



KAYSVILLE CITY PLANNING COMMISSION NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, September 9th starting at 7:00 p.m. at the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

The agenda shall be as follows:

1. Opening and approval of the minutes from the August 26, 2021 meeting.
2. Conditional Use Permit for Residential Child Care Home Business at 68 E. 1000 S.
3. Conditional Use Permit for Two-Family Dwelling at 3 W. 600 N.
4. Public Hearing and request to Rezone .51 acres of property at 48 S. Harvs Lane from the R-1-10 (Residential single family 10,000 square feet) to R-A (Single Family Agricultural) zoning district.
5. Public Hearing for the Rezone of 2.54 acres of property at 1742 W. Phillips Street from the R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential) zoning district with the PRUD (Planned Residential Unit Development) overlay zone.
6. Tabled item- Consideration of Development Agreement and rezone of approximately 0.4 acres of property at 65 Crestwood Road (shown on the included map) from the R-1-8 (Single Family Residential) to the GC (General Commercial) zoning district.
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 September 3, 2021.

Lyle Gibson – Community Development Director

A handwritten signature in blue ink, appearing to read "Lyle Gibson", with a long horizontal flourish extending to the right.



Planning Commission Staff Report

Conditional Use Permit for Residential Child Care

September 9, 2021

Applicant/Owner: Esperanza Perez
Location: 68 E. 1000 S.
Zone: R-1-8

Description:

The Applicant is requesting a Conditional Use Permit for Residential Child Care at 68 E. 1000 S. Esperanza will be providing day care for her grandchildren. The current expectation is 1-3 children at a time with varying days and hours from her children's work schedules. Ms. Esperanza is working to get her Child Care Provider State License.

17-26-6 Residential Child Care

Residential child care of not more than twelve (12) children may be allowed by conditional use permit in all zones. The following regulations shall apply to all residential child care.

1. The child care shall comply with all regulations of the State of Utah. A child care provider who cares for five (5) to eight (8) children shall obtain a State Residential Child Care Certificate. A child care provider who cares for nine (9) or more children shall obtain a State license.
2. One (1) person not residing in the dwelling may work in the residential child care. There may be more than one non-resident employee, but only one may be on the premises at a time.
3. Off street parking shall be provided for the residents and employees.

Recommendation:

Staff is recommending approval of the proposed Conditional Use Permit for Residential Child Care

Attachment 1: Location Map



68 East 1000 South



Planning Commission Staff Report

Conditional Use Permit for a Two-Family Dwelling.

September 9, 2021

Applicant/Owner: Blake Hadley
Location: 3 West 600 North
Zone: R-1-8

Description:

The Applicant is requesting a conditional use permit to convert an existing single family dwelling to a two-family dwelling (duplex) at the above listed address. His home is on a 9,968 square foot lot or .23 acres. He is proposing an upper level configuration with 3 beds 1 $\frac{3}{4}$ baths upper floor configuration. The basement level will contain 2 beds and $\frac{3}{4}$ baths with a basement walk out in the rear of dwelling. Staff has reviewed the parking. The dwelling has a 2 car garage with a 30 ft. drive which would accommodate 4 stall required off street parking.

17-32-5 Number Of Parking Spaces Required

Two-unit Dwelling - Two Parking Spaces Per Unit

In the R-1-8 zoning district, a single-family dwelling is a use by right, however 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.'

The Planning Commission should consider the request based on the city's standards for conditional use review listed below:

17-30-8 Standards

Conditional uses shall comply with the standards in this Title applicable to the particular conditional use. In addition, all conditional uses shall comply with the following standards:

1. Provide a use at the particular location that is a necessary or desirable service or facility which will contribute to the general well-being of the community and the neighborhood without detrimental effects on the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
2. Provide adequate access to the use without detrimental effects on streets.
3. Provide for safe circulation of vehicles and pedestrians.

4. Provide adequate access for public safety services and water volume and pressure for fire fighting.
5. Provide adequate off-street parking on the site.
6. Provide architectural design and exterior finishes that are compatible with the surrounding environment.
7. Provide landscaping that is compatible with the surrounding environment.
8. Provide adequate site lighting without detrimental effects on other properties.
9. Provide adequate utilities for the use without detrimental effects on utility systems.
10. Provide for water runoff without detrimental effects on other properties.
11. Provide adequate waste disposal without detrimental effects on other properties.
12. Accommodate special site conditions without creating any attractive nuisances.

Recommendation:

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.

Should the planning commission determine to approve the proposed conditional use permit. It will be necessary for the applicant to pursue a building permit to bring the structure in compliance with applicable building code for a two-family dwelling and pay the appropriate impact fees for the new unit.

Reasoning:

Meeting the parking requirements of the city ordinance and appropriate placement of the drive approach will help mitigate potential impacts on traffic from an extra family.

Attachment 1:	Area map with 500 foot radius.
Attachment 2-3:	Floor Plans.
Attachment 4:	Site plan.

CIDELANE

31'6" GRASS

83'±-
FRONT PROPERTY
WIDTH

20'8"

REVENUE LANE

ADDITIONAL
PARK
TO FUTURE

5'10"

123' ± SIDEWALK
FENCE

FRONT ENTRY
(UPSTAIRS)
SIDEWALK

2476 SQ FT TOTAL

HOME

5 BEDROOM

3-UPSTAIRS

2- DOWN

3 BATHS

1 3/4 UPSTAIRS

3/4 DOWN

2 CAR
GARAGE

GRASS

10'4"

TO
SIDEWALK

10'7"

BACK
YOUR
BASEMENT
ENTRY

11'3"

FENCE

GRASS

101'

FENCE

BASEMENT

Reading Room

24'5"

Kitchen

27'6"

BATH

ENTRY
OFFICE

12'4"

11'1"



3'2"

MECHANICAL
LAUNDRY

LIVING ROOM

14'5"

BED # 2

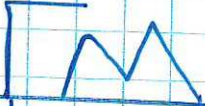
10'3"

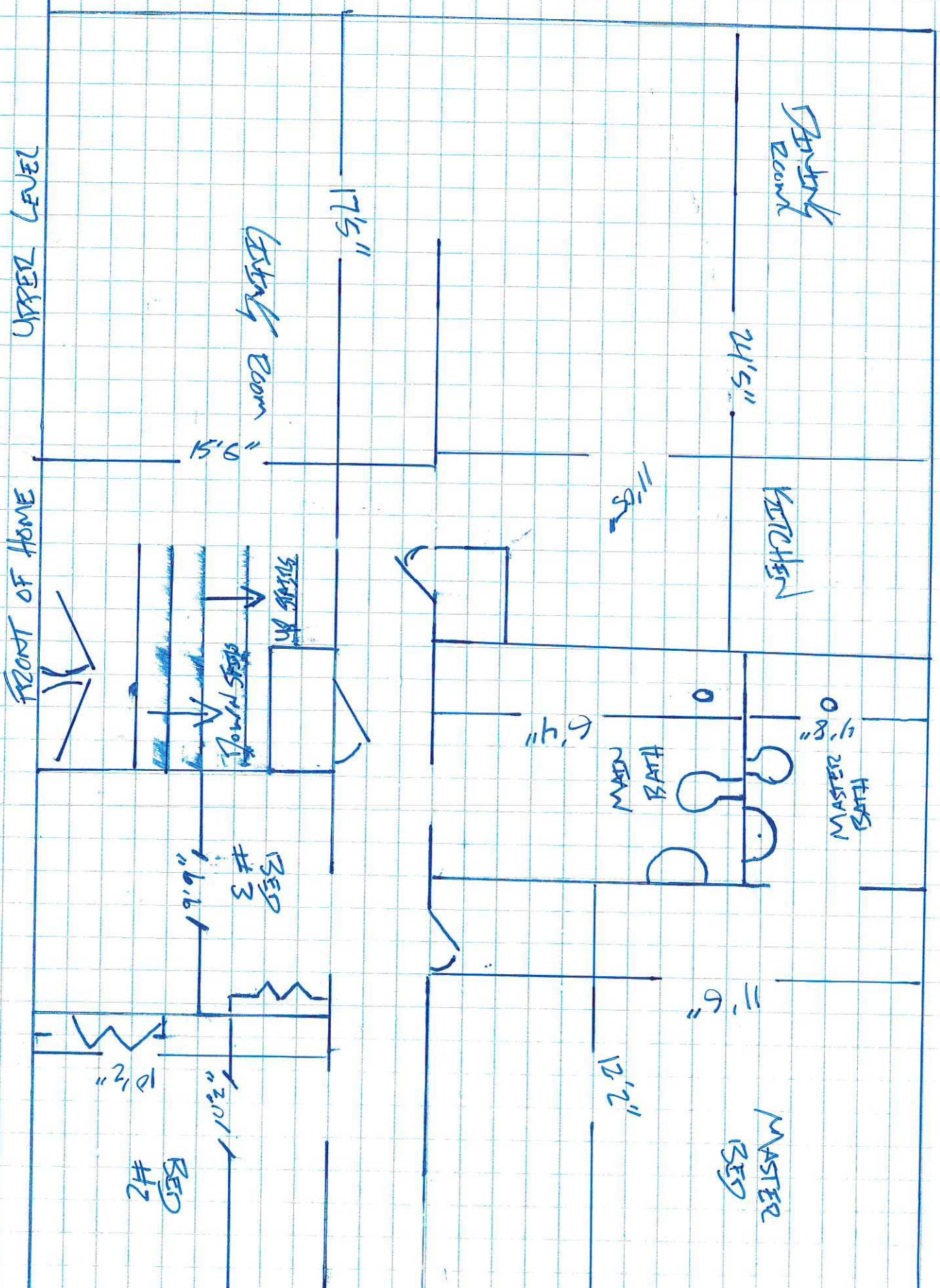
9'6"

BED # 1

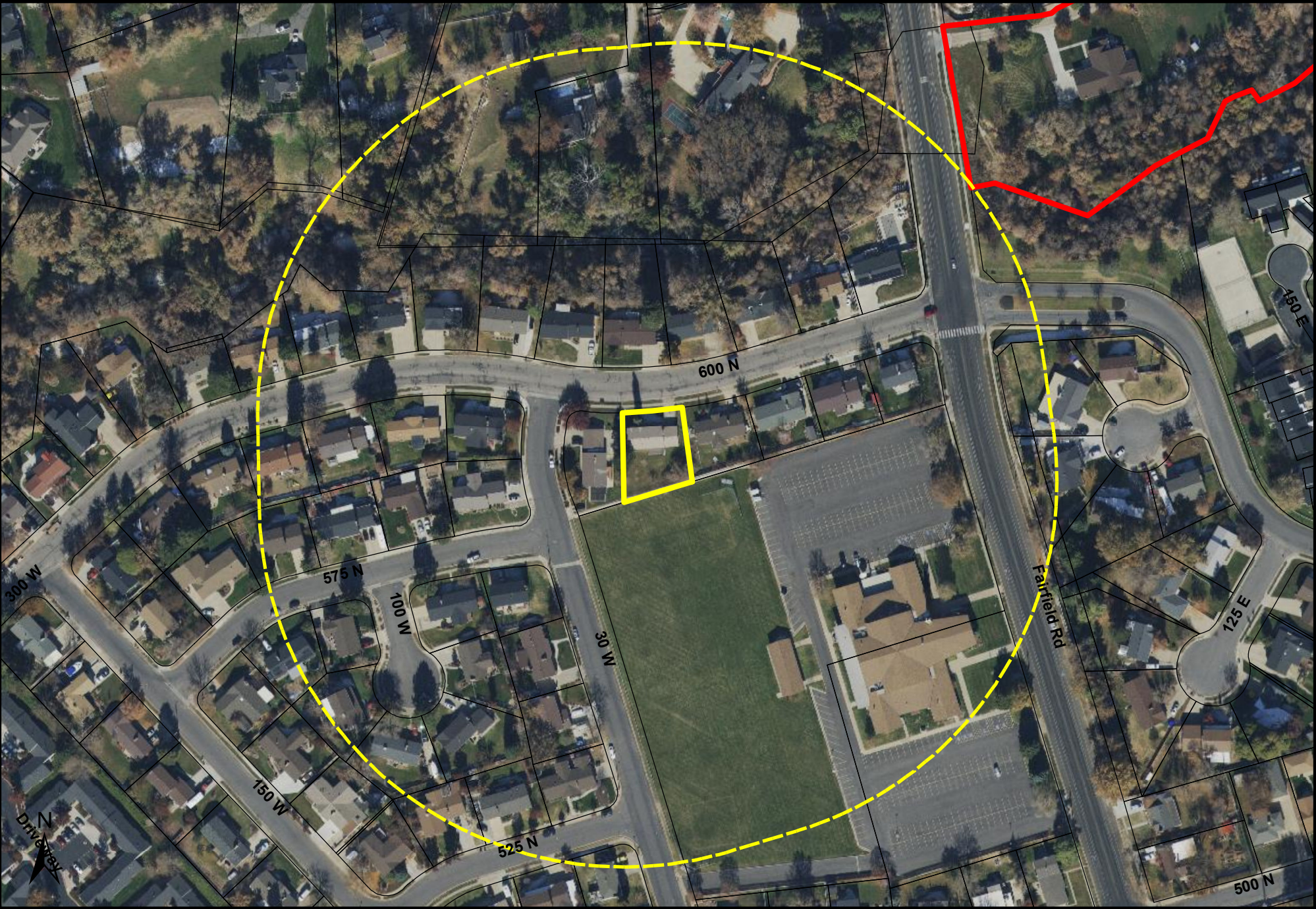
10'2"

11'4"





3 West 600 North - 500 ft. radius





Planning Commission Staff Report

Public Hearing and request to rezone .51 acres of property at 48 S Harvs Lane from the R-1-10 (Residential single family 10,000 square feet) to R-A (Single Family Light Agriculture) zoning district.

Sept 9, 2021

Applicant/Owner: Jason and Kearsten Bingham

Description:

A zone change is being requested at the subject address in order to accommodate the keeping larger farm animals, such as horses. While this is viable under the existing zoning, the request would make the use a permitted use without the need for the conditional use process. The property, was recently re-zoned R-1-10 to accommodate Single Family Dwelling with a minimum 10,000 square feet lot as part of the Potawatome subdivision. The Applicant would like to re-zone that specific lot and combine use with the their R-A zoned property at 1662 West 75 South. The properties are adjacent to each other and they would like to use both for their horses and such.

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.

The allowances of the requested zoning district are as follows:

17-10-1 Purpose

To provide for areas within the municipality characterized primarily as residential districts where farm animals can be kept and raised for family food production and recreation, but which, due to the growth of neighboring populous areas, are more dense. The regulations for this zone are designed to provide for keeping of domestic household pets or farm animals and fowl for family use within the limits of reasonable rules of health and sanitation, to stabilize and protect the essential characteristics of the zone and to protect and encourage a suitable environment for healthful and enjoyable family life.

17-10-2 Site Plan Review

Conditional uses in an R-A Zone District shall be subject to a site plan review as specified in [KCC 18-4](#).

17-10-3 Permitted Uses

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds, and privately-owned parks, playgrounds, and recreational grounds not operated as a business in whole or part and to which no admission is charged.
4. Minor home occupations subject to the provisions of [KCC 17-26](#).
5. Major Home Occupation 'C' subject to the provisions of [KCC 17-26](#).
6. Two household pets per dwelling unit.

7. The keeping of farm animals and fowl for family food production and the keeping of horses for private use, together with their dependent young, as set forth in [KCC 17-24](#).
8. Private swimming pools subject to the provisions of [KCC 17-31-9](#).
9. Accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the provisions of [KCC 17-31-2](#).

HISTORY

Amended by Ord. [19-07-01](#) on 7/2/2019

17-10-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. Public utility substations subject to the provisions of [KCC 17-31-15](#).
4. Golf courses subject to the provisions of [KCC 17-31-8](#).
5. Plant nurseries occupying one-half (1/2) acre or more.
6. Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#), which buildings must be removed upon completion or abandonment of the construction.
7. Temporary tract offices and development signs subject to the provisions of [KCC 17-30-7](#) and [KCC 17-33](#).

17-10-5 Height Regulations

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

17-10-6 Area, Lot Width, And Yard Requirements

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

1. The lot area shall not be less than 21,780 square feet.
2. The lot width shall not be less than one hundred feet (100') at a distance fifty feet (50') back from the front lot line.
3. The front yard for any building shall be at least thirty feet (30').
4. The side yard for any dwelling shall be not less than eight feet (8') and the total width of the two (2) required side yards shall be not less than sixteen feet (16').
5. Other main buildings shall have a side yard of not less than twenty feet (20') and the total width of the two (2) required side yards shall be not less than forty feet (40').
6. On corner and multiple frontage lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings. *see exception: 17-31-2
7. The minimum rear yard for any main building shall be thirty feet (30').
8. Where approved by the Planning Commission, the street right-of-way may be increased twenty feet (20') and the area contained in the additional right-of-way abutting lots deducted from the lot size requirement. The additional right-of-way shall be used as parkways (area between right-of-way or private property line and curb line) abutting lots.
9. Flag lot development requirements:
 1. The area of each flag lot shall be at least 21,780 square feet.
 2. 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. buildings on a flag lot shall be located not closer than twenty feet (20') to any property line.
 4. buildings shall comply with [KCC 17-31-2](#)
 5. 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.

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

Recommendation:

Rezone:

After holding a Public Hearing, the Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan 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.

Attachment 1: Area Map

Attachment 2: Zoning Map

Attachment 3: Rezone Ordinance

ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE R-A (RESIDENTIAL AGRICULTURE) ZONING DISTRICT, 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 the subject property from the R-1-10 district to the R-A district for the purpose of allowing residential and agricultural uses; 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 district 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 at 48 South Harvs Lane, which is made a part hereof, containing approximately 0.51 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City R-1-10 district as currently delineated and rezoning it to the R-A zoning district.

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 _____, 2021

Katie Witt
Mayor

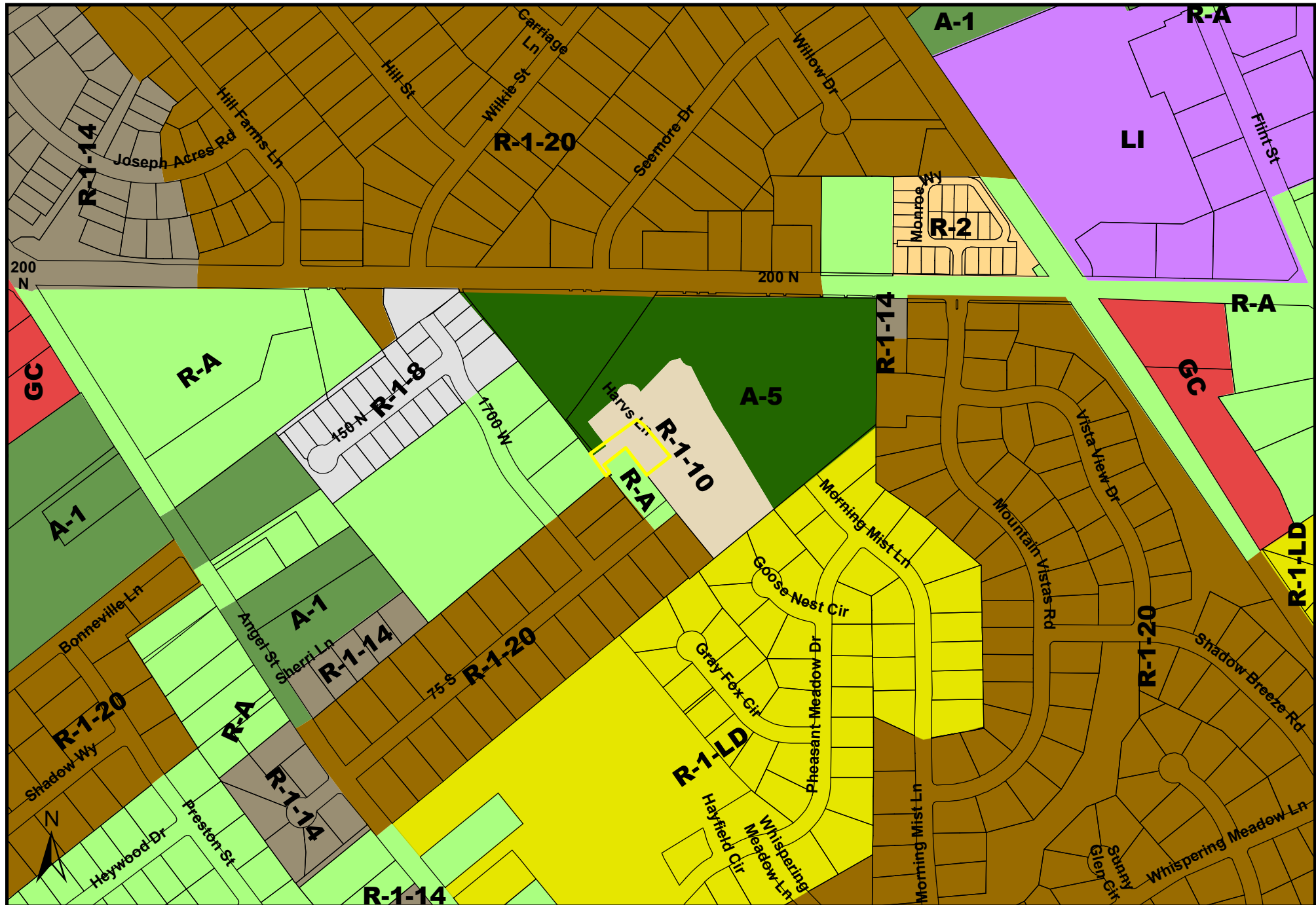
ATTEST:

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney

Rezone of 48 South Harvs Lane from R-1-10 to R-A
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Rezone of 48 South Harvs Lane from R-1-10 to R-A





Planning Commission Staff Report

Public Hearing for the Rezone of 2.54 acres of property at 1742 W Phillips Street from the R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential) zoning district with the PRUD (Planned Residential Unit Development) overlay zone.

September 9, 2021

Applicant/Owner: Robert L. and Linda S. Bourne
Location: 1742 W Phillips Street

Description:

The applicants are requesting a rezone of their property in order to accommodate a new Subdivision. The requested zoning district allows a net density of 2 units per acre thus based on the total property area could permit as many as 5 dwellings. The applicant has provided a concept drawing indicating the general idea of keeping the existing home and adding 4 new lots on a new street private street. The private street is the reason for the PRUD overlay zone request.

The R-1 zoning district regulations are found in Chapter 17-12. The R-1-LD zone allows for some flexibility in lot size while keeping the overall density at no more than 2 units per acre. The smallest lot size allowed would be 12,000 sq. ft. in size. The R-1-LD and existing R-1-20 zoning districts are both regulated by Chapter 17-12 which means they allow the same uses. The 2 districts also have the same lot frontage and setback requirements, the difference in this case is primarily the flexibility in lot size granted by the R-1-LD district.

The Kaysville City General Plan states that West of I-15 housing should be allowed from '0 to 2 units per acre with some higher density housing along major streets.'

The PRUD overlay is necessary to permit a private street. The private lane would be owned and maintained by an association of owners within the subdivision granting an access easement to each lot. A Private Street Subdivision is regulated by Section 17-34-8. In considering whether or not a Private Street Subdivision is appropriate, Section 17-34-1, Purpose, states that 'The purpose of the Planned Residential Unit Development is to encourage a better living environment through greater flexibility of design that is not possible solely through the application of the standard zoning requirements; to encourage diversification in the relationship of residential uses and structures to their sites; to permit a more flexible development of such sites; to preserve meaningful open space, conservation areas, and sensitive lands such as wetlands, steep slopes, and unique vegetation; to preserve character, and assure greater

compatibility of new construction with the existing neighborhood; to encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans so as to give imagination and variety in the physical pattern of the development. New construction in already developed areas should, to the greatest extent possible, maintain the established mass, scale, height, width, and form of the surrounding buildings.

Recommendation:

Because of the discretion granted to the Planning Commission with this request for a rezone, the Planning Commission should forward a recommendation to the City Council based on its findings of compatibility with the Kaysville City General Plan and the purpose of the Planned Unit Development Overlay Zone.

If the Commission finds that the R-1-LD and overlay zone are appropriate for this location, then staff recommends that the preliminary plat receive a favorable recommendation as it complies with the provisions of the Private Street Subdivision and R-1-LD regulations.

Attachment 1: Location Map

Attachment 2: Current Zoning Map

Attachment 3: Concept Plan

ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY) ZONING DISTRICT TO INCLUDE THE PRUD 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 rezone the subject property from the R-1-20 district to the R-1-LD district with the PRUD Overlay Zone for the purpose of allowing more flexibility in lot sizes along a private street; 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 district 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 at 1742 West Phillips Street, which is made a part hereof, containing approximately 2.54 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City R-1-20 district as currently delineated and rezoning it to the R-1-LD zoning district to include the PRUD 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 _____, 2021

Katie Witt
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

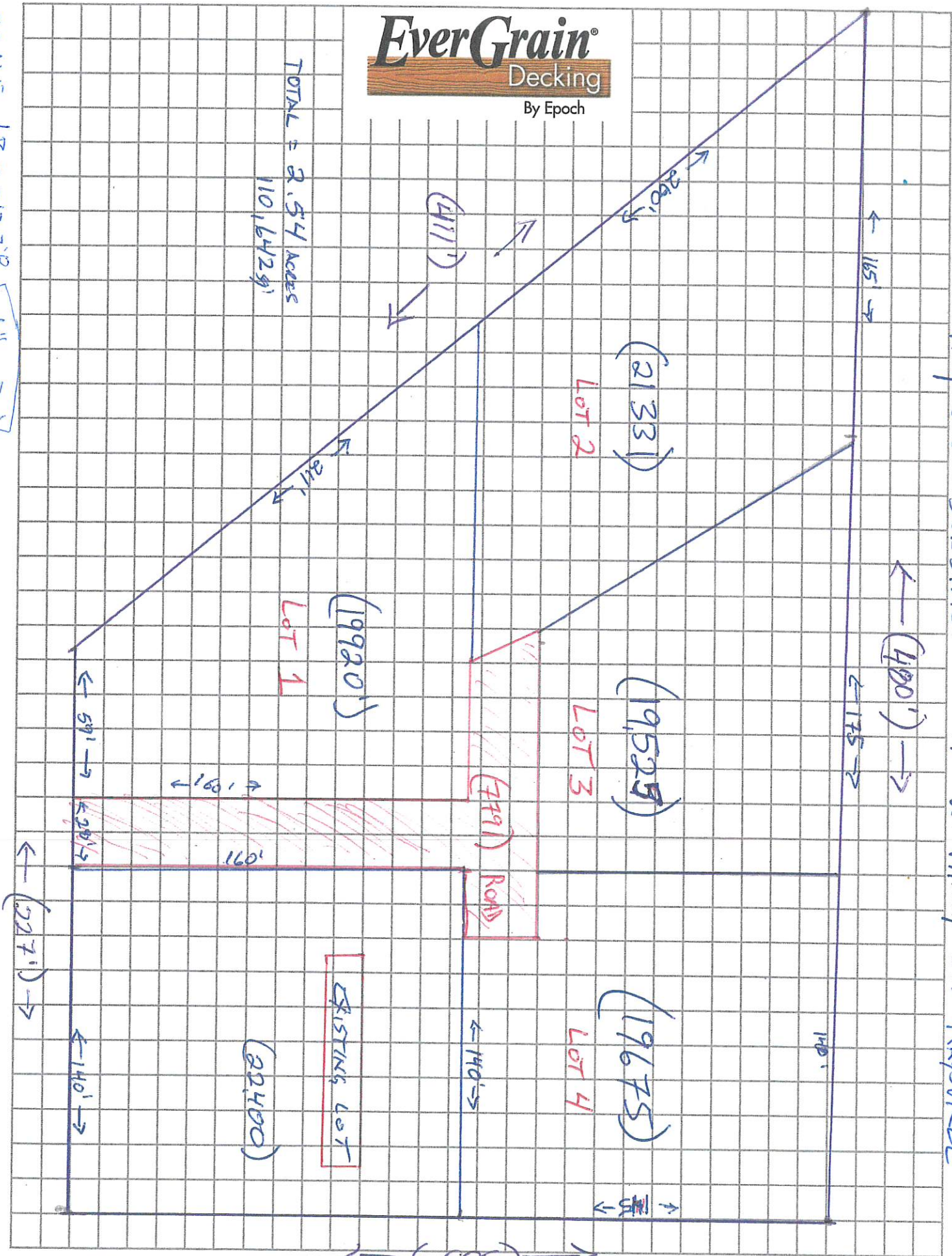
Nicholas C. Mills, City Attorney

Bourne's Proposed Subdivision @ 1742 W. Phillips St. Kaysville

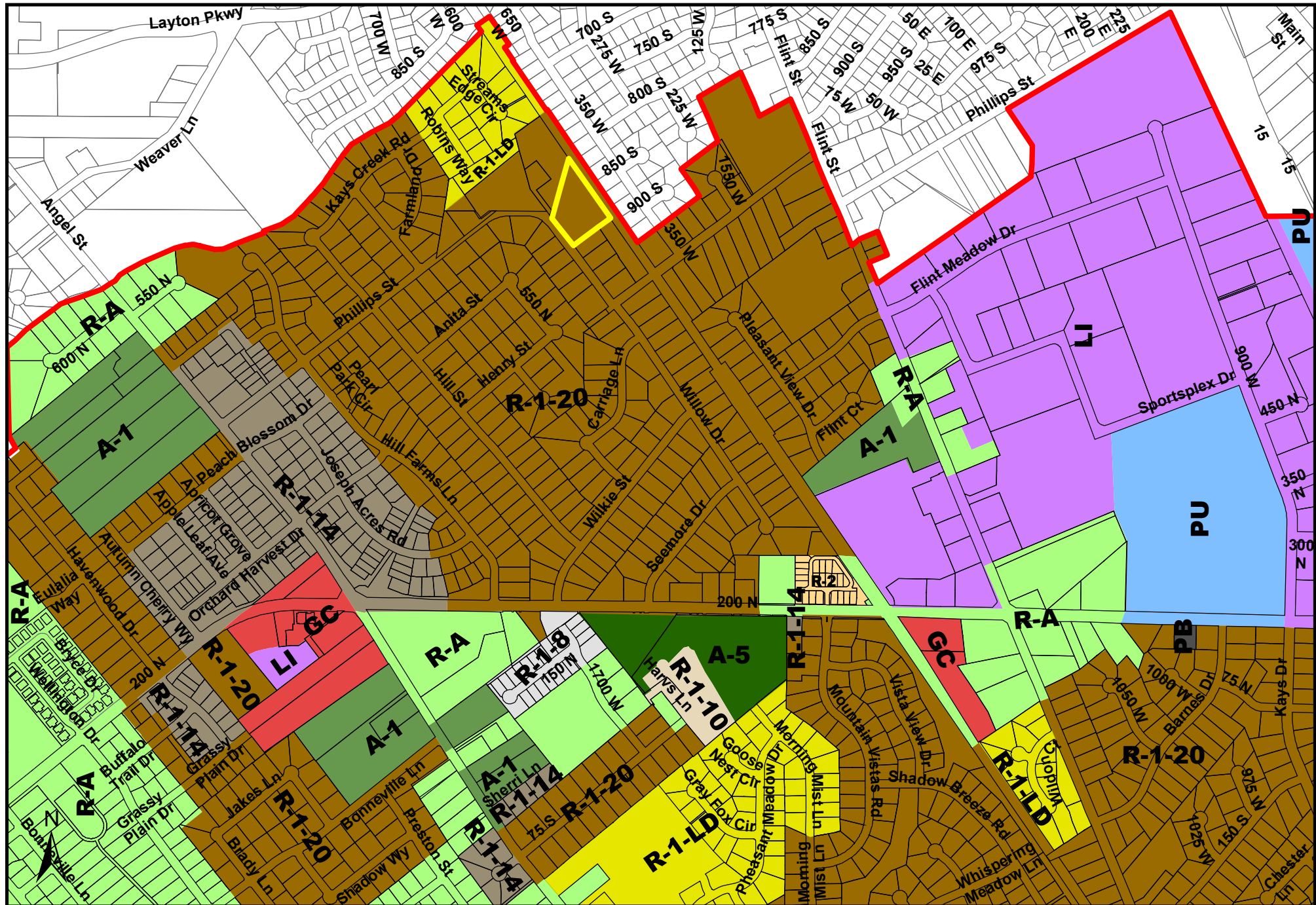


TOTAL = 2.54 Acres
110,642 sq'

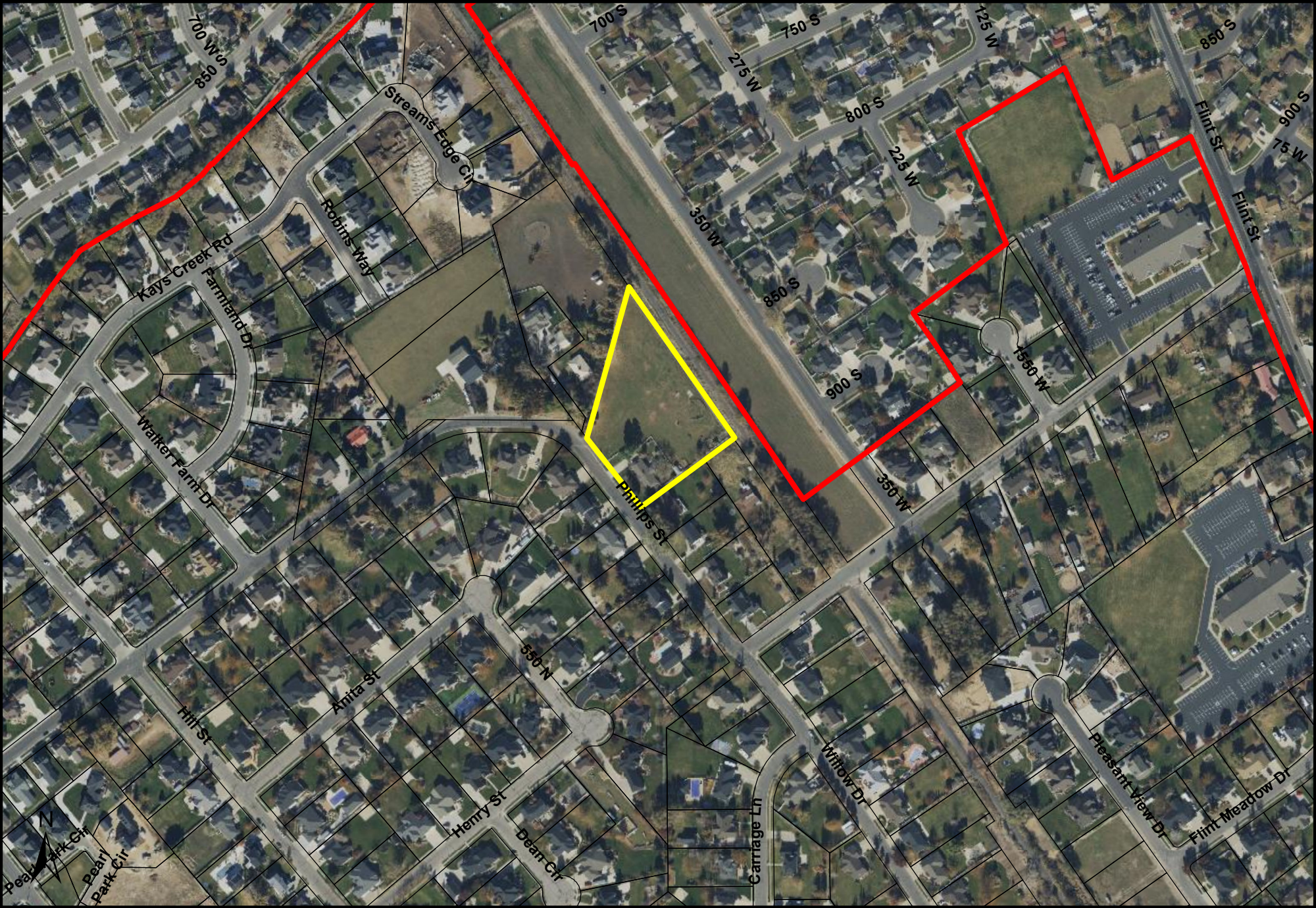
SCALE - 1 Box = 12.7' 0"
1" = 50'



Rezone of 1742 W. Phillips St. from R-1-20 to R-1-LD



1742 West Phillips Street





Planning Commission Staff Report

Public Hearing and request to rezone .44 acres of property at 65 Crestwood Road from the R-1-8 (Single Family Residential) zoning district to the GC (General Commercial) zoning district.

September 9, 2021

Applicant Christian Nielsen

Description:

UPDATE:

After holding a public hearing during the 8/12/21 Planning Commission meeting, the commission tabled this item asking the developer to work with staff on a development agreement which addressed concerns expressed by the neighbors during that hearing.

A development agreement has been prepared which limits uses generally allowed in the GC zoning district, sections 2 and 3 of the attached agreement describe the limitations that the applicant is proposing.

ORIGINAL REPORT:

A zone change is being requested at the subject address in order to accommodate General Commercial potential. The property is currently zoned R-1-8 to accommodate a single family dwelling type development.

The requested General Commercial zoning district is primarily for office and retail sales and services which are permitted uses in the zone. The full provisions of the GC zoning district are included with this report

The request does not include a specific plan or concept to demonstrate the desired use or change to the site, rather they are seeking the rezone to be open to different possibilities allowed by the new zoning district.

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.

REQUESTED ZONING - KAYSVILLE CITY CODE – CHAPTER 17-19 GENERAL COMMERCIAL DISTRICT:

17-19-3 Permitted Uses

1. Offices.
2. Retail sales and services, not including storage services, sale of beer for consumption on the premises, sale of liquor for consumption on the premises and conditional uses in [KCC 17-19-4](#).
3. Government offices and services.

17-19-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Single family dwellings which are an integral part of a commercial use and serves as housing for the proprietor or an employee.
2. Light industry/research uses subject to the provisions of [KCC 17-23](#).
3. Buildings of height greater than thirty-five feet (35').
4. Recreational vehicle parks subject to the provisions of [KCC 17-31-24](#).
5. Public utility substations.
6. Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.
7. Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.

HISTORY

Amended by Ord. [18-9-01](#) on 1/3/2019

17-19-5 Special Provisions

The design of off-street parking facilities shall assure compatibility of vehicular and pedestrian circulation. Site plan drawings prepared for site plan review shall illustrate clearly all existing and proposed vehicular and pedestrian paths. (See [KCC 18-4](#).)

17-19-6 Height Regulations

1. No building shall exceed thirty-five feet (35') in height, except pursuant to [KCC 17-19-4](#).
2. No building shall be less than ten feet (10') in height.

17-19-7 Area, Lot Coverage And Yard Requirements

There are no lot size or yard requirements except that where a lot in the General Commercial District abuts a residential district, the yard abutting the residential district shall be at least twenty feet (20').

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

Business and Industry

- A. Most sites used primarily for business or industry should be located on major streets. Mitigate impacts on adjacent residential uses through compliance with ordinances and regulations.

Crestwood Road is classified as a major streets per Kaysville City's Major Street Plan in KCC Section 8-3-2.

Recommendation:

Rezone / Agreement:

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 Commission can also request changes to the proposed development agreement if it finds that there are limitations that are desirable to make the zoning work at this 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.

- Attachment 1: Area Map
- Attachment 2: Zoning Map
- Attachment 3: Development Agreement
- Attachment 4: Rezone Ordinance

ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT, 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 the subject property from the R-1-8 district to the GC district for the purpose of allowing potential future commercial uses; and

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

WHEREAS, the applicant for the rezone request has agreed to place certain limitations on the potential use of property to address concerns of the GC zoning district by development agreement; 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 district 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 at 65 Crestwood Road, which is made a part hereof, containing approximately 0.44 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City R-1-8 district as currently delineated and rezoning it to the GC zoning district subject to a development agreement recorded against the property.

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 _____, 2021

Katie Witt
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney

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

Affecting Tax Parcels No.:11-101-0026

**DEVELOPMENT AGREEMENT
FOR A COMMERCIAL PROPERTY**

THIS AGREEMENT is made and entered into this ____ day of _____, 2021 by and between Kaysville City, a municipal corporation organized and Christian Nielsen and/or assigns (collectively hereinafter the “Developer”) Sometimes both the City and Developer are collectively referred to in the Agreement as the “Parties,” and individually as a “Party.”

RECITALS

WHEREAS, Developer is desirous of developing a general commercial use (the “Facility”) on certain real property located in the City of Kaysville, County of Davis, State of Utah and more particularly described as 65 Crestwood Road; and

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

WHEREAS, the City is willing to grant the General Commercial rezone of the property and to authorize the development of the property 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 at 65 Crestwood Road. The property is further described as Davis County Parcel ID: 11-101-0026.

B. Project Description. The project proposed by Developer is a commercial building which will consist of one building developed in compliance with city ordinances.

2. ALLOWED USES

The uses allowed in the requested zoning shall be permitted as outlined in Chapter 17-19 of the Kaysville City Ordinances with a specific prohibition on the following uses:

- Light industry/research uses.
- Buildings of height greater than thirty-five feet (35').
- Recreational vehicle parks.
- Storage services.

3. DEVELOPMENT STANDARDS AND GUIDELINES

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

- (1) Architecture. Developer shall construct the Facility in similar compliance and conformance with the neighboring architecture.
- (2) Building Height. Not greater than thirty-five feet.
- (3) Lighting. Low impact following RASC Guidelines for Outdoor Lighting.
- (4) Fencing. Privacy fencing along the north property boundary.
- (5) Signage. Monument sign in accordance with city code 17-33.

B. Findings of Compatibility. In adopting the Development Standards identified in Section 2.A, the City hereby expressly finds that the development of the property, in conformance with the Development Standards and this Agreement, promotes the creation of a desirable commercial development in an appropriate location. The City further finds that the development of the property, 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 property is vested.

4. ON-SITE PROJECT IMPROVEMENTS

Developer shall construct and install all site improvements, including utilities, required for the Facility, 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.

5. 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 Crestwood Road with the construction of the on-site improvements.

6. REPRESENTATIONS OF DEVELOPER

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

B. Ability. Developer represents that it has the ability to timely proceed with the development and construction of the Facility. Developer agrees to begin construction of the Facility no sooner than two years from the date of the approved rezone.

7. 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.

8. BINDING EFFECT

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

9. 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.

10. 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.

11. 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.

12. GOVERNING LAW

This Agreement shall be governed by, and construed in accordance with, applicable Utah Law, without reference to the conflicts of laws principle. Any litigation between the parties shall take place in the applicable courts located in Davis County, Utah which state and federal courts shall have exclusive jurisdiction over this Agreement, and the Parties expressly consent to such jurisdiction and venue.

13. ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the Parties, and shall fully supersede any and all prior agreements or understandings, oral or written, between the Parties pertaining to the subject matter hereof. The Agreement is a fully integrated agreement.

14. WAIVER

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement will be effective unless it is in writing and signed by the Party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy will be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, and no waiver will constitute a continuing waiver, unless the writing so specifies.

15. 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.

16. 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 Effective Date in the preamble above.

DEVELOPER

ATTEST:

By: _____

TITLE

TITLE

KAYSVILLE CITY

ATTEST:

By: _____

Katie Witt
Mayor

Annemarie Plaizier
City Recorder

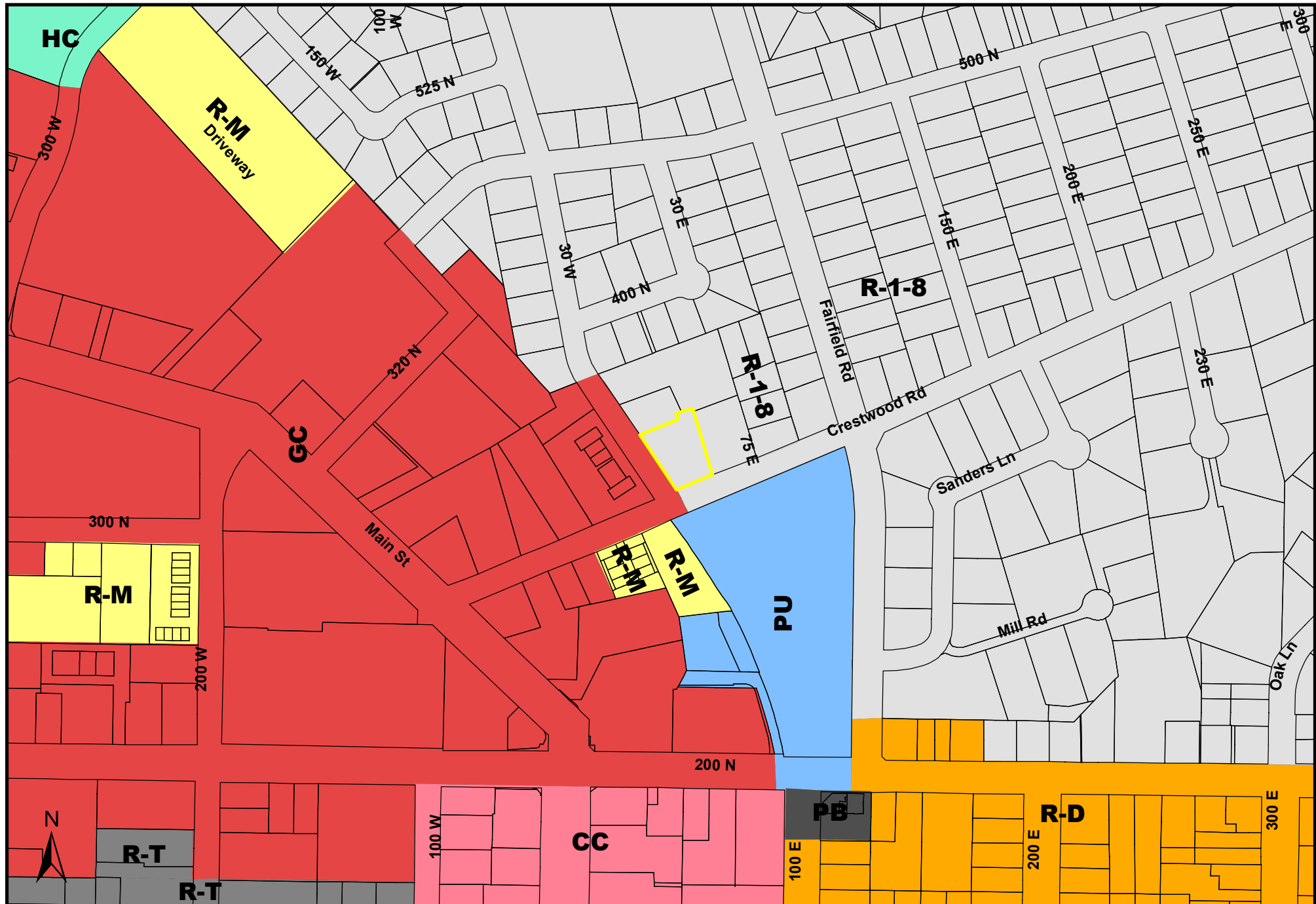
NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

NOTARY PUBLIC

STATE OF UTAH)
)
 : ss.
COUNTY OF DAVIS)

Rezone of 65 Crestwood Road from R-1-8 to GC



Rezone of 65 Crestwood Road from R-1-8 to GC





KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

August 26, 2021

Planning Commission Members in Attendance: Chair- Quan Nguyen, Vice Chair- Abbigayle Hunt, Jared Doxey, Toby Barrus, Steve Lyon, and Wilf Sommerkorn

Staff Present: Lyle Gibson, Dan Jessop, Mindi Edstrom

Public Attendees: none

The Planning Commission meeting was held on Thursday, August 26, 2021 at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street.

Chairperson Quan Nguyen opened the meeting by approving the minutes from August 12, 2021. The motion to approve was from Commissioner Lyon and seconded by Commissioner Sundloff.

Commissioner Nguyen also invited the Planning Commission and staff to join in a moment of silence for the service men and women who lost their lives in Afghanistan.

DRAFT LANDSCAPE ORDINANCE

Introduced by: Lyle Gibson

The Planning Commission and City Council joined the Weber Basin Water District (WBWCD) to learn about ways that Kaysville City can continue with water wise practices and put together an ordinance for new construction landscaping for both residential and commercial developments.

Staff presented an initial draft taken from an example provided by the water district. WBWCD provided definitions in their ordinance. Some of those definitions will not be applicable to our ordinance unless we are wanting to add back in everything in their draft.

The ordinance is applicable to all new construction and development and any expansion or rehab of existing public, quasi-public, commercial, industrial, or multi-family use. New single neighborhoods, subdivisions would not have grass in park strips.

Commissioner Lyon asks why we removed rehabilitated landscaping for public agency projects. He thinks that we should have the conversation with the school district or the county upon decision to rehabilitation and the require them to reduce their square footage so that they are fair users of the water sources.

Lyle Gibson: Would be happy to fit that back in the ordinance. Lyle will broaden the public agency in the definition.

Schools and state agencies get to follow their own rules and hopefully they would be willing to comply.

Commissioner Sundloff: would like to change the wording in 17-6-3 "all new construction, expansion, rehab... Suggests the ordinance to say "All new construction, development, expansion, or rehab of existing for public or quasi-public. Are we wanting this to apply to ALL new single family homes?

Lyle Gibson: Believes this would be for new single family homes, going to look into WBWCD to see if they are wanting the ordinance to apply to all new single or multi-family construction and not just larger subdivision development done by larger builders. What does the commission think?

Commissioner Sundloff: Believes that we would be the exceptions to most cities requiring this ordinance for all new single-family dwellings.

Lyle Gibson: Turf and park strip requirement be applicable for single family but the whole water calculation would be for commercial. Does that feel appropriate to the commission?

Commissioner Sundloff: Do we want to impose the cost of landscape design to every new single family home owners. Similar to HOA's in regulations. You would have to have a drawing to scale which would cost. A fee to impose on a single home. This feels like the city is being heavy handed if required for single home.

Lyle Gibson: Weber Water Basin is giving incentive programs to residents to help them want to go more water friendly. He will clarify with WBWCD if we "have" to regulate. Shares what the Water-wise ordinance standards are for residential and commercial. HOA's would have to follow suit.

Commissioner Sundloff: the WBWCD is trying to incentivize municipalities to do this so that the citizens can benefit. Potentially could be \$1.25 for reimbursement for square foot.

Lyle Gibson: Shares what the Water-wise ordinance standards are residential and commercial. No artificial turf in park strips. HOA's would have to follow suit. Kaysville City will have to require those standards for those with new construction. Tree selection is provided in WBWCD standards. We don't require trees on the streets in park strips.

Commissioner Sundloff: Speaking of the next heading in the ordinance 17-6-5 Landscapes in New Single-Family Residential Developments, wants to make sure we understand who this applies to and make it clear.

Commissioner Sommerkorn: Believes that we will run into resistance if we tried to pass it for a single family home.

Commissioner Sundloff: Is this ordinance applicable for a developer of 100 homes vs. the single family home? Easier for a developer to absorb the cost for 100 homes, but if we apply across the board to everyone it might go too far monetarily.

Dan Jessop: how are we going to regulate and enforce the plants, trees, and park strips in new subdivision?

Commissioner Sundloff: We would need to have someone on staff to regulate water and landscaping.

Commissioner Hunt: What percentage of development falls outside of new builds? And what about flag lots?

Dan Jessop: Not many new builds fall outside of development builds.

Commissioner Lyon: We need to remember the 14th amendment. If this goes in the books then we need it to apply to everyone.

Commissioner Sundloff: C and E in the ordinance states that all new construction would need to provide approved plans. Sundloff believes that would be one of the few cities requiring approved plans. Most municipalities do not require this.

Commissioner Lyon: The city would work with the home builder and not the home owner for the landscape regulations.

Lyle Gibson: From an administrative side we would be ok taking out C, D, and E as it simplifies the regulations. This may make it viable for homes built outside of large projects.

17-6-7 is diving into people's CCR's and does feel like it needs to be in the ordinance.

17-6-6 Landscaping in Commercial, Industrial and Institutional Developments would be 15% of the total landscaped area, outside of active recreation areas.

Commissioner Sundloff: All the items in the Irrigation Design Standards would be very difficult for staff to regulate. Landscape installers wouldn't necessarily follow an irrigation plan if not regulated.

Lyle Gibson: We allow commercial business to hook up to culinary water, simply because they have less landscaping. And a good way to regulate and control it would be with the water meters.

Commissioner Sundloff: There are many ways that we can meter water usage without dictating what is on the ground, smart meters will cut down watering. More in favor of setting a standard and allowing the business to get there any way they like. Just require a standard. He suggests getting water meters instead of mandating specifics.

Commissioner Hunt: Could we provide examples in the ordinance or provide resources for help?

Lyle Gibson: We would not be able to put that in the ordinance, however we could add content to the cities website and give direction.

Commissioner Barrus: From his field trip observation he noted that WBWCD program for water meters is only at 35%. So many would need to wait to meter until they had a water meter.

Lyle Gibson: New construction would be required to have water meters.

Commissioner Sundloff: Water meters are expensive, the state will not be mandating meters or paying for them. Would be surprised if the state paid to retro fit.

Commissioner Lyon: talked to Benchland and had Federal grant to retrofit and provide for new construction, it cost them 10 million.

Lyle Gibson: We will have a public hearing in September for the new draft of this ordinance.

Public Comment: No Public

Motion: No motion required

DRAFT ORDINANCE FOR INSTRUCTIONAL HOME OCCUPATIONS

Introduced by: Lyle Gibson

Discussion:

Lyle shares what business categories we have in Kaysville and shares the example of a tennis business using a neighbors court and that staff has come up with an Instructional Home Occupation to allow a business to be run at another resident's property.

This would be geared for swimming pools, commercial kitchen, pickleball courts, etc. This ordinance would be catered to such businesses.

The business must be conducted in the residential site. The resident on the dwelling site need not own or run the business, just need to have permission from the home owner. No more than 12 students, no change in the character of the home, limited number of vehicles, etc.

Item #2 is the most unique change to the category. Required to teach a skill but no tournaments or spectator events. I.e. dance group could not do a recital at someone else home. Planning Commission will see all of these.

Does the Commission think that this is something that would be good in Kaysville?

Commissioner Hunt: Asks about swim business running in Kaysville. Would this business category allow for them to be in compliance?

Lyle Gibson: Yes, this would apply to the swimming lesson business in Kaysville.

Commissioner Nguyen: Does not have any issue with the category.

Commissioner Sundloff: Paragraph 8 what part of an accessory building can be used?

It seems that the numbers would roughly allow for all of an accessory building to be used for the business purpose. Accessory building would be allowed as long as it fits the accessory building requirement.

Lyle Gibson: asks about the group size: 4 instructors or vehicles, let this be case by case.

Commissioner Hunt: says that the number would just need to follow state regulations.

Commissioner Lyon: You don't want to be too restrictive with a suggestive cap. You want the entrepreneurial spirit.

Lyle Gibson: Create the language to give a standard but allows for flexibility. We will work with the city attorney for the language.

Commissioner Lyons: We actually grew jobs in Davis County. We have a very entrepreneurial spirit in Davis County.

Motion: No need to have a motion

CALL TO THE PUBLIC

Nothing was brought forward

REPORTS, CORRESPONDANCE AND CALENDAR

Upcoming items: APA Conference lots of interest
Draft for the general plan amendment shooting for the end of the month.
Hopefully for the next meeting to discuss on the 9th.

Discussed the Planning Commission videos.

ADJOURNMENT

Motion to adjourn by Commissioner Quan. Second Steve
Meeting was adjourned at 8:29