LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
JANUARY 10, 2012

MEMBERS PRESENT:	Sharon Esplin, Kristin Elinkowski, 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, Kem Weaver, Brandon Rypien, Steve Garside, Julie Jewell

Planner II, Kem Weaver, announced that Maverik had officially withdrawn its application for a General Plan Amendment and rezone for a property on the northwest corner of 2200 West and Gordon Avenue. He explained that Maverik wanted to take more time to talk about their proposal for a convenience store and gas station with the residents.

Commissioner Gilbert asked if citizens had been notified of Maverik's application withdrawal. Mr. Wright said that the spokesperson for the neighborhood had been notified but that Staff would make other efforts to notify concerned neighbors.

PUBLIC HEARING:

1. SUBDIVISION VACATION AND REZONE – APPROXIMATELY 800 EAST AND 150 SOUTH – PARTIAL VACATION OF THE KENT ESTATES SUBDIVISION AND REZONE FROM R-2 (SINGLE AND TWO FAMILY RESIDENTIAL) TO R-1-6 (SINGLE FAMILY RESIDENTIAL)

The applicant, Brad Frost, is proposing to vacate approximately 12 lots on 4.11 acres and rezone the property to R-1-6. The property owners are the Dale/Barlow Corporation and Betty E. Ramsey.

Planner II, Kem Weaver, presented the request to partially vacate an existing subdivision originally recorded in 1968. He said there were only two homes built in the subdivision. Part of lot 6 and all of lots 7-17 will be vacated. He said the water and sewer lines were installed but the hydrant and water line don't meet current standards and will require upgrading. The sewer line is sufficient to handle new development.

Following the vacation, the applicant has applied to rezone the property from R-2 to R-1-6. The developer proposes to develop Phase 3 of the Cottages at Chapel Park on the property to include a public street with two private drives. With the rezone, the density drops from 8 units per acre to 5.5 units per acre. The proposed density is under 4 units per acre. Associated with the rezone is a development agreement mirroring the same owner undertakings required in the first two phases of the Cottages at Chapel Park based on architectural elements, square footage, and demographics.

Commissioner Fitzpatrick asked if the development could be restricted to seniors. Chairman Esplin said the subdivision couldn't be restricted to seniors, but the developer is focusing marketing efforts on a senior adult community.

Mr. Weaver reviewed the requirements of the development agreement.

Commissioner Fitzpatrick asked about the remaining lots in Kent Estates, which Mr. Weaver said would stay platted as Kent Estates.

Chairman Esplin asked if there were any community comments. Mr. Weaver said he had received some positive comments about the density of the zoning on the property being reduced.

PUBLIC REVIEW:

2. NILSON HOMES – CONDITIONAL USE APPLICATION FOR A TEMPORARY SALES OFFICE

The applicant, Nilson Homes, represented by Kirt Merrill, is applying for a conditional use for a sales trailer in the Adamswood Landing PRUD Subdivision at approximately 575 North 1025 East in an R-1-10 PRUD zoning district.

Planner I, Andrew King, presented the request for conditional use for a temporary sales office in the Adamswood Landing PRUD Subdivision for the purpose of selling lots and homes until the model home is completed.

Mr. King said temporary sales structures are allowed in residential zones as approved by the Planning Commission with a conditional use permit and with a minimum of the following conditions:

1. The building permit for the permanent structure (model home) must be issued before the building permit for the temporary sales trailer is issued.
2. Temporary structure must be completely skirted.
3. The temporary structure shall comply with the setbacks for the zoning district. *With the subdivision being a PRUD, the setbacks are typically less than the R-1-10 setbacks. The typical setbacks in the subdivision would dictate that the trailer should be a minimum of 20' from 575 north, 20' from the east property line and 18' from 1025 East.*
4. Temporary structures must be located outside of all clear view areas as defined in Section 19.16.080.
5. In the case of temporary sales offices in residential zoning districts the sales office must be removed fourteen (14) days after occupancy of the model home or six (6) months after approval for the temporary sales office if the model home is not completed.

Mr. King listed the following conditions recommended by Staff to be required for this conditional use permit in addition to the ordinance requirements listed above.

1. The plat shall be recorded and all subdivision fees paid before the temporary sales trailer can be placed on the site;
2. The trailer shall be placed based on the typical setbacks approved for the R-1-10PRUD project as opposed to the minimum setbacks of the R-1-10 zone;
3. Adequate mitigation shall be installed for erosion control to keep dirt from being tracked onto 575 North, if the road is not paved before the sales trailer is open;
4. The temporary sales trailer shall provide off-street parking for at least one sales person and two customers (3 stalls);
5. Signage shall be limited to two (2) directional signs and up to 60 square feet of banner. No one banner may exceed 30 square feet; and

6. All areas around the sales trailer shall be kept weed and debris free.

Commissioner Fitzpatrick asked about a structure on the property that appeared to be used as a sales office. Mr. King said the process will allow the applicant to put a fixed trailer on the development.

Community and Economic Development Director said that since the road is not paved, the site will be monitored so that mud is not tracked on to the street.

Commissioner Elinkowski asked about the proposed size of homes in the development. Mr. Weaver said the during the PRUD process, 2,500 square foot homes on one level were proposed.

There were no further questions.

3. SBA COMMUNICATION CORP – CONDITIONAL USE FOR A CELL TOWER
This property is located at 1074 North Fairfield Road in a CP-1 zoning district. The property is owned by Light of the Valley Lutheran Church represented by Adam Knubel of SBA Communication Corp.

Planner I, Brandon Rypien, presented the request for conditional use for a 100-foot mono pole design cell tower allowing for two additional co-locations, which is a City requirement, as well as an equipment compound allowing equipment for the additional co-locations. He said the compound will be enclosed by a fence. There will be no landscaping around the compound. There was a discussion with the type of fencing to be used. The applicant, Adam Knubel, expressed concerns about potential problems with vinyl fencing.

There was a discussion regarding the size of the compound and space for maintenance and future expansion.

Commissioner Fitzpatrick suggested that for security purposes, chain link with slats would be advisable. Commissioner Weaver asked about barbed wire around the top. Mr. Wright said the barbed wire wouldn't be necessary.

With regard to landscaping, Mr. Knubel said the property owner had asked that the impact on the parking lot of the church be minimized, so no landscaping was planned.

Commissioner Fitzpatrick asked that in condition #3 the height of the fence be changed from six feet to eight feet.

Mr. Rypien explained the distance separation requirement for cell towers and stated that the conditional use for the tower approved on September 14, 2010, in Fairfield Crossing had expired. He said documentation would need to be submitted supporting the need for this tower since two sites currently in the City are within in the radius of separation required.

A small separate parcel under the same ownership and adjacent to the proposed cell tower site was discussed.

The Planning Commission recommendation for the fence around the cell tower compound was for an eight-foot chain link with slats and no barbed wire.

OTHER:

Commissioner Weaver asked for an update on WINCO. Mr. Wright said WINCO had been involved with the moving of the dirt off the site. He said a corporate decision was forthcoming.

Commissioner Gilbert observed that the new O'Reilly Auto Parts store was being built very close to Main Street. Mr. Weaver explained that the building could be built within eight feet of the Main Street right-of-way. He said the building will face north and that the C-H zone allows for zero lot lines so the building could be built right up to the sidewalk. However, the landscaping requirement states the building had to be back eight feet from the right-of-way.

There was a discussion on the Village Center Form Based Zone Coding ordinance amendment which is anticipated to be presented to the Planning Commission on February 14, 2012.

Julie Jewell

Julie Jewell, Planning Commission Secretary

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
JANUARY 10, 2012

MEMBERS PRESENT:	Sharon Esplin, Kristin Elinkowski, 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, Kem Weaver, Brandon Rypien, Andrew King, Steve Garside, Julie Jewell

Planner II, Kem Weaver, announced that Maverik had officially withdrawn its application for a General Plan Amendment and rezone for a property on the northwest corner of 2200 West and Gordon Avenue. He explained that Maverik wanted to take more time to talk about their proposal for a convenience store and gas station with the residents.

Commissioner Gilbert asked if citizens had been notified of Maverik's application withdrawal. Mr. Wright said that the spokesperson for the neighborhood had been notified but that Staff would make other efforts to notify concerned neighbors.

PUBLIC HEARING:

1. SUBDIVISION VACATION AND REZONE – APPROXIMATELY 800 EAST AND 150 SOUTH – PARTIAL VACATION OF THE KENT ESTATES SUBDIVISION AND REZONE FROM R-2 (SINGLE AND TWO FAMILY RESIDENTIAL) TO R-1-6 (SINGLE FAMILY RESIDENTIAL)

The applicant, Brad Frost, is proposing to vacate approximately 12 lots on 4.11 acres and rezone the property to R-1-6. The property owners are the Dale/Barlow Corporation and Betty E. Ramsey.

Planner II, Kem Weaver, presented the request to partially vacate an existing subdivision originally recorded in 1968. He said there were only two homes built in the subdivision. Part of lot 6 and all of lots 7-17 will be vacated. He said the water and sewer lines were installed but the hydrant and water line don't meet current standards and will require upgrading. The sewer line is sufficient to handle new development.

Following the vacation, the applicant has applied to rezone the property from R-2 to R-1-6. The developer proposes to develop Phase 3 of the Cottages at Chapel Park on the property to include a public street with two private drives. With the rezone, the density drops from 8 units per acre to 5.5 units per acre. The proposed density is under 4 units per acre. Associated with the rezone is a development agreement mirroring the same owner undertakings required in the first two phases of the Cottages at Chapel Park based on architectural elements, square footage, and demographics.

Commissioner Fitzpatrick asked if the development could be restricted to seniors. Chairman Esplin said the subdivision couldn't be restricted to seniors, but the developer is focusing marketing efforts on a senior adult community.

LAYTON CITY PLANNING COMMISSION MEETING MINUTES
JANUARY 10, 2012

MEMBERS PRESENT:	Sharon Esplin, Kristin Elinkowski, 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, Kem Weaver, Brandon Rypien, Andrew King, Steve Garside, Julie Jewell

Chairman Esplin called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited, and an invocation was given by Commissioner Elinkowski.

Chairman Esplin called for a motion to approve the December 13, 2011, Planning Commission and Work Meeting Minutes. There were no additions or corrections to the minutes. Commissioner Davis moved to accept the minutes as written. Commissioner Fitzpatrick 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 Pales seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

1. SUBDIVISION VACATION AND REZONE – APPROXIMATELY 800 EAST AND 150 SOUTH – PARTIAL VACATION OF THE KENT ESTATES SUBDIVISION AND REZONE FROM R-2 (SINGLE AND TWO FAMILY RESIDENTIAL) TO R-1-6 (SINGLE FAMILY RESIDENTIAL)

The applicant, Brad Frost, is proposing to vacate approximately 12 lots on 4.11 acres and rezone the property to R-1-6. The property owners are the Dale/Barlow Corporation and Betty E. Ramsey.

Planner II, Kem Weaver, presented the request to partially vacate an existing subdivision originally recorded in 1968. He said there were only two homes built in the subdivision. Part of lot 6 and all of lots 7-17 will be vacated. Lot 6 was split in half with regard to ownership. He said the water and sewer lines were installed but the hydrant and water line don't meet current standards and will require upgrading. The sewer line is sufficient to handle new development.

Following the partial vacation, the applicant is requesting to rezone the 4.11 acres from an R-2 (Single and Two Family Residential) zone to 15 R-1-6 single family residential lots similar to Phases I & II of the Cottages at Chapel Park now being developed. He said with the rezoning, the density on the property will be reduced from 8 units per acre to 5.5 units per acre. The developer is proposing just below 4 units per acre.

Mr. Weaver reviewed the road layout in the proposed developed. He said the developer will be marketing the single family homes to seniors. He explained that as with Phases I and II of the Cottages at Chapel

Park, the homeowner will maintain the rear yard and the homeowners association will maintain the side and front yards. Covenants will be required regarding the yard maintenance as well as the detention basin and private lanes. A development agreement will also need to be approved with the rezone.

Based on this information, Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the Council for the partial plat vacation and forward a positive recommendation to the Council to approve the rezone and the development agreement.

There were no questions or comments from the Commission.

Linda Duncan, representing the owners for the remaining lots in the Kent Estates Subdivision, expressed concerns about the elimination of Elm Street. Mr. Weaver explained about how streets would connect if the remainder of the plat were to be vacated. He confirmed there would be a stub street designed and implemented by the developer between the vacated portion of Kent Estates and the part to remain as Kent Estates.

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

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to partially vacate the Kent Estates plat subject to meeting all Staff requirements. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the rezone request from R-2 to R-1-6 based on consistency with the General Plan for this area of the City subject to the acceptance of the Development Agreement. Commissioner Elinkowski 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 Davis seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

2. NILSON HOMES – CONDITIONAL USE APPLICATION FOR A TEMPORARY SALES OFFICE

The applicant, Nilson Homes, represented by Kirt Merrill, is applying for a conditional use for a temporary sales trailer in the Adamswood Landing PRUD Subdivision at approximately 575 North 1025 East in an R-1-10 PRUD zoning district.

Planner I, Andrew King, presented an overview of the proposed location of the sales trailer. He said that when the model home is built, the trailer will be removed. All parking for the sales trailer will be off the street. He explained that the road into the subdivision is not paved, so a requirement of the conditional use will be that appropriate mitigation is done to keep mud from tracking on to the road.

Mr. King said Staff recommends the Planning Commission approve the conditional use request for a temporary sales trailer subject to the applicant meeting the following five ordinance requirements and six conditions:

Ordinance Requirements

1. The building permit for the permanent structure (model home) must be issued before the building permit for the temporary sales trailer is issued.
2. Temporary structure must be completely skirted.
3. The temporary structure shall comply with the setbacks for the zoning district. *With the subdivision being a PRUD, the setbacks are typically less than the R-1-10 setbacks. The typical setbacks in the subdivision would dictate that the trailer should be a minimum of 20' from 575 north, 20' from the east property line and 18' from 1025 East.*
4. Temporary structures must be located outside of all clear view areas as defined in Section 19.16.080.
5. In the case of temporary sales offices in residential zoning districts the sales office must be removed fourteen (14) days after occupancy of the model home or six (6) months after approval for the temporary sales office if the model home is not completed.

Conditions Required by Staff

1. The plat shall be recorded and all subdivision fees paid before the temporary sales trailer can be placed on the site;
2. The trailer shall be placed based on the typical setbacks approved for the R-1-10 PRUD project as opposed to the minimum setbacks of the R-1-10 zone;
3. Adequate mitigation shall be installed for erosion control to keep dirt from being tracked onto 575 North, if the road is not paved before the sales trailer is open;
4. The temporary sales trailer shall provide off-street parking for at least one sales person and two customers (3 stalls);
5. Signage shall be limited to two (2) directional signs and up to 60 square feet of banner. No one banner may exceed 30 square feet; and
6. All areas around the sales trailer shall be kept weed and debris free.

Chairman Esplin asked Kirt Merrill, representative for Nilson Homes, 2338 Oakridge Dr. in Layton, if he had any questions or comments regarding the conditions. Mr. Merrill said he had received the conditions by fax and e-mail and said Nilson Homes could comply with all of the conditions.

Commissioner Fitzpatrick asked if in addition to the skirting, the trailer area could be kept free of weed and debris. She also asked about landscaping similar to the Legacy Retirement temporary trailer. Mr. Weaver said the landscaping was not required.

Mr. Merrill said that part of the requirement to have the temporary sales trailer was that the model home be under construction. He anticipated that the model home would be finished by early summer.

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

Commissioner Pales moved that the Planning Commission grant conditional use for the temporary sales trailer subject to the applicant meeting all ordinance and Staff recommendations, which are hereby adopted as requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

3. SBA COMMUNICATION CORP – CONDITIONAL USE FOR A CELL TOWER
This property is located at 1074 North Fairfield Road in a CP-1 zoning district. The property is owned by Light of the Valley Lutheran Church represented by Adam Knubel of SBA Communication Corp.

Planner I, Brandon Rypien, said the applicant, Adam Knubel, representing SBA Communication Corp, is requesting conditional use approval to install a cell tower. He presented an overview of the area of where the 100-foot monopole cell tower and equipment compound for up to three tenants is proposed to be located.

Mr. Rypien showed a map of cell towers located in Layton City and explained the distance separation requirements between cell towers. He said that documentation must show a need for a cell tower if the towers do not meet the one-mile separation requirement.

Mr. Rypien said Staff recommends the Planning Commission approve the conditional use for the cell tower subject to the applicant meeting the following nine condition with condition # 3 having been revised from the previously drafted report to indicate that the compound will be completely enclosed by an eight-foot slatted chain link fence with no barbed wire.

1. The tower shall be of a monopole construction.
2. The new cell tower shall be a galvanized material with a matte finish to lessen the visual impact.
3. The compound shall be completely enclosed by an eight (8) foot slatted chain-link fence with no barbed wire.
4. The applicant is required to obtain a building permit for the new cell tower.
5. All new carriers co-locating are required to obtain a building permit.
6. The tower shall allow for co-location and SBA shall supply engineering calculations prepared by a state certified engineer that shows that as many as three separate providers may be supported on the single pole. A letter must also be supplied stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for co-location.
7. The owner of the pole must supply the City with a letter stating that if technology renders the tower obsolete and the tower is vacated, that the owner will remove the tower, all apparatus associated with it, the top three feet (3') of the footing, and restore the site to its original condition within ninety (90) days of the vacation of the tower.
8. The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
9. The applicant must complete all of the conditions prior to receiving a letter of approval for the conditional use permit.

Commissioner Weaver asked about the gap created by the placement of the compound and the corner of the property. Mr. Rypien replied that the two parking stalls are on a separate parcel and the gap provides a space for parking and access to the equipment compound.

A member of the audience, Scott Boyes, 967 East 1150 North, also representing Bernie Nalder, 947 East Gordon Avenue, asked questions about the design of the pole and the zoning of the property and surrounding property and property values. He asked if there was any way to hide the impact of the pole.

Mr. Rypien said the pole will have a galvanized matt finish to lessen the visual impact.

There were no further comments or question. Commissioner Esplin called for a vote on the item.

Commissioner Davis moved that the Planning Commission grant conditional use approval for the cell tower subject to the applicant meeting all ordinance requirements and Staff recommendations, which are hereby adopted as requirements including the revision to condition #3. Commissioner Pales seconded the motion, and the voting was unanimous.

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

The meeting adjourned at 7:38 p.m.

Julie Jewell

Julie Jewell, Planning Commission Secretary