

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
MARCH 26, 2013**

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

MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Bill Wright, Kem Weaver, Andrew King, Clint Drake, Julie Jewell, Councilmember Jory Francis

PUBLIC HEARING:

1. TEXT AMENDMENT – REQUEST TO AMEND TITLE 19.06 Table 6-2 to add animal clinic or pet hospital as a conditional use in the CP-1 (Planned Neighborhood Commercial) zoning district and to add a sub-section (18) to **Title 19.14.100** for the category of animal clinic or pet hospital.

Planner I, Andrew King presented the request to amend Title 19.06 Table 6-2 to add animal clinic or pet hospital as a conditional use in the CP-1 (Planned Neighborhood Commercial) zoning district and to add a sub-section (18) to Title 19.14.100 for the category of animal clinic or pet hospital in a CP-1 zone. Mr. King said the applicant, Sean Hacket, lives in Southern California and will not be at the meeting. The applicant purchased the building and has had difficulty in finding tenants to fill the space. He has a tenant who would like to establish a veterinarian clinic at this location. Mr. King said the ordinance doesn't allow an animal clinic or a pet hospital in the CP-1 zone in which this property is located, which is the reason the applicant applied for a text amendment.

Mr. King said that as part of Staff's review, research was done to see why an animal clinic or pet hospital is not allowed in the CP-1 zone and to determine any concerns that need to be addressed since CP-1 zones are usually in close proximity to residential neighborhoods throughout the City.

Mr. King presented a map outlining CP-1 zones, zoning districts where an animal clinic or pet hospital would be conditional, and zoning districts where the use is permitted. The map also showed where all the animal clinics or pet hospitals are located in the City as well as the proposed location.

Mr. King said Ordinance 13-08 proposes to amend Title 19.14.100 to make an animal clinic or pet hospital conditional in the CP-1 zone and adding regulations as follows:

- a. There shall be no outdoor boarding of any type of animal for overnight or temporary stay. All animals shall be kept indoors at all times. Indoor boarding shall be limited to animals receiving treatment on the premises.
- b. Rooms used for temporary or overnight boarding shall be enhanced with building materials, including extra insulation, that dampen or eliminate noises associated with the animals being boarded there. The sound attenuation of these rooms shall be sufficient to eliminate noises associated with boarded animals from inside any occupied residential dwelling.
- c. No animal refuse, except hair or fur, may be placed in outside dumpsters.
- d. There shall be no on-site disposal (cremation or otherwise) of dead animals. Dead animal shall not be stored within the building or on the property for more than twelve (12) hours.

After comparing ordinances from other cities with Layton City ordinance, Mr. King said Staff recommends the Planning Commission forward a positive recommendation to the Council to approve the amendments and additions to Title 19.14.100.

Commissioner Weaver asked if the potential tenant was aware of the regulations. Mr. King replied that the applicant had concerns about flushing cat deposits. There was a discussion regarding the appropriate disposal of cat deposits with the recommendation that Davis County Health Department, North Davis Sewer District, and Layton City Building Official, Paul Bauer, be consulted.

Commissioner Fitzpatrick expressed concerns about keeping the animals kenneled all the time and recommended they be taken out for a walk and for relief. She suggested a fenced area or that the animal be kept on a leash.

Community Development Director, Bill Wright, said it may be possible to make an exception for elimination in a provided fenced area rather than having a run outside. The regulations are to mitigate any potential noise issues.

Commissioner Bodily asked what the conditions were in the other zones. Mr. King said there were no restrictions.

There was a discussion of the possible reason for animal clinics and pet hospitals not initially being included as uses in the CP-1 zoning district.

Commissioner Pales suggested that a regulation stating that all animals are to be kept indoors except for short walks and elimination outdoors. Dogs must be leashed and escorted by a technician, one on one.

Mr. King said that this regulation would only apply to the CP-1 zone.

Commissioner Weaver asked about the enhanced fixtures, and Mr. King and Chairman Esplin said that the business will have to meet building code when it is remodeled.

Mr. King said additional conditions may apply on a case by case basis.

2. REZONE REQUEST – VILLAS ON MAIN – C-H (Highway Regional Commercial) to R-M2 PRUD (Medium Density Residential Planned Residential Unit Development). The applicant, Castle Creek Homes, is requesting to rezone .96 acres of the rear portion of this property at approximately 1425 North Main Street for a 24-unit apartment building.

Planner II, Kem Weaver, presented the request to rezone the rear .96 acres of a property adjacent to the Villas on Main Subdivision. The property has been vacant, and the current owner has tried to market it for commercial use for some time, but the narrow width and depth of the property has been prohibitive.

Mr. Weaver said Staff feels it would be good development practice to rezone the back portion of the property and leave the front commercial. This would prevent a contractors' yard or outdoor storage from being developed against the residential property to the west. He said having a landscaped area associated with the PRUD would be beneficial.

Mr. Weaver said the Villas on Main development has close to 60 units being occupied and only 13 children of the 23 children in the 60 units at school age. He said that at full build out, the development should not have a great impact on area schools. An e-mail forwarded to Staff from Davis County School District representative, Chase Rogers, said that Vae View Elementary and the other schools could easily accommodate the children from the development and the school system should not be impacted.

Commissioners Hansen and Gilbert asked about parking flow. Mr. Weaver said there is a 32 foot wide private drive on the south side of the current development to take traffic to Main Street. He said there would be no access

to Laytona Drive and that there is a fence and a detention basin on the stub street. Parking for the new apartments would be toward the private drive.

Mr. Wright said that the Utah Department of Transportation (UDOT) has restricted the second access to current development because their analysis indicated there wouldn't be enough traffic going out on Main Street to warrant the second access. With the expansion of another 24 units and a commercial pad, enough traffic may be generated to leave the second access open.

Commissioner Bodily asked about the process for rezoning and including half the parcel in the current Villas on Main development. Mr. Weaver said that the subdivision plat will need to be amended to include the .96 acres of property. Mr. Wright said that would be the case if the zoning is approved.

There was a discussion on the lot depth and the parcel to be left over for commercial use.

Commissioner Hansen expressed appreciation that Staff had addressed the school issues.

Mr. Weaver showed a map of the school district boundaries pointing out how Vae View Elementary is located in the smallest geographical area. Other elementary students would be attending Ellison Park Elementary. The only apartment complexes attending Vae View Elementary would be Sterling Point, Autumn Hills and the Villas on Main.

Commissioner Hansen said he was impressed that the 24 new units would be one-bedroom units.

Mr. Thurgood said when they first began the project, Vae View Elementary's student population was 469. The population had been 650 before Ellison Park opened. The current population is 429. He said that out of the first 60 units, the combined family income is close to \$55,000.00. He said that the apartment residents are people with good jobs, transitioning from their first home, and quality families.

There was a discussion of how the density had been obtained on the current development and how the additional building would bring the number of units to 144 which is one unit below the maximum allowed. Mr. Weaver said the new apartments would be of the same design with three levels and similar landscaping. Mr. Thurgood said the new apartment building would have access to the club house and walking paths. The parking lot and access are shared.

Commissioner Fitzpatrick asked if there would need to be another detention pond. Mr. Thurgood said the original pond had been oversized.

Commissioner Hansen asked if there needed to be anything in the motion to specify one-bedroom units. Mr. Weaver said that didn't need to be specified.

Commissioner Pales asked how many one-bedroom units there are in the current apartments. Mr. Thurgood said there are 24. Mr. Pales said that the additional apartments then would bring the number of one-bedrooms to 48. Mr. Thurgood said, yes, and explained why the one-bedrooms were the most popular. He said a one-bedroom 12-plex was completely leased before it was opened.

PUBLIC REVIEW:

3. LETRONO CROSS FIT -- CONDITIONAL USE REQUEST FOR A HEALTH/EXERCISE STUDIO.

This property is located at 976 North Marshall Way, Building 1, Unit 2 in an M-2 zoning district. The applicant, Troy Christophulos, is proposing a cross fit facility.

Mr. King presented the request for conditional use for a cross fit and said the applicant had leased a suite in the Layton Industrial Park area. Mr. King said the landscaping is up to code. Mr. King said there was a lot of parking on the site and that condition # 2 limits the business to a maximum of 20 stalls or 40 people.

Commissioner Fitzpatrick asked for clarification on the suite numbered 2 as compared to its location in the building. Mr. King said the lease specifies suite 2 and he pointed out the location.

Mr. King clarified that the number of people allowed in the building would be a maximum of 1-2 contract trainers plus athletes for a total of 18 people.

Commissioner Fitzpatrick asked if there could be a condition to specify that there be no outdoor equipment in the parking lot. Mr. King said the applicant has a 7,000 square foot building and doesn't anticipate having outdoor equipment, but the specification could be added as a condition.



Julie Jewell, Planning Commission Secretary

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Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:01 p.m.

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

Chairman Esplin called for a motion to approve the Planning Commission Minutes. Commissioner Fitzpatrick moved to approve the Work Meeting and regular Planning Commission meeting minutes from February 26, 2013, and March 12, 2013 as written. Commissioner Hansen seconded the motion, and the voting was unanimous.

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

PUBLIC HEARING:

1. TEXT AMENDMENT – REQUEST TO AMEND TITLE 19.06 Table 6-2 to add animal clinic or pet hospital as a conditional use in the CP-1 (Planned Neighborhood Commercial) zoning district and to add a section to **Title 19.14.100** for the category of animal clinic or pet hospital.

Planner I, Andrew King, presented the request to Amend Title 19.06 Table 6-2 to add animal clinic or pet hospital as a conditional use in the CP-1 (Planned Neighborhood Commercial) zoning district and to add a sub-section (18) to **Title 19.14.100** for the category of animal clinic or pet hospital in a CP-1 zone..

Mr. King said the applicant is the owner of a commercial building at 1040 West Gentile Street. He has applied to put a pet clinic in the building which is not permitted in the CP-1 zone. The use is permitted in the C-H, M-1, and M-2 zones and conditional in the CP-2 and CP-3 zones. Mr. King said the CP-1 zones are located close to residential zones which makes the service type uses in the CP-1 zones convenient. Mr. King presented an analysis and mapping of the situation if all CP-1 zones were allowed to have the proposed use.

Mr. King said that while the proposed addition of the clinic or pet hospital use to the CP-1 zone would provide more convenient locations, it would be important to add conditions to put additional regulations on these business because of their proximity to residential properties.

Ordinance 13-08 proposes to amend Table 6-2 by adding Animal Clinics/Pet Hospitals as a conditional use in the CP-1 zone. Given the close proximity of CP-1 zoning districts to residential neighborhoods, Ordinance 13-08 also proposes language in Chapter 19.14 (Conditional Uses) listing specific conditions for Animal Clinics/Pet Hospitals in the CP-1 zone that, at a minimum, must be met for the use to be approved. Mr. King outlined the conditions as follows:

- a. There shall be no outdoor boarding of any type of animal for overnight or temporary

- stay. All animals shall be kept indoors at all times. Indoor boarding shall be limited to animals receiving treatment on the premises.
- b. Rooms used for temporary or overnight boarding shall be enhanced with building materials, including extra insulation, that dampen or eliminate noises associated with the animals being boarded there. The sound attenuation of these rooms shall be sufficient to eliminate noises associated with boarded animals from inside any occupied residential dwelling.
 - c. No animal refuse, except hair or fur, may be placed in outside dumpsters.
 - d. There shall be no on-site disposal (cremation or otherwise) of dead animals. Dead animal shall not be stored within the building or on the property for more than twelve (12) hours

Another condition was added that the Commission recommended stating that animals must be taken on leashed walks for elimination breaks with one trainer per animal.

Mr. King said Staff recommends the Planning Commission forward positive recommendation to the City Council to adopt Ordinance 13-08 amending Title 19, Sections 19.06.010 and 19.14.100 adding Animal Clinic and Pet Hospital as a Conditional Use in the CP-1 Zone with the changes made.

Commissioner Weaver confirmed that there was no change to the animal clinic or pet hospital category with outdoor pens. Mr. Wright said there was no change.

Dr. Cody Faerber, a veterinarian from Box Elder who had been working with the property owner, Mr. Hackett, said he has a clinic in Perry and one in Tremonton in a strip mall similar to the facility in Layton. He plans to expand his practice. He said that in the strip mall location there is a dentist on one side and an insurance agency on the other side. He said there was a residential home 50 yards from the clinic and dumpster. He said he would have no issues with complying with conditions "a" and "b". He had talked many times with neighboring businesses sharing a common wall with his clinic, and they had no complaints or noise problems with the animals.

Dr. Faerber questioned condition "c" stating that no animal refuse except hair could be placed inside the outside dumpster. He said typically refuse is double bagged, which seemed to control the odors. He asked what should be done with refuse other than hair. The suggestion had been made to flush the refuse, but cat litter disposal was a concern because it was not appropriate to flush the litter. He made a recommendation to try double bagging the refuse to contain the odors.

Commissioner Hansen asked if special bio hazard bags are used, and Dr. Faerber said typical garbage bags are used. He said there shouldn't be a lot of waste since there would be no overnight boarding.

With regard to condition "d", that dead animals not be stored more than 12 hours, he said that typically the dead animals are kept in a large chest freezer. The company that services most of the State picks up the animals and has them cremated. The most the company ever picks up in Layton is twice a week. He recommended that the hours the dead animal can remain in the chest freezer in the clinic to 48 or 72 hours. He said there would be no odor issues.

He said the clinic could comply with all other conditions.

Commissioner Weaver asked if the clinic would be owned by Dr. Faerber. Dr. Faerber said he would be a tenant and rent the location.

Commissioner Gilbert asked how many animals were treated in the Tremonton clinic per day. Dr. Faerber said there were approximately 5-8 surgeries and 20 sick or wellness visits per day.

Commissioner Bodily asked how many days a week the facility was open, and Dr. Faerber replied that the clinic would be open five days a week.

Commissioner Weaver asked if weekend stays were anticipated. Dr. Faerber said only if the animal was hospitalized and then the animals would be taken out one by one on a leash for elimination purposes.

Commissioner Hansen asked if it would be best to leave the ordinance as is and deal with extenuating circumstances such as refuse and dead animal removal on a case by case basis.

Mr. King said that it is specifically stated that the Planning Division must adhere to the ordinance.

Mr. Wright recommended that condition "d" be rewritten to state that dead animals not be stored longer than they can be serviced and removed.

There was a discussion regarding amendment of the method of disposing of animal refuse and dead animals.

Commissioner Weaver asked what standard practices were in Layton for the disposal of refuse, and Dr. Faerber replied that he had called two locations in Layton and double bagging was the practice, although some fecal matter is washed down the drain.

Commissioner Weaver asked if double bagging waste was standard practice. Dr. Faerber replied in the affirmative.

Commissioner Gilbert said dead animals should be kept in a frozen state.

Mr. Wright replied that if there becomes a new way to dispose of dead animals, it can be addressed as part of the conditional use permit. Staff agreed that freezing would be adequate.

Commissioner Harward recommended that the highest standard of which the Commission is aware should be set as the base.

Mr. King reiterated the changes to "c" and "d" as follows:

- c. Animal refuse will be disposed of using a double bag method as a minimum requirement.
- d. There should be no on-site disposal of dead animals. The standard veterinary practice specified as keeping the animal in a frozen state and held at the facility a maximum of one week should be followed.

There were no further questions or comments.

Chairman Esplin called for a motion on the item. Commissioner Hansen moved that the Planning Commission forward a positive recommendation to the City Council to adopt ordinance 13-08 and forward a positive recommendation to the City Council to adopt Ordinance 13-08 amending Title 19, Sections 19.06.010 and 19.14.100 Sub-section 18 adding Animal Clinic and Pet Hospital as a Conditional Use in the CP-1 Zone subject to the added criteria in Section 18 specific to animal clinics and pet hospitals in a CP-1 zone as follows:

- a. To add that outdoor exercise and pet relief on a leash one on one, animal to human being.
- b. Accepted as written
- c. Animal refuse would be disposed of using a double bag method as a minimum requirement.
- d. There should be no on-site disposal of any dead animal. Dead animals should be kept frozen and held at the facility a maximum of one week.

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

2. REZONE REQUEST – VILLAS ON MAIN – C-H (Highway Regional Commercial) to R-M2 PRUD (Medium Density Residential Planned Residential Unit Development). The applicant, Castle Creek Homes, is requesting to rezone .96 acres of the rear portion of this property at approximately 1425 North Main Street for a 24-unit apartment building.

Planner 2, Kem Weaver, presented the request to rezone .96 acres of property from C-H to RM-2 PRUD. The property proposed for rezone is the back (western) portion of a property fronting on Main at approximately 1425 North next to the current Villas on Main 120-unit development. This amount of property provides enough area to place an additional 24 one bedroom apartment units. The three-story building would have the same design features and elements as currently being constructed at the Villas on Main. The open space and landscaping would have the same species of trees and plants, and fencing would match existing fencing.

Mr. Weaver said the location being shown on this site plan is a rendering done by the Planning Staff department. The actual building would be further to the east because there is a detention basin to the west. During the site plan review, the building will be moved further east. There will be a setback requirement as well from the single family property line.

Mr. Weaver said that if the rezone is approved, a subdivision plat amendment will be required to add the additional acreage.

Mr. Weaver explained the density and density bonuses as follows. He said adding the .96 acres to the current Villas on Main development of 5.67 acres will bring the total acreage to 6.63 acres. During the preliminary approval of the Villas on Main PRUD the development received a 37% bonus density. However, the development only needed 32% bonus density to achieve the 120 units. With the additional acreage and the additional 5% bonus density from the original approvals, the overall development is allowed 145 units. With the addition of 24 units to the original 120 units, the overall number will be 144 units, one unit less of the maximum number of units allowed. The additional acreage and 24 units meet the original approvals of the 37% bonus density.

Mr. Weaver said Staff is of the opinion based on the depth of the parcel and width being so slender, using the rear portion for multi-family residential is appropriate. He said it would be hard to provide a quality commercial development because of the lot depth. He said the back portions of these types of lots are quite often unusable. He pointed out the unused back portion of the VFW property to the south and another property to the south for which the back portion is used as a contractors' yard. He said there is a concern that if the subject parcel develops like neighboring parcels, it could become a contractors' yard or used for outdoor storage.

Mr. Weaver related the statistics the developer has provided from the Davis County School District concerning Vae View Elementary and the impact an additional 24 one bedroom units would have on the school. The current population of Vae View Elementary, kindergarten through 6th grade is 420 students. Villas on Main is half built out with 24 three bedroom units and 36 two bedroom units. Out of these units there are 23 school age children and out of the 23 children there are 13 children who could possibly attend Vae View Elementary. At build out, which includes the additional 24 one bedroom units (144 units), the number of elementary school age children could double to 26 children possibly attending Vae View Elementary. The operational planner for the Davis County School District sent an email to the developer, which states that the additional 24 one bedroom units can be accommodated by Vae View Elementary. Ellison Park Elementary has helped reduce the student population at Vae View Elementary. He said that in summary, there should not be a pronounced impact on the local elementary school with an additional 24 one bedroom units.

Mr. Weaver showed a school boundary for Vae View Elementary which he said takes in a small area of Layton. He outlined the multi-family developments and the Davis County School boundaries and pointed out the multi-family developments assigned to Vae View Elementary.

Mr. Weaver said the proposed rezoning of the property with an attractive design will provide a buffer to the residential neighborhood from commercial properties and from Main Street.

Mr. Weaver said Staff recommends that the Planning Commission forward positive recommendations to the City Council with the following motions: Motion 1 would be the General Plan amendment from Commercial to a High Density use over 16 units per acre. Motion 2 would be the rezone of the property from C-H (Highway Regional Commercial) to RM-2 PRUD (Medium Density Residential Planned Residential Unit Development).

Mr. Weaver answered Commissioner Hansen's questions about the landscaping and fencing. He said the fencing would be the same as on the original property, which is a six-foot vinyl fence of earth tone colors. Landscaping would be installed against other commercial property and buffers along the residential properties as well as trees every 20-25 feet and species of trees that at a 30-40 foot mature height would block out the mass of the buildings. He pointed out where the detention pond would be and said it would be landscaped.

Commissioner Weaver asked if Laytona Drive had been terminated, and Mr. Weaver said there is a fence across Laytona Drive prohibiting access to this street. Mr. Weaver said the detention pond will be enlarged and its location blocks off Laytona Drive.

Commissioner Fitzpatrick asked if the additional building will participate in the Crime Free Multi-family Housing program, and Mr. Weaver replied in the affirmative.

Commissioner Esplin explained the time limitations for public comments.

Vicky Anderson, 1058 Laytona Drive, said she represented some of the audience members and Loyce Bowman. She expressed concerns about the growth in the area comparing the number of single family homes to multi-family homes. She presented a copy of her statistics to the Commission. Other concerns expressed by Ms. Anderson were regarding crime, student population and transition at Vae View Elementary, and the number of homes already being rented in her area.

Ms. Anderson felt the public's concerns haven't been addressed, and Commissioner Gilbert assured her that information presented by the public from previous meetings has been taken into consideration and discussed in combined Planning Commission and City Council meetings.

Ms. Anderson said she didn't feel there was enough notification of the rezone and that she couldn't see the signs on Main Street. She spoke of her distrust of the City and felt that the impact of the Angel Landing Apartments (now Fernwood Place) hadn't been taken into consideration.

Ms. Anderson paraphrased Peter Matson's (City Planner) comments from City Council minutes with regard to the Angel Landing (Fernwood Place) rezoning to the MU zone with the initial request from the developer being RM-2. She expressed concerns about the number of apartments within seven miles from where she lives.

Ms. Anderson expressed a concern that if the VFW can't find a way to put a commercial development on the back portion of their property, they may decide to sell to Mr. Thurgood and then there could be another 24 units.

The developer, Bryce Thurgood, responded to the concern and said the positioning of the new 24 unit building would make it impossible to build another 24 unit building behind the VFW. He also said he would not put an apartment building on the front portion of the property currently being requested for rezoning.

Chairman Esplin asked Mr. Thurgood to explain why apartments would not be considered for the front portion of the property.

Mr. Thurgood said the commercial real estate agent who is a relative of the owner, Razan Properties, indicated that the deeper piece of property has been difficult to market. They wanted a smaller piece that is more desirable for a restaurant or retail.

Commissioner Esplin asked for clarification on the typical occupant of the one-bedroom apartments. Mr. Thurgood said the apartments will be one and two bedroom apartments. Typically married couples and single people rent these units, while families rent the three bedroom units. He said the Villas on Main complex has one 36 unit building with the three bedroom units.

Mr. Thurgood said people who work all over Layton from young married couples to those 60 plus year olds live at the Villas on Main. Out of the 60 units currently rented, there are only 13 school age children living there. He said the number of children should not increase much because only one and two bedroom apartments remain.

Mr. Thurgood said that Vae View had a high of 650 students before Ellison Park Elementary was built. He said two years ago the student population was 469 and the student population today is 420. He said that in talking to the School District, he was told that if the size of the complex doubled, the number of children going to Vae View Elementary would not be an issue. He addressed the feeling that Vae View may not be one of the premier schools in Davis County. However, he said the Utah medium income is \$55,000, and the medium income for families living at the Villas on Main is \$54,000.00. He said it is considered a Class A facility.

Commissioner Gilbert said that the concerns expressed regarding the Angel Landing (now Fernwood Place) project prompted Staff, the City Council and the Planning Commission to give a very in-depth and thorough review of all housing types in Layton and the available ground where each of these housing types could be expanded. He said it has been an on-going process for the Planning Commission, City Council and Staff. He said the issue is getting high visibility and is being given a thorough review to insure that as the build out of Layton City continues, one type of housing doesn't overwhelm the other housing types.

Commissioner Hansen asked Ms. Anderson what she would suggest for dealing with a property that is owned by individuals who want to develop the property and for how the property could best be utilized and not just become a vacant lot or an unused eye sore.

Ms. Anderson said she is not saying that the proposed 24-unit apartment is totally wrong. She asked where there were other two acres sites that could be developed for apartments. She said she felt Staff misled the Commission by not telling them the developer of the Angel Landing (Fernwood Place) apartments had applied for the RM-2 zone and then Staff recommended the MU zone.

Commissioner Hansen asked for the focus to be on the property currently proposed for rezone. He said that some of the discussions surrounding the Angel Landing (Fernwood Place) project prompted the Planning Commission and City Council to give a very thorough and in-depth review of all housing types in Layton and the available ground for expansion of those housing types, and the appropriate type of housing from single family to multi-family to high density multi-family. He said the appropriate type of housing for property is an on-going process and concern of the Planning Commission, City Council and Staff. This subject is getting high visibility to assure that as Layton continues to build out that citizens are offered the appropriate type of housing they desire and more importantly to maintain a balance in all housing types.

Commissioner Weaver said it was important to keep commercial properties to provide jobs; however, the property that is proposed for rezone is not conducive to commercial use.

Commissioner Fitzpatrick asked to see what parcels in the Vae View Elementary School boundaries might be available for apartments.

Mr. Weaver said the map didn't show existing development but that existing single family housing would not be removed to develop multi-family housing and that the large parcels are viable commercial properties.

Barbara Briggs, 1064 West 1060 North, expressed a concern that children in her neighborhood once went to Vae View and now to go to Ellison Park Elementary. She asked if they potentially would be assigned back to Vae View Elementary.

Community Development Director, Bill Wright, said the school district has actually planned for and purchased the property for an additional elementary school in the current boundaries of Ellison Park Elementary. He said that is the area where there is a likelihood of more single family homes that bring a higher population of students to the schools.

Mr. Wright said the 26 students at the Villas on Main would be the equivalent of students in nine single family homes. He said an apartment impact is not nearly the impact of what a single family residential subdivision would be.

Mr. Wright said the district has plans to build new schools rather than push the population back to other schools. He said there is a charter school being built in the Lincoln Elementary School boundaries that will take the pressure off Lincoln Elementary.

Dale Briggs, 1064 West 1060 North, expressed his opinion that the Ellison Park Elementary boundaries had been readjusted to take the overflow student population from Vae View Elementary due to the apartment complexes and condominiums built in one square mile. He felt Vae View is saturated and has no room for more portables. He expressed concerns about more apartments being built on the large vacant parcels in the area. He felt the schools planned were not to relieve Vae View Elementary and Ellison Park Elementary. He felt that there was an extremely high density of multi-family housing in such a small segment of the City. He felt the whole area where the Villas on Main has been developed should have remained commercial property.

Mr. Briggs spoke of the high traffic in the area and concerns with traffic at an intersection within three-quarters of a mile from the subject property. He felt the high density housing not only impacts schools but traffic as well. He spoke of difficulties he has leaving his neighborhood due to traffic on Gordon Avenue.

Mr. Briggs said he had been coming to meetings for 35 years and felt promises weren't kept particularly with Falcon Park and traffic flow onto Angel Street.

Mr. Briggs said he hoped that Commissioner Hansen was correct in stating that multi-family will be spread out over the City as he felt there was not much multi-family housing east of Fairfield Road.

Mr. Briggs asked what impact the Villas on Main would have on the City's infrastructure. He said his area doesn't have secondary water and the culinary water has 28 pounds of pressure in the summer when 35 gallons per minute is required on a water main going to a hydrant. He felt that the pressure is not properly maintained especially with the watering of Ellison Park. He asked that the Planning Commission look at impacts.

There was a discussion about there only being one exit from the Villas on Main. Mr. Thurgood said there are currently two exits; however, one access has been required by the Utah Department of Transportation (UDOT) to be gated with a KNOX box for the Fire Department since their assessment indicates not enough traffic would be generated to warrant two accesses.

Mr. Thurgood said he felt the Villas on Main development had gotten rid of an eyesore as well as the drug trafficking around the former Stimson's Market. He said they thought they had built a desirable area and have been cautious since his dad's aunt lives on Marilyn Drive and his dad asked him to go out of his way for her and her neighbors. He said with the new development, he plans to extend the fence for a resident who has had problems with kids jumping over the chain link fence by her property where the vinyl fence from the current development ends.

Mr. Thurgood addressed the impact to the schools stating that the new project which is called Fernwood Place rather than Angel Landing has 72 apartments and any elementary age children will go to Ellison Park Elementary. He said the school boundaries were adjusted long before Fernwood Place was proposed.

Mr. Thurgood said there will be ample onsite parking. The development is market rent with no low income housing, well landscaped and a member of the Crime Free Multi-family Housing organization. He said they don't want to cause any problems in the neighborhood. He said rent is typically a little higher than owning in some neighborhoods and he felt like they have gone out of their way to make the Villas on Main a really desirable place for people to live.

Mr. Thurgood talked about his family's business history in the area and said people know his family and he wants to maintain a good reputation.

Commissioner Hansen said that in the Work Meeting it was stated that all of the apartments in the new building would be one bedroom apartments. Mr. Thurgood clarified that there would be 12 one-bedroom units on the inside of the building and 12 two-bedroom units on the outside units.

Commissioner Fitzpatrick asked if the VFW decided they realistically couldn't get what they wanted for their property and approached Mr. Thurgood to sell to him, would Mr. Thurgood come back to the Planning Commission and ask for more apartments. Mr. Thurgood said there wouldn't be enough room to make it work because the new building has to shift to the north and there wouldn't be enough room to put a road between the building and the VFW. Mr. Thurgood then explained the VFW voting process.

Commissioner Fitzpatrick said after meeting with the Planning Commission and City Council joint meeting, she is looking at multi-family housing in a different way and expressed her opinion that the land should have been secured and the additional apartments should have been built when the others were built.

Mr. Thurgood said that the VFW may want to turn the back portion of their property into a storage unit lot. The owner of the parcel under consideration for rezone was initially skeptical about the apartment project but now feel it is a good project. He said that since the apartments have been built, there has been more interest in the commercial parcel.

Commissioner Harward asked if the back portion of the commercial lot could just remain open space. Mr. Thurgood said he couldn't justify paying that much for a park. He reviewed the amenities within the complex and mentioned that in order to achieve the density bonus, they had met with the Design Review Committee to review how the design of the project would achieve the density bonus they were requesting.

Commissioner Hansen asked about the depth of the commercial parcel. Mr. Thurgood said it was 500 feet deep and the portion requested for rezone is 300 feet deep.

Commissioner Hansen said he had heard the citizen comments which made sense, but if the back portion of this property remained for a commercial use, it is possible that it would be a use much less desirable than the apartment building. He felt that a viable commercial space would be created if the front portion remained commercial and the back portion was rezoned for the apartment building.

Mr. Briggs recommended that a strip type complex for lawyers would be a revenue builder rather than an additional group of high density homes with two-bedroom apartments possibly occupied by a single parent with two to three children. He also mentioned he thought a church had been planned for the parcel.

Commissioner Gilbert said he believed the Villas on Main is a quality product that has been built. He said the developer made sure the buffers had extra trees and plants, the fencing is on a berm, and the developer did extra things to make sure the impact on the neighborhood was less. Commissioner Gilbert said the developer is asking UDOT to allow the other entrance to be opened to handle increased traffic. He said the developer has put a lot into the project and gone above and beyond to make sure this is a quality project including being a part of the Crime Free Multi-housing program.

Mr. Gilbert said for years there have been attempts to develop a commercial business park on the property. He mentioned the Stimson shell that was on the property for some time. He acknowledged that he didn't live near the subject property. He said that during the process the concerns of the residents have been taken into consideration. He said an option would be for the neighborhood community to come together and buy the property and then do what they want with it. He said in this case the property owner of this property has come to the Planning Commission to ask for a General Plan Amendment.

Mr. Briggs said that apartments should be built further east. Commissioner Gilbert responded that the property owner has a right to sell the property. He said there is a huge apartment complex being built further east. He said Mr. Thurgood has come up with a quality plan and done well with it. He said it may not be ideal development for the residents, but it is much better than what was there. He said he felt Mr. Thurgood has provided a quality project that has been guided through the process by the City. He said he hoped the residents could see the benefits of having something nicer than what they've been looking at for years.

Mr. Briggs asked why the buildings were allowed to be so close to the roadway. Commissioner Gilbert responded that it is a unique design to the area and instead of having all the parking stalls out toward the street, the complexes were moved toward the street for the aesthetics of Main Street with the parking stalls inside the complex.

Mr. Thurgood concurred with Mr. Gilbert and said the reason the buildings were up against Main Street was for aesthetics. He said there are 30 feet from the back of the sidewalk to the buildings. He said the upgrade to the fence was costly and way beyond what was required. He said the apartments have nine foot ceilings, granite countertops, upgraded carpet, and washers and dryers are included. The City did not require these upgrades. He felt his company had done their part to make the Villas on Main a desirable neighborhood. He said the City has a bond on the landscaping and will inspect the landscaping and then release the bond when it is complete. He said the landscaping should blossom into something totally different within the next month and a half.

Commissioner Hansen said he noticed how close the buildings were to Main Street but understood it allowed the other amenities to be in the center of the complex. Mr. Thurgood said there is a safer and bigger area inside the complex for the amenities and parking is hidden also.

Mr. Thurgood said between the rock and hardy board, the exterior was incredibly expensive but turned out to be a very nice product that is aesthetically pleasing.

Commissioner Gilbert advised the residents to call code enforcement and police if there is a problem with the apartments. He said they could call the City Manager if those entities are not responsive. He said he had issues in his neighborhood and he involved the City and the City took care of the issue.

Mr. Briggs said he had brought up the same issues at City Council Meeting. Mr. Briggs spoke of concerns he had about conditions on conditional use permits being followed. He said he thought there was to be a roadway from Legacy Village out to Angel Street but the 24 units of Angels Crossing are off set and will prevent that roadway.

Commissioner Gilbert asked Mr. Wright to follow through on Mr. Briggs concerns and get back to Mr. Briggs. Mr. Wright agreed to research the issue but said it is hard to force a condition for one development on a different property owner.

Mr. Weaver said that the VFW is classified as a bar or a tavern. By ordinance, there are distance requirements between such establishments and a church, school or park. The Stimson's building was too close to the VFW to be able to house a church use.

Mike Schultz, from Castle Creek Homes which built the Villas on Main, said he felt his company went to great lengths to work with Staff to remove the eyesore and replace it with a really nice quality product. The materials used were much more costly than required. He said the proximity to Main Street of the buildings was so there would be no parking on Main Street and to keep the buildings from being as close to the residential area to the west. He mentioned the quality of the brick fence with wrought iron railings and the trees that were planted. He said once the development is 100 percent complete, the neighbors should feel it is a nice product. He said Staff has insisted on a nice product.

There were no further questions or comments.

Chairman Esplin called for a motion on the item. Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to amend the General Plan to change the property from Commercial to High Density Residential. Commissioner Bodily seconded the motion, and the voting was unanimous.

Commissioner Weaver moved the Planning Commission forward a positive recommendation to the City Council to approve the rezone from C-H (Highway Regional Commercial) to R-M2 PRUD (Medium Density Residential Planned Residential Unit Development) to allow for multi-family residential development on the property. Commissioner Harward seconded the motion, and the voting was unanimous.

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

PUBLIC REVIEW:

3. LETRONO CROSS FIT -- CONDITIONAL USE REQUEST FOR A HEALTH/EXERCISE STUDIO. This property is located at 976 North Marshall Way, Building 1, Unit 2 in an M-2 zoning district. The applicant, Troy Christopoulos, is proposing a crossfit facility.

Planner I, Andrew King, presented the request for conditional use for a cross fit exercise studio. The hours of operation will be 5:30 a.m. to 7:00 p.m. He said that this is not the type of gym where clients work out individually. Trainers and up to 15 athletics for a total of 18 people at any one time will be in the 10,000 square foot suite at one time. The suit will contain 7,000 square feet of training space and 3,000 square feet of office space.

Mr. King said one parking stall is required for every two people. The parking requirement will be nine stalls and there are 68 parking stalls in front of the building and 75 parking stalls at the rear of the building. Coupled with the parking requirements of the other two similar type businesses on the site, 30 parking stalls would be required.

Mr. King said landscaping is up to date and meets current code standards. The following conditions are required for this conditional use:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. Exercise studios in this suite shall be limited to a parking demand of 20 stalls and therefore a maximum occupancy of 40 people.
3. Events or competitions held at this location shall only be permitted after 4pm on weekdays or during the weekend.

Based on the applicant meeting the above conditions and a fourth condition that no outdoor equipment can be placed in any landscaping or designated parking area, Mr. King said Staff recommends the Planning Commission approve the conditional use request.

Chairman Esplin asked the applicant, Troy Christopulos, 373 North 3050 West, if he understood the conditions. Mr. Christopulos said he understood and could comply with the conditions. He said the business would have no outside equipment.

Commissioner Fitzpatrick clarified the unit # with Mr. Christopulos which he said was Unit 2.

Commissioner Hansen said he personally knew Mr. Christopulos but had no business connection.

Chairman Esplin called for a motion on the item. Commissioner Bodily moved that the Planning Commission approve the conditional use request for the health/exercise studio subject to the conditions set forth in the Staff report with the addition of condition 4, which are hereby adopted as requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

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

The meeting adjourned at 9:08 p.m.



Julie Jewell, Planning Commission Secretary