

KAYSVILLE CITY COUNCIL
July 15, 2021

Minutes of a regular Kaysville City Council meeting held on July 15, 2021 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams, Council Member Michelle Barber, Council Member Mike Blackham, Council Member Andre Lortz, and Council Member Tamara Tran

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Information Technology Assistant Jordan Hansen, Lieutenant Paul Thompson, Officer Josh Danielson, Officer Lexi Benson, Officer Ricardo Lozano, Officer Travis Collings, Doug Sanderson, Kristen Floyd, Mike Packer, Frank Stevens, Dawn Stevens, Brandon Wood, Christian Nielsen, Kyle Samuelson, Rebecca Barrus, Toby Barrus, Tom Wood, Abbigayle Hunt, Perry Oaks, David Moore, Jeanette Valenula, Shae Hozano, Anne Howell, Rebecca Lawson, Krista Whitney, Kael Whitney, Aiden Whitney, Elias Whitney, Josh Whitney, Mclane Whitney, Katie Collings, Travis Collings, John Warnick, Amy Roskelly, Taylor Spendlove

OPENING

Council Member Barber opened the meeting with a comment and led the audience in the pledge of allegiance.

PRESENTATIONS AND AWARDS

SWEARING-IN OF NEW KAYSVILLE CITY POLICE OFFICERS RICARDO LOZANO AND TRAVIS COLLINGS

Lieutenant Paul Thompson introduced Ricardo Lozano and Travis Collings as their new police officers. They both have previous experience in public safety and we are excited to have them in their department.

City Recorder Annemarie Plaizier administered the Oath of Officer to Officer Ricardo Lozano and Officer Travis Collings.

PATRIOTIC EMPLOYER AWARD PRESENTATION

Officer Josh Danielson said that he also serves in the National Guard as a citizen soldier. As an employee of the National Guard, he can nominate a supervisor or boss for the Patriot Award. The Patriot Award reflects the efforts made to support soldiers through a wide-range of measures including flexible schedules, time off prior to and after deployment, caring for families, and granting leaves of absence if needed. Officer Danielson said that he had nominated Mayor Katie Witt and presented the Patriot Award.

Mayor Witt thanked Officer Danielson and commented that it is a group effort by the City Council and Staff to support our military employees.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Blackham made a motion to accept the following consent items:

- a. Approval of Minutes of June 17, 2021.
- b. Approval of Minutes of July 1, 2021.
- c. An Ordinance updating the Kaysville Municipal Code to remove masculine-gendered pronouns describing city officials.

The motion was seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea

The motion passed unanimously.

ACTION ITEMS

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TRADE PROPERTY INTEREST AT THE DAVIS COUNTY ANIMAL SHELTER FOR A PORTION OF THE COUNTY'S REAL PROPERTY TO COMPLETE THE ANGEL STREET PORTION OF THE CONNECTOR ROAD

Shayne Scott explained that the City has been negotiating with Davis County on a potential property exchange that would benefit both parties. Davis County owns a parcel of land that the City needs for the Angel Street portion of the connector road project. The City has a 1/3 interest in the property upon which sits the Davis County Animal Control building. Davis County did a value assessment of both parcels and found that the parcel Kaysville needs has slightly more value than the interest Kaysville would give up in the Animal Shelter project. The County, therefore, is proposing to only exchange that portion of their property that the City needs for the connector road right-of-way. The proposal is to swap these parcels straight across and not exchange any funds. City Staff has reviewed this proposal and believe the parcels in question are worth the same amount of money, and the exchange would benefit both organizations. The Davis County Commission recently met and approved this property exchange.

Council Member Lortz made a motion to approve a Resolution authorizing the City Manager to trade property interest at the Davis County Animal Shelter for a portion of the County's real

property to complete the Angel Street portion of the connector road, seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea

The motion passed unanimously.

REQUEST TO REZONE 1.1 ACRES OF PROPERTY AT APPROXIMATELY 600 NORTH AND MAIN STREET FROM GC (GENERAL COMMERCIAL) TO THE R-M (RESIDENTIAL MULTI-FAMILY) TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – DESTINATION HOMES

PRELIMINARY PLAT FOR THE MUTTON HOLLOW TOWNHOMES SUBDIVISION AT APPROXIMATELY 600 NORTH AND MAIN STREET – DESTINATION HOMES

Lyle Gibson explained that Destination Homes is seeking a rezone of the property at approximately 600 North and Main Street to accommodate future residential development. The existing zoning district permits office and retail sales and services, but does not allow for residential uses except for single family units needed to support a business function. The property is abutting commercial property along Main Street to the north and south and residential development to the east. There are some R-M zoned properties in the vicinity across the street and near the corner of Mutton Hollow and Main Street. The R-M zoning district is regulated through Title 17-16, which allows for multiple-dwelling structures by permitted use, and may have a density of 15.5 units per acre. The Planning Commission held a Public Hearing and met regarding this item over multiple meetings to understand the concerns of nearby impacted property owners as well as how the requests fits with the city's current General Plan and ongoing update. The applicant has also submitted a preliminary plat for consideration with the rezone request to better show the final details of what they hope to build should the rezone be granted. This property has existed in the commercial zoning district for several years but has remained vacant. Destination Homes feels that this residential use would be a better use for the property. The proposed subdivision plat includes sixteen single-family attached lots on a one-way private drive. Six of the units would run along Main Street, with the remaining ten sit behind surrounded by the private driveway. Each unit would sit on its own parcel so that the units could be sold individually. The private drive is twenty-four feet wide and sits seventy-four feet from the intersection of Mutton Hollow and Main Street. The private drive was originally proposed at twenty feet but the Planning Commission requested that it be wider. Based on the lot sizes, a minimum of 12,968 square feet of open space is required. The applicant has provided 14,460 square feet of open space, which includes a pavilion as an amenity for the project. There are nine guest parking stalls in addition to the two-car garage provided with each unit, where a minimum of two parking spaces per unit is required. This proposal meets the requirements of the zone and the recently updated PRUD ordinance. The city and Planning Commission have received many comments from the public regarding this project. Some feel that there is good potential for a commercial use for this property and feel it best for the

city to wait on a rezone because this property is an asset to the city. The Planning Commission was split 3 to 3 in their voting to recommend approval or denial of this proposal to the council. Those commissioners who voted for the rezone believed that the project brought needed housing to Kaysville on a corner that didn't seem to have much commercial viability. Those opposed to the rezone indicated their desire to stop placing all the high-density housing in Kaysville within this area, in addition to concerns for giving up commercial property and creating incompatible uses with the shelter to the east.

John Warnick, representing Destination Homes, said that he is also a resident of Kaysville and understands there are strong emotions on both sides of this proposal, but believes that in the end we all want what is best for the city. Destination Homes has been a leader in building homes with good architecture and quality. The city needs to consider not only what will bring the highest and best use for this property, but also what will bring the best revenue. This property is located along a major street and near a transit stop. The pandemic has changed the way we do business and there are higher vacancy rates for commercial buildings. This project will complement existing neighborhoods in the area and will have a higher economic impact than that of a commercial use. The property tax from this would generate more annual revenue than a commercial business and will have little to no impact to existing infrastructure. There is no added benefit by this property remaining zoned for commercial. Mr. Warnick said that they had a traffic study done and found that the anticipated townhomes would generate 82 trips on an average weekday, whereas commercial space would generate 578 trips. Some are worried that these units will become rentals. Subdivision covenants will be put in place to limit the number of units that can be rented. Owning a home is the American dream and that has been taken away as there is more of a demand for housing than there are homes available. The number of multifamily homes we are seeing has increased and many cities are not reflecting this shift yet. This project will have a positive economic infrastructure and will be less of a burden than a commercial use. It will enhance the area and will be a good neighbor to the shelter next door. This will give an opportunity to help to provide housing for our children to be able to raise their family in Kaysville. This is one way that we can continue to be Utah's hometown. The housing shortage is the worst we have seen in our lifetime and we need to prioritize providing more opportunities for housing. We can be facing a greater scarcity if we don't address this.

Mayor Witt asked if there were comments from the public regarding this item.

Christian Nielsen said that it gets harder every year to afford to live here. As a small business owner based in Kaysville, they have had their business here for over 10 years. He has lived and grown up in Kaysville. Mr. Nielsen said that he is against this rezone because he sees this property as a great location for a business. By rezoning this property, the city is sending the message to small and upcoming businesses. Mr. Nielsen said that he has heard the argument made that there is no interest in this property as a commercial lot but that is untrue. Her had tried to make an offer on this property, beyond the asking price for it, and has been working with an agent for months to try to purchase it. The owner doesn't want to sell to him for some unknown reason. The city shouldn't be blindsided by this proposal. Large franchises don't want this property, but it would be perfect for a small local business. Another resident commented during the Planning Commission public hearing that there are not many commercial properties left in Kaysville. Commercial is doable here and would likely happen if we are patient.

Taylor Spendlove said that he came to express his support of the project. After he got married, they were able to purchase a townhome where the old motel was and have since been able to move into a home in Hill Farms. They have seen this property remain vacant for years and feels that this proposal is what would be the best use for the property. It will be esthetically pleasing. Mr. Spendlove commented he doesn't feel that it would be as economically feasible to build an office building here. This project is what the property and the community needs.

Kristen Floyd said that she is the Executive Director of the Safe Harbor shelter located next to this property. The property has remained empty for several years and they have had to work with the police to try to keep homeless off the property. Destination Homes has had several conversations with Safe Harbor they have been amenable to their concerns about having residential homes next to the shelter. Destination Homes has been cooperative with them and willing to make changes, and have already changed the layout of the homes so that those units closest to the shelter will not have a front door or windows facing the shelter. Destination Homes has also said that they will also be willing to install a larger fence along that side of the property, as well as plant mature trees to help obscure the view. Safe Harbor does have perpetrators on the property from time to time and public safety officers are often at the shelter. This shelter is part of this community and residents here will need to know that they will be living next to a crisis center. The shelter plans to expand their buildings in the future and there will be additional traffic coming through here.

Brandon Wood said that he is here to speak tonight as a friend and Kaysville resident. He lives on Saddlehorn Circle and spends many days advocating for small businesses. While there could be a small office building or other small commercial business here, building a residential development will improve the cityscape and will provide an opportunity for our kids to live in Kaysville. This is also a good opportunity to help with the housing shortage. This residential project would be the best use for the property and will add to the city.

Kyle Samuelson said that he is a local resident living off Mutton Hollow Road and while he doesn't oppose the project, he does oppose the location for it. He is a civil engineer and understands the impacts both uses, residential and commercial, would have to this area. The city's multi-family housing needs to be diversified throughout the city rather than in just this area. The council needs to consider putting this development elsewhere in the city.

Toby Barrus commented that he is a resident of the city and is currently a member of the Planning Commission but he was not speaking today as a representative of the Commission. He is speaking as a member of his community. He has lived in Kaysville for twelve years now and lives across from Crimson Court. When those 28 new homes came in for the Crimson Court Subdivision the neighbors had gathered over 100 signatures in opposition of the high-density subdivision, but the voices of the neighbors were ignored and the council still approved the subdivision. This area has the highest density in the city and those who live here continue to see more proposals to build more homes here. Recently a development on this street renegotiated their development agreement with the city in order to add more homes to their fully developed subdivision. This subject property is a viable commercial property and there are already people interested in purchasing the property for a commercial use. As our city has grown, we need the commercial services for our residents. This project is just adding more density to the densest part of the city. It is debatable if this project would be considered affordable housing. This would be a great project if it were in a different location in the city. The neighbors are asking for some relief from the council from adding more high-density housing

Tom Wood said that the neighbors here have been vocal about each of these developments in this area and they feel they haven't been heard. Mr. Wood said that he has tried to make logical and emotional appeals to the city. Others have suggested leaving this location for a multiuse development where commercial uses could be located on the ground level, and residential units built above that. Mr. Wood said that he has helped to develop and manage several multiuse projects and they've been extremely successful. If this property is rezoned now we will have lost our opportunity for a multiuse or commercial development. We need to wait and see what other opportunities there are before a decision is made. We won't miss out on anything by waiting. These proposed residential units are not considered affordable housing and it's disingenuous to say that they would be. Any housing considered affordable right now has a waiting list of several years.

There were no further comments or questions from the public.

Amy Roskelly, also with Destination Homes, said that they have attended several meetings with the city and residents of this area. They feel that waiting for something else to potentially come further down the road will likely cost more money in the future. This project doesn't solve the housing gap or current housing costs. But they may have some other options to consider should this rezoning not go through. They would love to have other properties in the city where they could build this development and they have looked for them, but most other areas would require a spot zone. This location is a conforming use to what already exists in the area. The demand for commercial space has decreased since the pandemic, and commercial buildings are being redeveloped. A small business could find a vacant commercial building to redevelopment.

Council Member Barber asked if there were plans for the property across the street to the west of this.

Lyle Gibson responded that it owned by the Anderson family and is zoned for commercial use. However, the city is not aware of any immediate or foreseeable plans for development of the property. The General Plan has two concept plans for the property that show it as a commercial corridor, but a mixed-use concept could also be considered.

Council Member Adams asked about the price of these proposed units.

John Warnick responded that their current asking price would likely be around \$400k. When they first looked into this concept they were closer to a \$300k asking price, but construction costs have increased substantially. If costs were to go down than the price would go down as well.

Council Member Adams commented that it is becoming more commonplace to see rental property owners increasing their rental costs or pushing their tenants out of their homes to try to get as much money as they can from their properties. It is hard to find anything that would be considered as affordable housing in our area. Council Member Adams asked about public outreach that had been done by Destination Homes.

John Warnick responded that they have reached out to multiple people in this neighborhood. There have been one-on-one discussions and several neighborhood meetings. They have worked to try to find a middle ground where everyone might be satisfied, but feel that both sides are too far apart

from each other. They have worked with Safe Harbor and tried to do what they can to mitigate any impact there might be, including changing the layout and configuration of the units. They've put more emphasis on having the units looking out onto Main Street, and have moved the units as far away from the Safe Harbor as they can. They have designed those units so their parking would be in the rear. They've also planned a one-way street around the property so that cars will not be able to exit so close to the Main Street and Mutton Hollow intersection. There is a bus stop on the property and they have been working with UTA to discuss how they can make the stop match the feel of the development.

Council Member Barber asked about the common open space.

John Warnick said that they are installing as much open space as they can on this property around the units. There will be benches and trees installed, and they are looking at water-wise landscaping options. There will also be a pavilion and a fire pit installed as well.

Council Member Tran asked about the homeowners association.

John Warnick responded that the homeowners association would manage the common areas.

Council Member Adams asked about limiting the number of units that are allowed to be rented.

John Warnick responded that in the covenants they are including limitations on short-term rentals and the number of units allowed to be rented.

Lyle Gibson responded that the city does not regulate who can purchase a property or if it is rented.

Council Member Barber added that if a restriction were included in the covenants then it would be enforced by the HOA. Council Member Barber asked about parking requirements.

Lyle Gibson said that single-family units are required to have two parking spaces. This development is providing about two and a half parking spaces per unit.

Council Member Blackham made a motion to deny the request to rezone 1.1 acres at approximately 600 North and Main Street from GC (General Commercial) to the R-M (Residential Multi-Family) to include the PRUD (Planned Residential Unit Development) overlay zone for Destination Homes, seconded by Council Member Tran.

Council Member Tran said that she feels that this would be a good development and would love to see it built in Kaysville because it would help to create attainable housing for some residents. When this proposal was first reviewed by the council about eighteen months ago, the city was in the process of updating our General Plan and she felt that this project should wait until the General Plan was finished. The Plan is still under review and she would like to see it finalized before approving this proposal so we have something to follow. The city has provided multiple opportunities for public input on our General Plan updates, including open houses and surveys. The city has done so much to try to engage the community in the General Plan update. Based on our current Plan, what is being proposed is what Kaysville would like to see because it's a higher density development located along a major street. Council Member Tran said that she would like to see more mixed-use development areas planned within the General Plan. This property could

easily be considered for a mixed-use type of development or a small commercial use. We need more diverse housing, but we have heard from our residents that they want our higher density areas to look and be a certain way. We have been reviewing our General Plan for several years now and we are not sure what the future plans for the surrounding commercial lots here are going to be. This area will be impacted by what is built here. We need to have conversations about putting in a traffic light at this intersection of Mutton Hollow. We should wait on this proposed rezone for now and keep it commercial to see if it can be developed as a commercial use. If it ends up not being developed then she would like to see some residential units built here at that time. We need to be thoughtful as we move forward to plan for future high-density residential developments.

Council Member Blackham commented that he is a big advocate of keeping commercial properties along Main Street. As these properties are rezoned or built on, we lose more opportunities for our local businesses. We have some great businesses in our Kaysville Business Park and the majority of those businesses are people who have done well in our community and have been able to purchase their own property for their business while continuing to live in the area. These businesses have been a real asset to our community. There are no better commercial properties than those along Main Street. The residents who live here don't feel like their voices are being heard. They are frustrated and in opposition of the city because of it. We need to listen to the neighbors who live here and have been impacted by all of the high-density housing that has come in.

Council Member Adams said that there is good reason that the Planning Commission had a split vote on this proposal because it is not an easy decision. We are being presented by a good product, and if it were located in a residential zone it might make this an easier decision. Destination Homes has adjusted these plans since they were presented to the council over a year ago. Affordable housing is a huge problem in the state and the country. Approving this development won't change the housing crisis. There are more people not being able to find a place to live. Council Member Adams said that he had hoped that both parties involved here, the developer and the neighborhood, could have found a way to come up with a solution to be able to support this development together.

Council Member Lortz said that he had spoken with several people in the neighborhood about this, as well as Destination Homes. This is not an easy or direct decision. He feels that both a commercial development and a higher density housing development will have an equivalent impact to the neighborhood. If this were to become a commercial facility, we could potentially create six times more traffic than what is already here. We cannot tell a property owner who to sell their property to. The negative comments we have heard are not coming from the neighboring property owners. A negative impact hasn't been quantified yet. This proposed development won't degrade the neighborhood. This is a good project and will bring high-quality units to the city. There doesn't seem to be an objective reason to deny this request. We will lose a commercial property but commercial will come elsewhere where it makes economical and feasible sense. We are going to see redevelopment in the city and 200 North Street will likely become commercial or multi-family uses. It will become a connector road to three major freeways. This property is not going to bring interest from a franchise business. We have seen major changes in housing issues over the last year and there are not enough homes for people to buy. The only way to solve the problem is to provide more supply. The demand is not going to disappear without supply and we need to be looking for more ways we can contribute to that supply. There is a high demand for these homes within this price range, and that was the case even before the pandemic. It will be more of a benefit to the city to approve this development than to deny it.

Council Member Barber said that when she was campaigning for her council member position she felt that she knew what she was talking about when it came to housing in Kaysville and was fearful of what diverse residential developments would do for our city. Since then she has realized how different our needs are for housing and the city is decades behind where we should be in the housing mentality. It is unfortunate that almost all of the city's multifamily or high-density housing is located in this area of the city because it should be spread throughout the city. High-density housing doesn't bring property values down or make the area less desirable, but rather they add a benefit to the city. We need the individuals who will buy these in our city because they add to our city. If we want affordable housing, we would need to consider standardized housing and should be looking for properties where they can be built. We need to be considering more diversity in our housing and be open to having more developments like this in our city. Rather than looking at what will bring in more money for the city, we need to be looking at what will best suit our needs of the city. We have open commercial spaces that could be redeveloped. We need to continue to provide the needed commercial services for our residents, while considering more attainable options for housing in the city. Council Member Barber said that she liked the changes to the driveway entrances, but would like to see more open space within the project.

Mayor Witt commented that finding more attainable or affordable housing will just get worse. There are going to be thousands of more jobs created at Hill Air Force Base and thereby more people looking for homes. Mayor Witt said she would love to see Kaysville do their part to create more places for people to live, and agreed that it's not fair to be putting all of our high-density housing in this one area of the city. We need to break out of the idea that single-family housing is our only option in Kaysville. This development is a good start and will be a good product.

Council Member Adams asked to take a recess.

Nic Mills commented that council members couldn't discuss this item while on recess.

Council Member Adams made a motion to take a five-minute recess at 8:50 p.m., seconded by Council Member Barber and passed unanimously.

The City Council reconvened at 8:55 p.m.

Council Member Adams commented that he appreciated Kristen Floyd from Safe Harbor coming tonight to give her insights and provide comments about the work that Destination Homes has done to try to help mitigate any impacts. There are many looking for places to live. This development would add to this area.

Council Member Barber commented that she would like to see the city consider mixed-use developments. What is being proposed here will be a good asset to the city and will be a minimal impact. Council Member Barber expressed appreciation to Destination Homes for their effort and commitment in working with the community.

The vote on Council Member Blackham's motion was as follows:

Council Member Adams, nay
Council Member Tran, yea

Council Member Lortz, nay
Council Member Barber, nay
Council Member Blackham, yea

The motion failed with a vote of three to two.

Council Member Lortz made a motion to approve a request to rezone 1.1 acres of property at approximately 600 North and Main Street from GC (General Commercial) to the R-M (Residential Multi-Family) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone for Destination homes, seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Tran, nay
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, nay
Council Member Adams, yea

The motion passed with a vote of three to two.

Council Member Barber made a motion to approve the Preliminary Plat for the Mutton Hollow Townhomes Subdivision at approximately 600 North and Main Street for Destination Homes, seconded by Council Member Lortz.

Council Member Barber asked about the development agreement.

Amy Roskelly responded that they are working on a development agreement, which will include all of the details as discussed tonight.

Council Member Tran asked about including something that would help to prevent investment groups from purchasing these units up as rentals.

John Warnick responded that they would be willing to put something in to limit or discourage rentals.

Council Member Tran made a substitute motion to approve the Preliminary Plat for the Mutton Hollow Townhomes Subdivision at approximately 600 North and Main Street for Destination Homes, with the stipulation that an anti-speculation agreement be included with this development and that there be subdivision covenants restricting rental units as discussed. The motion was seconded by Council Member Lortz.

The vote on Council Member Tran's motion was as follows:

Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, nay
Council Member Adams, yea

Council Member Tran, yea

The motion passed with a vote of four to one.

WORK ITEMS

DISCUSSION ON A CRIMINAL BATTERY ORDINANCE FOR KAYSVILLE CITY

Nic Mills explained that the proposed ordinance adds the crime of battery to the Criminal Code. Battery would be a valuable tool in our city to resolve low-level assaults and charge offensive, but not injurious, physical contact that is not covered by current law. The Utah assault statute Kaysville has adopted defines assault narrowly as intending or causing actual bodily injury. This Battery Ordinance will prohibit and allow the City to prosecute physical contact that rises to the level of offensive, insulting, or provoking, regardless of whether actual bodily injury is caused or intended. City Staff does not anticipate any costs to the City based on the passage of this ordinance; however, this ordinance may reduce the difficulty and cost of prosecuting certain crimes.

Council Member Adams made a motion to move the criminal battery ordinance for Kaysville City to an action item, seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea

The motion passed unanimously.

DISCUSSION ON A MIXED USE (MU) ZONING ORDINANCE

Lyle Gibson explained that this ordinance has been worked on by the Planning Commission as a means to be able to consider development in Kaysville that is not currently allowed. The ordinance has been reviewed by the Planning Commission over multiple meetings, and a public hearing has been held where input from both the public and the Planning Commission has been taken into consideration. The Mixed Use Overlay Zoning District would allow for both commercial and residential development in the same project, on the same property. Both vertical mixed use and horizontal mixed-use proposals would be allowed. Because this would function as an overlay zone, it keeps the characteristics of the underlying zone intact, such as setbacks, and focuses on the primary use of the underlying zone. There is emphasis on what buildings would look like and less focus on what they would be used for. The creation of this zoning district will not apply to any property but would be made applicable through future rezone processes allowing for discretion of the council to determine when it should be applied or not. The ordinances as written is intended to require much specific project detail in order for it to be considered. The Planning Commission has recommended approval of the proposed ordinance with changes that have been addressed to

deal with the timing of commercial development, compatibility with surrounding property, and additional attention to traffic impacts.

Council Member Blackham commented that he would like to see at least 50% of the square footage for a proposal be the underlying zone, have 30% as the mixed use, and then let the developer decide what they want to do with the remaining square footage.

Council Member Lortz asked about how the parking areas would be considered. Could they be considered for a shared use?

Lyle Gibson responded that residential units are typically required to have two parking stalls per unit. Commercial varies from 1.5 to 3.5 parking stalls per 1,000 square feet depending on the type of use. This proposed ordinance has unique requirements for a mixed-use product. It contemplates the shared uses but also looks at the type of units being proposed. The city may allow shared parking or time of use parking to count towards the required parking. Because this would be an overlay zone, it is intended to mimic the underlying zone. There is not a cap on the density, but there are height and setback restrictions, as well as open space regulations. These items will restrict what developers can build, rather than the city specifically stating the number of units that can be built. Because this is a zoning action, the city can specify regulations for a development on a case-by-case basis. This will also require that developers provide more detail to a proposed project, which ultimately the Council could turn down, and they will have to show that they are meeting at least the minimum requirements. We are trying to set an expectation for developers, while still allowing some flexibility.

Council Member Adams commented that he would like to see some design qualification for these developments.

Lyle Gibson responded that some language has been included in the ordinance addressing building height and scale, but the Planning Commission felt it best to not be too restrictive. The ordinance states that the architecture and operation be compatible with surrounding uses. This might require a developer to have traffic studies done in order to ensure the compatibility of the development. Each of the proposals will need to have a case-by-case agreement as part of their development as well.

Council Member Adams said that he agrees that 200 North will become more lined with businesses in the future and would like to see proposed commercial buildings be located closer to the street, similar to the buildings on old Main Street.

Lyle Gibson responded that we could make changes to specify seeing more pedestrian presence and streetscape similar to Main Street. However, these types of development limits the amount of parking available as well as street access. Staff feels that by having a more lenient ordinance we can make case-by-case determinations, and yet still arrive at the look we are trying to achieve.

Council Member Tran asked about work/live space would be considered commercial.

Lyle Gibson responded that it depends on what it is. The city currently allows for some home based businesses under our Home Occupation ordinance, but they are restricted in signage and must operate by-appointment only. The proposed ordinance would allow a business to have a

storefront on the ground level, and the owner could potentially live in a residence above, as long as the mixed-use overlay zone is approved. This ordinance is not meant to encroach on single-family neighborhoods. Mr. Gibson added that during the General Plan update, the consultants proposed considering a mixed-use in industrial zones.

Council Member Blackham commented that if allowed in the business park those residences would likely look different, but could add some flexibility for our businesses. It would be a good area to allow for creativity.

Council Member Lortz asked if residents above a commercial use could still be owner-occupied. We want to encourage owner-occupied units over rental units.

Council Member Blackham responded that they could be as long as the subdivision plat is approved as a condominium plat.

Council Member Lortz said that he would like to see requirements that if there are residential units on the property that there be some kind of open space areas or amenities, with amenities being preferred.

Mayor Witt asked Staff to incorporate the discussed changes and bring it back to the council for review.

CALL TO THE PUBLIC

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Lortz thanked the Parks and Recreation Department and all those who helped with the 4th of July events. We had a lot of positive feedback from our residents.

Mayor Witt commented that the Council would be holding another Q & A Session on Saturday, July 17, 2021 from 10:00-11:00 a.m.

CITY MANAGER REPORT

Shayne Scott said that the ULCT would be holding their Annual Convention on September 29 to October 1, 2021 in Salt Lake. Also, the city will be holding an Open House on Thursday, August 12, 2021 at the Fire Station to discuss and answer questions about the proposed tax increase.

ADJOURNMENT

Council Member Barber made a motion to adjourn the City Council meeting at 9:54 p.m., seconded by Council Member Lortz and passed unanimously.