

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, SEPTEMBER 27, 2011

MEMBERS PRESENT: Kristin Elinkowski, Sharon Esplin, Gerald Gilbert, Tim Pales, Dave Weaver

ALTERNATE MEMBERS PRESENT: Jeremy Davis, Dawn Fitzpatrick

MEMBERS ABSENT: Brian Bodily

ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Brandon Rypien, Andrew King, Clinton Drake and Julie Jewell

PUBLIC HEARING:

1. SID ROBERTS/STRATEGIC CAPITAL GROUP, LLC – ANNEXATION AND REZONE WITH AN ANNEXATION AGREEMENT

This 18.622 acre property is located at approximately 815 West Weaver Lane. The proposal is to annex and rezone this property with a development agreement from A (Agriculture) to R-1-8 (Single Family Residential). The owner, Sid Roberts, is represented by Chad Bessinger from Strategic Capital Group, LLC.

Planner II, Kem Weaver presented the request for annexation and rezone of the 18.622 acre property to R-1-8, stating that the R-1-8 zoning is comparable to adjacent zoning. He explained how the property would be bisected by Layton Parkway leaving a 4.78 acre parcel to the north and a 12.72 acre parcel to the south.

Mr. Weaver reviewed Page 3 Section 4.5 of the annexation agreement explaining the extension of Kayscreek Trail through the property and options for ownership, development and maintenance of the trail. He gave a copy of Exhibit D to the Commissioners outlining the requirements from the Parks and Recreation Department for the placement and landscaping of the trail.

Mr. Weaver also reviewed the photographs of the eight-foot masonry walls to be installed along Layton Parkway stating that the developer of subdivisions adjacent to Layton Parkway would be required to install a minimum five-foot landscape buffer as well as planting the park strip. The Home Owners Associations (HOA) of the adjacent subdivisions would be responsible for maintaining the landscape buffers and park strips and for removing snow from the sidewalks even though these areas are separated from the developments by an eight-foot wall.

The City's desire for consistency in the fencing along Layton Parkway was discussed. Community & Economic Development Director, Bill Wright, explained that the white vinyl fence along Weaver Meadows Subdivision frontage along Layton Parkway had been removed, and the developer, Perry Homes, would be required to landscape the buffer, between the wall and the sidewalk, with the HOA maintaining the landscaping.

Mr. Wright said the anticipated completion of Layton Parkway between Flint and Angel Street is October 14, 2011.

Mr. Weaver explained where the access points would be along Layton Parkway.

2. GARY LESSIG – GENERAL PLAN AMENDMENT from Commercial to Mixed Use AND A REZONE REQUEST – C-H (Highway Regional Commercial) to MU (Mixed Use)

This 2.98 acre property is located at 1150 West 825 North on Lot 202 of Layton Crossing Commercial Subdivision Amended II.

City Planner, Peter Matson presented the request for a General Plan Amendment from Commercial to Mixed Use and the rezone request from C-H to MU for the property located on the northeast corner of 1200 West and 825 North on Lot 202 of the Layton Crossing Commercial Subdivision.

Mr. Matson reviewed the history of the property and potential development attempts for the property. After discussion with the developer, it was determined that a mixed use zoning would be appropriate for the property. Mr. Matson explained that in a mixed use zone the minimum density for a multi-family development would be eight units per acre with a maximum of 25 units per acre. Any development in the mixed use zone would be reviewed by the Design Review Committee. The orientation of the building would be to the street with no parking between the buildings and the street. Light retail or service businesses could be a part of the development.

Mr. Matson said Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve the General Plan Amendment and rezone request.

Commissioner Fitzpatrick expressed concerns about traffic if the property were to develop at the maximum of 25 units per acre and asked if the development would be properly buffered from adjacent property zoned C-H. Cross access easements for entering and exiting the property were discussed as well as alternatives to Hill Field Road for accessing the development.

3. ALDON NANCE – REZONE REQUEST – R-1-10 (Single Family Residential) to R-S (Residential Suburban)

This 1.89 acre property is located at 2078 East Cherry Lane. The applicants and owners are Aldon and Connie Nance.

Planner I, Andrew King, presented the rezone request stating that several months ago the applicant contacted Layton City requesting information regarding a change in the zoning on his parcel. The applicant believed his property was zoned A (Agriculture). The applicant wanted to know how his property was rezoned without his knowledge and how agricultural/farm animal rights could be reestablished.

It was concluded, after researching previous zoning change ordinances, that the applicant's property was zoned to an R-1-10 zone from an agricultural zone when East Layton City was incorporated into Layton City. The applicant was not aware of this change with the incorporation of East Layton City.

The applicant is interested in reestablishing the agricultural rights associated with the property. The Layton City General Plan designates the property for low density residential uses. The R-S zone is considered a low density residential zone with an allowance for agricultural/farm animals.

Mr. King said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone based on the request being consistent with the General Plan for the area.

There was a discussion of agricultural operations that would not be allowed on the property and the types and number of farm animals that would be allowed.

The owner, Mr. Nance, said he was made aware of the rezone from A to R-1-10 when his taxes changed, however, Mr. King said there are no records that indicate Mr. Nance's property was rezoned.

Mr. Nance said the new owner has no plans to change the configuration of the property, and Mr. Wright said the rezone would allow the property, if desired, to be subdivided for a few lots in the future.

4. LAYTON CITY -- ORDINANCE AMENDMENT – TITLE 19 (ZONING), CHAPTER 19.16, SECTION 19.16.090 "LANDSCAPE REQUIREMENTS FOR ARTERIAL STREETS"

Mr. Weaver reviewed an ordinance that was previously discussed with the Planning Commission regarding eight-foot masonry walls being required along Layton Parkway. He presented a map of where the City has installed the walls and the areas where developers would be required to install the walls. In answer to Commissioner Fitzpatrick's question, he explained a gap in the wall as a City owned area planned for public parking for the Kayscreek Trail.

Commissioner Davis asked who had paid for the wall already installed and Mr. Weaver responded that the City paid for the wall along property owned by existing landowners and that maintenance of the landscaping would be the responsibility of the landowners. Mr. Weaver said there was one existing area along Layton Parkway that would not be required to tear out the vinyl fencing and install the wall

OTHER: Chairman Esplin asked if time could be set aside at a work meeting to discuss the conditional use process.

Commissioner Fitzpatrick asked how long a homeowner had to landscape a front yard. It was explained that a new home is required to have front landscaping within 18 months, but an existing home with previous landscaping would just be required to keep the weeds mowed.



Julie Jewell, Planning Commission Secretary

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Planning Commission Chair, Sharon Esplin called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited and Commissioner Fitzpatrick gave an invocation.

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

PUBLIC HEARING:

1. SID ROBERTS/STRATEGIC CAPITAL GROUP, LLC – ANNEXATION AND REZONE WITH AN ANNEXATION AGREEMENT

This 18.622 acre property is located at approximately 815 West Weaver Lane. The proposal is to annex and rezone this property with a development agreement from A (Agriculture) to R-1-8 (Single Family Residential). The owner, Sid Roberts, is represented by Chad Bessinger from Strategic Capital Group, LLC.

Planner II, Kem Weaver presented the requested for annexation and rezone of the 18.622 acre property to R-1-8, stating that the R-1-8 zoning is comparable to adjacent zoning. He explained how the property would be bisected by Layton Parkway leaving a 4.78 acre parcel to the north and a 12.72 acre parcel to the south.

Mr. Weaver presented an overview of subdivisions in the area, all three of which are zoned R-1-8, as is proposed for the property in the proposed annexation.

Mr. Weaver reviewed the annexation agreement explaining the extension of Kayscreek Trail through the property and options for ownership, development and maintenance of the trail. He reviewed Exhibit D of the agreement outlining the requirements from the Parks and Recreation Department for the placement and landscaping of the trail.

Mr. Weaver said storm drainage will be required along the south boundary of the property with a detention pond on the north parcel. He said the detention pond could be used as a multi-faceted area with the trail either as part of the pond or separate. He said maintenance for the pond shall be the property owners' responsibility unless the pond is dedicated or deeded to the City in which case the City will maintain the pond. The City already maintains the trail.

Mr. Weaver reviewed Section 4.9.2 of the annexation agreement as follows as pertaining to owners adjacent to Layton Parkway:

Owner shall install an 8-foot masonry wall and associated landscape buffer along the frontage of Layton Parkway consistent with the requirements of Section 19.16.090 of the Layton Municipal Code. The design and engineering standards for said wall and landscape area shall be consistent with the wall and landscape specifications approved and constructed for the portion of Layton Parkway just east of the Subject Area as depicted on Exhibit "E". Said wall and landscape area shall be installed, as approved by the City Engineer and the Community and Economic Development Department, prior to final subdivision plat recordation of any first phase on the south or north side of Layton Parkway. The first phase development on the south side of Layton Parkway shall install the masonry wall and landscaping along the south side of Layton Parkway. The first phase development on the north side of Layton Parkway shall install the masonry wall and landscaping along the north side of Layton Parkway.

Mr. Weaver said the annexation petition was accepted and certified by the City Council on September 1, 2011, and is in the City's expansion area covered by the City's annexation policy plan. He said the rezone proposal at two to four units per acre is consistent with the General Plan for the area.

There was a discussion about the repositioning of existing storm drain lines.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the Council to approve the annexation and rezone to R-1-8 with an annexation agreement addressing infrastructure requirements and subject to meeting all Staff requirements.

Commissioner Fitzpatrick clarified that the City would only be responsible for the pond if it is dedicated to the City.

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 that the Planning Commission forward a positive recommendation to the Council to adopt Ordinances 11-55, 11-27 and 11-28 approving the annexation and rezone to R-1-8 with an annexation agreement addressing infrastructure requirements and subject to meeting all Staff requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

2. GARY LESSIG – GENERAL PLAN AMENDMENT from Commercial to Mixed Use AND A REZONE REQUEST – C-H (Highway Regional Commercial) to MU (Mixed Use)

This 2.98 acre property is located at 1150 West 825 North on Lot 202 of Layton Crossing Commercial Subdivision Amended II.

City Planner, Peter Matson, presented the request for a General Plan amendment for 2.98 acres at 1150 West and 825 North to Mixed Use to allow for a rezone from C-H to MU. He gave an overview of the zoning and business and residential property in the area including the Union Pacific and Utah Transit Authority rail lines.

Mr. Matson said the owners have explored various options for office or commercial uses and had applied for a higher density multi-family zoning designation. However, Staff had concerns with a higher density without any protection to the community in terms of design and meshing with existing residential and commercial in the area. He said Staff recommended the MU zone with a minimum of 8 units per acre and a maximum of 25 units per acre and said housing and light retail could be mixed in the MU zoned. A

developmental plan would be required to be submitted to the Design Review Committee. Mr. Matson said that buildings must be located near the street frontage with parking in the rear of the property.

Mr. Matson said residents would be encouraged to go north to Gordon Avenue to get to Main Street rather than using West Hill Field Road. He said Staff is recommending the Planning Commission forward a positive recommendation to the City Council to approve the General Plan amendment and rezone to MU.

Commissioner Weaver asked if MU zoning is approved, if a development plan is required. Mr. Matson replied that the Planning Commission would have an opportunity to review the development plan.

There were no further questions from the Commission. Mike Ostermiller, representing the property owner, said the MU zone would not give the developer exactly what he wanted but that it was a good, workable solution.

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 General Plan Amendment from Commercial to Mixed Use. Commissioner Elinkowski seconded the motion, and the voting was unanimous. Commissioner Pales also moved that the Planning Commission forward a positive recommendation to the City Council to approve the rezone from C-H to MU. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

3. ALDON NANCE – REZONE REQUEST – R-1-10 (Single Family Residential) to R-S (Residential Suburban)

This 1.89 acre property is located at 2078 East Cherry Lane. The applicants and owners are Aldon and Connie Nance.

Planner I, Andrew King, presented the request for rezone of 1.89 acres at 2078 East Cherry Lane from R-1-10 to R-S. The applicant, Aldon Nance, had inquired as to when his property was rezoned from A to R-1-10. Since there was no indication the property (formerly in East Layton) had been rezoned, it was determined that perhaps the rezone took place when East Layton was incorporated into Layton City. Mr. King said the applicant was interested in preserving the agricultural rights of the property by right and not through grandfathering for continuous agricultural use in the R-1-10 zone and said that the R-S zone would create the agricultural rights the applicant is looking for in order to advertise the property for sale as an agricultural/horse property.

Mr. King said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-10 to R-S based on comparable zoning in the area and consistency with the General Plan.

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

Chairman Esplin called for a motion on the item.

Commissioner Davis moved that the Planning Commission forward a positive recommendation to the Council to adopt Ordinance 11-30 approving the rezone from R-1-10 to R-S based on comparable zoning in the area and consistency with the General Plan. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

4. LAYTON CITY -- ORDINANCE AMENDMENT – TITLE 19 (ZONING), CHAPTER 19.16, SECTION 19.16.090 "LANDSCAPE REQUIREMENTS FOR ARTERIAL STREETS"

Planner II, Kem Weaver, explained that after discussion with the Planning Commission in July, Staff decided to move forward with an ordinance amendment regarding landscape requirements for arterial street, specifically Layton Parkway.

Mr. Weaver indicated on an aerial where the City had installed eight-foot masonry walls along Layton Parkway. He said the masonry walls replace the ordinance requirement along Layton Parkway only for six-foot white vinyl fencing as seen in other subdivisions backing on to an arterial street. Mr. Weaver said a five-foot landscape buffer would be required between the wall and the sidewalk and would be installed and maintained by the home owners' associations (HOA) of adjoining subdivisions. He said the masonry walls to be installed along future developments adjacent to Layton Parkway, must be consistent with the existing wall design.

Mr. Weaver said that based on the information presented, Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to approve Ordinance 11-32 amending Title 19.16.090.

Commissioner Fitzpatrick asked if the City would maintain the landscaping along the wall the City had installed, and Mr. Weaver replied that it would be the responsibility of adjoining subdivision HOA's to install the landscaping including trees from 2-3 species selected by the City Parks Department and maintain the landscaping.

There was a discussion on the developer feedback regarding the eight-foot masonry wall requirement along Layton Parkway as far as additional cost and the need for a light, noise and safety buffer other than a vinyl fence. Community & Economic Development Director, Bill Wright, indicated that Layton Parkway was anticipated to be open on October 14, 2011.

There were no further questions from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Fitzpatrick moved to forward a recommendation from the Planning Commission to the City Council to approve Ordinance 11-32 amending Title 19.16.090. Commissioner Gilbert seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close the Public Hearing and adjourn the meeting. Commissioner Weaver moved to close the Public Hearing and adjourn the meeting. Commissioner Pales seconded the motion, and the voting was unanimous.

The meeting adjourned at 7:53 p.m.



Julie Jewell, Planning Commission Secretary