



Kaysville City Planning Commission Meeting Minutes September 14, 2023

The Planning Commission meeting was held on Thursday, September 14, 2023 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Temporary Chair Paul Allred, Planning Commissioners Erin Young, Mike Packer, and Debora Shepard

Staff Present: Dan Jessop, Mindi Edstrom, and Melinda Greenwood

Public Attendees: Francis McClure, Dave McClure, Jana Watts, Brian Watts, Holly Woolley, Tim Reynolds, Liz Brumbaugh, Susan Carroll, Glenn Carroll, Martin Chase, Dave Defay, Breanne Anderson, Ray Parry, E Christensen, Mark Trice, Zach Zaluski, Mark Quillen, Garrett Gross, Brandon Hurst, Hal T. Anderson, Mike Anderson, Rob Parry, Pam Johnson, Mark Brown, Matt Mangel, Kim Mangel, Barbara Parry, Jennifer Hughs, Rick Jones, Jacquie Jones, Addie McKee, Nedra Saunders, Kara Hurst, Megan Fixmer, Natalie Whiting, Erin Arnell, Terrel Robinson, Ryan Arnell, Patrick Flint, Tyler Ferguson, Reese Cooper, Verna Willy, Warren Gates, Kimball Clark, Linda Bingham, Nate Brower, Jevan Bingham and City Councilmember Abbi Hunt. Other signatures not legible, see sign in sheet attachment.

1-OPENING

Temporary Chair Paul Allred opened the meeting by welcoming all in attendance to the September 14, 2023 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE AUGUST 10, 2023 PLANNING COMMISSION MEETING

Chair Allred postponed the approval of the minutes because there was not a quorum of Commissioners in attendance from the August 10, 2023 meeting to vote on the item. The meeting minutes were continued to the next Planning Commission meeting.

3-PUBLIC HEARING FOR REZONE APPLICATION FOR 1864 SOUTH SUNSET DRIVE FROM A-1 LIGHT AGRICULTURE TO R-1-20 SINGLE FAMILY FOR APPLICANT RUSSELL WILSON, SYMPHONY DEVELOPMENT CORPORATION

Staff explained this item would not be heard until a future date and stated that public hearing notices would be mailed again when it is rescheduled.

4-PUBLIC HEARING FOR REZONE APPLICATION FOR 41 WEST 100 SOUTH FROM R-1-8 SINGLE FAMILY RESIDENTIAL TO R-M MULTIPLE FAMILY RESIDENTIAL FROM HAL T. ANDERSON

Before staff presented the information for the residents and Commissioners, Chair Allred explained how the meeting would proceed and what was to be expected from those who wanted to speak during the Public Hearing.

Ms. Greenwood let those in attendance know that the emails from residents that were sent in previous to the meeting have been seen by the Commissioners and staff.

Mr. Dan Jessop introduced the item by saying an application first came in last year for this same property and the applicant pulled it before it made it to Planning Commission. Hal T. Anderson, the applicant, reapplied this year for a rezone from R-1-8 to the R-M zone. The property is 2.3 acres. It is adjacent to R-M Multifamily zoning to the east, to the west is a new subdivision of R-1-8 Residential Single Family homes, to the north is the Old Kaysville Townsite Residential District and the Central Commercial zone where downtown Kaysville is located. He added that parcels to the south of the property are zoned R-1-8 Single Family.

Mr. Jessop referred to the 2022 Kaysville City General Plan that had over 1,000 responses from Kaysville residents. The Future Land Use map shows that the parcel for rezone is to remain residential. However, the General Plan states on page 54 that the Planning Commission should give consideration to applications that support the elements of the General Plan that may not align with the Future Land Use map. He shared some information from the staff report that did not support the rezone.

He then shared information from the General Plan that supports the R-M rezone application. By approving the rezone to R-M, it would provide a diversified housing product. Mr. Jessop also shared that Mr. Anderson's property is in close proximity to the preferred city center concept indicated in the General Plan which suggests density should be placed near commercial areas.

Mr. Jessop continued, saying that the state is starting to mandate communities, Planning Commissions, and City Councils to start looking for moderate income housing opportunities due to the shortage of affordable housing. Rezoning this parcel would be in support of the current requirements the state is placing on cities.

Mr. Jessop continued explaining the difference of prescribed setbacks for the Residential Single Family Zone and the Residential Multifamily Zone. He shared that the R-1-8 zone would allow for 11 lots that could be made into 22 town homes with that many driveways. If the rezone were to be approved, it would allow a more manageable project with one way in and one way out. This would create less traffic areas by the corner. He said if it were to be rezoned R-M, there would only be one pavement cut for the water line and sewer line to service the project. A multifamily project will have regulated parking so that all the tenants have parking, however, this will cut down the buildable area.

Mr. Jessop said that if the right developer comes in it would be a better project to live next

door to and thinks the rezone is the right choice.

Chair Allred invited the applicant, Hal T. Anderson to come address to the Planning Commission.

Mr. Anderson introduced himself to the Commissioners as the owner of the home at 41 West 100 South and gave a history of the home and property. Mr. Anderson said change is inevitable and shared recent health challenges from the last two years, which makes maintaining his property very difficult. He said he feels that the R-M rezone would be a good decision for that property to address his needs, and the community's needs as well as the needs coming from the State.

Ms. Greenwood shared that the city allows twin homes in single family zones with a Conditional Use Permit. With the current zoning Ms. Greenwood said as many as 13 lots could fit on that parcel. As Mr. Jessop explained there could be 11 twin homes or a total of 22 units that would be permitted and the city couldn't prohibit because of the way state laws work with conditional uses. Ms. Greenwood shared the example of a previous rezone the city had come before Planning Commission in 2022. The City Council ended up denying the rezone which now allows for six driveways and if they do twin homes, so there could be a total of 22 or more driveways backing out onto 50 West and 100 South.

Ms. Greenwood said many of the emails received expressed concerns of this property being a historic home and clarified that the property is not listed on a historic registry anywhere. She also shared what staff considers with a rezone application is the General Plan as a guiding document for the city and it holds goals, objectives and guiding principles. Ms. Greenwood said that staff feels the scales tip in favor of rezoning the property. She also explained state legislators are focused on trying to provide more affordable housing options in the state. She said Chapter Three from the Housing and Neighborhoods gives the most strength to the rezone application.

Commissioner Shepard asked Mr. Jessop if there were any development plans for the lot.

Mr. Jessop said that as of right now there are no development plans.

Ms. Greenwood reported she talked to the State Moderate Income Housing Coordinator to see what approval or denial for this particular scenario would mean as far as compliance. She said it fit two of our goals and if approved could be documentation of meeting those goals. She said approval of the rezone count positively the city's efforts with affordable housing.

Chair Allred opened up the Public Hearing.

Mark Quillen said he is invested in how the project will affect his life, stating safety is very important to him and his family. He is asking the city to not rezone the property and put in

smaller more affordable homes.

Liz Brambaugh said does not want to see the property rezoned and suggested putting a road thru the property so that there can be one ingress and egress and keep it to the 13 houses.

Garret Gross feels that the rezone won't necessarily fulfil the mandates from the State Legislature. He said that there is already multifamily housing in the area and that the new project, the Creekside Commons, should help meet some of the state's mandates. He asked the Commission table this discussion of the proposed rezone until there are more solid plans.

Chair Allred asked Mr. Gross what his understanding of the word table means.

Mr. Gross said to discuss the idea of a rezone at a later time when there are more concrete plans in place.

Chair Allred explained that to "table" an item means to make the item indefinite. The word "continue" means at some point in the near future it would come back. Chair Allred asked Mr. Gross with the clarification, which one is he asking for?

Mr. Gross said he wanted to continue this item.

Kara Hurst asked if a plan was submitted later by a developer, would the city then have significant input. She doesn't understand why the city would develop the lot without a plan in place.

Chris Doxey said this rezone would set a bad precedence for the city and that it is not consistent with anything that the city has rezoned before. He said that every other multifamily development in the city has over 50 % of their borders touching commercial property. This would be different as there would be no touching borders, opening up other places that this could happen within the city.

Reese Cooper asked if a third-party impact study has been done on the proposal. He said an impact study would show what kind of impact this project would have on the surrounding areas. He asked if there had been thought of how the development would affect the already struggling storm drainage. He also mentioned the impact of traffic would increase in an already impacted neighborhood.

Nedra Saunders has concerns about Mr. Anderson not having any project plans or design for this project. She also expressed concerns about needing affordable single family homes and feels that townhomes will be outdated with an aging population. She loves the property and would love to see more creative solutions for the building and property.

Warren Gates feels that the citizens are not wanting to give approval for an unknown project since there is no development agreement. He said 100 West is underdeveloped and has lots of

parking in the streets from businesses. He is concerned with all the unknowns and safety.

Verna Willy asked why the neighborhood on the east side of Kaysville has so many apartments and there are not any on the west side of town. She also was concerned with where people would be parking if property developed, asking if they would they be parking in front of their homes.

Francis McClure asked about the difference is between a R-1-8, R-1-20 and a R-M zone.

Mr. Jessop answered her question saying that an R-1-8 is a single family residence with 8,000 ft² lot minimum. An R-1-20 is a single family lot with 20,000 ft², with 90 ft frontage and a 30 f setback for the house, 8 ft side setbacks and 15 ft for the rear setback. He said that the R-M zone is going to go off the square footage of the parcel to determine how many dwelling units are allowed.

Ms. McClure said that having 37 units on that property is too many because of its size and the traffic is terrible.

Nate Brower asked if typically, a developer comes in with a plan when they present it to the city.

Mr. Jessop said that whoever comes in to develop the property will go off the established zone ordinances and then it will need to be subdivided to create the lots to the required setbacks. If the lot is zoned R-M then they would develop to the required zone setbacks.

Mike Anderson said that they got some overall general traffic studies from CRS Engineering. The study shows that town homes are around 5.81 trips per day where a single family home is 9.52 trips per day, almost double with in and out traffic. He said that it has been difficult to get a developer to put any concrete plans together for engineering and design where they don't know if the property is going to be R-1-8, R-1-20 or R-M. He said he agrees it would be necessary to put curb and gutter in on 100 South on the south side of the road.

Tyler Ferguson feels that the area has always been intended to be a single family residence and that the property owner's concerns would be alleviated if the property was to be developed as single family homes.

Patrick Flint asked if the rezone were to be postponed until a developer was selected, would the city have the ability to make the zoning change approval contingent on certain aspects of a development plan.

Ms. Greenwood said that the applicant is entitled to an expedient processing of their application. The City of Kaysville does not have a code that requires a developer to be on board to submit an application. She said that the City couldn't approve the rezone contingent on bringing on a developer later on.

Mr. Flint restated his question asking if the city postpones the zoning approval until the developer is selected then the developer comes and says they want to change the zoning of the property, then could the approval of the zoning change be contingent on certain aspects of a plan for the development.

Ms. Greenwood said that anyone can submit an application at any point and the only restriction that we have in place is that if a rezone application is denied, then you have to wait a year before you can submit another application. She also said that you don't have to have a developer on board to have a development agreement in place but once the rezone has been approved the city will not have any leverage on specifying requirements.

Chair Allred asked Ms. Greenwood if the Planning Commission could recommend a position on the rezone and have one of the conditions of approval or recommendation to the Council be to have a development agreement as part of the consideration of the rezone?

Ms. Greenwood said the Planning Commission could make a motion to delay action until a development agreement is brought forward. However, the Planning Commission can't say that we are not going to process or give recommendation until you have a developer on board.

Natalie Quillen said that the applicant and the developer stand to make a lot of money, however, the residents are the ones that are left with the fall out of the development.

Kimball Clark came before the Commissioners to remind them of the General Plan and read the goals from the Land Use and Placemaking Plan. He asked the Commissioner to reconsider the General Plan of the city.

Erin Arnell shared that there would be 5.74 trips per townhome and if there is 37 units it comes out to 212. If there were 13 single family homes with 9.5 trips it comes out to 123 trips. So, there would be less trips and traffic with the 13 single family homes.

Terrell Robinson approves this rezone and feels that we need multifamily areas.

Mr. Montgomery said he doesn't want to see Kaysville look like Clearfield or Layton city and doesn't want to see historic homes torn down. He wants it to keep its historic charm.

Warren Gates restated that the group in attendance has a fear of the unknown.

Chair Allred closed the Public Hearing.

Mr. Hal T. Anderson approached the Commissioners again and shared the emotions that come with the thoughts of change and was happy to address concerns or inquiries.

Commissioner Young appreciated that Mr. Jessop brought up some interesting points on how

we may end up with a better project and more flexibility. She also addressed the concern that the residents had regarding having a multifamily project in this spot and not throughout all of Kaysville however, she feels that this is an ideal spot with its location to the City Center. She would love to see density with control and architecture to preserve that historic element. She would like to include that as a condition of the rezone if the Commissioners vote that way as it would make it a better project and could have less impact on the traffic.

Commissioner Shepard addressed some of the issues that were brought up with this project. The first concern was the storm water runoff. She said that there are guidelines for whoever develops this property and they will need to incorporate some kind of control system to contain the storm water on site.

Mr. Jessop said that on some developments like commercial projects, there are requirements for detention but not retention. So, if it is available, the city will tie them into the storm drains and put an orifice plate so that only so much water can be dispersed per hour or minute. So, there would be no retention, but through a storm drain plan there would be detention.

Commissioner Shepard also brought up the resident's suggestion of putting in an access road on the project and asked if there is room for that.

Mr. Jessop said there would be room for it if the kept it a R-1-8 as a private street subdivision.

Commissioner Packer shared his appreciation to all those that came and the comments that were received. Commissioner Packer visited the other parcels in the city that are zoned R-M. Of the 11 or 12 lots zoned R-M only one of them was south of 200 North. There are few opportunities for the city to rezone and this parcel is in a prime location by being near Main Street, retail, public transportation and bus lines. He told the residents that their concerns are all valid with traffic being the largest concern. However, he believes the rezone has a lot of positives, such as providing diverse housing options.

Chair Allred shared his background and said he can identify with all the comments that were shared. He said that the location of his home has brought lots of changes over the years. Chair Allred said his biggest concern with this rezone is that there is not a plan and he prefers to have one so neighbors and residents know what to expect. However, this project is super walkable which makes it a great location. He shared the concern of housing cost and said the gap is getting bigger for those needing a home or apartment.

Chair Allred asked if any of the Commissioners were ready to make a motion.

Commissioner Packer made a motion to recommend approval to the City Council for the rezone of the property at 41 West 100 South from R-1-8 to R-M.

Commissioner Young suggested a friendly amendment to the motion to include the recommendation for a development agreement.

Commissioner Packer accepted Commissioner Young's amendment to the motion.

Commissioner Young seconded the motion and the vote was in favor of the motion (3-1).

Commissioner Shepard: Nay

Commissioner Packer: Yay

Commissioner Allred: Yay

Commissioner Young: Yay

5- CALL TO THE PUBLIC

Sarah Love said that she agrees with the decision of the Commissioners and that Kaysville needs more diverse housing and thinks that it is in a perfect place.

6- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood reminded the Commissioners of the upcoming APA Conference.

7- ADJOURNMENT

Commissioner Packer motioned to adjourn the meeting at 9:16 pm