

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

OCTOBER 14, 2014

**MEMBERS PRESENT:** Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Randy Pulham, Dave Weaver, L.T. Weese

**MEMBERS ABSENT:** Brian Bodily, Robert Van Drunen

**OTHERS PRESENT:** Staff Members: Peter Matson, Kem Weaver, Tyson Willis, Chad Thomas

City Planner, Peter Matson, welcomed Chad Thomas, CDBG Specialist, who was filling in for Planning Commission Secretary, Julie Matthews.

Mr. Matson began the meeting explaining the issue with the public notice for the Planning Commission meeting. Since the meeting was not adequately noticed, it would have to be rescheduled to a later date. Staff proposed moving it to Thursday, October 16, 2014, since the Commission would already be present for a joint meeting with the City Council. Public comments would be taken if there were any. The meeting would be presented this evening with a discussion and comments taken. The Public Review and Public Hearing would be closed with a vote to be taken on Thursday evening.

Commissioner Gilbert said as discussed, the Land Use Authority ordinance would be indefinitely postponed.

Mr. Weaver explained that with regard to Daniel's Canyon annexation, the Council has accepted the annexation which was accepted and certified by the City Council on September 18, 2014. The annexation would not increase or decrease the number of lots.

Commissioner Fitzpatrick brought up an issue with sidewalk setbacks/right of ways within neighborhoods. The subdivision in which she lives has a sidewalk placement issue, and she knows of another subdivision with the same problem. She believed these mistakes are costly and should be caught earlier in the process. She asked Staff what Staff and the Commission could do to remedy this problem. This issue was discussed by Staff and the Commission.

The Commission accepted the proposal to meet on Thursday, October 16, 2014, at 5:30 p.m.

## **PUBLIC HEARING:**

**1. TITLE 19.18 – CHANGING FROM A BOARD OF ADJUSTMENT TO AN APPEAL AUTHORITY** -- Ordinance Amendment – Title 19 (Zoning), Chapter 19.18 “Board of Adjustment” Replacing the Board of Adjustment with a Land Use Appeal Authority – Ordinance 14-09; Ordinance Amendment – Various Sections of the Layton Municipal Code - Changing all references of “Board of Adjustment” to “Land Use Appeal Authority” – Ordinance 14-10

**2. DANIEL’S CANYON ANNEXATION AND REZONE REQUEST A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL)**

This 2.143 acre property is located at approximately 1300 North 3300 East. The applicant and owner is River Ridge Partners, LC represented by Mark Thayne.

Planner II, Kem Weaver, explained that the reason for the annexation was to correct the plat by including areas that were left off the original annexation, but are contained in the Daniel's Canyon Subdivision plat.

## **PUBLIC REVIEW:**

### **3. OLD FARM AT PARKWAY SUBDIVISION PHASES 3 & 4 – FINAL APPROVAL**

This 4.54 acre property is located at approximately 800 South 800 West in an R-1-8 (Single Family Residential) zoning district. The applicant and owner is F4 Development (Owen Fisher) represented by Phil Holland. The applicant is proposing 15 single family building lots.

Planner II, Kem Weaver, presented the request for final approval for Old Farm at Parkway Subdivision Phases 3 & 4. Commissioner Fitzpatrick noted the Engineering Division comment that letters of acceptance were required from homeowners before the preconstruction meeting. She asked why the sidewalk issues were not being caught before the plat recording.

Mr. Weaver said the notation most likely applied to Phase I where there was a survey error that caused the sidewalk issue.

Tyson Willis, Associate City Attorney, said the sidewalk was in the public right of way (in the parkstrip) and not on a homeowner's property.

Mr. Weaver said the contractors are supposed to follow the construction drawings approved at the preconstruction meeting. He said the sidewalk is not put in until the homes are built to avoid damage during construction and the builders are not following the plans at that point. The next home may follow the same line.

Commissioner Fitzpatrick asked at what point these errors are failing to be caught. It is a huge expense to the homeowner.

Mr. Weaver said it would be the builder's expense to correct errors.

Commissioner Fitzpatrick said in her case, it is an easement issue. Either an easement is given to the City or the sidewalk has to be moved and landscaping re-installed at considerable expense. She said Roberts Farms 6 also had that issue.

Commissioner Hansen commented that those items were checked off on the final inspection for his home.

Commissioner Weese commented on an issue in Hooper where the builder just eyeballed the fence location.

Mr. Weaver said when Planners check the building permit, they note the width of the park strip and sidewalk which determines the setback. He said the building inspectors check the site plan against what is on the ground. He said he would talk with the Building Official to see how the inspectors are checking the sidewalk/park strip issues and make sure they measure off the site plans.

There was a discussion on the cost of correcting the mistakes.

Commissioner Fitzpatrick asked if there was secondary pressurized water in Old Farm at Parkway or if the comment in the Engineering memo was just in anticipation of it in the future. Mr. Weaver said that Kayscreek Irrigation was going to bore under the freeway and has indicated the irrigation should be available in 2015.

Commissioner Weaver asked about the seven restricted lots and if the "R" designation should be added to lots 401 and 407. Mr. Weaver said that was correct and he would make sure it was on the final mylar.

Commissioner Fitzpatrick asked if the reason the Davis County Flood Control signature could be taken off the plat was because they no longer had control and FEMA had the control. Mr. Weaver explained that the flood is FEMA's jurisdiction, Davis County Flood Control still maintains the creek but they will not sign the plat.

Councilmember Day said he had a complaint from Tyson Roberts who lives by this phase. He said the fencing had not yet gone in on the previous phase and he wanted to make sure the fencing went in on time in this phase.

Mr. Weaver said Staff had talked to Henry Walker Homes twice about getting the fencing installed. He said that building permits could be held until the fencing is installed.

Mr. Matson asked what part of the Roberts' property Phase 2 touches. Mr. Day said it touches the farmyard area. Mr. Matson said they would check to see if the fencing was just designated for the farmland itself and not around the house. Mr. Roberts feels the entire property is farming.

Mr. Matson said the fencing is to maintain a separation between homes and an agriculture use.

  
Minutes transcribed by Julie K. Matthews, Planning Commission Secretary

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**MEMBERS ABSENT:** Brian Bodily, Robert Van Drunen

**OTHERS PRESENT:** Staff Members: Peter Matson, Kem Weaver, Tyson Willis, Chad Thomas for Julie Matthews, Planning Commission Secretary

Chairman Gilbert called the meeting to order shortly after 7:00 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Pulham.

A group of Boy Scouts was introduced.

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

### **PUBLIC HEARING:**

City Planner, Peter Matson, noted that Item #1 would be tabled to a future date.

Mr. Matson explained the noticing requirements for a Public Meeting for holding this meeting and the agenda items. The individual items have been noticed properly. With a Monday holiday and some Staff members on vacation, the 24-hour notice requirement for the meeting did not take place. He recommended that the agenda items be reviewed. Six of the seven Planning Commissioners members present would be present at a joint City Council and Planning Commission Meeting on Thursday, October 16. He said Staff recommends that the Commission vote on the items at 5:30 p.m. on Thursday.

Chairman Gilbert said the items would be reviewed and questions taken during this current meeting. Associate City Attorney, Tyson Willis, said that the votes to continue the items to Thursday, October 16, 2014, should be done individually.

**1. TITLE 19.18 – CHANGING FROM A BOARD OF ADJUSTMENT TO AN APPEAL AUTHORITY -- Ordinance Amendment – Title 19 (Zoning), Chapter 19.18 “Board of Adjustment” Replacing the Board of Adjustment with a Land Use Appeal Authority – Ordinance 14-09; Ordinance Amendment – Various Sections of the Layton Municipal Code - Changing all references of “Board of Adjustment” to “Land Use Appeal Authority” – Ordinance 14-10**

Chairman Gilbert said Item #1 would be postponed to an indefinite date. He called for a motion on the item. Commissioner Fitzpatrick asked if the item needed to be brought up again on Thursday night, October 16, 2014.

Mr. Willis said that the item should be tabled to Thursday, August 16, and then would need to be brought up on the Thursday night meeting and tabled to an indefinite date. Commissioner Fitzpatrick said she would not make a motion because she would be absent on Thursday night.

Commissioner Weaver moved that the Planning Commission defer any action on item #1, changing from the Board of Adjustment to an Appeal Authority until the Commission reconvenes on Thursday, October 16, 2014. Commissioner Nilsson seconded the motion and the voting was unanimous.

**2. DANIEL'S CANYON ANNEXATION AND REZONE REQUEST A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL)**

This 2.143 acre property is located at approximately 1300 North 3300 East. The applicant and owner is River Ridge Partners, LC represented by Mark Thayne.

Planner II, Kem Weaver, said the property proposed for annexation is a combination of parcels measuring at 2.143 acres. He pointed out the annexation area consists of three separate parcels that were discovered not to have been annexed into the City when the Daniel's Canyon Subdivision plat was reviewed at the County for recording. These areas need to be annexed into the City before the subdivision plat can be recorded.

He said the rezone request is to rezone the property to R-1-10, Single Family Residential, which is in compliance and the same zoning as the Daniel's Canyon Subdivision. The Daniel's Canyon annexation petition was accepted and certified by the City Council on September 18, 2014. He said the R-1-10 zoning is consistent with the General Plan recommendation of single family residential of 2-4 units per acre. The zoning in the surrounding area is also R-1-10.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant approval of the annexation request and rezone to R-1-10 subject to meeting all Staff requirements.

There were no questions from the Commission or the audience.

Chairman Gilbert called for a motion on the item.

Commissioner Hansen made a motion to postpone any action on this item until the meeting on Thursday, August 16, 2014. Commissioner Weese seconded the motion, and the voting was unanimous.

Chairman Gilbert called for a motion to close the Public Hearing and open Public Review. Commissioner Hansen moved to close the Public Hearing and open Public Review. The motion was seconded by Commissioner Nilsson. The voting was unanimous.

**PUBLIC REVIEW:**

**3. OLD FARM AT PARKWAY SUBDIVISION PHASES 3 & 4 – FINAL APPROVAL**

This 4.54 acre property is located at approximately 800 South 800 West in an R-1-8 (Single Family Residential) zoning district. The applicant and owner is F4 Development (Owen Fisher) represented by Phil Holland. The applicant is proposing 15 single family building lots.

Mr. Weaver presented the request for final approval. He said that on January 24, 2012, the Planning Commission approved the preliminary plat of what was then titled Roberts Creek Subdivision and is now called

Old Farm at Parkway Subdivision located at approximately 800 West 800 South. Similar residentially zoned land is to the north, east and agricultural uses are to the west in unincorporated Davis County.

Mr. Weaver said the plat for Phase 3 will consist of 15 lots on 4.54 acres with each lot being greater than 8,000 square feet in size. The frontage of each lot meets the frontage requirements of the R-1-8 zone.

The plat for Phase 4 will consist of 7 lots on 2.09 acres with each lot being greater than 8,000 square feet in size. Parcel A is a required detention basin located at the southwestern edge of Phase 4. Maintenance of this detention basin is the responsibility of the Old Farm at Parkway homeowners association. All seven lots in this phase will be classified as "restricted" lots and are required to meet FEMA flood plain regulations and be approved by FEMA prior to building permits being issued. These lots back onto Kayscreek and are required to meet FEMA's new flood plain guidelines. The Kayscreek trail easement and trail will be located at the rear of these lots within a 20 foot easement along the Creek. The trail will be developed by the developer and maintained by the City.

Mr. Weaver said that based on this information, Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the final plats for Old Farm at Parkway Subdivision Phases 3 and 4 subject to meeting staff requirements as outlined in staff memorandums.

Commissioner Hansen asked when the seven lots would be noted as restricted. Mr. Weaver said that before the final mylar is printed, the lots will be noted as "R" restricted lots. Commissioner Hansen asked if that notation needed to be included in the motion, Mr. Weaver replied that it would be taken care of by Staff.

Commissioner Weaver asked where the detention basin was located. Mr. Weaver said it was in Parcel A by lot 407. Commissioner Weaver asked about the maintenance by the homeowner's association. Mr. Weaver said the detention basin would be landscaped with grass and trees.

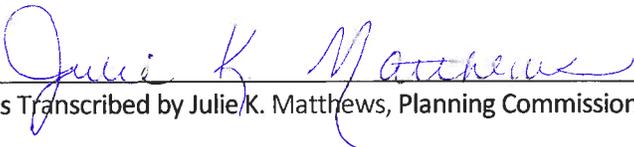
Commissioner Nilsson asked where the fencing would be. Mr. Weaver said a minimum six foot chain link fence with a top rail would be on the western boundary. He pointed out another area that may need a chain link fence if there is agriculture use on the property. There would not be both chain link and vinyl. The fence has to be put in within 30 days of ground being broken. The fence keeps debris out of the fields where the farmer is trying to grow crops. He also pointed out the lots in Phase 3.

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

Chairman Gilbert called for a motion on the item. Commissioner Weaver moved that the Planning Commission postpone their vote on this agenda item until they reconvene on Thursday, October 16. The motion was seconded by Commissioner Pulham. The voting was unanimous.

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

The meeting adjourned at approximately 7:28 p.m.

  
Minutes Transcribed by Julie K. Matthews, Planning Commission Secretary