



**Kaysville City Planning Commission Meeting Minutes  
August 11, 2022**

The Planning Commission meeting was held on August 11, 2022 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

**Planning Commission Members in Attendance:** Commissioners Barrus, Lott, Allred, Sundloff, and Sommerkorn

**Staff Present:** Mindi Edstrom and Melinda Greenwood

**Public Attendees:** Lorn Pitt, Tony Spinello, Sharon Hadley, Sean Bourne, Sue Bourne, Rick George, Stephen Johnson, Abbigayle Hunt, Linda Earl, Blake Bastian, David Black, and Emily Cramer

**1-OPENING**

Chair Barrus opened the meeting by welcoming all in attendance to the August 11, 2022 Planning Commission meeting.

**2- APPROVAL OF THE MINUTES FROM THE JULY 28, 2022 PLANNING COMMISSION MEETING**

Commissioner Sommerkorn made a motion to approve the minutes from the July 28, 2022 meeting and Commissioner Sundloff seconded the motion. All voted in favor of approving the minutes (5-0).

**3- SWEARING IN OF RACHEL LOTT AS A PLANNING COMMISSIONER**

Ms. Edstrom led the swearing in of Rachel Lott, who took the Oath of Office for Planning Commission.

**4- FINAL PLAT SUBDIVISION APPROVAL FOR HINCKLEY SUBDIVISION FOR CLINT TAYLOR LOCATED AT APPROXIMATELY 815 NORTH BROOKSHIRE DRIVE**

**Introduced by: Melinda Greenwood**

Ms. Greenwood reviewed the staff report which was included in the packet. Her presentation showed aerial views of the subdivision as well as the plat which detailed the two lots being created. There is a jog out on the lot line lot to accommodate an existing gazebo. The final plat was submitted with all the requested corrections from the preliminary plat approval. She informed the Commission the plat complies with code and staff recommends approval of the Final Plat of the Hinckley Subdivision.

Chair Barrus asked the applicant if there was anything that they would like to add or comment on from the presentation and Mr. Taylor said he was good with everything that had been presented.

Commissioner Allred made the motion to recommend to the City Council the approval of the Final Plat for the Hinckley Subdivision. Commissioner Sommerkorn seconded the motion and the vote was unanimous (5-0) in favor of the motion.

**5- FINAL PLAT SUBDIVISION APPROVAL FOR HUCKLEBERRY ESTATES FOR ROBERT AND LINDA BOURNE LOCATED AT 1742 PHILLIPS STREET**

**Introduced by: Melinda Greenwood**

Ms. Greenwood presented the staff report for Huckleberry Estates. Slides were presented of the aerial view of the subdivision as well and the final plat. The final plat shows that Bourne Drive and Huckleberry Way would be a private street. The final plat shown had all the corrections and requirements needed for approval and staff is recommending approval of the Final Plat of the Hinckley Subdivision. Ms. Greenwood also shared that the Bourne's were in attendance if there were to be any questions from the commissioners.

Commissioner Sundloff asked if this final plat had come to the Planning Commission as a preliminary plat.

Ms. Greenwood responded that came before them under the name of Bourne Estates Subdivision.

Commissioner Allred asked about the corrections he had asked the Bourne's to make in regards to the Final Plat and Ms. Greenwood said that the corrections had all been made. He also asked if a PRUD overlay was a Conditional Use and Ms. Greenwood stated that it was not.

Commissioner Sundloff shared that this is a PRUD overlay because of the private lane.

Commissioner Allred made the motion to recommend to the City Council the approval of the final plat for Huckleberry Estates. Commissioner Sundloff seconded the motion and the vote was unanimous (5-0) in favor of the motion.

**6- PUBLIC HEARING FOR REZONE REQUEST ON 500 NORTH MAIN STREET FROM GC GENERAL COMMERCIAL DISTRICT TO R-M MULTIPLE FAMILY RESIDENTIAL DISTRICT**

**Introduced by: Melinda Greenwood**

Ms. Greenwood presented information from the staff report, stating the lot is 28,749 square feet and the zone change would allow for a density entitlement of ten units. She shared slides showing the aerial view of the property as well as the zoning map for the area. The zoning map showed that R-M, R-2, R-1-8, R-4, and GC zones were in the area surrounding 500 North Main Street. She also shared the R-M zone requirements for density, lot width, building height, front, side, and rear setbacks.

Ms. Greenwood discussed goals and objectives from the 2019 General Plan and the identity and character of the area. The rezone on 500 North Main Street would create more residential property in the city keeping in line with Kaysville being a primarily residential community. She said the Commission would want to address the question of whether or not converting commercial property into residential uses creates a vision to promote business in the community.

Ms. Greenwood continued, sharing that the R-M zone allows for multifamily developments such as townhomes, and that adding medium density housing options would continue to add diversity to existing housing opportunities and that the rezone request to R-M supports this goal and policy.

She stated that North Main Street is considered an arterial street and it is east of I-15. Given its location, it is appropriate to consider applying the R-M zone. She continued saying that the 2019 General Plan calls for multiple unit housing consisting of three to six units and specifically calls for having a variety of housing opportunities throughout the city. The concept plan submitted shows two four-unit buildings, which is within the limitations detailed.

She continued by speaking to the plan for addition moderate income housing. And there are 4 of the 9 principals that are germane to this rezone. The main one is zoning properties to allow for more dense housing, permitting less costly size, design, materials, and construction of housing, allowing for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers or employment centers, and rezones for densities necessary to assure the production of moderate income housing.

Ms. Greenwood shared a concept plan that was submitted by the applicant which shows 8 units and that fitting any more than 8 would be really tight. She also shared that 79 public hearing notices were mailed to a 500' radius and the city had received 6 comments. The citizen comments were concerning density, water availability, privacy and impacts to existing residences, traffic, crime, and the preference for a community garden.

She said based on the findings in the staff report and the support of the 2019 General Plan, staff recommends approval of the rezone at 500 North Main Street.

The applicant, Blake Bastian, with Elite Craft Homes came before the Commissioners and said he feels that something residential on that lot would be less impactful to neighbors than a commercial building.

Commissioner Barrus asked the applicant if he had any conversations with the neighbors and Mr. Bastian said that he had just received a copy of the emails that had been submitted online and would be happy to sit down and meet with them.

Commissioner Sommerkorn says that the 2019 General Plan does indicate that this lot is in an area where the city is looking at allowing for mixed use and asked Mr. Bastian if there was consideration of putting this lot as a mixed use.

Mr. Bastian answered no they hadn't considered mixed use and said he felt that this project would fit really well in that area.

Chair Barrus opened up the meeting for the Public Hearing.

Commissioner Sundloff asked those in attendance who are wanting to comment to address a preference for either a commercial building or residential building.

Linda Earl shared she has lived in Kaysville for a little over a year and thanked staff on her report. She feels that the area is already very dense and thinks that density could be spaced out over other areas of the city. She said people are not living in commercial buildings so that they would not be there late at night in a high rise looking down on the neighbor's properties. She said she feels that residential would be much different. She also spoke to traffic and the parking concerns. Ms. Earl also addressed the applicant asking if there were any other projects in the area that they have done in the last five years.

Tom Wood spoke to the previous application that was turned in four years ago for this piece of property. The applicant at the time did not have any general renderings or ideas of what he was wanting to put on the property and the rezone application was denied. Mr. Wood addressed Commissioner Sundloff's question about residential versus commercial and gave two examples of projects going on right now that he feels are large. He likes the idea of commercial on the lot. He also shared his frustration of the city not sharing the burden of high density housing being dispersed throughout the city.

Steve Johnson said that several years ago the Planning Commission denied re-zoning a couple of lots to

the south of 500 North Main Street saying that needed to stay commercial and doesn't understand why Planning Commission would be okay with making it residential now and he wants the lot to stay commercial.

David Black said he doesn't agree with calling this medium density as he feels it is high density. He mentioned the three other projects that are going on in this area but feels that these kind of projects can go to other places in the city. He would like the city to spread out the density.

Tony Spinello said he lives about 200 feet from the lot in question. He is concerned about the three homes 40 feet away from the property that are \$850,000-875,000 and he wonders how will their value go down living near a property with apartments. His greatest concern is the water situation and asked why we would add more homes when we don't even have the resource to water our own lawns.

Sharon Hadley said she lives in the home that is on the north side of the property. She is concerned with having two-story homes going in where they could look down on her property. She shared a concern about traffic and safety on Main Street. She is also concerned with the private lane street being connected to her street.

Brian Stenquist's fence is along the fence line of the 500 North property. He is indifferent to residential or commercial, he is just concerned with privacy.

Lorn Pitt lives south of 500 North. The houses to the south of him were to be built as single family homes, however the person who bought them put in a three-story home and there has been water problems ever since. He feels the city is wise not to give up any commercial zoned areas. The city is very lean with available commercial. If the lot stays commercial then it makes his lot more valuable.

Emily Cramer said she agreed with everything that Lorn Pitt just shared.

There were no other comments and Chair Barrus closed the Public Hearing.

Chair Barrus invited Mr. Bastian back up to talk with the Commissioners.

Mr. Bastian commented about traffic and said a commercial building would bring in more traffic than a residence and that a building could be put right up against the sidewalk, where if it was residential there would be a 20 foot setback to allow for a better line of sight. He addressed the concern of renters saying that each unit would have an individual tax number and that they were planning on selling them. He mentioned some of the projects Elite Craft has done in Davis County and Weber County.

Mr. Bastian spoke about building height and privacy concerns. He said there would be some windows on the south and north sides and few windows on the east. He also said that they would only be two-story units. They plan on having a one-car garage, 16 parking spaces and the units would be about 1,700 square feet with three bedrooms and two baths. He said the rear setback is 15 feet, so it would be hard to look into the neighbor's yards. He also said he doesn't see any way to get more than 8 units on the property and that these concepts are identical to the units that are being built just north of 500 North.

An inaudible question was asked from the audience.

Mr. Bastian said that they could put up an eight foot vinyl fence and trees to help with privacy.

A resident in audience asked about putting the parking on the east side of the property and Mr. Bastian

said that is possible.

Linda Earl approached again saying that privacy is not the only concern and that this area has its fair share of high density. She asked the applicant if perhaps these could be made into a senior residential with less impact on school and social concerns.

Mr. Bastian spoke to the senior residential comment saying that he has built those kind of projects however most of those communities do not want to have stairs.

Commissioner Allred asked the applicant if these will be plated as townhomes and Mr. Bastian said they would be.

Commissioner Lott asked if there could be more parking on the east side and Mr. Bastian said they could accommodate three units on one building and five in the other building.

Commissioner Lott asked Ms. Greenwood about the moderate income housing 15% number and where Kaysville is with that.

Ms. Greenwood said she isn't sure but knows the city is not anywhere close to where it needs to be.

Commissioner Allred says that a good rule of thumb is that most communities are about three single family homes to every attached home. Over the next 10 years we will see things change. He also spoke to the building of his home and the research he did to make sure he was making a good investment. He also believes that this is a good proposal for the city to approve this rezone and that Main Street is a great place for this project. He spoke to the fact that residential use brings less traffic.

Commissioner Lott was feeling torn between the two options. She spoke to her time living in that area and has empathy for the neighbor's concerns.

Commissioner Barrus feels that there is a need to preserve all the commercial zoned areas.

Commissioner Sommerkorn says that the 2019 General Plans really calls for this area to be Mixed Use. He knows that we need to have more housing and feels that we could more. He suggested doing a Mixed Use overlay on this zone that way it can address both the commercial and residential needs.

Commissioner Sundloff explains that it allows commercial and residential on one parcel. He shared with all the input and efforts that have gone into getting enough data to give to a consultant who created the Future Land Use map. It reflects what the citizens have wanted for the future in Kaysville. In the area that we are discussing shows as Mixed Use on the 2022 Future Land Use Map. In his mind if we are making decision we need to start making changes based on the 2022 General Plan. He would like to see the mixed use on these properties as opposed to strict residential.

Commissioner Sommerkorn echoes what Commissioner Sundloff shared.

Commissioner Allred shared that many are unfamiliar with what mixed use is here in Utah. It not only means have commercial and residential on the same property but that they could be in the same building. They are starting to become popular in the state of Utah. We will be moving to mixed use more and more in the state of Utah. He feels that making this property as mixed use will be moving it further down the road.

Commissioner Barrus commented on the challenge a resident made to having density in more than one area in the city.

Commissioner Allred answered him by saying that most of our land has been locked up in large lot residential. He asked Ms. Greenwood how much raw land do we still have in Kaysville? She responded that there are less than 300 acres. She also shared that there is an application that will be coming for mixed use on the west side of the city that would bring in over 80 units.

Commissioner Sundloff said that those that come to public meetings with data to prove their argument instead of using emotion make a better case. He talked about the general plan survey taken by residents to come up with the data for the maps and the goals for the city and that the information comes from what the residents are wanting in Kaysville.

Commissioner Sommerkorn made a motion to recommend denial of the R-M rezone of 500 North Main Street to City Council with the basis that this area would be better served by having the mixed use overlay placed upon the commercial zoning that is currently in place. Commissioner Sundloff seconded the motion and the vote was 4-1 in favor of the motion, with Commissioner Allred dissenting.

## **7- DISCUSSION ON GENERAL PLAN AMENDMENTS AND REZONE APPLICATIONS**

Ms. Greenwood answered Commissioner Sommerkorn's question about timing of the adoption of the General Plan. She said that it will be an action item on the agenda August 18<sup>th</sup> at City Council. The past General Plans have not had a Future Land Use map and added that anticipating the General Plan will be adopted, she asked the Commission how they would prefer to process rezone applications when they are not in line with what the future land use map? She asked if we should add a General Plan text amendment. Ms. Greenwood is interested in which direction the Planning Commission would like to go.

Commissioner Sommerkorn said that he is a planner and his perspective is to be true to your plan. Why go through the effort in doing a plan and then you don't stick to it.

Commissioner Sundloff's view of a General Plan is that it is a general high level way of saying how we want things to look like. If you allow or require map amendments to the General Plan in conjunction with rezone amendments then the General Plan map is essentially the Zoning Map 2.0 and it is not intended for that. He doesn't feel that you need to change the General Plan because then that just makes the General Plan less of a guiding document and it's not meant to be a zoning map.

Commissioner Sommerkorn said he will now argue the other way. When you do a rezone who is giving the input for that rezone? It is typically those that live around the area of the rezone so you don't get broad community input.

Commissioner Allred believes that the General Plan is by design is a guiding document not a regulating document. The zone and laws regulate the zone. If every time we were to consider a zone change and it doesn't perfectly follow the General Plan, then we have become like states that require all rezoning to follow the General Plan.

Commissioner Sundloff said they key part to all of this is if the elected officials recognize the importance of the General Plan and that that should be the presumption that they are approaching rezone questions.

Ms. Greenwood shared that oftentimes people get hung up on the General Plan as nothing more than the Land Use Map, but the General Plan is much more than that. It is the goals and the objectives of the city.

Even though the future land use map is a very large piece of the plan and easy to understand, the goals and objectives are a little more challenging to understand.

Ms. Greenwood summarized the feedback of the Planning Commission was to keep the process the same as current and not to add a general plan amendment to the process.

#### **8- CALL TO THE PUBLIC**

Rick George approached the Commissioners on behalf of the Northern Wasatch Association of Realtors. He was glad to hear the conversation about adding more medium density housing to Kaysville. He is concerned that his children will not be able to afford housing and just wanted to thank the Planning Commission for having the discussion.

#### **9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION**

Commissioner Sommerkorn asked staff where they are at in the Appeals Process. Ms. Greenwood said that it she has looked into other cities to see their process and continue to research the process.

Ms. Greenwood said that staff will be bring a Mixed Use text amendment to address several concerns with parking and public transit, height allowances if specific types of developments were to come to 35' just would not be enough for a hotel.

Ms. Greenwood reminded the Commissioners about the email with planning conferences that are coming up and we would love to get them registered if they are able to attend.

#### **10- ADJOURNMENT**

Commissioner Sommerkorn made a motion to adjourn the meeting at 9:44 pm.