LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, JUNE 22, 2010

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

Work meeting began at 6:18 p.m.

PUBLIC HEARING:

(1) JL/LAYTON CITY ANNEXATION AND REZONE FROM A (AGRICULTURE) TO M-1 (LIGHT MANUFACTURING/INDUSTRIAL
This 2.62 acre property is located at approximately 600 East and 3500 North in an A (Agriculture) zoning district. The applicants are JL Ventures and Layton City Corporation.

City Planner, Kem Weaver, explained that the annexation would bring into the City two small parcels owned by JL Ventures and a section of the City right of way for 3500 North where it connects to the East Gate of HAFB.

(2) ORDINANCE AMENDMENT --TEMPORARY SIGN ORDINANCE PORTION OF TITLE 20, CHAPTER 20.05. – This item will be continued to the July 13, 2010 Planning Commission Meeting.

PUBLIC REVIEW:

(3) LAYTON CITY/KAYS CREEK ESTATES PARCEL SPLIT
This 16.51 acre property is located at the southwest edge of the Kays Creek Estates Subdivision.

City Planner, Kem Weaver, explained that because the Kays Creek Homeowners Association was not assessed the agreed upon fee to maintain the sanitary sewer pump station for the subdivision, they are now in debt to the City for approximately 10 years of payment. A solution agreed upon by the City Council was to have Kays Creek Estates dedicate 16.51 acres of open space to the City in exchange for the debt. The acreage would still be counted toward the Kays Creek Estates Subdivision open space. The City will put a park on the open space.

Commissioners expressed concerns about the City forgiving the debt in exchange for the park.

Long Range Planner, Peter Matson, emphasized that only the parcel split was before the Planning Commission for a recommendation. He said the City Council has already made the offer to Kays Creek to trade the proposed park property for the debt. He said the Parks Department has determined there is a benefit to put ball fields in this area which would not be possible without the parcel split.

Assistant City Attorney, Steve Garside, explained the need for and the history of the pump station and the assessment to the Kays Creek homeowners association for the maintenance of the pump station. He said in the past the ordinance allowed the PRUD to count unimproved property as open space. Current ordinance requires open space to be improved, accessible, and usable.

(4) LEGACY HEALTHCARE OF LAYTON – CONDITIONAL USE FOR PLANNED DEVELOPMENT SIGNS – FINAL APPROVAL

This property is located at 1201 and 1205 North Fairfield Road in a BR-P (Business Research Park) zoning district. Phase 1 (Legacy Village Healthcare of Layton) contains 4.70 acres. Phase 1 (Legacy Village Retirement of Layton) contains 2.82 acres. The applicant is Stephen Miles of Western States Lodging.

This item was not discussed due to lack of time.

(5) DAVIS BEHAVIORAL HEALTH – CONDITIONAL USE FOR A RESIDENTIAL FACILITY FOR DISABLED PERSONS

This property is located at 1493 West 1960 North in an R-1-8 zone. The property is owned by Pervin Gupta who is represented by Debee Gold from Davis Behavioral Health.

Planning Technician, Nannette Larsen, presented the conditional use request for a residential facility for disable persons. Each resident will have their own room with one live-in staff member to assist with basic living skills.

Commissioner Hazen asked if federal regulations stated this type of facility must be allowed in neighborhoods, but the City could impose mitigating conditions, and the response from Mr. Garside was in the affirmative.

(6) KATHY S. CLEGG – CONDITIONAL USE FOR A FARM INDUSTRY OR RANCH (BOARDING OF HORSES)

This property is located at 3023 West Gordon Avenue. The front portion of the property is zoned R-S (Residential Suburban), and the back portion is zoned A (Agriculture). The applicant and owner is Kathy Clegg.

Planning Technician, Nannette Larsen, presented the conditional use request to board horses. Three horses are allowed without a conditional use, and the owner proposes to board no more than eight horses at a time. There is a two-stall barn on the property. Ms. Larsen outlined the pasture areas.

There was a discussion on the amount of pastureland needed per horse, the sheltering of the horses, and parking for customers.

The Commissioners expressed concerns about possible odors and dust. It was decided to increase the amount of required parking spaces to five spaces, and the Commissioners had questions about clients parking trailers overnight.

There was a discussion on the access road leading to the rear of the property.

By_____
Julie K. Jewell, Secretary to the Planning Commission

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In the absence of Planning Commission Chair, Sharon Esplin, and Vice-Chair, Kristin Elinkowski, Commissioner Gilbert moved that Commissioner Dave Pratt serve as acting chair for the June 22, 2010 Planning Commission Meeting. Commissioner Hazen seconded the motion, and the voting was unanimous.

Acting Chair Pratt called the meeting to order at 7:07 p.m. The Pledge of Allegiance was recited, and an invocation was given by Commissioner Hazen.

Acting Chair Pratt called for a motion to approve the June 8, 2010, Planning Commission and Work Meeting Minutes. Commissioner Hazen moved to approve the minutes as written. Commissioner Bodily seconded the motion, and the voting was unanimous.

Acting Chair Pratt called for a motion to open the Public Hearing. Commissioner Gilbert moved to open the Public Hearing. Commissioner Hazen seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

(1) JL/LAYTON CITY ANNEXATION AND REZONE FROM A (AGRICULTURE) TO M-1 (LIGHT MANUFACTURING/INDUSTRIAL
This 2.62 acre property is located at approximately 600 East and 3500 North in unincorporated County. The applicants are JL Ventures and Layton City Corporation.

City Planner, Kem Weaver, presented the annexation and rezone request for JL Ventures and Layton City. Mr. Weaver explained that the annexation would bring into the City two small parcels owned by JL Ventures and a section of the City right of way for 3500 North where it connects to the East Gate of HAFB. The property is being rezoned to M-1 (Light Manufacturing/Industrial) which is the zoning to the north of the property. The property being proposed for annexation is 2.62 acres. Mr. Weaver explained an oversight of the road constructed by the City extending into unincorporated county and also a portion of the property purchased by JL Ventures not being within the City.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the annexation proposal. Mr. Weaver said a second motion would be required to recommend the rezoning of the property to M-1.

There were no questions from the Commission or the audience.

Acting Chair Pratt called for the motions on the item. Commissioner Gilbert moved to forward a positive recommendation to the City Council to rezone the property to M-1. Commissioner Bodily seconded the motion and the voting was unanimous. Commissioner Gilbert moved to forward a positive recommendation to the City Council to approve Resolution 10-33 based on Staff initiating the annexation process. Commissioner Hazen seconded the motion, and the voting was unanimous.

(2) ORDINANCE AMENDMENT --TEMPORARY SIGN ORDINANCE PORTION OF TITLE 20, CHAPTER 20.05. – To be continued to the July 13, 2010 Planning Commission Meeting.

Acting Chair Pratt called for a motion to continue the ordinance amendment to the July 13, 2010 Planning Commission Meeting. Commissioner Bodily moved to continue the temporary sign ordinance amendment to the July 13, 2010 Planning Commission Meeting. Commissioner Gilbert seconded the motion, and the voting was unanimous.

Acting Chair Pratt called for a motion to close the Public Hearing and open Public Review. Commissioner Gilbert moved to close the Public Hearing and open Public Review. Commissioner Hazen seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

(3) LAYTON CITY/KAYSCREEK ESTATES PARCEL SPLIT
This 16.51 acre property is located at the southwest edge of the Kayscreek Estates Subdivision.

City Planner, Kem Weaver, explained that 16.51 acres currently under the ownership of Kayscreek Estates Home Owners Association (HOA) was part of the open space requirement when the subdivision went through the PRUD process with the City. This open space has been left as an agricultural preserve and not improved. He said the City has been working with the HOA of Kays Creek Estates to have the subdivision dedicate the property to Layton City to improve it as a park in the southwestern corner of Layton City. The purpose of the land dedication is to satisfy certain debts the HOA has with Layton City with regard to the sanitary sewer lift station at the end of Weaver Lane. Mr. Weaver said the City will receive the acreage at no cost to help alleviate some of the debt the HOA has to the City for the pump station. A parcel split, but no formal plat, is required because there are no streets to be widened or dedicated in the area.

There were no questions from the Commission or the audience.

Acting Chair Pratt called for a motion on the item.

Commissioner Hazen moved to forward a positive recommendation to the City Council to approve the parcel split subject to Staff recommendations. Commissioner Weaver seconded the motion. Commissioners Hazen and Weaver voted in favor of the parcel split, and Commissioners Bodily and Gilbert were opposed. Acting Chair Pratt was then required to vote and voted in favor of the motion. The motion passed by a margin of three votes in favor to two votes opposed.

(4) LEGACY HEALTHCARE OF LAYTON – CONDITIONAL USE FOR PLANNED DEVELOPMENT SIGNS – FINAL APPROVAL

This property is located at 1201 and 1205 North Fairfield Road in a BR-P (Business Research Park) zoning district. Phase 1 (Legacy Village Healthcare of Layton) contains 4.70 acres. Phase 1 (Legacy Village Retirement of Layton) contains 2.82 acres. The applicant is Stephen Miles of Western States Lodging.

City Planner, Amanda Jorgensen, presented the conditional use for planned development signs at Legacy Village. She said the proposed signs will have a common theme integrating with the architecture of the buildings on the property. Ms. Jorgensen outlined where the signs would be placed and said Staff recommends the Planning Commission approve 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) All signs must comply with the Layton City sign ordinance and applicant must obtain a sign permit for all signs.
3) All signs must have a common theme that integrates with the development.
4) All signs must have a 5 foot setback from any property line.
5) All signs must meet the clearview requirements.
6) All signs must have landscaping surrounding the signs.
7) All signs must be 150 feet away from any other monument signs.
8) The proposed signs shall not exceed 10 feet in height.

Commissioner Hazen asked if the ordinance requires that landscaping be maintained around the signs. Ms. Jorgensen replied in the affirmative but also said the site plan approval requires maintenance of the landscaping.

Commissioner Weaver mentioned that due to a pedestrian/vehicle accident on Fairfield Road near the site, signs have been posted to heighten awareness of construction workers in the area.

Acting Chair Pratt called for a motion on the item. Commissioner Weaver moved to grant the Conditional Use subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Bodily seconded the motion, and the voting was unanimous.

(5) DAVIS BEHAVIORAL HEALTH – CONDITIONAL USE FOR A RESIDENTIAL FACILITY FOR DISABLED PERSONS

This property is located at 1493 West 1960 North in an R-1-8 zone. The property is owned by Pervin Gupta who is represented by Debee Gold from Davis Behavioral Health.

Planning Technician, Nannette Larsen, presented the conditional use request for a residential facility for disabled persons. Each resident will have their own room with one live-in staff member to assist with basic living skills. Ms. Larsen said Staff recommends approval of the conditional use based on the applicant meeting the following conditions:

1. A maximum of two tenants and one staff member living in the home are allowed at this residence.
2. All requirements from the Building Division, Engineering Division and the Fire Department are to be met. This includes any ADA requirements.

3. The facility shall meet all applicable standards of the Department of Human Services and any Licensure of programs and facilities.
4. The applicant is required to provide approval from the State of Utah prior to business license approval.
5. The applicant is required to provide the residents of the facility proper supervision on a twenty-four (24) hour basis.
6. The site must allow for adequate off-street parking space.
7. The facility shall not be established within ¾ miles of another residential facility for disabled persons.
8. The applicant may not allow a person being treated for alcoholism or drug abuse to be placed in a residential facility for disabled person.
9. The applicant may not allow a person who is violent to be placed in the residential facility.
10. Placement in a residential facility for disabled persons must be on a strictly voluntary basis.
11. The facility shall be consistent with the land use and the neighborhood of the desired location.
12. The facility shall meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings.
13. There will be no structural or landscape changes made to the home that would change the structures residential character.

There was a discussion on parking, and Ms. Larsen said all parking will be off-street and that the residential requirement for parking would apply.

Don McKinnon, representing Davis Behavioral Health, provided information on rent payment by the residents and gave an explanation of the residents' needs and the services provided to them by the live-in caregiver and by Davis Behavioral Health.

There was a discussion of Condition #5 requiring the adherence to Title 19.6.60 stating that the applicant must provide assurances that the residents of the facility will be properly supervised on a 24-hour basis. Mr. Garside said that proper supervision would be at the deference of the professionals.

There were no other comments or questions.

Acting Chair Pratt called for a motion on the item. Commissioner Weaver moved to approve the conditional use subject to the applicant meeting Staff conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion, and the voting was unanimous.

(6) KATHY S. CLEGG – CONDITIONAL USE FOR A FARM INDUSTRY OR RANCH (BOARDING OF HORSES)

This property is located at 3023 West Gordon Avenue. The front portion of the property is zoned R-S (Residential Suburban), and the back portion is zoned A (Agriculture). The applicant and owner is Kathy Clegg.

Planning Technician, Nannette Larsen, presented the request for conditional use approval for a farm industry or ranch for a commercial horse boarding business with no more than eight horses being on the property at one time. Ms. Larsen gave an overview of the outbuildings and proposed use of the property.

There was a discussion on the feeding of the horses and procurement and storage of hay. There was also a discussion of overnight or extended storage of horse trailers belonging to clients as well as vehicle parking. Another point of discussion was the use of the access road to the back of the property. Staff will check with the Fire Department regarding whether or not the road is considered a fire access road.

Conditions were added to mitigate concerns and impacts to neighbors, and the Commission recommended a review of the property in three months.

The following are the conditions required for this conditional use:

1) A maximum of 8 horses will be allowed at the site at any one time.
2) The portion of the property designated for grazing or boarding of horses must be enclosed by a fence sufficient to prohibit escape.
3) Any lighting of the property must be contained on the site.
4) The site must remain free of junk, debris, and garbage.
5) The site needs to be maintained so as not to disturb neighboring residences, with impacts such as waste, odor, and dust.
6) The applicant must provide off-street parking with a total of five parking spaces. No required parking will be allowed on Gordon Avenue.
7) The applicant is required to obtain a valid business license from the City.
8) The applicant is required to abide by all applicable Layton City Engineering, Fire, and Building Division requirements.
9) There may be no more than 2 client trailers permitted over night at the site. The applicant may have one trailer.
10) Ninety-days after the business license is issued a conditional use review will be conducted to insure all conditions are being met and the use is not creating any additional unseen issues.
11) Clarification from Fire if access road is considered a fire access road.

Commissioner Gilbert moved to grant conditional use based on the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion and the voting was unanimous.

Acting Chair Pratt called for a motion to close Public Review. Commissioner Gilbert moved to close Public Review. Commissioner Bodily seconded the motion, and the voting was unanimous.

Acting Chair Pratt called for a motion to adjourn the meeting. Commissioner Hazen moved to adjourn the meeting. Commissioner Weaver seconded the motion, and the voting was unanimous. The meeting adjourned at 8:09 p.m.

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