



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, April 11, 2024, starting at 7:00 PM in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com.

Public comment is only taken during a meeting for Action Items, "Call to the Public", or for a public hearing. **Those wishing to speak during these times must sign-up in person before the meeting begins.** Comments may also be directed to the City Council via email to publiccomment@kaysville.gov. Emailed comments will NOT be read out-loud at the meeting.

CITY COUNCIL Q&A – 6:30 PM

The City Council will be available to answer questions or discuss any matters the public may have.

CITY COUNCIL MEETING – 7:00 PM

The agenda shall be as follows:

- 1) OPENING
 - a) Presented by Council Member Mike Blackham
- 2) CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
- 3) PRESENTATIONS AND AWARDS
 - a) Proclamation to declare April 27, 2024 as Arbor Day
- 4) DECLARATION OF ANY CONFLICTS OF INTEREST
- 5) CONSENT ITEMS
 - a) Approval of Minutes of March 1, 2024 Council Work Session
 - b) Appointing Administrative Law Judges
- 6) ACTION ITEMS
 - a) Request to amend the June 20, 2019 Development Agreement with Ogden Clinic for Professional Office Space
 - b) Request to rezone 1.09 acres of property located at 1325 West 200 North from GC General Commercial to R-A Agricultural Residential for Brandon Wood
 - c) Request to rezone 0.31 acre of property at 1400 West Willow Brook Lane from A-5 Heavy Agriculture to R-1-14 Single Family for Russell Wilson
 - d) An Ordinance to amend Section 17-20-4 Central Commercial Conditional Uses of the Kaysville City Code to remove dwellings as an allowed use
- 7) COUNCIL MEMBERS REPORTS
- 8) CITY MANAGER REPORT
- 9) ADJOURNMENT

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services,

or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at Kaysville City Hall, Kaysville City website at www.kaysville.gov, and the Utah Public Notice website at www.utah.gov/pmn. Posted on April 5, 2024.

A handwritten signature in black ink, appearing to read "Annemarie Plaizier", written over a horizontal line.

Annemarie Plaizier
City Recorder

PROCLAMATION

"ARBOR DAY"

April 27, 2024

WHEREAS, Kaysville City, Utah has committed considerable time and resources to the urban forest and has chosen to set aside a special day for the planting of trees; and

WHEREAS, this Holiday called "Arbor Day" is observed in every state in the union and throughout the world; and

WHEREAS, trees can reduce the erosion of topsoil, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify the community; and

WHEREAS, wherever they are planted, trees are a source of joy and spiritual and mental renewal.

NOW, THEREFORE, I, Tamara Tran, Mayor of Kaysville City, along with the Kaysville City Council, do hereby proclaim April 27, 2024 as Arbor Day in Kaysville City. I also urge all citizens to support efforts to protect our trees and woodlands and to support our urban forestry program.

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.



Tamara Tran, Mayor

KAYSVILLE CITY COUNCIL
WORK SESSION
March 1, 2024

Minutes of a special Kaysville City Council work session held on Friday, March 1, 2024 beginning at 8:00 a.m. 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

Staff Present: City Manager Jaysen Christensen, Finance Director Dean Storey, Assistant Finance Director Levi Ball, City Recorder Annemarie Plaizier, Fire Chief Paul Erickson, Parks and Recreation Director Cole Stephens

OPENING

Mayor Tran opened the work session and welcomed everyone present.

REVIEW AND DISCUSSION OF THE TENTATIVE FY 2025 BUDGET IN REGARDS TO CITY BUILDINGS AND PARK IMPROVEMENTS

Finance Director Dean Storey explained that this year's budget review process is being conducted differently, with multiple work sessions focusing on specific areas of the budget. Today's session will concentrate on reviewing the capital projects planned in regards to city buildings and park improvements. Mr. Storey outlined the upcoming budget schedule for Fiscal Year 2025 and reviewed the citywide Capital Asset Improvement Summary for the current Fiscal Year budget, as well as proposals for FY 2025-2027 budgets. Some of the projects will be funded using impact fees.

Public Works Director Cole Stephens presented the improvement projects for FY 2024, including the budgeted design for a memorial garden in the cemetery. This memorial garden, intended for cremations, will help to address the increasing trend of cremations since 2018. With our city cemetery being landlocked, creating a dedicated space for cremation urns will be beneficial as we anticipate running out of burial plots.

Council Member Nate Jackson arrived.

Cole Stephens displayed the design for the cremation garden, and explained that it will be situated directly behind the cemetery offices and will occupy approximately half an acre of land. The design is expected to accommodate about 1,200 urns. Without creating this area for urns, the cemetery is projected to exhaust available plots for sale within the next decade based on current trends. Mr. Stephens displayed examples of cremation memorialization options that the city could potentially install. He explained that while the city would incur the initial cost of building the columbarium, revenue would be generated over time through niche sales. The estimated initial cost to build the columbarium is around a million dollars, but the project could be phased to

manage costs. Initial installations would include walkways and hard surfaces, with the columbariums being phased separately. To facilitate phasing, \$250,000 has been allocated in the budget over the next few years for the memorial garden. Mr. Stephens also provided updates on park projects in the city. Last year, playground equipment was replaced at Hods Hollow Park, and Quail Crossing Park recently underwent similar upgrades. The Wilderness Park Trail Improvement project for the FY 2024 budget entails installing fencing around the parking lot, and initiating trail improvements this spring. The bond for Pioneer Park is set to be paid off in FY 2025. Barnes Park's basketball court improvements were funded with RAMP funds, and a ribbon-cutting ceremony is planned for April. The Wilderness Park Parking Lot project concluded with a ribbon-cutting ceremony in September, with reimbursement received from the County for that project. Plans for the Rail Trail Head Restroom and Parking project were displayed, and explained that the project is being paid for with RAMP funds. The design phase was budgeted for in the FY 2024 budget, and pending approval, the rest of the project will be funded with RAMP funds in FY 2025. As part of the design for this project, the Public Works requested to have engineering done for this side of the road on Flint Street to widen the road and to install curb, gutter and asphalt. That portion of the design was paid for with general funds. The new Rail Trail Head will feature a parking lot with fourteen parking stalls, including a handicapped parking stall. Additionally, plans include installing a prefabricated restroom installed, with efforts to keep it accessible year-round. Future restrooms will incorporate automatic locks to close at designated times, with retrofitting of existing restrooms planned to commence this year. The Trail Head will also include a bike repair station and a picnic table.

Chief Erickson asked about vandalism.

Cole Stephens responded that we have seen a decrease in vandalism incidents, particularly at Pioneer Park, which has historically experienced the most vandalism. Installation of surveillance cameras in city parks has led to a significant decrease in vandalism. Additional cameras will be installed at Pioneer Park and at Gailey Park within the next month.

Mayor Tran asked about the timeline for the Rail Trail Head project.

Cole Stephens responded that they hope to commence construction shortly after July, pending receipt of RAMP funds for the project. The city has received slightly more money from RAMP taxes than initially anticipated. Any funds exceeding \$300,000 in the RAMP funds each year are being saved with the potential to utilize those funds for a partnership with the Davis School District to construct the Kaysville Jr. High gymnasium. Mr. Stephens reviewed potential budgeted projects for FY 2025, including the first phase of the memorial garden at the cemetery, playground replacements at Angel Street Soccer Complex, resurfacing of the Rail Trail asphalt, and resurfacing of the pickleball/tennis courts at Barnes Park. Despite their relatively young age, the pickleball/tennis courts have experienced heavy usage and have become worn down, posing safety concerns due to slick surfaces. The cost estimate for resurfacing the pickleball courts has increased by \$20,000 since last year. Additionally, plans for FY 2025 includes creating day-use picnic sites near the parking lot at Wilderness Park. Mr. Stephens explained that in FY 2023 a design was completed for the north side of Trapper's Field, funded through the capital projects fund. While considered a simple design, it will offer community amenities. The estimated cost for this project is approximately \$3.8 million, which we feel is a high estimate. The south side of Trapper's Field has already been finished. The presence of a power corridor on a significant portion of the property restricts construction possibilities. The city intends to relocate the community gardens to a portion

of this property, as this was a popular amenity for our residents. The proposed design includes a pickleball court, tennis court, playground, pavilion and a parking lot. Although there is currently a pavilion on the property, the aim is to move passive play away from busy 200 North Street, thus relocating the playground and pavilion further from the road.

Council Member Blackham asked about the possibility of retaining the current pavilion.

Cole Stephens explained that the current pavilion is a kit pavilion and therefore does not hold significant value. The cost of relocating it would likely exceed the cost of purchasing a new one.

Dean Storey added that if the council believes the \$3.8 million project is worth prioritizing, they would need to direct staff accordingly.

Mayor Tran asked about putting in a skate park.

Cole Stephens responded that when the city accepted this property from the subdivision's HOA, it was stipulated in that agreement that a skate park would not be permitted here. Although the city has considered installing one and received a cost estimate of approximately \$750,000, it has not been included in the current design due to the agreement's restrictions. The agreement spans fifteen years, after which the city is no longer bound by its stipulations. Additionally, the agreement requires development of the northern side of the property within five years; a requirement that staff believes is being met with the current design and plans.

Council Member Blackham expressed concern about investing \$3.8 million in a property with limitations on its use.

Council Member Adams emphasized the property's potential, situated near an entrance to the city from the West Davis Corridor, as an opportunity to create something beautiful for the city.

Mayor Tran suggested phasing the project.

Council Member Hunt inquired about the possibility of expanding the community garden area to reduce project costs.

Cole Stephens responded that while the cost might not vary significantly, the community garden area is the most labor-intensive part of the project. The new community garden will incur higher costs than the previous one due to its accessibility features, such as compacted aggregate for wheelchair accessibility and raised beds. The downside to having the community gardens where they are proposed is because it is furthest away from our utility connections.

Council Member Blackham expressed his opinion that the city should not invest significant time and money into a project that is not necessary, serving only a few people and unavailable during winter. He suggested that those seeking playground equipment could utilize the elementary school across the street. Council Member Blackham proposed postponing spending money towards this property until the city has more freedom to utilize the property after the agreement expires.

Cole Stephens stated that staff believes it would be prudent to refrain from allocating funds to Trapper's Field until the Pioneer Park bond is paid off.

Dean Storey suggested that once the bond for Pioneer Park is paid off, the city could pursue a similar sales tax revenue bond for Trapper's Field if the council prioritizes it.

Cole Stephens responded that the only thing tying the city to this property is the agreement with the HOA.

Council Member Adams said that he feels the city should fulfill the minimum requirements for this property and save money for the future when the city can do what we want with the property.

Dean Storey emphasized the need for the council to evaluate the list of city projects and determine if Trapper's Field is a priority compared to other facilities like a skate park.

Council Member Blackham expressed a preference for the city to allocate available funds towards collaborating with the School District to construct a gym.

Cole Stephens agreed with Council Member Blackham and emphasized that he considers the cremation garden and the replacement of old sections of the irrigation system in the city cemetery to be higher priority projects than Trapper's Field. He explained that both the cremation garden and irrigation system replacement would benefit a larger portion of the community. Mr. Stephens added that funds were allocated in the current budget year for designing a new irrigation system in the cemetery due to increasing water issues with the older section installed in 1950. The funding for this project could come from the cemetery's Perpetual Fund. Mr. Stephens also proposed installing a digital sign at Barnes Park in the FY 2025 budget, similar to the one in front of the old library building, to improve city communications. Their hope is to utilize RAMP funds for the digital sign, eliminating the need for posting banners at Barnes Park.

Council Member Jackson asked if the Trapper's Field project could be phased.

Cole Stephens responded that it would have to be completed in phases.

Council Member Jackson expressed interest in seeing additional designs for Trapper's Field.

Cole Stephens mentioned that one possibility discussed was removing the pickleball and tennis courts to help manage costs.

Council Member Jackson questioned whether the community gardens would be utilized.

Cole Stephens responded that some residents have requested the return of a community garden, and the city is limited on available space for such a project. Additionally, the presence of overhead power corridor restrictions at Trapper's Field limits alternative uses for the property.

Council Member Adams suggested exploring the possibility of collaborating with the Utah State Extension Center in Kaysville to establish a community garden on their land.

Mayor Tran observed that investing in improving Trapper's Field does not appear to be a high priority for the council presently, a sentiment echoed by the city council.

Council Member Hunt proposed considering the addition of a Veteran's memorial on the property.

Council Member Jackson pointed out the existence of a small Veteran memorial at the Kaysville Cemetery and suggested that it might be more advantageous to allocate funds towards enhancing that memorial instead of creating a separate one.

Cole Stephens noted that there are already plans in place to expand the current Veterans memorials in the cemetery.

Jaysen Christensen mentioned that city Staff recently met with West Point City regarding their partnership with the Davis School District in constructing a gymnasium for one of their junior high schools, currently under construction. Kaysville would do a similar partnership with the school district, where the school would utilize the gymnasium during school hours, and the city could access the facility during evenings and weekends.

Council Member Jackson asked about the possibility of community use during off-hours.

Council Member Adams commented that it would likely primarily be used for city recreation programs.

Cole Stephens said that the city would decide on the usage of the gymnasium space and negotiate it through the partnership, which would allow for various possibilities. If we wanted to open the space up for an open gym for the community, the city would be required to provide staff to oversee it. Currently the city cannot offer basketball or volleyball recreation programs, but having a gymnasium space would enable us to do so.

Council Member Jackson questioned why the city should invest in a gymnasium if Kaysville Jr. High already has one, proposing instead to allocate funds towards creating a recreation center for the community.

Cole Stephens explained that constructing a standalone recreation center would entail significantly higher costs. From a financial perspective, it would be more prudent for the city to establish a partnership, providing access to a shared space during evenings and weekends, when most recreation programs are conducted. Ongoing maintenance costs would also be shared through such a partnership. Constructing a standalone facility would not only require funding for the building itself but also for staffing and maintenance expenses. Despite community interest in amenities like a pool, previous attempts to secure funding through bonds were unsuccessful as the residents voted against it. They want a pool, but they do not want to have to pay for it. After researching other cities' community gym spaces, Staff concluded that building a gym that competes with existing businesses in the city would not be beneficial. There is a greater need for an open gymnasium space that various sports teams and recreation programs could utilize. Collaborating with the school district appears to be the most sensible option at this time, although specifics of the partnership are yet to be determined.

Mayor Tran expressed approval of partnering with the school district as a beneficial opportunity for the city.

Council Member Oaks inquired about funding for the partnership.

Cole Stephens explained that the city has been setting aside a portion of RAMP fund revenue in anticipation of this partnership.

Council Member Jackson asked if a pool could be included as part of the gymnasium construction with the school.

Cole Stephens commented that pools incur substantial ongoing expenses, particularly in terms of maintenance costs. Their upkeep is challenging and economically impractical for the city due to their high expense.

Mayor Tran said that the school district has approached cities to explore potential partnerships for building a pool. However, most cities, including Kaysville, have declined due to the financial burden involved. It is possible that the school district will proceed in constructing a pool independently.

Cole Stephens reiterated that the primary concern with pools is the ongoing maintenance costs, compounded by the challenge of securing certified staff for maintenance. He cited Layton City's annual subsidy of \$600,000 towards their pool as an example of the significant financial commitment required.

Jaysen Christensen said that while many communities desire a city pool, their citizens are often unwilling to accept tax increases to cover the associated costs. The community would ultimately bear the ongoing financial burden of subsidizing a recreation center or pool.

Council Member Jackson expressed interest in facilitating a discussion about a potential community pool partnership between the school district and surrounding cities.

Council Member Blackham raised concerns about the proposed high-dollar projects for the budget, noting the absence of a revenue stream to finance them. He questioned the rationale behind discussing the construction of these projects if there is no clear funding source. Any revenue for these projects would likely come from a general obligation bond, a municipal building authority bond, or a tax increment bond.

Dean Storey responded that funding for the gymnasium project could come from RAMP fund reserves, if approved, along with impact fee revenues. However, the city would likely need to pursue some form of bond paid for through the general fund. He emphasized that it is essential for the city council to prioritize projects, after which Staff can propose revenue streams for those priorities, subject to the council's approval.

Council Member Oaks asked that there have been many projects that have been mentioned, but which one is considered the highest need.

Dean Storey responded, indicating that city staff views the gymnasium partnership as a high priority.

Cole Stephens added that the cremation garden is also considered a high-priority project, as previously mentioned.

Dean Storey said that staff has provided the council with the most accurate information regarding the city's needs, and it is now the council's responsibility to establish priorities. Mr. Storey reviewed the budget allocations for FY 2024 concerning city buildings, mentioning a roof replacement on the Operations Center, which is almost complete. A few years ago, the city conducted preliminary work to explore the possibility of renovating the Operations Center to meet the City's needs. However, the estimated construction cost of \$36 million dollars proved to be unattainable for the City. Alternative options are now being considered to address the city's needs. One option under discussion is the construction of covered storage for heavy equipment, which would create additional space within the bay areas.

Council Member Blackham stated that a power facility could potentially be built using power funds. Moving the power department out of the Operations Center would open up more space for the other departments in the building.

Dean Storey said that this is what city Staff would like to see happen. However, the current revenue stream for power is insufficient to support the construction of a new facility. The city would likely need to issue revenue bonds secured by the power rate structure, which means that power rates may need to be raised in order to cover the debt service associated with the bonds. Council Member Oaks commented that the council has previously discussed the possibility of raising power rates just to keep up with the cost of power.

Council Member Hunt asked where the power facility would be built.

Cole Stephens commented that the proposed power facility would be constructed on the same property as the Operations Center. The city has been able to reinvest in the current Operations Center through the roof replacement this year, and bay door replacements last year. The building is over thirty-years old, but because of financial constraints preventing the construction of a new building, the focus is on reinvesting into the existing structure. It is proposed that \$100,000 be allocated annually for repairs or renovations, while also prioritizing the construction of a new power facility, which would generate a revenue stream to support the building's funding.

Council Member Oaks asked about the projected revenue stream for the power building and the additional funds needed from the city to cover the remaining cost.

Dean Storey said that the city would likely need to implement a 10% increase in power rates.

Mayor Tran commented that if Staff deems the construction of a power facility necessary, then finding a way to finance it becomes imperative.

Council Member Blackham posed the question of whether it is a higher priority for the city to construct a power facility or a second fire station.

Chief Paul Erickson responded that both are equally important to the city.

Dean Storey said that city Staff could identify what is necessary, while the council has the authority to determine how they'll generate the revenue required to meet the city's needs. If staff were forced to choose between priorities, they would likely prioritize improvements to the Operations Center

and the construction of a power facility over a new fire station.

Chief Erickson said that construction costs have risen and continue to do so. Building a second fire station at this time would likely cost approximately \$11 million, a reflection of the current market conditions. Additionally, staffing the station would entail an ongoing expense of \$1.8 million. NFPA standards underscore the need for a second station on the west side of the city, a demand validated by response time data. Chief Erickson elaborated on NFPA requirements for different types of calls, emphasizing the need for adequate staffing. Despite fluctuations in call volume, the overall demand remains significant. Chief Erickson proposed an alternative approach: expanding the current fire station to accommodate more staff and resources. With the city's demographic profile and call patterns, this solution could effectively address service demands while managing costs more efficiently.

Council Member Hunt asked about the potential benefits of stationing a vehicle in west Kaysville.

Council Member Adams suggested utilizing city-owned land to erect a prefabricated building and staffing it during the day. He emphasized that his primary concern is not just response times for fire calls, but also for medical calls.

Chief Erickson expressed reservations about the feasibility of staffing such a facility. It would likely cost the city more to staff because we would have to pay more to get people willing to work out of that space. When you're working forty-eight hour shifts, you want as much comfort as you can have. It is likely unrealistic and would not be beneficial for the fire department itself.

Jaysen Christensen commented that while a second fire station on the west side of the city is necessary at some point, the current cost is unrealistic for Kaysville. He noted that Farmington City and Layton City plan to build new fire stations nearby, providing mutual aid support until Kaysville can afford its own. Mr. Christensen said that we should not invest anything into the planned fire station property at this time, but rather should focus on the immediate needs of the Operations Center, given current financial constraints.

Council Member Jackson asked about the need for additional fire vehicles if a new station were built on the west side.

Chief Erickson clarified that purchasing more fire vehicles would not be necessary.

Council Member Jackson suggested partnering with Farmington City to station one of Kaysville's fire trucks at their west side station.

Council Member Adams responded that Kaysville already has a mutual aid agreement with Farmington, meaning they would respond to mutual aid calls regardless.

Jaysen Christensen added that it likely would not address the issue of response times.

Chief Erickson highlighted the importance of expanding Station 61 as soon as possible due to existing space constraints.

Council Member Hunt expressed her desire to prioritize paying off the debt service for the police

station.

Council Member Blackham said that it is important that the city pay off the Pioneer Park bond and other existing debt services before considering another bond.

Dean Storey said that in the budget, funds allocated for a new fire station and the Operations Center facility would be deferred to future years, based on today's discussion. Budgetary provisions for the design of a power facility in FY 2025 would also be included. However, there is a need to construct covered storage for heavy equipment, with cost estimated around \$850,000, which may not be fully covered by power funds, as it will not be exclusively for the power department's use.

Council Member Oaks asked about the timeline for the school district's gymnasium construction.

Cole Stephens responded the school district's latest indications show they anticipate building the junior high gymnasium by 2027.

Council Member Hunt commented that should does not like having to delay building a fire station on the west side, but understands the need to.

Chief Erickson said that after the other city's fire stations are built, the city could reassess the heat zones of the city and see if the optimal location for another fire station to serve residents had changed.

Mayor Tran concluded the session, thanking all attendees, and adjourned the meeting at 9:56 a.m.

CITY COUNCIL STAFF REPORT



MEETING DATE: April 11, 2024

TYPE OF ITEM: Consent Items

PRESENTED BY: Nic Mills

SUBJECT/AGENDA TITLE: Appointing Administrative Law Judges

EXECUTIVE SUMMARY:

The City desires to retain several administrative law judges to handle certain appeals. The City distributed a request for qualifications and received responses from several qualified people. After vetting these applicants, City Staff has determined that Mr. Kevin Thurman and the Honorable Ryan Richards were the best-qualified applicants. Staff would like to appoint two in case of scheduling conflicts. Further, appointing two ALJs will not result in increased costs, as each will be paid \$150 hourly. When an appeal arises, the city will randomly assign one of the two ALJs to handle the case.

Mr. Thurman's and Judge Richards' resume are attached.

City Council Options:

1) Approve the Resolution appointing ALJs; 2) Approve the Resolution with any modifications that the Council deems appropriate; 3) Decline to adopt the Resolution and remand to staff with further direction.

Staff Recommendation:

Approve the resolution and appoint the ALJs.

Fiscal Impact:

The appointment will have no fiscal impact, but the ALJ's subsequent services will be paid from the Legal or CED (if it's a land-use issue) budget.

ATTACHMENTS:

1. Proposed Appointment of ALJ Resolution
 2. ALJ Resumes
-

RESOLUTION 24-XX-XX

**APPOINTING KEVIN THURMAN AND THE HONORABLE RYAN RICHARDS
AS ADMINISTRATIVE LAW JUDGES AND SETTING THE GENERAL TERMS
OF THE POSITION**

WHEREAS, the City, from time to time, has appeals of certain administrative decisions;

WHEREAS, the City Code establishes that the Council shall appoint an Administrative Law Judge to preside over these appeals; and

WHEREAS, the City has solicited the services of outstanding attorneys to handle these appeals and he has expressed interest in this appointment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

SECTION I: Appointment of Board Member. Kevin Thurman and the Honorable Ryan Richards are hereby appointed by Kaysville City's Governing Body as Administrative Law Judges. Such appointment shall be for approximately a two-year term commencing on April 11, 2024 and ending December 31, 2026 or, if earlier, ending on the date of the resignation or removal of such individual by the City Council.

SECTION II: Repealer. All previous acts and resolutions in conflict with this resolution or any part hereof are hereby repealed to the extent of such conflict.

SECTION III: Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of Kaysville, Utah this **11th day of April, 2024.**

Tamara Tran, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

KEVIN S. THURMAN

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PROFESSIONAL LICENSES/ORGANIZATIONS

Admissions:

Utah State Bar, October 2006
United States District Court, District of Utah, October 2006
Utah Supreme Court, October 2006

Organizations:

Central Utah Bar Association
Utah Land Use Task Force

EDUCATION

University of Oregon School of Law—Eugene, Oregon

Juris Doctor, May 2006
Award of Excellence, Dean's Scholarship, Hollis Scholarship
Business Editor, Associate Editor, Oregon Review of International Law
Pro Bono Certificate of Completion

Brigham Young University—Provo, Utah

Bachelor of Science, Psychology, June 2003

Ricks College—Rexburg, Idaho

Associate of Arts, General Studies, June 2000
Dean's List, Academic Scholarship, Honor Student

EXPERIENCE

City of Saratoga Springs, Utah

City Attorney, May 2011 to present

Represent Saratoga Springs in civil matters; litigate in district court, Utah Court of Appeals, and Utah Supreme Court; act as chief legal advisor for City Council, Planning Commission, Development Review Committee, and all City departments

Represent Saratoga Springs in criminal proceedings in Justice and District Court; supervise criminal prosecution duties performed by staff

Supervise a legal staff consisting of Assistant City Attorney, legal assistants, law clerks, and legal interns; supervise the City Recorder's office including the City Recorder and Deputy City Recorder

Extensive experience in land use law, water law, zoning, administrative law, municipal law, employment law, open and public meetings law, records access law, and substantive and procedural law; train City departments in these areas

Review, draft, and negotiate legal agreements such as real estate purchase agreements, deeds, water agreements, bond agreements, development agreements, settlement agreements, professional service agreements, etc.

Wasatch County Attorney's Office—Heber City, Utah

Deputy County Attorney, Civil and Criminal Division, October 2007 to May 2011

Represented Wasatch County in civil matters including litigation in district court and small claims proceedings; acted as legal advisor for County Council, Planning Department, Planning Commission, Board of Adjustment, Board of Health, Development Review Committee, and other County departments as needed

Represented the State of Utah and Heber City in criminal proceedings in Justice Court for misdemeanors; gained experience with bench and jury trials

Gained knowledge of and trained County departments in land use law, zoning, administrative law, municipal law, employment law, open and public meetings law, records access law, tax, bankruptcy, and substantive and procedural law

Reviewed, drafted, and negotiated legal agreements such as contracts, development agreements, ordinances, resolutions, memoranda of understanding, settlement agreements, stipulated motions, purchasing agreements, service agreements, etc.

Iron County Attorney's Office—Cedar City, Utah

Deputy County Attorney, Civil Division, October 2006 to October 2007

Represented Iron County in all civil matters; acted as legal advisor for Board of County Commissioners, Planning Commission, Board of Adjustment, Zoning and Nuisance Hearing Officers, Building and Zoning Department, and all other County departments; worked in conjunction with County Planner with land use planning

Gained experience in land use law, zoning, administrative law, municipal law, employment law, real estate law, open and public meetings law, records access law, tax, bankruptcy, and civil litigation; drafted and helped implement zoning and nuisance ordinances; drafted county resolutions, ordinances, and contracts

Represented County in cases regarding small claims, zoning, land use, taxes, and inverse condemnation

REFERENCES

HONORABLE THOMAS L. LOW

*Fourth District Court Judge
Wasatch County Attorney (Former)*

[Redacted]
[Redacted]
[Redacted]

PAXTON GUYMON

General Counsel – Edge Homes

[Redacted]
[Redacted]
[Redacted]

SCOTT F. GARRETT

Iron County Attorney (Former)

[Redacted]
[Redacted]
[Redacted]

WILLIAM G. WHEATLEY

Attorney-at-Law

[Redacted]
[Redacted]
[Redacted]

Ryan J. Richards

Education:

- J. Reuben Clark School of Law (Graduated 2012)
Juris Doctorate: Graduated Magna Cum Laude
- University of Utah, Salt Lake City, Utah (Graduated 2009)
Bachelor of Arts in Political Science

Work Experience:

- South Salt Lake Justice Court – South Salt Lake City, Utah (January 2020-present)
Justice Court Judge— Preside over case. Make findings of fact and legal rulings. Carry out the administrative functions of the judge. Serve in my role as a magistrate for the Third Judicial District. Serve on various judicial committees.
- Utah Attorney General's Office – Salt Lake City, Utah (July 2018-January 2020)
Assistant Attorney General— Represent the Driver's License Division in appeals of administrative actions. Represent the Department of Public Safety in formal administrative hearings and appeals of administrative actions.
- Cowdell & Woolley P.C. – Salt Lake City, Utah (July 2015-July 2018)
Associate— Served as the City Prosecutor for South Salt Lake City. Responsible for all facets of the City's prosecution from screening through appeals. Represented and advised other government entities. Assisted with private civil litigation.
- Salt Lake City Prosecutor's Office – Salt Lake City, Utah (June 2013-July 2015)
Associate City Prosecutor— Represented Salt Lake City in all facets of criminal prosecution from screening through appeals. Represented the City at arraignments, evidentiary hearings, motion hearings, and various other proceedings. Tried many bench trials and jury trials in both the Justice and District Courts. Represented the City before the Utah Court of Appeals. Represented the City at SWAPLAC meetings, Pioneer Park Coalition Meetings, and various coordination meetings with other agencies.
- Salt Lake City Prosecutor's Office – Salt Lake City Utah (2011-2012)
Intern—Represented the City in bench and jury trials. Wrote motions and responses to motions. Presented arguments at motion hearings. Performed research for attorneys on salient legal issues.
- Law Office of Sharon Preston P.C. – Salt Lake City, Utah (Summer 2010)
Intern – Practice areas included federal criminal defense and class action labor law litigation. Primarily performed research and wrote memos, including memos on various admissibility of evidence issues and mental competence.

Extracurricular Activities and Volunteer Experience:

- Intern at the US Mission to NATO for Michael Ryan, US Army Defense Advisor U.S. Mission to E.U. (2009)

Researched and prepared background papers. Attended NATO-EU meetings including the NATO-EU Capabilities Working Group meeting, the USEU Pol-Mil Team meetings, the USNATO ODA Staff Meeting, and multi-lateral diplomatic meetings. Assisted in arranging and participated in diplomatic lunches/dinners.

- Senate Intern at the Utah State Legislature for Senators Wayne Niederhauser and Kevin Van Tassell (2008).

Collected, organized, and analyzed polling data. Researched and tracked legislation and other salient issues. Wrote talking points for bills. Drafted letters and emails to constituents, lobbyists, and other legislators. Coordinated and managed the daily schedule.

Languages:

- English
- French

CITY COUNCIL STAFF REPORT



MEETING DATE: April 11, 2024

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: Request to amend the June 20, 2019 Development Agreement with Ogden Clinic for Professional Office Space

EXECUTIVE SUMMARY:

This staff report also relates to item 6.b.

A rezone request for property located at 1325 West 200 North was before the Planning Commission at their March 14, 2024, meeting. The Planning Commission voted 4-0 to recommend the City Council approve the rezone request for item 6.b. If the City Council wishes to approve the rezone request, it will require the City Council to amend the June 2019 development agreement with Ogden Clinic to remove one of the two parcels which is currently encumbered by the development agreement.

The June 2019 Development Agreement consisted of two parcels totaling 4.4 acres. Ogden Clinic only needed about 3.4 acres for their project (see attached site plan) and the subject property is the unneeded southernmost 1.07 acres from that 2019 rezone. The Ogden Clinic is currently under construction, and it is reasonable to argue the conditions of the Development Agreement will be satisfied once occupancy for the building is issued.

It is uncommon for commercial property to be rezoned to residential use, but this particular piece of ground comes with a variety of issues which make developing the property for commercial uses impractical. Those issues include:

1. There is no frontage for the property and visibility is poor as the parcel is over 550 feet back from 200 North which makes this location largely undesirable.
2. Extension of utilities over 550 feet will be very costly.
3. There is a substantial grade change (approximately 9 feet) between 200 North and the south end of the subject parcel. A great deal of fill would need to be hauled into the site to match the grade at 200 North.
4. Without the grade being matched to 200 North, a sewer lift station would be required for sewer utilities to properly function.
5. The cost estimates to remedy these issues exceed the value of the property.

Additional information regarding this request can be found in the attached staff report which was prepared for the March 14, 2024 Planning Commission meeting as well as the meeting minutes.

City Council Options:

1. Approve the request to amend the June 20, 2019, Development Agreement with Ogden Clinic for Professional Office Space.
2. Deny the request.

Staff Recommendation:

Based on the positive recommendation from the Planning Commission, staff recommends the City Council approve the amendment of the June 20, 2019, Development Agreement with Ogden Clinic for Professional Office Space.

Fiscal Impact:

N/A

ATTACHMENTS:

1. Ogden Clinic Development Agreement Amendment 1 4.11.24
 2. PC Staff Report RZN 1350 W 200 N GC to A1 Brandon Wood 3.14.24 Final
 3. Ogden Clinic Kaysville - Site Plan (3-14-23)
 4. PC Meeting Minutes EXCERPT Wood RZN 3.14.24
 5. 6-20-2019 - DEVELOPMENT AGREEMENT FOR PROFESSIONAL OFFICE SPACE AT 1325 W 200 N Ogden Clinic
-

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

Affecting Tax Parcels #: 11-097-0079 and 11-097-0080

**1ST AMENDMENT TO THE JUNE 20, 2019 OGDEN CLINIC DEVELOPMENT AGREEMENT
FOR A PROFESSIONAL OFFICE SPACE AT 1351 WEST 200 NORTH**

THIS 1st AMENDMENT TO THE DEVELOPMENT AGREEMENT is made and entered into this ____ day of _____, 2024 by and between Kaysville City, a municipal corporation organized and existing under the laws of the State of Utah (hereinafter the “City”), and OGDEN CLINIC (hereinafter the “Developer;”) (“Developer” includes successors and/or assigns of OGDEN CLINIC), as follows:

RECITALS

WHEREAS, Developer and City entered into a Development Agreement for Professional Office Space on June 20, 2019; and

WHEREAS, Ordinance 19-06-03 rezoned two properties at approximately 1325 West 200 North and known by parcel identification numbers 11-097-0044 and 11-097-0036 to General Commercial zoning district and stipulated development standards through the aforementioned Development Agreement; and

WHEREAS, after a lot line adjustment was recorded on November 16, 2023 to accommodate the Ogden Clinic Building caused parcel numbers 11-097-0044 and 11-097-0036 to be wasted and the new parcel numbers of 11-097-0079 (1.07 acres) and 11-097-0080 (3.4 acres) have been respectively assigned; and

WHEREAS, Developer is currently constructing the project as required in the June 20, 2019 Development Agreement and completion of the building is anticipated in early 2025; and

WHEREAS, Developer’s project will only utilize 3.4 acres of the 4.4 acres of property which was rezoned in Ordinance 19-06-03; and

WHEREAS, a 1.07 acre piece of property identified as parcel number 11-097-0079 and formerly identified as parcel number 11-097-0044 has been determined to be excess and not needed for the Ogden Clinic project; and

WHEREAS, an application has been submitted to rezone the 1.07 acre of excess property known by parcel number 11-097-0079 from General Commercial to R-A Agricultural Residential; and

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open public meeting to remove the excess 1.07 acre parcel known by parcel number 11-097-0079 from the Development Agreement; and

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

WHEREAS, on March 14, 2024 the Kaysville City Planning Commission held a public hearing and with a vote of 4-0, made a recommendation of approval to the City Council for the zone change for the property known by parcel number 11-097-0079 and located at approximately 1325 West 200 North to R-A Residential Agricultural which would require removal of said property from the Development Agreement; and

WHEREAS, the City Council, after due consideration of said rezone application and Planning Commission recommendation, has concluded that it is in the best interest of the City and the inhabitants thereof that said R-A Agricultural Residential rezone petition be approved;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. GENERAL DESCRIPTION

A. Area Description. The property upon which the Facility shall be developed (the "Property") is located as shown on the Property Location Map, a copy of which is attached as Exhibit A hereto and incorporated by reference herein. The property is further described as parcels #~~11-097-0036~~, ~~11-097-0080~~ and located at 1351 West 200 North~~11-097-0044~~.

B. Project Description. The project proposed by Developer is a two-story medical office facility consisting of approximately 17,900 square feet, which provides medical care and assistance through multiple specialties as an outpatient service including appointment based services and drop in or urgent care services.

2. DEVELOPMENT STANDARDS AND GUIDELINES

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

(1) Architecture. Developer shall construct the Facility in similar compliance and conformance with the Architecture as set forth in Exhibit B, example architecture.

(2) Building Height. ~~Developer shall follow all Kaysville City ordinances and codes and will work with Kaysville City to ensure the building height falls within appropriate guidelines~~ Building height is not to exceed 45' in height as approved through a Conditional Use Permit by the Planning Commission on May 11, 2023.

(3) Lighting. Exterior lighting on the building and throughout the site shall enhance safe circulation of pedestrians and vehicles while reflecting light away from any adjoining properties or uses. Acceptable lighting fixtures should shield the light source to reduce glare, light trespass into neighboring properties, and light pollution. Parking lot lighting shall be on a timer system so that it can be turned off after hours. Down lighting on buildings may be allowed to remain on after hours.

(4) Fencing. A fence or wall shall be installed along property lines shared with parcel ID 11-097-0030 ~~and 11-097-0034~~. This wall shall be at least eight feet (8') in height and shall be a solid or visual screening structure.

(5) Landscaping. In addition to the landscaping required by Kaysville City Ordinance, trees shall be used to further screen and buffer the property from adjacent properties occupied by homes. Trees shall be required between the southernmost property line and the parking area for the proposed development; these trees should include a mix of evergreen and coniferous trees whose spread or width at maturity covers the width of the southernmost property line creating a visual screen.

(6) Traffic Circulation and Access. Developer agrees to work with Kaysville City at time of site plan and building permit review to design and improve access that ensures safety into and out of the subject property. Should it be deemed appropriate at time of this review, Developer consents allow for multiple points of access into the property, and will install signage that enhances notification to drivers of pedestrians using the D&RGW Rail Trail crossing. Subject to this formal site plan review, Developer consents to the potential of limited turn movements but shall have a minimum of one point of access where left and right hand turn movements are allowed to enter and exit the property.

(7) Retention. As necessary or defined by Kaysville City code the Developer shall retain groundwater in an underground retention system.

B. Findings of Compatibility. In adopting the Development Standards identified in Section 2.A, the City hereby expressly finds that the development of the Facility, in conformance with the Development Standards and this Agreement, promotes the creation of a desirable medical office facility in an appropriate location. The City further finds that the development of the Facility, in conformance with the Development Standards and this Agreement, will not violate the general purpose, goals and objectives of the City Ordinances and any plans adopted by the Planning Commission and City Council of the City.

Subject to the Developer's performance and compliance with the terms of this Agreement and City Ordinances in effect on the date of this Agreement, Developer's rights to develop the Facility in accordance with the approved site plan, construction drawings and building plans is vested.

3. ON-SITE PROJECT IMPROVEMENTS

Developer shall construct and install all site improvements, including utilities, required for the Facility, at Developer's sole cost and expense, in compliance with approvals, and all applicable ordinances, regulations, standards and status of the City, the secondary water provider as applicable, The Central Davis Sewer District, other providers and the State of Utah.

4. OFF-SITE PROJECT IMPROVEMENTS

In accordance with applicable standards and subject to the design approval of the City Engineer, Developer shall construct and install street improvements, sidewalks, utilities, and drainage improvements, on 200 North Street with the construction of the on-site improvements.

5. REPRESENTATIONS OF DEVELOPER

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

B. Ability. Developer represents that it has the ability to timely proceed with the development and construction of the Facility. Developer agrees to begin construction of the Facility as soon as practicable and complete development with occupancy approval by ~~December 31, 2022~~early 2025.

6. ASSIGNMENT

Developer may assign this Agreement to any other third party provided that the City consents to such assignment, which consent shall not be unreasonably withheld, upon a showing to the satisfaction of the City that such third party has the financial ability to perform Developer's obligations hereunder.

The City may withhold approval of assignment, without consequence, if the city reasonably believes that the anticipated assignee will be unable to meet the requirements of this agreement or any City ordinances.

7. BINDING EFFECT

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

8. ATTORNEY'S FEES

In the event that this Agreement or any provision hereof shall be enforced by an attorney retained by a party hereto, whether by suit or otherwise, the fees and costs of such attorney shall be paid by the party who breaches or defaults hereunder, including fees and costs incurred upon appeal or in bankruptcy court.

9. SEVERABILITY

If any term or provision of this Agreement shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or provision shall not affect the enforceability of any other term or provision of this Agreement.

10. CAPTIONS

The section and paragraph headings contained in this Agreement are for the purposes of reference only and shall not limit, expand or otherwise affect the construction of any provisions hereof.

11. GOVERNING LAW

This Agreement and all matters relating hereto, shall be governed by, construed and interpreted in accordance with the laws of the State of Utah.

12. ENTIRE AGREEMENT

This Agreement, together with the exhibits attached hereto, constitutes the entire understanding and agreement by and among the parties hereto, and supersedes all prior agreements, representations or understandings by and among them, whether written or oral, pertaining to the subject matter hereof.

13. CONSTRUCTION

As used herein, all words in any gender shall be deemed to include the masculine, feminine, or neuter gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

14. AUTHORIZATION OF EXECUTION

A. City. The execution of this Agreement by the City has been authorized by the City Council of Kaysville City at a regularly scheduled meeting of that body, pursuant to the notice.

B. Developer. The execution of this Agreement has been duly authorized by the Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

OGDEN CLINIC

ATTEST:

By: _____

TITLE

TITLE

KAYSVILLE CITY

ATTEST:

By:

Tamara Tran
Mayor

Annemarie Plaizier
City Recorder

On the ____ day of _____, 2024, personally appeared before me Tamara Tran, and ANNEMARIE PLAIZIER, who being by me duly sworn did say, each for herself that she, the said TAMARA TRAN, is the Mayor of Kaysville City, Davis County, State of Utah and that she, the said ANNEMARIE PLAIZIER, is the City Recorder of Kaysville City, and that the within and foregoing instrument was signed on behalf of the said Kaysville City by authority of the City Council of Kaysville City and said TAMARA TRAN and ANNEMARIE PLAIZIER, each duly acknowledged to me that the said Kaysville City executed the same and that the seal affixed is the seal of the said Kaysville City.

NOTARY PUBLIC

(SEAL)

STATE OF UTAH)

: ss.

COUNTY OF DAVIS)

On the _____ day of _____, 2024, personally appeared before me, _____, the signer of the foregoing Development Agreement for OGDEN CLINIC, who duly acknowledged to me that he executed the same for and on behalf of OGDEN CLINIC.

NOTARY PUBLIC

(SEAL)

STATE OF UTAH)

: ss.

COUNTY OF DAVIS)

EXHIBIT A

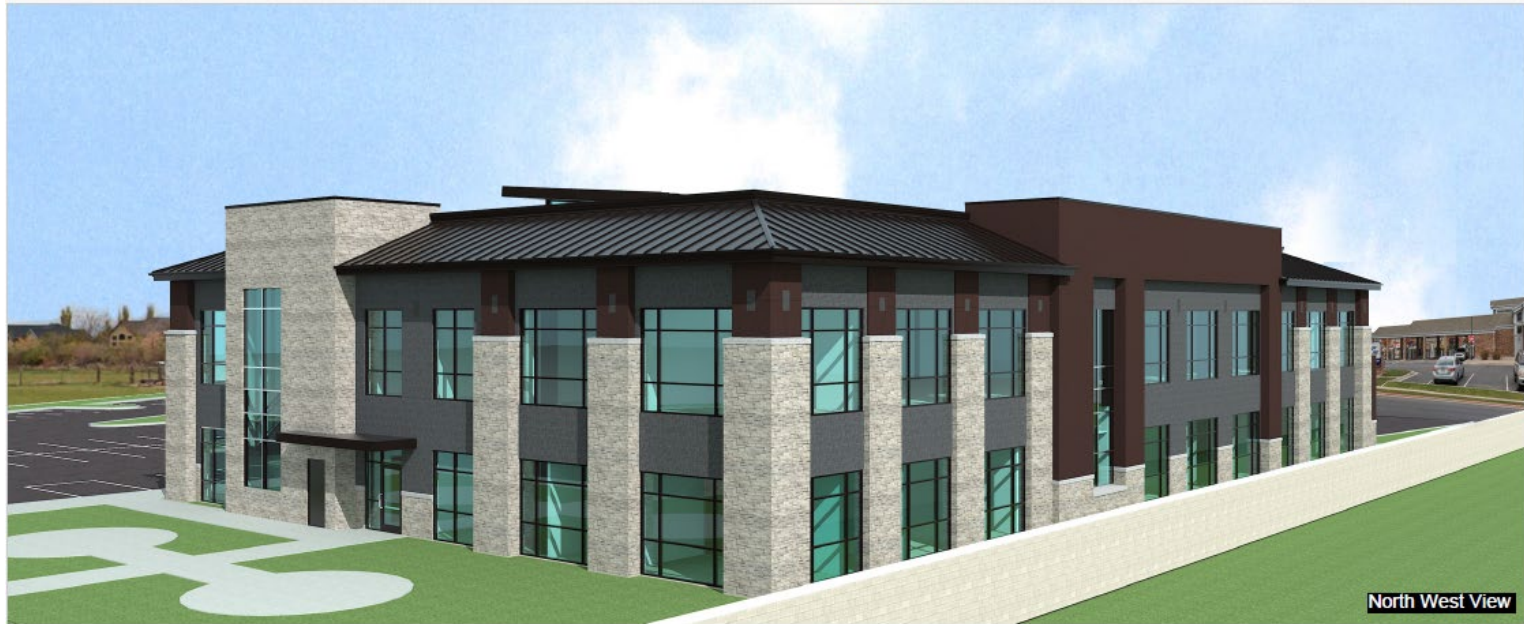


Address: 1351 West 200 North

Parcel ID: 11-097-0080

EXHIBIT B







PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

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

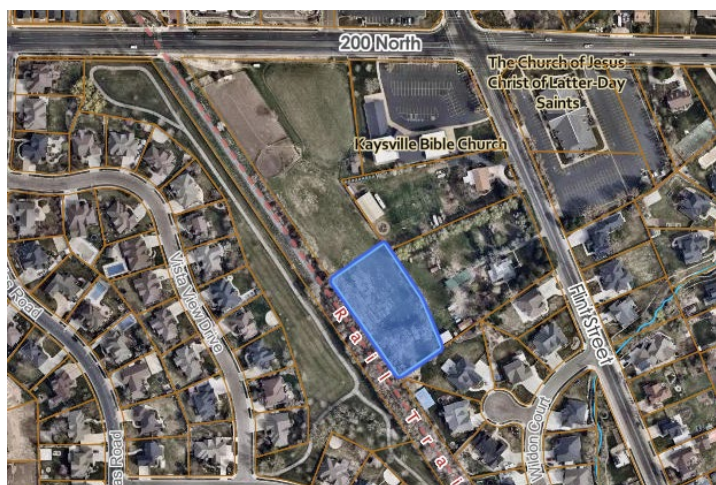
Date: March 8, 2024

Agenda Item #4: Rezone request and Public Hearing for property at approximately 1325 West 200 North from GC General Commercial to R-A Agricultural Residential for applicant Brandon Wood

Meeting Date	March 14, 2024
Application Type	Rezone
Applicant Owner	Brandon Wood
Address Parcel ID Number	1325 West 200 North 11-097-0079
Lot Size	1.09 acres 47,553 ft ²
Current Use	Vacant Parcel
Current Zoning	General Commercial
Density Entitlement	N/A
Requested Zoning	R-A Residential Agricultural
Density Entitlement	2 Dwellings

1. BACKGROUND

The subject property is a 1.09 acre parcel which is currently zoned General Commercial. The property was brought to City for rezone from A-5 to GC General Commercial in May of 2019 as part of the Ogden Clinic project. That project, which is currently under construction, consisted of two parcels totaling 4.7 acres. Ogden Clinic only needed about 3.3 acres for their project (see attached site plan) and the subject property is the unneeded portion from that 2019 rezone. Mr. Brandon Wood, the applicant, submitted an application to rezone the property from GC to R-A Residential Agricultural which has a minimum lot size of 21,780 square feet.



The 2019 rezone was approved through a development agreement (attached). If the rezone is approved, the development agreement must be amended by the City Council to release this parcel from the agreement.

The owner has had difficulty finding a buyer for the property because development of the site has constraints which make costs quite high. There is an elevation drop from 200 North to the south portion of the lot which is approximately nine vertical feet. The cost to haul in enough fill or to construct a sewer left station substantially increases development costs. Further, extension of utilities to the subject property is expensive due to the distance to the subject property.

The applicant submitted the following statement with the rezone request which gives further detail of the development impediments for the site.

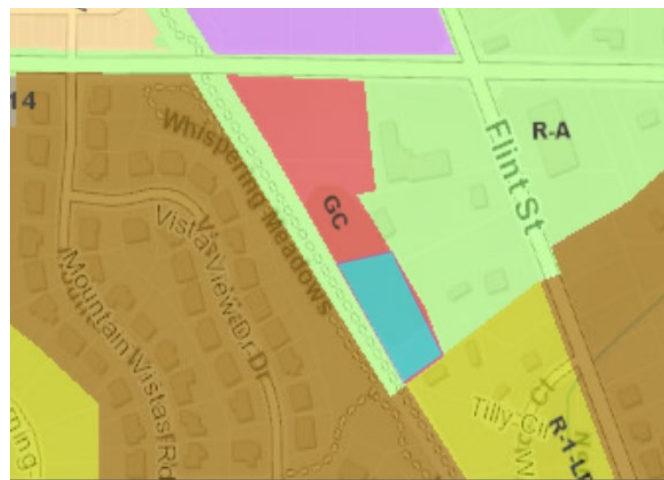
The Ogden Clinic has determined that the southern 1.09 acres of their property is not needed for their development and financially and physically unfeasible as a separate lot for commercial development. The property sits 6 feet below the elevation of 200 North. Additionally, utilities would have to be run approximately 730 feet to serve any buildings built on that property. The estimated cost of improving the 1.09 acre lot would be in excess of \$400,000. The clinic has spent the last 5 months marketing the property. As they have looked at potential users of the property, they have determined that they are not interested in having the back parcel, which would be accessed through their parcel, occupied by someone other than the clinic. Once they sell the property they can't control who occupies it and they have concerns about the about of access across their parking lot that will be occupied by their patients. They are requesting the property be re-zoned back to R-A so that it can be sold to the owner of the adjacent property located at 123 North Flint Street which is also zoned R-A. The proposed buyer for 123 North Flint Street and the Ogden Clinic 1.09 acres is purchasing for a personal residence and is doing so under a deed restriction that would not allow them to build more than 3 houses on the entire combined 3 acres preserving open area.

The applicant is under contract to purchase the Smith property to the east and if this subject property is rezoned, the applicant hopes to include the property with the Smith property, allowing them to create a building lot and have space for horse property. If approved, the property would be accessed from Flint Street.

2. SURROUNDING LAND USE AND ZONING

The parcel is located south of the parcel fronting 200 North at approximately 1325 West 200 North. The characteristics of the surrounding area and neighborhood are provided.

- **Adjacent** – Directly adjacent to the



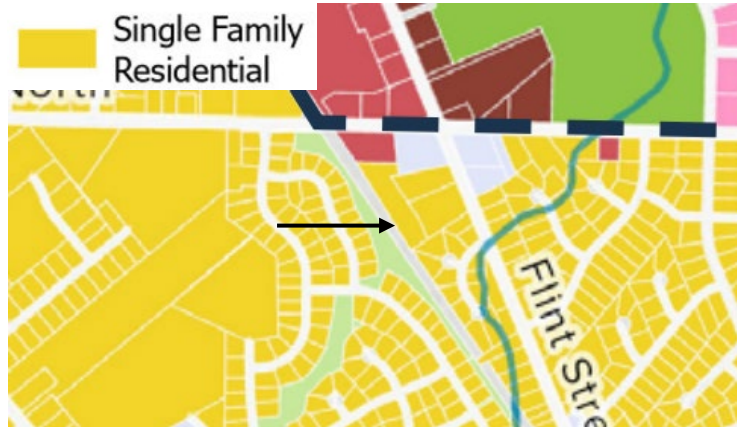
subject property is GC, R-A, R-1-LD and the rail trail.

- **North** – The subject property is bordered by GC, which is the Ogden Clinic project.
- **South** – Directly south of the parcel is R-1-LD.
- **East** – To the east is R-A, with established single-family dwellings.
- **West** – The Rail Trail is west of the subject property, and further to the west is the Mountain Vista Subdivision with established single family homes which are in the R-1-20 zoning district.

3. GENERAL PLAN

The Future Land Use Map in the 2022 General Plan shows the property at the south end of 1325 West 200 North is intended for Single Family, which supports the rezone application.

Chapter 5 of the 2022 General Plan offers this statement: “Economic prosperity and sustainability is key to the success of any city. The careful monitoring and analysis of taxable markets allows for strategic planning and helps the city achieve a stable income.”



The location of this property on 200 North lends to the economic development and prosperity of the City. In this area of 200 North, the average annual daily trips could be up to 14,000 according to Figure 5.5-2017 Average Annual Daily Trip Counts (located on page 88 of the [2022 General Plan](#)).

4. PUBLIC COMMENT

A total of 50 public notices were mailed to property owners within 500’ radius of the subject property, and a sign was placed on the property on Friday March 8, 2024. To date, we have not received any public comments on this item.

5. RECOMMENDATION

With support from the Future Land Map of the 2022 General Plan, this rezone would make the subject parcel compatible with the existing homes and neighborhood character of the adjacent properties on Flint Street.

The 2022 General Plan considers 200 North a viable commercial zone due to the high traffic volume. The loss of limited retail and commercial land would impede the city’s ability to increase sales tax or commercial property tax revenue. The commercial space within the City is limited and therefore the reasoning for eliminating commercially zoned property for residential use should be carefully evaluated.

After consideration of the property’s unique conditions, (grade drop, lack of frontage, and distances to utility connections) and the support of the Future Land Use Map, it would be

reasonable to recommend approval of the proposed zone change from GC to A-1. However, the 2022 General Plan offers limited support for the rezone application and it is uncommon to rezone commercial property to a residential agricultural use.

Staff is neutral on a recommendation for this rezone petition.

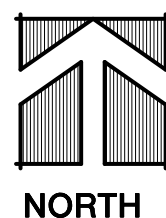
The Planning Commission should weigh the limited support of the 2022 General Plan and make a recommendation of approval or denial to the City Council for the rezone request.

\\CSASERVER2\Carpenter Stringham\Projects\22-001.01_Ogden Clinic Professional Center - Kaysville\CDs\A001.dwg, March 17, 2023 - 4:25 PM



OVERALL SITE PLAN

SCALE: 1" = 40'-0"



NORTH

200 N STREET

S 88°15'09" E 432.84'

N 34°40'01" E 980'

ADJACENT COMMON AREA
(AGRICULTURAL RESIDENTIAL)

ADJACENT LOTS
(SINGLE FAMILY RESIDENTIAL)

PROPOSED BUILDING
15,621 SQ. FT. FOOTPRINT
(2 STORIES)

ADJACENT LOT
(AGRICULTURAL RESIDENTIAL)

ADJACENT LOT
(AGRICULTURAL RESIDENTIAL)

ADJACENT LOT
(AGRICULTURAL RESIDENTIAL)

UNDEVELOPED
(41,553 SQ. FT.)
(1.09 ACRES)

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	17,900 SQ. FT.
LOT COVERAGE	9.3%
PARKING	
STALLS REQUIRED	136 STALLS
STALLS PROVIDED	235 STALLS
ACCESSIBLE STALLS REQUIRED	7 STALLS
ACCESSIBLE STALLS PROVIDED	9 STALLS
LANDSCAPING	26,150 SQ. FT.
LOT COVERAGE	13.6 %

Kaysville City Planning Commission Meeting Minutes

March 14, 2024

EXCERPT

The Planning Commission meeting was held on Thursday, March 14, 2024 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Steve Lyon, Commissioners Wilf Sommerkorn, Debora Shepard, and Erin Young

Planning Commissioners Absent: Commissioners Paul Allred, Mike Packer, and Megan Sevy

Staff Present: Melinda Greenwood, Dan Jessop and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Eric Cheney, Charlie Hunsaker, Miles McFarland, Mark Reed, Randy Clem, Katie Ellis, Dwain Klein, Laurene Starkey, Jill Dredge, Matthey Steed, Brandon Wood, and Kevin Porter

4- REZONE REQUEST AND PUBLIC HEARING FOR APPROXIMATELY 1325 WEST 200 NORTH FOR BRANDON WOOD FROM GC- GENERAL COMMERCIAL TO RA-RESIDENTIAL AGRICULTURAL

Melinda Greenwood introduced the agenda item for the rezone for Brandon Wood. This property is located behind the new Ogden Clinic facility. This property was rezoned in 2019 from A-5 Heavy Agricultural to GC General Commercial. Ogden Clinic only needed 3.3 acres of the total 4.7 acreage. Brandon Wood, the applicant wants to rezone the unneeded property to R-A for his personal use.

Ms. Greenwood shared the surrounding land uses and zoning to the parcel. She also referred to the Future Land Use Map that shows that this parcel should be a single family zone and felt that when the Land Use Map was updated that perhaps the front parcel was to be General Commercial and not the parcel behind it.

Ms. Greenwood said that this property's setbacks would be 30' in the front, 8' for the sides and 30' for the rear yard and does not have any frontage because it has not ever been through the subdivision process. The parcel has some unique conditions with grade drop and long distances to utility connections. If the parcel is rezoned then the City Council will need to amend the Development Agreement from 2019 as well as combining the parcel with those existing residential properties and have the frontage and access come off of Flint Street.

Ms. Greenwood said that the General Plan is used when we go to consider a rezone and the General Plan didn't have to tip the scales to either a recommendation or a denial. However, goal number 1 says that we want to keep the small town atmosphere. So, by returning the property to Agricultural Residential it would allow the property to be utilized the same as the property to the east of it.

Ms. Greenwood said that staff is neutral on the recommendation for the rezone and that there was only one phone call from the public inquiring about the rezone.

Chair Lyon invited the applicant, Brandon Wood to approach the Commissioners.

Brandon Wood said that he represents Ogden Clinic as a Real Estate Broker and was tasked with marketing the unused commercial property. However, development costs to make the parcel viable would be more than what the property is worth. They also discovered that the proposed uses weren't desirable because they would be accessing the clinic's parking lot. Ogden Clinic determined that they would just sell the parcel as residential lot so they could choose not to have a neighbor. After talking to Catherine Smith, an adjacent property owner, she said would sell the property so they could combine them both and he fell in love with the property. He now wanted to purchase both pieces of land. Catherine Smith will have a 35-year deed restriction on the lot so that nothing can be changed beyond what the R-A zone will allow for.

Mr. Wood said that many of the adjacent neighbors reached out to him to let him know they were in support of the purchase and rezone.

Commissioner Sommerkorn asked Mr. Wood what the intent of the rezone was.

Mr. Wood said that the property will remain as R-A for the next 35 years to preserve the open space and he planned to live in the home on the property.

Chair Lyon said that this rezone makes sense for this parcel because there is not enough economic viability in the property.

Commissioner Sommerkorn asked if the fall for the sewer line was coming from 200 North or Flint Street.

Mr. Wood said that he would have to go through Ms. Smith's property for the sewer to connect to Flint Street and she would not allow that and 200 North would not be cost effective option.

Chair Lyon opened up the Public Hearing.

Mark Reed lives east of the property and loves the large pine trees on the street and mentioned the need for curb and gutter for drainage. However, he would hate to see the trees torn down to add in curb and gutter. Mr. Reed also asked for clarification of the use of the property once it is rezoned.

Dwain Kleins said that the rezone in combination with the purchase of Catherine Smith's property makes sense and appreciates the efforts in keeping the small town feeling. He believes this is a great fit for the area and is support of the zone change.

Randy Clem lives east of the property and would be happy to have Brandon Wood for a neighbor and feels strongly that the property remain a residential zone.

Chair Lyon closed the Public Hearing.

Ms. Greenwood addressed the question regarding curb, gutter, and sidewalk saying the city always likes to have that in place, but that is not something the city would require unless or until the property was developed or subdivided.

Commissioner Young feels comfortable with the rezone and thinks that it is a pleasant piece of property with the nearby trail, residential neighbors and is a great solution.

Commissioner Sommerkorn said that the property does not lend itself to commercial development very well and is favor of the rezone.

Ms. Greenwood said that Ogden Clinic has satisfied the terms of the Development Agreement as promised and still allows for adequate parking for the clinic.

Commissioner Sommerkorn made a motion to recommend approval to the City Council the request to rezone the property at approx. 1325 West 200 North from the current GC- General Commercial zone to the R-A- Agricultural Residential zone. Commissioner Young seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

When Recorded, Return to:

Kaysville City
Community Development Office
23 East Center Street
Kaysville, UT 84037

Affecting Tax Parcels No.: 11-097-0036 and 11-097-0044

**DEVELOPMENT AGREEMENT
FOR A PROFESSIONAL OFFICE SPACE**

THIS AGREEMENT is made and entered into this 20 day of JUNE, 2019
by and between Kaysville City, a municipal corporation organized and existing under the laws of
the State of Utah (hereinafter the "City"), and OGDEN CLINIC (hereinafter the "Developer;")
("Developer" includes successors and/or assigns of OGDEN CLINIC), as follows:

RECITALS

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

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

WHEREAS, the City is willing to grant the GC (General Commercial) rezone of the
property and to authorize the development of the Facility proposed by Developer in conformance
with this Agreement, City Ordinances, and applicable Utah law;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth
herein, and other good and valuable consideration, the sufficiency of which is hereby
acknowledged, the parties agree as follows:

AGREEMENT

1. GENERAL DESCRIPTION.

A. Area Description. The property upon which the Facility shall be developed (the “Property”) is located as shown on the Property Location Map, a copy of which is attached as Exhibit A hereto and incorporated by reference herein. The property is further described as parcels #11-097-0036 and 11-097-0044.

B. Project Description. The project proposed by Developer is a medical office facility, which provides medical care and assistance through multiple specialties as an outpatient service including appointment based services and drop in or urgent care services.

2. DEVELOPMENT STANDARDS AND GUIDELINES

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

(1) Architecture. Developer shall construct the Facility in similar compliance and conformance with the Architecture as set forth in Exhibit B, example architecture.

(2) Building Height. Developer shall follow all Kaysville City ordinances and codes and will work with Kaysville City to ensure the building height falls within appropriate guidelines.

(3) Lighting. Exterior lighting on the building and throughout the site shall enhance safe circulation of pedestrians and vehicles while reflecting light away from any adjoining properties or uses. Acceptable lighting fixtures should shield the light source to reduce glare, light trespass into neighboring properties, and light pollution. Parking lot lighting shall be on a timer system so that it can be turned off after hours. Down lighting on buildings may be allowed to remain on after hours.

(4) Fencing. A fence or wall shall be installed along property lines shared with parcel ID 11-097-0030 and 11-097-0034. This wall shall be at least eight feet (8') in height and shall be a solid or visual screening structure.

(5) Landscaping. In addition to the landscaping required by Kaysville City Ordinance, trees shall be used to further screen and buffer the property from adjacent properties occupied by homes. Trees shall be required between the southernmost property line and the parking area for the proposed development; these trees should include a mix of evergreen and coniferous trees whose spread or width at maturity covers the width of the southernmost property line creating a visual screen.

(6) Traffic Circulation and Access. Developer agrees to work with Kaysville City at time of site plan and building permit review to design and improve access that ensures safety into and out of the subject property. Should it be deemed appropriate at time of this review, Developer consents allow for multiple points of access into the property, and will install signage that enhances notification to drivers of pedestrians using the D&RGW Rail Trail crossing. Subject to this formal site plan review, Developer consents to the potential of limited turn movements but shall have a minimum of one point of access where left and right hand turn movements are allowed to enter and exit the property.

(7) Retention. As necessary or defined by Kaysville City code the Developer shall retain groundwater in an underground retention system.

Findings of Compatibility. In adopting the Development Standards identified in Section 2.A, the City hereby expressly finds that the development of the Facility, in conformance with the Development Standards and this Agreement, promotes the creation of a desirable medical office facility in an appropriate location. The City further finds that the development of the Facility, in conformance with the Development Standards and this Agreement, will not violate the general purpose, goals and objectives of the City Ordinances and any plans adopted by the Planning Commission and City Council of the City.

Subject to the Developer's performance and compliance with the terms of this Agreement and City Ordinances in effect on the date of this Agreement, Developer's rights to develop the Facility in accordance with the approved site plan, construction drawings and building plans is

vested.

3. ON-SITE PROJECT IMPROVEMENTS

Developer shall construct and install all site improvements, including utilities, required for the Facility, at Developer's sole cost and expense, in compliance with approvals, and all applicable ordinances, regulations, standards and status of the City, the secondary water provider as applicable, The Central Davis Sewer District, other providers and the State of Utah.

4. OFF-SITE PROJECT IMPROVEMENTS

In accordance with applicable standards and subject to the design approval of the City Engineer, Developer shall construct and install street improvements, sidewalks, utilities, and drainage improvements, on 200 North Street with the construction of the on-site improvements.

5. REPRESENTATIONS OF DEVELOPER

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

B. Ability. Developer represents that it has the ability to timely proceed with the development and construction of the Facility. Developer agrees to begin construction of the Facility as soon as practicable and complete development with occupancy approval by December 31, 2022.

6. ASSIGNMENT

Developer may assign this Agreement to any other third party provided that the City consents to such assignment, which consent shall not be unreasonably withheld, upon a showing to the satisfaction of the City that such third party has the financial ability to perform Developer's obligations hereunder.

The City may withhold approval of assignment, without consequence, if the city reasonably believes that the anticipated assignee will be unable to meet the requirements of this agreement or any City ordinances.

7. BINDING EFFECT

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

8. ATTORNEY'S FEES

In the event that this Agreement or any provision hereof shall be enforced by an attorney retained by a party hereto, whether by suit or otherwise, the fees and costs of such attorney shall be paid by the party who breaches or defaults hereunder, including fees and costs incurred upon appeal or in bankruptcy court.

9. SEVERABILITY

If any term or provision of this Agreement shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or provision shall not affect the enforceability of any other term or provision of this Agreement.

10. CAPTIONS

The section and paragraph headings contained in this Agreement are for the purposes of reference only and shall not limit, expand or otherwise affect the construction of any provisions hereof.

11. GOVERNING LAW

This Agreement and all matters relating hereto, shall be governed by, construed and interpreted in accordance with the laws of the State of Utah.

12. ENTIRE AGREEMENT

This Agreement, together with the exhibits attached hereto, constitutes the entire understanding and agreement by and among the parties hereto, and supersedes all prior agreements, representations or understandings by and among them, whether written or oral, pertaining to the subject matter hereof.

13. CONSTRUCTION

As used herein, all words in any gender shall be deemed to include the masculine, feminine, or neuter gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

14. AUTHORIZATION OF EXECUTION

A. City. The execution of this Agreement by the City has been authorized by the City Council of Kaysville City at a regularly scheduled meeting of that body, pursuant to the notice.

B. Developer. The execution of this Agreement has been duly authorized by the Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

OGDEN CLINIC

ATTEST:



By: 

CEO

TITLE

TITLE

ATTEST:



Annemarie Plaizier
Annemarie Plaizier
City Recorder

KAYSVILLE CITY

By:

Katie Witt
Katie Witt
Mayor

On the 25 day of July, 2019, personally appeared before me KATIE WITT, and ANNEMARIE PLAIZIER, who being by me duly sworn did say, each for himself and herself that he, the said KATIE WITT, is the Mayor of Kaysville City, Davis County, State of Utah and that she, the said ANNEMARIE PLAIZIER, is the City Recorder of Kaysville City, and that the within and foregoing instrument was signed on behalf of the said Kaysville City by authority of the City Council of Kaysville City and said KATIE WITT and ANNEMARIE PLAIZIER, each duly acknowledged to me that the said Kaysville City executed the same and that the seal affixed is the seal of the said Kaysville City.



(SEAL)

Rebecca King Argyle
NOTARY PUBLIC

STATE OF UTAH)

: ss.

COUNTY OF DAVIS)

On the 30 day of July, 2019, personally appeared before me, Kevin Porter, the signer of the foregoing Development Agreement for OGDEN CLINIC, who duly acknowledged to me that he executed the same for and on behalf of OGDEN CLINIC.

Rebecca King Argyle
NOTARY PUBLIC

(SEAL)



STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

EXHIBIT A

Approximately 1325 West 200 North - Rezone from R-A to GC



Exhibit B



CITY COUNCIL STAFF REPORT



MEETING DATE: April 11, 2024

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: Request to rezone 1.09 acres of property located at 1325 West 200 North from GC General Commercial to R-A Agricultural Residential for Brandon Wood

EXECUTIVE SUMMARY:

This item is related to item 6.a regarding the amendment of the Ogden Clinic Development Agreement from 2019. If the Council does not vote to amend the agreement, this item should be denied.

This rezone application was before the Planning Commission at their March 14, 2024, meeting and the Planning Commission voted 4-0 to recommend the City Council approve the rezone request. Three comments were received during the public hearing expressing support for the change from General Commercial to R-A Agricultural Residential. You can review the summarized comments in the attached meeting minutes excerpt.

Additional information regarding this request can be found in the attached staff report which was prepared for the March 14, 2024 Planning Commission meeting.

City Council Options:

1. Approve the rezone request for a 1.09 acre parcel located at 1325 West 200 North from General Commercial to R-A Agricultural Residential.
2. Deny the rezone request.

Staff Recommendation:

Based on the Planning Commission's recommendation of approval, staff recommends the City Council approve the rezone request for a 1.09 acre parcel located at 1325 West 200 North from General Commercial to R-A Agricultural Residential.

Fiscal Impact:

N/A

ATTACHMENTS:

1. PC Staff Report RZN 1350 W 200 N GC to A1 Brandon Wood 3.14.24 Final
2. PC Minutes 3-14-24 Excerpt RZN Brandon Wood 1325 W 200 N

3. Ordinance RZN 1325 West 200 North R-A

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

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

Date: March 8, 2024

Agenda Item #4: Rezone request and Public Hearing for property at approximately 1325 West 200 North from GC General Commercial to R-A Agricultural Residential for applicant Brandon Wood

Meeting Date	March 14, 2024
Application Type	Rezone
Applicant Owner	Brandon Wood
Address Parcel ID Number	1325 West 200 North 11-097-0079
Lot Size	1.09 acres 47,553 ft ²
Current Use	Vacant Parcel
Current Zoning	General Commercial
Density Entitlement	N/A
Requested Zoning	R-A Residential Agricultural
Density Entitlement	2 Dwellings

1. BACKGROUND

The subject property is a 1.09 acre parcel which is currently zoned General Commercial. The property was brought to City for rezone from A-5 to GC General Commercial in May of 2019 as part of the Ogden Clinic project. That project, which is currently under construction, consisted of two parcels totaling 4.7 acres. Ogden Clinic only needed about 3.3 acres for their project (see attached site plan) and the subject property is the unneeded portion from that 2019 rezone. Mr. Brandon Wood, the applicant, submitted an application to rezone the property from GC to R-A Residential Agricultural which has a minimum lot size of 21,780 square feet.



The 2019 rezone was approved through a development agreement (attached). If the rezone is approved, the development agreement must be amended by the City Council to release this parcel from the agreement.

The owner has had difficulty finding a buyer for the property because development of the site has constraints which make costs quite high. There is an elevation drop from 200 North to the south portion of the lot which is approximately nine vertical feet. The cost to haul in enough fill or to construct a sewer left station substantially increases development costs. Further, extension of utilities to the subject property is expensive due to the distance to the subject property.

The applicant submitted the following statement with the rezone request which gives further detail of the development impediments for the site.

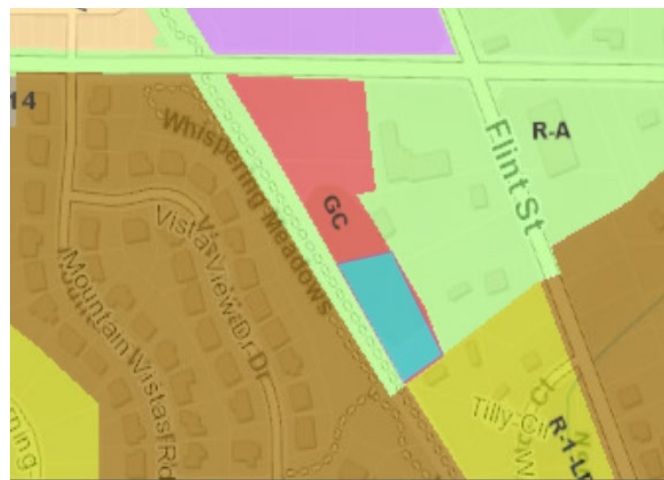
The Ogden Clinic has determined that the southern 1.09 acres of their property is not needed for their development and financially and physically unfeasible as a separate lot for commercial development. The property sits 6 feet below the elevation of 200 North. Additionally, utilities would have to be run approximately 730 feet to serve any buildings built on that property. The estimated cost of improving the 1.09 acre lot would be in excess of \$400,000. The clinic has spent the last 5 months marketing the property. As they have looked at potential users of the property, they have determined that they are not interested in having the back parcel, which would be accessed through their parcel, occupied by someone other than the clinic. Once they sell the property they can't control who occupies it and they have concerns about the about of access across their parking lot that will be occupied by their patients. They are requesting the property be re-zoned back to R-A so that it can be sold to the owner of the adjacent property located at 123 North Flint Street which is also zoned R-A. The proposed buyer for 123 North Flint Street and the Ogden Clinic 1.09 acres is purchasing for a personal residence and is doing so under a deed restriction that would not allow them to build more than 3 houses on the entire combined 3 acres preserving open area.

The applicant is under contract to purchase the Smith property to the east and if this subject property is rezoned, the applicant hopes to include the property with the Smith property, allowing them to create a building lot and have space for horse property. If approved, the property would be accessed from Flint Street.

2. SURROUNDING LAND USE AND ZONING

The parcel is located south of the parcel fronting 200 North at approximately 1325 West 200 North. The characteristics of the surrounding area and neighborhood are provided.

- **Adjacent** – Directly adjacent to the



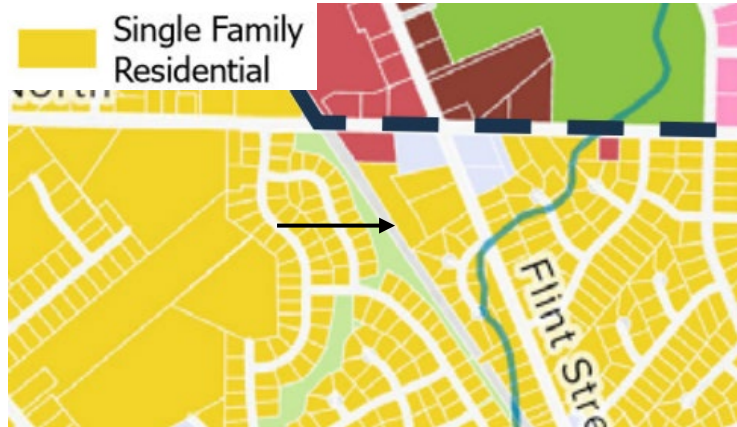
subject property is GC, R-A, R-1-LD and the rail trail.

- **North** – The subject property is bordered by GC, which is the Ogden Clinic project.
- **South** – Directly south of the parcel is R-1-LD.
- **East** – To the east is R-A, with established single-family dwellings.
- **West** – The Rail Trail is west of the subject property, and further to the west is the Mountain Vista Subdivision with established single family homes which are in the R-1-20 zoning district.

3. GENERAL PLAN

The Future Land Use Map in the 2022 General Plan shows the property at the south end of 1325 West 200 North is intended for Single Family, which supports the rezone application.

Chapter 5 of the 2022 General Plan offers this statement: “Economic prosperity and sustainability is key to the success of any city. The careful monitoring and analysis of taxable markets allows for strategic planning and helps the city achieve a stable income.”



The location of this property on 200 North lends to the economic development and prosperity of the City. In this area of 200 North, the average annual daily trips could be up to 14,000 according to Figure 5.5-2017 Average Annual Daily Trip Counts (located on page 88 of the [2022 General Plan](#)).

4. PUBLIC COMMENT

A total of 50 public notices were mailed to property owners within 500’ radius of the subject property, and a sign was placed on the property on Friday March 8, 2024. To date, we have not received any public comments on this item.

5. RECOMMENDATION

With support from the Future Land Map of the 2022 General Plan, this rezone would make the subject parcel compatible with the existing homes and neighborhood character of the adjacent properties on Flint Street.

The 2022 General Plan considers 200 North a viable commercial zone due to the high traffic volume. The loss of limited retail and commercial land would impede the city’s ability to increase sales tax or commercial property tax revenue. The commercial space within the City is limited and therefore the reasoning for eliminating commercially zoned property for residential use should be carefully evaluated.

After consideration of the property’s unique conditions, (grade drop, lack of frontage, and distances to utility connections) and the support of the Future Land Use Map, it would be

reasonable to recommend approval of the proposed zone change from GC to A-1. However, the 2022 General Plan offers limited support for the rezone application and it is uncommon to rezone commercial property to a residential agricultural use.

Staff is neutral on a recommendation for this rezone petition.

The Planning Commission should weigh the limited support of the 2022 General Plan and make a recommendation of approval or denial to the City Council for the rezone request.

Kaysville City Planning Commission Meeting Minutes
March 14, 2024

MINUTE EXCERPT

The Planning Commission meeting was held on Thursday, March 14, 2024 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Steve Lyon, Commissioners Wilf Sommerkorn, Debora Shepard, and Erin Young

Planning Commissioners Absent: Commissioners Paul Allred, Mike Packer, and Megan Sevy

Staff Present: Melinda Greenwood, Dan Jessop and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Eric Cheney, Charlie Hunsaker, Miles McFarland, Mark Reed, Randy Clem, Katie Ellis, Dwain Klein, Laurene Starkey, Jill Dredge, Matthey Steed, Brandon Wood, and Kevin Porter

4- REZONE REQUEST AND PUBLIC HEARING FOR APPROXIMATELY 1325 WEST 200 NORTH FOR BRANDON WOOD FROM GC- GENERAL COMMERCIAL TO RA-RESIDENTIAL AGRICULTURAL

Melinda Greenwood introduced the agenda item for the rezone for Brandon Wood. This property is located behind the new Ogden Clinic facility. This property was rezoned in 2019 from A-5 Heavy Agricultural to GC General Commercial. Ogden Clinic only needed 3.3 acres of the total 4.7 acreage. Brandon Wood, the applicant wants to rezone the unneeded property to R-A for his personal use.

Ms. Greenwood shared the surrounding land uses and zoning to the parcel. She also referred to the Future Land Use Map that shows that this parcel should be a single family zone and felt that when the Land Use Map was updated that perhaps the front parcel was to be General Commercial and not the parcel behind it.

Ms. Greenwood said that this property's setbacks would be 30' in the front, 8' for the sides and 30' for the rear yard and does not have any frontage because it has not ever been through the subdivision process. The parcel has some unique conditions with grade drop and long distances to utility connections. If the parcel is rezoned then the City Council will need to amended the Development Agreement from 2019 as well as combining the parcel with those existing residential properties and have the frontage and access come off of Flint Street.

Ms. Greenwood said that the General Plan is used when we go to consider a rezone and the General Plan didn't have to tip the scales to either a recommendation or a denial. However, goal number 1 says that we want to keep the small town atmosphere. So, by returning the property to Agricultural Residential it would allow the property to be utilized the same as the

property to the east of it.

Ms. Greenwood said that staff is neutral on the recommendation for the rezone and that there was only one phone call from the public inquiring about the rezone.

Chair Lyon invited the applicant, Brandon Wood to approach the Commissioners.

Brandon Wood said that he represents Ogden Clinic as a Real Estate Broker and was tasked with marketing the unused commercial property. However, development costs to make the parcel viable would be more than what the property is worth. They also discovered that the proposed uses weren't desirable because they would be accessing the clinic's parking lot. Ogden Clinic determined that they would just sell the parcel as residential lot so they could choose not to have a neighbor. After talking to Catherine Smith, an adjacent property owner, she said would sell the property so they could combine them both and he fell in love with the property. He now wanted to purchase both pieces of land. Catherine Smith will have a 35-year deed restriction on the lot so that nothing can be changed beyond what the R-A zone will allow for.

Mr. Wood said that many of the adjacent neighbors reached out to him to let him know they were in support of the purchase and rezone.

Commissioner Sommerkorn asked Mr. Wood what the intent of the rezone was.

Mr. Wood said that the property will remain as R-A for the next 35 years to preserve the open space and he planned to live in the home on the property.

Chair Lyon said that this rezone makes sense for this parcel because there is not enough economic viability in the property.

Commissioner Sommerkorn asked if the fall for the sewer line was coming from 200 North or Flint Street.

Mr. Wood said that he would have to go through Ms. Smith's property for the sewer to connect to Flint Street and she would not allow that and 200 North would not be cost effective option.

Chair Lyon opened up the Public Hearing.

Mark Reed lives east of the property and loves the large pine trees on the street and mentioned the need for curb and gutter for drainage. However, he would hate to see the trees torn down to add in curb and gutter. Mr. Reed also asked for clarification of the use of the property once it is rezoned.

Dwain Kleins said that the rezone in combination with the purchase of Catherine Smith's property makes sense and appreciates the efforts in keeping the small town feeling. He believes

this is a great fit for the area and is support of the zone change.

Randy Clem lives east of the property and would be happy to have Brandon Wood for a neighbor and feels strongly that the property remain a residential zone.

Chair Lyon closed the Public Hearing.

Ms. Greenwood addressed the question regarding curb, gutter, and sidewalk saying the city always likes to have that in place, but that is not something the city would require unless or until the property was developed or subdivided.

Commissioner Young feels comfortable with the rezone and thinks that it is a pleasant piece of property with the nearby trail, residential neighbors and is a great solution.

Commissioner Sommerkorn said that the property does not lend itself to commercial development very well and is favor of the rezone.

Ms. Greenwood said that Ogden Clinic has satisfied the terms of the Development Agreement as promised and still allows for adequate parking for the clinic.

Commissioner Sommerkorn made a motion to recommend approval to the City Council the request to rezone the property at approx. 1325 West 200 North from the current GC- General Commercial zone to the R-A- Agricultural Residential zone. Commissioner Young seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

ORDINANCE NO. 23-12-XX

AN ORDINANCE REZONING APPROXIMATELY 1325 WEST 200 NORTH, A CERTAIN 1.09 ACRE PORTION OF KAYSVILLE CITY TO THE R-A AGRICULTURAL RESIDENTIAL DISTRICT; HEREINAFTER FULL DESCRIBED PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open public meeting to rezone the subject property which is 1.09 acres and located at approximately 1325 West 200 North and known as Parcel ID# 11-097-0079 from GC General Commercial to R-A Agricultural Residential; and

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

WHEREAS, on March 14, 2024 the Kaysville City Planning Commission held a public hearing and with a vote of 4-0, made a recommendation of approval to the City Council for the zone change for the property at approximately 1325 West 200 North to R-A Residential Agricultural; and

WHEREAS, the City Council, after due consideration of said rezone application, has concluded that it is in the best interest of the City and the inhabitants thereof that said R-A Agricultural Residential be approved;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Rezone. The real property at approximately 1325 West 200 North, and known by Parcel Identification Number 11-097-0079, containing 1.09 acres (47,553 ft²), of land, shall be rezoned and the Zoning Map amended to R-A Agricultural Residential; and

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: This Ordinance shall take effect upon execution of the ordinance.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this April 11, 2024.

ORDINANCE NO. 23-12-XX

Tamara Tran
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

CITY COUNCIL STAFF REPORT



MEETING DATE: April 11, 2024

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: Request to rezone 0.31 acre of property at 1400 West Willow Brook Lane from A-5 Heavy Agriculture to R-1-14 Single Family for Russell Wilson

EXECUTIVE SUMMARY:

Symphony Homes has applied to rezone a .31 acre parcel of property which is located at approximately 1400 West Willow Brook Lane. The parcel is zoned A-5 and is non-conforming to the existing zone because it is smaller than 210,000 square feet. The surrounding property at 367 South Angel Street was rezoned to R-1-14 at the [February 15, 2024, City Council meeting](#). Since that time, Symphony Homes has acquired that property and wish to rezone the subject parcel to R-1-14 to match the zone at 367 South Angel Street. They intend to create a residential subdivision with both properties.

This item was before the Planning Commission at their March 28, 2024, meeting. No public comments have been received regarding this item. The Planning Commission voted unanimously (6-0) to recommend the City Council approve the rezone petition.

Meeting minutes from the March 28, 2024 Planning Commission are not available, but you can view the agenda item from that meeting [here](#).

Additional details are provided in the attached staff report from the Planning Commission meeting.

City Council Options:

1. Approve the rezone request for .31 acres of property located at 1400 West Willow Brook Lane from A-5 (Heavy Agriculture) to R-1-14 (Single Family Residential).
2. Deny the rezone request.

Staff Recommendation:

Based on the Planning Commission's recommendation of approval, staff recommends approval of the rezone request for .31 acres of property located at approximately 1400 West Willow Brook Lane from A-5 (Heavy Agriculture) to R-1-14 (Single Family Residential).

Fiscal Impact:

N/A

ATTACHMENTS:

1. PC Staff Report A-5 to R-1-14 RZN 1400 W Willow Brook Symphony 3.28.24
 2. Ordinance RZN Symphony 1400 W Willow Brook R-1-14
-

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: March 21, 2024

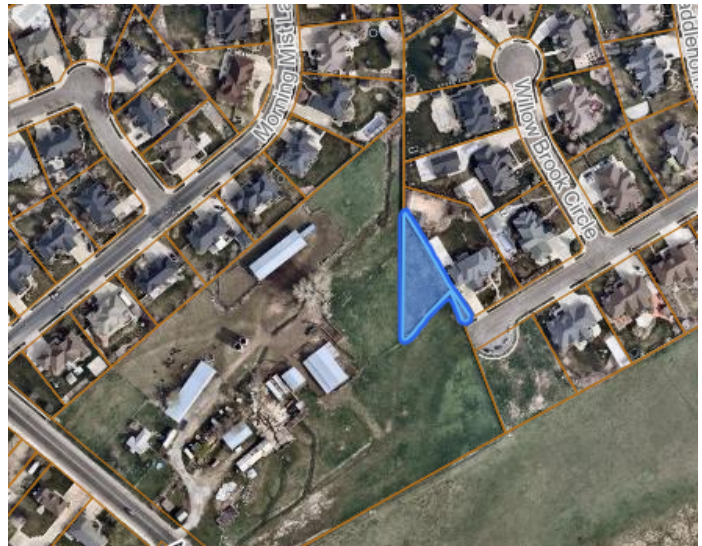
Agenda Item #3: Rezone request and Public Hearing for property at approximately 1400 West Willow Brook Lane from A-5 (Heavy Agriculture) to R-1-14

Meeting Date	March 28, 2024
Application Type	Rezone
Applicant Owner	Russell Wilson SDC Investments, LLC
Address Parcel ID Number	~1400 West Willow Brook Lane 08-009-0097
Lot Size	.31 acres 13,504 ft ²
Current Use	Agriculture
Current Zoning	A-5
Density Entitlement	0 (Non-conforming lot size)
Requested Zoning	R-1-14
Density Entitlement	0

1. BACKGROUND

The proposed rezone application from A-5 to R-1-14, was submitted by Russell Wilson of Symphony Homes. The property is .31 acres and located at approximately 1400 West Willow Brook Lane. The odd shaped parcel is non-conforming, lacking adequate square footage or required frontage to get a building permit.

The parcel is located east of the 7.74 acres at 367 South Angel, which was rezoned on February 15, 2024 from A-5, to R-1-14. Symphony homes now has that larger parcel under contract and is requesting this rezone so it can be included with the development of that property.



2. SURROUNDING LAND USE AND ZONING

The subject parcel is located at the west end of Willow Brook Lane. It is an odd shaped parcel on the north side of the street.

- **Adjacent** – Directly adjacent to the subject property is R-1-20 and R-1-14.
- **North** – The subject property is bordered by R-1-20, and R-1-14.
- **South** – Directly south of the parcel is R-1-14, and R-1-20.
- **East** – To the east is R-1-20 with established single-family dwellings.
- **West** – The newly rezoned R-1-14, which will become single family dwellings.



The application for rezone to R-1-14 is appropriate for the location. The neighborhood characteristics are consistent to R-1-14 and R-1-20 with the established homes to the east, and the new R-1-14 single family dwelling development will be constructed to the west.

3. GENERAL PLAN

The Future Land Use Map in the 2022 General Plan shows the property at 1400 West Willow Brook Lane to be in a Single-Family Dwelling district. The rezone request to R-1-14 is supported by the Future Land Use Map. The yellow color indicates the single family zoning on the future land map below.

The approval of the rezone from A-5 to R-1-14 would provide more single-family lots adding to stock of desired lots to the new subdivision. The R-1-14 setbacks in the new subdivision are the same as the R-1-20 lots to the east. The 30' front, 8' foot sides and 15' rear are consistent with the zoning districts for the majority of the established neighborhoods on the east side of Angel Street. On page 27 of our 2022 General Plan Goal 1 is to preserve and protect Kaysville's "Small Town" atmosphere by limiting change in functioning neighborhood districts. The R-1-14 will provide lots that will accommodate similar houses with the same street appeal, look, and feel as the houses in the less dense R-1-20 adjacent to the proposed rezone.

Goal 3.2, to preserve neighborhood character on page 43 in Chapter 2 Transportation and Connectivity, shows we should use the street design to shape the neighborhood character which this rezone reflects. If this property rezoned to R-1-14 and developed with the neighboring property, the provisions of this goal would support the proposed rezone.



On page 49 of the 2022 General Plan, affordability is promoted. The smaller lots would somewhat assist in filling the gap between R-1-20, and smaller lots on the north end of Angel Street. Last but not least, it will promote Objective 1.3 on page 54, 1.3 allowing for a slightly higher density.

Staff believes the rezone is supported by the 2022 General Plan.

4. PUBLIC COMMENT

Public notices were mailed to affected entities and property owners within 500' radius of the subject property. A sign was placed on the property on Thursday March 7, 2024. To date, no public comments have been received.

5. RECOMMENDATION

Staff is recommending approval of the zone change from A-5 to R-1-14 with support from the 2022 General Plan as a compatible zone for the existing homes and neighborhood character.

The Planning Commission may make a recommendation to the City Council to approve or deny the rezone request.

ORDINANCE NO. 23-12-XX

AN ORDINANCE REZONING 1400 WEST WILLOW BROOK LANE, A CERTAIN .31 ACRE PORTION OF KAYSVILLE CITY TO THE R-1-14 SINGLE FAMILY RESIDENTIAL LOW DENSITY; HEREINAFTER FULLY DESCRIBED; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open public meeting to rezone the subject property, which is .31 acres, and located at approximately 1400 West Willow Brook Lane and known as Parcel ID# 08-009-0097, from A-5 Heavy Agriculture to R-1-14 Single Family Residential; and

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

WHEREAS, on March 28, 2024, the Kaysville City Planning Commission held a public hearing and with a vote of 6-0 made a recommendation of approval to the City Council for the zone change for the property at approximately 1400 West Willow Brook Lane to R-1-14 Single Family Residential Low Density; and

WHEREAS, the City Council, after due consideration of said rezone application, has concluded that it is in the best interest of the City and the inhabitants thereof that said R-1-14 Single Family Residential Low Density be approved;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Rezone. The real property at approximately 1400 West Willow Brook Lane, and known by Parcel Identification Number 08-009-0097, containing approximately .31 acres (13,504 ft²), of land, shall be rezoned and the Zoning Map amended to R-1-14 Single Family Residential; and

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: This Ordinance shall take effect upon execution of the ordinance.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this April 11, 2024.

ORDINANCE NO. 23-12-XX

Tamara Tran
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

CITY COUNCIL STAFF REPORT



MEETING DATE: April 11, 2024

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: An Ordinance to amend Section 17-20-4 Central Commercial Conditional Uses of the Kaysville City Code to remove dwellings as an allowed use

EXECUTIVE SUMMARY:

Community Development Staff are proposing an amendment to remove dwellings as a conditional use from the Central Commercial zone. The City is limited on commercially zoned properties, and losing any property to dwellings is counter to economic development goals.

This change would not preclude property in the Central Commercial zone from having a mixed use overlay zone added to accommodate both commercial businesses and dwellings.

This item was before the Planning Commission at the March 14, 2024 meeting. A public hearing was held, and no comments were received. The Planning Commission voted 4-0 to recommend approval of the text amendment to the City Council.

City Council Options:

1. Approve the amendment to Kaysville City Code 17-20-4 Central Commercial Conditional Uses to remove dwellings as an allowed use.
2. Deny the ordinance amendment.

Staff Recommendation:

Based on the Planning Commission's recommendation of approval, staff recommends the City Council approve the amendment to Kaysville City Code 17-20-4 Central Commercial Conditional Uses to remove dwellings as an allowed use.

Fiscal Impact:

N/A

ATTACHMENTS:

1. Ordinance CC Remove Dwellings Conditional Use 17-20-4
2. PC Staff Report Text Amendment CC Remove Dwelling CUP 3.14.24

3. PC Minutes Excerpt Central Commercial Remove Dweling 3-14-24

**KAYSVILLE CITY
ORDINANCE 24-XX-XX**

**AN ORDINANCE AMENDING TITLE 17-20-4 CENTRAL COMMERCIAL
CONDITIONAL USES TO REMOVE DWELLINGS AS AN ALLOWED
CONDITIONAL USE.**

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open public meeting to amend Kaysville City Code 17-20-4 Central Commercial Conditional Uses to remove dwellings as an allowed conditional use; and

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

WHEREAS, WHEREAS, on March 14, 2024, with a vote of 4-0, the Kaysville City Planning Commission held a public hearing and made a recommendation of approval to the City Council of the proposed text amendment to 17-20-4 Central Commercial Conditional Uses; and

WHEREAS, WHEREAS, the City Council, after due consideration of said amendment, has concluded that it is in the best interest of the City and the inhabitants thereof that said amendment to 17-20-4 Central Commercial Conditional Uses be implemented; and

NOW THEREFORE, be it ordained by the Council of the Kaysville City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “17-20-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

AMENDMENT

17-20-4 Conditional Uses

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

1. Theaters.
2. Motels or hotels.
3. Light industry/research uses subject to the provisions of [KCC 17-23](#).
4. ~~Dwellings~~.
5. Social halls, lodges, fraternal organizations.
6. Amusement arcades.
7. Public utility substations.
8. Sale of beer for consumption on the premises of a full-service restaurant, limited-

- service restaurant, beer-only restaurant, banquet or reception center.
9. Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE KAYSVILLE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Adams	_____	_____	_____	_____
Council Member Blackham	_____	_____	_____	_____
Council Member Hunt	_____	_____	_____	_____
Council Member Jackson	_____	_____	_____	_____
Council Member Oaks	_____	_____	_____	_____

Presiding Officer

Attest

Tamara Tran, Mayor, Kaysville City

Annemarie Plaizier, City Recorder,
Kaysville City



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: February 13, 2024

Agenda Item #: Public Hearing for a text amendment to Kaysville City Code 17-20-4 Central Commercial Conditional Uses to remove Dwellings as an allowed use

Meeting Date	March 14, 2024
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Chapter/ Title/ Section	17-20-4 Central Commercial Conditional Uses

1. BACKGROUND

Staff has discussed eliminating the Conditional Use of a single-family dwelling allowed in the Central Commercial zone ordinance title 17-20-4. Staff feels like it is costing the city the limited and valuable parcels left for viable commercial business to Single Family Dwellings.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Notice was posted on March 8, 2024.

3. GENERAL PLAN

Chapter 5 in the General Plan states in the very first paragraph that prosperity and sustainability is the key to the success of any city. In Goals and Objectives, goal one states to "Promote Kaysville City Center redevelopment to strengthen commercial areas." Staff believes that loss of retail and commercial space to dwellings will take away potential properties where viable business opportunities will be lost.

4. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval to the City Council for the text amendment to 17-20-4 to remove dwellings as a conditional use in the Central Commercial district.

Kaysville City Planning Commission Meeting Minutes

March 14, 2024

EXCERPT

The Planning Commission meeting was held on Thursday, March 14, 2024 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Steve Lyon, Commissioners Wilf Sommerkorn, Debora Shepard, and Erin Young

Planning Commissioners Absent: Commissioners Paul Allred, Mike Packer, and Megan Sevy

Staff Present: Melinda Greenwood, Dan Jessop and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Eric Cheney, Charlie Hunsaker, Miles McFarland, Mark Reed, Randy Clem, Katie Ellis, Dwain Klein, Laurene Starkey, Jill Dredge, Matthey Steed, Brandon Wood, and Kevin Porter

7- PUBLIC HEARING FOR A TEXT AMENDMENT FOR TITLE 17-20-4 CENTRAL COMMERCIAL CONDITIONAL USES

Dan Jessop introduced the agenda item for a Public Hearing for Title 17-20-4 Central Commercial Conditional Use text amendment. He explained that this item is before the Planning Commission because there is a limited amount of commercial property the city should not allow for dwellings to be built there. He said that if there is a mixed-used overlay then a dwelling would be allowed.

Commissioner Young asked for clarification that this amendment would still allow for mixed-use dwellings.

Commissioner Sommerkorn said that this amendment would still allow for a mixed-use dwelling in Central Commercial.

Chair Lyon opened up the Public Hearing.

Chair Lyon closed the Public Hearing.

Ms. Greenwood said that staff is recommending approval of this amendment.

Commissioner Sommerkorn made a motion to recommend to City Council the modified list of conditional uses in the Central Commercial zone to remove dwellings. Commissioner Young seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay