

1. Planning Commission Meeting Materials

Documents:

[28 SEPTEMBER 2017 PACKET.PDF](#)
[28 SEPTEMBER 2017 AGENDA.PDF](#)

2. Meeting Audio & Video

- [MEETING AUDIO](#)
- [MEETING VIDEO](#)

**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, September 28, 2017 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meeting of September 14, 2017.
2. Conditional use permit for a major home occupation "B", esthetician at 1497 South 650 East – Brooke Bennett.
3. Public hearing and request to rezone 1.56 acres of property at approximately 860 South Roueche Lane from A-1 (Light Agriculture) to the R-A (Residential Agriculture) zoning district with the PRUD (Planned Residential Unit Development) overlay zone – Bob Mason.
4. Public hearing and request to rezone 0.46 acres of property at approximately 560 North Main Street from GC (General Commercial) to the R-2 (Residential Single and Two-Family Dwellings) zoning district – Dale Corporation.
5. Public hearing and request to rezone 7.17 acres of property at approximately 2100 West 200 North from GC (General Commercial) to the LI (Light Industrial) zoning district – Terraventure Development.
6. Public hearing and amendment of the Kaysville City Annexation Policy Plan.
7. Request for a variance from Section 17-12-6(6) regarding the placement of an accessory building on a corner lot at 1969 South 25 West – Zach Jacobs.
8. Request for a variance from Section 17-12-6(6) regarding the placement of an accessory building on a corner lot at 14 West 1950 South – Dean Shawn Thompson.
9. Call to the public.
10. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
11. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, September 22, 2017.


Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B', Esthetician September 28, 2017

Applicant/Owner: Brooke Bennett
Location: 1497 South 650 East

Description:

Ms. Bennett is requesting a conditional use permit for a Major Home Occupation 'B' for esthetician services. As a newly licensed esthetician she is hoping to start offering services for her trade from her home.

Her clients would be at the home by appointment only. She expects about 5 appointments during the day. Each appointment is an hour to 2 hours depending on the services being offered.

Staff has visited with Ms. Bennett and reviewed her request and the requirements of the ordinance.

Recommendation:

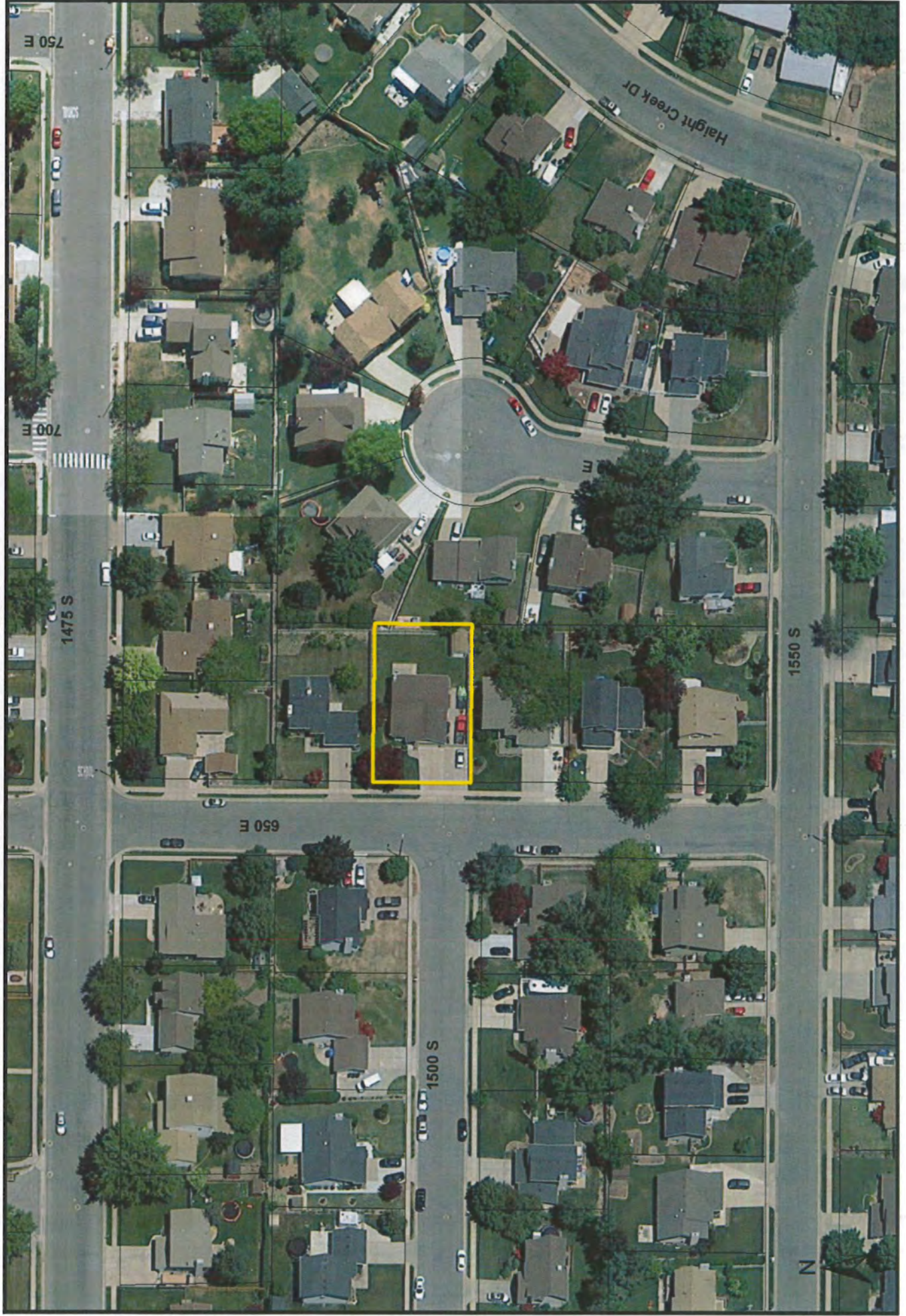
Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation 'B' subject to compliance with Title 17-26-4 of the Kaysville City Ordinance.

Reasoning:

Based on the nature of the business and the restrictions already in the ordinance, Staff feels that approval of this application is appropriate without additional conditions.

Attachment 1: Area Map

1497 South 650 East





Planning Commission Staff Report

Rezone of 1.56 acres of property from A-1(Light Agriculture) to the R-A (Residential Agriculture) zoning district to include the PRUD (Planned Residential Unit Development) Overlay Zone. September 28, 2017

Applicant/Owner: Bob Mason
Location: Approximately 860 South Roueche Lane

Description:

The applicant has submitted a request to rezone a portion of his property to accommodate 2 additional home lots. The property currently has a large barn building which would remain in the A-1 zoning district, while the remaining 1.56 acres along the east and up against Roueche Lane would be rezoned to the R-A zoning district where new lots may be platted.

A conceptual plat has been submitted showing a possible layout for the property as a private lane subdivision which is the purpose for the request for the PRUD overlay zone.

17-9-1 Purpose of A-1 Zone

To designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low density residential development in a continuing rural environment.

17-10-1 Purpose of R-A Zone

To provide for areas within the municipality characterized primarily as residential districts where farm animals can be kept and raised for family food production and recreation, but which, due to the growth of neighboring populous areas, are more dense. The regulations for this zone are designed to provide for keeping of domestic household pets or farm animals and fowl for family use within the limits of reasonable rules of health and sanitation, to stabilize and protect the essential characteristics of the zone and to protect and encourage a suitable environment for healthful and enjoyable family life.

17-34-1 Purpose of PRUD Overlay Zone

The purpose of the Planned Residential Unit Development is to encourage a better living environment through greater flexibility of design that is not possible solely through the application of the standard zoning requirements; to encourage diversification in the relationship of residential uses and structures to their sites; to permit a more flexible development of such sites; to preserve meaningful open space, conservation areas, and sensitive lands such as wetlands, steep slopes, and unique vegetation; to preserve character, and assure greater compatibility of new construction with the existing neighborhood; to encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans so as to give imagination and variety in the physical pattern of the development. New

construction in already developed areas should. to the greatest extent possible, maintain the established mass, scale, height, width, and form of the surrounding buildings.

General Plan Excerpts:

I. Housing

- A. Housing should be located throughout the City and restricted only where it is incompatible with other necessary uses.
- 1. West of I-15, allow zero to two units per acre with some higher density housing along the major streets.
- B. The majority of the housing should be one unit per structure (single unit). About ten percent (10%) of the housing should be more than one unit per structure (multiple unit). Multiple unit housing should consist mostly of duplexes (two unit structures) and some three to six unit structures dispersed throughout the City.
- C. Housing development should have a minimum of through vehicular traffic and a maximum of open space.

Recommendation:

The Planning Commission should make a recommendation to the City Council regarding the R-A rezone as to whether or not the zone is consistent with the general plan and appropriate for the location where requested.

Staff recommends that a second motion be made regarding the PRUD overlay zone.

Example motions:

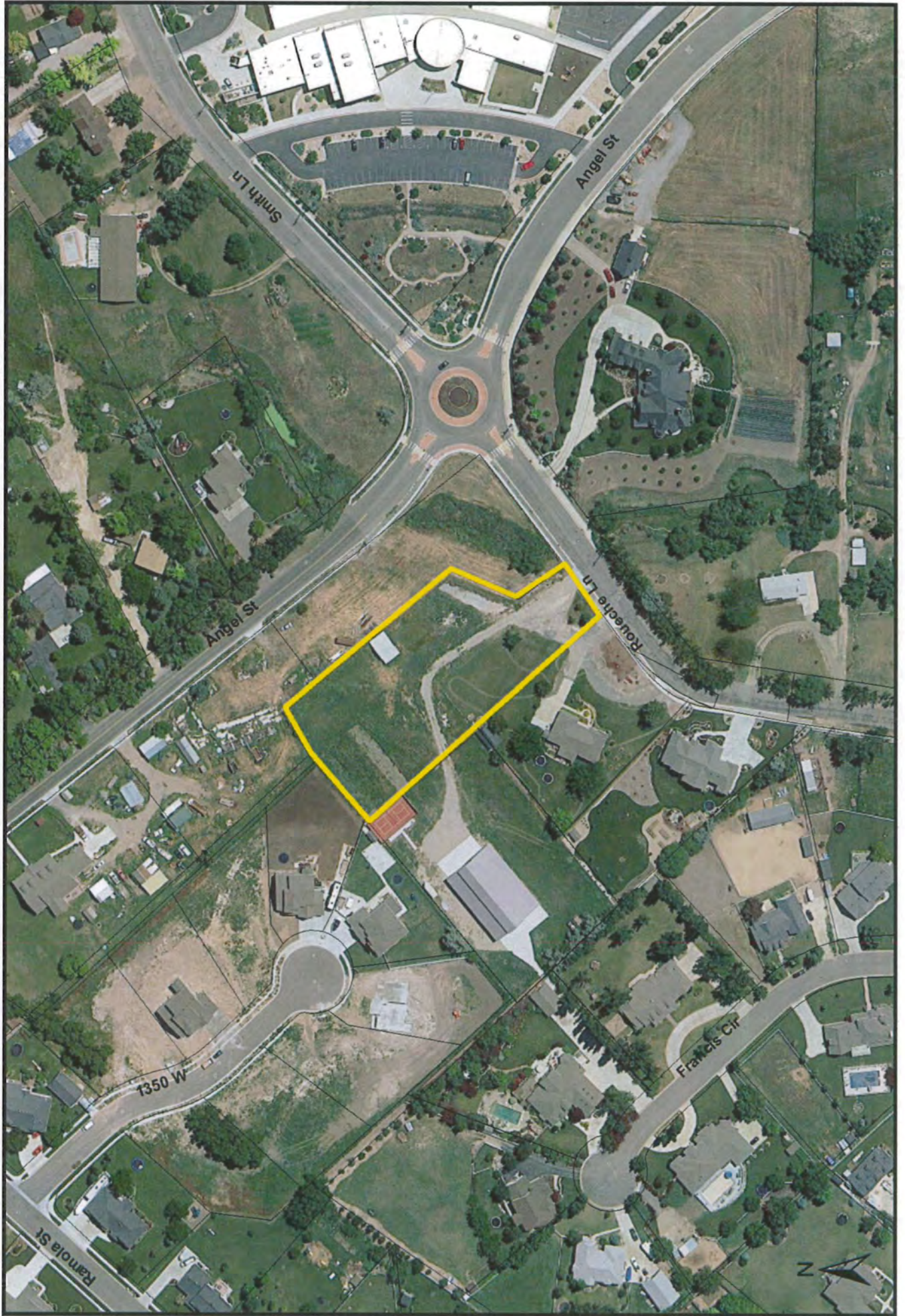
- If the concept plan included with this report is acceptable the motion may be to recommend approval of the PRUD subject to approval of a final plat that is consistent with this concept.
- The motion may be to table making a recommendation regarding the overlay zone pending review of a Preliminary Plat that includes changes deemed necessary to bring the project into harmony with the purpose of the PRUD overlay zone.

Attachment 1: Area Map

Attachment 2: Zoning Map

Attachment 3: Concept Plat

860 South Roueche Lane - A-1 to R-A PRUD Rezone



860 South Roueche Lane - A-1 to R-A PRUD Rezone





TOPOGRAPHIC PLAN

THIS DRAWING IS FOR TECHNICAL INFORMATION ONLY. ALL BOUNDARIES AND EASEMENTS ARE APPLICABLE AND ARE BASED SOLELY ON THE INFORMATION AVAILABLE ON THE SUBDIVISION PLAT OR OTHERWISE PROVIDED TO THE SURVEYOR.

LEGEND

PROPERTY LINE	5
ADJACENT PROPERTY	
NON-CLUTTER LINE	
EASEMENT LINE	
EDGE OF PAVEMENT	
CURB, GUTTER, SIDEWALK	
FENCE LINE	
WALL	

7. TWA



Planning Commission Staff Report

Rezone of 0.46 acres of property from GC (General Commercial) to the R-2 (Single and Two Family Residential) zoning district. September 28, 2017

Applicant/Owner: Dale Corporation
Location: 560 North Main Street

Description:

The subject property is a corner lot at the corner of Hyde Park Lane and Main Street. It is currently a vacant property. This property and that immediately to the east which is now included in the Cottages at Hyde Park subdivision were all at one time zoned for General Commercial. When the Cottages at Hyde Park was proposed the council determined at the time to leave commercially zoned property along Main Street. Now that the subdivision to the east is finished the applicant believes that this property would make sense as a continuation of that neighborhood and has requested a zone change to accommodate more homes. As many as 5 more homes could be built on this property under the requested zoning district.

Chapter 19 GC General Commercial District

17-19-1 Purpose

To provide for appropriate uses in locations in which business, commercial, industrial, entertainment, and related activities may be established. The regulations of this district are designed to provide for a suitable environment for those uses which are vital to the economic life of the city.

Chapter 14 R-2 One To Two Family Residential District

17-14-1 Purpose

To provide for areas in appropriate locations where quiet medium density neighborhoods may be established, maintained, and protected. The regulations of this district are designed to promote and encourage a suitable environment for families, many of whom will have children. To this end, the regulations permit the establishment of one and two-family dwellings, and also permit, with proper controls, those public and quasi-public activities such as schools, libraries, churches, parks and playgrounds, which serve the needs of families. The regulations are intended to prohibit the establishment or operation of any activity which would be adverse to such a residential environment.

General Plan Excerpts:

I Identity and Character

- A. Kaysville should be primarily a residential community with a vision to promote business, industry and public use.

II Defining Features

- A. The City Center should be developed as a traditional main street.
 - 1. Create a large and varied grouping of uses to sustain civic and economic activity.
 - 2. Interconnect all sites for pedestrian and vehicular access.

III. Growth and Development

- A. Growth should mostly occur through development within the City. Development should improve public safety and sense of community. An adequate revenue base should be developed to fund City operations and infrastructure.
 - 1. Refurbish or replace deteriorating structures so that land is used to its longterm potential.
 - 2. Reserve land and promote development that is high quality, diversified and adaptable to changing conditions.
 - 3. Encourage businesses and industries to locate and invest within the City.
 - 4. Regulate the more intensive uses that create traffic and public service problems and costs.

I. Housing

- A. Housing should be located throughout the City and restricted only where it is incompatible with other necessary uses.
- 2. East of I-15, allow zero to five units per acre with some higher density housing.
- B. The majority of the housing should be one unit per structure (single unit). About ten percent (10%) of the housing should be more than one unit per structure (multiple unit). Multiple unit housing should consist mostly of duplexes (two unit structures) and some three to six unit structures dispersed throughout the City.
- C. Housing development should have a minimum of through vehicular traffic and a maximum of open space.

II. Business and Industry

- A. Most sites used primarily for business or industry should be located on major streets. Mitigate impacts on adjacent residential uses through compliance with ordinances and regulations.
- B. Home occupations should be located throughout the City, but not be allowed to change or interfere with the character of residential areas.

Recommendation:

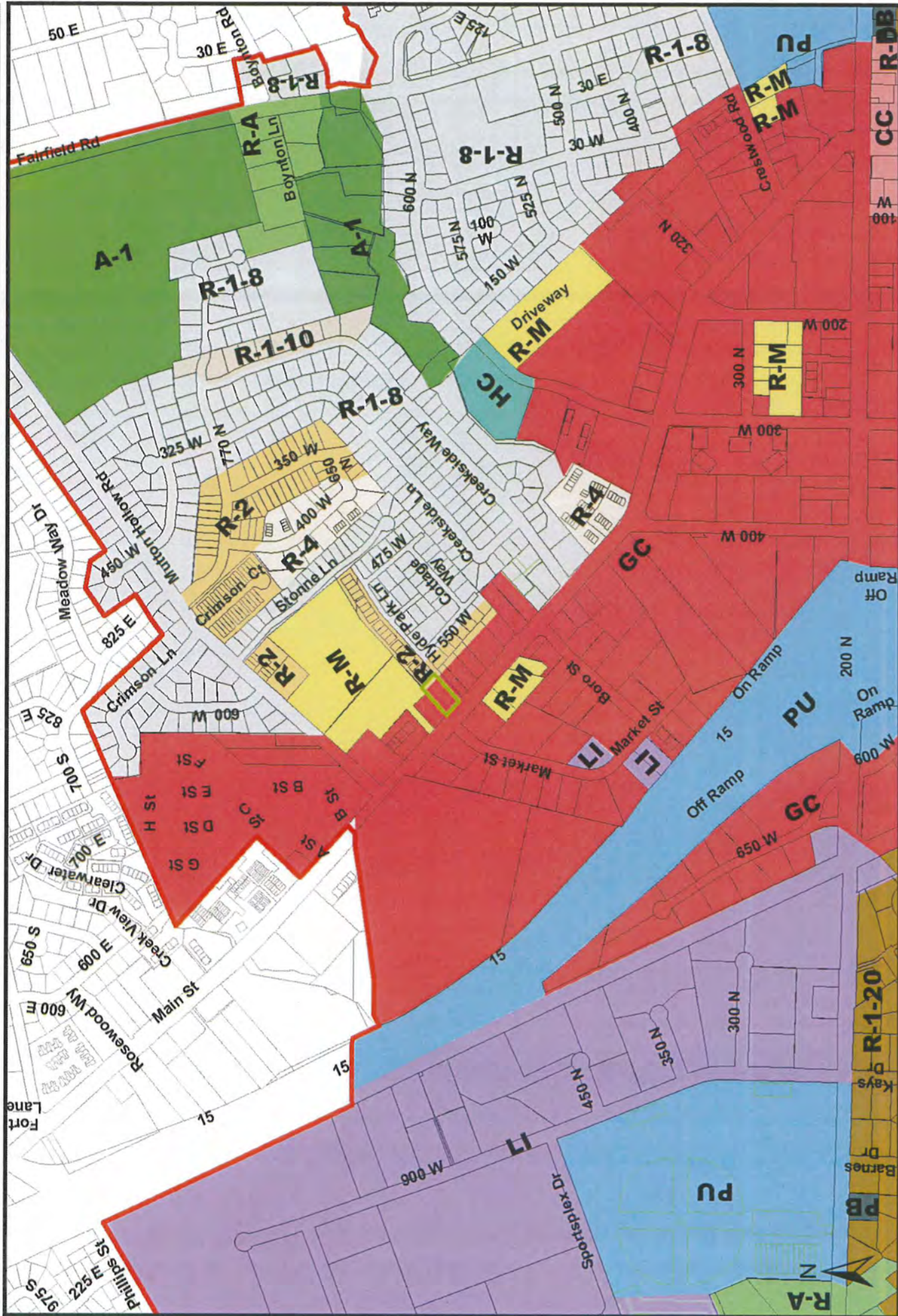
The Planning Commission should make a recommendation to the City Council regarding the rezone as to whether or not the zone is consistent with the general plan and appropriate for the location where requested.

Attachment 1: Area Map

Attachment 2: Zoning Map

560 North Main Street - GC to R-2 Rezone



[illegible]



Planning Commission Staff Report

Rezone of 7.17 acres of property at approximately 2100 West 200 North from GC (General Commercial) to the LI (Light Industrial) zoning district. September 28, 2017

Applicant/Owner: Terraventure Development LTD
Location: 2100 West 200 North

Description:

The applicant has submitted a request to rezone the subject property from the current General Commercial zone to the Light Industrial zone. The property consists of just over seven acres on 200 North just west of Angel Street. Recently a new office building has been constructed and a second one approved on the property to the east and a phase of the Hill Farm residential subdivision is under construction to the west.

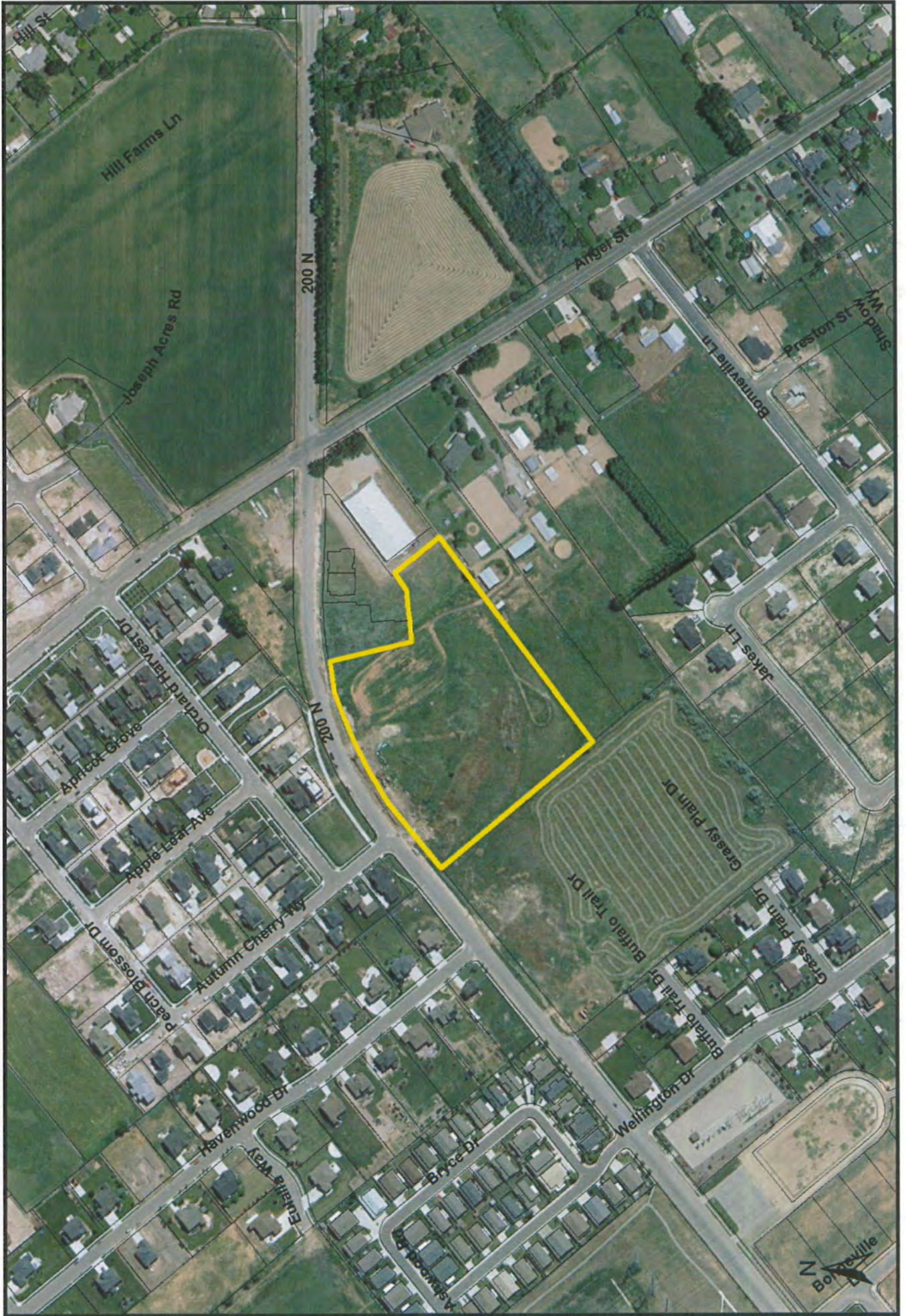
The General Commercial zone (17-19) is more restrictive than the Light Industrial zone (17-21) in that the permitted uses allowed in the General Commercial zone are limited to primarily offices and retail sales and services, while the Light Industrial zone also permits manufacturing, warehousing and storage, among other things.

Recommendation:

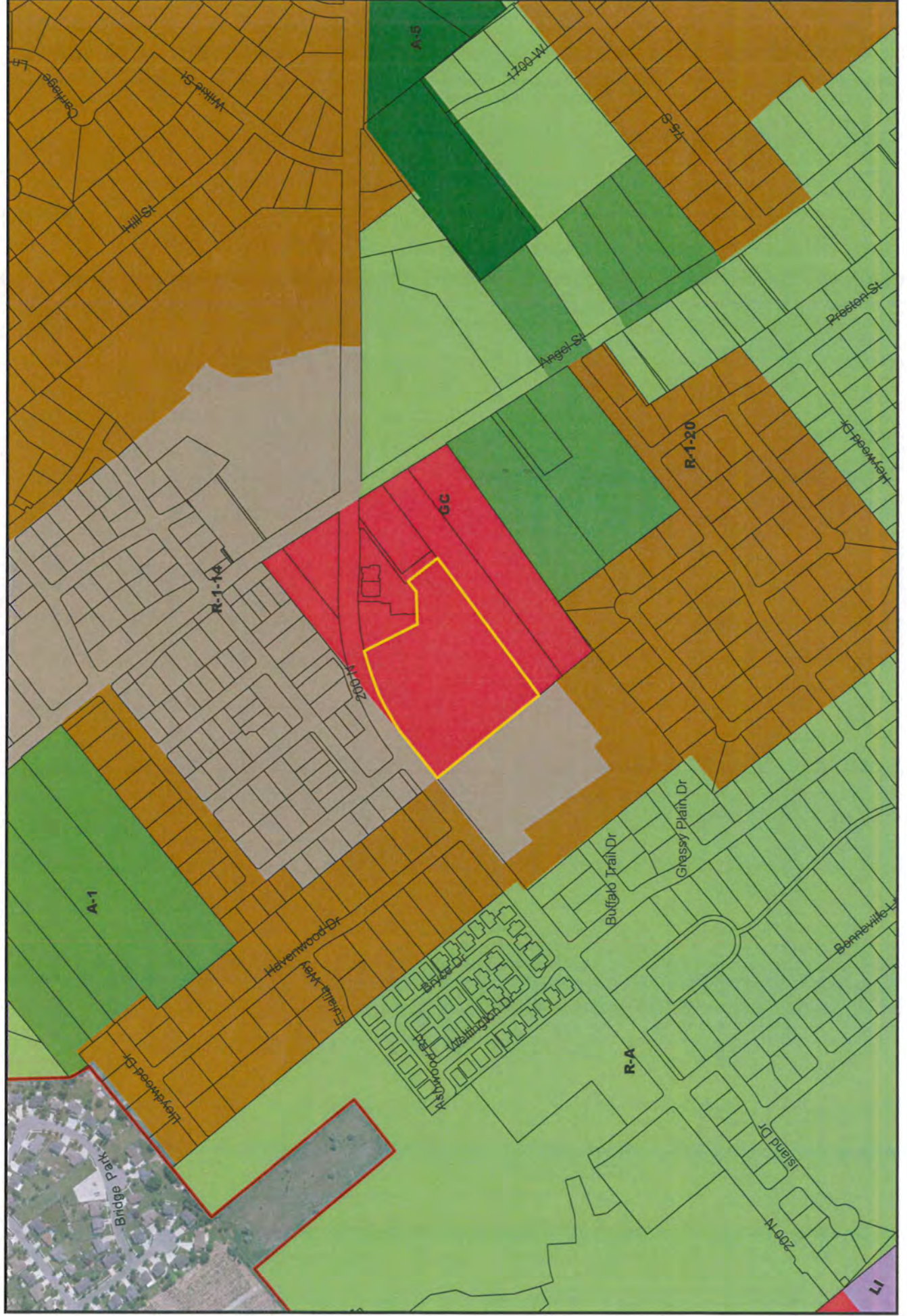
It is recommended that the Planning Commission review the uses allowed, both as permitted and conditional, and determine if the uses allowed in the Light Industrial zone, that are not allowed in the current General Commercial zone, are appropriate for this location under the provisions of the ordinance.

Attachment	1:	Location Map
Attachment	2:	Area Zoning Map
Attachment	3:	General Commercial and Light Industrial zoning ordinance

2100 West 200 North - Rezone from GC to LI



2100 West 200 North - Rezone from GC to LI



CHAPTER 19

GC - GENERAL COMMERCIAL DISTRICT

- 17-19-1 Purpose
- 17-19-2 Site Plan Review
- 17-19-3 Permitted Uses
- 17-19-4 Conditional Uses
- 17-19-5 Special Provisions
- 17-19-6 Height Regulations
- 17-19-7 Area, Lot Coverage and Yard Requirements

17-19-1 Purpose. To provide for appropriate uses in locations in which business, commercial, industrial, entertainment, and related activities may be established. The regulations of this district are designed to provide for a suitable environment for those uses which are vital to the economic life of the city.

17-19-2 Site Plan Review. A site plan review is required and a site plan shall be submitted for all permitted and conditional uses. (Consult Chapter 18-4.)

17-19-3 Permitted Uses. (1) Offices.

(2) Retail sales and services, not including storage services, sale of beer for consumption on the premises, sale of liquor for consumption on the premises and conditional uses in Section 17-19-4.

(3) Government offices and services.

17-19-4 Conditional Uses. Compliance with standards shall be determined by the Planning Commission by reference to Chapter 17-30.

(1) Single family dwellings which are an integral part of a commercial use and serves as housing for the proprietor or an employee.

(2) Light industry/research uses subject to the provisions of Chapter 17-23.

- (3) Buildings of height greater than thirty-five feet (35').
- (4) Recreational vehicle parks subject to the provisions of Section 17-31-24.
- (5) Telecommunication towers and telecommunication towers of height greater than thirty-five feet (35') subject to the provisions of Section 17-31-25.
- (6) Public utility substations.
- (7) Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.
- (8) Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.

17-19-5 Special Provisions. The design of off-street parking facilities shall assure compatibility of vehicular and pedestrian circulation. Site plan drawings prepared for site plan review shall illustrate clearly all existing and proposed vehicular and pedestrian paths. (See Chapter 18-9.)

17-19-6 Height Regulations. (1) No building shall exceed thirty-five feet (35') in height, except pursuant to Section 17-19-4.

- (2) No building shall be less than ten feet (10') in height.

17-19-7 Area, Lot Coverage and Yard Requirements. There are no lot size or yard requirements except that where a lot in the General Commercial District abuts a residential district, the yard abutting the residential district shall be at least twenty feet (20').

CHAPTER 21

LI - LIGHT INDUSTRIAL DISTRICT

- 17-21-1 Purpose
- 17-21-2 Site Plan Review
- 17-21-3 Permitted Uses
- 17-21-4 Conditional Uses
- 17-21-5 Height Regulations
- 17-21-6 Area, Lot Coverage and Yard Requirements
- 17-21-7 Industrial Performance Standards

17-21-1 Purpose. The Light Industrial District is established to provide for industrial, manufacturing and commercial uses in Kaysville and to protect such uses from encroachment of uses adverse to their operation and expansion.

17-21-2 Site Plan Review. A site plan review is required and a site plan shall be submitted for all uses listed below. (Consult Chapter 18-4.)

17-21-3 Permitted Uses. (1) Experimental research and testing laboratories.

(2) Utility substations and offices.

(3) Manufacturing, compounding, processing, assembling, or packaging of articles or merchandise of the following products:

- (a) Cameras and photographic equipment.
- (b) Ceramics.
- (c) Electrical appliances and electronic instruments, devices, small objects, and handicrafts.
- (d) Jewelry, art objects, and handicrafts.
- (e) Medical and dental instruments.
- (f) Pens, pencils, and artists' materials.

- (g) Scientific instruments.
 - (h) Small tools and light metal products.
 - (i) Sporting and athletic goods.
 - (j) Wearing apparel.
- (4) Offices.
 - (5) Printing and publishing industries.
 - (6) Warehousing and storage services.
 - (7) Wholesale trade and distribution.
 - (8) Resident quarters for a watchman or caretaker on the same premises on which employed.
 - (9) Retail sales and services, not including sale of beer for consumption on the premises and sale of liquor for consumption on the premises.

17-21-4 Conditional Uses. Compliance with standards shall be determined by the Planning Commission by reference to Chapter 17-30.

- (1) Food and kindred product manufacturing or processing.
- (2) Textile products manufacturing.
- (3) Furniture and fixtures manufacturing.
- (4) Stone, clay and glass products manufacturing.
- (5) Fabricated metal products industries (not to include primary metal industries).
- (6) Contract construction services.
- (7) Buildings of height greater than thirty-five feet (35') or less than ten feet (10').
- (8) Telecommunication towers and telecommunication towers of height greater than thirty-five feet (35') subject to the provisions of Section 17-31-25.

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

(10) Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.

17-21-5 Height Regulations. (1) No building shall exceed thirty-five feet (35') in height, except pursuant to Section 17-21-4.

(2) No building shall be less than ten feet (10') in height, except pursuant to Section 17-21-4.

17-21-6 Area, Lot Coverage and Yard Requirements. (1) There are no lot size or yard requirements except that where a lot in the Light Industrial District abuts a residential district, the yard abutting the residential district shall be at least thirty feet (30').

(2) No building, structure or combination of such shall cover more than seventy percent (70%) of the total lot area.

17-21-7 Industrial Performance Standards. The requirements and standards of Section 17-23-4 shall apply to all uses in the LI zone.



Planning Commission Staff Report

Public Hearing and Amendment to Kaysville City Annexation Policy Plan September 28, 2017

Description:

The Planning Commission recently held a public meeting where input was solicited from 'affected entities' regarding the consideration of modifying the Kaysville City Annexation Policy Plan and Map to include nearly 60 acres of property east of Highway 89. The input received so far from the affected entities has not raised any concerns with the annexation policy plan amendment. Comments received have expressed interest in being kept informed of the actual annexation proposal and future development request.

Property owners within the area proposed to be included in the Map of Kaysville City Expansion Area have also been notified of this public hearing.

Per Utah Code 10-2-401.5 (1), no municipality may annex an unincorporated area located within a county unless that area is part of an adopted annexation policy plan.

Currently Kaysville City includes property that is adjacent to the area under consideration within the Wilderness Park. The remaining area along the southern edge of the area under consideration is already included within the Kaysville City Annexation Policy Plan as an area the city would consider annexing.

The petitioners are interested in the property coming into Kaysville City rather than Layton City for future development based primarily on the potential for providing culinary water to the site that would permit development at a higher elevation. While there will be many technical issues to work through should annexation be desirable, the Planning Commission should consider whether or not this meets the Statement of Specific Criteria listed below.

The first step in consideration of amending the Annexation Policy Plan is to hold a public meeting allowing affected entities (DEFINED BELOW) to examine the proposed annexation policy plan and to provide input on it. Notice has been provided via a mailer to affected entities as required per State Statute. After this public meeting an additional 10 days will be given to these entities to provide comment regarding the proposal. Once all comment from public entities has been received the planning commission will be required to hold a public hearing where a recommendation will be provided to the City Council after consideration of input received to that point.

Annexation Policy Plan
(Existing Document)

Statement of Specific Criteria

The specific criteria that will guide the decision whether or not to grant future annexation petitions are:

1. The area to be annexed is compatible with the character of Kaysville City.
2. Municipal services are needed in the area to be annexed.
3. The plan for extension of municipal services into the area to be annexed is acceptable.
4. How the services in the area to be annexed will be financed is acceptable.
5. The estimated tax consequences to residents both currently within Kaysville City's boundaries and in the area to be annexed are acceptable.
6. The interests of all affected entities have been considered.

Justification for Excluding Urban Development Within ½ Mile

The areas containing urban development within ½ mile of Kaysville City's boundaries that have been excluded from the Kaysville City Expansion Area are within another city or can be better served by another city.

Statement Addressing any Comments

Farmington City correspondence strongly opposed the inclusion of 23 acres of property on the north side of 1800 North Street. The benefits to Kaysville of annexing the property would not offset the costs, so the property was deleted from the Area Kaysville City Anticipates Annexing.

The Mutton Hollow Improvement District (District) requested that all of Mutton Hollow Road or none of it be included in the Area Kaysville City Anticipates Annexing. District correspondence highly recommended that the 2005 plan be retained in order to preserve the integrity of the District water system and to comply with the long term wishes of most residents in the area to align with Kaysville City rather than Layton City. The 2005 plans show that Layton City and Kaysville City each anticipate annexing about half of the District and half of the water system. The discrepancy was discussed with District representative who states that the Area shown on the 2005 Plan was preferred over all other configurations, so it was shown on the Map.

Recommendation:

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for the approval of a modification to the Kaysville City Annexation Policy Plan and Map of Kaysville City Expansion Area with any changes desired of the Planning Commission and the following:

- The Map of Kaysville City Expansion Area be modified to include the highway 89 right of way between existing Kaysville City residences and the area currently shown in red hatch marks on the attached map.
- The text of the Annexation Policy Plan be updated to address comments relevant to this most recent amendment process. i.e.:
 - o Statement Addressing any Comments:
 - In consideration of adding an additional 60 acres of potential expansion areas east of Highway 89, there were no concerns expressed by affected entities during the allotted comment period.

Attachment 1: Map of Kaysville City Expansion Area

Attachment 2: Aerial of the area under consideration to be added to the Map of Kaysville City Expansion Area.

Map of Kaysville Expansion

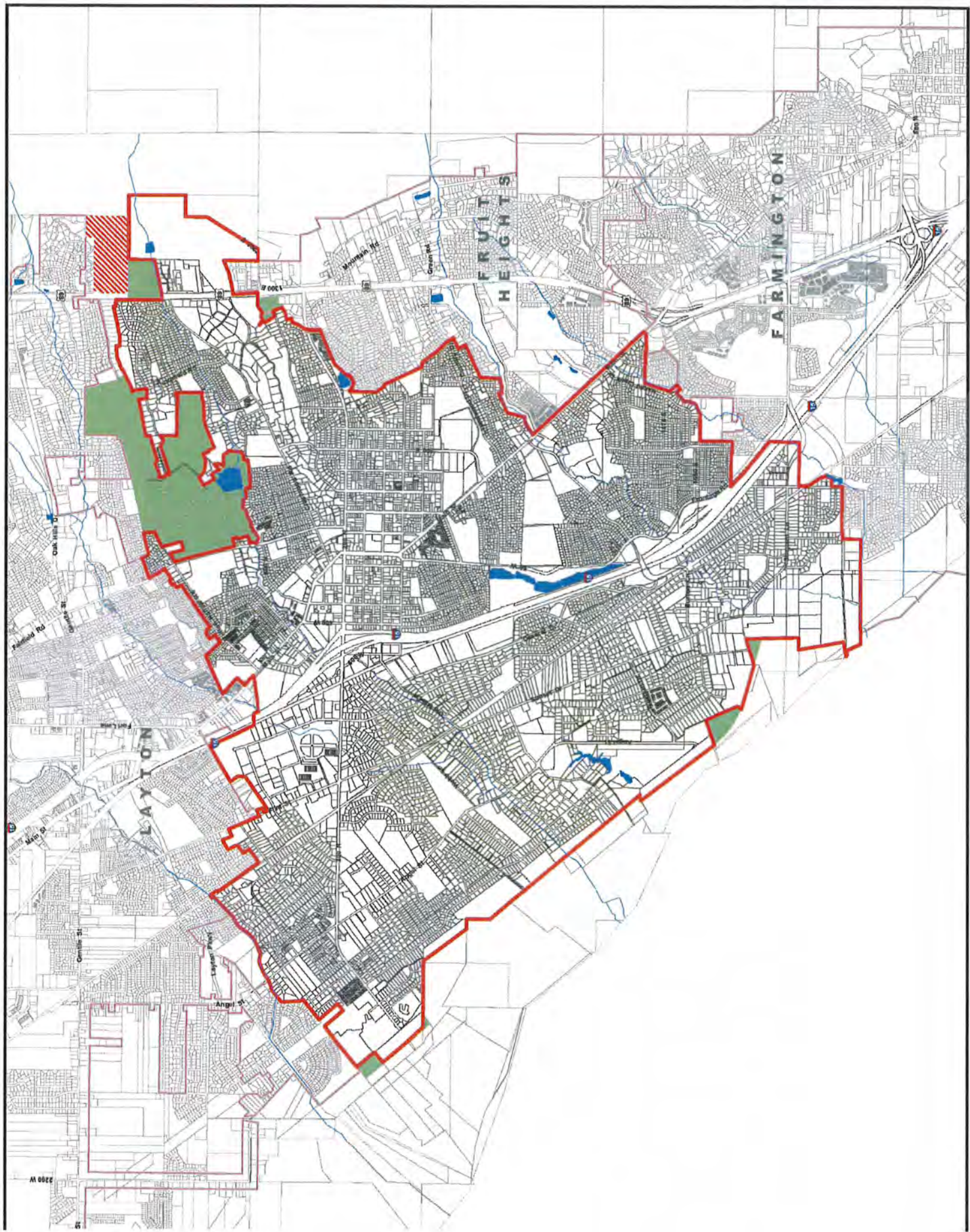
- City Boundary
- Area K
- City Annex
- Area to be considered for Kaysville Expansion



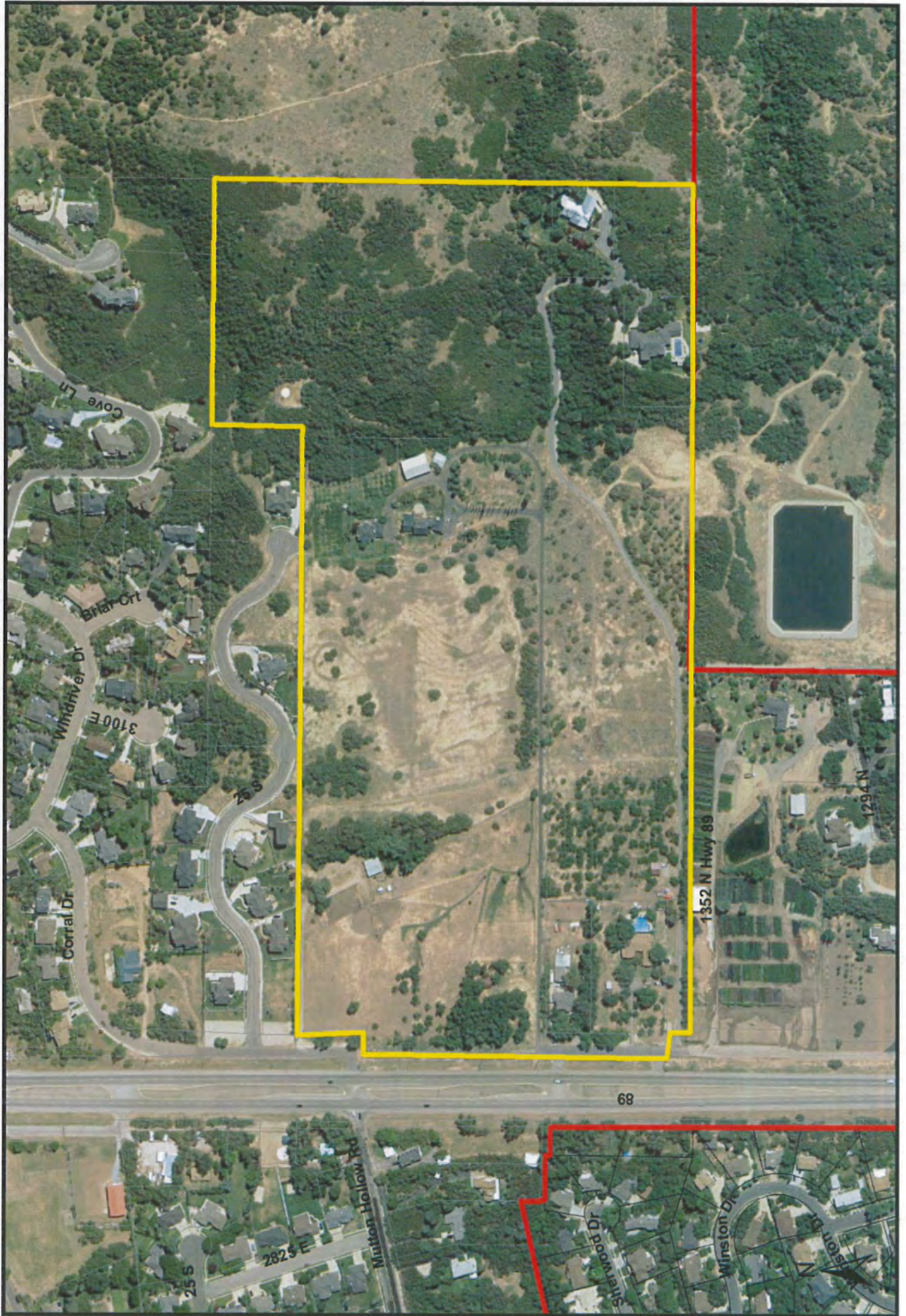
Miles
0 0.25



December



Property being considered for Annexation Policy Plan update





Planning Commission Staff Report

Request for a Variance from Section 17-12-6 (6) regarding the placement of an accessory building on a corner lot.

September 28, 2017

Applicant/Owner: Zach Jacobs
Location: 1969 South 25 West
Zone: R-1-20 (Single Family Residential)

Description:

Recently staff issued a letter to the applicant stating that their accessory structure was in violation of 17-12-6 (6) which states 'On corner lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings.' While the building is smaller than 200 square feet in ground floor area so as not to require a building permit, the zoning ordinance is still applicable.

The applicant is requesting a variance to allow the shed to remain where it is currently located. As part of the request the applicant has provided a letter demonstrating why they believe that a variance is appropriate, photos of the shed, and signatures of support from neighboring property owners.

Consistent with Utah Code 10-9a-702, approval of a variance is subject to Chapter 17-4-6 Variances.

17-4-6 Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of this Title as applied to a parcel of property that he or she owns, leases, or in which he or she holds some other beneficial interest, may apply to the Planning Commission for a variance from the terms of this Title.

(2) (a) The Planning Commission may grant a variance only if:

(i) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;

(ii) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

(iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) The spirit of this Title is observed and substantial justice done.

(b) (i) In determining whether or not enforcement of this Title would cause unreasonable hardship under Subsection 2(a), the Planning Commission may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought; and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of this Title would cause unreasonable hardship under Subsection (2)(a), the Planning Commission may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the Planning Commission may find that special circumstances exist only if the special circumstances:

(i) Relate to the hardship complained of; and

(ii) Deprive the property of privileges granted to other properties in the same district.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

17-2-2 Definitions:

Street - Public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways.

Yard, Side - An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an "exterior side yard."

Yard, Side, Width - The shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the nearest side lot line. Such width shall be measured from the nearest side lot line and, in the case where the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of such street as adopted by Kaysville City in the Major Street Plan differs from that of the existing street, then the required side yard width shall be measured from the right-of-way of such street as adopted, or said building shall comply with any applicable official setback lines.

Recommendation:

Upon review of this report and hearing from the applicant the Planning Commission needs to determine if a variance is appropriate based on the criteria of Chapter 17-4-6.

If a variance is determined to be appropriate, specific details as to what is being granted should be stated in the motion.

If it is determined that the request does not qualify for a variance, direction should be given to staff to work with the property owner to bring the property into compliance with the current ordinance. If the building is desirable but unable to be accommodated by the variance process, direction should be given to initiate a process that could accommodate similar circumstances.

Attachment 1: Area Map

Attachment 2: Variance Request Letter

Attachment 3: Photos of Shed on Property

Attachment 4-6: Signatures from neighbors supporting current location of building.

1969 South 25 West



September 7, 2017

Zach Jacobs
1969 South 25 West
Kaysville, Utah 84037

To Zoning Commission:

I'm writing this letter to make an official request for variance in regards to zoning requirements of 17-12-6 (6). The variance will not substantially affect the general plan and will not be contrary to the public interest. I also feel that other properties in the same district have been granted this privilege.

In deciding to obtain a garden shed for my property, I attempted to do my due diligence to make sure it was in accordance to city zoning requirements. I searched the Kaysville City website, which is not user friendly, looking for zoning requirements. Knowing my lot location is unique I then called the city zoning office and spoke with a female employee, told her my address and asked her the requirements and restrictions. She stated that accessory buildings under 200 square feet didn't require a permit and need to be one foot from property lines.

Living on the corner, having young kids and being located next to Endeavour Elementary, street safety played a major role in the decision in our placement of our garden shed. I made arrangements with a local Kaysville City company to build and place my shed. I had my garden shed placed twenty (20) feet from my neighbor's property line, three (3) feet from the sidewalk, and fourteen (14) feet from the street. I made sure that this placement didn't potentially block anyone's view of the street from the corner stop sign. The view of the street and the elementary crosswalk were and are unblocked from the placement of our garden shed.

I have spoke with many of my neighbors and have had them sign with agreement to my variance request (please see attached letter and signatures). I would ask that the Kaysville City Zoning Administration please approve this variance request.

Thanks,

A handwritten signature in dark ink, appearing to be 'Zach Jacobs', written in a cursive style.

Zach Jacobs





Planning Commission Staff Report

Request for a Variance from Section 17-12-6 (6) regarding the placement of an accessory building on a corner lot.

September 28, 2017

Applicant/Owner: Dean Shawn Thompson
Location: 14 West 1950 South
Zone: R-1-20 (Single Family Residential)

Description:

Recently staff issued a letter to the applicant stating that their accessory structure was in violation of 17-12-6 (6) which states 'On corner lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings.' While the building is smaller than 200 square feet in ground floor area so as not to require a building permit, the zoning ordinance is still applicable.

The applicant is requesting a variance to allow the shed to remain where it is currently located. As part of the request the applicant has provided a letter demonstrating why they believe that a variance is appropriate, photos of the shed, and signatures of support from neighboring property owners.

Consistent with Utah Code 10-9a-702, approval of a variance is subject to Chapter 17-4-6 Variances.

17-4-6 Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of this Title as applied to a parcel of property that he or she owns, leases, or in which he or she holds some other beneficial interest, may apply to the Planning Commission for a variance from the terms of this Title.

(2) (a) The Planning Commission may grant a variance only if:

(i) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;

(ii) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

(iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) The spirit of this Title is observed and substantial justice done.

(b) (i) In determining whether or not enforcement of this Title would cause unreasonable hardship under Subsection 2(a), the Planning Commission may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought; and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of this Title would cause unreasonable hardship under Subsection (2)(a), the Planning Commission may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the Planning Commission may find that special circumstances exist only if the special circumstances:

(i) Relate to the hardship complained of; and

(ii) Deprive the property of privileges granted to other properties in the same district.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

17-2-2 Definitions:

Street - Public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways.

Yard, Side - An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an "exterior side yard."

Yard, Side, Width - The shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the nearest side lot line. Such width shall be measured from the nearest side lot line and, in the case where the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of such street as adopted by Kaysville City in the Major Street Plan differs from that of the existing street, then the required side yard width shall be measured from the right-of-way of such street as adopted, or said building shall comply with any applicable official setback lines.

Recommendation:

Upon review of this report and after hearing from the applicant the Planning Commission needs to determine if a variance is appropriate based on the criteria of Chapter 17-4-6.

If a variance is determined to be appropriate, specific details as to what is being granted should be stated in the motion.

If it is determined that the request does not qualify for a variance, direction should be given to staff to work with the property owner to bring the property into compliance with the current ordinance. If the building is desirable but unable to be accommodated by the variance process, direction should be given to initiate a process that could accommodate similar circumstances.

Attachment 1: Area Map

Attachment 2: Variance Request Letter

Attachment 3: Photos of Shed on Property

Attachment 4-6: Signatures from neighbors supporting current location of building.

14 West 1950 South



September 10, 2017

Dean Shaun Thompson
14 West 1950 South
Kaysville, Utah 84037

To Planning & Zoning Commission:

I'm writing this letter to make an official request for variance in regards to zoning requirement 17-12-6 (6). This variance will not substantially affect the general plan and will not be contrary to the public's interest.

Three years ago when I had my shed built I called and talked to an employee at the zoning department in regards to any special requirements that might apply. I gave my address and I was told that the shed needed to be one foot of the property line, and if the shed was under two hundred square feet it would not require a building permit.

The shed we had built is a custom shed that matches my house and is aesthetically pleasing. The shed is constructed with a brick wainscoting that will most likely get damaged or ruined if the shed needs to be relocated.

I understand the reason for the zoning requirement and its relation to the line of site for the intersection. I also feel that there should be an exception to the twenty-foot setback if the accessory building is far enough away from the intersection that it does not cause a line of sight issue. My shed is 170 feet away from the curb of the intersection and does not impact the sight of traffic in any way. The shed is currently located four (4) feet away from the sidewalk, and sixteen (16) feet away from street. This location of the shed does not block the line of sight for vehicles at the intersection of 1950 South and 25 West. The shed has been at this location for three years and I have never had a complaint or issue.

I have spoken with many of my neighbors and had them sign a letter stating that they do not have any issues or complaints with the current location of my shed and they are in full support of my variance request (see attached letter with signatures). I would ask that the Kaysville City Planning and Zoning Administration please approve this variance request.

Thanks

A handwritten signature in black ink, appearing to read "Dean Shaun Thompson". The signature is fluid and cursive, with the first name "Dean" being more prominent.

Dean Shaun Thompson



September 9, 2017

Zach Jacobs
1969 South 25 West
Kaysville, Utah 84037

Shaun Thompson
14 West 1950 South
Kaysville, Utah 84037

To Whom It May Concern:

We are in support of the Thompson's and Jacobs' and their request to the Kaysville City for a variance for zoning requirement 17-12-6 (6) as it pertains to our garden shed. We are aware that the current requirement is twenty (20) feet from the street on a corner lot. We find no safety problem or aesthetic issues with the current location of their garden sheds and are in support of their request to Kaysville City to obtain a variance.

Name:	Address:
Brandon Newkirk	5 E. 1950 S. Kaysville, UT 84037
Jared Scott	22 E 1950 S. Kaysville UT 84037
Tommy Wade	49 E. 1950 S. Kaysville, UT
Jeff R. Blum	122 E 1950 S, Kaysville, UT
Brodie Wood	1930 Kerrybrook Dr. Kaysville, UT
Christina Kronic	52 E 1900 S Kaysville, UT
Kaune Waukey	24 E 1900 S Kaysville, UT
Reed Rawson	3 W. 1900 S. Kaysville UT 84037
Robert McGuire	35 W. 1860 S. Kaysville, UT 84037
Mike Birn	71 E. 1950 S. Kaysville, UT 84037
Brandon Mattson	1944 S. Kerrybrook Dr Kaysville, UT 84037
Curt & Eric Duford	1916 Kerrybrook Dr. Kaysville, UT 84037
Adams, Christy Hill	1870 Kerrybrook Dr. Kaysville, UT 84037
DARIN STETTLER	6 W 1900 S Kaysville UT 84037
MIKE BIRN	15 W. 1900 S. Kaysville, UT 84037
Heather Jenkins	110 E 1950 S Kaysville, UT 84037
Jan Vanston	17 W Kay Dr. Kaysville UT 84037
Jeni Galbraith	1854 Kay Dr Kaysville UT 84037
JEFF TURVILLE	1655 S KAY DRIVE, KAYSVILLE, UT 84037
(MIC EVANS)	1977 S 25 W Kaysville, UT
VINCENT C. VERNOZ	196 E 1800 S. Kaysville UT 84037

September 9, 2017

Zach Jacobs
1969 South 25 West
Kaysville, Utah 84037

Shaun Thompson
14 West 1950 South
Kaysville, Utah 84037

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Name:	Address:
MATTHEW Willey	34E. 1950 S. Kaysville
Jared Scott	27E 1950 S Kaysville
Brittany Nord	56E. 1950 S. Kaysville
Amy Ferguson	78 E 1950 S Kaysville
Joseph Raylance	1992 Kerrybrook Dr. Kaysville
Del Taylor	526E 1950 S. Kaysville
Brandon Mattson	1944 S. Kerrybrook Dr.
Alison Wood	1930 S. Kerrybrook Dr.
Shane James	1902 Kerrybrook Dr. Kaysville UT
Cherilyn	1809 S. Kerrybrook Dr. 84037
Rachel Anderson	1791 Kerrybrook Dr. 84037
Chris Brown	90 Baer Creek Dr. Kaysville UT
Austin Bybee	134 Baer Creek Dr. Kaysville UT
Kathy Smart	182 W Baer Creek Dr. Kaysville UT
Daniel Bell	186 W Baer Creek Dr. Kaysville
Tonya Packer	207 W Baer Cr. Dr. Kaysville
Shirley Clark	1844 S. 200 West Kaysville 84037
Elaine Edwards	1844 S. 200 E Kaysville UT 84037
Lynndee Jones	1841 So. 200 West Kaysville
Jim Johnson	276 Blooming Grove Cir. Kaysville 84037
Wendi B. A.	292 Blooming Grove Cir. Kaysville 84037
	269 Blooming Grove Cir. 84037
	1892 Lakeland Dr. Kaysville UT. 84037
	15W. 1900 S Kaysville, UT 84037

Marty Ray	1906 Lake Ridge Dr
Mark Smith	1974 Lake Ridge Dr
Tom Aston	1922 S Lake Ridge Dr
Jeremy McInelly	1946 LAKE RIDE
Jessie Funk	958 Lake Ridge Dr
Ricky Swadish	1987 Lake Ridge Dr
Nicole Bailey	31 Lake Ridge Dr
Christine Hogan	2014 S. 25 W
Clint Hart	2036 S. 25 W. Kaysville
Tyler Bartholomew	2011 S 25 W Kaysville
Ellen Collins	2058 S. 25 W. Kaysville
Phyllis Krummenacher	200 26 E. Shepard Lane Kaysville
Joan Hall	19 E Shepard Ln Kaysville
Neely Brock	1970 Lake Ridge Dr 84037
Camille Johnson	284 E. 1900 So. Kaysville
Quillie	340 E. Shepard Lane, Kaysville
Chlorine	1518 South Kay Drive
Ma Hyle	12 E 1950 S Kaysville

KAYSVILLE CITY PLANNING COMMISSION

September 14, 2017

Members Attending: Vice-Chairperson Stroh DeCaire, Matthew Anderson, Gary Bullock, Lorene Kamalu, Joshua Sundloff

Excused: Betty Parker, Thomas Wood

Staff Present: City Engineer Andy Thompson, Secretary Annemarie Plaizier

Others Present: Alan Hilton, Todd Hilton, Porter Heusser, Frank Ferrante, Bill Day, Chris Trujillo, Chaleh Trujillo

OPENING

The Planning Commission meeting was held on Thursday, September 14, 2017 at 7:00 p.m. in the Municipal Center.

Vice-Chairperson Stroh DeCaire opened the meeting by welcoming those present. The minutes of the August 10, 2017 and August 24, 2017 meetings were presented for approval.

Lorene Kamalu made a motion to approve the minutes of the August 10, 2017 and August 24, 2017 meetings. Matthew Anderson seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, CONTRACTOR AT 288 WEST 350 SOUTH – BILL DAY

Andy Thompson explained that Bill Day is a contractor and would like to have an office from his home at 288 West 350 South. Mr. Day does waterproofing and caulking and would use his home to do paperwork and set appointments. The tools and materials used for jobs will be stored in his vehicle or garage. There should be no outside storage of equipment or supplies.

Matthew Anderson made a motion to grant a conditional use permit for a major home occupation “B”, contractor at 288 West 350 South for Bill Day. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR HILTON HOMES SUBDIVISION LOCATED AT 289 NORTH 700 EAST – TODD HILTON

Andy Thompson explained that the Hilton’s own the property at 289 North 700 East and are proposing a subdivision plat consisting of three total lots, including the existing home on the property. The property is already improved with curb, gutter, and sidewalk along all sides. The lots all meet the requirements of the R-1-8 zone, as well as the frontage width of sixty feet.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

There were no comments or questions from the public. Vice-Chairperson Stroh DeCaire closed the Public Hearing.

Josh Sundloff commented that this is a good example of an infill development and is an appropriate use of the property.

Lorene Kamalu commented that she was glad to see that each lot will have their own access and won't have to share a driveway.

Matthew Anderson made a motion to recommend preliminary plat approval for Hilton Homes Subdivision located at 289 North 700 East for Todd Hilton. Lorene Kamalu seconded the motion and it passed unanimously.

PUBLIC HEARING AND AMENDMENT OF THE KAYSVILLE CITY ANNEXATION POLICY PLAN

Andy Thompson explained that Kaysville City recently received a petition to potentially annex sixty acres east of Highway 89 into Kaysville City for the purpose of future development. Per Utah Code 10-2-401.5(1), "no municipality may annex an unincorporated area located within a county unless that area is part of an adopted annexation policy plan." Currently Kaysville City includes property that is adjacent to the area under consideration within the East Mountain Wilderness Park. The remaining area along the southern edge of the area under consideration is already included within the Kaysville City Annexation Plan as an area the city would consider annexing. The petitioners are interested in the property being annexed into Kaysville City rather than Layton City based primarily on the potential for providing culinary water to the site that would permit development at a higher elevation. While there will be many technical issues to work through, should annexation be desirable, the Planning Commission should consider whether or not this meets the Statement of Specific Criteria in the Annexation Policy Plan. The first step in considering amending the Plan is to hold a public meeting tonight, allowing affected entities to examine the proposed amendment to the Annexation Policy Plan and to provide input to it. Notice has been provided via a mailer to affected entities as required per State Statute. After the public meeting, an additional ten days will be given to these entities to provide comment regarding the proposal. Once all comment has been received, the Planning Commission will be required to hold a separate Public Hearing where a recommendation will be provided to the City Council after consideration of input received to that point. Since sending the mailers, Staff has received some comments from affected entities who had neutral comments and some questions about how services would be provided. No formal vote needs to be taken tonight, but rather the Planning Commission should direct Staff if they feel changes need to be implemented.

Stroh DeCaire asked about the current annexation plan map and how much it has changed in this subject area since the map was outlined.

Andy Thompson responded that many of the properties to the north have been annexed into

Layton City.

Matthew Anderson asked how Layton City felt about this annexation.

Andy Thompson responded that Layton City would prefer to not have the property in their city because of the complexity of providing services to that property. Kaysville has similar concerns and are unsure if it's even feasible to be able to provide services, however there is no consequences to listing the property on the annexation policy plan map.

Vice-Chairperson Stroh DeCaire opened the Public Hearing.

Frank Ferrante said that he represents the Mutton Hollow Improvement District and they are concerned about how this property being annexed might affect their ability to access their water tank that sits on this property.

Stroh DeCaire commented that unfortunately that is not an answer that the city can provide at this point.

Chris Trujillo, representing the developers of this property stated that the Mutton Hollow District should still be able to continue to get water access via the tank even after this property is developed.

Lorene Kamalu asked about access for this property.

Chris Trujillo responded that currently there is only private access to the property, but it's likely a new development would take access from Highway 89.

Andy Thompson said that this is the first step for this property to be able to be considered for annexation. If this gets approved the next step would be holding a public hearing and considering the application for annexation.

Gary Bullock asked if the other property owners want to be annexed to Kaysville as well.

Chris Trujillo said that they are still working with a couple of property owners to sign the annexation petition.

Gary Bullock asked if the developers had formally petitioned to annex the property into Layton City.

Chris Trujillo said that they had only had casual discussions with Layton City. No formal submissions were made.

There were no further comments or questions from the public. Vice-Chairperson Stroh DeCaire closed the Public Hearing.

Gary Bullock asked if water and sewer services would have to be brought across Highway 89.

Andy Thompson responded that the City is already servicing residents just south of this property in Kaysville City boundaries. There is a water tank near here that would probably be able to serve much of the property.

CALL TO THE PUBLIC

Nothing was brought under this item.

REPORTS

Lorene Kamalu said that she recently had a resident ask her about how to obtain a kennel license to breed dogs.

Andy Thompson responded that there are some lot size and zone requirements in order to obtain a kennel license, which requires that a conditional use permit be approved as well.

Lorene Kamalu stated that during the week she had had the opportunity to attend the Utah League of Cities and Towns Annual Conference in Salt Lake and there was much discussion about land use code. It was discussed that many cities need to update their city codes. We need to be continuously updating our ordinances or we might become vulnerable. The Planning Commission should take time to go through new statutes and laws, and amend city ordinances if necessary. The language of city ordinances should also be very clear so that it can't be misinterpreted.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, September 28, 2017 at 7:00 p.m.

ADJOURNMENT

Matthew Anderson made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 7:35 p.m.

28 September 2017 Agenda

KAYSVILLE CITY PUBLIC HEARING NOTICE

Notice is hereby given that the Kaysville City Planning Commission will hold a public hearing on Thursday, September 28, 2017, at 7:00 p.m., in the Council Room of the Kaysville City Municipal Center, 23 East Center, Kaysville, to consider:

Rezone of 1.56 acres of property at approximately 860 South Roueche Lane from the A-1 (Light Agriculture) to the R-A (Residential Agriculture) zoning district with the PRUD (Planned Residential Unit Development) Overlay Zone.

Rezone of 0.46 acres of property at approx. 560 North Main Street from the GC (General Commercial) to the R-2 (Residential) zoning district.

Rezone of 7.17 acres of property at approximately 2100 West 200 North Street from the GC (General Commercial) to the LI (Light Industrial) zoning district.

Amendment to the Kaysville City Annexation Policy Plan and Map of Kaysville City Expansion Area.

I hereby certify that I posted a copy of the foregoing Public Hearing notice on the municipality's official website by September 8, 2017.

Lyle Gibson, Zoning Administrator

KAYSVILLE CITY PLANNING COMMISSION NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, September 28, 2017 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meeting of September 14, 2017.
2. Conditional use permit for a major home occupation “B”, esthetician at 1497 South 650 East – Brooke Bennett.
3. Public hearing and request to rezone 1.56 acres of property at approximately 860 South Roueche Lane from A-1 (Light Agriculture) to the R-A (Residential Agriculture) zoning district with the PRUD (Planned Residential Unit Development) overlay zone – Bob Mason.
4. Public hearing and request to rezone 0.46 acres of property at approximately 560 North Main Street from GC (General Commercial) to the R-2 (Residential Single and Two-Family Dwellings) zoning district – Dale Corporation.
5. Public hearing and request to rezone 7.17 acres of property at approximately 2100 West 200 North from GC (General Commercial) to the LI (Light Industrial) zoning district – Terraventure Development.
6. Public hearing and amendment of the Kaysville City Annexation Policy Plan.
7. Request for a variance from Section 17-12-6(6) regarding the placement of an accessory building on a corner lot at 1969 South 25 West – Zach Jacobs.
8. Request for a variance from Section 17-12-6(6) regarding the placement of an accessory building on a corner lot at 14 West 1950 South – Dean Shaun Thompson.
9. Call to the public.
10. Other matters that properly come before the Planning Commission:
11. Reports.
12. Correspondence.
13. Calendar.
14. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, September 22, 2017.

Lyle Gibson, Zoning Administrator