

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
APRIL 23, 2013**

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

MEMBERS ABSENT: Chad Harward

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Gary Crane, Julie Jewell, and Councilmember Jory Francis

Commissioners Fitzpatrick and Hansen said they had attended the Utah APA training that involved form based codes. Commissioner Hansen said it seemed form based coding had been implemented in cities along the Wasatch Front and use of the form based codes had turned out well.

PUBLIC HEARING:

1. KAYSCREEK VILLAS GENERAL PLAN AMENDMENT AND REZONE REQUEST – GENERAL PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL AND REZONE REQUEST FROM B-RP (Business Research Park) to R-H PRUD – High Density Residential Planned Residential Unit Development

This 5.1 acre property is located at 312 West Gentile Street in a BR-P zone. The property owner, Trenton Taylor, is represented by the applicant, which is Hawks Management, Inc., represented by Jeff Hawkes.

City Planner, Peter Matson, presented the request for a General Plan Amendment from Low Density Residential to High Density Residential and a rezone request from B-RP to R-H PRUD.

Mr. Matson related the history of zoning on the property as follows:

R-S and PB Zoning

Prior to 2008, the subject property was zoned PB (Professional Office) on the front (south) portion and R-S (Residential-Suburban) on the rear portion. Historically, the R-S zoning covered the entire property with the P-B zoning placed on the front portion where the original Tanner Clinic was located. The clinic building later became a day care facility and ultimately a church prior to demolition in 2009.

R-2 PRUD Zoning – Townhomes of Gentile

In May of 2008, the Planning Commission reviewed a proposal to rezone the subject property from R-S (Residential Suburban) and PB (Professional Office) to R-M1 PRUD (Low/Medium Density Residential-Planned Residential Unit Development). The Planning Commission reviewed the proposed R-M1 PRUD zoning and determined that the lower density R-2 PRUD (Single and Two Family Residential-Planned Residential Unit Development) zone was a more appropriate fit for the site. The applicant agreed with the concept of the R-2 PRUD instead of R-M1 PRUD. On July 3, 2008 the City Council granted rezone approval for R-2 PRUD, with a concept plan for 56 townhome units at an approximate density of 11 units per acre.

On March 23, 2009 a new rezone application for the property was made to the City by the same applicants. The applicants were proposing that the property be rezoned to R-M1 PRUD to support a proposed apartment community. The Planning Commission held a public hearing for the R-M1 PRUD zoning proposal on May 12, 2009. Many surrounding property owners voiced their concerns about the proposed rezone. Their concerns ranged from increased traffic, safety for the children at Layton Elementary, historical integrity and proposed aesthetics for the apartment buildings. Based on concerns regarding the impacts of a 21-unit per acre apartment complex the Planning Commission forwarded a motion to the City Council to deny the rezone request.

The applicants decided not to pursue the rezoning for apartments to the City Council. The applicants met with City staff to consider their options, which did not include apartments. They felt their chances with the City Council were slim in getting rezone approval for an R-M1 PRUD zone. Zoning alternatives that would sustain office, medical or assisted living uses were discussed with the applicant and it was determined that the B-RP (Business-Research Park) zone could accomplish these possibilities, with restricting uses through a development agreement.

B-RP (Business-Research Park Zoning)

At the request of City staff, the applicants held an open house on July 27, 2009, to invite the surrounding residents and other property owners to review their new proposal. City staff was in attendance to answer any questions or concerns the residents may have as they related to zoning and the General Plan guidelines for the area. Many of the residents seemed accepting of the proposed B-RP zoning proposal and felt it would be less of an impact on their neighborhoods than apartments. Other residents were still unsure and wanted the property to remain residentially zoned.

The Planning Commission held a public hearing for the proposed B-RP zoning on September 8, 2009. Many of the surrounding property owners who attended the open house in July and seemed more positive of the concept plan and the B-RP zone expressed additional concerns in the Planning Commission meeting with the B-RP zoning proposal. Their concerns ranged from the type of uses allowed in the B-RP zone, traffic, proximity to the elementary school and the number of stories being proposed within the concept plan. A draft of a development agreement was brought before the Planning Commission which limited the type of uses allowed on this site. The Planning Commission felt the B-RP zone was a positive zone for the site based on the General Plan guidelines for this area and that development of the site would be regulated by a development agreement. The Planning Commission forwarded a positive recommendation to the City Council to approve the B-RP rezone and development agreement.

On October 1, 2009, the City Council approved the B-RP zoning that is presently on the subject property. Approval of the B-RP zoning was subject to the applicant entering into a Development Agreement intended to guide development of the property with regard to land uses, landscaping, building height, lighting, overall office square footage for the site, maximum traffic generation, architecture, and signage.

Mr. Jeff Hawkes of Hawks Development, the applicant, was at the meeting. The proposal is for Kays Creek Villas, which is a combination of two, three and four story apartment buildings for a 168 unit luxury senior

housing development. The applicant discussed a four story building on the back of the property, which is not likely due to height limitation.

Mr. Matson reviewed the site plan with accesses to Gentile Street and the circulation around the perimeter of the property with the parking area acting as a buffer around the property.

Mr. Matson said an adjustment to the PRUD ordinance recommended by the Planning Commission and approved by the City Council had lowered the maximum bonus density from 50 percent to 40 units percent. He said the R-H PRUD would allow for 24 to 33.6 units per acre. The 168 units would be approximately 33 units per acre, and a full 40 percent density bonus would be required to achieve that number of units.

Mr. Matson said Gentile Street is an arterial street. However, the operation of the street is a collector street. The street was widened in recent years not to add capacity, but to bring it up to standards. He said the General Plan recommendation for the area is low density residential 2-4 unit per acre density range.

Mr. Matson said when the R-2 PRUD and B-RP zoning was approved it was based on the written policy recommendation for transition type uses along an arterial street. He said often times when the Planning Commission and City Council has considered office use along an arterial street, a PB zoning is used because it is a less intense use rather than the B-RP.

He said that given the location and size of the property, the B-RP zone was used and the development agreement restricted the development to PB type use.

Mr. Matson asked the Commission to consider the City's limit on high density residential. Including the recently approved Legacy Cottages senior housing project on Adamswood Road, the City's high density housing stock is at 4.8 percent. An additional 168 units from the proposed project would push the City above the 5 percent ceiling.

Commissioner Bodily asked if there would be a possibility that eventually the proposed project could change from senior housing to regular apartments. Mr. Matson said a change such as that could come due to the 80 percent/20 percent Federal Fair Housing requirement and the development agreement recorded against the property mirroring that restriction. The property owner would be required to have approval from both the Planning Commission and City Council to amend a development agreement.

Commissioner Fitzpatrick took exception to the statement that the senior apartment complex wouldn't have an impact on the children at Layton Elementary. She said although it is restricted to people 55 years of age and above, there are a lot of factors that could add children.

Mr. Matson said he had heard from other developers that with a targeted project like this, they usually end up with an older population.

Mr. Matson related situations that should exist to warrant amending the General Plan:

1. Has the area changed so much that the existing zoning is no longer applicable for the area?
2. Was there a mistake in the General Plan?

Mr. Matson said this area has not changed. West of the railroad tracks the area is still low density as recommended by the General Plan.

Mr. Matson said when considering any type of multi-family housing, whether it is senior or market, it is important to take into account the adjacency to services. He said the proposed location is isolated from neighborhood commercial uses and services unless residents cross the tracks to go the neighborhood commercial located at East Gentile Street and Fairfield Road, or cross the tracks at King Street to go to North Main Street.

Mr. Matson said the applicant did hold a cottage meeting in February at Layton Elementary School and the Mr. Hawkes comments at the meeting as well as those of the residents were included in the Planning Commission packet. Mr. Matson also said the public notice signs are up and residents seem aware of the proposal.

Mr. Matson said the impact of the railroad tracks would be hard to escape. He said the buildings would have to be set back 60 feet from the rail corridor. He said quiet zones are in place so the honking of the horns at crossings should be minimized. He said that Staff was concerned about a concentration of people that close to the tracks.

Mr. Matson said Staff's recommendation is that the B-RP zoning is appropriate for the area and recommends that the Planning Commission forward a recommendation to the City Council not to approve the rezone request. If a residential use is desired, then Staff recommends that a medium density residential use be on this property. Commissioner Fitzpatrick remarked that there seemed to be a lot of senior housing and asked why there was a push for rental units versus townhomes to purchase. She said nice townhomes for seniors is a market missing in Layton. She said something should be considered other than a 168-unit rental property. She felt people wouldn't want to give up the equity in their homes.

Commissioner Fitzpatrick said the property not being close to services would be her biggest concern. She said that at least at Legacy Cottages, the residents could go to nearby Smith's and restaurants. She objected to this project because the residents would have to maneuver the railroad system to get to services.

Commissioner Weaver said that in a recent strategic planning session there was a lengthy discussion about maintaining zoning designations that would provide employment for Layton City residents. He asked Mr. Matson the difference between the current zoning and the proposed zoning and how it would impact any employment opportunities after the construction is completed.

Mr. Matson said that in the B-RP zoning development agreement, the back building could be considered for assisted living type uses. He said five acres of office space has an associated impact, particularly a medical use. The agreement tried to equate the average daily trips (ADT) for medium density of 800 daily trips to an office use. The development agreement for the B-RP zoning required that the daily trips be held to 800 daily trips. The B-RP zoning creates jobs whether medical or other types of office employment.

Commissioner Weaver said the existing zoning would be conducive to job generation which falls in line with the discussion at Strategic Planning Meeting to create jobs.

Commissioner Hansen said Layton City has done an excellent job over the years to modify the General Plan as needed. He said there must be a compelling reason to modify the plan considering the history of all the work that has been done to provide a variety of zoning and uses throughout the City.

Commissioner Hansen asked Jeff Hawkes, the applicant, what compelled them to move from a 21 unit per acre apartment project, which they decided not to do based on input from the Planning Commission, to B-RP zoning and then to a 33 unit per acre project.

Mr. Hawkes said he was a new partner on the property and not involved in the other actions. He said there was a lot of opposition to the 21 unit per acre project because it was a market grade apartment project and would have too high an impact on Layton Elementary School. He said that type of project performs differently on ADT's than a senior housing project. The developer segued to the B-RP zoning primarily because of the new hospital that was planned, but now the hospital is 5-10 years from being constructed.

Mr. Hawkes said there is a lot of demand for this type of housing with seniors being alone and single. He said the average age of someone in this type of housing product is about 75 years of age. Typically the apartments are filled with the demographic of seniors being done with property ownership and wanting social opportunities. He

said there is a rental need for this demographic. He said some others may want to keep up their homes and at 55 he doesn't see himself moving into this type of facility.

Commissioner Hansen said he has heard these arguments in other projects. He expressed concerns that the request was to go from a medium density to a high density project in an area that clearly doesn't have the ability to service that kind of concentration of senior citizens in that location. If it made sense, it would already be in the General Plan. He said there must be a compelling reason for the increased density when the project couldn't carry the valid arguments for 21 units per acre.

Mr. Hawkes said the 21 units per acre was a market rate project with young families, children, low income and increasing crime that those types of projects bring in.

He said the 33 unit per acre unit projects usually have 200 units with amenities such as a spa, recreation center, library, congregating room, and game room. He said they could drop to 135 units where it doesn't make economic sense. He said an amenitized project that is attractive to seniors drives the density. He said for management efficiency and amortizing the amenities over the units, the optimum is 200 units. He said that is why the leap from 21 to 33 units per acre. He said they plan a nice, well-constructed product with a lot of expense put in the amenities and important to this profile. In a market rate project, the amenities are not used that much.

Commissioner Fitzpatrick said the Seasons of Layton apartment is \$1100 a month for a two-bedroom apartment. She asked what the rent would be for this project with all the amenities.

Mr. Hawkes said the rent is \$1.35 a square foot with the typical apartment being 700 square feet (\$945 per month).

Commissioner Fitzpatrick asked if there would be services within the facilities such hairdressing and manicure, if there would have to be conditional uses to bring those uses to the seniors and she asked if those services could be allowed in a residential area.

Mr. Matson said that to a small degree, those uses can be expected in the club house. He said Staff would have to decide if they are ancillary uses.

Mr. Wright said the parking could be broken out to employees because the services would be to residents only rather both residents and public.

Commissioner Weaver asked about the mix of bedrooms. Mr. Hawkes said 80 percent would be one-bedroom apartments and 20 percent two-bedroom apartments. He said there is not a demand for young families to live in this type of project.

Commissioner Fitzpatrick asked if four stories are not allowed, how many units would be lost. Mr. Matson said a four-story building would exceed the height limit of the zone. Mr. Hawkes said they would be willing to eliminate the top story, which would take the unit count down to 154.

Commissioner Fitzpatrick asked where the two-story buildings would be oriented on the site. Mr. Matson said the community building would be a two-story building.

Mr. Hawkes said the development could work well at 154 units.

Mr. Matson said the elderly apartment category is a conditional use. The other services would be added as part of that conditional use. He said there could be a service room in the club house area.

Mr. Hawkes said they normally lease the space to the operators.

Commissioner Hansen said if the Village Center was there, the residents could go west and avoid the railroad tracks.

Commissioner Fitzpatrick said the Legacy Cottages will use the Legacy Villages transportation to transport the seniors to other places. Mr. Hawkes said there would be a van available with scheduled shopping visits. He said it would be a service oriented complex.

Commissioner Hansen asked if that opportunity could be restricted between 9:30 a.m. and 3:00 p.m. and mentioned the early morning and evening traffic. Mr. Hawkes said seniors avoid the peak hours.

Commissioner Weaver said he worked at the Parks and Recreation warehouse for several weeks. Any time through the day when the freight trains come through Layton, there's a lot of vibration and freight trains blow their horns. He said it is hugely distracting. Trying to have a senior center within rock throwing distance of the trains would be distracting and would be a deal breaker for him.

Commissioner Gilbert asked about the reduced amount of parking stalls. Mr. Matson said they were slightly over parked as there is a reduced parking requirement for seniors.

Commissioner Weaver asked if the existing house was empty.

Commissioner Hansen said he travels Gentile Street a lot and would love to see something happen on that property since it is an eyesore. He said he is still searching for a compelling reason to change the General Plan to accommodate strictly economics and marketing when there are other locations in Layton City where the General Plan would more readily accommodate a senior housing type of facility with access to services and not the noise of the trains up and down the tracks. He felt there could be a place where the density would allow them to reach the economic scale they are trying to reach.

Commissioner Fitzpatrick said she needed the traffic impact clarified and felt the traffic would be more like a decrease of 34.5 percent from the 800 ADT and not the 63 percent stated by the applicant and, therefore, not as great as indicated by the applicant.

Mr. Hawkes said their traffic opinion indicated 3.2 ADT per unit. He referenced Legacy Cottages projected as low as .9 ADT. He said that using the same data as Legacy Cottages, their proposal would be virtually 81 percent below the cap of 800 ADT for the B-RP zoning.

Mr. Matson said the Engineering Division would be requiring a traffic study for the proposed development.

Commissioner Hansen said traffic on Gentile Street would be a negative for this project versus a positive. Legacy Cottages is on a major arterial (Fairfield Road). While Gentile West Street is defined as an arterial street, its width is a collector. He said at certain times of the day, the area between Main Street and 2200 West, on Gentile Street is very congested, nearly a "parking lot."

PUBLIC REVIEW:

2. KENNINGTON PARKWAY PHASE 1 – FINAL APPROVAL

This 18.037 acre property is located at 725 South Angel Street in an R-S (Residential Suburban) zoning district. The applicant, Castle Creek Homes represented by Bryce Thurgood, is proposing 47 single family residential lots.

City Planner, Peter Matson, presented the request for final approval for Kennington Parkway Phase 1.

Mr. Matson said the property, just north of the Roberts Farms Subdivision, would be developed in two phases with Phase 1 on the eastern portion of the property. With this phase, the Layton Parkway right-of-way adjacent to the property will be constructed and match what has been done on the south side of Layton Parkway with the Roberts Farms Subdivision.

Commissioner Weaver asked if secondary water would be available, and Mr. Wright said it would be in the future and dry lines should be installed. Commissioner Fitzpatrick said there was a letter of approval from the irrigation company for secondary water.

Mr. Matson said there was lot averaging similar to other R-S subdivisions on the west side of Layton. Some flexibility in terms of setbacks and density is allowed due to the proximity to Layton Parkway.

Commissioner Weaver asked if there was a block length concern, and Mr. Matson pointed out the connections to the road from Roberts Farms and Pheasant Place subdivisions as well as Layton Parkway. He said a longer block length is allowed.

Mr. Matson said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Kennington Parkway Phase 1 subject to meeting staff requirements as outlined in staff memorandums.


Julie Jewell, Planning Commission Secretary

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MEMBERS ABSENT: Chad Harward

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Clint Drake, Julie Jewell, and Councilmember Jory Francis

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

APPROVAL OF THE MINUTES: Chairman Esplin called for a motion to approve the March 26, 2013 Planning Commission and Work Meeting Minutes. Commissioner Fitzpatrick noted corrections to the minutes as follows:

Work Meeting, Page 2, Paragraph 7 to read as follows: Commissioner Pales suggested that a regulation stating that all animals are to be kept indoors except for short walks and elimination outdoors.

Regular Meeting, Page 4, Paragraph 6 to read as follows: 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.

Commissioner Gilbert moved to approve the minutes as corrected. Commissioner Bodily seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

1. KAYSCREEK VILLAS GENERAL PLAN AMENDMENT AND REZONE REQUEST – GENERAL PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL AND REZONE REQUEST FROM B-RP (Business Research Park) to R-H PRUD – High Density Residential Planned Residential Unit Development

This 5.1 acre property is located at 312 West Gentile Street in a BR-P zone. The property owner, Trenton Taylor, is represented by the applicant, which is Hawks Management, Inc., represented by Jeff Hawkes.

Peter Matson, City Planner, presented the request for the General Plan Amendment and rezone. He said the request to amend the City's General Plan from a recommendation for low density residential with associated transitional buffer uses along Gentile Street to a high density residential use. This requested is coupled with a request to change the zoning from B-RP to R-H PRUD.

Mr. Matson said the subject property is on the north side of Gentile Street across the street from Layton Elementary school. He said the east property line is the Union Pacific rail line. R-1-8 zoning is the primary zoning surrounding the property.

Applicant, Jeff Hawkes, is requesting an R-H PRUD zoning proposal for Kays Creek Villas, a luxury senior housing community.

Mr. Matson gave a review of the previous and current zoning on the property as follows:

R-S and PB Zoning

Prior to 2008, the subject property was zoned PB (Professional Office) on the front (south) portion and R-S (Residential-Suburban) on the rear portion. Historically, the R-S zoning covered the entire property with the P-B zoning placed on the front portion where the original Tanner Clinic was located. The clinic building later became a day care facility and ultimately a church prior to demolition in 2009.

R-2 PRUD Zoning – Townhomes of Gentile

In May of 2008, the Planning Commission reviewed a proposal to rezone the subject property from R-S (Residential Suburban) and PB (Professional Office) to R-M1 PRUD (Low/Medium Density Residential-Planned Residential Unit Development). The Planning Commission reviewed the proposed R-M1 PRUD zoning and determined that the lower density R-2 PRUD (Single and Two Family Residential-Planned Residential Unit Development) zone was a more appropriate fit for the site. The applicant agreed with the concept of the R-2 PRUD instead of R-M1 PRUD. On July 3, 2008 the City Council granted rezone approval for R-2 PRUD, with a concept plan for 56 townhome units at an approximate density of 11 units per acre.

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The applicants decided not to pursue the rezoning for apartments to the City Council. The applicants met with City staff to consider their options, which did not include apartments. They felt their chances with the City Council were slim in getting rezone approval for an R-M1 PRUD zone. Zoning alternatives that would sustain office, medical or assisted living uses were discussed with the applicant and it was determined that the B-RP (Business-Research Park) zone could accomplish these possibilities, with restricting uses through a development agreement.

B-RP (Business-Research Park Zoning)

At the request of City staff, the applicants held an open house on July 27, 2009, to invite the surrounding residents and other property owners to review their new proposal. City staff was in attendance to answer any questions or concerns the residents may have as they related to zoning and the General Plan guidelines for the area. Many of the residents seemed accepting of the proposed B-RP zoning proposal and felt it would be less of an impact on their neighborhoods than apartments. Other residents were still unsure and wanted the property to remain residentially zoned.

The Planning Commission held a public hearing for the proposed B-RP zoning on September 8, 2009. Many of the surrounding property owners who attended the open house in July and seemed more positive of the concept plan and the B-RP zone expressed additional concerns in the Planning Commission meeting with the B-RP zoning proposal. Their concerns ranged from the type of uses allowed in the B-RP zone, traffic, proximity to the elementary school and the number of stories being proposed within the concept plan. A draft of a development agreement was brought before the Planning Commission which limited the type of uses allowed on this site. The Planning Commission felt the B-RP zone was a positive zone for the site based on the General Plan guidelines for this area and that development of the site would be regulated by a

development agreement. The Planning Commission forwarded a positive recommendation to the City Council to approve the B-RP rezone and development agreement.

On October 1, 2009, the City Council approved the B-RP zoning that is presently on the subject property. Approval of the B-RP zoning was subject to the applicant entering into a Development Agreement intended to guide development of the property with regard to land uses, landscaping, building height, lighting, overall office square footage for the site, maximum traffic generation, architecture, and signage.

Mr. Matson presented photos of the frontage of the property on Gentile Street. He said there was a single family home on the eastern portion of the property.

Mr. Matson said a conceptual plan is required with any PRUD zoning. He said the density range and bonus structure determines the final number of units that would be allowed. The applicant is proposing 2-3 story buildings on the Gentile Street frontage with accesses close to the east and west property lines. Vehicular circulation will be around the perimeter of the property. Covered parking, fully enclosed parking and surface parking will be on the eastern property line close to the community center. The building parallel to the rail road tracks had been proposed at four stories, however, due to height restrictions, this will not be possible. The unit count would then be brought down to 154 units from 168 units.

Mr. Matson presented the landscape plan and said parking calculations match or exceed those required for a senior type of dwelling on the property. He said the open space areas in the middle portion of the site would have amenities that would cater to the senior residents of the project.

Mr. Matson showed the design of the proposed buildings, which considered the architecture in the area.

Mr. Matson showed the R-2 PRUD townhome project layout that had been proposed at one time and did not include the property of the existing home as part of the project. He also showed the exhibit for the buildings proposed with the B-RP zoning and development. This project proposed two office building along the Gentile Street frontage and a third building on the rear portion of the property that could be office space or assisted living.

Mr. Matson said the existing development agreement associated with the B-RP zoning addresses the traffic issues and impacts that could come from an office use on the project and limits the Average Daily Trips (ADT) at full build out to 800 ADT. He said the square footage for the office buildings based on the use would be monitored as each building was submitted for approval so that the estimated trip generation would not exceed 800 trips.

Information from the applicant speculates that a typical office use would generate more traffic than 800 ADT, which is the limit set by the development agreement on the property. Mr. Matson said the applicant's submittal indicates that the proposed elderly housing project would generate 500-550 ADT.

Mr. Matson said the tracks are a solid dividing line between uses. East of tracks is the MU-TOD zone, which allows high density residential with orientation to the transportation at the Front Runner station. West of the tracks is a lower density single family area recommended by the General Plan, which is why a General Plan is being requested.

Mr. Matson said the General Plan recommends with regard to the R-H, that no more than 5 percent of the City's housing stock should fall into the R-H category. With recently approved multi-family projects as well as a recently approved senior housing project, the City is just under the 5 percent at 4.8 percent. The proposed project's 168 units would take the limit beyond the 5 percent recommendation. He said Staff recommends the Planning Commission take this into consideration.

Access to services and uses would require crossing the railroad tracks and at least a mile to convenient shopping services. As far as general planning and location criteria, those types of services are not within a convenient distance to this proposed property. Mr. Matson said Staff recommends the Planning Commission consider the impacts of the railroad tracks on the residents of a senior housing project.

Mr. Matson said Staff feels there is quality of design in this project; however, the B-RP zoning with the development agreement is compatible with the area. He said Staff recommends that the existing BR-P zoning should remain and that the Planning Commission should forward a recommendation to the City Council to not approve the proposed zoning that is before the Commission.

Chairman Esplin asked for Mr. Hawkes to give his presentation and then questions could be asked.

Jeff Hawkes, 4309 Foothills Drive, Bountiful, Utah, gave a PowerPoint presentation, which is included in its entirety at the end of these minutes. He said that a deceleration zone is required in front of the property, which would widen Gentile Street at that point. He spoke about the economics of the project as it related to the number of units and said they wouldn't approach a project unless they could make a little money. He said economics are a decision making variable in their formula. He felt an office project would not be viable until the hospital is built.

Mr. Hawkes spoke of his development team and said he was the developer, with Tom Stuart as the contractor, and Apartment Managing Company (AMC), specializing in operating and not owning properties.

Mr. Hawkes said the two biggest concerns with this property are the traffic impact and the impact to Layton Elementary School.

Mr. Hawkes said that using the signature list for the R-2 rezone on the property and a 1000 foot radius from the property, he created a mailing list for the cottage meeting. He said nine residents attended and felt the market rate apartments would have been more of an impact.

Commissioner Fitzpatrick asked if an assisted living facility on this location had been explored since the land is already zoned for and could accommodate that use.

Mr. Hawkes felt that an assisted living facility within the confines of the development agreement would only require two acres for development rather than the five acres that are available. He said he felt there was more economic demand for elderly apartments rather than assisted living. He said the five-acre parcel is challenging and a 500 unit assisted living facility, which is what would be required for five acres, couldn't meet the 800 ADT's.

Commissioner Hansen asked if the original plan was that the five acres would be a mixed use incorporating medical office and professional businesses with assisted living.

Mr. Matson said that the general thought was there would be flexibility to do that, or if the focus was on one use in particular, there would still be that traffic limitation of the development agreement.

With regard to the question of height in the proposed project, there is a maximum height and to get the square footage required, all the buildings need to be the two or three story buildings.

Commissioner Hansen asked about the conceptual plan for the townhomes, if there were townhomes in the front and office in the rear. Mr. Wright said it was all townhomes. He said the most recent mixed use proposal showed how the property would be utilized in order to meet a mix of uses of general office, medical office and assisted living. It was more thoughtful than what was just expressed about there being too much land to do the assisted living with the guidelines of the development agreement under the B-RP. He said they could have done lower

buildings with more open space as associated office park use versus an urban approach. He said Staff believes there is viability in the uses of the development agreement as arranged through the BR-P zone.

Mr. Hawkes said his architect didn't understand the 800 ADT's. He said he thought the plan the architect was showing at full layout of the whole property didn't show a complete understanding of the development agreement. They used the same traffic consultants as well.

Mr. Wright said they signed the development agreement, so they should have understood.

Mr. Hawkes asked if the consultants signed the development agreement. Mr. Wright said they were working on behalf of the owner who did sign the agreement.

Commissioner Hansen clarified that the City Engineer has specified that a new traffic study must be submitted.

Mr. Hawkes said the deceleration lane was not required for the B-RP project even though the traffic impacts would be higher than the senior housing project. He said the deceleration lane, which he feels makes a lot of sense, is required for the proposed senior housing even though the traffic impacts are 35 to 80 percent less.

Mr. Wright said the requirement for a deceleration lane would come with a development review of a specific project. When development occurred with the B-RP zoning, the traffic engineer could require the deceleration lane even though it wasn't specified in the development agreement. A traffic study will be required as well.

Commissioner Hansen said the deceleration lane would make sense.

Delaney Nalder, 600 West Gentile, said she understood the rights of the developers. She said she has three children who walk to school. She said the neighbors don't know what zoning is best. She liked senior homes over business. Her concerns were the safety of children, traffic issues on Gentile, and three-story buildings next to the single family homes.

Mrs. Nalder said the people who got the letters from the developer, got them the day of the meeting. The letters stated "senior luxury homes." Some people five houses away didn't get the letter. Others didn't come because the letter stated "senior luxury homes," rather than apartments. Mrs. Nalder also related her difficulties with the traffic on Gentile.

Other concerns expressed were about an underground stream that goes through the property and asked if there would be a geological study. He expressed concerns about the percentage of apartments in Layton, seniors living close to the railroad tracks and mobile home parks, and senior driving. He also expressed concerns about the apartments being eventually rented to a greater number of people who aren't seniors. He said that the current zoning for medical offices was not a good location. He really liked the patio home idea.

Bob Bennett, 418 West Gentile Street, representing the Tanner Family, said there are three irrigation lines that go through the property that service 12 homes in the area and drain in to the Layton Farms south and west of Gentile.

He said there was an underground stream that goes through the property from Kays Creek. Scott Smedley's house has a well in their front yard that goes in the stream. He said that he thought that any time there is a derailment on the track, it was because of the underground stream. He said that the vibration from the trains affects the stream and makes the ground move. He also said lower density and less traffic would be a lot better.

Chairman Esplin addressed the water concerns stating that water rights would be protected if the development goes forward.

Ned Iversen, 434 West Gentile, wanted to go on record that he is not against the project. He has concerns regarding the long term economic viability of the project. He wanted the project to be immensely successful because without adequate revenues, it may not be maintained. He said the project was billed as luxury senior living, but he can't picture someone who could afford to live somewhere else who would choose to live that close to the tracks. He said the ground shakes and the noise is bad. He said it might cause a lot of resident turnover. If the project is not viable long term, it becomes a community problem. He felt there should be alternative uses that could be on the property.

Linda Melaney, 376 West Gentile Street, expressed concerns about the second and third floor apartments and the noise and shaking from the trains. She felt senior living was an excellent idea, but not if the buildings were two and three stories. She said the noise on Gentile Street and traffic would be an issue for seniors. She asked if a public senior center could be incorporated. She felt the unit count was too high. She wanted a nice development with a nice wall between the development and her home like the previous developer promised.

Lori Schrader, 569 West Gentile Street, asked about the per month rental cost. Mr. Hawkes said 80 percent are one-bedrooms and 20 percent two-bedrooms at \$1.35 per square foot.

Ms. Schrader asked about the luxury services. Mr. Hawks said the services would be those such as a spa, salon, massage, hair, and meal delivery.

Ms. Schrader asked if any apartments would be government subsidized, and Mr. Hawkes said none of them would be government subsidized. Ms. Schrader asked about assisted living facilities on the project and Mr. Hawkes said there would not be any.

There was a discussion on future businesses that would be closer to the development, but Ms. Schrader said the residents wouldn't be able to get across Gentile Street.

Mr. Bennett said that the trains go 60 miles an hour versus the 40 miles an hour they should go in a residential zone. He asked if the City could ask for the trains to be slowed.

Beau Davis, 280 West Gentile, pointed out that last time there was a meeting on this property, he brought up the fact that the yellow outlining on the map, which is the property line for the development, goes through the middle of his house. He pointed out where the property line should be. He said his home shakes because of the trains, with the heavy trains coming in the night. He said he has to have high insurance on his property. Mr. Davis also spoke of the traffic difficulties on Gentile Street. He said he was not against a less populated project.

Mr. Matson said Staff would look into the property line issue, and Chairman Esplin said there would be a survey done with the project to make sure the property lines are correctly identified.

There was a discussion on the maximum height of 35 feet with the maximum R-2 height being 35 feet and two or three story buildings being 35 feet. Mr. Matson said that the B-RP has a higher height limit, but the development agreement restricted it to 35 feet.

Commissioner Fitzpatrick asked if a patio home development had been considered.

Mr. Hawkes said they had not. The senior housing is their first choice and that he was not a home builder. The property could be sold off to a home builder, but this is their preferred land use as owners.

Commissioner Fitzpatrick said the patio homes seem to be a hot commodity in Layton that reaches that age population.

Chairman Esplin called for a motion on the item and asked, per City Attorney Gary Crane, that the Commissioners review the Staff recommendation and then cite in their recommendation what helped the Planning Commission make their decision.

Commissioner Hansen moved that regarding the General Plan amendment request and rezone request that the Planning Commission forward a recommendation to the City Council to not approve the General Plan amendment and to deny the rezone request.

Commissioner Gilbert said that while the proposal looks like a very fine project, the property was approved for an R-2 PRUD townhome project and then reconsidered for a B-RP zoning with a development agreement. He said there has been great input from residents, the Council and Staff. He said the proposal comes back full circle to high density residential like starting over again. Commissioner Gilbert seconded the motion.

Since the recommendation needed to be made in two motions, Commissioner Hansen rescinded the original motion and Commissioner Gilbert withdrew the second on the motion.

Commissioner Hansen moved that the Planning Commission forward a recommendation to the City Council to not approve the General Plan amendment. Commissioner Gilbert seconded the motion, and the voting was unanimous.

Commissioner Hansen moved, based on the voting that took place on the General Plan Amendment to not approve the amendment, that the Planning Commission forward a recommendation to the City Council to deny the rezone request from B-RP to R-H PRUD. Commissioner Gilbert seconded the motion, and the voting was unanimous.

Commissioner Gilbert said Mr. Hawkes brought up a very good point on the raw land concerns. Commissioner Gilbert asked Mr. Hawkes what would happen with the maintenance of the property.

There was a discussion on the concerns regarding the foundation hole. Mr. Hawkes said they would keep the property grubbed. Assistant City Attorney, Clint Drake, said Staff would look into appropriate remedies.

Commissioner Gilbert said the property needs to be taken care of for the neighborhood.

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 Bodily seconded the motion and the voting was unanimous.

PUBLIC REVIEW:

2. KENNINGTON PARKWAY PHASE 1 – FINAL APPROVAL

This 18.037 acre property is located at 725 South Angel Street in an R-S (Residential Suburban) zoning district. The applicant, Castle Creek Homes represented by Bryce Thurgood, is proposing 47 single family residential lots.

City Planner, Peter Matson, presented the request for final approval for Kennington Parkway Phase 1. He said this phase was the east portion of a property recently rezoned from A to R-S. He said the development will include improvements for the Layton Parkway extension.

Mr. Matson said Phase 1 is being developed by Castle Creek Homes. The average lot size is equal to that of the 15,000 square foot minimum lot size of the lot averaged R-S zone.

Mr. Matson said the developer is required to participate with the City in the cost of the installation of the masonry wall and landscape buffer on Layton Parkway. The landscaping is required to be maintained by the Home Owner's Association.

Mr. Matson said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Kennington Parkway Phase 1 subject to meeting staff requirements as outlined in staff memorandums.

The applicant, Bryce Thurgood, was present at the meeting.

There were no questions or comments on the item.

Chairman Esplin called for a motion on the item. Commissioner Bodily moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Kennington Parkway Phase 1 subject to meeting staff requirements as outlined in staff memorandums. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

OTHER:

Commissioner Hansen asked about the businesses occupying the two buildings west of WalMart. Mr. Wright said one building would be occupied by a recreation business and that the other building had been purchased by Standard Plumbing. He said Standard Plumbing intends to have two other tenants in the building.

Chairman Esplin said the recreational use is still proceeding and that he had checked the business.

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

The meeting adjourned at 8:51 p.m.


Julie Jewell, Planning Commission Secretary