

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
APRIL 9, 2013**

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

MEMBERS ABSENT: Brian Bodily, Dave Weaver

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

PUBLIC HEARING:

1. REZONE REQUEST – A (Agriculture) to R-1-6 (Single Family Residential)

This 9.95 acre property is located on the northeast corner of Fairfield Road and Church Street. The property owner is the Dale Corporation/Haven Barlow, represented by the applicant, Brad Frost.

Planner II, Kem Weaver, presented the request for rezone from A (Agriculture) to R-1-6 (Single Family Residential). He said the applicants, Brad and Norm Frost, were at the meeting. Mr. Weaver said the Accident Potential Zone (APZ) clips the northwest corner of the proposed development. He explained that no residential development can be inside that easement, and based on the concept plan, there is a turnaround and open space inside the easement area.

Mr. Weaver gave an overview of the APZ zone and the zoning in the area and pointed out the two arterial streets adjacent to the property. He said that per the General Plan, the density is specified for 2-4 units per acre for this property. Mr. Weaver said Staff felt that the General Plan is being met with a rezone to R-1-6 because the proposed density is less than what the R-1-6 zone allows at 3.21 units per acres.

Mr. Weaver said the developer plans for this property to be a development similar The Cottages at Chapel Park with a demographic target of senior adults but does not exclude other families. All of the units will be one story.

Mr. Weaver presented pictures of the homes proposed and described the building materials. He said a Home Owners Association (HOA) will maintain the front yards and the homeowner will maintain the side and back yards. This HOA will also maintain the private street, common areas, detention basin and landscape buffers on Church Street and on Fairfield Road.

City Planner, Peter Matson, said Fairfield Road and Church Street will be a future signalized intersection within the next two years. He said the signal has been warranted by accidents and not by volume of traffic.

Mr. Weaver said there is a proposed development agreement associated with the rezone. He read Section 4 – Owner's Undertakings on Page 2.

Commissioner Fitzpatrick said the plans still show a hammerhead turnaround, yet the Fire Department said it would not be allowed. Mr. Weaver said they may have to sprinkle the homes or provide a cul-de-sac turnaround.

Mr. Weaver said the minimum square footage of the homes would be 1,600 square feet. Brad Frost, the developer, asked if the minimum could be changed to 1,400 square feet. He said the majority of the homes would be 2,000 square feet and above.

Mr. Weaver said the owner must provide CC & R's to maintain utilities, the private street, common areas, landscape buffering, detention basin and front yards. Norm Frost said there would not be a professional management group and explained the reasoning. Mr. Wright said the City Council had required the professional management company for The Cottages at Chapel Park and he doubted the Council would not require the same for this development. The concept of the professional management company is to keep the HOA in a functioning status.

Commissioner Harward related an experience as president of an HOA and the difficulties in enforcing policies without a professional management company. He said a neutral company enforcing policies makes a difference and preserves relationships in the community.

Commissioner Pales asked about the distance of the signalized intersection to a public access road planned for development. Mr. Weaver said the distance would be 200 feet and should provide for a left turn pocket on to Church Street.

Commissioner Pales asked about snow removal. Mr. Weaver said the City would take care of the public street portion and the HOA would remove snow on the private street. He said there was plenty of green space on which to push snow.

Commissioner Pales asked if Hill Air Force Base (HAFB) had commented on the development. Mr. Matson said that someone from HAFB Planning had discussed the development with Staff. Their concern was that there would be no habitable or dwelling space in the APZ. They also asked that it be verified that the survey matches the drawing.

Commissioner Fitzpatrick mentioned that Page 2 of the Engineer's report indicates a portion of the parcel is in a drinking water source protection zone. She asked for clarification before accepting or rejecting the rezone. Mr. Matson said there are varying areas of sensitivity depending on where the ground water flows and where the City wells are located. He said the chart in Chapter 19.20 only addresses commercial land uses. He said the main issue would be underground storage tanks, bagging of fertilizer or other process where substances could seep into the aquifer system.

Commissioner Fitzpatrick asked if a geologist's report would be necessary before moving forward. Mr. Matson said he believes it would not and that the requirement was based on commercial land use.

Commissioner Fitzpatrick asked if Engineering would require the geotechnical report as the project progresses. Community and Economic Development Director, Bill Wright, said Engineering wouldn't have recommended approval if the development would affect the recharge area. He said the charts don't address residential uses.

PUBLIC REVIEW:

2. CREEKSIDE OAKS SUBDIVISION –FINAL APPROVAL

The applicant and owner, Todd Morgan, is requesting a one-lot dedication plat approval for this property located at approximately 1350 East Rosewood Lane.

Mr. Weaver presented the request for final approval for a one-lot dedication plat at the Creekside Oaks Apartments which is an older apartment development just south east of Smith's grocery store. The complex has 20 apartments under renovation. Because the developer had not used the density as a right to them under the zoning for the development when the original 20 apartments were built, they are able to build the additional 24 units. During the site plan review it was found that the frontage on Rosewood Lane had never been dedicated to the City, which will now be done with a dedication plat. The curb and gutter have been installed, and the developer will be required to install sidewalk. The developer has been asked to avoid the mature trees and possibly install a meandering sidewalk.

Commissioner Fitzpatrick asked if the developer would still be able to build the 24 units even if they are giving up 26-28 feet of frontage for the dedication. Mr. Weaver said the dedication doesn't decrease their overall acreage. Mr. Wright explained the difference between a dedication plat and a subdivision plat.

3. KERSHAW ESTATES PHASE 2 – FINAL APPROVAL

This 1.68 property is located at approximately 200 South Bluff Ridge Boulevard in an R-S (Residential Suburban) zoning district. The applicant and owner, Dennis Higley from Destiny Homes, is proposing four (4) single family residential lots.

Mr. Weaver presented the request for a four-lot subdivision in Kershaw Estates. The property is zoned R-S and each lot is over 15,000 square feet. All lots will front on 200 South. Layton Parkway will not be constructed at this time as part of this project. All that will be required at this time is a six-foot vinyl fence along the proposed Layton Parkway right-of-way. The developer will not be required to install the landscaping at this time, but must bond for it to be installed in the future. A landscape buffer and fencing will be required along Bluff Ridge Boulevard.

The new temporary turnaround requirement was explained.

4. DAJA SPETH – PARCEL SPLIT

This 2.25 acre property is located 1940 West Gordon Avenue in an A (Agriculture) zoning district. The applicant is proposing 2 parcels with Parcel 1 being 1 acre and Parcel 2 being 1.25 acres. The property owners are Ray and Ruth Huffaker represented by Daja Speth.

Planner I, Brandon Rypien, presented the request to split a 2.25 acre parcel into two parcels. He said Parcel 1 is on the west and has the existing home. It will be one acre and meets the minimum lot size for the A zone. Parcel two will be 1.25 acres and would be allowed to have a single family home or an agricultural structure. Both parcels meet the minimum frontage requirement and have enough space to do a circular drive since Gordon Avenue is an arterial street. Standard public utility easements for a single family home will be required. Irrigation ditches will have to be maintained and operational for all interested properties. Mr. Rypien said there was a Rocky Mountain Power easement along the property frontage. The frontage of the property will not need to be widened and is already improved. No property dedication will be required for the right of way. If approved by the Planning Commission and City Council, the property owners would record with the County a new legal description for each of the parcels and the public utility easements.

5. CHANSHARE – CONDITIONAL USE FOR OUTDOOR STORAGE AND FOR A GARDEN SHOP

This property is located at 1590 North Main Street in a C-H (Highway Regional Commercial) zoning district. The property owner is Araina Thorsness, Trustee, represented by the applicant, Chanshare Farms. The Chanshare Farms representative is Randy Marble.

Planner I, Andrew King, presented the request for conditional use for outdoor storage and for a garden shop. The owner has a similar facility in Kaysville. He said there has been outdoor storage on the lot since the building was built in 1984.

Mr. King said the landscape strip on the front part of the lot is currently 10 feet wide and ordinance requires a 15-foot wide landscape strip. He said the landscape buffer buffering the Sterling Point and Autumn Hills apartments should be a 30-foot buffer. Currently there are existing trees, and the applicant is requesting a buffer reduction to 20 feet. Mr. King said that Staff feels the intent of the ordinance can be met with additional trees.

Commissioner Pales asked if the buffer between the proposed location and the plumbing company was a 30 foot buffer. Mr. Wright responded that the buffer is 0 because the two properties have the same use.

Mr. Wright explained the property line boundaries. He said vertical landscaping is worth more than horizontal landscaping.

Mr. King clarified the south property line abutting the private drive access to the Autumn Hills apartments.

Mr. King said the applicant would be required to load products in a specific area at the center of the property. He said buffer requirements apply to land uses and not zones.

Mr. King said broken fencing will need to be fixed and slats replaced.

Mr. Wright said the solid vinyl fence belongs to the apartment complex. He also said that the parking stall requirement has been met.

Mr. King reviewed the site plan and bin layout. He said any bin has to be 75 feet from any residential use. The eight foot bins would have to be located against a commercial property.

Mr. King said the landscape strip in the front would need to be enhanced with three trees that are compliant with City standards. The applicant is requesting that the Planning Commission grant a modification to the landscape buffer requirement on the eastern portion of the property to 20 feet. He said no items can be stacked taller than the fence, and any unpaved areas must be enhanced with road base material.

Mr. King said outdoor storage can only be equipment and materials associated with the business.

Mr. King said this project is a great opportunity to enhance the site and bring a good business to the City.

Commissioner Hansen asked about the materials that would be stored in the bins, and Mr. King listed the materials.

Commissioner Hansen also asked if the landscaping around the building was in compliance and Mr. King replied in the affirmative.

Mr. King explained that the building would be used for office, retail and warehouse.

Commissioner Fitzpatrick expressed a concern about issuing the conditional use permit prior to the applicant signing a lease agreement. Mr. Wright said that if the applicant doesn't complete the requirements to occupy the property or if he never occupies the property, it would be the same as if the conditional use permit had not been issued. Mr. Weaver said if the business never moves forward, the conditional use permit has a one-year expiration date. Since the conditional use goes with the property, anyone occupying the property would have to adhere to the established conditions.

Commissioner Hansen asked if the exterior would be improved. Mr. King wasn't aware of any plans for improvements.

Commissioner Gilbert asked for clarification on Condition #4 stating that fence screening next to other outdoor storage areas is not required but is encouraged. He asked if just the perimeter fencing would be repaired.

Mr. King said there is no requirement to slat next to outdoor storage. He said all fencing needs to be repaired if broken, but slats must be repaired only where they are required.

Mr. King said the applicant is aware of outdoor storage screening regulations.

OTHER:

The Commissioners were reminded of the April 19 training.



Julie Jewell, Planning Commission Secretary

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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 7:04 p.m. The Pledge of Allegiance was recited, and an invocation given by Commissioner Fitzpatrick.

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

PUBLIC HEARING:

1. REZONE REQUEST – A (Agriculture) to R-1-6 (Single Family Residential)

This 9.95 acre property is located on the northeast corner of Fairfield Road and Church Street. The property owner is the Dale Corporation/Haven Barlow, represented by the applicant, Brad Frost.

Planner II, Kem Weaver, presented an aerial photograph of the property requested for rezone from A to R-1-6. He pointed out the Hill Air Force Base Accident Potential Zone (APZ), which clips the northwest corner of the property. He said no residential structure or habitat dwelling can be in the APZ.

Mr. Weaver said 32 single family detached lots are proposed on the 9.95 acre property at a density of 3.21 units per acre. He said this density meets the General Plan recommendation of 2-4 units per acre in this area of Layton City.

Mr. Weaver said the property owner would be required to maintain the side and rear yard with a Home Owners Association (HOA) to maintain the front yards. He said restrictive covenants have been submitted and will be recorded with the final plat to address the maintenance of the utilities in the private street and the detention basin.

Mr. Weaver said the intersection of Fairfield Road and Church Street will be a future signalized intersection in approximately two years. Applicant is required as part of his development to provide an easement on the northeast corner of the intersection to put in a traffic signal pole to be maintained by the City.

Mr. Weaver said the developer will be required to install a five-foot landscape buffer on both the Fairfield Road and Church Street frontages as well as six-foot vinyl fences. The applicant would also have the option to put in trex fencing or a masonry wall.

Mr. Weaver reviewed Article IV of the proposed development agreement listing the Owner's Undertakings.

Mr. Weaver said that Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone request subject to the applicant meeting all Staff requirements and restricting the density to 3.21 units per acre.

There were no questions or comments from the Commission.

Chairman Esplin opened the meeting to questions and comments from the audience and explained the three-minute time limit per person for comments.

Carl Woodward, 1830 North Church Street, said there was a four-inch pressurized Weber Basin secondary water line that has gone through the property proposed for rezone to his property for 40 years. He expressed that the water pressure to support 32 new homes, plus Lindquist Mortuary, would decrease the pressure he and his brother need for their 4.5 acres.

Community and Economic Development Director, Bill Wright, said the Engineering Division will model the water system to make sure there is adequate system and flow to keep the water pressure sufficient for this property and surrounding locations.

Commissioner Hansen asked what would be done with the Weber Basin line during development.

The developers said they were not aware of the irrigation line. Mr. Wright said it will be a requirement that the line will need to be maintained or rerouted. The situation will be studied and the correct way to do it determined. He asked if possibly the line was not in a recorded easement.

Mr. Woodward said there had been an agreement between his father and Haven Barlow. His father installed the line, and the agreement was that he could use it to water 10 acres. Mr. Woodward asked that there be a connection when the line is being moved or shut off so that his property does not go without water.

Mr. Wright said he would study the situation with the Engineering Division and Legal Department. The developer, Norm Frost, 722 North 1550 West in Kaysville, said he would be glad to work with Mr. Woodward with regard to the water line.

There were no other questions from the audience.

Commissioner Hansen asked Mr. Frost (Norm) about the discussion in Work Meeting regarding 1600 square foot homes versus 1400 square foot homes. He said it was indicated that there were challenges in The Cottages at Chapel Park when changes had to be made. Mr. Hansen asked if there were any lots on the proposed plat where this would be a problem.

Mr. Frost said they always assume the lots will be large enough, but sometimes something comes up when it is difficult to put a home on a particular lot. He said most of the homes are 1900 square feet and 2000 square feet. He said the smallest plan is 1500 square feet and referenced buyers who would like a nice but smaller home. He said they would like to continue to have that option for people who can afford the more expensive home but don't want that much space.

Commissioner Gilbert said it was his impression that the smaller home was required due to the lot size rather than being market driven.

Commissioner Hansen asked why there would be a challenge meeting the 1600 square foot home requirement in the property proposed for rezone.

Brad Frost said that with regard to the R-1-6 zoning, if there are changes that come from the City prior to final plat but after the surveys, the lot sizes tend to change. He said that if a lot changes during this process, then it's easier to fit a smaller plan. He said 10 percent of the market share likes a smaller plan. He said the models are 2100 square feet. He said he didn't see a problem now, but a problem could arise during preliminary or final approval.

Commissioner Hansen asked if when the problem was encountered at The Cottages at Chapel Park if he had any problems with Staff. Mr. Frost said the minimum home size in that subdivision was 1500 square feet.

Commissioner Hansen expressed a concern that if the Development Agreement were changed to allow a 1400 square foot minimum home size, there would be no recourse to prevent the developer from building a 1400 square foot home on every lot. Mr. Frost (Brad) said the Development Agreement could indicate that a 1400 square foot home would be permitted only if necessary due to lot size. He said it was not their intent to go that direction at all.

There was a discussion on the vinyl fence along Fairfield Road and Chapel Street being earth tone in color. Mr. Frost (Brad) said they would work with Mr. Woodward on the water line issue.

There were no further questions or comments. Chairman Esplin called for a motion on the item.

Commissioner Pales moved that the Planning Commission forward a positive recommendation to the City Council to adopt ordinance 13-10 approving the rezone from A to R-1-6 based on consistency with the General Plan recommendations for single family residential in this portion of the City and subject to the attached draft of the proposed Development Agreement restricting the overall density to 3.21 units and per approval of the Development Agreement as amended during work meeting to allow for 1400 square foot homes. Commissioner Harward seconded the motion, which passed with three Commissioners voting in favor (Commissioners Gilbert, Harward and Pales) and two Commissioners opposed (Commissioners Fitzpatrick and Hansen).

Chairman Esplin called for a motion to close the Public Hearing and open Public Review.

Commissioner Gilbert moved to close the Public Hearing and open Public Review. Commissioner Pales seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

2. CREEKSIDE OAKS SUBDIVISION –FINAL APPROVAL

The applicant and owner, Todd Morgan, is requesting a one-lot dedication plat approval for this property located at approximately 1350 East Rosewood Lane.

Mr. Weaver presented the request for final approval for a one-lot dedication plat for right of way for Rosewood Lane. He said a range of 26-28 feet is still under the ownership of the applicant. The road has been improved to its correct width of a 60 foot right of way but needs to be under City ownership.

Mr. Weaver said with the improvements being completed on Rosewood Lane, sidewalk will need to be installed on the north side. He said the City is requesting the developer avoid as many of the mature trees as possible, which should be kept as part of the landscaping for the site.

There were no questions from the Commission.

Rick Barlow, 1342 East Rosewood Lane, expressed concerns about the size and height of the complex and the number of people. He was concerned about traffic and the quality of the community.

Mr. Weaver said the maximum height is 35 feet, which Commissioner Gilbert commented wasn't much more than a single family home at 30 feet.

Commissioner Fitzpatrick reminded Mr. Barlow that the Planning Commission was just reviewing the dedication plat. Mr. Weaver said that in the R-M1 zone, the applicant is permitted by right to have 45 units.

Chairman Esplin said that the Planning Commission was just reviewing the plat and other concerns could be expressed to the City Council.

Mr. Wright explained that when the project was first developed it met the zoning requirement and could have had 45 units. It was the developer's choice to originally build fewer units.

Mr. Barlow asked if there was a requirement to notify the neighbors. Mr. Wright responded that because the property is already zoned, there is not a requirement to notice the public. The request meets the requirements of the zoning in place. Mr. Wright suggested Mr. Barlow talk to the property owner. He said the requirement to install a sidewalk on the north side of Rosewood Lane on the property frontage should help with safety.

City Planner, Peter Matson, said that nearby Indian Springs Subdivision was zoned R-M1 fifteen years prior and developed under the guidelines of R-M1 but was developed as single family lots. The density of the area could have been R-M1 but the density was significantly less than the maximum of the R-M1 zone and was later zoned R-1-8.

Carol Taylor, 1349 East Indian Spring Circle, whose backyard abuts to Rosewood Lane, voiced concerns about increased traffic and the lack of a crossing guard at the intersection of Fairfield Road and Rosewood Lane for children to cross to Creekside Elementary on the west.

Ms. Taylor asked what the building would look like, and Mr. Weaver said she could talk with the property owner or view the plans at the City office.

Brian Allen, 1880 West 550 North, partner with Todd Morgan on the apartments, said they will spend time with residents and apologized for not notifying them. He said he had plans to share with neighbors and explained all the upgrades in process at the apartment complex.

Kim DeMoux, 202 South Indian Springs Drive, expressed concerns about the safety of the children walking to school and asked how to make it safer for the children to walk to Creekside Elementary. Mr. Wright suggested working with the PTA on safe walking routes to school and said the PTA may be aware of grants available to add sidewalk. He also suggested bringing the concern to the attention of the City Council. Commissioner Fitzpatrick said the Health Promotion Division of the Davis County Health Department may be able to help with grants for sidewalks. Ms. DeMoux said there was at one time a crossing guard. Mr. Wright said he would explore the absence of a crossing guard with the City traffic engineer.

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 approve the dedication final plat for Creekside Oaks subject to meeting staff requirements as outlined in staff memorandums. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

3. KERSHAW ESTATES PHASE 2 – FINAL APPROVAL

This 1.68 property is located at approximately 200 South Bluff Ridge Boulevard in an R-S (Residential Suburban) zoning district. The applicant and owner, Dennis Higley from Destiny Homes, is proposing four (4) single family residential lots.

Mr. Weaver presented the request for final approval for Kershaw Estates Phase 2. He said Phase 1 of the subdivision is near build out. Phase 2 is 1.68 acres in size and will consist of four deep lots. Lot 1 is just over 15,000 square feet and Lot 4 is just over 25,000 square feet. Mr. Weaver said that a five-foot landscape buffer with vinyl fencing will be required along Bluff Ridge Boulevard as well as fencing along the future Layton Parkway right-of-way. He said a turnaround is still required at the end of 200 South, which will be a permanent

turnaround and will take out a portion of Lot 1. Mr. Weaver said all lots meeting the zoning requirements with regards to frontage and area requirements and said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Kershaw Estates Phase 2 subject to meeting staff requirements as outlined in staff memorandums.

There were no questions from the Commission or the Audience. Chairman Esplin called for a motion on the item.

Commissioner Harward moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Kershaw Estates Phase 2 subject to the applicant meeting all Staff requirements. Commissioner Hansen seconded the motion, and the voting was unanimous.

4. DAJA SPETH – PARCEL SPLIT

This 2.25 acre property is located 1940 West Gordon Avenue in an A (Agriculture) zoning district. The applicant is proposing 2 parcels with Parcel 1 being 1 acre and Parcel 2 being 1.25 acres. The property owners are Ray and Ruth Huffaker represented by Daja Speth.

Planner I, Brandon Rypien, presented the request for a parcel split for 2.2 acres in the A zone on the north side of Gordon Avenue into two parcels. The applicant, Daja Speth, representing the owners Ray and Ruth Huffaker, is proposing to split a 2.2 acre parcel on the north side of Gordon Avenue into 2 parcels. He said the A zone requires a minimum lot size of one acre, and Parcel 1 will have one acre and Parcel 2 will have 1.25 acres. Parcel 1 has the existing home and detached garage, which will remain on that parcel. Lot 2 meets the requirements for a single family home as well as an agricultural structure if desired.

Mr. Rypien said Gordon Avenue is already widened, so no right of way dedication is required. A form of turn-around is required on the lot, and Parcel 1 has an existing circular driveway and Parcel 2 will have sufficient frontage to accommodate a circular drive if desired. He said standard public utility easements will be recorded with the plat. He said two existing ditches run along the sides of Parcels 1 and 2 and shall be maintained and operational for all interested parties. Mr. Rypien said there is an existing Rocky Mountain Power easement along the frontage of both parcels. If approved a new legal description for each parcel and public utility easements will be submitted to the County for recordation.

Mr. Rypien said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the parcel split based on conformance with the regulations of the A (Agriculture) zone and subject to meeting all staff requirements.

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

Chairman Esplin called for a motion on the item. Commissioner Gilbert moved that the Planning Commission forward a positive recommendation to the City Council to approve the parcel split.

Commissioner Gilbert moved that the Planning Commission forward a positive recommendation to the City Council to approve the parcel split based on conformance with the regulations of the A (Agriculture) zone and subject to meeting all staff requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

5. CHANSHARE – CONDITIONAL USE FOR OUTDOOR STORAGE AND FOR A GARDEN SHOP

This property is located at 1590 North Main Street in a C-H (Highway Regional Commercial) zoning district. The property owner is Araina Thorsness, Trustee, represented by the applicant, Chanshare Farms. The Chanshare Farms representative is Randy Marble.

Planner I, Andrew King, said the applicant, Randy Marble, anticipates opening a garden shop and outdoor storage facility at 1590 North Main Street. He related a history of the businesses that had been at that location.

Mr. King said the business will sell a variety of bulk landscape supplies stored outside in 12'x12'x8' bins, 12'x12'x6' bins and one 12'x24'x6' bin.

Mr. King said the .89 acre property is adjacent to a strip commercial building on the south, a commercial building on the north, and two apartment complexes on the east and southeast.

Mr. King said most of the landscape on this site has not been changed since the building was first built in 1984. He listed the landscape improvements that will be needed and said, a 15-foot landscape strip along the Main Street frontage is required based on the depth of this lot, which is between 280 and 300 feet. The current landscape strip is 10 feet, so an addition of 5 feet is required. This landscape strip is also required to have one tree for every 50 feet of frontage. The width of the lot is 135 feet, so no fewer than 3 trees would be required in this area.

Mr. King said landscape buffers, when required, are the obligation of the more intense use. In this case, a commercial business is more intense than the residential use to the east of it. The buffer requirement between these two uses is a minimum depth of 30 feet. Additionally, one tree for each 25 feet of length and a variety of shrubbery is required to be planted. The applicant feels a 30 foot buffer is excessive given the mature trees and landscaped area along the east property line on the apartment complex property. The leading edge of the closest apartment building is approximately 28 feet from the property line. Staff feels that with some additional landscape improvements this buffer could be reduced to 20 feet and still satisfy the intent of the code. These improvements should be in the form of additional trees and landscape plantings to screen this area.

The final landscape issue would typically be found where the property abuts residential. In this case, however, the abutting residential zone to the south is a private road which provides access to the Autumn Hills Apartment complex and to parking for the adjacent commercial building. Landscape buffer requirements are applicable to land uses, not zoning. In this case any outdoor storage associated with this lot will be no less than 100 feet away from the nearest building in the Autumn Hills Apartment complex. A landscape buffer is therefore not required and is unnecessary along the south side of the property. A landscape buffer in this area would also be detrimental to the functional use of the subject property for the applicant's business. Additionally, there is a landscape strip along the private road to the south with a 6 foot privacy vinyl fence and a variety of mature trees that provide an acceptable buffer between these two uses.

Mr. King said most of the fencing is in good condition with some broken slats that need to be replaced as well as adding slats in areas that need to be screened. He pointed out the landscape buffer and six foot vinyl fence between the commercial properties and the residential areas.

Mr. King said parking is adequate based on the requirement of 15 parking spaces with 16 parking spaces being available. Employees will be able to park in the rear of the property.

Mr. King presented the site plan submitted by the applicant and said Staff is recommending a revised plan with loading and unloading in the middle of the property and a also revised placement of the bins.

Staff recommends approval of the conditional use application for a "Garden Shop" and "Outdoor Storage" subject to the applicant meeting the following conditions:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The landscape strip located between the sidewalk and the parking area shall be enlarged to 15 feet and be enhanced with at least 3 trees. Selected trees shall be a minimum 2 inch caliper and have a mature height of at least 25 feet.
3. The Planning Commission approval of a modification of the landscape buffer at the east end of the lot from 30 feet to 20 feet. This 20 foot landscape buffer shall be installed along the eastern

property line. This buffer shall be enhanced with no fewer than 4 trees. At least two of these trees shall be an evergreen variety and all trees shall have a mature height of at least 30 feet. A variety of small plantings, including shrubs and bushes, shall also be planted in this area. Trees and shrubs with low to moderate irrigation needs are encouraged.

4. All broken fencing on the site shall be repaired. Fencing slats shall be replaced and installed where necessary to screen outdoor storage along all property lines. Fence screening next to other outdoor storage areas is not required but is encouraged.

5. No items being stored outside shall be stacked higher than the height of the nearest adjacent fence. Eight foot material bins shall be limited to areas adjacent to other commercial zones except where an eight foot fence may exist or be installed.

6. Unpaved areas shall be graded and enhanced with gravel or other road base materials, sufficient to minimize or eliminate dirt and debris from being tracked onto paved areas.

7. Outdoor storage on this lot shall be limited to items and equipment associated with the business occupying the lot. Any equipment, garbage or other debris not associated with the business on this lot shall be removed from the site by or before said business opens.

8. No landscape material bin shall be placed closer than 75 feet to any legally occupied residential land use. All loading of landscape materials shall take place at the center of the outdoor storage area.

Commissioner Fitzpatrick asked if the property owner would accept the changes considering that a lease agreement is involved.

Mr. King said he would give the property owner a copy of the conditions. Chairman Esplin commented that there have been problems in the past with owners coming into compliance.

Commissioner Hansen asked to have it made clear that there would be slats in the gated area.

The applicant, Randy Marble, Tremonton, Utah, was asked by Chairman Esplin if there were any questions or problems with the conditions. Mr. Marble said all of the conditions were acceptable with the exception of #8. Before continuing he expressed appreciation for the Pledge of Allegiance and invocation at the meeting and for Mr. King's timeliness in a handling the conditional use request.

He said he had been renting and leasing and providing sod in the area since 1979. He said he wants his business to be in the 1950 North Main location since it fits the needs of the business. He said he has a lease with the option to buy.

Mr. Marble said with regard to Condition #8, he didn't know the exact placement and size of the bins. Concerning the landscape buffer, he said he had a need for a larger bin for playground chips. He said the size of the landscape buffer would make the back of the lot unusable if they couldn't put a bin there.

Mr. King explained that the measurement of 75 feet would not be from the property line of the business but would be measured from the apartment complex buildings. This satisfied Mr. Marble's concern about condition #8.

Commissioner Gilbert asked if Mr. Marble had seen the recommendation for bin placements and confirmed that the 8-foot bins would be on the Durk's plumbing boundary.

Mr. Marble responded in the affirmative. He said his company direct ships to large commercial companies and the materials at this location would be residential type landscaping materials.

Commissioner Hansen asked if Mr. Marble understood that the gated fencing perpendicular to the building needed to be slatted, and Mr. Marble said he understood.

Commissioner Hansen asked if the building would be repainted. Mr. Marble said they would be repainting the building and removing the lettering. They would use the sign at the street.

Commissioner Hansen asked the applicant about the procedure for keeping the lot clean. Mr. Marble said the lot was paved and tracking on wheels would be a minimum. He said the products come to them wet and would be wetted down daily. He said eventually he would like to have a timed sprinkling system over the bins. He said he would keep the paved area neat and clean and not let dust and dirt get into the street.

Commissioner Gilbert recommended that Mr. Marble meet with the Planning Staff to make sure signage meets requirements. Mr. Marble said he would do that.

There were no further questions or comments. Chairman Esplin called for a motion on the item.

Commissioner Harward moved that the Planning Commission approve the conditional use request subject to the applicant meeting all Staff conditions, which are hereby adopted as requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

OTHER:

Assistant City Attorney, Clint Drake, asked to recall agenda item #1, the rezone request. He said he caught the error in voting right after the motion passed, but another agenda item had already begun. He referred to the Planning Commission bylaws Article VI Subsection D, which states there must be four affirmative votes for the item to pass. There were three affirmative votes, but Chairman Esplin didn't vote. Following Mr. Drake's comments, Chairman Esplin then voted in favor and the motion passed with four affirmative votes.

Commissioner Gilbert commented that as the project continues, the Planning Commission, with their vote, had granted the applicants the right to build every home at 1400 square feet.

Mr. Wright said the City Council would consider the Development Agreement and said Staff could prepare some options to present to the Council on the square footage. He said the Council would ask the basis for the split Planning Commission vote. He said the minimum square footage could be set at 1500 square feet, which was reference in the building plans or a percentage could be put on the number of units that must be above 1600 square feet. He said Staff will work with the applicant on options. He said there may be a possibility as the project goes from conceptual to final plans, that a Staff requirement such as a fire turnaround may make it difficult to build a home on a particular lot.

Mr. Wright said if the Development Agreement has to be amended once it has been approved, then the Planning Commission and City Council will have to review and approve the amended agreement.

Commissioner Hansen said he liked the percentage option.

Commissioner Gilbert said that in the work meeting, the applicant said some lots would only allow for the smaller blue print.

Mr. Drake said one option would be to relay concerns about this particular issue to the City Council. Mr. Drake read from the Planning Commission Bylaw Article V Subsection I stating that a motion can be reconsidered.

Commissioner Gilbert made a motion to reconsider.

Commissioner Hansen said he specifically voted against the rezone because of the 1400 square foot minimum requirement. He also said he would like to see the Planning Commission be more consistent as a group on the vinyl fencing and stick to earth tone because it enhances the look of the City.

Chairman Esplin said that is the direction the Planning Commission has been going.

Mr. Wright said when Staff has the opportunity to weigh in on a fencing color, they do, but if someone has right to put up a fence without review, Staff does not weigh in on it.

Commissioner Hansen felt the issue of the Weber Basin water line was not resolved. He felt that although they acknowledged they would work with the gentlemen to provide an easement or reroute the line, the Planning Commission needed to take more specific action.

Mr. Drake said if Mr. Woodward has a legal right to the water line, the issues would be worked out between the Planning, Legal and Engineering Division or the affected parties.

Mr. Matson explained that title documents aren't submitted for the rezone process but would be submitted with the preliminary plat where the water line rights may be in the title report.

Commissioner Hansen commented that the water rights may not be recorded.

Chairman Esplin said it is his understanding when it comes to water rights through a property, the water is usually piped so it continues to flow.

Mr. Drake said he didn't know the facts, but usually the developer has to leave them in as good or better a place than before construction began. If there is not some sort of recorded document there may be a prescriptive easement that will come into play. He reminded the Commission that they are still just reviewing the rezone. He made it clear that he is not recommending that the vote change. It is just his job to make sure Staff and the Planning Commission follow the bylaws and rules of procedure.

Commissioner Harward also felt the motion should be reconsidered. He said he voted for the rezone because he understood that the square footage issue would be worked out in the Development Agreement. He asked if that was the purpose of the development agreement.

Mr. Wright said the square footage was in the Development Agreement. He said the minimum standard in the R-1-6 zone is 900 square feet. The applicant's request to drop from 1600 to 1400 square feet is significantly higher than the minimum allowed in the R-1-6 zone.

Commissioner Hansen remarked that while he didn't think the applicant wanted to do so, they could build all homes in the project as 1400 square foot homes.

Commissioner Fitzpatrick said that if they sold the property, the Development Agreement would still be in place.

Mr. Wright said they are using the Cottages at Chapel Park as a model where the square footage of the bulk of the homes is much higher than even 1600 square feet.

Commissioner Fitzpatrick said the homes in the applicant's Trailside development in Syracuse are smaller.

Mr. Wright said one home in The Cottages at Chapel Park is 1350 square feet because of the squeeze in the roadway and the detention basin.

Mr. Drake said the motion can be left as it stands, a motion can be made to reconsider the motion, a motion can be made to amend the motion, or the motion can be voided.

Chairman Esplin said a percentage should be put on the amount of homes that could be less than 1600 square feet. He mentioned a particular lot by the detention basin that may be difficult with the street light going in on Church Street and Fairfield Road.

Commissioner Fitzpatrick said a percentage option would be acceptable or the option for a minimum of 1600 square feet unless the physical side of the lot won't allow it.

Commissioner Hansen said he was okay with Staff reworking the Development Agreement.

Commissioner Pales recommended a motion that 80 percent of the all the homes would be 1600 feet or greater. If a home is less than 1600 square feet, it would be to accommodate a specific frontage issue with a square foot minimum of 1400 square feet.

Commissioner Hansen said that would take away a need they have to accommodate a buyer that doesn't want the 1600 square feet.

Mr. Wright said geography could cause a lot not to allow the single level floor plan. If the percent option is used, it would accommodate the market and have a bit of a range. He said if 80 percent of the homes had to be above 1600 square feet, six of the 32 lots would have the option to drop below 1600 square feet. If that didn't work for the applicants, they would have to come to the Planning Commission and City Council to amend the Development Agreement.

Commissioner Pales remarked that there were uncertainties at this point.

Mr. Wright said Staff had not reviewed a plat but had told the applicants they could not have more than 32 lots. The applicant would have the option to submit for fewer lots.

Mr. Drake said there was a motion pending and anyone could amend it.

There was no second on the amendment, so the amendment died.

Commissioner Harward asked why the choice was 80 percent of the homes above 1600 square feet.

Mr. Wright said an 80 percent restriction would generate a mix that would be acceptable for this type of development or neighborhood. He said, clearly, the Planning Commission wanted the majority to be at the 1600 square foot minimum.

Commissioner Harward listed four lots that could be impacted by the round-a-bout. He felt 80 percent was a feasible number.

Mr. Wright said if those are lots that have difficulty fitting bigger plans, the applicant would retain those lots for those who want a smaller square footage.

The question was asked if there could be a discussion with the developer before the request goes to the City Council. Chairman Esplin responded that it wouldn't be good to send the request to the City Council with concerns on the minutes. He felt the City Council needed a recommendation from the Commission.

Commissioner Gilbert made a motion to reconsider the original motion. Commissioner Harward seconded the motion and voting was unanimous.

Mr. Drake said the options now were to amend or void the original motion.

Commissioner Pales made a motion to amend the previous motion to state that the Planning Commission sends a positive recommendation to the City Council to approve the rezone subject to approval of the draft Development Agreement with the exception that at least 80 percent of the homes be 1600 square feet or more with the remaining 20 percent for geographical or market reasons with a base floor of 1400 square feet.

Commissioner Harward seconded the motion and the voting was unanimous.

Mr. Drake asked if the Planning Commission would like training on motions and bylaws. The Planning Commissioners responded that they would like the training.

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 Fitzpatrick seconded the motion, and the voting was unanimous.

The meeting adjourned at 8:57 p.m.



Julie Jewell, Planning Commission Secretary