

MINUTES OF LAYTON CITY PLANNING COMMISSION MEETING
April 8, 2008

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

ALTERNATE MEMBERS PRESENT: Blake Hazen, Ryan Stevenson

MEMBERS ABSENT: Brent Allen

ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Doug Pierce, Steve Garside, Julie Jewell. City Councilman, Scott Freitag.

Planning Commission Chairman, Sharon Esplin, called the meeting to order at 7:04 p.m.

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

Chairman Sharon Esplin called for a motion to approve the Planning Commission Minutes from September 26, 2006, and March 25, 2008. Commissioner Kristin Elinkowski moved to approve the minutes from September 26, 2006, and March 25, 2008, with a correction to the March 25, 2008, minutes as follows:

Page 4, Paragraph 1 – change the last word in the paragraph from area to acre.

Commissioner Ron Stallworth seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to open the Public Hearing. Commissioner Gerald Gilbert moved to open the Public Hearing. Commissioner Tim Pales seconded the motion and the voting was unanimous.

PUBLIC HEARING:

PUBLIC REVIEW:

1) RAY DEPRIZIO REZONE -- R-S TO P-B
0.4590 acres at 1650 West Gentile Road

Amanda Jorgensen, City Planner, presented the applicant's request to rezone .459 acres at 1650 West Gentile Road from R-S (Residential Suburban) to P-B (Professional Business). She described the property as a single family home, which the applicant is proposing to use for a counseling office for children to meet one on one with a counselor. Ms. Jorgensen said the home is completely surrounded by properties zoned R-S. Ms. Jorgensen stated the request meets Layton City General Plan recommendations for zoning along an arterial street or collector street such as Gentile Street.

Ms. Jorgensen stated that the Engineering Division and Fire Department had no concerns unless there are site improvements required. She said Staff is recommending approval of the rezone from R-S to P-B. .

The applicant was asked to come forward. The applicant, Ray DePrizio, stated his address as 4171 South Shannon Street in Salt Lake City. Mr. DePrizio said the proposed office in Layton would be a satellite office to the main office in Salt Lake City. His intent is to use the existing home as a counseling center for children who are to be adopted. He said 95 percent of the counseling is done in the children's homes and that the counselors will nearly always be away from the proposed office on Gentile Street. He said the children were not high risk children. The only change he proposed to the property is a handicapped ramp.

Ms. Jorgensen said the applicant will not be returning to the Commission for a conditional use application because the use he proposes is a permitted use with the rezone to P-B.

Parking issues to accommodate personnel and clients were discussed. The Commission had no other questions for Mr. DePrizio.

A resident, Jake Jorgensen, who lives at 1680 West Gentile which is directly west of the property proposed for rezone, expressed concerns that the near half-acre property seemed too large for the use proposed. He expressed concerns regarding the possibility of the children staying over night and asked about the age and backgrounds of the children.

Chairman Esplin directed Mr. DePrizio to respond to Mr. Jorgensen.

Mr. DePrizio said that the facility doesn't need all the space, but he had been looking for an appropriate property for a year and half. The back yard could be used to play with one child or as a place for parents to wait to pick up a child. There would be no overnight stays and the facility would not typically be open on the weekends. There would be no animals there other than Mr. DePrezio's dog which he uses in therapy sessions and which is an inside dog. He said he would like to fence the back of the property.

In response to Commissioner Stallworth's question about background checks, Mr. DePrizio said that all employees and everyone who associates with the clinic must have a background check.

Mr. DePrezio said the children range in age from infants to age 18 with the majority being 2-10 years old. He said he had been in the business for 30 years and his facility in Salt Lake City had a good reputation with its neighbors.

Ms. Jorgensen said when she reviewed the site, it didn't appear that more than two counselors could be at the facility at a time due to parking restraints. Parking in the back would not be possible.

Shawn Clark, from 1636 West Gentile, expressed his concern that with a rezone of the property to P-B and that it could spur other businesses to rezone and locate in this area. He expressed concerns about the affect of the zone change on property values. Mr. DePrezio replied that he felt his Salt Lake City facility had affected the property values in the neighborhood positively.

Mr. DePrezio stated that if his business grew, it would not be growth at the proposed facility, but growth in the visits to homes. He said team meetings are typically held in the Salt Lake Office and would not be held in the Layton facility. He said his plan is to open up the small rooms in the home.

Concerns were expressed that the children were behaviorally challenged and the applicant was asked what security measures would be taken to protect neighborhood children. Mr. DePrezio said some of the children did have this difficulty but that he never works with juvenile delinquents or those with a history of criminal or sexual offense. Mr. DePrezio said an adult is always with the children and that none will

be just dropped off at the facility because the parent is involved in all of the counseling components. The children will not be allowed to go out and play in the yard unsupervised. He said the parents were required to have background checks as well.

Grant Watkins 1298 West Granite Street, asked about future uses of the home. Peter Matson, Long Range Planner, explained the process when there was a request for a use other than permitted uses in the P-B zone or if a business increases in intensity. Ms. Jorgensen stated that there was no guarantee that the property would always remain a counseling office and that it could be used for any of the permitted uses in the P-B zoning designation.

There were no other questions from the Commissioners or the audience.

Commissioner Ron Stallworth moved to forward a positive recommendation to the City Council to rezone the proposed property at 1650 West Gentile Road from R-S to P-B subject to the applicant meeting all Staff recommendations and General Plan guidelines. Commissioner Pales seconded the motion and the voting was unanimous.

2) HIGHWAY 89 BUSINESS CENTER – CONDITIONAL USE – PUBLIC STORAGE FACILITY 1288 North Highway 89

Kem Weaver, City Planner, presented the applicant's request for a conditional use for a storage facility at 1288 North Highway 89 which is on the east side of Highway 89. He said the property is unique in that it is surrounded by Utah Department of Transportation (UDOT) property and by a parcel for a future Layton City fire station. The property is currently zoned CP-2 (Planned Community Commercial). The proposed office complex is a permitted use but a storage facility is a conditional use. He explained the applicant was asking just for conditional use approval and not site plan approval. Staff has not given approval to the site plan. He said the applicant wants to develop 1.96 acres. Mr. Weaver said a conflict exists with developing this property because it is one of the last properties UDOT needs to purchase for the Highway 89/Gordon Avenue interchange. Mr. Weaver overviewed the area and said there is a vacant home on the property.

Mr. Weaver reviewed the path of the overpass and said the east leg of the overpass would run down the south side of the property, and the northbound ramp would dissect the parcel in half and leave only a small space in the north east corner for storage units.

According to Mr. Weaver, the applicant is looking for either conditional use or site plan approval before buying the property. He feels he needs approval by the City indicating the property can be developed in order to initiate a land exchange with UDOT. This would be for market value purposes for the office and storage unit use.

Mr. Weaver overviewed the site plan showing that there was no connection off Highway 89 to the site. In addition, the frontage road terminates 40 to 50 feet from the property. According to the applicant, there is a conveyance to grant access from the frontage road to the property but it is not certain if there is access for utilities and this is a reason to table the item. Most of the proposed landscaping would be in the front which is a typical landscaping layout for commercial development. The proposed plan meets the 10% landscaping requirement and meets parking space requirements for the professional office building and the small storage office.

The buildings will be of masonry material with a sample elevation provided in the Planning Commission packets. Since the long walls will be seen from Highway 89 and East Side Drive, Staff is asking for a

break up in the walls so there is not a continuous long block. The buildings will have a pitched roof system.

Mr. Weaver said Staff recommends that the conditional use request be tabled until May 13 until the applicant and UDOT have met with the City. He said that beginning May 4, cities must notify UDOT of any development proposed in future UDOT right-of-ways within 10 days of the application. UDOT then has 30 days to respond and address the application.

Chairman Esplin asked the applicant to come forward to answer questions from the Commission. He also said that discussion would be open to the audience and asked that a representative from the citizens' group present questions and comments from the neighborhood

The applicant, Patrick McCreaken, who lives at 2107 East 25 South, in Layton, came forward and introduced himself as an architectural engineer currently working from his home office. He said his desire was to build an office. He made an offer on the proposed property and then was concerned afterward with it being the site of a proposed overpass. His objective was to get a sense of approval from the City, and he said he understood that the conditional use is tied to the site for which it is granted. He felt that an office area and storage area were needed on the east side of Layton and would like the City's concurrence that it is an acceptable use. He said he understood that he would have to apply for a similar conditional use on land that is now owned by UDOT if a land trade takes place. His objective is to build on the land owned by UDOT. He is now under contract to purchase the proposed property and had to make a decision regarding the purchase within the week. When asked, he stated the conditional use was not to exert leverage on UDOT, but to help establish the market value of the land.

Chairman Esplin invited members from the audience to speak.

Johnny Hassen, resident at 1233 North 3050 East, in Layton expressed concerns with potential traffic generated by the proposed facility. He stated his disapproval of 24 hours access to a storage facility. He submitted to the Planning Commission a copy of a flyer given to residents of the neighborhood.

Chairman Esplin invited UDOT representative, Cory Pope who is the UDOT Region One Director in Ogden and Northern Utah to speak. Chairman Esplin asked Mr. Pope if the interchange was going to be constructed. Mr. Pope replied that UDOT is still actively preserving the corridor for the proposed interchange. He said there was no set time frame for the construction but anticipated it was 10-15 years away. He believes it will be funded some time in the future.

Commissioner Esplin asked Mr. Pope why UDOT had never acquired this piece of property. He responded that UDOT had tried to purchase the land but another potential buyer had the first right of refusal on it.

Diane McGuire, from the UDOT Real Estate Department said she felt UDOT was not at liberty to make a land trade. She said land trades have to be approved by the Transportation Commission.

The Commissioners discussed access to the property and Commissioner Pales recommended that the recorded access easement must be verified. Mr. McCreaken said he had with him a copy of the easement to review with the Commission. The Commissioners discussed tabling the item either 30 days or indefinitely to give UDOT and the applicant time to work out issues.

Commissioner Dave Pratt expressed that rights shouldn't be taken away from the owner. Commissioner Stallworth proposed that during the time the item was tabled, the audience could form a group with a representative to present their concerns to the Commission when the item is again reviewed.

Kasey Luke, resident at 1103 North 3000 East came forward to express his concerns based on his experience as an employee at a storage facility. He felt there would be difficulties with the storage facility not only for the residents in the neighborhood, but for the renters. He listed issues such as traffic, possible decrease in home values, vandalism and burglary, unsupervised children in the facility, potential trash and litter, and undesirable or hazardous items being stored at the facility.

Chairman Esplin counseled the neighbors to get a spokesperson.

Mr. McCreaken said he understood there were a lot of issues to deal with at a storage facility and said his objective was to provide leadership and management to avoid the concerns mentioned.

Commissioner Tim Pales moved that the request for conditional use at 1288 North Highway 89 be tabled until May 13, 2008, pending more information from the applicant and UDOT and verification of a recorded easement for both surface access and subsurface utility access to the area. The motion was seconded and passed with a vote of 5 to 1 with Commissioners Tim Pales, Elinkowski, Ron Stallworth, Ryan Stevenson, and Dave Pratt voting in favor of the motion, and Commissioner Gerald Gilbert voting in opposition.

3) WESTERN STATES LODGING – CONDITIONAL USE – ASSISTED LIVING FACILITY

Approximately 1200 North Fairfield

Kem Weaver, City Planner, reviewed with the Commissioners their decision at the March 25, 2008, Planning Commission meeting to forward to the City Council a positive recommendation to rezone the property at approximately 1200 North Fairfield Road from CP-1 to B-RP. He said the applicant has returned to the Planning Commission to request a conditional use for an assisted living facility on the property. Mr. Weaver said the applicant had previously given a detailed overview of the facility. He said Staff approves of the building elevations for the development, which will have a maximum height of 45-50 feet with an allowed height in the B-RP zone of 100 feet.

Mr. Weaver described Parcel 1 of the development as including the long wing on the northwest side and the drive access. Parcel 2 is the remainder of the building. He said 27 percent of the development will be open space well dispersed throughout the property and meeting the 25 percent minimum landscaping requirement. The conditional use also covers Parcel 3. Parcel 4 of the property may become a different use in the future and may not require a conditional use permit.

Mr. Weaver explained that the drive access for the south side of the property is next to the property line of the United States Post Office. The requirement is for a drive access to be 20 feet from the property line, but Staff supports the modification from 20 feet to 10 feet to allow the drive access to align with the drive access directly across Fairfield Road to avoid left turn conflicts.

Mr. Weaver said determining the number of parking spaces required is an issue because there are four uses involved with a specific use that covers all four. The Planning Commission will need to approve the amount of parking spaces set for the development. There are currently 143 parking spaces for Parcels 1 and 2. It was determined that the 106 independent units could receive a 50 percent reduction in parking thus requiring 53 parking spaces. The 40 skilled nursing rehabilitation units and 74 assisted living units would receive a 25% reduction in parking, thus requiring 85 parking spaces. This would leave 5 spaces for the Alzheimer units. Mr. Weaver said Staff feels comfortable with the parking spaces provided and is asking the Planning Commission to approve the ratios. He also said the facility will have to meet all State and Federal codes with regard to ADA requirements, building codes, and meet all requirements in the Layton City Ordinance 19.14.100(5).

The applicant, Gary Griffiths, came forward to address parking concerns. Chairman Esplin asked him about provision for visitor parking. Mr. Griffiths cited similar facilities and said that the parking lots are never completely full. He indicated that ground transportation is provided to the residents.

Chairman Esplin and Commissioner Pratt related experiences at similar facilities when it was difficult to find adequate parking.

Mr. Griffiths said a specific use for Parcel 3 has not been identified and indicated it may be possible to create an easement across Parcel 3 for more parking. A potential use for the remainder of Parcel 3 would be a geriatric clinic with its own parking.

The Commissioners discussed the population of the assisted living facility at full capacity. Mr. Griffiths said there would be 45 full time equivalent employees during a 24-hour day.

There were no further questions from the staff or the audience.

The following conditions were outlined in the April 8, 2008, Staff memo to the Planning Commission:

1. Allow for a modification to 10 feet for the setback to have the south drive approach line up with the approach across Fairfield Road.
2. Approve of the following parking ratios:
 - a. 106 independent living units = 53 parking spaces
 - b. 114 skilled nursing rehabilitation and assisted living units = 85 parking spaces
 - c. 24 Alzheimer units = 5 parking spaces
3. The facility is to meet all State and Federal guidelines.
4. The facility is to meet all building and ADA codes
5. Elevator access is required for the two through four-story portion of the building.
6. The independent living and assisted living units are limited to three persons per dwelling unit.
7. Emergency signals shall be placed in each dwelling unit that is manned 24 hours.
8. The lighting cannot shine towards the residential uses to the east; all lighting is to be contained on site. This includes light poles and exterior building lighting.
9. "No Parking" signs shall be required along 26-foot wide drives.
10. Include a strip of parking on Parcel 3 to provide additional parking.

Commissioner Elinkowski moved that the conditional use request for an assisted living facility at 1200 North be approved subject to the conditions outlined in the Planning Memo dated April 8, 2008, and above, which are hereby adopted as requirements, and add condition #10 to include a strip of parking on Parcel 3 to provide additional parking. Commissioner Ron Stallworth seconded the motion and the voting was unanimous.

Commissioner Tim Pales moved to close Public Review. Commissioner Gerald Gilbert seconded the motion and the voting was unanimous.

OTHER CONSIDERATIONS:

4) FAIRFIELD MEADOWS – PRELIMINARY APPROVAL

Approximately 400 South Fairfield Road (32 lots, R-1-8)

Mr. Weaver reviewed the recent history of applications to the Planning Commission regarding the property. The current owner and developer are proposing an R-1-8 subdivision of 32 lots with a density of 3.28 units per acre. Mr. Weaver stated that before final plat approval, geo-technical reports and a

landscape plan including a five-foot landscape buffer along Fairfield Road are required. Covenants will be required to establish a Home Owner's Association for the maintenance of the landscape buffer. Mr. Weaver overviewed the site and said the property meets the R-1-8 zoning requirements with regards to lot frontage and lot area. He said Staff's recommendation is for the Planning Commission to approve the preliminary plan subject to the applicant meeting all Staff requirements. He said the subdivision does not need to go before the City Council for preliminary approval because it is not in a sensitive lands area.

Commissioner Gerald Gilbert asked if the access to the proposed subdivision was in line with the access across the street. Mr. Matson responded that an intersection may be configured to allow for a right turn lane in that area. He said the access to the proposed subdivision does line up with the access to the parking lot access across the street.

Commissioner Gilbert moved to recommend preliminary approval for the Fairfield Meadows Subdivision. The motion was seconded by Commissioner Pales and the voting was unanimous.

5) ANGEL STREET TOWNHOMES – PRELIMINARY APPROVAL

Approximately 1400 North Angel Street (35 units, RM-1 PRUD)

Mr. Weaver presented Angel Street Townhomes request for Preliminary Approval reviewing a recent rezone for the property from C-H (Highway Regional Commercial) to R-M1 (Low/Medium Density Residential) and the recent approval for a General Plan Amendment at the January 8, 2008, Planning Commission Meeting.

Mr. Weaver overviewed the area describing zones and uses in the surrounding vicinity. He presented the project as a 35-unit townhome development. The Design Review Committee (DRC) met and the following were their comments and recommendations:

1. The garage doors are very prominent on the front facades; the Committee is recommending the doors to be colors other than white and adding window treatments.
2. The side elevation of the end units is required to be 20 percent masonry. The front and rear already meet the requirement.
3. The window sizes should be something other than a row of four-foot by four-foot windows; the recommendation is to provide different sizes of windows on the front of the buildings.
4. Add signage to the private lane that enters Kohl's parking area. The sign should alert motorists not to use the private drive for access to and from the store.
5. A clarification is to be made for the narrow gap between driveways.
6. There is a concern about limited visibility to the tot lot area, which creates a security concern. The developer is willing to incorporate a fence that is 4 to 5 feet solid and latticed at the top for visual access. This would not be just for the buildings around the tot lot, but all the privacy fences on the back of the units.
7. Incorporate some shrubs next to the picket fence around the tot lot area to soften the corner and discourage vandalism to the fence.
8. Change out the grass between Buildings 1 and 2 and plant shrubs and perennials that will survive in shaded areas.
9. The bonus density is not a concern for this project, however, the recommended items just listed are no less important when trying to create a functional and livable project. The main focus was the design of the open space and units and how they interact with the amenities of the site. This was the focus of the Design Review Committee (DRC).

Mr. Weaver said Staff recommends the Planning Commission forward approval of the preliminary plans to the City Council subject to the applicant meeting all Staff and DRC requirements.

Commissioner Ron Stallworth moved that the Planning Commission forward a positive recommendation to the City Council to approve Angel Street Townhomes' request for preliminary approval subject to the applicant meeting all Staff and DRC requirements and recommendations. Commissioner Gilbert seconded the motion that passed unanimously.

6) GOT STORAGE – LANDSCAPING AND FENCING MODIFICATION REQUEST

153 East 2000 North

Mr. Weaver said Ordinance 19.16040(8)(b) gives the Planning Commission the authority to modify landscape buffers that are required by ordinance when there is a commercial development adjacent to residential uses. He said Got Storage is a storage unit development currently under construction. The developer is asking for a modification to this landscape buffer and fencing requirements per the ordinance cited.

The original proposal in the approved plan was for 6-foot vinyl fencing with trees every 25 feet on center and 25 percent grass for ground covering in addition to other plants and shrubs.

Mr. Weaver said the developers still propose to keep a 20-foot distance between the building and the property line. However, they would like to change the fencing to vinyl coated chain link fencing with interlocking slats. The developers had wanted to install razor wire along the top of the fence but were denied by Staff. Staff felt barbed wire tilted toward the inside of the property would be acceptable. Continual maintenance would be required on the slats on the fence to keep it private and view obstructed with any slats replaced immediately if broken. The applicant is also asking to put rock mulch with a weed barrier in the buffer rather than planting grass. The City requires at least 25 percent grass within the buffer but encourages low maintenance and water usage. Staff approves the use of rock with the addition of more trees. Once trees mature, they will provide a visual buffer.

On the provided plan, the fence extends out to 2150 north and along the sidewalk. Mr. Weaver said this fencing configuration will not be allowed for visual purposes. The requirement will be for the fence to terminate at the front foundation of the storage units; otherwise, the fence would become a clear view issue. The applicant is asking for rock mulch on the entire landscaping, however, they will be required to have 50 percent grass in the landscaping. The developer will sign the Development Agreement after the meeting so that modifications can take place on the approved landscape plan.

Mr. Weaver stated that Staff's recommendation is to approve the landscaping and fencing modification request.

The Commissioners talked about the request for razor wire. Mr. Weaver described the elevation on 2150 North as a four-foot rock wainscot and then stucco.

In response to Chairman Esplin's question regarding the content of the motion, Mr. Weaver said changes to the Development Agreement must be specified in the motion.

Chairman Esplin asked the applicant's representative, Steve Fackrell if he understood the changes, and Mr. Fackrell responded that he understood and agreed with the changes.

Commissioner Pales moved that the Planning Commission approve the modification of the landscape plan per Ordinance 19.16040(8)(b) by allowing vinyl coated chain link fencing with slats, barbed wire slanting inward along the top of the fence, and trees added where rock mulch will replace grass. The fence will not be allowed across the front of the property on 2150 North. The motion was seconded by Commissioner Elinkowski, and the voting was unanimous.

7) HOWARD’S FARM SUBDIVISION – FINAL APPROVAL

Approximately 2597 East Gentile (4 lots – R-1-10)

Mr. Weaver presented the request for final approval for Howard’s Farm Subdivision which will consist of two lots with existing homes and two flag lots created by a split of land between the Charlesworth and Wixom properties. The flag lots will be accessed through a private drive off East Gentile Street. The flag lots meet area requirements of the R-1-10 zoning designation. For final plat approval, the applicants are required to dedicate a portion of east Gentile to create a 60-foot right-of-way dedicated to Layton City as part of the plat.

Mr. Weaver said Staff recommends approval of the Howard’s Farm Subdivision subject to the applicant meeting all staff requirements.

There were no questions from the Commissioners.

Commissioner Pratt moved that the Planning Commission forward a positive recommendation for final approval of the Howard’s Farm Subdivision to the City Council subject to the applicants meeting Staff recommendations. Commissioner Ryan Stevenson seconded the motion and the voting was unanimous.

Commissioner Stallworth moved to adjourn the meeting. The motion was seconded by Commissioner Pales and the voting was unanimous. The meeting adjourned at 8:42 p.m.

ORDINANCE AMENDMENTS/REVIEWS:

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