

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
TUESDAY, DECEMBER 27, 2011**

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

ALTERNATE MEMBERS PRESENT: Jeremy Davis, Dawn Fitzpatrick

MEMBERS ABSENT: Tim Pales, Kristin Elinkowski

ALTERNATE MEMBERS ABSENT:

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

PUBLIC REVIEW:

1. VILLAS ON MAIN – FINAL 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.

City Planner, Peter Matson, presented the request for final approval for the 120-unit Villas on Main project on 5.67 acres. He said the Design Review Committee (DRC) awarded a 37 percent density bonus, and the project only needed 32 percent to get the 120-unit design being proposed. He said that when there were two accesses off Main Street planned for the development, the original plan had the club house in the north east corner of the center quad area. However, the Utah Department of Transportation only allowed one access, and the club house was moved and the plan adjusted to allow for the club house to be by the main access.

Chairman Esplin asked about the status of the right-of-way on the south boundary of the property. Mr. Matson said the final plat combines two lots into one lot, and the existing right-of-way will be vacated before the final plat for the Villas on Main is reviewed by the City Council.

Mr. Matson said Staff recommends that the Planning Commission forward a positive recommendation to the City Council to grant final approval to the Villas on Main subject to review and approval of the new detailed landscape plan.

Gerald asked about barriers at the end of the area being used as a road way. Mr. Matson said this area will be a fenced area where Laytona Drive stubs into the new development from the development to the west. He said Staff would follow up with Public Works to put in barriers to prevent traffic from the subdivision to the west from going further east on Laytona Drive.

Commissioner Fitzpatrick asked how the density bonus percentages received from the DRC for the Villas on Main would have compared with the density bonus that would have been given under the new PRUD guidelines. Mr. Matson said the project would most likely have received the same density bonus percentages under the new guidelines.

2. BEYOND SPA – CONDITIONAL USE FOR PERSONAL SERVICES

This property is located at 2261 North Hill Field Road (400 West). The applicant is Travis Wayland representing the owners, Phillip and Diane Palmer.

Planner I, Andrew King, said the applicant is proposing a new 7,000 square foot spa facility which is a conditional use in the PB zone. He said some of the requirements of a typical conditional use will be not addressed during the conditional use process but will be addressed during the site plan review for the new building.

Mr. King said although the property is adjacent to an 18-foot landscaped Utah Department of Transportation easement for any future widening of Hill Field Road, the applicant will include the required landscaped strip in the event Hill Field Road is ever widened.

Mr. King said that retail sales have to be secondary to the primary business with a maximum of 10 percent of the total floor area being available for sales. He said the applicant states that he anticipates retail sales to be two to three percent of the total income. The following are the conditions required for the conditional use permit with other requirements to be applied through the site plan approval process:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The business shall limit the total floor area used for retail sales to ten (10) percent or 700 square feet.

Commissioner Fitzpatrick asked about storm water detention, and Mr. King replied that the Engineering Department will address storm water detention, which the applicant will be required to finance and install.

Commissioner Fitzpatrick asked about the architecture of the building, which Mr. King said would be stone and stucco. The elevations of the building were discussed as well as landscaping.

Commissioner Weaver asked about vent pipes coming out of the ground behind the garage area. Mr. King said that issue would be addressed during the Engineering Division review.

Commissioner Gilbert asked, with regard to Condition #2, if the retail sales could be limited to spa related sales only. Condition #2 will be amended to reflect Commissioner Gilbert's request.

PUBLIC HEARING:

3. MAVERIK INC – PETITION FOR A GENERAL PLAN AMENDMENT – RESIDENTIAL TO COMMERCIAL AND REZONE APPLICATION – R-S (Residential Suburban) to CP-1 (Planned Neighborhood Commercial)

This 1.40 acre property is located at the northwest corner of Gordon Avenue and 2200 West. The property owner, Elda J. Stevenson, is represented by Todd Meyers of Maverik. Maverik is proposing a convenience store with gasoline sales.

City Planner, Peter Matson, presented the request for a General Plan Amendment (GPA) and rezone for 1.4 acres on the northwest corner of Gordon Ave and 2200 West. He said the present zoning is an R-S designation with a 15,000 square foot minimum lot size, which does allow animals if the owner desires. He said the request is for CP-1 zoning and that the General Plan (GP) map does not allow for CP-1 zoning or plan for it, thus the applicant, Maverik Inc., has asked for a GP amendment. He said the information in the packet indicates a basic prototype similar to existing, newer Maverik projects built in the City.

Mr. Matson reviewed what the GP covers as far as land use recommendations for the subject property and some of the findings that the Staff has made in the Staff report as far as the GPA and zoning request. He reviewed the GP map, and said the GP map is not parcel specific. He said that for the subject intersection, the GP has a recommendation of single family residential at 2-4 units per acres. The existing R-S zone has 1-2 homes per acre. He said that typically with the GPA would be a request for rezone of the property. He said the Land Use and Population Element and GP map should be reviewed before making a decision. He gave an overview of the

residential zoning in the area. Mr. Matson said that another option to consider for this corner would be the Professional Business (PB) zone.

Mr. Matson discussed how the Staff report was organized with findings for both the GPA and the rezone request listed. He also reviewed the beer sales and the related separation requirements in the City code and how the process for variances is considered.

Mr. Matson explained that when a GPA application is received, Staff determines if the existing plan is still appropriate for the area. He said that in this case, Staff has not found reasons not to continue with the existing GP recommendation. He said the neighborhood infrastructure has been built and the area is planned for residential development.

Mr. Matson said commercial development in the City, outside of the Layton Hill Mall and Main Street corridor, has typically been in commercial nodes at two intersecting arterial streets. In this case, the land use, with the exception of the subject corner, has very established uses. He said that Staff's opinion is that there is a stark difference between the residential zoning and the proposed retail use. He said a convenience store typically operates 24 hours a day, can be a conflicting aspect of the convenience store being next to neighborhoods.

The buffer requirements for beer retailing were discussed. Commissioner Fitzpatrick mentioned that those separation issues are sometimes in conflict in the City. Mr. Matson said sometimes it was because a church chooses to locate in an already established retail zone.

While uses in the CP-1 zone typically generate more traffic, Mr. Matson said a PB uses operates only during typical daytime business hours. He listed the conflicts between a convenience store with truck deliveries, garbage collection, and traffic and the walking route of children going to school. Other conflicts would be the canopy, lighting and audible noises that may conflict with adjacent land uses.

Based on the findings listed in the Staff report, Mr. Matson said Staff is recommending that the Planning Commission forward a negative recommendation to the City Council. He said there was property about a half mile away in the West Layton area that could support the proposed use and said Staff does not feel that the existing GP recommendation supports retail as an appropriate use for the site.

The Commission expressed concerns about drive approach locations, widening of the right turn lane, and participation of adjacent land owners in the development. Mr. Matson said that the Engineering Division would address the right-of-way issues and that adjacent owners would not be required to rezone their property.

Commissioner Davis declared that he has a working relationship with the property owner to the north of the subject property but said he didn't feel that the relationship would cause a conflict of interest.

Commissioner Fitzpatrick asked if the GP was amended and the property rezoned and then Maverik didn't build on the property, if another CP-1 use could be developed on the property. Mr. Matson responded that if the Commission was considering approving the GPA and rezone, that they consider requiring a development agreement which could list the uses that would not be allowed at this location.

Commissioner Davis commented that there had been feedback from the residents and asked if the LDS Church or the Golf Course had given any feedback. Mr. Matson said he was not aware of any specific comments from those organizations.

There was a discussion about the placement and design of a gas station and convenience store in the West Layton Village Center area.

The Commission agreed that the safety of the children walking to school would be a concern.

OTHER:

There was a discussion regarding a newspaper article about a check cashing store. Mr. Matson said the business referred to in the article was already in the application process when the ordinance came into place. However, Mr. King stated another request had been received and the application was not accepted.

Commissioner Fitzpatrick asked for an update on the closing of a Layton smoke shop. Assistant City Attorney, Steve Garside, said an administrative hearing was forthcoming.

The following conditional uses were discussed: Burger King, PowerTrain Perfection, U-Haul, and WINCO removal of dirt.

Staff listed new businesses coming to Layton and updated the Commission on the Kays Crossing Apartments,



Julie Jewell, Planning Commission Secretary

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

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited, and an invocation was given by Commissioner Fitzpatrick.

Chairman Esplin called for a motion to approve the November 22, 2011, Planning Commission and Work Meeting Minutes. Commissioner Fitzpatrick moved to approve the November 22, 2011, Planning Commission and Work Meeting Minutes as written. Commissioner Davis seconded the motion, and the voting was unanimous.

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

PUBLIC REVIEW:

1. VILLAS ON MAIN – FINAL 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.

Peter Matson, City Planner, presented the request for final approval for the Villas on Main PRUD. He gave a history of the property, stating that the property had been rezoned to R-M2 PRUD earlier in the year. He said the based density of this multiple family zone is 16 units per acre which would allow for 91 apartment units. The applicant is proposing a 120-unit apartment project on 5.67 acres which required a 32 percent density bonus to achieve the additional 29 units on the site. The Design Review Committee awarded the project a 37 percent density bonus.

Mr. Matson reviewed the site plan and the location of the buildings explaining that with the change of the main entry from the north to the south of the complex, the club house had to be relocated to be the focal point as the project is entered.

Mr. Matson said the property is two existing parcels which will be combined. He explained that a 60-foot right-of-way on the south boundary of the property will be vacated with half the width of the right-of-way to be given to the property owners on each side of the right-of-way.

Subject to the City receiving a new detailed landscaping plan for the wall and fence area on the Main Street side of the property, to be reviewed prior to the request for final approval being reviewed by the City Council, Mr. Matson said Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to grant final approval to the Villas on Main.

Commissioner Weaver asked how long the right-of-way had been in use. Mr. Matson replied that it had never been a paved right-of-way.

There were further no 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 grant final approval to the Villas on Main PRUD subject to the applicant providing a detailed landscaping plan along the Main Street frontage including the wall, fence, and irrigation and also subject to meeting all Staff requirements. Commissioner Weaver asked to have the motion include barriers on the City side of the right-of-way to be vacated. Commissioner Gilbert amended the motion to include the barriers. The motion was seconded by Commissioner Weaver, and the voting was unanimous.

2. BEYOND SPA – CONDITIONAL USE FOR PERSONAL SERVICES

This property is located at 2261 North Hill Field Road (400 West). The applicant is Travis Wayland representing the owners, Phillip and Diane Palmer.

Planner I, Andrew King, presented the request for conditional use for personal services at 2261 North Hill Field Road. The building currently on the site will be demolished, and the proposed 7,000 square foot building will include new parking and landscaping. Although the property contains an 18-foot landscaped Utah Department of Transportation easement reserved for any future widening of Hill Field Road, the applicant will include the required landscaped strip in the event Hill Field Road is ever widened. Since it is a new building, several requirements typically covered under a conditional use approval will be covered under the site plan approval.

Mr. King listed the following conditions which are required for this conditional use request stating that Condition #2 will be rewritten to require all sales to be spa related:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The business shall limit the total floor area used for retail sales to ten (10) percent or 700 square feet.

There were no questions for comments from the Commission or the audience. Chairman Esplin asked the applicant, Travis Weyland, 198 West Point of View Circle, Farmington, UT, if he was familiar with the two conditions. Mr. Weyland replied that he agreed with the conditions.

Chairman Esplin called for a motion on the item. Commissioner Bodily moved that Planning Commission approve the conditional use request for a spa subject to the applicant meeting both conditions, including the correction to condition #2, with the conditions being hereby adopted as requirements. Commissioner Weaver seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review and open the Public Hearing. Commissioner Gilbert moved to close Public Review and open the Public Hearing. Commissioner Bodily seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

3. MAVERIK INC – PETITION FOR A GENERAL PLAN AMENDMENT – RESIDENTIAL TO COMMERCIAL AND REZONE APPLICATION – R-S (Residential Suburban) to CP-1 (Planned Neighborhood Commercial)

This 1.40 acre property is located at the northwest corner of Gordon Avenue and 2200 West. The property owner, Elda J. Stevenson, is represented by Todd Meyers of Maverik. Maverik is proposing a convenience store with gasoline sales.

Chairman Esplin explained the procedure for the Public Hearing to the audience.

City Planner, Peter Matson, presented the proposal for a General Plan Amendment from Residential to Commercial and the request to rezone the property on the northwest corner of Gordon Avenue and 2200 West from R-S to CP-1.

Mr. Matson said that any time a rezone application is presented to the City, Staff reviews the request in light of the General Plan land use map and also goal and policy recommendations. He said the CP-1 zone is not reflected in the current General Plan recommendations for this area.

Mr. Matson said the applicant for this General Plan amendment and rezone is Maverik Inc. He explained how the convenience store and gas pumps and canopies would be arranged on the property.

Mr. Matson said that while the General Plan map calls for single family residential on the subject property, written policy recommendations indicate non-residential uses such as medical office or professional business are appropriate at arterial street intersections and that such uses can function as an effective transition between the arterial streets and adjacent neighborhoods and are typically developed under the guidelines of the PB (Professional Business) zoning designation. He gave an example of PB zoning (medical clinic) adjacent to residential uses is at the southwest corner of 3200 West and Gordon Avenue (see Exhibit A), and said that this site illustrates how the P-B zone, which is consistent with written General Plan policies, can accommodate a non-residential land use at one corner of a busy intersection without detriment to surrounding neighborhoods. The professional business alternative generates less traffic and uses typically operate during daytime business hours.

Mr. Matson said that the 2200 West and Gordon Avenue intersection historically and presently has not been designated as a commercial node in the City's General Plan. He said the City should look at future development for commercial to be in nodes rather than spread out along arterial streets. Commercial uses for this neighborhood is about one-half mile south with CP-1 zoning that could accommodate the Maverik type use.

Mr. Matson said the proposed Maverik will likely have beer sales as part of its business. However, a church use is located within the 600 foot walking distance and 200 foot straight line separation requirement between a beer retailer and a church. Because the proposed site does not meet ordinance requirements, Maverik would not be able to obtain a beer license from the City. While they could apply for a variance from the City Council, Mr. Matson said it is Staff's opinion that no undue hardship exists that would allow distance requirements to be waved in this instance.

Mr. Matson reviewed the following finding regarding the request for a General Plan amendment and rezone:

General Plan Amendment Findings:

1. The current General Plan designation for Residential Uses and associated Policies for development along Arterial Streets is purposeful and is not an error as currently illustrated on the Layton City General Plan.

2. Conditions have not changed sufficiently to warrant a land use designation change to identify the corner of 2200 West Gordon Avenue as a Commercial Node. The development of West Layton is proceeding consistent with the current General Plan to provide for orderly growth of the residential and non-residential land uses.
3. The community, Planning Commission and City Council have spent the past year studying the West Layton Village Center designation and have a draft of a "Form Based Code" to implement the development of a village center, pending its adoption. The West Layton Village Center is within this trade area for providing convenient neighborhood shopping.
4. Property owners surrounding the corner of 2200 West and Gordon Avenue have invested in the development of their properties consistent with the current General Plan and have an expectation that the vacant land on the northwest corner will also develop consistent with the General Plan. Those investments include: a *Church of Jesus Christ of Latter-day Saints* meetinghouse on the northeast corner; the Swan Lakes Golf Course on the southeast corner (General Plan designation of Open Space); and single family housing on the southwest corner. The northwest corner (applicant's area) has residential stub streets adjacent to the property to provide for future residential development.
5. A Commercial land use designation in the General Plan is not appropriate land use planning due to the health, safety and welfare conflicts created by such designation with adjacent developed property. A single corner Commercial designation is inconsistent with general planning principles to provide for commercial nodes to serve West Layton neighborhoods. Changing the General Plan for the applicant's property would result in a single parcel commercial designation.
6. A Commercial land use designation for retail services (i.e. convenience store, restaurant, etc) at this location will establish a conflict of planning policies and business license policies for on-premise and off-premise beer retailing that typically is associated with these types of commercial retail uses. Retail development of the northwest corner for retail services with beer or liquor sales is not allowed by Layton City Business License Code (Sections 5.16.100 and 5.16.020) for spacing requirements from a church.

Rezoning from Residential R-S to Commercial CP-1 Findings:

1. The change of zoning from R-S to CP-1 is inconsistent with the current General Plan and would constitute a "spot zoning" without a broader General Plan designation of the corners at 2200 West and Gordon Avenue as a Commercial Node.
2. Commercial CP-1 zoning allows for retail commercial uses that typically have retail beer/liquor sales on-premise or off-premise that would violate the Business License Code for separation of incompatible uses.
3. Commercial CP-1 zoning allows for uses that generate substantially more traffic than the less intense land uses in the R-S zoning district.
4. The applicant's proposal for a Maverik Convenience Retail Store with Gasoline Pumps causes an increase in pedestrian/vehicular and large truck conflicts at the driveways along a designated safe walking route for elementary school aged children attending Ellison Elementary School.
5. The proposed gasoline pumps, canopy and lighting causes visual, noise and accessibility conflicts with residential and institutional adjoining land uses and property occupancies.
6. The CP-1 zoning allows for 24-hour operations of retail uses that will conflict with the quiet enjoyment of adjoining residential and institutional land uses that are compliant with the current General Plan and zoning.

Staff Recommendation:

Mr. Matson said Staff does not support the General Plan amendment and rezone and recommends that the Planning Commission forward a recommendation to the Council to deny the General Plan amendment and rezone from R-S to CP-1. He said the recommendation for denial is based on reasonable and acceptable land use planning principles, on the General Plan Amendment Findings, and the Rezoning from Residential R-S to Commercial CP-1 Findings contained in the staff report.

Commissioner Davis declared that he had a working relationship with one of the landowners on 2200 West just north of the property proposed for rezone. He said that other than declaring this association to the Commission, he did not feel there was any conflict of interest.

There were no questions from the Commission. Neither the applicant nor a Maverik representative was present at the meeting.

Chuck Johnson, Principal of Ellison Park Elementary School, spoke about safe walking routes for school children. The following citizens addressed their concerns regarding safe walking routes for school children, possible traffic and crime associated with convenience stores, emissions and health concerns, lights at night, hindrance of emergency vehicles from the 2200 West fire station, setting of precedence, and opposition to commercial development on Gordon Avenue.

Liz Vincent, 993 North 2200 West
Jamie Wright, 1148 North 2325 West
Robert Hillier, 2135 West 1070 North
Rob Ormsby, 1096 North 2475 West
David Baugh, 2337 West 1300 North
Nathan Shwayback, 2133 West 2175 North
Robert Murdock, 1164 North 2275 West

Commissioner Gilbert made the audience aware that the Commission had received letters and a petition from the citizens. He complimented the citizens for taking an active part in the discussion.

Mark Tolman, 2120 West 1070, asked for clarification on the procedure for approving or disapproving the request. Chairman Esplin explained that the Planning Commission makes a recommendation to the City Council with the City Council then making the final decision. He explained that there would be a public posting of the City Council review of this proposal and that citizen input would be welcome at City Council meeting.

Chairman Esplin called for a motion on the item. Commissioner Fitzpatrick said that while she likes Maverik she felt there were other locations that wouldn't cause concerns for child safety and liquor sales and possibly negatively impact the area. Commissioner Fitzpatrick moved that the Planning Commission forward a recommendation to the City Council to deny the request for the General Plan amendment from Residential to Commercial and the rezone from R-S to CP-1. Commissioner Davis seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close the Public Hearing and adjourn the meeting. Commissioner Gilbert moved to close the Public Hearing and adjourn the meeting. Commissioner Bodily seconded the motion. The meeting adjourned at 8:01 p.m.


Julie Jewell, Planning Commission Secretary