

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
MAY 8, 2012**

MEMBERS PRESENT: Brian Bodily, Sharon Esplin, Gerald Gilbert, Wynn Hansen, Tim Pales, Dave Weaver

ALTERNATE MEMBERS PRESENT: Jeremy Davis, Dawn Fitzpatrick

MEMBERS ABSENT:

ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Bill Wright, Kem Weaver, Andrew King, Clint Drake, Julie Jewell, Peter Matson

PUBLIC REVIEW:

1. SUN CREEK ESTATES – PRELIMINARY APPROVAL

This property is located at approximately 401 West Weaver Lane in an R-1-8 zoning district. The property owner, Layton City, is proposing 2 lots.

Planner II, Kem Weaver, presented the request for a two-lot subdivision on .73 acres. The property was recently rezoned from A to R-1-8. Mr. Weaver said one of the lots will front on Weaver Lane and the second lot will be a flag lot behind the first lot. He said both lots meet the R-1-8 zoning requirements with regard to area, frontage and requirements for a flag lot.

Commissioner Bodily asked if the City owns the property. Mr. Wright said the City is in a partnership with Davis School District through which the City allows the District to build on the land. The sale of the land is made possible through funds from the Community Development Block Grant. The homes will be built in an effort to provide housing for a teacher or law enforcement officer that meet certain income level criteria. The City carries a silent second on the difference between the sales price and the overall price with the land. If the homeowner sells before 15 years, there is a payback to the City. The goal is to encourage a family to stay in the area and also to provide the ability for a police officer or teacher to live in a neighborhood here in Layton.

Commissioner Bodily asked how the District funds the building of the house. Mr. Wright said it is funded out of the District's budget and they are paid back through the sale of the home.

There was a discussion regarding storm drain detention and Mr. Weaver said there would be sufficient storm drain capacity to the east of the property. Mr. Weaver also explained the location of the flood plain in relationship to this property.

There were no other questions.

2. TUSCANY VILLAS AMENDED PLAT – FINAL APPROVAL

This property is located at 1250 East Gentile in an RM-1 PRUD (Low/Medium Density Residential Planned Residential Unit Development) zoning district. The property owner is Brian Lamano.

Mr. Weaver presented the request to amend the Tuscan Villas plat in order to phase the project. He said the developer has had difficulty in obtaining funding for the project, but was able to obtain funding if the project is built in phases.

Mr. Weaver said each phase has to stand on its own with its own common area, utilities, parking and trash enclosure.

Commissioner Bodily asked if the first phase would include the entire infrastructure for all the phases. Mr. Weaver said it would if required by the Engineering Department, but typically the requirements are just for the phase being built.

Mr. Weaver compared the phasing of Tuscan Village to the manner in which Creekside Village is being built, building additional phases as the previous phase is occupied.

Commissioner Fitzpatrick asked about a fire turnaround in Phase I. Mr. Weaver said there would be a temporary turnaround. He also said the second access is for emergency access only.

Commissioner Fitzpatrick asked about detention in the Bowden pond. Mr. Weaver said it is just sized for the Bowden property. She also asked about amenities. Mr. Weaver said there would be some amenities in the detention pond area.

3. CENTURY LINK – CONDITIONAL USE REQUEST FOR A TELEPHONE SWITCHING STATION

This property is located at 1098 North Church Street in an R-MH (Mobile Home Parks & Subdivisions) zoning district. The applicant is represented by Rob Vigil of Century Link.

Planner I, Andrew King, presented the conditional use request from Century Link on City property for a telephone switching station. The utility boxes will be approximately 5 ½ feet tall by 4 ½ feet wide by 3 ½ feet deep. All boxes will be on a concrete pad the size of the easement.

The proposed easement is approximately sixteen feet deep by ten feet wide, with a narrow strip extending out to the right-of-way. He said enhancements would ultimately be made through landscaping. He presented a graphic to illustrate the screening that is planned. He said one of the conditions is that they use the same planting that UTOPIA has specified for their area of the site. He pointed out the location of the utility boxes which are along the access road to the future parking lot for the Kayscreek Trail.

Mr. King said that one of the conditions will be to finish the sidewalk along Church Street, which Staff feels is an appropriate enhancement based on the Century Link location's proximity to the area missing sidewalk.

Commissioner Fitzpatrick asked why Century Link would be responsible for the sidewalk when the City would own the sidewalk and UTOPIA also has utilities on the property. Mr. Wright said that this is a conditional use request and referred to Title 19.14.090(1)(g) which states that the Planning Commission may require construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting to meet concerns for persons or property. He said UTOPIA focuses on another portion of the site and at the time of the installation of their facility, the City could have required the sidewalk and curb and gutter improvements, but for some reason did not. However, at this time, the sidewalk needs to be installed for the safety of children walking to the nearby school. The applicant can decide whether or not they want the conditional use. He said the City would make it a requirement of any other property owner requiring a conditional use. Mr. Wright reminded the Commission of the previous Century Link conditional use request on 2200 West where the curb and gutter had to be installed.

There was a continued discussion regarding the responsibility to install the sidewalk with Commissioner Fitzpatrick expressing her opinion that it seemed excessive to require Century Link to meet the condition as the children rather than Century Link would be benefiting from the sidewalk.

Commissioner Davis asked if Century Link could receive a reduced rate on the charge for easement. Mr. Wright said the rate of the easement had not been discussed or even if there would be a charge to use the easement.

Chairman Esplin reminded the Commission that Century Link would be benefiting from UTOPIA's landscaping requirement.

Assistant City Attorney, Clint Drake, commented that it should be kept in mind that at this point Century Link hasn't responded regarding or objected to the requirement. He also said the requirement is within the law. Mr. Wright said Century Link was aware of the requirement, and Mr. King said the applicant would be present at the meeting.

Commissioner Fitzpatrick asked who would take care of the weeds in the park strip by the proposed sidewalk. Mr. Wright said the City would be responsible.

Mr. Wright reminded the Planning Commission that they had just approved the WINCO conditional use in which approximately \$800,000 in improvements were required.

Commissioner Bodily asked about the likelihood of the trailhead being completed. City Planner, Peter Matson, said the Parks and Recreation Department were in the process of reviewing it.

OTHER:

The Commission asked if WINCO had responded regarding their conditional use requirements. Mr. Wright said they had not responded.

Commissioner Bodily said with regard to the citizens approaching residents to sign the petition against the West Layton Village Center, a woman had come to his door and inferred that the West Layton Village Center would be the largest apartment complex in the State of Utah. He said the petition had been passed around at Cub Scout meetings on LDS Church property.



Julie Jewell, Planning Commission Secretary

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Chairman Esplin called the meeting to order at 7:05 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Bodily.

Chairman Esplin called for a motion to approve the April 10, 2012, Planning Commission and Work Meeting Minutes. There were no additions or corrections to the minutes. Commissioner Bodily moved to approve the minutes as written. Commissioner Gilbert 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. Commissioner Bodily seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

1. SUN CREEK ESTATES – PRELIMINARY APPROVAL

This property is located at approximately 401 West Weaver Lane in an R-1-8 zoning district. The property owner, Layton City, is proposing 2 lots.

Planner II, Kem Weaver, presented the request for a two-lot subdivision on .73 acres. The property was recently rezoned from A to R-1-8. Mr. Weaver said one of the lots will front on Weaver Lane and the second lot will be a flag lot behind the first lot. He said both lots meet the R-1-8 zoning requirements with regard to area, frontage and requirements for a flag lot.

Mr. Weaver said Staff is asking that the Davis School District, the builder of the home, save as many of the trees as possible. He said the drive width is to have 20 feet of drivable hard surface, which should leave 10 feet to preserve the trees along the west property line.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council for approval subject to Staff requirements as outlined in Staff memorandum.

There were no comments from the Commission.

Bob Reid, a resident at 435 Weaver Lane, spoke on his career in commercial and residential construction and his education in Parks and Recreation. He said the residents support a community park rather than the proposed Suncreek Estates Subdivision. He mentioned a nearby parcel of land that the City plans to use for a parking area.

If the two lots are approved, Mr. Reid felt the flag lot does not meet the correct percentage of a developed subdivision. He asked about maintenance of the park strip along Weaver Lane and who would protect the flag lot from irrigation water flowing from his property. He expressed a concern over storm water that backs up where the sidewalk ends.

Mr. Reid asked for an opportunity to show the City what could be done with the land so that it could be enjoyed by the residents of the City. He said he was aware of the commitment to the Davis School District and asked the Planning Commission to table the vote for 30 to 60 days to let the residents prove what could be done with the land.

Commissioner Davis asked when the property was rezoned if there was discussion regarding the master plan for parks in the City. Mr. Kem Weaver said there were active discussions with the Parks Department which has guidelines and regulations for the size of parks they want in the City. He said the Parks Department is looking for a 9 to 10 acre parcel of land in this area of the City west of the proposed subdivision as part of their parks master plan. The subject parcel is .73 acres. He said typically the City doesn't have pocket parks. There are landscaped regional detention basins, but they aren't considered City parks.

Mr. Kem Weaver said Mr. Reid is correct in stating that a parking area is proposed for the City owned vacant land on the south side of the creek. UTOPIA has been given approval for a hut site on this property as well. The reason for parking is for access to the Kays Creek trail that follows the creek to the D&RG regional trail and further west. Mr. Kem Weaver pointed out the route of the trail.

Mr. Wright said that when Layton Parkway was being designed, Layton City Engineering and Planning staff explored an option to construct the trail under Layton Parkway, but it was overly expensive and there were concerns about the safety of a trail in a tunnel. The design was to bring the trail up on the south side of Layton Parkway with a safe crossing at Flint Street to access trail head parking.

Mr. Wright said Mr. Reid had alluded to City standard and zoning code where flag lots could only be 10% of the subdivision. He clarified that the 10% standard only applies to sensitive lands areas. He said Staff had shared information about subdivisions outside of sensitive land areas that had been approved with flag lots with the City Council. He said Staff's recommendation is to approve a flag lot on this property. He said the property is deep and cannot have access off Layton Parkway and so it is good efficient use of the land. He said the lot sizes are larger than what is required in the zoning code with the front lot being 10,909 square feet and the back lot 17,715 square feet.

Commissioner Gilbert clarified with Mr. Drake that Mr. Reid would bear the responsibility of containing his irrigation water to his property. Mr. Drake said that Mr. Reid would have to contain his irrigation water on his property.

There were no further questions or comments.

Chairman Esplin called for a motion on the item.

Commissioner Gilbert said substantial notification had been given on the rezone and proposed preliminary plat for the property. Commissioner Gilbert moved that the Planning Commission grant preliminary approval to Sun creek Estates subject to all Staff conditions being met. Commissioner Weaver seconded the motion which passed by a margin of five in favor and one opposed with Commissioners Pales, Hansen, Weaver, Gilbert and Bodily voting in favor and Commissioner Davis opposed.

2. TUSCANY VILLAS AMENDED PLAT – FINAL APPROVAL

This property is located at 1250 East Gentile Street in an RM-1 PRUD (Low/Medium Density Residential Planned Residential Unit Development) zoning district. The property owner is Brian Lamano.

Mr. Weaver gave an overview of the zoning in the area. He said the development was approved by the Planning Commission and City Council for 40 units. He explained that the developer has had a difficult time moving forward with the project based on the improvements required for the project such as an 8 inch water line in Gentile Street to connect with the water line in Adamswood Road. Mr. Weaver said the entire site is to drain to a detention basin to be built on the northwest corner of the property. The new proposal is to phase the 40 unit project into 4 phases; phases 1 through 3 each having 12 units and phase 4 having 4 units.

Mr. Weaver said each phase must stand on its own. He said each unit is required to have 2 parking spaces and he described where the parking would be built. He said there are no other changes in the development with buildings and common areas remaining in the same place and landscaping remaining the same as required by Staff and approved by the Design Review Committee (DRC).

Mr. Weaver said Staff recommends that the Planning Commission forward a positive recommendation to the Council to grant final approval to the Tuscany Villas PRUD Amended Plat subject to meeting all Staff and Design Review Committee requirements and recommendations as outlined in Staff memorandums before receiving Council approval.

Commissioner Hansen asked if each phase would have the required number of parking stalls for each unit. Mr. Weaver said he had double-checked and the phasing does meet the parking requirement.

There were no other questions or comments.

Chairman Esplin called for a motion on the item.

Commissioner Hansen moved that the Planning Commission forward a positive recommendation to the Council to approve the Tuscany Villas amendment subject to meeting all Staff and DRC requirements and any other recommendations as outlined in Staff memos. Commissioner Pales seconded the motion, and the voting was unanimous.

3. CENTURY LINK – CONDITIONAL USE REQUEST FOR A TELEPHONE SWITCHING STATION

This property is located at 1098 North Church Street in an R-MH (Mobile Home Parks & Subdivisions) zoning district. The applicant is represented by Rob Vigil of Century Link.

Planner I, Andrew King, presented the conditional use request from Century Link on City property for a telephone switching station. The utility boxes will be approximately 5 ½ feet tall by 4 ½ feet wide by 3 ½ feet deep. All boxes will be on one concrete pad the size of the easement.

The proposed easement is approximately sixteen feet deep by ten feet wide, with a narrow access strip extending out to the Church Street right-of-way. He said enhancements would ultimately be made through landscaping.

Mr. King said that as part of the enhancements for this site, there will ultimately be an access road for the Kays Creek Trail. He pointed out other utilities on the site and the most critical areas to be screened.

Mr. King said that Staff recommends conditional use approval be granted subject to the applicant meeting all Staff requirements and the five conditions as follows:

1. The use shall comply with all Fire Department, Building, Planning and Engineering Division requirements.

2. Landscape screening shall be installed and maintained between the easement and Church Street. Landscape materials with a mature height over two feet shall not be placed in clear-view of the Kays Creek Trail access road. The landscape plants for this screen shall match the plants used for the UTOPIA Hut site screening. At least one of the landscape plant materials shall have a mature height of no less than five feet. No fewer than three plant species may be used.
3. The sidewalk shall be extended along Church Street so that it connects to the sidewalk along Fort Lane.
4. A pre-construction site plan shall be reviewed and approved by the Planning and Engineering Divisions including a detailed plan illustrating plant materials for screening and irrigation.
5. Approval of this application is contingent on the applicant securing a legal easement from Layton City for the specified location.

Rob Vigil, representing Century Link, 5829 South Haystack Way, Murray, Utah, stated he had received a copy of the five conditions but had some concerns. He also clarified that there would be three cabinets rather than the two stated in the report.

Mr. Vigil said that in terms of size, there were already two other larger utilities on the site. He asked what the responsibility was for the other utilities regarding the placement of sidewalk since their presence is significantly larger than Century Link's. He suggested splitting the sidewalk requirement with the other two utilities.

With regard to screening, Mr. Vigil said Century Link's preference would be to compensate the City for what they would want planted on the site.

Mr. Wright responded that the landscaping for the Century Link utility boxes needs to be installed prior to the City completing their landscaping on the site. He pointed out all the landscaping UTOPIA is required to install which is a significant amount of landscaping compared to what is being required of Century Link. He said the Parks Department doesn't have a plan or a budget to build the private access road or landscape the rest of the site yet. The screening that has to be put in has to be done by Century Link when the boxes are installed, but the City can coordinate with Century Link on the plantings and it would be best to have the Parks Department approval.

Mr. Vigil said Century Link could absolutely install the landscaping.

Commissioner Pales asked if the road to the parking area for the trailhead was designed yet.

Mr. Wright said the access has not yet been designed for construction. The sidewalk would go in for the pedestrians and the curb cut for a driveway would come later.

Mr. Vigil said he didn't understand why the sidewalk wasn't required when the other utilities were built.

Commissioner Davis asked about a current box on the site closer to the sidewalk. Mr. Vigil said it was a Rocky Mountain Power box and pointed out Rocky Mountain Power's other power boxes.

Commissioner Davis asked if there are any plans to screen the Rocky Mountain Power box. Mr. Wright responded that the back box won't be screened but the front box will be screened when the landscaping is installed with the Century Link utility boxes. He said Rocky Mountain Power installed the boxes without conditional use approval.

Commissioner Davis asked if there would be water for the landscaping, and Mr. King pointed out the water lines and said UTOPIA would be bringing water to the site. He said Century Link would need to irrigate their landscaping to some extent.

Commissioner Pales asked without there being a curb cut and drive approach, who would replace the sidewalk if it is broken by heavy equipment.

Mr. Wright responded that when the Engineering Division approves the sidewalk, they will ask for a thicker sidewalk in the area of the driveway.

Commissioner Pales said he didn't think it was fair to make someone put in a sidewalk with no access that may be broken in the future.

Mr. Vigil asked about UTOPIA's original conditional use requirements.

Mr. Wright said it was five years ago and their facility is closer to Fort Lane. He wasn't with Layton City at the time and didn't know why the sidewalk wasn't addressed. He said UTOPIA has some screening requirements and that it may be a very long time before the access road is built.

Commissioner Weaver said he didn't think the proximity to the easement is relevant to who is responsible for the sidewalk.

Mr. Vigil was asked about an existing Century Link box on the site, and he said it would stay in place.

Mr. Wright explained that the box is in the public right of way and there is a utility easement there. Once a utility is installed on private property, in this case Layton City Corporation property, then the requirements are no different from other conditional uses the Planning Commission has been reviewing. He said that in the past, when conditional uses are approved, there is a requirement to upgrade and comply with requirements.

Commissioner Pales asked if UTOPIA would always access their utilities from the proposed access way. Mr. Wright said the ultimate plan would be to make the drive access a hard surface. Chairman Esplin said it was his opinion that they will be driving through the access area all the time and the road should be constructed.

Commissioner Hansen asked who carries the burden for the access road. Mr. Wright said clearly it should be the utility companies bringing access from the main road to their individual sites. Mr. Vigil said Century Link would drive a truck on the property only during construction.

There was a discussion regarding bonding for landscaping and possibly having future utilities companies on the site participate in a payback for existing landscaping. Mr. Wright said a percentage could be established. Commissioner Bodily said if other existing utility companies on the site ask for a modification for their conditional use, then the payback could be required. Mr. Vigil didn't feel that was a functional solution as others may not do any modification to their conditional use.

Commissioner Hansen asked the status of the UTOPIA conditional use. Mr. Matson said the landscape plan has been submitted and is pending approval with a deadline of July, 2012, to install the landscaping. He said the Parks Department had approved the plan but there were questions on the irrigation details. Planning Staff will also review the landscaping plan.

It was asked who would be responsible to extend the access to the UTOPIA site. Mr. Wright said UTOPIA is responsible for the access to their site. He said the Parks Department would be responsible for the remaining area as well as the corner of Fort Lane and Gordon Avenue.

Mr. Vigil asked if the UTOPIA access road would be required to be improved. Commissioner Bodily said the road was road base. Mr. Vigil asked if a modification could be required. Commissioner Pales said a modification could only be required if requirements weren't met.

Mr. Wright explained that when a conditional use is requested, then the applicant or property owner has to bring the site up to code.

Commissioner Davis asked if the lack of sidewalk is a safety issue, why the City doesn't install it.

Mr. Wright said a fence was required for screening on the other 2200 West Century Link conditional use.

Mr. Davis responded that the fence was connected and associated with the utility, but the sidewalk is not.

Commissioner Hansen said with a safety issue, the sidewalk has to be installed and Century Link is going to front that area. He suggested a payback. There was continued discussion on the responsibility for the sidewalk.

Mr. Wright asked Mr. Vigil if he knew what Century Link would be paying for the easement.

Mr. Vigil said they had wanted to be on another site, but the news media became involved. The City approached Century Link and asked them to put the utility at the proposed site to make it a better solution. He said compensation had not been discussed but it was his understanding that there wouldn't be a cost.

Mr. Wright asked if Century Link typically pays for easements on other properties.

Mr. Vigil said they do pay in some cases. He said he understands that they must meet the conditions or not build. He said it was his opinion that Century Link is bearing the burden of the sidewalk issue and their presence is minimal on the site. He said their presence of being there or not being there, doesn't alleviate the safety issue.

Commissioner Pales said that if the City really wants the sidewalk in, then there should be no easement payment.

Commissioner Bodily asked if the Planning Commission could make that decision.

Mr. Wright said the better planning option would be for sidewalk to be constructed rather than have the City receive compensation on the land. He said he would bring it to the City administration for consideration. He said they are dealing with the planning issue to mitigate the safety on the land. He said sharing the responsibility with the other current utilities was not possible.

The UTOPIA revocation hearing for their conditional use on this site was discussed.

Commissioner Bodily asked if the Planning Commission could make it a condition that instead of paying for the easement, they can put in the sidewalk. Mr. Drake said it could be a recommendation to the Council. Mr. Wright said it could be suggested in the deliberation that the responsibility could be shared among three parties. He said that it could be suggested to the City Administrator that it is better for the sidewalk to be built than to be compensated for the easement.

Mr. Wright said that Staff will make a recommendation for a condition but does not stipulate who will pay for it. This would apply to the curb, gutter and sidewalk. It just needs to be done and there is no issue about who would pay for it.

Mr. Vigil said there were no concerns for the curb, gutter and sidewalk on the last conditional use. He said it isn't about the money and he respects and agrees with whatever is said. He said it was clear that safety wasn't an issue when UTOPIA went in and it seemed like a double standard to him. He said Century Link just doesn't want to be treated any worse or any better than anyone else. He said they are spending a lot of money to bring in a good utility, but whatever conditions are set, Century Link will abide by them 100%. He expressed his opinion that the standards are just not the same.

There was a discussion on timetables and continuing to work for a more satisfactory resolution.

Mr. Wright said Staff is trying to do this conditional use in the same manner as other conditional uses. He again said he wasn't here five years ago and didn't know why the missing sidewalk wasn't noticed.

A representative from Century Link, Kerry Howes, said Layton City has a plan to overlay asphalt on Gordon Avenue, and since the project needs to cross Gordon Avenue, it needs to be done soon.

There was more discussion on bonding for the landscaping which Mr. Wright said could be discussed with Staff and Administration. He said when the boxes are installed, then there needs to be screening and suggested that it be coordinated through the Parks Department.

Commissioner Bodily recommended that the sidewalk be installed in lieu of compensation for the easement. Commissioner Davis asked if the City could help finance some of the sidewalk. Mr. Wright said he couldn't commit to that.

Chairman Esplin said he felt it was fair and equitable that in lieu of the City being compensated for the easement on the property, that Century Link install the sidewalk. He said it would be between the City and Century Link as to how that has done.

Chairman Esplin called for a motion on the item.

Commissioner Bodily moved that the request for conditional use be approved with a modification to condition #2 that the timing of the landscaping will be coordinated with the City. With regard to condition #3, the Planning Commission would recommend that in lieu of the cost of the easement, the cost of the sidewalk would be fair compensation. Commissioner Hansen seconded the motion, and the voting was unanimous.

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

The meeting adjourned at 8:25 p.m.



Julie Jewell, Planning Commission Secretary