



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

The Kaysville City Planning Commission will hold a regular meeting on July 11, 2024, at 7:00 PM in the Council Chambers of the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

1. Welcome and Meeting Order
 - a. Elect a Planning Commission Chair and Vice Chair
2. Declaration of Conflict of Interest
3. Conditional Use Permit for Farm Animals for 789 East 80 North for Nicole Burton
4. Conditional Use Permit for a Major B Home Occupation, Wasatch Kinder-Prep, 556 East 1150 South for Meredith McCombs
5. Conditional Use Permit for Rockn' Robyn Preschool, Major B Home Occupation, 916 Willowmere Drive for Robyn Eberherd
6. Consideration of a rezone application for 1735 South 550 West from A-1 Light Agricultural District to R-4 One to Four Family Residential District for applicant Bryan Carling
7. Consideration of establishing a temporary land use regulation as allowed by State Code 10-9a-504 for appropriate car wash locations and regulatory standards
8. Approval of the minutes from the June 13, 2024 Planning Commission Meetings
9. Approval of the minutes from the June 27, 2024 Planning Commission Meeting
10. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
11. Adjournment

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

Mindi Edstrom
Community Development Department

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Anne McNamara, Senior Planner
Date: July 2, 2024

Agenda Item #3: Conditional Use Permit for Farm Animals at 789 East 80 North Nicole Burton

Meeting Date	July 11, 2024
Application Type	Conditional Use For Animals
Applicant Owner	Heather Burton
Address Parcel ID Number	789 East 80 North 11-492-0001
Zoning	R-1-8
Lot Size	1.95 acres 84,942 ft ²
Current Use	Single family dwelling

1. BACKGROUND

Heather Burton and her family would like to place 6 goats on the northern side of their property for the remainder of the summer and into the fall. The goats will be used to help maintain the overgrown grass, etc. on the property's hillside that the resident is unable to mow manually. There is a water source already in place for goats/animals. The zoning code allows animals as a conditional use as indicated below.



Figure 1: An aerial photograph of the site.

To have any farm animals, the property must be a minimum of 4,000 ft², so this property is eligible for a CUP for farm animals.



Figure 2: Street view photograph of the subject property.

17-12-4 Conditional Uses

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

- 1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
- 2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
- 3. Instructional Home Occupation Subject to the provisions of KCC 17-26.
- 4. Residential child care subject to the provisions of [KCC 17-26](#).
- 5. Public utility substations subject to the provisions of [KCC 17-31-15](#).
- 6. Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#).

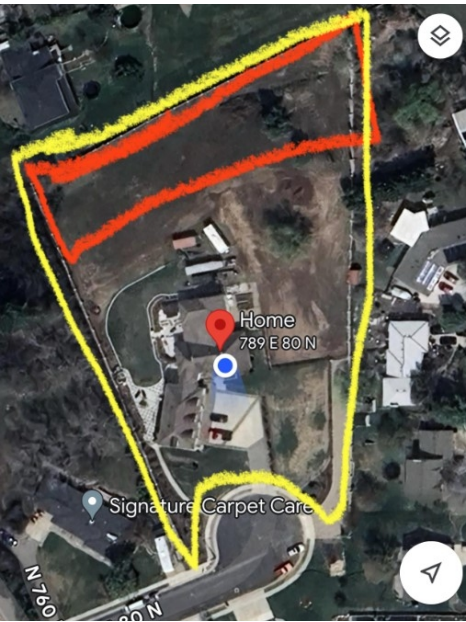


Figure 3: Diagram of where the applicant will be placing the goats on the property (shown in red).

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be 4,000 square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	4,000	500
	8,000	500
	14,000	500
	20,000	500
	21,780	500
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890
Swine, including pot belly pigs	43,560	43,560

Figure 4: City Code Matrix in Chapter 17 outlining animal allowance standards.

By staff’s calculations, the size of the property (84,942 ft²) would allow for up to 8 goats on the property. Other animal regulations from the chapter on farm animals include:

17-24-3 Yard And Structure Regulations

1. Structures for the care and keeping of fowl, rabbits or similar animals may be permitted in all districts where fowl, rabbits or similar animals are permitted, provided that all such structures are located at least fifteen feet (15') from all buildings on adjacent lots predominantly used or occupied by humans. Other structures for the care and keeping of farm animals except swine, may be permitted in all districts where farm animals are permitted, provided that all such structures are located at least fifty feet (50') from all buildings on adjacent lots predominantly used or occupied by humans. Structures for the care and keeping of swine shall be located at least two hundred feet (200') from all buildings on adjacent lots predominantly used or occupied by humans.
2. Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.
3. Farm animals must be kept within an enclosed area or structure sufficient to contain the animals on site.

2. ZONING

The property located at 789 East 80 North (Parcel #11-492-0001) is zoned as R-1-8 Single Family Residential according to KCC 17-12-4. The minimum lot area for the R-1-8 is 8,000 square feet per KCC 17-2-6, with a minimum lot width of 60 feet. The subsection in this chapter of the code also requires a 30-foot front yard, a minimum 15-foot rear yard and a minimum eight-foot side yard on each side of the dwelling totaling no less than 16 feet when combined.

3. SURROUNDING NEIGHBORHOODS & USES

The property is surrounded by largely a mixture of low density residential and agriculture on the city's eastern border with the City of Fruit Heights. These two uses of residential dwellings and low-density agriculture are consistent with the existing zoning of the project site, and would be compatible with the proposed conditional use.

Adjacent zoning:

- To the north of the property is primarily residential dwellings zoned as R-1-8, with one PU zoned city-owned property directly north of the site, and two agricultural zoned A-1 properties to the northeast.
- To the east of the property is land outside of Kaysville city jurisdiction.
- To the west is a larger area zoned under R-D, the Diverse Residential district which is a low density residential district containing similar lot sizes and types.
- To the south of the property is an extension of the R-D zone found to the west of the property, containing more single-family residential dwellings of comparable size.

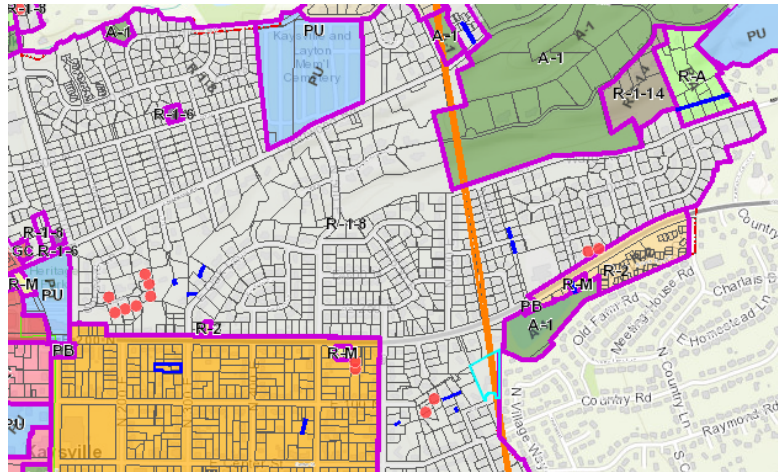


Figure 5: Neighboring zoning districts adjacent to the site.

4. FINDINGS

- a. Lot dimensions: The KCC Chapter 17-24 regulating the keeping of farm animals, provides dimensional requirements for properties planning to accommodate animals according to available square footage. According to KCC 17-24-2, the minimum lot size for any residential lot allowing farm animals is 4,000 square feet. The minimum lot size for sheep, goats, llamas, or other animals is 20,000 square feet, with a minimum square footage per animal of 10,000 square feet. The subject property meets these regulatory requirements and can allow for up to 8 goats.
- b. Nuisance abatement: According to 17-24-3, the applicant is required to show that odor, dust, noise or drainage will be controlled to allow for avoidance of nuisances being created for adjacent properties and uses. The applicant is responsible for the maintenance of conditions on site that will prevent nuisance conditions by ensuring that the standard for structures under KCC 17-24-3 are met by locating any animal associated structures at least fifteen feet from buildings on adjacent lots that are occupied. The subject property can accommodate these requirements.
- c. Screening from adjacent properties: Farm animals are required to be in an enclosed area or structure onsite to provide containment of the animals to the appropriate areas according to the provisions in KCC 17-24-3. The applicant will be responsible for the construction and maintenance of these enclosures.

5. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on Friday, July 5, 2024.

6. RECOMMENDATION

Staff is recommending approval of this Conditional Use Permit for farm animals located at 789 East 80 North for Nicole Burton with any conditions Planning Commission may deem appropriate.

Conditions of Approval:

- a. The applicant shall maintain conditions on site that will prevent nuisances such as odor, dust, noise or drainage.
- b. The applicant shall only construct structures that meet the standards set forth in KCC 17-24-3, which require any animal associated structures be located at least fifteen feet from buildings on adjacent lots that are occupied by humans.
- c. The applicant shall construct and maintain any animal related structures or enclosures in accord with the provisions found in KCC 17-24.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Anne McNamara, Senior Planner
Date: July 3, 2024

Agenda Item # 4: Conditional Use Permit for a Major B Home Occupation for Wasatch Kinder Prep for Meridith McCombs located at 556 East 1150 South

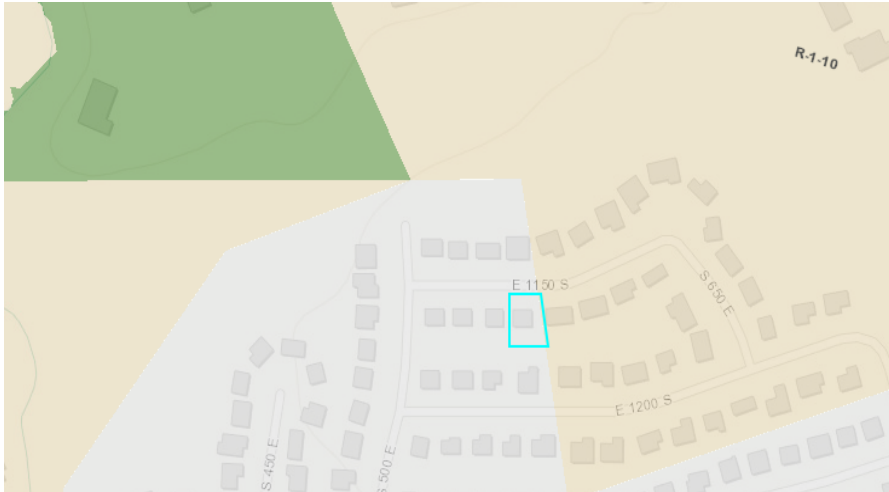
Meeting Date	July 11, 2024
Application Type	Conditional Use Permit
Applicant Owner	Meridith McCombs
Address Parcel ID Number	556 East 1150 South 081560092
Lot Size	0.4 acres 10,018.8 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation

- BACKGROUND:** Meridith McCombs applied for a Major B Home Occupation business license for her business Wasatch Kinder-Prep. The preschool will be located in the home, and aims to prepare students for kindergarten. The preschool will be operating from the hours of 9:00am to 12:00pm Mondays through Fridays. The activities for the students will be taking place both inside the home as well as outside in the property's backyard.



2. ZONING

This property is zoned R-1-8. [KCC 17-26-4](#) Major Home Occupations B allows for and regulates business such as preschools like the one Ms. McCombs is proposing.



3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on July 5, 2024.

4. RECOMMENDATION

Staff is recommending approval of this application with any conditions the Planning Commission feel are appropriate.

Findings for a recommendation of approval include:

- A. The proposed use is consistent with the [KCC 17-26-4 Major Home Occupation B](#) regulations for a preschool.
- B. The applicant has been made aware of Major B Home Occupation regulations and has agreed to comply.
- C. The application has been reviewed by staff and the business is compliant with City Zoning and the Utah State Department of Commerce.

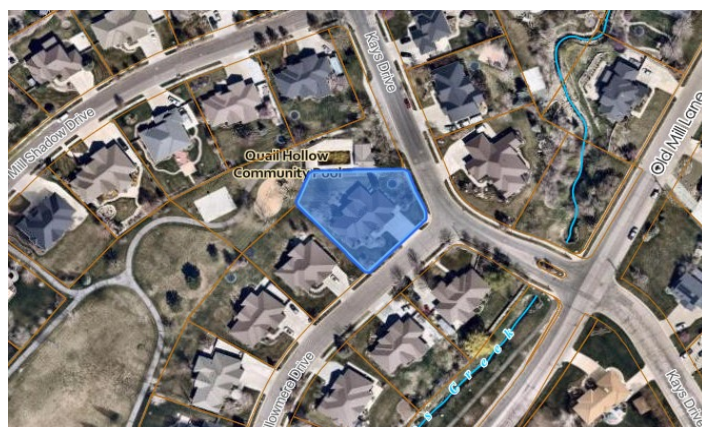
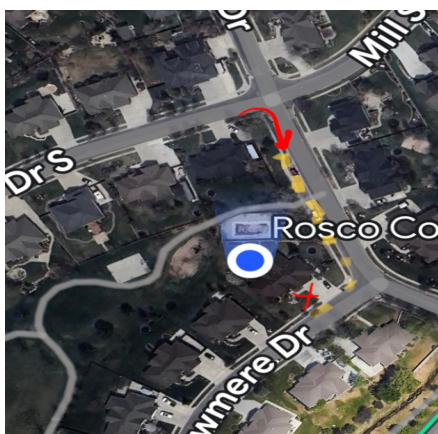
PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Anne McNamara, Senior Planner
Date: July 3, 2024

Agenda Item #5: Conditional Use Permit for a Major B Home Occupation for Rockin' Robyn Preschool for Robyn Eberhard located at 916 West Willowmere Drive

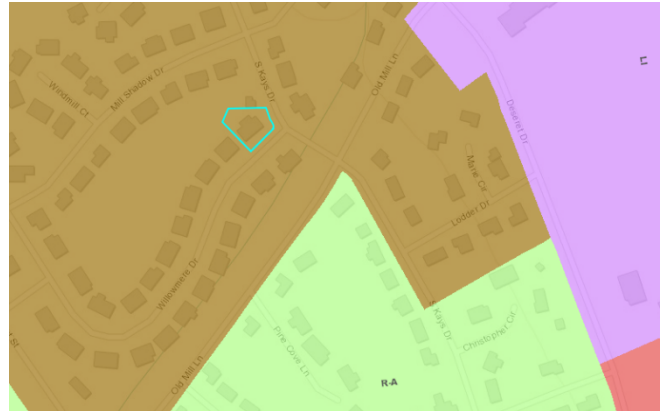
Meeting Date	July 26, 2023
Application Type	Conditional Use Permit
Applicant Owner	Robyn Eberhard
Address Parcel ID Number	916 West Willowmere Drive 11-597-0069
Lot Size	0.4 acres 17,424 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation for a Preschool

- BACKGROUND:** Robyn Eberhard applied for a Major B Home Occupation business license for her business Rockin' Robyn Preschool. The preschool will be located in the basement of Ms. Eberhard's home. She will have designated areas for student drop off and pick up as indicated in the diagram provided below.



2. ZONING

This property is zoned R-1-20. [KCC 17-26-4](#) Major Home Occupations B allows for and regulates business such as preschools like the one Ms. Eberhard is proposing.



3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on July 5, 2024.

4. RECOMMENDATION

Staff is recommending approval of this application with any conditions the Planning Commission feel are appropriate based on [KCC 17-30-8 Conditional Use Standards](#).

Findings for a recommendation of approval include:

- A. The proposed use is consistent with the [KCC 17-26-4 Major Home Occupation B](#) regulations for a preschool.
- B. The applicant has been made aware of Major B Home Occupation regulations and has agreed to comply.
- C. The application has been reviewed by staff and the business is compliant with City Zoning and the Utah State Department of Commerce.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Melinda Greenwood, Community Development Director
Date: July 5, 2024

Agenda Item #6: Consideration of a rezone application for 1735 South 550 West from A-1 Light Agricultural District to R-4 One to Four Family Residential District for applicant Bryan Carling

Meeting Date	July 11, 2024
Application Type	Rezone
Applicant Owner	Bryan Carling MOBA LLC
Address Parcel ID Number	1735 South 550 West 08-027-0008
Lot Size	2.8 acres 121,968 ft ²
Current Use	Agricultural
Current Zoning	A-1 Light Agricultural District (40,000 ft ² min. lot size)
Density Entitlement	3 dwelling units
Requested Zoning	R-4 One to Four Family Residential District (3,000 ft ² min. lot size)
Density Entitlement	≤ 40 dwelling units (27 Units Proposed)

1. BACKGROUND

Bryan Carling submitted an application to rezone property located at approximately 1735 South 550 West from A-1 to R-4, which is a medium density zone. The property has historically been used for the keeping of horses and is largely surrounded by undeveloped agricultural land.

Access to the property comes from 550 West, but as of now this is a private drive and is not a public road. The property is 2.8 acres in size and is located on the east side of the private drive.



If the property were to be subdivided with the A-1 zoning, the potential to have three dwelling units is possible. If the R-4 zoning were to be implemented, although unlikely, the density allowed could be

as many as 40 units. *It should be noted that in either subdivision scenario described in this paragraph the land needed to dedicate a public road and property dimensions are not taken into account. The number of allowable lots is likely 20-30% less than the figures outlined above.*

A rezone application has the applicant provide a statement as to the purpose of the request. Mr. Carling stated:

To plan for and soon develop a neighborhood of affordable homes to moderate income earners that grew up in Kaysville and or work in Kaysville, such as city staff employees, police and fire employees, school teachers, people who work in our service businesses, etc. The final dwellings would be designed to be three bedroom, 2 to 2 & 1/2 bathroom, 2 car garage, with a private defined backyard, with a dedicated and correctly build 55 foot wide city street.

The rezone application also requires the applicant to explain how the zone change would support the Kaysville City General Plan and benefit the community. Mr. Carling stated:

This zoning request will attempt to create more “affordable” housing in our city where too many single home lots have dominated all prior decades of development. The majority of Davis High School graduates have no where to look to actually own and afford a home in Kaysville. With land costs and higher interest rates, only the very wealthy can currently afford to live in new housing in Kaysville. This is in compliance with Utah State guidance for every community and city in the State.

The 2.8 acres has a north to south dimension of 215 feet. The desire is to have a 55 foot standard street width dedicated to the city. This leave 80 feet on either side of this proposed street. With the standard front setback of 25 feet and the standard rear setback of 15 feet, that leaves a home footprint of 40 feet front to back. This will allow for a decent sized main floor including a two car enclosed garage. Main floors would have a kitchen, dining, great room, entrance and hallway with stairs leading to an upper floor. The upstairs would be finished to allow for three rooms with flexibility for so many people who now work from home. It is not likely there would be basements in this area due to the lower elevation and potential higher ground water in future years. Informal mapping is able to be provided upon request for discussion and before public hearing.

Mr. Carling also submitted a subdivision concept (attached) that proposes 27 single family dwellings and the initial creation of eight lots. Four of those lots would be about 10,000 ft² square feet and the other four would be about 12,000 ft². The subdivision concept also includes a public road with a stubbed road leading to the parcel south of the Carling property.

2. SURROUNDING LAND USE

When contemplating a rezone, a careful look at the existing character of the area should be considered. The parcel is surrounded by land that is zoned agricultural and is located on a private drive which is unimproved. The property is on the east side of 550 West and is located in the

southwest quadrant of the City west of Sunset Drive. The current zoning and existing characteristics are discussed in more detail in the bulleted list below.

- **Adjacent** – Directly adjacent to the subject property are agricultural uses and some single family homes to the east.
- **North** – Properties to the north are zoned R-A, which is a single family agricultural zone that requires a minimum lot size of 21,780 ft². There are three undeveloped parcels north of the subject property. Further north of that are single family homes which are also zoned R-A.
- **South** – Directly south of the parcel are properties which are zoned R-A. Further south are properties which are zoned A-5 Heavy Agriculture. The border between Kaysville and Farmington is also south of the subject property.
- **East** – Properties to the east are in the A-1 zone and have lots which front Sunset Drive and have single family dwellings. Across Sunset Drive are single family homes in the R-1-20 zone.
- **West** – Across the private drive on 550 West are properties within the R-A Agricultural Residential zone, which requires a minimum lot size of 21,780 ft². Directly across the street from the Carling property is Bridle Up Hope, a 501(c)(3) which is an equestrian center for girls and women in need of hope, confidence and resilience. Further to the west is the Sunset Equestrian Center.

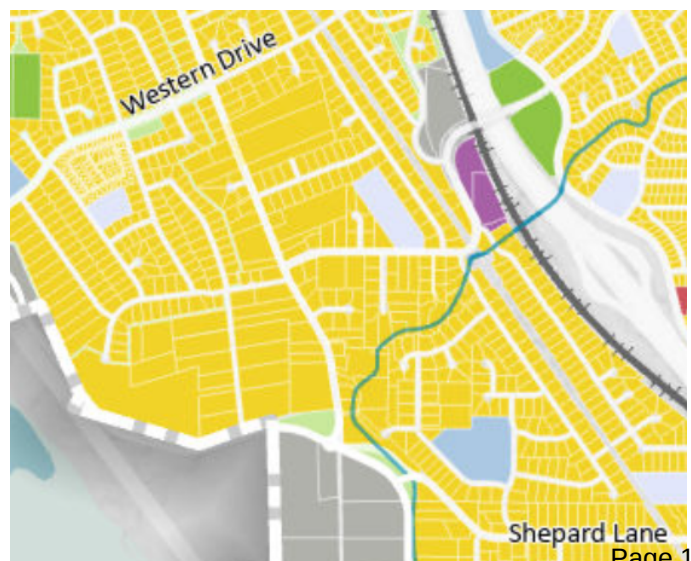


The area surrounding the subject property allow single family homes even though they are considered agricultural zones. Those properties are all categorized as low density single family, and a change to the R-4 zone could allow attached dwelling units in numbers of two, three or four, depending on lot size. The rezone would bring medium density to the area which doesn't currently exist and allow lots as small as 3,000 ft². It is reasonable to believe the area will develop in the future, however, even with that thought, the R-4 zone is a stark contrast to the existing conditions and currently does not seem to be a good fit.

3. 2022 GENERAL PLAN

a. FUTURE LAND USE MAP

The 2022 General Plan Future Land Use Map indicates the property is to be used as single family. The proposed zone change to medium density and possible multifamily would not be supported by this particular portion of the 2022 General Plan. If the applicant was to develop the property with single family dwelling units,



which is a permitted use, the Future Land Use Map would support the rezone.

b. GUIDING PRINCIPLES

The 2022 General Plan has several additional components which support the rezone application and proposed project. One of the five **guiding principles** says the City should look to:



Provide diverse housing options

We will work to preserve our existing neighborhoods while accommodating a full range of housing opportunities to meet the economic, lifestyle and life-cycle needs of our residents.

Provide diverse housing options - We will work to preserve our existing neighborhoods while accommodating a full range of housing opportunities to meet the economic, lifestyle and life-cycle needs of our residents.

The proposed R-4 zoning and small lots will increase the housing supply in Kaysville and provide additional options which do not currently exist, especially in this area of the City.

c. GOALS, OBJECTIVES AND IMPLEMENTATION MEASURES

The 2022 General Plan has a section of goals, objectives and implementation measures at the end of each chapter. Staff has reviewed these sections to determine if there is adequate support for the rezone request.

- i. **Chapter 1 Land Use & Placemaking Plan** outlines Goal 1 and 5, which do not entirely support the R-4 rezone. However, Goal 8 in the same chapter does support the rezone request.

Goal 1: Preserve and protect Kaysville's "small town" atmosphere by limiting change in functioning neighborhoods and districts. It is reasonable to suggest this agricultural district is functioning and changing the area by adding medium density housing would detract from the existing atmosphere. The Planning Commission should give this goal adequate consideration as the rezone approval would set a tone for the area and shift the rural agricultural feel which currently exists.

Goal 5: Preserve and enhance Kaysville's remaining pastoral atmosphere and agricultural history through careful planning and the preservation of open space. The objectives which support this goal speaks to cluster subdivisions and conservations easements. This goal could be perceived as both supporting and opposing the R-4 rezone. Because the R-4 rezone requires the dedication of at least 600 square feet of open space per unit, one could consider this a cluster subdivision of sorts. With 27 units proposed for multifamily units, the development would need to provide at least 16,200 ft² of open space.

Conversely, the development of 2.8 acres in a well-established agricultural area could be seen as the antithesis of this goal, especially when R-4 is a medium density zone.

Goal 8: Provide a range of housing options and price points that help ensure Kaysville is an affordable place to live. Kaysville is limited in its existing housing options and affordability. The provision of 27 residential units on small lots would diversify housing options and price points, especially in this area of the community.

ii. **Chapter 3: Housing and Neighborhoods**

The General Plan was amended in November of 2022 to account for the State's laws which are designed to increase the production of moderate income housing. Cities must now include moderate income housing goals in general plans. Given the State's requirement, stringent reporting and compliance reviews, staff believes the following goals and objectives should hold a greater weight than goals and objectives in other chapters which are unchecked by the State.

Goal 1: Provide a full range of housing opportunities to meet economic, lifestyle, and lifecycle needs and expectations for residents. Rezoning this property to R-4 would provide needed housing which is outside the large lots that are traditionally offered in Kaysville, specifically in this area of the city.

Objective 1.3: Rezone for densities necessary to facilitate the production of moderate income housing. The density and type of housing offered by the proposed R-4 rezone should facilitate housing which is considered moderate income housing. The bulk of housing offered in Kaysville is single family housing on large half or third acre lots which are not conducive to affordability.

Because of the Moderate Income Housing requirements, the goals and objectives in Chapter 3 offer weighted support for this rezone and project.

While the 2022 General Plan contains some information that is counter to the proposed rezone, there are principals, goals, objectives which outweigh those and support the requested R-4 rezone.

4. ZONING

The purpose statement for the [R-4 One to Four Family Residential District](#) states:

To provide for areas in appropriate locations where quiet medium density development may be established, maintained and protected. The regulations permit the establishment of one, two, three and four-family dwellings, and also permit, with proper controls, public and quasi-public activities such as schools, libraries, churches, parks and playgrounds.

Single family dwellings as well as multifamily dwellings of no more than four units are allowed in the zone. The R-4 zone requires frontage of at least 70' for a main building and setbacks are 25' for the front yard and 8' for side yards. The rear yard setback is ~~not defined~~ 15'. (Updated 7-9-24)

Lot size for R-4 dwellings require:

- 8,000 ft² – One or two-family dwelling
- 10,000 ft² – Three-family dwelling
- 12,000 ft² – Four-family dwelling

Buildings must be at least 10' in height and cannot exceed 30' in height. The R-4 zone also requires 600 ft² of open space per unit and 20 ft² of outdoor storage space for each unit.

The Planning Commission should determine whether or not the R-4 zone would be an appropriate zone for this location.

5. PUBLIC NOTICE AND PUBLIC COMMENT

Public notices were mailed on Friday, June 28, 2024 and a sign was placed on the property on that same day.

As of the date of this report, ten email comments have been received through the Planning Commission contact portal on the City's website. Three comments were outright opposed to the development being approved. While no comments were expressing explicit support, three out of the ten total comments asked for adjustment to road connectivity and routing of traffic if the rezone were to be approved. The majority of comments concerned road planning and relevant traffic safety issues with the development, and these comments numbered almost half of the total comments received. A handful of comments were also received regarding concerns about density, health impacts of further development, and questions about the proposed pricing for the units the project would produce.

A neighboring property owner also came into the office to express his concern about the development and impacts it may have on their property. The property owner had many questions which we answered but overall they are not supportive of the rezone and feel that it does not fit the area.

Staff would like to address concerns and questions which have been submitted by residents.

Street Improvements and Traffic: A rezone request concerns what type of a use is allowed on property. While relevant, a road connection would be addressed in the next phase of development, which would be a subdivision. City code requires that each lot abut a paved street. The access to the property currently comes from a private drive which is unimproved. That private drive connects into Mare Drive which is an improved public road.

If the subject property were to be subdivided, the City would require 550 West be improved to city standards as well as the street within the subdivision. The improvement of the road will require property dedication for the ROW and coordination between multiple parties who own property fronting 550 West. Costs for these improvements will be on those who develop the property. A

pioneering agreement for the road improvements will likely be necessary as the City does not allow half-widths for road improvements.

The applicant has shown a road through the subdivision with a road stub connecting to the property to the south. A likely outcome of the subdivision process would be a road stub to the properties to the north and the south.

When the entire area is developed, 500 West will connect into Mare Drive as well as Shepard Lane.

Housing costs: Pricing of the homes cannot be determined until a later time, but the applicant has indicated he would like to have them fit within the moderate income housing range. Per state code, "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

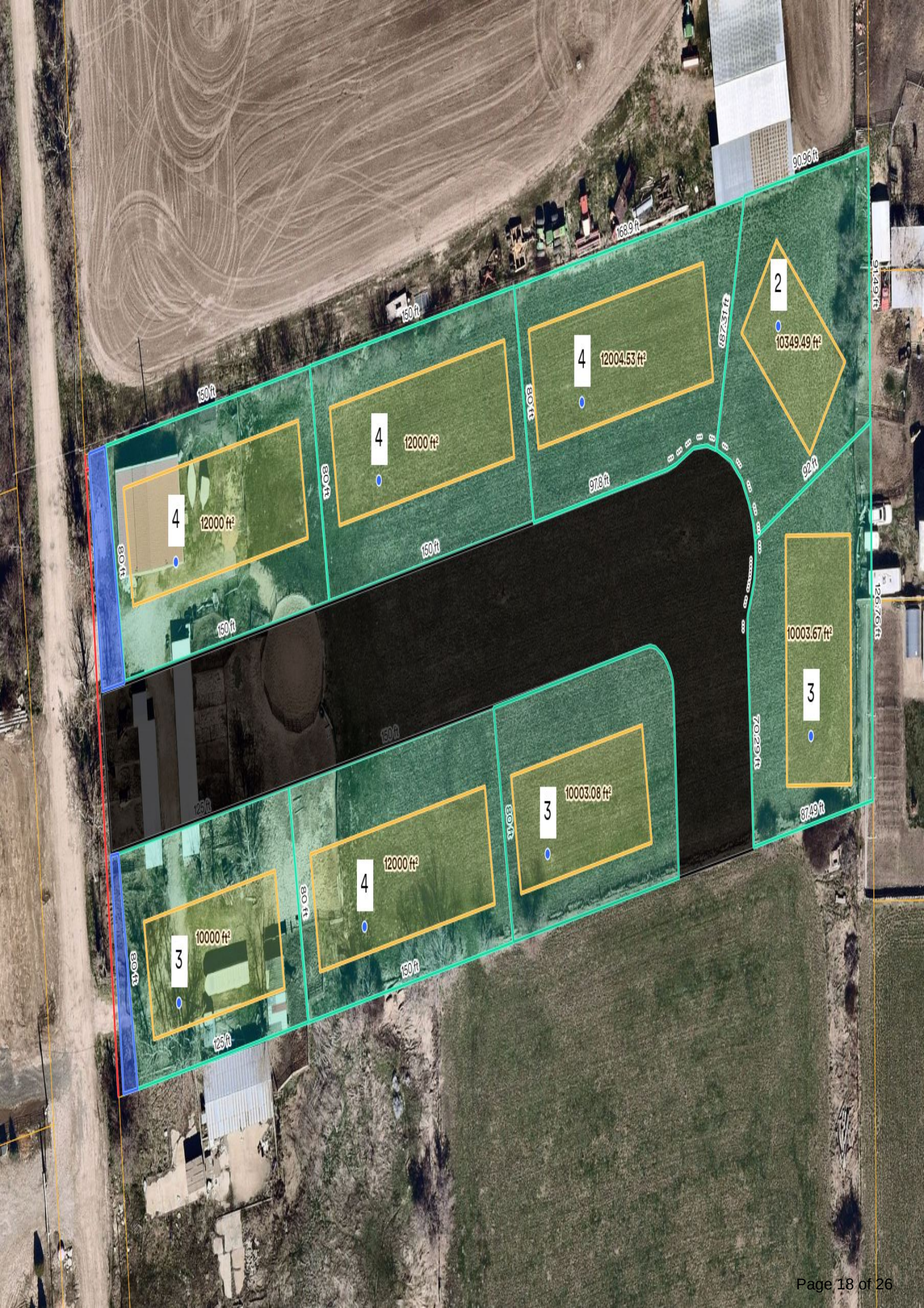
6. RECOMMENDATION

This is a difficult recommendation to make as the rezone request is a more intense use compared to what currently exists. It is assumed that in time, most of the agricultural properties in this area as well as the rest of the City will eventually develop into housing. Symphony homes owns a large amount of acreage in the area, about 30 acres, and had several discussions with the City about their intent for developing the property. While nothing official has been submitted, they would like to have a mixture of housing types and lot sizes. This R-4 rezone request may fit better in the context of those development plans.

Based on the findings outlined in this staff report, the support the General Plan offers for this application and moderate income housing requirements, staff feels compelled to recommend the Planning Commission send a recommendation of approval to the City Council for rezone application for 1735 South 550 West to R-4 One to Four Family Residential District for applicant Bryan Carling.

ATTACHMENTS:

1. Proposed subdivision concept for 27 units





PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Melinda Greenwood, Community Development Director

Date: March 20, 2024

Agenda Item #7: Consideration of establishing a temporary land use regulation as allowed by State Code 10-9a-504 for appropriate car wash locations and regulatory standards

Meeting Date	July 11, 2024
Application Type	Text Amendment
Applicant	Kaysville City
Chapter Title Section	Title 17

1. BACKGROUND

The City has recently had two new car washes that have opened for business. Upon opening, both car washes caused issues of varying degrees to residents who were neighboring the car washes or located nearby. Inquiries for additional car washes have come to staff, and based on recent experiences, staff would like to study best practices for car washes and have an ordinance adopted which would regulate such businesses.

Staff believes the following items, among others, should be addressed in an ordinance to prevent and mitigate issues with additional car wash businesses.

- Prohibition of car washes when they are adjacent to residential uses
- Standards for sound
- Lighting standards
- Standards for water conservation

It will take some time to research and draft an ordinance. State laws allow a temporary land use regulation (TLUR) to be established in order to address items in the public's interest. A TLUR essentially presses a pause button on development applications on that particular topic and allows up to 180 days to address the issues.

2. RECOMMENDATION

Staff recommends the Planning Commission establish a temporary land use regulation as allowed by State Code 10-9a-504 for appropriate car wash locations and regulatory standards.

Kaysville City Planning Commission Meeting Minutes
June 13, 2024

The Planning Commission meeting was held on Thursday, June 13, 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 Megan Sevy, Krista Keetch, Wilf Sommerkorn, and Mike Packer

Planning Commissioners Absent: Commissioners Paul Allred and Debora Shepard

Staff Present: Melinda Greenwood and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Ian Harvey, Ivy Harvey, Madelyn Thomson, Jason Hogan, Jill Dredge, Katie Ellis, and Laurene Starkey

1- WELCOME AND MEETING ORDER- ELECTION OF A TEMPORARY CHAIR

Chair Lyon welcomed all in attendance to the Kaysville City Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest from the Commissioners.

3- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION PIPE DREAMS PLUMBING, LLC LOCATED AT 1782 BENTLY CIRCLE FOR JASON HOGAN.

Mindi Edstrom introduced the Conditional Use Permit agenda item for Jason Hogan. Mr. Hogan lives at 1782 Bently Circle, which is a .34 acre parcel zoned R-1-8 that is located in a cul-de-sac. He is the owner of the business Pipe Dreams Plumbing and will be using his home as an office for his plumbing business. Mr. Hogan has one van which he uses for business transportation and does not have employees or customers that come to the home.

Ms. Edstrom said that staff is recommending approval of the Conditional Use Permit for Jason Hogan for the property addressed 1782 Bently Circle with any conditions the Planning Commission feel are necessary.

Commissioner Sommerkorn asked the applicant if he had storage for his supplies.

The applicant, Jason Hogan, approached the Commissioners and said he has a small storage area for tools in his garage. He does not keep any major equipment at the home.

Commissioner Packer made a motion to approve the Conditional Use Permit for Pipe Dreams Plumbing located at 1782 Bently Circle. Commissioner Keetch seconded the motion and the vote was unanimous in favor of the motion (5-0).

Commissioner Packer: Yay

Commissioner Keetch: Yay

Commissioner Lyon: Yay
Commissioner Packer: Yay
Commissioner Sevy: Yay

4- CONDITIONAL USE PERMIT FOR A GREENHOUSE AND NURSERY LOCATED AT 1773 WEST 200 NORTH FOR SALT GRASS AND CATTLE

Melinda Greenwood introduced the Conditional Use Permit for Salt Grass and Cattle for a greenhouse and nursery. The parcel at 1773 West 200 North is 9.63 acres and the current use is A-5 Agricultural and Residential. The applicant has requested a Conditional Use Permit to allow a greenhouse and a nursery which is permitted by zoning regulations. There is a single family dwelling on the property and the long driveway would serve as access for the nursery.

Ms. Greenwood shared the site plan that was submitted by the applicant which showed where they intended to grow items, the nursery area, the holding area and where parking would be located. Ms. Greenwood said in the next step of the process the city would ensure they would have enough parking on site as required by the city's off street parking code. Ms. Greenwood calculated that 11 parking spaces would be required for the 7,312 ft² proposed for the holding area and retail sales.

Ms. Greenwood said that staff is recommending approval for the nursery and the retail area with these findings:

- a. Title 17-8 A-5 Heavy Agriculture allows the proposed use as a conditional use.
- b. The applicant has been made aware of the CUP regulations and has agreed to comply.
- c. Providing 11 parking spots will meet the minimum parking requirements.
- d. The business should not have an adverse effect on the use, enjoyment, or valuation of property in the neighborhood as regulated by KCC 17-30 Conditional Uses.

Chair Lyon invited the applicant, Ivy Thomson, to come up and answer the Commissioners questions.

Ivy Thomson said she owns a low water, low input landscaping company called Twig and Twitter and she installs a lot of plants. She would be using this property as a staging area for her business.

Chair Lyon asked Ivy if she will be able to provide the parking spaces required on the site.

From the calculations that Ms. Thomson had made for parking stalls she thought that 11 spaces for parking was a lot. The 7,312 ft² would not all be retail space and wondered if the required number of spaces would go down.

Chair Lyon asked if the home on 200 North is still occupied. Ms. Thompson said that it is being rented.

Commissioner Sommerkorn asked if there was a greenhouse on the property. Ms. Thompson said that there is not a greenhouse on the property and there are plans for the property in the future so she doesn't want to build a permanent structure. She said that the largest structure she would be installing on the property would be a Honey Bucket.

Chair Lyon asked if Ms. Thomson would have enough room for clients coming to the property.

Ms. Thomson said she would mostly be meeting clients by appointment only but might be open to the public for two to four hours a week.

Commissioner Keetch asked Ms. Thomson what the retail site would look like.

Ms. Thomson said she would have a list of the plant material available on her website but she would have limited inventory. She would also have to arrange for help to load the trees so that would be by appointment only.

Commissioner asked Ms. Thomson if the retail sales would be mainly for her clients or would she wanting to attract new customers as well.

Ms. Thomson said that it would be for both clients and new customers.

Commissioner Sommerkorn asked if staff was still considering the need to have 11 parking stalls required.

Ms. Greenwood said that she based her calculation off of what was provided by the applicant but if the retail side of the business is smaller she would only require the applicant to provide 1.5 spaces per 1,000 ft² of retail space.

Ms. Thomson asked if she reduced the retail area could she have a smaller amount of required parking.

Ms. Greenwood said we would work with Ms. Thomson on the calculations for parking stalls and the next steps with the business license.

Commissioner Sevy asked the applicant if the access by the residential home would be wide enough to support the traffic coming to pick up the trees and if there be access for them to be able to get back on the road.

Ms. Thomson said the driveway she would be using for the greenhouse is the same driveway the family uses to move the large farming equipment and they are able to do a three-point turn to get back out onto the road. She also said that she would have the semi-truck unload down in the cul-de-sac area so they could avoid using through the driveway off of 200 North.

Commissioner Sommerkorn made the motion to approve the Conditional Use Permit for a

Greenhouse and Nursery for Nephi Harvey and Salt Grass Land and Cattle at 1773 West 200 North with the stipulation that parking be worked out with staff based on the standards in the code for the number of spaces and for the surfacing. Commissioner Sevy seconded the motion and the vote was unanimous in favor of the motion (5-0).

Commissioner Packer: Yay
Commissioner Keetch: Yay
Commissioner Lyon: Yay
Commissioner Packer: Yay
Commissioner Sevy: Yay

5- APPROVAL OF THE MINUTES FROM THE APRIL 25, 2024 PLANNING COMMISSION MEETING

Commissioner Keetch made a motion to approve the minutes from the April 25, 2024 Planning Commission meeting. Commissioner Packer seconded the motion and the vote was unanimous in favor of the motion (5-0).

Commissioner Packer: Yay
Commissioner Keetch: Yay
Commissioner Lyon: Yay
Commissioner Packer: Yay
Commissioner Sevy: Yay

6- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood shared that she has been meeting with consultants regarding the Small Area Plan.

She shared that Anne McNamara accepted the Senior Planner position with the City and will be starting soon.

Commissioners shared information learned from previous attended meetings.

Chair Lyon relayed that he is moving to Texas and resigned as Planning Commission Chair.

Ms. Greenwood announced the Planning Commissioner vacancy and Commissioner Sommerkorn and Commissioner Young terms expire at the end of June, however they both have agreed to continue serving for another three year term.

7- ADJOURNMENT

Commissioner Keetch motioned to adjourn the meeting at 7:32 pm.

Kaysville City Planning Commission Meeting Minutes
June 27, 2024

The Planning Commission meeting was held on Thursday, June 27, 2024 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Commissioner Sommerkorn, Commissioner Young, Commissioner Packer, and Commissioner Sevy

Planning Commissioners Absent: Commissioners Paul Allred and Deborah Shepard

Staff Present: Melinda Greenwood, Anne McNamara and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Laurene Starkey, Laura Madsen, and Katie Ellis

1 - WELCOME AND MEETING ORDER

Commissioner Sommerkorn made a motion for Commissioner Packer to be the temporary Chair for the June 27, 2024 meeting. Commissioner Young seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Packer: Yay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Sommerkorn: Yay

Commissioner Packer welcomed everyone to the June 27, 2024 Planning Commission meeting.

2 - DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest from the Commissioners.

3 - CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR KONSTRUCT BUILDERS, LLC LOCATED AT 585 SOUTH 300 EAST FOR BRANDT KNOWLTON

Mindi Edstrom introduced the Conditional Use Permit for Brandt Knowlton and Konstruct Builders located at 585 South 300 East. Mr. Knowlton will be doing general management of construction projects. Ms. Edstrom said that he is compliant with DOPL as well as the Department of Commerce. Mr. Knowlton lives at the top of a flag lot and has plenty of room to store equipment, however, he will only be bringing home his work truck. All supplies will be delivered to the job site.

Ms. Edstrom said staff recommends approval of the Conditional Use Permit located at 585 South 300 East for Brandt Knowlton with any conditions Planning Commission feel are necessary.

Commissioner Sommerkorn asked if staff had reviewed the application and if it follows all of

the city's requirements.

Ms. Edstrom said that all the requirements have been met and there will not be any business storage on site.

Commissioner Sevy made the motion to approve the Conditional Use Permit for a Major B Home Occupation for Konstruct Builders located at 585 South 300 East with no additional conditions to be placed and Commissioner Young seconded the motion. The vote was unanimous in favor of the motion (4-0)

Commissioner Packer: Yay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Sommerkorn: Yay

4 - CONDITIONAL USE PERMIT FOR A PRESCHOOL AT THE PROPERTY LOCATED AT 933 SOUTH COMISH CIRCLE FOR APPLICANT LAURA MADSEN

Mindi Edstrom introduced the Conditional Use Permit for Whimsy Art Preschool located at 933 South Comish Circle and applicant Laura Madsen. Ms. Madsen lives in a cul-de-sac and will not be having more than 6 students at a time in her classes. She will be holding sessions from Monday - Thursday from 9:00 a.m. to 11:00 a.m. and Monday - Thursday 12:30 p.m. to 3:00 p.m. Ms. Madsen submitted a pick-up and drop-off flow for her preschool to provide safety for the students and neighbors and will work with the Kaysville Fire Department to complete her fire inspection once she is all set up. Ms. Edstrom said two residents called the office inquiring what the public notice sign indicated and there were no concerns regarding the business.

Ms. Edstrom said staff recommends approval for this Conditional Use Permit with any conditions that the Commissioners would like to apply.

Ms. Madsen approached the Commissioners and introduced herself as the applicant.

Commissioner Young agreed that Ms. Madsen has a perfect situation for her preschool.

Commissioner Summerkorn asked if the city has a limit for the number of students in a classroom for preschools. Ms. Edstrom responded saying that the limit is 12 students.

Commissioner Sommerkorn asked if staff saw any conditions that needed to be put on this Conditional Use Permit.

Ms. Edstrom responded saying she saw no need for additional conditions to be placed.

Commissioner Young made the motion to approve the Conditional Use Permit for a Major B Home Occupation located at 933 Comish Circle for Whimsy Art Preschool and Laura Madsen based on the recommendation of staff and meeting all the state and city regulations.

Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Packer: Yay
Commissioner Young: Yay
Commissioner Sevy: Yay
Commissioner Sommerkorn: Yay

5 - APPROVAL OF THE MINUTES FROM THE JUNE 13, 2024 PLANNING COMMISSION MEETING

Commissioner Packer asked Ms. Greenwood if the Commissioners could approve the minutes if less than four of the Commissioners present at that meeting were in attendance.

Ms. Greenwood responded that she believes that at least four Commissioners are required to vote, so there isn't enough of a quorum present that had attended the June 13, 2024 meeting.

Commissioner Packer postponed the approval of the minutes until the July 11, 2024 meeting.

6 - OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood said there will be a Planning Commission meeting held on July 11, 2024. There will be several Conditional Use Permits and a Rezone application for 2.8 acres to go to R-1-4 in the southwest quadrant of the city.

The City Council meeting on July 4th is cancelled due to the celebrations of the 4th.

Ms. Greenwood said she and Ms. McNamara attended a training from the APA regarding the General Plan requirement of adding a water conservation element to the General Plan by December 2025.

Ms. Greenwood said she has meet with several consultants who are interested in doing the City Center Small Area Plan.

Anne McNamara, who started as the Senior Planner on June 24, 2024 introduced herself to the Commissioners.

Commissioner Packer asked what the process is in appointing a new Commissioner since Chair Lyon has resigned. Ms. Greenwood said the bylaws have us elect a new Chair and Vice-Chair each July.

Ms. Greenwood said that she and Mayor Tran have been interviewing for the open Planning Commission position and once that individual is approved by the City Council the new Commissioner will join the Planning Commission.

7 - ADJOURNMENT

Commissioner Sommerkorn motioned to adjourn the meeting at 7:25 pm.