

**KAYSVILLE CITY PLANNING COMMISSION  
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, May 24, 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 May 10, 2018.
2. Public hearing and request to rezone of 1.1 acres of property at 1915 South Shepard Lane from A-5 (Heavy Agriculture) to the R-1-20 (Single Family Residential) zoning district – Kathy and Barrie Brewer.
3. Call to the public.
4. Other matters that properly come before the Planning Commission:
  - a. Reports.
  - b. Correspondence.
  - c. Calendar.
5. 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, May 18, 2018.

  
\_\_\_\_\_  
Lyle Gibson  
Zoning Administrator



## **Planning Commission Staff Report**

---

### **Public Hearing for the Rezone of 1.1 acres of property at 1915 South Shepard Lane from A-5 (Heavy Agriculture) to the R-1-20 (Single Family Residential) zoning district. May 24, 2018**

Applicant/Owner: Kathy and Barrie Brewer

#### **Description:**

The Brewer family's property is on the corner of Sunset Drive and Shepard Lane. The rezone request is for the eastern panhandle portion of the property which consists of just over an acre.

The subject property includes some A-1 zoning, but is adjacent to the R-1-20 district to the North and East. There is more A-5 property to the southwest which is controlled by the Central Davis Sewer District.

The A-5 zoning district is for large farm properties of 5 acres or larger. The applicant's home, while on the same property, is actually located in the A-1 zoning district and would remain on 2 acres in compliance with the existing zoning district. The requested zoning would accommodate potential future development where the subject property could not develop under the existing zoning district.

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 17-8 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:

#### **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.

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

## **Recommendation:**

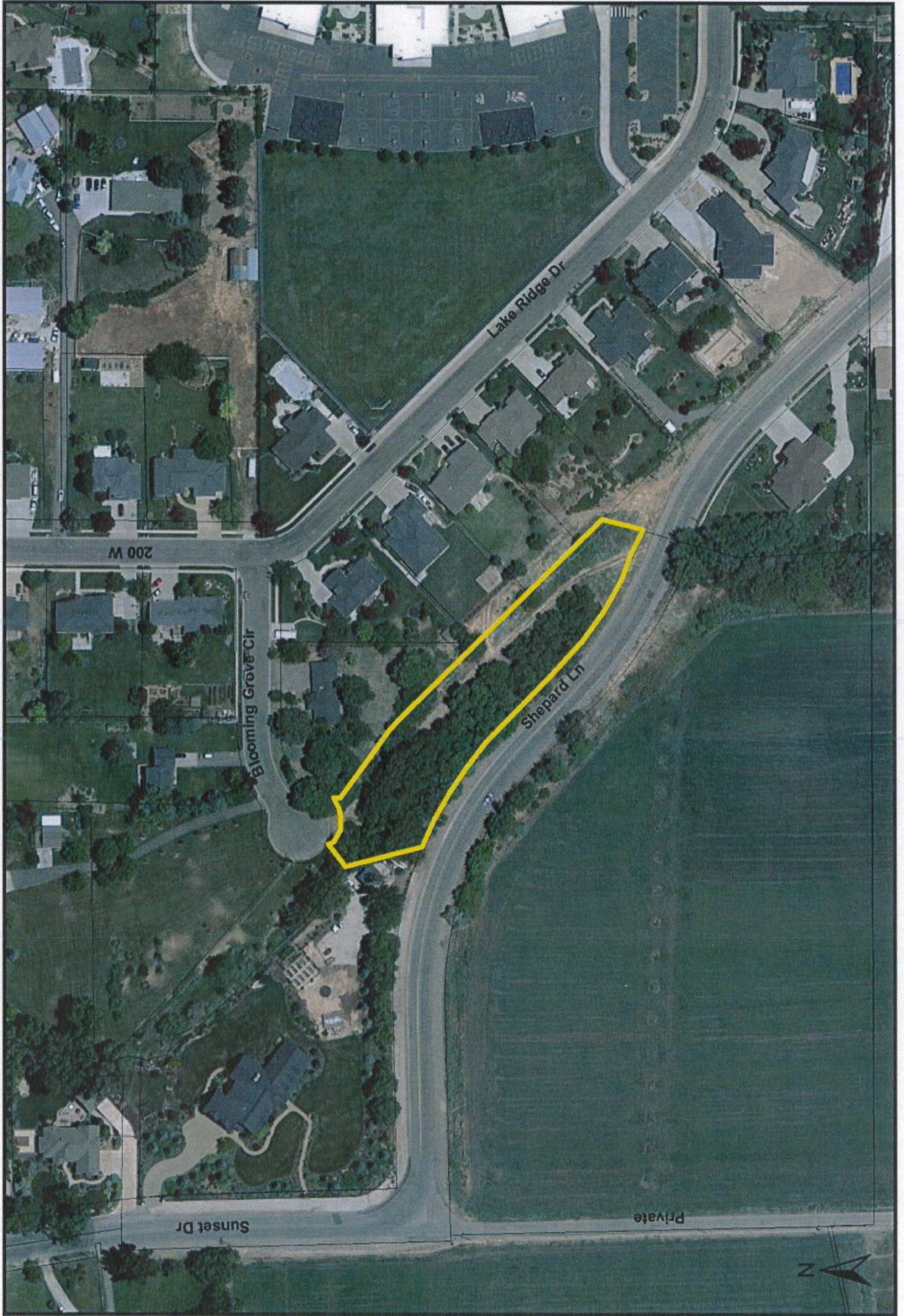
### Rezone:

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.

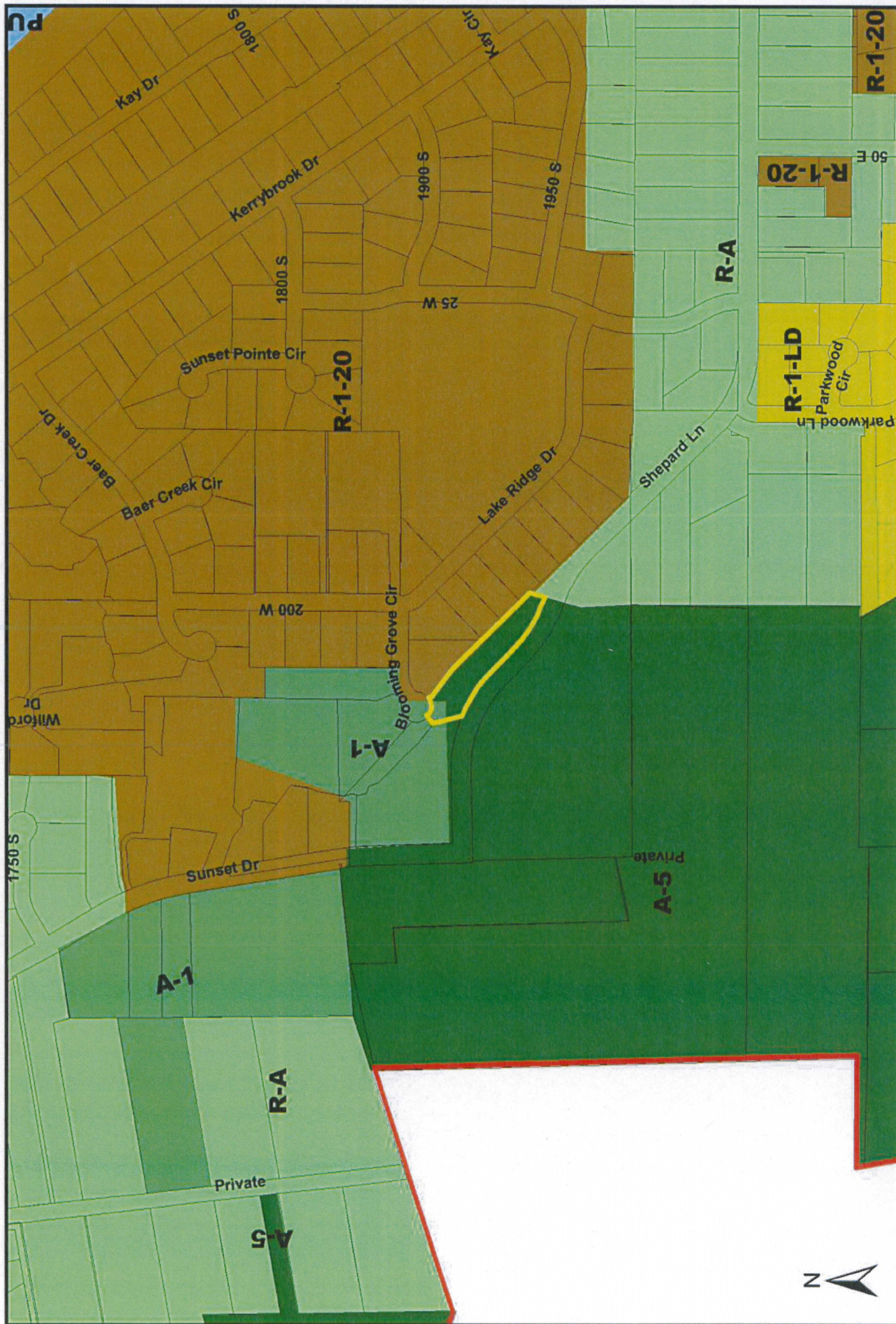
Attachment 1: Area Map

Attachment 2: Zoning Map

Rezone of 1.1 Acres at 1915 South Shepard Lane from A-5 to R-1-20



Rezone of 1.1 Acres at 1915 South Shepard Lane from A-5 to R-1-20



# KAYSVILLE CITY PLANNING COMMISSION

May 10, 2018

Members Attending: Chairperson Betty Parker, Matthew Anderson, Gary Bullock, Stroh DeCaire, Lorene Kamalu, Joshua Sundloff

Excused: Thomas Wood

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

Others Present: Mayor Katie Witt, Seth Faerber, Destiny Thomas, Kenneth C. Harker, Melanie Suttner, Heather Swarens, Munkhtuul Erdenebileg, Ken Ulziibayar, Kaylynn Iverson, Josh Iverson, Lori Pulido, Connor Montague

## **OPENING**

The Planning Commission meeting was held on Thursday, May 10, 2018 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the April 26, 2018 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the April 26, 2018 meeting. Gary Bullock seconded the motion and it passed unanimously.

## **CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, HANDYMAN AT 680 NORTH MAIN STREET #D-12 – KENNETH CHRISTOPHER HARKER**

Lyle Gibson explained that Kenneth Harker lives at 680 North Main Street #D-12 and is requesting a conditional use permit to conduct a major home occupation from his home. Mr. Harker plans to work as a handyman and would do small jobs on site with typical power and hand tools that he will transport to each site in his personal vehicle. He would not store any materials for jobs on his property and does have a storage shed for tools and equipment.

Stroh DeCaire made a motion to grant a Major Home Occupation “B”, handyman at 680 North Main Street #D-12 for Kenneth Christopher Harker. Matthew Anderson seconded the motion and it passed unanimously.

## **CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION “B”, LIFE COACHING AT 93 NORTH HAVENWOOD DRIVE – SUSAN GREENWELL**

Lyle Gibson explained that Susan Greenwell recently moved into a new home at 93 North

Havenwood Drive and would like to provide life coaching from her home. While most of Mrs. Greenwell's work is done over the phone, there will be times that clients will come to her home for appointments. Appointments take about two hours each, and clients would schedule appointments with Mrs. Greenwell beforehand. Mrs. Greenwell does not plan to have more than two clients per day coming to her home. There is ample parking on their property, so clients will be able to pull into her driveway rather than parking on the street.

Matthew Anderson made a motion to grant a conditional use permit for a Major Home Occupation "B", life coaching at 93 North Havenwood Drive for Susan Greenwell. Gary Bullock seconded the motion and it passed unanimously.

### **CONDITIONAL USE PERMIT FOR RESIDENTIAL CHILD CARE AT 390 WEST 175 SOUTH – LORI PULIDO**

Lyle Gibson explained that Lori Pulido recently moved to the home at 390 West 175 South and is requesting a conditional use permit to conduct child care from her home. She has previously worked in a daycare before moving to Kaysville. Kaysville City's Ordinance 17-12-6 "Residential Child Care" states that residential child care providers can care for up to twelve children at a time. Although the ordinance allows for one non-resident employee to work in the child car, Mrs. Pulido does not anticipate having any employees. Staff has met with Mrs. Pulido onsite and there is a space designated in her home for the use of the daycare. The yard is also enclosed, and they have an adequate amount of space to accommodate off-street parking.

Lori Pulido added that she is currently in the process of receiving her Child Care License from the State and getting the required insurances.

Stroh DeCaire made a motion to grant a conditional use permit for residential child care at 390 West 175 South for Lori Pulido. Lorene Kamalu seconded the motion and it passed unanimously.

### **CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 61 EAST COBURN CIRCLE – HEATHER AND JOSEPH SWARENS**

Lyle Gibson explained that the Swarens live at 61 East Coburn Circle and are requesting a conditional use permit to keep goats on their property. Their property is 0.528 acres or 22,989 square feet, which allows them to keep up to four sheep, goats, llamas or similar animals. The rear yard of the property is fenced and the applicant intends to put up a second fenced area within the rear yard where the goats would be kept. Staff did receive a complaint from a neighbor concerned about the goats being able to get out of the fenced area.

Stroh DeCaire commented that he had also received an e-mail from a neighbor concerned about the goats being able to get out of the yard. However, after the second fenced enclosure is installed it should not be a problem. If it becomes a problem this item could come back before the Planning Commission for review.

Heather Swarens said that their backyard is on a hill and there's an area of the yard on the slope

that their dogs have been able to dig under. They have installed chicken wire down into the ground to help keep them in, but will be installing a better fence within the next year to help contain the dogs. The goats will be inside a separate enclosure and there shouldn't be a problem keeping them contained.

Lorene Kamalu made a motion to grant a conditional use permit for farm animals at 61 East Coburn Circle for Heather and Joseph Swarens. Gary Bullock seconded the motion and it passed unanimously.

### **CONDITIONAL USE PERMIT FOR A MODEL HOME AND DEVELOPMENT SIGNS AT 92 NORTH FLINT STREET – SYMPHONY HOMES**

Lyle Gibson explained that Symphony Homes has multiple subdivisions being developed in town and has set up a model home at 92 North Flint Street to showcase one of their home designs for possible construction in different neighborhoods. The model home and associated signage are permitted as a conditional use under City regulations. The signage requested is for one 4 x 8 foot sign and one 4 x 4 foot sign. Previously there had been two tall banner-style signs on site, but they were recently removed. The signs locations are within the parameters allowed for development signs. Staff is recommending approval with the condition that the conditional use permit expire in one year.

Matthew Anderson said that typically these model homes are approved for the duration of development and he would prefer that this request be treated the same so that it doesn't become a sitting advertisement for a development that has already been completely sold.

Lyle Gibson said that the developers could always come back later and ask for a time extension.

Matthew Anderson made a motion to grant a conditional use permit for a model home and development signs at 92 North Flint Street for Symphony Homes with the condition that the conditional use permits expire in one year or when all lots in the Old Farm at Kays Creek development are sold. Gary Bullock seconded the motion and it passed unanimously.

### **CONDITIONAL USE PERMIT FOR THE SALE OF LIQUOR FOR CONSUMPTION ON THE PREMISE OF A LIMITED-SERVICE RESTAURANT AT 242 NORTH 300 WEST – MUNKHTUUL ERDENEBILEG**

Lyle Gibson explained that the Erdenebileg's are looking into purchasing the Mandarin Café located at 242 North 300 West for the purpose of opening a new restaurant at the location. The restaurant would be Japanese-style and they would like to be able to serve different types of alcohol with patron's meals. Kaysville City ordinance regulates the sale of beer and liquor for consumption on premise to restaurants, banquets and reception centers by conditional use in the GC, CC and LI zones. The Erdenebileg's are currently in the process of obtaining a Limited-Service Restaurant Liquor License from the Utah Department of Alcoholic Beverage Control (UDABC). "Limited-Service Restaurants" sell wine and beer in a restaurant primarily engaged in serving meals to the general public. They are not allowed to sell flavored malt beverages or distilled spirits. The UDABC regulates the alcohol beverage laws in Utah and the Erdenebileg's

will be required to continue to meet their regulations for this type of use after approval. As part of the approval process, Kaysville City has ensured to the UDABC that this location meets Utah Code 32B-1-202 regarding proximity restrictions. This codes states that “restaurants may not be located within three-hundred feet of a community location measured by ordinary pedestrian travel, or two-hundred feet measured in a straight line.” A “community location” is defined as a church, school, public park, public playground or library. Distances are measured from the nearest entrance of the proposed outlet to the property boundary of the community location.

Lorene Kamalu asked if the Erdenebileg’s own any other restaurants.

Ken Erdenebileg said that they own two restaurants in Orem. One is a sushi restaurant and the other a ramen shop.

Stroh DeCaire made a motion to grant a conditional use permit for sales of liquor for consumption on the premise of a limited-service restaurant for Munkhtuul Erdenebileg. Gary Bullock seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR SHADYBROOK  
SUBDIVISION LOT 4 AMENDED AT APPROXIMATELY 600 NORTH HILL FARMS  
LANE – DAVID FAERBER**

Andy Thompson explained that David Faerber is requesting to rezone their property located at approximately 600 North Hill Farms Lane. Their property is just under four acres in size and includes one home on the western portion of the lot. The Faerber’s are requesting to extend the stub street from the south and complete the cul-de-sac with the new lots having access off of the new street. The new lots range in size from 20,019 square feet to 31,431 square feet, and the remaining lot with the existing home will be on a lot of almost two acres. This property was preliminary platted with the original Hill Farms Subdivision and included three new lots in a slightly different configuration than currently requested. However, this plat meets the requirements of the R-1-20 zone, and leaves Hill Farms in compliance as well.

Chairperson Betty Parker opened the Public Hearing.

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

Lorene Kamalu made a motion to recommend preliminary plat approval for Shadybrook Subdivision Lot 4 Amended at approximately 600 North Hill Farms Lane for David Faerber. Gary Bullock seconded the motion and it passed unanimously.

**CALL TO THE PUBLIC**

Nothing was brought under this item.

## **REPORTS**

Lyle Gibson said that there are a couple of training opportunities coming up that the Planning Commission members could attend. The first is the Quality Communities Academy on Saturday, May 19<sup>th</sup> from 9:00 to 11:00 a.m. to discuss topics covering the building and maintaining of communities. The Land Use Academy of Utah will also be broadcasting their Land Use 101 training course on June 23<sup>rd</sup> from 9:00 a.m. to 1:00 p.m. The course is open for appointed and elected officials in Utah.

Lorene Kamalu asked about the Planning Commission application process.

Andy Thompson responded that city ordinance states that the Mayor determines the application process with the approval of the City Council.

Mayor Katie Witt commented that this year's Planning Commission application process is similar to ones in years past. The city is currently taking applications until May 22<sup>nd</sup>. At that time the applications will be presented to the City Council for review and interviews conducted. The names of those applicants chosen will be approved and then appointed by the City Council.

Gary Bullock commented that there are many opportunities such as this for citizens to serve their community.

Lorene Kamalu commented that it's good to have Commission members with a variety of backgrounds and demographics.

## **CALENDAR**

The next regularly scheduled Planning Commission meeting will be held on Thursday, May 24, 2018 at 7:00 p.m.

## **ADJOURNMENT**

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 7:31 p.m.