

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, APRIL 13, 2010

MEMBERS PRESENT: Kristin Elinkowski, Gerald Gilbert, Dave Pratt, Tim Pales, Blake Hazen, Dave Weaver

ALTERNATE MEMBERS PRESENT: Brian Bodily

MEMBERS ABSENT: Sharon Esplin

ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Amanda Jorgensen, Nannette Larsen, Steve Garside, Julie Jewell and Councilman Barry Flitton

PUBLIC HEARING:

(1) 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 the rezone request and conceptual approval for Harmony Place PRUD. Mr. Weaver said that the Council remanded the request back to the Planning Commission to review concerns with lot sizes and side yard issues. Mr. Weaver said the PRUD ordinance allows for a setback between structures to be 10 feet (5 foot side yard for each property).

Mr. Weaver presented a revised concept plan with 111 lots versus the 117 lots originally submitted. The proposed density is 3.0 units per acre and a 21% bonus density will be required to develop 111 lots. Mr. Weaver said if the rezone is approved, the proposed development will be reviewed by the Design Review Committee (DRC) to determine the bonus density.

Mr. Weaver said some lots are wider at 70 feet versus 65 feet on the original plan. He pointed out areas where the developers had removed a lot and explained that due to the street layout and utilities and connection points for future development including the Villas at Harmony Place, much of the concept plan cannot be changed. The only other design could have been a block pattern, but staff felt the circular drive is a better look and feel for the neighborhood and the cul-de-sacs provide for larger lots to be part of the neighborhood.

Commissioner Weaver expressed concerns about the lack of fencing on the west side of lots 77-84 to protect private property from public access from the school and park. Mr. Weaver said the issue would be discussed further at the preliminary review.

The developer, Jeff Taylor, and current owner, Chris Martineau, were present to answer questions from the Planning Commission.

Mr. Weaver explained, in answer to Commissioner Hazen's questions about the park, that the park would be a neighborhood public park. The developer would put in the basic elements for a private park and the City would put in additional amenities and provide park maintenance.

Commissioner Elinkowski asked how the revised proposal differed from the original proposal. Community & Economic Development Director, Bill Wright, explained that the lot structure has changed to allow opportunities for 8-foot side yards on many lots and 5-foot side yards if a third car garage is added. Mr. Wright said the belief is that a third car garage will provide stability in the neighborhood so that people won't run out of storage space and move from the neighborhood.

Mr. Weaver showed similar side yards, home designs and streetscape in the Weaver Meadows R-1-8 zone in West Layton and explained that the 70 foot wide lots in Harmony Place PRUD may easily accommodate the type of homes in Weaver Meadows.

Commissioner Elinkowski asked for verification that a third car garage can fit on every lot. Mr. Taylor replied in the affirmative and Commissioner Weaver asked if that would cause the home to have less side yard and Mr. Taylor replied in the affirmative.

Mr. Wright explained that no bonus density will be received for the front yards of the properties, nor does it allow for an increase in the number of lots. The limited open space will help to meet the open space requirement, which is allowed by ordinance, and helps to create a streetscape which adds value to the neighborhood. The landscaping on all of the front yards will be placed by the developer and maintained by the Home Owner's Association (HOA).

Commissioner Gilbert said he liked the concept of the third car garage but said residents were concerned about a smaller lot size. He asked Mr. Taylor why the development was not designed to eliminate the park and HOA.

Mr. Taylor replied that the biggest market, Generations X & Y, want smaller yards and more public space. He said it is a typical trend throughout the country. He said a streetscape is created and consistently maintained which keeps the value consistent and maintained.

Long Range Planner, Peter Matson, said the public brought up an R-1-10 proposal; however, that option is not available without amending the General Plan.

Commissioner Weaver commented that even though the HOA will maintain the front yards, with no secondary water available, the homeowner will have to pay city rates to upkeep the landscaping.

Mr. Weaver commented that there a lot of homes in West Layton on bigger lots that don't have secondary water. Mr. Wright said that by ordinance, front yards must be maintained no matter where someone lives in the City. Mr. Taylor said he had developed other locations in Layton that only have culinary water, and the properties are well-maintained. Landscaping plans will be reviewed at the preliminary stage. There was a discussion on metering of the water used for the park strips and the trail system and Mr. Wright said common open space is usually separately metered.

Commissioner Hazen asked if the original annexation agreement allowed the PRUD option. Mr. Matson said the agreement, drafted in 2006, allowed for the PRUD overlay.

Commissioner Pratt asked if the school property was counted in the open space and Mr. Wright said the school property was not included in the open space.

Commissioner Hazen verified that the proposed average lot size would be 7,800 square feet.

There were no other questions.

- (2) FAIRFIELD MEADOWS – CONCEPTUAL REVIEW & REZONE – R-1-6 PRUD** (Single Family Residential Planned Residential Unit Development) to **R-1-6** (Single Family Residential). This property is located at approximately 350 South Fairfield Road. The applicant, Brighton Homes Utah LLC represented by Nate Pugsley, is proposing 32 lots on 9.78 acres.

City Planner, Kem Weaver, explained that the property proposed for rezone is owned by Howard Kent and John Gailey and is located on the east side of Fairfield Road on the South Layton/Kaysville boundary

The current buyer would like to remove the PRUD overlay from the property currently zoned R-1-6 PRUD. There are a total of 32 lots on the concept plan which will be re-designed to provide connectivity to the north and east.

Mr. Wright pointed out that the lots are larger than the proposed zoning requirement. He agreed with Commissioner Gilbert that the proposal was compatible with the neighborhood.

The height of the proposed development was previously a concern of the neighbors, and Mr. Matson said the proposed single-family style homes should not pose a height concern.

PUBLIC REVIEW:

(3) LES CHENES PRUD – FINAL APPROVAL

This property is located at approximately 45 South Boynton Road in an R-1-10 PRUD (Residential Single Family Planned Residential Unit Development) zoning district. The applicant, Scott Hansen, is proposing 14 lots on 4.28 acres.

City Planner, Amanda Jorgensen, said the proposed Les Chenes PRUD is on 4.28 acres in the R-1-10 zone with a base density of 15 units per acre, but the developer is only proposing 14 lots. Ms. Jorgensen reviewed easements on the property and said the DRC approved the design of the subdivision.

Ms. Jorgensen said final approval of the subdivision was subject to the applicant receiving a letter of approval from the Weber Basin Conservation District and also to add a note on the plat that the adjacent property is being used for agricultural purposes. She said fencing will be required on the side of the property adjacent to the agricultural property.

(4) LEGACY VILLAGE, LP – CONDITIONAL USE REQUEST FOR A TEMPORARY SALES OFFICE FOR LEGACY VILLAGE OF LAYTON AND LAYTON HEALTHCARE

This property is located at 1205 North Fairfield Road in a B-RP (Business and Research Park) zoning district. The applicant is Legacy Village, LP represented by Richard L. Miles.

Ms. Jorgensen said the applicant is requesting to put a sales trailer on the 9.8 acre property which is divided into 4 parcels. The sales and hiring trailer is proposed to be placed on Parcel 3 of Legacy Village which is under construction on Parcels 1 & 2. Parcels 3 and 4 will be developed at a later date.

The proposed setback of 5 feet for the trailer does not meet Section 19.14.070 of the zoning ordinance which requires a 20-foot setback in BR-P zone. Ms. Jorgensen said the applicant has applied for a Routine and Uncontested Variance to modify the setback required by the zoning ordinance. She said the variance should be approved on April 15, 2010, unless an appeal has been received by the public. The trailer must be removed from the property within 14 days of the projection completion date which is anticipated to be August 20, 2010.

Commissioner Weaver expressed concerns about safety of people parking along Fairfield Road and suggested that the trailer be located towards the north end of the property.

Mr. Wright said locating the trailer on the north end of the property without on-street parking would require the public to come on the site. He said the building officials don't feel the public should come onto the site. He said there was a lot of interest in Legacy Village. Once marketing begins, the construction workers will not be allowed to park along Fairfield Road by the sales trailer.

Commissioner Weaver reiterated the risks of on-street parking and again suggested the north end of the property. Ms. Jorgensen explained that an intersection will be constructed in that area with a signal installed. Commissioner Gilbert explained that the north end of the property will be busier and Commissioner Hazen felt there would be more construction vehicle traffic and noise when the intersection is constructed.

Mr. Wright said that the Planning Commission can require more spaces for on-street parking as part of the conditional use. He said the owner will have to manage the parking of the construction workers.

The Commissioners had no additional conditions to add to the following conditions listed by Ms. Jorgensen:

1. The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The temporary sales trailer will be placed on parcel 3 of the Legacy Village Subdivision and be placed 5 feet from the front property line and 170 feet from the north property line.
3. The temporary sales trailer may not exceed 44' x 24' and must appear clean and presented in a professional manner at all times.
4. The temporary sales trailer site is required to be kept clear of junk, debris, construction material and clean at all times.
5. The applicant is required to receive an approved Routine and Uncontested Variance for the proposed 5 foot front setback or meet the zoning setback requirement.
6. The applicant is required to enforce customer and employee parking at all times.
7. The applicant is required to provide on-site employee parking once the hard surfaced parking areas have been completed on site (May).
8. The temporary sales trailer site is not allowed to place signage along Fairfield Road on site for customer parking.
9. The temporary sales trailer and site is required to contain all lighting on site.
10. The temporary sales trailer is required to be removed 14 days after receiving building occupancy. The anticipated completion date is August 20, 2010.

11. Once the temporary sales trailer is removed the site is required to be left in a presentable state, which requires the removal of temporary hard surfacing, removal of structural materials, removal of any garbage, debris or junk, proper grading and re-vegetation of all of parcel 3.
12. The temporary conditional use permit shall be revoked once the sales trailer has been removed from the site.

(5) HOME AGAIN – CONDITIONAL USE FOR A RESIDENTIAL FACILITY FOR ELDERLY CARE. This property is located at 659 East Side Drive in an R-S (Residential Suburban) Zoning District. The applicant and property owner is Debbie Phipps.

City Planner, Amanda Jorgensen, presented the request for conditional use for a residential facility for elderly care. The Planning Commission had tabled the request on March 9, 2010 due to the lack of proof for an access easement agreement. Ms. Jorgensen said the applicant was unable to provide proof of the access easement agreement and will put in a private driveway to the facility off Eastside Drive. The site plan has been approved for this driveway.

According to State Law, the applicant will be required to have at least two caregivers other than herself. The caregivers must be State licensed.

Ms. Jorgensen listed the following conditions to be required with this conditional use:

1. The applicant is required to comply with all staff requirements that were conditions in the attached March 9, 2010 report.
2. The applicant is required to provide a copy of the Utah Department of Health license to the City.
3. The applicant is required to provide adequate parking for the 2 caretakers and the elderly individuals that are able to drive.
4. The applicant is required to comply with all Engineering, Building, Planning Division and Fire Department requirements.
5. The applicant is required to comply with Section 19.06.050 of the Zoning Ordinance regarding residential facility for elderly persons.
6. The applicant is required to comply with Section 19.06.080 regarding farm animals.
7. The applicant is required to complete and have a final approval on the new driveway prior to receiving a business license through the City.

(6) RANDILYN JACOBS – CONDITIONAL USE AMENDMENT REQUEST TO HAVE CAREGIVERS AT A RESIDENTIAL FACILITY FOR ELDERLY CARE. This property is located at 1273 East 3075 North in an R-1-6 (Single Family Residential) Zoning District. The applicant is Randilyn Jacobs.

City Planner, Amanda Jorgensen, presented the applicant's request to amend a conditional use for a residential facility for elderly care. The conditional use was granted by the Planning Commission on April 14, 2009, with an approval for three individuals and no employees or caregivers. Ms. Jorgensen said the applicant has not received a business license since State law requires additional caretakers when necessary. The applicant is requesting to amend the conditional use to allow for one caretaker who will be State licensed. The employee will park in the drive way in front of the home and the applicant has withdrawn her request for parking on a cement pad in the back of the home.

Commissioner Weaver asked if there were any APZ (Accident Potential Zone) issues and Ms. Jorgensen replied that the property was not in the APZ.

Commissioner Gilbert asked why the City should accommodate through a conditional use permit the need of someone to have a business. There was a discussion as to whether the facility would be a for-profit or a non-profit organization. Commissioner Pales pointed out that non-profit organizations can still charge a fee. Assistant City Attorney, Steve Garside, said the City ordinance mirrors the State law and while the City licenses non-profit organizations, granting a conditional use is more feasible than registering the facility as a non-profit organization.

Commissioner Gilbert said that a nursing home in a residential area affects the quality of life, health safety and welfare of the residents. He commented on the applicant's desire to expand her business and said he saw residential care facilities as the future with people wanting to supplement their income. He had hopes the facility would be denied based on the City not issuing a business license.

Mr. Garside said per State statute regarding residential facilities for elderly care, the conditional use can't be denied, but it also cannot be a for-profit facility. Commissioner Elinkowski confirmed that either the owner or a family member must reside in the home.

There was a discussion on level of care and State requirements.

Commissioner Gilbert commented that the applicant was still violating the zoning ordinance due to the number of animals on the property. He stated his concern that if the applicant is willing to violate the zoning ordinance, she may also expand the number of residences beyond the number allowed.

Ms. Jorgensen said she would inspect the facility for compliance for one year; after one year Layton City code enforcement would be responsible for inspections.

The following are the conditions required by staff for this conditional use:

1. The applicant is required to comply with all 16 conditions from the original conditional use permit from the April 14, 2009 staff report (see attached).
2. The applicant is required to provide a copy of the Utah Department of Health license to the City after the State license is issued.
3. The applicant is allowed to have 2 caretakers to assist her with the needs of the elderly as required by the Utah Health Department.
4. The applicant is required to provide adequate parking for the 2 caretakers.
5. The applicant is required to comply with all Engineering, Building, Planning Division and Fire Department requirements.
6. The applicant is required to comply with Section 19.06.050 of the Zoning Ordinance regarding residential facility for elderly persons

(7) GOT STORAGE – REQUEST FOR AN AMENDMENT TO A CONDITIONAL USE

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, presented the request by Got Storage for an amended conditional use permit to allow for 20 vehicles for rent, which would be a combination of trucks and trailers.

Commissioner Gilbert expressed concerns that the owner said he had no control over the number of vehicles. Ms. Jorgensen responded that the applicant has made arrangement with Penske, and if there are too many trucks at his Layton location, the West Haven Penske will pick them up. She said the applicant has never had any more than 20 trucks.

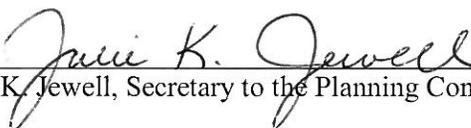
Ms. Jorgensen said Got Storage now had the appropriate striping and signage and proposes 20 vehicles including 2 display vehicles, transitional vehicles and vehicles stored in the units and the back of the property.

A neighboring resident said he felt like Got Storage was looking like a used vehicle storage place and he had concerns about the large trucks accessing 2150 North near the residences. Ms. Jorgensen responded that the Penske trucks were not allowed to use 2150 North in or out of the facility. She said the conditional use could be revoked if Got Storage is out of compliance.

Commissioner Gilbert suggested the neighbor call City Code Enforcement when he notices violations.

The following are the conditions required by staff for this conditional use:

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 for both businesses, for permanent and temporary signage.
3. The business is allowed a maximum of 20 Penske truck & trailer vehicles, which includes the display, drop-off, pick-up, stored and transitional vehicles.
4. No vehicles will be allowed to be placed or stored in any access way on the property. A 24 foot access width is required to be clear at all times.
5. The drop-off and pick-up area is designated on the west portion of the access.
6. The drop-off and pick-up vehicles are not allowed to be stored in the drop-off and pick-up area.
7. The applicant is required to paint any area that the truck & trailer vehicles will be placed; this includes the displayed vehicles.
8. The applicant is required to place "No Parking" signs along the east side of the access way. The applicant is required to place "Drop-off and Pick-up" signs along the west side of the access way.
9. The display area is only allowed a maximum of 2 vehicles. The display area is designated east of the office building only (see site plan).
10. The rental vehicles are not allowed to exit or enter on 2150 North. The business is required to direct these vehicles to Antelope Drive.

By 
Julie K. Jewell, Secretary to the Planning Commission

LAYTON CITY PLANNING COMMISSION MEETING MINUTES

TUESDAY, APRIL 13, 2010

MEMBERS PRESENT: Kristin Elinkowski, Gerald Gilbert, Dave Pratt, Tim Pales, Blake Hazen, Dave Weaver

ALTERNATE MEMBERS PRESENT: Brian Bodily

MEMBERS ABSENT: Sharon Esplin

ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Amanda Jorgensen, Nannette Larsen, Steve Garside, Julie Jewell and Councilman Barry Flitton

Planning Commission Vice-Chair, Kristin Elinkowski, called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Dave Weaver.

Vice-Chair Elinkowski called for a motion to approve the March 23, 2010, Planning Commission Minutes, and noted that page 2, paragraph 6, should be changed from a statement by Commissioner Gilbert, who was absent from the meeting, to the Commissioner who made the statement. (After research, it was determined Commissioner Elinkowski should have been quoted rather than Commissioner Gilbert.) Commissioner Hazen moved to approve the March 23, 1010 Planning Commission and Work Meeting minutes as corrected. Commissioner Pales seconded the motion and the voting was unanimous.

Vice-Chair Elinkowski called for a motion to open Public Review.

Commissioner Gilbert moved to open Public Review. Commissioner Weaver seconded the motion and the voting was unanimous.

PUBLIC REVIEW:

Vice-Chair Elinkowski informed the audience that the Commission welcomed their comments but asked that comments not exceed 3 minutes. She asked that comments not reflect something already stated previously in the meeting.

(1) IVORY HOMES – CONDITIONAL USE REQUEST FOR A MODEL HOME

This property is located at 3228 North Broadwing Drive on Lot 161 of the Greyhawk Single Family Subdivision. The applicant is Ivory Homes represented by Jason Bickley.

Planning Technician, Nannette Larsen, presented the request by Ivory Homes for conditional use for a model home in the Greyhawk Single Family Subdivision.

Ms. Larsen said staff recommends approval of the conditional use based on the applicant meeting the following conditions:

1. The model home is required to provide 3 parking stalls for employee parking in the driveway or garage area.
2. All lighting is required to be contained on site at all times.
3. Signage is limited to one sign per model home with a maximum size of 35 square feet for detached signs; additional flags are not permitted at the site. All signs require a permit and must comply with Layton City Sign Ordinance.
4. Once the subdivision is 80% sold or after 3 years of operation, 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 audience.

Vice-Chair Elinkowski called for a motion on the item. Commissioner Tim Pales moved to approve the conditional use subject to the applicant meeting all the conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion and the voting was unanimous.

(2) DANSY INC (LA CAMPANA) – CONDITIONAL USE REQUEST FOR A MOBILE STORE

This property is located at 195 East Gentile Street in an MU (Mixed Use) Zoning District. The applicant is Olga Garcia.

Planning Technician, Nannette Larsen, presented the request for conditional use approval for a mobile store. The request is for a mobile store for a taco stand proposing to relocate from the Fort Lane Shopping Center site across Gentile Street to the first 2 parking stalls in the Layton Park Plaza on the northwest corner of Gentile Street and Wasatch Drive.

Ms. Larsen has shown that the mobile store will meet all mobile store requirements. There was a discussion of the distance required between mobile stores.

Commissioner Weaver asked about utilities for the mobile store and Ms. Larsen said that all that may be required would be electrical which would be approved and inspected by Layton City inspectors.

Commissioner Weaver asked about outdoor seating, and Ms. Larsen responded that this mobile store would not be able to have tables due to the 100 square foot maximum space usage requirement. She said the applicant was aware that no outdoor seating would be allowed.

Ms. Larsen said staff recommends approval of the conditional use based on the applicant meeting the following conditions:

1. The Mobile Store will have no more than one-hundred (100) square feet of outside display area located at a minimum of ten (10) feet from all property lines. The structure also may not be located in any landscaping areas and cannot be obstructing access to the property.
2. The Mobile Store will be at least two-hundred fifty feet (250') away from any other mobile store location.
3. The Mobile Store will maintain the clearview area.

4. The Mobile Store shall have written acceptance of the operation from the Davis County Health Department before the site is occupied.
5. The structure shall have appropriate utility connections, inspected for compliance to City codes.
6. The structure shall be secured to or placed on the ground to be stable in a seventy-five (75) mph wind.
7. The Mobile Store shall be allowed to have two (2) off-site directional signs with a maximum of six (6) square feet for each and a maximum of fifty (50) square feet total for the entire mobile store. The signage shall not be placed in the public right-of-way or landscaping.
8. All Building and Fire requirements shall be met before occupancy.
9. Hours of operation shall be determined by business licensing.
10. The Mobile Store shall be removed from the premise after business hours each night.
11. All of the following conditions shall be met before business begins.

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

Vice-Chair Elinkowski called for a motion on the item. Commissioner Bodily moved to grant conditional use approval for the mobile store site subject to the applicant meeting all staff conditions which are hereby adopted as requirements. Commissioner Weaver seconded the motion and the voting was unanimous.

(3) GOT STORAGE – REQUEST FOR AN AMENDMENT TO A CONDITIONAL USE

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.

Amanda Jorgensen, City Planner, said Got Storage is applying to amend its conditional use initially approved on October 27, 2009. The applicant is requesting to amend the conditional use to allow for 20 vehicles, which includes both trucks and trailers. The applicant and staff, including the Fire Department, have met and identified where vehicles can be displayed, transitioned, and stored. These areas have been striped and appropriate signage installed.

Ms. Jorgensen said staff recommends approval of the conditional use based on the applicant meeting the following conditions:

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 for both businesses, for permanent and temporary signage.
3. The business is allowed a maximum of 20 Penske truck & trailer vehicles, which includes the displayed, drop-off, pick-up, stored and transitional vehicles.
4. No vehicles will be allowed to be placed or stored in any access way on the property. A 24 foot access width is required to be clear at all times.
5. The drop-off and pick-up area is designated on the west portion of the access.
6. The drop-off and pick-up vehicles are not allowed to be stored in the drop-off and pick-up area.
7. The applicant is required to paint any area that the truck & trailer vehicles will be placed; this includes the displayed vehicles.
8. The applicant is required to place “No Parking” signs along the east side of the access way. The applicant is required to place “Drop-off and Pick-up” signs along the west side of the access way.

9. The display area is only allowed a maximum of 2 vehicles. The display area is designated east of the office building only (see site plan).
10. The rental vehicles are not allowed to exit or enter on 2150 North. The business is required to direct these vehicles to Antelope Drive.

There was a discussion on the overflow parking area.

The applicant, Kiley Crocket, 3340 West Gentile, Layton, said that he has resolved issues with too many vehicles being dropped off at his facility. He said that he would definitely not allow the Penske vehicles to use the 2150 entrance/exit although individual renters of the storage units may use 2150. Mr. Crockett also agreed to change the signs to delineate between pick up and drop off areas.

A resident from the adjacent neighborhood, Tom Koford, 2114 North 5 East, reported that he'd seen increased traffic on 2150 North and asked that the applicant be sensitive toward the safety of children in the area by restricting at least the rental vehicles, if not all large vehicles from 2150 North. He asked that rental vehicles be hidden in the units as much as possible. Commissioner Gilbert also asked Mr. Crockett to control the rental vehicle use of 2150 North.

There were no further questions or comments from the audience or the Commission. Vice-Chair Elinkowski called for a motion on the item.

Commissioner Weaver moved to approve the request for a conditional use amendment based on staff recommendations and verbalized recommendations (rental vehicle restricted use of 2150 North, pick up and drop off signage, and excessive vehicle management) which are hereby adopted as requirements.

The motion was seconded by Commissioner Hazen. Commissioners Bodily, Hazen, Pales, Pratt, and Weaver voted in favor of granting the conditional use. Commission Gilbert was opposed. The motion passed by a margin of 5 in favor and 1 against.

(4) HOME AGAIN – CONDITIONAL USE FOR A RESIDENTIAL FACILITY FOR ELDERLY CARE. This property is located at 659 East Side Drive in an R-S (Residential Suburban) Zoning District. The applicant and property owner is Debbie Phipps.

City Planner, Amanda Jorgensen, presented the request for conditional use for a residential facility for elderly care. The Planning Commission had tabled the request on March 9, 2010 due to the lack of proof for an access easement agreement. Ms. Jorgensen said the applicant was unable to provide proof of the access easement agreement and will put in a private driveway to the facility off Eastside Drive. The site plan has been approved for this driveway.

According to State Law, the applicant will be required to have at least two caregivers other than herself. The caregivers must be State licensed.

Commissioner Weaver asked if a fence would be installed around the front of the property to protect the facility residents from the animals and the street. Ms. Jorgensen said a fence would not be required and explained the distances and terrain an elderly individual would have to traverse to get to either East Side Drive or Highway 89.

Ms. Jorgensen said staff recommends approval of the conditional use based on the applicant meeting the following conditions:

1. The applicant is required to comply with all staff requirements that were conditions in the attached March 9, 2010 report.
2. The applicant is required to provide a copy of the Utah Department of Health license to the City.
3. The applicant is required to provide adequate parking for the 2 caretakers and the elderly individuals that are able to drive.
4. The applicant is required to comply with all Engineering, Building, Planning Division and Fire Department requirements.
5. The applicant is required to comply with Section 19.06.050 of the Zoning Ordinance regarding residential facility for elderly persons.
6. The applicant is required to comply with Section 19.06.080 regarding farm animals.
7. The applicant is required to complete and have a final approval on the new driveway prior to receiving a business license through the City.

Mrs. House, a resident at 626 East Side Drive and adjacent to the home proposed for the conditional use asked that there be a clear distinction made between the current private drive and the driveway the applicant proposes to her facility. She felt that signage in the residential area would not be appropriate. Ms. Jorgensen responded that a 2 X 2 sign attached to the home would be allowed, but no signage in the yard.

It was suggested that a condition be added that people coming to the elderly care facility use only the facility's driveway.

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

Vice-Chair Elinkowski called for a motion on the item. Commissioner Pratt moved to grant conditional use subject to the applicant meeting all staff conditions which are hereby adopted as requirements including the added condition of directing all elderly facility traffic to the facility's designated driveway.

Commissioner Hazen seconded the motion. Commissioners Bodily, Hazen, Pales, Pratt, and Weaver voted in favor of granting the conditional use. Commissioner Gilbert was opposed. The motion passed by a margin of 5 in favor and 1 against.

(5) RANDILYN JACOBS – CONDITIONAL USE AMENDMENT REQUEST TO HAVE CAREGIVERS AT A RESIDENTIAL FACILITY FOR ELDERLY CARE. This property is located at 1273 East 3075 North in an R-1-6 (Single Family Residential) Zoning District. The applicant is Randilyn Jacobs.

City Planner, Amanda Jorgensen, presented the applicant's request to amend a conditional use for a residential facility for elderly care. The conditional use was granted by the Planning Commission on April 14, 2009, with an approval for three individuals and no employees or caregivers. Ms. Jorgensen said the applicant has not received a business license since State law requires additional caretakers when necessary. The applicant is requesting to amend the conditional use to allow for one caretaker who will be State licensed. The applicant has withdrawn the request for parking in the rear of the home on 3100 North Street, and the caretaker will park in the front driveway.

Ms. Jorgensen said staff recommends approval of the conditional use based on the applicant meeting the following conditions:

1. The applicant is required to comply with all 16 conditions from the original conditional use permit from the April 14, 2009 staff report (see attached).
2. The applicant is required to provide a copy of the Utah Department of Health license to the City after the State license is issued.
3. The applicant is allowed to have 2 caretakers to assist her with the needs of the elderly as required by the Utah Health Department.
4. The applicant is required to provide adequate parking for the 2 caretakers.
5. The applicant is required to comply with all Engineering, Building, Planning Division and Fire Department requirements.
6. The applicant is required to comply with Section 19.06.050 of the Zoning Ordinance regarding residential facility for elderly persons

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

Vice-Chair Elinkowski called for a motion on the item.

Commissioner Hazen moved to approve the conditional use for the residential facility for elderly persons subject to the applicant meeting all staff conditions which are hereby adopted as requirements. Commissioner Weaver seconded the motion. Commissioners Bodily, Hazen, Pales, Pratt, and Weaver voted in favor of granting the conditional use. Commissioner Gilbert was opposed. The motion passed by a margin of 5 in favor and 1 against.

(6) LEGACY VILLAGE, LP – CONDITIONAL USE REQUEST FOR A TEMPORARY SALES OFFICE FOR LEGACY VILLAGE OF LAYTON AND LAYTON HEALTHCARE

This property is located at 1205 North Fairfield Road in a B-RP (Business and Research Park) zoning district. The applicant is Legacy Village, LP represented by Richard L. Miles.

Ms. Jorgensen said the applicant is requesting to put a sales trailer on the 9.8 acre property which is divided into 4 parcels. The sales and hiring trailer is proposed to be placed on Parcel 3 of the Legacy Village development which is under construction on Parcels 1 & 2. Parcels 3 and 4 will be developed at a later date.

The proposed setback of 5 feet for the trailer does not meet Section 19.14.070 of the zoning ordinance which requires a 20-foot setback in the BR-P zone. Ms. Jorgensen said the applicant has applied for a Routine and Uncontested Variance to modify the setback required by the zoning ordinance. She said the variance should be approved on April 15, 2010, unless an appeal has been received by the public. The trailer must be removed from the property within 14 days of the projected completion date which is anticipated to be August 20, 2010.

Ms. Jorgensen said staff recommends approval of the conditional use based on the applicant meeting the following conditions:

1. The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The temporary sales trailer will be placed on parcel 3 of the Legacy Village Subdivision and be placed 5 feet from the front property line and 170 feet from the north property line.
3. The temporary sales trailer may not exceed 44'x 24' and must appear clean and presented in a professional manner at all times.

4. The temporary sales trailer site is required to be kept clear of junk, debris, construction material and clean at all times.
5. The applicant is required to receive an approved Routine and Uncontested Variance for the proposed 5 foot front setback or meet the zoning setback requirement.
6. The applicant is required to enforce customer and employee parking at all times.
7. The applicant is required to provide on-site employee parking once the hard surfaced parking areas have been completed on site (May).
8. The temporary sales trailer site is not allowed to place signage along Fairfield Road on site for customer parking.
9. The temporary sales trailer and site is required to contain all lighting on site.
10. The temporary sales trailer is required to be removed 14 days after receiving building occupancy. The anticipated completion date is August 20, 2010.
11. Once the temporary sales trailer is removed the site is required to be left in a presentable state, which requires the removal of temporary hard surfacing, removal of structural materials, removal of any garbage, debris or junk, proper grading and re-vegetation of all of parcel 3.
12. The temporary conditional use permit shall be revoked once the sales trailer has been removed from the site.

There were no questions from the Commission or the audience.

Vice-Chair Elinkowski called for a motion on the item.

Commissioner Gilbert moved to approve the conditional use permit for the temporary sales trailer for Legacy Village subject to the applicant meeting all staff conditions which are hereby adopted as requirements. Commissioner Bodily seconded the motion. Commissioners Bodily, Gilbert, Hazen, Pales, and Pratt voted in favor of granting the conditional use. Commissioner Weaver was opposed. The motion passed by a margin of 5 in favor and 1 against.

(7) LES CHENES PRUD – FINAL APPROVAL

This property is located at approximately 45 South Boynton Road in an R-1-10 PRUD (Residential Single Family Planned Residential Unit Development) zoning district. The applicant, Scott Hansen, is proposing 14 lots on 4.28 acres.

Ms. Jorgensen said the applicant, Scott Hansen, is requesting final approval of the Les Chenes Planned Residential Unit Development (PRUD). The development contains 4.28 acres, and proposes 14 building lots with a trail system for the development, a gated community with rod iron and stone fencing, a community pool and landscaped common area. The developer is trying to create a unique French style design gated community.

Ms. Jorgensen said the base density for the single family residential R-1-10 zone is 3.5 units per acre; this would allow 15 base units. The developer is proposing 14 units all fronting onto a private road for the development and is not seeking additional density for this PRUD project. The applicant has indicated that each of the homes will be unique in design and function.

On September 16, 2009, the Design Review Committee (DRC) conducted a meeting regarding the proposed development. The Committee was pleased with the proposed project and recommended no additional requirements. Committee member, Curtis Tanner, suggested the developer consider providing more parking for visitors. This was only a recommendation and not a requirement. The Design Review Committee forwarded a positive recommendation to the Planning Commission for preliminary approval.

On February 18, 2010, the City Council approved the preliminary Les Chenes PRUD subdivisions plat.

Ms. Jorgensen said the Fire Marshal and Engineering Division have noted items that need to be finalized prior to a pre-construction meeting including an approval from Weber Basin Water Conservation District.

Ms. Jorgensen also said the proposed development meets the requirement of the general plan for this area and will blend in well with the surrounding single-family developments. There should not be a detriment caused to adjoining subdivisions.

Ms. Jorgensen said that staff recommends the Planning Commission forward a recommendation for approval of the final plat subject to the developer providing an approval letter from the Weber Basin Conservation District and meeting all staff requirements as outlined in staff memorandums.

Commissioner Hazen disclosed that he owns adjacent property to the east of the proposed subdivision. He asked if he could participate in the discussion and recommendation process for this subdivision. Since Commissioner Hazen has no monetary interest in the proposed Les Chenes PRUD property, Assistant City Attorney, Steve Garside, said Mr. Hazen could choose whether or not he wanted to participate. Commissioner Hazen stated he would participate.

A member of the audience, Dee Staples, 1879 North 2750 East in Layton, stated that he owned the adjacent property with Commissioner Hazen and was the manager of the farm on that property. He expressed concerns about fencing between the properties and asked for a note to be included on the Les Chenes PRUD plat indicating the adjacent agricultural use.

Mr. Staples said as an owner of the adjoining property, he wanted included in the minutes that the City will probably attempt to bring Boynton Road to adjoin with Oak Hills Drive. He asked to let it be of record that there is a home in the direct path of that proposed road, which limits some of the options that he, as an owner, would have in developing the property to the north of the road and which may not be possible according to the owners of the home, Maggie and Rhett Thorpe.

There were no further questions or comments from the audience.

Vice-Chair Elinkowski called for a motion on the item.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council for approval subject to approval from Weber Basin Water District, fencing between the development and the agricultural property, an agricultural property notation on the plat, and to meeting all staff requirements. Commissioner Gilbert seconded the motion and the voting was unanimous.

Vice-Chair Elinkowski called for a motion to open public review and open the public hearing.

Commissioner Gilbert moved to close public review and open the public hearing. Commissioner Pales seconded the motion and the voting was unanimous.

PUBLIC HEARING:

(8) FAIRFIELD MEADOWS – CONCEPTUAL REVIEW & REZONE – R-1-6 PRUD (Single Family Residential Planned Residential Unit Development) to **R-1-6** (Single Family Residential). This property is located at approximately 350 South Fairfield Road. The applicant, Brighton Homes Utah LLC represented by Nate Pugsley, is proposing 32 lots on 9.78 acres.

City Planner, Kem Weaver, presented the rezone and conceptual review request for Fairfield Meadows. He overviewed the zoning of properties in the area, stating that the proposed development is along Fairfield Road which is an arterial street. Mr. Weaver said the property proposed for rezone has 9.78 acres and a density range of 4-4.5 units per acre as do existing subdivisions to the west and south.

Mr. Weaver reviewed the history of rezone proposals and approvals for the property and stated that the new applicant would like to remove the PRUD overlay from the R-1-6 PRUD zoned property. The applicant is proposing 32 lots for a density of 3.37 units per acre.

Mr. Weaver said the proposed entrance off Fairfield Road will have a landscaped island and be a public street with connectivity to the north and east. Landscape buffering will be required between the subdivision and Fairfield Road with covenants to maintain the buffer as well as the divided island entry into the subdivision.

Commissioner Gilbert asked Nate Pugsley, the developer representing Brighton Homes, 960 North 400 East in North Salt Lake, if the natural berm on the south side of the project would be lowered to allow new homes to be less intrusive to the neighbors to the south. Mr. Pugsley said they would like to address that issue if road elevations allow it. Commissioner Hazen recommended that one-story homes rather than two-story be built in that area.

A member of the audience, Jerry Tippets, 687 North Colonial Avenue in Layton, said he had picked up a sketch of the subdivision posted on the property. He asked if the homeowners had been consulted regarding the road proposed to Rosewood Lane. Mr. Pugsley said there were no plans to put the road through to Rosewood but he had been required by the City to show connectivity to future development to the north.

Emmie Storehiem, 592 East Mutton Hollow Road, stressed the importance of making new development a livable community and walkable for the children going to school. She recommended vegetation along the walkways and consideration of alternative transportation with the addition of a bike lane on Fairfield.

Sylvia Scott, 1382 Indian Springs Circle, also expressed concerns about the safety of school children walking to school. She asked for assurance that the development would be properly drained

A neighboring property owner, June Wiggle, said she and her husband would not want a road stubbed to their property.

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

Vice-Chair Elinkowski called for a vote on the item.

Commissioner Gilbert moved to forward a positive recommendation to the City Council to rezone the subject property from R-1-6 PRUD to R-1-6 based on consistency with the General Plan. Commissioner Hazen seconded the motion and the voting was unanimous.

(9) 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 description and history of the property and outlined the zoning in the surrounding areas. In addition he listed the review history of the rezone request before the Planning Commission and City Council.

Mr. Weaver pointed out where lots had been removed from the previously reviewed plan to achieve 111 lots and a 3.0 lots per acre density. In the revised plan, many lots were expanded to 70 foot wide frontages with the average lot size being 7,800 square feet and larger lots in the cul-de-sac areas. Mr. Weaver said a majority of the lots would have 8-foot side yards and could accommodate a third car garage to add value. If a third car garage is added, the side yards would be 5 feet which is the minimum side yard in the PRUD ordinance. Limited open space to be counted toward the open space requirements would be along the streets of the developments. The developer proposes streetscapes to be created with trees, lighting and consistent front yard landscaping to be maintained by the HOA through a management company and required in the development agreement and covenants for the subdivision.

Mr. Weaver explained how the open space requirement would be achieved and said the elementary school is not considered part of the open space for the development. He also described the meandering trail system. In addition, he outlined the steps the developer could take to achieve the 21% bonus density required to develop 111 lots.

Mr. Weaver said that the street locations were fixed due to future connectivity and the connection to the Villas at Harmony Place. He said the frontage street to the elementary school was fixed and utilities associated with the future Layton Parkway must remain as planned.

Mr. Weaver said the development meets the guidelines of the General Plan and that the new design has addressed the concerns of the City Council. He said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone along with the new development agreement.

Commissioner Pratt asked how many units per acre there would be if the property was developed as a standard R-S subdivision. Mr. Weaver said there would be 2.2 units per acre which would be 78 lot averaged lots.

Commissioner Pales asked the density of the Villas at Harmony Place, and Mr. Weaver responded that the density was 3.2 units per acre.

There was a discussion on parking for the City park and entries into the park

Jeff Taylor, representing the developer, Perry Homes, 950 South Wind River Way, Kaysville, made a correction to where the lots had been identified as having been removed. He explained why lots were

removed to create larger lots as a buffer to the Dibble property and future development to the west. He also explained the configuration of lots with regards to side yards and possible third car garages. He spoke about the walkable and sustainable feel the developer is trying to achieve with the streetscape, trails and vegetation. He explained that the park, church and school will provide an open, sustainable community.

Commissioner Weaver asked about fencing and Mr. Taylor explained the fencing to be used in different areas of the development.

Bill Day, 2049 Ridge Road, and a property owner near the proposed development said he felt the property doesn't meet the requirements of the PRUD zone. He felt density had been incorrectly figured.

Commissioner Gilbert asked if Mr. Day had met with the developer. Mr. Day said he participated in the development of the West Layton plan but he had not met with the developer.

Gary Lessig, a resident at 82 North 3425 West, expressed concerns about the size of the lots and said his desire would be for larger lots in West Layton.

Bob Stevenson, 1503 East 530 North in Layton, said when the West Layton General Plan was developed the PRUD concept was part of the plan. He felt that the developers are following the guidelines of the General Plan and that the West Layton plan committee had agreed to the concept. He felt the size of lot would dictate the type of people who live in the home and that the home-buying generation appears to want public open space versus a large yard to care for.

Tom Day, 2049 Ridge Road, and a property owner in the area, felt PRUD's should just be developed along arterial roads and that children should have a large back yard to play in.

L.J. Flint, an area resident, presented a letter signed by close neighbors, encouraged the Planning Commission to deny the rezone. He felt the lot size should be in harmony with surrounding zones and that amenities couldn't make up for smaller lot size.

Preston Cox, 257 South 3200 West, asked if the park was a neighborhood or regional park. Mr. Wright responded that it was a neighborhood park. He asked about consistency of landscaping around the school with the development. The response was that the School District will be asked to maintain a consistency in landscaping. Mr. Cox felt the landscape plan was deceptive because there was no certainty that the school district would landscape as shown on the plan.

Chris Martineau, owner of the property and residing at 1464 East Ridgeline Drive, said that he had reviewed the PRUD ordinance and the development is in compliance with the ordinance. He said the PRUD overlay is not just to encourage building on difficult property but is designed to achieve open space, home design features, streetscapes, landscaping and trails. He said he had discussed with the school district the consistency in landscaping that was desired and that is why the landscaping around the proposed school site is on the landscaping plan for the development. He felt that beautifully installed and maintained limited common areas would help to guarantee consistency in upkeep. Mr. Martineau said he felt the Council's issues with regard to lot reduction, increased side yards and trails had been addressed in the revised plan. He showed possible designs of homes for the development.

Commissioner Hazen asked if the third car garage widths would meet City standards and Mr. Martineau replied in the affirmative.

Mr. Martineau said it was important not to discriminate that the market should indicate the type of development and felt the proposed development would provide a quality product in a quality subdivision.

There was a discussion on side yard and front yard setbacks.

In answer to a question from Mr. Cox about the park, Vice-Chair Elinkowski explained that the developer will do the basic landscaping, trees and irrigation and then dedicate the park to the City to install additional amenities and maintain the park.

Commissioner Pales confirmed that 60 of the 111 lots could accommodate the 8-foot side yards.

Commissioner Gilbert thanked the residents for their participation and commended the developer for the concessions made. He felt the project would speak well through the general community and stressed the importance of updating the General Plan to facilitate the needs of the community.

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

Vice-Chair Elinkowski called for a motion on the item.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the rezone and development agreement based on the applicant meeting all Staff requirements. Commissioner Gilbert seconded the motion. Commissioners Bodily, Gilbert, Hazen, Pales, and Weaver voted in favor. Commissioner Pratt was opposed. The motion passed by a margin of 5 in favor and 1 against.

Vice-Chair Elinkowski called a motion to close the public hearing and adjourn.

Commissioner Pales moved to close the public hearing and adjourn the meeting. Commissioner Bodily seconded the motion.

The meeting adjourned at 9:12 p.m.

By 
Julie K. Jewell, Secretary to the Planning Commission