

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
MAY 22, 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: Peter Matson, Kem Weaver, Brandon Rypien, Andrew King, Clint Drake, Julie Jewell, Councilmember Jory Francis

**PUBLIC REVIEW:**

**1. CONDITIONAL USE FOR AN ACCESSORY RESIDENTIAL DWELLING UNIT**

This property is located at 2155 East Sunset Drive in an R-1-10 zone. The property owners are David and Kelly Welker.

Planner I, Brandon Rypien, presented the request for an accessory dwelling unit to be built above an attached garage. The plans meet the requirement of 1000 square feet maximum with a two bedroom unit. He said the applicant has submitted a letter of agreement stating, as per ordinance, that at no time would the unit be rented or leased. Mr. Rypien stated that the unit could only be occupied by a blood relative, and a notice of this requirement will be recorded at the Davis County Recorder's Office against the property to assure that at no time will the unit be rented or leased. Commissioner Weaver said the applicant's letter was in conflict with the blood relative rule. Mr. Rypien said he would make sure the applicant knew the unit could only be occupied by a blood relative.

Commissioner Gilbert expressed concerns about the addition as well as the proposed three-car garage and the lack of a turnaround for the Fire Department especially with all the scrub oak in the area. Mr. Rypien said the Fire Department requires 1500 gallons per minute of water pressure and the applicant will have 2900 gallons per minute of water pressure.

City Planner, Peter Matson, said a condition could be added that the Fire Marshall do an analysis of the private drive as well as the Urban Wild Land Interface guidelines for the separation of the scrub oak from the homes. Condition # 6 will be added to address the issue.

Mr. Rypien said Public Works was requesting a geotechnical report, which will be a requirement as part of the building permit. Chairman Esplin suggested adding Condition #7 stating that the geotechnical report should be received by Layton City prior to the applicant receiving a building permit.

## **2. CONDITIONAL USE REQUEST FOR INDOOR COMMERCIAL AMUSEMENT – RED DOT FIRE ARMS**

This property is located at 990 West Hill Field Road. The applicants, Jared Brandt, Dennis Wanlass, and Robert Wanlass, are proposing a new building for an indoor shooting range and retail firearms store.

Planner I, Andrew King, presented the request for conditional use for an indoor shooting range. He provided documentation from a company building the project. He discussed the specifications of the plans particularly sound attenuation.

Mr. King said another conditional use request for an indoor shooting range was also on the agenda. He said the two businesses had almost identical business plans and some of the descriptions will encompass both businesses. Mr. King said the rooms would be enclosed with a masonry material with tier steel plating that would direct the ammunition downward.

Mr. King said that Red Dot would be a new facility with a shooting range, retail gun sale area, training room, and offices. He said he had contacted Layton City Police Chief, Terry Keefe and his only concern was that there be no loading or unloading of ammunition in guns outside of the building. He said the requirement should be in their business documentation or waivers.

Mr. King said that in regard to sound attenuation, Staff felt from conversations with the Building Inspector, Paul Bauer, and from documents presented that it would be difficult to hear the noise from the gun range outside the building. Mr. Bauer had spoken with the contractor for Salvo Guns who described the standards for the concrete range, safety issues, and ventilation issues.

Commissioner Bodily mentioned another gun range located in another city that seemed to be lacking in sound attenuation. Mr. Matson said he was aware of the site and it was his opinion that the sound attenuation materials may not have been installed.

Chairman Esplin said there are new guidelines for gun ranges that are monitored heavily. He said Action Target, the company building the Red Dot Fire Arms building, was at the top of the line of companies in the development of gun ranges.

Commissioner Fitzpatrick asked if conditions could be placed on the operating times. Mr. King responded that the business plan states that the business will not be open past 7:00 p.m.

The discussion continued on sound attenuation and Mr. Hansen said it was his experience that in a retail space, the firing inside the building can be heard but it isn't a startling sound and is very muffled even from inside the building.

## **3. CONDITIONAL USE REQUEST FOR INDOOR COMMERCIAL AMUSEMENT – SALVO GUNS**

This property is located at 1995 North Main Street. The applicants, Brent Mitchell, Chris Harden, and Matt Slate, are proposing an indoor shooting range and retail firearms store.

Mr. King presented the conditional use request for an indoor shooting range in a building to be retrofitted. He said there were landscaping issues in relation to buffering, trees and storm water drainage. He said there are 28 parking spaces on the site, which is the minimum requirement. He said requiring the landscape strips to conform to eight feet would affect the number of required parking spaces. He said the Planning Commission could approve a landscaping requirement adjustment. He said Staff's opinion is that a five-foot landscape strip would be sufficient along with the added trees. A 20-foot minimum buffer from any residential area would be required.

Mr. King said the current detention pond would not be allowed. The Engineering Department visited the site and is requiring that the applicant put in a pump and run a storm drain line out from the property to solve the flooding problems particularly on to a neighboring residential property.

Mr. King pointed out the areas to be landscaped and Commissioner Gilbert asked if irrigation would be required for the planted areas. Mr. King said the landscaping has to be maintained and landscaping maintenance could be added as a condition.

Commissioner Hansen said he felt it was hard to encourage the particular location because of the close proximity to the residential development. He felt it would be important to address the sound issue. He asked how documentation could be received that would prove the shooting range in this location would be soundproof.

Assistant City Attorney, Clint Drake, said the intersection is noisy and the residents are already dealing with noise, but the noise must be attenuated, otherwise it is a nuisance.

Commissioner Davis asked if there was an issue with the power lines on the north side of the building. Mr. King said that the trees would be required to be a maximum of fifteen feet at maturity, and the power lines are most likely at a minimum 20 feet high.

#### **4. COTTAGES AT CHAPEL PARK PHASE 4– FINAL APPROVAL**

This property is located at approximately 150 South Chapel Street in an R-1-6 zoning district. The applicant, Brad Frost from Ovation Homes, proposes 9 lots on 2.25 acres.

Planner II, Kem Weaver, presented the request for final approval for The Cottages at Chapel Park Phase 4, which will consist of nine lots on 2.25 acres. He said all lots meet the zoning requirements for area and frontage. He said there will be a private street and some of the lots will require fire sprinklers in the homes since there is not a turnaround for the Fire Department on the private street.

The Commission had no questions.

#### **5. COTTAGES AT CHAPEL PARK PHASE 5 – PRELIMINARY APPROVAL**

This 2.81 acre property is located at approximately 150 South Chapel Street in an R-1-6 zoning district. The property owner is the Alice W. Johnson Estate represented by Linda K. Duncan, Trustee and Brad Frost of Ovation Homes. The proposal is for 12 single family residential lots on 2.77 acres.

Mr. Weaver presented the request for preliminary approval for The Cottages at Chapel Park Phase 5. Mr. Weaver related the rezoning history of the property as well as the vacation of the remainder of the Kent Estates Subdivision plat to create this phase. He said Phase 5 will have a public street, which will align with Elm Street across Chapel Street to the east. The developer is proposing 12 lots.

There were no questions from the Commission.

#### **6. ANGEL LANDING APARTMENTS (AKA, FERNWOOD PLACE) – DEVELOPMENT PLAN REVIEW AND APPROVAL**

This development plan review is for a 74-unit apartment complex on Lot 202 of the Layton Crossing Subdivision located at 1150 West 825 North in an MU (Mixed Use) zoning district. The applicant is Crockett and Koehler LC represented by Ken Crockett and Mark Koehler.

Mr. Weaver presented the development plan review for the Angel Landing Apartments. He said the developer, Mark Koehler, and the architect, Eric Tuttle, were present. Mr. Weaver said the developer is proposing a 74-unit mixed use apartment project with the density maximum of 25 units per acre. He said a requirement of the MU

zone is that the Design Review Committee (DRC) review the design elements of the development plan and then the Planning Commission reviews the plans for approval. No City Council approval is required.

Mr. Weaver said that one of the requirements of the Mixed Use (MU) zone is that the buildings are to be oriented more toward the public street with parking located behind the building. Half of the parking must be covered parking, and the developer plans to cover the parking tree (canopy) area with a pitched roof with downlighting through the center of the parking area.

Mr. Weaver said the architecture of the buildings is a priority in the MU zone. He said the majority of the elevations will be hardy board with some brick and stucco in a brown, tan and white color scheme. He said the DRC recommended that in instances where the stucco is down to the grade that there be a wainscoting of rock to prevent the stucco from getting wet and eroding.

Mr. Weaver said there would be a 24-unit building, a 26-unit building and a 14-unit building. He said the 14-unit building would have a club house on the north portion of the building with an office and a fitness center amenity. He said there would be a tot lot between the buildings oriented more toward the parking area than the public street.

The following are the DRC recommendations:

- Incorporate a three-foot brick wainscot in areas where stucco is located.
- Create more of a front door presence for the office / club house with walkways and landscaping.
- Use plant materials that are shade tolerant on the north and east sides of the buildings. This would create assurances of the plants and bushes surviving with little sunlight. Species may include hawses, ferns, ewes and auto lichen laurel.
- Consider using cobble rock in pocket areas against the buildings instead of grasses that would not survive.
- Keep both drive accesses on the east side of the development.

Mr. Weaver said there would be two accesses on the east side of the development toward the commercial buildings.

Mr. Weaver said Layton City will require the applicant to participate in Layton City's "Crime Free Multi-Housing Program." He said the Police Department has been made aware of new apartment buildings and has been given the developers' contact information.

Mr. Weaver explained, in answer to Commissioner Fitzpatrick's question about the amount of covered parking that would be required, that 50 percent of the required parking must be covered.

#### **OTHER:**

Mr. Matson gave the Commissioners an analysis of recently approved apartment units in Layton including the development status.

The demand for multi-family housing was discussed, and Commissioner Bodily said the City should be very selective in the apartment projects they approve.

Mr. Matson said there is now almost no vacant multi-family zoning remaining in Layton, which means that almost all of the areas that would allow for apartments have already been built out. He said approval of future projects would be at the discretion of the Planning Commission and City Council through the rezone process.

Commissioner Hansen suggested that the Commission discuss what the percentage of multi-family housing should be in the City. He felt it would be a good preparation for the Village Center and its potential impact.

Commissioner Davis said he would like to have the multi-family housing percentages as compared to neighboring cities.

Commissioner Bodily said the competition would give the existing apartments an opportunity to improve their properties. Mr. Weaver said he agreed that the new apartments would force the existing apartments to upgrade.

Commissioner Davis asked if there would be a demand for apartments, and Commissioner Bodily responded that there was a demand and most likely the only project that isn't speculative for which a developer could obtain financing.

Mr. Matson said that Layton's apartment housing stock is quite old and said there hadn't been a large project over 70 units for approximately 10 years. He said the age of the housing impacts the quality or the rating. He said the new projects, with upgraded materials, are Class A projects for which there is a demand especially for people who have been displaced out of the single family market.

Mr. Matson talked about future businesses that would require housing and how it was appealing to prospective businesses to see that Layton was improving its stock of multi-family housing.

Commissioner Bodily asked about the vacancy rate, and the developer, Mr. Koehler replied that he thought the vacancy rate was less than five percent.

There was a discussion on reviewing housing choices and a suggestion to give developers suggestions as to what the City needs. Mr. Matson said Staff would do an analysis, and Councilmember Francis suggested that recommendations should just be guidelines and not set in stone.

Commissioner Bodily spoke positively about the Villas on Main apartment project but felt the Seasons of Layton apartment project property could have had a better commercial benefit. He said he didn't doubt there was a need. He felt the West Layton Village and associated apartments would be a more controlled situation.

Chairman Esplin said it was his opinion that there was a definite need for apartments.

Mr. Koehler said a 48-unit apartment project located in North Salt Lake built by his company was filled with good quality renters who didn't want to buy a home. Chairman Esplin mentioned a project in Smithfield that filled immediately.

Councilmember Francis said it would be important not to have a huge apartment inventory when the housing market rebounds.

Mr. Matson also presented pictures of the proposed landscaping at the Gordon Avenue/Fort Lane UTOPIA site. He said if UTOPIA needs an extension for installing the landscaping, the request for extension will be presented to the Planning Commission.

  
Julie Jewell, Planning Commission Secretary

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES**  
**MAY 22, 2012**

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

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

**MEMBERS ABSENT:**

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**OTHERS PRESENT:** Staff Members: Peter Matson, Kem Weaver, Brandon Rypien, Andrew King, Clint Drake, Julie Jewell, Councilmember Jory Francis

Chairman Esplin called the meeting to order at 7:08 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Weaver.

**APPROVAL OF THE MINUTES:** Chairman Esplin called for a motion to approve the April 24, 2012, Planning Commission and Work Meeting Minutes. Commissioner Weaver asked that the second to last paragraph on Page 4 be corrected to read Commissioner Hansen rather than Mr. Hansen. Commissioner Weaver moved to accept the minutes as corrected. 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 Davis seconded the motion, and the voting was unanimous.

**PUBLIC REVIEW:**

**1. CONDITIONAL USE FOR AN ACCESSORY RESIDENTIAL DWELLING UNIT**

This property is located at 2155 East Sunset Drive in an R-1-10 zone. The property owners are David and Kelly Welker.

Brandon Rypien, Planner I, presented the request for an accessory dwelling unit above an attached garage. He said the owner would sign an agreement that the unit would only be rented to someone related through blood and the agreement would be recorded with the property so that if the property is ever sold, the future owner would be aware of the requirement.

Mr. Rypien said Staff recommends the Planning Commission approve the conditional use with seven conditions. He said the applicant was present and had received a copy of the first five conditions.

1. The applicant / owner shall sign a letter of agreement stating that only blood relatives are to occupy the accessory dwelling and that it cannot be rented out to a non-related person. The letter of agreement shall also be recorded against the lot in case the property owner decides to sell the home so that future homeowners become aware of the use of the accessory residential dwelling unit.
2. Provide one parking space in the existing driveway for the occupants of the accessory residential dwelling unit.
3. All building and fire requirements shall be met before occupancy.
4. The Fire Department shall verify that there is sufficient fire flow.

5. A geo-technical report shall be performed to determine the buildable area.
6. A Wildland Urban Interface study shall be performed by the Fire Department.
7. The applicant must complete all of the conditions prior to receiving the Final Inspection

There were no questions from the Commission.

The applicant, David Welker, asked how he would implement the recommendations, particularly the Urban Wildland Interface Study. Mr. Rypien said he would speak with the Fire Marshall.

Mr. Welker also asked about obtaining a geotechnical review and asked if the City could recommend a service.

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

Commissioner Davis moved that the Planning Commission approve the conditional use for the accessory residential dwelling unit subject to the applicant meeting the seven conditions, which are hereby adopted as requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

## **2. CONDITIONAL USE REQUEST FOR INDOOR COMMERCIAL AMUSEMENT – RED DOT FIRE ARMS**

This 1.75 acre property is located 990 West Hill Field Road. The applicants, Jared Brandt, Dennis Wanlass, and Robert Wanlass, are proposing a new building for an indoor shooting range and retail firearms store.

Planner I, Andrew King, presented the request for conditional use for an indoor commercial amusement facility (indoor shooting range). Mr. King said the 11,000 square foot facility will contain a gun range, retail area, training room and several offices for the business.

Mr. King gave an overview of the parking but said no conditions were attached other than the applicant must meet all Fire Department, Building, Engineering and Planning requirements. Since this is a new building, requirements typically addressed through the conditional use process will be addressed with the site plan approval. Mr. King said Staff recommends the Planning Commission grant conditional use approval.

Commissioner Fitzpatrick asked if the applicant would be required to landscape the vacant adjacent parcel. Mr. King pointed out the landscape buffer requirements and the area that must remain open for Fire Department access. Commissioner Fitzpatrick pointed out a landscape island on the drawing that doesn't exist. Mr. King said he would ask the applicant about the island.

Chairman Esplin asked if the parking area would be maintained. Mr. King said a condition could be added to address parking lot maintenance, but Assistant City Attorney, Clint Drake, said that was a code enforcement issue and didn't need to be a condition.

City Planner, Peter Matson, said it is also likely that even though the property is one parcel now, a similar building could be built on the vacant property in the future, so asphalt and striping any additional areas might not be a good decision at this time.

The applicant, Jared Brandt, said there are charges included with the lease requiring maintenance of the landscaping and parking lot. He said a yearly fee would be paid to a management company who will do the maintenance.

Chairman Esplin asked the hours of operation, and Mr. Brandt responded that the business would be open from 10:00 a.m. to 9:00 p.m. for the public and at 6:00 a.m. for law enforcement training. He said there would be six ranges separated by ballistic walls.

Chairman Esplin asked if there would be any tournaments or competitions. Mr. Brandt said the capacity is three people to a lane (1 shooter and 2 observers) and that there was available parking to handle that capacity.

Commissioner Gilbert mentioned that another similar conditional use was on the agenda and would be in an existing building. He asked if Mr. Brandt had considered using the former Deseret Industries Building. Mr. Brandt replied that the building is currently being leased and is for sale, but the price wasn't right. He said they had looked at other existing buildings, and constructing the new building seemed more cost effective.

Commissioner Weaver asked what kind of consideration had been given to the exterior. Mr. Brandt responded that the range consultants said the noise wouldn't be heard over the traffic on Hill Field Road. He also defined the purpose of a ballistics wall that would contain a bullet and the sound of a bullet. He said he has contracted with Action Target from Provo who has built ranges for local police departments.

A resident, Jamie Newton, 949 West Gordon Avenue and directly to the north of the site expressed concerns about the noise from the gun fire. She also expressed concerns about the maintenance of the fence between her property and the vacant lot, as well as concerns about the noise from the car wash.

There was a discussion on the fencing between the proposed location and adjacent property. Mr. King said that fencing between the C-H property (Highway Regional Commercial) and the R-S property to the north (Residential Suburban) would be a six-foot screen fence at a minimum. The fencing between the proposed location and the car wash to the east is vinyl fencing.

Mr. Brandt said his company would comply with the noise ordinance and the noise wouldn't be as loud as the car wash or the traffic on Hill Field Road. He said there is noise dampening equipment and that he is hiring a company that will do it right and to code. The company has installed these facilities all over the world and the company is an expert in dealing with noise abatement.

Ms. Newton asked why Mr. Brandt had chosen this property and not a property in Syracuse where he lives. Mr. Brand replied, "because this is America."

Robert Newton, 949 West Gordon Avenue, asked about the size of the weapons and the back wall of the range. Mr. Brandt explained the construction range and how the bullets are decelerated prior to stopping and dropping into a trap for recycling. Mr. Newton asked additional questions about the business, which Mr. Brandt answered.

Ms. Newton gave the Commission a packet of information.

Commissioner Hansen asked Mr. Brandt if he had read the Staff memos and was aware he must conform to the 2009 Fire Code. Mr. Brandt responded that he knew that if more black powder was carried, he would need to sprinkle the building. He also clarified, in response to Commissioner Hansen's question about Action Target, that he had been in continual discussions with Action Target but was waiting to sign a contract until conditional use approval was received. He said he had no intention of building anywhere else. He said there are cheaper range planners and architects, but he was concerned with public safety and complying with EPA and OSHA requirements.

Ms. Newton expressed concerns about the smell, and Mr. Brandt explained the ventilation system which meets guidelines for OSHA for the inside of the building and public safety and EPA guidelines for the exterior.

There was more discussion on the landscaping, and Ms. Newton requested a masonry wall. Commissioner Fitzpatrick asked why, as in other conditional use request, this request was not being given fencing specification. Mr. King said the fencing would be part of the site plan approval. Ms. Newton continued to express concerns over the fencing. Mr. King said he anticipated there would be a 30-foot buffer with fencing along the property

line between the C-H and the R-S property. No fencing would be required between the proposed location and the car wash to the east because they are both commercial properties.

There were no other questions or comments.

Chairman Esplin called for a motion on the item.

Commissioner Davis moved that conditional use approval be granted subject to the applicant following all Engineering, Fire and Building requirements. Mr. King asked if the Planning Commission wanted to require that the fencing be masonry. Commissioner Davis said that was not a concern. Commissioner Gilbert seconded the motion, and the voting was unanimous.

### **3. CONDITIONAL USE REQUEST FOR INDOOR COMMERCIAL AMUSEMENT – SALVO GUNS**

This property is located at 1995 North Main Street. The applicants Brent Mitchell, Chris Harden, and Matt Slate are proposing an indoor shooting range and retail firearms store.

Mr. King presented a request for conditional use for indoor commercial amusement also for a gun range. He said the applicant will be retrofitting an existing building to accommodate the use. He said the building, for which the applicant is in negotiations to purchase, will be remodeled to meet all applicable codes.

He said there are 28 parking spaces on the site which is the minimum. He said requiring the landscape strips to conform to eight feet would affect the number of parking spaces. He said the Planning Commission could approve a landscaping requirement adjustment. He said Staff recommends that the Planning Commission, which has the authority to modify the landscape requirements, to allow a five-foot landscape strip. In addition to the trees, a 20-foot minimum buffer from any residential area would be required.

Mr. King said that historically, this building has had drainage problems to a detention pond. During storms, it has overflowed into one of the adjacent residences. This issue has been addressed in Engineering's memo, and the applicant will be required to pump the water out of the detention pond to a storm drain into Antelope Drive.

Mr. King said Staff recommends approval of the conditional use with the following conditions:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements particularly in regards to mitigation enhancements for the detention pond.
2. All three parking islands shall receive curb and gutter improvements and shall each be landscaped with at least one tree.
3. A minimum of three small to medium variety trees shall be planted in each of the landscape strips along Main Street and Antelope Drive. Trees shall be a non-ornamental deciduous variety and shall have a mature height between 15 and 30 feet. The tree planted in the parking island adjacent to the Main Street landscape strip may count towards the three required trees along this street.
4. Planning Commission modification of the requirement for a nine-foot landscape strip along Antelope Drive and Main Street to a five-foot landscape strip.
5. A 20-foot landscape buffer shall be installed along the entire back (southwest) property line. The landscape buffer shall include no less than two deciduous and two evergreen variety trees. Tree varieties shall have a minimum mature height of 30 feet.

Commissioner Fitzpatrick asked about the fencing, and Mr. King said to meet code, the fencing would need to be vinyl or masonry.

The applicant, Brent Mitchell, 2642 East 5700 South, Ogden, responded to Chairman Esplin's questions and said the business would be open 10:00 a.m. to 7:00 or 8:00 p.m. seven days a week. There would be 10 lanes and activities such as ladies night, etc. He said they have been talking with Action Target and Shooting Ranges

International but haven't made a decision. He explained the two different systems available from these contractors, one being a vertical orientation and the other horizontal. He said there would be a fully-grouted eight-inch masonry wall with air space and wall insulation for noise attenuation. The range would be on the east away from the residential area.

Commissioner Fitzpatrick asked about parking, and Mr. Mitchell said the parking spaces would allow for 20 people in the range and staff.

Mr. Mitchell asked if the requirement in the back where there is currently no buffer could be reduced to 10 feet with trees to allow for four staff parking spaces, the dumpster, and receiving.

Commissioner Davis asked if there was difference in the sound proofing between retrofitting a building and building a new building. Mr. Mitchell said retrofitting was more difficult but could be accomplished. He said the sound could be heard right next to the building but not on the sidewalk out by the street.

Commissioner Weaver asked the caliber of the guns, and Mr. Mitchell said 30 caliber with six rifle lanes and four pistol only lanes.

Commissioner Hansen asked the kind of engineering documentation Mr. Mitchell was prepared to share with the Commission that the building could be retrofitted to accomplish the noise reduction that would be expected for a shooting facility on this site. He said he had real concerns that the building could be modified and said it seemed very close to an existing residence. Commissioner Weaver also asked for engineering documentation.

Mr. Mitchell said the documents had been provided to both the Layton City Building Official and the Engineering Division.

Chairman Esplin said that he had read the Engineering report contained in the packet. Engineering's comment was in regard to the drainage around the building. If the documentation requested by Commissioners Hansen and Weaver had been submitted to the Engineering Division, then they would have reviewed those documents. He said Engineering's only concern is the exterior drainage around the building.

Mr. Mitchell said he had met with the Assistant City Engineer, Debi Richards, and the Public Works inspector on the site. He said he will be putting in a deeper collection box and then boring 70 feet under Antelope Drive into the Clearfield storm drain system. The storm water will be pumped out of the pond and into this storm drain.

Commissioner Hansen expressed more concern about the retrofitting of the building with regard to being good neighbors, dealing with the sound and the remnants of fire arms being fired.

Chairman Esplin said that maybe then the Engineering Division would have to come to Planning Commission and give those assurances. Mr. King said the Building Department has no concerns with the plans and that the Engineering Division doesn't review the structural plans. He said he could provide the Commission with the Engineered plans the applicant has submitted, however, none of the departments had any questions with the ability of the applicant to meet codes.

Commissioner Davis asked how the facility would be retrofitted. Mr. Mitchell said each lane has a separate steel trap and is a self-contained unit. The block inside the building is constructed to specification to fit the lanes.

Mr. Drake asked how often Mr. Mitchell had seen a shooting range as a brand new building versus a retrofit. Mr. Mitchell listed three retrofitted buildings in Utah, and Mr. Drake responded that the retrofit is common and in use in the State.

Mr. Mitchell said he had looked for months and this building was the best option to be open by September. It is also a building that is for sale and that it was not a good idea to put as much capital in a leased building as they will be putting in the new building.

Commissioner Fitzpatrick said she didn't want to reduce the landscape buffer in the back to less than 20 feet and asked that the Building Department address the noise concerns. She asked about the existing windows which Mr. Mitchell said will be tinted but there would be a wall behind them inside the building.

Commissioner Gilbert asked if the residents to the west had been contacted. Mr. Mitchell said the surveyor spoke with the resident to the west who expressed concerns about the detention issues. Mr. Mitchell said he would negotiate with the current owner and get the detention issues resolved.

Commissioner Gilbert expressed concerns about the landscape buffer and said he didn't think it should be reduced especially with the building being on a major intersection.

There was more discussion on noise attenuation. Commissioner Fitzpatrick asked that there be a noise attenuation requirement so if noise became an issue, the conditional use could be revoked. Mr. Drake said the business would be given notice and a chance to remedy the situation and if it was not remedied then the Planning Commission could review the conditional use for revocation.

Commissioner Weaver asked if the item could be tabled until the next meeting and then ask the Building Department to come in and meet with the Planning Commission.

Mr. King said if the Planning Commission deems it appropriate, Building and Planning could take more time for review of the request, however, from his perspective, those departments did not have issues with the request and have approved all the plans they've been given.

Mr. Drake said the other applicant, Mr. Brandt, had just been given conditional use approval. He said that Mr. Mitchell will be required to give the exact same assurances and plans the other applicant gave. If there are any concerns, they should be issues with both Mr. Brandt's and Mr. Mitchell's requests.

Commissioner Davis said that the City, through the process, will have to make sure the facility meets all the ordinances.

Chairman Esplin said that the City has a great Building Department and the Planning Commission is second guessing what they are trying to do. He said the Planning Commission has to trust in them and rely on their expertise. If Staff were to bring in Engineering documentation, it would be hard to interpret. He said Staff should be allowed to do their job.

Mr. Drake said that the Building Official, Paul Bauer, is one of the best building officials in the State. He is well connected and talking to other cities about this issue. While the proposal is new to the City, it is not new for him and those with whom he is consulting.

Commissioner Weaver said he agreed with Chairman Esplin, but this is a new experience with the neighbors and for the Commission. It is the first time to experience a shooting range in proximity to neighboring homes, and he felt the Commission had an obligation to the neighbors.

Mr. Mitchell said he was in negotiations and needed to complete the due diligence process before coming under contract and would like a yes or no from the Commission rather than having the request be tabled.

Commissioner Gilbert said he was concerned competitions may overwhelm the parking spaces available.

Mr. Drake said the Building Official had said nothing to the contrary with regard to the construction of the facility, however there are conditions that could be imposed with regard to parking and proximity to the residential properties.

A citizen, Denny Wanlass, said with regards to the retrofitted place in Murray that it is not near a residential area at all and it was already a block building.

Jamie Newton, 949 West Gordon Ave in Layton, asked if the City needed two ranges within two miles of each other

Mr. Drake said that the market will dictate the need.

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

Chairman Esplin called for a motion on the item.

Commissioner Fitzpatrick moved that the conditional use be granted based on the Staff recommendations and expertise of the Building, Planning, and Engineering Division and based on the applicant mitigating the detention issues and potential noise, and adding condition #6 requiring a masonry fence on the rear property line.

Commissioner Davis seconded the motion. The voting tied at 3 in favor to 3 opposed with Commissioners Pales, Davis and Fitzpatrick voting in favor, and Commissioners Hansen, Weaver and Gilbert opposed. Chairman Esplin was then required to vote to break the tie. Chairman Esplin voted in favor and the motion passed by a margin of 4 in favor to 3 opposed.

#### **4. COTTAGES AT CHAPEL PARK PHASE 4– FINAL APPROVAL**

This property is located at approximately 150 South Chapel Street in an R-1-6 zoning district. The applicant, Brad Frost from Ovation Homes, proposes 9 lots on 2.25 acres.

Planner II, Kem Weaver, presented the request for final approval for The Cottages at Chapel Park Phase 4, which will consist of nine lots on 2.25 acres. He said all lots meet the zoning requirements for area and frontage for the R-1-6 zone. He said there will be a private street and all but two of the lots front on the private street. Six of the nine lots will require fire sprinklers in the homes since there is not a turnaround for the Fire Department on the private street. In answer to a question regarding the fire sprinkler requirement for Lot 401 and not Lots 407 and 408, Mr. Weaver said the structure on Lot 401, which is a flag lot, will be at a greater distance from the street than Lots 407 and 408.

Mr. Weaver said the development will have to adhere to the development agreement that was approved with the rezone of the property. Based on this information, Mr. Weaver said Staff recommends the Planning Commissioner forward a positive recommendation to the City Council to approve the Cottages at Chapel Park Phase 4.

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

Chairman Esplin called for a motion on the item. Commissioner Hansen moved that the Planning Commission approve the final plat of The Cottages at Chapel Park Phase 4 subject to the applicant meeting all Staff requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

#### **5. COTTAGES AT CHAPEL PARK PHASE 5 – PRELIMINARY APPROVAL**

This 2.81 acre property is located at approximately 150 South Chapel Street in an R-1-6 zoning district. The property owner is the Alice W. Johnson Estate represented by Linda K. Duncan, Trustee and Brad Frost of Ovation Homes. The proposal is for 12 single family residential lots on 2.77 acres.

Mr. Weaver presented the request for preliminary approval for The Cottages at Chapel Park Phase 5. Mr. Weaver related the rezoning history of the property as well as the vacation of the remainder of the Kent Estates Subdivision plat to create this phase. He said Phase 5 will have a public street which will align with Elm Street across Chapel Street to the east. The developer is proposing 12 lots. He said all lots meet the R-1-6 requirements with regard to frontage and area, and the developer will have to adhere to the development agreement that was approved with the rezone of the property.

Mr. Weaver said Staff recommends the Planning Commission grant preliminary approval to the Cottages at Chapel Park Phase 5. The City Council is not required to approve the preliminary plan.

There were no questions from the Commission.

Chairman Esplin called for a motion on the item. Commissioner Gilbert moved that the Planning Commission grant preliminary approval to the Cottages at Chapel Park Phase 5 subject to meeting all Staff requirements. Commissioner Hansen seconded the motion, and the voting was unanimous.

#### **6. ANGEL LANDING APARTMENTS (AKA, FERNOOD PLACE) – DEVELOPMENT PLAN REVIEW**

This development plan review is for a 74 unit apartment complex on Lot 202 of the Layton Crossing Subdivision located at 1150 West 825 North in an MU (Mixed Use) zoning district. The applicant is Crockett and Koehler LC represented by Ken Crockett and Mark Koehler.

Mr. Weaver presented the request for development plan review for Angel Landing Apartment. He said the property, which was rezoned from C-H to MU (Mixed Use) on October 20, 2011, is surrounded by commercial zoning to east, south and west and multi-family residential to the north.

Per the MU ordinance, Mr. Weaver said the applicant has met with the City Staff and Design Review Committee (DRC). After the DRC meeting and review, the DRC gave the following recommendations to Staff and the Planning Commission:

- Incorporate a three-foot brick wainscot in areas where stucco is located.
- Create more of a front door presence for the office / club house with walkways and landscaping.
- Use plant materials that are shade tolerant on the north and east sides of the buildings. This would create assurances of the plants and bushes surviving with little sunlight. Species may include hawses, ferns, ewes and auto lichen laurel.
- Consider using cobble rock in pocket areas against the buildings instead of grasses that would not survive.
- Keep both drive accesses on the east side of the development

Mr. Weaver said that a requirement of the MU zone is to have the buildings located towards the street frontage of the public streets. The buildings are to be located 20 feet setback from the public right of way.

Mr. Weaver said the developer is being required to preserve the mature trees on 825 North and to resolve storm drainage issues per Engineering requirements.

Mr. Weaver said the detention areas will be landscaped as well as the entrance off 1200 West. He said the developer is asking for a landscaping modification on the north property line from 10 feet to 5 feet which Staff feels is reasonable since the adjacent development, Legacy Village, is at a higher elevation and has landscaping and vinyl fencing on the shared property line.

Mr. Weaver said that per the Mixed Use ordinance, the applicant is required to provide architecture that shall have exterior building materials that may include brick, rock, stucco, and hardy board. The colors of the exterior building materials shall be earth tone colors. The applicant is proposing 35 foot high buildings that will incorporate brick and stucco with the majority being hardy board materials. Colors include red sandstone, tan and brown.

Mr. Weaver explained the location of the club house/office and the tot lot which will be as far from the public street as possible.

Mr. Weaver said Layton City will require the applicant to participate in Layton City's "Crime Free Multi-Housing Program."

Mr. Weaver said Staff recommends the Planning Commission approve the development plan and approve the modification to the buffer.

There were no comments from the Commission.

Loyce Bowman 1260 West 1000 North, said she was not opposed to the architecture of the building or the landscaping and appreciated the crime free multi-housing program. She presented data she had gathered on apartment units. She expressed concerns that additional multi-family housing would affect the quality of life of the neighborhoods, the ability of the schools to educate the additional students, and the crime rate.

Mr. Newton expressed concerns about a possible increase in traffic.

Commissioner Davis asked what other types of uses could be in the MU zone, and Mr. Weaver responded that there could be commercial, office and residential uses in the MU zone.

Commissioner Weaver asked about the crime free housing program, and since Commissioner Fitzpatrick is familiar with the program, Mr. Weaver asked her to explain the program. She said since the program began in 2002, there have been decreased calls for service and managers are made aware of why police have been called. Management also has to organize social events to create a neighborhood feeling. Mr. Drake said that the Crime Free program is a very effective program and a significant reduction in crime in participating developments has been recognized since its inception.

There was a discussion regarding the rezoning of the property to MU and the possible uses associated with the MU zone. Commissioner Fitzpatrick asked if the Planning Commission could request less density for this project.

Mr. Drake said the Planning Commission would have to provide a basis for making that decision. Mr. Weaver agreed, stating that the ordinance allows for the proposed density, so there would have to be strong, specific findings for not allowing the requested density. Mr. Drake said courts would look for substantial evidence. Commissioner Davis asked if the impact on schools and traffic could be the evidence. Mr. Drake responded that would be the decision of a judge.

Commissioner Hansen complimented Ms. Bowman on her research. His option was that the City should carefully review further rezoning and development. However, he said he agreed with Mr. Drake that the issues couldn't be compelling enough to deny approval of the development plan.

Mr. Drake said Commissioner Hansen was correct and the question before the Commission is if the development plan meets the standard of the MU zoning ordinance.

Commissioner Davis asked if there were any concessions made to allow for the maximum density. Mr. Weaver responded that the MU zone is not like a PRUD where the developer can get a higher density for amenities, etc. In the MU zone, the developer has to meet the standards of the ordinance.

There was a discussion on the landscaping buffer reduction and Mr. Weaver said it would not affect the number of units. The development also has a cross access easement and can overflow parking in the commercial parking to the east. He said the chain link fence would have to be replaced with vinyl fencing.

Ms. Bowman said she was aware the developer has invested time and plans that are costly. However, she felt the cost goes back to the residents. She said the student population in the surrounding area has been bused to several schools, and somewhere that cost exceeds what the developer has invested. Her option was that the cost of this particular complex to the residents will exceed what the developer has invested.

Eric Tuttle, an architect representing the owner said he has met with Staff regarding what would be allowed and not allowed on the property and discovered that in the MU zone, the development could be all apartments, so that was the direction chosen by the developer based on what ordinance allowed. He said the buildings have been tapered down at the ends so that they are not a full three stories. He said the amenities are nice and exactly what the market study recommended. He said the DRC responses were very favorable. He said the developers' financial investment had been substantial and plans should be ready to submit the following week.

Mr. Drake asked about the market analysis, and Mr. Tuttle said a premier market analysis for apartments in Utah has determined that over the next three years, Davis County would not meet the needs for multi-family housing.

There was a discussion on current apartments being built.

Mr. Tuttle said there is a big need for nicer apartments and that children growing up need a place to live. There are studies that the American dream is no longer a single family house. A lot of kids growing up have different priorities and want the freedom to move for a job and go on vacation and not worry about a yard.

Commissioner Hansen said it was his opinion that if multi-housing didn't create a specific problem, we wouldn't need the crime free multi-housing program. He said he applauds the proposal and likes how it looks but that doesn't arrest the fact it has other impacts. However, the rezone has already taken place.

There was as discussion on successful multi-housing projects as compared to those that have issues as they become older.

There were no further questions or comments.

Chairman Esplin called for a motion on the item. Commissioner Fitzpatrick recommended the Planning Commission approve the development Plan for the Angel Landing Apartments subject to the applicant meeting all DRC recommendations. Commissioner Pales seconded the motion

Mr. Weaver asked if the Planning Commission wanted to approve the landscaping buffer modification from 10 feet to 5 feet.

Mr. Tuttle said that would affect the club house. Commissioner Fitzpatrick suggested modifying the landscape buffer to five feet by the club house and leaving it at 10 after that. Commissioner Hansen said he could support a motion to maximize the landscaping so that amenities for the residents wouldn't be decreased.

Commissioner Fitzpatrick retracted the first motion and restated the motion that the Planning Commission approve the development plan subject to the applicant meeting all DRC recommendations, to maximize the buffer

along the parking in the club house area or as best as can be done, and subject to meeting all Staff requirements including the Crime Free Housing program.

Commissioner Pales seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to adjourn the meeting. Commissioner Hansen seconded the motion, and the voting was unanimous.

The meeting adjourned at 9:30 p.m.

  
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Julie Jewell, Planning Commission Secretary