



**Kaysville City Planning Commission
Meeting Notice and Agenda**

The Kaysville City Planning Commission will hold a regular meeting on May 11, 2023, 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.

1. Opening
2. Approval of the minutes from the March 23, 2023 and April 27, 2023 Planning Commission Meeting
3. Conditional Use Permit for Big Rigz Landscaping located at 570 East 100 North
4. Conditional Use Permit for Upper Hand Holsters located at 140 North Main Street
5. Conditional Use Permit for a 45' tall building for the Ogden Clinic located at 1330 West 200 North
6. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
7. Call to the Public
8. Adjournment

On a Notice of Meeting was posted in accordance with Utah State Code Section 52-4-202 (3).

Mindi Edstrom
Community Development Department

Kaysville City Planning Commission Meeting Minutes

March 23, 2023

The Planning Commission meeting was held on March 23, 2023 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Toby Barrus, Commissioners Steve Lyon, Krista Keetch, Josh Sundloff, Michael Packer, Paul Allred, and Wilf Sommerkorn

Staff Present: Mindi Edstrom and Melinda Greenwood

Public Attendees: Russell Nelson, Tyler Hansen, Joseph Pienezza, Wen Fei, Ed Davis, Clarissa Parker, Blake Montgomery, and City Councilmember Abbi Hunt

1-OPENING

Chair Toby Barrus opened the meeting by welcoming all in attendance to the March 23, 2023 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE FEBRUARY 23, 2023 PLANNING COMMISSION MEETING

Commissioner Lyon made the motion to approve the minutes from the February 23, 2023 meeting and Commissioner Allred seconded the motion. The vote was unanimous (7-0) in favor of the motion.

3- PLANNING COMMISSIONER OATH OF OFFICE FOR MICHAEL PACKER

Ms. Edstrom conducted the Oath of Office for Planning Commissioner Michael Packer.

4- FINAL PLAT SUBDIVISION APPROVAL FOR THE MCW KAYSVILLE SUBDIVISION LOCATED AT APPROXIMATELY 175 WEST 200 NORTH

Introduction by Melinda Greenwood

Ms. Greenwood began by presenting slides of the aerial view of the subject property. She showed the final plat map which depicts lot one where the Golden West Credit Union currently exists. She explained that lot is included in the subdivision because lot two has purchased a few feet of property from lot one. Lot two is where a proposed Mister Car Wash would go and lots three and four are proposed to have a mixed-use project. Staff has reviewed the lot sizes, frontage requirements, and zoning regulation. The City Engineer has done a review of the plat and he finds it to be in compliance with Kaysville City requirements. Staff is recommending approval of the final plat for MCW Kaysville Subdivision. Ms. Greenwood also stated that Terraform has a representative in the audience for questions.

The Commissioners did not have any questions for staff at that time.

Commissioner Allred asked the applicant if there is a way to orient the carwash so that the tunnel does not reflect sound to the residents to the south of the property.

Joseph Pienezza responded by saying that the tunnel will be exiting to the north and that the vacuums are located on the north side of the property as well with a fence along the back end of the property. There will be a few vacuums on the south side as well.

Commissioner Allred brought up light pollution and Joseph said that Mister Car Wash has a light engineer working with them to address the lighting.

Commissioner Allred also had some suggestions regarding the plat for staff and the applicant.

- Show the zoning of the property on the plat
- Label the streets as either private or public streets and add half widths
- Clarification of Parcel A and labeled “no build”
- Plat needs a point of beginning
- Power easements consolidated
- Adding information of owner or contact info
- Corrections in the signature box titles

Commissioner Allred made a motion to approve the final plat for MCW as proposed with concerns, recommendations, and notations that were made and motion was seconded by Commissioner Lyon. The voting was unanimous in favor of the motion 7-0.

5- PUBLIC HEARING TO CONSIDER ENACTING A NEW SECTION OF KAYSVILLE CIT CODE, TITLE 17 CHAPTER 5 WATER EFFICIENT LANDSCAPE STANDARDS

Introduction by Melinda Greenwood

Ms. Greenwood gave a brief history of this ordinance over the last two years. She said that Weber Basin Water Conservancy District has dialed back some of their requirements and now there are now 18 cities that have adopted ordinances to be able to participate in the rebates from Weber Basin. Weber Basin has processed about 700 applications for the Flip Your Strip program for a total about a half million dollars. They also have another 700 applications in their queue and they have set aside a million dollars for this year’s applicants. Weber Basin still has their requirements that residents will need to follow in order to participate, but the city needs to have an ordinance in place in order for residents to be eligible for their program. Weber Basin is requiring incoming development to be regulated to minimize turf and put in more efficient water wise landscaping.

Staff wants to support Kaysville residents who want to be good stewards of their water. Because State Legislature is continuing year after year to add requirements for cities, Ms. Greenwood thought it a good idea to create a new chapter in Title 17 so that all the information regarding water efficient landscaping would be in chapter 5.

Ms. Greenwood explained the edits in the ordinance and that section 17-5-5 (a) states commercial, industrial, institutional, multi-family developments and HOA common areas shall not have turf exceed 15% of the total landscaped area. Designated active recreation areas are not included in this total. She also added that residential developments shall not have more than 35% of the total combined area of the front and side yards landscaped with turf, grass or lawn.

Commissioner Allred asked if concrete would count towards the 65% required for residential landscape standards?

Ms. Greenwood said that you would exclude hardscapes from the landscaped area. It is meant to be the landscaped area.

Commissioner Allred used his own property as an example saying that he lives on a large yard and wants to flip his strip but it will be difficult because he has a 55 foot side yard. He asked about the definition of a side yard and how the space calculated.

Ms. Greenwood shared the definition of a side yard from the ordinance as

"An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an "exterior side yard." (KCC Title 17-2 Definitions) The city would use this definition.

Chair Barrus opened a Public Hearing for the item.

Blake Montgomery approached the Commissioners and asked if those that had already "flipped" their strip, will they be able to be reimbursed? The Commissioners answered that those who completed landscaping projects would not be eligible retroactively.

Chair Barrus closed the Public Hearing.

Commissioner Sundloff asked for clarification on the required standards and to whom they would be applicable for.

Ms. Greenwood shared 17-5-2 Applicability section that states:

17-5-2 Applicability

Except as otherwise provided in this chapter, the provisions of this chapter apply to:

All new landscapes in all zones of the city associated with construction of any new residential home, commercial or industrial structure, public facility, or mixed-use development.

Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than 50%.

If an existing property is going to modify landscaping by more than 50%, then the ordinance standards would be applicable to the property owner. The ordinance would be applicable for all newly constructed residential single family home.

Questions arose on the specifics of what Weber Basin will require for their program. Ms. Greenwood said she didn't have full clarity on how Weber Basin administers their program. They have specific requirements in order to receive reimbursement upon completion. Ms. Greenwood also said that the city wants to get this ordinance added as soon as possible and not delay it because we don't have information on how Weber Basin wants to administer their program.

Chair Barrus stated he recommends moving forward with the ordinance as is.

Commissioner Keetch asked Ms. Greenwood if she had any insight from conversations with Weber Basin indicating outcomes as far as applications submitted and processed.

Ms. Greenwood said that Weber Basin has processed about 1,400 applications and 700 have been completed. There have been difficulties completing the process due to availability of classes that are required by Weber Basin. They have created online classes to accommodate demand. She guessed that some applications are not being completed because of the detailed requirements of the program.

Commissioner Sundloff read from proposed section 17-5-2 which include two scenarios. One being any new landscape associated with new construction or build and two being that a resident would be changing the existing landscaping more than 50%. Commissioner Sundloff asked if a resident is not doing either one of these then the provisions of the code do not apply.

Ms. Greenwood answered in the affirmative. He clarified saying this ordinance would not apply to a resident only wanting to flip their strip but stills allows them to be eligible for the refund.

Commissioner Sundloff also shared his concerns for the 17-5-11 section of the ordinance, which states that the Community Development Director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code. He asked what is the enforcement mechanism and what is the penalty for violating Title 17. Commissioner Sundloff read from Title 17 that the penalty of any violation would be a Class C Misdemeanor and feel that receiving a misdemeanor is extreme.

He also stated that 17-5-10 is the only section of the ordinance that will apply standards to all properties and used the example of a resident using culinary water to water brown spots on their lawn. This would now be a misdemeanor for the resident.

Ms. Greenwood shared Title 9 Chapter 4 already lists using culinary water for landscape watering as a violation, so section 17-5-10 is not a policy to the city.

Commissioner Lyon said that there is logic in not allowing residents to use culinary water due to the possibility of having a secondary attachment backup and flow back into the culinary water causing residents to not have water for weeks. It becomes a public health threat.

Chair Barrus feels that the way the ordinance is written encourages correct water management principals and would like to approve as is.

Commissioner Allred feels this a good ordinance, however many points that need clarification however, and asked is perfect the enemy of good? By approving the ordinance we make Kaysville residents happy so that they can be reimbursed for the Flip your Strip program.

Commissioner Keetch suggested approving the ordinance section 17-5-10 for the residents that already live here and that are not part of (a) or (b) of 17-5-2 and table the rest of the ordinance to continue discussion.

Commissioner Allred made the motion to approve the Water Efficient Landscape Standards with suggestions:

- Expand the purpose section
- Move 17-5-10 to the front of the ordinance
- Move definitions to the definition section of the title and not in the code
- Clarification of how side, rear, and front yard landscape dimensions are calculated and add a graphic

The motion was seconded by Commissioner Lyon. The vote was 6-1 (Commissioner Sundloff voting nay) in favor of the motion.

Commissioner Lyon made the motion to amend the agenda to bring agenda item 7 forward and move item 6 after that. Commissioner Keetch seconded the motion and the vote was unanimous 7-0 in favor of the motion.

6-PUBLIC HEARING TO CONSIDER AMENDING TITLE 17 CHAPTER 33 SIGN REGULATION OF KAYSVILLE CITY CODE

Introduction by Melinda Greenwood

Ms. Greenwood shared slides with pictures from Maverick in Centerville at Parrish Lane and Legacy Highway. The images showed distances, sign height, and visual perspective from the north and south bound lanes. She also shared an image of a 16 foot monument sign from a business in Kaysville and explained that it was more along the lines of what City Council was hoping for.

Ms. Greenwood explained the ordinance first came to Planning Commission January 12th were the item was tabled so that staff could look into questions about the West Davis Corridor being scenic byway. The sign ordinance was then brought back on January 23rd to Planning Commission to be discussed.

Ms. Greenwood said it was determined at the January 23rd meeting that the numbering in our Master Street Plan shows the number for Legacy as State Route 67 and West Davis Corridor will have a different number. The City Council in 2007 changed the street designation of Legacy Highway to State Route 67 making the West Davis Corridor an arterial road that would allowing the applicant to have a 30 foot sign.

Commissioner Allred asked if the State of Utah would allow for the logo signs on the scenic byway.

Commissioner Sommerkorn and Ms. Greenwood both said that those signs are not allowed on Legacy Highway.

Ms. Greenwood said with the agenda tonight and the discussion that the City was clearly establishing a pending ordinance regulation, and that this will give staff time to get the sign code revised the way we want it.

Commissioner Allred said that we do not have a definition of a corridor commercial logo sign or commercial logo highway sign and if not allowed then we don't need to have them. He also said that the code does not have a definition of a freestanding or poll sign.

Chair Barrus opened up the meeting to the public hearing.

Blake Montgomery would like the Planning Commissioners to consider making the Sign Code Ordinance require those on the scenic by way to not be allowed to have sign higher than 8 feet.

Clarissa Parker shared with the Commissioners that the sign at the Maverick and Parrish Lane in Centerville is 25 feet in height because of the proximity to I-15 and not to Legacy High Way. She also stated that how the code is written it would only allow for an 8 foot monument sign for Kum and Go.

Ms. Parker asked Ms. Greenwood if the street designation has already been changed for the West Davis Corridor.

Ms. Greenwood said it would be appropriate for her to answer that question after the public hearing was closed.

Ms. Parker said she checked the Kaysville City Code that afternoon at 4:00 pm and stated that West Davis Corridor is not designated as a principal arterial street, Legacy Highway was, but not West Davis Corridor. She asked the Planning Commissioners to follow through with their original intentions for the sign height from a previous meeting.

Chair Barrus closed the public hearing.

Commissioner Sundloff read from State of Utah Code that says an application was vested upon being submitted and money paid. He continued saying that an applicant is vested unless the Land Use Authority on the record formally finds that a compelling countervailing public interest would be jeopardized by approving the application and specifies the compelling countervailing public interest in writing. He said having a 10-15 foot sign would not be a compelling countervailing public interest, however, citizens in the audience would disagree saying that it is a compelling countervailing public interest. By sharing this info, it gives the City Council an out if they are wanting a gateway entrance to Kaysville and not have a sign be that tall.

The second says that the applicant is vested the time they submit a complete application unless the municipality formally initiates proceedings to amend the municipalities land use regulations in a manner that would prohibit approval of the application as submitted. Commissioner Sundloff said this is another out for City Council.

Commissioner Sommerkorn thought a compelling countervailing public interest would be more where someone could lose their life if something wasn't changed or houses sliding off the mountain. He didn't think that the height of a sign would be a compelling countervailing argument.

An inaudible audience member asked for an answer to Clarissa Parker's question regarding the street designation.

Ms. Greenwood said that if it was the Chair's pleasure she could email both the residents the information as to why we are determining the street designation or she could answer the question this evening.

Ms. Clarissa Parker stood up from the audience seating and stated an email wasn't sufficient and that she wanted an answer now. Commissioner Sundloff said he wanted to hear the answer as well.

Ms. Greenwood explained her role and responsibility with processing applications submitted to the City. Her responsibility is remain unbiased by resident's opinions but to make decisions based on the Kaysville City Codes, state laws, case laws and the opinions of the City Attorney as well as staff who are subject matter experts. She shared an example of when there was an appeal on a conditional use permit last fall where city code was vague and ambiguous. She explained that state law and case law require us to err in favor of the applicant. Ms. Greenwood shared the history of State Route 67 and its relation to West Davis Corridor which is numbered as State Route 177. So West Davis Highway is classified as a major collector therefore a 30 foot tall sign is allowed.

Commissioner Allred agreed with Ms. Greenwood and said that one of her most important jobs is to keep the city out of court and that the city is following that rules on the books.

Commissioner Packer said that he has no problem passing this ordinance on to City Council.

Commissioner Allred made a suggestion to change the wall sign column verbiage.

Commissioner Sommerkorn asks what the street designation is of 200 North in Kaysville and Ms. Greenwood responded saying that it is a minor arterial street.

Commissioner Sommerkorn asked which streets are the major arterial streets in Kaysville and Ms. Greenwood responded those streets are I-15, US-89, and the West Davis Corridor (formerly known as State Route 67).

Commissioner Sommerkorn said that if it's not along a principal arterial or within a certain distance of a principal arterial in our code then a 30 foot sign is allowed. The on-premise and ground sign requirements in the PU, GC, CC and LI zones states that within 1,320 feet of a principal arterial it can be up to 30 feet tall as per the current ordinance.

Commissioner Allred made a motion to continue the ordinance for further discussion and motion was seconded by Commissioner Packer. The vote was unanimous in favor of the motion 7-0.

7- PUBLIC HEARING TO CONSIDER AMENDING TITLE 17 CHAPTER 19 GENERAL COMMERCIAL DISTRICT AND TITLE 17 CHAPTER 20 CENTRAL COMMERCIAL DISTRICT OF KAYSVILLE CITY CODE
Introduced by Melinda Greenwood

This item is brought forward at the request of the Mayor because of tunnel carwash applications with very close proximity to one another. This agenda item is to potentially limit carwash locations and putting proximity regulations on them. Ms. Greenwood shared a slide of the City Center Preferred Concept from the General Plan as well as a map with all the car washes currently in the city. She shared the proposed amendment would prohibit car washes if they didn't fit the three circumstances in Prohibited Uses. The amendment would prohibit all together allowing car washes in the Central Commercial Zone. She said that staff is recommending approval of this ordinance.

Chair Barrus opened up the meeting to the Public Hearing.

Russell Nelson said he is involved with one of the existing car washes in Kaysville and brought up tearing down the Good Spray car wash and leasing the property for that lot and the lot next door to put in a Quick Quack Car Wash. By amending the ordinance it would make the Good Spray a nonconforming use. He said he is asking for consideration that in the ordinance to include some language that would allow the existing car washes to be able to upgrade and expand and improve to meet market demands.

Commissioner Allred asked the applicant if they are wanting a different car wash on the same property.

Russell Nelson said that there would be a complete demo of the existing car wash and the site layout would be changed and possibly a lot line adjustment to combine the two lots.

Ms. Greenwood referred to a chapter in Kaysville City Code about conforming which are not allowed to be expanded. She said that if the proposed ordinance changes are adopted, the applicant wants this chapter to not be applicable to the car wash use.

Commissioner Sommerkorn said that there is a provision in that chapter that says that the Planning Commission can authorize a more desirable non-conforming use to be substituted for one that is more desirable.

Commissioner Sommerkorn stated that the clock has started for a pending ordinance so staff and Planning Commission have six months to discuss this new ordinance. He also said that he would be in favor of not allowing all automobile oriented businesses in the General or Central Commercial Zones.

Commissioner Sundloff made a motion that we recommend approval for the proposed amendment. Motion was seconded by Commissioner Lyon.

Commissioner Sommerkorn said that this ordinance is a good first step, but there are lots of things that need to be considered to improve.

Commissioner Lyon amended his motion to second and said that the city needs to consider area with small area plans with a designated overlay zones that have zoning designated in there to create the community feel.

Commissioner Allred wants to make sure if we send this ordinance on that the property owner does not get nixed by this ordinance and that the language is more clear that says pre-existing uses if taken out then the use can continue and be modified and have some kind of parameters of how they can be modified unless the cities intent is to say no. He also said that distance provisions are not considered defensible in court.

Commissioner Sommerkorn made a substitute motion to table this item and Commissioner Keetch seconded the motion.

Commissioner Allred asked if Commissioner Sommerkorn is open to a substitute motion to change the word from table to continue and Commissioner Sommerkorn is amendable to that substitute.

Chair Barrus said that there is a second so they can vote. The vote was unanimous in favor of the motion (7-0).

8- CALL TO THE PUBLIC

No comments were made.

9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood told the Commissioner that the next meeting would be April 27, 2023.

Ms. Greenwood shared that Commissioner Sundloff will be leaving the Commission and will attend his last meeting in April. The Commissioner's wished him well and thanked him for his many years of excellent service.

Ms. Greenwood mentioned that we have alternates that can fill his position.

10- ADJOURNMENT

Commissioner Lyon motioned to adjourn the meeting at 10:30 PM.



Kaysville City Planning Commission Meeting Minutes
April 27, 2023

The Planning Commission meeting was held on Thursday, April 27, 2023 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Toby Barrus, Commissioners Steve Lyon, Erin Young, Mike Packer, Josh Sundloff, Krista Keetch and Wilf Sommerkorn

Staff Present: Mindi Edstrom and Dan Jessop

Public Attendees: Layne Kamalu, Tony Powell, Taylor Meek, City Councilmember Abbi Hunt

1-OPENING

Chair Toby Barrus opened the meeting by welcoming all in attendance to the April 27, 2023 Planning Commission meeting.

2- OATH OF OFFICE FOR ERIN YOUNG

Ms. Edstrom led Erin Young in the Oath of Office for Kaysville City Planning Commission.

Commissioner Lyon made a motion to move item 3 Conditional Use Permit to item 5. Motion was seconded by Commissioner Packer and vote was unanimous to move item 3.

3- REZONE REQUEST AND PUBLIC HERING FOR 120 SOUTH MAIN STREET FROM HC HEALTH CARE DISTRICT TO A PB PUBLIC BUSINESS DISTRICT FOR APPLICANT LAYNE KAMALU

The item was introduced by Dan Jessop.

Mr. Kamalu applied for a rezone for his property at 120 South Main Street to allow for his building to be compliant for his medical business while allowing him to rent out the bottom half of the facility. Mr. Jessop said that the General Plan and the Future Land Use map allow for this property to be a Public Business zone.

Layne Kamalu approached the Planning Commission and said that the rezone application is to allow him to lease out the bottom half of his building.

Chair Barrus opened and closed the public hearing, with no comments being received.

Commissioner Lyon made a motion to approve the rezone application for 120 South Main Street

and Commissioner Keetch seconded the motion. The vote was unanimous in favor of the motion 7-0.

4- FINAL PLAT SUBDIVISION APPROVAL FOR JOHNSON FARMS LOCATED AT 602 SOUTH ANGEL STREET

The item was introduced by Dan Jessop.

Mr. Jessop said the City Engineer has looked over and approved the final plat and staff is recommending approval of the final plat.

Commissioner Lyon made the motion to approve the Final Plat Subdivision for 602 South Angel Street and Commissioner Sommerkorn seconded the motion. The vote was unanimous in favor of the motion (7-0).

5- CONDITIONAL USE PERMIT FOR HESTIA CONSTRUCTION LOCATED AT 455 CREEKSIDE LANE

The item was introduced by Mindi Edstrom.

Ms. Edstrom said that Hestia Construction is a contractor business specializing in basement finished, off-grid homes and cabin remodels. The applicant has stated there will be no employees or clients at her home and all supplies will be delivered to the job site. Staff is recommending the Planning Commission approve the conditional use permit.

Dan Jessop also shared that while dropping off the sign on the property he could verify that there is enough parking on the side of the home and staff has not received any calls or emails in regards to the business.

Commissioner Sommerkorn asked Ms. Edstrom if the business met all the requirements for Kaysville City Code.

Ms. Edstrom said that the owner has been made aware of the requirements for a home business.

A motion was made by Commissioner Sommerkorn to approve the Conditional Use Permit for Hestia Construction and motion was seconded by Commissioner Lyon. The vote was unanimous in favor of the motion (7-0).

6- CALL TO THE PUBLIC

Tony Powell came to address an item that was previously on the agenda for this meeting. The item was for a Conditional Use Permit for Green Pointe Tree Care.

Ms. Edstrom said the item was removed by the business owner due to concerns that the neighbors shared with him and will be looking for a commercial location for his business.

7- OTHER MATTERS THAT COME BEFORE THE PLANNING COMMISSION

Staff and Planning Commissioner thanked Commissioner Sundloff for his commitment to Kaysville City for over 9 years.

8- ADJOURNMENT

Commissioner Lyon motioned to adjourn the meeting at 7:26 pm.

PLANNING COMMISSION STAFF REPORT

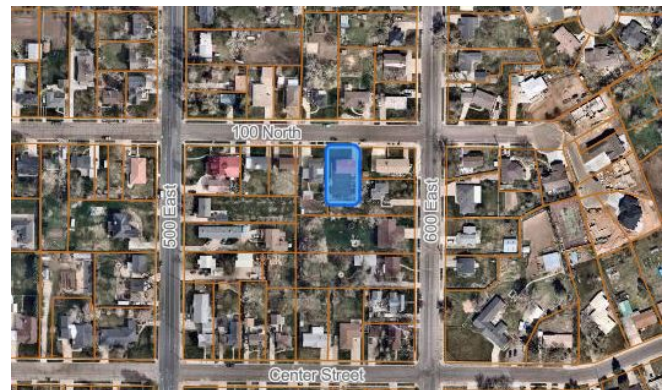
To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: May 5, 2023

Agenda Item #3: Conditional Use Permit for a Major Home B Occupation for Big Rigz Landscaping for Jackson Rigby located at 570 East 100 North

Meeting Date	May 11, 2023
Application Type	Conditional Use Permit
Applicant Owner	Jackson Rigby Big Rigz Landscaping
Address Parcel ID Number	570 East 100 North 08-170-0007
Lot Size	0.21 acres 9,147 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation

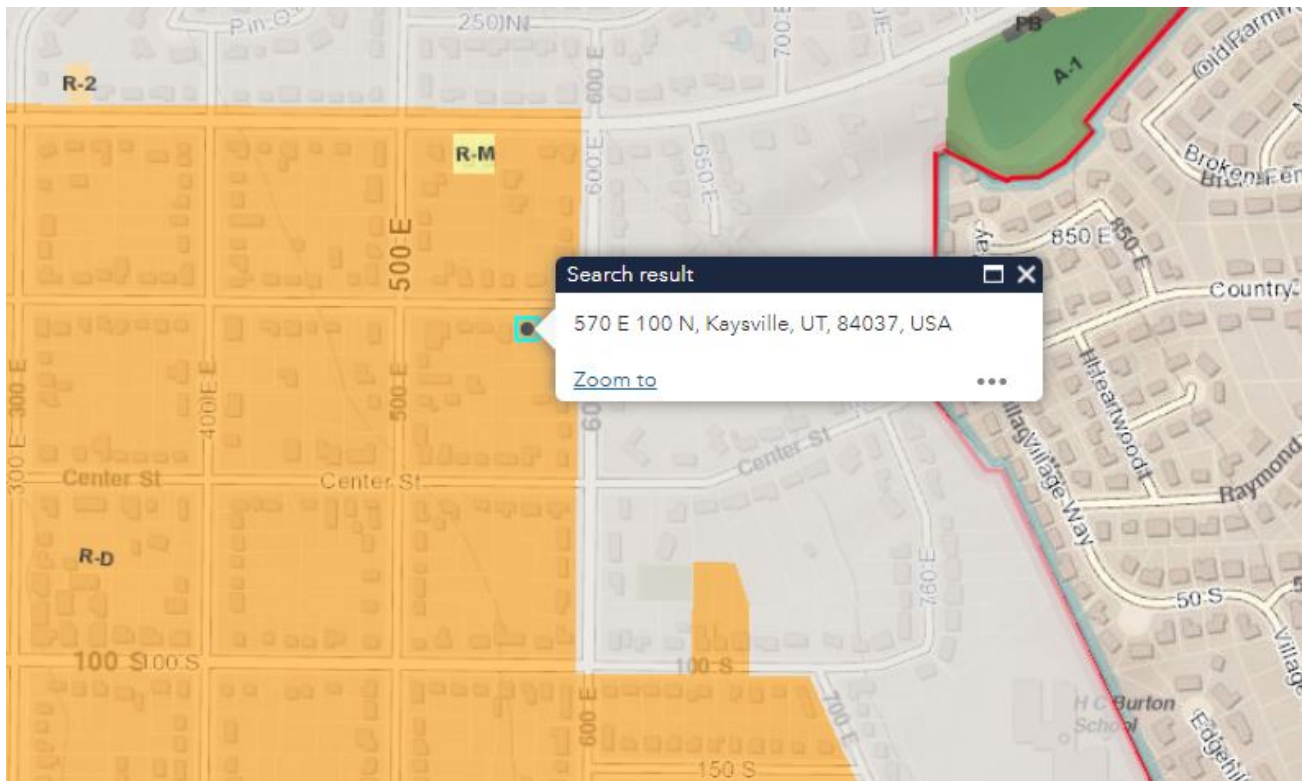
1. BACKGROUND

Mr. Rigby is the owner of Big Rigz Landscaping. His business will be doing landscape maintenance, snow removal and small yard enhancements. Mr. Rigby will not have any clients or employees coming to the home. He will have his one truck and trailer for the business and will park all equipment on the property. Mr. Rigby will be working the normal 8:00 am- 5:00 pm hours for his business.



2. ZONING

The property is zoned R-D. [KCC 17-26-4 Major Home Occupations B](#) allows for and regulates business such as this.



3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on May 5, 2023.

4. RECOMMENDATION

Staff is recommending approval of this Conditional Use Permit located at 570 East 100 North for Big Rigz Landscaping with conditions described in KCC 17-26-4.

PLANNING COMMISSION STAFF REPORT

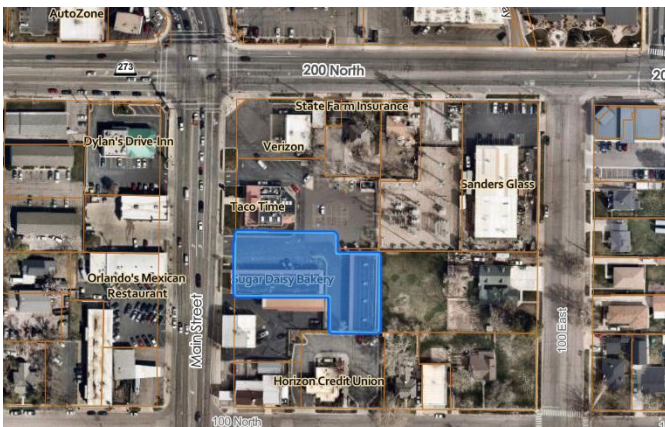
To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: May 5, 2023

Agenda Item #4: Conditional Use Permit for Upper Hand Holsters located at 140 North Main Street Suite D

Meeting Date	May 11, 2023
Application Type	Conditional Use Permit
Applicant Owner	Brittan Peterson
Address Parcel ID Number	140 North Main Street 11-104-0103
Lot Size	0.67 acres 29,185 ft ²
Current Use	Commercial Use
Conditional Use	Light Industry

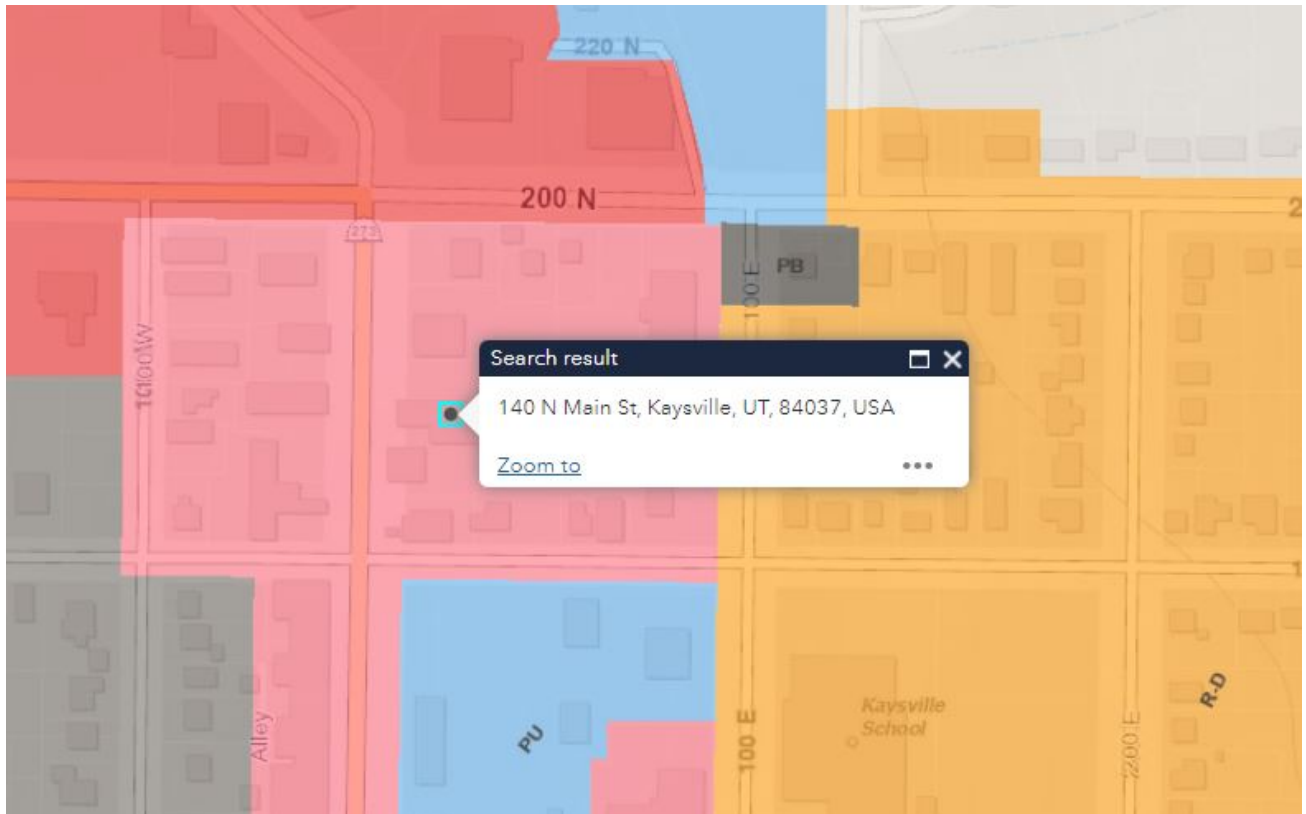
- 1. BACKGROUND:** Brittan Peterson and his father Kevin Peterson are the owners of Upper Hand Holsters, a gun holster manufacturing and sales company. They have been manufacturing product from Kevin Peterson's home and have out grown the space. They have found a larger location at 140 North Main Street. The location is zoned Central Commercial however, light industry is not a permitted use. It is a conditional use as per [KCC 17-20-4](#). [KCC 17-20-4](#) allows for light industry/research uses subject to the provisions of [KCC 17-23](#).

[KCC 17-23](#) is the chapter for Light Industry/Research Use and states that manufacturing, compounding, processing, assembling, or packaging of articles or merchandise as allowed upon conditions. This is why the Petersons have applied for a conditional use permit. Attached in the staff report is the Upper Hand Holsters process and equipment use for manufacturing as required from [KCC 17-23-4 \(2b\)](#).



2. ZONING

This property is zoned CC Central Commercial. [KCC 17-20-4](#) Central Commercial allows for Light Industry and Research and regulates business with a Conditional Use Permit like the one the Peterson's are applying for.



3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on May 5, 2023.

4. RECOMMENDATION

Staff is recommending approval of the Conditional Use Permit for Light Industry at 140 North Main Street for Upper Hand Holsters with conditions outlined in KSS 17-23.

Upper Hand Holsters Process and Equipment

We are an E-commerce business that manufactures Kydex holsters for concealed carry to police departments and other clients in all fifty states. Current volume is approximately 1000 holsters per month.

The process of making a holster;

- Heat 6" x 7" Kydex sheet in T-Shirt style heat press
- Form Kydex over proper mold on vacuum press
- Drill holes and install eyelets
- Cut out on band saw
- Lightly sand edges with belt sander
- Finish forming with buffer
- Test, package and ship

Machinery need for holster;

- Heat press – Geo Knight T-Shirt press
- Vacuum table – 24" x 24" custom made
- Vacuum pump – Harvest Right
- Benchtop Drill Press – Porter Cable
- Belt Sander – 6" Laguna
- Buffer – 8" Jet
- Dust collection – Festool Shop Vacuum

All tools are 1 phase 110 and 220 volt.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Dan Jessop, Zoning Administrator & Melinda Greenwood, Community Development Director

Date: May 2, 2023

Agenda Item #7: Conditional Use Permit for a 45' tall building for the Ogden Clinic located at 1330 West 200 North

Meeting Date	May 11, 2023
Application Type	Conditional Use Permit
Applicant Owner	Pascal Meyer Kevin Porter, Ogden Clinic
Address Parcel ID Number	Approx. 1330 West 200 North 11-097-0036
Lot Size	1.81 acre 78,843 ft ²
Current Use	Agriculture
Current Zoning	GC General Commercial
Density Entitlement	N/A

1. BACKGROUND

The subject property is a 78,843 ft² parcel on the south side of 200 North across the street from Smith's Marketplace. The lot will face 200 North and will be the site for the new Ogden Clinic. The property was rezoned to General Commercial in 2019.

The owners have decided that they would like to build an entrance feature that would exceed the 35' building height allowance in the General Commercial zone. The feature will be at the front of the lot out by the street. They are asking for a height increase to just under 45' at front of entrance façade.



2. SURROUNDING LAND USE AND AREA

The parcel is located on the South Side of 200 North Street. The parcel to the East is the Kaysville Bible Church. The property to the North is the Kneaders and America First Credit Union which are

Commercial as well. The property to the west is the Rail Trail with no immediate homes for several hundred feet to the west.

3. ZONING

The subject property is zoned GC General Commercial District which is pasted below.

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

17-19-4 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

In the past staff interpreted this section to mean that with a conditional use permit, the height can be increased with planning commission approval.

4. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday May 5, 2023.

5. SUMMARY

The applicant submitted the attached concept renderings the proposed building. They are now seeking a CUP for building with a slightly taller entrance, more modern façade and a front feature with just under 45' height as shown.

6. RECOMMENDATION

Staff recommends the Planning Commission approve the conditional use permit with a height limitation of 45'. Staff sees no detrimental aspects that the additional height conditions would cause to the surrounding properties.

200 NORTH STREET

PROPERTY LINE S 89°15'09" E 432.84'

PROPOSED
BUILDING
15,837 SQ. FT. (FOOTPRINT)
(2 STORIES)

ADJACENT LOT
(AGRICULTURAL RESIDENTIAL)

PROPERTY LINE
S 78°20'55" W 59.27'

ADJACENT LOT
(AGRICULTURAL RESIDENTIAL)

ADJACENT
COMMON AREA
(AGRICULTURAL
RESIDENTIAL)

ADJACENT LOTS
(SINGLE FAMILY RESIDENTIAL)

UNDEVELOPED
SITE AREA
(47,553 SQ. FT.)
(1.09 ACRES)

ADJACENT LOT
(AGRICULTURAL RESIDENTIAL)

FUTURE
BUILDING
(9,200 SQ. FT.)

SITE INFORMATION

JURISDICTION	KAYSVILLE CITY
ZONING CODE	GENERAL COMMERCIAL
LOT SIZE	192,078 SQ. FT. (4.4 ACRES)
DEVELOPED	144,525 SQ. FT. (3.3 ACRES)
UNDEVELOPED	47,553 SQ. FT. (1.1 ACRES)
BUILDING AREA	
BUILDING FOOTPRINT	15,837 SQ. FT.
LOT COVERAGE	11.0%
PARKING	
STALLS REQUIRED	136 STALLS
STALLS PROVIDED	211 STALLS
ACCESSIBLE STALLS REQUIRED	7 STALLS
ACCESSIBLE STALLS PROVIDED	8 STALLS
LANDSCAPING	
LOT COVERAGE	33,879 SQ. FT.
GENERAL LANDSCAPING	23.5 %
LANDSCAPING	26,452 SQ. FT.
PARKING AREA LANDSCAPING	7,427 SQ. FT.

SHEET TITLE

Overall
Site Plan

REVISIONS

PROJECT: 22-001.01
DATE: January 2022
SCALE: As Shown
DRAWN BY: bdh
CHECKED: ppm

SHEET

A001

OVERALL SITE PLAN

SCALE: 1" = 40'-0"



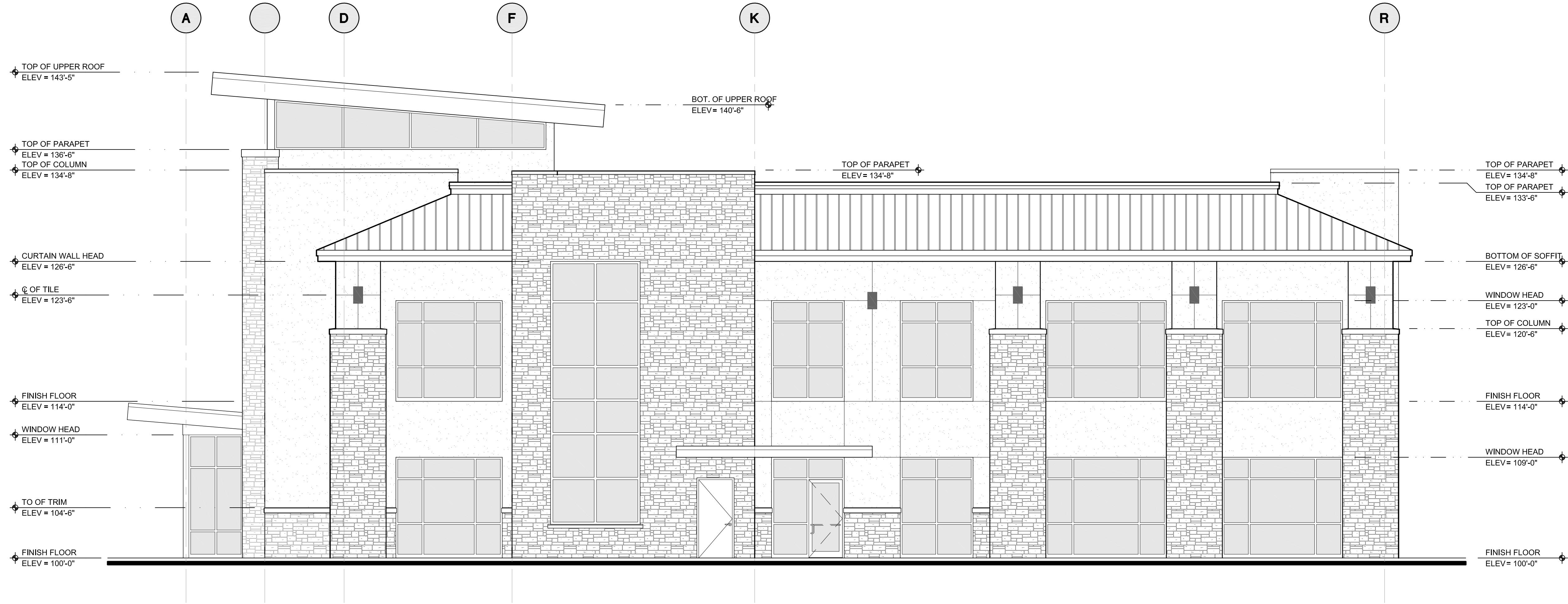
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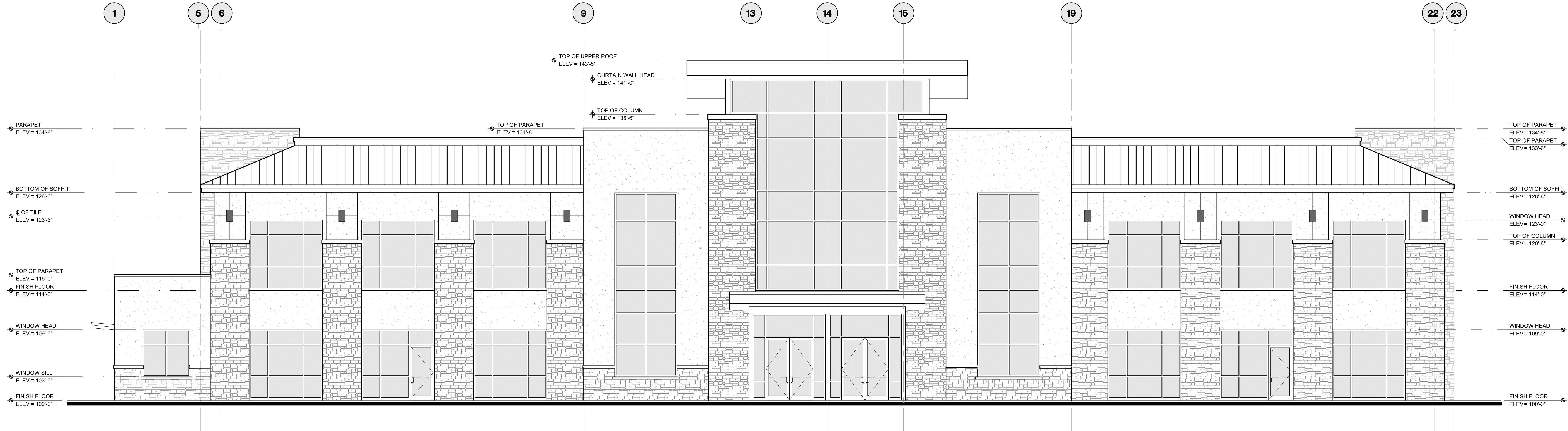
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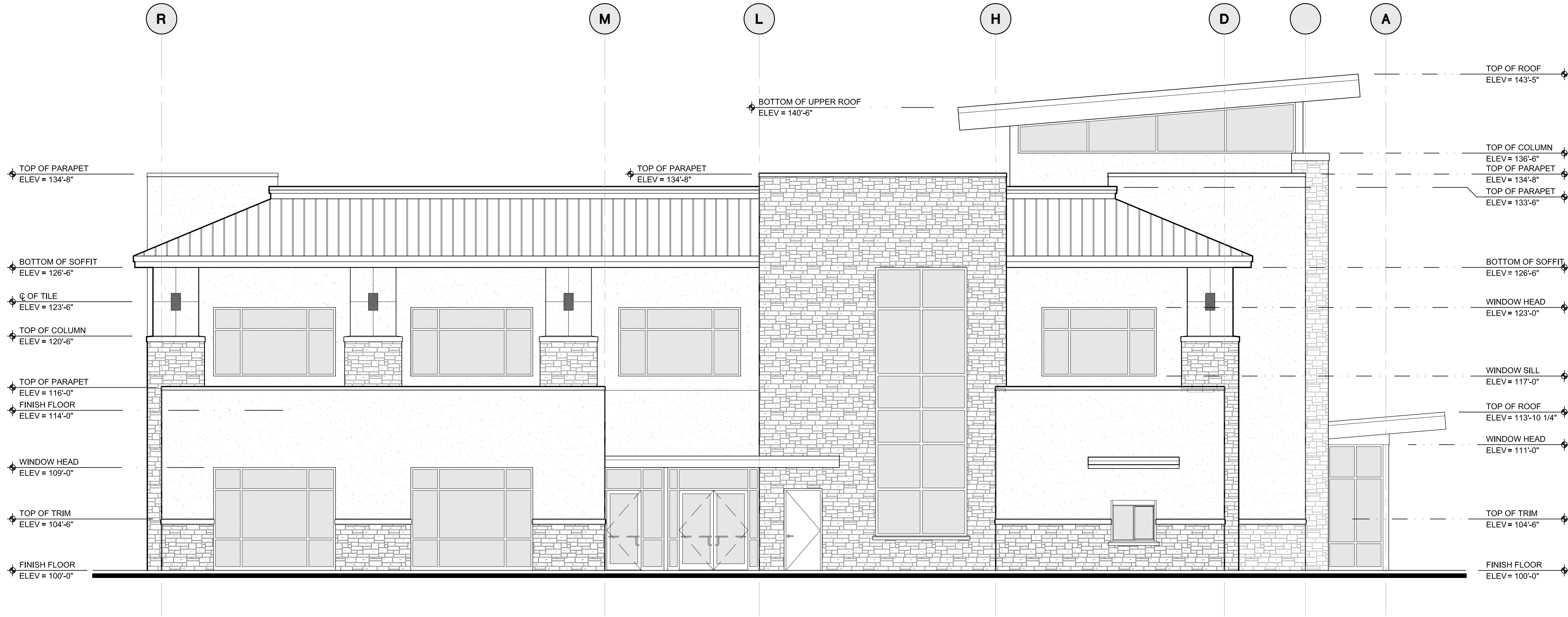


A SOUTH EXTERIOR ELEVATION
SCALE: 3/16" = 1'-0"

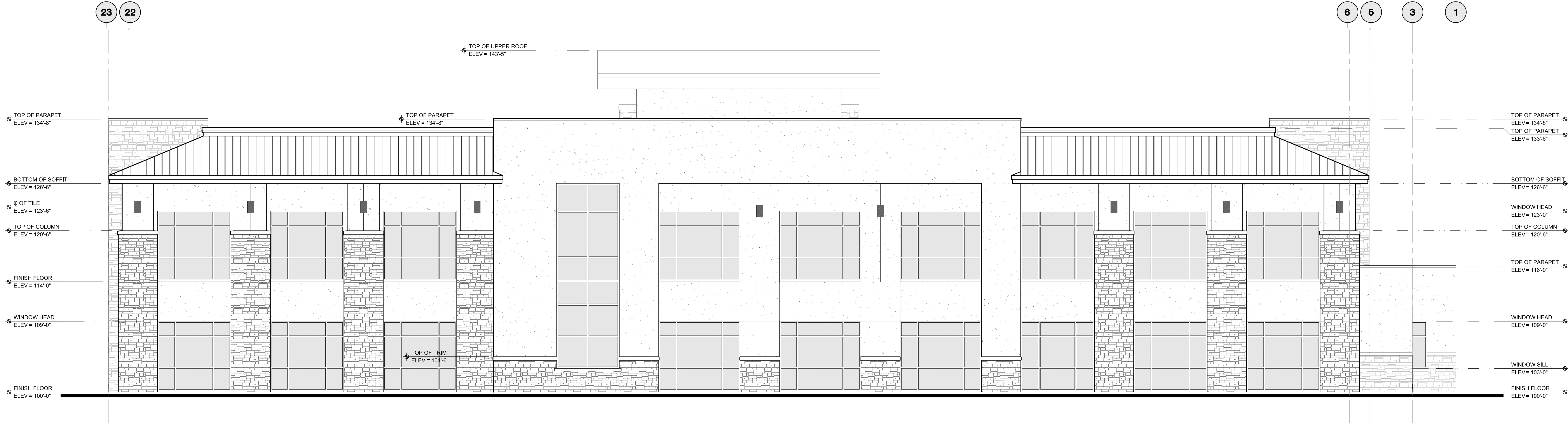


B WEST EXTERIOR ELEVATION
SCALE: 3/16" = 1'-0"

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A NORTH EXTERIOR ELEVATION
SCALE: 3/16" = 1'-0"



B EAST EXTERIOR ELEVATION
SCALE: 3/16" = 1'-0"



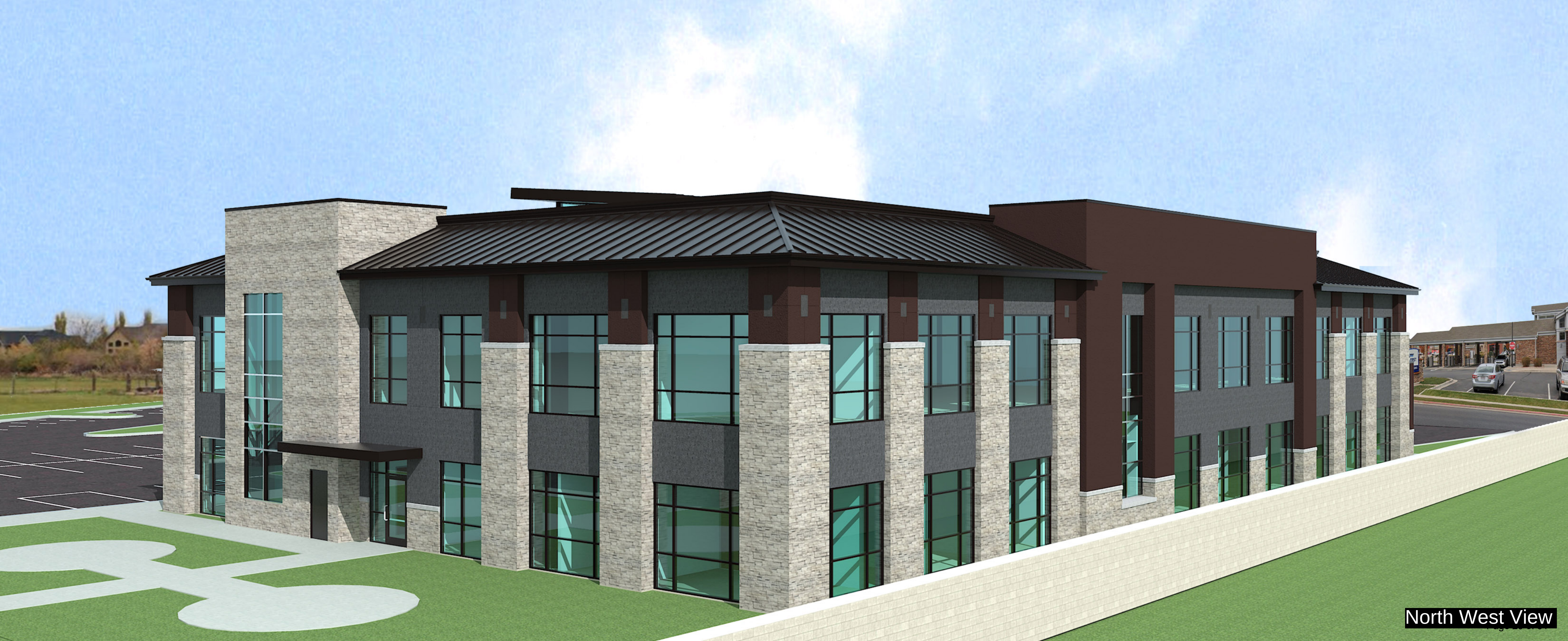
South East View



East View



North East View



North West View





South West View