

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, JANUARY 25, 2011

**MEMBERS PRESENT:** Brian Bodily, Kristin Elinkowski, Sharon Esplin, Gerald Gilbert, Blake Hazen, Dave Weaver

**ALTERNATE MEMBERS PRESENT:** Dawn Fitzpatrick, Jeremy Davis

**MEMBERS ABSENT:** Tim Pales

**ALTERNATE MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Kem Weaver, Andrew King, Steve Garside, Julie Jewell, and Councilmember Barry Flitton

**1. WAYNE BELLEAU** – Proposal to **AMEND THE GENERAL PLAN** from Business and Research Park to Commercial and to **REZONE .94 acres** located at **1597 North Woodland Park Drive** from **B-RP** (Business and Research Park) to **CP-3** (Planned Regional Commercial). The applicant and property owner is Wayne Belleau.

Community and Economic Development Director, Bill Wright, said that UDOT had not yet made the decision necessary to move forward with the proposed rezone. He asked the Planning Commission to open the hearing for the item, allow for comments, and then continue the hearing for the rezone indefinitely.

**2. BRIGHTON HOMES UTAH LLC – CONDITIONAL USE FOR A MODEL HOME**

This property is located at 2528 North 1000 East on Lot 9 of the Love Estates Subdivision. The property is located in an R-1-8 zoning district. The applicant is Nate Pugsley representing Brighton Homes Utah LLC.

Planner I, Andrew King presented the request for conditional use for a model home at Loves Estates, Lot 9. Commissioner Fitzpatrick reported that the model home office appeared not to have the required fire extinguisher. Commissioner Weaver asked for a change in condition 1 from an indication that the model home must be removed when the subdivision is 80 percent built out. Mr. King will re-word condition 1.

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

- 1) When the subdivision is more than 80% developed or has been occupied as a model home for three (3) years, whichever comes first, this conditional use will expire and the home may no longer be used as a model home.
- 2) Adequate off street parking is provided.
- 3) All lighting shall be maintained on-site.
- 4) Signage shall meet all City requirements.
- 5) A model home shall not be used as a general real estate office or construction management office for off-site developments.
- 6) All building and fire department requirements must be met.

### **3. ADAMSWOOD LANDING PRUD – FINAL APPROVAL**

This 2.78 acre property (12 lots) is located at approximately 575 North 1050 East in an R-1-10 PRUD zoning district. The applicant is Bruce Nilson of Nilson Homes.

Planner II, Kem Weaver, reviewed the approval history of Adamswood Landing PRUD. He explained that the subdivision entrance had been moved to 575 North and the 12 lots reconfigured. The area that had been designated as being in the flood plain would now be used as a detention pond. Mr. Weaver explained that the base density for this subdivision was 10 units with a 20 percent bonus density required for the additional two lots. A 35 percent bonus density was achieved and Design Review Committee comments incorporated into the development.

There was a discussion regarding secondary water availability and the requirement of dry lines. Assistant City Attorney, Steve Garside, talked about the City's water supply.

### **4. ROSEWOOD LANE PARCEL SPLIT – FINAL APPROVAL**

This 0.975 acre property is located at approximately 575 North 1050 East in an R-S Zoning District. The applicant is Bruce Nilson of Nilson Homes.

Planner II, Kem Weaver explained the proposed parcel split with Lot 1 meeting the minimum RS zone lot size of 15,000 square feet and Lot 2 being a 27,000 square foot flag lot. He said the proposed lots would meet zoning requirements for area, frontage and width as well as fire safety requirements. Commissioner Fitzpatrick mentioned low hanging power lines over the driveway area. Commissioner Gilbert said that item 3 in the Fire Department memo addresses the clearance issue.

### **5. ANGEL MEADOWS SUBDIVISION PLAT AMENDMENT – FINAL APPROVAL**

This 1.115 acre property is located at approximately 500 West Weaver Lane in an R-1-8 (Single Family Residential) zoning district. The applicant, Steve Hawkins, is proposing to amend the Angel Meadows Subdivision plat from a 2-lot subdivision to a 3-lot subdivision.

Mr. Weaver said that Angel Meadows Subdivision was originally a 2 lot subdivision. He explained the layout and size of the lots with Lot 3 being designated as a flag lot. He said each lot meets the frontage and lot width requirements for the R-1-8 zone and the staff portion of the flag lot meets the width requirement for fire access. He said Lot 3 could have a hammerhead turn around if approved by the Fire Department. Otherwise, sprinkling would be required. He stated that the property owner or developer of the three lots will have the responsibility of dedicating and widening Weaver Lane to a 60 foot right of way when the lots are ready to be developed.

The future closure of Weaver Lane was discussed as well as the future extension of Layton Parkway.

### **6. LAYTON CITY – ORDINANCE FOR THE REGULATION OF CHECK CASHING BUSINESSES – AMENDING TITLE 19.06 & TITLE 19.14**

Planner I, Brandon Rypien, said that on June 24, 2010, the City Council asked staff to review and give recommendations on amending Title 19 relative to regulating title loans, payday loans and deferred deposit lending. He said Staff found that the check cashing part of the ordinance includes other businesses that the City would not want to regulate as part of the amendment. The proposed amendment just includes pay day loans, title loans and deferred deposit lending.

On January 12, 2011, Staff and Commissioner Fitzpatrick met with representatives of the pay day lending business organizations.

The proposed ordinance regulates pay day loan, title loan and deferred deposit businesses in the following ways:

1. By distance separation to avoid clustering
2. By zoning with a discussion to possibly remove CP-3 (includes mall and hospitality district) from the list
3. By a ratio of one business per 10,000 population in Layton City

Mr. Rypien said that if the businesses were in operation before December 14 (prior to the advertisement of the ordinance) they could move to a conforming site meeting separation and zoning requirements. However, if a business defaulted on their business license or went out of business, they couldn't re-instate their license until the ratio of such businesses in Layton City went down to leave an opening. Businesses currently not meeting zoning requirements do not have to relocate but could relocate if they desired.

There was a discussion on distance separation as well as any opportunity for expansion into other CP-2 or C-H zones in the City or into the County area. City Planner, Peter Matson, said there were no unincorporated areas adjacent to the City that were zoned or could be zoned commercial.

Community & Economic Development Director, Bill Wright, said action did not have to be taken on the item that evening. Staff would conduct more study on the ordinance and consult with the Legal office before further Planning Commission review.

Commissioner Elinkowski expressed her view that a business must have the right to sell their business and have the new owner be able to continue business in the current location.

Mr. Wright summarized that the Staff would study spacing, draft an ordinance that is fair to existing businesses with opportunity for relocation, and allowing a business to continue even if the business is purchased or the business name changes.

Assistant City Attorney, Steve Garside, said that as regulations are drafted, health, safety and welfare reasons for the regulations must be considered.

Commissioner Gilbert said consistency in regulations would be important.

Mr. Wright said Mr. Rypien would present the ordinance amendment. He asked that the Commission let the audience know that no decision would be made at this meeting and then take any input that is offered.

### **OTHER**

Commissioner Fitzpatrick said that Richmond American Homes had posted large signs over the weekend along Antelope Drive and into Clearfield. Mr. Wright responded that he would inform the Code Enforcement Officer, Julia Arguello, of the sign issue.

  
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Julie K. Jewell, Planning Commission Secretary

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**MEMBERS PRESENT:** Brian Bodily, Kristin Elinkowski, Sharon Esplin, Gerald Gilbert, Blake Hazen, Dave Weaver

**ALTERNATE MEMBERS PRESENT:** Dawn Fitzpatrick, Jeremy Davis

**MEMBERS ABSENT:** Tim Pales

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**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Kem Weaver, Andrew King, Steve Garside, Julie Jewell, and Councilmember Barry Flitton

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

Chairman Esplin called for a motion to approve the January 11, 2011 Planning Commission and Work Meeting Minutes. Commissioner Elinkowski moved to approve the January 11, 2011 meetings as written. Commissioner Weaver seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to open the Public Hearing. Commissioner Gilbert moved to open the Public Hearing. Commissioner Bodily seconded the motion, and the voting was unanimous.

**1. WAYNE BELLEAU** – Proposal to **AMEND THE GENERAL PLAN** from Business and Research Park to Commercial and to **REZONE .94 acres** located at **1597 North Woodland Park Drive** from **B-RP** (Business and Research Park) to **CP-3** (Planned Regional Commercial). The applicant and property owner is Wayne Belleau.

Chairman Esplin asked for audience comments on the request to amend the General Plan. There were no comments. Chairman Esplin called for a motion on the item.

Commissioner Hazen moved to table the item indefinitely. Commissioner Gilbert seconded the motion, and the voting was unanimous.

## **2. LAYTON CITY – ORDINANCE FOR THE REGULATION OF CHECK CASHING BUSINESSES – AMENDING TITLE 19.06 & TITLE 19.14**

Chairman Esplin informed the audience that the proposed ordinance would be reviewed, but Staff is requesting more time to research issues; therefore no decision would be made that evening.

Planner I, Brandon Rypien, said that on June 24, 2010, the City Council asked staff to review and give recommendations on amending Title 19 relative to regulating title loans, payday loans and deferred deposit lending businesses. He said initial research indicated 20 such businesses in the City; however, a windshield survey found 17 in operation. Mr. Rypien said most cities regulate the distance separation between these types of business and regulate the ratio of such businesses to the city's population.

Mr. Rypien related that on January 12, 2011, Staff and Commissioner Fitzpatrick met with representatives from the Utah Consumer Lending Association and discussed allowing these businesses that were in operation before December 14, 2010 to vacate their current site and move to another site. He said that Staff also determined the City does not want to regulate checking cashing businesses as part of the amendment as that may include some business they did not want to regulate. The proposed amendment just includes pay day loans, title loans and deferred deposit lending businesses.

Mr. Rypien said that staff is recommending the Planning Commission table the ordinance amendment to enable Staff do further research and clarification of the proposed amendment.

Chairman Esplin said the Planning Commission requests that Staff review various distances of separation between the businesses. He also asked that Staff determine if it would be possible not to restrict the sale of a business currently in operation as well as the moving of a business from one location to another and determine if these situations would still fall within the ordinance guidelines.

There were no comments from the Commission.

An attorney representing the Utah Consumer Lending Association, Frank Pignanelli, expressed gratitude for the professionalism of Staff. He said that the lending businesses want to provide service to those who need it but also to make sure City objectives are achieved. He explained the popularity and reason for payday loans and says he fully supports the changes from the previous draft to the current draft of the ordinance amendment.

Wendy Gibson, a payday lending store operator asked the Commission if they had any questions about the lending process in the stores. Commissioner Weaver asked how many customers were repeat customers, and Ms. Gibson replied between 20 and 40 percent of customers were repeat customers who cash checks every two weeks or apply for loans 2-3 times a year.

Chairman Esplin called for a motion on the item. Commissioner Weaver moved to continue the Public Hearing on this item and table the item to the February 22, 2011 Planning Commission Meeting to allow Staff more time to review the amendment. Commissioner Bodily seconded the motion, and the voting was unanimous.

Chairman called for a motion to close the Public Hearing. Commissioner moved to close the Public Hearing. Commissioner Hazen seconded the motion, and the voting was unanimous.

### **3. BRIGHTON HOMES UTAH LLC – CONDITIONAL USE FOR A MODEL HOME**

This property is located at 2528 North 1000 East on Lot 9 of the Love Estates Subdivision. The property is located in an R-1-8 zoning district. The applicant is Nate Pugsley representing Brighton Homes Utah LLC.

Planner I, Andrew King presented the request for conditional use for a model home at Loves Estates, Lot 9. Commissioner Fitzpatrick reported that the model home office did not appear to have the required fire extinguisher. Commissioner Weaver reminded the Staff to revise condition 1 which Mr. King did in the presentation of the following conditions are required for this conditional use request:

- 1) When the subdivision is more than 80% developed or has been occupied as a model home for three (3) years, whichever comes first, this conditional use will expire and the home may no longer be used as a model home.

- 2) Adequate off street parking is provided.
- 3) All lighting shall be maintained on-site.
- 4) Signage shall meet all City requirements.
- 5) A model home shall not be used as a general real estate office or construction management office for off-site developments.
- 6) All building and fire department requirements must be met.

The applicant was not present, and Chairman Esplin asked that a copy of the conditions be given to the applicant. Chairman Esplin then called for a motion on the item.

Commissioner Bodily moved that the conditional use request for the model home be approved subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commission Hazen seconded the motion, and the voting was unanimous.

#### **4. ADAMSWOOD LANDING PRUD – FINAL APPROVAL**

This 2.78 acre property (12 lots) is located at approximately 575 North 1050 East in an R-1-10 PRUD zoning district. The applicant is Bruce Nilson of Nilson Homes.

Planner II, Kem Weaver, reviewed the approval history of Adamswood Landing PRUD. He explained that the subdivision entrance had been moved to 575 North and the 12 lots reconfigured. The lots were reconfigured because the LOMAR (Letter of Map Amendment Request) they submitted to remove a lot from the flood plain had not been obtained from FEMA, therefore, the area that had been designated as being in the flood plain would now be used as a detention pond.

Mr. Weaver said the developer proposed 12 patio home style units on 2.82 acres. The base density for the zone is 3.5 units per acre which would allow for a total of 10 units. The applicant achieved a 20 percent bonus density to be able to include the two extra units.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council based on the applicant meeting all Staff requirements.

There were no questions from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved to forward a positive recommendation to the City Council to approve the final plat for Adamswood Landing subject to the applicant meeting all Staff requirements. Commissioner Gilbert seconded the motion, and the voting was unanimous.

#### **5. ROSEWOOD LANE PARCEL SPLIT – FINAL APPROVAL**

This 0.975 acre property is located at approximately 575 North 1050 East in an R-S Zoning District. The applicant is Bruce Nilson of Nilson Homes.

Planner II, Kem Weaver explained the proposed parcel split with Lot 1 meeting the minimum RS zone lot size of 15,000 square feet and Lot 2 being a 27,477 square foot flag lot. He said the proposed lots would meet zoning requirements for frontage and width as well as the 46 foot fire safety width required access to Lot 2. A note would be included on the building permit instructing the developer/builder for Lot 2 to contact Rocky Mountain Power to insure that the lines aren't too low and also to alert construction vehicles to watch for the power lines.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the parcel split.

There were no questions from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Hazen moved that the Planning Commission forward a positive recommendation to the City Council to approve the parcel split subject to the applicant meeting all Staff requirements. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

#### **6. ANGEL MEADOWS SUBDIVISION PLAT AMENDMENT – FINAL APPROVAL**

This 1.115 acre property is located at approximately 500 West Weaver Lane in an R-1-8 (Single Family Residential) zoning district. The applicant, Steve Hawkins, is proposing to amend the Angel Meadows Subdivision plat from a 2-lot subdivision to a 3-lot subdivision.

Planner II, Kem Weaver gave an overview of the area and explained the platting of the third lot which will be a flag lot. He stated that the property owner or developer of the three lots will have the responsibility of dedicating and widening Weaver Lane to a 60 foot right of way. He explained that he had not received a memo from the Fire Department on this parcel split and said he will make sure the requirements for the previous flag lot (Rosewood Parcel Split) will be met for this proposed flag lot. He said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the parcel split.

There were no comments from the Commission or the audience. Chairman Esplin 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 parcel split subject to the applicant meeting all Staff requirements. Commissioner Hazen seconded the motion, and the voting was unanimous.

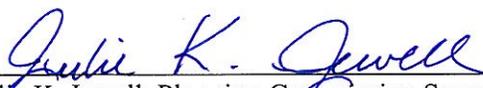
Chairman Esplin called for a motion to close the Public Review. Commissioner Gilbert moved to close the Public Review. Commissioner Bodily seconded the motion, and the voting was unanimous.

#### **OTHER**

Mr. Wright reviewed some organization changes in the Community & Economic Development Department. He explained a department goal to review the organization structure and job descriptions. He did an analysis to make sure that people were fairly compensated with the correct title, expectations and positions as the job they were doing. The following are the organizational changes that were made in the department.

Peter Matson – Change from Long Range Planner to City Planner  
Kem Weaver – Change from Planner I to Planner II  
Julie Jewell – Change from Secretary III to Administrative Secretary IV

Chairman Esplin called for a motion to adjourn the meeting. Commissioner Weaver moved to adjourn the meeting. Commissioner Hazen seconded the motion, and the voting was unanimous. The meeting adjourned at 7:38 p.m.

  
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Julie K. Jewell, Planning Commission Secretary