

**MINUTES OF LAYTON CITY PLANNING COMMISSION MEETING
February 26, 2008**

MEMBERS PRESENT: Commissioners Tim Pales, Brent Allen, Gerald Gilbert, Ron Stallworth

ALTERNATE MEMBERS PRESENT: Blake Hazen, Ryan Stevenson

MEMBERS ABSENT: Sharon Esplin, Kristin Elinkowski, Dave Pratt

ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Scott Carter, Peter Matson, Steve Garside, Julie Jewell, Doug Pierce, Jeff Kolmel. City Councilman, Scott Freitag

Commissioner Brent Allen moved that Commissioner Ron Stallworth serve as Acting Chairman of the Planning Commission Meeting in the absence of Chairman Sharon Esplin and Vice-Chair Kristin Elinkowski. The motion was seconded by Commissioner Tim Pales and the voting was unanimous.

The Pledge of Allegiance was recited and the invocation was given by Commissioner Ryan Stevenson.

APPROVAL OF THE MINUTES: February 12, 2008

Commissioner Blake Hazen asked that on Item 3, Conditional Use request by Rick Carter, that the Work Meeting minutes reflect “Mr. Carter” on Page 4, Paragraph 2, be changed to read “Scott Carter” to avoid confusion between Scott Carter, Community Development Director and the applicant, Rick Carter who was not present at the meeting.

Commissioner Gerald Gilbert moved to accept the February 12, 2008 minutes with the requested changed. The motion was accepted by Commissioner Tim Pales and the voting was unanimous.

Commissioner Pales moved to open Public Review. Commissioner Allen seconded the motion and the voting was unanimous.

PUBLIC REVIEW:

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

Approximately 9.61 acres at approximately 400 South Fairfield Road

Long Range Planner, Peter Matson, presented Hamlet Homes request to rezone 9.61 acres at approximately 400 South Fairfield Road from R-1-8 to C-TH. Mr. Matson reviewed with the Commissioners the history of the rezone proposal, which was previously presented to the Commission on November 13, 2007. The voting at that meeting was 4 Commissioners recommending that the City Council deny the rezone to 2 Commissioners in favor of the rezone. On December 6, 2007, the City Council tabled the proposal

indefinitely to allow the developer and Staff to work on a redesign of the proposal and to formulate a development agreement.

The original design of the project was at a density of 12 units per acre. With the redesign, the development would be at 9.45 units per acre. The design was presented at a City Council work meeting on January 17, 2008. The redesign placed single family homes along Fairfield Road frontage on the west with townhomes in the center of the property. The City Council asked for single family homes to be on the north edge of the property as well.

Mr. Matson overviewed the design of the single family homes which is a traditional design dating back to the early 1900's with no garages fronting the streetscape. The height of the single family homes is 32-34 feet in height as opposed to 34-36 feet in height for the townhomes. Single family homes have driveways that allow stacking of two additional vehicles. Townhome units are rear loaded with no room for stacking, but 60 extra parking stalls are provided around the townhomes for visitors.

Mr. Matson instructed the Commissioners that their recommendation to the City Council for approval should include reference to the conceptual plan as an exhibit and building elevations for the project (Dornoch Mews). The packet Mr. Matson gave the Commissioners depicted general housing types, and square footage, and alternatives. He stated that Staff prefers the pitched roof design to the flat roof design.

Mr. Matson said that the utilities required both on and off site are required to be over and above what the applicant would need for the proposed project. These requirements are outlined in the City's Engineering memo of October 12, 2007. The development agreement should include that a minimum of 42 percent open space be required. The density recommendation should reflect 9.45 units per acre with 91 units overall with the number of townhomes not to exceed 52. He explained that if the rezone is approved, the Design Review Committee (DRC) would review the design and provide input.

Mr. Matson said Staff's recommendation is for approval of the rezone from R-1-8 to C-TH with the development agreement listing the items previously mentioned.

Mr. Matson outlined the alternatives the Commissioners could state in the motion for the rezone request. He said one alternative would be to approve the rezone from R-1-8 to C-TH with the development agreement addressing the items listed in the previous paragraph. The second alternative would be to recommend the rezone with any modifications that the Planning Commission may deem appropriate based on Planning Commission review and input from the applicant and the public. If the Planning Commission chooses to recommend denial of the rezone, then the issues associated with an agreement are not applicable.

Acting Chairman Stallworth asked for clarification of the parking availability which Mr. Matson provided stating that the extra 60 stalls meets the parking ordinance requirement.

Mr. Matson said that the applicant and the representative of the citizens would have information to provide to the Commission as well. He felt the citizen representatives, Mr. Olsen and Campbell, had reacted favorably to the reduction in density when he met with them prior to their meeting with the citizens' group.

Acting Chairman Stallworth asked for questions from the Commissioners.

Commissioner Pales asked about the change in buffering to single family homes along Fairfield Road with townhomes farther east. Mr. Matson said typically higher density units would be placed along arterial streets transitioning to single family in the interior. The switch in transitioning was to address the height and bulk issues the neighbors to the west had with the townhomes. He said the owner of the property

proposed for rezone also owns the adjacent property to the east which is planned for an R-1-8 development with R-1-10 development further to the east toward Boynton Road.

Commissioner Blake Hazen felt the reverse transitioning was not an appropriate since the use of the land to the north did not have an identified use and would now be next to single family residences. He felt the 80-foot width of Fairfield Road provided an adequate buffer and that townhomes should be along Fairfield Road with a single family transition toward the east. He felt the transitioning was not consistent with the intent of the C-TH zone.

Michael Brodksy, the applicant from Hamlet Development, said the owner of the property to the east is in concurrence with the townhomes being built on the east side of the development. He also clarified that in addition to the 60 guest parking spaces scattered throughout the community, the public street on both sides of the entrance allows parking on each side of the street which adds 40 parking spaces. Mr. Brodsky reviewed upgrades to utilities and the design of the development and answered Commissioner Allen's question about the responsibility for landscape installation stating that it would be the developer's responsibility. He said the landscape package provides for sod in the front and back of units with the Home Owner's Association (HOA) being responsible for irrigation system maintenance and landscaping, including mowing and maintenance.

In addition to the on site development there are upgrades to water lines, the storm sewer, and sanitary sewer.

Acting Chairman Stallworth asked for the citizens' spokesperson to come forward and indicated that citizens from the audience would be permitted to comment if they had something different to add than materials presented by the spokesperson.

Brian Campbell, 1103 East 375 South, gave an overhead presentation of the history of the rezone proposal. (Please see Exhibit A).

Mr. Campbell presented a matrix of criteria the citizens felt needed to be met in order to rezone to C-TH (See Exhibit A, Slide 6). They felt the property currently does not meet many of the criteria to rezone. Mr. Campbell reviewed the criteria below and stated his opinion on whether or not the development would meet the requirements of the C-TH zone.

1. *The property is between two commercial nodes.* Mr. Campbell felt the property was not between two commercial nodes.
2. *The development is limited in scale.* Mr. Campbell questioned what "scale" entailed.
3. Mr. Campbell read ordinance 19.24.010 with his summary that the intent of the C-TH zone is to create residential projects and neighbor projects that provide a variety of housing choices and types. He felt the project did provide a variety of choices and met C-TH zoning criteria.
4. *The property must be between near transportation corridors and node.* He felt the property did not meet this criteria.
5. *Will provide convenient access to commercial uses and employment opportunities.* Mr. Campbell ask for a definition of convenient access expressing his opinion that there were no employment opportunities near by.
6. *Should allow for multiple transportation uses.* He felt the development does not provide that multiple transportation uses. His assumption is that people will have to drive to work and there would be two cars per unit increasing the amount of traffic.
7. *Design standards of a C-TH project serve to buffer low density from high density.* Mr. Campbell said there is no high density to buffer. He felt there was no commercial in the area that needed to be buffered and asked for the definition of major corridor or arterial buffering.
8. *Architecturally fits well with single family.* Mr. Campbell feels the townhomes design is too high.

9. *Promote transit use.* With 1 bus per hour, Mr. Campbell did not feel the development would meet this criteria.
10. *Shared open space.* The development did meet this criteria in the C-TH zoning ordinance.
11. *Pedestrian orientation in a vibrant urban environment.* Mr. Campbell felt the site is not a vibrant urban environment, rather, it is suburban, and that pedestrian travel would only be within the community.

Mr. Campbell summarized by saying meeting two or even five of the criteria to rezone to C-TH is not enough. Mr. Campbell said that according to Layton City's Master Street Plan, one of the major requirements that Staff is considering is that Fairfield Road is an arterial street while there are miles and miles of areas in the City that could be zoned C-TH.

Mr. Campbell said it is the residents' position that the property should not be rezoned to C-TH based on the municipal code language. They believe that C-TH is a great zone with a great use but they don't feel based off the criteria in the Layton City Municipal Code that the property meets the requirements.

Acting Chairman Stallworth complimented Mr. Campbell on his presentation.

Citizen, Clarence Kemp, 127 South 2050 East, came forward and voiced his concern that there is a misconception that the people west of Fairfield Road are driving the citizens' opposition to the rezone. He said many of the people are from east of the proposed development who are concerned about high density. He expressed concerns that at one time the developer said that less than 12 units per acre was not economically feasible but now is proposing a project, as feasible, with less than 12 units per acre. He asked the Planning Commission to deny the rezone request based on the City's integrity with regard to the zoning ordinance.

William Lythgoe, 1901 East 75 South, came forward stating that he lives east of the proposed development. His concern that the R-1-8 zoning in the area would have to be defended over and over. He felt more study should be done before considering the rezone. He felt citizen fears could be eliminated if they were educated by the City on what high density really is. He expressed concerns that streets inside the proposed development would eventually connect onto Boynton Road to the east.

Acting Chairman Stallworth thanked the citizens for voicing their concerns with professional decorum. He asked the Commissioners to voice their comments.

Commissioner Gilbert clarified with Mr. Brodsky that the owners to the east to whom he had spoken were Mr. Kent and partners who owned the vacant land proposed for rezone.

Commissioner Allen felt there was validity to Commissioner Hazen's concern about the reversed buffering and felt while the redesigned project was better than the first design from the standpoint of neighborhood impact, it doesn't meet the proposed use of the C-TH zone.

Commissioner Hazen asked Mr. Matson to address the matrix presented by Mr. Campbell.

Mr. Matson said that the implication on the part of the residents is that all of the criteria need to be met to qualify for the C-TH zone. He said the City Council felt the intent of the ordinance was not to meet all of the criteria, but if some of the criteria were met, the property could qualify for the zone.

With regard to the question about Fairfield Road, Mr. Matson said it is a major corridor and identified as an arterial street in the City's Master Street Plan. Currently there are 7,000 trips a day on Fairfield Road which is not as high as some of the other arterial streets, but its capacity is 30,000 trips a day. It is a major corridor

because it runs from Kaysville on the north boundary of Layton and will connect to the East Gate Development on the north side of the City. Since zoning classification does not currently differentiate between major or minor arterial streets, the City Council has asked for this to be clarified.

Mr. Matson said pedestrians could walk to Dan's and Smith's grocery stores from the development.

Employment opportunities in the area are debatable according to Mr. Matson. It is possible the definition could be that employment is within walking distance or convenient auto access to Highway 89 or I-15 is available.

Mr. Matson felt there were multiple transportation choices, i.e., walking, auto, and a bus route to Davis Applied Technical College and Weber State Davis Campus once an hour. The bus is not a heavily used bus route but the Utah Transit Authority (UTA) has indicated they will increase east/west traffic for better access to the commuter rail.

Mr. Matson said the reverse buffering was to address specific concerns of residents to have the single family homes the prominent housing typing they would view.

According to Mr. Matson, the project architecturally fits in well with single family homes in the area. Single family elevations shown in the packet are of a higher quality than those in the current single family neighbors. The architecture is different from surrounding single family homes, but traditional architecture. He didn't feel it necessary to develop homes exactly like those in the neighborhood.

With regard to the C-TH zone acting as a Buffer between commercial developments, he said it doesn't have to act as a buffer between two commercial zones. There are multiple areas in the town where town homes have been developed that have not met that criteria.

He clarified that it is a medium density residential, not a high density residential project like the 36 units per acre being developed by the south gate of the base.

Commission Hazen clarified that 9-12 units per acre is medium density.

With regard to the criteria of the property being a vibrant urban environment, Mr. Matson said that it could be argued that there is not an urban environment in Layton and possibly that wording should be changed in the C-TH zoning ordinance.

Mr. Matson expressed his opinion that when creativity ceases, then the entire town could be R-1-8 and R-1-10 single family from east to west. It is his hope that a variety of housing choices will be provided for the future of the City. He expressed his opinion that the proposed development would increase the values of homes in the area because the price is at or above the selling prices of homes on the west side of Fairfield Road.

Commissioner Gilbert said he doesn't question the integrity or quality of the project itself or the work put into it and he and the residents have no objection to development on the property. However, he felt that there were other areas of the City where the project would work very well rather than this particular area which is surrounded by single family homes. Mr. Gilbert asked Mr. Brodsky if he would be interested in an R-1-8 zoned development on the property. Mr. Brodsky explained that the reason he had been able to lower the density on the redesign was because the property owner offered to lower the property price so that a lower density would be feasible. He cited the cost of the infrastructure as being prohibitive in lowering the density further.

Commissioner Allen felt that the buffering design did not meet the intent of the C-TH zoning. Mr. Matson responded that the intent of the C-TH zoning ordinance is that medium density housing should act as a buffer along the arterial streets and agreed that it had been reversed in the redesign. Based on input not just from the residents and the City Council, the applicant felt the project was better for the area with the proposed layout.

Commissioner Allen asked what purpose the townhomes served if not to act as a buffer. Mr. Matson responded the townhomes provided a variety in housing and different types of families in the project.

Commissioner Allen asked whether the C-TH zoning was the appropriate zone and Mr. Matson felt it was. Commissioner Pales felt the initial plan was better for the C-TH zone than the redesigned plan. Mr. Matson replied that the first plan had aspects that were quite unique and attractive and proposed an amenity not seen before. Market adjustments even since October make the variety of the housing in the redesign a plus the other plan didn't have.

Commissioner Hazen felt the first plan met more of the criteria than the second plan. Acting Chairman Stallworth felt the second proposal was better and said the developer has tried to change the plan to work with the citizens' concerns.

Acting Chairman Stallworth called for a motion on the rezone request.

Commissioner Gilbert moved that the development agreement and rezone from R-1-8 to C-TH on 400 South Fairfield be denied by the Planning Commission. The motion was seconded by Commissioner Stevenson.

Commissioner Allen commented that the project didn't fit the criteria of the C-TH zone but could work under another zone and said it appeared that the arguments the citizens presented were mostly against the zone change and not the project. Commissioner Gilbert agreed and felt the Commission should listen to the concerns of the citizens.

Commissioner Pales reminded the Commission that the Planning Commission is an apolitical body that makes a recommendation to the City Council. The City Council is a political body and can take the input of the citizens and weigh it more than does the Planning Commission.

Commissioner Stevenson asked if site plan and design plans were normally presented with a rezone request.

Mr. Matson said most rezones were land use related and this particular applicant has more of a design idea up front than others.

A vote was taken on the motion. Commissioners Gilbert and Stevenson voted in favor of denying the rezone and Commissioners Pales, Hazen and Allen were opposed. The motion to forward a recommendation of denial to the City Council failed with a vote of 2 in favor and 3 opposed.

Commissioner Allen moved to forward to the City Council a recommendation of approval for the rezone subject to the applicant meeting the requirements of the development agreement and Staff input and ask the Council to consider looking at the project under a different zone than C-TH. The motion was seconded by Commissioner Pales.

Commissioners Allen, Pales and Hazen voted in favor of the motion and Commissioners Gilbert and Stevenson voted against the motion. The motion passed with a vote of 3 in favor and 2 opposed.

Commissioner Pales motion to close Public Review and Commissioner Allen seconded the motion. The voting was unanimous.

Mr. Matson informed the Planning Commission and audience that the rezone request would be brought before the City Council on March 6, 2008.

OTHER CONSIDERATIONS:

(2) CANYON VIEW ESTATES LOT 31 – UTILITY EASEMENT
(Approximately 2175 East Canyon View Drive)

Kem Weaver, City Planner, presented a request from Greg and Mehe Williams for a utility easement for a their lot in Canyon View Subdivision. The request is to allow for a utility easement through Layton city property to connect a sanitary sewer lateral line from Lots 201 and 202. Mr. Weaver outlined the easement on an air photo from Lots 201 and 202 down to the sanitary sewer trunk line that runs through the bottom of the Kayscreek Corridor. Mr. Hazen asked Mr. Weaver to clarify that the two laterals would be separate and not tap into another lateral

Mr. Williams, 1088 North Lindy Way, explained how the laterals would be installed.

Mr. Pales asked if the easement was just for Lots 201 and 202, and Mr. Williams replied in the affirmative. An existing lateral from the Lyons property (Lot 32) extends through the Williams' property to the trunk line.

Mr. Weaver said Staff's recommendation is to grant approval of the utility easement as described in the attachment and as discussed in work meeting the City Attorney has provided a draft of an agreement to dedicate easement to the Lyons family for their lateral through the Williams' property to be signed by Mr. and Mrs. Williams. That agreement between the two property owners must be finalized before the granting of the easement through City property to the Williams and before being presented to the City Council

There were no comments from the Commission or the audience.

Commissioner Hazen moved that the request for a utility easement for Lot 31 amended as Lots 201 and 202 be granted with the agreement to be signed by Mr. and Mrs. Williams prior to the City Council meeting where it will be reviewed. Commissioner Pales seconded the motion, which was unanimously approved

Commissioner Gilbert moved to adjourn the meeting.

The meeting was adjourned at 8:36 p.m.

ORDINANCE AMENDMENTS/REVIEWS:

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

In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.

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HISTORY

- October 2007: Planning Commission tabled the rezone until Developer & Citizens met.
- November 2007: Developer & Citizens met.
 - Hamlet Homes stated that the proposed density (113 units; 12/ac.) and type of buildings (3-story) would not change.

HISTORY

- November 2007: Planning Commission did NOT recommend the rezone.
- December 2007: City Council tabled the rezone.
 - Hamlet Homes presented a willingness to modify the density and types of buildings.
 - Hamlet Homes asked for more time to provide new layouts (6 weeks after the Planning Commission mtg.)

HISTORY

- January 2008: New site plan was presented to the City Council in a work meeting.
 - Hamlet Homes presented a few less units (10 less; 11/ac.).
 - Hamlet Homes introduced different types of buildings (single-family as well as the original 3-story).
 - City Council gave input, but the zoning was not discussed, just the site layout.

HISTORY

- February 2008: The City Council discussed with City Staff about the language of the C-TH zone in a work meeting.
 - Need to define how many of the criteria need to apply to satisfy the zoning intent/language.
 - Need to define which or all arterials apply.
 - Need to define “convenient access to commercial uses and employment opportunities”.
 - Need to reassess the density limits.
 - Need to evaluate and apply zone to General Plan.
 - And more!

Applying the C-TH Zone

- How will Layton City apply this zone?
 - Language vs. Site-specific Application
 - How many criteria need to apply in order to rezone a property C-TH?

C-TH Evaluation Matrix		
CRITERIA	YES	NO
General Plan		
Between Commercial Nodes		✓
Limited in Scale	?	?
CTH Zone Ordinance 19.24.00		
19.24.010 Purpose.:		
Near City Transportation Corridors and Nodes		✓
Variety of Housing Choices/Types	✓	
Convenient Access to Commercial Uses	?	?
Employment Opportunities		✓
Multiple Transportation Choices		✓
19.24.080 Design Standards:		
Buffers Low-Density Residential from:Adjacent		
High-Density Residential		✓
High Traffic Arterial (major corridor)	?	?
Commercial Developments		✓
Architecturally Fits Well with Single-Family		✓
Promote Transit Use		✓
Shared Open Space	✓	
Pedestrian Orientation		✓
Vibrant Urban Environment		✓

Definition

Definition

Definition

Layton City Master Street Plan

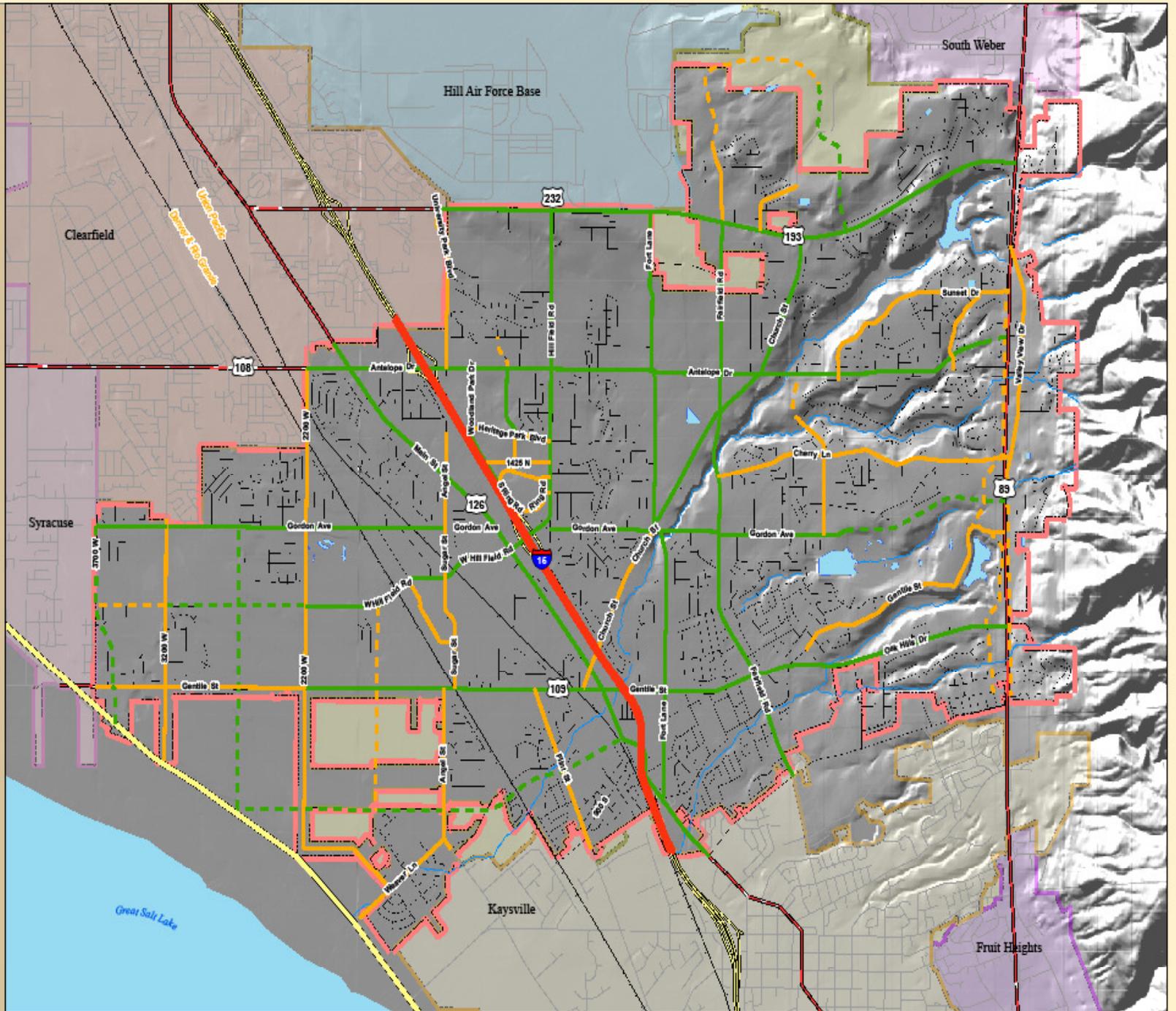
Legend

-  Lakes
-  Highways
-  Interstate 15
-  Streams
-  City Boundary
- Rail**
- STATUS**
-  In Service
-  Out of Service
- Classification**
-  Arterial
-  Collector
-  Interstate
-  Proposed Arterial
-  Proposed Collector
-  Proposed Expressway

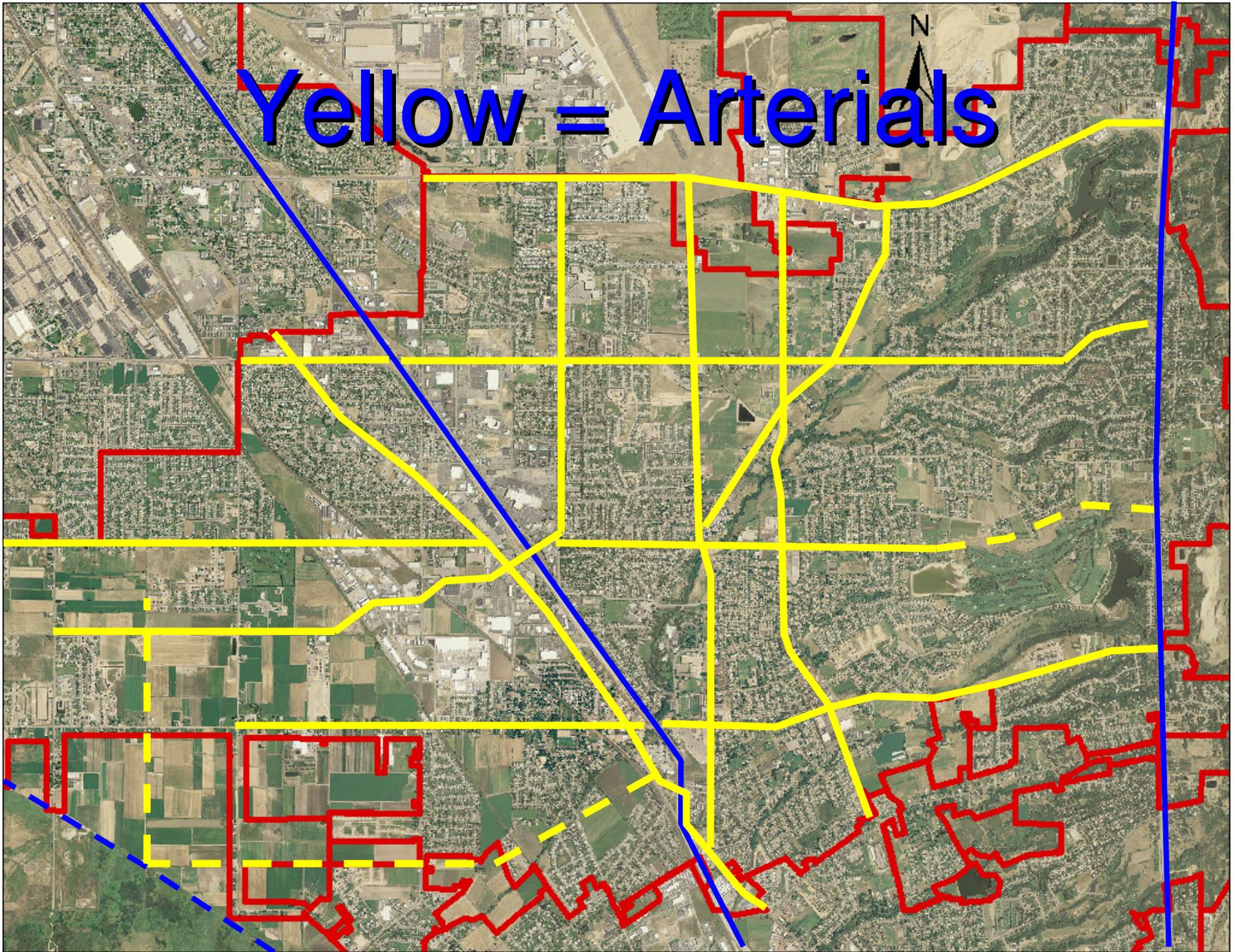


1:40,000

7/22/2005



Yellow = Arterials



Do Not Recommend Rezone

- Zoning Language & Criteria.
- Location, Location, Location.
- Precedence