

## LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, SEPTEMBER 8, 2009

**MEMBERS PRESENT:** Sharon Esplin, Tim Pales, Kristin Elinkowski  
Blake Hazen, Dave Pratt, Dave Weaver

**ALTERNATE MEMBERS PRESENT:** Brian Bodily

**MEMBERS ABSENT:** Gerald Gilbert

**ALTERNATE MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Kem  
Weaver, Nannette Larsen, Steve Garside, Scott Carter,  
Julie Jewell

Planning Commission Chair, Sharon Esplin, introduced Dave Weaver as a new regular member of the Planning Commission and Brian Bodily as an alternate member.

Greg Scott from the Wasatch Front Regional Council and Ryan Beck from Envision Utah presented Wasatch Choices 2040 – A Four County Land-Use and Transportation Vision. The purpose of the presentation was to determine how Layton City can take the principles presented and integrate them into the City's General Plan. A copy of this presentation can be viewed in its entirety at the Layton City Community and Economic Development Department at 437 North Wasatch Drive, Layton, UT.

Long Range Planner, Peter Matson, reviewed land use and transportation implementation strategies for Layton City. He mentioned the Transportation Plan update that will soon be available for public review. He said there is a 200 acre redevelopment area centered around the Frontrunner commuter rail and the new I-15 interchange with mixed use and mixed use transit oriented development planned in that area. Future transportation and utility corridors planned are along Highway 89, the Denver/Rio Grande trail corridor, the Ben Lomond power corridor, and Legacy Parkway corridor. There are plans for integrating roadways and trails within these corridors. A General Plan update in the West Layton area is being considered possibly creating a village center to serve shopping needs for West Layton residents or create an area of identity that would be purposeful to those living in that part of the community. Mr. Matson also addressed the need for neighborhood elementary schools versus those on major streets and workforce housing. A recent ordinance amendment provided for shortened block lengths to create more connectivity in the neighborhoods. He said the East Gate Master Plan will provide a job center and the City is considering other new job centers, possibly one in West Layton and at the future Legacy Parkway interchange. The City has mapped sensitive lands areas and has good solid ordinance to identify areas with sensitive lands to be used for trails and recreation.

Commissioner Blake Hazen asked if planning was done in conjunction with other cities. Mr. Matson said he and City Planner, Brandon Rypien met with the Planning Staffs of adjacent jurisdictions. Peter and Brandon have met with Planning Staff of adjacent jurisdictions to discuss area plans and updates so as to provide some degree of consistency between cities and to avoiding missing any connection possibilities.

Scott Carter, Special Projects Coordinator for Layton City, mentioned there were agreements in place with adjacent cities regarding how streets will be connected.

The Commissioners and staff discussed the completion of trail systems in West Layton. Mr. Matson said he was hoping that Wasatch Front Regional Council will take the application from UTA to prioritize the completion of trails from Layton to Clearfield including crossings. Mr. Scott said that major transit investments are scheduled for Layton including bus rapid transit but that the completion of trails was not being considered at this time.

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Planning Technician, Nannette Larson, facilitated a discussion on the keeping of residential chickens, rabbits and pigeons. She presented a map outlining all the parcels in Layton City that were 6,000 square feet or less. Mr. Matson said it might be advisable to draft the ordinance stating that a qualifying property must not have less than 6,000 square feet since some R-1-8 PRUD's have less than 6,000 square feet and some R-1-6 lots have 7-8,000 square feet.

Focusing on a 7,000 square foot property in an R-1-6 zone, Ms. Larsen showed the ramifications of various setbacks for a chicken coop. Mr. Matson read an e-mail from Commissioner Gilbert, who was absent, stating his preferences for the text amendment.

After some discussion, the Commissioners agreed that rabbits and pigeons would not be considered in the R-1-6, R-1-8 and R-1-10 zoning districts. Chickens would be allowed in backyards in the R-1-6, R-1-8 and R-1-10 zonings districts on a fenced property with a minimum of 6,000 square feet. A 5-foot set back from property lines would be required, and the coop, in addition to the back yard must be fenced. The maximum height for a coop would be 7 feet and the maximum size would be 120 square feet. Six chickens per property would be allowed, and no site plan application would be required. However, if the owner runs power to the coop, a building permit would be required.

**PUBLIC REVIEW:**

**(1) SHERWOOD HOMES – GREYHAWK TOWNHOMES MODEL HOME**

This property is located at 3108 North Whitetail Drive on Lot 2 of the Greyhawk Townhomes PRUD Subdivision in an RM-1 (Low/Medium Density Residential) zoning district. The property owner is Roxanne Green represented by Ed Green.

This item was not discussed due to lack of time.

**PUBLIC HEARING:**

**(2) WEST GENTILE REZONE – R-1-8 and R-2 PRUD to B-RP**

This property is located at approximately 350 West Gentile Street. The proposal is to rezone approximately 2.27 acres currently zoned R-1-8 (Single Family Residential) and 3.26 acres currently zoned R-2 PRUD (Single and Two Family Residential Planned Residential Unit Development) to B-RP (Business Research Park). The applicants are Brad Lasater and Brian Wallen.

Kem Weaver, City Planner, presented the site plan for the proposed development. He reminded the Planning Commission that the applicant's request to rezone the property to R-M1 PRUD was reviewed by the Planning Commission on May 12, 2009. At that time there was considerable public input voicing concerns about possible increased traffic, safety of the school children, historical integrity, and the proposed aesthetics of the buildings. The Planning Commission forwarded a recommendation to the City Council to deny the rezone request due to the possible impact on the area. The applicant decided not to pursue the rezone request at the City Council level and met with staff to consider options which did not include apartments. One option was to look at uses of low impact for the neighborhood keeping in consideration that the railway line is just to the east with commercial uses to the east of the railway line and the new MU-TOD zone. Some of the low impact uses discussed were office, medical and assisted living. Commissioner Elinkowski asked if assisted living was a permitted use in the BR-P zone and Mr. Weaver replied that it would require a conditional use.

Mr. Weaver said that at the request of staff, the applicant had an open house on July 27, 2009 to discuss a rezone of the property to BR-P. Positive feedback was received from residents in the area who felt it would be a lower impact than the R-M1 PRUD zone based on uses that were discussed that evening,

Mr. Weaver reviewed the concept plan with three office buildings. He said the type of uses proposed would generate traffic comparable to the 60 townhomes proposed for the R-2 zone, but the proposed 102,000 square of office space would project a traffic impact greater than the townhomes allowed in the R-2 zone. However, he said that residential traffic would occur 24 hours a day while an office complex would only generate traffic during typical business hours.

Mr. Weaver verified that there were two accesses proposed with the east access lining up with the school entrance and the second access 150 feet to the west. Staff and the Planning Commission discussed the route of traffic through the school drop off/pick up area and also discussed the possibility that traffic on Gentile Street will decrease when the interchange is complete.

Commissioner Elinkowski said she felt the proposal was a good compromise.

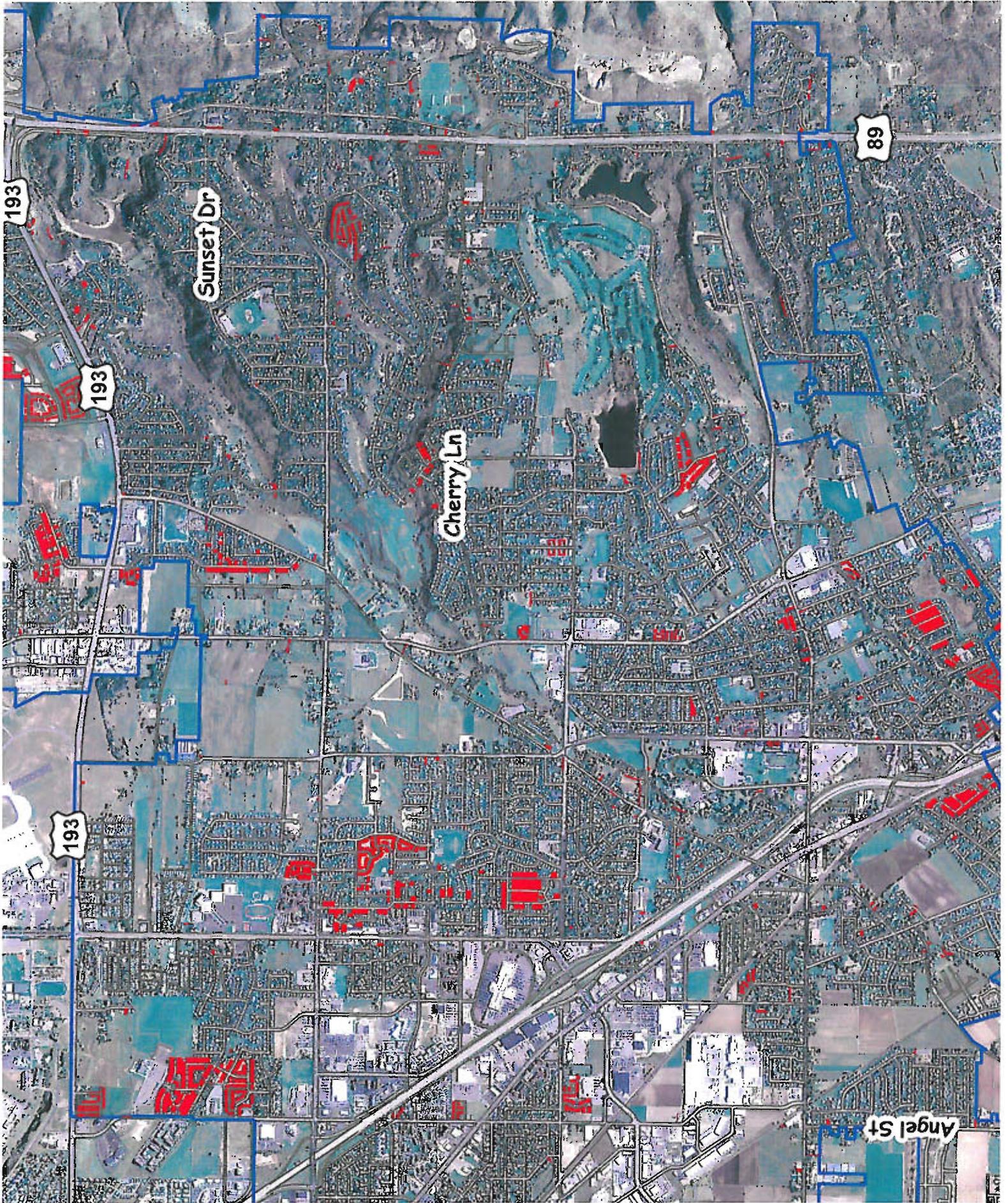
By Julie K. Jewell  
Julie K. Jewell, Secretary to the Planning Commission

## **Text Amendment Draft – Title 19 (Zoning)**

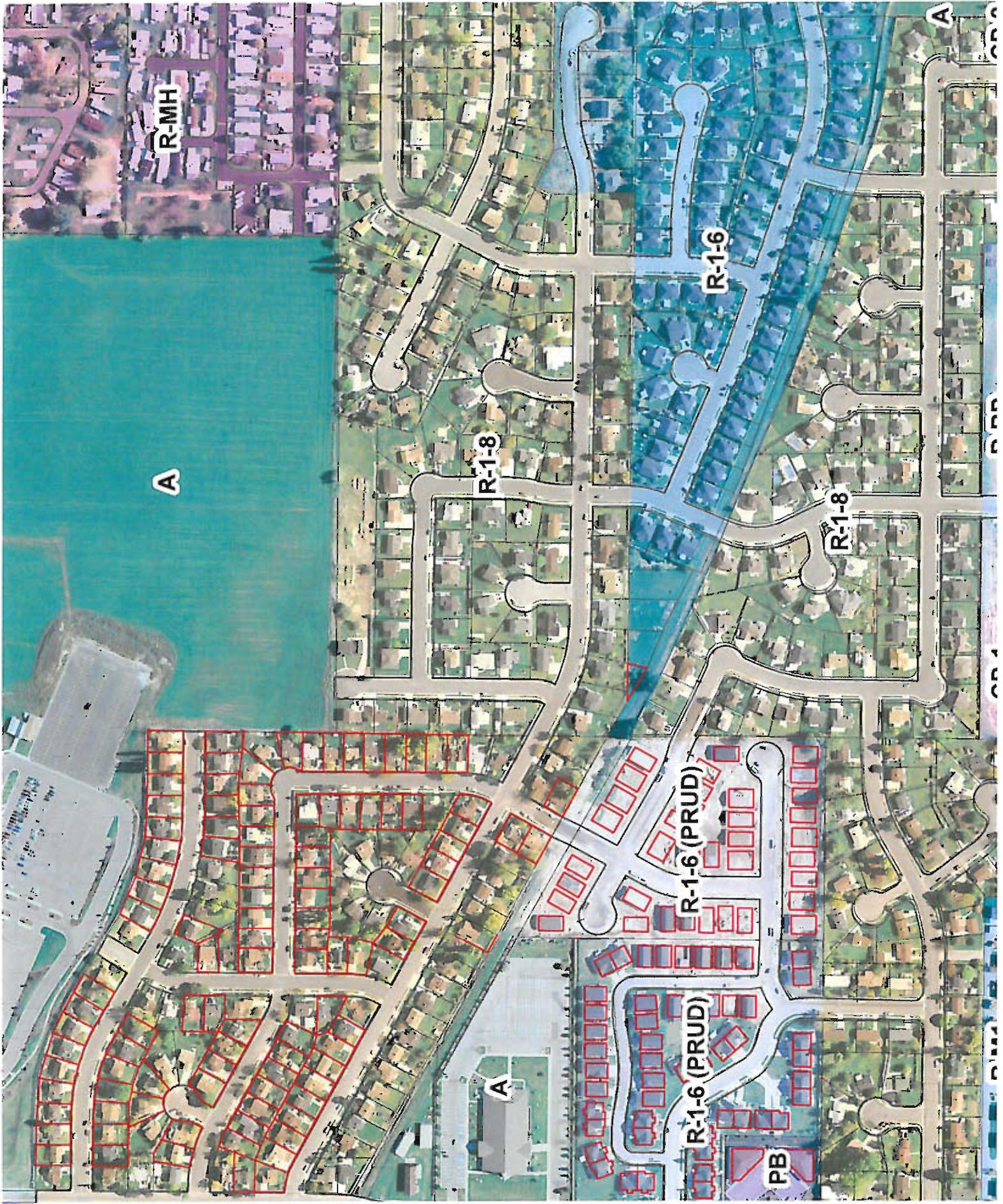
### **19.06.070 Residential Chickens**

The purpose of this section is to provide regulations for the keeping of chickens in residential zones. Chickens in residential zones may be kept in a way which will ensure the continued health and welfare of Layton residents while permitting a more sustainable way of living and maintaining the residential character of Layton City neighborhoods. Any resident with the intent of keeping chickens within a residential neighborhood shall comply with the following provisions:

- (1) Chickens in residential locations shall be allowed in the R-1-6, R-1-8, and R-1-10 zones. All other fowl associated with being kept outdoors are prohibited in R-1-6, R-1-8, and R-1-10 zones. In Residential Suburban (R-S) and Agriculture (A) zones additional chickens are allowed as outlined in section 19.06.080 of this code.
- (2) Residents shall have no more than six (6) hens on a property with a minimum overall lot area of six-thousand (6,000) square feet.
- (3) The coop, pen, cage, or similar structure shall be restricted to the rear or backyard of a residential use, and shall be located not less than five feet (5') from any property line. No coop, pen, cage or similar structure shall exceed one-hundred twenty (120) square feet (includes coop space and chicken run) and shall be no taller than seven (7) feet at the highest point of the roof. All animals must be kept in an area enclosed by a fence sufficient to prohibit escape; this is in addition to the coop, pen, cage, or other similar structure.
- (4) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. Waste and debris must be kept from becoming offensive or a health hazard.
- (5) Roosters are not permitted in R-1-6, R-1-8, and R-1-10 zones.







R-MH

A

R-1-8

R-1-6

R-1-8

R-1-6 (PRUD)

R-1-6 (PRUD)

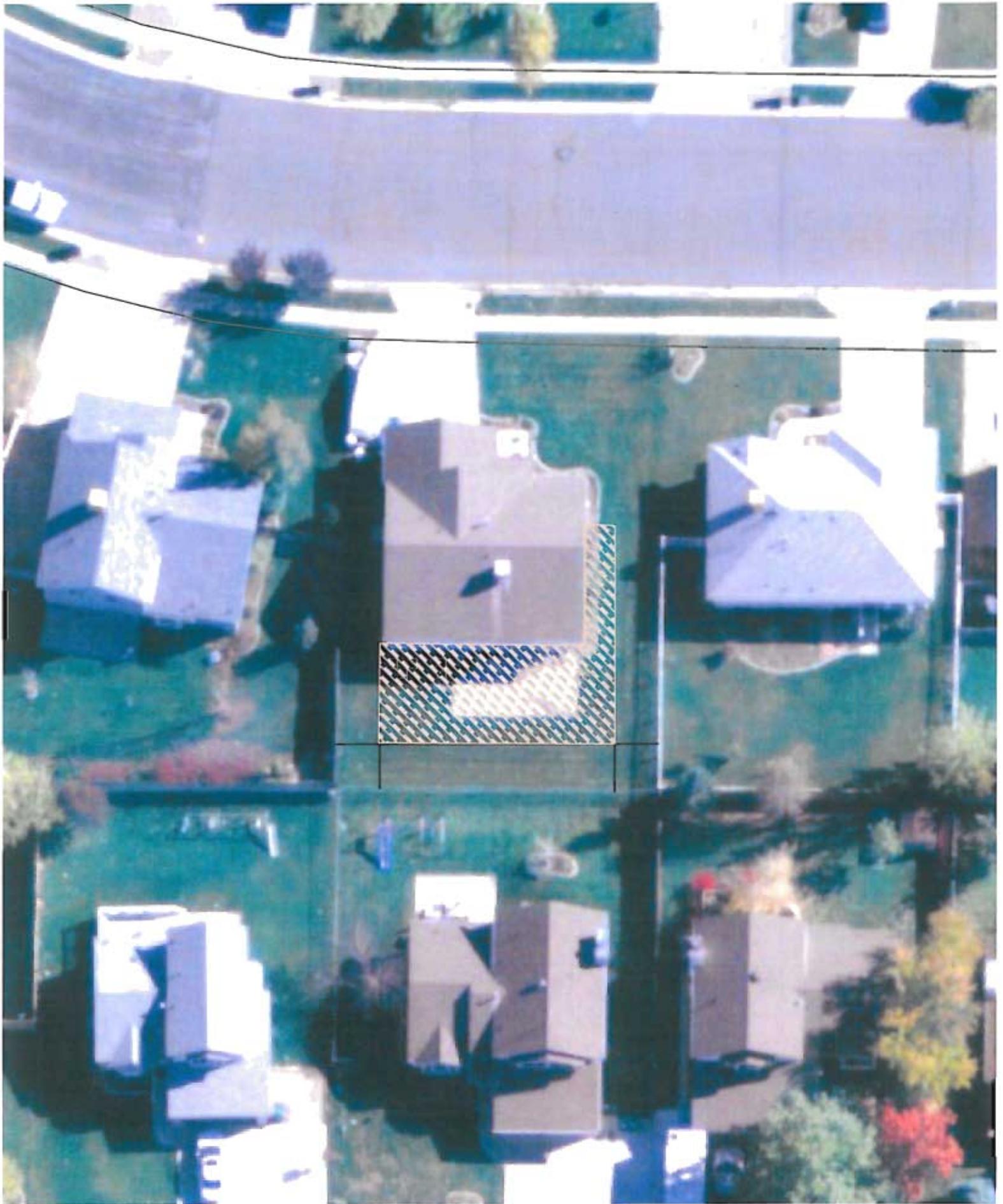
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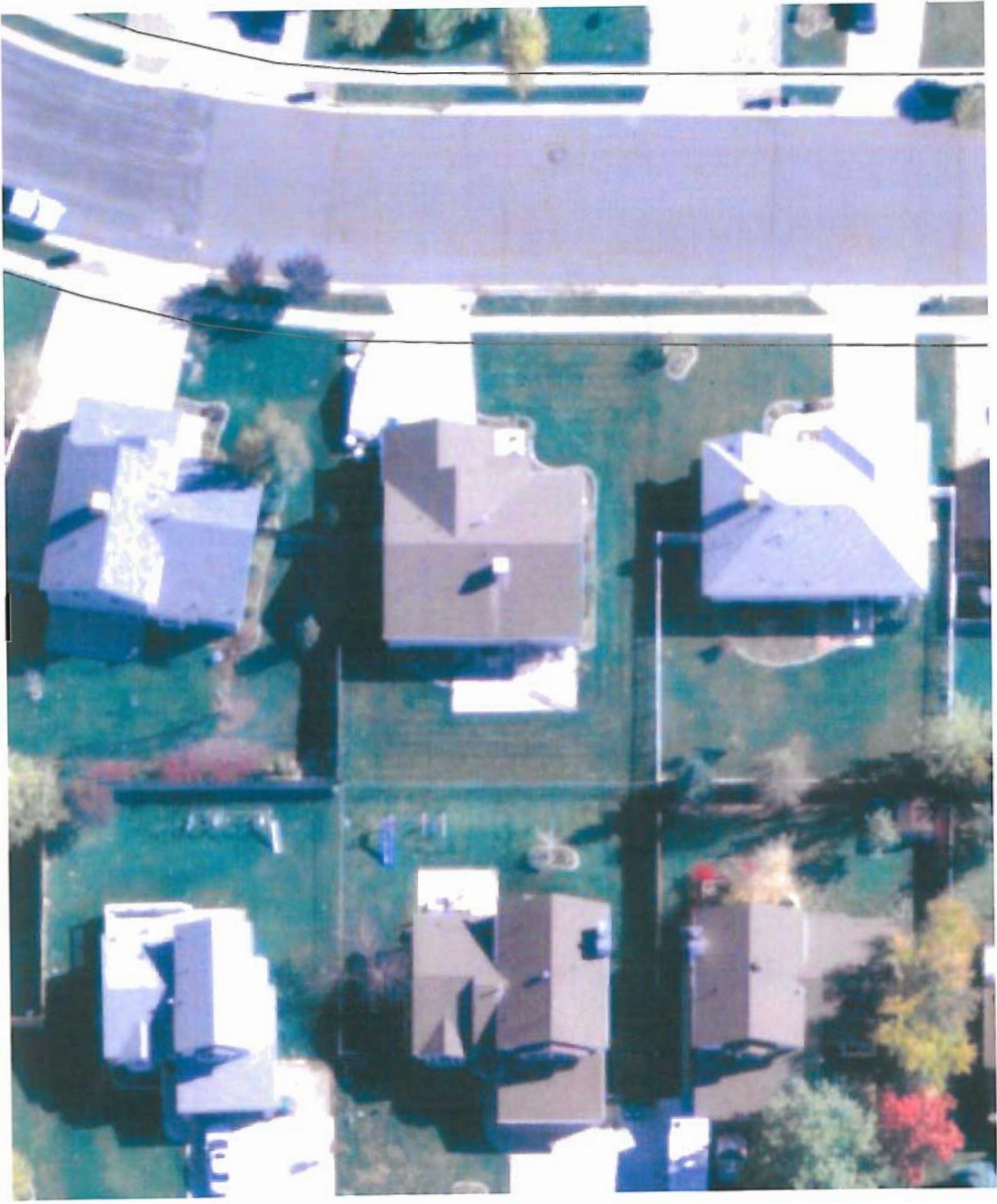
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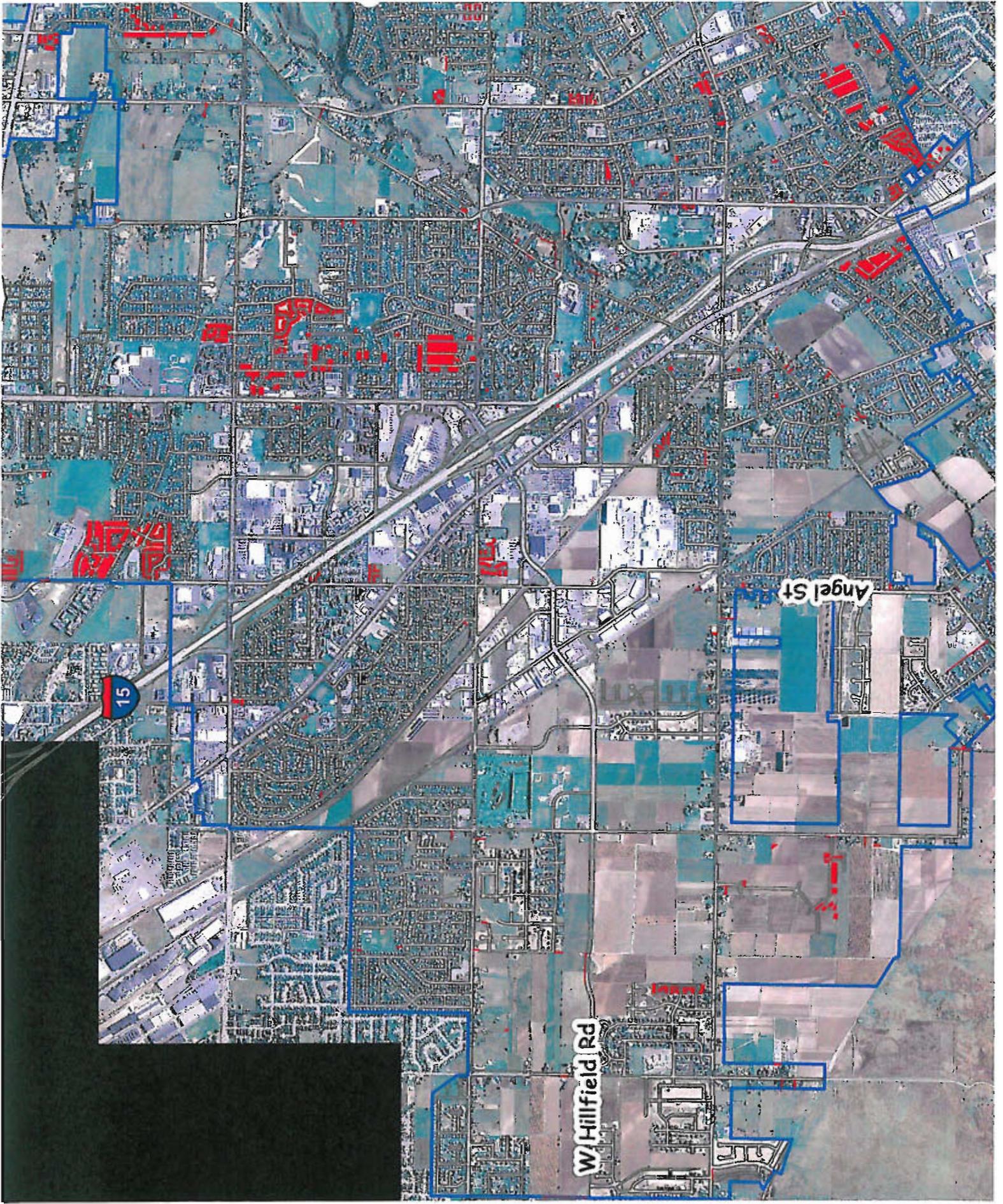
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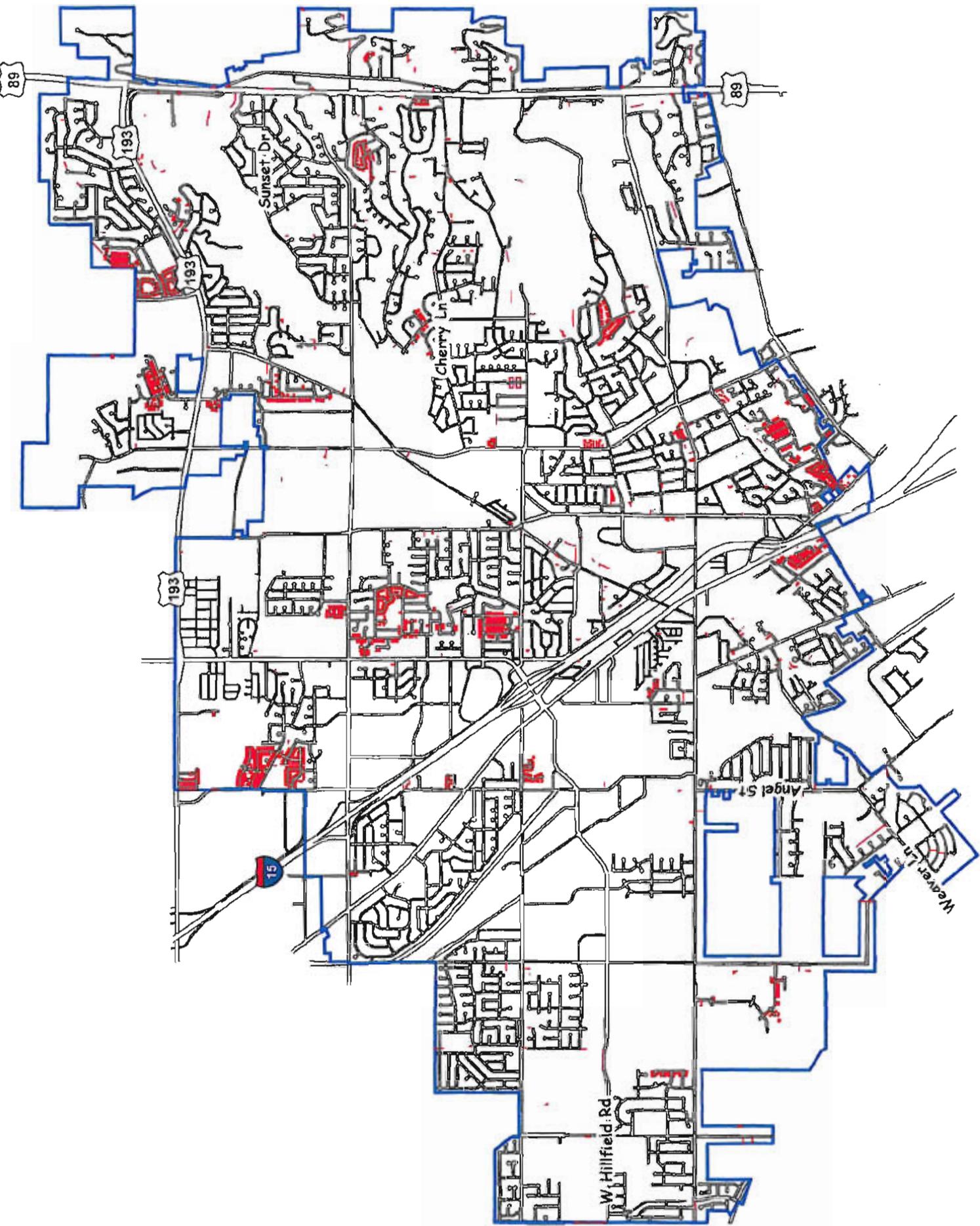
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20'

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**ALTERNATE MEMBERS PRESENT:** Brian Bodily

**MEMBERS ABSENT:** Gerald Gilbert

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**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Kem  
Weaver, Nannette Larsen, Steve Garside, Julie Jewell,  
Councilman Scott Freitag

Planning Commission Chair Sharon Esplin called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was recited and the invocation was given by a member of the audience, Robert Lundgreen.

Chairman Esplin welcomed a visiting Boy Scout Troop.

Chairman Esplin called for a motion on the August 25, 2009 minutes. Commissioner Kristin Elinkowski moved to approve the August 25, 2009 minutes. Commissioner Dave Pratt seconded the motion and the voting was unanimous.

Planning Commission Secretary, Julie Jewell, gave the oath of office to two new commissioners, Dave Weaver and Brian Bodily.

Chairman Esplin called for a motion to open Public Review. Commissioner Tim Pales moved to open Public Review. Commissioner Blake Hazen seconded the motion and the voting was unanimous.

**PUBLIC REVIEW:**

**(1) SHERWOOD HOMES – GREYHAWK TOWNHOMES MODEL HOME**

This property is located at 3108 North Whitetail Drive on Lot 2 of the Greyhawk Townhomes PRUD Subdivision in an RM-1 (Low/Medium Density Residential) zoning district. The property owner is Roxanne Green represented by Ed Green.

Planning Technician, Nannette Larsen, presented the request for a model home/construction office for the Greyhawk Townhomes Subdivision located at 3108 North Whitetail Drive. She said there would be one full-time employee and one part-time employee working 20 hours a week.

The following are the conditions required for this conditional use permit:

1. The model home is required to provide 3 parking stalls for employee and customer parking in the driveway or garage area.
2. All lighting is required to be contained on site at all times.
3. Signage is required at one sign per office with a maximum size of 32 square feet for detached signs. All signs require a permit and must comply with Layton City Sign Ordinance.
4. Once the subdivision is 80% sold or after 3 years, whichever comes first, the model home needs to be sold as a residential home.
5. All landscaping must be installed before receiving a certificate of occupancy.
6. The lot is required to be weed and debris free.

There were no questions from the Commission or the audience. Chairman Esplin called for a motion on the item. Commissioner Pratt moved to approve the conditional use subject to the applicant complying with all Staff conditions which are hereby adopted as requirements. Commissioner Pales seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review. Commission Elinkowski moved to close Public Review. Commissioner Hazen seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to open the Public Hearing. Commissioner Hazen moved to open the Public Hearing. Commissioner Elinkowski seconded the motion and the voting was unanimous.

## **PUBLIC HEARING:**

### **(2) WEST GENTILE REZONE – R-1-8 and R-2 PRUD to B-RP**

This property is located at approximately 350 West Gentile Street. The proposal is to rezone approximately 2.27 acres currently zoned R-1-8 (Single Family Residential) and 3.26 acres currently zoned R-2 PRUD (Single and Two Family Residential Planned Residential Unit Development) to B-RP (Business Research Park). The applicants are Brad Lasater and Brian Wallen.

City Planner, Kem Weaver, presented the applicants' request to rezone 5.53 acres at approximately 350 West Gentile Street from R-1-8 and R-2 PRUD to B-RP. He gave an overview of zoning designations in the area.

Mr. Weaver reviewed the history of the rezoning request stating the initial request presented to the Planning Commission on May 20, 2008 had been to rezone 3.26 acres to R-M1 PRUD at a density of 14 units per acre. Between the time of the Planning Commission's decision to forward a positive recommendation to the City Council to approve this rezone request and the time of the July 3, 2008 City Council meeting, the applicant met with Staff to discuss a lower density zone for the 3.26 acres. The applicant agreed to accept a rezoning to R-2 PRUD instead of R-M1 PRUD. On July 3, 2008 the City Council approved the R-2 PRUD zoning at a density of 8 units per acre.

On March 23, 2009 a new rezone application for the property was made to the City by the same applicants. The applicant was proposing the 3.26 acres of R-2 PRUD and an additional 2.01 acres of land, which is zoned R-1-8, to be rezoned to R-M1 PRUD. The base density provided would be up to 14 units per acre.

The Planning Commission held a public hearing for the proposal to rezone the 5.27 acres to R-M1 PRUD on May 12, 2009. Many surrounding property owners voiced their concerns about the proposed rezone. Their concerns ranged from increased traffic, safety for the children at Layton Elementary, historical integrity and proposed aesthetics for the apartment buildings. Based on acquiring further information from the applicant and a concern for the impact of an apartment complex on the surrounding area, the Planning Commission forwarded a recommendation to the City Council to deny the rezone request.

The applicants decided to go in another direction and met with City staff to consider their options, which did not include apartments. They felt their chances with the City Council were slim in getting rezone approval for an R-M1 PRUD zone.

Staff gave the applicants some direction about low impact uses and a commercial zone that would sustain office, medical or assisted living uses. The staff felt that the B-RP zone would accomplish these possibilities.

At the request of City staff, the applicants held an open house on July 27, 2009 to invite the surrounding residents and other property owners to review their new proposal. City staff was in attendance to answer any questions or concerns the residents had as they related to zoning and the General Plan guidelines for the area. Many of the residents seemed accepting of the new rezone proposal and felt it would be less of an impact on their neighborhoods than apartments. Other residents still were not sure and wanted the property to stay single-family residential.

Mr. Weaver said that Staff's opinion is that a well-designed B-RP development would be a good fit for this property. The applicant is in the process of acquiring another .26 acres which would bring the acreage considered for rezone to B-RP to 5.53 acres. Mr. Weaver reviewed the concept plan for three office buildings. Two two-story buildings would front Gentile with a three-story building in the rear. The conceptual plan proposes a total of 102,000 square feet of office space with 402 parking spaces.

Mr. Weaver reviewed the landscape buffers that would be required on all sides of the development. The draft development agreement specifically outlines the buffers including fencing. A list of uses normally allowed in the BR-P either permitted or conditionally but that would not be allowed by Staff for this BR-P zone was incorporated as part of this draft agreement, which is included in its entirety with these minutes.

With the reconstruction of Gentile Street two years ago in front of these parcels, Mr. Weaver said the City's Engineering department took into consideration the possibility of this type of development for this area. Therefore the new storm drain system for Gentile Street was upsized to handle future development. Laterals for sewer and water were also stubbed into the property for future connections and to ensure the new road was not torn up for utility installation. There are no further concerns with developing this property from a utility standpoint.

Mr. Weaver said Staff has not asked for a traffic study for the new proposal to rezone the property to B-RP. It is assumed that the amount of traffic will decrease with this site being developed as office, medical or possible an assisted living facility. The existing traffic study that was developed when

apartments were requested does not address office, medical or assisted living uses. Currently, Gentile Street has a high amount of daily traffic with peak traffic in the morning and late afternoon during weekdays due to the elementary school and typical regional traffic for west Layton and adjacent jurisdictions.

Commissioner Elinkowski asked what uses would be allowed if the property were rezoned to B-RP. Mr. Weaver replied that professional, medical, and dental offices would be allowed and an assisted living facility.

Commissioner Elinkowski asked when the interchange would be connected to Angel Street by 750 South. Bill Wright, Community and Economic Development Director replied that the Angel Street connection would not be completed until November of 2010.

Commissioner Elinkowski confirmed with Mr. Wright that 750 South would be connected to Flint Street with the completion of the interchange. He said the City will work on funding the completion of 750 South to Angel Street during future budget cycles.

Commissioner Hazen felt that prosthetics services should be allowed. Commissioner Dave Weaver felt that a three-building medical office complex would need a pharmacy although it would increase traffic. Peter Matson, Long Range Planner, said a pharmacy was a permitted use and that development agreement discussions would determine what uses would be precluded. Kem Weaver reminded the Commission that the development agreement was in the very preliminary stage.

Commissioner Hazen asked Brad Lasater, the developer, if there were any neighborhood comments on the proposed three-story building. Mr. Lasater referred the question to Keith Bennett, the architect of the project, who said he had not heard of any directly affected neighbors who had a problem with the three-story building which would be 120 feet away from the property line.

There were no other questions of the developer. Mr. Lasater reported that demolition of two of the homes on the property was in progress. He said he wanted the residents to know that the developers will enter into a development agreement with the City and uses the residents don't want in the area can be precluded in the development agreement. He said he wanted to develop a nice project for the neighborhood.

Chairman Esplin opened the discussion to members of the audience who expressed concerns as follows:

- Ed Masters, 534 West Gentile Street, expressed concerns about the number of trips per day.
- Nolene Tanner Bennett, 418 West Gentile Street, asked for mental health facilities to be disallowed to protect children.
- Lori Schrader, 569 West Gentile Street and Layton Elementary School Employee, addressed currently empty office space in Layton, the disruption to the neighborhood of continued development and construction, and asked for the property to become a park or an assisted living facility.
- Carl Larsen, 431 West Gentile Street, asked for the zoning to remain residential. Mr. Larsen presented a petition from citizens opposed to the rezoning of the property to B-RP. Commissioner Hazen clarified with Mr. Larsen that the signers of the petition want the property to remain zoned R-2. Mr. Larsen replied in the affirmative. This petition is on file at the Layton City Community and Economic Development office at 437 North Wasatch Drive.

The Commission and Staff discussed the traffic impact of a 102,000 square foot office complex as compared to the townhome use and the consensus was that the office complex traffic would be about 1100 trips when the buildings were fully occupied as compared to the 60-townhome complex at 800 trips a day. Trips from an assisted living facility would be much less.

Commissioner Tim Pales asked Mr. Lasater the time frame for construction. Mr. Lasater said it would be next year (2010) before construction would begin. He said it didn't make sense to build townhomes because there were too many vacant townhome lots and buildings. He felt the office buildings would not impact traffic during the time the children were going to school at the Layton Elementary School across Gentile Street from the proposed development.

Commissioner Elinkowski asked what the developers' reaction would be if they were only allowed to build an assisted living facility. Mr. Lasater said assisted living would be a good fit for the rear of the property. His intent is professional business with a slant toward medical offices and he would not dismiss a pharmacy. He addressed Commissioner Weaver's question about medical office occupancy rates saying that vacancy is low around the Davis North Hospital.

Commissioner Elinkowski asked if Mr. Lasater would go forward with the project if there were to be a reduction in the number of floors. Mr. Lasater said he would prefer not to lose an entire building and felt those issues could be taken care of with the development agreement.

The Staff and Commissioners discussed roundtrips as compared to square footage. Commissioners Pratt and Hazen asked if when the traffic load is taken from Gentile Street with the completion of the interchange and associate streets, if the amount of roundtrips could be increased for this development. Mr. Weaver said it would require an addendum to the traffic study for which costs the developer would be responsible.

Adam Workman, 88 Ellison Street, asked about the height of the buildings. Mr. Bennett, the architect, responded that the two-story buildings would be 30 feet high and the three-story building 42 feet high. Mr. Workman discussed the line-up of the drive accesses for the school and the proposed development

Staff and the Commission discussed eliminating the top level of the three-story building to reduce the number of trips per day and determined it would reduce the trips from 1100 to approximately 950 trips a day.

Resident, Gloria Schrader, 569 West Gentile, expressed concerns about traffic and asked when 750 South to Angel Street would be extended. Mr. Weaver responded that the road extension was possibly two years in the future.

Mr. Lasater was asked the timeline for building the development and he responded that ground breaking would be in the spring of 2010 with 10 months planned to build one phase and the goal to have all three buildings finished in 2 years.

The following residents expressed concerns about or support for the proposed development:

- Resident Cynthia Gardner, 562 West Gentile Street, expressed concerns about empty office space.

- Dennis Melaney, whose property borders the proposed development on the west, expressed concerns about any interruption in irrigation. Mr. Lasater said the property had been surveyed and irrigation rights will be respected.
- Adam Workman, 88 Ellison Street asked about storm water detention to keep water from the proposed development from running onto Ellison Street. Chairman Esplin explained that engineers plan for storm water detention as the project is being developed. Mr. Workman said based on his experience as a Las Vegas resident that many townhomes remain vacant and a pose problem for public safety. He said that office buildings have security and one owner to handle situations versus many owners in a townhome project. He said he preferred two-story to three-story buildings, but he felt the community should work with the developer and help to benefit the economy in the area.
- Beau Davis, 280 West Gentile, said it appeared from the conceptual plan that part of his property was in the proposed rezone area. He wanted to make sure his property line would be accurate and Chairman Esplin assured him the property would be surveyed before fences are installed.
- Bob Bennett 418 West Gentile expressed concerns about the property being unstable due to a possible high water table.
- Lacy Rowe, 26 Layton Circle, expressed concerns about traffic and child safety.
- John W. Thornley, 132 Dawson, expressed support for the developer moving ahead with the project.

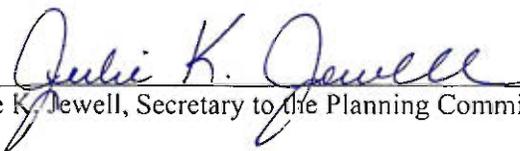
Chairman Esplin brought the discussion back to the Planning Commission for a motion on the rezone request. Commissioner Pales asked if the number of trips could be limited in the development agreement until the interchange is completed. Mr. Matson and Assistant City Attorney Steve Garside said the development agreement should be included in the motion to rezone the property.

Commissioner Pales moved to forward a positive recommendation from the Planning Commission to the City Council to approve the rezone of the property from R-2 and R-1-8 to B-RP including the conditions of the development agreement when finalized and with the requirement that the daily trips not exceed 800 trips. Commissioner Hazen seconded the motion and the voting was unanimous.

Commissioner Esplin called for a motion to close the Public Hearing. Commissioner Hazen moved to close Public Review. Commissioner Pales seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to adjourn the meeting. Commissioner Elinkowski moved to adjourn the meeting. The motion was seconded by Commissioner Hazen and the voting was unanimous.

The meeting adjourned at 8:36 p.m.

By   
Julie K. Jewell, Secretary to the Planning Commission