

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
TUESDAY, OCTOBER 11, 2011**

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

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

**MEMBERS ABSENT:** Sharon Esplin, Kristin Elinkowski

**ALTERNATE MEMBERS ABSENT:**

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

**PUBLIC REVIEW:**

**1. VILLAS ON MAIN – PRELIMINARY APPROVAL**

This 5.67 acre property is located at approximately 1451 North Main Street in an R-M2 PRUD (Medium Density Residential Planned Residential Unit Development) zoning district. The applicant, CRE Properties, represented by Bryce Thurgood, is proposing 120 apartment units.

Planner II, Kem Weaver, presented the request for preliminary approval for the 120-unit apartment development on 5.67 acres. He said with the base density in the R-2 zoning being 91 units, the project needed a 32 percent density bonus to achieve the additional 29 units. Mr. Weaver summarized the findings of the Design Review Committee, which awarded the development a 37 percent density bonus.

There was a discussion regarding the carriage walks between the apartment complex and the sidewalk along Main Street with the developer, Bryce Thurgood, stating that he preferred access to the complex to be at the north and south ends of the development. Employing the "Crime Prevention through Environmental Design" criteria was also discussed as a good option for landscaping the frontage of the development. The developer was in agreement with exploring these design criterias.

Other items of discussion were the second access off Main Street and the amount and type of masonry to be used in the development. With the main entrance being on the south end of the complex, it was suggested that the orientation of the club house and buildings in the center of the complex be flipped to allow for easier access from the entrances. The developer also said he planned to install new infrastructure throughout the development.

**2. UTOPIA HUT SITE – CONDITIONAL USE REQUESTS FOR TELECOMMUNICATION SWITCHING STATIONS**

1925 North Fort Lane (Layton City Public Works Shop Property)  
1650 North Main (Vae View Park)  
1200 West Hill Field Road (Detention Site)  
1900 North 700 West (Future Fire Station)  
199 North Fort Lane (Fire Station #53)

City Planner, Peter Matson, presented the requests for conditional use for the Utopia hut sites listed above. Mr. Matson explained where each hut site would be located, all of which will be on City property. He said there would be a site by site determination of where the generators will be installed to allow for the least amount of noise to reach the neighboring residences. Time of operation will also be taken into consideration.

There was a discussion of whether or not the sites would be fenced to prevent vandalism with Utopia's preference being that there be no fences which may cause security issues with the hut not being in plain sight.

Commissioner Gilbert asked about the conditions placed on any Utopia hut sites currently in the City. There was a discussion regarding the plans of new Utopia personnel to bring the current hut site into conformance. Steve Magelby and Scott Woolsey from Utopia were present at the meeting.

Mr. Matson outlined the design guidelines and conditions that would be required for conditional use permits for the proposed hut sites.

### 3. OTHER

Commissioner Gilbert led a discussion listing the Commission's concern regarding the enforcement of conditions required for various conditional use permits. Some of the properties in concern for violating conditions were as follows:

Crystal Pools/U-Haul – 608 South Main Street  
Got Storage – 153 East Antelope Drive  
PowerTrain Perfection – 1370 West Gentile  
CNG America – 1131 East Highway 193  
Andrescapes – 1142 West Gentile

Commissioner Gilbert asked that Staff either put no conditions on the conditional use permits or enforce the required conditions.

There was a discussion about the notification of the actual property owner versus just the applicant about the upgrades and conditions required as part of a conditional use permit.

There was a discussion regarding the most recent mobile store conditional use approved at Main and Antelope Drive. Community & Economic Director, Bill Wright, said he and Planner I, Brandon Rypien, had been to the site and had determined that access, traffic flow and parking lot striping was in compliance. The applicant will not be using electricity from the power pole on site, but he is using a table and chairs which exceed the 100 square foot minimum and will need to be addressed. Mr. Wright said Staff is in the process of reviewing the mobile store ordinance.

Commissioner Gilbert expressed a concern about the hazard of the mobile store canopies in a windstorm and reiterated that if a conditional use is granted based on conditions, that the conditions be enforced.

Mr. Wright said that Staff is usually responding to a complaint when discovering a site is not in compliance with its conditional use. He said there have been some successes with bringing businesses into compliance and said Staff would meet to determine a process for monitoring conditional use permits.

Commissioner Fitzpatrick suggested that the code enforcement officers work on Saturday since there seem to be many sign ordinance violations on the weekend.

Mr. Matson said time would be reserved in subsequent work meetings to discuss the conditional use issue.

  
Julie K. Jewell, Planning Commission Secretary

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In the absence of Chairman Sharon Esplin and Co-Chair Kristin Elinkowski, Commissioner Pales moved at 7:05 p.m. that Commissioner Gilbert act as Chair for the meeting. Commissioner Weaver seconded the motion, and the voting was unanimous.

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

Acting Chair Gilbert called for a motion to approve the September 13, 2011, Planning Commission and Work Meeting minutes. Commissioner Fitzpatrick asked for the regular meeting minutes to be corrected to indicate that she was present at the meeting.

Acting Chair Gilbert called for a motion to approve the September 13, 2011, Planning Commission and Work Meeting minutes as corrected. Commissioner Fitzpatrick moved to approve the September 13, 2011 minutes as corrected. Commissioner Davis seconded the motion, and the voting was unanimous.

Acting Chair Gilbert called for a motion to open Public Review. Commissioner Pales moved to open Public Review. Commissioner Bodily seconded the motion, and the voting was unanimous.

**PUBLIC REVIEW:**

**1. VILLAS ON MAIN – PRELIMINARY APPROVAL**

This 5.67 acre property is located at approximately 1451 North Main Street in an R-M2 PRUD (Medium Density Residential Planned Residential Unit Development) zoning district. The applicant, CRE Properties, represented by Bryce Thurgood, is proposing 120 apartment units.

Planner II, Kem Weaver, reviewed the history of the property proposed for a 120-unit apartment complex. He said that verification from environmental reports indicates that the ground from which fuel tanks had been removed was clear for new development.

Mr. Weaver said two adjacent parcels would be combined into one 5.67 acre parcel. He showed the proposed configuration of the development as well as the location of surrounding businesses and residential properties.

Mr. Weaver said that the Utah Department of Transportation (UDOT) is requiring that the north access be a secondary access only and be gated. He said the club house and buildings in the center of the complex may be flipped to allow the club house to be closer to the main access on the south of the complex.

Mr. Weaver explained how the development achieved the 32 percent density bonus for the additional 29 units above the base density of 91 units allowed for this acreage in the R-2 PRUD zone. The density bonus awarded by the DRC was 37 percent.

According to Mr. Weaver, the developer proposes taupe colored vinyl fencing along the north and west boundaries of the development, and while no fencing is required on along the Main Street frontage, Staff is working with developer to incorporate a two-foot masonry wall with wrought iron fencing along the top. The inner side of the fencing will be landscaped to create a better buffer for the buildings fronting on Main Street.

Mr. Weaver said the DRC recommended walkways from the apartment complex to create access points to Main Street; however, after discussion with the Planning Commission and developer, it seemed it may cause a security issue to have walkways out to Main Street in front of the buildings fronting on Main Street.

It was discussed that based on Crime Prevention through Environmental Design (CEPTED) standards, some of the landscaping might be too much for security purposes. Input from a Layton City Police Officer trained in landscaping plans/CEPTED will be requested.

Mr. Weaver said the canopies would not block access areas and that there would be carriage walks from the perimeter trail and walkway to the inner sidewalk system. He also pointed out dumpster locations and said the enclosures must come close to matching the architecture of the primary structures.

Mr. Weaver said it is Staff's opinion that the development meets the requirements of the General Plan for the area, the development will blend in with the adjacent commercial developments, no detriment will be caused to the apartment development due to adjacent commercial uses, and street landscaping will create a dense buffer. He said there are no hazards or threats to the public with this development in regard to safety and welfare.

Based on the information provided, Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the Council to approve the preliminary plans for the Villas at Main PRUD based on the DRC recommendation of a 37 percent density bonus for a 120-unit apartment development and subject to meeting all Staff requirements as outlined in all Staff memorandums.

Commissioner Fitzpatrick asked if there was a guideline governing the size of the tot lot as compared to the size of the apartment complex. Mr. Weaver replied that there was not such a guideline.

There were no questions or comments from the Commission, the development, or the audience.

Acting Chair Gilbert called for a motion on the item. Commissioner Bodily moved that the Planning Commission forward a positive recommendation to the City Council to grant preliminary approval to the Villas at Main as outlined in the Staff report and the DRC recommendations. He restated the motion to add that the motion is subject to changes in the carriage ways between the apartment complex and Main Street and to a review of the landscaping for safety. Commissioner Pales seconded the motion, and the voting was unanimous.

## **2. UTOPIA HUT SITE – CONDITIONAL USE REQUESTS FOR TELECOMMUNICATION SWITCHING STATIONS**

Layton Parkway & Flint Street  
1925 North Fort Lane (Layton City Public Works Shop Property)  
1650 North Main (Vae View Park)  
1200 West Hill Field Road (Detention Site)  
1900 North 700 West (Future Fire Station)  
199 North Fort Lane (Fire Station #53)

City Planner, Peter Matson, presented the request for conditional use for Utopia fiber optic hut sites as listed above to be placed on City owned property. He gave an overview of the proposed site and said Staff is currently working with the Utah Telecommunication Open Infrastructure Agency (Utopia) to upgrade the aesthetics of the current site at Gordon Avenue and Fort Lane. He said the additional sites with several additional sites to be presented for conditional use approval will allow the fiber optic system running along I-15 to spread throughout the City.

There was a discussion of the size of the sites and equipment to be put on the site. Backup generators will be placed on the opposite side of the hut from any residential property.

Mr. Matson reviewed each site being proposed for conditional use, and said Staff is recommending the Planning Commission approve the conditional use request for the six sites with the following conditions:

1. The City reserves the right to inspect and review each site after hut installation to determine if a solid masonry wall or vinyl fence around the hut is warranted for screening, safety, and/or aesthetic purposes. More specifically, Sites #1 and #3 shall be inspected and reviewed by the Parks and Recreation Department for the fencing option relative to specific site compatibility issues.
2. The pad space for Sites #1, #5 and #6 should be designed such that the generator can be located on the opposite side of the hut from the adjacent residential neighborhoods for sound mitigation purposes.
3. The color of each hut structure shall be a dark brown (earth tone) on the aggregate panels, trim, door and attached generator and a/c units. The specific color and material sample code shall be noted in the file and be the basis for contractor installation.
4. Site and hut design and installation shall comply with all applicable Fire, Building, and Engineering Division requirements.
5. A final site plan shall be approved by Staff for each individual hut site prior to the issuance of a building permit.

There was a discussion on the noise level generated by the generators and times recommended when the generators would run. Scott Woolsley, Utopia representative, 75 South Redwood Road, Salt Lake City, said the natural gas or propane generators would typically run 10-15 minute test cycles, which are quieter than when they run during a power outage. Commissioner Pales said that maintenance cycles when the generators are running with no load are usually quiet.

Commissioner Weaver commented that the conditional use for the existing hut site on the corner of Fort Lane and Gordon Avenue is not in compliance. Mr. Woolsley replied that the site had been installed under different Utopia management and that he is working with Staff to possibly amend the conditional use and to bring the site into compliance.

There was a discussion regarding the aesthetics of the hut sites and electrical panel placement which Utopia representatives said would be inside the buildings.

Acting Chair Gilbert asked if one motion could address all six sites. Assistant City Attorney, Steve Garside, said that would be allowed if there were no specific issues tied to one site.

A member of the audience, Brendan Zeeka, 416 North 3200 West, asked about exhaust from the hut sites, especially those sites located in parks. Mr. Woolsley replied that the sites would be fenced if necessary and explained how the exhaust is vented to prevent burning. Mr. Zeeka asked about toxins, and Mr. Woolsley explained that the fuels used are much better environmentally than diesel fuel.

Acting Chair Gilbert said each site will be individually reviewed by Staff, including the Parks and Recreation Department, and a fence will be required if necessary.

Acting Chair Gilbert called for a motion on the item. Commissioner Weaver moved that the conditional use request be tabled until Utopia has time to deal with the non-compliant hut site. The motion failed due to lack of a second on the motion.

Commissioner Pales moved that conditional use be granted for the six Utopia hut sites subject to the sites being consistent with submitted site plans and to meeting all Staff requirements. Acting Chair Gilbert expressed appreciation for Commissioner Weaver's comments and said Staff will address the issues of the existing hut site. There was a discussion of the construction timetable for the new sites and it was stated that the conditional use permit is good for one year as long as there is substantial progress during that year.

Commissioner Weaver requested a definitive time line for each location. Mr. Woolsley explained how the funding would work for the project and said the huts had to be 65 percent completed by September 2013. Mr. Woolsley said he hoped to have final inspections within 30 days of each site being set. After a continued discussion on the timeline for the site, Mr. Matson said Staff could update the Planning Commission of progress on the site during meetings. Mr. Woolsley said Utopia's completion goal is 120 days, but he felt he could commit to a six-month deadline for completion of the hut sites. He referred the Commission to [broadbandusa.com](http://broadbandusa.com) to review the drawings of the sites.

Commissioner Davis then seconded Commissioner Pales' motion. The motion passed by a margin of four votes in favor and one opposed, with Commissioners Bodily, Davis, Fitzpatrick and Pales voting in favor, and Commissioner Weaver opposed.

Acting Chair Gilbert called for a motion to close Public Review. Commissioner Bodily moved to close Public Review. Commissioner Pales seconded the motion, and the voting was unanimous.

Acting Chair Gilbert called for a motion to adjourn the meeting. Commissioner Pales moved to adjourn the meeting. Commissioner Bodily seconded the motion, and the voting was unanimous. The meeting adjourned at 8:02 p.m.

  
Julie K. Jewell, Planning Commission Secretary