

**KAYSVILLE CITY PLANNING COMMISSION  
MEETING MINUTES  
September 9, 2021**

Planning Commission Members in Attendance: Chairman Nguyen, Vice-Chair Hunt, Commissioners Barrus, Sommerkorn, Lyon, Doxey, and Sundloff

Staff Present: Lyle Gibson, Dan Jessop, Mindi Edstrom

Public Attendees: Kearsten Bingham, Blake Hadley, Robert Bourne, Sue Bourne, Christian Nielsen, Brent Tole, Judy Ure, Tammy Zundel, and Cindy Vorhees

The Planning Commission meeting was held on Thursday, September 9, 2021 at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street. Chairperson Quan Nguyen opened the meeting by welcoming those present.

**OPENING**

Commissioner Nguyen made a motion to approve the minutes from the August 26, 2021 meeting. Commissioner Lyons and Commissioner Hunt seconded the motion and they were unanimously approved.

**Conditional Use Permit for Residential Child Care Home Business at 68 E. 1000s.**

**Introduced by:** Mindi Edstrom

**Description:**

The Applicant is requesting a Conditional Use Permit for Residential Child Care at 68 E. 1000 S. Esperanza will be providing day care for her disabled grand daughter and two other grandchildren. The current expectation is 1-3 children at a time with varying days and hours from her children's work schedules. Ms. Esperanza is working to get her Child Care Provider State License.

**Recommendation:**

Staff is recommending approval of the proposed Conditional Use Permit for Residential Child Care Home Business

**Discussion:**

Mindi Edstrom: Applicant is not available to attend the meeting.

Commissioner Lyon: The CUP allows for up to 12 children per home.

Commissioner Hunt: Inquires if the applicant needs to have a business license first.

Mindi Edstrom: The applicant needs to have her DOPL licensure first before the business license can be approved, however in this situation all that is required from the Planning Commission is approval for the business so that Esperanza can show the State Department of Professional Licensing that she will have a license and they can continue their certification process. Once the applicant is certified she will bring her DOPL number back to us and we will then approve her business license.

Commissioner Sundloff: The CUP is addressing the impacts of the surrounding neighborhood and it is up to the commission to limit the number of children allowed in the business

Commissioner Nguyen: The location of the resident is south of the Botanical Gardens.

**Motion:** Commissioner Doxey to approve the CUP as recommended by staff

**Motion to approve:** Commissioner Doxey

**Motion to second:** Commissioner Lyons

**Vote on the motion:** Vote is unanimous

## **Conditional Use Permit for Two-Family Dwelling at 3 W. 600 N.**

**Introduced by:** Dan Jessop

**Description:**

The Applicant is requesting a conditional use permit to convert an existing single family dwelling to a two-family dwelling (duplex) at the above listed address. His home is on a 9,968 square foot lot or .23 acres. He is proposing an upper level configuration with 3 beds 1 ¾ baths upper floor configuration. The basement level will contain 2 beds and ¾ baths with a basement walk out in the rear of dwelling. Staff has reviewed the parking. The dwelling has a 2 car garage with a 30 ft. drive which would accommodate

4 stall required off street parking.

**Recommendation:**

Staff is recommending approval of the proposed two-family dwelling with the following conditions.

-Parking be provided at a minimum of 2 parking stalls per unit in accordance with KDD 17-21-5, Number of Parking Spaces Required.

Commissioner Nguyen invites Mr. Hadley to approach the commission. Mr. Hadley is currently renting out the basement and lives upstairs.

**Public Comment:**

Mary Ann Clark sent in an email. Quan reads letter with concerns of losing value in the neighborhood.

**Discussion:**

Lyle Gibson: There has been previous concerns with others having duplexes in the area, however these have not been approved by staff and commission. The applicant is making this a true duplex with separate utilities and building department review and inspection. And this will be owner occupied for the time being, a duplex does not require owner occupancy.

Commissioner Sommerkorn: He will have to comply with building codes. Asks about the internal ADU ordinance status. Lyle shares that it will be effective as of October 1<sup>st</sup>. The external ADU is still being addressed by City Council. The difference between this and an internal ADU is that this will create more separation and does not require owner occupancy.

Commissioner Sundloff: From a practical stand point it is the same impact to the neighborhood as an IADU and then will be the new norm as of October 1. With a CUP the presumption of approval is if we can impose conditions and the conditions of impact. Is there other impact besides the parking?

Commissioner Sommerkorn: We are required to approve it based on the requirements of the state.

**Motion:** To approve the duplex and is to have 2 units per parking approved on staff's recommendation.

**Motion to approve:** Commissioner Lyons

**Motion to second:** Commissioner Barrus

**Vote on the motion:** Vote is unanimous

**Public Hearing AND Request TO Rezone .51 acres of property at 48 S. Harv's Lane from the R-1-10 (Residential single family 10,000 square feet) to R-A (Single Family Agricultural zoning district).**

**Introduced by:** Lyle Gibson

**Description:**

A zone change is being requested at the subject address in order to accommodate the keeping larger farm animals, such as horses. While this is viable under the existing zoning, the request would make the use a permitted use without the need for the conditional use process. The property, was recently re-zoned R-1-10 to accommodate Single Family Dwelling subdivision with a minimum 10,000 square feet lot as part of the Potawatome Estates project. The Applicant would like to re-zone that specific lot and combine use with their R-A zoned property at 1662 West 75 South. The properties are adjacent to each other and they would like to use both for their horses and such.

**Discussion:**

Commissioner Nguyen invites Mr. Bingham to approach.

Mr. Bingham speaks to all the surrounding areas. He would like to have animals and not have to come and do a CUP every time they get a new animal.

There were no public comments.

**Motion:** To forward a positive recommendation to City Council to approve on meeting on October 7<sup>th</sup>.

**Motion to approve:** Commissioner Hunt

**Motion to second:** Commissioner Wilf

**Vote on the motion:** Vote is unanimous

**Public Hearing for the Rezone of 2.54 acres of property at 1742 W. Phillips Street from the R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential) zoning district with the PRUD overlay zone.**

**Introduced by:** Lyle Gibson

**Description:**

The applicants are requesting a rezone of their property in order to accommodate a new Subdivision. The requested zoning district allows a net

density of 2 units per acre thus based on the total property area could permit as many as 5 dwellings. The applicant has provided a concept drawing indicating the general idea of keeping the existing home and adding 4 new lots on a new street private street. The private street is the reason for the PRUD overlay zone request.

**Discussion:**

**Mr. Bourn is approaches the commission.** The lots are to be gifted to the children. Wants to follow all the correct procedures.

Mr. Bourne: Addressing the commission states that the lots will be gifts to their children and that some of them will begin development as soon as next spring and as late as 5 years.

Commissioner Sommerkorn and Barrus say that it looks very straight forward. Commissioner Sundloff states that the rezone stays right in line with the general plan.

**Motion:** Positive recommendation to City Council for rezone of property and PRUD overlay.

**Motion to approve:** Commissioner Sommerkorn

**Motion to second:** Commissioner Lyon

**Vote on the motion:** Vote is unanimous

**Consideration of Development Agreement and rezone of approximately 0.4 acres of property at 65 Crestwood Road (shown on the included map) from the R-1-8 (Single Family Residential) to the GC (General Commercial) zoning district.**

**Presented by:** Lyle Gibson

**Description:**

**UPDATE:**

After holding a public hearing during the 8/12/21 Planning Commission meeting, the commission tabled this item asking the neighbors the developer to work with staff on a development agreement which addressed concerns expressed by during that hearing.

A development agreement has been prepared which limits uses generally allowed in the GC zoning district, sections 2 and 3 of the agreement describe

the limitations that the applicant is proposing. **Some of the limitations to** uses generally allowed in a GC zone include no RVs parks, no extra height etc. as indicated in the packet. Staff is looking for a decision from the from the Commission to forward to the City Council?

### **Discussion:**

Commissioner Nguyen: Mr. Nielson is willing to work within the development standards and guidelines.

Commissioner Sundloff: Asks for a quick summary of the response was from the previous meeting and what the discussion was. What history is there with the building?

Commissioner Nguyen: Residents complained about general parking and patrons will be parking on the street.

Tom Wood: To make a home a Historical Building, it needs to be applied for by the owner of the home. Tom shares the history of the home from the architecture William Allen.

There are three areas of concerns as to why the public didn't want this rezone.:

- 1) The residents simply didn't want it.
- 2) The second is the street on 300 west with the parking perhaps limiting parking to one side hours for parking, crossing the street for children not being safe. He asks the city if there is something that they could with signs to make the street safer.
- 3) They tried to limit impact to the neighbors, and will not be able to put in a fence to minimize on the east, however willing to put a fence if possible. Adjacent to dental office so no spot zoning. Commercial creep...what does it lead to? There doesn't seem to be many areas for the creep. The home would be demolished in another 2 years or so and rebuild it after contract of current tenants contract is up and they just renewed.

Commissioner Barrus: Would the plan be to have parking on the road?

Tom Wood: They would have parking onsite for employees.

Commissioner Sundloff suggested to the council to err on the side of owner it is their right to do what they would like on their property. Perhaps the owner would need to submit some sort of report before it is demolished so that the city can document it so that we can recognize the history in the area.

Commissioner Nguyen: We need to this make a public hearing

States that no one here to speak for the public.

Commissioner Sommerkorn: If if we are willing to send a positive recommendation then we need to include the development agreement as well.

Commissioner Nguyen: If we do make a positive recommendation to city council the way that this was worded, the commission would be ok that it doesn't include any specific plans.

Commissioner Sundloff: We as Planning Commission are guilty of exerting control on development agreements. Development agreements should be the exception not the rule. However, the applicant has expressed willingness to include limits with the agreement.

Commissioner Sommerkorn: Where we have the development agreement let's go ahead with having it be a part of the motion to approve.

Tom Wood: They produced the development agreement to help alleviate some of the concerns of the neighbors so they were ok to provide it.

Commissioner Sundloff: Commends the property owners for their choice to do the development agreement. In theory there is not an agreement necessary to approve a rezone.

Commissioner Barrus: Property is adjacent to a commercial zone and feels that there will not be a huge commercial creep.

Commissioner Hunt: She appreciates the good faith effort of the applicant.

**Motion:** Motion to recommend approval with the development agreement as proposed and additional recommendation that the council require some documentation of the building before it is torn down.

**Motion to approve:** Commissioner Josh

**Motion to second:** Commissioner Doxey

**Vote on the motion:** Vote is unanimous

## **REPORTS, CORRESPONDANCE AND CALENDAR**

**Reports:**

Lyle Gibson: The status of the IADU has been accepted. Landscape ordinance will hopefully be back at the next planning commission, the home occupation ordinance will need a public hearing as well

Commissioner Lyon: Comment at City Council for the ADU resident spoke about short term rental and wants the excluded with ADU. ADU's vs. short term rentals families turn short term rentals into Airbnb and you see the rental stock decrease.

Lyle Gibson: willing to do some provisions and drafts to address this concern.

Commissioner Nguyen: We should be inclusive and not rule anything out in the ordinance for future use.

Lyle Gibson: The General Plan process was sent out today and we need to discuss time frame. It is 88 pages and the commissioners are encouraged to look it over and come up with a time line to provide input.

Commissioner Lyon: When do we predict to build out Kaysville? 4-5 years with the green fill and 10 years with in fill development.

Lyle Gibson presents the timeline for the General plan to continue moving forward before we have a new Mayor, and City Council members.

Commissioner Lyon: What rules do we need to follow for noticing the public like a rezone with a 10 day notice? Thinks we need more time to get this ready to present to the community.

Commissioner Sommerkorn concerns: Believes that the commission needs to have a chance to look over the plan discuss it. The general plan should be reviewed and recommended by the Planning Commission not staff or consultants. This is the first time for us seeing this. We need to take and review, bring back with suggestions, and then have the consultant add the changes then bring it back to the public.

Lyle Gibson: Will come up with a propose schedule before the 16<sup>th</sup> of the month. Can we do a working session on the 23<sup>rd</sup>? What about Tuesday the 28<sup>th</sup>? He will ask Landscape Design if there is a way we can add comments into the document. The Commission would love to have a way to put comments in. Lyle will check with attorney to see if there is a way to work around Commissioner Nguyen would like to put it out to public comment as well as the commission and then do the public hearing. Use Facebook as way to show our comments. Lyle will amend the dates and send out to the Commission.

Lyle Gibson: He would love to hear about feedback from the APA conference going on today.

**ADJOURNMENT**

Motion to adjourn by Commissioner Nguyen and seconded by Commissioner Lyon. Meeting was adjourned at 8:48 pm.