

Minutes of Layton City Planning Commission Meeting Tuesday, October 23, 2007

MEMBERS PRESENT: Commissioners Sharon Esplin, Dave Pratt, Kristin Elinkowski, Gerald Gilbert, Tim Pales, Ron Stallworth, Brent Allen

ALTERNATE MEMBERS PRESENTS: Blake Hazen, Ryan Stevenson

MEMBERS ABSENT:

OTHERS PRESENT: Staff members: Scott Carter, Peter Matson, Amanda Schultz, Brandon Rypien, Doug Pierce, Steve Garside, Julie Jewell

Chair Pro tem, Kristin Elinkowski, called the meeting to order at 7:02 P.M.

The Pledge of Allegiance was said. An invocation was given by Commissioner Sharon Esplin.

Chair Pro tem, Elinkowski, called for a motion to approve the October 9, 2007, Planning Commission minutes. Commissioner Ron Stallworth made a motion to approve the minutes. The motion was seconded by Commissioner Tim Pales and approved unanimously.

Chair Pro tem, Elinkowski, called for a motion to open Public Review. Commissioner Esplin moved to open Public Review. The motion was seconded by Commissioner Gilbert and approved unanimously.

PUBLIC REVIEWS:

(1) HAMLET HOMES REZONE – R-1-8 to C- TH

Approximately 9.61 acres at approximately 400 South Fairfield

Peter Matson, Long Range Planner, presented the proposal from Hamlet Homes to rezone approximately 9.61 acres on the east side of Fairfield at approximately 400 South. The property is presently zoned R-1-8 which is a single-family residential zone with an 8,000 square foot minimum lot size. The proposed zoning is a Condominium/Townhouse zone (C-TH). The lot size will be dictated by a final design approved by the Planning Commission and City Council. The Condominium/Townhouse zone is a new ordinance that has been enacted in the City. This zone allows townhomes, row houses, courtyard or garden court residential, and big house condominiums where multiple residences are in a large structure mimicking a large single-family home. In addition, the zoning allows for live/work units, patio homes, alley fed town homes, cottages, senior housing, and other common wall residential buildings. There is one area in the City that has been designated C-TH that was part of the Downtown Plan concept for property west of the Union Pacific railroad tracks and adjacent to Flint Street. This proposal presents to the Planning Commission a concept drawing that is not part of the rezone proposal. If the rezone is approved, it is likely that the applicant would proceed with a similar design concept.

The ordinance states that this zone is appropriate to be used near transportation corridors and commercial nodes throughout the city to provide a variety of housing opportunities and choices, including a range of

housing types. In addition, other location criteria includes that this zone should be utilized along high traffic, arterial streets. It could be used as a transition or buffer to single-family neighborhoods or adjacent to retail nodes throughout the City. For reference, Fairfield Road is an arterial road in the City's Master Street Plan.

Mr. Matson showed a map of the General Plan and said that the General Plan is made up of multiple elements. The main element that the Planning Commission uses in its discussion of rezone proposals is the Land Use and Population element. The bulk of that document includes goal and policy recommendations regarding various types of land uses throughout Layton City.

Mr. Matson then reviewed a map of the General Plan on the overhead stating that the map indicates the general location of land uses throughout the City, including the type of land use, density, and public space. This map, included in the information handed out to the Planning Commission, is intended to be used as a supplement to the existing written goal and policy recommendations. Property lines are not shown on the map. The scale of the map shows a general pattern of land use. However, the written policy statements are what the Planning Staff and Planning Commission use to base their recommendations to the City Council for zone changes.

Mr. Matson said in addition to the written input from the Staff, the Planning Commission received a document, signed by a large number of residents in the area, that addresses seven points of opposition to the rezone.

- (1) *Rezoning the property to a Condominium/Townhouse zone is inconsistent with Layton City General Plan.*

Mr. Matson stated that the rezone is consistent with the goal and policy recommendation that medium density residential projects similar to the Professional Business zone in intensity, height and bulk is an appropriate land use along high traffic arterial streets throughout Layton City. He reiterated that Fairfield Road is listed as an arterial street in Layton City's Master Plan.

Mr. Matson said the applicant has presented a revised plan showing approximately 113 dwelling units reducing the density to just under 12 units per acre, which is also consistent with that of the Condominium/Townhouse zone guidelines. In addition to written policy recommendations, there is an exhibit in the Land Use and Population Element that was generated originally out of the West Layton Study and then incorporated into the City-wide Master Plan that shows typical medium density housing types. Mr. Matson presented this exhibit on the overhead. There were two summary statements on the overhead stated as follows:

General Plan Map

This map is an abstract representation of the adopted policies which make up the Layton City General Plan. This general representation is without scale and should not be used to determine specific land use or individual parcels, nor should the boundaries shown between land uses be interpreted to be exact.

Policy Guidelines

Medium density residential (6-12 units per acre) and professional office development should be considered for transitional use along arterial streets between commercial nodes. These uses should be limited in scale with adjacent Condominium/Townhouse neighborhoods.

Mr. Matson presented an overhead of medium density design alternatives including the proposal from Hamlet Homes. These included big house condominium type projects, rear-loaded townhouse

projects and a vertical townhouse project that is also alley fed. The latter is the most similar to the townhouse project that has been proposed.

(2) The Property is Not a Good Candidate for the C-TH Zone Designation & (3) There is Already a High Concentration of Condominiums, Townhomes, and Other Multiple Dwelling Units in the Immediate Surrounding Area

Mr. Matson stated that based on the City's General Plan policies and the written purpose of the zone, the property does fit the criteria to be zoned Condominium/Townhouse. He said that the documents provided by the citizens state that within a single square mile of the proposed property there are 900 apartment, condominium, townhome, and low-income housing units. While the types of housing are correct, the number reported in the City's Geographical Information System (GIS) indicates that in this area within Layton City there are 560 apartment units and 120 Condominium/Townhouse units for a total of 680. The total dwelling units within a mile of this project in Layton City is 3,208. 680 is 20% of the total housing stock, which is very typical for that land use type City-wide.

Mr. Matson said that the document states that Fairfield Road is not a major corridor when in fact it is. It is a corridor that runs from Kaysville City all the way up to Highway 193 and connects to the future east gate of Hill Air Force Base. The streets right-of-way from Highway 193 down to Kaysville, in the improved sections, is 80 feet. He pointed out the area of the project on the overhead and said that once curb, gutter and sidewalk is complete on this property and the property to the north, the full right-of-way will be seen at the 80 feet.

(4) Increased Traffic and Lack of Infrastructure Capacity

The document indicates that the trips generated from an R-1-8 single-family development would be minimal. While any development on this property would increase traffic, typical trip counts from the National Trip Generation Manual indicated that 10 trips a day would be generated from a Condominium/Townhouse dwelling unit totaling about 380 trips a day from a single-family subdivision. A townhome project would generate about 5.5 trips a day per dwelling unit. With 113 units, about 621 trips a day would be generated from the proposed project. Mr. Matson said that the document states this would be a 400% increase above what an R-1-8 zone would allow, however, the increase in trips is less than the estimated 400%. An 80-foot street right-of-way in the City's Master Street Plan, and other traffic studies, estimate an average daily traffic level of service capacity of 34,000 trips a day. Based on the Utah Department of Transportation's (UDOT) information from Traffic on Utah Highways counts, Fairfield Road now has approximately 7,500 trips a day.

Mr. Matson said that with regard to infrastructure on the project, water, sewer and storm drain are addressed by the City Engineer and would be require a commitment by the applicant in preliminary and final drawings. He summarized The City Engineer's concerns stating that water, sewer and storm drain lines would need to be extended to or from the property in order for any development on the property to occur.

(5) Safety of Children, Inasmuch as the Property is in Close Proximity to Schools

Mr. Matson said the document states that hundreds of children walk up and down Fairfield on their way to and from school. This project or any development would supply Fairfield Road with curb, gutter and walk for the distance of 700 lineal feet. If you look at the typical household size of a single-family home compared to a townhouse type of dwelling u38 80 single-family homes based on 3.42 persons per household. In a townhouse, 2.42 is the estimate of the household size. Bassed on general assumptions

about single or two-parent households, it is estimated that approximately 50 school age would be generated from this project of 113 dwelling units.

(6) Decrease in Property Values in One of Layton's Most Desirable Areas

Mr. Matson said the applicants will be asked to present the types of dwelling unit and the price range proposed. The document also states that the project would create a negative impression passing from Kaysville into Layton. On the development plan, the applicant shows a 40-45 foot maintained landscape buffer on the east side of Fairfield Road. This buffer would be maintained by a homeowner's association in perpetuity. The proposed streetscape on the subject property would be an improvement for Fairfield Road compared to the west side with a deteriorating vinyl fence.

A water line extended along Rosewood Lane up to 1300 East is necessary in order to provide fire flow for this property and any property developed in the future. The City Engineer has indicated that the increase in capacity would not negatively impact existing water pressure in the area. Once the line is looped further to the east, water pressure should increase.

Mr. Matson said that Staff is recommending approval of this rezone based on consistency with General Plan policies and noted in the purpose and intent section of the Condominium/Townhouse Zone; the adequate public facilities provided by the applicant with preliminary and final plans would constitute a developable parcel; and no General Plan amendment is required based on the policy recommendations; that the capacity of Fairfield Road is more than adequate to handle any trips generated from this property or any property to the east in the future; and that there is no more higher concentration of multi-family in this part of the City compared to any other part of the City. Mr. Matson asked if there were any questions from the Commissioners.

Chair Pro tem Elinkowski asked if there were any questions for the Staff.

Commissioner Brent Allen asked about the zoning which allows 6-12 units per acre and asked if there were other condominium zones with a different maximum or minimum.

Mr. Matson responded that in the past all of the condominium projects have been reviewed under the PRUD ordinance and have typically fallen under either the RM-1 or the R-2 zone. Previous condominium projects have gone through a different process with a similar result. He said that with the C-TH zoning ordinance, the design control is better, and the process can accommodate this type of housing now and in the future because of the demand for moderate priced housing for all residents.

Chair Pro tem Elinkowski asked the developer if he had any comments for the Commission.

Michael Brodsky, owner of Hamlet Homes, stated that his company was introduced to the property, as an ideal location, prior to the application of the C-TH zoning ordinance. He reviewed a PowerPoint presentation with the audience stating that Hamlet Homes had designed a plan that would be aesthetically compatible with the neighborhood and an effective use for the property. He reviewed the conceptual site plan on the 9.6 acre property. He said the area between the homes and Fairfield Road is designed for a 50 foot landscaped buffer with a masonry wall on top of a berm. The homes would be clustered on private alleys and facing each other. There would be a substantial open space with a club house in the center. An excess of 40% of the site would be contiguous open space. In answer to questions about public utilities, he said that Hamlet homes recognizes that there will be extensive off site utilities that will need to be developed

Mr. Brodsky showed pictures of a development in South Salt Lake City that is similar to the one proposed for the property. He said each home has a private patio and a two-car garage with the front entry being a paseo type of entrance. The homes on the end facing the street will have the door turned to the side. The interior homes will be 1600 square feet and the end units will be 2000 square feet.

Commissioner Esplin asked if the development at Shephards Lane and Highway 89 in Farmington would be similar in design. Mr. Brodsky responded that the only similarity would be that it is a multi-family, attached home project. The architecture is different.

Commissioner Esplin asked if the set up of the property would be similar with the driving through, rear alley access and the front of the home facing the landscaping.

Mr. Brodsky said it was a rear access with the front of the home facing a paseo or landscaped courtyard.

Commissioner Stallworth asked if the developer had met with the residents in the area of the property regarding their concerns.

Mr. Brodsky said it was the company's first time to share their information.

Commissioner Stallworth asked if the developer had heard of the citizen's concerns.

Mr. Brodsky responded that he had received the petition two hours before the meeting..

Commissioner Stallworth asked if the developer would be willing to meet with the residents and discuss their concerns.

Mr. Brodsky said he would like to meet and talk about what the company would like to do, listen to their concerns and try and show them how the development will be buffered from the surrounding properties.

Commissioner Stallworth asked if Mr. Brodsky would be willing to meet with an open mind in terms of objectively listening to what the citizens have to say.

Mr. Brodsky replied that he would be willing to do so.

Chair Pro tem Elinkowski asked Mr. Brodsky what the target market would be for the townhomes.

Mr. Brodsky responded that the target market would be young families and professional singles. He said that in the South Salt Lake City Waverly development, 75% of the residents are college graduates, with the residents being professionals and some empty nesters. The family make up is generally pre-school, but most residents are just starting out without children.

Chair Pro tem Elinkowski asked if the Commission had any further questions.

Commissioner Stallworth commented that with the project being in the conceptual stage, he would suggest that the developer meet with the residents and discuss any future developments with them objectively, as it may alleviate some of their concerns.

Mr. Brodsky said he thought such a meeting would be of great benefit and asked if the public facility would be available for the meeting. Mr. Matson said the facility Council Chambers would be available

Mr. Brodsky commented that the Mr. Stallworth's suggestion is merit worthy. He asked to schedule the meeting before leaving this meeting.

Mr. Stallworth said it was something that developer should coordinate with the community group representative.

Chair Pro tem Elinkowski told Mr. Brodsky that the Commission may have further questions. She asked the citizen representative to address the Commission.

Bryan Campbell, representative for the citizen group, stated that he lives at 1103 East 375 South directly west of the project on the other side of Fairfield Road. He had been asked to represent the group opposed to the project. He presented additional signed petitions from residents signing contrary to the project to the Commission. He said Staff had reviewed the document that was presented to the Commissioners on the general oppositions to the project.

Mr. Campbell reviewed the key items of concern. He said the magnitude of the project proposed in the R-1-8 zone was of concern to the residents. He said he appreciated Commissioner Stallworth's comments and asked the Staff to make a decision that the meeting take place even at the rezone level so that residents can voice opinions to the developer and discuss constructively their concerns before the rezone takes place.

Mr. Campbell said that residents are not opposed to development on the property or to the widening of Fairfield Road. The residents are mostly concerned with the density and the number of units proposed. The possibility that the zone could be changed from R-1-8 to a 12-16 unit per acre development is a large increase in density and not what owners anticipated when buying their home. He said that the residents understand the need for lower end density housing, but wonder if it is the ideal type of development to go in this predominantly R-1-8 area both in Kaysville and Layton to serve the residents that are already there.

Mr. Campbell said residents had a concern about increase in traffic. They understand that Fairfield Road can handle more traffic, however, residents who exit the subdivision already have difficulty accessing Fairfield Road. They feel that safety would be an issue with added traffic.

Mr. Campbell said the residents are more than willing to voice opinions to the developer but ask the Commissioners at this time to either vote against or table the project until the residents meet with the developer and make any changes that would benefit the current residents.

Chair Pro tem Elinkowski asked if there were any questions.

Commissioner Stallworth asked Mr. Campbell if the residents would be in approval of a project at a lower density.

Mr. Campbell said the citizens would not be opposed to an R-1-8 zoning and that an R-1-10 zoning would be even more desirable than the proposed density of 12-16 units per acre. He said that residents anticipated that eventually a subdivision would be built on the property but were under the assumption that the subdivision would be similar to the R-1-8 zoning surrounding the property.

Commissioner Allen made a correction that the density would be 6-12 units per acre rather than the stated 12-16 units per acre by Mr. Campbell.

Mr. Campbell said the C-TH zoning ordinance has a designation of 12-16 units per acre as far as he's read. If there is a designation under the C-TH zoning ordinance that only allows 6-12 units, the residents would be more in favor of that density. However, the residents understand it is 12-16 units per acre being proposed.

Mr. Matson said the C-TH zoning ordinance allows up to 12 units per acre. There is an exception where the Planning Commission can consider a big house condominium project for up to 16 units per acre. In Staff's opinion, however, this development does not qualify for more than 12 units per acre.

Commissioner Stallworth said this is a point that could be brought up in the discussion with the developer, and Mr. Campbell agreed and said that is why the citizens are asking the Commissioners to hold off on any rezoning decision until the meeting takes place.

Chair Pro tem Elinkowski asked what the current proposed density was on the development. Mr. Brodsky responded that it was just less than 12 units per acre.

Chair asked if there were any other questions for Mr. Campbell. There were none.

Chair Pro tem Elinkowski asked if there were any comments from the audience different from those presented by Mr. Campbell.

Dan Olsen, 349 South 1050 East, asked to address the Commission. Mr. Olsen read the C-TH zoning ordinance as follows: "The Condominium/Townhouse zone serves to buffer low density residential neighborhoods from (1) adjacent high density residential, (2) high traffic arterial streets (major corridors), and (3) commercial developments." He said Staff has only focused on (1), the fact that Fairfield Road is classified as an arterial street, but there is no adjacent high density residential area and there is no commercial development next to this site. He said that is why the residents feel this is not the ideal place for the CT-H zone.

Mr. Olsen continued reading the zoning ordinance, 19.24.080, as follows: "Height, setback, and massing standards promote development that fits well architecturally near existing Condominium/Townhouse houses." He said that a three-story townhome next to ramblers doesn't seem to fit. He continued reading the ordinance as follows: ". . . while allowing densities that promote transit use, shared open space amenities, and a pedestrian orientation in a vibrant urban environment." He said he understood that there was currently a C-TH zone near Main Street, and the citizens agree that that area is an urban environment. They don't believe where they live is a "vibrant, urban environment," and, therefore, does not meet the criteria the City Council established in the zone.

Mr. Olsen said he had a question referring to the language of General Plan that the zone is supposed to be a buffer between commercial nodes. Although he wasn't certain of the definition of a commercial zone, he didn't feel that the proposed development was connecting commercial nodes. He said because of the language in the zoning ordinance, the citizens feel the request for a rezone does not meet the criteria for a C-TH zone.

Chair Pro tem asked if there were questions from the Commission. There were no questions. She asked if there were any others in the audience who would like to speak.

Mr. Joshua Bixby, 475 South 925 East, stated that the issue on which he wanted to comment didn't pertain to whether Layton can handle the rezone, but the issue of should the City of Layton approve the rezone. He asked what the City's motivation or rationale was for why the City should change the zone from the original City Plan. He said the reason being given is affordable housing. The reason he decided to stand up and speak was because he is new resident, and he bought a single-family home with square footage comparable to the proposed units. He paid \$25,000 less than the price of a low-end unit. He expressed the concern that with the softening of the housing market, within 1 or 2 miles, there could be many Condominium/Townhouse homes within this price range and square footage. He felt the burden of proof

would be on the developer that the need for more affordable housing really exists. He said he didn't fault the developer from wanting to make money, but thought there could be better affordable housing in existence.

Chair Pro tem Elinkowski asked if there were any questions from the Commission, and there were none.

Patricia Gomez, 1010 South 2050 East, a new resident from the State of Florida stated she had owned both a condominium and a town home and has struggled with the Homeowner's Associations (HOA). Her initial contract stated that no more than 10% of the units would be rental properties. Over the years, the number of owner occupied units was at approximately 10% which was a violation of the HOA rules. She felt rental housing brings a connotation of a transient society with renters who may not abide by rules. She and her husband feel that Layton has a small town environment like a Norman Rockwell community, and that development shouldn't take place just because property can be developed.

Chair Pro tem Elinkowski asked if the Commission had any questions. There were none.

Terry Tippetts, 687 North 725 East, asked what was proposed for the green area outlined on the overhead that surrounded the proposed development. A concern was expressed that the new development isolated other areas which may be impacted by the proposed development. Mr. Tippetts asked if anything in the Master Plan stated what is intended for the open space.

Mr. Matson said the interior neighborhood is planned for a residential density range of 2-4 dwelling units per acre. Because of the location of the arterial street, the open space above Fairfield Road in theory could qualify for a similar type of use as proposed by Hamlet homes, or could qualify for small professional business but not retail.

Mr. Tippetts asked if the types of uses were specified because the open space was on a thoroughfare that is a main artery between Kaysville and Layton. Mr. Matson responded in the affirmative.

Mr. Tippetts asked if the property could ever be considered for commercial zoning. Mr. Matson explained that the Professional Business designation would be office space only.

Mr. Tippetts asked why the open space just above Fairfield Road had not been proposed for any development. Mr. Matson said the owner has not chosen to develop it yet.

Mr. Tippetts asked where the utilities would run. Mr. Matson said most of the utilities are in Fairfield Road. Water, sewer, and storm drains lines would have to be connected into the project from Fairfield Road. A 12-inch water line would go to the north to Rosewood Lane. Sanitary sewer would run north to a trunk line, and the storm drain system would go south and down Pheasant View Drive and into the county storm drain pond.

Mr. Tippetts asked if there was a proposed connection from the north to the south from Rosewood Lane to the new project. Mr. Matson explained that there were two stub roads coming out of Indian Springs Subdivision. There will a be connection which will either go to Fairfield Road or east depending on the design presented by the developer of that property in the future.

Vicky Benson, Indian Springs Road, by the agricultural area. She asked if her street would be torn up to put in the new improvements and how the improvements would affect the current residents. She asked how the utilities would run to the property. Mr. Matson responded that the water lines would be run from Fairfield Road to Rosewood Lane. Other lines would be from Fairfield Road.

Ms. Benson asked if Fairfield Road would be torn up to accommodate the construction and for how long. She asked if the City could guarantee her neighborhood would not be torn apart during the construction of the infrastructure. Mr. Matson responded that Fairfield Road and Rosewood Lane would be involved in the construction and whatever path the storm drain line would take to the detention pond would be torn up.

Ms. Benson asked if the storm drain path would be Indian Springs and Mr. Matson responded in the negative.

Ms. Benson said that the neighborhood has a diversity of condominiums, townhomes, and apartments, with many starter and executive homes. She asked what the City was doing to meet the needs of those who have outgrown starter homes and can't afford executive homes. She felt that neighbors had moved out of Layton City boundaries because there are no affordable homes available. She said that she had counted units street by street to arrive at the 900+ multifamily units in the area. This does not include the 72 units near Main Street recently approved by City Council. She agreed that diverse housing was needed but was concerned that multi-family was not the area of diversity that should be focused on for her neighborhood.

Chair pro tem Elinkowski said that two more comments from the audience would be accepted and then the item would be brought back to the Planning Commission for a recommendation.

Jefferson Glockner, 1077 East 255 South, a resident of a subdivision just to the west of the proposed development, expressed his concern that the Residences at Holmes Creek townhome development in the area has turned into a rental market and that trips per day appeared to more than the 5.5 stated. He was concerned that the proposed development would become a similar situation. Another concern expressed was that the empty property to the north could be rezoned in future and even more multi-family homes be built in the neighborhood. He felt a rezone such as the current proposal would set an unwanted precedence.

Liberty Lloyd, Jr. 1347 East Rosewood #9, introduced himself as a renter in the neighborhood. He asked that the Commission would consider the citizen's request and not approve the rezone of the property. He felt it was desirable to raise families in a good environment with a less dense population and that the proposed development would negatively impact the environment.

Chair Pro tem Elinkowski, asked the Commissioner if they had any questions. There were no questions.

Commissioner Stallworth asked the developer if he had any objections to tabling the request for a rezone until after the meeting with the citizens in the neighborhood. Mr. Brodsky replied that he had no objections.

Commissioner Allen congratulated the citizens on their conduct. He made a conceptual statement of his view of the proposed development. He said he was not opposed to condominiums and felt the City could use a nice condominium development. He said it seemed there was pretty good diversity in housing prices in the area, but was concerned about the proposed density of 12 units per acre. He felt a lower density would make it a better project less likely to transition to rental units. He said he would like to see the project develop at a lower density with larger units or units designed at less than 3 levels. He felt 3 level townhouses were not conducive to the surrounding area.

John Morgan, life-time resident of Layton who owns 40 acres east of development, said he knew of another 40-60 acres that had remained undeveloped because of lack of water. He was concerned that that a new project would be developed with multi-family units when he had been turned down in a request to build one home in East Layton due to the lack of water. He felt that long time residents and property owners should be given first consideration over someone new asking to build.

Commissioner Stallworth commended the citizens for their conduct. He said their proposal was well-received although there were a few inconsistencies in the statistics. He said it was obvious that they were committed to their request. He reminded both the developer and the citizen group that one of them would be displeased with the final outcome. He said that all the property the people of Layton reside on came before the Planning Commission at some time, and that years ago, the people in the neighborhood of the proposed developed probably didn't want homes built on the agricultural area. He hoped that the developer and citizens could come to a satisfactory resolution.

Commissioner Stallworth motioned that the request for a rezone from R-1-8 to C-TH be tabled until the developer and citizens have time to meet. After that time, the rezone request will be presented to the Commission again.

The motion was seconded by Commissioner Allen and passed unanimously.

Commissioner Stallworth asked if Staff could be involved in the meeting.

Commissioner Esplin asked that a specific ending date be stated for the tabling of the item.

Mr. Brodsky said he would like to meet with the citizens the following week and return to the November 13, 2007, Planning Commission.

Commissioner Stallworth amended the motion to specify that the rezone be tabled until the November 13, 2007, Planning Commission Meeting. The motion was seconded by Commissioner Allen and passed unanimously.

Mr. Matson, City Planner, Mr. Brodsky, the developer, and Mr. Campbell, the citizens' representative, exited the meeting to the hallway to set a meeting time.

(2) BETTY L. TURLEY – CONDITIONAL USE (Beauty Salon) –664 West Antelope Drive

City Planning Technician, Brandon Rypien presented a conditional use request for a beauty salon in the Professional Business (PB) zone. The property was rezoned on April 20, 2006, from a R-1-8 (Condominium/Townhouse residential) to a PB zone. He stated the applicant has proposed to use the existing structure as a beauty salon. The property is located at 664 West Antelope Drive directly east of Boston's Pizza. To the north and east of the property are single-family homes that are part of the Falcon Wood Subdivision.

It is proposed that there will be three styling stations, one skin care station, one manicure station, and one pedicure station. There will be 3 full time staff, and the applicant will provide 9 parking stalls for the 3 staff. In case there are more employees added, the applicant will have to provide additional parking on the site. The applicant has proposed 9 parking stalls with one compact stall on the property. The applicant is required to have a buffer that includes landscaping and fencing along the north property line. The buffer will include five (5) coniferous trees with a 2-inch trunk caliper with a height of 48 inches and a separation of 20 feet on center. The fence will be a 6-foot solid vinyl fence along the north side of the property. The proposed business hours are 7 a.m. to 7 p.m. to be approved by the Layton City Business Licensing office. The business will use a regular residential trash receptacle to dispose of waste due to concerns from residents regarding the noise generated by the emptying of commercial-type dumpsters at other businesses in the area.

Mr. Rypien stated that Staff is recommending approval of the conditional use request with the following conditions:

- (1) The applicant is required to provide 9 parking stalls to accommodate all employees and customers. In the case that more employees are hired or the building is expanded, more parking will be required.
- (2) The applicant is required to provide a buffer along the north property line with a 6-foot solid vinyl fence and five (5) coniferous trees with a 2" trunk caliper, 48" in height and planted every 20 feet on center.
- (3) Regular trash residential-type receptacles will be used to dispose of waste.
- (4) Business hours shall be approved through Business Licensing.
- (5) Signage shall meet all City requirements, and the applicant must obtain all required permits.
- (6) The business is required to meet all Building and Fire Department requirements.

Commissioner Gilbert as if the skin care and the manicure would each be considered a station as well. Mr. Rypien replied in the affirmative.

Commissioner Gilbert said that with the pedicure station, as well, it seemed to be six (6) stations. Mr. Rypien explained that there will only be 3 full time staff, only 3 stations would be used at a time.

Chair Pro tem Elinkowski asked if there were any questions from the Staff for the applicant.

The applicant, Betty Turley, 664 West Antelope Drive, came to the podium to answer questions.

Commissioner Gilbert had a concern about parking in front of the facility at the curb. If it were to become a problem, the Police Department would become involved and take care of it at that time. He said the applicant did have enough stalls currently, and restated that if she were to expand, she would have additional parking in the back of the building with landscaping. Ms. Turley replied in the affirmative. Commissioner Gilbert asked if the use of an additional parking area would leave enough green space. Ms. Turley said that it would.

Commissioner Allen motioned that the Planning Commission grant conditional use approval for the barber/beauty shop subject to meeting all staff requirements. Commissioner Gilbert seconded the motion, and the voting was unanimous.

(3) AMERICAN FREEDOM ACADEMY – CONDITIONAL USE – Approximately 1916 North 700 West

Amanda Schultz, City Planner, presented the request for a conditional use permit for a Community Use in a CP-1 Zone. She said the applicant, Colain White, is proposing a Community Use in the Layton Market Plaza. The Plaza is located south of Antelope Drive and east of 700 West. The Community Use is an academy for the purpose of serving the educational and religious needs of the community.

The site contains approximately two acres; the building is approximately 32,000 square feet (including the new addition). The site provides 144 parking stalls and landscaping. There are multiple tenants located in the two-story Layton Market Plaza including, Lady's Fitness, two medical offices, and approximately 10 office suites.

The Academy is proposing 52 students, six employees and five volunteers. The senior class will be a total of 16 students – Junior B will have 14, Junior A will have 16, and Junior Prep will have eight. American

Freedom Academy is similar to the Kimber Academy which is structured as Senior Class 12 through adult, Junior B ages 9-11, Junior C ages 6-8, and Junior class ages 5-8.

The Academy provides advanced tutoring service to students and incorporates religion into every academic subject. The academy will be teaching primarily two subjects – World History and The Book of Mormon. The Academy will be open three days a week for four hours each day.

The Academy will be located in Suite 200B, which is on the main floor and on the east side of the building. The main entrance to the Academy will be located on the south side of the building. The suite provides approximately 1400 square feet with approximately 1000 square for administration and a storage/break room. The applicant is also proposing a desk to be located outside of the suite for monitoring the use of public bathrooms for students.

The Academy will be required to provide nine parking stalls to accommodate employees and students. The parking will be located on the east and south side of the building. The Academy's required parking will leave a remaining 135 parking stalls for all current tenants and customers.

All landscaping is existing and complies with the original approved landscape plan, so no additional landscaping will be required to be added to the site.

Mrs. Schultz stated that Staff recommends the Planning Commission approve the conditional use based on the following eight conditions.

- (1) The Academy hours are required to be approved through Layton City Business Licensing.
- (2) The main entrance to the Academy will be located on the south side of the building.
- (3) The Academy parking will be located on the south and east side of the building only.
- (4) The Academy is required to provide nine parking stalls to accommodate staff and students. The applicant will be required to provide a letter from the building owner stating these nine parking stalls are designated to the Academy.
- (5) The Academy is required to meet all Building and Fire Department requirements.
- (6) The Academy is required to meet all requirements before receiving a business license.
- (7) All signs must comply with the sign ordinance and the applicant must obtain proper permits.

Commissioner Gilbert asked if the applicant was aware of the conditions. Mrs. Schultz replied that she had just given an updated list of the conditions to the applicant.

Commissioner Tim Pales asked if nine parking stalls would be enough if there are 52 students and the possibility that some of the parents sitting in with classes.

Mrs. Schultz replied that she used calculations based off elementary, junior high and high school classrooms. Elementary and junior high calculations were based off the number of classrooms, and high school was based off seats in the auditorium. For the Academy, Mrs. Schultz used the number of seats in the senior class.

Commissioner Pales asked that based on what Mrs. Schultz had just said, if the facility was really going to be a school.

Mrs. Schultz said she had calculated the parking from school statistics.

Commissioner Stallworth asked how it would work for parking for special school events when parents and families are invited to attend.

Mrs. Schultz said she didn't know the answer and asked permission from Chair Pro tem Elinkowski to have the applicant answer the question.

Chair Pro tem Elinkowski asked the applicant to come forward and state her name and address.

The applicant Colain White, stated she lived at 1357 North Compton Road in Farmington.

Chair Pro tem indicated that there was a question regarding events taking place at the school and if the applicant could foresee if there would be large crowds attending those events.

Mrs. White responded that any events that would happen typically wouldn't take place during the school day which would be also during the typical work of other office spaces in the facility. Special events would happen in the evening.

Chair Pro tem Elinkowski asked it was okay to use the additional shared parking in the evening.

Commissioners Pales and Allen asked if the peak hours of the gym would conflict with a special event at the school.

Mrs. Schultz called Lady Fitness to find out where the primary parking was and was told it was on the north side of the building. The Academy entrance would be on the south side of the building.

Commissioners Allen and Pales reiterated their question, asking if the school and gym would be competing during any of their peak times. Mrs. Schultz said she was there at 10:30 a.m. and 3:30 p.m. and there were not a lot of vehicles parked in the area except for construction vehicles located on the south and east side. She didn't know what the parking situation would be with the new addition to Lady Fitness.

Commissioner Pales ask why the conditional use was not being presented as a school since school statistics were used for calculation. Mrs. Schultz replied that there were not any parking calculations for Community Use so that is why she used the School calculations.

Chair Pro tem asked why the Commission was looking at the conditional use application as a Community Use and not as a School.

Mrs. Schultz replied that she believed Scott Carter, Community Development Director, made the determination that the application would be reviewed as a Community Use and not a School.

Mr. Carter stated that that was correct.

Commissioner Esplin asked, with regard to parking, what kind of events would be held after hours in the evening. He asked if the applicant would be having everyone with their parents there or by age groups, or if there would be any special events at all.

Ms. White said that obviously the building could not hold many people. The Academy has already held events at the Davis Conference Center which is designed for that use. As far as having events, she said she had use of the Castlebrook Reception Center and the Davis Conference Center. She said she didn't foresee many events where all of the students and parents would be together in the proposed facility due to capacity issues.

Commissioner Esplin said that the Commission has concerns with the parking and other tenants even though events would be after hours. He said it appeared to him that Ms. White was telling the Commission that if there was an Academy event, they would go to another location to hold it.

Ms. White said she certainly would not want to squeeze into the building.

Chair Pro tem Elinkowski asked if the Commission had any further questions. There were no questions, so she called for a motion regarding the conditional use.

Commissioner Esplin moved that the Planning Commission grant the conditional use approval subject to the applicant meeting all Staff requirements including the eight items listed on the memo. The motion was seconded by Commissioner Stallworth, and the voting was unanimous.

Chair Pro tem Elinkowski called for a motion to close Public Review.

Commissioner Ron Stallworth moved to close Public Review. The motion was seconded by Commissioner Esplin, and the voting was unanimous.

Chair Pro tem Elinkowski called for a motion to close the Planning Commission meeting.

Commissioner Allen moved to close the meeting. Commissioner Pales seconded the motion, and the voting was unanimous. The meeting was adjourned at 8:20 p.m.

By _____
Julie K. Jewell, Secretary to the Planning Commission