

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, APRIL 26, 2011

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

**ALTERNATE MEMBERS PRESENT:** Jeremy Davis

**MEMBERS ABSENT:** Blake Hazen, Tim Pales

**ALTERNATE MEMBERS ABSENT:** Dawn Fitzpatrick

**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Kem Weaver, Brandon Rypien, Steve Garside, Julie Jewell

## **PUBLIC HEARING:**

### **1. BRYCE THURGOOD REZONE AND CONCEPTUAL PLAN– R-1-8 to R-M1 PRUD**

This 1.63 acre property is located at 950 North Angel Street. The applicants, Neal Harris, Jill Itri, George Harris, and Barbara Harris are represented by Bryce Thurgood, who is proposing 24 townhomes.

Planner II, Kem Weaver presented an overview of zoning, commercial development and similar townhome development near the subject rezone area. He said the applicant is requesting the rezoning to R-M1 PRUD in order to develop a two-story townhome project. The proposal is for 24 owner occupied townhomes on 1.63 acres. A 5 percent bonus density is required to achieve 24 units.

Mr. Weaver said Staff would work with the applicant to determine if a better configuration is possible for the development. He said the private street widths on the conceptual plan do not meet the street width required by City code.

There was a discussion of potential rental of the townhomes and an owner's right to rent out a property. Mr. Weaver said the PRUD would have covenants which can enforce or regulate the renting of properties.

Mr. Weaver explained how the bonus density could be achieved through consultation with and recommendations from the Design Review Committee.

Concerns over storm drainage capacity discrepancies between the cubic feet of storm drain capacity required by the Engineering memo and the size of the detention pond on the concept plan. Mr. Weaver said Staff will work with the developer during the preliminary review to resolve this issue.

Chairman Esplin asked if there had been any response from the community regarding the development, and Mr. Weaver said that no comments from the community had been received.

## **PUBLIC REVIEW:**

### **2. ANTION AUTO L.C. – CONDITIONAL USE FOR AUTO SALES**

This property is located at 1596 North Hill Field Road in Unit F in a C-H (Highway Regional Commercial) zoning district. Michael Reason represents the owner, 1550 Associates.

Planner I, Brandon Rypien, presented the request for conditional use for auto sales. He said the applicant, Nathan Durbano, is proposing a small car dealership limited to six cars for sale at a time. Three spaces for cars would be available inside the building and three spaces outside, with an inside parking space available for one employee. All customer parking is dispersed throughout the site and managed by the property manager.

Commissioner Davis asked if the employee was required to park inside the building and if not required, the condition # 4 should be eliminated to not require indoor parking for the employee.

Commissioner Gilbert expressed a concern that complexes such as the subject site could all have auto dealerships. He asked if a car dealership was really a use the City wanted for these types of developments. City Planner, Peter Matson, said that while the property is zoned C-H, car dealerships are typically in the C-H zoning district along Main Street.

Commissioner Weaver asked if the vehicles had to be registered and inspected, and Community and Economic Development Director, Bill Wright, said that it is a requirement of a dealership license for vehicles to be inspected and registered, and the City requires that the vehicles be operable.

Commissioner Weaver asked about signage, and Mr. Rypien replied that the only temporary signage allowed with this site would most likely be a 30-square foot banner attached to the building.

There was a discussion regarding the possible reasons there has been an increase in small auto dealership licensing requests as well as desirable locations for these businesses.

### **3. KAYS CROSSING COMMERCIAL SUBDIVISION – PRELIMINARY APPROVAL**

The applicant, Jared Nielson, represents the property owners, Gibbs Smith and Larry Hill. Mr. Nielson is proposing 4 lots on 3.39 acres at 60 South Main Street. (Lot 1 is 2.71 acres; Lot 2 is .14 acres; Lot 3 is .34 acres; and Lot 4 is .19 acres)

Planner II, Kem Weaver, explained that before the Planning Commission reviews the site plan for the Kays Crossing project, a preliminary commercial subdivision plat must be recorded. The applicant is proposing four lots. He said the mixed-use apartment building will be located on Lot 1 with commercial/retail uses on the bottom floor, residential building on the upper four floors, and underground parking for the commercial/retail uses and the residents.

Mr. Weaver said Lot 4 is proposed for a small retail store for patrons of the FrontRunner with Lots 1 and 3 providing parking.

Mr. Weaver explained the land exchange between UTA (Utah Transit Authority) and the developer, Jared Nielsen, who will take property by Main Street in exchange for property to the back of the development going to UTA.

Commissioner Elinkowski asked about a parking lot to the west of the FrontRunner Station. Mr. Wright said the parking lot was still an option on the IHC property.

There was a discussion of retention on Kayscreek and Mr. Weaver said an approval from Davis County Flood Control will need to be a condition before receiving a building permit. A geotechnical report is also required.

There was a discussion about the American Legion building adjacent to and to the south of the subject property.

#### **4. COTTAGES AT CHAPEL PARK PHASE 2 – PRELIMINARY APPROVAL**

This 3.72 acre property is located at approximately 200 South Whitesides Street in an R-1-6 (Single Family Residential) zoning district. The applicant, Ovation Homes, represented by Brad Frost, is proposing 13 lots.

Planner II, Kem Weaver explained the curvature of the street in Cottages at Chapel Park Phase 2 that was required to align with 315 South at Whitesides Street.

Mr. Weaver said the applicant is proposing 13 lots on 3.72 acres. He said it may be possible to fit another lot south of the existing home in the development on Whitesides Street. Detention will be in the southwest corner of the development. He said a development agreement has been written that covers both Phase I and Phase II of the Cottages at Chapel Park.

Commissioner Weaver asked if secondary water was available. Mr. Weaver replied that the developer will have to put in dry lines for secondary water if it is now available or becomes available in the future. Irrigation ditches on the property cannot be used for secondary water use in the subdivision and will be piped for use by farmers in the area.

#### **5. ROBERTS FARMS PHASE 7 – FINAL APPROVAL**

This 9.37 acre property is located at approximately 1100 South and 1300 West in an R-S (Residential Suburban) zoning district. The applicant, Ed Green, is proposing 23 lots.

Planner II, Kem Weaver, explained that Roberts Farms Phase 7 received preliminary approval in 2004 with the other phases of this subdivision. There was a discussion regarding the economy, lot prices and subdivision development.

#### **6. OTHER**

City Planner, Peter Matson, reported on the PowerTrain Perfection conditional use. He said the applicant has until June 1, 2011 to stripe for parking and install landscaping. He said that if the dumpsters remain on the property, they will have to be enclosed. Mr. Matson will contact the business owner regarding debris still remaining on the site.

A concern was expressed about fill being dumped or stored in the landscaped area on the Andrescapes site. Mr. Matson will call the business owner regarding this issue.

Mr. Matson reported on the status of the CNG business and said there were no empty containers remaining outside on the property. Commissioner Weaver said there were still some vehicles stored on the west side of the building. Mr. Matson will follow up on the issue.

Commissioner Elinkowski asked about the status of WINCO. Mr. Wright reported that WINCO representatives had just completed a feasibility study which will be presented to the CEO of WINCO. WINCO owns the property. Mr. Wright will follow up with WINCO.

  
Julie Jewell, Planning Commission Secretary

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

Planning Commission Chairman, Sharon Esplin, called the meeting to order at 7:03 p.m.

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

Chairman Esplin called for a motion to approve the April 12, 2011 Planning Commission and Work Meeting minutes. Commissioner Weaver moved to approve the April 12, 2011 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.

## **1. BRYCE THURGOOD REZONE AND CONCEPTUAL PLAN– R-1-8 to R-M1 PRUD**

This 1.63 acre property is located at 950 North Angel Street. The applicants, Neal Harris, Jill Itri, George Harris, and Barbara Harris are represented by Bryce Thurgood, who is proposing 24 townhomes.

Planner II, Kem Weaver, overviewed the property proposed for rezone along with surrounding properties and zoning. He said the proposal is for 1.63 acres to be rezoned to the R-M1 PRUD zoning designation. He said the proposed development would act as a buffer to the industrial subdivision to the west and the commercial development to the south and southwest. The purpose for rezoning is to create a 24-unit medium density two-story townhome project similar to other townhome projects in the area. Mr. Weaver said the base density of the R-M1 zone is 14 units per acre, which would allow for 23 units on this property. With a 5% bonus density to be achieved through a review and with recommendations from the Design Review Committee (DRC), the development could achieve the 24 units desired.

Mr. Weaver overviewed the location of the private streets and said the private street widths would have to meet the newly adopted street width ordinance. He said Staff will work with the developer on the circulation of the private streets during the preliminary review. He pointed out the tot lot and detention area and explained how the site would be landscaped.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-8 to R-M1 PRUD based on consistency with the General

Plan policy recommendations for low to medium density residential in the Angel Street and Gordon Avenue area.

Commissioner Weaver asked a question on the capacity of the detention basin noted in the design as compared to the capacity recommended by City engineers. Mr. Weaver responded that the developer will have to meet the required capacity and Staff will work with the developer on the concern during preliminary review.

There were no further questions or comments from the Commission.

Afton Anderson, 1171 West Gordon Avenue, expressed a concern about run off from the subject property and flooding of other properties.

There were no further questions or comments from the audience.

Commissioner Elinkowski moved to forward a positive recommendation to the City Council to approve the rezone request from R-1-8 to R-M1 PRUD based on consistency with the General Plan policy recommendations. Commissioner Bodily 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 Weaver seconded the motion, and the voting was unanimous.

## **PUBLIC REVIEW:**

### **2. ANTION AUTO L.C. – CONDITIONAL USE FOR AUTO SALES**

This property is located at 1596 North Hill Field Road in Unit F in a C-H (Highway Regional Commercial) zoning district. Michael Reason represents the owner, 1550 Associates.

Planner I, Brandon Rypien, presented the request for conditional use for a small auto dealership. The applicant proposes to have six cars at a time for sale at a location in the Layton Hills Business Park, Building C, Suite F, which is an office warehouse building with storage. The applicant proposes to provide parking space for one employee and three "for sale" vehicles inside the building. Three outside parking stalls will be provided for vehicles to be sold with customer parking dispersed throughout the site and managed by the property manager. He said that based on the square footage of the suite, which is 1120 square feet, one parking stall is required for the employee and one for customer parking.

Mr. Rypien said Staff recommends the conditional use for auto sales be approved subject to the following conditions in the staff report. Previously, five conditions had been required; however, condition # 4, requiring the employee to park inside the building, was eliminated.

1. No more than six (6) automobiles shall be on-site for sale at any given time. Three (3) parking stalls shall be used to display automobiles for sale outside of the building and three (3) automobiles for sale shall be stored inside of the building. These six (6) automobiles are required to be in running condition.
2. The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
3. The business is not allowed to park any automobiles on landscaping or on the street.

4. The applicant must complete all of the conditions prior to receiving a letter of approval for the conditional use permit.

The applicant, Nate Durbano, 3101 East Fernwood Drive, Layton, said he had a copy of the conditions and agreed with them. He said his business will be primarily on-line sales and said he specializes in pre-sale inventory.

There were no questions from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Bodily moved to approve the conditional use for auto sales subject to the applicant meeting the conditions as outlined in the Staff report which are hereby adopted as requirements with the elimination of Condition #4 requiring the employee to park inside the building. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

### **3. KAYS CROSSING COMMERCIAL SUBDIVISION – PRELIMINARY APPROVAL**

The applicant, Jared Nielson, represents the property owners, Gibbs Smith and Larry Hill. Mr. Nielson is proposing 4 lots on 3.39 acres at 60 South Main Street. (Lot 1 -- 2.71 acres; Lot 2 -- .14 acres; Lot 3 -- .34 acres; Lot 4 .19 acres)

Planner II, Kem Weaver, explained that as required by ordinance with regard to commercial subdivision developments, a preliminary plat has to be recorded until the subdivision is built out and property lines are finalized, and then a final plat will be recorded.

Mr. Weaver gave an overview of the area including the street system, the UTA commuter rail station and ownership of the property.

Mr. Weaver said the applicant is proposing four lots on 3.39 acres. He said the mixed-use apartment building will be located on Lot 1 with commercial/retail uses on the bottom floor, residential building on the upper four floors, and underground parking for the commercial/retail uses and the residents. Mr. Weaver said Lot 4 is proposed for a convenience store for patrons of the FrontRunner with Lots 1 and 3 providing parking areas.

Mr. Weaver said the City is currently reviewing a mixed-use site plan for Lot 1. The Planning Commission will review this site plan and building elevations, and per recommendations from the Design Review Committee (DRC), either approve or deny the site plan. He said the applicant, Jared Nielsen, was present with elevations to present to the Planning Commission.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the preliminary plat based on receipt of a geotechnical report on the property, approval from Davis County Flood Control, and subject to the applicant meeting all Staff requirements.

There were no questions from the Commission or the audience.

The applicant, Jared Nielsen, 399 North Main Suite 270, Logan, presented elevations of the proposed development and outlined some of the negotiations, easements, contracts, and land trade associated with the development.

Commissioner Elinkowski asked Mr. Nielsen about the target market for his project. He said the development would contain Class A 1-2 bedroom apartment units targeted for professionals or singles who would use the commuter rail system. The 156 apartments range from 700 to 1100 square feet. He

said there would be 6,000 square feet of commercial space along the front of the building on the bottom floor including a club house for the facility.

Commissioner Elinkowski complimented Mr. Nielsen on the design of the development.

There were no questions from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Davis moved that the Planning Commission forward a positive recommendation to the City Council to approve the preliminary Kays Crossing Subdivision plat subject to receiving a geotechnical report on the property, a letter of approval from Davis County Flood Control, and meeting all staff requirements as outlined in Staff memos. Commissioner Gilbert seconded the motion, and the voting was unanimous.

#### **4. COTTAGES AT CHAPEL PARK PHASE 2 – PRELIMINARY APPROVAL**

This 3.72 acre property is located at approximately 200 South Whitesides Street in an R-1-6 (Single Family Residential) zoning district. The applicant, Ovation Homes, represented by Brad Frost, is proposing 13 lots.

Planner II, Kem Weaver, reviewed that on March 3, 2011, the City Council approved the rezone of this property from R-1-10 to R-1-6 with a development agreement. Mr. Weaver presented an overview of the area including Phase I of the Cottages at Chapel Park which recently received final plat approval. He also pointed out other residential areas and potential areas of development.

Mr. Weaver explained about the curvature of the street in Cottages at Chapel Park Phase 2 required to align the street with the existing 315 West street. He explained that Parcel B contains an existing duplex and indicated where a detention basin, large enough to handle storm water from the development, would be built on the southwest corner of the development. He said all of the lots meet the square footage requirement for the R-1-6 zoning designation. Each lot will be required to adhere to the development agreement associated with the property.

Mr. Weaver said Staff recommends the Planning Commission approve the request for preliminary approval for the Cottages at Chapel Park Phase 2.

There were no questions or comments from the Commission.

In answer to a question from a member of the audience, Mr. Weaver explained that the preliminary plan does not need City Council review and approval, but the final plan will be reviewed by both the Planning Commission and the City Council.

There were no further questions or comments from the audience. Chairman Esplin called for a motion on the item. Commissioner Bodily moved that the Planning Commission approve the preliminary plat subject to the applicant meeting all Staff requirements. Commissioner Gilbert seconded the motion, and the voting was unanimous.

#### **5. ROBERTS FARMS PHASE 7 – FINAL APPROVAL**

This 9.37 acre property is located at approximately 1100 South and 1300 West in an R-S (Residential Suburban) zoning district. The applicant, Ed Green, is proposing 23 lots.

Planner II, Kem Weaver, said the preliminary plat for Roberts Farms Phase 7 had been approved in December of 2004 with the overall preliminary plat for the Roberts Farms Subdivision. The first six

phases have been built out. Mr. Weaver gave an overview of the streets in the area including the future Layton Parkway connections. He pointed out the location of the elementary school.

Mr. Weaver said the R-S subdivision is lot averaged and indicated that overall, the subdivision lots meet the requirements for size and frontage in the R-S zoning designation.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final approval to Roberts Farms Subdivision Phase 7 subject to the applicant meeting all Staff requirements.

There were no 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 grant final approval to the Roberts Farms 7 Subdivision subject to the applicant meeting all Staff requirements. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

Chair Esplin called for a motion to close the Public Review and adjourn the meeting. Commissioner Bodily seconded the motion, and the voting was unanimous.

The meeting adjourned at 7:37 p.m.

  
Julie Jewell, Planning Commission Secretary