

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
TUESDAY, FEBRUARY 22, 2011**

MEMBERS PRESENT: Brian Bodily, Kristin Elinkowski, Gerald Gilbert, Tim Pales, Dave Weaver

ALTERNATE MEMBERS PRESENT: Dawn Fitzpatrick, Jeremy Davis

MEMBERS ABSENT: Sharon Esplin, Blake Hazen

ALTERNATE MEMBERS ABSENT:

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

City Planner, Peter Matson, presented an American Planning Association (APA) video entitled "Introduction to the Planning Commission – Part I," January 18, 2006.

PUBLIC HEARING:

1. LAYTON CITY -- ORDINANCE FOR THE REGULATION OF PAY DAY LOAN, TITLE LOAN AND DEFERRED DEPOSIT LENDING BUSINESSES – AMENDING TITLE 19.06 & TITLE 19.14

Planner I, Brandon Rypien, gave an overview of the history of the proposed ordinance amendment to regulate pay day loan, title loan, and deferred deposit lending businesses. He stated that according to the Business Licensing records, there were 20 such businesses on record in Layton. He said Staff went out and checked each business on record and found there were 17 such businesses still in operation. He overviewed where each business was located and the zoning of the locations.

Mr. Rypien related that on January 12, 2011, Staff and Commissioner Fitzpatrick had met with Frank Pignanelli and Cort Walker from the Utah Consumer Lending Organization who expressed that their concerns with the initial ordinance, which did not allow these businesses to relocate, had been alleviated with an adjustment to the ordinance to allow existing businesses to relocate to a site that meets the zoning ordinance.

On January 25, 2010, the Planning Commission asked Staff to consider the possibility of a separation requirement of .5 miles to 1 mile. A ratio of 1 business per 10,000 population would allow 7 businesses to operate under the ordinance, which would fit within the 1 mile separation. The amendment proposes a separation of 1,500 feet. He said Layton City is projected to be built out at 130,000 residents which would make the final cap on pay day loan, title loan, and deferred deposit lending businesses at 13.

In answer to Commissioner Fitzpatrick's questions as to whether there will be additional locations in the City rezoned to CP-2 and C-H where there could be an increase of these businesses locating. Mr. Wright responded that it was not likely that would occur.

Mr. Rypien gave a comparison of different distance separation scenarios and said the separation requirement applies to inside and outside of the Layton City boundary. He said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the ordinance amendment.

Commissioner Elinkowski asked if a business in a non-conforming location could be sold to another owner. Mr. Wright replied in the affirmative stating that attrition will occur if time passes for more than a year from when the business had been active at that location which case would not allow another business of the said type to operate in that location.

Different scenarios in which businesses could and could not move to a new location were discussed.

Mr. Wright explained that the ordinance amendment will allow existing businesses to relocate as long as they had an active business license before December 14, 2010. A new business cannot come into the City until the number of businesses is lower than the cap. With the ordinance amendment, existing businesses can move to new conforming locations and attrition can take place as well.

Mr. Rypien said the ordinance amendment provides three ways of regulating the businesses: (1) By zoning with conforming zones specified as CP-2 and C-H. (2) By separation with a 1,500 foot separation requirements from main entrance to main entrance. (3) By population with a ratio of one business for every 10,000 population.

Mr. Rypien further explained the amendment and said the Planning Commission has the option to forward a positive recommendation to the City Council, to modify the ordinance and send it to the City Council with a positive recommendation, (3) or to table the ordinance for further review.

Commissioner Fitzpatrick asked about a signature loan company in Salt Lake City. Mr. Rypien replied that a signature loan business is regulated separately from title loan, payday loan and deferred deposit lending business.

Mr. Wright referred to an e-mail from Frank Pignanelli in which he thanked Mr. Rypien for sharing the latest staff report on the ordinance amendment and indicated he and Cort had reviewed it and found the amendment to be appropriate. This e-mail is included in its entirety with these minutes.

2. LAYTON CITY – ORDINANCE AMENDMENT FOR THE REGULATION OF MODEL HOMES – AMENDING TITLES 19.06 AND 19.14

City Planner, Peter Matson, presented the proposed ordinance amendment for the regulation of model homes. He said that when a model home is submitted for a permit, Staff will not add conditions. The model home will have to comply with the requirements of Title 19.06.090. 3. He reviewed the following changes to the ordinance draft the Planning Commission had previously received:

19.06.090.3 (a) The model home approval expires when the subdivision is more than 80% developed or has been occupied as a model home for 3 (three) years, whichever comes first.

19.06.090.3 (b) A minimum of three (3) off street parking spaces are provided.

19.06.090.3 (d) A signage plan is provided indicating the size and location of all signs consistent with Chapter 20.05 of this code.

19.06.090.3 (e) The model home many operate between the hours of 10:00 a.m. and 7:00 p.m.

Commissioner Elinkowski verified that if someone submits for a permit to build a model home, the request for model home will not have to be reviewed by the Planning Commission. Mr. Matson replied in the affirmative.

PUBLIC REVIEW:

3. DAVID WITKAMP – CONDITIONAL USE FOR AUTO SALES

This property is located at 377 North Main Street in a C-H (Highway Regional Commercial). The applicant is David Witkamp of Budget Auto Sales representing the property owner, Barlow Corporation.

Planner 1, Andrew King, presented the request for conditional use for a business proposing to sell used vehicles at 377 North Main Street. He said the applicant plans to occupy 1,200 square feet of a 3400 square foot building on 1/3 acre. Mr. King explained that originally the applicant wanted to display 10 vehicles for sale, but due to parking space available in the portion of the property in the C-H zone, he will only be able to park 4 vehicles until the Barlow Company considers expanding the lot by applying to rezone some additional adjoining property to C-H (Highway Regional Commercial). Mr. King said Staff recommends approval of the conditional use request.

Commissioner Fitzpatrick asked if there were any landscaping requirements for this lot. Mr. King said the fence in the rear of the property is not contained within this particular lot. He also said that when the additional property is rezoned, landscaping issues will be addressed.

After an explanation of how parking stalls were to be utilized for sales, display, and customer parking, Commissioner Weaver pointed out that there are only 10 stalls remaining for office tenants versus the 11 quote in the staff report. Mr. King said he would correct the number of stalls in the follow up letter to the applicant.

There were no other questions.

4. COTTAGES AT CHAPEL PARK PHASE I– PRELIMINARY APPROVAL

This 2.71 acre property is located at approximately 300 South Chapel Street in an R-1-6 (Single Family Residential) zoning district. The applicant, Ovation Homes represented by Brad Frost, is proposing 8 lots.

Planner II, Kem Weaver, presented the request for preliminary approval for the proposed subdivision at 300 South Chapel Street, which property was recently rezoned to R-1-6. He explained the preliminary plan, stating there were 8 lots proposed all greater than 6,000 square feet and meeting the frontage requirement of the R-1-6 zone.

Mr. Weaver answered Commissioner Weaver's question about water shares, culinary water, and secondary water usage.

Commissioner Weaver asked if it was possible to get some sort of general plan of availability for secondary water and suggested that the usage and acquisition of secondary water should be encouraged.

Assistant City Attorney, Steve Garside, said there were more existing shares than actual water. He said the City is working with different companies to try to provide more secondary water. Mr. Weaver explained that subdivisions are required to have dry lines in subdivisions (per subdivision ordinance) in case secondary water becomes available.

5. DAVIS BEHAVIORAL HEALTH – AMENDMENT TO A CONDITIONAL USE

This property is located at 1493 West 1960 North in an R-1-8 (Single Family Residential). The applicant is Davis Behavioral Health represented by Don McKinnon.

Planner II, Kem Weaver, presented a request to amend a conditional use approved by the Planning Commission on June 22, 2010 for Davis Behavioral Health. The request for the amendment is to allow 3 residents and a caregiver to live in the home rather than the 2 residents and a caregiver allowed by the first conditional use.

6. LES CHENES PRUD PHASES 1 & 2 – FINAL APPROVAL –

This 4.28 acre property is located at approximately 45 South Boynton Road in an R-1-10 PRUD (Single Family Residential Planned Residential Unit Development) zoning district. The applicant is proposing to phase the subdivision with two phases each containing seven lots. The applicant is Scott Hansen.

Planner II, Kem Weaver, said two separate motions would be required for this item, which one motion for Phase I and a motion for Phase II for the Les Chenes PRUD Subdivision. Mr. Weaver explained the lot size and buildable envelope area to Commissioner Fitzpatrick. Common areas will be maintained by the Home Owners Association (HOA). The HOA must be kept intact and collect dues for maintenance of the subdivision. A 10-foot separation must be maintained between the homes, which will be in a gated community.

Commissioner Fitzpatrick asked if the subdivision would be under the new lighting requirement. Mr. Wright explained that lighting requirements are assessed at the preliminary stage, which for this subdivision was a date prior to the adoption of the street lighting ordinance. He indicated that the developer would mostly likely put in the lighting for the private streets.

Commissioner Fitzpatrick asked if any of the lots were in the flood plain, and Mr. Weaver explained that the buildable envelopes had to be outside the flood plain.

By Julie Jewell
Julie Jewell, Planning Commission Secretary

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
TUESDAY, February 22, 2011**

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ALTERNATE MEMBERS PRESENT: Dawn Fitzpatrick, Jeremy Davis

MEMBERS ABSENT: Sharon Esplin, Blake Hazen

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

Vice-Chair Elinkowski called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited and the invocation was given by Commissioner Bodily.

Vice-Chair Elinkowski called for a motion to approve the February 8, 2011 Planning Commission and Work Meeting Minutes. Commissioner Weaver moved to approve the minutes as written. Commissioner Bodily seconded the motion, and the voting was unanimous.

Vice-Chair Elinkowski called for a motion to open the Public Hearing. Commissioner Gilbert moved to open the Public Hearing. Commissioner Pales seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

1. LAYTON CITY -- ORDINANCE FOR THE REGULATION OF PAY DAY LOAN, TITLE LOAN AND DEFERRED DEPOSIT LENDING BUSINESSES – AMENDING TITLE 19.06 & TITLE 19.14

Planner I, Brandon Rypien, said that on June 24, 2010, upon recommendation from the City Council, Staff began researching how the City regulates pay day loan, title loan, and deferred deposit lending businesses. He said Staff researched other cities along the Wasatch Front and found they regulated these businesses based on zoning, separation, and a number of businesses per population ratio.

Mr. Rypien overviewed the location and zoning of these businesses in Layton City. He presented a separation requirement comparison and said that with the proposed 1,500 feet between establishments, there would still be areas in the City for the businesses that were in operation before December 14, 2010, to relocate and still meet the distance and separation requirements.

On Jan. 12, 2011, Mr. Rypien reported that Staff and Commissioner Fitzpatrick met with consumer lending representatives and received input on the proposed ordinance. The ordinance has been modified to allow existing businesses to relocate as long as they meet the separation and zoning requirements.

Mr. Rypien said Staff recommends the Planning Commission, based on the review of the recommendations presented, forward a positive recommendation to the City Council to approve the ordinance.

Commissioner Weaver asked if there was anyone in the audience representing a pay day loan, title loan, or a deferred deposit lending business in Layton.

Wendy Gibson, 1120 E Kirkwood Way, Sandy, Utah, said she represents a business of that type at 1010 North Hillfield Road.

Mr. Pignanelli's e-mail was read thanking the Planning Commission and stating that he and Cort Walker of the Consumer Lending Association had examined the recent proposal and found it appropriate.

Vice-Chair Elinkowski called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commission forward a positive recommendation to the City Council to approve the ordinance for the regulation of pay day loan, title loan, and deferred deposit lending businesses. Commissioner Gilbert seconded the motion, and the voting was unanimous.

2. LAYTON CITY – ORDINANCE AMENDMENT FOR THE REGULATION OF MODEL HOMES – AMENDING TITLES 19.06 AND 19.14

City Planner, Peter Matson, presented the request for an ordinance amendment for the regulation of model homes. He said the model home regulation was added in 1999 to the zoning ordinance. After reviewing approvals of model homes, it appeared that the majority of the model home conditional use approvals have the same regulations or conditions.

Mr. Matson said the proposal is to take the language for the regulation of model homes out of Chapter 19.14. In Table 6-1, the type of use for a model home in each of the residential zones would be changed from a C (Conditional Use) to a P (Permitted Use). He reviewed the following changes to the ordinance as discussed in the Work Meeting:

19.06.090.3 (a) The model home approval expires when the subdivision is more than 80% developed or has been occupied as a model home for 3 (three) years whichever comes first.

19.06.090.3 (b) A minimum of three (3) off street parking spaces are provided.

19.06.090.3 (d) A signage plan is provided indicating the size and location of all signs consistent with Chapter 20.05 of this code.

19.06.090.3 (e) The model home many operate between the hours of 10:00 a.m. and 7:00 p.m.

Mr. Matson said Staff will review model homes administratively in the future.

Mr. Matson said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the ordinance amendments. There were no questions or comments from the Commission or the audience.

Vice-Chair Elinkowski called for a motion on the item. Commissioner Pales moved to forward a positive recommendation to the City Council to approve the changes to the model home regulations as presented by staff, allowing model homes to be a permitted use in all residential zones.

Commissioner Gilbert seconded the motion, and the voting was unanimous.

Vice-Chair Elinkowski 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. Commission Bodily seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

3. DAVID WITKAMP – CONDITIONAL USE FOR AUTO SALES

This property is located at 377 North Main Street in a C-H (Highway Regional Commercial). The applicant is David Witkamp of Budget Auto Sales representing the property owner, Barlow Corporation.

Planner I, Andrew King, presented the conditional use application for Budget Auto Sales which is a business proposing to sell used automobiles from local auto auctions. The applicant is planning to occupy approximately 1200 square feet of a 3400 square foot building located on 1/3 acre zoned C-H.

Mr. King explained that originally the applicant wanted to display 10 vehicles for sale, but due to parking space available in the portion of the property zoned C-H, he will only be able to park 4 vehicles until the Barlow Company considers expanding the lot by applying to rezone some additional adjoining property to C-H (Highway Regional Commercial). Landscaping will be addressed when the lot is reconfigured and additional space is provided. There was a discussion of the parking uses and the possible rezoning of adjacent property. Commissioner Bodily asked if the remaining stalls, after stalls are assigned for sales, display and customer parking, should be clarified in the motion as being 10 stalls rather than 11. Mr. King will include the change in his memo to the applicant. The following are the conditions required 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, including permanent and temporary signage.
3. The business is not allowed to park any vehicles on landscaping or on the street.
4. The site is approved for a total of nine (9) parking stalls for Budget Auto Sales. Seven (7) stalls adjacent to the east side of the building are reserved for the business. Of those seven (7), five (5) are for employees and customers and two (2) may be used for display vehicles. An additional two (2) vehicle display spaces are approved at the southeast corner of the site as depicted on the attached sketch plan.
4. The site is approved for a maximum of four (4) display (for sale) vehicle spaces at this time. Expansion of the site or number of display vehicle spaces will require a rezone to C-H on the property to the south as described in this report.

There were no other questions from the Commission. The applicant was present and had no questions or comments.

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

Commissioner Bodily moved that the Planning Commission approve the request for conditional use at 377 North Main Street subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

4. COTTAGES AT CHAPEL PARK PHASE I– PRELIMINARY APPROVAL

This 2.71 acre property is located at approximately 300 South Chapel Street in an R-1-6 (Single Family Residential) zoning district. The applicant, Ovation Homes represented by Brad Frost, is proposing 8 lots.

Planner II, Kem Weaver, reviewed the rezoning history of this property located at approximately 300 South Chapel Street. He explained other zoning and uses in the area, and said the proposed preliminary plan contains 8 lots, all over 6,000 square feet in size, which all meet the frontage requirements for the R-1-6 zone. He explained how this property would connect with parcels to the west currently under consideration for rezoning to R-1-6 and said a street through the properties would connect Chapel Street and Whitesides Street. Mr. Weaver said Staff recommends the Planning Commission grant preliminary approval to the Cottages at Chapel Park Phase I subject to the applicant adhering to the development agreement associated with the rezoning of the property as well as all Staff requirements.

There were no questions from the Commission or the audience.

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

Commissioner Davis moved that the Planning Commission approve the preliminary plan for the Cottages at Chapel Park Phase I subject to the applicant meeting all Staff requirements as outlined in the Staff memo. Commissioner Bodily seconded the motion, and the voting was unanimous.

5. DAVIS BEHAVIORAL HEALTH – AMENDMENT TO A CONDITIONAL USE

This property is located at 1493 West 1960 North in an R-1-8 (Single Family Residential). The applicant is Davis Behavioral Health represented by Don McKinnon.

Planner II, Kem Weaver, explained that on June 22, 2010, the Planning Commission approved a conditional use permit for Davis Behavioral Health limiting the number of disabled people living in the home to two. The home has an extra bedroom that could house a third person with the on-site caregiver occupying the fourth bedroom.

Mr. Weaver said Staff recommends the Planning Commission approve the conditional use permit based on the conditions listed:

1. A maximum of 3 disabled persons and one staff member living in the home area allowed at the 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 24 hour basis.
6. The site shall allow for adequate off street parking.
7. The facility shall not be established within $\frac{3}{4}$ miles of another residential facility for disabled persons.
8. The applicant shall not allow a person being treated for alcoholism or drug abuse to be placed in the residential facility for disabled persons
9. The applicant shall 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 shall be no structural or landscape changes made to the home that would change the structure's residential character.

Commissioner Bodily asked if there had been any issues with the current conditional use. Mr. Weaver related a call from a neighboring resident but explained that issues had been resolved.

There were no questions or comments from the audience.

Commissioner Weaver asked for assurance that the residents of the home would have 24 hour supervision.

Davis Behavioral Health representative, Don McKinnon, stated that in the original conditional use he had stipulated that the resident companion would not be at the home 24 hours a day but would be there at night and on weekends. He said the residents are ready for independent living and don't require 24 hour supervision.

Commissioner Weaver asked for a correction to Condition #5. Mr. McKinnon explained that the current facility had been a success story for the residents and that the residents' quality of life had really improved. In addition, the residents would pay less per month as the total rent is divided up between the residents.

Commissioner Fitzpatrick mentioned that the residents need to be able to exit the facility unassisted in less than two minutes. Mr. McKinnon replied that the residents did not have physical disabilities and understood how to exit the facility.

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

Vice-Chair Elinkowski called for a motion on the item. Commissioner Pales moved to approve the Davis Behavioral Health amended conditional use request with the correction to Condition 5 that there will be a live-in resident at the site but 24-hour supervision would not be required. Commissioner Weaver seconded the motion, and the voting was unanimous.

6. LES CHENES PRUD PHASES 1 & 2 – FINAL APPROVAL

This 4.28 acre property is located at approximately 45 South Boynton Road in an R-1-10 PRUD (Single Family Residential Planned Residential Unit Development) zoning district. The applicant is proposing to phase the subdivision with two phases each containing seven lots. The applicant is Scott Hansen.

Planner II, Kem Weaver, explained that the applicant has requested to phase Les Chenes PRUD which had previously received final plat approval from the City Council. He said each phase has to stand on its own merits with regard to utilities and access. Each phase must also meet sensitive lands criteria. Common area or amenities for the pool will be located in Phase I. Utilities, amenities, density, common areas and location of residences will stay the same as previously approved. Prior to the subdivision being reviewed by the City Council, the applicant must submit covenants as well as an updated title report. He said that the Planning Commission would need to vote on a recommendation with each phase including the outstanding items that must be received before the request for final approval is presented to the City Council.

There were no questions or comments from the Commission or audience and the Commission had no questions for the applicant.

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

Commissioner Bodily moved to forward a positive recommendation to the City Council to approve Phase I of Les Chenes PRUD to the City Council subject to the applicant meeting the staff requirements and submittal of covenants and title report prior to review by the City Council. Commissioner Gilbert seconded the motion and the voting was unanimous.

Commissioner Bodily moved to forward a positive recommendation to the City Council to approve Phase II of Les Chenes PRUD to the City Council subject to the applicant meeting all staff requirements and the submittal of covenants and title report prior to review by the City Council. Commissioner Gilbert seconded the motion and the voting was unanimous.

Vice-Chair Elinkowski called for a motion to close Public Review and adjourn the meeting. Commissioner Weaver moved to close Public Review and adjourn the meeting. Commissioner Pales seconded the motion and the voting was unanimous.

The meeting adjourned at 7:43 p.m.

By 
Julie Jewell, Planning Commission Secretary