LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, FEBRUARY 9, 2010

MEMBERS PRESENT:	Sharon Esplin, Kristin Elinkowski, Gerald Gilbert, Dave Pratt, Tim Pales, Dave Weaver
ALTERNATE MEMBERS PRESENT:	Brian Bodily
MEMBERS ABSENT:	Blake Hazen
ALTERNATE MEMBERS ABSENT:	
OTHERS PRESENT:	Staff Members: Peter Matson, Kem Weaver, Amanda Jorgensen, Nannette Larsen, Steve Garside, Julie Jewell and Councilmember Barry Flitton

City Planner, Amanda Jorgensen, presented a proposal regarding revisions to the temporary sign ordinance. Ms. Jorgensen reviewed the current ordinance, a proposal for revision to the ordinance, and an alternative to the proposal. This presentation is attached in its entirety to these minutes. The Commissioners agreed that fees for temporary signage in Layton City are low, however, Commissioner Elinkowski felt that with current economic difficulties, this would not be the time to raise fees. After discussion about fees charged in other cities, various ways of calculating fees, and fines charges for temporary signage code violations, the Commission recommended a higher fine for violations with the possibility of a future discount for those who have no code violations.

A-Frame Signs

The Commission recommended that A-frame signs be allowed. The sign should have a professional heading with a space below for businesses to advertise specials, etc. Ms. Jorgensen will research the weight options for signs. Distance between A-frames at business was discussed and Ms. Jorgensen said that currently with regard to directional signs, stores work out the use of these signs between themselves. Ms. Jorgensen said the A-frames must be brought inside at the close of business each day. No electronics may be attached to A-frame signs. The Commission recommended that A-frame signs be allowed for all buildings per the proposed ordinance amendment presented.

Banner Signs

The Commission recommended that banners be secured at all four corners with no side of the banner being left blank. In answer to the Commissioners questions about the location of banners, Ms. Jorgensen said banners could be attached to completed buildings but could not be attached to trees. The Commissioners felt the proposed ordinance amendment would be the most appropriate amendment to the ordinance for banner signs.

Balloons

The Commission recommended the proposed balloon ordinance amendment as the most appropriate for Layton City. Commissioner Bodily confirmed with Ms. Jorgensen that real estate balloons would be on the homes and not on directional signs.

Inflatables, Fringes and Pendants

Commissioner Elinkowski asked if there was any proof that inflatables worked to promote sales. Ms. Jorgensen reported that she'd been asking businesses for proof that the inflatables were effective but had received no feed back over a period of three years. The Commission agreed that the proposed amendment to disallow inflatables, fringe and pendants was most appropriate for Layton City.

Building Wraps

The Commission agreed that the alternative proposal for building wraps, allowing the building wraps for all businesses would be appropriate but the wraps must be professional. They expressed a concern regarding public safety. Ms. Jorgensen will research the percentage of the windows that could be covered by a building wrap from a public safety standpoint. Peter Matson, Long Range Planner, said the Layton City Police Department is researching building wraps to see if there would be a crime prevention issue. He said the manufacturer of the building wraps, Wayne Boydston would be able to provide the visibility percentage.

Directional Signs.

The Commission recommended the proposed ordinance amendment allowing directional signage only for model homes and new construction with the stipulation that the signs be kept in good repair.

Business Flags

Business flags would need to be on a flag pole. The Commission preferred the alternative proposal and Ms. Jorgensen will return to the Planning Commission with a recommendation on the square footage of business flag signage that would be allowed.

OTHER ITEM:

Ms. Jorgensen informed the Commission that possible revisions to the mobile store ordinance would be presented to the Planning Commission at a future work meeting.

(1) RICHMOND AMERICAN HOMES – CONDITIONAL USE FOR A MODEL HOME SALES OFFICE for Greyhawk Patio Homes.

This property is located at East Osprey Way in an R-2 PRUD (Single and Two-family Residential Planned Residential Unit Development) zoning district. The applicant is Richmond American Homes represented by David Vitek.

Planning Technician, Nannette Larsen, reported that since her initial inspection of the Richmond American model home site, the applicant has placed a permanent fence on the driveway which would allow for only one parking space although the ordinance requires adequate off street parking for employees and customers. There was a brief discussion of model home parking requirements and the three-year length of time a model home can be used as a sales office before it must be put up for sale.

(2) SECLUDED OAKS SUBDIVISION – PRELIMINARY APPROVAL

This 3.11 acre property consists of 5 lots and is located at approximately 1800 North and Highway 89. The property is zoned R-1-10 (Single Family Residential) and R-S (Residential Suburban). The applicant is Kathleen Tait.

This item was not reviewed due to lack of time.

(3) ANGEL STREET TOWNHOMES – ESCROW EXTENSION

This 1.43 acre property is located at approximately 1400 North Main Street. The property contains 35 lots and is zoned R-M1 (Low/Medium Density Residential). The applicant is Jeff Southard of South Haven Homes.

This item was not reviewed due to lack of time.

(4) CHERRY LANE VILLAGE PRUD – ESCROW EXTENSION

This 2.83 acre property is located at approximately 1650 North & Highway 89. The property contains 12 lots and is zoned R-1-10 PRUD (Single Family Residential). The applicant is David Boam of Boam Construction.

This item was not reviewed due to lack of time.

By Julie K. Jewell

Julie K. Jewell, Secretary to the Planning Commission

TEMPORARY SIGN ORDINANCE

TEMPORARY SIGN ORDINANCE PERMIT

Current Permit	Proposed Permit	Alternative Permit
Yearly banner permit that allowed banners and balloons only. Yearly permit ($30.00)	Yearly and monthly temporary sign permit that allows banners, balloons, building wraps, A-frames and flags. 30 day permit ($30.00) Yearly permit ($100.00)	Yearly permit that allows banners, balloons and directional signs only. Yearly permit ($100.00)

A-FRAME SIGNS

Current	Proposed	Alternatives
Not allowed	Allow for all businesses	Allow for specific businesses such as real estate, new construction and new businesses only. New businesses – 30 days. Construction – Project is complete.

A-Frames restrictions:

- Height restrictions - 3.5 feet maximum.
- Width restrictions - 2 feet maximum.
- Distance requirements from another A-Frame signs - 30 feet.
- Setback - 5 foot from property line or signs maybe placed next to building – not obstructing traffic or pedestrian walkways.
- Appearance - Professionally displayed.

BANNER SIGNS

Current	Proposed	Alternative
Current calculations are based on building frontage lineal feet multiplied by 1 for a maximum of 60 square feet.	The calculations are still based on the building frontage except the lineal feet will be multiplied by 1.5 with a maximum of 300 square feet. Also allow banners to be placed on fences or in the landscaping for new construction only.	The maximum square footage allowed will be limited to 200 square feet. No banners allowed on fences or landscaping for new construction.

Banners are only allowed to be placed on the building and detached signs (if square footage permits). All banners are required to be secured to any structure.

BALLOONS

Current	Proposed	Alternative
Allow up to 250 square feet for businesses.	Allow a percentage based on the building frontage for outdoor sales and model homes only.	Allow a percentage based on building frontage for outdoor sales, model homes and apartment communities.

Balloons are required to be the vinyl material and be placed in a uniform fashion.

INFLATABLE'S, FRINGE AND PENDANTS

Current:	Proposed:	Alternative:
Allow up to 250 square feet for outdoor sales only.	Remove these types of temporary signage from the ordinance.	Allow a percentage based on building frontage for outdoor sales only.

BUILDING WRAPS

Current:	Proposed:	Alternative:
Not allowed	Allow for outdoor sales only. Square footage will be based on building frontage.	Allow for all businesses based on the building frontage.

- Building Wraps will be required to have an approved % and must not exceed the square footage that is allowed.
- Building Wraps must be displayed professionally.

DIRECTIONAL SIGNS

Current	Proposed	Alternative
Allow 3 signs per parcel with each sign not to exceed 6 square feet, or 1 sign not to exceed 18 square feet collectively. A maximum of 3 feet in height. Allow for all businesses.	Allowed for model homes and new construction only (remove all businesses). Model homes one sign per parcel not to exceed 6 square feet. New construction 3 signs per parcel not to exceed 6 square feet or 18 square feet collectively.	Allow signs for model homes, new construction and apartment community . Allow 3 signs per parcel with each sign not to exceed 6 square feet, or 1 sign not to exceed 18 square feet collectively. A maximum of 3 feet in height.

Directional signs:

Signs are required to be place one foot behind sidewalk and not to be placed in any clearview area (including intersections and driveways).

BUSINESS FLAGS

Current	Proposed	Alternative
Not allowed.	Allow business flags for model homes, apartment communities and outdoor sales.	Allow for all businesses.

Business Flags must have business logos only. Businesses are not allowed to present sales on these flags. The square footage will be based on the temporary sign square footage allowance. Flag will be required to maintained in appearance.

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Planning Commission Chair, Sharon Esplin called the meeting to order at 7:06 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Brian Bodily.

Chairman Esplin called for a motion to approve the January 26, 2010, Planning Commission minutes. Commission Dave Weaver moved to approve the January 26, 1010, Planning Commission minutes as written. Commission Pales seconded the motion and the voting was unanimous.

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

PUBLIC REVIEW:

(1) RICHMOND AMERICAN HOMES – CONDITIONAL USE FOR A MODEL HOME SALES OFFICE for Greyhawk Patio Homes.
This property is located at East Osprey Way in an R-2 PRUD (Single and Two-family Residential Planned Residential Unit Development) zoning district. The applicant is Richmond American Homes represented by David Vitek.

Planning Technician, Nannette Larsen, presented the request for conditional use for a model home sales office for Richmond American Homes. Ms. Larsen presented an overview of the area and said the model home and sales office would have no more than two employees at a time along with customers there to touring the model. Ms. Larsen said three spaces on the driveway of the model home are required for employee and customer parking. Currently, a fence extends down the driveway allowing for only one parking space. Ms. Larsen said Staff recommends the model home conditional use be granted subject to the applicant meeting the following conditions:

1. The model home is required to provide 3 parking stalls for employees parking in the driveway.
2. All lighting is required to be contained on site at all times.

3. Signage is limited to 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.

Commissioner Gerald Gilbert asked if the applicant was aware of the parking requirements. John Patterson, Director of Finance for Richmond American Homes, said the company was more than willing to move the fence to abide by the ordinance. He also understood and agreed with the conditions listed by Ms. Larsen who then gave him a written copy of the conditions.

There were no questions from the Commission or the audience.

Commissioner Gilbert moved to grant conditional use for the Richmond American model homes/sales office subject to the applicant meeting all Staff conditions hereby adopted as requirements including the addition of condition # 7 to remove the recently installed fence. Commissioner Elinkowski seconded the motion and the voting was unanimous.

(2) SECLUDED OAKS SUBDIVISION – PRELIMINARY APPROVAL

This 3.11 acre property consists of 5 lots and is located at approximately 1800 North and Highway 89. The property is zoned R-1-10 (Single Family Residential) and R-S (Residential Suburban). The applicant is Kathleen Tait.

The proposed subdivision will consist of 5 lots on 3.11 acres, which provides for a density of 1.6 units per acre. Currently, a private road gives access from Highway 89 to two existing homes that are not a part of the subdivision plat. However, the two homes will gain access from the new private street and will need to be part of the covenants and homeowners association to participate in maintaining the road and possible utilities. There is single family R-1-10 development to the south, west and north; Highway 89 is located immediately to the east.

Lots 1 and 2 are currently zoned R-1-10 and will have large lot sizes. Lot 1 is being proposed as a flag lot with access to the proposed private street. The buildable area for this lot does not conform to the zone setback requirements, which will need to be addressed before receiving final plat approval. These two lots will have steep slopes associated with them and will require lot specific geotechnical reports as part of the building permit review.

Lot 3 is on a smaller slope and is relatively flat and may not require a lot specific geotechnical report. Lots 4 and 5 have slopes over 10% and will be required to have a lot specific geotechnical report as part of the building permit review. These lots are zoned R-S and easily meet the minimum area requirement of 15,000 square feet. These lots will have direct frontage onto the private street.

The two existing homes (Bickley and Fluckiger) that are not part of the subdivision will have access at the end of the cul-de-sac and will be considered flag lots. The Bickleys have given the Fluckigers a cross access easement so that the Fluckigers may be able to get to their property through the Bickleys property with the existing driveway.

Mr. Weaver said the Layton City Engineering Division received a copy of an easement from UDOT granting access across UDOT property to the proposed subdivision. The proposed lots will not be affected by the widening of Highway 89. Some minor changes need to be made to the easement language

before final approval. The developer must dedicate 20 feet of property for storm drain easement. The developer must install a 24" storm water pipe and a detention pond. Lots 2 and 3 will be noted on the plat as Lot 2R and Lot 3R which will restrict the lot owner from putting a fence within 20 feet of the storm drain easement unless approved by Davis County Flood Control which entity will have to approve construction permits for Lots 2 and 3. A note on the plat will describe the restrictions.

Mr. Weaver described the route of an 8" sewer utility line as running from the private street through Lot 3 and then north into the existing sanitary sewer line on 2700 East. The applicant was required to downsize the street widths to 50 feet in order to meet setback requirements. Because of the 50 foot road width, the proposed subdivision will be a private subdivision and a homeowner's association (HOA) will be required to maintain the street right of way and the utilities.

Mr. Weaver said all lots meet the zoning requirements for both the R-1-10 and R-S zone and general plan guidelines for residential development in this area. He said staff recommends the Planning Commission forward a recommendation of approval of the preliminary plan for Secluded Oaks Private Subdivision to the City Council subject to meeting all staff requirements.

Commissioner Gilbert asked about the plans for the existing buildings on the west side of the development. Mr. Weaver said the buildings are outbuildings for tractors and horses and are allowed in the R-S zoned. The structures can remain on the property but a conditional use would be required if they wanted a secondary home such as a mother-in-law apartment.

Commissioner Weaver asked if the item could be tabled in order to become more familiar with the topography and the layout of the proposed subdivision. In answer to questions about slope stability and ground water in the hollow, Mr. Weaver said a geotechnical report had been done on this area. He said lot specific reports would address slope stability and ground water mitigation.

Commissioner Weaver asked again to postpone a recommendation until the Commissioners had an opportunity to physically walk the property and gain a higher degree of confidence before making a recommendation to the City Council.

Commissioner Elinkowski asked if the geotechnical reports had been started on the individual lots and Mr. Weaver replied that a geotechnical report had only been done on the subdivision as a whole.

Commissioner Pales asked if the lot specific geotechnical reports could be done before final approval. Chairman Esplin explained that the geotechnical reports on the proposed subdivision as a whole were positive. He said when building permits are requested, lot specific geotechnical reports will be done with the geotechnical engineer present when the foundation is dug. There will be verification of slope stability and retainage will be addressed.

Commissioner Gilbert asked if it was determined that one lot was not buildable if it would put the whole project in financial jeopardy.

Mr. Weaver said that technically every lot can be built on as long as proper mitigation has been done. Lot specific geotechnical reports will be reviewed by the Planning and Building Divisions with stipulations on the building permit outlining necessary inspections and with an indemnification letter stating that the owner and builder understand the geotechnical report and that they understand they will be held accountable if they don't follow the specifications.

Commissioner Weaver verified that Davis County Flood Control would have to approve the building permits.

There were no questions from the Commission. Chairman Esplin asked the audience for questions or comments with the request that comments be kept to 3 minutes per person.

Frank Fluckiger, owner of an existing home adjacent to the proposed subdivision, asked if his lot and the Bickley's lot would remain zoned R-S and Mr. Weaver replied in the affirmative. He also spoke about drainage of the water off Highway 89. Sheryl Fluckiger asked if Lots 4 and 5 which were rezoned R-1-10 would remain zoned R-1-10 if the proposed development does not take place. Mr. Weaver said the Fluckigers would have the option to request the property be rezoned back to R-S.

There were no further comments or questions. Chairman Esplin called for a motion on the item.

Commissioner Weaver moved to table the request for preliminary approval for the proposed Secluded Oaks Subdivision to the February 23, 2010 Planning Commission meeting pending further research on the project. Commissioner Gilbert seconded the motion. The motion passed by a margin of 5 in favor to 1 against the motion with Commissioners Bodily, Elinkowski, Gilbert, Pales and Weaver voting in favor of the motions and Commissioner Pratt voting against the motion.

(3) ANGEL STREET TOWNHOMES – ESCROW EXTENSION

This 1.43 acre property is located at approximately 1400 North Main Street. The property contains 35 lots and is zoned R-M1 (Low/Medium Density Residential). The applicant is Jeff Southard of South Haven Homes.

Kem Weaver, City Planner, presented the request for an extension of the bonding agreement for the Angel Street Townhomes. Mr. Weaver explained that the bonding agreement for Angel Street Townhomes PRUD expired on January 1, 2010. This subdivision entered into the one-year warranty period on July 6, 2009, which will expire on July 6, 2010. The Layton City public works inspector stated that all of the items on the punch list were completed as of July 6, 2009, and the amount remaining in the escrow account ($58,368.78) is sufficient to guarantee the subdivision through final acceptance. The developer is asking for an extension of the bonding agreement to January 1, 2011.

Commissioner Bodily asked if the bond was a cash bond or an escrow. Mr. Weaver replied that the bond was in an escrow account. Assistant City Attorney, Steve Garside, explained that the City does not accept letters of credit for bonding purposes.

There were no further questions or comments. Chairman Esplin called for a motion on the item.

Commissioner Pratt moved that the Planning Commission forward a positive recommendation from the Planning Commission to the City Council to approve a one-year extension of the Angel Street Townhomes bonding agreement to January 1, 2011. Commissioner Gilbert seconded the motion and the voting was unanimous.

(4) CHERRY LANE VILLAGE PRUD – ESCROW EXTENSION

This 2.83 acre property is located at approximately 1650 North & Highway 89. The property contains 12 lots and is zoned R-1-10 PRUD (Single Family Residential). The applicant is David Boam of Boam Construction.

City Planner, Kem Weaver explained that the bonding agreement for Cherry Lane Village PRUD expired on July 25, 2009. This subdivision entered into the one-year warranty period on July 6, 2009, which will expire on July 6, 2010. The Layton City public works inspector stated that all of the items on the punch list were completed as of July 6, 2009, and the amount remaining in the escrow account ($49,897.17) is

sufficient to guarantee the subdivision through final acceptance. The developer is asking for an extension of the bonding agreement to February 23, 2011.

There were no further questions or comments. Chairman Esplin called for a motion on the item.

Commissioner Elinkowski moved to forward a positive recommendation from the Planning Commission to the City Council to approve a one-year extension of the Cherry Lane Village PRUD bonding agreement to February 23, 2011. Commissioner Bodily seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review. Commissioner Weaver 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 Weaver moved to adjourn the meeting. The voting was unanimous. The meeting adjourned at 7:39 p.m.

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