

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, MARCH 23, 2010

- MEMBERS PRESENT:** Sharon Esplin, Kristin Elinkowski, Dave Pratt
- ALTERNATE MEMBERS PRESENT:** Brian Bodily
- MEMBERS ABSENT:** Gerald Gilbert, Tim Pales, Blake Hazen, Dave Weaver
- ALTERNATE MEMBERS ABSENT:**
- OTHERS PRESENT:** Staff Members: Bill Wright, Kem Weaver, Amanda Jorgensen, Steve Garside, Julie Jewell

City Planner, Amanda Jorgensen, reported on the formation of the temporary sign committee for Layton City and said Councilmember Joyce Brown had been asked to represent the City Council and Commissioner Kristin Elinkowski had been asked to represent the Planning Commission on the temporary sign committee.

PUBLIC REVIEW:

(1) GOT STORAGE – CONDITIONAL USE REVIEW

This 5.62 acre property is located at 153 Antelope Drive in an M-1 (Light Manufacturing/Industrial) zoning district. The current conditional use is for truck & trailer rental in addition to the storage unit business on the property. The owner is Kiley Crockett.

Ms. Jorgensen presented an update on the compliance review of the Got Storage conditional use permit for truck and trailer rental. Ms. Jorgensen and Fire Marshall Hunt conducted an inspection of the property on March 3, 2010 and found the excess trucks had been moved. Fire Marshall Hunt identified areas to be designated for access, display, and storage of vehicles. Ms. Jorgensen said the owner has applied for an amendment to the Got Storage conditional use to allow 20 vehicles. This application will be reviewed by the Planning Commission on April 13, 2010.

Commissioner Pratt asked where the additional trucks would be parked. Ms. Jorgensen responded that the trucks would be parked inside storage units and in a wide area toward the north end of the complex. This area will be striped for parking.

Commission Bodily noted that areas had been painted for Fire Access and designated for non-drop off.

(2) B & R RIDES – CONDITIONAL USE FOR AUTOMOTIVE REPAIR & SALES

This property is located at 556 North Marshall Way, Suite D in an M-2 (Heavy Manufacturing/Industrial) zoning district. The applicant is Jeremy Bassett, owner of B & R Rides.

Ms. Jorgensen said a motion would be required for both the outdoor storage and the auto sales conditional uses being requested by B & R Rides. She explained that a previous owner of B & R Rides had received conditional use approval for the business at 3251 North 750 East. However, there have been difficulties at this site due to the number of vehicles on site including both vehicles for sale and service vehicles. There were also issues with unregistered cars being parked along the public street. The applicant had been approved for 3 vehicles to be stored indoors and 2 customer vehicles to be parked outside.

Ms. Jorgensen said that Suite A in the Marshall Way building is currently vacant and a dance studio located in the building is a drop-off/pick up situation.

The applicant, Jeremy Basset is requesting 5 vehicles for sale to be displayed outside. However, Staff has determined that only 3 vehicles may be displayed outside with a maximum of 20 vehicles including sales display, service and employee vehicles, with any vehicles over the 3 display vehicles to be parked in back or inside the building. Two parking spaces must be made available for customer parking.

There was a discussion on signage and it was decided that the owner could not put signs in the windows of the displayed vehicles but could paint information on the windows. This is to discourage other business owners along the street or private citizens from parking and leaving cars for sale at the location of the proposed conditional use.

Chairman Esplin asked if the display cars would remain outside after business hours. Commissioner Bodily pointed out the applicant is requesting the space in front of the building for day use only. The Commission's opinion was that vehicles should be moved indoors after hours. Ms. Jorgensen said she would add a condition requiring display vehicles in front of the building to be moved indoors after business hours.

Commissioner Elinkowski asked if the conditional use permit on 750 East would remain in place or be revoked. The Commission agreed that the conditional use permit at the business's previous location at 3251 North 750 be should be revoked.

Ms. Jorgensen summarized that Condition #10 would be added to require that no signs be placed in the windows of the vehicles; Condition #11 will require the conditional use for outdoor storage and auto sales at 3251 North 750 to be revoked; and conditional #12 will require the vehicles to be put indoors after business hours.

OTHER ITEM:

Community & Economic Developer Director, Bill Wright, updated the Planning Commission on the status of Fort Lane Village stating that the property had remained zone CP-2 and a development agreement had been signed for the development of the Fort Lane Village property. The goal of the development agreement was to facilitate a big box store with options to develop the remainder of the property into a walkable, experiential retail site.

Mr. Wright said WinCo has proposed a 95,000 square foot building on approximately 9 acres.

Access to the site, with Wasatch Drive becoming a full intersection, and parking options were discussed.

Work meeting was adjourned at 7:02 p.m. to be reconvened to discuss Harmony Place PRUD after the regular Planning Commission Meeting.

Planning Commission work meeting reconvened at 7:20 p.m.

HARMONY PLACE PRUD – CONCEPTUAL REVIEW & REZONE WITH A DEVELOPMENT AGREEMENT – R-S (Residential Suburban) to **R-S PRUD** (Residential Suburban Planned Residential Unit Development). This property is located at approximately 2300 West Gentile Street. The applicant, Chris Martineau, is proposing 111 lots on 36.968 acres

City Planner, Kem Weaver, presented a streetscape and concept plan for the Harmony Place PRUD Subdivision proposed for rezone to R-S PRUD. The rezone and conceptual plan also includes a development plan.

Community & Economic Development Director, Bill Wright, said that after a couple of briefing sessions on Harmony Place PRUD, the Council decided at the Public Hearing to remand the request for rezone and conceptual plan approval back to the Planning Commission for review and recommendation. He said the motion to approve the Planning Commission's recommendation failed for lack of a second and a motion to deny failed as well. He said the Planning Commission will now review the proposed rezone, conceptual plan and development agreement at the April 13, 2010 Planning Commission Meeting. The Planning Commission's recommendation will then be reviewed by the City Council at a Public Hearing on May 6, 2010.

Mr. Weaver said the unanimous decision by the City Council to remand the item back to the Planning Commission concerned two issues: (1) Width of the side yards and of the frontage and (2) Use of the open space and counting the streetscape as open space.

Mr. Weaver reviewed the rendering of the proposed streetscape explaining that the streetscape and front yards of the homes will be consistently maintained by the Home Owners Association (HOA) throughout the entire development. The front yards will be commonly designed, planted and maintained. Kays Creek Estates was referred to as an example of a similarly maintained subdivision in Layton City.

Commissioner Elinkowski asked about the Council's concerns with counting the streetscape as open space. Mr. Wright pointed out that use of the streetscape as open space is in the ordinance and it is only fair that the developer be able to access the ordinance. From a planning perspective, he said the streetscape and commonly maintained front yards bring value to the neighborhood. He said without the PRUD and clustering of yard space, space would not be available for a city park. The homeowners still have a pretty substantial back yard for private space.

Commissioner Elinkowski asked if the fencing on the front street side of the properties would be uniform. The developer, Chris Martineau, said they had not planned for the front facing fence to be uniform from property to property. Mr. Wright said the perimeter fencing would be uniform and Commissioner Elinkowski said she felt it would be valuable to have all the fencing uniform. Mr. Martineau responded that there will be a standard of fencing but it will not be maintained by the HOA. He said the CC & R's could address the fencing.

Chairman Esplin asked how the City could guarantee the HOA would continue to function. Mr. Wright said a clause in the development agreement gives the City a standing in the HOA with one more vote than the majority to prevent dissolution of the HOA by vote of its members.

Mr. Wright explained how the developer had eliminated 6 lots (117 lots to 111 lots) and strategically added space to other lots. He said the City Council had difficulties understanding the trail system based on the drawings presented to them. Mr. Wright and Mr. Weaver gave a detailed explanation of the meandering trails and sidewalk system. Mr. Martineau said they would use striping or coloring to indicate a trail crossing a street. He said that in the latest revision the park layout has changed somewhat in size but has remained the same layout. Mr. Wright said he hoped the school district can be convinced to continue the trail along the elementary school.

Commissioner Elinkowski remarked that the Planning Commission was already sold on this plan and asked if a few more lots should be eliminated so the City Council would approve the plan. Mr. Wright responded that the density of 3.0 units per acre desired by both the Planning Commission and City Council had been achieved. He also said that in a PRUD, some side yard space and backyard space is eliminated and put in the common open space. In this case, the developer has agreed to put in the basic park elements such as irrigation, ground cover and trees and then dedicate the park to the City.

Commission Pratt said the West Layton committee people are frustrated because they thought the lot sizes would be R-S, but with the PRUD overlay the lot sizes are smaller and in conflict with what the residents thought they were putting in the plan. He felt that over the years the ordinance had been adjusted to create the smaller lot under an R-S umbrella which might be great in some other part of town but was not what the West Layton plan was about.

Mr. Wright responded that the e-mail sent out by citizens regarding the West Layton Plan contained erroneous information as the PRUD concept was already part of the West Layton Plan. He said the citizens' petition was for R-1-10 zoning with no open space.

Commissioner Elinkowski said she could see the point of the West Layton residents, but she felt there were a lot of big homes sitting vacant in West Layton and possibly the Harmony Place PRUD would be a little more affordable for the younger generation.

Mr. Wright said that in the revised plan 8 foot side yards are proposed. If a homeowner wants to add a 3 car garage, then they could limit their side yard to 5 feet.

Developer, Jeff Taylor, gave an overview of the proposed home designs for the development. Mr. Martineau remarked that the two issues he'd heard over and over from the citizens' concerned the side yards and smaller homes that may fall into neglect when one family moves out to a bigger home and another family moves in. He pointed out that the size and quality of the homes hasn't changed from the single family R-S proposal in the original plan submitted several years ago. He said there were 15 different plans and many lots had been increased to accept a 3-car garage. He felt this should address the small home concerns.

Mr. Wright said there were a couple of urban design elements of that subdivision that could not be changed, such as, the location and route of the main roadway because of its connection to an adjacent subdivision and utility layout. Another element that would not change was the elementary school property. He said the City Council had not seen the plan reducing the number of lots from 117 to 111 and he didn't think the Council was asking for less than 111 lots.

Chairman Esplin remarked that the Council may have been more accepting and not remanded the item back to the Planning Commission if they had seen the plan with 111 lots rather than 117.

Commissioner Pratt said his main concern was that he doesn't like little lots. There was a discussion comparing the lots in Weaver Meadows at 3.4 units per acre with the Harmony Placed PRUD proposed 3.0 units per acre. The average lot size in Weaver Meadows is 8,000 square feet and the average lot size in Harmony Place PRUD is 7,800 square feet. There is not a park in Weaver Meadows.

Mr. Taylor explained how he strategically took out lots in different areas, not just to eliminate lots but to create areas where some lots have bigger side yards particularly where the development buffers the Dibble property. The larger lots would have 8 foot side yards unless there is a 3-car garage and then the lots would have 5 foot side yards. More than half of the lots would have 8 foot side yards. The wider side yards would be carried out along the main road to create an open feel.

Mr. Taylor responded to Commissioner Elinkowski's question on the home size and the smallest would be a Rambler with 1345 square feet on the main floor and the largest Rambler would be 1862 on the main floor. Two-story homes would be 1858 to 2800 square feet up to a total of 3600 square feet. Commissioner Elinkowski asked if these homes were similar to Weaver Meadows and Mr. Taylor said that the model home in Weaver Meadows is 3300 square feet total with a 3-car garage and would fit on almost every lot in the proposed Harmony Place PRUD. He said the base price ranges from \$210,000 to \$350,000 with the average \$280,000 to \$300,000. He said the target market would be empty nesters and families. He said the Generation X and Y people seemed to want social public space and didn't want to maintain a larger yard.

Commissioner Bodily confirmed with Mr. Taylor that 75 percent of the lots could accommodate a 3-car garage and Mr. Taylor replied in the affirmative.

Commissioner Elinkowski asked what the average lot size was when there were 117 lots proposed and Mr. Taylor responded that the average was 7100 square feet.

There was a discussion on what would be acceptable to the City Council. Chairman Esplin pointed out that the developer has returned with a new plan that the Planning Commission could now vote on and make a recommendation to the City Council after a public hearing on April 13th.

Commissioner Elinkowski asked Commissioner Pratt if he was more in favor of the new plan. Commissioner Pratt said the plan was better but he didn't feel it was consistent with the General Plan's recommendation.

Mr. Wright pointed out that the General Plan supported the PRUD overlay, otherwise a General Plan amendment would be required before considering the R-S zone with a PRUD overlay. He said the document adopted by the City Council says that R-S is the preferred zoning and lot averaging is a concept that is acceptable. An amendment further defined the lot averaging and the PRUD overlay.

There was a discussion on a scenario where the park space would be eliminated and filled with homes. In keeping with the General Plan, the property could not be rezoned to R-1-8 or R-1-10.

Mr. Martineau remarked that a property owner has rights to develop property according to the specifications of the ordinance. While he personally likes larger lots, he felt the current generation prefers

city park open space to caring for their own yards. He said he could identify several larger lots in West Layton that are in disrepair.

Commissioner Elinkowski said the fear is that when lots get smaller, the houses get smaller and a new element moves in and then the homes and yards fall into disrepair. She said she personally likes the concept and says it looks like a good plan. Chairman Esplin said he also feels the plan is a much better concept.

Mr. Taylor said the fear of small lots may be an accurate comment although the General Plan allows the R-S zone with a PRUD overlay. He said the 3.0 units per acre cannot be achieved without added design amenities and the impact of changing ownership is lessened by the design elements added to the homes and the amenities added to the subdivision.

Commissioner Bodily said he felt the HOA maintaining the front yards is a positive aspect and Chairman Esplin commented that with the City as a majority owner, the continuance of the HOA will not just be dependent on the residents. Mr. Wright added that one element of the development agreement is to prevent the sunseting of the HOA and the other provision requires professional management of the HOA.

Commissioner Bodily felt the HOA taking care of the front yard would be a positive aspect. Commissioner Elinkowski pointed out that lots in disrepair can be a neighborhood killer in subdivisions with large lots and expensive homes.

Commissioner Elinkowski asked about the HOA fees and Mr. Taylor responded that the fees would be approximately \$20-\$30 a month. He said the front landscaping would be part of the purchase package for the home. The owner will pay for sprinkling of the front landscaping. No secondary water is available.

Commissioner Pratt said it was obviously a nice subdivision but not what people thought they were buying into for that area of town.

Mr. Wright said the proposal would be presented to the Planning Commission on April 13. Mr. Martineau asked if there would be another opportunity for the developers to answer the Planning Commission's questions since there were several Commissioners absent. Chairman Esplin said he would like to hear the opinions of the other Commissioners and it was decided to begin Planning Commission Work Meeting at 5:30 p.m. to facilitate this discussion.

Mr. Wright reminded the Commission to be cognizant of ex-parte communication as the citizens may not understand that the Planning Commissioners are under an obligation not to be lobbied. He said the Commissioners, if approached, should say up front that they are under a rule of no ex-parte communication and then invite the citizen to come to a meeting and speak in front of all the Commissioners.

The meeting adjourned at 8:29 p.m.


Julie K. Jewell, Planning Commission Secretary

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ALTERNATE MEMBERS PRESENT: Brian Bodily

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ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Bill Wright, Kem Weaver, Amanda Jorgensen, Steve Garside, Julie Jewell

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Bodily.

Chairman Esplin called for a motion to approve the March 9, 2010 minutes. Commissioner Elinkowski moved to accept the Work and Planning Commission Meeting minutes for March 9, 2010 as written. Commissioner Bodily seconded the motion and the voting was unanimous.

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

PUBLIC REVIEW:

(1) GOT STORAGE – CONDITIONAL USE REVIEW

This 5.62 acre property is located at 153 Antelope Drive in an M-1 (Light Manufacturing/Industrial) zoning district. The current conditional use is for truck & trailer rental in addition to the storage unit business on the property. The owner is Kiley Crockett.

City Planner, Amanda Jorgensen, reported on the review of the Got Storage conditional use permit for truck and trailer rental.

Ms. Jorgensen said she and Fire Marshall, Dean Hunt, met with the applicant, Kiley Crockett, at the business location. Staff discussed with the applicant the issues regarding drop-off/pick-up and the transitional vehicles related to the Penske rentals business. Fire Marshall Hunt agreed upon a designated area located on the west side of the main entrance (off Antelope Drive) for the drop-off and pick-up of these rental vehicles. Fire Marshall Hunt also recommended that if the applicant is going to store these vehicles throughout the property that these areas be designated with paint to ensure the required access width is maintained at all times.

Ms. Jorgensen recommended that the applicant apply for an amended conditional use to address the drop-off and pick-up issues along with requesting additional rental vehicles to be added to the conditional use approval to resolve the additional transitional vehicles. The applicant agreed with all staff recommendations and applied for an amended conditional use on March 10, 2010. The amended conditional use request will be presented to the Planning Commission on April 13, 2010.

On March 17, 2010, Fire Marshall Hunt stated that he had received the recent submittal for the amended conditional use and is satisfied with the proposal. The site is currently complying with all original conditions required by the original conditional use approved on October 2, 2009.

There was no motion needed on this report.

(2) B & R RIDES – CONDITIONAL USE FOR AUTOMOTIVE SALES & OUTDOOR STORAGE

This property is located at 556 North Marshall Way, Suite D in an M-2 (Heavy Manufacturing/Industrial) zoning district. The applicant is Jeremy Bassett, owner of B & R Rides.

Ms. Jorgensen presented the request for conditional use and said the previous owner of B & R Rides, Robert L. Ringer, received a conditional use approval for an auto sales (brokerage) business located at 3251 North 750 East, Suite B in August of 2007. The new owner/applicant would like to relocate this existing business to the Sugar Street Industrial Park, Lot 23 (556 North Marshall Way). The site has 1.09 acres; the existing building contains 10,075 square feet and the building is sectioned into 4 suites. The site has 25 parking stalls, which are located west on the west side of the property that fronts onto Marshall Way. The site complies with the landscaping requirements.

B & R Rides offers vehicles for sale and major and minor vehicle repair services to the public. The applicant proposed to display 5 sales vehicles along the front of the property but will only be allowed a maximum of 3 vehicles due to the limited amount of parking on site and the other tenants' parking needs. The vehicles must be located in the existing parking stalls and not on the street or on any landscaping. The remaining 17 vehicles are allowed to be service, stored or transitional vehicles and must be located either in the outdoor storage area behind the building or in the business suite. No more than 20 vehicles (including display, service, stored or transitional) are allowed on site at any time.

This outdoor storage area will be located east of the building and will be required to be gated, fenced and screened from the public, except during business hours. The site is required to be kept clear of weeds, auto parts, junk and debris. The display sales vehicles are required to be in good repair at all times.

An existing tenant at this location is Excel Dance Studio leasing suites B & C. Excel Dance Studio received 2 conditional use permits in 2004 & 2009 for the dance studio location. Suite A is currently vacant. The parking requirements for the dance studio were based on the nature of the business, which is a drop-off and pick-up situation. The dance studio offers a variety of dance classes that are typically an hour so parents/guardians of the students do not typically stay for the duration of the class. The dance studio has 3-4 employees at one time and occasionally parents/guardians will come in to pay tuition, requiring the business to provide at least 6 parking stalls to accommodate employee and customer parking. The dance studio business hours are from 4:00 to 10:00 p.m. Monday through Friday.

Ms. Jorgensen overviewed the parking availability on site and said B & R Rides will only be allowed to use 3 parking stalls for the sales vehicles and must provide 2 parking stalls for customer parking. The business currently has 1 employee and parking for any employees must be located on the east side of the

property, which will be the outdoor storage area. Requirements for screening and location of trash receptacles and storage vehicles were discussed.

Ms. Jorgensen said Staff recommends the Planning Commission approve the conditional use with 12 conditions including 3 newly added conditions which Ms. Jorgensen had mentioned to the applicant. The conditions are as follows:

- 1) The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
- 2) The applicant is required to comply with the sign ordinances, including permanent and temporary signage.
- 3) The site is required to be clear of weeds, junk, auto parts and debris at all times.
- 4) The business is only allowed 3 display sales vehicles to be located in existing parking stalls. These 3 display sales vehicles are required to be in running condition at all times.
- 5) The business is not allowed to park any vehicles on landscaping or on the street.
- 6) The business is required to have at a minimum of 2 parking stalls for customers and provide parking for any employees in the east part of property (outdoor storage area).
- 7) A maximum of twenty (20) vehicles are allowed on site for this business. This includes the display sales, service and any transitional vehicles on site.
- 8) The business is required to comply with Section 19.06.110 (outdoor trash receptacles).
- 9) The business is required to comply with Section 19.06.150 (outdoor storage).

Ms. Jorgensen summarized that Condition #10 would be added to require that no signs be placed in the windows of the vehicles; Condition #11 will require the conditional use for outdoor storage and auto sales at 3251 North 750 to be revoked; and condition #12 will require the vehicles to be stored indoors after business hours.

There were no questions from the Commission or the audience. Chairman Esplin asked the applicant, Jeremy Bassett, 2562 West 1550 North, Clinton, Utah, if he'd received a copy of the first 9 conditions and if he understood those conditions and the 3 added conditions. Mr. Bassett replied in the affirmative and clarified that he would be able to write information on the car windows. He said that a lot of his work would be done through the internet.

Chairman Esplin called for a motion on the item. Ms. Jorgensen stated that the dance studio owner, Erene Burke, was present and had some concerns. Ms. Burke said she had concerns about fumes from vehicle emissions at B & R Rides that could affect the students in the dance studio. She was also concerned about children in the parking lot with customers looking at the display vehicles.

Chairman Esplin said the business would be a brokerage with vehicles customarily shown by appointment rather than an influx of customers at any time.

Ms. Jorgensen said the Building Department, during the business licensing process, will inspect and require adequate separation between the two suites to contain any auto emissions.

There were no other questions or comments from the Commission or the audience.

Chairman Esplin called for two motions on the item with one motion to address the auto sales and one to address outdoor storage.

Commissioner Elinkowski moved to approve the conditional use for auto sales at 344 North Marshall Way, Suite D subject to the applicant meeting all staff conditions which are hereby adopted as requirements. Commissioner Bodily seconded the motion and the voting was unanimous.

Commissioner Elinkowski moved to approve the conditional use for outdoor storage at 344 North Marshall Way, Suite D subject to the applicant meeting all staff conditions which are hereby adopted as requirements. Commissioner Bodily seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review.

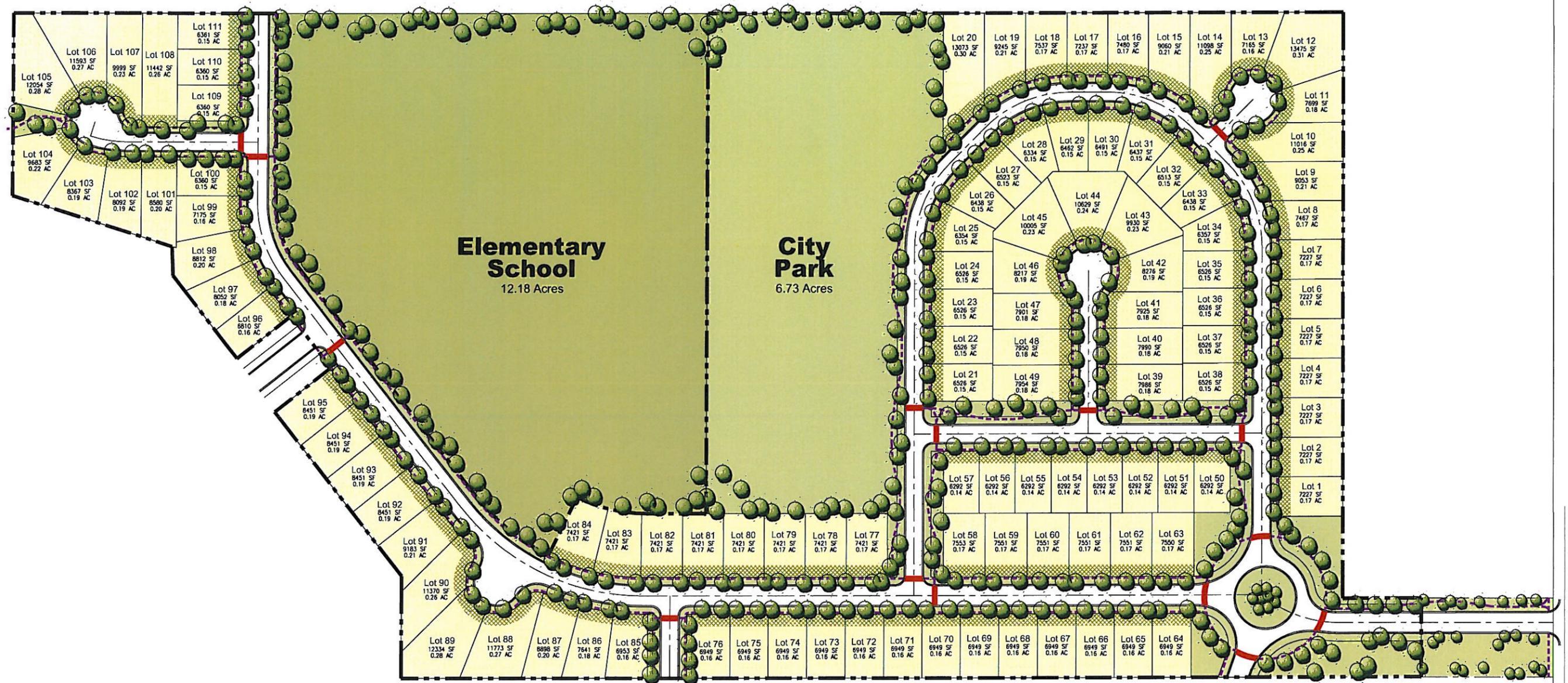
Commissioner Elinkowski moved to close Public Review. Commissioner Bodily seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to adjourn.

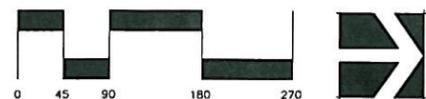
Commissioner Bodily moved to adjourn the meeting and the voting was unanimous.

The meeting was adjourned at 7:19 p.m.


Julie K. Jewell, Planning Commission Secretary



March 23, 2010



- Pedestrial Trail / Sidewalk
- Common Open Space
- Limited-common Open Space

Concept Plan

Harmony Place PRUD

2375 West & Gentile Street, Layton, Utah

