

KAYSVILLE CITY PLANNING COMMISSION NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, April 23, 2020 at 7:00 p.m.

In response to Utah Executive Order No. 2020-5, the only way to view or participate in this meeting will be through remote means.

- **The public is encouraged to contact the Planning Commission or Kaysville City Community Development Office prior to the meeting with any questions or comments regarding items on the agenda.**
- **To watch the proceeding in real-time, visit www.kaysvillelive.com where a link to view a live stream of the meeting via YouTube Live.**
- **If you wish to make comments during the meeting, a link to participate via Zoom will be available also on the home page of www.kaysvillelive.com.**

The agenda shall be as follows:

1. Opening and approval of the minutes from the April 9, 2020 meeting.
2. Conditional Use Permit for Development Sign for the Whisper Hollow Subdivision at approximately 650 East 100 North – Craig Larsen.
3. Public hearing to consider the PRUD (Planned Residential Unit Development) overlay zone and a development agreement for a common open space subdivision with private streets at 1300 East 1084 North consisting of approximately 23 acres for the Talbots and Morton Development Group.
4. Public hearing to consider an ordinance amending Chapter 17-33, Sign Regulations, of Title 17, Planning and Zoning, of the Revised Ordinances of Kaysville City.
5. Public hearing to consider an ordinance amending Section 17-34-7, Common Open Space Subdivision, of Chapter 17-34, PRUD Planned Residential Unit Development, of Title 17, Planning and Zoning, of the Revised Ordinances of Kaysville City.
6. Call to the public.
7. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
8. 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 April 17, 2020.



Lyle Gibson – Community Development Director

******To send comments to the Planning Commission please visit:**

<https://www.kaysvillecity.com/435/Planning-Commission>

Comments received in writing will be referred to and read into the record of the public meeting.

To contact the Community Development Office please call 801-546-1241.



Planning Commission Staff Report

Conditional Use Permit for a Development Sign April 23, 2020

Applicant/Owner: Craig Larsen
Location: 650 E 100 N
Zone: R-1-8 (Residential)

Description:

The Whisper Hollow subdivision is starting development work and anticipates having a development sign at the above noted address. The applicants are requesting a conditional use permit for this sign. The subdivision improvements are being installed and homes will be under construction this year.

17-12-4 Conditional Uses of Section 17-12, which regulates uses in the R-1 Single Family Residential District, allows development signs as a temporary use subject to the sign ordinance. Section 17-33-9 "Signs Permitted by Zone" allows development signs as a conditional use for new development with at least 4 lots for sale. Signs are allowed up to 12 ft. in height and 96 sq. ft. in size based on frontage of the development.

The sign being requested is a 4' x 8' sign or 32 square ft. which stands about 8 feet tall.

Recommendation:

Staff is recommending approval of the for the development sign with the following conditions:

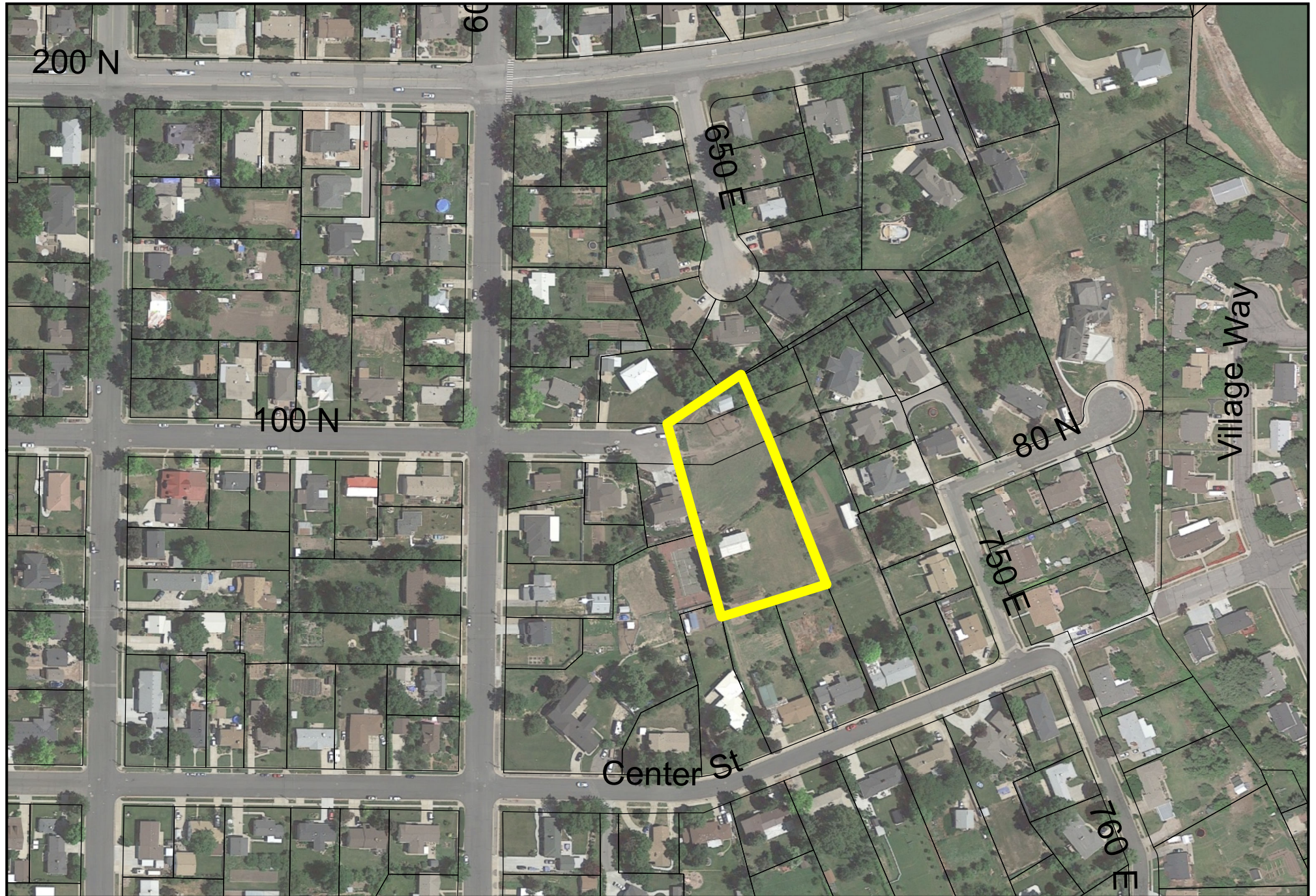
- The sign shall be allowed for a period of 1 year from the date of approval or until all lots within the subdivision or sold, whichever is less.

Reasoning:

The recommended conditions allow for the temporary advertising of the development and the proposed location will provide for safe circulation of vehicles and pedestrians as required per 17-30-8 "Standards for a Conditional Use Permit".

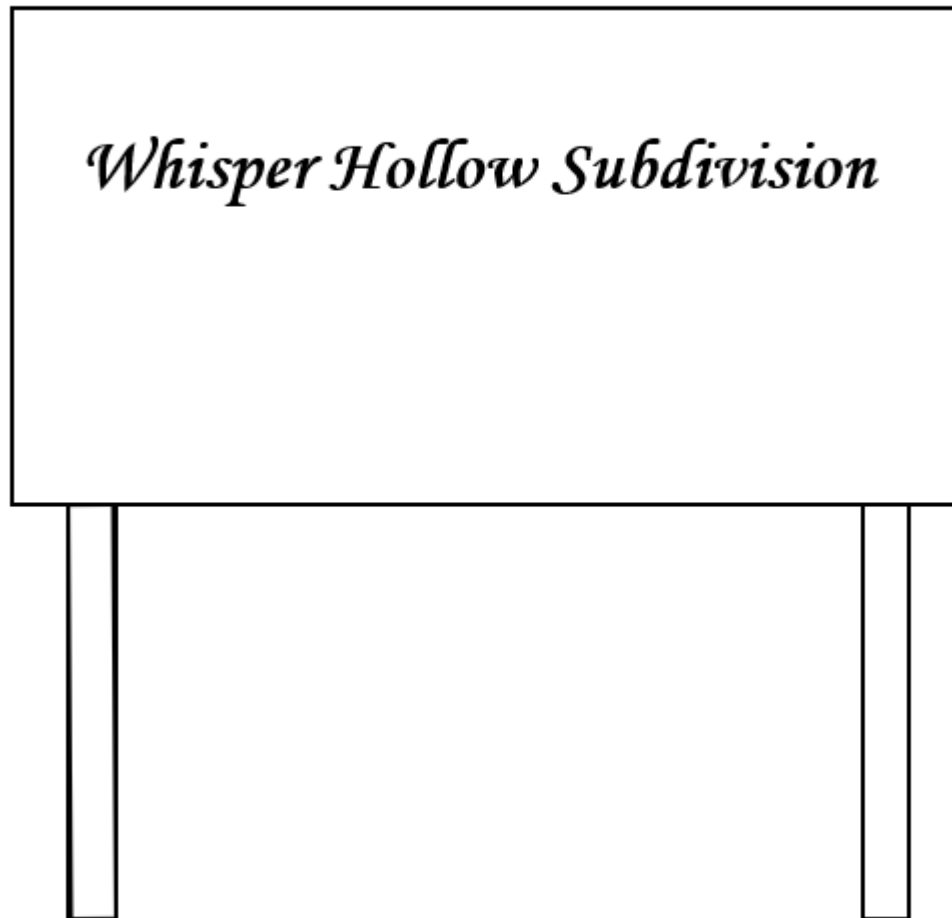
Attachment 1: Area map
Attachment 2: Site plan indicating sign location
Attachment 3: Image of proposed sign

Whisper Hollow Subdivision



Conditional use sign basic rendering:

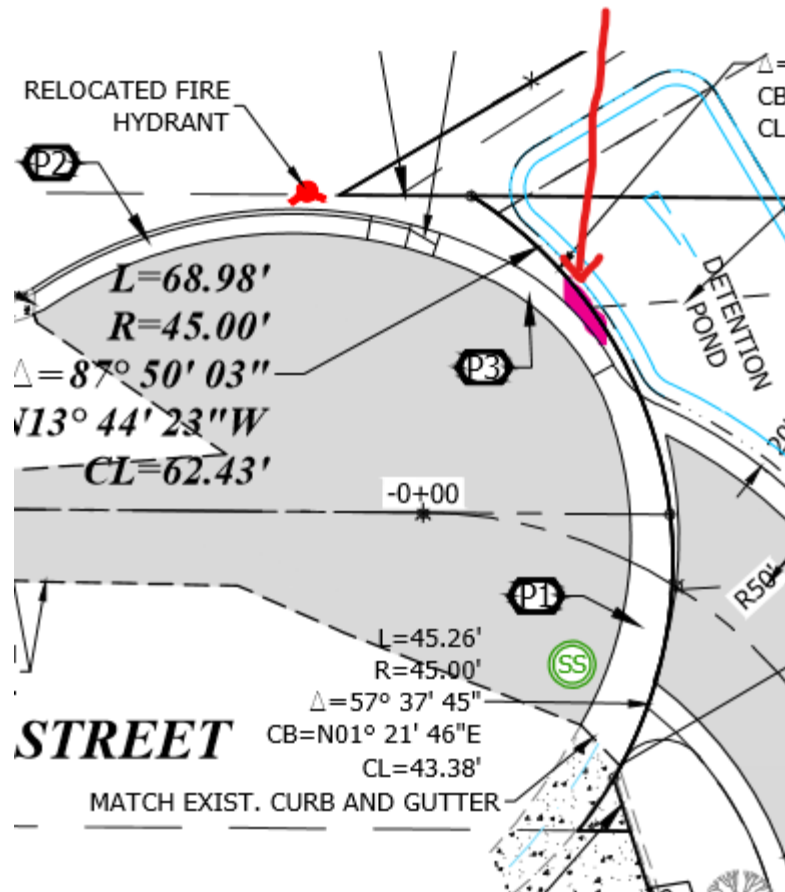
Development sign: 8' wide x 4' high - 8' tall including posts



(Information and detail to be added)

Whisper Hollow Subdivision - Sign Location For Conditional Use Permit Application

Location of the Sign





Planning Commission Staff Report

Public Hearing to consider the PRUD overlay zone and a development agreement for a common open space subdivision consisting of approximately 23 acres at 1300 East 1084 North.

April 23, 2020

Applicant/Owner: Morton Development
Existing Zoning: R-1-8

Description:

Recently the Kaysville City Council approved the R-1-8 zoning district as the first step to considering development of the subject property. The applicant alluded at the time to their desire to do a common open space subdivision for multiple reasons including some flexibility in order to work around the existing conditions of the subject property including utility easements and faults. This PRUD would allow for the applicant to deviate from a typical 8,000 sq. ft. lot, while the development agreement holds them to a maximum number of 82 units previously agreed to with the City Council. They would also like to make this a private street subdivision, so they are requesting setbacks closer than the standard required in R-1-8 zone.

17-34-7 Common Open Space Subdivision

1. **Development requirements.** The following development standards shall apply unless variations are approved in a Development Agreement.
 1. The number of dwelling units allowed in a common open space subdivision is determined by dividing the total area of all the land within the common open space subdivision by the minimum land area required for one dwelling unit in the underlying zone:

Underlying Zone	Land Area Per Dwelling Unit (in square feet)

R-1-8	8,000
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2. Buildings shall reflect similar exterior quality to surrounding properties, in terms of exterior materials and design, or be set back and buffered from adjacent uses as approved.
3. The open space and amenities should be located adjacent to all dwelling units or easily accessible therefrom.
4. Block, lot, lot area, lot width, setbacks, building height, and lot coverage regulation shall be determined by approval of the development plan. No building shall be closer than twenty feet (20') to any street improvement. All dwellings shall have a minimum rear yard of fifteen feet (15') and a minimum of ten feet (10') between buildings.
5. Every effort shall be made, by creative site planning, to preserve substantial trees and shrubs on the development site.
6. If any lot in the Common Open Space Subdivision is smaller than the minimum lot size allowed in the underlying zoning district, common open space, usable and accessible by all owners of the lots or units shall be provided and designated on the plat. The minimum common open space required shall be determined by dividing the minimum lot size allowed in the underlying zoning district by the average lot size in the plat and then multiplying the result (quotient) by ten percent (10%), then multiplying the product by the total area of the subdivision. No streets, driveways, or residential parking areas may be included as part of the required common open space. The required common open space may include natural areas. and/or areas totally designed and landscaped. Any open space that is not common open space cannot be used to fulfill the open space requirements.
7. A Neighborhood Open Space Easement on and over the common open space shall be granted to Kaysville City, concurrent with recording of the final plat. The easement will provide that the common open space remains open. The easement shall allow for landscape maintenance and construction of recreational structures as long as not more than thirty percent (30%) of the open space is covered by such structures.
8. An easement on and over the common facilities shall be platted and granted to every owner of property in the subdivision.
9. All common facilities shall be improved as set forth in KCC 19-2-1 of the Subdivision Ordinance.
10. To assure maintenance of the common facilities, a Homeowners Association shall be created concurrent with the recording of the final plat. By proper covenants running with the land and through the declaration, and bylaws of said Association, which declaration and bylaws shall be recorded in the office of the Davis County Recorder, it shall, among other things be provided that:
 1. Membership in the Association shall be mandatory for each lot purchaser, their guarantees, successors and assigns.
 2. The common facilities restrictions shall be permanent and not just for a period of years.
 3. The Association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining all common facilities.

4. All lot owners shall pay their prorated share of the costs of upkeep, maintenance, and operation.
 5. Any assessment levied by the Association may become a lien on the real property of any lot owner.
 6. In the event the Homeowners Association does not maintain the common facilities and improvements as proposed and indicated at the time of subdivision, the City may, at its option after appropriate notice given to the Homeowners Association and property owners, do or contract to have done the required maintenance, maintain liability insurance and pay general property taxes, and recover the costs incident thereto by means of a lien against the involved properties of the members of the Homeowners Association.
11. General public open space may be required by the City, where the benefit of the open space to the community at large is such that general public access is desirable. In such open space, the developer will provide any necessary improvements and convey the property to the City. The City will agree to maintain the conveyed open space as well as keep it perpetually open. Conveyed open space shall be exempt from the easement requirements of items (g) (h) and (j) above. The general public open space is part of the development for the purposes of density and open space calculations.
2. **Acceptable Uses.** Subject to the review and approval of the Planning Commission, uses acceptable in a common open space subdivision shall be those uses which are permitted in the zoning district in which the common open space subdivision is located; provided that for the purpose of this section, single family attached dwellings such as townhouses and row houses or zero lot line homes, shall be considered single family dwellings and may be acceptable in a common open space subdivision approved in a single family zoning district.

17-34-8 Private Street Subdivision

1. **Development requirements.** The following development standards shall apply unless variations are approved in a Development Agreement.
 1. All lots within private street subdivisions shall comply with all requirements of the zone district. Yards abutting private streets shall be measured from the nearest private street easement line.
 2. Private street improvements shall include curb. Requirements shall be determined by approval of the development plan. Private streets are defined as that area within the private street easement.
 3. An easement on and over all private street improvements shall be platted and granted to every owner of property in the subdivision.
 4. No building shall be closer than twenty feet (20') to any street improvement.
 5. All private streets shall be improved as set forth in KCC 19-2-1 of the Subdivision Ordinance.
 6. To assure maintenance of the private streets, a Homeowners Association shall be created concurrent with the recording of the final plat. By proper covenants running with the land and through the declaration and bylaws of said

Association, which declaration and bylaws shall be recorded in the office of the Davis County Recorder, it shall, among other things, be provided that:

1. Membership in the Association shall be mandatory for each lot purchaser, their guaranties, successors and assigns.
 2. The private street restrictions shall be permanent and not just for a period of years.
 3. The association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining all private streets.
 4. All lot owners shall pay their prorated share of the costs of upkeep, maintenance, and operation.
 5. Any assessment levied by the Association may become a lien on the real property of any lot owner.
 6. In the event the Homeowners Association does not maintain the private streets and improvements as proposed and indicated at the time of subdivision, the City may, at its option after appropriate notice given to the Homeowners Association and property owners, do or contract to have done the required maintenance, maintain liability insurance and pay general property taxes, and recover the costs incident thereto by means of a lien against the involved properties of the members of the Homeowners Association.
2. **Acceptable Uses.** Subject to the review and approval of the Planning Commission, uses acceptable in a private street subdivision shall be those uses which are permitted in the zoning district in which the private street subdivision is located.

Recommendation:

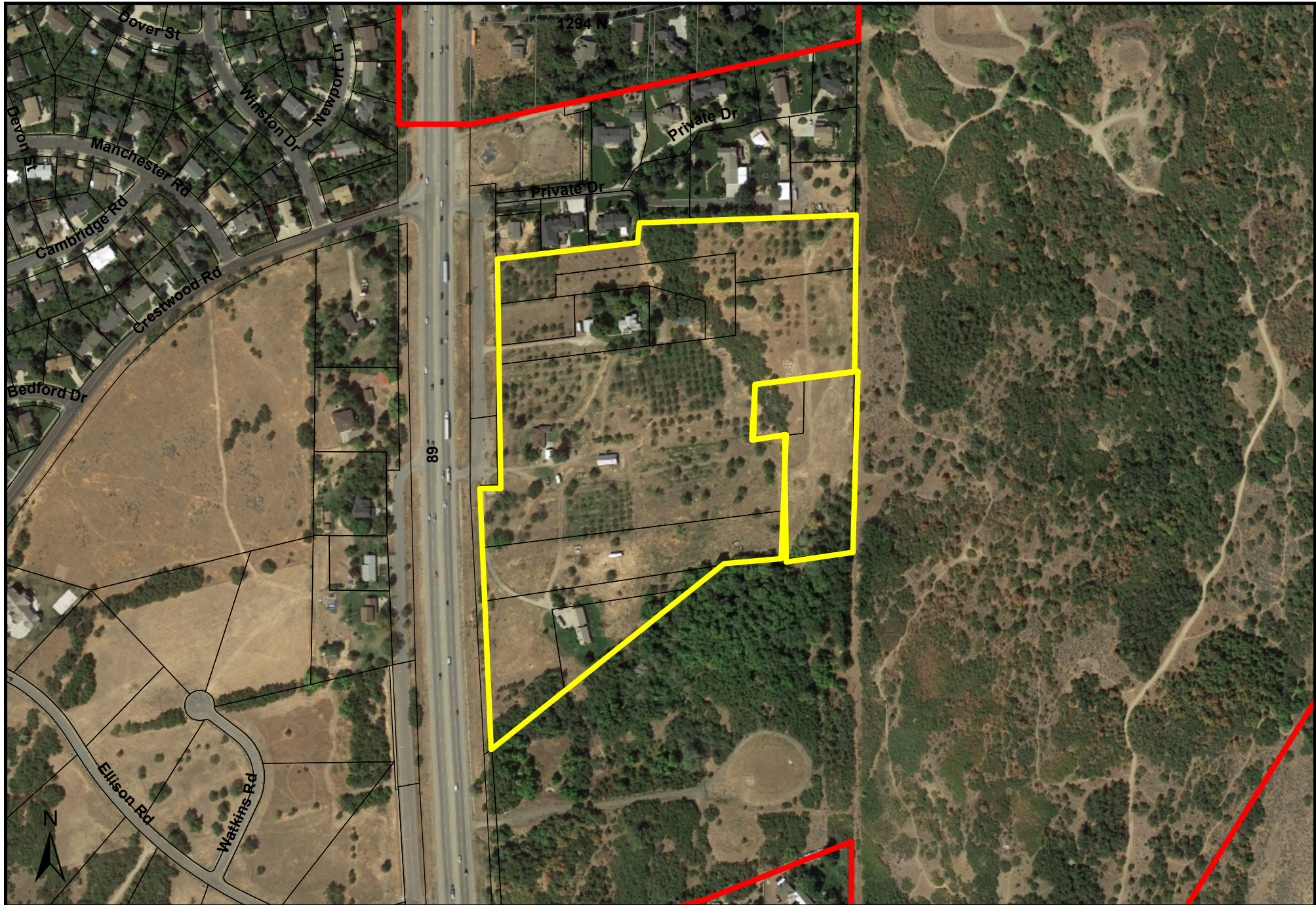
PRUD Overlay Zone:

It's the opinion of staff, that the PRUD overlay zone be recommended for approval subject to approval of the attached development agreement if the Planning Commission finds the concept plan to create a development consistent with the purpose of the PRUD overlay zone. Staff recommends that the commission discuss the proposed setbacks from a street described by the development agreement.

Per KCC the PRUD shall not become effective until final plat approval is given.

Attachment 1:	Development Agreement
Attachment 2:	Rezone Ordinance
Attachment 3:	Location Map

**Rezone of approximately 23 acres of property to include the PRUD Overlay Zone.
(Subject property outlined in yellow - approximately 1300 East 1084 North)**



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

Affecting Tax Parcel No.: _____

**DEVELOPMENT AGREEMENT
FOR A COMMON OPEN SPACE 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 Morton Development Group (hereinafter the “Developer;”) (“Developer” includes successors and/or assigns of Developer), as follows:

RECITALS

WHEREAS, Developer is desirous of developing a single family subdivision (Talbot Estates) 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 .

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 # 110370044, 110370032, 110370048, 110370050, 110370027, 110370046, 110370042, 110370041, 110370009, 110370023, 110370022

B. Project Description. The project proposed by Developer is a common open space subdivision, which will consist of 82 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) Concept Plan. Plan shown in Exhibit B
The following requirements shall apply.
 - a. Minimum Open Space – 2.2 Acres
 - b. Minimum Lot Size - 5,000 SF
 - c. Final plat shall resemble the lot sizes and overall subdivision layout of the concept plan shown in Exhibit B
- (2) Streets. All roads within development shall be private and maintained by community HOA. Street profiles shown in Exhibit C.
- (3) Yards. The following requirements shall apply in lieu of standard requirements of the R-1-8 zoning district:
 - a. Yards abutting a Public Street: 20 feet
 - b. Front Yards abutting the private drive: 15 feet to garage, 12 feet to building

- c. Side Yards: 5 feet – 10 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 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 improvement tie ins needed for two access points to development which requires stubbing ro improvements, sidewalks, utilities, and drainage improvements to the outside of ROW on highway 89 east frontage road. Work to be completed prior to UDOT finishing road improvements adjacent to project on highway 89 east frontage

road.

5. REPRESENTATIONS OF DEVELOPER

A. Authority. Developer hereby represents that it 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

NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

NOTARY PUBLIC

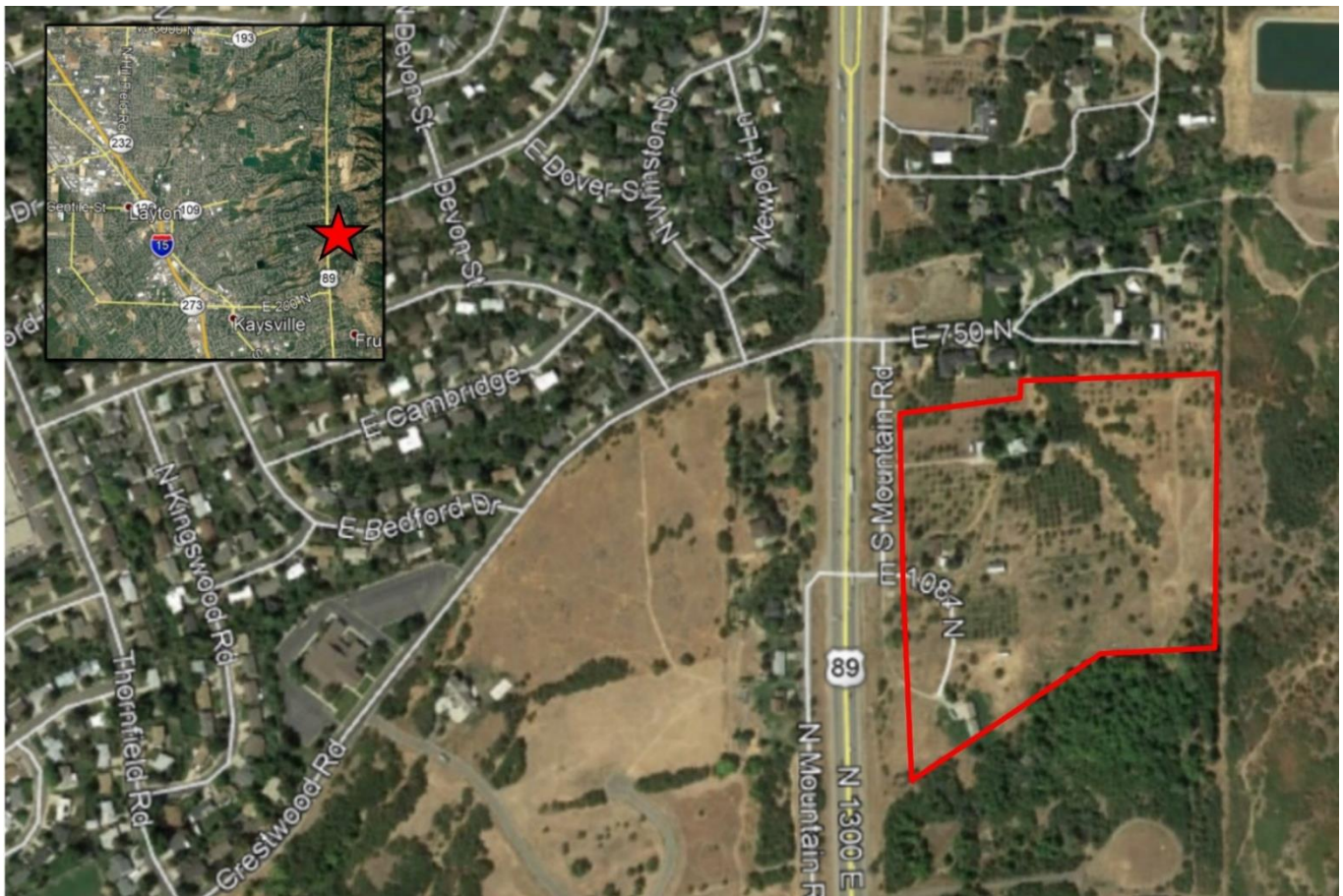
STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

Exhibit A

ADDRESS - 1300 East 1084 North Kaysville, Utah

Parcel ID's – 110370044, 110370032, 110370048, 110370050, 110370027, 110370046, 110370042, 110370041, 110370009, 110370023, 110370022

Location Map



Legal Descriptions:

110370044 - BEG AT A PT ON THE E LINE OF PPTY CONV IN WARRANTY DEED RECORDED 09/05/2019 AS E# 3184721 BK 7340 PG 754 AT A PT N 143.29 FT & E 612.32 FT & S 84°00' W 256.21 FT & S 00°26' E 171.66 FT & N 84°01'36" E 16.61 FT FR THE W 1/4 COR OF SEC 25-T4N-R1W, SLB&M; & RUN TH N 84°01'36" E 362.89 FT ALG AN EXTENSION OF & ALG THE S'LY BNDRY OF OTT ESTATES (AMD); TH ALG THE E & S'LY BNDRY OF SD OTT ESTATES (AMD) THE FOLLOWING TWO (2) COURSES: (1) N 00°26' W 59.20 FT, (2) N 88°13'04" E 579.84 FT TO THE 40 ACRE LINE; TH S 00°18' W 140.06 FT; TH S 82°40' W 321.04 FT; TH N 00°26' W 80.40 FT; TH S 82°40' W 481.80 FT; TH S 00°26' E 60.00 FT; TH S 82°40' W 142.79 FT TO THE E LINE OF SD WARRANTY DEED; TH N 00°26'00" W 125.80 FT ALG SD E LINE TO THE POB. CONT 2.457 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

110370032 - BEG AT A PT S 89°46' E 259.6 FT & S 0°26' E 2512.0 FT & N 83°35' E 70.3 FT & S 0°26' E 483.57 FT & N 82°40' E 561.00 FT FR THE NW COR OF SEC 25-T4N-R1W, SLM; RUN TH N 0°26' W 100.00 FT; TH N 74°41'24" W 154.71 FT; TH S 82°40' W 251.00 FT; TH N 0°26' W 60.00 FT, M/L, TO A PT S 0°26' E 60.00 FT FR THE S LINE OF OTT ESTATES AMD; TH N 82°40' E 481.80 FT; TH S 0°26' E 220.00 FT TO A PT N 82°40' E OF THE POB; TH S 82°40' W 80.80 FT TO THE POB. CONT. 1.056 ACRES

110370048 - A PART OF SW 1/4 OF SEC 25-T4N-R1W, SLB&M; BEG AT A PT ON E LINE OF PPTY CONV IN WARRANTY DEED RECORDED 09/05/2019 AS E# 3184720 BK 7340 PG 751 AT A PT 223.91 FT (RECORD 161.60 FT) S 89°46'00" E ALG THE SEC LINE & 2950.77 FT (RECORD 2959.70 FT) S 00°26'00" E & 117.40 FT N 82°40'00" E FR NW COR OF SD SEC 25; TH ALG SD E LINE OF PPTY CONV IN SD WARRANTY DEED THE FOLLOWING COURSE: N 00°26'48" E 110.00 FT; TH N 82°40' E 181.98 FT, M/L; TH S 0°26' E 110 FT; TH S 82°40' W 181.95 FT TO THE POB. CONT. 0.456 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

110370027 - BEG AT A PT ON THE E LINE OF THE FRONTAGE RD, WH IS S 89°46' E 259.6 FT, S 0°26' E 2512 FT, N 83°35' E 70.3 FT (72.52 FT) & S 0°26' E 433.57 FT & S 0°26' E 50 FT ALG THE FRONTAGE RD; TH N 82°40' E 411 FT FR THE NW COR OF SEC 25-T4N-R1W, SLM; & RUN TH N 82°40' E 150 FT; TH N 0°26'00" W 100 FT; TH N 74°41'24" W 154.718 FT, M/L, TO A PT S 0°26'00" E OF POB; TH S 0°26'00" E 160 FT TO THE POB. CONT. 0.444 ACRES.

110370046 - BEG ON THE E LINE OF HWY 89, AT A PT S 00°11'30" W 971.02 FT ALG THE SEC LINE & S 89°48'30" E 338.34 FT & N'LY ALG THE ARC OF A 22,833.31 FT RADIUS CURVE TO THE RIGHT 144.38 FT ALG SD E LINE OF HWY 89 (LC BEARS N 03°05'34" W 144.38 FT) & N'LY 144.38 FT ALG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 22833.31 FT, CHORD BEARS N 03°05'34" W 144.38 FT & N'LY 166.73 FT ALG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 22833.31 FT, CHORD BEARS N 01°48'27" W 166.73 FT & N 88°28'00" E 45.00 FT TO A PT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 22763.31 FT & N'LY ALG THE ARC OF SD CURVE 319.23 FT, CHORD BEARS N 01°08'10" W 319.23 FT & N 82°40'00" E 37.65 FT FR THE W 1/4 COR OF SEC 25-T4N-R1W, SLB&M; & RUN TH N 82°40' E 603.842 FT; TH N 00°26' W 139.63 FT; TH N 82°40' E 321.04 FT; TH S 00°18' W 275.07 FT; TH S 82°40' W 269.97 FT; TH S 00°18' W 147.60 FT; TH N 82°40' E 82.69 FT; TH S 00°18' W 200.23 FT; TH S 82°40' W 748.71 FT TO A PT ON THE E LINE OF PPTY CONV IN WARRANTY DEED RECORDED 09/05/2019 AS E# 3184681 BK 7340 PG 475; TH ALG SD LINE THE FOLLOWING COURSE: N 00°33'09" W 482.14 FT TO THE POB. CONT. 9.585 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

110370050 - A PART OF THE SW 1/4 OF SEC 25-T4N-R1W, SLB&M; BEG AT A PT ON THE E LINE OF PPTY CONV IN WARRANTY DEED RECORDED 09/05/2019 AS E# 3184719 BK 7340 PG 748 AT A PT WH IS S 89°46' E 259.6 FT, S 0°26' E 2512 FT, N 83°35' E 70.3 FT (72.52 FT) & S 0°26' E 433.57 FT & N 82°40'00" E 17.50 FT FR THE NW COR OF SD SEC 25; & RUN TH ALG SD E LINE S 0°26'48" E 50.00 FT; TH N 82°40' E 393.49 FT; TH N 0°26' W 160 FT; TH S 82°40' W 211.55 FT; TH S 0°26' E 110 FT; TH S 82°40' W 181.95 FT TO THE POB. CONT. 0.98 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

110370042 - BEG ON THE E'LY LINE OF PPTY CONV IN WARRANTY DEED RECORDED 09/05/2019 AS E# 3184727 BK 7340 PG 780 AT A PT S 00°11'30" W 971.02 FT ALG THE SEC LINE & S 89°48'30" E 338.34 FT & N'LY 144.38 FT ALG A CURVE TO THE RIGHT WITH A RADIUS OF 22833.31 FT (LC BEARS N 03°05'34" W 144.38 FT & N 82°40'00" E 55.86 FT) FR THE W 1/4 COR OF SEC 25-T4N-R1W, SLB&M, & RUN TH N 82°40' E 748.71 FT; TH S 00°18' W 133.94 FT; TH S 83°40' W 142.49 FT; TH S 81°28' W 603.82 FT TO SD E'LY LINE; TH ALG SD PPTY THE FOLLOWING TWO COURSES: N'LY ALG THE ARC OF A 4960.00 FT RADIUS CURVE TO THE RIGHT 131.17 FT (LC BEARS N 1°17'23" W 131.07 FT); TH N 00°33'09" W 12.57 FT TO THE POB. CONT. 2.322 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

110370041 - A PART OF THE SW 1/4 OF SEC 25-T4N-R1W, SLB&M; BEG AT A PT ON THE E LINE OF PPTY CONV IN WARRANTY DEED RECORDED 09/05/2019 AS E# 3184727 BK 7340 PG 780, WH PT IS S 0°11'30" W 971.02 FT ALG THE SEC LINE & S 89°48'30" E 338.34 FT & N 81°28' E 51.31 FT, M/L, FR THE W 1/4 COR OF SD SEC 25; & RUN TH N 81°28' E 603.82 FT; TH S 51°31' W 100.99 FT; TH S 81°28' W 389.00 FT; TH S 8°32' E 224.14 FT; TH S 51°31' W 179.31 FT TO E'LY LINE SD WARRANTY DEED; TH ALG SD LINE THE FOLLOWING TWO COURSES: N'LY ALG THE ARC OF A 5270.00 FT RADIUS CURVE TO THE LEFT 39.85 FT (LC BEARS N 05°36'34" W 39.85 FT) TO A PT ON A 4960.00 FT RADIUS CURVE TO RIGHT; TH ALG THE ARC OF SD CURVE 325.37 FT (LC BEARS N 03°56'48" W 325.31 FT) TO THE POB. CONT. 1.53 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

110370009 - BEG AT A PT S 0°11'30" W 993.75 FT ALG THE SEC LINE & S 89°48'30" E 522.55 FT FR THE W 1/4 COR OF SEC 25-T4N-R1W, SLM; TH N 81°28' E 389 FT; TH S 51°31' W 448.95 FT; TH N 8°32' W 224.14 FT TO POB. CONT. 1.00 ACRES TOGETHER WITH A DESC R/W ANNEXED 949-693

110370023 - BEG AT A PT WH IS S 89°46' E 161.1 FT & S 0°26' E 3144.70 FT; TH N 82°46' E 99.9 FT TO E LINE OF FRONTAGE RD; TH N 82°40' E 699.96 FT FR NW COR OF SEC 25-T4N-R1W, SLM; & RUN TH N 82°40' E 136.67 FT; TH S 0°18' W 147.60 FT; TH S 82°40' W 136.67 FT; TH N 0°18' E 147.60 FT TO THE POB. CONT. 0.46 ACRES.

110370022 - A PART OF THE SW 1/4 OF SEC 25-T4N-R1W, SLBM; BEG AT A PT ON THE 1/4 SEC LINE, WH IS S 89°46' E 161.6 FT, S 0°26' E 3144.70 FT & N 82°40' E 1132.40 FT FR THE NW COR OF SD SEC 25; & RUN TH S 0°18' W 478.2 FT ALG THE 1/4-1/4 SEC LINE; TH S 83°40' W 191.16 FT; TH N 0°18' E 327.23 FT; TH N 82°40' E 53.98 FT; TH N 0°18' E 147.60 FT; TH N 82°40' E 137.6 FT TO THE POB. CONT. 1.90 ACRES.

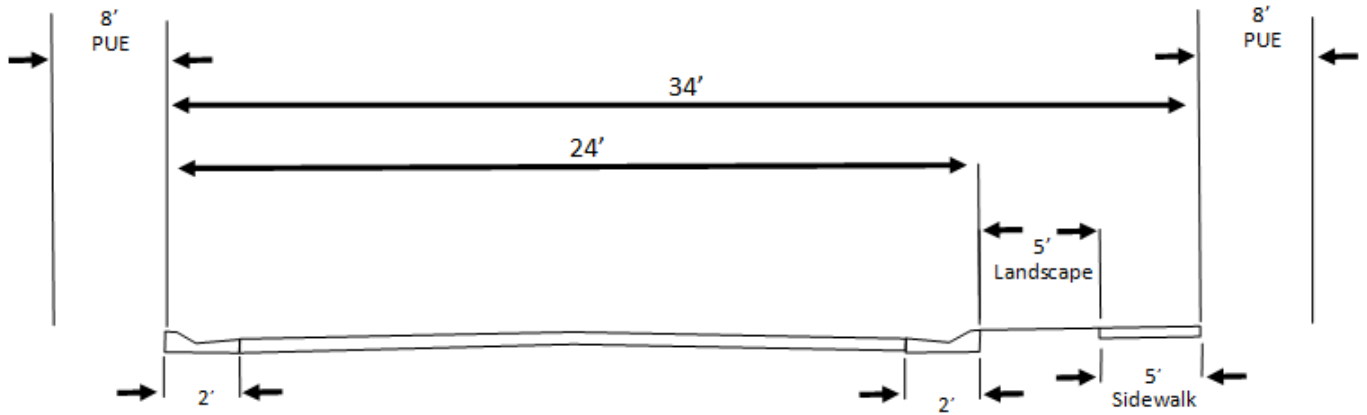
Exhibit B

CONCEPT PLAN

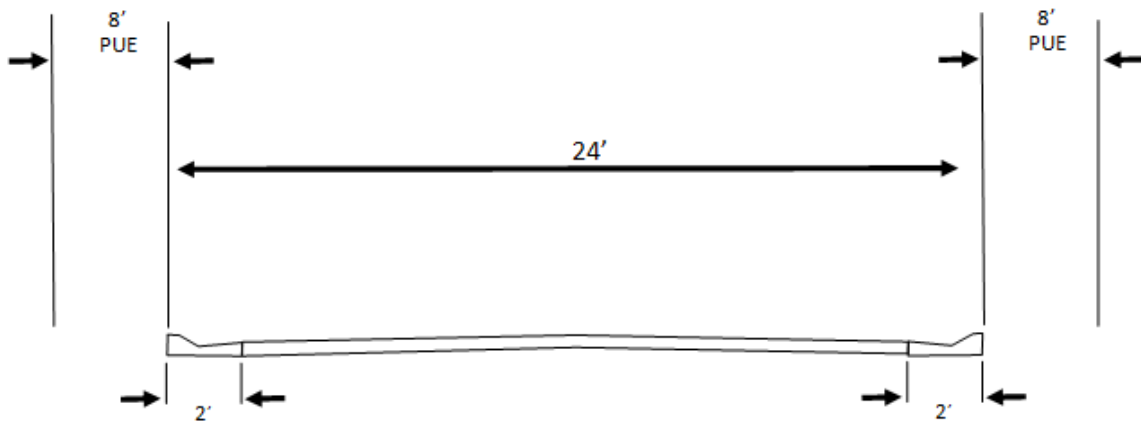


Exhibit C

STREET PROFILES



Perimeter Residential Roads



Interior Residential Roads

ORDINANCE NO. 20-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY 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 include the PRUD overlay zone for the purpose of accommodating a common open space subdivision with private streets; 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 zoning action; and

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

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 23 acres, shall be and the same is hereby rezoned and the Zoning Map amended by adding the Kaysville City PRUD (Planned Residential Unit Development) overlay zone.

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 upon approval of a final subdivision plat found to be consistent with the provisions of the approved development agreement for the subject property.

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 TO CONSIDER AN ORDINANCE AMENDING CHAPTER 17-33, SIGN REGULATIONS, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

April 23, 2020

Description:

Recently after reviewing several conditional use permits for development signs, the Planning Commission gave staff the direction to work on an ordinance that would allow these types of proposals to be reviewed and administered by city staff rather than going before the planning commission.

The attached ordinance has been prepared as a proposal to accomplish this task.

Recommendation:

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for approval of the proposed ordinance as written.

Attachment 1: Sign Ordinance

AN ORDINANCE AMENDING CHAPTER 17-33, SIGN REGULATIONS, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Kaysville City Planning Commission determined that a modification to the City's sign ordinance is merited to improve efficiency in administering Development Signs ; and

WHEREAS, Kaysville City has been bringing development signs before the Planning Commission for consideration and approval through the conditional use process; and

WHEREAS, the Kaysville City Planning Commission has found that they regularly apply the same conditions for a Development Sign request; and

WHEREAS, the Kaysville City Planning Commission has determined that staff a conditional use review is no longer beneficial to the consideration of a Development Sign.

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

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

SECTION II: Enactment. Section 17-33-9, SIGNS PERMITTED BY ZONE, of Chapter 17-33, SIGN REGULATIONS, of Title 17, PLANNING AND ZONING, of the Revised Ordinances of Kaysville City, 1993, is amended as follows:

17-33-9 Signs Permitted By Zone

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
All	Construction	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	20 12 ft. maximum	On private property	Sign must be removed within 30 days from final building or conditional use inspection that allows occupancy or when 100% of the facilities are occupied whichever occurs first.
	Directional			In City right-of-way	Sign(s) paid for by applicant and installed only by Kaysville City subject to complying with the Kaysville City Directional Sign Policy.
	<u>Development</u>	<u>32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development</u>	<u>12 ft. maximum</u>	<u>On private property</u>	<u>Permitted use in all zones. Allowed on property that is under development for a new subdivision or has an active building permit. Only allowed in residential development on projects where there are 3 or more units for sale/lease. Sign must be removed within 30 days from when 100% of the units/suites are occupied.</u>

	Governmental				By government entity only
	Identification	36 sq. ft. maximum		Attached to main structure	Allowed with public or quasi-public uses. May be floodlighted, but not within 50 feet of a dwelling
	Interior				
	Low Profile	32 sq. ft. plus 1 sq. ft. for every 10 feet of frontage over 30 ft. to a maximum of 64 sq. ft.	4 ft. maximum	On private property and set back 6 ft. from property lines	One sign per street frontage and appropriately landscaped for the site. Conditional use in agricultural and residential zones. May be lighted by conditional use.
	Name Plate	1 sq. ft. maximum per use — residential zones; 3 sq. ft. maximum per use — other zones		Attached to main structure	
	Open House	6 sq. ft. maximum	3 ft. maximum; 2 ft. in view obstruction area	Within 1,000 feet of real estate open for inspection. On private property not closer than one foot to sidewalk or property line.	Only displayed from one hour before to one hour after the time the real estate is open for actual inspection and not more than 5 continuous hours. Not more than four signs per open house. Not more than one sign on a parcel of property. Must have property owner's permission.
	Political	32 sq. ft. maximum	6 ft. maximum	On private property and not closer than 10 ft. to a driveway	
	Property (Real Estate)	6 sq. ft. maximum — residential zones; 32 sq. ft. maximum — other zones	6 ft. maximum — residential zones; 12 ft. maximum — other zones	On private property	Shall be removed within 30 days after the property is sold

	Public Necessity				By public agency only
	Service	6 sq. ft. maximum	3 ft. maximum when free standing	On private property	May be lighted in GC, CC and LI zones
Public Use (PU), Professional Business (PB), General commercial (GC), Central Commercial (CC), Light Industrial (LI), Health Care (HC)	Flat or Wall	25% of a wall area maximum	Not higher than building it is on	Attached to a building	Up to 40 sq. ft. may be promotional sign. Flat signs exposed to dwellings on adjacent property shall not be illuminated within 50 feet of such dwellings.
	Monument	32 sq. ft. plus 1 sq. ft. per every 5 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	5 ft. maximum	1 sign per frontage on private property.	The supporting structure of architectural detail of a monument sign is not calculated as sign area if the structure is incorporated into the surrounding landscaping design or with other structural or architectural aspects of the site. Architectural detail may extend beyond the 5 ft. height maximum by as much as 2 ft. and a horizontal distance of 2 ft. of the sign cabinet.
PU, GC, CC, LI	Banner	Limited to the difference between the size of the on-premise, ground sign, flat or wall sign and the size allowed.	Not higher than the sign or wall it is on.	On an on-premise, ground sign or building wall.	Shall only be displayed for up to one calendar year. Shall be maintained and kept in good repair.
	Menu Board	35 sq. ft. maximum	6 ft. maximum	Behind the front landscaped setback area on private property.	May be two (2) per site
	On-Premise, Ground	1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15; 1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum within 3,000	45 ft. maximum within 300 feet of I-15; 30 ft. maximum within 3,000 feet of I-15 or within 1,320 feet of another	1 sign per frontage on private property.	Up to 40 sq. ft. may be promotional sign. Illumination may be built into or attached to signs. more than one sign on one parcel shall be separated by 100 ft. The base and structure of all on-premise ground signs beyond 300 ft. of I-15 shall be the same method of construction, style and design of the materials used in the construction of the building(s). The sign element shall be an integral part of the architecture and design of the site. The colors shall be subdued and unobtrusive. Signs with exposed metal supports or metal masking shall not be permitted.

		feet of I-15 or within 1.320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum at other locations.	Principal Arterial Street, 8 feet maximum at other locations.		
PB, GC, CC, LI	Electronic Message Center (EMC)	Allowable EMC size shall not exceed 50% of total allowed sign size and not more than 75% of any sign cabinet.			EMC signs shall not cause glare or rapid blinking, nor be intensely lighted so as to create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. EMC signs shall be capable of being programmed to automatically dim according to ambient light conditions. Conditional use in zones where permitted. Allowed only as part of monument and ground signs. As part of the conditional use review the Planning Commission may consider hours of operation, sign height, sign size, and/or setbacks from property lines.
GC, CC, LI	Animated				Conditional use
	Awning	25% of wall area maximum		Attached to a building	May be lighted, but not within 50 feet of a dwelling
	Balloon			On private property	Conditional use for the period permitted
	Canopy		Structure limit in zone	Attached to a building	Must have building permit
	Marquee		Structure limit in zone	Attached to a building	Must have building permit
	Right-of-Way				Installed by City only when approved
	Window				
GC, CC	"A" Frame or Pedestal	4 feet maximum width	6 feet maximum	On the private property on which the business is	Each business occupying a separate space in the building and having a separate exterior building

				located or in the area between the street curb or shoulder and the front lot line of the property on which the business is located, but not obstructing the roadway or pedestrian ways.	entrance may display one such sign while the business is open for business.
	Projecting	32 sq. ft. maximum	Not higher than building it is on	Attached to a building	
R-T, R-A, R-1, R-D, R-2, R-4, R-M (Residential Zoning Districts)	Development	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	12 ft. maximum	On private property	Conditional use in all residential zoning districts, only for new development with at least 4 lots for sale. Subject to <u>KCC 17-30-7 Temporary Uses.</u>

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: Effective Date. This Ordinance shall take effect 20 days after being passed and adopted by the City Council.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this __th day of ____, 2018

Katie Witt
Mayor

ATTEST:

Maria T. Devereux
City Recorder



Planning Commission Staff Report

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 17-34-7, COMMON OPEN SPACE SUBDIVISION, OF CHAPTER 17-34, PRUD PLANNED RESIDENTIAL UNIT DEVELOPMENT, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

April 23, 2020

Description:

An ordinance has been prepared to add the R-1-6 zoning district to a table in the PRUD common open space section of the city ordinances. City staff identified the zoning district which was recently created was not included in this table and felt it appropriate to suggest adding it as an additional option for types of development to be considered.

Recommendation:

Staff is recommending that the Planning Commission forward a favorable recommendation for the proposed rezone ordinance as written.

Reasoning:

The ordinance change does not automatically qualify any existing or future development for the flexibility of a common open space subdivision, but allows the city to consider it.

Attachment 1: R-1-6 PRUD Ordinance

AN ORDINANCE AMENDING SECTION 17-34-7, COMMON OPEN SPACE SUBDIVISION, OF CHAPTER 17-34, PRUD PLANNED RESIDENTIAL UNIT DEVELOPMENT, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Kaysville City Planning Commission determined that a modification to the City's ordinance is merited to allow for potential consideration of flexibility in development for the R-1-6 zone; and

WHEREAS, all other residential zoning districts are already included in the PRUD overlay chapter for consideration; and

WHEREAS, the R-1-6 zoning district is relatively new to the Kaysville City ordinances and has not yet been included in the PRUD overlay chapter for consideration; and

WHEREAS, the Kaysville City Planning Commission has determined that including the R-1-6 zoning district in the PRUD overlay chapter of the city ordinances gives the City more tools and choices and is therefore desirable.

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

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

SECTION II: Enactment. Subsection 1 (a) of Section 17-34-7, COMMON OPEN SPACE SUBDIVISION, of Chapter 17-34, PRUD PLANNED RESIDENTIAL UNIT DEVELOPMENT, of Title 17, PLANNING AND ZONING, of the Revised Ordinances of Kaysville City, 1993, is amended as follows:

17-34-7 Common Open Space Subdivision

1. **Development requirements.** The following development standards shall apply unless variations are approved in a Development Agreement.
 - a. The number of dwelling units allowed in a common open space subdivision is determined by dividing the total area of all the land within the common open space subdivision by the minimum land area required for one dwelling unit in the underlying zone:

Underlying Zone	Land Area Per Dwelling Unit (in square feet)
A-5	210,000
A-1	40,000
R-A	21,780
R-T	8,000

R-1-20	20,000
R-1-14	14,000
R-1-LD	21,780
R-1-10	10,000
R-1-8	8,000
<u>R-1-6</u>	<u>6,000</u>
R-D	2,800
R-2	4,000
R-4	3,000
R-M	2,800

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: Effective Date. This Ordinance shall take effect 20 days after being passed and adopted by the City Council.

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

Katie Witt
Mayor

ATTEST:

Maria T. Devereux
City Recorder

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

April 9, 2020

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

Alternates Present: Abbigayle Hunt

Staff Present: Lyle Gibson, Dan Jessop, Heather Nielsen

OPENING

The Planning Commission meeting was held on Thursday, April 9, 2020 at 7:00 p.m. via online Zoom Meeting. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present.

The minutes of the March 12, 2020 meeting were presented for approval. Steve Lyon made a motion to approve the minutes. Toby Barrus seconded the motion and they were unanimously approved.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B” CONTRACTOR (PLUMBING) LOCATED AT 143 SOUTH BONNEVILLE CIRCLE FOR DARIS KILLIAN-PANTRY’S PLUMBING.

Dan Jessop explained that the applicant is requesting a conditional use permit for Major Home Occupation “B” at the above listed address. Daris Killian with Pantry’s Plumbing is currently anticipating running a plumbing business from his home. He has a 10 foot trailer that will be stored on the property and will parked on a large drive at the end of a cul-de-sac. Mr. Killian has informed staff that no employees will report to the home address. The materials needed to perform services will be picked up by Mr. Killian on the way to job sites or delivered to the job. The home occupation will not display any signs on the premises.

Staff recommends approval of the proposed conditional use permit for Daris Kody Pantry’s Plumbing Services with no additional conditions.

Vice Chairperson Joshua Sundloff made a motion to approve the conditional use permit for a major home occupation “B” for contractor plumbing located at 143 South Bonneville Circle for Daris Killian-Pantry’s Plumbing Services. Steven Lyon seconded the motion and it was unanimously approved.

**CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGING CENTER
LOCATED AT MCDONALD'S 320 WEST 200 NORTH FOR YESCO-JUSTIN GRUBB.**

Dan Jessop explained that the McDonald's located at 320 West 200 North is seeking a conditional use permit for a sign with an electronic message center component to replace the black letter marque portion of their existing ground sign. The proposed sign is considered an on - premise ground sign per city code which is allowed under 17-33-9 signs permitted by zone under the following restrictions:

On-Premise Ground Sign:

Size: 1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15; 1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum within 3.000 feet of I-15 or within 1.320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum at other locations.

The property has 260 feet of frontage along 200 North and 380 feet along 300 west which allows up to 400 sq. ft. of signage. The proposed sign is 53 sq. ft.

Based on the proximity to principal arterial streets, a maximum height of 45 feet is allowed. The proposed sign is existing so it is within its allowed height.

1 Sign per Frontage

Other: Illumination may be built into or attached to signs. More than one sign on one parcel shall be separated by 100 ft. The base and structure of all on premise ground signs beyond 300 ft. of I-15 shall be the same method of construction, style and design of the materials used in the construction of the building(s). The sign element shall be an integral part of the architecture and design of the site. The colors shall be subdued and unobtrusive. Signs with exposed metal supports or metal masking shall not be permitted.

Electronic Message Center (EMC):

Size: Allowable EMC size shall not exceed 50% of total allowed sign size and not more than 75% of any sign cabinet.

The EMC component of the sign is less than 50% of total allowed sign size and less than 75% of the total sign cabinet.

EMC signs shall not cause glare or rapid blinking, nor be intensely lighted so as to create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. EMC signs shall be capable of being programmed to automatically dim according to ambient light conditions. Conditional use in zones where permitted. Allowed only as part of monument and ground signs. As part of the conditional use review the Planning Commission may consider hours of operation, sign height, sign size, and/or setbacks from property lines.

As proposed the sign height, size, and percentage of EMC all appear to meet minimum requirements of the ordinance. The site plan indicates that the sign would sit perpendicular to 200 North Street 12 feet behind the sidewalk. The sign ordinance requires that the leading edge of all signs be set back at least 18" from any property line. Staff has verified with the applicant that the sign is capable of dimming according to ambient light conditions.

Scott Hess asked Lyle Gibson if this sign was able to be dimmed for night traffic. Lyle Gibson said this was something that they could require from the applicant.

Quan Nguyen made a motion to approve the conditional use permit for an Electronic Messaging Center located at McDonald's 320 West 200 North for Yesco-Justin Grub with the condition that the sign be able to dim for nighttime traffic. Vice Chairperson Joshua Sundloff seconded the motion and it was unanimously approved.

CONDITIONAL USE PERMIT FOR A DEVELOPMENT SIGN FOR THE TYLER MEADOWS SUBDIVISION LOCATED AT 831 SOUTH TYLER COURT FOR BLAKE SMITHING.

Dan Jessop explained that Tyler Meadows Phase 2 is starting development work and is looking for approval of a development sign at the above noted address, therefore the applicant is requesting a conditional use permit. The subdivision improvements are being installed and homes will be under construction this year.

17-12-4 Conditional Uses of Section 17-12, which regulates uses in the R-1 Single Family Residential District, allows development signs as a temporary use subject to the sign ordinance. Section 17-33-9 "Signs Permitted by Zone" allows Development signs as a conditional use for new development with at least 4 lots for sale. Signs are allowed up to 12 ft. in height and 96 sq. ft. in size based on frontage of the development.

The sign is a 4' x 8' sign or 32 square ft. which stands about 8 feet tall.

Staff is recommending approval of the for the development sign with the following conditions: The sign shall be allowed for a period of 1 year from the date of approval or until all lots within the subdivision or sold, whichever is less.

Tobby Barrus made a motion to approve the conditional use permit for a development located at 831 South Tyler Court for the Tyler Meadows Phase 2 Subdivision. Scott Hess seconded the motion and it was unanimously approved

CONDITIONAL USE PERMIT FOR A TWO-FAMILY DWELLING UNIT AT 932 THORNFIELD ROAD FOR MACIAH OLSON.

Dan Jessop said the applicant is requesting approval for an existing split entry house at the above listed address to be converted to two-family dwelling. The upper and lower level will have

similar configurations each with two bedrooms and one bath. With the driveway and garage, the site meets the minimum parking requirements of the city ordinance at 2 spaces per unit. There is also a detached shed on site for storage.

A two-family dwelling is allowed only by conditional use according to KCC 17-12-4 (9). Specifically this section allows two-family dwellings by conditional use as follows: 'Not more than two duplexes (4 units) may be allowed within 500 feet of any duplex (2 units). The 500 feet shall be measured in a straight line from the center of a duplex site to the boundary of any other duplex or twin home property.'

Staff has reviewed the 500 foot radius from the center of the duplex site and has not identified any city approved duplexes or two-family dwellings.

Staff is recommending approval of the proposed two-family dwelling with the following conditions.

- Parking be provided at a minimum of 2 parking stalls per unit in accordance with KCC 17-32-5, Number of Parking Spaces Required. No more than no more than 2 of the required parking stalls may be in tandem.
- A building permit be pursued and inspections by the Kaysville building department be conducted to confirm the building is compliant with applicable building code for a duplex.
- Applicable impact fees for the new dwelling unit be paid with the building permit for the change of occupancy.

Should the planning commission determine that additional details are needed to verify whether a two-family dwelling would meet the other standards of the city's ordinances, additional information may be requested for further review before a decision is made.

Quan Nguyen asked Lyle Gibson about parking for all of the cars since parking already looked tight from pictures the commission received from a neighbor.

Maciah Olson responded and said that she would be willing to put extra parking on the side and backyard to accommodate more vehicles.

Vice Chairperson Joshua Sundloff asked Ms. Olson how many people she plans on putting in the two family home. Ms. Olson said that she would like to house two separate families. One downstairs and one upstairs.

Chairperson Wilf Sommerkorn made notice that there were a few participants on the Zoom meeting that would like to comment on this matter. He allowed them each a few minutes to speak.

Mr. Black lives on Thornfiled road and wanted to voice his opposition to the conditional use permit being given. He felt that having a two family dwelling home would decrease home

property values and that traffic would rise. He is already concerned with the additional parking since the current parking situation is pretty bad.

Dustin Didericks who live next door to the property said that he wants to make sure that the renters are safe. He is worried that rental properties attract the wrong kind of people. He does not want the neighborhood to go downhill due to unruly renters.

Brandon Bishop also said he is worried about the parking. He said that there are several cars that already park on the street now. The owner needs to find parking spaces for all the additional cars during the winter since they can't park on the street.

Lyle Gibson read an email sent to the Planning Commission from a concerned citizen. They also were concerned about the additional traffic and the lack of available parking.

Scott Hess said that she needs to make parking available on the side and back of the property because they can't count the street as being a parking option.

Vice Chairperson Joshua Sundloff said that they driveway needs to be squared off so that it can accommodate four cars to be parked there.

Chairperson Wilf Sommerkorn asked Lyle Gibson if they need to make the curb cut larger. Lyle Gibson stated that they are well within the 40 feet requirement and that the curb cut can be squared off.

Vice Chairperson Joshua Sundloff made a motion to approve the conditional use permit for a Two-Family Dwelling Unit at 932 Thornfield Road for Maciah Olson with the condition that the driveway be squared off to accommodate 4 cars to fit in the driveway. Abby Hunt seconded the motion and it was unanimously approved

PUBLIC HEARING FOR THE REZONE OF .39 ACRES OF PROPERTY LOCATED AT 890-914 EAST 200 NORTH FROM AN R-2 (ONE TO TWO FAMILY RESIDENTIAL DISTRICT) TO A RM (RESIDENTIAL MULTI-FAMILY) ZONING DISTRICT FOR ERIC ORTON.

Lyle Gibson explained that Eric Orton is requesting a zone change at 890–914 East 200 North in order to accommodate a Multi Family Dwelling. The property is now zoned R-2 for the existing duplex dwellings now on each lot. The applicant wants to rezone and then combine the two existing .18 and .21 acre lots into one .39 acre large lot and do an addition to create a six unit dwelling.

The requested R-M district is primarily for Multi-Family homes, or single family dwellings are permitted.

The applicant has provided a site plan indicating how they currently anticipate how the site would be used.

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

After holding a Public Hearing, the Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location. The Planning Commission may make recommendations to approve, approve with modifications or specific conditions that could be imposed by a development agreement, or deny the request. The Planning Commission may also table a decision pending additional information.

Chairperson Wilf Sommerkorn opened the public hearing.

Nothing was brought forward to the commission.

Chairperson Wilf Sommerkorn closed the public hearing.

Scott Hess asked Lyle Gibson about the curb gutter, sidewalk, etc. that would need to be put in. What about green space and grass areas? He asked Lyle Gibson if this was the developer's responsibility and Lyle said yes, in this case staff would prefer that the city take a fee in lieu of the improvements.

Vice Chairperson Joshua Sundloff asked how parking was going to work especially with 200 North being widened in the future. He referenced the building plans sketch and said that all parking options shown would disappear so where will people park? Lyle Gibson said that there may need to be some alterations made to the site plan and fix the driveway to accommodate the cars.

Vice Chairperson Joshua Sundloff said perhaps we should wait on the rezone until the changes are made to the plan. Scott Hess suggested that they have the applicant provide an agreement for no parking on 200 North.

Quan Nguyen said that the like the plan of offering more affordable housing in Kaysville City. Chairperson Wilf Sommerkorn also agreed on that note.

Scott Hess made a motion to forward a favorable recommendation to the Kaysville City Council the rezone of .39 acres of property located at 890-914 East 200 North from an R-2 (One to Two Family Residential District) to a RM (Residential Multi-Family) zoning district for Eric Orton with the added condition that the property owner provide an improvement agreement assuring the city that parking will be located outside the 200 North widened area. Steve Lyon seconded the motion and it was approved unanimously.

PUBLIC HEARING FOR THE REZONE OF 1.17 ACRES OF PROPERTY LOCATED AT 650 NORTH MAIN FROM A GC (GENERAL COMMERCIAL) TO AN RM (RESIDENTIAL MULTI-FAMILY) ZONING DISTRICT FOR DESTINATION HOMES.

Lyle Gibson said Destination Homes is seeking a rezone at the subject property to accommodate

future residential development.

The existing zoning district permits office and retail sales and services, but does not allow for residential uses except for single family units needed to support a business function.

The property is abutting commercial property along Main Street to the north and south and residential development to the east. There are some R-M zoned properties in the vicinity across the street and near the corner of Mutton Hollow and Main Street.

The R-M zoning district regulated through Title 17-16 allows for multiple-dwelling structures by permitted use and the zone may have a density of 15.5 units per acre.

The applicant has provided a detailed concept of what they envision for the corner property. The concept includes 16 townhome units. The homes vary from 2 to 3 stories in height positioned around the perimeter of the property around a central parking area.

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 current rezone request would allow for anything permitted by the R-M zoning district. Should the Planning Commission wish to set more specific restrictions to ensure certain development such as the proposed concept, a development agreement may be considered.

The Planning Commission is tasked with making 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 residential development is desired and the Commission wishes to ensure a project similar to the included concept, a development agreement may be necessary. The Planning Commission may forward a recommendation to the council subject to an agreement to be reviewed by the council, or the item may be tabled to have an agreement brought back before the Planning Commission before a recommendation is made.

Chairperson Wilf Sommerkorn invited the applicant John Warnick to speak. Mr. Warnick said that these homes will be starter homes selling in the \$250,000 to \$300,000 range. He explained that these homes are in high demand and feels that this location is a good fit for this development.

Steve Lyon asked Mr. Warnick if he was aware that Safe Harbor was directly behind this purposed development. Mr. Warnick said yes and that they have been talking with them.

Tobby Barrus asked about the traffic in the area and how Destination Homes plans to manage that. Tobby said that making a left hand turn there is very difficult and in the site plan they provided the exit would not work with the trees being there.

Chairperson Wilf Sommerkon opened the Public Hearing.

Lyle Gibson read an email to the Planning Commission from Thomas Wood regarding the rezone. Mr. Wood was not in favor of the rezone since it would be taking Kaysville City's commercial property and developing it into more housing units. He encouraged the Planning Commission to vote no on the rezone.

Lyle Gibson read an email from Norita Barrios who also seconded the notion that Kaysville City does not have that much commercial property and should not give it up for development.

Chairperson Wilf Sommerkorn closed the Public Hearing.

Steve Lyon said that this lot has been vacant for a really long time. The property sits on a transit line and he feels that this development would be a good fit here.

Scott Hess also agreed that the development makes sense for this location.

Tobby Barrus feels that Kaysville City should not give up commercial property. He stated that there was already too much high density housing in this area. He would like to see multi housing developments spread out around the city and not clustered into one area.

Vice Chairperson Joshua Sundloff said he is okay with this piece of property being developed into housing because the lot has sat vacant for so many years. He did however feel that there was too much high density housing in this particular area.

Scott Hess made a motion to forward a favorable recommendation to the Kaysville City Council the rezone of 1.17 acres of property located at 650 North Main from a GC (General Commercial) to a RM (Residential Multi-Family) zoning district for Destination Homes with the caveat that the City Council gather more data for infrastructure capacity and roads to handle additional traffic. Steve Lyon suggested they look at putting a light at that intersection. Steve Lyon seconded the motion and voting was as follows:

Aye:

Chairperson Wilf Sommerkorn
Steve Lyon
Scott Hess
Vice Chairperson Joshua Sundloff
Abby Hunt

Nay:

Tobby Barrus
Quan Nugyen

Motion passes with majority Aye votes.

PUBLIC HEARING FOR THE REZONE AND PRELIMINARY PLAT OF 3.75 ACRES OF PROPERTY LOCATED AT 706 SOUTH ANGEL STREET FROM THE R-A (RESIDENTIAL AGRICULTURAL TO THE R-1-LD (SINGLE FAMILY LOW DENSITY) ZONING DISTRICT FOR VERNON SMITH.

Lyle Gibson explained that the applicants are requesting to rezone the subject property to divide the property into 6 residential lots.

The application of the R-1-LD zone would allow the developer some flexibility in the layout of lots without the need for common open space. The R-1-LD zone still limits the number of homes in a subdivision to two dwellings per acre while allowing lots to be as small as 12,000 sq. ft. in size.

The Smith Family hopes to keep their existing home and to create 1 new lot to the north and another 4 lots to the south all with frontage along Angel Street. The existing house will remain on a 46,354 square foot lot. The 5 other lots will range from 17,106 sq. ft. to 32,729 sq. ft. All 6 new proposed lots meet the frontage and square footage requirements for the R-1-LD zoning district. All right-of-way improvements are in place along frontage of this subdivision. The southernmost portion of the property will need to be further looked at to ensure the floodplain is appropriately handled before approval of final plat in accordance with KCC 19-5-5.

The R-1-LD zoning district regulations are found in Chapter 17-12 of the Kaysville City Ordinances. Lots must be at least 12,000 square feet in area with a minimum 90 ft. lot width.

In regards to housing, the General Plan states that ‘West of I-15, allow for similar housing densities in existing neighborhoods while considering medium density housing along the major streets and higher density housing near transit stops and arterial streets (200 North, Interstate 15, and the West Davis Corridor).’

The surrounding zoning is R-A and R-1-20 to the west with some remaining agricultural properties across the street to the east and south. Angel Street is classified as a Collector Street in Kaysville City’s Major Street Plan.

After holding the public hearing and considering the application, the Planning Commission should forward a recommendation to the City Council for both the rezone and the preliminary plat.

The recommendation for the rezone should be based on the Commission’s findings of how well the application complies with the language of the Kaysville City General Plan and how well it conforms to the surrounding area.

Staff recommends that the Preliminary Plat for the James Place Subdivision be recommended for approval subject to receiving the requesting zoning district as it complies with the requirements of the Kaysville City Ordinances for the R-1-LD zoning district.

Steve Lyon pointed out that there is a lot within a flood zone and he wanted to make sure that

everyone knew that. Lyle Gibson said that they are aware that a lot sits in the flood plain. He said that they would work with the developer on placing restrictions on that lot or making improvements to make it buildable.

Chairperson Wilf Sommerkorn opened the Public Hearing.

Lyle Gibson read an email from Kayleen Van stating that she is concerned with how many houses they plan to put in. She does not like the density.

Chairperson Wilf Sommerkorn closed the public hearing.

Vice Chairperson Joshua Sundloff made a motion to recommend approval to the City Council the rezone of 3.75 acres of property located at 706 South Angel Street from the R-A (Residential Agricultural to the R-1-LD (Single Family Low Density) zoning district for Vernon Smith. Quan Nugyen seconded the motion and it passes unanimously.

Steve Lyon made a motion to approve the preliminary plat for the James Place Subdivision located at 706 South Angel Street for Vernon Smith with caveat that the southern lot engineering be worked out because it is located in a flood plain. Bobby Barrus seconded the motion and it passed unanimously.

FINAL PLAT FOR ALTAIR TOWNHOMES (FORMERLY ISLAND VIEW TOWNHOMES) LOCATED AT 750 EAST 250 SOUTH FOR ADVANCED SOLUTIONS GROUP.

Lyle Gibson explained that the City Council approved the Rezone from R-1-8 to R-2 in August 2019 and then preliminary plat for this subdivision in October of 2019. The subject 1.267 acre property is to be divided into 6 lots ranging from 5,750 sq. ft. to 7,506 sq. ft. These 6 lots were granted conditional use for twin homes instead of duplex dwellings. This type of development allows for individual ownership of dwellings.

The subdivision will complete improvements along 250 South Street connecting the stubbed roadways and creating a through street. Improvements will be standard right of way improvements.

Staff is recommending approval of the proposed final plat for the Altair Townhomes as proposed.

Tobby Barrus made a motion to approve the final plat for Altair Townhomes (Formerly Island View Townhomes) located at 750 East 250 South for Advanced Solutions Group. Steve Lyon seconded the motion and it passed unanimously

CALL TO THE PUBLIC

Nothing was brought forward from the public to the Planning Commission.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, April 23, 2020 via Zoom Meeting.

ADJOURNMENT

Scott Hess made a motion to adjourn the meeting. Chairperson Wilf Sommerkorn seconded the motion and it passed unanimously. The meeting adjourned at 9:45pm.