

**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, April 12, 2018 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 March 8, 2018.
2. Conditional use permit for a major home occupation "B":
 - a. Group swimming lessons at 2288 West 600 North – Andre and Kyle Lortz.
 - b. Vintage trailer resell at 402 North Wilkie Street – Marilyn DeBry.
 - c. Eyelash extensions at 949 South Whisperwood Cove – Megan Porter.
 - d. Carpet cleaning at 447 West Creekside Lane – Boyd and Marciea Casselman.
 - e. Doggy daycare at 1583 South Haight Creek Drive – Stella Allred.
 - f. Handyman services at 86 West Shepard Lane – Tyson Webster.
3. Request to rezone approximately 4.0 acres of property at 292 West Blooming Grove Circle from A-1 (Light Agriculture) to the R-1-LD (Single Family Low Density) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone – Dana and Josh Griffin.
4. Public hearing and preliminary plat approval for Blooming Grove II First Amended at 292 West Blooming Grove Circle – Dana and Josh Griffin.
5. Public hearing and request to rezone 0.64 acres of property at 269 West Blooming Grove Circle from R-1-20 (Single Family Residential) to the R-1-10 (Single Family Residential) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone) – Julie and Scott Edwards.
6. Public hearing and request to rezone 2.0 acres of property at 427 West Burton Lane from R-A (Residential Agriculture) to the R-1-LD (Single Family Low Density) zoning district – Rosemary Lindsay.
7. Public hearing and preliminary plat approval for Lindsay Subdivision located at 427 West Burton Lane – Rosemary Lindsay.
8. Final plat approval for The Preserve Subdivision Phase 1 located at 101 South Angel Street – Symphony Homes.
9. Request for a variance from Section 17-34-9 Flat Lot Subdivision, regarding the flag stem development requirements – Doug and Fara Nowak.
10. Call to the public.
11. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
12. 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 Thursday, April 5, 2018.


Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B' Group Swimming Lessons April 12, 2018

Applicant/Owner: Andre and Kyle Lortz
Location: 2288 West 600 North
Zone: R-A

Description:

The applicant is requesting a conditional use permit for a major home occupation 'B' to offer swimming lessons from his home. Kyle would do the lessons during the summer months. Lessons are private, semi-private 1 on 1 or small group lessons. Classes or groups will likely be 4 students or less at any particular time. The pool on site is an indoor swimming pool, and while the home is at the end of a cul-de-sac street, there is a large amount of parking on site. Lessons are anticipated to be Monday through Friday between 9 am and 5 pm.

The request being an organized class per 17-26-4 (12) requires that a limit be placed on the number of students and/or the number of vehicles transporting students in order to prevent congestion.

Recommendation:

Staff is recommending approval of the proposed conditional use permit for a major home occupation 'B' subject to compliance with Title 17-26-4 of the Kaysville City Ordinance and the following condition:

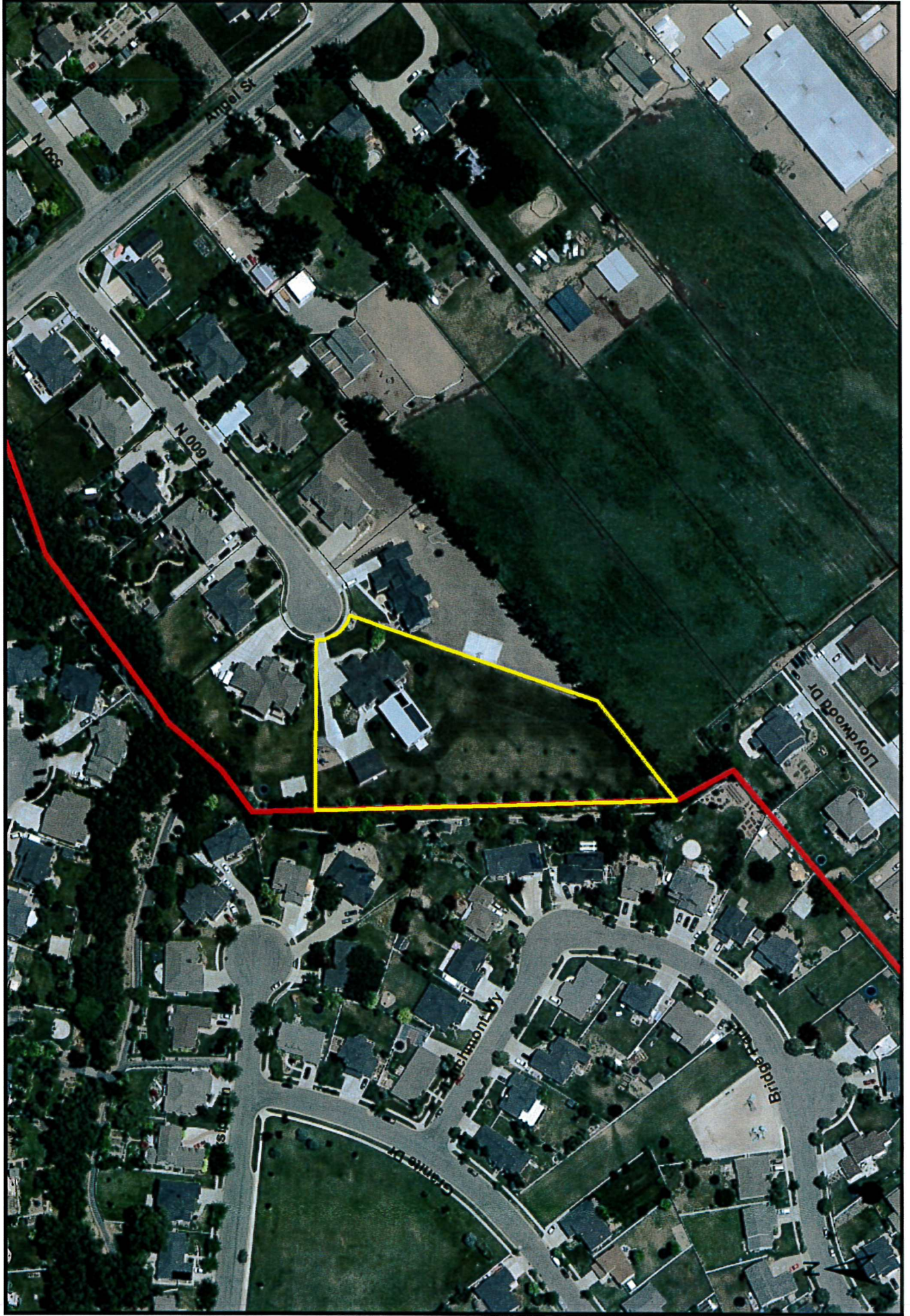
- The number of students be limited to 8 per class.

Reasoning:

The existing conditions on site, the proposed conditions, and the restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

2288 West 600 North





Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B' Vintage Trailer Resell. April 12, 2018

Applicant/Owner: Marilyn DeBry
Location: 402 North Wilkie Street

Description:

The applicant is requesting a conditional use permit for a major home occupation 'B' to operate a home business which restores and sells vintage trailers. The applicant mainly does interior work on the trailers such as replacing flooring and fabrics. Some exterior or structural repair may take place such as painting. Staff has verified that paint is rolled on and not sprayed.

The applicant has a concrete pad in the rear yard where a trailer or two would be stored and worked on.

Recommendation:

Staff is recommending approval of the proposed conditional use permit for a major home occupation 'B' subject to compliance with Title 17-26-4 of the Kaysville City Ordinance and the following condition:

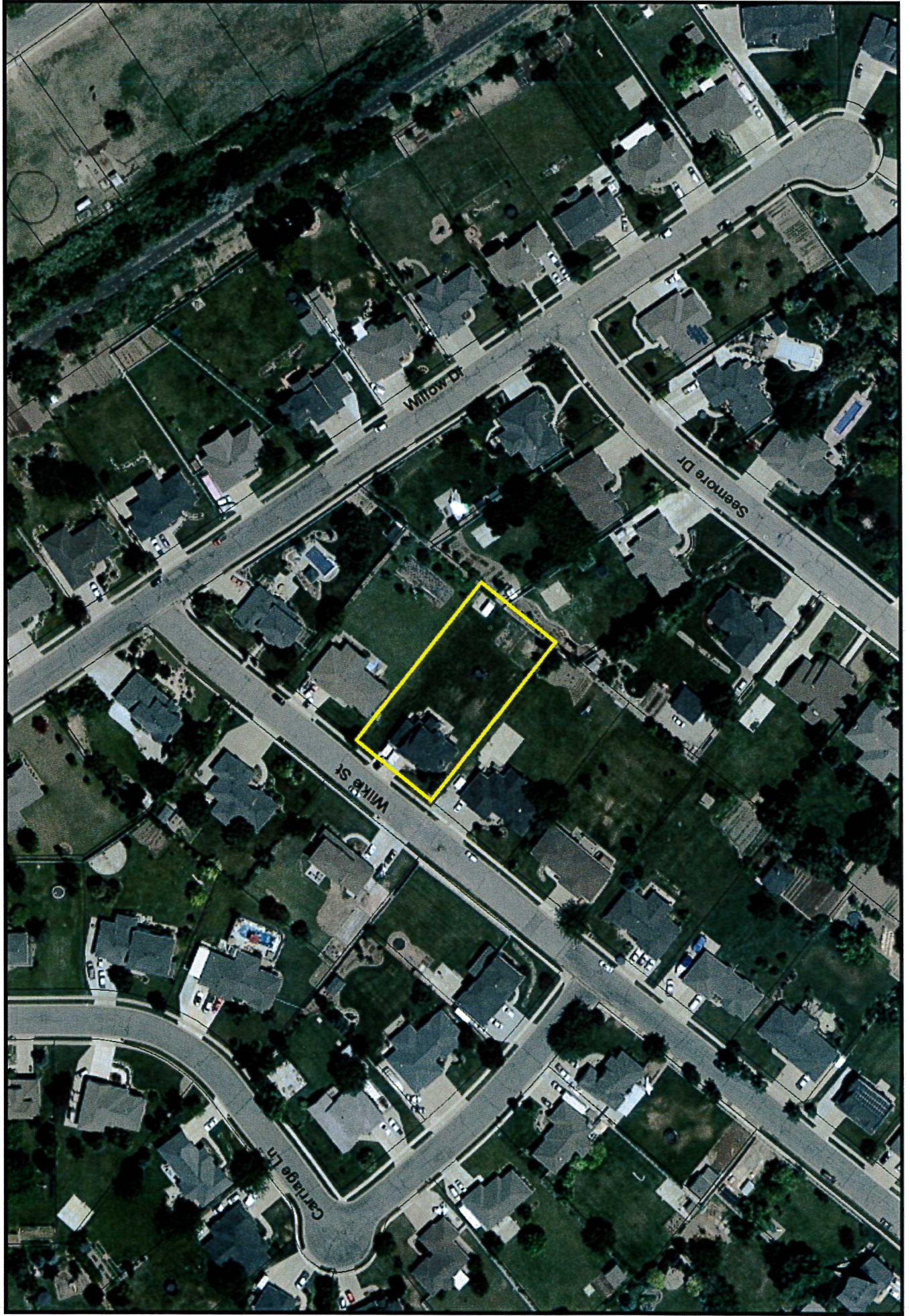
- No power tools may be used for work on the trailers between the hours of 9am and 9pm.
- The number of trailers being restored or listed for sale on the property be limited to no more than 2 trailers at any one time.
- Trailers that are being restored or listed for sale must be may not be stored or displayed in the front or side yard of the property.

Reasoning:

The existing conditions on site, the proposed conditions, and the restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

402 North Wilkie Street







Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B', Eyelash Extensions April 12, 2018

Applicant/Owner: Megan Porter
Location: 949 Whisperwood Cove

Description:

Ms. Porter is requesting a conditional use permit for a Major Home Occupation 'B' to offer eyelash extension services from her home. She works full time so would run this business on the side and anticipates doing only a handful of appointments each week. She has a room ready within her home where she will apply the extensions.

Her clients would be at the home by appointment only. Appointments run an hour or two each.

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

Recommendation:

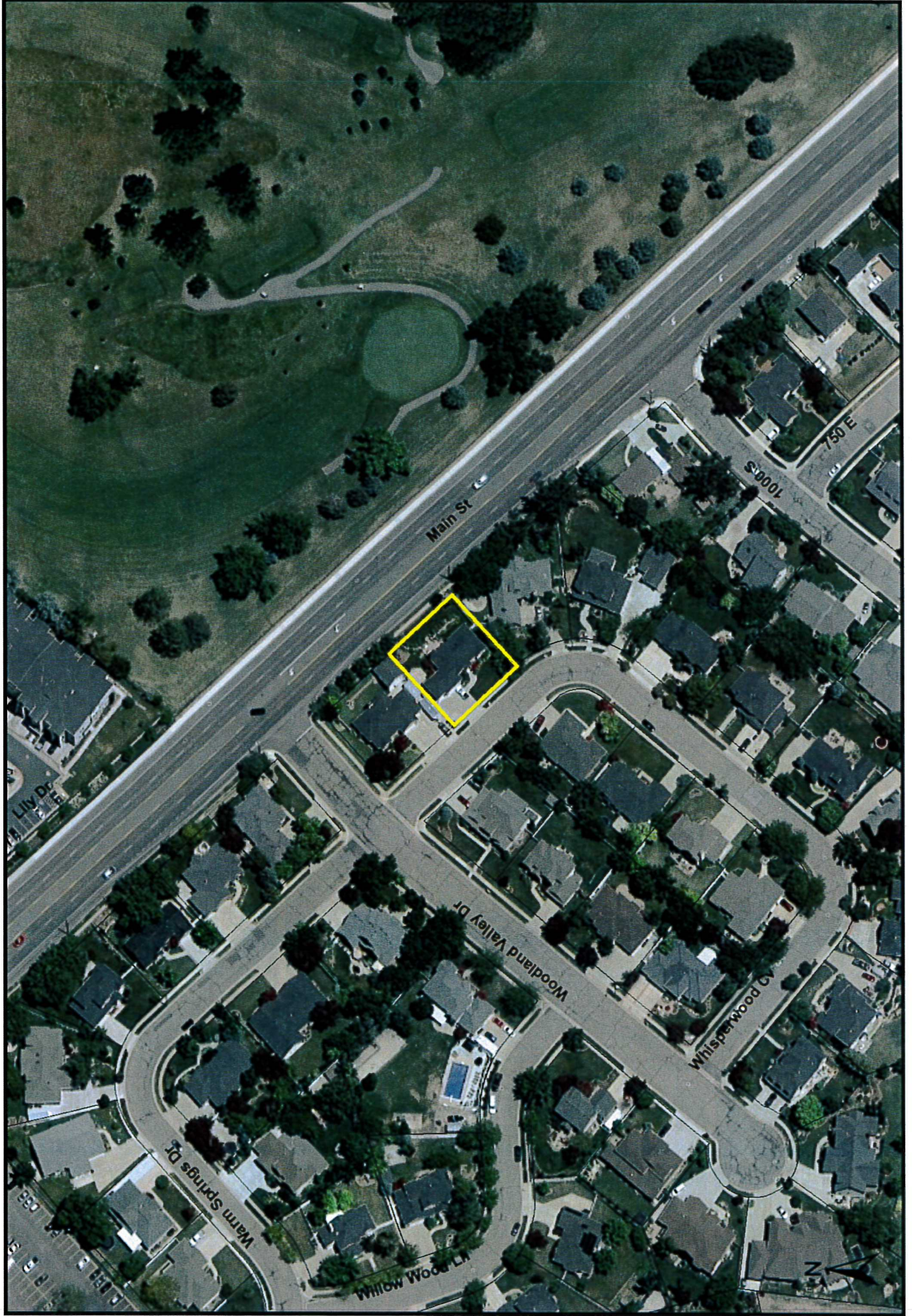
Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation 'B' subject to compliance with Title 17-26-4 of the Kaysville City Ordinance.

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

949 South Whisperwood Cove





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Carpet Cleaning. April 12, 2018

Applicant/Owner: Boyd and Marciea Casselman
Location: 447 West Creekside Lane

Description:

Mr. and Mrs. Casselman are requesting a conditional use permit for Major Home Occupation B at the above listed address. The request is for use of his home for his carpet cleaning business.

The home will be used as a home office for paperwork and appointment setting. Currently there are 2 vans at the property that are for the techs who work for them. Currently they have 1 tech who is their son, and when they are able to hire another tech the vehicle will stay at that individual's home. They also have an off-site storage facility where they keep any chemicals and product. Ultimately they expect there will be no vans and no product on site. The function of the business at the home will be for some paperwork.

Recommendation:

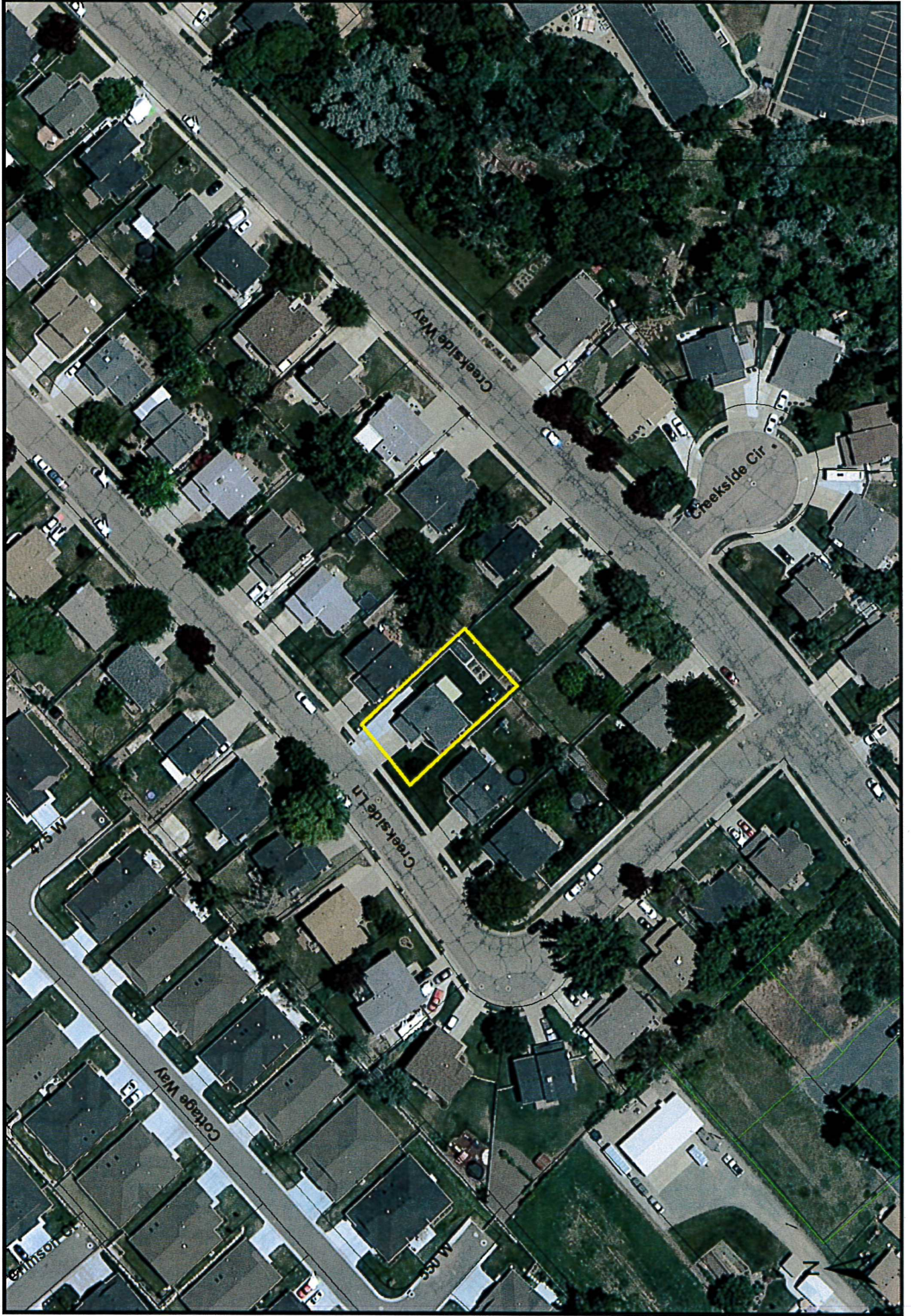
Staff has visited with the applicant and reviewed his request and is therefore recommending approval of the proposed conditional use permits for a Major Home Occupation B, carpet cleaning, at the above listed address without additional conditions.

Reasoning:

With the restrictions already imposed by Chapter 17-26, the use as proposed appears to be able to operate without need for additional conditions to mitigate reasonably anticipated detrimental impacts.

Attachment 1: Area Map

447 West Creekside Lane





Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B', Doggy Daycare April 12, 2018

Applicant/Owner: Stella Allred
Location: 1583 South Haight Creek Drive
Zone: R-1-8 (Single Family Residential)

Description:

Ms. Allred is requesting a conditional use permit for a Major Home Occupation 'B' to operate a doggy daycare. The R-1-8 zone does not allow for kennels. A kennel per Kaysville City Code 17-2 is defined as "Any lot or premise on which three (3) or more dogs (or similar household pets) at least four (4) months old are kept." Based on this staff has discussed with the applicant her business model to refine its scope to something that staff believes may be appropriate for the zone.

The applicant will offer to watch dogs of her clients for brief or extended periods, typically when a family is traveling. She will offer 2 different models for her service.

1. Clients can have her come by their home to check in on their pet, make sure it is walked, fed, etc. The animal would never come to the applicant's home.
2. Clients can have the applicant daysit the animal, meaning she would pick up the dog in the morning and take care of it at her home during the day before returning the dog to its home where it will spend the night. It is expected that owners who choose this type of service would have dogs that are indoor dogs and would spend most of their time in the applicants home before being taken home for the night. Apart from walks, when outdoors the dogs would be in a dog run.

Staff has visited with Ms. Allred and reviewed her request and the requirements of the ordinance. The applicant already has dogs so any dogs brought in would be in addition to her pets.

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 and the following conditions:

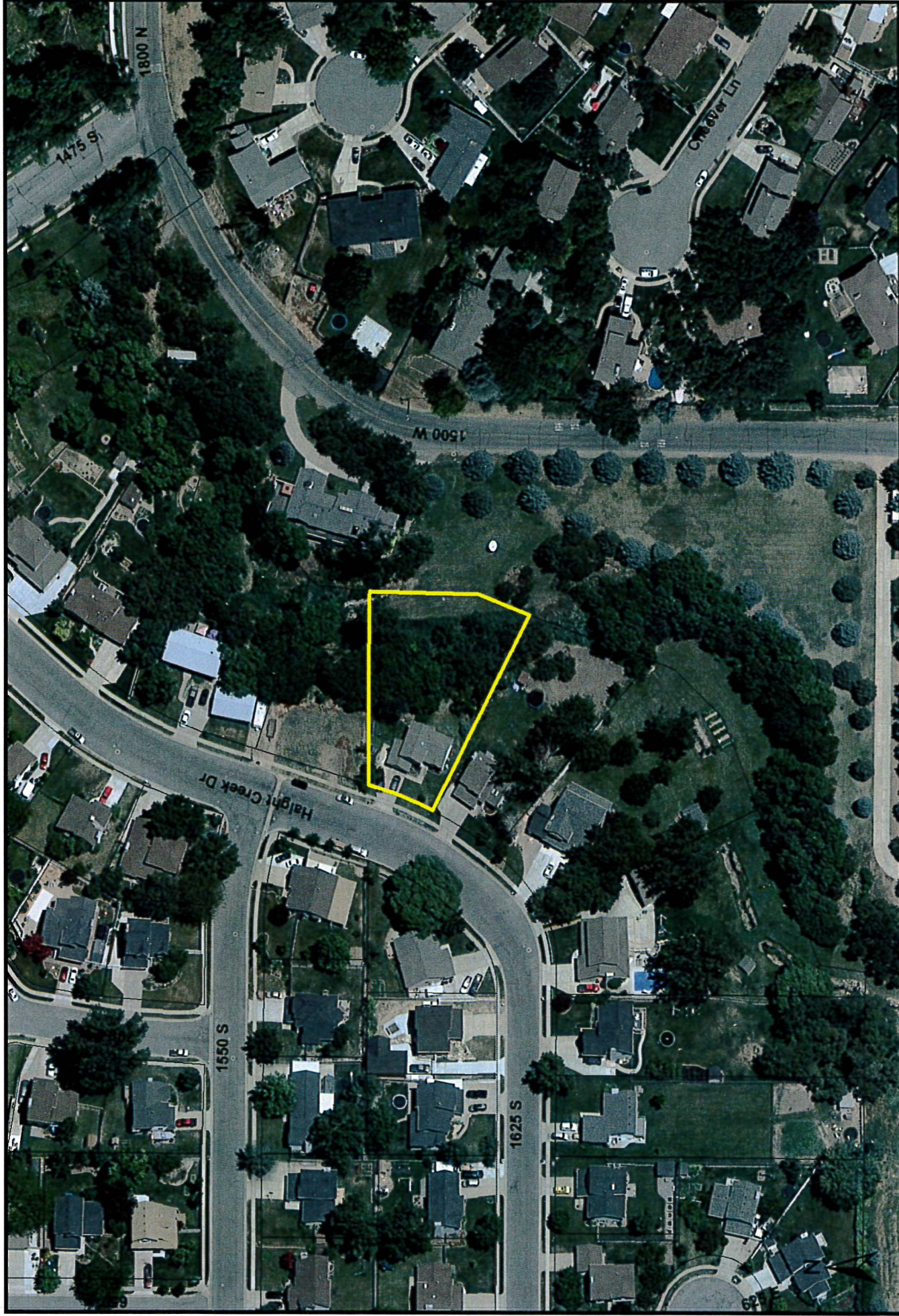
- No dogs being watched in connection with the business may stay overnight
 - The total number of dogs at the subject property shall not exceed six (6) dogs at any one time.
- This number includes any pets belonging to the applicant and pets of the applicant's clients.

Reasoning:

Staff feels that the potentially detrimental impacts of this request can be mitigated with the recommended conditions.

Attachment 1: Area Map

1583 South Haight Creek Drive





Planning Commission Staff Report

Conditional Use Permit for a Major Home Occupation 'B', Handyman April 12, 2018

Applicant/Owner: Tyson Webster
Location: 86 West Shepard Lane
Zone: R-1-8 (Single Family Residential)

Description:

Mr. Webster is requesting a conditional use permit for Major Home Occupation B at the above listed address. He has contacts with a property management group who will contact him to go on site for a variety of jobs. No customers come to his home. Typically the tasks he is asked to do require very little equipment so he does not use a trailer or even need a truck.

Staff has visited with the applicant and reviewed the restrictions of Title 17-26-4 Major Home Occupations B.

Recommendation:

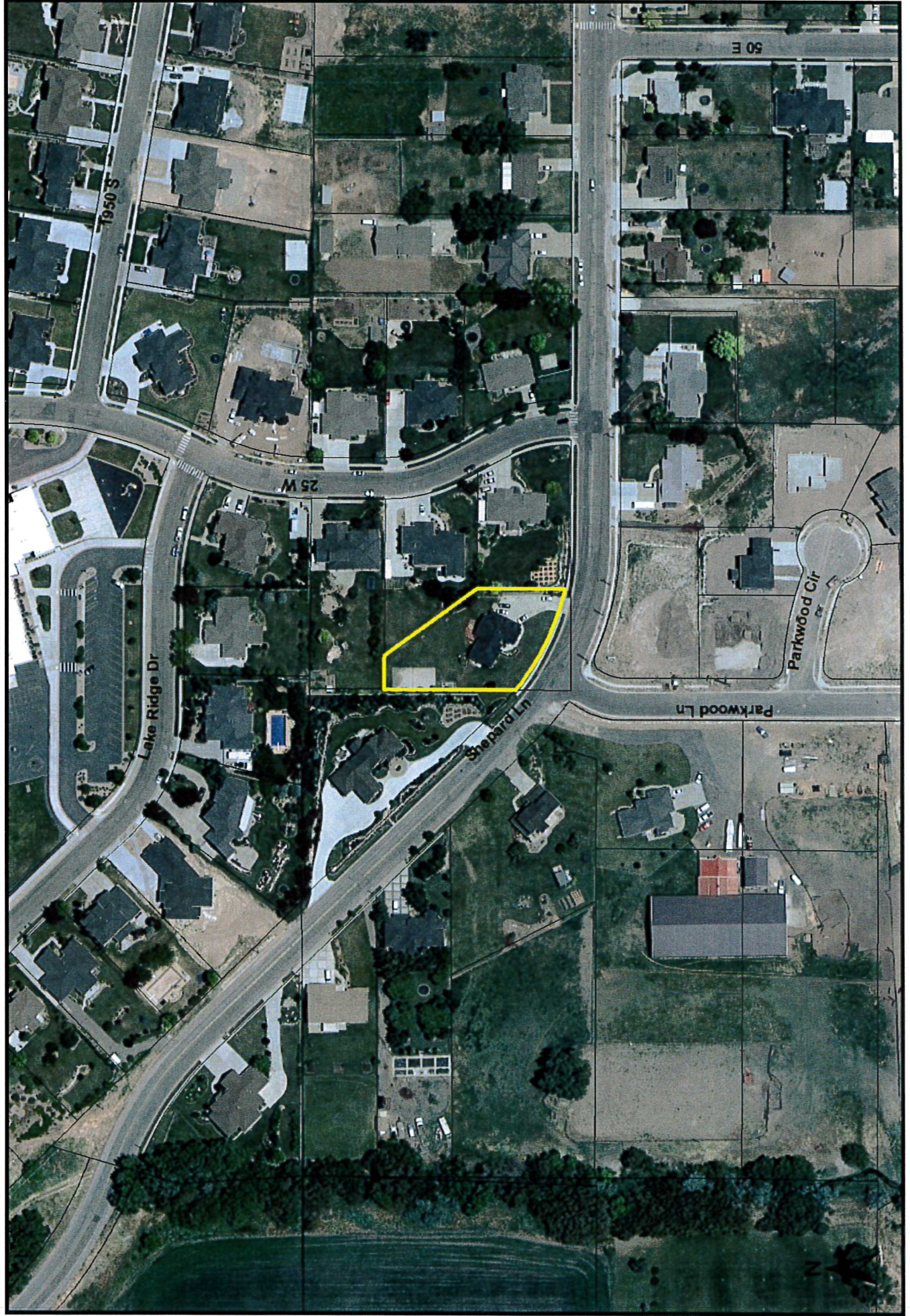
Staff is recommending approval of the proposed conditional use permits for a Major Home Occupation B, handyman, at the above listed address.

Reasoning:

Based on the nature and arrangements of the business, the restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

86 West Shepard Lane





Planning Commission Staff Report

Rezone of 4 acres at 292 West Blooming Grove Circle from A-1(Light Agriculture) to the R-1-20 (Single Family Residential) zoning district with the PRUD (Planned Residential Unit Development) overlay zone and Public Hearing for the Blooming Grove II First Amended Preliminary Plat. April 12, 2018

Applicant/Owner: Dana and Josh Griffin

Description:

On March 8, 2018 the Planning Commission held a public hearing for the consideration of a rezone at this property to the R-1-LD zone with the PRUD overlay. After the hearing and some discussion, the Planning Commission voted unanimously to table the item with a request for additional details before making a recommendation to the City Council.

Subsequently, staff met with the applicant and discussed the feedback received at the meeting and ways to address the concerns expressed. Ultimately the applicant has submitted a preliminary plat to solidify their desired use of their property. The subdivision as proposed includes 4 lots, including the existing home on lot 1. Each lot is 20,000 sq. ft. in size or larger. At the suggestion of staff, the original application was for the R-1-LD zoning district to allow for additional flexibility in lot size. The applicant laid out the lots in this preliminary plat so that it could be accomplished with the R-1-20 zoning district. The PRUD overlay is still necessary to accommodate the private street and location of the existing barn.

This subdivision includes a private street providing access to each lot with a new turnaround at the north end. Lots in a private street subdivision are required to comply with all requirements of the zoning district in which they are located. The R-1-20 zone requires that lots be at least 20,000 sq. ft. in size with 90 feet of frontage along a street.

The regulations governing the R-1 zoning districts are located in Chapter 17-12 while the regulations of the existing zoning district are found in Chapter 17-9 of the Kaysville City Ordinances.

The purpose of the PRUD overlay zone as stated by the City's ordinances is found in 17-34-1 which states:

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.

17-34-3 Planned Residential Unit Development Overlay Zone

The Planned Residential Unit Development overlay zone may be allowed in the agricultural and residential districts after review and approval of the subdivision and development agreement as applicable. Application for a Planned Residential Unit Development does not guarantee the applicant nor the property owner the right to exercise the provisions of this Chapter.

A rezone is a legislative decision, meaning that the Planning Commission and ultimately the City Council have broad discretion in the decision it makes as to whether or not the request is in harmony with the City's General Plan and is appropriate in the proposed location.

The City's General Plan states, among other things:

Identity and Character:

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

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.

D. Housing developments should essentially pay for themselves.

Recommendation:

Rezone:

The required public hearing has been held for the rezone, however the Planning Commission may allow for additional public comment if desired. Ultimately the commission should make a recommendation to the City Council addressing the amended request to the R-1-20 zone and PRUD overlay based on its findings of compatibility with the General Plan and how well the proposal works at this specific location. Because of the overlay zone, the plat should be part of the recommendation for the rezone.

The applicants' preference is to settle concerns previously expressed with a specific plat. Should the Planning Commission feel it is necessary to be even more specific as to how the property develops, it may request the review of a development agreement as part of its motion.

Preliminary Plat:

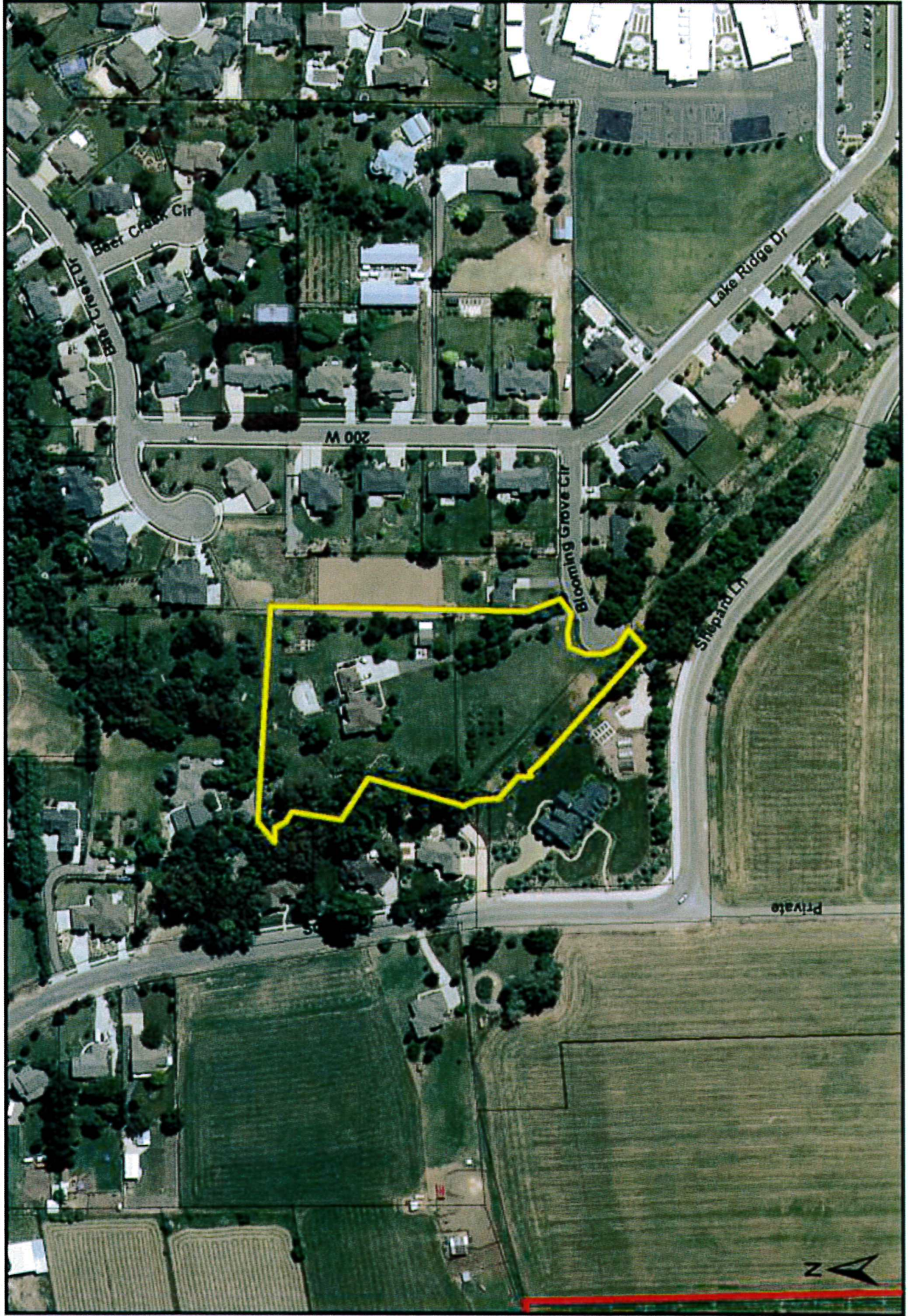
Should the Planning Commission determine that the requested zoning is appropriate and the layout of the plat desirable, staff recommends that a recommendation be forwarded to the City Council for approval of the Preliminary Plat.

Attachment 1: Area Map

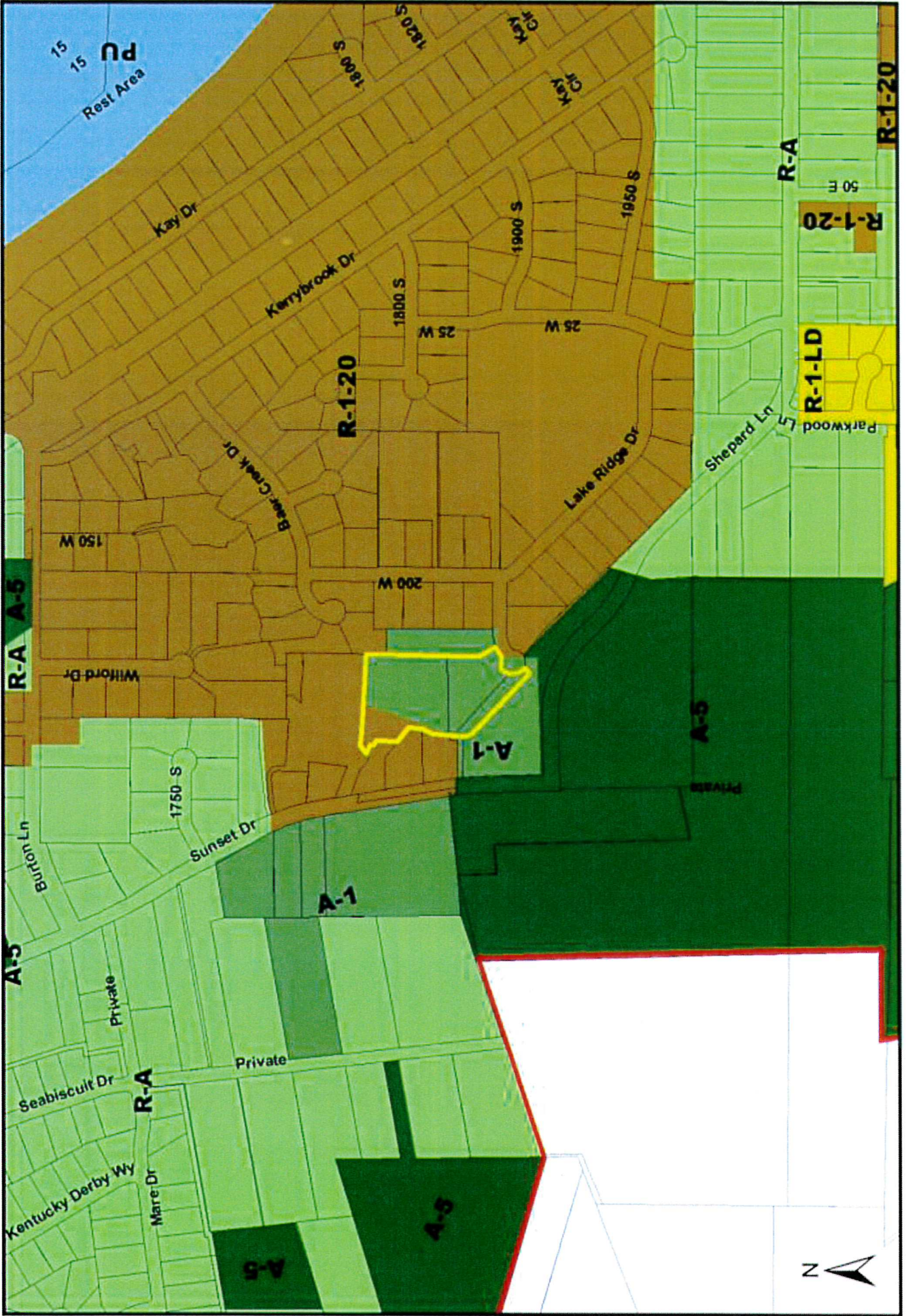
Attachment 2: Zoning Map

Attachment 3: Preliminary Plat

Rezone of 292 West Blooming Grove Circle to the R-1-20 zone with the PRUD overlay.



Rezone of 292 West Blooming Grove Circle to the R-1-20 zone with the PRUD overlay.

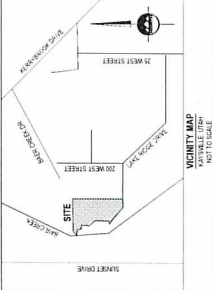
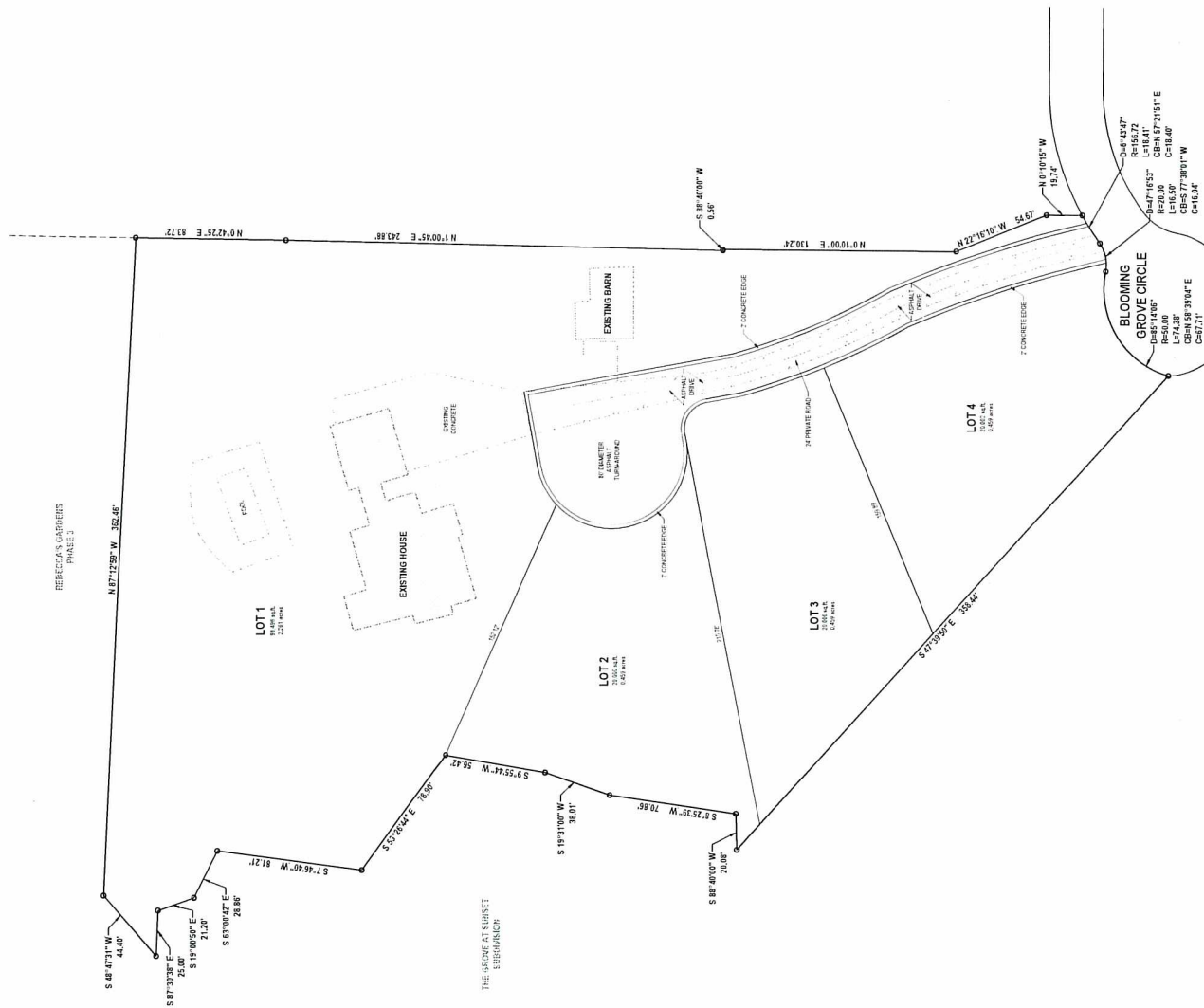




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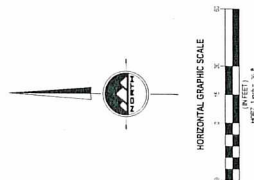
ANVILLE, TAD 64237

DATE 06/06/00

**BLOOMING GROVE II FIRST AMENDED
SUBDIVISION**
292 WEST BLOOMING GROVE CIRCLE
KAYSVILLE, UTAH



CONCEPT PLAN



1 OF 1



Planning Commission Staff Report

Public Hearing for the Rezone of 0.64 acres at 269 West Blooming Grove Circle from R-1-20 (Single Family Residential) to the R-1-10 (Single Family Residential) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone.

April 12, 2018

Applicant/Owner: Julie and Scott Edwards

Description:

The property owners at the subject location desire to build a space for aging parents to have them close by to better care for them. Their preference is to build a separate home behind the existing home on the property to give more independence while remaining in close proximity. The City does not allow more than one building on a lot to be used as a dwelling. To accomplish the applicants' desired plans, a flag lot subdivision is necessary which is not allowed by ordinance on a cul-de-sac street.

For the purpose of creating a space for aging family, the permitted alternative is to do an addition to the existing structure. The applicant has expressed a willingness to consider such an option, but for them it is far less desirable than a separate home on a separate lot. The City's ordinances consider buildings connected by a breezeway as defined in the ordinance as one building. The applicant has provided a drawing showing what is effectively a second home connected to the existing home by a breezeway which does comply with the current ordinance. While it may look like two dwellings, the City would require that those living on the property be considered as single-family. If the lot is subdivided and two single-family homes exist, each home may be occupied by different families.

The property is surrounded by R-1-20 zoning to the north and east with some agricultural zoning to the west. The request for the R-1-10 zoning district is necessary to accommodate the request based on the size of the property. The regulations governing the R-1 zoning districts are located in Chapter 17-12 of the Kaysville City Ordinances. A brief comparison of the applicable districts is below.

<u>Zone</u>	<u>Height</u>	<u>Lot Size</u>	<u>Lot Width</u>	<u>Front Setback</u>	<u>Side Yard Setback</u>	<u>Rear Yard Setback</u>
R-1-20	30'	20,000 sq. ft.	90'	30'	8'	15'
R-1-10	30'	10,000 sq. ft.	80'	30'	8'	15'

The PRUD overlay zone has been requested as it is necessary to allow a flag lot. Assuming the R-1-10 zoning district is approved, there would be changes necessary to the provisions of the PRUD overlay zone. Currently KCC 17-34-9 (3)b states 'Flag lot subdivisions are not allowed on cul-de-sac streets.'

This topic has come up on recent discussion with the Planning Commission, but a formal recommendation has not yet been made to the City Council. This may be another example for guiding that conversation one way or another.

17-34-9 Flag Lot Subdivision

1. Development requirements:

- a. The area of each flag lot shall be at least 10,000 square feet or meet the lot area required by the underlying zone district, whichever is greater.
- b. Flag lots shall have access to a street by way of a projection of at least thirty feet (30') in width along its entire length. Two flag lots with projections side-by-side may each have projections eighteen feet (18') or greater in width (for a total of not less than 36 feet) and share a common paved driveway twenty feet (20') or more in width covered by an easement so that the driveway cannot be divided.
- c. Main buildings on a flag lot shall be located not closer than twenty feet (20') to any property line.
- d. Accessory buildings shall comply with KCC 17-31-2.

2. Acceptable Uses. Subject to the review and approval of the Planning Commission, uses acceptable in a flag lot subdivision shall be those uses which are permitted in the zoning district in which the flag lot subdivision is located. Two family dwellings on flag lots as conditional uses are prohibited.

3. Applicability:

- a. Flag lot subdivisions shall be considered only in R-A, R-1, R-D, R-2, R-4 and R-M zones.
- b. Flag lot subdivisions are not allowed on cul-de-sac streets.

The request for the R-1-10 zone and a flag lot (the PRUD overlay zone) are both rezones and legislative decisions, meaning that the Planning Commission and ultimately the City Council have broad discretion in the decision it makes as to whether or not the request is in harmony with the City's General Plan and is appropriate in the proposed location.

The City's General Plan states, among other things:

Identity and Character:

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

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.

D. Housing developments should essentially pay for themselves.

Recommendation:

Rezone to R-1-10:

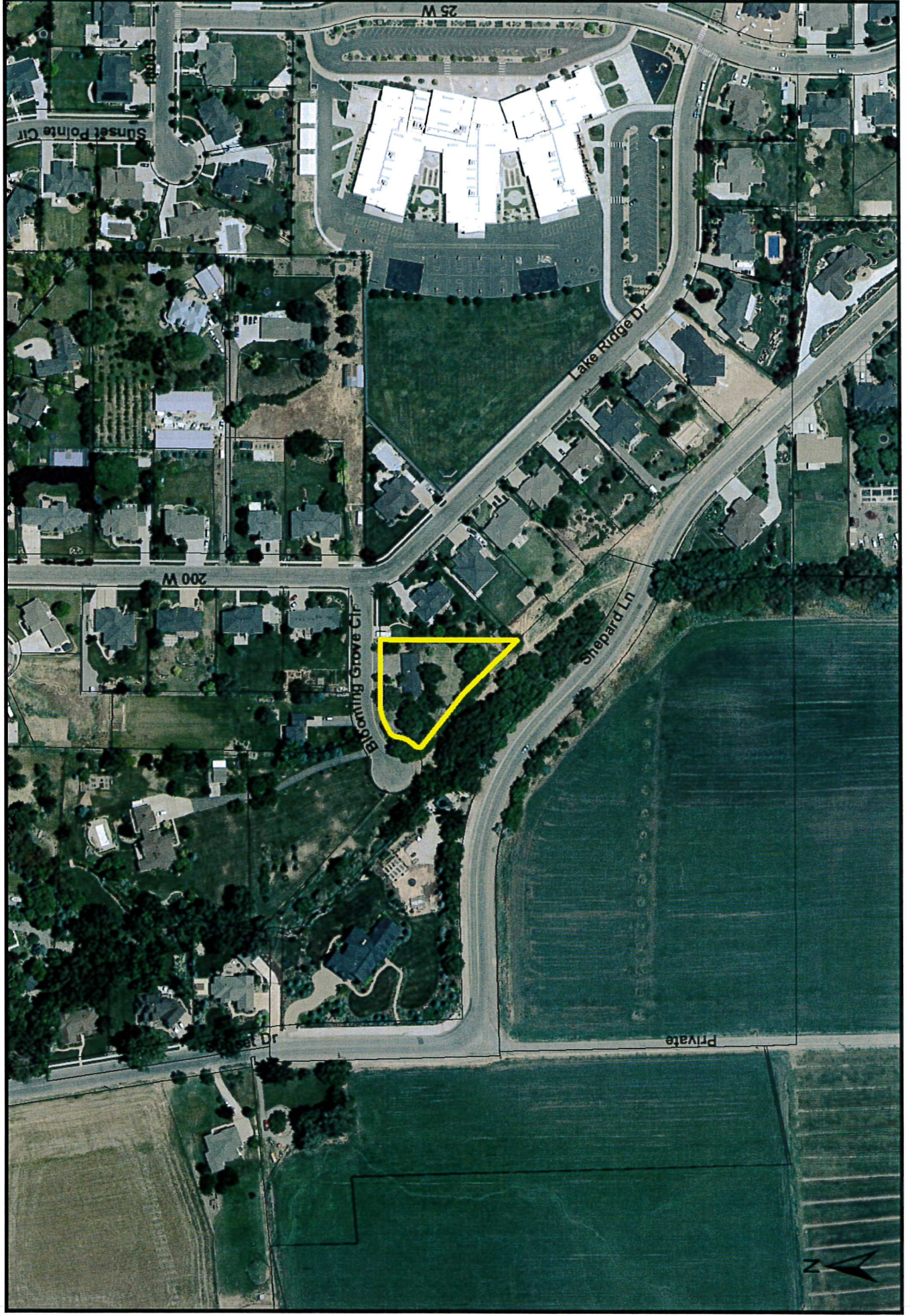
The Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location.

PRUD Overlay Zone:

In the opinion of staff, the PRUD overlay zone need only be considered if the R-1-10 zoning is recommended for approval because the property is not large enough to allow for a flag lot subdivision under the existing zone. If the R-1-10 zone is recommended for approval, staff recommends that the planning commission table a decision for the PRUD overlay pending changes to the City's Ordinances relating to flag lots on cul-de-sac streets.

Attachment 1:	Area Map
Attachment 2:	Zoning Map
Attachments 3-4:	Development Concepts

269 W. Blooming Grove Cir. - Rezone from R-1-20 to R-1-10 PRUD







SILVER PEAK
ENGINEERING

177 E. ANTELOPE DR., STE. B
LAYTON, UT 84041
PHONE: (801) 499-5054

EDWARDS PROPERTY
269 WEST BLOOMING GROVE CIRCLE
KAYSVILLE, UT

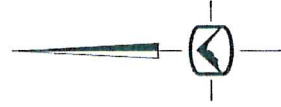
DATE: 03/29/2018
PROJECT: 18-059
DRAWN BY: J.T.E.

SITE PLAN

SHEET NUMBER:
PLAN 2

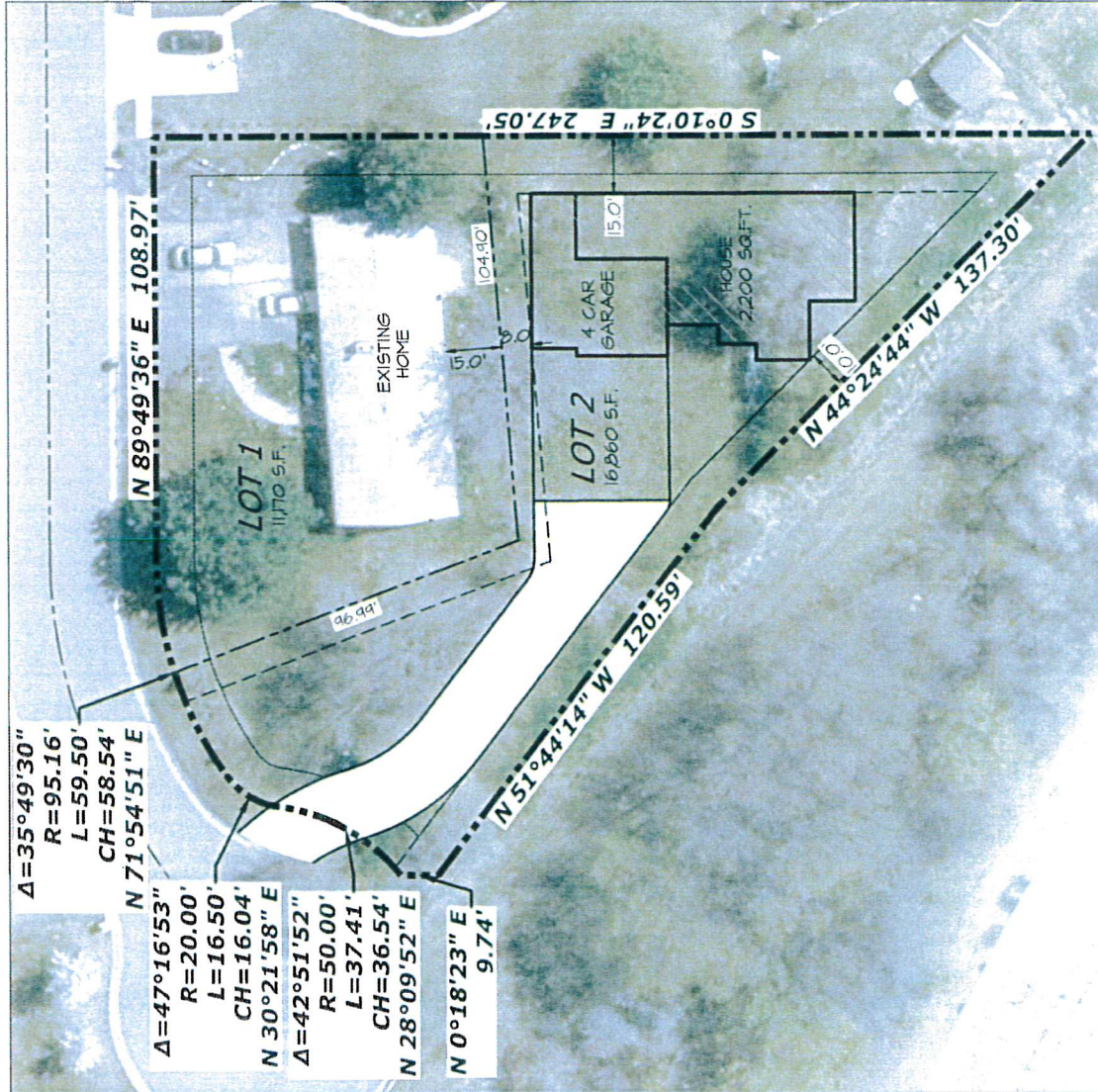


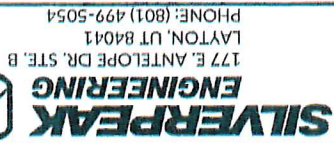
CONCEPTUAL FRONT ELEVATION



HORIZONTAL SCALE: 1"=30'

SITE PLAN





EDWARDS PROPERTY
269 WEST BLOOMING GROVE CIRCLE
KAYSVILLE, UT

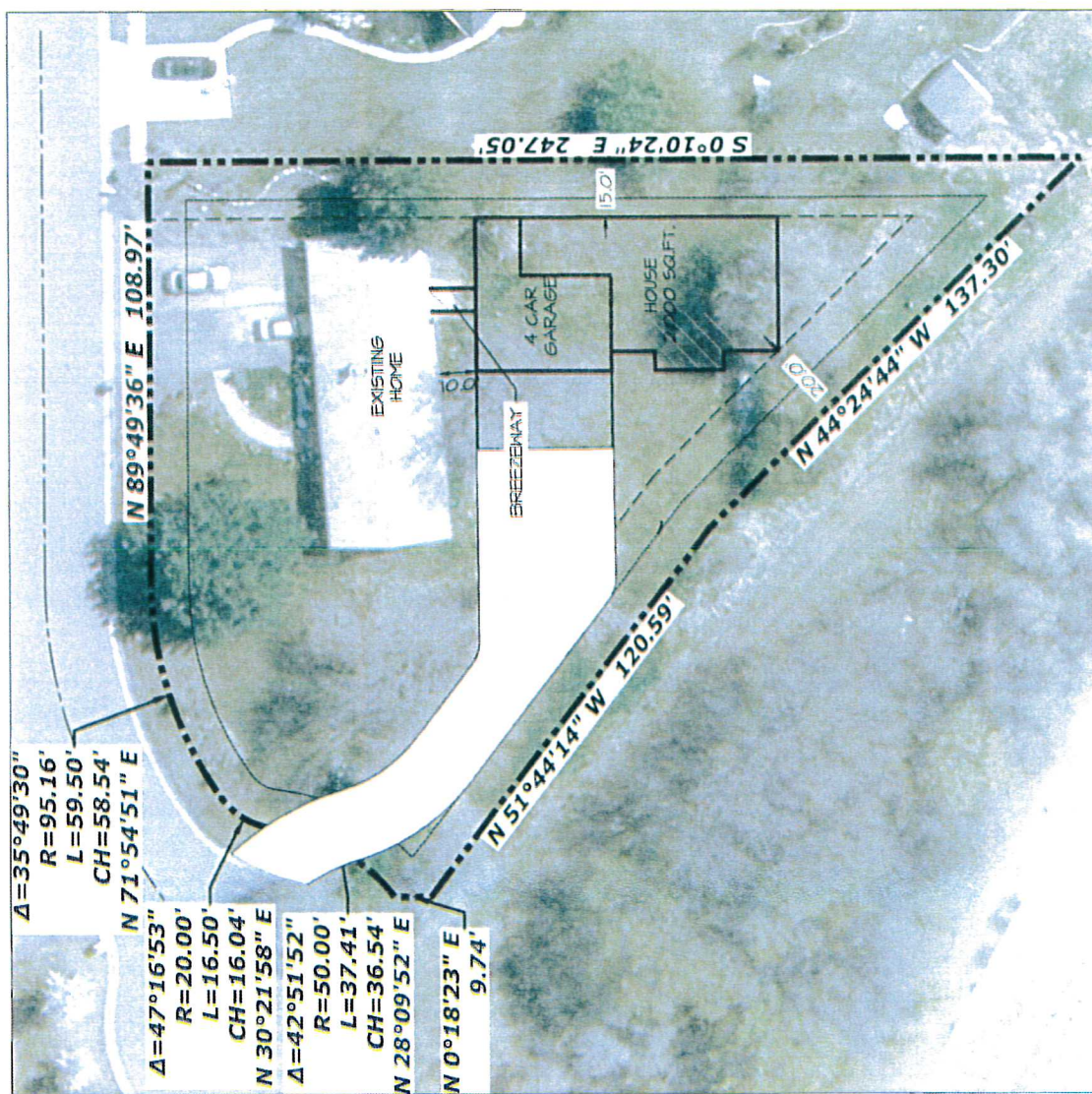
DATE: 03/29/2018
PROJECT: 18-059
DRAWN BY: J.T.F.

SITE PLAN

SHEET NUMBER:
PLAN 1



CONCEPTUAL FRONT ELEVATION





Planning Commission Staff Report

Public Hearing for the Rezone of 2 acres at 427 West Burton Lane from R-A (Residential Agriculture) to the R- 1-LD (Single Family Low Density) zoning district and Lindsay Subdivision Preliminary Plat. April 12, 2018

Applicant/Owner: Rosemary Lindsay

Description:

The subject property on the southwest corner of Burton Lane and Sunset Drive currently consists of 2 homes on 3 lots. The property owners are requesting a rezone to the R-1-LD zoning district for the purpose of creating one more buildable lot.

Currently the zoning requires that each lot have $\frac{1}{2}$ an acre of property and at least 100 feet of frontage along a street. The requested R-1-LD zoning allows for lots to be as small as 12,000 sq. ft. in size while still requiring the overall density remain at 2 units per acre. Lots in the R-1-LD zoning district require a lot frontage of 90 feet rather than 100 feet.

The proposed preliminary plat reflects a subdivision that meets the requirements of the R-1-LD zone where there are 4 total lots on just over 2 acres and each lot is at least 12,000 sq. ft. in size or larger. 3 of the 4 proposed lots are $\frac{1}{2}$ an acre in size or larger. Lot 4 is configured so as to accommodate the existing barn building and allow for a couple of horses per the city's farm animal ordinance.

The regulations governing the R-1 zoning districts are located in Chapter 17-12 while the regulations of the existing zoning district are found in Chapter 17-9 of the Kaysville City Ordinances.

A rezone is a legislative decision, meaning that the Planning Commission and ultimately the City Council have broad discretion in the decision it makes as to whether or not the request is in harmony with the City's General Plan and is appropriate in the proposed location.

The City's General Plan states, among other things:

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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.
- D. Housing developments should essentially pay for themselves.

Burton Lane and Sunset Drive are both classified as Major Streets per Kaysville City's Major Street Plan in Section 8-3-2.

Recommendation:

Rezone:

The Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location.

Preliminary Plat:

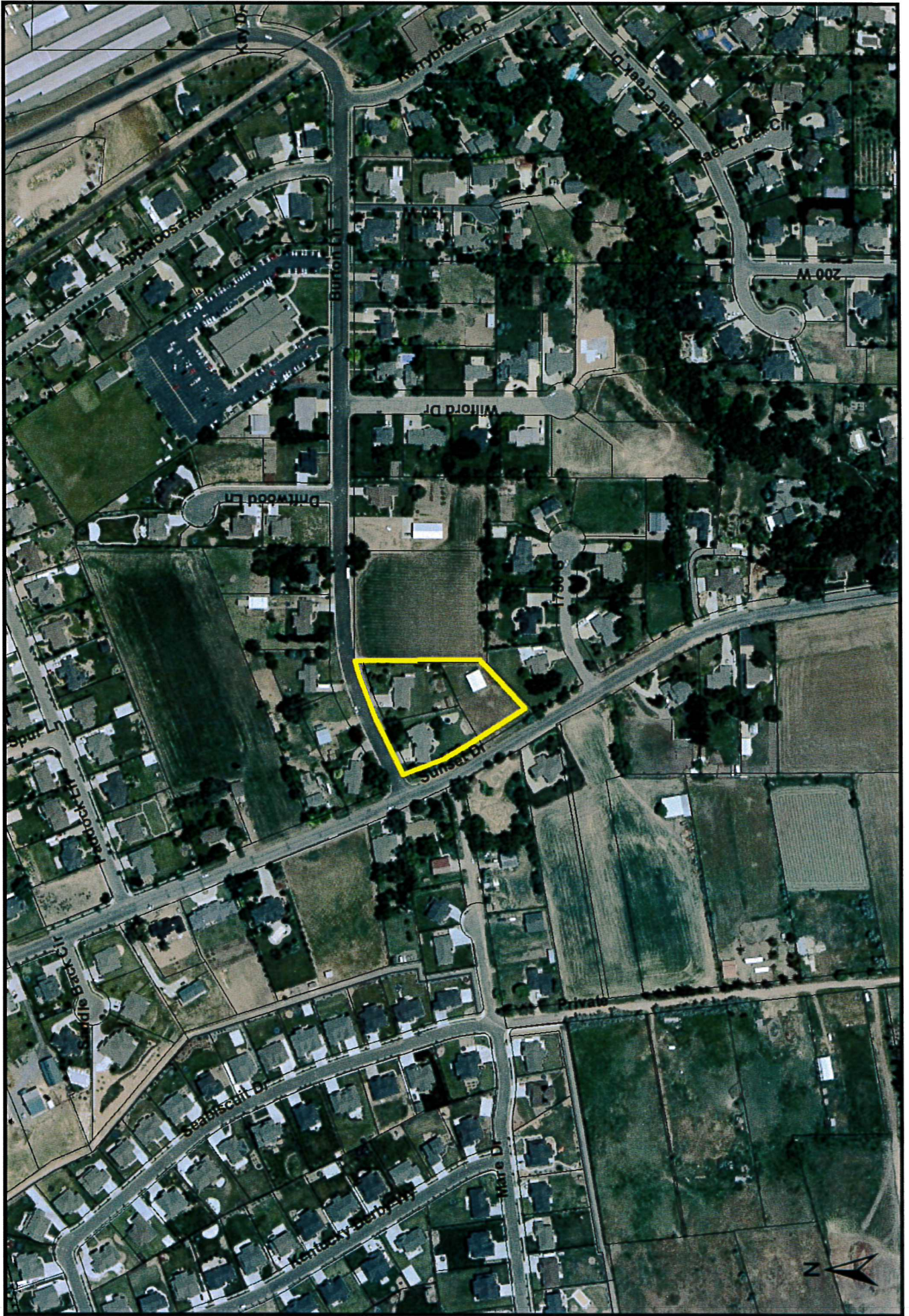
Should the Planning Commission determine that the requested zoning is appropriate and the layout of the plat desirable, staff recommends that a recommendation be forwarded to the City Council for approval of the Preliminary Plat.

Attachment 1: Area Map

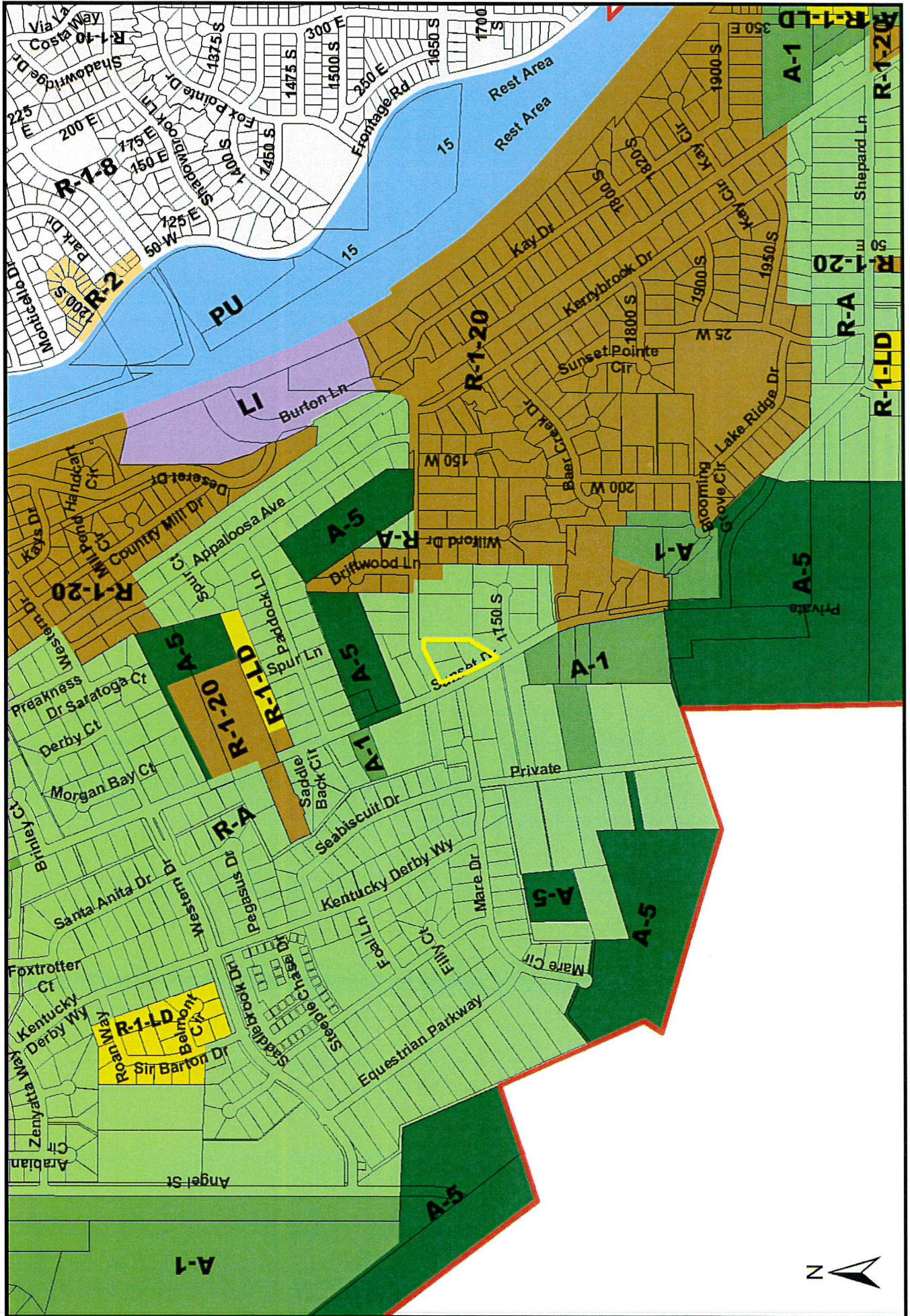
Attachment 2: Zoning Map

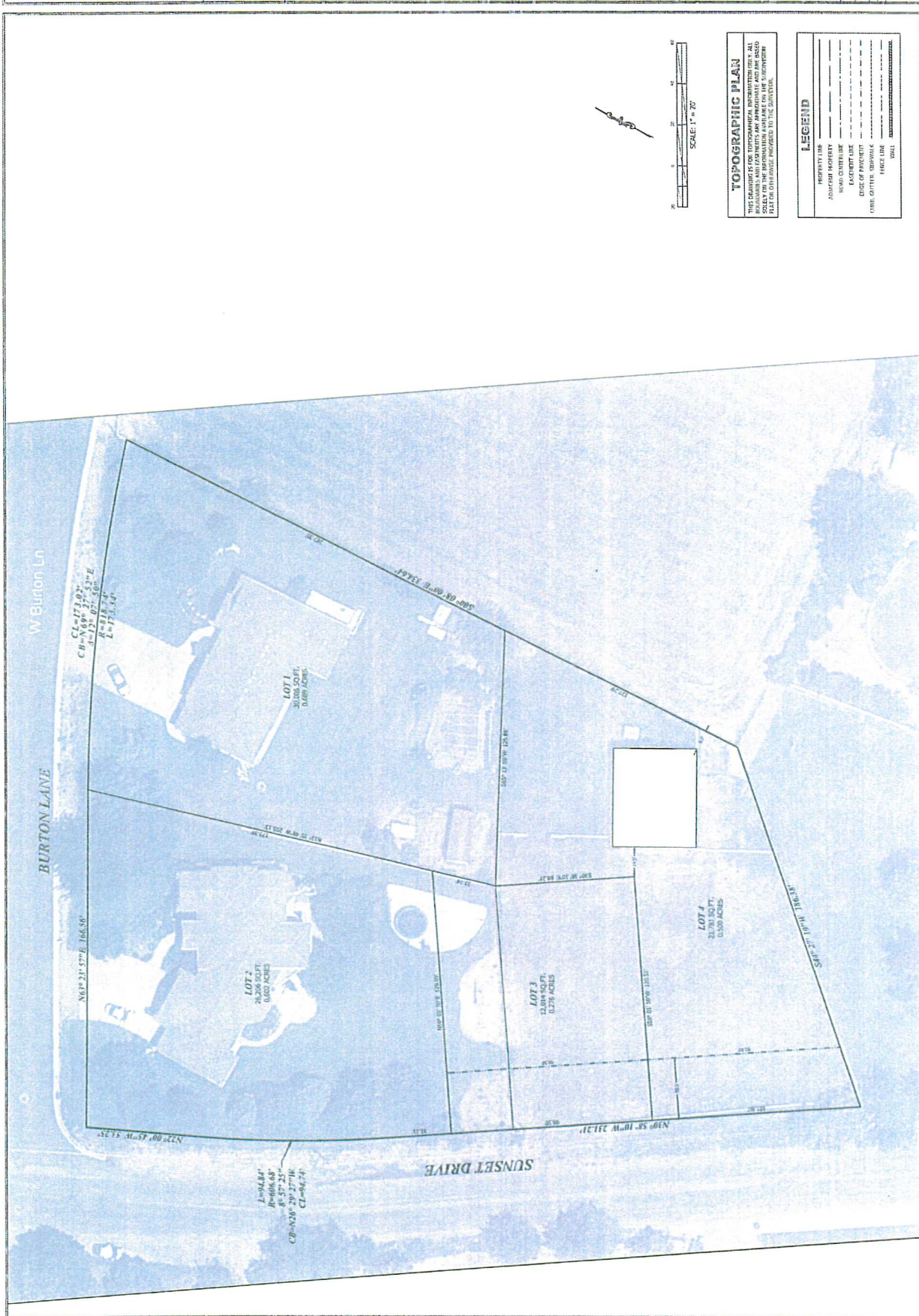
Attachment 3: Preliminary Plat

Rezoning of 2 acres from R-A to R-1-LD



Burton Lane and Sunset Drive area Existing Zoning







Planning Commission Staff Report

The Preserve Subdivision Phase 1 Final Plat Approval April 12, 2018

Applicant/Owner: Symphony Homes
Location: Approximately 150 South Angel Street
Zone: R-1-LD

Description:

Over the last several months this property has been rezoned to the R-1-LD zone and received preliminary plat approval. The first phase has now been submitted for final plat approval. Phase 1 consists of 25 lots on the easterly side of the project.

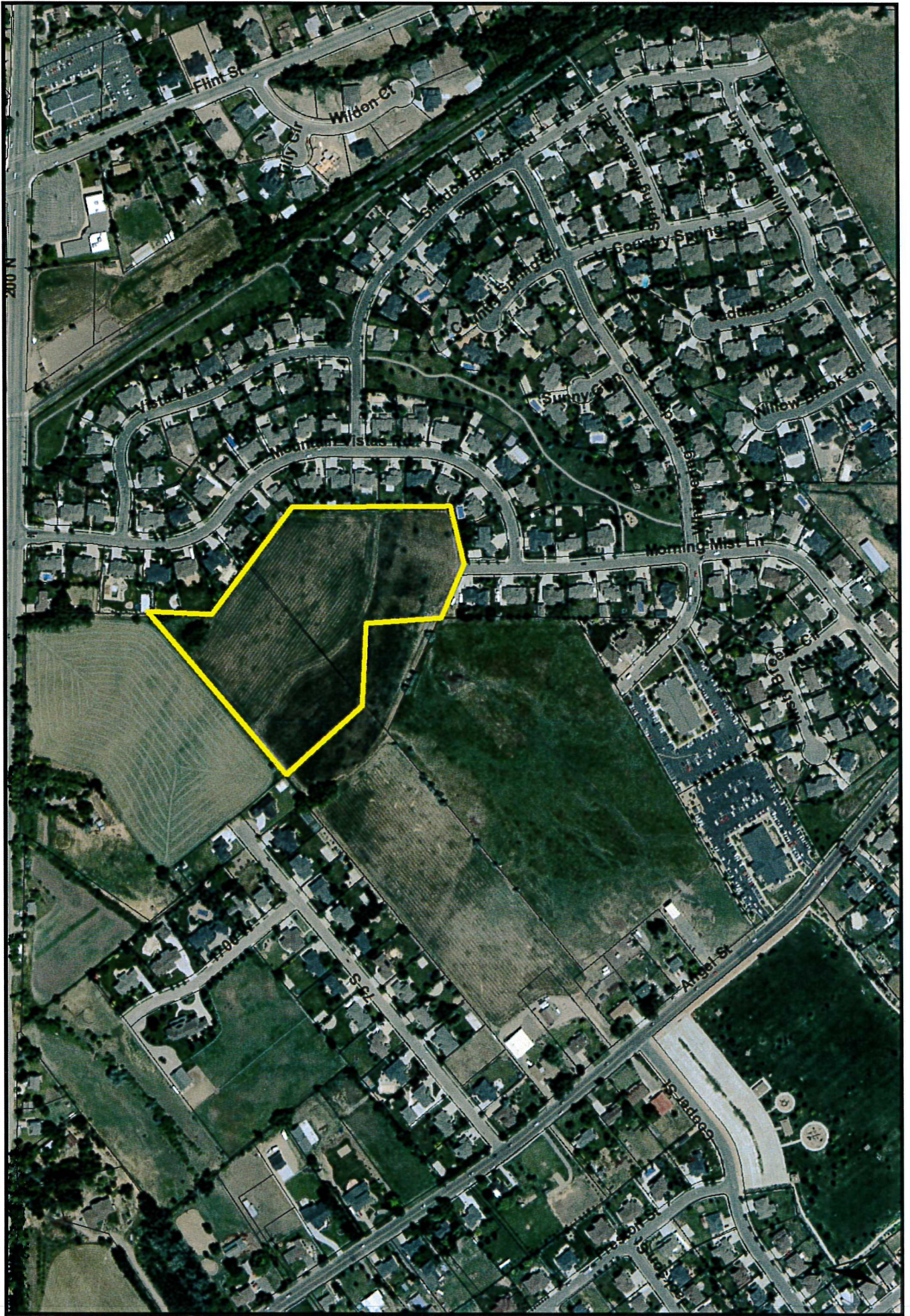
When the preliminary plat was approved by the City Council, there was concern expressed regarding construction access. Based on this concern, Symphony Homes has worked out an agreement with the original property owner to provide a temporary construction access off Angel Street. This access will be available before any homes begin construction.

Recommendation:

This phase complies with the preliminary plat and other applicable requirements and therefore, Staff suggests that the Planning Commission recommend final plat approval for The Preserve Subdivision Phase 1.

Attachment 1: Area Map
Attachment 2: Final Plat
Attachment 3: Preliminary Plat
Attachment 4: Temporary Access

The Preserve Phase 1



KAYSVILLE, UTAH
OFFSITE SEWER PLAN

FOCUS
ENGINEERING AND SURVEYING, LLC
42 WEST CENTER STREET
MIDVALE, UTAH 84047 P/E (801) 352-0075
www.focusllc.com



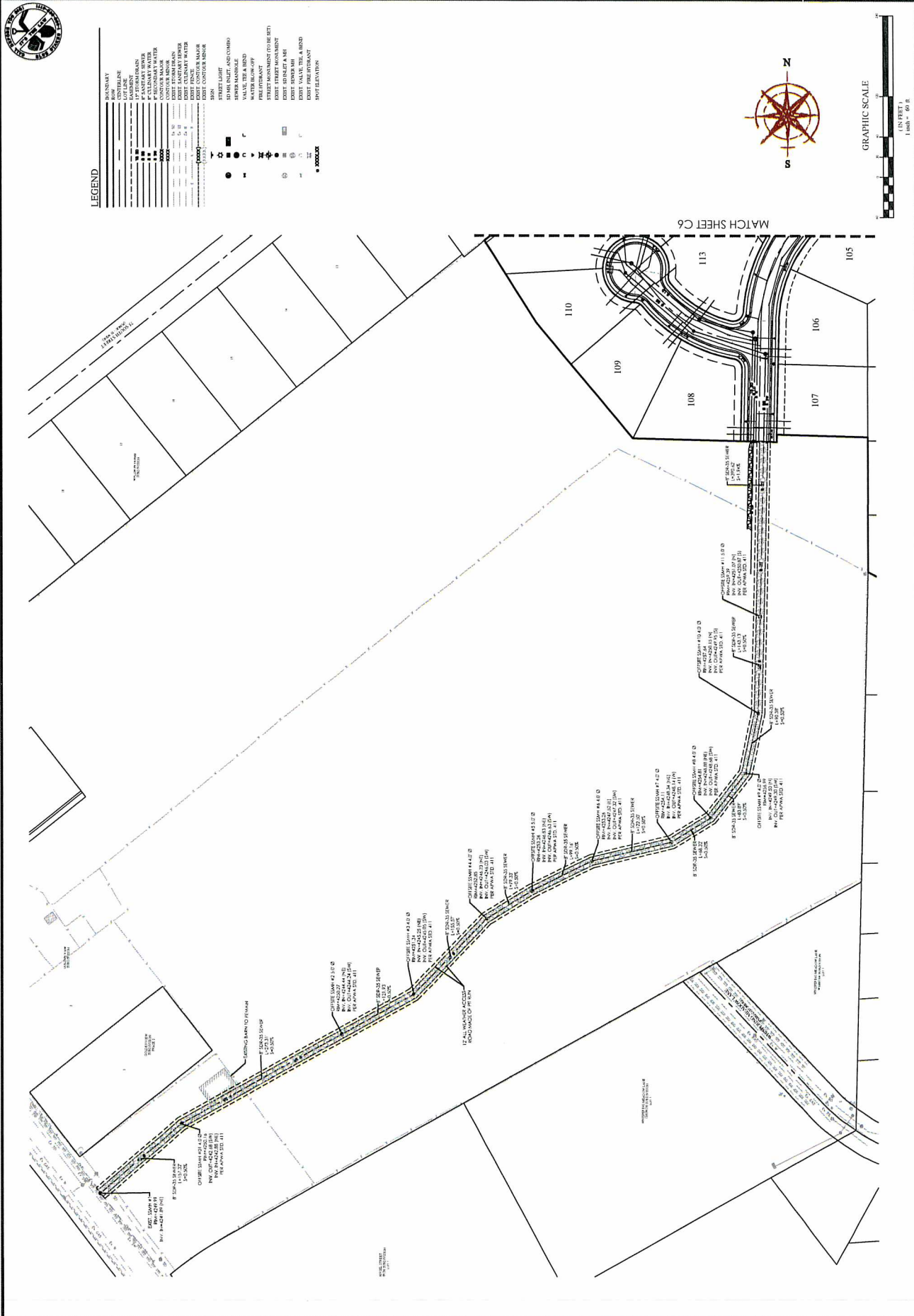
REVISION BLOCK		DESCRIPTION	
#	DATE		
1			
2			
3			
4			
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6			

OFFSITE
SEWER PLAN

Lab:	1" x 6"	Drawn:	JEB
Date:	03/09/18	Job #:	17-106

Sheet: C6.1

C6.1





Planning Commission Staff Report

Request for a Variance from Section 17-31-9 Flag Lot Subdivision.

April 12, 2018

Applicant/Owner: Doug and Fara Nowak
Location: 1833 South 200 West
Zone: R-1-20 (Single Family Residential)

Description:

The applicants desire to subdivide their property at the above listed address for the purpose of creating an additional building lot. The property is just over 2 acres in size and includes 1 home on the eastern portion of the lot. The existing home is accessed by way of an existing asphalt lane to the north for which the owners have an easement allowing access to their property.

After meeting with staff to discuss potential options for further development of the property, the owners desire to create a double flag lot subdivision. In pursuit of an approval for a flag lot subdivision, the owners have had the property surveyed and have created a plat document indicating their desired lot layout. The plat indicates that the access to the public street is 34.25 ft. in length. Kaysville City Code (KCC) 17-31-9 (1)b states that Two flag lots with projections side-by-side may each have projections eighteen feet (18') or greater in width (for a total of not less than 36 feet)... This has been interpreted by staff to require that the projections must total at least 36 ft. in length for the entire projection and has been applied as such on previous flag lot requests.

As shown in the plat included with this report, lot 2 is the only lot with access by way of ownership all the way to the street. Lot 1 continues to be accessed with the lane along the north side of the property.

The applicant has provided a letter included with this report stating their reasons for seeking a variance.

Applicable ordinance:

17-34-9 Flag Lot Subdivision

1. Development requirements:

- a. The area of each flag lot shall be at least 10,000 square feet or meet the lot area required by the underlying zone district, whichever is greater.
- b. Flag lots shall have access to a street by way of a projection of at least thirty feet (30') in width along its entire length. Two flag lots with projections side-by-side may each have projections eighteen feet (18') or greater in width (for a total of not less than 36 feet) and share a common paved driveway twenty feet (20') or more in width covered by an easement so that the driveway cannot be divided.
- c. Main buildings on a flag lot shall be located not closer than twenty feet (20') to any property line.
- d. Accessory buildings shall comply with KCC 17-31-2.

2. **Acceptable Uses.** Subject to the review and approval of the Planning Commission, uses acceptable in a flag lot subdivision shall be those uses which are permitted in the zoning district in which the flag lot subdivision is located. Two family dwellings on flag lots as conditional uses are prohibited.
3. **Applicability:**
 - a. Flag lot subdivisions shall be considered only in R-A, R-1, R-D, R-2, R-4 and R-M zones.
 - b. Flag lot subdivisions are not allowed on cul-de-sac streets.

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.

Motion:

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.

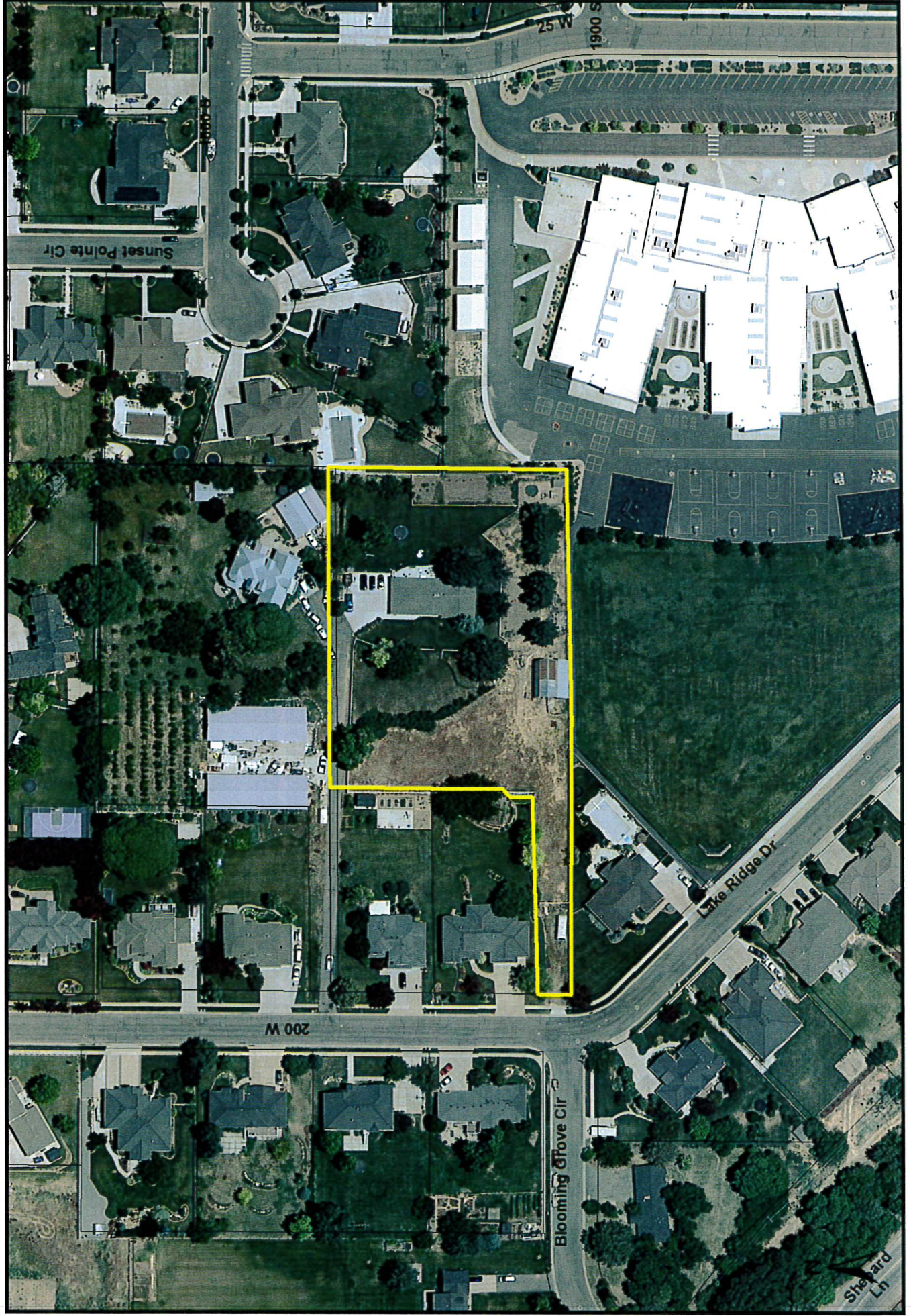
If the Planning Commission determines that a variance is in fact appropriate, staff recommends that the allowances of that variance be very specific. Staff could then work with the applicant to ensure a plat document is consistent with the approved variance. (example: approval of variance from 17-31-9 at the subject property allowing projections of 17 ft. or greater in width for a total of not less than 34 feet, OR allowing one projection to be less than 18 ft. in width for a total of not less than 34 ft.)

Attachment 1: Area Map

Attachment 2: Concept Plat

Attachment 3: Variance Request Letter

1833 South 200 West



Andy Thompson

From: dougnowak@juno.com
Sent: Thursday, March 15, 2018 11:15 AM
To: Andy Thompson
Subject: Letter asking for Variance 1833 S 200 W

To the Kaysville City council.

We (Doug and Fara Nowak) own a 2.1 acre flag lot at 1833 S 200 W. We bought this property 22 years ago when there was nothing but church owned alfalfa fields surrounding us and 200 W did not even go through to Baer Creek Rd. We share a private drive with Scott and Julie Edwards on the North side of the property. The Edwards own the bottom half and we own the top half of the drive and this has been the case for who ever has lived in these two properties since the early 1970's.

We are wanting to subdivide the property so that our son can build a home for his family on the lower acre. The intention is he will be able to help take care of us in our elderly years. We have always been told we have adequate width at the bottom of the flag stem but over the years with all the growth and new homes being built, we have been land squeezed with the parade of homes to the South of us and Endeavor Elementary.

We are requesting a Variance be granted since we have 34.26 feet at the bottom of our flag entrance which is short of the 36 feet required. The width at the top of the flag stem is 38 feet; so as you drive up the flag stem it gets wider. Our sons home would be the only home using the drive on the flag stem.

We would be grateful if the council would grant us this Variance so we can subdivide and build a home on the property.

Sincerely Doug and Fara Nowak

Buckingham Confirms Unfortunate News
risingstarnewspaper.com
<http://thirdpartyoffers.juno.com/TGL3131/5aaaaa2c7c06f2a2c2eaest02duc>

KAYSVILLE CITY PLANNING COMMISSION

March 8, 2018

Members Attending: Chairperson Betty Parker, Gary Bullock, Stroh DeCaire, Lorene Kamalu, Thomas Wood

Excused: Matthew Anderson, Joshua Sundloff

Staff Present: City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Savannah Griffin, Joshua Plaizier, Tim Plaizier, Jeff Bangerter, Luis Castillo, Doug Nowak, Roger Green, Fred Cheal, Dennis Hepworth, Craig Salmon

OPENING

The Planning Commission meeting was held on Thursday, March 8, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the February 22, 2018 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the February 22, 2018 meeting. Thomas Wood seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, PLUMBING CONTRACTOR AT 1612 WEST CRESTMONT WAY – JEFF BANGERTER

Lyle Gibson explained that Jeff Bangerter is requesting a conditional use permit for a major home occupation “B” at his home at 1612 West Crestmont Way. Mr. Bangerter works as a plumber and will be using his home primarily for scheduling, bids and appointments, and processing paperwork. He has a vehicle where his tools and parts will be stored. Mr. Bangerter has indicated that he isn’t planning to store any large equipment at his property, but mentioned that on occasion there might be a water heater in his garage until it is ready to be installed. Staff has met with Mr. Bangerter and has reviewed the restrictions of Title 17-26-4 “Major Home Occupations B”.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation “B”, plumbing contractor at 1612 West Crestmont Way for Jeff Bangerter. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, LASER ENGRAVING SERVICES AT 1056 SOUTH 25 WEST – ALEX CASTILLO

Lyle Gibson explained that Alex Castillo lives at 1056 South 25 West and is requesting a conditional use permit for a major home occupation “B” to operate a laser engraving service from his home. Mr. Castillo has not yet ordered the machinery which will be used for the service, but has space where he plans to work. The machinery makes very little noise; similar to a printer. He anticipates that there may be a customer or two who will come to the home on a regular day and items would be shipped to and from the house. Staff has visited with Mr. Castillo and reviewed the regulations for major home occupation businesses.

Thomas Wood made a motion to grant a conditional use permit for a major home occupation “B”, laser engraving services at 1056 South 25 West for Alex Castillo. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE APPROXIMATELY 4.0 ACRES OF PROPERTY AT 292 WEST BLOOMING GROVE CIRCLE FROM A-1 (LIGHT AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW DENSITY) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – DANA AND JOSH GRIFFIN

Lyle Gibson explained that the Planning Commission had recently discussed the possibility of this property being developed into a flag lot subdivision. The property owner has been in contact with City Staff and expressed their interest in further developing their lot to accommodate one or two additional homes. The applicant has submitted a request to rezone their property to the R-1-LD zoning district to allow for flexibility in lot size and configuration. They are interested in pursuing a private street subdivision where they would build a road into their property with a turnaround. Lots in private street subdivisions are required to comply with all requirements of their zoning district. The A-1 zone, in which the property is currently located, requires lots to each have at least 40,000 square feet of area and 100 feet of frontage along a street. The R-1-LD zone does not allow for more than two units per acre, but allows lots to be as small as 12,000 square feet in size while requiring 90 feet of frontage along a street. Blooming Grove Circle is roughly 350 feet deep, and the city only allows for cul-de-sac streets to be 600 feet deep. Therefore, this proposed development would extend the road an additional 250 feet or so, which the existing home and new lots would use for frontage. The Planning Commission should determine whether or not this request is in harmony with the City’s General Plan and is appropriate for the proposed location. Because of the PRUD overlay element, the Planning Commission may give direction to Staff to work with the applicant to create a development agreement which would more specifically control how the property develops. This agreement would come back to the Planning Commission for review before a formal recommendation is made to the City Council. Unfortunately Mr. and Mrs. Griffin could not be in attendance tonight, but their daughter is here to represent them.

Chairperson Betty Parker opened the Public Hearing.

Dennis Hepworth, living at 220 West Baer Creek Drive, commented that he is not opposed to the property being rezoned, but has concerns about it being rezoned to the R-1-LD zone. It seems that the R-1-20 zone is more compatible with the surrounding area and the property owners would still be able to subdivide their property in the R-1-20 zone, but wouldn't be allowed to create 12,000 square foot lots.

Savannah Griffin responded that her parents are not selling the lots to any construction companies, and want to be in charge of what is built here and how the homes look.

There were no further comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Lyle Gibson said that the Griffin's are requesting the R-1-LD zone at his recommendation because he felt that the R-1-LD zone would allow the Griffins to configure the lots more easily on the property. However, if there is enough angst about the R-1-LD rezone request, the Griffins would probably be fine with the R-1-20 zone as well.

Stroh DeCaire commented that he would feel more comfortable having an opportunity to talk to the property owners before making a final recommendation for this rezone request.

Gary Bullock stated that even if it's not the owner's intent, if this property is rezoned to a higher density, this property could developed with more lots than what the city and neighborhood wants. The R-1-20 zone is more restrictive and will help to have more regulation over how the property is developed.

Savannah Griffin commented that it is her parent's intention to have only three total homes on this property. The two new lots would be created in front of the existing home and they plan to continue living in the existing home on the back.

Lyle Gibson added that Mr. and Mrs. Griffin wanted to be here tonight and had planned to present drawings of the proposed development to the Commission at this meeting.

Lorene Kamalu commented that it usually easier to make these types of decisions when a concept plan is presented.

Gary Bullock said that a development agreement could be required which would limit the number of lots on this piece of property. That development agreement would run with the land and not the owner of the property.

Lyle Gibson recommended tabling this item until their next meeting when the applicant could be present.

Gary Bullock made a motion to table the request to rezone approximately 4.0 acres of property at 292 West Blooming Grove Circle from A-1 (Light Agriculture) to the R-1-LD (Single Family Low Density) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone for Dana and Josh Griffin. Stroh DeCaire seconded the motion and it passed unanimously.

PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR DESERET COMPLEX CONDOMINIUMS SUBDIVISION LOCATED AT APPROXIMATELY 450 SOUTH DESERET DRIVE – SKULL DEVELOPMENT

Andy Thompson explained that this property is located between Tri-City Nursery and Boondocks on Deseret Drive, and consists of about 7.5 acres. Recently a building permit was issued for a commercial building on what is shown on the plat as Lot 4. The property owner would ultimately like to build three more buildings and have the ability for each building to have separate ownership. This plat provides for this by platting the general footprint of each building as a separate lot. The parking and landscape areas will be owned as common area. The two smaller lots will each accommodate a building of just over 20,000 square feet and the larger lots are about 34,000 square feet. There are no minimum lot sizes or yard requirements for the General Commercial zone.

Chairperson Betty Parker opened the Public Hearing.

There were no comments or questions from the public. Chairperson Betty Parker closed the Public Hearing.

Craig Salmon said that his business partner and himself own this property and have started construction on the building on Lot 4. They currently don't intend to sell the buildings, but would like to have that option in case they change their mind in the future. They already have businesses interested in leasing the building space and are excited to be here in Kaysville.

Lorene Kamalu asked about the other planned buildings on the property.

Craig Salmon responded that the other buildings will look similar to what is currently being built on Lot 4. They are considered flex buildings that could potentially be built as two story buildings.

Betty Parker commented that there is a need for buildings of this size for businesses and this is a great use of this land.

Gary bullock asked about the timing for this project.

Craig Salmon responded that they are getting ready to submit plans for the building on Lot 3 which is the same size as the one on Lot 4. The buildings planned for Lots 1 and 2 are larger but will look the same. These buildings will be market driven based on the interest they get in leasing building space. They are hoping to develop Lot 3 in the spring. It is likely his own business, which is currently located in Centerville, will be moved to one of these buildings.

Lyle Gibson added that Staff had only received one inquiry about this subdivision from the neighbors who was concerned this property was being developed for higher density residential condos.

Stroh DeCaire made a motion to recommend preliminary and final plat approval for Deseret Complex Condominiums Subdivision located at approximately 450 South Sunset Drive for Skull Development. Gary Bullock seconded the motion and it passed unanimously.

REVIEW OF A COMMERCIAL BUILDING DESIGN FOR CUSTOM FENCE AT 293 NORTH 650 WEST – ROGER GREEN CONSTRUCTION

Lyle Gibson explained that Custom Fence, located at 293 North 650 West, is looking to construct a new building on site. Because their property is located in the General Commercial zoning district, it is subject to specific building design criteria as outlined in Section 18-5 of the City's ordinances. Drawings have been created to indicate the proposed architecture of the building. Typically, review for building design compliance is done by city Staff. In this case, it is the opinion of Staff that the building does not meet the specific design features in the ordinance. However, due to this location and its surroundings, Staff feels that it would be appropriate to have the Planning Commission use its discretion granted by the ordinance to determine if the building design is acceptable. Staff is looking for the Planning Commission to determine whether or not the proposed building has appropriate building relief and roof treatments. The site plan is yet to be designed as some elements are contingent upon what building could be constructed. The site plan will be reviewed separately through the appropriate processes.

Gary Bullock asked about the roof of the building.

Roger Green, representing Custom Fence, responded that the roof is a metal pitched roof. The building itself is also metal, but they will use a couple different colors and textures. To help break up the look of the metal building, they plan to lay brick around the outside edge of the building, as well as using columns of bricks to break up the walls. It will have a similar look as the Mazda dealership down the street.

Gary Bullock asked about the look of other buildings in this area.

Lyle Gibson responded that this area is more of an industrial use area, but the city doesn't have any architectural design specifically for industrial uses in the GC zone. Most of the buildings in this particular area were built before any architectural requirements of the GC zone were in place. The existing building on this property is a steel building with no architectural makeup on it. There is also a brick building right across the street from here.

Stroh DeCaire asked about the existing building.

Roger Green said that the building will remain on site. This new building will be placed to the north of that building.

Gary Bullock commented that it doesn't seem that the proposed building design would affect the character of the area.

Stroh DeCaire added that it will be an aesthetic enhancement to what's already here.

Gary Bullock asked if there is any assurance that the building façade will not be changed after given approval.

Lyle Gibson said that any significant changes would have to come back to the Planning Commission for approval.

Gary Bullock asked about how large the building is going to be.

Roger Green responded that it is going to be about 6,250 square feet in size.

Lorene Kamalu made a motion to recommend approval of the commercial building design for Custom Fence at 293 North 650 West for Roger Green Construction as the designs have been presented or substantially similar. Thomas Wood seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled Planning Commission meeting will be held on Thursday, March 22, 2018 at 7:00 p.m.

ADJOURNMENT

Thomas Wood made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 7:46 p.m.