

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, FEBRUARY 8, 2011

**MEMBERS PRESENT:** Brian Bodily, Sharon Esplin, Gerald Gilbert, Blake Hazen, Tim Pales

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

**MEMBERS ABSENT:** Kristin Elinkowski, Dave Weaver

**ALTERNATE MEMBERS ABSENT:**

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

## **1. LAYTON CITY – ORDINANCE AMENDMENT – CREATING DENSITY BONUSES FOR MIXED USE DEVELOPMENTS IN TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICTS -- AMENDING TITLE 19 SUBSECTION 19.26.040**

Planner II, Kem Weaver reviewed a proposed development at a density of 57.8 units per acre in the MU-TOD zone. He explained that the maximum density in the MU-TOD zone is 31 units per acre and that the concept of the proposed ordinance amendment is to allow a developer to earn bonus density points for both design and location to be able to have the additional units.

There was a discussion regarding parking and drive entrances including the possibility of a UTA (Utah Transit Authority) parking structure in the future.

Community and Economic Development Director, Bill Wright, said a market feasibility study indicates the market can sustain the proposed project. He explained that the increased density would bring vitality and an urban feel to area.

The future hospital parcel was discussed as well as the MU-TOD area north of Gentile Street.

A change was requested to the 40% Density Bonus table in the proposed ordinance to indicate the location within the MU-TOD zone as south of Gentile Street rather than north of Gentile Street.

## **2. WHITESIDES/OVATION HOMES REZONE – R-1-10 (SINGLE FAMILY RESIDENTIAL) to R-1-6 (SINGLE FAMILY RESIDENTIAL)**

This 2.77 acre property is located at approximately 200 South Whitesides Street. The owner, Ruby Whitesides Dutson Trust is represented by the applicant, Brad Frost.

Mr. Weaver presented the request to rezone 2.77 acres from R-1-10 to R-1-6. He explained that the applicant for this rezone is the same applicant who recently rezoned adjacent property to the east that fronts on Chapel Street.

There was a discussion about utilities and the location of the detention basin for the subdivision proposed if the rezone is approved as well as utilities. There was also a discussion of the history of the Kent Estates property to the north.

Commissioner Fitzpatrick asked about access to Lot 19 which appeared to be landlocked. Mr. Weaver said the numbering of the lot was in error as the lot is not a part of the proposed rezone.

Mr. Weaver said the General Plan gives a recommendation of 3 to 6 units per acre in this area of Layton City. The R-1-6 zone yields a maximum density of 5.5 units per acre, and the proposed concept plan has an overall density of 4 units per acre which meets the General Plan requirements for the area.

There was a discussion of the development agreement which will be approved with the rezone, and City Planner, Peter Matson, explained that even though the property currently proposed for rezone will be combined with the property to the east to create a subdivision, the properties have separate ownership.

### **3. MAJOR ESTATES SUBDIVISION PHASES -- PRELIMINARY APPROVAL**

This property is located at approximately 725 North 3200 West. The applicant is Mike Schultz of Castle Creek Homes represented by Bryce Thurgood. Property owners are Martha Marie Whittle, Robert Eugene Whittle, Dennis Major Hayes, and Claudia Hayes.

Mr. Weaver described the 17.73 acre property located at 725 North between 2700 and 3200 West. He said the preliminary plan showing 39 lots meets the 2.2 unit per acre density requirement for the R-S zoned lot averaged subdivision. He reviewed the proposed lot sizes and said the Rocky Mountain Power corridor divides the property in the middle and no structures will be allowed within this right-of-way or easement.

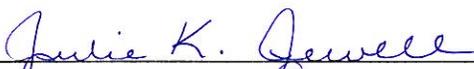
There was a discussion about a possible trail system in the power corridor and a future City park that would be adjacent to this proposed subdivision.

### **4. ALL REPAIR AUTO CARE – CONDITIONAL USE FOR OUTDOOR STORAGE**

This property is located at 196 Sugar Street in an M-1 (Light Manufacturing/Industrial) zoning district. The property owner is Jeff Coxey represented by the applicant, Ernie Martinez.

Planner I, Andrew King, presented the request for conditional use for outdoor storage for an auto repair business. He said that while the applicant intends to offer same day repair, a conditional use for outdoor storage is required in the event a vehicle has to be left overnight.

There was a discussion of parking and screening behind the building as well as road base being installed to designate the required Fire Department turn around.

  
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Julie K. Jewell, Planning Commission Secretary

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

**MEMBERS ABSENT:** Kristin Elinkowski, Dave Weaver

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

Chairman Esplin called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was recited, and an invocation was said by Commissioner Hazen. The Scout Troop 304 was welcomed to the meeting.

Chairman Esplin called for a motion to approve the January 25, 2011 Planning Commission and Work Meeting Minutes. Commissioner Hazen moved to accept the January 25, 2011 minutes as written. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

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

## **1. LAYTON CITY – ORDINANCE AMENDMENT – CREATING DENSITY BONUSES FOR MIXED USE DEVELOPMENTS IN TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICTS -- AMENDING TITLE 19.26.040**

Planner II, Kem Weaver, presented a proposed ordinance amendment to allow density bonuses for mixed use developments in the MU-TOD zoning district. He explained that the current maximum density in the MU-TOD zone is 31 units per acre, and the purpose of the amendment is to allow for a bonus density to encourage and accommodate development that is characterized by higher density, mixed uses, reduced surface parking and direct and convenient access to the FrontRunner commuter rail station.

Mr. Weaver explained the proposed bonus density table and criteria for achieving bonus density. He said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve Ordinance 11-08 to update the MU-TOD zone to encourage and accommodate development that is transit-oriented in nature.

There were no questions or comments from the Commission or the audience. Chairman Esplin called for a motion on the item and reminded the Commission that the motion should include the change to the 40% bonus density table to indicate the location to be south of Gentile Street rather than north of Gentile Street.

Commission Bodily moved that the Planning Commission forward a positive recommendation to the City Council to approve ordinance 11-08 to update the zone to encourage and accommodate development that is transit-oriented in nature and to incorporate the change to the 40% bonus density chart to indicate the location as south of Gentile Street rather than north of Gentile Street. Commissioner Pales seconded the motion, and the voting was unanimous.

**2. WHITESIDES/OVATION HOMES REZONE – R-1-10 (SINGLE FAMILY RESIDENTIAL) to R-1-6 (SINGLE FAMILY RESIDENTIAL)**

This 2.77 acre property is located at approximately 200 South Whitesides Street. The owner, Ruby Whitesides Dutson Trust is represented by the applicant, Brad Frost.

Mr. Weaver reviewed the history of the area proposed for rezone from R-1-10 to R-1-6. He said the applicant is proposing 10 single family lots with all lots to be over 6,000 square feet and homes to be a minimum of 1,500 square feet. Mr. Weaver said the General Plan gives a recommendation of 3 to 6 units per acre in this area of Layton City. The R-1-6 zone yields a maximum density of 5.5 units per acre, and the proposed concept plan has an overall density of 4 units per acre which meets the General Plan requirements for the area.

Mr. Weaver said a Homeowner's Association (HOA) would be required for the proposed senior adult community with single family homes as well as a development agreement required as part of the zoning approval.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-10 to R-1-6 based on the General Plan recommendations for the area and subject to the approval of the development agreement.

There were no questions from the Commission.

The following members of the audience voiced comments and concerns:

Steve Knecht , 411 South 775 East asked if an HOA would maintain the private homes and lots. Mr. Weaver answered in the affirmative.

Louise Brown, 343 South 750 East, said she thought the proposed development was an improvement over former plans for the area

Don Gunther, 139 South Talbot Drive, expressed support for the rezone, but commented that with previous R-1-6 zoning approval on Chapel Street the City Council had removed the requirement for professional management from the development agreement giving the HOA the opportunity to manage the subdivision. He expressed his reasons for preferring professional management.

There was a discussion on the management of HOA's.

The developer, Brad Frost of Ovation Homes, related his company's project history as it related to HOA's.

There was a discussion of amending covenants. Assistant City Attorney, Steve Garside, explained the City's involvement in an HOA from the perspective of not allowing an HOA to be disbanded thus relinquishing maintenance

of a subdivision.

Sue Crossley, 416 South Whitesides Street, expressed confidence in City management and expressed concerns about increased traffic in the area and on Gentile Street. Chairman Esplin responded that Gentile Street is a State highway and governed by the Utah Department of Transportation (UDOT). He said the State would monitor and study the traffic and make any necessary changes.

Brian Hale asked questions regarding HOA bylaws. He asked for a reduction in speed limit in the area, and Commissioner Fitzpatrick recommended he speak with Sergeant Joseph.

Jonathan Brown 123 Whitesides Street, asked about incomplete sidewalks in the area. Mr. Weaver responded that the developer would be required to put in sidewalk on the width of the frontage of his property and increase the street to its full width. Mr. Brown asked about irrigation that runs through the field for the proposed subdivision. Mr. Weaver responded that the developer has the responsibility to handle any irrigation running along or through the property by piping it so service is not disrupted.

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

Commissioner Pales moved that the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-10 to R-1-6 based on General Plan recommendations for single family residential in the area. Commissioner Bodily seconded the motion, and the voting was unanimous.

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

### **3. MAJOR ESTATES SUBDIVISION PHASES -- PRELIMINARY APPROVAL**

This property is located at approximately 725 North 3200 West. The applicant is Mike Schultz of Castle Creek Homes represented by Bryce Thurgood. Property owners are Martha Marie Whittle and Robert Eugene Whittle, and Dennis Major Hayes and Claudia Hayes.

Mr. Weaver described the 17.73 acre property located at 725 North between 2700 and 3200 West. He said the preliminary plan showing 39 lots meets the 2.2 unit per acre density requirement for the R-S zoned lot averaged subdivision. He reviewed the proposed lot sizes and said the Rocky Mountain Power corridor divides the property in the middle and that no structures will be allowed within this right-of-way or easement.

Mr. Weaver explained the street design and discussed the proposed future park and regional detention basin. Commissioner Hazen asked if there would be a detention pond in the subdivision and Mr. Weaver replied that the developer would upsize the storm drain pipe system to get the storm water into a regional pond.

There were no comments from the Commission or the audience.

Chairman Esplin called for a motion on the item.

Commissioner Bodily moved that the Planning Commission approve the Major Estates Subdivision preliminary plat. Commissioner Pales seconded the motion, and the voting was unanimous.

#### 4. ALL REPAIR AUTO CARE – CONDITIONAL USE FOR OUTDOOR STORAGE

This property is located at 196 Sugar Street (Suites 5 & 6) in an M-1 (Light Manufacturing/Industrial) zoning district. The property owner is Jeff Coxe represented by the applicant, Ernie Martinez.

Planner I, Andrew King, presented the application for outdoor storage for an auto repair business at 196 North Sugar Street, Suites 5 & 6. He said that while the applicant intends to offer same day repair, a conditional use for outdoor storage is required in the event a vehicle has to be left overnight.

Mr. King said the Fire turnaround will need to be brought to standard including preventing any parking from encroaching on the Fire turnaround space. Per City code, all outdoor storage will need to be screened from public view. Mr. King said Staff is recommending the Planning Commission approve this conditional use based on the applicant meeting the following requirements and providing the screening before the outdoor storage area is used:

- 1) The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
- 2) The applicant is required to comply with the sign ordinances, including permanent and temporary signage.
- 3) The business is not allowed to park any vehicles on landscaping or on the street.
- 4) Occasional overnight vehicle storage shall be provided outside of the 80 foot turn-around area behind the building and out of view from Sugar Street.

Chairman Esplin asked the applicant, Ernie Martinez, 11020 South Linda Road, Sandy, if he was familiar with the conditions and if he understood that if the fence was not installed, no outdoor storage can take place. Mr. Martinez responded that he was not sure where he needed to put the fence. Mr. King pointed out the areas that needed to be screened either by a fence or by a Fire Department approved gate. Mr. Martinez said the owner had indicated he would take care of all the requirements.

There were no other comments. Chairman Esplin called for a motion on the item.

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

Chairman Esplin called for a motion to close Public Review and adjourn. Commissioner Bodily moved to close Public Review and adjourn the meeting. Commissioner Pales seconded the motion, and the voting was unanimous. The meeting adjourned at 8:00 p.m.

  
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Julie K. Jewell, Planning Commission Secretary