

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
SEPTEMBER 10, 2013**

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

MEMBERS ABSENT: Wynn Hansen, Robert Van Drunen

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Steve Garside, Marlesse Jones, Julie Jewell

PUBLIC REVIEW:

1. FOOTHILLS AT CHERRY LANE PRUD – FINAL APPROVAL

This 5.50 acre property is located at approximately 2100 East Oakridge Drive in an R-1-10 PRUD (Single Family Residential Planned Residential Unit Development – 2.59 acres) zoning district and in an R-M1 PRUD (Low/Medium Density Residential Planned Residential Unit Development –2.91 acres) zoning district. The applicant and owner, Brighton Homes Utah, represented by Patrick Scott is proposing 28 units.

Planner II, Kem Weaver, presented the request for final approval for the Foothills at Cherry Lane PRUD.

Commissioner Bodily asked if the City Council had commented on homes that were accessed off Oakridge Drive. Community & Economic Development Director, Bill Wright, said the Council had no questions on that issue and understood that the Planning Commission had explored the different design possibilities. He said the Council appreciated that the Planning Commission had considered and discussed the access off Oakridge Drive and understood that the developer had explored several designs to try not to have homes fronting onto Oakridge Drive.

Commissioner Fitzpatrick commented that on the landscape plan, there was an indication that Oakridge Estates was not recorded. Mr. Weaver said the plat was at the County waiting to record.

Commissioner Weaver asked if it mattered that the numbering plan in the landscape plan is different from the plat. Mr. Weaver responded that the plat will be recorded, not the landscape plan.

2. COTTAGES AT FAIRFIELD – FINAL APPROVAL

This 8.744 acre property is located at the northeast corner of Fairfield Road and Church Street in an R-1-6 (Single Family Residential Zoning District). The applicant, Ovation Homes, represented by Norm and Brad Frost, is proposing to develop 30 single family residential building lots.

Planner II, Kem Weaver, presented the request for final approval for the Cottages at Fairfield.

Commissioners Bodily and Fitzpatrick asked if Parcels A & B would be landscaped. Mr. Weaver said they would have grass. Commissioner Bodily asked if Parcel B would be removed to square off the Church Street and Fairfield Road intersection. Assistant City Attorney, Steve Garside, said it was less expensive to signalize the intersection rather than make 90 degree intersections.

3. THE VILLAS AT HARMONY PLACE PHASE 1C – FINAL APPROVAL

This 5.96 acre property is located at approximately 400 South 2500 West in an R-S PRUD (Residential Suburban Planned Resident Unit Development) zoning district. The applicant and owner, Perry Homes, represented by Jeff Taylor, is proposing 26 single family residential building lots.

Planner II, Kem Weaver, presented the request for final approval for The Villas at Harmony Place Phase 1C. He said The Villas at Harmony Place received preliminary approval in 2007. The preliminary plan was modified in 2009 to accommodate an LDS Church Site fronting on 2200 West.

Mr. Weaver provided an aerial showing the layout of the preliminary plat and pointed out the open space layout, walking paths, trees, bench/sitting areas and the church parcel. He said all homes should match those currently being built.

Commissioner Fitzpatrick pointed out that the numbering on the preliminary plat is different than the proposed phase. Mr. Weaver said the preliminary plat is usually different from the final plat.

OTHER:

Chairman Gilbert passed out a web feedback letter from a citizen who was at the August 27, 2013, Planning Commission Meeting. He said the citizen input from the e-mail provides an opportunity to discuss with the Commissioners how to handle future situations. The comment was regarding the B & R Rides conditional use request, and Chairman Gilbert said he thought the Commission went to great lengths to explain about the importance of the Fort Lane and Antelope Drive intersection and the building as it sits on the lot with no storage in the back.

Chairman Gilbert gave the Commissioners time to read the e-mail and then asked for comments.

Commissioner Bodily said he didn't think anyone took too sharp of an approach and just stated the facts regarding the comment that the applicant should just move in and do what he wants to do. He feels the code enforcement isn't great in Layton City. People get away with things unless certain people bring them up. He felt it was good for the Scouts to see the exchange of comments. He felt the citizen was allowed to have his opinion. He said the applicant needed to know that it wasn't an option to just do what they wanted.

Commissioner Harward said that it was his opinion that the biggest challenge to the Planning Commission and Council is to be emotionally neutral. There shouldn't be any emotions expressed at all. He said the Commission's job is to process the information and educate, and what the applicant chooses to do with that is their choice. He said when the Commission becomes emotional they enable the citizen, and granted, the citizens may bait the Commission, but the Commission needs to take the higher road. Commissioner Harward said that when a Commissioner says, "I take offense to that," they are engaging the citizen and the Commission will lose every time. It's not the Commission's place to have the applicant feel happy about it. It is the Commission's job to educate.

Commissioner Harward said the West Layton Village situation has escalated the citizen's watching to see if the Commission will be neutral and listen to the citizens. Listening means processing the data, to educate and to make sure they have had enough time to voice their opinions and then validate that their opinion is appreciated and will be taken under consideration. The three-minute time limit should be observed, and the Commission moderates the comments so the meeting isn't hijacked.

Commissioner Harward felt that in the moment at the B & R Rides review when the comments were made about taking offense, there was a dynamic emotional shift. The Commission has to be ultra careful about that because that is what the citizens want and then they'll escalate the situation and publish in the paper that the Commission doesn't listen.

He said that in a non-confrontational situation, emotions can also come into play when the Commission asks what it can do to help the applicant get into their business, but it is the applicant's responsibility to figure out how to get into the business under the circumstances allowable. If the applicant can't do business as he desires at this location, then he needs to find a location that will fit his needs. The Commission has to maintain a balance

between development and what is the long-term perspective of how the corner will look and be impacted overall. The Commission can't get into the emotional game.

Commissioner Harwood said that the Commission had all the advantages. The Staff recommended Site Plan 2 and perhaps the Commission should have asked why that was their recommendation. Staff will defer to the Commission. It is the Commission's job to make sure that all the critical bases have been heard in a neutral way, transfer the information and make a balanced decision based on the overall long-term perspective. He said he believed the Commission wanted to do that, but emotions got into the dynamics. There is a whole initiative going on with the election. The citizens are all over that and anything the Commission does emotionally can be skewed and blown out of proportion whether it is fair or true.

Commissioner Bodily wondered if the comments were politically based or if the person had a financial interest in the property. The person who commented had two rent payments that he was trying to resolve.

Chairman Gilbert asked if Commissioner Harward thought his comments were out of line. Commissioner Harward said he did not. Chairman Gilbert said it seemed to him that the gentleman wanted the property leased and wanted to spend the least amount of money to make it happen.

Chairman Gilbert said the Planning Commission makes the final decision on a conditional use. If granted with conditions, then those conditions protect the Commission in its decision and it is up to the City to enforce the conditions. His concern is that the attitude of applicants is sometimes to get what they want and do what they want.

Commissioner Fitzpatrick said she didn't feel the Commission was out of line and felt the man from Comfort Solutions who commented was not informed since he hadn't been to the previous meeting.

Commissioner Pales expressed a concern that the Comfort Solutions representative said that the applicant would do whatever he wanted and these were words that set up the Commission. He felt the man should have been told what would happen if the applicant went against the conditions. Using the words, "I take offense," causes a bad perception. He said that all things are subject to a person's perspective on the situation.

Commissioner Fitzpatrick said she felt she had done a good job of explaining the situation to the citizen.

Commissioner Harward said that whatever the Commission says, since they are public figures, is marketing material. The Commission has to pick the right words in the right context and right way. The best way to manage neutrality and diffuse the emotions is to stick with the original objectives and the data and keep taking the applicant back to the data. Rather than asking questions about what the applicant has tried to work out to get into the facility, the Commission needs to let the applicant work out his own issues and arrangements. It is not the Commission's job to negotiate. The Commission is responsible for traffic flow, safety and appearance and should keep taking the applicant back to the primary objective, which will keep the Commission out of emotional issues. Accommodating and going beyond what would normally be allowed and trying to minimize problems that can't be fixed by compliance is just a band aid. We must fix the root of code enforcement issues.

Commissioner Fitzpatrick felt that during the three years she had been on the Commission, the issues hadn't been addressed under the guidelines. She specifically referenced signs and truck parking especially from Friday at 5:00 p.m. to Monday at 8:00 a.m.

Commissioner Weaver said he feels it's okay to work with applicants. The person who wrote the e-mail felt like he was chastised and felt he was told Layton City's way or the highway. Commissioner Weaver felt the comments were inflammatory and untrue and said it's easy to comment anonymously on the web. He felt, however, that this could be a positive situation because the Commission has been given an opportunity to talk about how to be more efficient and effective. He felt it was good to work with business owners to bring them into compliance.

Chairman Gilbert mentioned the Midnight Euro Auto business and the number of cars parked on the lot and in the approaches. He felt enforcement was an issue.

Commissioner Fitzpatrick asked if there could be a training on code enforcement. She said that at one time, the complaint format for code enforcement was on the City website, but now citizens have to call dispatch with complaints. Commissioner Weaver agreed that a code enforcement training would be a good idea.

Assistant City Attorney, Steve Garside, said that with regard to previous comments, that as Commissioner Pales indicated, there is no such thing as reality. It's someone's perspective. The Commission hears the same comments over and over and can get calloused, but they have to be on guard. He said that Commissioner Harward's recommendation that the Commission not engage in discussions was a good point. The citizens' input should be accepted and they should be thanked and told that their comments will be taken into consideration.

Mr. Garside said some Commissioners, but not the Layton City Commissioners, have a side discussion between themselves during the main discussion. He said that would be inappropriate and all comments have to be under the permission of the Chair. The Commissioners must maintain neutrality and remember that they are there to make sure the request meets City code. The Commission has some leeway in the conditional use request process. He said the conditions have to be addressing an impact that the use is creating and the bounds of what the conditions address must not be overstepped.

Mr. Garside suggested that the viewpoint be taken of how one would feel if addressing the Commission. Sometimes the citizens are ultrasensitive because of stress. The Commission is the face of Layton City.

Commissioner Bodily said he felt the Commission listened to a lot of comments and didn't say much in response and then voted.

Mr. Garside said the Commission is in a very tough position. The Commissioners are on the Commission because of their background and their ideas are valuable. Public input can add value to the conversation. He suggested making discussions more collaborative.

Mr. Garside said if the Commissioners need more understanding of an issue, they should meet with Staff to discuss their questions.

Community & Economic Director, Bill Wright, said another criticism in the decision making process is that the Commission has made their decision before the audience comments. Body language can convey that. To avoid this perception, Commissioners should sit up straight and listen intently during the public hearing portion.

Chairman Gilbert said he was taken back when he read the comments. He thought the Commission did do a good job of explaining. The individual may have come late and didn't hear everything. The comment that he had been singled out had already been discussed and resolved.

There was no further discussion.



Julie K. Jewell, Planning Commission Secretary

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Chairman Gilbert called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Weaver.

APPROVAL OF THE MINUTES: August 13, 2013

Chairman Gilbert called for a motion to approve the August 13, 2013, Planning Commission and Work Meeting minutes. Commissioner Fitzpatrick moved to accept the minutes as written. Commissioner Harward seconded the motion, and the voting was unanimous.

Chairman Gilbert pointed out and explained the citizen comments guidelines on the back of the agenda.

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

PUBLIC REVIEW:

1. FOOTHILLS AT CHERRY LANE PRUD – FINAL APPROVAL

This 5.50 acre property is located at approximately 2100 East Oakridge Drive in an R-1-10 PRUD (Single Family Residential Planned Residential Unit Development – 2.59 acres) zoning district and in an R-M1 PRUD (Low/Medium Density Residential Planned Residential Unit Development –2.91 acres) zoning district. The applicant and owner, Brighton Homes Utah, represented by Patrick Scott is proposing 28 units.

Planner II, Kem Weaver, presented the request for final approval for the Foothills at Cherry Lane PRUD. On August 15, 2013, the City Council approved the preliminary plat of the Foothills at Cherry Lane PRUD. The applicant, Brighton Homes, is requesting final plat approval for two phases. Phase 1 will consist of the R-1-10 portion of the development and will have 19 patio home lots on 3.12 acres. He pointed out the stub street at 1200 North from the Foothills at Cherry Lane Subdivision. He also pointed out the other streets. Phase 2 will have 9 patio home style lots on 2.38 acres. The Foothills at Cherry Lane PRUD will have a total of 28 lots. The majority of the common area will be in Phase 2 because of the pipeline easements with strong restrictions with regard to structures and landscaping. The pipelines are buried at a depth of about 2-4 feet.

Mr. Weaver said the building elevations have been updated from the Design Review Committee recommendations, adding additional trees along the west boundary and along Oakridge Drive, changing the mulch area around the foundations from three feet to two feet, and addressing the home elevations. He explained the design elements.

Mr. Weaver said a Home Owners Association (HOA) will be organized through covenants and bylaws to maintain the common areas of the PRUD. The HOA has a responsibility to maintain the private streets and utilities in the private streets.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final approval to the Foothills at Cherry Lane PRUD subject to the applicant meeting all Staff and DRC recommendations.

Commissioner Weaver asked if Brighton Homes Utah was open and receptive to the DRC suggestions. Mr. Weaver said they were very open to the suggestions and have incorporated those recommendations.

Commissioner Fitzpatrick asked about trees on the side of the existing single family homes. Mr. Weaver said there would trees be and there would also be a six-foot solid vinyl earhtone fence.

There was no public comment.

Chairman Gilbert called for a motion on the item. Commissioner Bodily moved for the Planning Commission to forward a positive recommendation to the City Council to grant final approval to the Foothills at Cherry Lane PRUD subject to meeting all Staff requirements. Commissioner Harward seconded the motion and the voting was unanimous.

2. COTTAGES AT FAIRFIELD – FINAL APPROVAL

This 8.744 acre property is located at the northeast corner of Fairfield Road and Church Street in an R-1-6 (Single Family Residential Zoning District). The applicant, Ovation Homes, represented by Norm and Brad Frost, is proposing to develop 30 single family residential building lots.

Planner II, Kem Weaver, presented the request for final approval for the Cottages at Fairfield. He showed an aerial photograph of the 8.744 acres property for which 30 single family lots are proposed in the R-1-6 zone. He said the density would be 3.43 units per acre which meets the General Plan guidelines.

Mr. Weaver said the Cottages at Chapel Park also built by Ovation Homes is almost at buildout and the proposed units will be similar, which is a single story slab on grade type home marketed toward senior adults. He said the property owner will be responsible for maintaining the side and back yards. The HOA will maintain the front yards, the private street and the utilities. The public street will be maintained by Layton City.

The developer will be required to install a five-foot landscape buffer on Church Street and Fairfield Road with trees every 25 feet on center. Parcels A & B will be landscaped with sod and will be maintained by the HOA. A portion of the property in the extreme northwest corner of the development is in the Accident Potential Zone (APZ) easement. The buildable areas for the homes are outside the APZ easement. Hill Air Force Base said they had no concerns with the development.

Mr. Weaver said that based on this information, Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final approval subject to meeting all Staff requirements.

Commissioner Weaver asked when the traffic control signal would be installed. Mr. Weaver and Mr. Wright said there was no immediate time frame, but the signal is in the City's five-year Capital Improvement Plan.

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

Chairman Gilbert called for a motion on the item. Commissioner Pales moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plat subject to the applicant meeting all Staff requirements. Commissioner Bodily seconded the motion, and the voting was unanimous.

3. THE VILLAS AT HARMONY PLACE PRUD PHASE 1C – FINAL APPROVAL

This 5.96 acre property is located at approximately 400 South 2500 West in an R-S PRUD (Residential Suburban Planned Resident Unit Development) zoning district. The applicant and owner, Perry Homes, represented by Jeff Taylor, is proposing 26 single family residential building lots in Phase 1C.

Planner II, Kem Weaver reviewed the history of The Villas at Harmony Place development. He showed how the original configuration was changed to accommodate the LDS Church site, and this amended preliminary plat was approved by the City Council. He also gave an overview of each phase and pointed out the common areas with walking paths, trees, grass and seating areas. He said all common areas must match the landscape plan for the development and be maintained by an HOA. Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final approval to The Villas at Harmony Place Phase 1C.

Commissioner Fitzpatrick asked about the school proposed for the development. Mr. Weaver pointed out the school site, which has been purchased by Davis School District. He pointed out the trail system that would connect the school to the subdivision.

There was a discussion regarding the Layton Parkway wall. Mr. Weaver said that because Perry Homes was vested in the property, the City would participate in the cost of the wall. Mr. Wright said the City would participate in the cost of the fence upgrade from a vinyl fence to the permanent stone wall. Perry Homes will build half of the road and the oversizing will result in a participation or payback from the City.

There were no audience questions.

Chairman Gilbert 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 subject to meeting all Staff requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

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

The meeting adjourned at 7:23 p.m.



Julie K. Jewell, Planning Commission Secretary