

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
AUGUST 14, 2012**

MEMBERS PRESENT: Jeremy Davis, Sharon Esplin, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Tim Pales, Dave Weaver

MEMBERS ABSENT: Brian Bodily

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

Commissioner Fitzpatrick asked for an explanation of the Planning Commission voting process with the recent change in the Planning Commission bylaws. Community and Economic Development Director, Bill Wright, said that if over five Commissioners were present, a majority vote would be required. If five Commissioners were present, a vote would pass or fail by a four to one vote.

PUBLIC HEARING:

1. WESTERN STATES LODGING GENERAL PLAN AMENDMENT (SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL) AND REZONE – R-1-10 (SINGLE FAMILY RESIDENTIAL) TO R-H (HIGH DENSITY RESIDENTIAL)

This 6.45 acre property is located at approximately 250 North Adamswood Road. The property owner is the Marie S. Adams Family Trust.

City Planner, Peter Matson, presented the request for a General Plan Amendment from single family residential to high density residential more than 16 units per acre for a 6.45 acre property at approximately 250 North Adamswood Drive. Mr. Matson explained that a rezoning of the property from R-1-10 to R-H, with a development agreement, is also proposed.

Mr. Matson presented an overview of the area and said that if the proposal was approved, the stub street on the east of the property would not become a through street.

Mr. Matson said that the applicant, Western States Lodging, is the owner and operator of Legacy Village on Fairfield Road. He said the proposed development is for independent living units for residents 55 years of age and over, and that financing is tied to age restriction.

Mr. Matson said the development agreement is recorded on the land and any future purchase is subject to this agreement. He said that applicant is proposing 151 units and the R-H zone is required to meet this density which is a zoning designation typically not used in this type of area. The applicant has requested a General Plan Amendment with the premise that the age restriction would mitigate the increase in density. He also pointed out the architecture and landscaping proposed.

Mr. Matson said the developer has had two meetings with neighboring property owners to help property owners understand the reason for the rezoning. Mr. Matson said he had attended one of the meetings and felt there was solid support for the project from the immediate neighbors. Concerns expressed by attendees at these meetings were that development may obstruct their views; however, they preferred the land not remain vacant.

Mr. Matson summarized the development agreement and pointed out the uses that are typically allowed in R-H zoning district but would not be allowed with the proposed rezone.

Tyler Miles, the applicant, explained that under Federal Law, the developer is required to allow up to 20 percent of the residents to be under 55 years of age. He said that usually in their facilities, any residents less than 55 years of age are persons with disabilities who need the elevators that would be provided in these buildings. He said that they would not be required to leave 20 percent of the units open for people under 55, but if there were open units, they would be required to rent up to 20 percent of the total units. There would be no violation if all the units were rented by age 55 or older.

Mr. Matson said the Design Review Committee would review the plans, and the Planning Commission would also review the site plan and make recommendations to the City Council.

Commissioner Fitzpatrick asked if the Planning Commission would review the proposal for conditional use since the elderly apartment use is a conditional use in the R-H zone, and Mr. Wright replied that the conditional use application would most likely be reviewed when the site plan is reviewed by the Planning Commission.

Commissioner Davis asked how the senior apartment is noted, and Mr. Matson said it is noted in the development agreement and in the development drawings. Mr. Wright said the apartments would only be allowed in the R-H with the development agreement. He said if the development agreement is breached by either party, then the development in R-H zoning would not be allowed.

Commissioner Davis asked when the study on multi-family housing would be available, and Mr. Matson said it would be provided within a couple of months. He said the City Council is asking the Planning Commission to review the classification of apartments.

Mr. Davis asked about the demand for senior housing, and Mr. Miles responded that a third party market study shows there is a demand. Commissioner Fitzpatrick cited The Cottages of Chapel Park as an example that there is a need. A representative of the applicant, Kent Nelson, said market studies indicated that there are 3400 single seniors in Davis County renting in different places who would prefer living in one of the proposed units. He said the estimate was that Davis County is about 2000 units short. He said there were 180 senior residents seeking rental housing every year. Mr. Miles said that one of the key indicators for proposing this location was the number of seniors who approach the Legacy Village facility on Fairfield Road but want more independent living than is offered there. He said the proposed development could share in some services with Legacy Village with a shuttle to activities on special occasions.

Mr. Matson said the proposed buildings would be three stories/35 feet in height with the number of units not to exceed 155. The development will participate in the Crime Free Multi-housing Program.

Commissioner Weaver asked if having this facility on the program would skew the accuracy of the program. Commissioner Fitzpatrick spoke in favor of the program stating that it would make the apartment management aware of Fire Department and medical calls.

Mr. Matson said traffic seemed to be the biggest issue with the neighbors. Possible traffic mitigation at 300 North and Adamswood Road was discussed. Mr. Wright said there was not likely to be a turn lane into the development since the traffic generated from this specialty occupant would be significantly less or the same as an R-1-10 subdivision.

Mr. Miles said he had surveyed over 500 senior units in the valley. He compared the 151 units with a 28-lot single family subdivision. He found that the typical single family home generated 10 trips per day, while a senior apartment unit with visitors would generate 7 trips a week.

There was a discussion on items to be included in the motion such as the 80/20 rule on the age of residents and the completion date of the project. Mr. Miles felt that after entitlements were completed, the project could be 14 months from completion. Mr. Wright said the project must be started within a year of conditional use approval,

and Mr. Miles asked for a little leeway due to financing issues. Commissioner Pales asked if the project didn't go forward if the zoning could revert to R-1-10, and Mr. Wright said the property would have to go back through the rezoning process and would be restricted by the development agreement.

2. REVISION TO CHICKEN ORDINANCE – Zoning Ordinance Amendment (Title 19) - Section 19.06.080 - Chickens in Residential Zones

The petitioner, Layton City Council, is requesting a minor modification to the ordinance.

Planner I, Andrew King, presented the proposed zoning ordinance amendment for chickens in a residential zone.

Commissioner Hansen asked what the motivation was to make the change from a 14,000 square foot minimum lot size to a 10,000 square foot minimum lot size, and Mr. Wright said it was based on feedback from public.

Planner I, Andrew King, explained the permit process and site requirements for a chicken coup. He said there were currently 13 active permits and 20 plus people who were interested but couldn't qualify. He said currently 20 percent of the single family residents in Layton would qualify for a chicken permit and with the change to 10,000 square foot minimum lot size, 48 percent of the single family lots would qualify. He said the majority of people asking for permits were in the 10,000 to 14,000 square foot lot size range.

Mr. Wright explained that prior to Commissioner Hansen's joining the Commission there were studies, discussion and analysis of this issue. He said the Planning Commission actually recommended a smaller lot of 8,000 square feet minimum (actual recommendation was 6,000 square feet minimum lot size) to the City Council based on an extensive study of requirements in surrounding communities. He said the recommendation for the 10,000 square foot minimum lot size is actually closer to the Planning Commissions original recommendation.

Commissioner Gilbert stated he would again vote against allowing residential chickens. It was his feeling that people didn't move into residential neighborhoods expecting to live by chickens. Commission Hansen agreed.

Commissioner Fitzpatrick said she had neighbors who had chickens and she wasn't aware that they were there. However, she felt it was an expensive hobby. She said she felt the change wouldn't be a big impact.

Commissioner Weaver said he felt that if a resident gets a permit and follows the guidelines, the neighbors won't know the chickens are there.

Mr. King said that in coming to the decision to lower the lot size requirement, that there had been detailed research and conversation with code enforcement officers. He said the complaints have been regarding roosters with only one complaint about a chicken coup to close to the property line.

PUBLIC REVIEW:

3. XIU HUANG – CONDITIONAL USE FOR A BEAUTY SHOP

This property is located at 1398 North Hill Field Road, Suite 2 in PB (Professional Office) zoning district. The applicant is Xiu Huang, and the property owner is Northwood Holdings, LLC represented by Brandon Wood.

Planner I, Andrew King presented the request for conditional use for a beauty shop in a PB zoning district.

There was a discussion on the classification of this conditional use as to whether it should be a beauty shop or a spa. The concern was expressed that it was a big building for a limit of two stations due to parking requirements.

Commissioner Weaver asked if there would be retail sales, and Mr. Wright replied that he would be limited to products related to esthetician services. This will be added as a condition.

Mr. King said Staff recommends approval of the conditional use permit for a “Beauty Shop” subject to the following conditions with the addition of a third condition limiting the retail sales to products related to the esthetician services.

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements including receiving all necessary building permits for changes, modification and improvements to the building and its ventilation system.
2. The business shall not exceed two chairs/stations that customers would use for the services provided by the business.

4. DAVIS COUNTY BALLROOM – CONDITIONAL USE FOR A DANCE STUDIO

This property is located at 967 North 1500 West, Suite 2, in an M-2 (Heavy Manufacturing/Industrial) zoning district. The applicant is Melissa Argyle, and the property owner is John Alex.

Planner I, Andrew King, presented the request for conditional use for a dance studio in an M-2 zoning district.

Mr. King said Staff recommends approval of the conditional use permit for a “Dance Studio” subject to the following conditions:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. Classes for adult customers, or customers that may drive and park, shall be limited to evening hours (after 5pm) on weekdays and all day on weekends.
3. Any concerts, performances, recitals or similar events, shall be limited to evening hours (after 5pm) on weekdays and all day on weekends.
4. “Dance Studio” type businesses shall be limited to four (4) employees working at any one time.

5. PETE SMITH – CONDITIONAL USE FOR A HEALTH & EXERCISE STUDIO

This property is located at 1558 West 700 North, Suite 5, in an M-2 Heavy Manufacturing/Industrial zoning district. The applicant is Pete Smith, and the property owner is LWH, LLC represented by Michael B. Falk.

Planner I, Brandon Rypien, presented the request for conditional use for a health and exercise studio in an M-2 zoning district.

Commissioner Fitzpatrick said that the report indicated ages 7 and up and the sign on the door specifically advertised a 6-8 year old class. She asked for consistency.

Mr. Rypien said Staff recommends approval of the conditional use permit for health & exercise studio subject to the following conditions:

1. Provide three parking spaces for every 4 students and one for the instructor.
2. All building and fire requirements shall be met before occupancy.
3. The applicant must complete all of the conditions prior to receiving the Final Inspection.

6. LAYTON CITY FIRE DEPARTMENT – CONDITIONAL USE FOR A FIRE TRAINING FACILITY

This property is located at 1890 North Fort Lane in an A (Agriculture) zoning district. The applicant and owner is Layton City.

Planner II, Kem Weaver presented the request for conditional use for a fire training facility in an A (Agriculture) zoning district.

Chairman Esplin said he thought it would be a great project except for the proximity of the residences.

Mr. Weaver said the tower would be 400 feet off Fort Lane. He said City staff has been proactive in talking with the neighbors, and according to the City Manager and Jared Sholly from the Fire Department, there were no concerns with the proposed facility.

Commissioner Hansen asked why the lights had to be off between 10 p.m. and 6:00 a.m. but no action was allowed until 7:00 a.m. Mr. Weaver responded that the action was more of an impact than the lights. He gave a short review of the nuisance ordinance. He said item #6 would be changed to "the decibel level being kept at a minimum" because the siren could obviously be heard past the property line. If there was a nuisance with the use, the Fire Department should be contacted.

Chairman Esplin said the firefighters will focus on one area of the training tower and work on specific skills. Commissioner Hansen said it seemed to be a great project and the mitigation was just for one neighbor.

Mr. Weaver said the HAFB (Hill Air Force Base) planner had been consulted. She had no concerns with the use of the site but asked for notification when there is a training. Mr. Weaver said smoke shouldn't affect HAFB as it doesn't rise very high and dissipates quickly.

Mr. Weaver said Staff recommends the conditional use be approved based on the applicant meeting the following conditions:

1. The paint color of the training tower shall be of earth tone colors that would blend in with the natural surroundings.
2. The apparatus / storage building shall have masonry materials on the north, west and south exterior building elevations as well as a gabled / pitched roof.
3. Adjacent to the existing single family home, the site shall have a 10 foot landscaping buffer, which includes trees every 25 feet on center. In addition, as part of the buffer requirement, a 6 foot solid vinyl fence shall be installed.
4. A 6 foot chain link fence shall be installed along the north, east and south (excluding the existing single family home) property lines to provide safety to future trail users and secures the training facility.
5. All exterior lighting on the site shall be off between 10:00 PM and 6:00 AM, except for minimal exterior lighting that would be used for security purposes. The site shall adhere to the nuisance ordinance in 19.06.100 of the Layton City Code.
6. Should an exterior electronic two-way conversation system, alarms, and sirens be used, they shall be allowed so long as the decibel level is kept to a minimum. The site shall adhere to the nuisance ordinance in 19.06.100 of the Layton City Code.
7. Training sessions at the tower cannot be conducted between the hours of 10:00 PM to 7:00 AM.
8. All dust and odor nuisances shall be kept within the confines of the facility and shall not encroach onto neighboring properties.
9. Maintain communication with Hill Air Force Base when the training tower will be used in conjunction with the release of smoke from the tower. Alternatively, a schedule could be provided to Hill Air Force Base when the training sessions occur when smoke will be used. The contact for Hill Air Force Base is Krista at 801-777-2613.

7. GREYHAWK EAST – PRELIMINARY APPROVAL

This property is zoned R-1-8 (Single Family Residential) and is located at 2080 East 3100 North. The applicant and owner, Ed Green, is proposing three single family lots.

Planner II, Kem Weaver, presented the request for preliminary approval.

OTHER:

Mr. Wright reported that after extensive internal analysis, he issued a determination that the contractor's yard at Crystal Pools is not a legal use. He said that he gave Mr. Shippen, the owner, a deadline of September 4, 2012, to move the contractor's yard. If Mr. Shippen does not comply, more enforcement will be pursued.

Mr. Wright also reported several visits to PowerTrain Perfection on West Gentile. As of 4:30 p.m. today, the business owner had not made a substantial effort to become more compliant with the conditional use issued. It was Mr. Wright's opinion that the nature of his business plan made it too difficult for him to become compliant, but he wanted to stay at the location. Mr. Wright told the owner that a conditional use revocation review would be placed on the Planning Commission agenda for the August 28, 2012, meeting. He said the agenda item would not be for a revocation hearing but to review what was approved with the conditional use and give the business owner an opportunity to explain how he can comply.

Mr. Wright reported on the Fingers of Love Massage business. He said the owner had added a clothing alteration business and a few tobacco products. He said if there are than 35% retail sales revenues in tobacco, the business would be considered a tobacco retail shop and couldn't be at that location. During Mr. Wright's visit, the owner said business was really bad. Mr. Wright said the business would be observed for a while and then the owner would be asked for his retail sales receipts to determine the percentage of sales of tobacco.

Commissioner Hansen asked if there had been any activity regarding WINCO. Mr. Wright said that WINCO had stated they WINCO entered the Las Vegas market and was doing well there and there are no expansions considered for Utah at this time.

There was a question about digging on the Fort Lane Village site and Mr. Wright replied that the digging was a boring for a secondary waterline.

There was also a question about construction behind the Ruffledales building, which was explained as a Ruffledales expansion and also an office/retail building being built on Gordon Avenue behind Ruffledales.


Julie Jewell, Planning Commission Secretary

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MEMBERS ABSENT: Brian Bodily

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

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:09 PM

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

Chairman Esplin called for a motion to approve the July 25, 2012, Planning Commissioner and Work Meeting Minutes as written. Commissioner Gilbert moved to approve the July 25, 2012, 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 Davis seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

1. WESTERN STATES LODGING GENERAL PLAN AMENDMENT (SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL) AND REZONE – R-1-10 (SINGLE FAMILY RESIDENTIAL) TO R-H (HIGH DENSITY RESIDENTIAL)

This 6.45 acre property is located at approximately 250 North Adamswood Road. The property owner is the Marie S. Adams family.

Chairman Esplin disclosed that the property owner, Steve Adams, was a friend and neighbor. However, Chairman Esplin said he had no interest in the sale of the property.

City Planner, Peter Matson, presented the request for a General Plan Amendment (GPA) from single family residential to high density residential more than 16 units per acre for a 6.45 acre property at approximately 250 North Adamswood Drive. Mr. Matson said a rezoning of the property from R-1-10 to R-H, with a development agreement, is also proposed.

Mr. Matson presented an overview of the property and adjacent commercial and residential uses. He said the property has 440 feet of frontage on Adamswood Road. He pointed out a stub road at approximately 250 North. He said if the property were to develop as a single family subdivision the stub road would likely connect into the new subdivision. However, if zoning is approved for the senior housing apartments, then there would be a recommendation that the stub road not continue through the property.

Mr. Matson said the applicant, Western States Lodging, had held two meetings to inform the residents of the project and that there was good discussion at the meeting. If the zoning is approved, the 151-unit 3-story projected would be named Legacy Cottages of Layton. He said Staff is recommending that the building be located towards the south and central portion of the property as far away from the single family residential property as possible.

Mr. Matson said that in reviewing the City's General Plan for the area, high density residential development had the potential of a non-compatible use. However, he said with the development agreement and the amount of traffic generated from a senior housing project, Staff is of the opinion that the proposal could be a compatible project. He said that trips from a senior residential housing development are less than what would be generated from an R-1-10 or R-1-10 PRUD single family development.

Mr. Matson said the development agreement is between Layton City and the present owner, the Marie S. Adams Trust. He pointed out Article 4, which is the owner's undertakings and said the agreement would be recorded at the County and outlined on the City's zoning map to indicate there is a development agreement on the property.

Mr. Matson said that because there are uses in the R-H zone that wouldn't be appropriate for this area, that these uses are excluded from being on this property. The excluded uses are as follows:

- Boarding/Rooming House
- Fraternity/Sorority House
- Charter School
- Convent, Monastery
- Foster Home
- Hospital (Acute Care)
- Park, Playground, Fairground
- Private Country Club
- Public School
- Fire Station
- Water Wells, Res. or Storage Tank
- Golf Course
- Bed and Breakfast
- Dormitory
- Cemetery, Mausoleum
- College or University
- Day Care Center
- Fraternal/Benevolent Society
- Library, Art Gallery, Museum
- Private/Quasi-Public School
- Public Admin. Offices
- Electric Substation
- Railroad Tracks & ROW
- Athletic/Tennis/Swim Club
- Reception Center

Mr. Matson said development of the site is limited to the construction of a Senior Apartment Home Project with the age of those renting and occupying the apartment units limited to persons 55 years or older in accordance with the requirements of the Federal Fair Housing Act. He said the Act specifies that at least 80% of the occupied units in the project be occupied by at least one person 55 years of age or older. To meet this requirement the owner of the project needs to allow for some occupants under the age of 55 to meet fair housing requirements. Younger residents in a project like this typically include handicapped individuals who may find project amenities, particularly elevators, attractive.

Mr. Matson said that senior or elderly apartments in the R-H zone require conditional use approval from the Planning Commission. The conditional use and site plan will be reviewed simultaneously by the Planning Commission. The Design Review Committee will also review the site plan and architectural plan and forward a recommendation to the Planning Commission. The site plan will also be reviewed by the City Council for approval.

Mr. Matson showed the layout and elevations of the proposed building and said there would be a requirement for 30 percent of the site to be landscaped open space. This requirement would be included in the development agreement along with a requirement for participation in the City's Crime Free Housing program.

During the site plan review, Mr. Matson said the City Engineer has the option to require a traffic study as part of the approval. In talking with the traffic engineer, Mr. Matson was told that trips would probably be less than a single family subdivision on the site. He said there could be recommendations for offsite improvements, such as a possible a four-way stop at 300 North and Adamswood Road.

Based on this information, Mr. Matson said Staff is recommending approval of the GPA from single family to high density residential specified for senior housing, that the zoning from R-1-10 to R-H approved, with both approvals being subject to the approval of the associated development agreement.

Commissioner Weaver asked about the height limitation for homes in an R-1-10 zoning district. Mr. Matson said the height limitation for the R-1-10 zone would be 30 feet and that this project would be just five feet higher at 35 feet. He said the building is being moved to the south so as not to obscure the site line of adjacent properties.

Chairman Esplin asked for public comment.

A member of the audience, William Jensen, 1247 East 300 North, asked if the Davis County Housing Authority had been notified and what impact government subsidized housing would have on the project. Mr. Matson and Mr. Wright responded that the Housing Authority is not generally contacted unless the developer is using Low Income Housing Tax Credit or is associated with the Housing Authority. The senior housing being proposed would not be under any of the programs with the Davis County Housing Authority.

The following members of the audience expressed concerns:

Thomas Algoood, 1329 East 300 North
David Larsen , 1164 East 300 North
Anita Muhlstein, 248 North 1275 East
Henry Simpson, 540 North 650 East

Carl Hurst, 1150 East 300 North
Brook Lindberg, 1475 East 275 North
Abe Muhlstein, 248 North 1275 East Layton

Diane Hales, 1163 East 300 North, spoke in support of the development.

Concerns and comments expressed were as follows with responses from Staff, the Planning Commission, the developer, and the architect:

High density housing mixed with single family homes and demarcation line between the developments: Mr. Wright said that on the General Plan the demarcation line was Adamswood Road. He said this specific property has a relationship to commercial uses to the west and multi-family and institutional uses to the south. The proposal is that the developer would be a higher density in terms of units, but the general impact has been studied for this type of use, and it was determined that the development would be less of an impact than a single family subdivision. He said the traffic would be less and use of the school system would be less than a single family subdivision with this age restricted development.

Age restriction: Mr. Wright explained that under Federal Laws, only 80 percent of the development could be restricted for residents 55 years and old. However, due to the design of the facility and the residents living there, typically, the other 20 percent could be people with a disability under the age of 55 who need an elevator.

Commissioner Fitzpatrick asked about the number of one bedroom units compared to two bedroom units. The developer, Brad Miles, 753 West Club Oaks Drive, Sandy, said 65 percent of the units would be one bedroom units, with some units 2 bedroom/2 bath units and some 2 bedroom/2 bath plus a den. Commissioner Fitzpatrick said that other apartment complexes had more 2 and 3 bedroom units which would be a potential for a larger number of people and a greater impact.

Traffic and safety of walking residents: Commissioner Davis responded stating that studies show that traffic would not be any greater than a single family residential subdivision. Mr. Matson said an actual survey of 500 senior apartments shows a lower number than the 1.7 trips per day stated in the staff report. He also said that the typical resident of a senior apartment complex for those 55 years and older is not 55 with 10 years left in their careers. The typical resident is past that point and wants to live in this type of development rather than in a single family home. Only 60 percent of the residents typically have vehicles.

Chairman Esplin explained that the Utah Department of Transportation (UDOT) held the responsibility for making Gentile Street safer. Mr. Matson said the City Engineer meets with UDOT monthly regarding UDOT streets within Layton City and can encourage UDOT to make the streets safer within their guidelines.

A resident, Diane Hales, said she had lived in the area for 20 years and seen the traffic patterns. She said her mother's active senior development with twice as many units as the proposed project is quiet and peaceful with no loud parties, and lights and not as much traffic as a single family development. The only rush is when the residents go to and from church on Sunday. She said not all the people living there drive and most have only one car as compared to her own home and that of her neighbors where there are four cars and drivers. She felt that a single family development would create more traffic than the proposed development. She expressed her support of the proposed development but wouldn't want to see a regular apartment building. She said a four-way stop at Adamswood Road and 300 North would be welcomed.

Sign at Bowden Chiropractic blocking view: Mr. Wright said that when that sign was installed it was found to be in a legal location in terms of the measurement of the clearview site triangle, but because of the curve of the road, it is a hindrance. A few years ago, the City moved the stop bar forward to make it easier to for drivers to see. The zoning district is PB (Professional Office) and the monument sign is what is allowed in a PB. However, he said there is an opportunity in the sign ordinance for an exception based on a hardship so Staff is going to contact Bowden Chiropractic and see if they'd like to put a pole sign there, which is what the Bowden's originally submitted for a sign. He said the City is aware of the issue, has moved the stop bar out as far as possible and will contact the owners to see if they would change it out to a pole sign.

Negative impact on property values: A resident, David Larsen said an appraiser indicated his home value would drop. He asked the City to conduct an independent appraisal of how the development would affect home values in the area. He discussed privacy concerns due to the number of units. He also said he has a petition of 28 households opposed to changing the zoning.

Potential for low income housing: Mr. Miles explained that the properties will be leased at normal market rate with no subsidies. If necessary, rates would be lowered to match the market.

Elevation of the site: The project architect, Brent Hilton, 9138 South State in Salt Lake City, responded stating that the project has to be accessible for handicapped individuals with no more than a 2 percent grade from the street. If the grade is less, water won't flow. He said the main floor will be at grade.

Commissioner Gilbert asked how far into the neighborhood the developer had gone to inform the neighbors of the project. He said the Staff indicated that the residents at the first meeting were generally positive and mostly positive at the second meeting. Mr. Miles responded that approximately 27 to 30 addressees within 300 feet of the proposed development had been invited to the meetings. Mr. Miles also explained the Federal Fair Housing Act as it relates to the proposed development.

Commissioner Weaver asked if the facility would be within their rights to restrict the noise ordinance to between 9:00 p.m. and 8:00 a.m., and Assistant City Attorney, Clint Drake, responded in the affirmative. Mr. Weaver said that the development could potentially be a quieter development than a single family neighborhood with backyard dogs and teenagers.

Carl Hurst said the older people will be no problem for a noise issue, but the kennel across the street from his home is a noise issue. He also said there were 13 apartment complexes within a mile of this property. He said he thought this would be a good project but hoped that the kids coming from the other apartment complexes wouldn't vandalize the senior apartment complex.

Since there had been several references to the Planning Commissioners being elected officials, Mr. Drake clarified that the Planning Commissioners are not elected, but are appointed by elected officials. He said the Commission's job is to represent the municipal code. After taking in all comments, the Planning Commission will make a recommendation to the City Council, which would make the decision.

Mr. Miles asked to address a few concerns and said that some of the neighbors indicated their parents would like to live in the proposed development. He said that even though the development is restricted to 55 and older, most residents would be 70 to 75 years old. They had tried to do an unbiased survey and found that only 3-5 residents in such a development would have a job. He said they had the ability to landscape and plant trees to create privacy. If the development were a single family neighborhood, trees and privacy landscaping couldn't be guaranteed and there was potential of loud neighbors, dogs, and children. He said the proposed development could offer a nice buffer and exterior design similar to Legacy Village on Fairfield Road. He said that from the survey, it appeared only 60 percent of the residents would have cars.

Mr. Miles said the development would have amenities such as a club house, indoor pool, social rooms, indoor storage units and an on-site manager. There would also be three elevators. He said he felt it would be a great, low impact development and felt he was qualified to make that recommendation because senior housing is the business Western States Lodging is in and they've studied it.

With no further comments, Chairman Esplin called for a motion on the item.

Commissioner Hansen moved the Planning Commission forward a positive recommendation to the City Council to approve the Development Agreement subject to the change in Article 4.2 to meet the Federal Fair Housing Act and other Federal regulations allowing for up to an 80 to 20 percent age ratio of those 55 years old and those younger and that the developer will make all reasonable efforts to fill the units with persons age 55 years and older, and to add to Article 5.2 that the project commence within 18 months of approval of a conditional use. Commissioner Weaver seconded the motion. Commissioner Davis asked to receive a clarification on the motion. The motion passed by a margin of 5 to 1 with Commissioners Pales, Hansen, Weaver, Gilbert and Fitzpatrick voting in favor and Commissioner Davis opposed.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the General Plan Amendment from Single Family Residential to High Density Residential over 16 units per acre. Commissioner Hansen seconded the motion. The motion passed by a margin of 5 to 1 with Commissioners Pales, Hansen, Weaver, Gilbert and Fitzpatrick voting in favor and Commissioner Davis opposed.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-10 to R-H. Commissioner Fitzpatrick seconded the motion. Commissioner Hansen asked that "subject to the attached development agreement" be added to the motion. Commissioner Weaver restated the motion adding "subject to the attached development agreement" and Commissioner Fitzpatrick seconded the motion. The motion passed by a margin of 5 to 1 with Commissioners Pales, Hansen, Weaver, Gilbert and Fitzpatrick voting in favor and Commissioner Davis opposed.

Mr. Matson said that typically this item would be forwarded to the September 6, 2012, City Council Meeting. However, the City Council has chosen to move the meeting to August 30, 2012, to avoid a conflict with a Councilmember event. This item will be heard at the August 30, 2012, City Council Meeting.

Audience member, Carl Hurst, asked for a clarification on the zoning. Chairman Esplin responded that if the zoning is changed by the City Council, the only project that can be developed on the property will be a senior housing project regardless of who develops the property. If another use is proposed, the rezoning process would have to be followed.

Commissioner Fitzpatrick clarified that the Planning Commission would still need to review a conditional use request for elderly housing before the project could move forward.

A member of the audience asked if the developers didn't follow through, what would prevent them from renting to low income people. Chairman Esplin said they may have to lower the rent but would not rent with a government subsidy. The audience member continued to ask questions, and Mr. Drake said that a motion had been made by the Planning Commission, and Mr. Hurst, as a citizen, could submit further questions to the City Council.

Mr. Drake said that when this item is before the City Council, they will approve the request, approve the request with recommendations, deny the request, or table the request.

2. REVISION TO CHICKEN ORDINANCE – Zoning Ordinance Amendment (Title 19) - Section 19.06.080 - Chickens in Residential Zones

The petitioner, Layton City Council, is requesting a minor modification to the ordinance.

Planner I, Andrew King, presented the proposed zoning ordinance amendment for chickens in a residential zone. He said the ordinance amendment was in response to a request from the City Council to revisit the City's residential chicken ordinance based on comments they had received from the public requesting that Staff research 10,000 square feet as a minimum lot size. Mr. King said that through research, Staff found that a 10,000 square foot lot size could handle this type of use.

Under the current standard of a 14,000 square foot minimum lot size, Mr. King said 20 percent of single family lots could have chickens. While there are 13 permits on file with the City for this use, there have been many more requests for chickens on lots between 10,000 and 14,000 square feet. With a 10,000 square foot minimum, 48 percent of single family lots could have chickens.

Mr. King said that based on these findings, Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the ordinance amendment for residential chickens from a 14,000 square foot minimum lot size to a 10,000 square foot minimum lot size.

Commissioner Gilbert expressed his opinion that the silent majority that live in a residential area regardless of the size of their lots, didn't want to move into a community raising farm animals. He said he was totally against the ordinance amendment. Commissioner Hansen said that on this particular subject based on the investment people have made on 10,000 square foot properties, the Planning Commission needs to take the opportunity to make them aware the change is being contemplated and it may impact their properties. He said he was extremely uncomfortable with the ordinance change.

Commissioner Fitzpatrick asked if a Home Owner's Association in an area with 10,000 foot square lots, by majority vote, could outlaw chickens. She asked how the ordinance change was advertised and Staff related the noticing procedures. She asked if the item could be tabled pending more notification to the public of the change.

Mr. Drake recommended that the regular procedure for notification be followed.

There was a discussion of the number of calls the City Council had received and a concern from Commissioner Gilbert that a handful of people were going to drive a change for everyone.

Mr. Wright reminded the Commission that the last time the Planning Commission reviewed the residential chicken ordinance, the Commission's recommendation to the Council was a for a minimum lot size smaller than 10,000 square feet at 6,000 square feet. The City Council changed the recommendation from the Planning Commission to 14,000 square feet.

Commissioner Hansen recommended tabling the ordinance change to allow the Commission to poll some of their neighbors to see if the change made sense. He said he was not opposed to a recommendation to change the ordinance but felt the silent majority was not aware and may have serious objections.

Commissioner Davis said a lot of people in his neighborhood already have chickens but their feedback wasn't solicited.

Brook Lindberg, 475 East 1275 North, asked if it was just chickens being considered, and Chairman Esplin responded in the affirmative. She said she had two neighbors with chickens which she doesn't hear at all or have any problems with them. However, she hears the cows, peacocks and goats in the neighborhood.

Mr. Drake clarified that his recommendation for following procedure was regarding noticing and was not a recommendation to approve or deny the ordinance amendment.

Chairman Esplin called for a motion on the item.

Commissioner Fitzpatrick said she supported the ordinance change, but with the concerns of other Commissioners, she made a motion that the ordinance change be tabled until there is an opportunity to check with neighbors and speak personally with the City Council to hear their feedback.

Chairman Esplin asked for a specific date to which the item would be tabled. Mr. Wright felt two weeks would not be enough considering the amount of information being requested.

Mr. King said 10 to 20 people had been vocal about requesting residential chicken permit on lots smaller than 14,000 square feet. He said the Code Enforcement officer had not recorded any complaints about chickens and it seemed to him that Staff would be getting more complaints if chickens were a problem.

Mr. Wright confirmed that the Planning Commission had received the e-mails in support of the ordinance change.

Commissioner Davis said he was not concerned by those who wanted chickens but those who did not want chickens.

Commissioner Weaver asked Commission Fitzpatrick what she was asking the Commission to do. Commissioner Fitzpatrick said whatever the Commissioners personally wanted to do such as talking to neighbors who have and who do not have chickens and get their opinions.

Mr. Wright said if what is being asked is not that the Staff does more research, then he felt it could be accomplished in two weeks.

Commissioner Pales asked what the City Council's rationale had been when they voted to raise the Planning Commission's recommendation to a 14,000 square foot minimum lot size.

Mr. Wright said there were a variety of opinions as to how much of the City would be available for residential chickens and what the impacts might be. He said that at this time, at least 4 of the Council members are requesting this change.

Chairman Esplin called for a motion on the item.

Commissioner Fitzpatrick moved that the Planning Commission table the item to the August 28, 2012, meeting. The motion passed by a margin of 5 to 1 with Commissioners Pales, Hansen, Gilbert, Davis and Fitzpatrick voting in favor and Commissioner Weaver opposed.

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

PUBLIC REVIEW:

3. XIU HUANG – CONDITIONAL USE FOR A BEAUTY SHOP

This property is located at 1398 North Hill Field Road, Suite 2 in PB (Professional Office) zoning district. The applicant is Xiu Huang, and the property owner is Northwood Holdings, LLC represented by Brandon Wood.

Planner I, Andrew King presented the request for conditional use for a beauty shop in a PB zoning district. The applicant was not present at the meeting.

Mr. King reviewed the parking requirements and said the business could qualify for two stations. He said the applicant had verified two stations would be satisfactory.

Mr. King said Staff recommends approval of the conditional use permit for a “Beauty Shop” subject to the following conditions:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements including receiving all necessary building permits for changes, modification and improvements to the building and its ventilation system.
2. The business shall not exceed two chairs/stations that customers would use for the services provided by the business.
3. Retail sales are limited to products related to the services provided at the business.

Commissioner Gilbert said that based on the size of the building, having only two stations made no sense. He asked if the applicant understood what is being granted.

Commissioner Hansen expressed a hesitancy to move forward without the petitioner being present.

Chairman Esplin called for a motion on the item.

Commissioner Gilbert moved to deny the conditional use request and Commissioner Hansen seconded the motion.

Mr. Wright reminded the Commission that under State law, the Commission must make findings that there is not a way to mitigate the impacts of the conditional use. The Commission can approve the conditional use with conditions or deny with findings that the issues can't be mitigated by conditions placed on the conditional use. Commissioner Davis asked if the item could be table, and Mr. Wright said that the item could be tabled and that would be his recommendation.

Chairman Esplin called for a vote on the motion to deny the conditional stating that Commissioner Gilbert either had to withdraw the motion or deny it.

Commissioner Gilbert and Hansen voted in favor of denying the conditional use, and Commissioners Pales, Weaver, Davis and Fitzpatrick voted against denying the conditional use. The motion failed by a margin of 2 in favor to 4 against the motion.

Commissioner Davis moved to table the conditional use until the applicant or a designated representative was present. Commissioner Hansen seconded the motion. Commissioner Davis revised the motion to table the item to the August 28, 2012, meeting. Commissioner Hansen seconded the motion, and the voting was unanimous.

4. DAVIS COUNTY BALLROOM – CONDITIONAL USE FOR A DANCE STUDIO

This property is located at 967 North 1500 West, Suite 2, in an M-2 (Heavy Manufacturing/Industrial) zoning district. The applicant is Melissa Argyle, and the property owner is John Alex.

Planner I, Andrew King, presented the request for conditional use for a dance studio in an M-2 zoning district. He said the applicant, who was present at the meeting, wanted to move her business from a 2500 square foot suite to a 6,000 square foot suite for which she is requesting a conditional use permit to accommodate her expanding business.

Students would be six years and older with not more than two instructors at a time providing lessons. Three parking stalls per four employees would be required at a peak business time. Mr. King gave an overview of class times and said Staff recommended approval of the conditional use permit for a “Dance Studio” subject to the following conditions:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. Classes for adult customers, or customers that may drive and park, shall be limited to evening hours (after 5pm) on weekdays and all day on weekends.
3. Any concerts, performances, recitals or similar events, shall be limited to evening hours (after 5pm) on weekdays and all day on weekends.
4. “Dance Studio” type businesses shall be limited to four (4) employees working at any one time.

The applicant, Melissa Argyle, 3035 West 150 North, Layton, responded to Commissioner Fitzpatrick's question about condition # 2 since 16-18 years could be driving customers and their lessons are from 3-6:00 p.m. and not after the 5:00 p.m. requirement on weekdays

Commissioner Gilbert asked if the applicant could ask for the condition to be removed.

Mr. King said there was no shortage of parking on the site and his recommendation would be to change condition # 2 to after 3:00 p.m.

Chairman Esplin called for a motion on the item.

Commissioner Hansen moved that the Planning Commission approve the conditional use subject to revising condition #2 to after 3:00 p.m. and also to remove the conditional use for a dance studio of Davis County Ballroom at 897 North McCormick Way, Suite 4 with the concurrence of the property owner after full legal review and subject to applicant meeting all staff conditions which are hereby adopted as requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

5. PETE SMITH – CONDITIONAL USE FOR A HEALTH & EXERCISE STUDIO

This property is located at 1558 West 700 North, Suite 5, in an M-2 Heavy Manufacturing/Industrial zoning district. The applicant is Pete Smith, and the property owner is LWH, LLC represented by Michael B. Falk.

Planner I, Brandon Rypien, presented the request for conditional use for a health and exercise studio in an M-2 zoning district. He said the applicant is proposing to teach karate and self-defense classes with 15 minutes

between classes for drop off and pick up. He said there would be no more than 10 students at any given time in the facility. The parking calculation is based three parking stalls for every 4 students and 1 for each instructor with only 1 instructor planned for any given time.

Mr. Rypien said Staff recommends approval of the conditional use permit for health & exercise studio subject to the following conditions:

1. Provide three parking spaces for every 4 students and one for the instructor.
2. All building and fire requirements shall be met before occupancy.
3. The applicant must complete all of the conditions prior to receiving the Final Inspection.

Commissioner Weaver asked if there would be Saturday competitions. The applicant, Pete Smith, 19 North 1600 West, West Point, said his business would be closed on Saturday and there were no plans to engage in combat competition.

Commissioner Fitzpatrick asked for an address clarification, and Mr. Rypien said the business would be off West Hill Field Road. She also said the sign on the door indicates students 6 years and older and the staff report indicates 7 years and old. Mr. Rypien will indicate the change in age to 6 years and older in the letter of approval.

Chairman Esplin called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commission approve the conditional use request subject to the applicant meeting all conditions, which are hereby adopted as requirements. Commissioner Davis seconded the motion, and the voting was unanimous.

6. LAYTON CITY FIRE DEPARTMENT – CONDITIONAL USE FOR A FIRE TRAINING FACILITY

This property is located at 1890 North Fort Lane in an A (Agriculture) zoning district. The applicant and owner is Layton City.

Planner II, Kem Weaver presented the request for conditional use for a fire training facility in an A (Agriculture) zoning district. Battalion Chief Jared Sholly was present representing the Layton City Fire Department.

Mr. Weaver said there was an existing building in the southwestern corner at the back of the property. He explained where the fire tower would be located 400 feet off Fort Lane with the possibility of a storage building for apparatus closer to Fort Lane. He gave an over view of the properties in the area and said the canal will be piped in the future with a trail planned in the area. He also explained the storm water collection plans.

Mr. Weaver showed a picture of a similar Park City facility but said no masonry façade will be required on the fire tower due to the location. He said the building will not be taller than 34 feet, which meets the height restriction of the A zone.

The original plans for the apparatus vehicle storage indicated a metal building, but with the recent history of requirements for masonry on three sides of buildings built recently in the area, the Fire Department has been notified that three sides will need to be masonry, which can be stucco. This building would have a pitched or gabled roof to blend in with single family homes to north and south.

The existing masonry shed will be made presentable and used as a storage facility for the training tower.

Mr. Weaver said parking is not required for the site since Layton City, the County, Hill Air Force Base, and other jurisdictions will just be coming and going from the site with their apparatus.

Mr. Weaver said the gravel road base proposed will be sufficient. A 10 foot landscaped buffer between the training facility and the homes with tree 25 feet apart on center will be provided. In addition, as part of the buffer requirement, a 6 foot solid vinyl fence shall be installed.

A 6 foot chain link fence shall be installed along the north, east and south (excluding the existing single family home) property lines to provide safety to future trail users and secures the training facility.

Pole lighting and uplighting around the training tower will be required to meet ordinance requirements as far as light leaving the site.

Mr. Weaver said the site is on the southern edge of the Accident Potential Zone (APZ) and HAFB is aware of the proposal, which was not a concern to them since there wouldn't be a consistent congregation of people on the site with a maximum of 25 people but only on special occasions. Concerns with smoke were discussed with HAFB. The Fire Department has said smoke dissipates quickly and shouldn't rise to high levels above tower. HAFB asked to be informed and have a schedule of training dates and times.

Mr. Weaver said Staff recommends approval of the conditional use permit for the fire training facility subject to the following conditions:

1. The paint color of the training tower shall be of earth tone colors that would blend in with the natural surroundings.
2. The apparatus / storage building shall have masonry materials on the north, west and south exterior building elevations as well as a gabled / pitched roof.
3. Adjacent to the existing single family home, the site shall have a 10 foot landscaping buffer, which includes trees every 25 feet on center. In addition, as part of the buffer requirement, a 6 foot solid vinyl fence shall be installed.
4. A 6 foot chain link fence shall be installed along the north, east and south (excluding the existing single family home) property lines to provide safety to future trail users and secures the training facility.
5. All exterior lighting on the site shall be off between 10:00 PM and 6:00 AM, except for minimal exterior lighting that would be used for security purposes. The site shall adhere to the nuisance ordinance in 19.06.100 of the Layton City Code.
6. Should an exterior electronic two-way conversation system, alarms, and sirens be used, they shall be allowed so long as the decibel level be kept to a minimum. The site shall adhere to the nuisance ordinance in 19.06.100 of the Layton City Code.
7. Training sessions at the tower cannot be conducted between the hours of 10:00 PM to 7:00 AM.
8. All dust and odor nuisances shall be kept within the confines of the facility and shall not encroach onto neighboring properties.
9. Maintain communication with Hill Air Force Base when the training tower will be used in conjunction with the release of smoke from the tower. Alternatively, a schedule could be provided to Hill Air Force Base when the training sessions occur when smoke will be used. The contact for Hill Air Force Base is Krista at 801-777-2613.

Battalion Chief Sholly said he had a copy of the conditions and had no concerns.

Commissioner Fitzpatrick asked about a berm against the residential area to help mitigate the noise. Mr. Weaver said the berm wouldn't be affective unless it was to be 6 feet or higher. She also asked about the chain link fence along the Fort Lane frontage and if being able to see through the fence to a building on fire would cause a driving hazard.

Battalion Chief Sholly said that the way the lot is situated and with the trees, that citizens wouldn't be able to see the training tower.

Commissioner Fitzpatrick asked if the property to the south developed, if the fencing would be adequate. Mr. Weaver said the property is under a conservation preservation easement and would not develop in the long range future.

Battalion Chief Sholly said the facility would be the only training facility between Salt Lake City and Logan. The Police Department would also use the facility.

Chairman Esplin called for a motion on the item. Commissioner Pales moved that the Planning Commission grant approval for conditional use for the fire training facility subject to meeting all Staff conditions which are hereby adopted as requirements. Commissioner Hansen seconded the motion, and the voting was unanimous.

7. GREYHAWK EAST – PRELIMINARY APPROVAL

This property is zoned R-1-8 (Single Family Residential) and is located at 2080 East 3100 North. The applicant and owner, Ed Green, is proposing three single family lots.

Planner II, Kem Weaver, presented the request for preliminary approval. The applicant, Ed Green, was present for the proposal for a small subdivision consisting of three lots. Mr. Weaver gave an overview of the property location and said all the lots meet the frontage and area requirements of the R-1-8 zone. He said based on this information, Staff recommends the Planning Commissioner forward a positive recommendation to the City Council to grant preliminary approve subject to the applicant meeting all Staff requirements.

There was a discussion of the Fire Department memo, which was a boiler plate memo assuring fire hydrants meet requirements.

Vivian Suarez, 2150 East 3100 North, expressed concerns about traffic and for traffic mitigation at 2150 East and 3100 North and at a cul-de-sac to the east. He was advised to contact the police department if speed limits were being broken and the City traffic engineer regarding the traffic issues.

Carolyn Krey, 2142 East 3100 North, said she was grateful to hear that the proposal is for three houses and expressed appreciation for the forum to address concerns

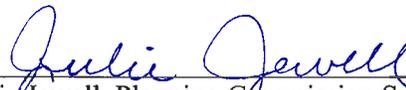
Commissioner Gilbert complimented Mr. Green for re-evaluating the project and making it more conducive to the surrounding area. He commended Mr. Green for his work.

Chairman Esplin called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commission forward a positive recommendation to the City Council to approve the preliminary plat for the Greyhawk East subdivision subject to the applicant meeting all items outlined in Staff memos.

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 Hansen seconded the motion, and the voting was unanimous.

The meeting adjourned at 9:58 p.m.


Julie Jewell, Planning Commission Secretary
Layton City Planning Commission Meeting Minutes
August 14, 2012
Page 12