



**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, March 10, 2022, at 7:00 pm in the Council Chambers of 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 February 10, 2022 meeting
2. Consideration of a development agreement and rezone of 478 South Main Street from R-1 Single Family Residential District to R-M Multiple Family Residential District (item continued from the February 10, 2022 public hearing)
3. Call to the Public
4. Other matters that properly come before the Planning Commission:
 - a. Reports
 - b. Correspondence
 - c. Calendar
5. Adjournment

On Friday, March 4, 2022, a copy of the foregoing Notice of Meeting was posted in accordance with Section 52-4-202 (3).

A handwritten signature in blue ink that reads "Melinda Greenwood".

Melinda Greenwood
Community Development Director

Planning Commission Staff Report

March 10, 2022

Consideration of a development agreement and rezone of 478 South Main Street from R-1 Single Family Residential District to R-M Multiple Family Residential District (item continued from the February 10, 2022 public hearing)

Applicant/Owner: Mark Lund & Kelly White

Address: 478 South Main Street

Lot Size: .56 acre (24,393 ft²)

Existing Zoning: R-1-8 Single Family Residential

Density Entitlement: 3 single family detached units

Requested Zoning: R-M Multiple Family Residential

Density Entitlement: 8 attached residential units; development agreement to limit to 6

Current Use: Undeveloped land used as a community garden

Background

At the February 10, 2022, Planning Commission meeting, the Commission held a public hearing and subsequently discussed the application requesting rezone of 478 South Main Street from [R-1-8 Single Family Residential](#) to [R-M Multiple Family Residential](#). The subject property is currently a .56 acre (24,393 ft²) undeveloped parcel which has been previously used as a community garden. During the dialogue, the Commission expressed

General Plan

The currently adopted 2019 Kaysville City General Plan states the following excerpts as a goals and policies (emphasis added). These excerpts are germane to the R-M rezone application and should be considered as deciding criterion when the Commission makes their recommendation to the City Council.

I. Identity and Character

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

Because the R-M zone is considered a residential zone, the rezone request generally meets this goal and policy.

III. Growth and Development

*A.2. Reserve land and promote development that is high quality, **diversified and adaptable to changing conditions.***

Because the R-M zone allows for townhomes, it diversifies available housing products and generally meets this goal and policy.

I. Housing

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

*2. **East of I-15**, allow for housing compatible with and complimentary to existing neighborhoods **while considering medium densities along major streets and higher densities near transit stops and arterial streets** (200 North, Main Street, Interstate 15, and U.S. 89).*

*B. The majority of the housing should be single unit attached or detached. **The City will seek to provide a variety of housing choices throughout the community including a means for allowing homes of a variety of sizes. Multiple unit housing** should consist mostly of duplexes (two unit structures) **and some three to six unit structures dispersed throughout the City.***

4. Permitting less costly size, design, materials and construction of housing.

9. Rezone for densities necessary to assure the production of moderate income housing.

Because the R-M zone allows for townhomes, which are typically considered more affordable than single family residences due to construction methods and efficiency of land development, this project would diversify available housing products and generally meets this goal and policies.

Zoning

The stated purpose of the R-M zone is:

To provide for areas in appropriate locations where neighborhoods of varying degrees of density may be established, maintained, and protected. The regulations of this district are designed to promote and encourage an intensively developed residential environment suitable primarily for adult living. To this end, the regulations permit, in accordance with stated regulations, dwellings ranging from single-family to multiple and necessary public services and activities subject to proper controls.

The R-M zone prescribes specific amounts of open space for outdoor leisure. A six-unit development would require a minimum of 3,600 ft².

The R-M zone requires a minimum of 20 ft² of enclosed outside storage for each dwelling unit, totaling 120 ft² for six units.

Differences between the height and setback regulations between the current and proposed zones are identified in the chart below.

	R-1-8	R-M
Height	30'	30'
Front Setback	25'	25'
Side Setback	≥ 8' both side yards ≥16'	≥ 8' both side yards ≥16' + 2' per unit over two; totaling 8' additional setback
Rear Setback	15'	15'
Corner	20' side abutting street	

- Increased amount of time to process the re-notification of a public hearing to change from the previously advertised R-M zone to R-2.
- Increased amount of time and costs to process a subdivision application.
- Increased construction costs and loss of building efficiencies.

While the R-2 zone may offer esthetics similar to the neighboring properties, both staff and the developer concur that when considering access, traffic and safety, the R-M zone with a singular ingress/egress located on 475 South and further away from Main Street is exponentially preferable to the creation of three driveways and three points of ingress/egress. Further, there is approximately nine feet of grade change and curvature in the roadway on 475 South which causes additional concern for three points of vehicular conflict versus one.

Based on feedback from the Commission and the public, Community Development staff worked with the applicant to negotiate a development agreement, which includes the following considerations:

- **Density** - Limiting the development to 6 attached units
- **Parking** - Constructing a minimum of 12 parking stalls (10 are required by code)
- **Buffering** - Using trees and fencing as a landscape buffer to the two existing homes on the west and north sides of the property
- **Architectural Design** - Constructing the building to fit Craftsman, Traditional or Farmhouse architectural style

Recommendation

The Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the 2019 General Plan, considerations listed within this staff report, the proposed development agreement and how well this specific proposal works at this particular location.

The Planning Commission may make a recommendation to approve, approve with modifications to the development agreement or deny the rezone request.

Attachments

1. Draft development agreement
2. Draft rezone ordinance
3. Location map
4. Zoning map

**DEVELOPMENT AGREEMENT
FOR 478 SOUTH MAIN STREET**

THIS AGREEMENT is made and entered into this ____ day of _____, 2022 by and between Kaysville City, a municipal corporation organized and existing under the laws of the State of Utah (hereinafter the “City”), and Kelly White & Mark Lund (hereinafter the “Developer;”) (“Developer” includes successors and/or assigns of Kelly White & Mark Lund), as follows:

RECITALS

WHEREAS, Developer is desirous of developing a residential facility (the “Facility”) on certain real property located in the City of Kaysville, County of Davis, State of Utah and more particularly described on the Property Location Map attached hereto as Exhibit A and the Area Description of Section 1 A.; and

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

WHEREAS the City is willing to grant the R-M (Multiple Family Residential District) rezone of the property and to authorize the development of the Facility 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 a .56 acre parcel ID 08-002-0116 and addressed as 478 South Main Street.
- B. Project Description. The project proposed by Developer is a residential townhome

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.

Kelly White & Mark Lund

By: _____

TITLE

TITLE

KAYSVILLE CITY

ATTEST:

By:

Tamara Tran
Mayor

Annemarie Plaizier
City Recorder

On the _____ day of _____, 2022, 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 TAMARA TRAN, is the Mayor of Kaysville City, Davis County, State of Utah and that she, the said ANNEMARIE PLAIZIER, is the City Recorder of Kaysville City, and that the within and foregoing instrument was signed on behalf of the said Kaysville City by authority of the City Council of Kaysville City and said TAMARA TRAN and ANNEMARIE PLAIZIER, each duly acknowledged to me that the said Kaysville City executed the same and that the seal affixed is the seal of the said Kaysville City.

NOTARY PUBLIC

(SEAL)

STATE OF UTAH)
: ss.
COUNTY OF DAVIS)

On the ____ day of _____, 2022, personally appeared before me, _____, the signer of the foregoing Development Agreement for KELLY WHITE & MARK LUND, who duly acknowledged to me that he executed the same for and on behalf of KELLY WHITE & MARK LUND.

NOTARY PUBLIC

(SEAL)

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

SECTION VI: This Ordinance shall take effect upon recordation of the development agreement 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 _____, 2022

Tamara Tran
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

Chair Nguyen closed the Call to the Public.

Other matters that properly come before the Planning Commission:

Staff reminded the Commission of land use training on February 24th and said it will be done in place of the regular Planning Commission meeting. The February 24th PC meeting is cancelled and the next regular meeting will be held March 10th at 7:00 p.m.

Commissioner Sommerkorn asked Melinda if UDOT staff would come to Planning Commission meeting to discuss Main Street discussion.

Melinda Greenwood commented that UDOT has put together a preferred alternate proposal and waiting to get some high level budgeting and hopefully have it in a couple of weeks.

ADJOURNMENT:

Motion to adjourn by Commissioner Lyon.

Meeting was adjourned at 9:53 pm.

Print

Contact the Planning Commission - Submission #4278

Date Submitted: 1/31/2022

Have a question or comment? Want to contact the Planning Commission about an upcoming item on a meeting? Please fill out the form below and an e-mail will be sent to all of the Planning Commission members. You can also contact the Community Development office at 801-546-1241.

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