

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
AUGUST 28, 2012**

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

MEMBERS ABSENT:

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

Assistant City Attorney, Clint Drake, introduced Marlesse Jones, who is an Assistant City Attorney and would be present in his place at the regular Planning Commission Meeting.

City Planner, Peter Matson introduced Scott Carter, the planner from the Parks Department. Mr. Matson said that while developments don't always impact the parks or trail system, in the event they may have an impact, the Parks Department has resources they use to determine the impact.

Mr. Carter said the Parks and Recreation Department focuses on providing recreation opportunities and on developing parks and trails. He said the department is in the process of updating the Parks and Recreation element of the General Plan. He said he uses the current plan as a guide when he does project review. He said the Parks and Recreation Department likes to see new development that has a residential element because that is how park and trail construction is funded. He gave the Commission two maps used as a guide when reviewing projects. The first map helps him determine if the proposed development would fall within an existing area of a park or proposed park, and the second map is an update of the trails plan which has the most development impact.

Mr. Carter presented a review of the trails in the City and proposed trails.

Mr. Carter said the citizens, through a public survey process, would help determine the location of future parks. This survey, approved by the Parks Advisory Board, will be mailed to selected citizens and be included with utility bills this winter.

Mr. Carter said the Parks and Recreation Department supports anything the private sector can provide that provides recreation such as the recently approved gun ranges and dance studio.

Mr. Carter reviewed some of the activities the Parks and Recreation Department provides.

There was a discussion regarding the proposed location of the splash pad which will be strictly free to the public no matter where it is located.

Commissioner Weaver asked if the names of the cross streets could be included on the Rail Trail. Mr. Carter said those signs are currently in his office and will be installed from Farmington to Clinton with mile markers as part of an Eagle Scout project. He said another Eagle Scout will be constructing benches in the detention basin park in the Whispering Willows Subdivision.

There was a discussion regarding the future park and trail at the detention area south of the Home2 Suites Hotel.

The condition of the former Pioneer Park was discussed. Mr. Carter said that about two-thirds of the property is now owned by the Utah Department of Transportation who is leasing it to a private party.

Another area discussed was trailhead parking for the DR&G trail. He also cited a new trailhead on Sunset Drive where a home had been removed in a cooperative effort with Davis County to tear down the house and build the trail head. Commissioner Fitzpatrick offered a suggestion for an Eagle Scout project in the bottom of Kayscreek to indicate where the trail goes.

Future nature park sites such as a 100-acre site in Snow Canyon and a 16-acre park at Antelope Drive and Church Street with a proposed development were discussed.

OTHER:

PowerTrain Performance Conditional use -- Mr. Matson updated the Commission on the PowerTrain Performance conditional use. He explained the fencing configuration that was proposed by the owner, Alex Hines, to screen vehicles remaining overnight. Community & Economic Development Director, Bill Wright, said there would have to be a large chain link gate to access the screened area for approximately 30 cars in the back. He said it was a fledgling business that was trying hard but struggling to get paid by the vehicle owners. He said the City wants him to be successful.

Commissioner Weaver asked about equipment on the property, which was supposed to be removed as a condition of approval, and Mr. Matson said they were related agriculture operations surrounding the property. He said he would ask about the status of those vehicles.

Commissioners Weaver, Davis and Pales expressed approval of the proposed screening and commended Staff for their work on this project.

UTOPIA – Mr. Matson said the blue staking has been done and they are in the process of eliminating the invasive weeds before prepping the site. The project has been sent out for a bid, and the City will get the water connection in place. Trees will be delivered around September 20, 2012. He said it would be about a 5-6 week process.

There was a discussion about the timing of the painting of the building and the planting in the building area.

Commissioner Fitzpatrick said she would like a UTOPIA representative to attend Planning Commission Meeting and report on the 18 approved sites. Mr. Matson said several huts have been set and other sites prepped. He said that the Planning and Building Departments would do an inventory on the status of the sites. He said he had done a table and chart for the pre-construction meetings for the sites and would add a status column.

Mr. Wright said that the City would treat the UTOPIA permits as any other permit that went through the conditional use process and allow them a certain amount of time to obtain the permit and complete the project.

Chairman Esplin said the concern is over the conditional use for the UTOPIA hut on Fort Lane and Gordon that has taken so long to become compliant. He said the Commission would like to have a review to make sure they keep progressing. Commissioner Bodily expressed concerns about the current financial status of UTOPIA.

Mr. Matson said he would present an update at a future work meeting. He said that permits are being issued and inspections done when there are hookups.

Commissioner Gilbert said that knowing what he knows today, he wouldn't have voted to grant the extension on the Fort Lane and Gordon Avenue site. He expressed concerns about power being run overhead when all utilities are underground in his area.

Commissioner Weaver said he'd been asked about UTOPIA based on news articles and felt it was a chance for the Commission to support Staff on this issue.

Commissioner Bodily asked for a training session from the City Manager on UTOPIA's status.

September 25, 2012, was proposed as a meeting date for the update.

PUBLIC HEARING:

1. 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, said that he had looked at what was originally recommended by the Planning Commission in 2009, which was for a 6,000 square foot minimum lot size for a residential property to have chickens. He said Staff is still recommending a 10,000 square foot minimum lot size.

The Commission discussed tying the qualification to the zone rather than the lot size, and Chairman Esplin and Commissioner Pales agreed. Mr. King said some people have large lots that would accommodate chickens but they are in an R-1-8 zone and wouldn't qualify if the zoning was R-1-10 or R-S.

Property rights and enforcement were discussed. Commissioner Hansen said he felt there should be rights for people who made a property investment and didn't plan on chickens next door.

Mr. King left the meeting to plot a map showing where the R-1-10 lots were versus 10,000 square foot lots. The order of the agenda would be changed to allow him to create this map.

PUBLIC REVIEW:

2. 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.

Mr. Wright said there had been a meeting with Xiu Huang and his wife who fully understood the conditions and said the two service rooms would be sufficient as they could not have any more than two customers at a time. The applicant would be present at Planning Commission Meeting.

3. GREYHAWK TOWNHOMES NORTH PRUD AMENDED PLAT – PRELIMINARY APPROVAL

This property is located at approximately 3260 North 1700 East in an R-M1 PRUD (Low/Medium Density Residential Planned Residential Unit Development) Zoning District. The applicant is NSC Greyhawk, LLC and the property owner is Ed Green.



Julie Jewell, Planning Commission Secretary

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Chairman Esplin called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Hansen.

Chairman Esplin called for a motion to approve the August 14, 2012, Planning Commission and Work Meeting Minutes. Commissioner Weaver moved to approve the minutes as written. Commissioner Pales seconded the motion, and the voting was unanimous.

Chairman Esplin announced a change in the order of the agenda and called for a motion to open Public Review. Commissioner Pales moved to open Public Review. Commissioner Bodily seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

1. 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.

Community and Economic Development Director, Bill Wright, presented the conditional use request for a beauty shop that had been tabled at the August 14, 2012, meeting in order to be certain the applicant was represented at the meeting prior to a decision being made. He said the applicant was present and represented at the meeting.

Mr. Wright said the business, Moon Spa, provides esthetician services and is classified as a beauty shop, and while not a pure beauty shop, it is the closest category for the conditional use. He said 11 parking stalls are provided on the property with five stalls allocated to the office use and six stalls to be allocated to Moon Spa. He said the parking allocation limits the number of stations in Moon Spa to two. He said the applicant understands this restriction and said it fits his business plan.

Based on the analysis done and the conditions stated in the staff report, Mr. Wright said Staff would again recommend approval of the conditional use request specifically noting that the business shall not exceed two stations/chairs or rooms for the customers and that any retail item sold at the business would be related to the services provided.

Commissioner Weaver asked if the approval was for a beauty shop if the business could begin providing services for manicures, facials, etc.

Mr. Wright said the two stations would be the limiting factor.

There was a discussion about the use of the rooms and the lounge area.

The applicant's representative stated that the service providers consist of one licensed esthetician and one licensed to do massage. They don't do manicures or pedicures and don't have a licensed cosmetologist to do hair.

Commissioner Hansen asked if a spa category could be developed in the future.

Commissioner Davis suggested that if the word "room" were deleted it would be more clear.

There were no further questions or comments from the Commission. Chairman Esplin called for a motion on the item. Commissioner Hansen moved that the Planning Commission approve the conditional use request based on the applicant meeting all staff conditions which are hereby adopted as requirements, based on the word "rooms" being removed, based on esthetician services and massage therapy being the only services provided, and based on any retail items sold being related to spa or beauty services. Commissioner Davis seconded the motion, and the voting was unanimous.

The applicant's representative said the rooms were not considered rooms, just stations. He said they would not be selling products. He asked if there could be two employees and one receptionist.

Chairman Esplin said that there could be three employees but only two could be providing services at any one time. The applicant's representative appeared to want three employees to be able to provide services, and Mr. Wright reiterated that there could only be two clients at a time. If there were three employees, the third employee couldn't be providing any services.

2. GREYHAWK TOWNHOMES NORTH PRUD AMENDED PLAT – PRELIMINARY APPROVAL

This property is located at approximately 3260 North 1700 East in an R-M1 PRUD (Low/Medium Density Residential Planned Residential Unit Development) Zoning District. The applicant is NSC Greyhawk, LLC and the property owner is Ed Green.

Planner II, Kem Weaver, gave a history of the property and overview of the properties and zoning designations in the area. He said the overall development of the North and South Greyhawk Townhomes was approved at 256 units per acre. He said the South Townhomes have 137 units and the North Townhomes are proposed at 114 units. Therefore, the overall development is five units below the maximum density, so no bonus density is required.

Mr. Weaver reviewed the open space, which remained at 39 percent, and proposed amenities and also explained where a trail would be developed. He gave an overview of the different layout with the amended plan which has the same access points but a different street layout. He explained the sidewalk widths required for Fire Department access and said that the sidewalks are 26 feet wide only at the radius points and otherwise 10 feet wide.

Mr. Weaver said the townhomes would be rear loaded with a garaged detached on the back facing the private drive with a 12 foot by 24 foot area of patio space between the townhome and garage and separated from other units by a six foot vinyl fence. He said the front of the townhomes, except those on Redtail Way and 1700 East, would front on to open space, creating more of a community.

He overviewed the building materials for the outside of the buildings.

Mr. Weaver said that Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant preliminary approval to the Greyhawk Townhomes North subject to the applicant meeting all staff requirements.

Commissioner Bodily asked if there were any restrictions on renting the townhomes. Mr. Weaver said the plan is for the townhomes to be rented. He said the South Townhomes were sold as condos.

Maintenance of the property was discussed, and Mr. Weaver said there would be a property management company to handle maintenance and landscaping.

There was further discussion on the sidewalk width and Mr. Weaver said he would clarify the fire access with the Fire Department.

There were no further questions from the Commission.

Travis Taylor, the developer, said that with regarding fire access, said he had worked extensively with the Fire Marshal and 26 feet was what was required on the private drive. He said the Fire Marshal had some reservations about being able to get to some of the unit fronts. He said Engineering had them design the sidewalk to be able to route the truck through the sidewalk area and that both the Engineering and Fire Departments have checked and approved the plans.

Commissioner Hansen asked about the color yellow being used on the buildings, and Mr. Taylor said the same unit style has been built in other places and was well received.

Commissioner Fitzpatrick said she liked the way the development was designed and that the developer had done a good job of minimizing the number of people who would have a view of the waste facility. Mr. Taylor said some of the credit should go to Mr. Weaver for the layout.

There were no further questions or comments. 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 grant preliminary approval for the Greyhawk Townhomes North subject to the applicant meeting all Staff recommendations. Commissioner Weaver seconded the motion, and the voting was unanimous.

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

PUBLIC HEARING:

3. 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.

Planning I, Andrew King, stated that the City Council had requested that the Planning Commission make a recommendation to change the minimum lot size for residential chickens from 14,000 square feet to 10,000 square feet. He said the suggestion had been raised in Work Meeting to change from a square footage recommendation to a zoning recommendation. He presented maps with existing scenarios of square footage and zoning.

Mr. King said that based on discussions in Work Meeting and previous meetings, Staff still recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the amendment to Ordinance 19-26.

Commissioner Fitzpatrick pointed out that larger R-1-8 lots in the center of the City would not qualify to have chickens under a zoning recommendation of R-1-10. Mr. King said a zoning qualification might make some of the existing permits non-conforming.

Commissioner Gilbert asked if the Planning Commission should pass on making a recommendation and let the City Council make its own recommendation. Mr. Wright responded that the code requires the ordinance amendment to be reviewed by the Planning Commission and that the code acknowledges that the Planning Commission generally sends a recommendation to the Council. He said the Planning Commission's recommendation could be for a 10,000 square foot minimum lot size, a recommendation against the 10,000 square foot minimum lot size, no recommendation, or recommend that the ordinance remain as it is.

Mr. Wright said that in the middle core of the City there are a fair amount of lots larger than 10,000 square feet but not zoned R-1-10. There was a discussion about various zones and lot sizes with PRUD's being excluded from chickens being allowed.

Commissioner Hansen said that generally the ordinance works acknowledging that there are those boarding chickens on lots less than 14,000 square feet and therefore not in compliance. If there are no complaints, it must not be an issue. However, he felt people who have invested in an R-1-10 lot that didn't allow chickens have property rights.

Mr. King said that the majority of people requesting chicken permits have lot sizes less than 14,000 square feet.

There was a discussion on accommodating the perceived few who want residential chickens rather than making a change that affects many people. Commissioner Fitzpatrick asked about neighbor approvals, but Mr. Wright said the request can be brought to the Planning Commission but could not be approved or disapproved conditionally on a neighbor's recommendation because it would be delegating the form of government to private individuals.

Commissioner Hansen suggested conditions to adjust setbacks and require a solid fence. There was a discussion on the screening of chickens and the opportunity for young people to care for chickens.

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

Chairman Esplin called for a motion on the item.

Commissioner Davis moved that the Planning Commission forward a positive recommendation to the Council to adopt Ordinance 12-26 approving the amendment to Title 19.06.080 to change the minimum lot size for residential chickens from 14,000 square feet to 10,000 square and add an additional restriction that there be a solid fencing requirement on the perimeter of the property to screen the chickens. Commissioner Pales seconded the motion, which passed by a margin of 4 votes in favor to 3 votes against with Commissioners Davis, Fitzpatrick, Pales and Weaver voting in favor and Commissioners Gilbert, Hansen and Bodily opposed.

OTHER:

Commissioner Gilbert initiated a discussion regarding multi-family zoning asking that no new rezones for multi-family housing be reviewed until an analysis is done of the percentage of multi-family dwellings there will be in Layton City at build out.

Mr. Wright explained the legal mechanism for Commissioner Gilbert's requested would be a temporary zoning regulation that can be adopted by the Council with a six-month period following to study the zoning regulation. He explained the implications of a temporary moratorium would have. He said the Planning Commission and City Council have a significant amount of discretion in adopting a zoning change. He said if the General Plan is recommending a higher density use, then the Planning Commission and City Council has more of an obligation to follow the General Plan. However, if the concern is not to change the General Plan and adopt the zoning change, then the Planning Commission and City Council have more discretion not to accept the request. The moratorium route suggests that something will be done in the next six months to decided to further limit higher density

housing or not. He said there may be some areas that have a designation of a density higher than low density that may not have a zoning for that density.

Commissioner Gilbert said that anything that currently allows for high density should not be stopped because that would interfere with property owners' rights. He said there was a significant amount of multi-family dwellings that had been approved/constructed. He said he liked the projects that had been approved and felt the City was restrictive in what they allow. He asked about other areas that would allow multi-family housing, particularly the Main Street MU-TOD project and the Fort Lane Village Shopping Center area.

Mr. Wright said apartments would not be allowed in the Fort Lane Village area because it was zoned CP-2 which did not allow for multi-family housing.

Mr. Wright explained where the Mixed Use zoning was in that area.

Commissioner Fitzpatrick said she agreed with Commissioner Gilbert's concerns and mentioned the apartment complexes that were being built. She wondered if valued land was being lost that could be used for other things.

Commissioner Davis suggested that there be a joint meeting with the City Council to discuss both UTOPIA and multi-family housing. He mentioned the retirement apartments that were proposed and said he felt the City shouldn't keep moving forward with building apartments until there was a plan.

Chairman Esplin said that when the Planning Commission previously discussed the issue, the Planning Commission felt that the City was getting maxed out on apartments. He said it was his understanding that the Planning Commission would receive the apartment numbers per capita to analyze and determine what the percentage per capita was in the City. He said if they were more informed, they could make a better decision on whether or not there should be a moratorium on multi-family housing. He felt that a joint meeting with the Planning Commission and City Council would be beneficial. He then mentioned that the senior apartments had also been proposed since then.

Commissioner Fitzpatrick said she was surprised that the Greyhawk Townhomes North were going to be rentals. She said she felt the way the townhomes were set up was for them to be a buffer of owner occupied townhomes between the East Gate at Greyhawk Apartments and the single family residential. She said she didn't see a difference between townhomes and apartments in terms of rentals.

Commissioner Hansen said the reason all the multi-family building was going on was that there was property still available that was close to Salt Lake City which is pretty much built out. Commissioner Hansen mentioned the multi-family rezone and neighborhood concerns for families that go to Vae View Elementary, class size and traffic. He indicated that there was not much single family housing being developed.

Mr. Wright stated that new single family housing has increased tremendously and that as of July 1, 2012, as many single family housing permits had been issued as during all of 2011.

Commissioner Bodily said that the people living in apartments would move to the new single family homes. He said according to ARA a national apartment website, there are 916 apartment units under construction in Davis County. He cited the units in five projects as 156, 108, 120, 75 and 164, which indicates 80% of the total units under construction in Davis County as being in Layton with several more projects proposed or under construction in Layton. He said there were 1420 units in Davis and Weber counties proposed or under construction with Layton having over 800 of those apartments and 300 in Weber County.

Commissioner Bodily said he didn't feel Layton City needed shoulder the burden of what the demand is and eventually what will happen is some of the other apartment complexes will be abandoned by people going to the new apartment complexes. He felt the older apartments wouldn't be maintained and then we would have a mess.

He went to a symposium where Salt Lake was discussed and he was given this information. He felt in work meeting, with Councilmember Francis in attendance and that his information fell on deaf ears, so he went directly to the Mayor about it. He said he felt that this was important information and that West Layton Village would provide some apartments down the road and that Layton City didn't need to shoulder the burden.

Commissioner Fitzpatrick, said as the economy picks up and people leave the apartments to buy homes, there may be a shortage of single family homes in Layton if all the available land is used for apartments. People will leave and go to other communities to buy homes and live.

Commissioner Gilbert, said that rezone and General Plan Amendment (GPA) requests maybe should be considered for a moratorium. He asked to get a recommendation to the City Council to talk at a joint session about the issue.

Mr. Wright said that the City Council would be asked if they would like to discuss the issue at a Strategic Planning Meeting. He explained what the next meeting agenda would be and said he would look at a future date for the meeting.

Mr. Wright said the total number could look high. He said it had been about 10 years since there was a significant development of multi-family housing, so there were some market changes and pressures. He said that many of the GPA's recommended by the Planning Commission to accommodate these apartments involved commercial zoning to residential zoning. When it is put in that context, he felt the City had been responsible in looking at what really is realistic for that property for the context it is in. At least two of the developments were in commercial zoning and had been failing miserably for the last generation. There was an opportunity to consider a different type of land use there. Mr. Wright also explained that the senior family apartments proposed are a specialty type of housing. He said there was good cause and reason for placing this multi-family housing at this location and a lot of logic involved. The concern is that it just looks like a very big number now.

Commissioner Bodily said that if the single family market is starting to come alive, as rates stay down and people start to go back into single family housing, the apartment vacancy will go up. The vacancy rate is about 5% now all along the Wasatch Front, which is comfortable.

Mr. Wright said all of the multi-family projects have an associated market study to analyze that risk factor as to how they perform in the market. Some of the B & C Class apartments may struggle, but it may force the owners to reinvest. The population in Utah is going to grow. As long as we continue to produce jobs in the State, we will be able to keep the college graduates here. He said Peter was doing research based on "classes" of apartments at the request of the City Council. When the research is finished, we can determine a baseline, what has been approved, and what vacant land is available in the General Plan for single family. He said there is an older General Plan policy that said multi-family dwellings should stay in the range of 16 percent, but the planning done along the Wasatch Front has shown that it would be very difficult to house the residents along the Wasatch Front if multi-family is contained at that percentage. He said we have grown a very vibrant, healthy population and we want to keep our families here and provide housing opportunities for them. He said Staff would put some information together.

Commissioner Fitzpatrick asked if there was any land currently zoned for high density housing and not built on at this point. Mr. Matson said there was very little.

Mr. Wright said Staff would put together some information on what was zoned and what was vacant. He said the City doesn't want to get ahead of market demands and realities, nor to use all the land that could be available for other varieties and types of housing.

Mr. Wright asked if the Planning Commission would be able to attend a meeting on a Thursday during the same week as a Planning Commission meeting. Commissioner Fitzpatrick said she would be absent the last week of

September. Mr. Wright said it may not be possible to hold the joint meeting in September with other meetings that are being scheduled. He said there would be a voter information meeting at the Layton High auditorium during the first week of October regarding West Layton Village.

At the end of the discussion on multi-family housing, Chairman Esplin called for a motion to close the Public Hearing and adjourn the meeting. Commissioner Bodily moved to close the Public Review and adjourn the meeting. Commission Weaver seconded the motion, and the voting was unanimous.

The meeting adjourned at 8:36 p.m.



Julie Jewell, Planning Commission Secretary