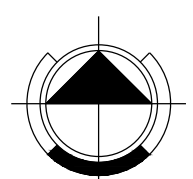
SITE PLAN

DRAWING NUMBER

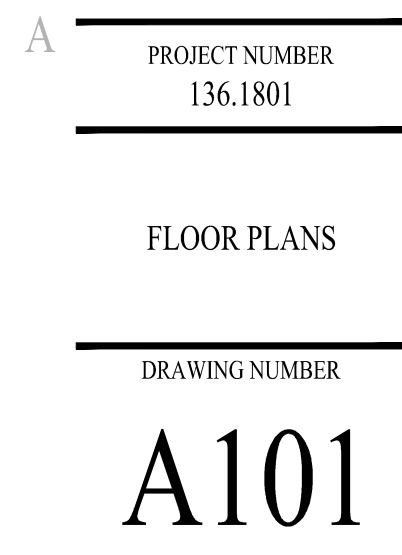
A101



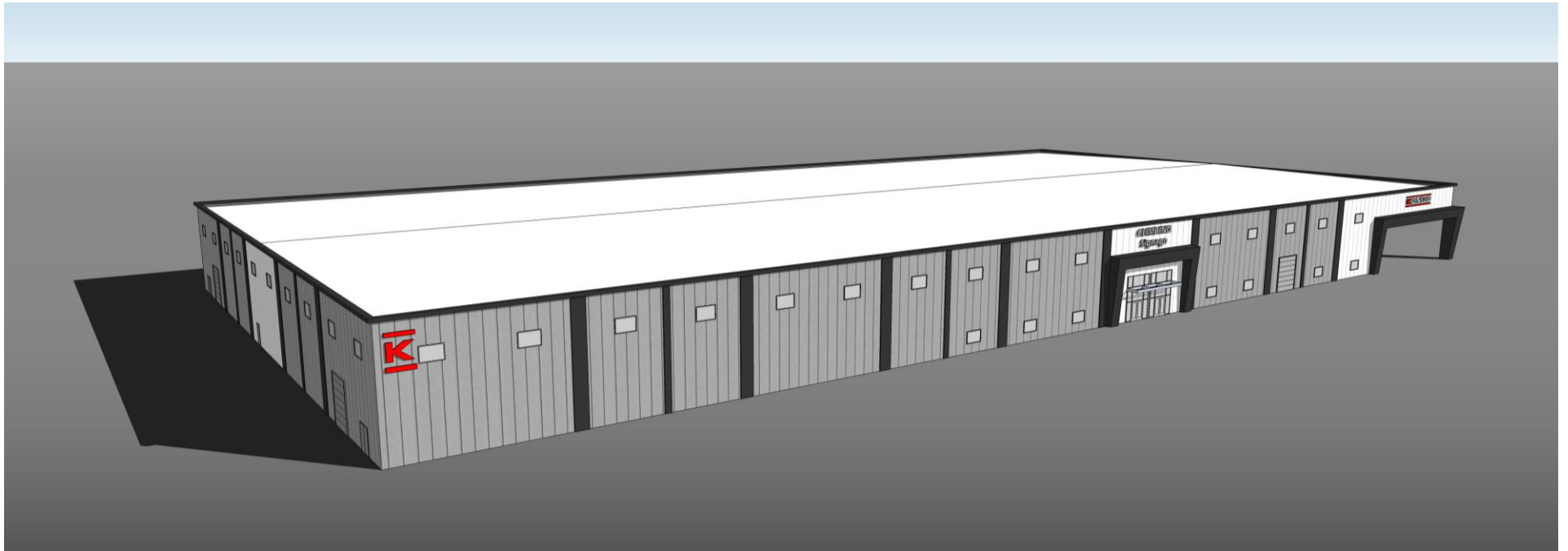
A6 OVERALL SITE PLAN
A101 SCALE: NTS



A1 KONGO GYM PROPOSED SITE PLAN
A101 SCALE: 1" = 50'-0"



MARKS	ISSUE DESCRIPTION	ISS. DATE	#	REV. DESCRIPTION	REV. DATE
	ISSUED	03.04.2020	1		
	ISSUED	03.04.2020	2		
	ISSUED	03.04.2020	3		
	ISSUED	03.04.2020	4		
	ISSUED	03.04.2020	5		
	ISSUED	03.04.2020	6		
01	SCHEMATIC DESIGN	03.04.2020	7		

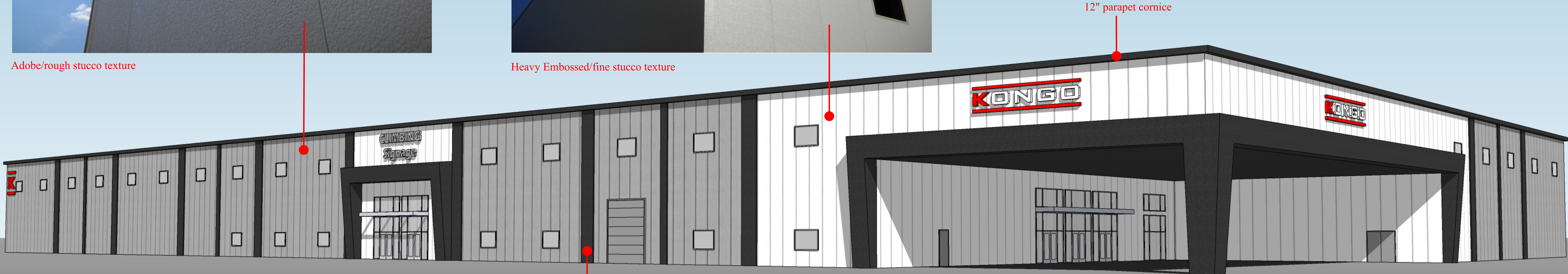




Adobe/rough stucco texture



Heavy Embossed/fine stucco texture



12" parapet cornice

Striated vertical trim



February 5, 2020

VIA ELECTRONIC MAIL

Mr. Lyle Gibson, City Planner

lgibson@kaysvillecity.com

Re: Kongo Gym Parking – Desert Landing, Kaysville, Utah

Dear Lyle:

Thank you for your input and assistance in preparation of the Kongo Gym site application for the Deseret Landing project in Kaysville, Utah. Enclosed with this letter is a site plan for the project and a preliminary internal layout of our building. The intent of this Letter is to demonstrate the proposed parking for the Kongo Gym satisfies the applicable Kaysville City Ordinance and provides adequate parking for the contemplated uses.

Section 17-32-5 of the Kaysville Code sets forth the parking requirements for all uses in the City. The parking table in Section 17-32-5 does not specifically contemplate all uses to be included within the Kongo Gym, and consequently the required ratio is to be determined using the “most nearly approximating characteristics of the unlisted use, as determined by the Planning Commission.” *See Section 17-32-5.* Below is a table demonstrating each use contemplated at the Kongo Gym and the corresponding parking requirement set forth in Section 17-32-5:

Table 1. Parking Requirements

Use/Category	Square Footage/Size	Parking Requirement
General Office	Approximately 5,000 square feet	17 stalls (i.e. 3.5 spaces for each 1,000 square feet)
Medical Office	Approximately 6,000 square feet	14 stalls (i.e. 2 spaces for each 1,000 square feet + 1 space per shift employee)
Indoor Basketball Courts	5 Courts	45 stalls (9 stalls per court). *Use is not defined in KCC, closest use is “tennis court and similar recreation areas” and TBD by Planning Commission. 9 stalls per court determination is set forth below.
Indoor Soccer Field	1 Field	16 stalls (16 stalls per court). *Use is not defined in KCC, closest use is “tennis court and similar recreation areas” and TBD by Planning Commission. 15 stalls per court determination is set forth below.
Outdoor Soccer Field	1 Field	16 stalls (16 stalls per court). *Use is not defined in KCC, closest use is “tennis court

		and similar recreation areas” and TBD by Planning Commission. 15 stalls per court determination is set forth below.
Indoor Gym/Training	Approximately 6,000 square feet	9 stalls (1.5 stalls per 1,000 square feet). *Use is not defined in KCC, closest use is “Less intensive commercial” with the 1.5 stall standard.
Open Gym Space	Approximately 5,000 square feet	7.5 stalls (1.5 stalls per 1,000 square feet). *Use is not defined in KCC, closest use is “Less intensive commercial” with the 1.5 stall standard.
Indoor Climbing Gym	Approximately 17,000 square feet	25.5 stalls (1.5 stalls per 1,000 square feet). *Use is not defined in KCC, closest use is “Less intensive commercial” with the 1.5 stall standard.
Total Parking Stalls Required		150 Stalls

As demonstrated above, the total parking stalls for the Kongo Gym is 148. This count is consistent with, and supported by, other like properties in surrounding areas demonstrated as follows:

Table 2. Comparable Properties

Property	Uses	Parking Available
Kongo Gym (current) - Kaysville, Utah	2 Basketball Courts 5,000 square feet of Medical Office 25,000 square feet of Open Gym Space 5,000 square feet of General Office	110 Stalls
Sports City - Draper, Utah	Approximately 85,000 square feet	170 Stalls

	4 Basketball Courts 2 Indoor Soccer Fields 5,000 square feet of General Office Space 5,000 square feet of Open Gym Space Popular AAU Basketball Tournament and League venue	
Utah Athletic Center – North Salt Lake, Utah	Approximately 72,000 square feet 12 Volleyball Courts 2 Basketball Courts 7,500 square feet CrossFit Gym	151 Stalls

The Kaysville City Planning Commission is responsible for determining the most similar parking characteristics for the basketball, gym and soccer uses at the Kongo Gym compared to other uses on the table set forth in the KCC. The closest use in the KCC to the gym uses is the “less intense commercial use”, which has a standard of 1.5 stalls per 1,000 square feet. For the basketball court and soccer field uses the most similar use in the KCC is “tennis court and other similar recreational uses”, which requires the Planning Commission to make an appropriate determination. We surveyed various other jurisdictions and manual resources to aid in this determination. The following are the results of that survey:

1. Temecula, California – 8 stalls per court (basketball or volleyball)
2. Phoenix, Arizona – 9 stalls per court (basketball or volleyball) and 15 stalls for each soccer, football and softball field
3. Los Angeles County Parks and Recreation –
 - a. Softball Field - 15
 - b. Baseball Field – 20
 - c. Soccer Field - 16
 - d. Basketball Court – 6

e. Tennis Court - 2

f. Volleyball Court - 6

Table 2 - Comparable Properties above supports these standards and have been used in like properties in the State of Utah. In our parking calculation we elected to take the highest standard for our uses. As such, we have elected 9 stalls for each basketball court and 16 stalls for each soccer field.

While we have elected to err on the side of more stalls, the Kongo Gym facility will have less intense parking requirements than the properties mentioned in Table 2. One major difference is the Kongo Gym is primarily a practice facility rather than a league and tournament facility. While the Kongo Gym will facilitate basketball leagues and tournaments on occasion, those uses will occur primarily on Saturdays periodically throughout the year. The current Kongo Gym in Kaysville facilitates approximately 800 athletes associated with our club teams. Only 9 of those athletes are of driving age. The remaining athletes are dropped off and picked up for practice on a daily basis. On average, 5 to 6 parents will remain at practice. Our current business model provides for 4 basketball teams to practice at the same time. That would equate to 6 parents to 32 athletes that stay and watch. The new Kongo Gym at Deseret Landing will accommodate up to 80 athletes training at one time on the basketball courts and 24 athletes on the indoor turf. The outdoor turf is big enough to practice 2-3 teams on at one time for a total of 30 additional athletes. If the maximum number of practice/training athletes are at the facility at the same time, the total athletes would be 134 athletes. Given the practice/training use does not foster spectators, it would be reasonable to assume much less cars would be onsite than athletes practicing and training.

The highest parking intensity would occur during a tournament or league. Given the outdoor soccer turf is less than sufficient for games, no tournaments or leagues will be played and it will only be used for training. If the Kongo Gym had a basketball tournament using all 5 basketball courts and a soccer tournament on the single indoor soccer field at the same time, the total number of athletes using the facility at one time would be approximately 100. Using the base assumption of 1 vehicle per athlete and allowing for transitional parking of 0.5 stalls per athlete, the total stalls required would be 150 at maximum intensity.

Our current site plan provides for 171 parking stalls (21 more than required) and a tremendously advantages circulation pattern with 3 separate vehicular access points, a covered drop off drive-thru and parking around the entire building. The nature of the facility also allows for an inherent on-site overflow parking on the exterior turf if there is ever an event requiring additional parking. Furthermore, there are more than 75 available on-street public parking stalls available on Deseret Drive not counted in the 171 on-site stalls.

We appreciate your openness and time spent working with us on the Project and look forward to working with you through the approval process. We are excited to bring this world-class facility to Kaysville and believe our layout provides for a functional and more than ample parking and circulation pattern. If you have any questions regarding the intent or information in this letter please feel free to call me. We look forward to many years and success in Kaysville City.

Kaysville City
February 5, 2020
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Very truly yours,

ZDI, INC.

Chaz Walker
President



Planning Commission Staff Report

Public Hearing and consideration of a rezone of approximately 3.98 acres of property at 700 South Deseret Drive from the R-2 (Residential) to the LI (Light Industrial) zoning district

Feb 15, 2020

Applicant/Owner: Phil Holland / Privet Barrow
Location: 700 South Deseret Drive

Description:

The subject property was recently rezoned based on a concept tied to a development agreement. As details of the actual development have shaped out, it has been determined that the recent zoning boundary placement does not match the expected use. The applicant is rezoning to adjust the 3.98 acres at the above address to match the development which is actually occurring. This adjustment is still within the parameters of the development agreement which has been previously approved.

Proposed Zoning: [LI : 17-21](#)

Existing Zoning: [R-2 : 17-14](#)

As a rezone, this decision should be looked at based on its compatibility with the City's **General Plan** and how well the proposed development allowed by the zoning district fits at the specific location.

Recommendation:

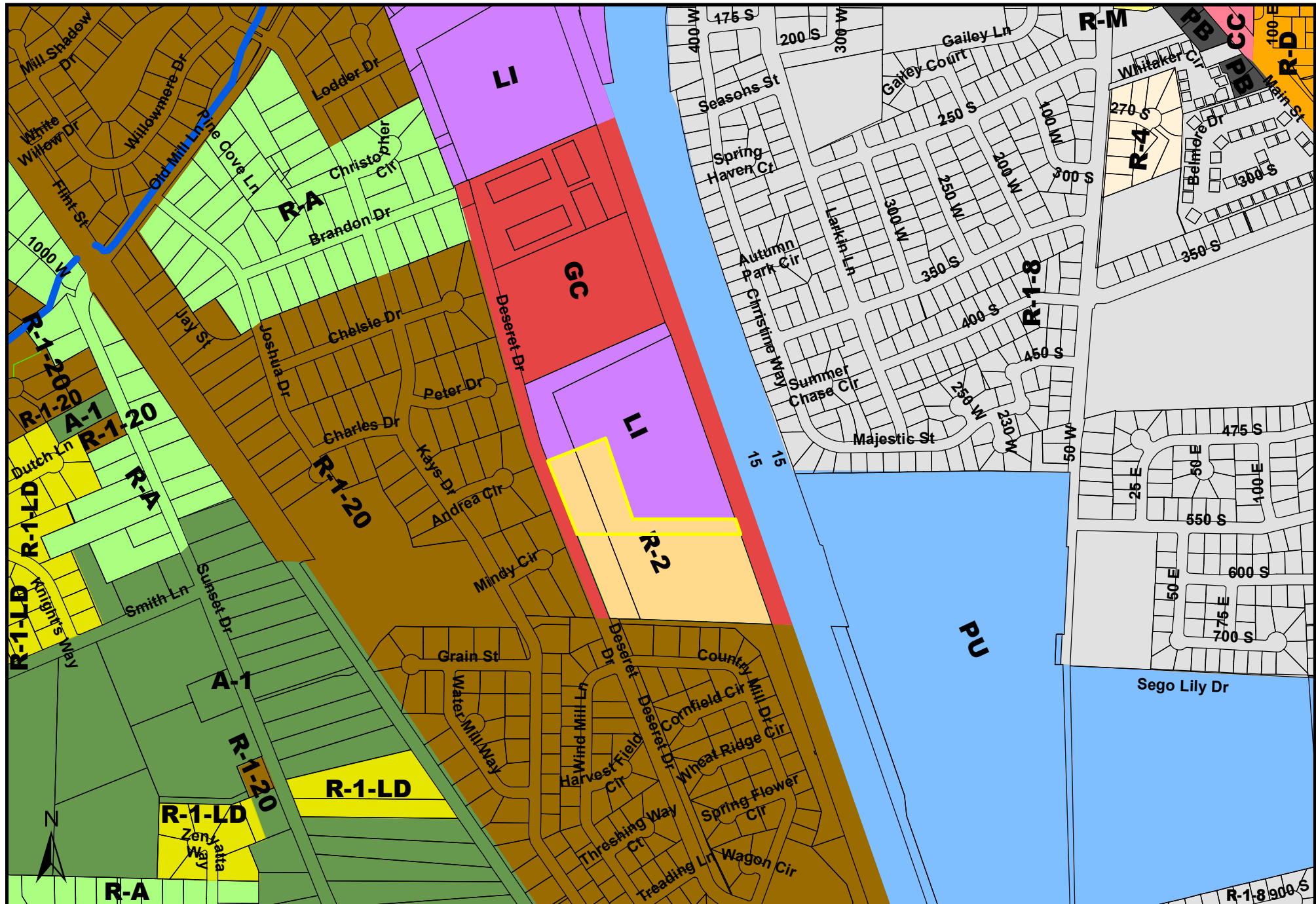
As a legislative item the Planning Commission has broad discretion in its ability to make a recommendation to the City Council. Staff believes that the request is consistent with all provisions of the development agreement and will clean up zoning boundaries with a preliminary plat that has already been approved.

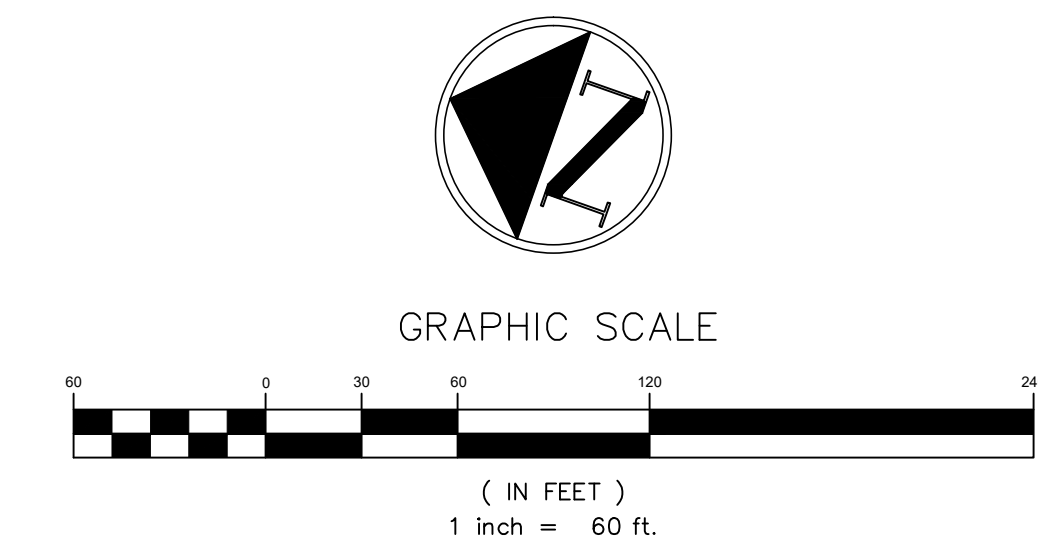
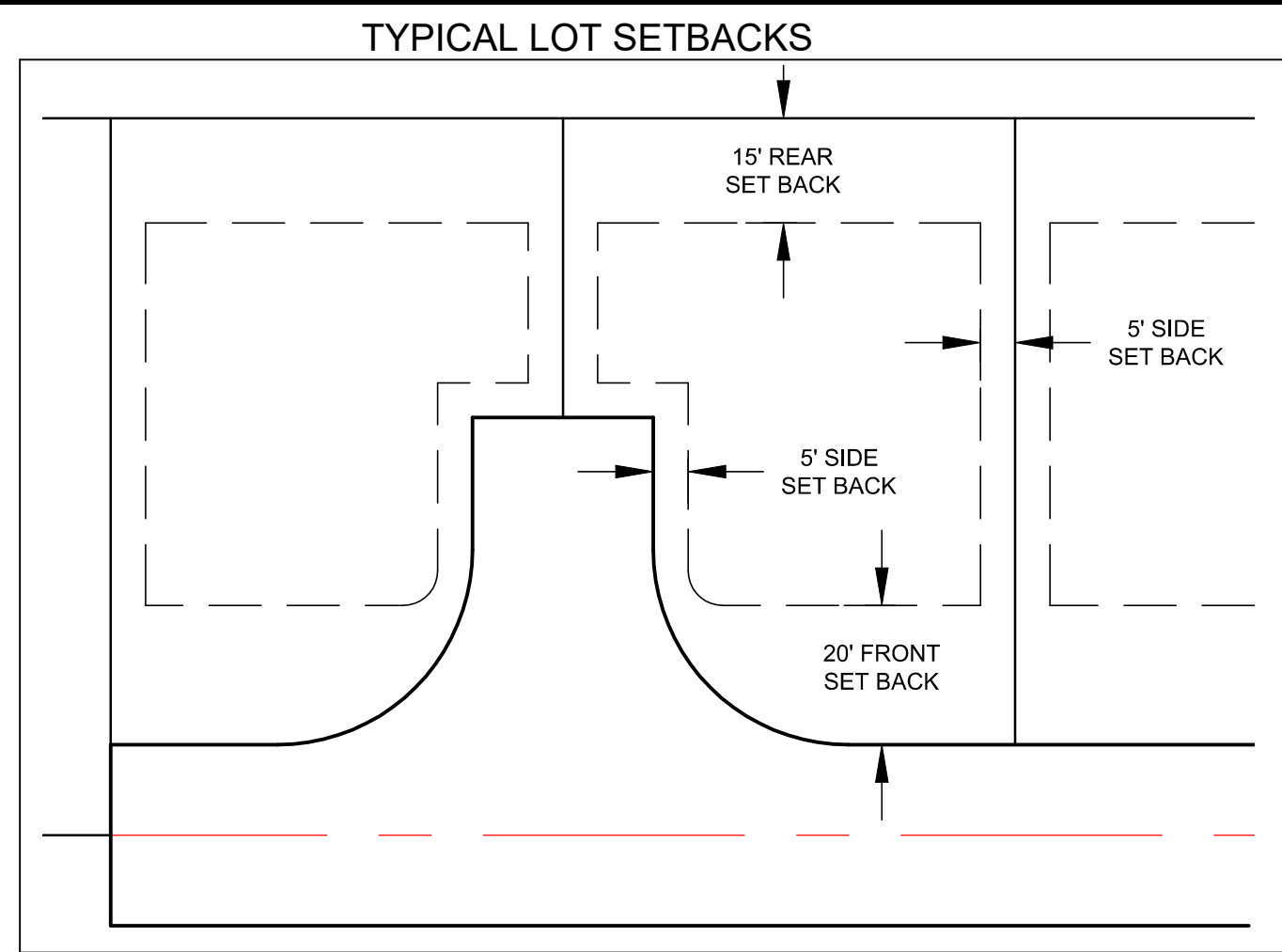
Attachment 1: Area Map
Attachment 2: Zoning Map
Attachment 3: Preliminary Plat
Attachment 4: Rezone Ordinance

700 S Deseret Zoning Boundary Adjustment from R-2 to LI



700 S Deseret Zoning Boundary Adjustment from R-2 to LI

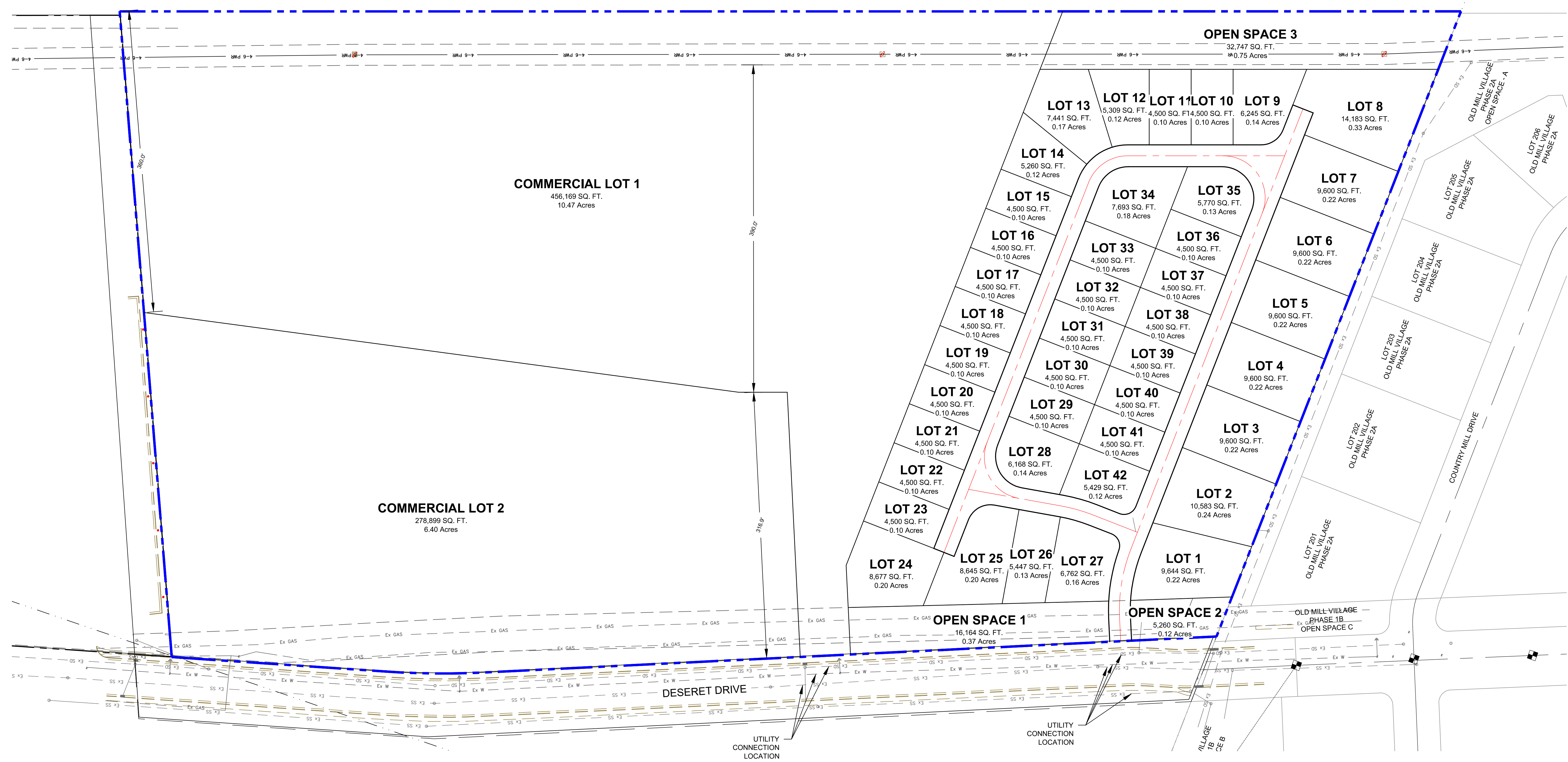




INTERSTATE - 15

FRONTRUNNER TRACKS

UNION PACIFIC RAILROAD

[illegible]

DRAWING IS NOT TO SCALE
IF BAR DOES NOT
MEASURE 1 INCH

0 1/2 1



**DESERET DRIVE SUBDIVISION
PRELIMINARY PLAN**

KAYSVILLE CITY, DAVIS COUNTY, UTAH

Scott P. McFarland, PE
Project Manager
347 East 1375 South
Kaysville, Utah 84037
801.726.6797 (M)
spmcf@yahoo.com



DESIGN:	SPM
DRAWN:	SPM
CHECKED:	SRM
DATE:	12-15-19

SHEET:

ORDINANCE NO. 20-XX-X

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY FROM THE KAYSVILLE CITY R-2 ZONE TO THE KAYSVILLE CITY LI ZONE, HEREINAFTER FULLY DESCRIBED; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open meeting to rezone certain real property by removing it from Kaysville City R-2 and placing it in Kaysville City LI zoning district; and

WHEREAS, said meeting was duly and regularly held and the interested parties were given an opportunity to be heard; and

WHEREAS, the Kaysville City Planning Commission has made a recommendation to the City Council on said rezoning; and

WHEREAS, the City Council after due consideration of said rezoning has concluded that it is in the best interest of the City and the inhabitants thereof that said rezoning be accomplished;

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

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

SECTION II:

The real property as shown on the attached map, which is made a part hereof, containing approximately 3.98 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing the same from Kaysville City R-2 zone and placing the same in Kaysville LI zoning district with the PRUD overlay.

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

SECTION VI:

This Ordinance shall take effect 20 days after final passage by the Kaysville City Council.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this ___th day of _____, 2020.

Katie Witt
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney



Planning Commission Staff Report

Public Hearing for the Elms on Flint PUD Subdivision Preliminary and Final Plat and consideration of the PRUD (Planned Residential Unit Development) Overlay zone and development agreement for 1.5 acres of property at 191 South Flint Street. February 13, 2020

Applicant/Owner: Phil Holland
Zone: R-1-20 (Single Family Residential)

Description:

The Planning Commission recently reviewed a proposal at this subject property for a 5 lot subdivision in the R-1-10 PRUD zone. The City Council voted to deny the request stating that 5 homes were too many for the subject lot.

The applicant is back with a proposal that works under the existing R-1-20 zone where all lots are at least 20,000 sq. ft. in size. The subdivision is a private street subdivision which requires the PRUD overlay zone. The proposal would utilize the existing street and infrastructure on site. A development agreement has been created that would allow for the PRUD overlay and private street type development. The agreement would keep all yards the same as a standard R-1-20 subdivision however the developer has asked to be able to put portions of the home as close as 15' to the private street rather than 20'. This would effectively allow a front port to be closer to the private street, the garage must be at least 20' from the street.

Recommendation:

Staff is looking for a motion on the PRUD overlay zone, preliminary plat, and final plat.

Staff recommends that the Planning Commission forward a recommendation to the council for the PRUD overlay zone based on its findings of appropriateness for a private street development at this location and satisfaction with the proposed development agreement.

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for the preliminary plat subject to approval of the PRUD overlay zone and development agreement.

Staff recommends that the Planning Commission approve the final plat subject to approval of the PRUD overlay zone and preliminary plat.

Reasoning:

With the approved PRUD overlay zone and development agreement, the preliminary and final plat meets the requirements of the Kaysville City Ordinance and applicable development standards.

Attachment 1:	Area Map
Attachment 2:	Development Agreement
Attachment 3:	Subdivision Plat
Attachment 4:	PRUD overlay ordinance

When Recorded, Return to:
Kaysville City
Community Development Office
23 East Center Street
Kaysville, UT 84037

Affecting Tax Parcel No.: 11-098-0074

**DEVELOPMENT AGREEMENT
FOR A PRIVATE STREET SUBDIVISION**

THIS AGREEMENT is made and entered into this ____ day of _____, 2020 by and between Kaysville City, a municipal corporation organized and existing under the laws of the State of Utah (hereinafter the “City”), and DEVELOPER (hereinafter the “Developer;”) (“Developer” includes successors and/or assigns of DEVELOPER), as follows:

RECITALS

WHEREAS, Developer is desirous of developing a single family 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 Property Location Map attached hereto as Exhibit A and the Area Description of Section 1 A.; 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 grant the PRUD (Planned Residential Unit Development) overlay upon approval of a final plat and to authorize 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 Facility 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 #11-098-0074.

B. Project Description. The project proposed by Developer is a private street subdivision, which will consist of 3 single family residential lots.

2. DEVELOPMENT STANDARDS AND GUIDELINES

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

(1) Architecture. Developer shall construct the Facility in similar compliance and conformance with the Architecture as set forth in Exhibit B, example architecture.

(2) Fencing. Developer shall work with property owners to replace the existing fencing along the south side of the development and private drive.

(3) Landscaping. Landscaping shall be installed as indicated in the Landscape Plan shown in Exhibit C.

(4) Yards. The following requirements shall apply in lieu of standard requirements of the R-1-20 zoning district:

- a. Yards abutting Flint Street: 20 feet
- b. Front Yards abutting the private drive: 20 feet to garage, 15 feet to building
- c. Side Yards: 8 feet – 16 feet between homes within this subdivision.
- d. All other Yards: 15 feet.

Findings of Compatibility. In adopting the Development Standards identified in Section 2.A, 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 development 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 Facility in accordance with the approved site plan, construction drawings and building plans is vested.

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 as applicable, 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, sidewalks, utilities, and drainage improvements, on Flint Street with the 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.

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.

The City may withhold approval of assignment, without consequence, if the city reasonably believes that the anticipated assignee will be unable to meet the requirements of this agreement or any City ordinances.

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:

By: _____

TITLE

TITLE

KAYSVILLE CITY

ATTEST:

By:

Katie Witt
Mayor

Annemarie Plaizier
City Recorder

On the ____ day of _____, 2019, personally appeared before me KATIE WITT, and ANNEMARIE PLAIZIER, who being by me duly sworn did say, each for himself and herself that he, the said KATIE WITT, is the Mayor of Kaysville City, Davis County, State of Utah and that she, the said ANNEMARIE PLAIZIER, is the City Recorder of Kaysville City, and that the within and foregoing instrument was signed on behalf of the said Kaysville City by authority of the City Council of Kaysville City and said KATIE WITT and ANNEMARIE PLAIZIER, each duly acknowledged to me that the said Kaysville City executed the same and that the seal affixed is the seal of the said Kaysville City.

NOTARY PUBLIC

(SEAL)

STATE OF UTAH)

: ss.

COUNTY OF DAVIS)

On the _____ day of _____, 2020, personally appeared before me, _____, the signer of the foregoing Development Agreement for DEVELOPER, who duly acknowledged to me that he executed the same for and on behalf of DEVELOPER.

NOTARY PUBLIC

(SEAL)

STATE OF UTAH)

: ss.

COUNTY OF DAVIS)

Exhibit A

191 South Flint Street – Parcel ID 11-098-0074

Legal Description: BEG AT A PT ON E'LY LINE OF A 66 FT COUNTY ROAD; SD PT BEING N 899.97 FT & E 2240.97 FT & S 22°55'25" E 624.84 FT FR AN EXIST MONU MARKING THE SW COR OF SEC 33-T4N-R1W SLM & RUN TH N 39°19' E 437.75 FT; TH S 27°13'12" E 144.70 FT TO AN EXIST FENCE; TH S 39°19' W 450.0 FT ALG SD FENCE TO E'LY LINE OF SD COUNTY ROAD; TH N 22°55'25" W 150.0 FT ALG SD ROAD TO POB. CONT. 1.481 ACRES.

191 South Flint Street - PRUD Overlay Zone Request

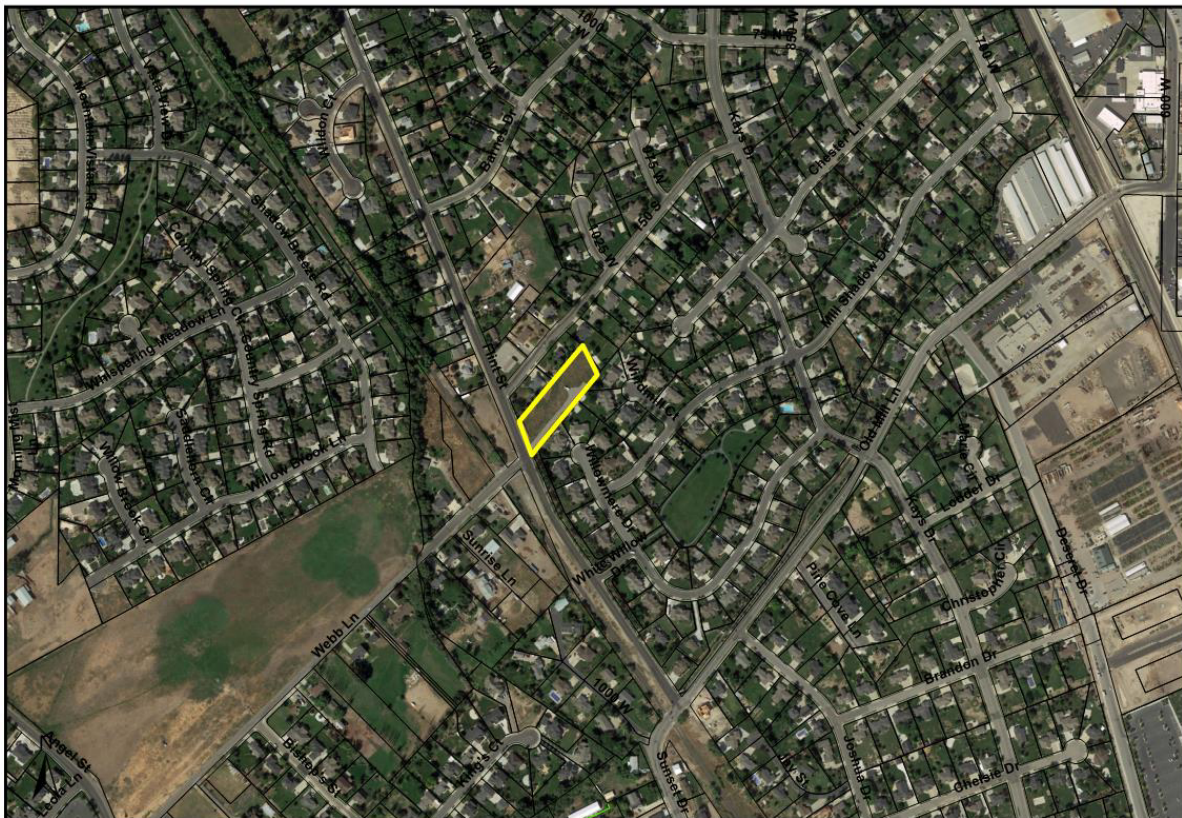
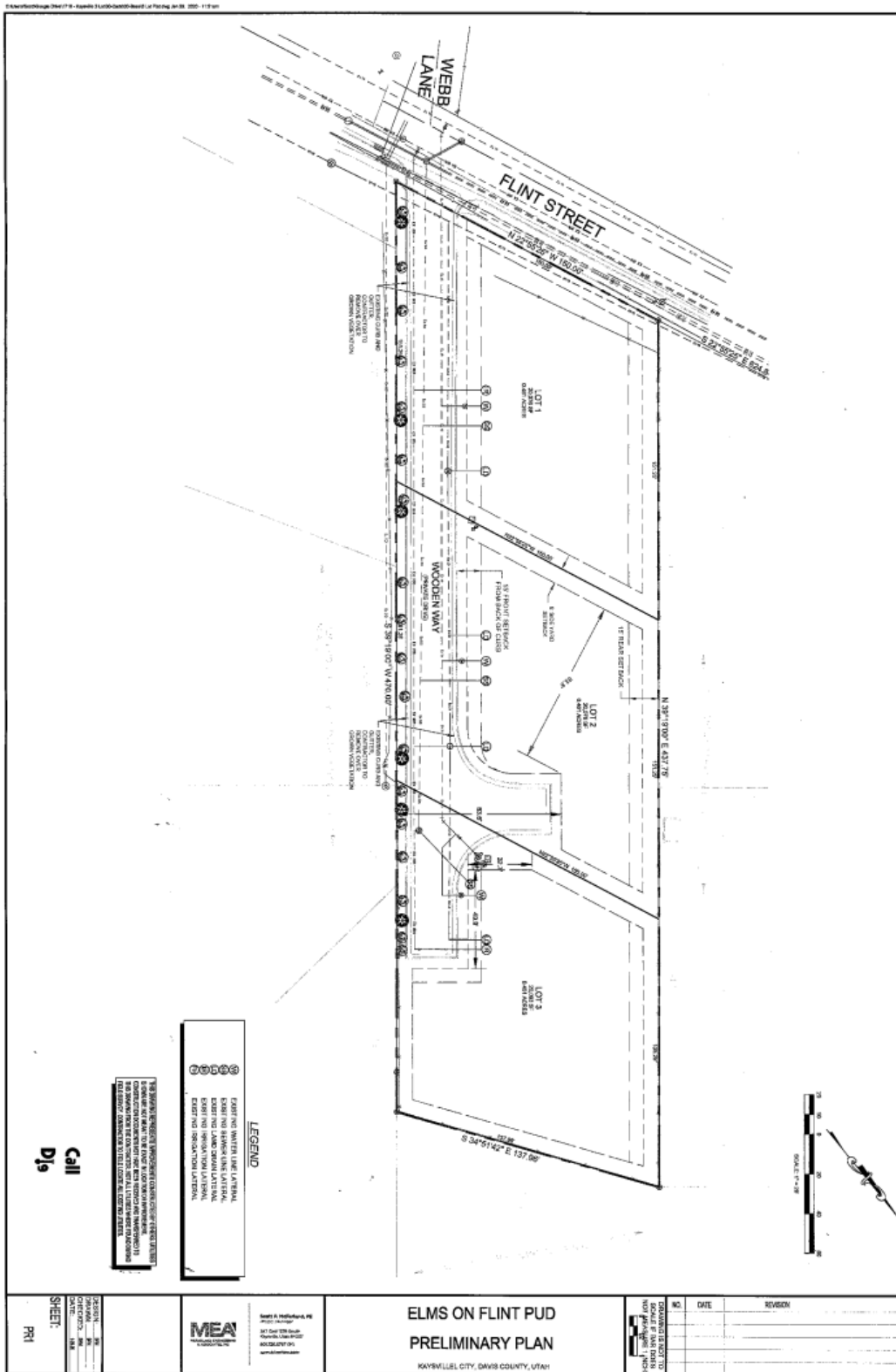


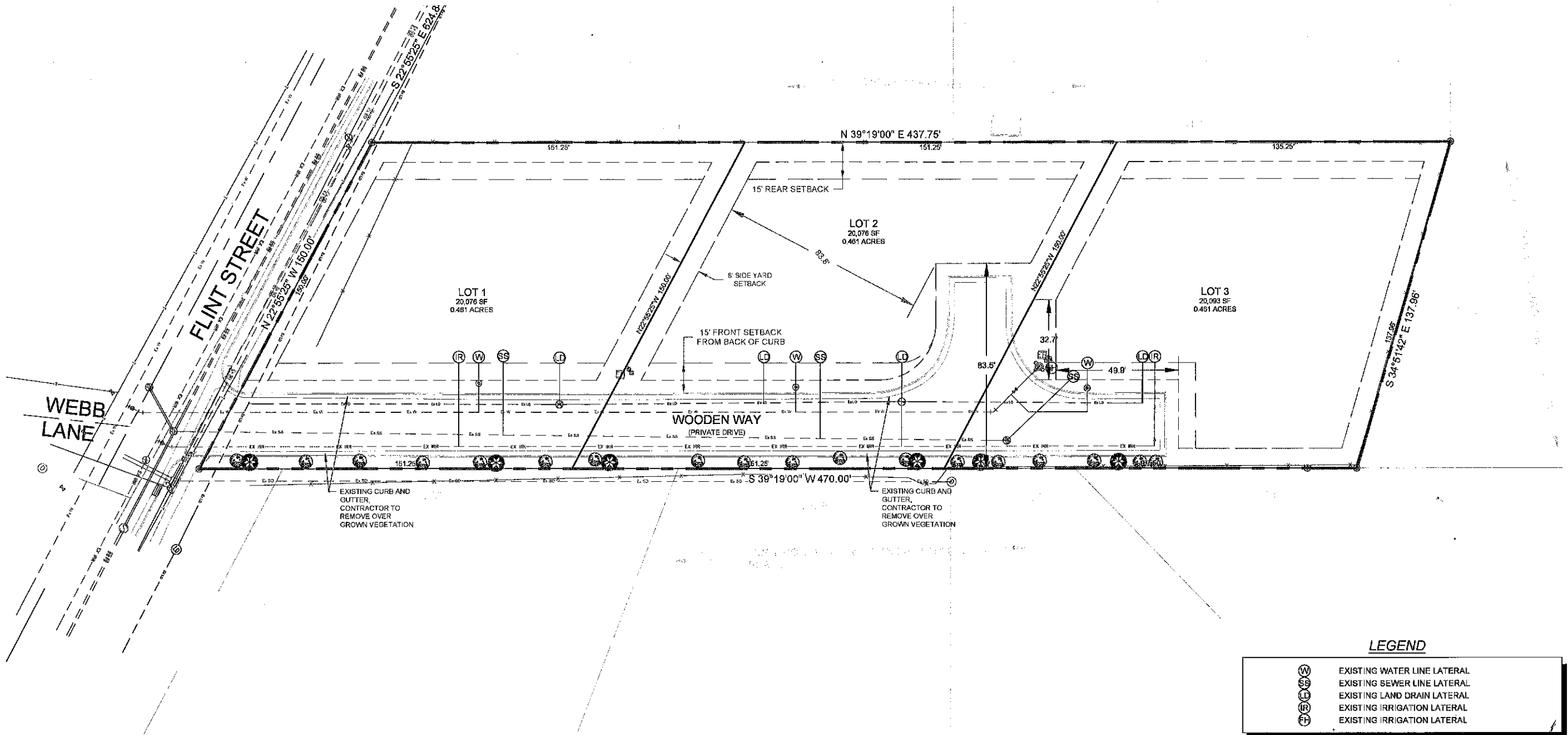
Exhibit B



Exhibit C



C:\Users\Scott\Google Drive\1718 - Kaysville 3 Lot\03-Cadd\03-Basis\01-Plan\03-Jan 29, 2020 - 11:51 am



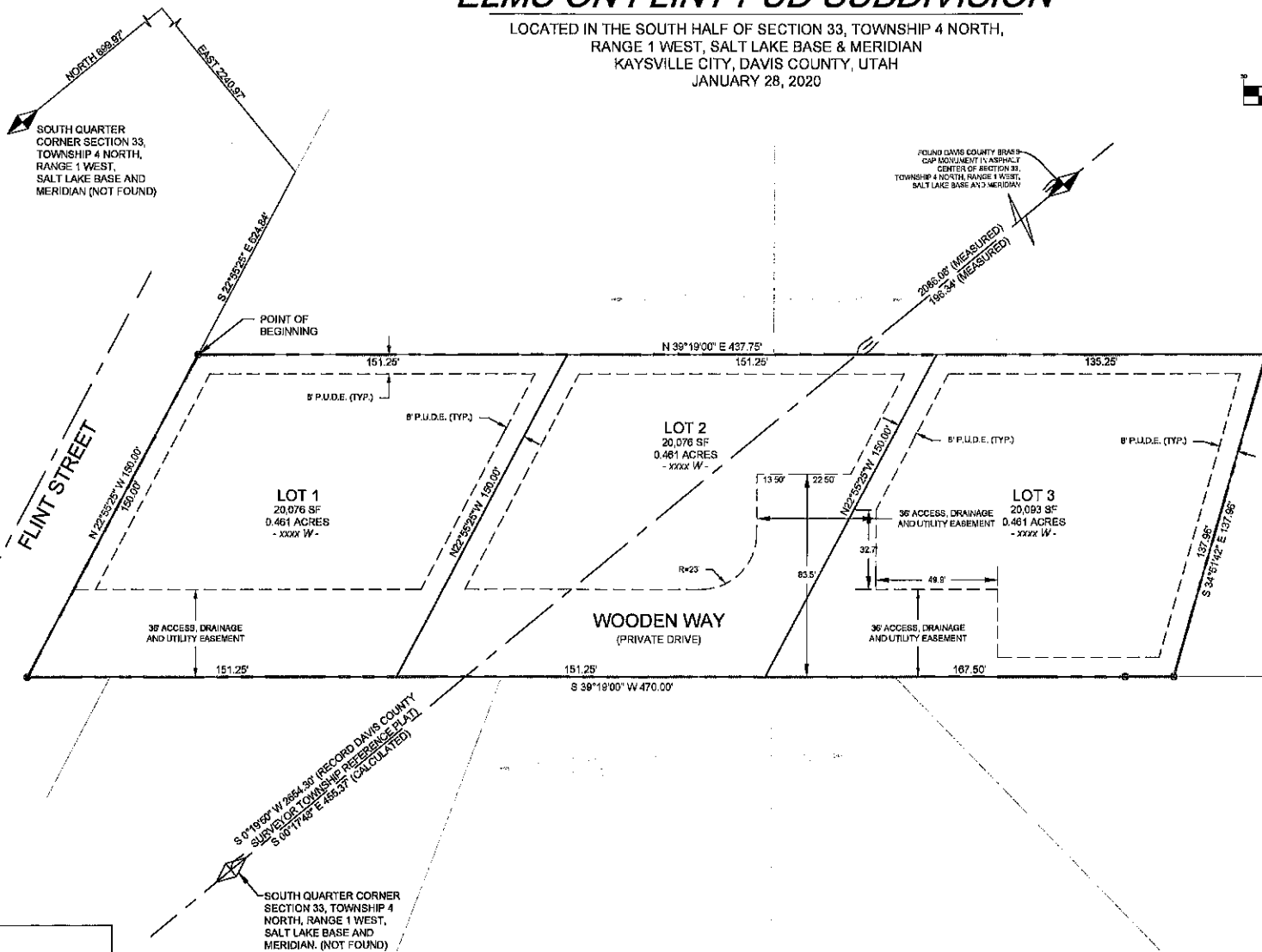
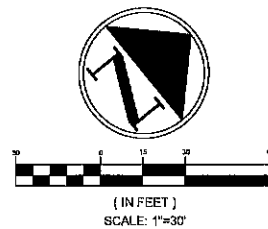
THIS DRAWING REPRESENTS IMPROVEMENTS CONSTRUCTED BY OTHERS. UTILITIES SHOWN ARE NOT MEANT TO BE EXACT IN LOCATION OR IMPROVEMENT. CONSTRUCTION DOCUMENTS NOT HAVE BEEN RECEIVED AND TRANSFERRED TO THIS DRAWING FROM THE CONTRACTOR. NOT ALL UTILITIES WHERE FOUND DURING FIELD SURVEY. CONTRACTOR TO FIELD LOCATE ALL EXISTING UTILITIES.

Call
DJ

NO.	DATE	REVISION
DRAWING IS NOT TO SCALE IF BAR DOES NOT MEASURE 1"=20'		
ELMS ON FLINT PUD		
PRELIMINARY PLAN		
KAYSVILLE CITY, DAVIS COUNTY, UTAH		
Scott B. McCallum, PE Professional Engineer 340 East 1200 South Kaysville, Utah 84037 801.726.6707 scott@scottbmc.com		
MEA McCallum Engineering Associates, Inc.		
DESIGN:	SPM	
DRAWN:	SPM	
CHECKED:	SPM	
DATE:	1-29-20	
SHEET:		PR1

ELMS ON FLINT PUD SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 4 NORTH,
RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH
JANUARY 28, 2020



- LEGEND**
- SECTION CORNER
 - EXISTING STREET MONUMENT
 - NEW STREET MONUMENT
 - (FOUND) WITNESS CORNER
 - P.U.D.E. PUBLIC UTILITY AND DRAINAGE EASEMENT
 - SET REBAR & CAP OR NAIL & WASHER STAMPED "MCNEIL ENGR"

SURVEYOR'S CERTIFICATE:

I, MICHAEL L. WANGEMANN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6431156, AS PRESCRIBED UNDER THE 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 HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS: ELMS ON FLINT PUD SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE: _____ MICHAEL L. WANGEMANN
LICENSE NO. 6431156

BOUNDARY DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF DAVIS, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF THE EASTERLY LINE OF A 66 FOOT COUNTY ROAD, SAID POINT BEING NORTH 889.97 FEET AND EAST 2240.97 FEET AND SOUTH 22°55'25" EAST 624.54 FEET FROM AN EXISTING MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 39°19' EAST 437.75 FEET, THENCE SOUTH 34°51'42" EAST 137.96 FEET TO AN EXISTING FENCE, THENCE SOUTH 39°19' WEST 470.00 FEET ALONG SAID FENCE TO THE EASTERLY LINE OF SAID COUNTY ROAD, THENCE NORTH 22°55'25" WEST 150.0 FEET ALONG SAID ROAD TO THE POINT OF BEGINNING.

BASIS OF BEARINGS:

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING FOUND MONUMENTS LOCATED AT ALONG THE CENTERLINE OF 150 SOUTH STREET AS SHOWN ON THIS SURVEY PLAT.

OWNERS DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAID TRACT TO BE SUBDIVIDED INTO PARCELS, LOTS, AND STREETS TO BE HEREAFTER KNOWN AS:

ELMS ON FLINT PUD SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND RIGHTS OF WAY AS A PUBLIC UTILITY AND DRAINAGE EASEMENT.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUT HANDS THIS _____ DAY OF _____ A.D. 2020.

ACKNOWLEDGEMENT:

STATE OF UTAH
COUNTY OF DAVIS S.S.

ON THE _____ DAY OF _____ A.D. 2020, PERSONALLY APPEARED BEFORE ME, _____ THE SIGNER(S) OF THE FOREGOING INSTRUMENT, WHO BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

NOTARY PUBLIC RESIDING AT: _____

ELMS ON FLINT PUD SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 33,
TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED THIS _____ DAY OF _____, 2020
AT _____ IN BOOK _____ PAGE _____

DAVIS COUNTY RECORDER

BY: _____ DEPUTY RECORDER

CITY ENGINEER'S APPROVAL
APPROVED THIS _____ DAY OF _____ A.D., 2020
BY THE KAYSVILLE CITY ENGINEER.

CITY ENGINEER

CITY ATTORNEY APPROVAL
APPROVED THIS _____ DAY OF _____ A.D., 2020
BY THE KAYSVILLE CITY ATTORNEY.

CITY ATTORNEY

PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____ A.D., 2020
BY THE KAYSVILLE CITY PLANNING AND ZONING COMMISSION.

CHAIRMAN

CITY COUNCIL ACCEPTANCE
APPROVED THIS _____ DAY OF _____ A.D., 2020
BY THE KAYSVILLE CITY COUNCIL.

MAYOR

CITY RECORDER

DEVELOPER
PHIL HOLLAND
(801) 658-1565

ORDINANCE NO. 20-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY FROM THE KAYSVILLE CITY R-1-20 ZONE TO INCLUDE THE PRUD OVERLAY, HEREINAFTER FULLY DESCRIBED; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open meeting to rezone certain real property by adding the PRUD overlay zone; and

WHEREAS, said meeting was duly and regularly held and the interested parties were given an opportunity to be heard; and

WHEREAS, the Kaysville City Planning Commission has made a recommendation to the City Council on said rezoning; and

WHEREAS, the City Council after due consideration of said rezoning has concluded that it is in the best interest of the City and the inhabitants thereof that said rezoning be accomplished;

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

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

SECTION II:

The real property as shown on the attached map, which is made a part hereof, containing approximately 1.48 acres, shall be and the same is hereby rezoned and the Zoning Map amended by including the PRUD overlay.

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

SECTION VI:

This Ordinance shall take effect 20 days after final passage by the Kaysville City Council.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this ___th day of _____,
2020

Katie Witt
Mayor

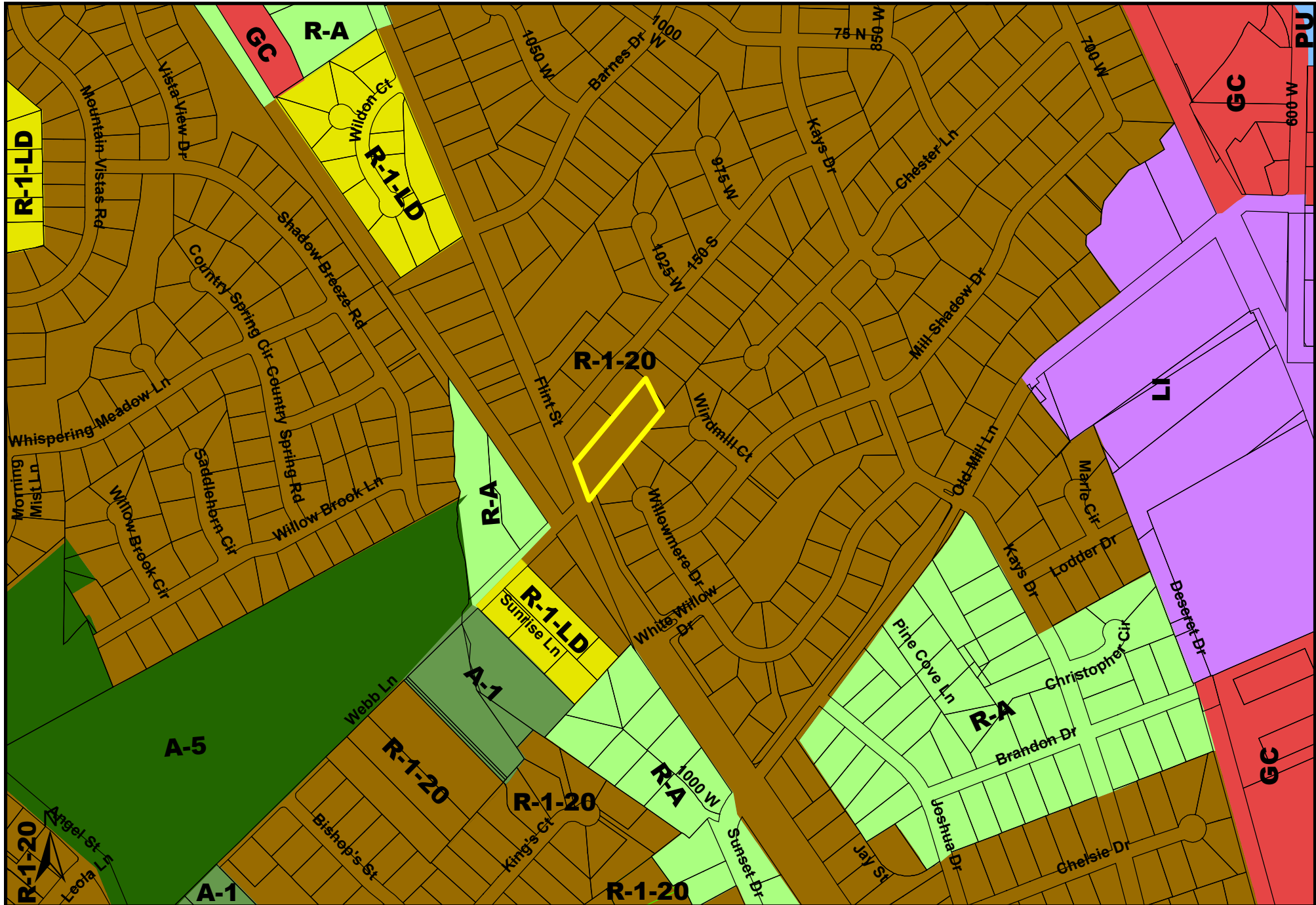
ATTEST:

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney

191 South Flint Street - PRUD Overlay Zone





Planning Commission Staff Report

Public Hearing for the Rezone of 2.23 acres of property at 1422 S Sunset Drive from the R-A (Residential Agriculture) to the R-1-LD (Single Family Low Density) district to include the PRUD (Planned Residential Unit Development) overlay zone.

and

Preliminary Plat for the Horne Flag Lot Subdivision.

February 13, 2020

Applicant/Owner: Carl Horne.

Description:

OVERLAY ZONE

The 2.23 acre property which is located at the above listed address is zoned R-A (Residential Agriculture). The applicant desires to create a flag lot, with one lot in front now, eventually creating two lots on his family parcel in the front where the existing home is now. A rezone to R-1-LD with a PRUD overlay would allow him to do so. The front lot will contain an existing family home on an approximately 40,000 square foot lot. The flag lot created would include a 30 ft. projection for access onto Sunset Drive with total lot size approximately 56,800 square feet.

The R-1-LD zoning would allow for the eventual split of the front lot into 2 approximately 20,000 square ft lots in the future if desired by a double flag lot configuration. In order to accomplish that, the applicant would have to submit a plat for future review of the 36 foot stem projection with 20 feet wide drive.

The PRUD overlay zone is a legislative action thus giving the Planning Commission and ultimately the City Council broad discretion as to where it is applied. While it gives discretion as to where, there are specific standards as to what is developed within this overlay.

17-34-9 Flag Lot Subdivision

1. Development requirements:

1. The area of each flag lot shall be at least 10,000 square feet or meet the lot area required by the underlying zone district, whichever is greater.
2. Flag lots shall have access to a street by way of a projection of at least thirty feet (30') in width along its entire length. Two flag lots with projections side-by-side may each have projections eighteen feet (18') or greater in width (for a total of not less than 36 feet) and share a common paved driveway twenty feet (20') or more in width covered by an easement so that the driveway cannot be divided.
3. Main buildings on a flag lot shall be located not closer than twenty feet (20') to any property line.
4. Accessory buildings shall comply with KCC 17-31-2.
2. **Acceptable Uses.** Subject to the review and approval of the Planning Commission, uses acceptable in a flag lot subdivision shall be those uses which are permitted in the zoning district in which the flag lot subdivision is located. Two family dwellings on flag lots as conditional uses are prohibited.
3. **Applicability:**
 1. Flag lot subdivisions shall be considered only in R-A, R-1, R-D, R-2, R-4 and R-M zones.

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.

PRELIMINARY PLAT

The Horne Flag Lot Subdivision preliminary plat includes 2 total lots. The existing home on a standard 40,130 square foot lot fronting Angel Street lot. The single flag lot behind would be approximately 56,864 square feet including 30 foot projection unto Sunset. This meets the minimum standards of the Flag Lot Subdivision ordinance found in KCC 17-34-9. The property fronts fully developed right-of-way along Sunset Drive.

Recommendation:

Rezone:

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. 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.

Subdivision – Preliminary Plat:

As the proposed preliminary plat meets the applicable requirements and standards for a flag lot subdivision, staff recommends that the Planning Commission forward a favorable recommendation to the City Council for approval of the Preliminary Plat for the Horne flag Lot Subdivision subject to approval of the PRUD overlay zone.

Attachment 1: Area Map

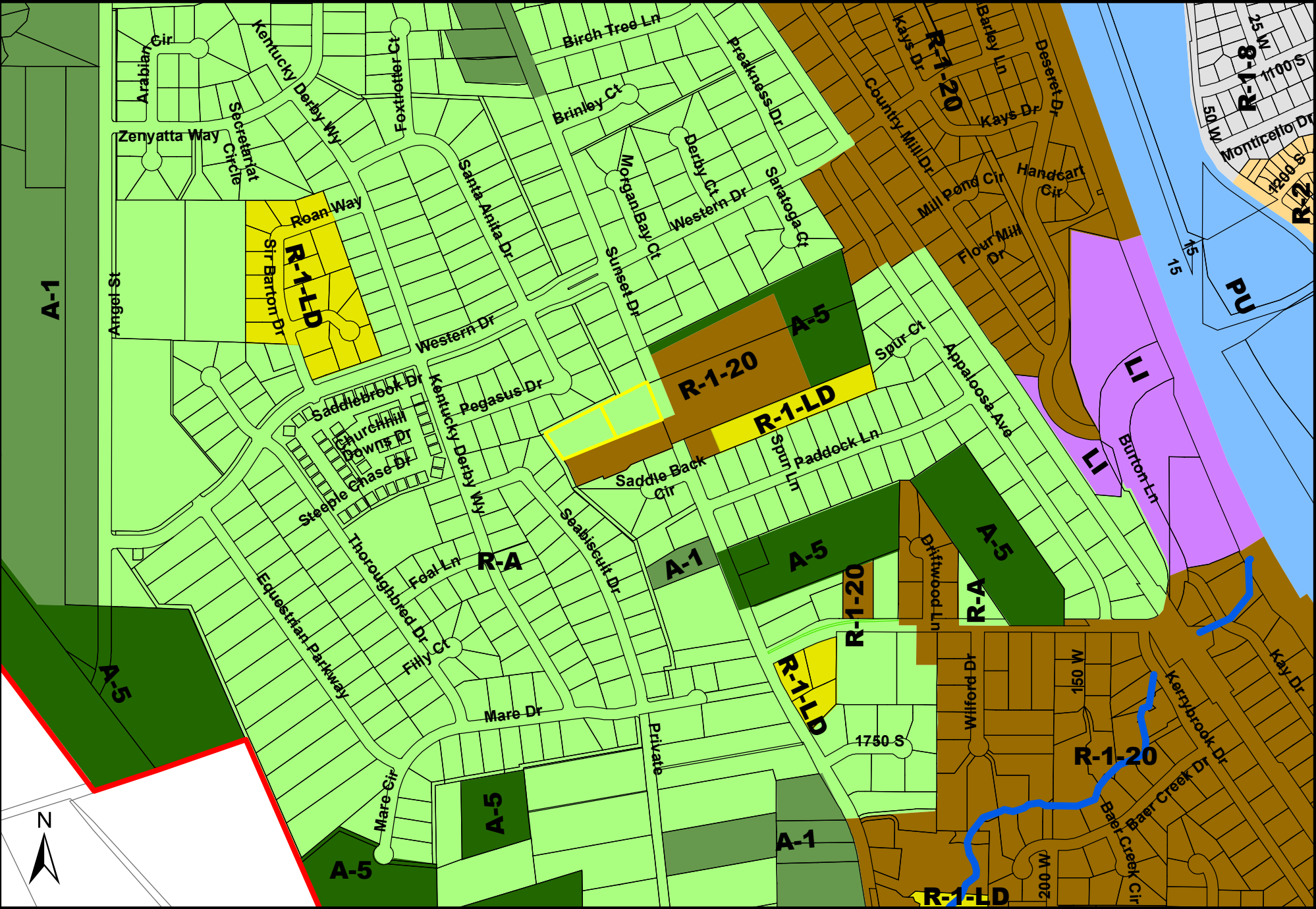
Attachment 2: Zoning Map

Attachment 3: Preliminary Plat

1422 South Sunset Drive - Rezone from R-A to R-1-LD PRUD



1422 South Sunset Drive - Rezone from R-A to R-1-LD PRUD



080250060

084100601

1390 S

1355 S

1422 S

Sunsel Dr

1428 S

003601

REZONE
From
R-A
to
R-1-LD with
PRUD
56,864

40, 130

564 W

084110701
542 W

Saddle Back Cir

084110705

545 W

680260037



Planning Commission Staff Report

Public hearing and preliminary plat for the Angel Place Subdivision - Amended consisting of 5 Lots on 1.65 acres. February 13, 2020

Applicant/Owner: Steven and Sherrilee Einfeldt
Location: 37 South Angel Street
Zone: R-1-14 PRUD

Description:

The City Council recently approved a rezone of the subject property for the purpose of accommodating as many as 5 lots on a private street as shown in the included concept plan presented at the time of rezone.

The applicant is now ready to move forward with the development and has submitted a preliminary subdivision plat for review.

The proposed subdivision plat shows a 5 lot subdivision similar to the concept plan with lots 101 and 102 anticipated to be developed first while the remainder of the property may develop into an additional 3 lots under a future phase. There is a 4 ft. landscape buffer between the private road and the neighboring property on the north side of the street. All lots in the proposed plat are at least 14,000 sq. ft. in size and meet the 90 ft. frontage requirement required by the R-1-14 zone.

Recommendation:

Staff recommends the Planning Commission forward a positive recommendation to the City Council for the approval of the preliminary plat for the Angel Place Subdivision - Amended plat consisting of 5 lots on 1.65 acres.

Reasoning:

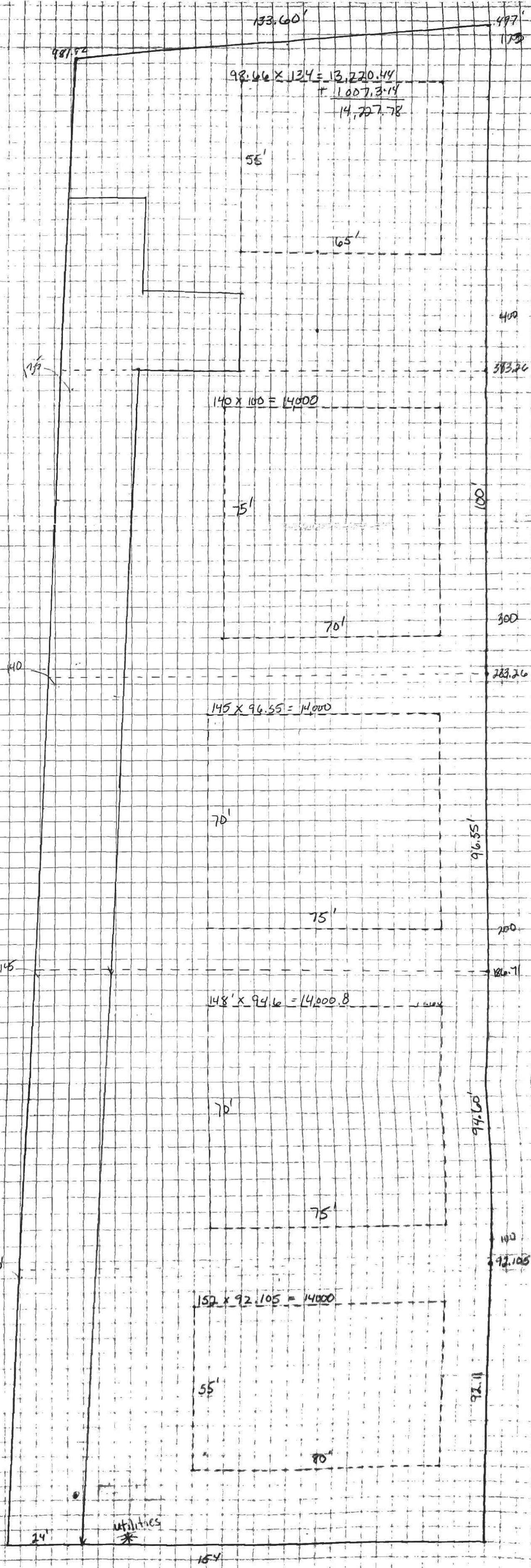
The subdivision is consistent with what has been approved with rezone concept and complies with applicable Kaysville City Ordinances.

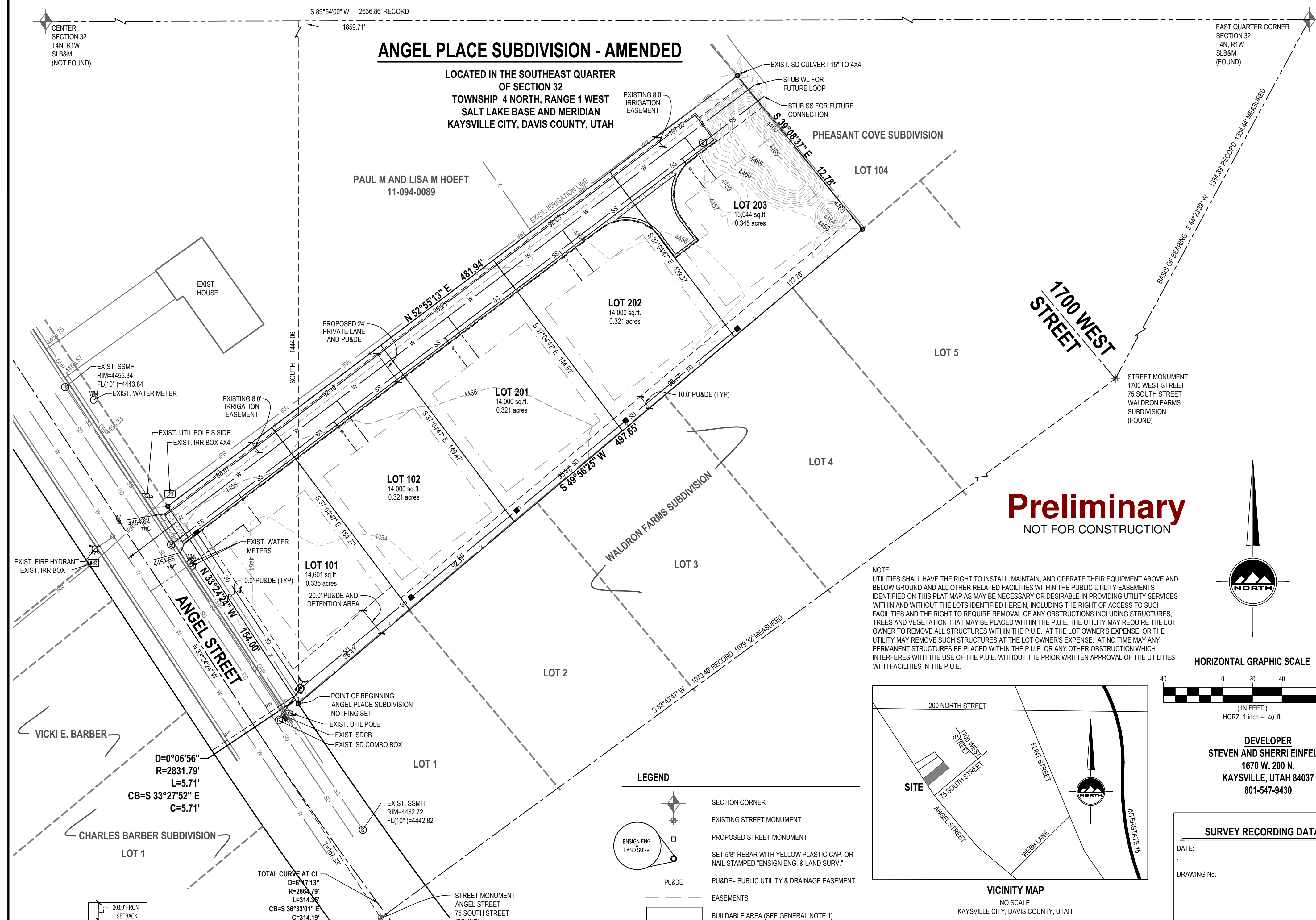
Attachment	1:	Area Map
Attachment	2:	Concept Plan
Attachment	3:	Preliminary Plat

37 South Angel Street - Rezone from A-1 to R-1-14 PRUD



PLAN B





BY _____
DEPUTY RECORDER

DATE: 2/8/20

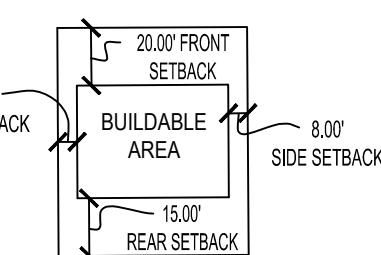
CITY RECORDER CITY MAYOR

KAYSVILLE CITY ENGINEER

CHAIRMAN, KAYSVILLE CITY PLANNING COMMISSION

KAYSVILLE CITY ATTORNEY

WWW.ENSIGNUTAH.COM



TYPICAL BUILDING SETBACKS



Planning Commission Staff Report

Final Plat for the Hob Hill Subdivision – 2nd Amended. (Formerly Kourosh Subdivision). February 13, 2020

Applicant/Owner: Kourosh Haroni
Location: 946 East 300 North
Zone: R-1-8

Description:

The City Council approved the preliminary plat for this subdivision in November of 2019. The subject property to be divided is 18,930 square feet in size. The applicant Kourosh Haroni is anticipating keeping the existing home fronting 300 North street and creating a new lot of 8,615 square feet with 151 feet of frontage. This will leave the existing home on a 10,315 square foot lot.

The new proposed lot will face 200 North street at approximately 939 East. Both the existing and new proposed lot meet the frontage and square footage requirements for the existing R-1-8 zoning district. The new lot facing 200 North is deep enough to provide a building pad that meets the minimum dwelling size requirements of [17-31-16, Dwellings](#). Mr. Haroni will provide either a hammerhead or circular driveway for safe access to the 200 North Street.

All street improvements are in place and no dedication is needed for the 200 North right-of-way.

Recommendation:

Staff is recommending approval of the proposed final plat for the Hob Hill Subdivision – 2nd Amended as proposed.

Reasoning:

The plat is consistent with zoning requirements, preliminary plat and meets applicable ordinances and standards.

Attachments: Area Map, Preliminary Plat, Final Plat

946 East 300 North





Future Road
Alignment

63.67'

22'

PROPOSED LOT AREA
8,616 SQUARE FEET

100.0'

121.20'

FOUNDATION LINE

PROPOSED LOT AREA
10,315 SQUARE FEET

15.0'

15.0'

22'

25'-2"

53'-3"

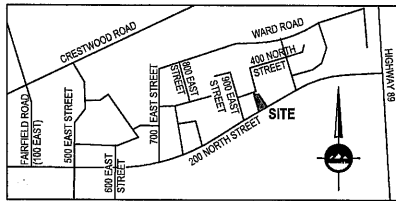
151.87'

66.29'

PRELIMINARY PLAT

HOB HILL SUBDIVISION - 2ND AMENDED

AMENDING LOT 29 OF HOB HILL SUBDIVISION
LOCATED IN THE NORTHEAST QUARTER
OF SECTION 35
TOWNSHIP 4 NORTH RANGE 1 WEST
SALT LAKE BASE & MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH



VICINITY MAP
NO SCALE
KAYSVILLE, DAVIS COUNTY, UTAH

NORTHEAST CORNER
SECTION 35
T4N, R1W
SLB&M
(NOT FOUND)

LEGEND

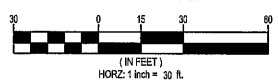
- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 58" REBAR WITH YELLOW PLASTIC CAP, OR
NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- PUBDE
- EASEMENTS

EAST QUARTER
CORNER
SECTION 35
T4N, R1W
SLB&M
(NOT FOUND)

WITNESS CORNER
(FOUND)

SOUTHEAST CORNER
SECTION 35
T4N, R1W
SLB&M
(FOUND)

HORIZONTAL GRAPHIC SCALE



DEVELOPER
HARONI INVESTMENT
3175 WIND RIVER DRIVE
LAYTON, UTAH 84040
KOUROSH HARONI

GENERAL NOTES:

- PROPERTY IS ZONED X-X.
A. FRONT YARD SETBACK IS 25'
B. REAR YARD SETBACK IS 15'
C. SIDE YARD SETBACK IS 8'
- ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS (PU & DE) ARE 10' FRONT, 8' SIDE 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 HEREIN, 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 OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S 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.

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
PC1	25.00'	13.79'	31°30'51"	S76°10'24"E	13.56'
PC2	50.00'	63.62'	72°54'16"	N83°07'54"E	59.42'



LAYTON
1486 W. Hillfield Rd. Ste 204
Layton UT 84041
Phone: 801.547.1100
Fax: 801.593.6315
WWW.ENSIGNENG.COM

SALT LAKE CITY
Phone: 801.255.9212
TOOELE
Phone: 435.863.9810
CEDAR CITY
Phone: 435.862.1421
RICHFIELD
Phone: 435.885.2843

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

PRESENTED TO THE CITY COUNCIL OF KAYSVILLE CITY, UTAH, ON
THIS _____ DAY OF _____, 20____
WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

CITY RECORDER CITY MAYOR

SURVEYOR'S CERTIFICATE

I, KEITH R. RUSSELL, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 164386, 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, hereafter to be known as HOB HILL SUBDIVISION - 2ND AMENDED, 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 the Southwest Corner of Lot 28, Hob Hill Subdivision recorded in the office of the Davis County Recorder on May 12, 1978 as Entry no. 430525, said point also being on the north line of 200 North Street at a point North 0°0'10" East 771.22 feet along the section line and West 1606.11 feet from the East Quarter Corner of Section 35, Township 4 North, Range 1 West, Salt Lake Base and Meridian, and running:
Thence South 68°37'00" West 151.87 feet along the north line of 200 North Street to the Southeast Corner of Lot 101, Hob Hill Amended Subdivision recorded in the office of the Davis County Recorder on August 7, 2015 as Entry no. 2865432;
Thence North 15°59'21" West 203.45 feet along the east line of Lot 101 to and along the east line to the Northeast Corner of Lot 100 of Hob Hill Amended Subdivision, said point also being on the south line of 300 North Street;
Thence southeasterly 13.75 feet along the arc of a 25.00 foot radius curve to the right, (center bears South 1°59'49" West and long chord bears South 76°10'24" East 13.56 feet, with a central angle of 31°30'51") along the south line of 300 North Street;
Thence easterly 63.62 feet along the arc of a 50.00 foot radius curve to the left, (center bears North 28°35'02" East and long chord bears North 83°07'54" East 59.42 feet, with a central angle of 72°54'16") along the south line of 300 North Street to a Northwest Corner of Lot 28, Hob Hill Subdivision;
Thence South 43°19'14" East 165.47 feet along the east line of Lot 28, Hob Hill Subdivision to the point of beginning.
Contains 16,930 square feet, 0.435 acres, 2 lots.

12-13-19

Date

Keith R. Russell

Keith R. Russell
License no. 164386



OWNER'S DEDICATION

Known all men by these presents that we, the undersigned owners of the above described tract of land, having caused same to be subdivided, hereafter known as the

HOB HILL SUBDIVISION - 2ND AMENDED

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public Use.
In witness whereof we have hereunto set our hands this _____ day of _____, A.D., 20____

By: KOUROSH HARONI

By: PAMELA L. HARONI

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH
County of Davis
On the _____ day of _____, A.D., 20____, KOUROSH HARONI and PAMELA L. HARONI, personally appeared before me, the undersigned Notary public, in and for said County of Davis in said State of Utah, who after being duly sworn, acknowledged to me that They signed the Owner's Dedication, TWO in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC
RESIDING IN _____ COUNTY.

HOB HILL SUBDIVISION - 2ND AMENDED

LOCATED IN THE NORTHEAST QUARTER
OF SECTION 35
TOWNSHIP 4 NORTH RANGE 1 WEST
SALT LAKE BASE & MERIDIAN
KAYSVILLE CITY, 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
PAGE _____

DAVIS COUNTY RECORDER

BY _____ DEPUTY RECORDER

SHEET 1 OF 1

PROJECT NUMBER: 8222

MANAGER: M. HERBST

DRAWN BY: ASHLEY

CHECKED BY: K. RUSSELL

DATE: 12/13/19



Planning Commission Staff Report

AN ORDINANCE ENACTING SECTION 17-4-7, APPOINTMENT OF PLANNING COMMISSION ALTERNATES OF TITLE 17, PLANNING AND ZONING.

February 13, 2020

Description:

The Kaysville City Council recently appointed new Planning Commission members to fill the vacancy of 2 positions with the Kaysville City Planning Commission. In addition to the 2 regular appointments, the council appointed 2 additional members to serve as alternates in the event that a regular member of the planning commission is unable to attend.

To solidify this option, the attached ordinance has been drafted and as part of Title 17 the Planning Commission is tasked with making a recommendation to the city council for their final decision.

Recommendation:

Staff recommends that the proposed ordinance be recommended for approval to the Kaysville City Council.

Attachment 1: Draft Planning Commission Alternates Ordinance.

ORDINANCE XX-XX-XX

AN ORDINANCE ENACTING TITLE 17-4-7 APPOINTMENT OF PLANNING COMMISSION ALTERNATES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; RATIFYING ACTIONS TAKEN HERETOFORE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Kaysville City has a desire to run efficient and regularly scheduled planning commission meetings; and

WHEREAS, Kaysville City also has a desire the opportunity to involve more residents in activities that promote civic engagement; and

WHEREAS, appointing alternates to the Planning commission is one way to insure that planning commissions have the requisite number for a quorum and more citizens can be engaged with local government; and

WHEREAS, the City Council of Kaysville City finds it to be in the best interest of its citizens to enact this portion of the Municipal Code.

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

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

SECTION II: Enactment. Title 17, Chapter 4, Section 7, Appointment of Alternates shall be enacted to read as follows:

17-4-7 Appointment Of Alternates

Alternate members may be appointed to the Planning Commission. Such appointment shall be in the same manner as the appointment of a Planning Commissioner. Alternate members will only participate in Regular Meetings when needed to fill a vacancy during the temporary absence of a Planning Commissioner. Alternate members may fully participate in the Planning Commission Work Meeting.

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

Section IV: Ratification. Any actions taken heretofore in furtherance of this ordinance are hereby ratified.

SECTION IV: Effective Date. This ordinance being necessary for the peace, health and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____ day of _____, 2020.

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder



Planning Commission Staff Report

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AMENDING MULTIPLE SECTIONS OF TITLE 17 DEALING WITH LOT WIDTH, AND YARD REQUIREMENTS, SECTION 17-25-6, PROJECTIONS INTO REQUIRED YARDS, EXEMPTIONS OR MODIFICATIONS, AND SECTION 17-31-2 ACCESSORY BUILDINGS, OF TITLE 17, PLANNING AND ZONING. February 13, 2020

The Planning Commission recently gave direction to city staff to put together a draft ordinance that would allow for some reasonable flexibility in the city's ordinances to help provide an alternate option to the variance process for items the commission has dealt with and determined to be acceptable but not legal under the existing code.

As part of the consideration for changes that might be made, the commission asked that city staff review recent variance requests to identify the types of items that residents/businesses are looking to do and attempt to create ordinance language that might have accommodated those issues.

Variance requests are rare as the process and requirement for receiving a variance are so stringent. Over the past 5 years the Planning Commission has seen requests for the following variances:

- Accessory structure location (5)
- Flag Lot Stem Requirements (2)
- Home business sign regulations (1)
- Setbacks relating to a dwelling (1)

Staff will be prepared at the Planning Commission meeting to further detail these requests as needed.

In consideration of these items staff is recommending that the commission look at ordinances to address accessory structure issues and setbacks related to dwelling.

A draft ordinance has been prepared which is included with this report that proposes language to address these 2 items. It is the opinion of city staff that the other variance requests weren't for items that the planning commission felt they would have liked to approve.

Staff is looking for a recommendation to forward to the city council regarding the draft ordinance.

Recommendation:

Staff recommends that the Planning Commission review the proposed ordinance and consider potential impacts from the proposed changes. The planning commission may make a recommendation on part of or a variation on the proposed ordinance rather than all the changes if desired.

Attachments:

Attachment 1 – Draft Ordinance

Attachment 2 – Example of alternate process.

Attachment 3 – Examples of proposed changes.

SECTION 1: AMENDMENT “17-25-6 Projections Into Required Yards, Exemptions Or Modifications” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-25-6 Projections Into Required Yards, Exemptions Or Modifications

Certain architectural features may project into required yards or courts as follows:

1. Every part of a required yard shall be open to the sky, unobstructed except for accessory building in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, and other ornamental features.
2. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet (5'); and the ordinary projections of chimneys and flues are permitted.
3. Architectural features which shall not be allowed to project into required yards or courts include, but are not limited to, decks and balconies.
4. Where the following conditions exist, a limited amount of building may be allowed to encroach into a required side yard against a street:
 - a. The property is a corner lot that contains an acute angle or curve,
 - b. The property line and primary facade of the building do not parallel each other,
 - c. The encroachment does not exceed more than 3 feet at any point,
 - d. No more than 20 square feet of building or structure encroaches into the required yard,
 - e. Unless permission is granted by the easement holder, there is no encroachment into any easements.

SECTION 2: AMENDMENT “17-31-2 Accessory Buildings” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

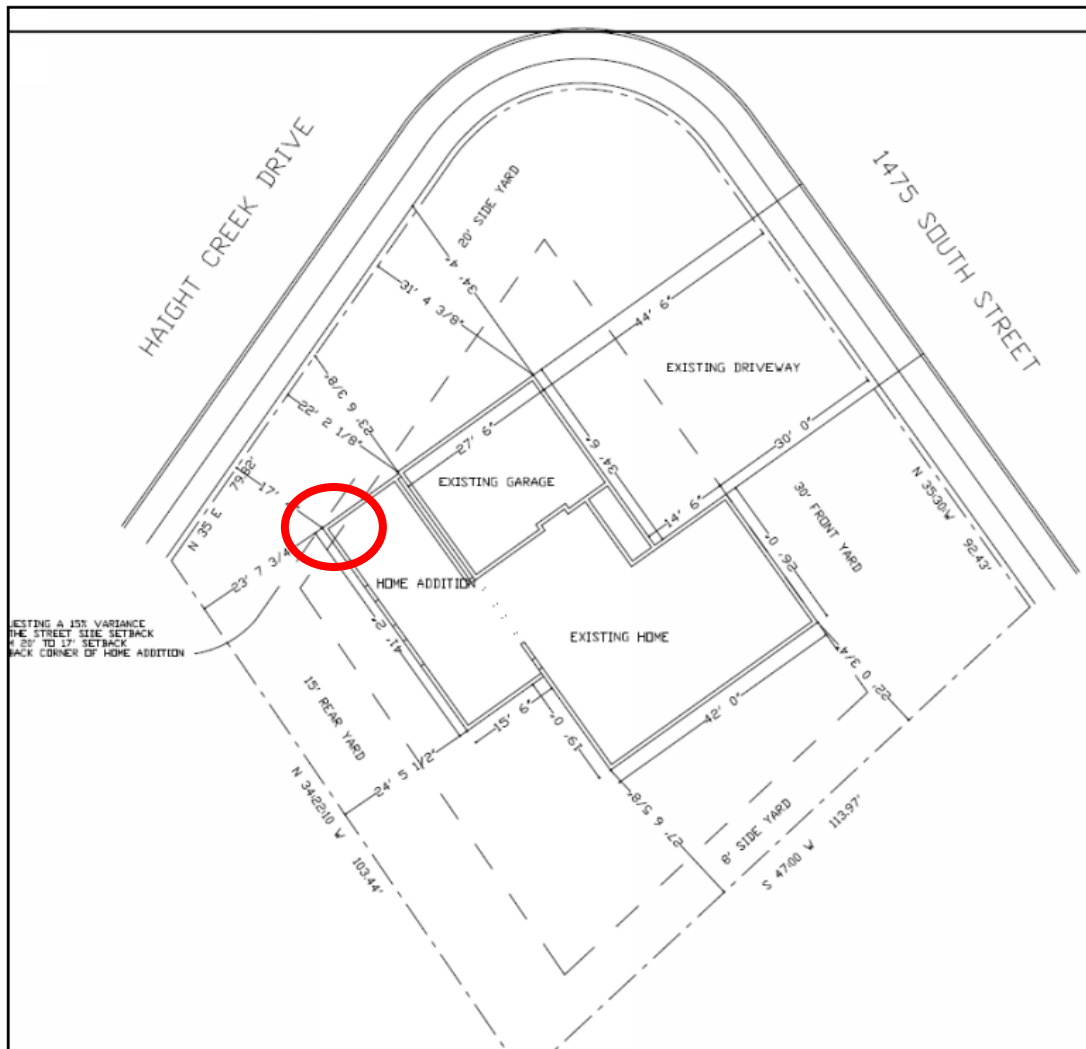
17-31-2 Accessory Buildings

1. All accessory buildings shall comply with the provisions of this Title. No accessory building shall be located in any front yard ~~or required side yard.~~ Accessory buildings 200 sq. ft. or larger or any accessory building which exceeds 10 feet in height shall not be located in a required side yard or yard abutting a street such as a corner lot or double frontage lot. Accessory buildings such as a garden or tool shed which do not exceed 10 feet in height may be located in a rear or side yard abutting a public street.

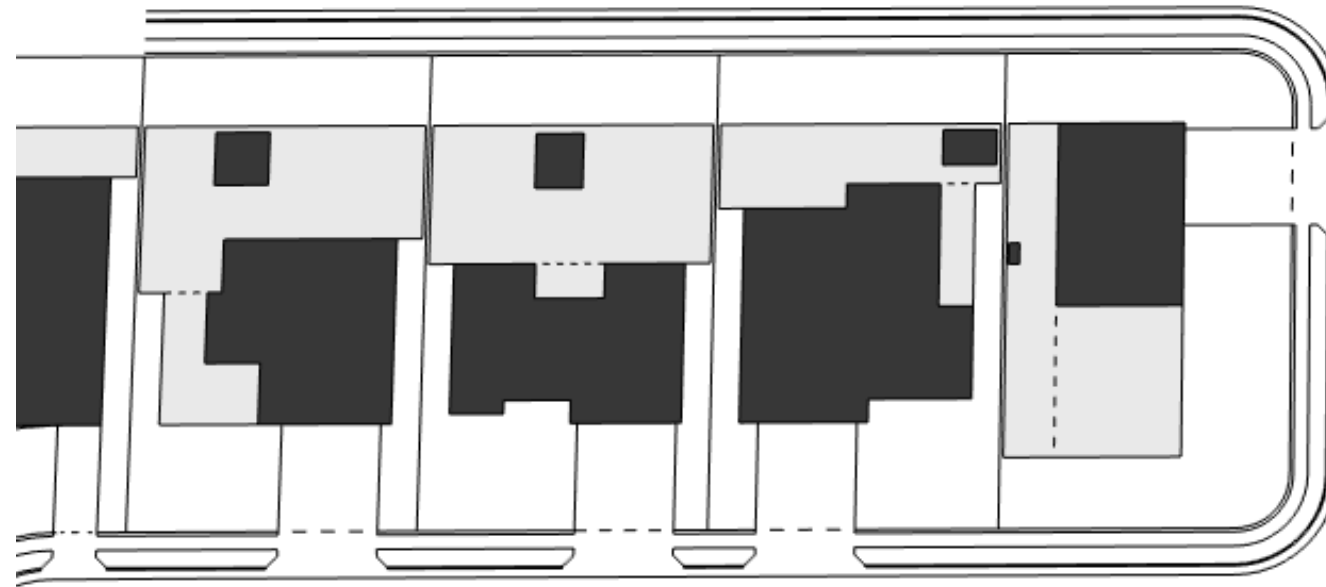
2. A property owner must obtain written permission from an easement holder in order to locate an accessory structure on any recorded easement. Structures located in an easement such as a Public Utility Easement (P.U.E.) are placed at the property owner's risk and the structure may be required to be removed at the property owner's personal expense should an entity with rights to the easement require access to that easement at any time.
3. Any accessory building attached to the main building shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Title applicable to the main building.
4. One story detached accessory buildings smaller than 200 square feet shall not be located so that they cause storm water runoff onto the adjacent property. Accessory buildings 200 square feet or larger shall have the required permits and be located not closer than one foot (1') to the adjacent property line and so that storm water does not run off onto the adjacent property.
5. Accessory buildings in any zone shall occupy no more than twenty percent (20%) of the lot area less the footprint area of the main building. An accessory building shall not exceed ten percent (10%) of the lot area or three thousand (3,000) square feet, whichever is more restrictive. Accessory buildings may exceed three thousand (3,000) square feet in area by conditional use in the zones where allowed by conditional use.
6. Accessory building shall not exceed in height the line created by a point twelve feet (12') above ground at the property line and extending upwards from that point at a 45 degree angle towards the interior of the property, up to the maximum building height allowed in the zone.
7. Buildings housing farm animals shall comply with [KCC 17-24-3](#).

19.18.050 Routine And Uncontested Matters

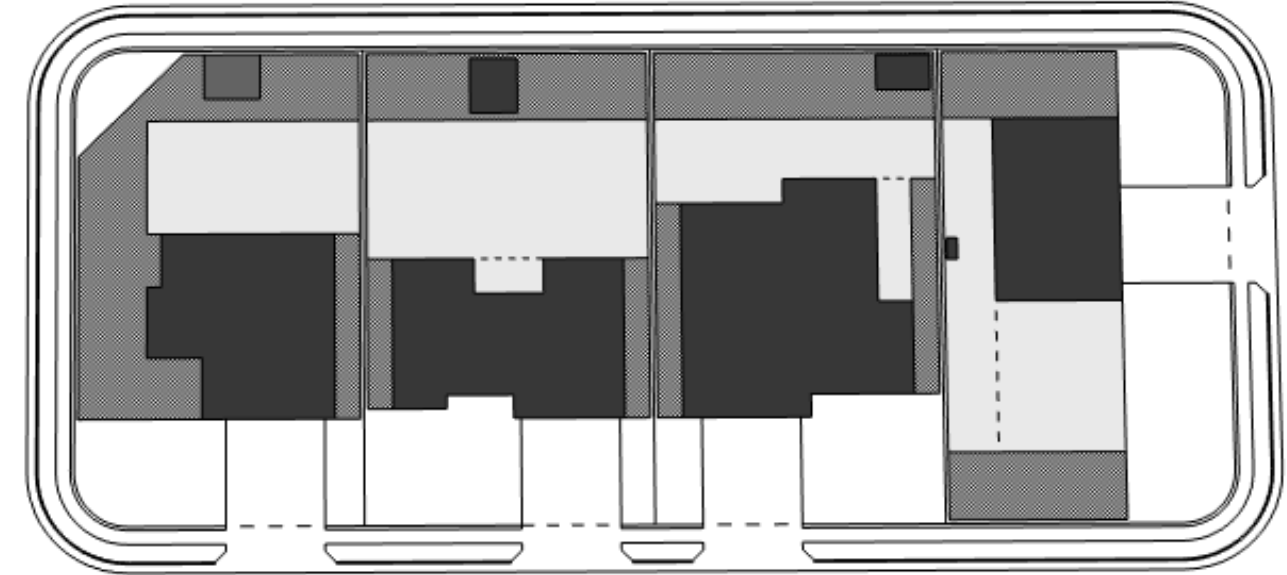
1. There is hereby created the office of Zoning Administrator. This position and authority shall be exercised by one appointed by the City Manager.
2. The Zoning Administrator is hereby authorized to decide certain matters, as designated by the Land Use Hearing Officer, that are consistent with the guidelines established by this Title and state law and the rules adopted by the Land Use Hearing Officer. Pursuant to that authority the Zoning Administrator may decide all cases which are routine in nature, uncontested, that do not impact the character of the neighborhood, are primarily brought about by recent changes in the zoning ordinance, or City initiated development or construction that has resulted in the creation of noncomplying structures. The specific types of decisions the Zoning Administrator is authorized to make shall include:
 1. The determination of a nonconforming use which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section shall mean official documents, including any written correspondence, receipts, permits, or documents issued by a public body or agency thereof, etc., that may establish the truth of the matter asserted by the applicant;
 2. Consider additions or alterations to existing buildings and structures, which are noncomplying as to height, area, or yard regulations, providing that the addition follows the existing wall lines and no additional dwelling units are added to the building or structure;
 3. Change in the status of a nonconforming use to a less intense use than that immediately preceding the proposed use;
 4. Final review and approval on plans where the Land Use Hearing Officer has required that a final plan be submitted for special approval, showing that all requirements imposed by the Land Use Hearing Officer in granting the original approval have been complied with; and
 5. The granting of a variance in the very limited instance wherein the applicant and the City are in complete agreement regarding all issues, and that the spirit and intent of the Layton City zoning ordinance is satisfied and that all criteria required statutorily for variance have also been satisfied.
3. The notice requirements established by the ordinance, that are required before a hearing on a variance, must still be satisfied by the Zoning Administrator. However, in lieu of giving notice of a time, date, and place of a hearing, the Zoning Administrator's notice shall provide for a time frame within which all interested parties may submit their input to the Zoning Administrator. All responses received pursuant to the notice shall become a permanent part of the file.
4. A decision of the Zoning Administrator may be appealed to the Land Use Hearing Officer as provided for in this Chapter.



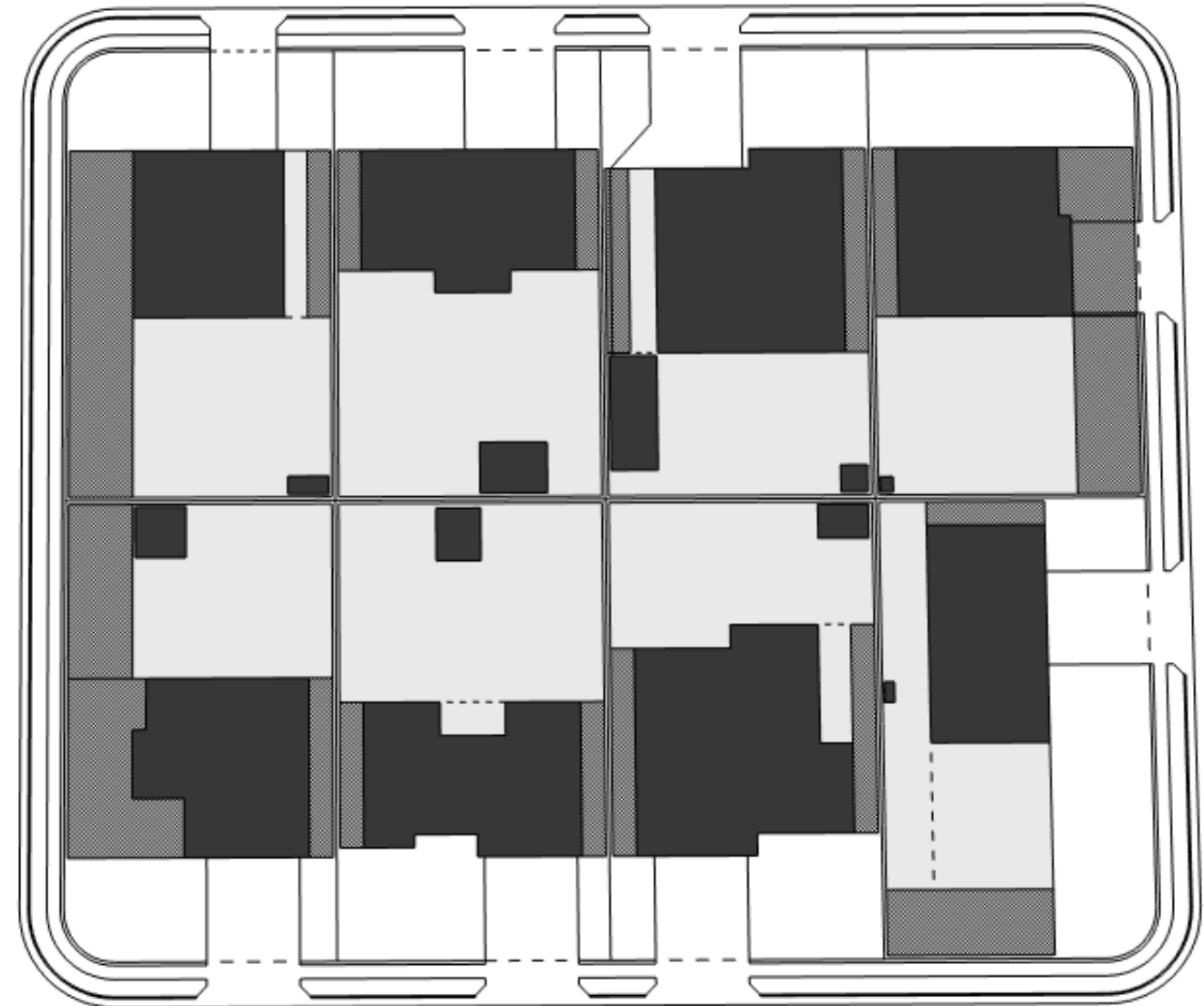
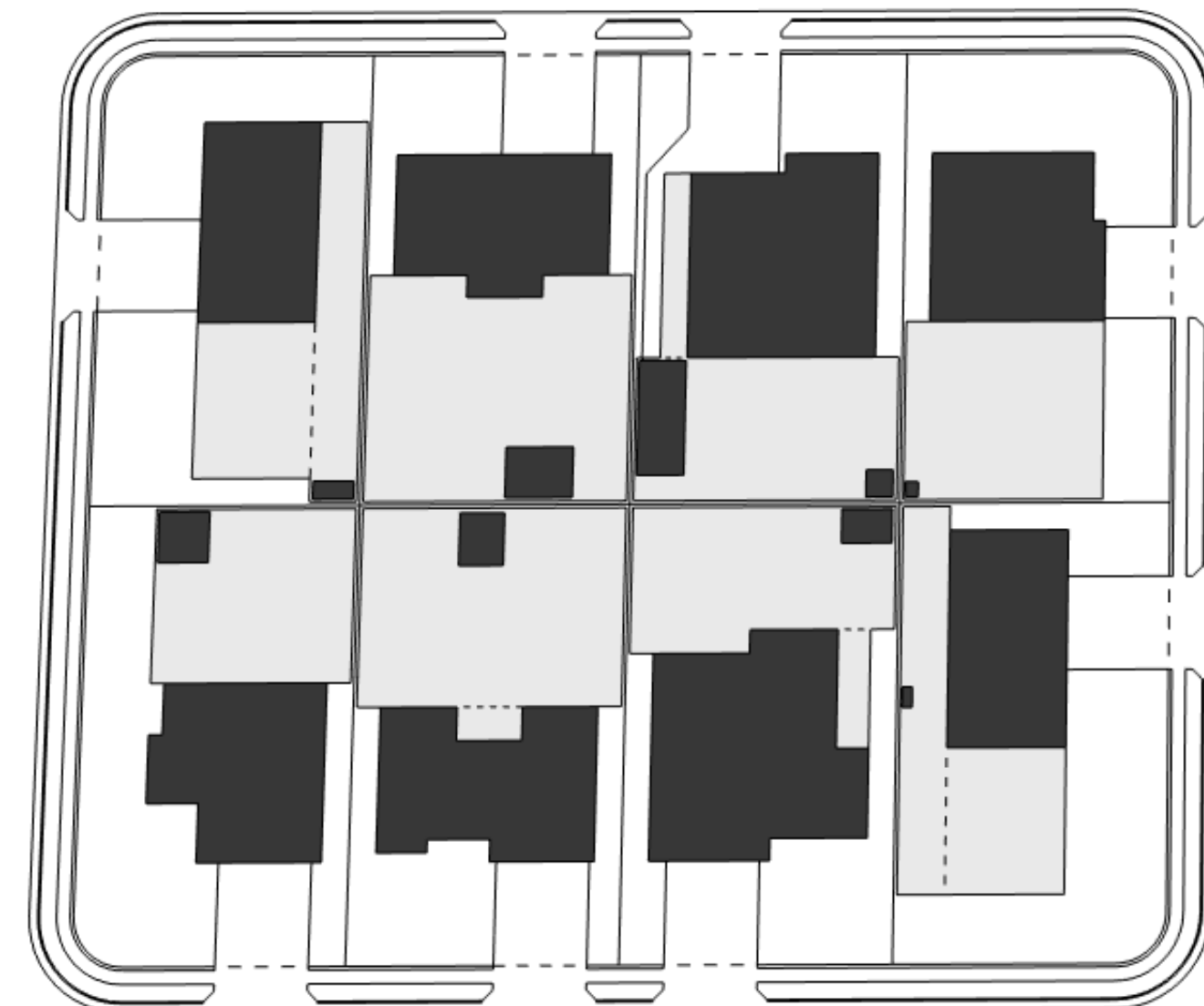
Accessory Structures



Current Ordinance



Proposed Ordinance



 = dwelling or accessory structure

 = area where accessory structures are currently permitted

 = Additional area where small accessory structures may be permitted

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

January 9, 2020

Planning Commission Members Attended: Chairperson Wilf Sommerkorn, Vice Chairperson Joshua Sundloff, Quan Nguyen, Toby Barrus, Steve Lyon.

Staff Present: Zoning Administrator Lyle Gibson, Secretary Heather Nielsen.

Others Present: Rick Smith, Laura Hathaway, Jill Branch, Bekki Argyle, Jon Argyle, Phil Holland, Tom Gil, Kathy Gil, Devin Gardner, Kristi Gardner, Thalene Wilkes, Kirk Christensen, Bill Kinney, Davis Meyer, Kelly Meyer, Andrew Springer, Bryce Huff.

OPENING

The Planning Commission meeting was held on Thursday, January 9, 2020 at 7:00 p.m. in the Kaysville Fire Station Building. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present.

The minutes of the December 12, 2019 meeting were presented for approval. Quan Nguyen made a motion to approve the minutes. Steve Lyon seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B” FOR GROUP SINGING LESSONS AT 1539 SOUTH 650 EAST FOR JILL BRANCH.

Lyle Gibson explained that Jill Branch is looking to offer music lessons from her home at the above listed address. Individual music lessons fall under the category of ‘Minor Home Occupation’, but group music lessons require a major home occupation approval. She has taught music lessons before from her home in Idaho. She anticipates doing one group class once a week with no more than 15 children, but occasionally may have another class if demand requires for a total of 2 group sessions per week. Classes will be no more than 2 hours per session from 4pm to 6pm. The applicant’s home is on a corner lot so frontage should be sufficient for scheduled pick-up and drop-off.

Staff is recommending approval of the proposed conditional use permit for a Major Home Occupation “B” at the above listed address with the following condition:

- The number of students be limited to no more than 15 students at any one time.

Chairperson Wilf Sommerkorn asked the applicant Jill Branch to approach the stand. Mrs. Branch explained that she used to teach group music lessons and would like to start a business in Kaysville. She would hold three one hour classes each week for children aged from 4 to 12 yrs. old.

Mrs. Branch requested that she be able to have more than 15 students. She made a suggestion to the Planning Commission that they limit her lessons to only having 15 cars drop off at her house instead of 15 students since many students would be siblings attending her classes.

Lyle Gibson explained that Kaysville City prefers to regulate students instead of cars but feels that this is a request that could be accommodated. Chairperson Wilf Sommerkorn held a discussion with the planning commission. They felt this was a reasonable request but that they review the conditional use permit within one year's time. If there are any complaints then the permit will need to come back to the Planning Commission sooner.

Quan Nguyen made a motion to approve the conditional use permit for a Major Home Occupation "B" for group singing lessons at 1539 South 650 East for Jill Branch with the condition that the total number of cars dropping and picking off are limited to 15 total. Toby Barrus seconded the motion and it was unanimously approved.

CONDITIONAL USE PERMIT FOR A PUBLIC UTILITY SUBSTATION LOCATED AT 711 NORTH FAIRFIELD FOR DAVIS AND WEBER COUNTY CANAL COMPANY.

Lyle Gibson explained that the Davis and Weber County Canal Company is seeking approval for a lot split and a conditional use permit for a utility substation at the subject address. The existing lot is zoned R-A and is .82 acres or 35,207 sq. ft. in size. The subdivision proposal will keep a lot for the existing home on a parcel of 22,215 sq. ft. or 0.51 acres and a new lot with 12,871 sq. ft. or 0.30 acres for the substation. This complies with the size and frontage requirements for the lot which will maintain the home, and creates a lot that is smaller than the standard allowed of the R-A zone but complies with KCC 17-31-15 which allows for deviation in typical lot requirements for public utility substations.

The applicant has provided plans for the secondary water pump station which indicates a pump house within a fenced area located 11 feet from the property line along Fairfield Road. The applicant has provided example photos of what the structure would look like based on other DWCCC properties. While they have indicated fencing, the planning commission should determine with the applicant what type of fencing is most appropriate considering the building that screens the pump equipment. The proposed side yard is less than the typical 20 ft. side yard against a public street which the Planning Commission has the ability to approve.

Staff is recommending approval of the proposed conditional use permit for a Public Utility Substation as proposed with additional clarification from the Planning Commission regarding the type of fencing that will be permitted.

Vice Chairperson Josh Sundloff made a motion to approve a conditional use permit for a Public Utility Substation located at 711 North Fairfield for Davis and Weber Counties Canal Company with the following conditions:

1. A cement masonry wall must be on the pump house similar to what was shown in the photographs.

2. A slatted chain-link fence must be installed around the utility substation's property.
3. Landscaping must be installed at the front corner site triangle to include grass and shrubbery approved by staff.

Steve Lyon seconded the motion and it was unanimously approved.

PUBLIC HEARING FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR A PUBLIC UTILITY SUBSTATION LOCATED AT THE SOUTHWEST CORNER OF BOYNTON AND FAIRFIELD ROAD FOR THE BOYNTON CORNER SUBDIVISION AND DAVIS AND WEBER COUNTIES CANAL COMPANY.

Lyle Gibson said staff is recommending approval of the preliminary and final plat for the Boynton Subdivision as proposed. The Planning Commission is tasked with making a recommendation regarding the preliminary plat to the City Council. The motion as it relates to the final plat shall be subject to a decision from the City Council to approve the preliminary plat.

The subdivision plat meets all applicable ordinances and standards with the conditional use permit for a public utility substation.

Chairperson Wilf Sommerkorn opened the public hearing. Nothing was brought during the public hearing.

Chairperson Wilf Sommerkorn closed the public hearing.

Vice Chairperson Josh Sundloff made a motion to recommend approval to city council the preliminary and final plat for a Public Utility Substation located at the southwest corner of Boynton and Fairfield road for the Boynton Corner Subdivision and Davis and Weber Counties Canal Company. Tobby Barrus seconded the motion and it was unanimously approved.

PUBLIC HEARING FOR THE REZONE OF 1.5 ACRES OF PROPERTY LOCATED AT 191 SOUTH FLINT STREET FROM AN R-1-20 (SINGLE FAMILY DWELLING) TO AN R-1-10 (SINGLE FAMILY DWELLING) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE FOR PHIL HOLLAND.

Lyle Gibson explained that the subject property was previously approved for a 3 lot private street subdivision in 2008 and began installation of improvements but was never completed and recorded. The original approval had been for 3 lots under an old cluster subdivision ordinance. The property has remained in its current state for nearly a decade with a berm and fencing along Flint Street and the private street.

The applicant is looking to utilize the existing private street and is proposing a 5 lot subdivision. To accommodate the number of proposed lots, the applicant is requesting a rezone to the R-1-10 zoning district which allows for lots as small as 10,000 sq. ft. in size. The requested PRUD overlay zone is necessary for a private street subdivision. The property is surrounded by R-1-20

zoning on all sides and has frontage on Flint Street. As proposed, the rezone would allow an increase from 3 to 5 homes.

After holding a public hearing, the Planning Commission is tasked with making a recommendation to the City Council regarding the rezone request and the preliminary plat.

In consideration of the rezone the Planning Commission should consider how the use fits with the city's general plan and how it works at the specific location.

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. If inclined to recommend the rezone request, the recommendation from the Planning Commission may at its discretion include considerations for a development agreement.

Chairperson Wilf Sommerkorn invited the developer Phil Holland to the stand. Mr. Holland stated that he passes this property every day and wants to develop these into single family lots. He is requesting five lots instead of three to make the best use of this property. The houses built would be custom houses that would sale for around 700k.

Vice Chairperson Josh Sundloff asked Mr. Holland what the lot sizes of this development would be. Mr. Holland said they would be smaller lots because of the private road that needs to be built.

Chairperson Wilf Sommerkon opened the public hearing for the rezone and the preliminary plat for the property located at 191 South Flint Street.

John Argyle said he was worried about plumbing and that these lots do not go downhill. Make sure that this is fixed. He also wanted to make sure that there is enough parking along the private road they are going to build.

Devin and Christy Gardner said they were concerned with the 15ft. setback for the rear and that the developer is trying to fit five homes into this small area. The traffic and cars is a huge concern.

Tom and Kathy Gill said that they too feel that five homes would make it too tight. They asked the Planning Commission to keep it at three lots.

Mike Brakely said he is concerned how the street would connect with traffic.

John Bunch and Kaylee Wilks seconded what everyone said. They do not want smaller lots. They are fine with three lots. They also feel that the proposed road takes up too much land from those lots jamming everything too close together.

Bekki Argyle said after listening to her neighbors she too feels that five lots would be too many. The 5 ft. side setback feels more like townhomes being put in.

Chairperson Wilf Sommerkorn closed the public hearing.

Chairperson Wilf Sommerkorn invited the developer Mr. Holland to the stand to address some of the public's questions.

Mr. Holland said that they will work with city staff on sewer and drainage issues.

Vice Chair Josh Sundloff asked why they were asking for a side yard of 5ft. when it is typically 8ft. Mr. Holland said that they needed these smaller setbacks because of the private road to allow more home design options.

Tobby Barrus made a motion to recommend approval to city council the rezone for 1.51 acres of property located at 191 South Flint Street from an R-1-20 (Single Family Dwelling) to an R-1-10 (Single Family Dwelling) zoning district to include the PRUD overlay zone for Phil Holland. Quan Nguyen seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE ELMS ON FLINT SUBDIVISION LOCATED AT 191 SOUTH FLINT STREET FOR PHIL HOLLAND.

Lyle Gibson informed the commission that after holding a public hearing, the Planning Commission is tasked with making a recommendation to the City Council regarding the rezone request and the preliminary plat.

Staff recommends that final approval of the PRUD overlay zone be subject to approval of an acceptable final subdivision plat.

If the proposed zoning is recommended for approval, staff recommends that the Planning Commission forward a favorable recommendation of the preliminary plat to the City Council.

Tobby Barrus made a motion to recommend approval to the city council the preliminary plat for the Elms on Flint subdivision located at 191 South Flint Street for Phil Holland. Quan Nguyen seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE DESERET LANDING SUBDIVISION APPROXIMATELY LOCATED AT 700 SOUTH DESERET DRIVE FOR PHIL HOLLAND.

Lyle Gibson said that the applicant recently went into a development agreement with the city for the subject property where residential development on the south end of the property would be allowed so long as it does not exceed 66 units or 5.5 units per acre while requiring that a minimum of 13 acres of property be used for commercial purposes.

The Planning Commission at its last meeting approved conditional use permits to allow for the function of a BigShots driving range facility on the north west portion of the property on what is

shown in the attached subdivision plat as 'Commercial Lot 1'. There is an additional 6.4 acres of commercial property along Deseret Drive shown as 'Commercial Lot 2' for a total of 16.87 acres of commercial development.

The proposed plat includes residential component which is being looked at independently as a Common Open Space Subdivision. The residential subdivision contains private streets and open space along Deseret Drive and I-15. The plat also includes 42 units on 8.13 acres at just over 5 units per acre. Larger lots abut the existing residential development to the south with a minimum frontage of 80 feet. All lots are for single family detached homes with frontage of 50' and a minimum lot size of 4,500 square feet or .1 acres. The existing development agreement has previously allowed for 20 foot front yard, 5 foot side yard, and 15 foot rear yard setbacks. The amount of open space provided has been confirmed to meet the minimum required for a Common Open Space Subdivision.

This subdivision plat defines which properties will be used for commercial development and which will be residential. The residential and commercial sections can be looked at as phases. The residential will be back with a final plat specific to that component. It is likely that 'Commercial Lot 1'. Will have a separate final subdivision plat indicating the details of the street access. 'Commercial Lot 2' will also require a final plat that may or may not add any private or public streets. Likely it will just formalize the lot.

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for the Deseret Landing preliminary subdivision plat.

Steve Lyon asked Mr. Holland the developer if there was a way that they could add another exit out of the neighborhood. He does not like to see single access subdivisions. Mr. Lyon suggested going through lot 24.

Mr. Holland responded that they are trying to accommodate commercial lot 1 owner Top Golf. Top Golf does not want subdivision access on their road since it will already be too busy. Mr. Holland responded that it would be too hard to go through lot 24 because they would have to bridge utilities. It would be very expensive.

Chairperson Wilf Sommerkon opened the public hearing.

Rick Smith from Davis Weber Counties Canal Company said they want to make sure that there is a public easement for their water.

Chairperson Wilf Sommerkorn closed the public hearing.

Vice Chairperson Josh Sundloff made a motion to approve the preliminary plat for the Deseret Landing Subdivision located approximately at 700 South Deseret Drive for Phil Holland. Quan Nuygen seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR THE ISLAND VIEW TOWNHOMES LOCATED AT 750 EAST 250 SOUTH FOR ADVANCED SOLUTIONS GROUP.

Lyle Gibson told the Planning Commission that they have previously approved a conditional use permit to allow for twin home construction, and the City Council has given approval for the preliminary plat of the proposed subdivision.

The applicant has submitted the final plat drawings which have been reviewed by staff. The plat is consistent with the concept and preliminary plans previously reviewed by the Planning Commission consisting of 6 lots which meet the R-2 zone and the previously granted conditional use permit.

Quan Nuygen made a motion to approve the final plat for the Island View Townhomes located at 750 East 250 South for Advanced Solutions Group. Steve Lyon seconded the motion and it passed unanimously.

VARIANCE REQUEST FOR THE SIDE YARD SETBACK REQUIREMENT (17-12-6) ON A CORNER LOT AT 780 EAST 1475 SOUTH FOR BRYCE HUFF (TABLED ITEM).

Lyle Gibson said that the applicant came before the Planning Commission on 9/12/19 with this request originally. At that meeting there was a motion to approve the request which failed to get enough votes. The commission then voted to table the variance which passed unanimously.

The applicable zoning on the subject property requires that the lot have a 30 ft. front yard setback. As a corner lot the other side yard abutting a street must be at least 20 ft. per 17-12-6 (6).

The required front yard abuts 1475 South Street, the applicant desires to do an addition to the home which as planned would require the variance to build closer than 20 ft. to the property line along Hights Creek Drive.

Chairperson Wilf Sommerkorn invited applicant Bryce Huff to the stand. Mr. Huff provided his reasoning as to why he should be given a variance to build this addition onto his property. Chairperson Wilf Sommerkorn reminded Mr. Huff that he has to meet all five factors for a variance in order to be granted one. Unreasonable hardship due to finances is not a factor that counts. Chairperson Wilf Sommerkorn explained that Mr. Huff still can build the addition he just needs to change the layout so that it fits within city code.

Quan Nuygen made a motion to deny the variance request for the side yard setback requirement (17-12-6) on a corner lot at 780 East 1475 South for Bryce Huff. Steve Lyon seconded the motion and it was unanimously approved.

After denial of the variance, the Planning Commission requested that city staff look at other recent variance requests that seemed to make sense but were not feasible to grant based on the variance criteria. Staff should return to the commission with a proposed ordinance that would allow for the consideration of such requests.

CALL TO THE PUBLIC

Nothing was brought forward to the commission.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, January 23, 2020.

ADJOURNMENT

Chairperson Wilf Sommerkorn made a motion to adjourn the meeting. Steve Lyon seconded the motion and it passed unanimously. The meeting adjourned at 10:15 p.m.