

KAYSVILLE CITY COUNCIL
September 7, 2023

Minutes of a regular Kaysville City Council meeting held on September 7, 2023 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson, and Council Member Perry Oaks

Others Present: City Manager Jaysen Christensen, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Public Works Director Josh Belnap, Information Technology Assistant Jordan Hansen, Fire Chief Paul Erickson, Joel Harris, Phil Holland, Jared Forsyth, Trek Loveridge, Jason Watson, Zane Larsen, Nick Heroldsen, Carole Walker, Ramona Porter, Brant Wheeler, Jennifer Wheeler, Flemming Hyllested, Jay Davis, Brandon Holt, Wes Daugherty, Colton Bescom, Cameron Cessna, Cameron Bledsoe, Tavan Parlser, Annette Allred, Lee Allred, Brenda Lillywhite, Jill Dredge, Laurene Starkey, Val Starkey, Marilyn Johnson, Nedra Saunders, Christian Nielsen, Bill Ince, Madeline Hoeft, Tavan Parker, Jason Watson

OPENING

Council Member Adams opened the meeting with a thought and a prayer, and led the audience in the Pledge of Allegiance.

CALL TO THE PUBLIC

Jill Dredge said that she appreciated the open dialogue that residents have been able to have with the city council. Ms. Dredge expressed concern about residents being over-governed. The Utah League of Cities and Towns lobbied for the 2019 law that required strategies for high-density development. The connection the ULCT has with Envision Utah is concerning. Ms. Dredge said she would like to see cities and towns coming together to take back decision-making for cities so that decisions can be made based on what is sustainable for each city, instead of what is being mandated by state and federal government. Envision Utah has their own vision for Utah but it does not consider what the people want. More people are feeling disenfranchised from their cities, counties and county as the state and federal government impose unsustainable goals on them. We must look to the future and seek answers. The bills that were put forth for special districts were alarming. It is said that two-thirds of our state legislators are somehow involved in land development. The state should not be mandating things that are not in the interest of the cities. They are more interested in money than in protecting the people.

Laurene Starkey commented that in a recent discussion with city council members, citizens were told that the Holland Group property is suited to fit and encourage affordable housing because it is not located in anyone's backyard. Mrs. Starkey said that she feels that the property may not be

any one particular backyard, but is in the city's front yard because it is located at the face of our city. The Farmington Police Chief has indicated that there has been an increase in crime over the last three years, attributed to a 14% annual population growth in the city. A hotel in our city will introduce a possible haven for organized retail crime and other safety issues. The citizens are asking the city to verify that the city's current infrastructure is enough to handle the proposed higher density housing and hotel. One resident that lives near this area has indicated that he can smell sewage in his area. Another nearby citizen has said that she has insufficient water pressure at her home. Farmington is an example that commercial properties can be equally viable with other tax base.

Merilyn Johnson said that she has been a Kaysville resident for thirty-eight years and her ancestor was a mayor of Kaysville. She had recently found out about this proposed rezone and feels that just because surrounding cities are approving these types of rezones doesn't mean that Kaysville needs to. There was recently a shooting, bomb threat and evacuation at an apartment complex in Layton, and she fears similar situations might occur by building similar types of high-density housing. Ms. Johnson said that she supports Kaysville police, firefighters, and city workers, and a rezone would endanger their work environment. The city council has been voted into office and entrusted to safeguard our community. Ms. Johnson asked that the city council not approve the rezone and hold their ground in not allowing higher density housing within Kaysville. Kaysville has a good reputation and legacy that should be continued. Many people are watching and the council needs to be careful in how they respond to this rezone request.

Joel Harris said that he has lived in Kaysville for over twenty years and had recently spoken with the developer, Phil Holland, who was able to give him a different perspective about the project. Mr. Harris said that he had been under the impression that the proposed housing would be built as low-income housing, which he would be against because he feels it promotes poverty by encouraging those who live here to stay under a certain amount of income. However, since finding out from the developer that this would be considered as moderate-income housing, he does not have an issue with this proposed project.

Nedra Saunders said that she lives on 300 East and has lived here for forty years. Over the years, she has seen a lot of growth and change in the city. Her biggest concern with the proposed Holland development is in regards to traffic. Traffic is already a challenge in this area, especially during peak hours. There is always congestion with cars trying to head west on 200 North and those trying to get onto the northbound freeway onramp. Creating more traffic here by building housing and a hotel will just add to the problem. It is uncertain what needs to be done to make traffic flow better in this area. Having apartments next to a hotel is not a good mix. There will likely be children living in these apartments, and having them live next to a transient use is a concern. How will these children get to school when they are going to have to cross busy streets? Ms. Saunders expressed concern about the tall apartment buildings with less parking. It seems that there needs to be more consideration about what the city would be accomplishing by approving this development.

PRESENTATIONS AND AWARDS

A PROCLAMATION DECLARING SEPTEMBER 2023 AS SUICIDE AWARENESS AND PREVENTION MONTH

Council Member Hunt read a Proclamation declaring September 2023 as Suicide Awareness and Prevention Month.

A PROCLAMATION OBSERVING THE MONTH OF SEPTEMBER 2023 AS CONSTITUTION MONTH

Mayor Tran read a Proclamation observing the month of September as Constitution Month and urged all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities of which that privilege involves.

A PROCLAMATION DECLARING OCTOBER 8-14, 2023 AS FIRE PREVENTION WEEK

Fire Chief Paul Erickson read a Proclamation declaring October 8-14, 2023 as Fire Prevention Week and invited all to join the Kaysville Fire Department in honoring Fire Prevention Week at their Annual Open House on Wednesday, October 11, 2023 at the Kaysville Fire Station.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Hunt made a motion to approve the following consent item:

- a) Approval of Minutes of August 3, 2023.
- b) Appointment of Debora Shephard as Planning Commissioner.
- c) Reappointment of Judy Rigby and Rob Dansie as Historic Preservation Committee Members.
- d) A Resolution adopting and approving an Interlocal Agreement with the Davis School District for School Resource Officers.

Council Member Oaks seconded the motion.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Oaks, yea
Council Member Jackson, yea

The motion passed unanimously.

ACTION ITEMS

A RESOLUTION INDICATING THE INTENT OF THE KAYSVILLE CITY COUNCIL TO MAINTAIN THEIR CURRENT BOUNDARY WITH FARMINGTON CITY

City Attorney Nic Mills explained that Kaysville and Farmington recently began exploring whether altering Kaysville City's southwestern border was in both cities' best interest. Kaysville adopted a resolution, as required by State Statute, and began formal Council discussions. After these discussions, it seems clear that Kaysville would benefit from keeping this property and may enjoy some tax revenue from the anticipated land uses on the property. This resolution formally notifies all parties that Kaysville has concluded its investigation and intends to keep this property.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public. Mayor Tran closed the public comment for this item.

Council Member Jackson commented that he was glad that the city was holding onto the property because there is such limited amount of developable property available in Kaysville.

Council Member Adams made a motion to approve a Resolution indicating the intent of the Kaysville City Council to maintain their current boundary with Farmington City. Council Member Blackham seconded the motion.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Hunt, yea
Council Member Oaks, yea
Council Member Jackson, yea
Council Member Blackham, yea

The motion passed unanimously.

CONSIDERATION OF A DEVELOPMENT AGREEMENT AND REQUEST TO REZONE 6.26 ACRES OF PROPERTY LOCATED AT 521 WEST 350 NORTH FROM GENERAL COMMERCIAL (GC) TO INCLUDE A MIXED USE ZONING DISTRICT OVERLAY - PHIL HOLLAND/H GROUP VENTURES LLC

Community Development Director Melinda Greenwood explained that the applicant has applied for a rezone of 6.26 acres of property located at 521 West 350 North to include a Mixed Use (MU) zoning district overlay. The proposed rezone includes a project that would include a 15,000 square foot three-story office, 3,000 square foot building for retail space, a 57,971 square foot four-story hotel, and two 67,600 square foot four-story apartment buildings. The property is currently undeveloped and zoned General Commercial (GC). The MU zone provides for both vertical and horizontal mixed use projects, with this one being horizontal mixed use, which combines uses

across the entirety of the property instead of the more traditionally thought of vertical fashion with ground floor commercial with residential units above that. The MU overlay zone allows offices, retail services and sales, arcades, hotels and entertainment facilities. The proposed project is a mix of office, hotel, retail and residential uses. As proposed, the project uses comply with the zoning code. The initial project request was for 132 residential units and 2 three-story apartments, but based on Moderate Income Housing needs, the Planning Commission asked the applicant to add additional units to the project and make landscaping enhancements. The current request is now for 160 units, with 80 units per apartment building. Each apartment building is proposed to have 8 studios, 48 one-bedroom and 24 two-bedroom units. Residential amenities for the apartments include a nature path along Holmes Creek, a pool or pickle ball courts, a dog park, clubhouse and a barbeque pavilion. The project would provide 302 parking stalls, which is a request for a 24% reduction from the 396 parking stalls as required by the City's ordinances. The MU ordinance allows for a reduction of 10%, but the City Council is free to adopt alternate standards in the development agreement if they feel it is appropriate. In its entirety, the project provides 211,171 square feet of building space, with the commercial space totaling 36% (75,971 square feet) of the building space. The MU code requires a minimum of 30%, so the project exceeds the requirement. Occupants for the office and retail space are to be determined. The hotelier brand is a national chain, but confidentiality agreements prohibit the disclosure of the exact hotel. This is a common restriction in development negotiations, and until projects are entitled, non-disclosures will remain in place. The broker for the hotelier has provided an email confirmation that the property is under contract and the intended hotelier is anxiously awaiting approval to begin moving forward with the project. Kaysville City does not currently collect Transient Room Tax (TRT), which is a tax imposed on hotels, motels and other short-term rentals. Bringing a 114-room hotel to the City would add an additional tax revenue source and diversify our tax base. The applicant has submitted a detailed economic impact study, which gives insight to project specific impacts. Not only would the City receive TRT, visitors to our community would be spending money to dine, fuel vehicles, and patron other retail services in Kaysville. Staff has done a review for utility capacity including power, water, and storm water and find that adequate capacity is available. This item was before the Planning Commission on August 10, 2023, where a public hearing was held and the Planning Commission voted unanimously (6-0) to recommend approval of the rezone request and development agreement as presented to the Planning Commission. Only two comments were received during the public hearing, but additional comments have been received since that time. Most comments received cited concerns about traffic and congestion, opposition to apartments or density and wanting to have a small town feel remain in the City.

Mayor Tran opened the public comment period for this item.

Christian Nielsen commented that he had spent about a third of his life living in different apartments and rental homes. People tend to think negatively of apartment complexes and those who live in them. This property seems appropriate to build the proposed project, including apartment complexes. There are no adjacent residences to this property. Traffic flow is terrible in this area, and they city may consider building a roundabout at both ends of 400 West to help with congestion. The traffic issues in this area need to be looked at. Christian Nielsen expressed his support for this proposed rezone and project. A lot of due diligence has been done by the developer and city staff. These apartment complexes may help to keep rents down in our area.

Bill Ince expressed concern about current traffic problems in the area, and potential future traffic problems. Mr. Ince said that he lives near here and during peak hours, it takes much longer to travel through this area of town because of the amount of traffic and problems with traffic flow. There are problems with people speeding in the area. Traffic needs to be addressed here. How will the children living in these apartment complexes get to school? Also, most medium or high-density housing is east of I-15, and the General Plan talks about how it needs to be dispersed throughout the city, rather than having it centralized to one area.

Val Starkey commented that he was not pleased by the project. A neighbor of his indicated that this piece of land has been vacant for some time and has been used in the past as a place people would dump items. Mr. Starkey said that he is concerned about the size of the project as well as traffic, and feels that four-story buildings are inappropriate for Kaysville. Mr. Starkey said that he was already concerned about the amount of proposed parking before the Planning Commission had requested that the apartment complexes be designed to be four-stories rather than three. The parking plan is going to cause many cars to park along the street, which could cause more accidents in this area. Mr. Starkey said that he reached out to the police department and received information about the number of accidents that have occurred in this area. The intersection of 200 North and 400 West is one of the top three intersections having the highest number of accidents in Kaysville. With this project, we could see up to an additional 200 or more vehicles or more a day on these streets and this will increase the risk of accidents. Mr. Starkey read a statement from his neighbor, Dennis Brown, who could not attend tonight. Mr. Brown commented that he had been involved in an accident on 200 North and 400 West when a car tried to cross all four lanes of 200 North headed eastbound. Both of the vehicles involved were totaled. Mr. Brown said that the 200 North and 400 West intersection is already terrible, and adding additional traffic here is just asking for trouble.

Jay Davis said that he lives on Larkin Lane and feels this project does not have adequate parking. Mr. Davis said that in his profession, he is familiar with the requirements for large buildings and what parking is being proposed for this development is inadequate. He also feels that the city's infrastructure will be adequate for what is proposed. Mr. Davis said that he has seen a lack of adequate utilities in his neighborhood because of outdated electrical, sewer, and storm water infrastructure, and because they do not have curb-and-gutter installed along the street. The city is not taking care of existing neighborhoods and this project will just add to the city's utility load. Mr. Davis also expressed concern about kids living in the apartment complex being able to get to school safely. There is really no accommodation for that. The street design for 200 North was planned poorly and the traffic here is already a mess. Adding more traffic will exacerbate the problems.

Madeline Hoeft thanked the city council for listening to residents' concerns. Ms. Hoeft said that she is okay with the project but is concerned about the size of the project. It seems the city cannot accommodate it at the moment unless improvements are made to address traffic on 200 North and more parking is added to the project. We want Kaysville to remain distinct, and adding four-story buildings will not make us different from the cities that surround us. This project seems to just add to current problems in the city.

Zane Larsen commented that the furthest north proposed apartment complex does not have many

parking stalls next to it, and people will fight over the parking spots or park in the street because it is closer than the planned parking lot. Also, how will the handicapped zones be maintained? The handicapped parking spaces are not located in very accessible spots. The parking has not been designed well for the apartment complexes. Nobody will want to live in these apartment complexes, which will negatively affect the city and anyone who may live there. Kaysville City is failing to take into account additional expenditures that this project is going to cost the city. The sidewalk on 200 North under the I-15 overpass only runs on the south side of the road, and there is not a crosswalk for pedestrians to get across 200 North from 400 West to access that sidewalk. The city is going to need to install crosswalks in order to accommodate those who live here and want to walk or bike across 200 North. It seems with this project that the developer is just trying to cram more people onto the property. Mr. Larsen expressed his dissatisfaction with the city for only notifying property owners within 500 feet of the property about the rezone, and said he feels that those living on the south side of 200 North and in the townhomes north of Main Street should have also been notified. This project does not fit into this area, and there will need to be a redesign of the road system here to better accommodate traffic and pedestrians in the area.

Tavan Parker said that he had many of the same concerns that have been mentioned tonight. Mr. Parker said that he could appreciate the current need for housing and affordable housing. He said that while he is not opposed to the principle idea of this development, he is confused and opposed to how the Planning Commission made a recommendation to the developer to increase the number of housing units in the project, while also decreasing the number of parking provided. Like many others, he is also most concerned about how much traffic will be generated by this development and how it will effect existing traffic issues. Kaysville could lose sales tax revenue because people will start shopping in other cities just to avoid the terrible traffic in this area. Adding more traffic here will exacerbate the problem. What is being done to remedy traffic issues here? The city needs to be forward thinking and try to solve problems now before it is too late.

There were no further comments or questions from the public. Mayor Tran closed the public comment for this item.

Mayor Tran commented that the city council has spent many hours reviewing this proposed rezone. Council members were also invited to meet with citizens about this project on Tuesday and Wednesday this week. Some residents asked about why the Planning Commission made their recommendation to approve this rezone, resulting in increased density. Mayor Tran explained that the Planning Commission uses the city's General Plan as a guiding document for the city. When the city worked on the General Plan recently, a lot of input was gathered from residents to see what people wanted for our city. The Planning Commission reviews each proposal to see how it fits within the vision of the city within the General Plan. Recommendations from the Planning Commission are independent of the City Council's decision. They take the information presented for each proposal and make a recommendation based off their personal knowledge, the city's General Plan, as well as state mandated laws. The City Council makes legislative decisions and they look at the city's policies and ordinances, as well as the Planning Commission's recommendation, to make decisions. The MU zone ordinance has very specific guidelines that must be followed including a requirement that a development agreement be submitted for the development. That required development agreement could include additional requirements, recommendations, and allowances for the development. The city's General Plan indicates that

multi-family housing is not a top priority for Kaysville, but there is a need for it and for diverse housing. The city is making the effort to try to get higher density housing projects spread throughout the city. We are trying to follow our General Plan as much as possible as we review each application presented for consideration.

Phil Holland, the applicant, said that he had been working on this project for about 5 years. Utah leads in household size across the nation. Davis County averages at about 3.2 people per household, which is higher than the state's average. Kaysville has about 3.6 people per household, on average. There are currently 737 seniors attending Davis High School. All of these things affect our city. Not all graduating high school seniors will be looking for an apartment after graduation, but within the course of a decade, it is likely that most will be seeking housing. Currently starter homes in Kaysville are being listed at around \$450,000, and that is if you can find one being sold. If you were to put 10% down on that house, the mortgage would be \$2,800 a month. There are very few parcels available to develop in Kaysville because we have completely run out of land. We know there are people who want to stay in Kaysville or want to move back to Kaysville. Mr. Holland commended city staff, the Planning Commission and City Council for trying to address current housing issues. The city saw the need to create a robust General Plan to help plan for the future. Many people have commented to him that this location on 400 West is a perfect spot for his proposed development. Economics are crucial for our city and the hotel will help to bring millions of dollars to our local economy. Most people living in Kaysville have to drive to needed services. The logistics of this parcel is important because people who will live here will be able to walk to nearby restaurants and grocery stores. The business area east of this development is likely to change over the next 20 years. There have been some concerns expressed about the old trees on the property being removed. This location is encompassed with forty-foot trees around Holmes Creek and Mr. Holland said that they would like to preserve those trees. It is estimated that this development will cost \$64 million dollars once fully developed, which is the number one developed and valued property in the history of Kaysville. Every resident will be impacted by this development because, in addition to the hotel occupants' spending money in our city, new families that live in the apartments will also spend money in our local economy. Indirectly, this will also help with providing jobs to the area and the school district will receive money from the taxes coming from this property. The city will also receive money through impact fees on building permits for the development. Mr. Holland said that they are proud of this site and proposed development plan. They have been working tirelessly to make the right iterations on the site plans. The hotel will be an enormous benefit and asset to the city. Mr. Holland said that he feels lucky to have a great business partner who wants desperately to build their hotel here, which will be an upper scale hotel. The state is pushing cities to try to address housing issues, and it seems that the city is on the right path tonight to help address those issues. Traffic and parking concerns are always emotional topics with people, and Mr. Holland said that they have had experts look at their development plans to try to address concerns. The idea behind the parking in this mixed-use development is that the parking spaces used by the commercial use will only be used during the day when people are less likely to be at their residents or at the hotel. Then at night when residents come home, the commercial spaces will be available.

Jason Watson, the traffic engineer who conducted the parking and traffic studies for this development, commented that the traffic issues along 200 North are existing problems and there are likely things that UDOT and the city are looking at to try to mitigate the issues and make

improvements. This project at full buildout will only bring sixty-eight vehicles into this property, and sixty-five vehicles leaving this property during the peak morning time. During the evening peak hour, there will be about seventy-four vehicles coming to the site, with about seventy-eight vehicles leaving the site. Not a lot of traffic will be generated here. There also will not be much of an increase in delay time. This area is pretty much developed out, and so there will not be much more additional traffic being added in the future. The level of service in this area is not going to change by the additional traffic from this site. In considering parking for the site, peak parking hours for the hotel and apartments will be in the evening. The commercial use will have peak parking hours during the daytime hours. The traffic study indicates that peak parking time for this site will be 292 parking stalls. The proposed parking site plan allows for 302 parking stalls. With the shared parking allowed on the site, the parking plan is considered adequate for all of the uses on site.

Council Member Hunt commented that there had been some concerns expressed that this development might generate more traffic than if this property were to remain as a commercial use.

Public Works Director Josh Belnap said that it really depends on the type of commercial use and how large the commercial building is. Some commercial uses generate more trips per day than others do. It is hard to know until you have a specific footprint of retail space in mind.

Council Member Hunt asked about the failing grade as outlined in traffic study and asked if there were ways to mitigate that.

Josh Belnap said that the two failure points from the study were at the intersections on 400 West and Main Street, and at 400 West and 200 North. Those failures are occurring during AM and PM peak hours. The level of service fluctuates throughout the day and there are things that can be done at these intersections to increase the level of service. City staff has been working with UDOT and a traffic consultant to look at options for 200 North as 200 North is a UDOT facility. The highest number of accidents in Kaysville occur along 200 North. The city formally engaged with UDOT in January of this year to discuss concerns along 200 North, especially when the city was made aware of Mr. Holland's proposed development. UDOT is very open to making potential changes to 200 North. Some consideration has been made to install a raised median, which would restrict left-hand turns onto and off 200 West Street. We are working with an engineer to ensure there will not be any unintended consequences by installing said median. Potentially impacting emergency responder responses times also need to be considered. We do not want to create a liability in trying to solve a problem. There currently is no connection between 300 West Street and 400 West Street north of 200 North. It would be a huge project to try to create a connection between the two streets, and would be a financial burden for the city, but we would like to see if we could find a way to create a cross-connection so that 400 West has access to traffic signals on Main Street and 200 North from 300 West. We feel that creating this cross-connection would help to alleviate the impact of traffic on 400 West. The traffic study that was done by Focus Engineering indicated that a traffic signal is not currently warranted on 400 West at Main Street, but it might be in the future. It also recommended that a traffic signal be installed at the intersection of Mutton Hollow and Main Street. Installing roundabouts have also been considered for Main Street. Over the last fifteen years, the city has also been talking to UDOT about their plans for the I-15 interchange in Kaysville, which is one of the oldest interchanges in Davis County. It is

difficult to make any improvements to it because of its close proximity to 400 West. There are many cars trying to make different movements in a short space in this area of 200 North. UDOT would like to redo the entire interchange at some point, and this summer they are making some minor modifications to add additional turning lanes to try to reduce the waits and cues on 200 North. Redoing the entire interchange will be a huge project and likely will not be done for at least 10 years. The city needs to be willing to consider some unordinary solutions until then. The General Plan also considers having an alternative crossing over I-15 north of 200 North.

Council Member Jackson asked if having a hotel and dense housing next to the freeway would help expedite the interchange project.

Josh Belnap responded that potentially it might, but maybe not by much. It is more likely that UDOT will consider short-term options to help alleviate surface street problems first. If we were able to find funding for the project, it is more likely to help move it up in the queue.

Council Member Jackson commented that there are many people advocating to get Trader Joes to come to Kaysville, and having a hotel and apartments might help to encourage them to come to Kaysville. Council Member Jackson said that he would like to see a traffic light installed at 400 West and Main Street.

Josh Belnap said that warrant studies are done in areas to see if traffic signals would be warranted at certain intersections. There are several different categories evaluated when conducting a traffic warrant study, and in regards to this intersection, none of those warrant categories were met, even when taking into consideration the additional traffic that will be created by this development. The intersection could potentially meet the warrants for a traffic light here after 2030, or sooner depending on what changes take place in this area. We build traffic lights when they are warranted so that we do not increase liability in areas.

Council Member Jackson asked about the sidewalk under the I-15 overpass.

Josh Belnap responded that that area of 200 North is owned by UDOT and he was unsure if UDOT had considered installing sidewalk on the north side as well as the south. The sidewalk running along the north side of 200 North, east of I-15, ends next to Arby's. Sometimes UDOT will make funds available if cities are interested in completing certain projects on their own, such as installing sidewalks.

Council Member Oaks said that he is unsure if a sidewalk on the north side of 200 North needs to be continued under the I-15 overpass as the majority of people are trying to get to the park-and-ride lot on the south side of the road. Council Member Oaks asked about concerns about the city's utility infrastructure being adequate for this property.

Josh Belnap responded that prior to reviewing Mr. Holland's initial development plans, city staff had reached out to the consulting engineers who manage the city's water model. Those engineers were able to take into account the additional water demand from the project, and simulate potential scenarios. They did not see any detrimental impacts by this development being built. From a quality and storage perspective, the impact will be very small. There are plans in the near future

to replace water lines that run in the streets in this area, and we will see net positive impacts as a result.

Council Member Adams commented that Mr. Holland has done a lot of the city in the past and many of his projects that have been built on the west side of the city have been very beneficial to the area. Mr. Holland has stated that he is trying to make Kaysville better. He also lives in Kaysville and he has indicated that it is important to him that this project be done in a way to better the city.

Council Member Hunt asked about how much the rent will be for these apartments.

Phil Holland responded that it is estimated that they will be approximately \$1,100 to \$1,800 a month, depending on the size of apartment.

Melinda Greenwood commented that anything under \$1,900 would be considered as moderate-income affordability for our area.

Council Member Jackson asked if the number of proposed parking stalls would be adequate according to the models used by the Institute of Transportation Engineers. Council Member Jackson also commented that he felt that the original plan that was presented to the Planning Commission was a good plan.

Phil Holland responded that, generally speaking, it seemed to be the consensus of the Planning Commission that this location is a good place for this development, but felt that there was not enough density being proposed. They believed this would be a good opportunity for the city to permit more high-density housing in a location where the impact is negligible. The proposed parking plan shows 302 parking spaces, but the traffic study indicated that only 292 spaces would be used during peak times if they were to build four-story apartment buildings. With three-story apartment buildings, only 256 spaces would be used at peak times. It seems the trend across the nation to have less parking and more landscaping with these kinds of development. Transportation has changed from what it was 5 years ago, and it will be different in the nearby future.

Council Member Jackson said that the Planning Commission had indicated that there might be potential for residents to be able to use parking at the adjacent IHC facility.

Phil Holland responded that he does not own the IHC parking lot and has not received permission from IHC to use their parking lot. He has not included any of their parking as part of their traffic study calculations. There is a chance he may be able to negotiate something with IHC, but there is no guarantee. When they were considering the parking plan for this property, the Holmes Creek waterway had to be taken into consideration. They felt that it would be better to have more landscaping along the creek area, rather than putting in a few more parking stalls. It is more aesthetically beneficially for those who will live here. Geographically, this site sits 10 feet below 400 West, and the layout of the property creates almost an almost hidden cove type of look. When the Planning Commission requested that they add a fourth story to the apartment buildings, it gave them the opportunity to install an elevator in these buildings. By having an elevator, it broadens what kind of tenants could live here. The hotel building is four stories tall and so having apartment

buildings that are four stories tall as well will not be much different.

Mayor Tran said that there has been some concerns expressed about where snow will be put in the parking lot, as it will likely take up some of these spaces in the parking lot.

Council Member Jackson said that he liked the idea of having the landscaping near Holmes Creek and having a nature trail here. Council Member Jackson suggested extending the trail down 400 West.

Phil Holland said that they have created pedestrian access points along their trail so that neighboring properties could continue that walking trail on their properties if they wanted to.

Council Member Blackham said that many public comments were taken when the General Plan was being created so that we could create a plan reflecting a good representation of what the citizens of Kaysville wanted to see in their city. At the time the General Plan was being created, the city did not have a mixed-use (MU) zone yet. However, through the input given by residents, they indicated they were open to the idea of some kind of mixed-use developments in our downtown commercial area. One thing that was made clear through public comments was that residents did not want to see four-story apartment buildings in the city. The MU zone was considered at length by the city council and staff and was created as part of the General Plan process. It is an overlay zone of the underlying commercial zone, and allows for certain exceptions. Any proposed development requesting a MU overlay zoning is required to have a development agreement. Developers are still required to follow the provisions of the MU zone, even with a development agreement. The development agreement may allow more than the underlying zone would allow, but there are still ordinance criteria that have to be met. Under the General Commercial zone, hotels and motels are not allowed, unless a MU overlay zone is approved. The MU zone ordinance also says that with a property that is zoned General Commercial, they are required to have a minimum of 30% of commercial space in their project before residential housing can be considered. It also states, "The building form, height, site envelope, yards, open space standards and parking ratios will determine the number of allowed residential units". Height restrictions are very specific in the MU zone. The ordinance states, "no building that is exclusively used for residential use shall exceed 35 feet in height", and "buildings exclusively used for commercial purposes shall not exceed four stories and 50 in height". The proposed hotel use would be considered as commercial. Kaysville has never wanted to see taller buildings in the city. Council Member Blackham stated that it is clear that the ordinance does not allow for four-story residential buildings. The MU zone ordinance is very clear on what is required for parking, which is different from the city's standard parking ordinance. The ordinance says that the council can allow reductions for required parking if the site is within 1/8 mile of a transit stop, but that is only up to a 10% reduction. For a 5% reduction, the site would need to be within 1/4 mile of a transit stop. Additional reduction for up to two parking stalls could be made if bike racks, motorcycle stalls or the like are on site. The city may also allow for shared parking and time-of-use parking scenarios to count towards required parking stalls, as long as a parking analysis has been included. The hotel is proposed to have 114 rooms, but there are only 80 parking stalls provided and so at maximum capacity there are already not enough parking stalls. We do not know who will be in the commercial building and if they would be okay with shared parking. We should not allow an exception to building height requirements. This proposed project is something

that the city has never seen before and there are things we need to consider. What will happen when there is a holiday and the hotel and apartments are at max capacity and need more space for parking than what is available. There are only 11 spaces available from the commercial office building. According to the MU zoning ordinance, they should have 19 spaces. What the developer is asking is far beyond what we agreed for our MU overlay zone ordinance for general commercial. Council Member Blackham said that he appreciates the work that has been put into this proposed project, but preferred the original presentation that was made to the Planning Commission showing three-story apartment buildings and more parking.

Council Member Hunt commented that she agrees with much that had been said tonight. Council Member Hunt thanked those who reached out to the council and are attending tonight because it is productive to be able to look at things at all angles. There are only two transit lines in Kaysville. One of those transit lines runs down Main Street, near this project. If you were to look at a heat map of the density of Kaysville, you would see that most of the higher density is located near Mutton Hollow and Main Street. Council Member Hunt said she had reached out to the school district and found out that the school district's projection for apartments is 0.1 students per apartment. This would mean that if the three-story apartment buildings were approved, there would be about fourteen students living in these apartments. Elementary-aged students living here would attend Kaysville Elementary, which is currently operating at 2/3 capacity. Council Member Hunt said that she had also spoken with the Public Works Director, Josh Belnap, about water availability and was informed that, conservatively, the city has about 200 acre feet of untapped water rights, meaning that the city owns the ability to draw this water from Weber Basin that we are not drawing currently. Council Member Hunt said that she had contacted Weber Basin Conservancy and after discussing water availability concerns with the rapid growth in Utah with them, they said that the most important part of all of their projections is that we need to grow responsibly and look for ways to conserve water. Another concern that was brought up was in regards to heat islands. Having excess of bare asphalt can cause heat islands, and there needs to be landscaping to help cover some of these areas, which is what is being proposed in the landscape plan. Traffic in this area is the biggest concern. As this property is already zoned for commercial, any permitted commercial use could be built here now. Some of those commercial uses will generate more trips per day than what is being proposed. It is good that we have a development agreement that gives the city the ability to have more say in what is built, thereby affecting how much traffic may be brought to this area. Some of the parking spaces shown on the plat are not ideal and she would like to see more parking spaces. Council Member Hunt said that she also spoke with the Power Department Director who said that he is comfortable with what is being proposed for this development and is confident the city has the infrastructure to support it. Council Member Hunt said that she appreciates that a statistically valid traffic survey was done, and added that she would like to that the apartment buildings only be three-stories high. This project will be helpful for people looking for housing.

Council Member Oaks expressed concern about the proposed parking plan. Hotels often have more parking than is needed, but we often see not enough parking for residential areas. Has visitor parking been considered, and will the city see more on-street parking along 400 West because of residents parking there? Council Member Oaks commented that he also feels that the developer was correct in proposing the original plan with the three-story apartment buildings. He expressed that he would be in favor of a 10-12% parking reduction because he feels there would still be

enough parking for all proposed uses. Council Member Oaks expressed concern about the intersection of 200 North and 400 West, and commented that it is disappointing that UDOT is not being more proactive in addressing the traffic problems here. The city is getting more pressure from the state legislature to approve these types of housing developments, and we need more of this type of housing in the city. This housing will not be considered as low-income housing. Council Member Oaks said that he feels that this is a good location for this project and is the best place for it within the city.

Council Member Jackson commented that in the Planning Commission meeting, some of the Commissioners had still expressed concerns about the lack of parking and about the four-story apartment building, and yet they still unanimously recommended approval of the development as presented, which seemed contradictory. Council Member Jackson said he shares concerns about the parking plan because the majority of available parking is not located next to the apartment buildings. Council Member Jackson said that he feels that there needs to be more parking created on the west side of the apartment buildings, and visitor parking needs to be considered. We would like to see approval given to allow people to park in the IHC parking lot, but that is not something we can rely on. The city code has been vetted out and written as it is for a reason. Council Member Jackson agreed that the apartment buildings should only be three-stories. There also needs to be consideration that this development may not even qualify for the 10% parking reduction for being located near a transit stop. Using traffic data from an international engineering group may not translate well for our city. This location is a good place for an apartment complex and there is a need for more hotels in the area. We need to have more diverse housing in the city. It is frustrating that the state is forcing cities to approve higher density housing.

Melinda Greenwood commented the code allows for a shared parking reduction based on the traffic and parking study that was done. That shared use is for complementary uses. The commercial office space will not have cars parked there overnight, thereby freeing up those spaces for residence to park. The council has the discretion to allow for a reduction that is not a transit-based reduction.

Council Member Adams made a motion to extend the meeting past 10:00 p.m., seconded by Council Member Hunt. The motion passed unanimously.

Council Member Adams commented that he was also confused by the contradictory comments made by the Planning Commission with their final recommendation. He felt that Mr. Holland's original proposal was the better fit for the property as well as the city, and would rather see the apartment buildings only three-stories high. This proposal allows residents to be able to walk to nearby businesses. This development is on the right track for what we are looking for in our city. Traffic is a major concern for everyone, but it is something that the city needs to continue to work with UDOT to address.

Phil Holland said that he would agree to go back to the original plan with the three-story apartment buildings, which will eliminate 28 residential units. This means that they will have 132 residential units with the 303 parking stalls.

Council Member Blackham made a motion to approve a development agreement and request to rezone 6.26 acres of property located at 521 West 350 North from General Commercial (GC) to

include a Mixed Use (MU) Zoning District Overlay for H Group Ventures LLC, with the following stipulations:

1. The development agreement revert to the original numbers as presented to the Planning Commission with the plan for a three-story apartment building.
2. Parking requirements be followed as outlined in the Mixed Use Zoning District Overlay code.
3. A 10% parking reduction be allowed if it qualifies for it.
4. The apartments not be permitted until after the project meets the required 30% commercial space of the combined total of the square footage for all buildings in the project.

Council Member Adams seconded the motion.

Phil Holland commented that factors like construction costs and interest rates would affect the timeline of the construction of the project. There is language specifically written into the agreement to protect the city so that the commercial use and hotel will be built, but it might not be the first thing to be built. The development agreement is written so that he cannot deviate from providing that 30% of commercial space. The factor is he is uncertain when that commercial would be built.

Council Member Blackham said that he would not be able to approve a rezone without having a guarantee that the 30% commercial space is there. He does not want to see the residential use constructed, and never see the 30% commercial built.

Council Member Oaks said that with the four-story apartment buildings, it was calculated that 36% of the project would be commercial space. By changing them to three-story residential buildings, the percentage of commercial space would now be at 42%.

Phil Holland commented that it is not feasible to build the whole six-acre project at one time.

Council Member Blackham clarified that he is not saying that 30% of the commercial space has to be built before anything else can be built, but rather 30% of the commercial needs to be permitted based on the entire project before construction is started on the apartments.

Melinda Greenwood add that the hotel would have to be permitted, because the other two commercial buildings would be 18,000 square feet and would not meet the 30% requirement.

Phil Holland said that he already has an agreement with the interested hotel; however, it is hard to dictate their timeline because of interest rates. What has been written into the development agreement accounts for that issue of timing.

Melinda Greenwood said that by removing Item II under “Phasing of Project” from the Development Agreement, it would accomplish Council Member Blackham’s intent.

Council Member Adams said that in the past, developers have deceived the city by initially proposing plans for both commercial and residential buildings at a location. However, they would later return to the city claiming that they could not find interested buyers for the commercial property, and would then request permission to build more residential units instead.

Melinda Greenwood said that one the stipulations outlined in Council Member Blackham's motion may not work because additional items that were added into the development agreement after the first Planning Commission meeting when the original development agreement was presented.

Council Member Blackham made an amendment to his motion to approve a development agreement and request to rezone 6.26 acres of property located at 521 West 350 North from General Commercial (GC) to include a Mixed Use Zoning District Overlay for H Group Ventures LLC, with the following stipulations:

1. Staff revert the numbers in the development agreement back to their original presentation to the Planning Commission in order to preserve the project's integrity. This includes maintaining three-story apartment buildings with 132 units, 302 parking stalls, incorporating language regarding lighting, signage, and the color and materials board, correcting the project details (changing from 36% to 42% commercial space), reverting the apartment square footages to 53,000 instead of the 67,000, restoring the building height section to the original language, and amending the language in the landscaping section.
2. Parking requirements be followed as outlined in the Mixed Use Zoning District Overlay code.
3. A 10% parking reduction be allowed if it qualifies for it.
4. The apartments not be permitted until after the project meets the required 30% commercial space of the combined total of the square footage for all buildings in the project.

Council Member Adams seconded the motion.

Council Member Oaks asked for clarification on the motion in regards to the outcome if the hotel were not built.

Council Member Blackham said that, if the motion were to be approved, if the hotel is not permitted, then nothing else could be built on the property unless the developer comes back to amend the development agreement.

Council Member Oaks said that this seems like the only ideal spot in Kaysville to build these kinds of apartments in our city. Why would we want to stop the building of apartments here if the whole idea is to get the property developed? If the deal with the hotel falls through, it would be Mr. Holland's responsibility to find another business partner to collaborate with. This is a great project for Kaysville and it does not make sense to limit development we want here.

Council Member Adams said that by forcing the commercial to be permitted first, we are ensuring that commercial will be built here.

Mayor Tran called for a vote on Council Member Blackham's motion.

The vote on the motion was as follows:

Council Member Hunt, nay
Council Member Oaks, nay
Council Member Jackson, nay

Council Member Blackham, yea
Council Member Adams, yea

The motion failed with a vote of three to two.

Council Member Hunt commented that while she understands the intent behind Council Member Blackham's motion, there might be a better way to go about it. Council Member Hunt said that she would be more in favor of voting in favor of a motion that is not as restrictive on parking. Walking to the nearby transit stop is not that far, and people who want to take transit will walk to that stop. While a 10% to 13% reduction is not going to make that much of a difference in parking, the council should not make decisions spontaneously. While she agrees that she would rather see the commercial built first, she felt that the way it was presented was fine as is.

Council Member Jackson said that he agrees with the comments made by Council Member Blackham, but is concerned that being so restrictive on having commercial permitted before anything else could destroy the whole project. Council Member Jackson said that he still does not feel that there is adequate parking being allowed on the site.

Council Member Adams said that when the mixed-use code was created, there was extensive discussion about the requirement for developers to have commercial space permitted prior to residential. This has been the idea behind the mixed-use code from the beginning, mandating 30% commercial space, with the possibility of receiving a 10% parking reduction if they meet the criteria. This project qualifies for that 10% reduction, not only due to its proximity to the transit line, but also because of the proposed shared parking plan.

Mayor Tran commented that she understands the concerns why there are concerns that if the hotel were to not be built that more office space would be proposed to be built as we do not need more office space in the city.

Melinda Greenwood commented that language could be added into the development agreement that would state that if a hotel would no longer be built than the development agreement would have to come back to the council to substitute the hotel use. A change to the hotel use would impact other areas of the plan, such as parking.

Council Member Hunt asked the difference between a 10% reduction and 13% reduction in parking stalls.

Melinda Greenwood responded that it would account for 4 stalls.

Phil Holland said that he would be amenable to the proposed amendments to the development agreement, with the understanding that if the hotel falls through, he would come back to the city council.

Council Member Blackham made a motion to approve a development agreement and request to rezone 6.26 acres of property located at 521 West 350 North from General Commercial (GC) to include a Mixed Use Zoning District Overlay for H Group Ventures LLC, with the following

stipulations:

1. Staff revert the numbers in the development agreement back to their original presentation to the Planning Commission in order to preserve the project's integrity. This includes maintaining three-story apartment buildings with 132 units, 302 parking stalls, incorporating language regarding lighting, signage, and the color and materials board, correcting the project details (changing from 35% to 42% commercial space), reverting the apartment square footages to 53,000 instead of the 67,000, restoring the building height section to the original language, and amending the language in the landscaping section.
2. Parking requirements be followed as outlined in the Mixed Use Zoning District Overlay code.
3. A 10% parking reduction be allowed if it qualifies for it.
4. The apartments not be permitted until after the project meets the required 30% commercial space of the combined total of the square footage for all buildings in the project.
5. That Item II under "Phasing of Project" be removed from the development agreement.
6. Language be added into the development agreement stipulating that if there is no longer going to be a hotel, then the development agreement has to come back to the city council for review.

Council Member Adams seconded the motion.

The vote on the motion was as follows:

Council Member Oaks, yea
Council Member Jackson, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea

The motion passed unanimously.

WORK ITEMS

DETACHED ACCESSORY DWELLING UNITS (ADUS) DISCUSSION

Council Member Adams made a motion to table the detached accessory dwelling units (ADUs) discussion, seconded by Council Member Jackson.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Hunt, yea
Council Member Oaks, yea
Council Member Jackson, yea
Council Member Blackham, yea

The motion passed unanimously.

COUNCIL MEMBERS REPORTS

Mayor Tran announced that a ribbon-cutting ceremony was held at the newly completed Kaysville Wilderness Park trailhead and parking lot, and expressed gratitude to all who attended.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 10:26 p.m. The motion was seconded by Council Member Hunt and passed unanimously.