

MINUTES OF LAYTON CITY PLANNING COMMISSION MEETING
July 8, 2008

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

ALTERNATE MEMBERS PRESENT:

ALTERNATE MEMBERS ABSENT: Blake Hazen, Ryan Stevenson

MEMBERS ABSENT: Brent Allen, Ron Stallworth

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Amanda Jorgensen, Julie Jewell, and Steve Garside. Councilman Scott Freitag

Planning Commission Chairman, Sharon Esplin, called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said the invocation was given by a member of the audience, Tex Crawford.

Commissioner Gerald Gilbert moved to approve the June 10, 2008 Planning Commission Meeting minutes with a correction to indicate that Commissioner Kristin Elinkowski was absent from the meeting. Commissioner Tim Pales seconded the motion and the voting was unanimous.

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

PUBLIC REVIEW:

(1) DAVID DAY – REZONE AND PARCEL SPLIT – A (Agriculture) to R-S (Residential Suburban)

Approximately 2600 West Gentile (creating 1 lot).
This .5 acre property is located in an A (Agriculture) Zoning District.
The applicant is David Day.

Peter Matson, Long Range Planner, presented the applicant’s proposal to rezone a half acre of property at 2600 West Gentile together with a parcel split to create one 21,700 square foot building lot. The property is presently zoned A (Agriculture), which has a one-acre lot size minimum. The proposal is to rezone the property to R-S (Residential Suburban) which has a 15,000 square foot requirement. Mr. Matson said both the A and R-S zoning designations allow for agricultural and animal uses. Mr. Matson reviewed the zoning designations in the area stating that the General Plan recommends low density single family residential zoning for the area and the R-S zoning is compatible with the General Plan. Since the property is fronting on Gentile Street, which is an arterial street, the future home will need to have a 40-foot front setback. Driveway design possibilities that would prevent backing onto Gentile Street were discussed. Mr. Matson said the applicant has stubbed utilities to the parcel and for new development in the future so street cuts won’t be necessary on the newly surfaced Gentile Street.

Mr. Matson said Staff recommends forwarding a positive recommendation to the City Council to approve the rezone request and parcel split.

There were no questions from the audience or the Planning Commission.

Commissioner Elinkowski moved to forward a positive recommendation from the Planning Commission to the City Council to approve the parcel split at 2600 West Gentile Street. Commissioner Pales seconded the motion and the voting was unanimous.

Commissioner Elinkowski moved to forward a positive recommendation from the Planning Commission to the City Council to change the zoning at 2600 West Gentile Street from A to R-S. Commissioner Pales seconded the motion and the voting was unanimous.

(2) EAGLE EYE PRODUCE – CONDITIONAL USE REQUEST – PRODUCE SALES

1373 West Gordon Avenue

This property is located in a M-2 (Heavy Manufacturing/Industrial) Zoning District.

The applicant is Newman Giles.

City Planner, Amanda Jorgensen, presented the Eagle Eye Produce request for retail produce sales, which requires a conditional use permit for a site located in a manufacturing zone.

Ms. Jorgensen reviewed the parking requirements for the location and said no other site improvements would be required.

Ms. Jorgensen stated Staff recommends the Planning Commission approve the commercial/retail use in the M-2 zone with the following conditions:

1. The business is required to provide a total of 26 parking stalls for the retail business and warehouse uses.
2. The business will designate 600 square feet for the retail use located on the north east side of the building. The remaining floor area is not open to the public.
3. The business must comply with subsection 19.06.170 of the zoning ordinance for commercial uses in manufacturing zones.
4. The business is required to be weed, junk, and debris free at all times.

There were no questions from the Planning Commission or the audience. Chairman Esplin asked the applicant, who was present, if he had a copy of the conditions and if he was familiar with them and would comply. The applicant stated he understood the conditions but not the ordinance. Chairman Esplin asked Ms. Jorgensen to read subsection 19.06.170 of the zoning ordinance. The applicant then indicated he understood the ordinance and was willing to comply. There were no further questions or comments and Chairman Esplin called for a vote on the item.

Commissioner Gilbert recommended that the Planning Commission grant Conditional Use for the commercial/retail use in the M-2 zone at 1373 West Gordon Avenue subject to the applicant meeting all staff recommendations, which are hereby adopted as requirements. Commissioner Elinkowski seconded the motion and the voting was unanimous.

(3) LDS CHURCH – CONDITIONAL USE REQUEST – 2ND DETACHED SIGN AT DESERET INDUSTRIES

930 West Hillfield Road.

This property is located in a C-H (Commercial Highway) Zoning District.

The applicant is Gary M. Stringham.

Ms. Jorgensen presented a request from the LDS church for a second detached sign at the Deseret Industries site at 930 West Hillfield Road. She stated the acreage and frontage of the site meets the requirements for having a second free standing sign as a conditional use. While the site plan shows 190 feet between the two free standing signs, the requirement is 200 feet between signs. The applicant must verify there will be 200 feet between signs as well as landscaping around the sign. Ms. Jorgensen stated Staff recommends the Planning Commission approve the additional sign as a conditional use with five conditions as follows:

1. The sign will not exceed six feet in height.
2. The sign will not be located within 200 feet of the existing pole sign.
3. The sign will not be placed within the clearview area.
4. A sign permit is required and the sign must be inspected for compliance.
5. The sign must be in compliance with section 20.01.100 and 20.04.120 of the sign ordinance pertaining to sign area and height.

Chairman Esplin asked the applicant, Gary Stringham, if he was aware of the five conditions. The applicant stated he was aware of the conditions.

A member of the audience, Tex Crawford, came forward and stated his address. He asked if the sign would match the building. Ms. Jorgensen described the sign and replied in the affirmative.

Commissioner Pratt moved to grant conditional use for the second sign for the Deseret Industries Building at 930 West Hillfield Road subject to the applicant meeting the five conditions which are hereby adopted as requirements. The motion was seconded by Commissioner Gilbert and the voting was unanimous.

(4) NSC PROPERTIES CONDITIONAL USE REQUEST – AUTO SALES

1485 West Hillfield Road, Suite 203.

This property is located in a M-2 (Heavy Manufacturing/Industrial) Zoning Designation.

The applicant is Mark Thayne.

Ms. Jorgensen reviewed the overall site including acreage, parking, landscaping and a description of the office and area in which four to six vehicles will be stored. The applicant proposes online sales only. She stated that 9 parking stalls would be required but no other site improvements were needed.

Chairman Esplin asked the applicant, Mark Thayne, if he was aware of the conditions, especially the 9 parking stalls, and if he understood and would comply with the conditions. The applicant stated he understood the conditions and was willing to comply.

1. The business is required to provide a letter from the property owner designating nine (9) parking stalls for customers and employees.
2. The business will have no more than six vehicles on site, and these vehicles must be stored inside the rear portion of the suite.
3. The site is required to be weed, junk and debris free at all times.
4. The business is required to meet all sign ordinance requirements.

5. The business is required to meet all building code, Fire Department, and Engineering requirements.

Commissioner Pales moved to grant conditional use for auto sales at 1485 West Hillfield Road, Suite 203, subject to the applicant meeting all Staff recommendations which are hereby adopted as requirements. The motion was seconded by Commissioner Elinkowski and the voting was unanimous.

(5) ED KENLEY FORD – CONDITIONAL USE REQUEST – AUTOMOBILE SALES & DISPLAY

1888 North Main Street.

This property is located in a C-H (Commercial Highway) Zoning District.

The applicant is Brett Kenley.

Mr. Matson presented this staff report prepared by Planning Technician Brandon Rypien who was unable to be present at the meeting. Mr. Matson presented the request from Ed Kenley Ford for a conditional use for additional automobile sales and display area. Mr. Matson gave an overview of the applicant's property at 1888 North Main Street outlining the proposal to expand auto sales into a vacant area on Camelot Drive and Main Street. He said Staff has reviewed conditions that the Planning Commission placed on the original conditional use for this property that will be forwarded to the applicant for the preparation of a final site plan for staff review.

Mr. Matson reviewed the property which is in a C-H (Commercial Highway) zone and outlined the proposed expansion which included replacing a temporary building and reconfiguring a detention pond. Required landscaping, fencing and buffering were reviewed and Mr. Matson said Staff will work with the applicant to determine the best species of trees to plant. All plans will need to be submitted for final site plan approval as well as a building permit. Memos outlining Fire and Engineering Division requirements will need to be followed as well. Mr. Matson said Staff is recommending approval with the following conditions:

1. There shall be a 20-foot landscaped area long the frontage of Main Street where the property is being developed.
2. The landscaped area along the entire frontage shall be limited to 21 display pads.
3. The landscaped area long the frontage shall have one tree for every 50 feet of street frontage, which is a total of 21 trees. Staff recommends the trees be clustered at the ingress and egress of the property on the corner of Main Street and Camelot Drive and along the South property line.
4. There shall be a buffer on the east side of the property to be developed, which shall include a 30-foot landscaped area, a 6-foot solid vinyl fence or brick masonry wall along the property line and 5 trees every 25 feet on center along the property line.
5. All trees shall have a caliper of at least 2 inches and a height of at least 48 inches.
6. All Building, Fire, and Engineering Division requirements shall be met.
7. All of the above conditions shall be met before receiving a certificate of occupancy.

Commissioner Gilbert asked who determined whether vinyl or brick fencing was used. Mr. Matson said the owner has the option to choose. There were no questions from the Planning Commission or the audience. The applicant was not present. Mr. Matson said Mr. Rypien had spoken with the representative of the applicant and reviewed the requirements, and the applicant was willing to proceed with the conditional use request.

Commissioner Pales moved to grant the conditional use request subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. The motion was seconded by Commissioner Gilbert and the voting was unanimous.

(6) CHAPEL PARK CIRCLE – PRELIMINARY APPROVAL

Approximately 280 Chapel Street (7 lots – 2.9 acres)

Lots 1-5 of this property are located in a R-1-10 (Residential Single Family) Zoning District. Lots 6 and 7 of this property are located in the R-S (Residential Suburban) Zoning District.

The applicant is Mark Manning.

Kem Weaver, City Planner, presented the applicant's request for preliminary approval of a proposed 7 lot private subdivision on 2.9 acres at approximately 280 Chapel Street. Mr. Weaver reviewed the layout of the lots in the subdivision. He said the purpose for approving this development as a private subdivision is due to the width of the street right of way. There are setback constraints with existing homes if the street is a 60-foot public street. The applicant is required to downsize to a 50-foot street right of way to meet setbacks. A homeowners association will need to be created to maintain the street right of way and utilities.

The grade of the subdivision slopes to the southwest, which makes it difficult for the developer to have the utilities connect to Chapel Street to the east. The City's Engineering Department is allowing the utilities to connect to Rosewood Lane through a side yard and private driveway easement. The developer will run utilities west on Rosewood Lane to connect with the existing utility lines at the intersection of Whitesides Drive.

Mr. Weaver said all lots meet the zoning requirements for the R-1-10 (Lots 1-5 in cul-de-sac) and R-S (Lots 6 and 7 on Rosewood) zones. The owner has met with the board of the irrigation company and has been given verbal approval to pipe the irrigation line and not disrupt irrigation to other properties. The owner has provided engineering plans showing how the irrigation water will be piped. Mr. Weaver said based on this information, Staff gives a positive recommendation to the Planning Commission for preliminary approval subject to the City receiving a letter from the irrigation company and the applicant meeting all staff requirements.

Chairman Esplin asked for comments on the request.

Rick Morely 849 East Rosewood Lane, spoke as the representative for the residents opposed to the subdivision.

Concerns expressed by Mr. Morley were that the development does not meet the guidelines and spirit of the Layton City Master Plan. He cited from the Layton City Mayor Stephen Curtis' bio that "the future will not be created by chance, but by choice . . ." A major concern of the residents' is property values and close proximity of the proposed subdivision to properties with animal and agricultural rights.

The Commissioners had no questions about the above issues. Mr. Morely then reviewed plat issues, a copy of which is included as an attachment to these minutes.

Regarding the existing water right concern in item 1, Commissioner Gilbert asked Mr. Weaver to respond to the concern. Mr. Weaver said he was not aware of a northeast to southwest water right across the property and said he would consult with the Engineering Division.

Other items discussed were the proposed turnaround or hammerhead and the catch basin.

Commissioner Elinkowski asked if the Planning Commission had the authority to make an exception on the drive and make it a public street even if it didn't meet the width requirement. Mr. Weaver said that would only be possible if the subdivision were a PRUD (Planned Residential Unit Development). In this case, the homeowners association must maintain the private drive.

In answer to a question as to the outcome if the subdivision was started and not completed, Mr. Weaver said the developer will put in the utilities and then market the lots. Steve Garside, Assistant City Attorney, said the city bonding is put in place to make sure the public improvements are completed, but there is no time table for when the lots must be sold.

In answer to Commissioner Pales question about the 50 foot private drive, Mr. Weaver said the road must still meet the 80 foot radius turnaround requirements. In answer to Commissioner Elinkowski's question regarding the possibility of a negative response from the irrigation company, Mr. Weaver stated that final approval cannot be granted without the approval of the irrigation company.

Mr. Morely mentioned that the hammerhead meets national code but not city code which states that hammerheads are only for foothill developments. Mr. Weaver responded that the Fire Marshall, Dean Hunt, had approved the hammerhead but that the homes have to be sprinkled. Mr. Esplin said that if the homes are sprinkled, then they meet code. He said the Fire Department and Staff would insure that codes are met.

The applicant's representative and engineer for the project, Leland Martineau, answered questions and concerns from the citizens' as follows:

Mr. Martineau declined to address the question regarding the intent of the City's Master Plan and stated he would address Engineering issues. He said he and the applicant would resolve the water right issues with the City Staff. He stated the turnaround is not a street, but a driveway and said if it were a street, it would have to be 100 feet in length. With regard to detention, he was told by the City that the regional detention would suffice. Other drainage issues on the low end of the property would be contained with a swail along the back of the lots so the drainage did not go on to private properties. The catch basin at the bottom of the cul de sac is for worst case scenario flooding. He reiterated that only about 20% of the engineering has been done on the plan which is just at the preliminary stage. Other issues will be resolved as the design process continues. The absence of a sidewalk on the south side of the private drive is allowed under the private road ordinance. He felt there were no concessions being granted to this subdivision as codes and guidelines for public improvements were being followed.

There were no further questions from the Planning Commission or from the audience.

Commissioner Elinkowski asked if the proposal would go to the City Council for preliminary approval. Mr. Weaver responded that it would not because there are no sensitive land issues.

Commissioner Gilbert wondered if it would be best to table the item and asked Mr. Martineau if he would be willing to meet with residents regarding concerns. Mr. Martineau replied that he would be willing to meet with residents.

Chairman Esplin asked if the water rights issue needed to be resolved before moving forward with approval.

Mr. Weaver said he had been unaware of the water rights issue since it was not mentioned in the Engineering Division's memo. He said the motion could be made subject to the water rights issue being resolved before final approval. Mr. Leland said land drain issues would be resolved.

Mr. Morely felt structures built on the land would diminish the use of the water rights because they could affect waters that are close to the surface.

Chairman Esplin called for a vote on the item.

Commissioner Pales moved that preliminary approval be granted to the private subdivision at approximately 300 South Chapel Street with the stipulation that the water rights issues is resolved. Commissioner Gilbert asked for an added stipulation that the developer and engineer meet with the citizens. Commissioner Pales approved adding the additional stipulation to the motion and included meeting all staff requirements including the letter from the irrigation company. Commissioner Gilbert seconded the motion and the voting was unanimous.

(7) ADAMS BAXTER PARCEL SPLIT – FINAL APPROVAL

Approximately 876 Rosewood Lane (Parcel A-- .62 acres, Parcel B -- .8 acres).

This property is located in a R-S (Residential Suburban) Zoning District.

The applicant is June W. Baxter.

Mr. Weaver presented that applicant's request to split an existing 1.42 acre parcel creating Parcel A with .62 acres and Parcel B with .8 acres. He said both lots meet the requirements for frontage for the R-1-10 zone. If approved, the new legal descriptions will be sent to the county for recordation. No final plat is required because the applicant is not dedicating any property to the City for a street. Mr. Weaver said Staff is recommending approval of the parcel split.

Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved to forward a positive recommendation to the City Council for the parcel split subject to the applicant meeting all Staff requirements. Commissioner Pales seconded the motion and the voting was unanimous.

(8) EAGLE EYE COMMERCIAL SUBDIVISION – PRELIMINARY APPROVAL

Approximately 1200 West & Gordon Avenue (4 lots).

This property is located in a M-2 (Heavy Manufacturing/Industrial) Zoning District.

The applicant is Blair Wall.

Mr. Weaver presented the applicant's request for preliminary approval for the Eagle Eye Commercial Subdivision. The proposal is for a 4 lot subdivision in an M-2 (Heavy Manufacturing/Industrial) Zone. Lot 4 is the current Eagle Eye Produce building. Detention and drive access were reviewed. Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council subject to the applicant providing a current title report and meeting all Staff requirements.

There were no questions from the Planning Commission.

A neighboring resident, Loyce Bowman, stated she was under the impression the property was zoned M-1 and was concerned how the M-2 zoning would affect the development. Mr. Matson said the property is zoned M-2, but the restrictions in the Development Agreement limit the uses similar to an M-1 zoning designation.

In answer to Ms. Bowman's question about specific plans for the development, Mr. Weaver said the tenants weren't decided but the use would be an office/warehouse configuration.

A correction was made to the Staff report which indicated M-1 rather M-2 zoning. Chairman Esplin clarified that the development agreement for the property was in place to place limits on the impact of future businesses in the development.

Commissioner Gilbert moved that the Planning Commission forward a positive recommendation to the City Council to give preliminary approval to the Eagle Eye Commercial Subdivision based on the applicant meeting all Staff requirements. The motion was seconded by Commissioner Elinkowski and the voting was unanimous.

**(9) GOT STORAGE – RECONSIDERATION OF LANDSCAPING AND FENCING
MODIFICATION REQUEST**

153 East Antelope Drive (2000 North)

This property is located in a M-1 (Light Manufacturing/Industrial) Zoning District.

The applicant is Ken Crockett.

Mr. Weaver presented a reconsideration of a previous landscaping and fencing modification request by Got Storage, which is in a M-1 zone. He said there were currently two issues regarding the development. The first issue was the building materials used for the buildings on 2150 North Street and on Antelope Drive. Staff is working with the developer to have masonry installed on both of the stated frontages. The second issue before the Planning Commission is regarding a modification in fencing and landscaping that was presented and approved at the April 22, 2008, Planning Commission Meeting to remove a solid vinyl fence that had previously been required. The modification was for a vinyl coated chain link fence with barbed wire but with an increase in landscaping. Mr. Weaver said Staff recommended the modification to the Planning Commission but it was based on a misinterpretation by Staff in Chapter 19.16.050, which states the following:

“The landscape buffer and fencing requirements may be waived or modified where the adjacent land is designated on the zoning map or in the adopted master plan for a use similar to that of the parcel under site plan consideration.”

In this situation with residential single family homes to the west and for 75 feet on Antelope Drive Staff made the recommendation in error to the Planning Commission to modify the fencing. On the east property line, since the agricultural field has horses and has been master planned for M-1 development, a fence is not required, but the developer will install chain link with barbed wire in the gaps between the buildings. Mr. Weaver then described where all the fencing would be installed and the materials to be used. He said the applicant is still required to install and irrigate the landscaping in the setback and buffer areas per the approved plan dated April 24, 2008. He reviewed types of landscaping to be used.

Mr. Weaver pointed out the APZ (Accident Potential Zone) and explained the restrictions for this area.

Mr. Weaver stated that Staff recommends the reconsideration to the modification of the requirements for the Got Storage development. Staff is recommending a solid vinyl fence adjacent to the single family properties on the west and the home on Antelope Drive. Chain link and barbed wire fencing still will be installed on the east side of the property between the buildings and tubular steel in the west side between buildings.

Staff recommends the reconsideration to the modification of the requirements. The solid vinyl fencing should be installed adjacent to the single family property on the west and the home on antelope. Chain link and barbed wire will be installed on the east side and tubular steel on the gaps on the west side of the development.

Commissioner Elinkowski said she felt it would be more consistent and look better to have a solid vinyl on the south side of the property by Antelope Drive. Mr. Weaver said according to the ordinance, no fence is required in the M-1 zone. The house is in the A zone and in the APZ He said a solid vinyl fence

would be required around the detention pond with trees on the berm and since the canal is much higher than the home, the storage units would not be visible from the home on the southwest.

There were no questions from the Planning Commission, and Chairman Esplin asked the audience for their comments.

Tom Koford, 2114 North 5 East, presented on behalf of the residents. This presentation can be viewed in its entirety at City Hall.

Commissioner Gilbert clarified that the recommendation would not be going before the City Council and reiterated that the Planning Commission will not be making a determination on the building materials on the exterior of the building.

Chairman Esplin stated he understood that Staff is working with the developer to install masonry according to the original development agreement.

Mr. Koford stated that the citizens would like vinyl fencing on the east side stating that it should be required because the east side can be seen from the public street.

There was further discussion about the east side of the property either to be completed with fencing or masonry. In answer to Commissioner Elinkowski's question about Planning Commission's jurisdiction over fencing on the east side, Mr. Garside said the jurisdiction specification would have to be in the development agreement.

Residents Tyler O'Toole and Jeff Adams commented on their concerns. Excerpts from the development agreement and past minutes regarding masonry building materials were cited. A comparison was made to the more pleasing aesthetics of Fort Lane Storage and 5 Star Storage in the area. The citizens urged the Planning Commission to adhere to the specifications of the development agreement.

One of the applicants and the project engineer, Steve Fackrell from Pinnacle Engineering and Land Surveying, was asked by Chairman Esplin to respond. Mr. Fackrell said he felt there was miscommunication in conversations between the developer and the Staff. He said potential solutions have been discussed and are being researched with documentation to be provided. He felt that the east side of the property should not be required to be masonry other than perhaps the returns.

With regard to fencing, the developer and Staff discussed upgrading the landscaping from what was approved and required in the construction documents. He said the developers would like to proceed forward from what was agreed at the previous Planning Commission meeting. He felt structure height met the requirements of the ordinance.

Commissioner Gilbert suggested eliminating the barbed wire and use vinyl fencing wherever possible. Mr. Fackrell felt the more deterrents the greater the security. Commissioner Gilbert felt that a vinyl fencing along the south side would be more consistent particularly as it is viewed from Antelope Drive. Commissioner Gilbert felt if the outside of the structure had been completed with stucco as per the agreement, the other complaints would not have been made to the Planning Commission.

Mr. Fackrell said the developers were willing to work with the public but didn't want to hide the rock wainscoting behind a solid vinyl fence.

Commissioner Gilbert asked if the barbed wire could be eliminated. Mr. Fackrell replied in the affirmative.

There was as discussion of the materials proposed to cover the tin siding on the storage units. One suggestion was an LKL product which is a stucco finish against a foam core. Additional framing would have to be done on the inside of the buildings to support the product. Another product suggested was Hardy Plank which would adhere to the steel walls with the goal being to not take down the steel wall.

Chairman Esplin asked if there was anything in the agreement to avoid long lengths of a solid wall. Mr. Weaver said the roof line does change and the rock wainscoating creates a break in the solid wall. Commissioner Elinkowski asked who wrote the development agreement and Mr. Weaver responded that it was written by Staff at the time the property was rezoned. Mr. Garside explained that Staff has the authority to interpret the development agreement.

Commissioner Elinkowski said she understood this to mean that the Planning Commission would just address the fencing issues and the landscaping issues at this meeting.

Mr. Weaver said that when the Planning Commission modified the requirements previously, only 50% grass was required along 2150 North. However, the developer states he is planning 100% grass and trees on this frontage. The east will have a return of grass to the taller building. On the west and east sides, the Planning Commission approved rock mulch with trees. Grass will be planted in the detention basin with trees on the berm. Shrubs, plants and trees will be planted along the drive entrance. This landscape plan was stamped and approved based on the approval of the Planning Commission and a copy was provided to the developer to keep on site. The discussion of landscaping and fencing continued with comments from the Commission and the audience. The citizens were reminded by Commissioner Pales that the Planning Commission was only making a decision on the fence and not the stucco.

Resident neighbors, Josh Jensen and John Francis presented concerns about the stucco, fencing, and run off. Mr. Francis felt the developers had not delivered on their promises regarding fencing and run off containment.

Mr. Fackrell said he had spoken to Alan Moss, City Staff Engineer, to address drainage concerns.

After more discussion about the fencing on the south side of the property, Mr. Fackrell said he would take directions from Staff regarding this issue.

Mr. Koford expressed concerns about traffic and Chairman Esplin responded that traffic issues would be handled by the Police Department, which would monitor the area for problems.

Mr. Francis expressed concerns that the Got Storage detention pond was filling quickly but the water remained without draining. Mr. Fackrell said he had been in contact with the City Engineer and found the Got Storage pond was receiving over flows from the adjacent development. The City approved the other developments tie to the Got Storage System because of additional capacity in the Got Storage detention pond. The City will resolve the flows from the other developer.

A neighboring resident, Tex Crawford, expressed concerns about the Got Storage sign. Mr. Weaver explained the sign ordinance requirements. There was a discussion about signage architecture.

To answer resident concerns, Mr. Weaver stated that the proceedings of this meeting would be documented and a letter stating requirements for the development would be given to the developer. This letter will reference the development agreement and owner's undertakings, the minutes of the meeting and discussions with the developers.

Commissioner Esplin called for a motion on the item. Commissioner Gilbert stated that the Planning Commission agrees that modifying the fencing requirements and landscape buffer was not an appropriate action that the Planning Commission should have taken. He moved that solid vinyl fencing be approved for the west side of the property up to the building on the north; the south side shall have vinyl fence to the driveway including the M-1 property line with no barbed wires. Landscaping shall include 100% grass on 2150 North, grass on the east side and grass along the driveway areas with modifications discussed regarding the trees. Commissioner Elinkowski seconded the motion asking Mr. Garside if the Planning Commission had jurisdiction in the areas cited in the motion. Mr. Garside replied in the affirmative. The voting was unanimous.

ORDINANCE AMENDMENTS/REVIEWS:

- (10) 19.02.020 – Swimming pool definition.
- 19.05.040(g) – Private swimming pools, tennis courts, skate board ramps and satellite dishes.

Mr. Weaver presented an amendment to Title 19 – Definition -- Chapter 19.02.020 – changing “and” to “or” as follows: “. . .Any pool placed for swimming or bathing, any part of which is above or below ground and has a capacity of 2,500 gallons or more ~~and~~ or has a depth of 24 inches or more . . .”

19.05.050 – Item 1 (g) – The last sentence was changed to read – “All gates on said fences shall be self closing and fitted with a self latching device located on the interior side of the gate.”

Commissioner Elinkowski asked if the ordinance change would apply to existing pools. Mr. Weaver stated that building permits always indicate self closing and self latching gates with a 6 foot fence.

There were no questions from the Planning Commission. Chairman Esplin called for a motion.

Commissioner Pratt moved that a positive recommendation be sent from the Planning Commission to the City Council to approve the Ordinance Amendments. The motion was seconded by Commissioner Pales and the voting was unanimous.

Commissioner Pales moved to close Public Review and adjourn the meeting. Commissioner Elinkowski seconded the motion. The voting was unanimous and the meeting was adjourned at 9:44 p.m.

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

Planning Commission July 7, 2008
Chapel Park Circle

1 - There is an existing Water Right recorded with the state. Water Right number: 31-3598. The source of this Water Right is an Underground Water Drain that begins at the North East Corner on the proposed subdivision and runs South East to a termination point at 485 Whitesides St. The water obtained from this water right cannot be diverted, or diminished in any way. The composition of the drain is "tiled pipe". This type of land drain is designed to divert ground water and absorb surface water that may find its way to the pipe. When the existing house at 280 Chapel St. was built, the water capacity of the drain was diminished. It is our concern that the proposed subdivision would divert the water guaranteed by the Water Right in a manner that would render it useless.

There is also concern that the Engineering dept. directed the developer to resolve this with Holmes Creek irrigation. The water company has no control over the Water Right. (Municipal Code 18.50.070)

2 - Plans do not show the required 100' turnaround on lot 6 and 7. (Municipal Code 18.50.060 Paragraph 2-a)

3 - While there was and may still be some confusion about the Public Notice requirements as it relates to the number of days it needs to be posted, the plan shows the lot at 320 Chapel St having been subdivided into existing Lot 1 and proposed Lots 4 and 5. This was done without any public notice.

4 - Plans show for a commonly called "Hammer Head" drive way to the flag lot which is lot 6. Alternative cul-de-sac turnarounds are allowable only in the Foothill Development area shown in the Layton City zoning Ordinance. The design of the "non allowable" "alternative cul-de-sac" does not meet the International Fire Code requirements. (Noted by the Fire Inspector) (Municipal Code 18.24.040)

Let us remember the recent fire on Rosewood. The home was a complete loss due to the limited access available to the fire department. One quote from officials was that "we were lucky" due to the wind direction and the fact that access was restricted.

5 - Why is the city not requiring detention for this development (letter from engineering dept. 6/23/2008)? There is concern for a catch basin and or retention box to insure no run off into irrigation ditches and surrounding properties. This is also a requirement for the 100 year return storm is it not?

6 - Requirements needed from the Holmes Creek Irrigation have not been met. (Letter from engineering dept. 6/23/2008)

7 - Irrigation pipe on Chapel St needs to be replaced with a 15" pipe. This is stated in the warranty deed from Clint Hayes to Kyle Hennefer. Hennefer did not ask for nor obtained permission from Holmes Creek Irrigation to use a 12" pipe. This is in the current warranty deed.

8 - There is no plan to control the surface runoff from the private drive serving Lot 6 and 7. The natural slope would allow the water to enter the irrigation ditch on the east side of the drive. This would result in street surface water contaminating the irrigation water down stream from that point. (Municipal Code 18.50.060 Paragraph 1)

9 - There is considerable concern that other requirements for a private street and a private drive have not been completely conveyed to the potential owners. This would include items such as no parking on the private drive serving lots 6 and 7. A requirement to have a home owners association responsible for the maintaining and service of the private street and drive. The requirement of 26" of unobstructed width for the private drive. The plans show a 30" easement, but make no mention of the required width of the drive.

10 - There is concern that in order to have the surface runoff flow to the center of the cul-de-sac, there will be a need to increase the grade at the west end of the subdivision. There are no plans indicating how erosion and surface runoff will be diverted from the properties to the east, such as a retaining wall. This could also affect the irrigation ditch to the south of the subdivision.

11 - There is concern that the project will be started and will not be completed in a timely manner or possibly never completed. We need to have a performance bond to ensure the success of the project without placing a burden on the residence bordering the project as well as the city. (Municipal Code 18.36.041)

12 - Why are there no plans for a sidewalk on the south side of the private street? There was considerable insistence that side walks and utilities right of ways be put upon Rosewood Ln. during the widening project. There needs to be some consistency in the look and feel of the surrounding neighborhood.

13 - We need to see any and all accommodations that have been afforded to this project. Two examples would be the width of the private street on Chapel, the proposed "hammer head" cul-de-sac on Rosewood, and the length of the proposed cul-de-sac on Rosewood.