

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
TUESDAY, APRIL 12, 2011**

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

ALTERNATE MEMBERS PRESENT: Dawn Fitzpatrick, Jeremy Davis

MEMBERS ABSENT:

ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Peter Matson, Andrew King, Steve Garside, Julie Jewell, and Councilmember Barry Flitton

PLANNING COMMISSIONER TRAINING – GENERAL PLAN

City Planner, Peter Matson, presented an overview of the Layton City General Plan included with these minutes. The Commissioners and staff discussed the "Utah Code – General Plan," including elements required by State Law.

Commissioners Hazen and Bodily asked if all of the City streets were planned to accommodate the requirements of the General Plan. Mr. Matson replied in the affirmative and stated that street capacity should be considered with land use projections.

Mr. Matson reviewed the following elements of the General Plan:

- Land Use and population element
- Transportation element
- Housing element
- Community identity
- Community facilities and services
- Parks and recreation

He mentioned other studies that pertain to the General Plan such as the West Layton Plan, the Downtown Plan with the MU and MU-TOD zoning districts, and the East Gate plan area study.

Mr. Matson said there was also an Economic element of the General Plan which is being drafted by Planner I, Brandon Rypien, and Economic Development Specialist, Ben Hart. This draft will be reviewed in the future by the Planning Commission and City Council.

Mr. Matson pointed out how the Downtown Plan was unique with the MU and MU-TOD zones near the FrontRunner station. He reminded the Commissioners of the recent ordinance amendment which would allow a higher density based on a density bonus for amenities and proximity to public transit.

Mr. Matson reviewed the General Plan map and said updated copies of the map would be printed and given to the Commissioners.

A map of City streets was reviewed and the types of streets were discussed as well as the streets owned by the City and those owned by UDOT (Utah Department of Transportation) identified. The affect on Layton City of the West Davis corridor was discussed.

Mr. Matson then reviewed the parks and trails planning map and mentioned the location of trails as well as an interlocal agreement between the City and canal company to plan trails around the canal system.

Areas remaining to be developed in the Layton Hills Malls super block were identified.

A future interchange at Gordon Avenue and Highway 89 was discussed and large vacant property in that area identified.

Mr. Matson said the influence of the Weber State Campus on the City and the County as a whole was a great asset.

To determine compatible land uses around the HAFB (Hill Air Force Base) runway, two base planners work with the City and the Base with one of the base planners, Krista Hayley, regularly attending Layton City Planning Commission meetings.

Community and Economic Development Director, Bill Wright, explained that the APZ (Accident Potential Zone) and AICUZ (Air Installations Compatible Use Zones) would become even more critical elements when the F-35 squadrons come to HAFB. He said an EIS (Environmental Impact Statement) would be done to determine if there will be any land use conflict such as a change to the APZ and AICUZ boundaries because of the noise contours.

Mr. Matson discussed how each of the study areas should interact with each other with each district being complementary to rather than competing with other districts.

Mr. Matson said the West Layton Plan would be updated with maps and recommendations to the Planning Commission and the City Council relative to single family densities in that area and how land use recommendations could be implemented there. He said that another elementary school and a junior high are planned for the West Layton area.

Mr. Matson mentioned the extension of the street system in West Layton with Bluff Ridge Boulevard to connect Gordon Avenue to the West Davis Corridor with 2700 West being the preferred connection to the West Davis Corridor.

The West Layton Business Center and Village Center nodes were discussed. Commissioner Elinkowski asked when the Planning Commission would receive an update on the West Layton Plan. Mr. Matson said the consultants were drafting the actual code to be used and that they may run scenarios of the code with a draft development application to see if the desired results could be achieved. The consultants would return within a couple of months to present the code to the City.

Mr. Matson reviewed the East Gate area stating that the Janicki building is almost finished. He reviewed the conceptual plan showing how the remaining area could be developed.

Architectural renderings of the Kays Crossing project were reviewed as well as an overview of the lots in the proposed Kays Crossing Subdivision, the number of units proposed and the general design of the apartment complex.

Commissioner Gilbert asked for an update on the Fort Lane Village Center. Mr. Wright will contact WINCO and have an update for the Commissioners at the next meeting.

Commissioner Elinkowski asked for an update on the proposed IHC hospital. Mr. Wright said IHC is continuing to plan for the hospital with a deadline to submit a site plan to the City by August 2011. They would have an opportunity to apply for an extension if needed.

OTHER

Chairman Esplin asked if Code Enforcement was working with the tenant of the vehicle repair shop on West Gentile to remove debris from the property. Mr. Matson will follow through on the issue.

Mr. Wright mentioned that conditional use follow ups found that the Patriot Car Wash now has a finished base and that the cell tower at the Buddhist Temple has been removed.

PUBLIC HEARING:

1. BSI PROPERTIES REZONE -- PB (Professional office) to CP-1 (Planned Neighborhood Commercial)

This .921 acre property is located at 1410 and 1454 North Hill Field Road. The applicant is Danny Bennet.

City Planner, Peter Matson said the property owner has had continuous requests for uses that are not just office in nature with the latest request being a coin shop. The tenant currently runs the business as an office use with on-line sales while awaiting the rezoning of the property from PB to CP-1 to allow for retail sales. Mr. Matson said that owner understands that with 51 stalls available and a ratio of 1 parking space for every 200 square feet of building space, a restaurant use would be precluded. In answer to Commissioner Hazen's question about future expansion, Mr. Matson said there was no room for new construction on the property.

Mr. Matson said the applicant's request is reasonable given the current uses on the property. He said the General Plan for the subject area on the east side of Hill Field Road is a mixed used recommendation with both the PB and the CP-1 zoning fitting with that general recommendation. He said Staff recommends approval of the rezone request.

Commissioner Weaver asked if the new zoning would allow for commercial vans. Mr. Matson said that use would have to be reviewed since dedicated stalls for the vans would eliminate stalls used by other tenants.

In answer to Commissioner Fitzpatrick's question about Fire Department inspection for the change of use as well as ventilation, Mr. Matson replied that the Fire Department would inspect during the business licensing procedure and proper ventilation would be required.

PUBLIC REVIEW:

2. CHRYSALIS ENTERPRISES – CONDITIONAL USE FOR A RESIDENTIAL FACILITY FOR THE DISABLED

This property is located at 1451 North 2525 West on Lot 1122 of the Chelsie Park Subdivision in an R-1-8 zoning district. The applicant is Marc Christensen from Chrysalis representing the owner, Deborah Dixon.

Planner I, Andrew King, presented the request for conditional use for a residential facility for the disabled. He said that the applicant, Marc Christensen, who is representing Chrysalis Enterprises, runs a business that provides services for the disabled in the form of housing, transportation, shopping and similarly related needs. The residents of each home pay their own rent and otherwise live independently. There are currently three (3) residents at this location. None of the current residents drive so parking needs are limited to one vehicle for the Chrysalis Enterprises employee. Chrysalis Enterprises is a licensed business in the City of Layton. In this instance, Chrysalis Enterprises has entered into a lease with the property owner and pays the rent with the money that the residents pay the company.

Commissioner Bodily asked if the number of residents driving could change. Mr. King replied that the residence was a single family home with a two-car garage with a driveway which would limit how many of the residents could have vehicles. He pointed out that the residence must have three off-street parking stalls available. Mr. King said the parking and the condition of the home must be suitable for the applicable land use. In addition, the home must look consistent with the neighborhood and meet Layton City Standards. He said Layton City allows up to five unrelated people living in the home.

When asked about the home's basement, Marc Christensen, the applicant said that there were no plans to finish the currently unfinished basement and that there had been no modifications to the home since it was built.

Commissioner Fitzpatrick asked if the home was ADA certified, and Mr. Christensen replied that all of his residents have to be ambulatory.

There was a discussion regarding the supervision of the residents, and Mr. Christensen replied that the State determines the level of service needed. He said that Staff members work in shifts to help with cooking. He said the residents work during the day and there is a staff member at the home at night.

Mr. King said Code Enforcement had been made aware that there was possibly an unlicensed group home in the neighborhood. Upon review, it was determined that it was a residential facility for the disabled rather than a group home.

Commissioner Gilbert asked how long the business had been in the home and if Mr. Christensen was unaware that the business needed a Layton City business license. Mr. Christensen replied that Layton City requirements are different from other cities. It was his opinion that the Layton City requirements violate the Fair Housing Act and that he believed the State of Utah laws don't require licensing of a residential group site until there are four people living there.

Mr. Garside replied that Fair Housing was a very unsettled area of the law.

Commissioner Hazen asked how a determination was made if someone was violent or using drugs or alcohol.

Mr. Christensen said his facility was not a residential treatment center and that he couldn't put those types of people into the homes he operates.

Commissioner Hazen asked about the Fire Department requirement that the facility not have dead bolt locks. Mr. Christensen said the dead bolts had been changed. He said the dead bolts had not be previously changed because the State law only requires that there be no dead bolt locks when there are four or more residents.

Commissioner Hazen asked if the residents could evacuate in two minutes, and Mr. Christensen replied in the affirmative. He stated that he is required to run drills to make sure the residents are capable of the evacuation requirement.

When asked by Commissioner Davis how the residents are placed in the homes, Mr. Christensen replied that they are placed by the State.

Commissioner Elinkowski reminded the Commission that Planning Commission's position was to determine if the land use was acceptable, but possible problems couldn't be addressed by the Commission. Mr. Garside said problems should be addressed like any neighborhood problem with Code Enforcement being notified if necessary.

In answer to the Commissioners' questions about staffing, Mr. Christensen explained how he staffed the homes with shift workers.

Commissioner Elinkowski asked if Chrysalis had any day facilities, and Mr. Christensen replied that there was a day facility on Hill Field Road behind Sam's Club.

There were no other questions from the Commission.


Julie Jewell, Planning Commission Secretary

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Planning Commission Chair, Sharon Esplin called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was recited, and an invocation was given by Commissioner Weaver.

Chairman Esplin welcomed Boy Scout Troup 721 to the meeting.

Chairman Esplin called for a motion to approve the March 22, 2011 Planning Commission and Work Meeting minutes. There were no additions or corrections to the minutes, and Commissioner Elinkowski moved to approve the minutes as written. Commissioner Bodily 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 Weaver seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

1. BSI PROPERTIES REZONE -- PB (Professional office) to CP-1 (Planned Neighborhood Commercial)

This .921 acre property is located at 1410 and 1454 North Hill Field Road. The applicant is Danny Bennet.

City Planner, Peter Matson, presented the request to rezone .921 acres from PB to CP-1. He said the property consists of three parcels under the same ownership with buildings on each of the north and south parcels and surface parking on the center parcel. The buildings were formerly single family homes and converted to small professional buildings. Mr. Matson listed the tenants in the buildings and said under the existing PB zone, the property is limited to primarily office uses with no retail or commercial allowed. The request for the zoning change to CP-1 is to allow more opportunity and flexibility in leasing. Mr. Matson said the site is somewhat constrained site with 51 stalls that meet the parking requirements for 1 space for every 200 square feet of building space. If the property is zoned to CP-1, the owner will be limited from uses that have higher parking ratios such as a restaurant.

Mr. Matson said the General Plan for the east side of Hill Field Road in this area is for a mix of uses with the CP-1 zone being consistent with the General Plan recommendation.

Mr. Matson said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone.

Commissioner Bodily asked if there were two areas of egress from the site, and Mr. Matson replied that there were two ways to get out of the property. He also asked about fire hydrants, and Mr. Matson said fire protection would be handled from the street. Chairman Esplin said that the egress and fire hydrant issues would apply if the buildings are torn down and replaced.

Mr. Matson said the applicant was not present but had received the staff report by e-mail. Commissioner Gilbert asked if the applicant was aware of the use limitations, and Mr. Matson replied in the affirmative.

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

Commissioner Gilbert moved to forward a positive recommendation to the City Council to approve the rezone request from PB to CP-1 based on consistency with the General Plan in terms of light commercial uses. Commissioner Pales seconded the motion, and the voting was unanimous.

Chairman Esplin 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 Bodily seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

2. CHRYSALIS ENTERPRISES – CONDITIONAL USE FOR A RESIDENTIAL FACILITY FOR THE DISABLED

This property is located at 1451 North 2525 West on Lot 1122 of the Chelsie Park Subdivision in an R-1-8 zoning district. The applicant is Marc Christensen from Chrysalis representing the property owner, Deborah Dixon.

Planner I, Andrew King, presented the request for conditional use for a residential facility for the disabled in an R-1-8 zoning district in the Chelsie Park Subdivision.

The applicant, Marc Christensen, is representing Chrysalis Enterprises, runs a State contracted business that provides services for the disabled in the form of housing, transportation, shopping and similarly related needs. The residents of each home pay their own rent and otherwise live independently. There are currently three (3) residents at this location, and the current Chrysalis classification limits the business to three residents. None of the current residents drive so parking needs are limited to one vehicle for the Chrysalis Enterprises employee.

Mr. King said a conditional use for the business is required so that Layton City can assess parking requirements, assure that the home looks consistent with neighborhood homes, and to assure that the home meets Layton City standards.

Mr. King said Condition # 3 would be amended to read as follows: The site shall allow for a minimum of three (3) off street parking spaces.

Mr. King said Staff recommends the Planning Commission approve the conditional use base on conditions listed in the Staff report. Commissioner Gilbert asked Mr. King to read the conditions.

1. All requirements from the Building Division, Engineering Division and the Fire Department are to be met. This includes any ADA requirements.
2. The facility shall meet all applicable standards of the Department of Human Services and any licensure of programs and facilities.
3. The site shall allow for a minimum of three (3) off street parking spaces.
4. The applicant shall not allow a person being treated for alcoholism or drug abuse to be placed in the residential facility for disabled persons.

5. The applicant shall not allow a person who is violent to be placed in the residential facility.
6. Placement in a residential facility for disabled persons must be on a strictly voluntary basis.
7. The design of the facility shall be consistent with the land use and the neighborhood of the desired location.
8. The facility shall meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings.
9. No more than three (3) residents may be accommodated in this facility.

Chairman Esplin asked that Condition #7 be amended as follows: The design of the facility shall be consistent with the land use and the neighborhood of the desired location and shall maintain the appearance of a single-family detached home.

There was a discussion regarding the appropriate number of parking stalls to be required. Marc Christensen of Chrysalis, 531 North 770 North, Orem, said that there were usually no more than two staff at the home at a time. It was decided to leave the parking stall requirement as a minimum of three off street parking spaces.

Commissioners Elinkowski and Weaver asked about maintenance inside and outside of the home. Mr. Christensen replied that he contracts to a professional landscaping crew for the outside and that the residents are responsible for maintaining the interior of the home with support from the Chrysalis staff.

Commissioner Gilbert asked Mr. Christensen how many facilities of this type Chrysalis had in Layton City. Mr. Christensen replied that there were three (3) three-person facilities.

Chairman Esplin asked how it was determined that facilities such as Chrysalis are limited to three residents.

Assistant City Attorney, Steve Garside, said that there are competing interests with regard to ordinance and regulations. The City ordinance states that up to five unrelated people can live in a home. In a situation such as the residential facility for the disabled, the City can't discriminate for a disability or a perceived disability. He said the Chrysalis home is operating like a business, and that the Federal Housing Act and ADAAA would supersede City ordinance. The City wants to know where these businesses are located and how they are regulated, but if City regulations become too onerous, then the City regulations would conflict with other regulations.

Commissioner Elinkowski asked Mr. Christensen if the reason he wasn't aware that his business needed a conditional use permit was because other cities don't require a conditional use for this type of facility.

Mr. Christensen said other cities don't require the regulations but they only allow 3-4 unrelated people in a residence. It was Mr. Christensen's opinion that a business license should not be required. He suggested the ordinance applying to regulations for a residential facility for the disabled should be amended. Mr. Garside explained the process for an ordinance amendment.

Commissioner Hazen suggested that the number of three off-street parking spaces be a minimum with a maximum of five off-street parking spaces. Mr. Christensen said he would make sure his staff was sensitive to the neighbors and park staff cars in the garage when they have visitors.

The following is a list of audience members who expressed concerns some of which came from a previous neighborhood meeting:

Landy Ukena, 1467 North 2525 West
Audree Roberts, 1435 North 2525 West
Jennifer Ericksen, 1425 North 2525 West
Debbie Christian, 2628 West 275 North
Jeff Harrison

Ron Wilke
Melodie Moore, 2632 West 1125 North
Ryan Marks, 211 North Sierra Way

The following is a list of concerns from the neighbors and responses from Staff, the Commission, and the applicant.

Concern: While the residents in the home are not a nuisance, lack of neighborhood confidence in Chrysalis staff due to lack of communication and involvement and integration with neighborhood is a concern. *Response:* At Commissioner Pales suggestion condition # 10 will be added as follows: Efforts shall be made to educate and inform the neighborhood residents about Chrysalis and what to expect from this Chrysalis home.

Concern: Background checks for Chrysalis staff. *Response from Mr. Christensen:* Staff all have criminal background checks required yearly by the State Public Safety Office of Licensing and verified by a yearly audit.

Concern: Similar residences/facilities already established within the three quarter of a mile buffer required between similar facilities and a request to table this request until the location of other facilities is determined. *Response:* Neighbors to provide Mr. King with addresses of known similar facilities. Per Mr. Garside, the entity to first apply for the conditional use would be in the best position for approval. Subsequent applications would need to meet the separation requirement.

Concern: Adequate parking with half of the garage being used for storage. *Response from Chairman Esplin:* Only 3 off-street parking stalls are required for the facility and can be accommodated in the driveway.

Concern: Sharing of driveway with residents to the south of the facility. *Response from Audree Roberts (resident to the south):* The shared driveway had not been a problem.

Concern: Late night visitors to the Chrysalis staff and idling Ford truck. *Response from Mr. Christensen:* He will look into the situation. Chairman Esplin suggested as with typical neighborhood concerns, the neighbor/business should be approached or Code Enforcement called if needed. Chairman Esplin encouraged open communication between Chrysalis and the neighborhood. Contact information needs to be provided to the neighbors.

Concern: Oversight of the facility with the number of children in the area since the State doesn't regulate unless there are 4 residents. Residents file an application and are recommended by the DSPD (Division of Services for People with Disabilities) but there are no regulations beyond the evaluation and approval of the home. *Response from Debbie Kristin audience member:* DSPD does oversee the clientele to see that the individuals are receiving proper care, but Chrysalis is responsible for appropriate supervision. *Response from Mr. King:* Code Enforcement will follow up on the conditional use to make sure requirements of the conditional use are being met.

Concern: Possible violent residents or substance abuse among residents. *Response from Mr. Christensen:* The facility cannot be a treatment facility. The residents are treated just like any other resident and police get involved if there is a problem. *Response from Mr. Garside:* If residents are a danger, they are moved elsewhere. If there are legitimate concerns about the business with conditions being violated, then a revocation of the license could be considered. *Response from Chairman Esplin:* The police can be involved if there is violence in any residence. The Chrysalis residents are screened before being placed in facilities.

The following are the conditions as amended by the Planning Commission and Staff:

1. All requirements from the Building Division, Engineering Division and the Fire Department are to be met. This includes any ADA requirements.
2. The facility shall meet all applicable standards of the Department of Human Services and any licensure of programs and facilities.

3. The site shall allow for a minimum of three (3) off street parking spaces.
4. The applicant shall not allow a person being treated for alcoholism or drug abuse to be placed in the residential facility for disabled persons.
5. The applicant shall not allow a person who is violent to be placed in the residential facility.
6. Placement in a residential facility for disabled persons must be on a strictly voluntary basis.
7. The design of the facility shall be consistent with the land use and the neighborhood of the desired location and shall maintain the appearance of a single-family detached home.
8. The facility shall meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings.
9. No more than three (3) residents may be accommodated in this facility.
10. Efforts shall be made to educate and inform the neighborhood residents about Chrysalis and what to expect from this Chrysalis home.

There were no other questions or comments from the audience or the Commission. Chairman Esplin called for a motion on the item.

Commissioner Pales moved that conditional use be granted based on the applicant meeting all Staff conditions which are hereby adopted as requirements, and based on the amendment to Condition #3 that the site shall allow for a minimum of three (3) off street parking spaces; the amendment to Condition #7 to require the maintenance of a single family home appearance; the addition of Condition #10 requiring efforts to be made by Chrysalis to educate and inform the neighborhood residents about Chrysalis and about what to expect from this Chrysalis home.

Commissioner Hazen seconded the motion which passed by a margin of four (4) in favor to (2) against the motion with Commissioners Elinkowski, Hazen, Pales and Weaver voting in favor and Commissioners Bodily and Gilbert voting against the motion.

Chairman Esplin called for a motion to close Public Review.

Commissioner Elinkowski moved to close Public Review. Commissioner Hazen seconded the motion, and the voting was unanimous.

The meeting adjourned at 8:20 p.m.


Julie Jewell, Planning Commission Secretary