

**LAYTON CITY PLANNING COMMISSION SITE VISIT MEETING MINUTES
MARCH 10, 2015**

MEMBERS PRESENT: Brian Bodily, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Randy Pulham, Robert Van Drunen, Dave Weaver

MEMBERS ABSENT: Dawn Fitzpatrick, L.T. Weese

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Weston Applonie, Woody Woodruff, Stephen Jackson, Devin Grigsby, Julie Matthews

City Council Members: Tom Day, Joy Petro

City Planner, Peter Matson, welcomed the site visit attendees. He introduced the Staff and Mike Flood, the developer. Mr. Matson reviewed the site plan and the different housing types. He said that 157 townhomes had been proposed when the property was rezoned. This number was reduced to 52 townhomes. He said 76 cottages homes with basements were proposed and 140 single family homes.

Commissioner Weaver asked if the townhomes would all be owner occupied, and Mr. Matson replied in the affirmative. However, CC&R's may control a certain percentage than can be rented.

Mr. Matson outlined the access points to the subdivision and said that the Emerald Drive connection would be an important connection from Cherry Lane to Gordon Avenue.

With regard to traffic, Mr. Matson said a traffic study had been done and the traffic engineer would be at the public meeting to answer questions.

Planner II, Kem Weaver, said the property will be graded in phases for slope stability. He said that during the last six years, geotechnical studies have been done to resolve concerns with mass grading, which would be done with cuts and fills. He explained retaining walls that would be constructed including a wall along the creek.

Mr. Matson said the household size averages would be 3.2 for the patio homes, 3.8 for the single family and 2.8 for the townhomes.

Commissioner Weaver asked about grading preparations beginning with the first phase. The developer, Mike Flood, said there are situations to resolve when borrowing soil from one area to fill another. He described the number of feet some of the areas had to come down in elevation. He said there has to be a balance during grading by moving the driving forces that cause slides, which removes the instability.

Commissioner Bodily asked about the dark areas on the drawings. Mr. Flood pointed out the initial phase of the mass grading.

Commissioner Hansen asked about the number of phases. Mr. Flood said the preliminary plat would be submitted for the entire site. He anticipated the first phase would consist of the townhomes and a small cottage home phase. He said the completion of the phases would be market driven and that grading would be done in phases as well.

Commissioner Weaver asked about dust mitigation. He said the City has quite an extensive ordinance requiring contractors to maintain dust and abide by OSHA rules. He asked if the City would enforce the rules and City Engineer, Woody Woodruff, said the SWPPP inspector would monitor the site. He said water was the key to dust control.

Mr. Flood said there would be 2-3 watering stations on the site and the site would be continually sprayed. He said there would also be a rejuvenation plan for the graded areas.

With regard to interfacing with the schools in the area, Mr. Matson said the school district has been aware of this development for some time. Mr. Flood said he had spoken with school district personnel who said there is plenty of occupancy in schools in this area. He said there may be a lot of empty nesters buying these homes.

Commissioner Van Drunen asked with which phase the nature park would be developed. Mr. Flood said that as the subdivision is developed, a pro rata share of the park would be developed. He said it is likely that the cost of the park development would be put in escrow as the subdivision is developed and then the park would be developed all at once.

Commissioner Weaver asked if the park would be irrigated and Mr. Flood said it would not.

Commissioner Van Drunen asked if the market slowed, would the park not be built.

Mr. Matson said there was a portion of the improvements in which the City would participate.

Commissioner Van Drunen asked when the park would be developed, and Mr. Flood speculated it would be in the middle of the process.

Mr. Flood said they would not be redirecting the stream as originally planned. He said there was not enough public support.

The meeting adjourned at 5:12 p.m.



Julie K. Matthews, Planning Commission Secretary

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
MARCH 10, 2015**

MEMBERS PRESENT: Brian Bodily, Wynn Hansen, Brett Nilsson, Randy Pulham, L.T. Weese, Robert Van Drunen, Dave Weaver

MEMBERS ABSENT: Dawn Fitzpatrick, Gerald Gilbert

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Weston Applonie, Steve Garside, Julie Matthews

City Council Members: Tom Day, Joy Petro

PUBLIC HEARING:

1. MORGAN/BONE/ALLRED DEVELOPMENT AGREEMENT, ANNEXATION AND REZONE

This 32.968 acre property is located at approximately 200 South 3200 West. The request is to annex and rezone the property from A (Agriculture) to R-S (Residential Suburban) with an annexation agreement. The property owners are Clyde B. and Lottie S. Morgan, Lee and Ruth Bone Family LLC and Sarah Allred-Trustee. They are represented by Cameron Scott from Destination Homes.

City Planner, Peter Matson, presented the request for annexation and rezone. He gave an overview of the location and explained street connectivity. He said the requirements for culinary water connections would be met by looping a system from Overlook Drive. Other street connections are being considered.

Mr. Matson said the development is consistent with General Plan Recommendations for the area. He said there would need to be a motion for the annexation agreement, the annexation and the rezone.

2. GREYHAWK PARK ANNEXATION

This 10.24 acre property is located at approximately 3500 North Redtail Way (2100 East). The request is to annex the property for the development of a district park. The property owners are Layton City and Wasatch Integrated Waste Management.

Mr. Matson presented the annexation request for a 10.24 acre property for a neighborhood park in the very northeast portion of the city. The default zone is agriculture. The park was planned with the Greyhawk Development. The City didn't own the park property at the time but now owns the majority of the property with a small portion owned by Wasatch Waste Integrated Management on the east end where the microwave tower is. That entity signed the annexation petition.

Commissioner Nilsson asked about the access, which Mr. Matson said comes right off Redtail Way (2100) into the park property. It will be a typical neighborhood park with tennis, basketball and open play areas.

Assistant City Attorney, Steve Garside, explained the history of the placement of the park due to private property owner preferences.

PUBLIC REVIEW:

3. HOLMES BUSINESS PARK COMMERCIAL SUBDIVISION PLAT AMENDMENT & CONDOMINIUM PLAT

This 1.53 acre property is located at 952 South Main Street in a C-H (Highway Regional Commercial) zoning district. The applicant and owner, Sterling Homes, is proposing this division to create two parcels (Lot 2A .88 acres and Lot 2B .65 acres) with the building on Lot 2A being divided into five (5) condominium suites. The property owner is represented by Travis Nokes.

Planner I, Weston Applonie, presented the request for the commercial subdivision plat amendment and condominium plat. He said the applicant, Sterling Homes, is requesting approval to record an amendment to the Holmes Business Park plat and also to condominiumize one of the buildings. He said Both buildings were built to meet the parking requirements for general office and the requested plat amendment is in compliance with current City code. Mr. Applonie reviewed the parking requirements.

Mr. Applonie said there are five suites in the condominium, and covenants are required to be recorded with the plat to provide direction for the responsibility of the maintenance of utilities, parking and common areas.

Commissioner Weaver asked if the covenants are completed and if the owners are in agreement. Mr. Applonie said the covenants are completed. At this time there is only one tenant who is in agreement with the CC&R's.

Commissioner Nilsson asked about the fencing on the back area. Planner II, Kem Weaver, said they will be installing a chain link fence with slats in the future and have signed an agreement with the adjacent property owner.

4. ANGELIKA PAXMAN – REQUEST FOR A PARCEL SPLIT

This 2.68 parcel is located at approximately 2500 East 475 North in an R-1-10 (Single Family Residential) zoning district. Parcel 1 is proposed to contain 1.38 acres. A single family home is currently on Parcel 2, which contains 1.30 acres. The applicant and owner is Angelika Paxman.

Planner II, Kem Weaver, presented the requested for this parcel split, which had been tabled at the previous Planning Commission meeting. The reason Staff had asked the Planning Commission to table the meeting was because of an illegal parcel split involving the property. The previous property owner, Jere Weiderholt owned a larger parcel containing the 2.68 acre parcel, which he sold to the Paxman's. Prior to the sale of the 2.68 acre parcel, he illegally split a parcel off for himself.

When the Paxmans purchased the property, they did so under the understanding with Mr. Weiderholt that the Paxmans would extend the street from Red Fox Ridge and curve it around and connect with the landlocked piece, and he wouldn't participated in the improvements in that street. However, based on the requirement of the geotechnical report requiring a 120 foot setback from the edge of the sloped, the Paxmans decided to just build their single family home on the stub street from Red Fox Ridge, which leaves Mr. Weiderholt's property landlocked since the road won't go through. If development occurs from Chadwick Farms, he may be able to get a private drive back to that piece of property.

Rather than continue to encumber the Paxman's property the City will go forward with their parcel split request and continue to work with Mr. Weiderholt on his parcel split.

If this parcel split is approved, Parcel 1 is proposed to contain 1.38 acres. A single family home is currently on Parcel 2, which contains 1.30 acres. This property meets requirement for the R-1-10 zone. When the Paxmans are ready to build their home, they will go through the building permit process and be required to do a lot specific geotechnical report to make sure there are no hidden issues.

Commissioner Nilson asked about the line on the plat. Mr. Weaver it indicates that there should be 30 feet between homes. Parcel 2 will still access off Oakridge Drive.

Commissioner Bodily asked how an illegally split parcel can be recorded. Mr. Garside explained the process.

There were no other questions.

5. GREYHAWK TOWNHOMES NORTH – FINAL PLAT

This 23.25 acre property is located at 3260 North 1700 East in an R-M1 PRUD (Low/Medium Density Residential -Planned Residential Unit Development) zoning district. The applicant, NSC Greyhawk, LLC represented by Travis Taylor, is proposing 114 townhomes.

Greyhawk Towhomes North received a preliminary approval extension on July 17, 2014, from the City Council. The development was already vested in the zoning for multi-family. It was approved with the overall Greyhawk development plan in 2006. The overall development is master planned to transition from R-1-8 single family to R-2 PRUD patio homes to RM-1 PRUD townhomes. The South Townhomes are nearly built out. These were sold as owner occupied. The North Townhomes will be rented.

The density allows for a total of 256 townhome units in the Greyhawk development. With the south and north portions together, 251 units are proposed.

Mr. Weaver said the community was designed to be walkable and he explained the trails that would connect the development with the proposed Greyhawk Park.

Commissioner Nilsson asked if there were covenants. Mr. Weaver said there would be no covenants since the development would be under one ownership.

Commissioner Nilsson asked why the development would not be considered apartments. Mr. Weaver said a townhome is defined as being two-levels with no more than six units attached.

Commissioner Van Drunen asked about the 20-foot sidewalks. Mr. Weaver said not all sidewalks would be 20 feet. The Fire Department wanted enough width for access through the common area, but these sidewalks would not be for residents to drive on.

Commissioner Pulham asked if this development would be phased. Mr. Weaver said all of the development would be built at one time.

Commissioner Weaver asked how this 114-unit development would affect single family/multi-family ratio. Mr. Weaver said it was included in the study. Commissioner Bodily said the Greyhawk development was approved nine years prior.

Mr. Weaver described the architecture of the townhomes with an attached two-car garage on the back end.

Mr. Weaver said the landscaping and open space meet the originally approved plans. He said there will be a six-foot solid vinyl earthtone fence on the north and east property lines with a lot of trees on the arterial street to help screen the development from the street. Amenities include a pool and the trail.

Commissioner asked who the builder would be, and Mr. Weaver said it would be Westates Construction.

There was a discussion on the grade of the roads particularly anything over 10 percent. Mr. Weaver said the City Engineer would coordinate with the Fire Department on any grade over 10 percent.

Commissioner Hansen asked if they had to submit a landscape plan. Mr. Weaver said there was a small one in the packet. Mr. Weaver said it would be irrigated. He said they've planned for a lot of trees especially on the periphery boundary with the single family homes and to protect the townhomes from the arterial street..

There was a discussion about the trail layout.

Mr. Woodruff said a signal is in the process with UDOT for 1700 East and Highway 193.

6. ELLISON PARK SUBDIVISION – PRELIMINARY PLAT

This 4.48 acre property is located at 1850 West Gordon Avenue in an R-1-8 (Single Family Residential) zoning district. The applicant, BAC Layton, LLC, represented by Chad Bessinger, is proposing 14 single family residential lots.

Mr. Weaver said the property had been rezoned from R-1-10 to R-1-8 at the end of 2014. There will be 14 lots. The existing HOA for Phase 1 will be responsible for the landscape buffer in Phase 2 with the future Phase 2 residents being part of the overall HOA.

There was a discussion on access to the trail with access from the lots be only for the property owner. Commissioner Bodily asked who would enforce that. There is a Chevron pipeline easement in the back yards of lots 208 to 212 and no fences can be built on this easement. The Parks Department maintains the trail. Mr. Garside said Utah Transit Authority has ownership of the trail and would have the responsibility for enforcement.

Mr. Weaver said none of the lots could be accessed off Gordon Avenue. Lots 214 and 201 can access either off the cul-de-sac or Cold Creek Way. Lots 202, 203 and 204 will access off Cold Creek Way, which is a collector street.

7. WILLOW RIDGE SUBDIVISION – PRELIMINARY PLAT

This 22.06 acre property is located at the northeast corner of Bluff Ridge Boulevard and West Hill Field Road in an R-S (Residential Suburban) zoning district. The applicant, Nilson Homes, represented by Mark Staples, is proposing 49 single family residential lots.

Mr. Weaver presented the request for preliminary approval for Willow Ridge Subdivision. He said there were two arterials, West Hill Field Road and Bluff Ridge Boulevard adjacent to the subdivision. The developer will pay for the widening of West Hill Field Road and for the full width of Bluff Ridge Boulevard, which is an 84 foot right of way.

The developer is proposing 49 lots from 10,000 to 20,000 square feet in size. The density is 2.2 units per acre. No lots will front onto the arterial streets. Bluff Ridge Boulevard and West Hill Field Road will be a lighted intersection in the future. A landscape buffer is required on both streets and will be maintained by an HOA.

Mr. Weaver was asked if it was unusual not to have a geotechnical report at this time. Mr. Weaver said he had received it but not in time to review it for his staff report. He said the comments were typical to those reports given for all the subdivisions on the west side. Commissioner Weaver asked if land drains were required by the State, and Mr. Weaver replied in the affirmative.

Commissioner Bodily asked about CC&R's, which Mr. Weaver said would be submitted prior to recording the plat.

Mr. Weaver was asked why the Engineering Division did not review Sheet #3. Mr. Weaver wasn't certain what was on sheet 3 but said all sheets would be reviewed before final plat.

Chairman Gilbert asked what kind of development would go between this property and LDS Stake meeting house. Mr. Weaver said it was wide enough for a 58-foot right of way with homes on each side similar to Major Estates. This portion of Bluff Ridge Boulevard would be completed with this future subdivision.

8. EASTRIDGE PARK PRUD – PRELIMINARY PLAT

This 70.02 acre property is located at approximately 1450 East Antelope Drive in an R-1-10 PRUD (Single Family Residential – Planned Residential Unit Development) zoning district. The applicant, Adams Property LLC, represented by Mike Flood, is proposing 268 housing units (52 townhomes, 76 cottage homes and 140 single family lots).

Planner II, Kem Weaver, presented the request for preliminary plat approval for Eastridge Park PRUD. He talked about the value of the field trip.

Mr. Weaver gave the Commissioners an addendum to the staff report regarding the sensitive land ordinance and why the development had taken so long to get to preliminary approval. Other ordinances that had to be reviewed were the subdivision ordinance and the PRUD ordinance.

Mr. Weaver pointed out a map of the cuts and fills that were proposed during grading of this property. He said there was a map of the cuts and fills, however, the map was too small to read, so he didn't include it in the packet.

Commissioner Weaver asked about the effects on Beechwood Drive when the cuts and fills are being compacted. He wanted the issue to be addressed before there were any movements. The developer, Mike Flood, asked the IGES engineer how likely vibrations would affect other areas up to 300-400 feet

away. The engineer said the vibrations could reach that far but he didn't anticipate it would affect the structures.

Layton City Engineer, Woody Woodruff, said the City is doing work 30 feet from homes right now in the right-of-way. They may feel the vibration, but there shouldn't be an impact.

Commissioner Van Drunen asked who would check the infill. Mr. Flood said the IGES engineer would be on site to check the fills. Mr. Woodruff said the City requires those tests to be submitted and reviewed. Layton City Assistant Engineer, Steve Jackson, will have inspectors on site inspecting the process. Mr. Flood said the geotechnical engineer would be there a lot of the time. He said the Engineering Department required him to identify parameters and frequencies.

The geotechnical engineer said in addition to the testing, there will be engineers on site watching the cuts. If they notice vibration, they will have the contractor change their procedure.

Commissioner Nilsson said it appears the development crosses the boundary of the 16-acre park. He asked if the lots come into that area. Mr. Weaver explained the setback area where no permanent construction can be south of that line.

There was a discussion on fencing.

Commissioner Van Drunen asked if street trees would be on the park strip. Mr. Flood said there would be a meandering sidewalk along that portion with street trees on either side of the meander. This would be maintained by the HOA.

Commissioner Nilsson asked if the purpose of the retaining wall is to flatten out the lot.

The IGES engineer said it was part of their study. They want to keep the distance to the creek as flat as possible. The retaining wall serves that purpose.

Mr. Flood said they didn't want to touch anything near the creek so as not to disturb residents on Falcon Ridge.

Commissioner Van Drunen asked who would be responsible for the retaining wall. Mr. Flood said the property owners would be responsible and that it is only a four-foot wall.

There was a discussion on the various walls with the wall along Antelope Drive being rock. The townhomes would be slab on grade with a 3-4 foot wall in the rear to create a flat back yard. This wall would be maintained by the HOA.

There was a review of the trail system.

Commissioner Nilsson asked about the six lots that looked to be across Antelope Drive. Mr. Weaver said they were not across Antelope Drive, just on the other side of the creek with a temporary turnaround for fire.

Councilmember Day asked why the trail couldn't go through the Adams property so it could continue. Mr. Flood said they are willing to grant a temporary detention basin and temporary turnaround but have no interest in having a trail continue through their property.

Commissioner Weaver asked where the soil will go when transported off site.

Mr. Flood said they would have on-site temporary storage of soil but when all developed, there will be 150,000 cubic feet of soil excess. Some of it will be used for berming.



Julie K. Matthews, Planning Commission Secretary

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MEMBERS PRESENT: Brian Bodily, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Randy Pulham, Robert Van Drunen, Dave Weaver

MEMBERS ABSENT: Dawn Fitzpatrick, L.T. Weese

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Weston Applonie, Steve Garside, Julie Matthews

City Council Members: Tom Day, Joy Petro

Vice-Chairman Weaver called the meeting to order at 7:05 p.m. The Pledge of Allegiance was recited, and a member of the audience, Jackie Malan, gave an invocation.

Vice-Chairman Weaver called for a motion to open the Public Hearing. Commissioner Bodily moved to open the Public Hearing. Commissioner Hansen seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

1. MORGAN/BONE/ALLRED DEVELOPMENT AGREEMENT, ANNEXATION AND REZONE

This 32.968 acre property is located at approximately 200 South 3200 West. The request is to annex and rezone the property from A (Agriculture) to R-S (Residential Suburban) with an annexation agreement. The property owners are Clyde B. and Lottie S. Morgan, Lee and Ruth Bone Family LLC and Sarah Allred-Trustee. They are represented by Cameron Scott from Destination Homes.

City Planner, Peter Matson, presented the annexation agreement (Resolution 15-15), the annexation petition (Ordinance 15-11) and the rezone request (Ordinance 15-09) for property at 32.968 acres of property at approximately 200 South 3200 West. He said the property is separated presently and owned by three property owners who are being represented by Cameron Scott of Destination Homes and probable developer of the project if approved. He said relative to the R-S zoning proposed on this property that the density is 0-3 units per acre. This proposal would be at approximately 1.8 and 2.2 units per acre. He said this proposal conforms with the City's General Plan.

Mr. Matson said this annexation is serviceable by the City. To the west of this property is Island View Ridge subdivision. He said the annexation area does not have frontage on a public street. Two more adjacent properties will come back to PC for zoning into the RS zone to be incorporated into the future development of the project.

Mr. Matson said utilities are the primary concern. He said the City has basic guidelines, and the annexation agreement will address utilities. He said the utilities are required to be looped and ultimately connect into Overlook Drive and 3200 West.

Mr. Matson explained the street connections including intersections and connectivity.

Commissioner Gilbert entered the meeting.

Mr. Matson said based on the City's General Plan for single family residential, based on the recommendations of the City's annexation plan and subject to the City Council approving the annexation agreement, Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the annexation agreement and rezone.

There were no questions of staff or the audience. Chairman Gilbert called for motions on the item.

Commissioner Bodily moved that the Planning Commission forward a positive recommendation to the City Council to adopt Resolution 15-15 approving the annexation agreement as outlined. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

Commissioner Bodily moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-11 approving the annexation. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

Commissioner Bodily moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-09 approving the rezone from A to R-S based on the recommendations of the General Plan and consistency with the annexation plan. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

2. GREYHAWK PARK ANNEXATION

This 10.24 acre property is located at approximately 3500 North Redtail Way (2100 East). The request is to annex the property for the development of a district park. The property owners are Layton City and Wasatch Integrated Waste Management.

Chairman Gilbert replaced Vice-Chair Weaver as Chair for the meeting at Vice-Chair Weaver's request. Commissioner Weaver continued as a regular commissioner for the meeting.

Mr. Matson presented the proposal to annex 10.24 acres in the northeast corner of the City. The property has been planned for a park for some time. The majority of the property is owned by Layton City with a small portion being owned by Wasatch Integrated Waste Management. He said the City is in the final design phases for this neighborhood park facility.

Mr. Matson said Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-10. There were no questions of the Commission and no comments from the audience.

Chairman Gilbert called for a motion on the item. Commissioner Hansen moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-10 approving the annexation of the property. Commissioner Nilsson 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. Commissioner Weaver seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

3. HOLMES BUSINESS PARK COMMERCIAL SUBDIVISION PLAT AMENDMENT & CONDOMINIUM PLAT

This 1.53 acre property is located at 952 South Main Street in a C-H (Highway Regional Commercial) zoning district. The applicant and owner, Sterling Homes, is proposing this division to create two parcels (Lot 2A .88 acres and Lot 2B .65 acres) with the building on Lot 2A being divided into five (5) condominium suites. The property owner is represented by Travis Nokes.

Planner I, Weston Applonie, said two motions would be required on this item. The first motion would be for the Holmes Business Park Commercial Subdivision plat amendment. The second motion would be for the condominium plat. He explained there were two lots proposed on the 1.53 acre property with a building on each lot. Each building meets the parking requirements. The building on Lot 2A has 7770 square feet with five suites. Each suite will have its own parcel number.

Mr. Applonie said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the Holmes Business Park Commercial Subdivision Plat amendment and the condominium plat subject to the meeting all Staff requirements.

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

Chairman Gilbert called for a motion on the item. Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the plat amendment. Commissioner Bodily seconded the motion, and the voting was unanimous.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the condominium plat. Commissioner Bodily seconded the motion, and the voting was unanimous.

4. ANGELIKA PAXMAN – REQUEST FOR A PARCEL SPLIT

This 2.68 parcel is located at approximately 2500 East 475 North in an R-1-10 (Single Family Residential) zoning district. Parcel 1 is proposed to contain 1.38 acres. A single family home is currently on Parcel 2, which contains 1.30 acres. The applicant and owner is Angelika Paxman.

Kem weaver, Planner II presented the request for a parcel split for Angelika Paxman. He said the request is to split a 2.68 acres parcel into two parcels. Parcel 1 will be for the building of a new home and Parcel 2 will have an existing home.

Mr. Weaver explained that the 2.68 acre parcel had been illegally split by the property owner at the time, Jere Weiderholt. Before selling the 2.68 acres, Mr. Weiderholt split that 1.86 portion of the property to keep for himself. That parcel is landlocked. Mr. Weiderholt anticipated the Paxman's would extend 475 North and connect with the Harris property. However, based on the 120 foot setback from

the slope required in the geotechnical report, the Packman could not build the road for future development and still build their home on the lot. A lot specific geo tech report will be required when the applicant is ready to build a single family home. This is required on many hillside developments. Both parcels meet the requirement of the R-1-10 zone.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the parcel split subject to meeting all conditions.

Commissioner Hansen asked the applicant, Scott Packman, 1352 North 3175 East, if they understood that the geotechnical report would needed to be submitted as they proceeded with building their home on Parcel 1. He also confirmed that Parcel 2 would continue to have an access off Oakridge Drive.

The applicant said they understood that a geotechnical report would need to be submitted. He confirmed lot two would continue to have an access off Oakridge Drive.

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

Chairman Gilbert 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 parcel split. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

5. GREYHAWK TOWNHOMES NORTH – FINAL PLAT

This 23.25 acre property is located at 3260 North 1700 East in an R-M1 PRUD (Low/Medium Density Residential -Planned Residential Unit Development) zoning district. The applicant, NSC Greyhawk, LLC represented by Travis Taylor, is proposing 114 townhomes.

Mr. Weaver said the Greyhawk Townhome proposal is not subject to Resolution 14-07, which delays changes to zoning for multi-family uses. This property was already zoned R-M-1 PRUD prior to the adopting of the resolution when the Greyhawk area was master planned. In addition, this development had previously received preliminary approval.

Mr. Weaver said the majority of the South Townhome units have been built and occupied. He said the overall density for the townhomes per the annexation agreement is 11 units per acres and this property would allow for 256 town homes. There are 137 townhome units in the South Townhome project and the remainder of the units will be in the North Townhome development.

Mr. Weaver explained the looped private streets and the interior street. He said the private streets will provide access to visitor parking. The attached garages for each unit are rear-loaded. The open space is 6.94 acres.

Mr. Weaver reviewed the landscape plan with extra trees by the units facing onto the street and also on the east to buffer the townhomes form the single family residential as well as a six-foot vinyl fence.

The townhomes will be earthtone colors with masonry products on the elevations and gabled roofs on the garages.

Mr. Weaver said there will be a trail from this development to the new park area property being annexed into the City.

Based on this information, Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final approval to Greyhawk Townhomes PRUD.

Commissioner Weaver asked if there was any indication from the developer that the grades will exceed the 10 percent criteria. If any grades are over 10 percent, the City Engineer and the Fire Marshal will review the grades and make a decision.

The developer, Travis Taylor, 4174 Cottonwood Canyon Road, Mountain Green, said his engineer stated they do not have any roads over a 10 percent grade.

Kem explained the power corridor lines and said there would be no structures allowed under the power lines, but if there did need to be, a 20-foot clearance was required.

Commissioner Bodily asked if the units could be sold. Mr. Weaver said the owner would have to condominiumize the units to sell them.

Commissioner Hansen asked if the final plan would accommodate a pool area and a playhouse structure. Mr. Taylor said the location of the play structure would be dependent on the final topography of the site. He said the clubhouse and pool would be as platted.

Mr. Weaver said that in the future if an HOA takes over the project, they would need to adhere to the grades of the area if they wanted to have a basketball court or tot lot.

Commissioner Hansen commended Mr. Taylor on the landscape open space and in trying to mitigate the impact on the single family residences to the east.

Donald Berubee, 1865 North 1480 East, Layton, said he had attended the meeting where the ordinance was passed to delay any changes of property to multi-family until a study has been completed. He asked if it was the plan to limit the number of rentals compared to single family residences.

Chairman Gilbert explained that if anyone had property zoned for multi-family prior to the date of the ordinance passed by the City Council for the study, then they could go ahead. Assistant City Attorney, Steve Garside, said when the City Council studied the issue prior to adopting the resolution, the number of units of this project were taken into account.

Chairman Gilbert called for a motion on the item.

Commissioner Nilsson moved that Planning Commission forward a positive to the City Council to the final plat for the Greyhawk Townhomes North PRUD subject to all Staff recommendations and memos. The motion was seconded by Commissioner Pulham, and the voting was unanimous.

6. ELLISON PARK SUBDIVISION PHASE 2– PRELIMINARY PLAT

This 4.48 acre property is located at 1850 West Gordon Avenue in an R-1-8 (Single Family Residential) zoning district. The applicant, BAC Layton, LLC, represented by Chad Bessinger, is proposing 14 single family residential lots.

Mr. Weaver presented the request for preliminary plat approval for Ellison Park Subdivision Phase 2. He said Phase 2 has 14 lots with four lots fronting on Cold Creek Way and the rest on a cul-de-sac. There is a pipeline easement on the back of Lots 208 thru 212, and there will be no pedestrian access through these lots to the trail, although the property owner will be able to access the trail from their lot. An existing Home Owner's Association organized with Phase 1 will be extended to the residents of Phase 2 to maintain the landscape buffer on Lots 101 and Lots 212 thru 214.

Mr. Weaver said Staff recommends the Planning Commission approve the preliminary plat. Commissioner Hansen verified that none of the lots will access off Gordon Avenue. Commissioner Weaver said the developer is not responsible for a chain link fence to the rail trail but if it was agriculture property, they would be responsible. Mr. Weaver said that was correct and especially if there were agriculture operations on the property.

Chairman Gilbert called for a motion on the item. Commissioner Van Drunen moved that the Planning Commission approve the preliminary plat for Ellison Park Subdivision Phase 2 subject to meeting all Staff requirements. Commissioner Hansen seconded the motion, and the voting was unanimous.

7. WILLOW RIDGE SUBDIVISION – PRELIMINARY PLAT

This 22.06 acre property is located at the northeast corner of Bluff Ridge Boulevard and West Hill Field Road in an R-S (Residential Suburban) zoning district. The applicant, Nilson Homes, represented by Mark Staples, is proposing 49 single family residential lots.

Mr. Weaver said that both Bluff Ridge Boulevard and West Hill Field Road, on which this proposed subdivision is located, are arterial streets in the City's Street Master Plan. Bluff Ridge Blvd or 3650 West terminates at the point where the streets meet. The developer will be required to complete the portion of their frontage to widen Hill Field Road and build the full width for Bluff Ridge Boulevard. The City participates in the widening of any right of way over 60 feet.

No lots fronting on Hill Field Road or Bluff Ridge Boulevard. He explained the street connectivity and fronting of lots on the cul-de-sacs. The design accommodates a 50-foot wide storm drain easement from the Freeport Center to the lake. He said there is a stubbed road on the second cul-de-sac to the property to the north for future development.

Mr. Weaver said fencing and a landscape buffer are required. An HOA will be organized to ensure maintenance of the buffer and fencing. He said a detailed geotechnical report had been received addressing the high ground water table, which will require shallow basements similar to others in the area. He said there are no sensitive lands issues.

Mr. Weaver said Staff recommends the Planning Commission grant preliminary approval to this subdivision.

Commissioner Bodily asked if there was enough space for a 58 foot right of way and homes on the property to the north of this development. Mr. Weaver said it was just wide enough to create lots on both sides, similar to the Major Estates Subdivision. This 58-foot right away would be within the subdivision and not a collector or arterial street.

Mr. Weaver said the master plan for Bluff Ridge Boulevard is that it would connect to Gordon Avenue. He said 3650 West would connect to Layton Parkway.

Commissioner Hansen recommended a six-foot earthtone solid vinyl fence. Commissioner Weaver asked about a detention basin for the subdivision, and Mr. Weaver said the regional detention basin had been placed in a perfect position to catch storm water from this property.

Chairman Gilbert called for a motion on the item. Commissioner Bodily moved that the Planning Commission approve the preliminary plan subject to meeting all of Staff's requirements and providing CC&R's for the subdivision. Commissioner Hansen seconded the motion, and the voting was unanimous.

8. EASTRIDGE PARK PRUD – PRELIMINARY PLAT

This 70.02 acre property is located at approximately 1450 East Antelope Drive in an R-1-10 PRUD (Single Family Residential – Planned Residential Unit Development) zoning district. The applicant, Adams Property LLC, represented by Mike Flood, is proposing 268 housing units (52 townhomes, 76 cottage homes and 140 single family lots).

Mr. Weaver presented the request for preliminary approval. He reviewed the site visit that had taken place earlier in the meeting and said there was further discussion of the sensitive lands ordinance issues in work meeting.

Mr. Weaver said, the applicant, Adams Property LLC, is requesting preliminary plat approval for property that contains 70.02 acres of vacant land located between the South Fork and Middle Fork of Kay's Creek at approximately 1450 East Antelope Drive. To the north and across Antelope Drive is an R-1-10 PRUD single family detached residential development, to the east is an R-1-10 single family detached residential development, to the south is an R-1-8 single family detached residential development and to the west is vacant agricultural land. The surrounding residential land uses have a density range of 2 to 4 units per acre.

On June 4, 2009, the City Council approved the rezone of 70.02 acres for the Beech Adams property. The property was rezoned from Agriculture (A) and R-1-10 to R-1-10 PRUD. An associated Development Agreement (DA) was approved with the rezone, which set guidelines for how the property is to be developed with regards to density, streets, utilities, parks and geotechnical requirements.

The rezone and DA were approved capping the total number of units on the 70.02 acres at 303 units. A large number of the proposed units were attached townhomes, which totaled 157 units. This left 146 units for single family detached lots. The 303 units created a density of 4.33 units per acre, which required density bonuses to develop the property with 303 units.

Through additional geotechnical studies and the design of the preliminary plat, the developer has reduced the number of units as outlined below.

- Rezone and Development Agreement = 303 units total
- Preliminary Plat proposal = 268 units total

- Rezone and Development Agreement – Townhomes = 157 units
- Preliminary Plat proposal – Townhomes = 52 units
- Rezone and Development Agreement – Single Family Homes = 146 lots
- Preliminary Plat proposal – Single Family Homes = 140 lots
- Rezone and Development Agreement – Cottage Homes = Not Considered
- Preliminary Plat proposal – Cottage Homes = 76
- Rezone and Development Agreement Density = 4.33 units per acre
- Preliminary Plat proposal Density = 3.82 units per acre

The proposed density of 3.82 units per acre fits with the 2-4 units per acre density in the property surrounding the proposed subdivision.

Mr. Weaver pointed out the townhome phases 2 and 2A. He said the townhomes will only be along Antelope Drive with 13 buildings of four units each. He said there is a private drive off Emerald Drive and a secondary access out to Antelope Drive. The units will be two-story and will step down with the topography of the property.

Mr. Weaver said the 76 patio homes will be 1-2 stories high and have basements, similar to the single family detached homes with just a smaller footprint. The patio homes will be built on a building envelope surrounded by a common area.

Mr. Weaver said Phase 3 is proposed to create the extension of Emerald Drive from the south and will contain 12 lots. Phase 4 is located west of the north fork of Kays Creek and will contain 7 lots. Future phasing for the remaining single family lots will be determined as the development applies for additional phasing. The number of lots for each future phase has not been determined.

Mr. Weaver said the single family average lot size is 9,800. They will be one to two stories in height.

Geotechnical studies

Mr. Weaver said after the rezone approval for the 70.02 acres by the City Council, the next course of action was to create a mass grading plan as to mitigate any slope instability found on the property. Extensive geotechnical research and studies were performed by the developer's geotechnical engineer, Intermountain GeoEnvironmental Services (IGES). These studies then were peer reviewed by the City's third party geotechnical engineer, Golder Associates.

The developer initially proposed to mass grade the entire 70.02 acres at the same time with a City-approved grading permit. The mass grading was to be done per the requirements and recommendations of IGES and Golder Associates. The developer later decided to mass grade the property in phases by starting to mass grade the northern portion of the property, which is the location of the townhomes and cottage homes. Upon phasing the mass grading plan, further studies were observed and data and data analyzed by IGES. Certain cross sections of the property were then reevaluated.

By phasing the mass grading for the development, some of the cuts and fills changed slightly and slope stability has improved from the previous grading plan. The developer will be required to feather the phased mass grading areas with the land that is not being mass graded during the first few phases of the development.

In reevaluating certain cross sections for phasing the mass grading, IGES indicates that this does not create a negative impact with the slope stability given changes being implemented from the approved mass grading plan. Changes to the phased mass grading plans have reduced the height of some retaining walls that are still required in the same location. The MSE/Keystone Wall along the North Fork of Kays Creek was originally thought to have a height of 25 feet. This wall has been reduced within a range of 6 to 15 feet in height.

The south portion of the development is still required to maintain a 200 foot setback from the middle or South Fork of Kays Creek to the buildable areas on the lots along the south boundary of the development. A 16 acre nature park that will be dedicated to Layton City by the developer will be located within the 200 foot setback area along the length of the development and on both sides of the creek (see attached park plan).

A land drain system is required throughout the development to capture surface water that may filter into the ground at a depth of the foundation of the home. The same land drain system will also be used to capture any ground water that may rise up during heavy wet seasons. Ground water depths range on average from 5.7 feet to 20 feet. Where the groundwater is shallowest, there will be six (6) feet of fill placed in this area, which is where the townhomes are to be constructed without basements. Some areas of the single family lots that will have basements will be close to groundwater; however, the land drain will remove and keep water away from the foundation of the home.

City Staff has reviewed both IGES' summary report and Golder Associates' summary report and concur with their recommendations with regards to, (1) keeping any slope at 14% or less to ensure slope stability, (2) requiring a land drain system for the entire development, (3) requiring plan details to be placed within the plan set, and (4) frequent inspections and monitoring of both the grading of the site and monitoring of the settlement of land after the mass grading has occurred. (5) All geotechnical studies and reports will need to be referenced on the final plats for each phase of the development

Mr. Weaver said an addendum to the Staff report outlines the process Staff follows for reviewing development on sensitive lands. He said this development was reviewed through the subdivision, PRUD and sensitive land ordinance requirements and it was determined that all sensitive lands ordinances have been met.

The developer met with the City appointed Design Review Committee (DRC) to review the architectural concepts of the town homes, cottage homes and single family homes. In addition, the open space plan was reviewed, except for the 16 acre nature park along the south boundary of the development.

The DRC had the following recommendations to the Planning Commission and City Council.

- Implement gentle meandering sidewalks along Emerald Drive in the townhome and cottage home portions of the development.
- Use small berms in the open space area between the residential units and the street on Emerald Drive.
- Fencing along Antelope Drive to be solid vinyl or Trek and earth tone in color.
- Create a strong continuity between the townhomes, cottage homes and single family lots with open space and architectural elements.
- The two-car garage doors need to be some color other than white and have architectural design elements.

Mr. Weaver said there would be a professional maintenance company to upkeep the townhomes. A master Home Owner's Association HOA for the entire development would govern the smaller HOA's in the different housing types/phases. He said property should not go into disrepair with a good management company managing those aspects of the development.

Mr. Weaver said the DRC spoke highly of the development particularly of how it was being planned with a higher density adjacent to a major arterial street and then a transition to medium density cottage homes and a transition to lower density single family homes.

Mr. Weaver said the townhomes would be two-story. Unit type A will be smaller with a single-car garage and Unit type B will be larger and accommodate a two-car garage. He explained the architectural elements and said each unit will have a front façade that will be broken up with a number of windows and may incorporate window treatments, such as lintels over the windows. The rear of the townhomes will incorporate a variety of windows with the same window treatments as the front. The rear elevations will incorporate exterior patio doors, false balconies and possibly flower boxes. The rear façade facing Antelope Drive needs to be given more architectural detail because of the public street. Exterior materials that may be used are stucco, hardy-board, rock and brick.

The cottage homes will be one or two-stories in height and will include a two-car garage. The front façade will incorporate elements from urban craftsmen and modern farmhouse elements. These elements may include covered front porches, windows, shutters and false balconies. Exterior materials will include stucco, hardy-board, brick and rock. The rear elevation of the cottage homes along Antelope Drive will need to incorporate some design elements that are used on the front façade.

The single family homes will have a broad range of architectural elements that will be similar to the single family homes in the area. The use of rock, stucco and hardy-board will be the primary materials used for these homes. The proposed height of the homes will be one or two stories.

Mr. Weaver said the majority of the open space will be in the dedication of the 16 acres on the south fork of Kays Creek for a public nature park. The City will maintain the park improvements. The developer will take over initial construction of the park but be reimbursed through park impact fees.

The trail system in the 16-acre park will connect to the Kays Creek Master trail. The trail will go along Kays Creek on the west side of the development and connect with the 16-acre park and the master planned Kays Creek Trail.

Mr. Weaver explained where the utilities were on the property. He said a North Davis Sewer trunk line is along the creek and cannot be exposed during grading. Storm water and land drain systems will empty into the two forks of Kay's Creek, which has been approved by Davis County Flood Control. A land drain system will take care of ambient ground water.

Mr. Weaver explained the street connections and said the connection of Emerald Drive from its current terminus to Antelope Drive is important for looping the culinary water system in the area. This ensures that water pressure is sufficient for the proposed development.

Layton City's Master Street Plan requires the connection of Emerald Drive to Antelope Drive. Emerald Drive is considered a "residential collector street", and the connection will help facilitate traffic through the

subdivision. A traffic study has been provided by the developer and was conducted by Hales Engineering. Traffic will increase as the property develops; however, it will disperse through existing subdivisions and to Antelope Drive.

Mr. Weaver said based on the information presented, Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the preliminary plat subject to meeting all geotechnical requirements from IGES, all DRC recommendations and Staff requirements as outlined in Staff memorandums to the developer.

Mr. Weaver read an email from a citizen with concerns about traffic congestion, the view of Salt Lake City and her lake view possibly being obstructed by the development. Another concern was the building of new homes with homes that are empty.

Commissioner Nilsson asked about secondary water and street lighting. Mr. Weaver said street lighting is required under the City's new ordinance. The developer will work with Staff on the lighting installation. He said secondary water is available through the Weber Basin Water company and lines will be run through the development.

Commissioner Weaver asked if the private drive accessed Antelope Drive. Mr. Weaver replied in the affirmative and said all of the accesses are for everyone to use.

Commissioner Van Drunen asked about snow removal and Mr. Weaver said it would be taken care of by the HOA.

Commissioner Van Drunen asked if the Emerald Drive/Antelope Drive intersection would be signalized. Mr. Weaver said a signal would have to wait until warranted. The intersection would be monitored.

Commissioner Weaver asked about the detention basin. Mr. Weaver explained where it would be built and deferred to the City Engineer, Woody Woodruff, as to whether it will be built at this time. With regard to Commissioner Weaver's question about the steepness of the north bank of the Creek, Mr. Weaver said there were on-going talks with Davis County Flood Control about mitigating the vertical drop into the creek.

Mike Flood, representing the property owner, Adams Property LLC and Hawkins Homes and Communities, 1371 North 1075 West Suite 1, Farmington, answered Chairman Gilbert's question about the average single family home size. Mr. Flood said the cottage homes would be 2400 square feet up to 3600 square feet.

Mr. Flood was asked about the size of the townhomes and Steve Bingham of Destination Homes, the proposed builder for the townhomes said the townhomes would be 1500 square feet and up. He said Destination homes plans for each townhome to have two car garages. The larger units will be the end caps of the building with the smaller units in between. Commissioner Nilsson asked if the CC&R's would set the minimum townhome size. Mr. Flood said the size would be based on the concept plan.

Commissioner Weaver asked if the Emerald Drive stub into this property would be flattened out a bit. Mr. Flood explained the large point area /stub of Emerald Drive is about a 14 percent grade. The Fire

Department wants to keep slopes to 10 percent. He said he planned to review that connection and provide better accessibility and flow for traffic and for fire apparatuses.

Commissioner Weaver asked about dust mitigation. Mr. Flood talked about the pre-construction meeting and said dust mitigation is a requirement. He said the earth movers would be followed with a water truck. There are water tanks on site, and the City staff will continually monitor the site.

Steve Bingham, Destination Homes, 67 South Main, Layton, said Destination Homes has built townhomes in other towns. He said with the proximity of this property to Antelope Drive, it is ideal for high density housing moving to medium density to more traditional single family homes. He said Destination Homes was excited to build in their home town.

Commissioner Weaver asked Jeremy Sorrell from Hales engineering about the traffic study. Mr. Sorrell, 2975 West Executive Parkway, Lehi, said that they had done an independent analysis of traffic in the area. He spoke with City staff and developed a study area at the following intersections – Church Street and Emerald Drive, Emerald Drive and Antelope Drive, 1650 East Kays Creek Drive. They collected traffic counts from each of the intersections and looked to 2020 into the future considering a scenario without the project and a scenario with the project.

Mr. Sorrell said they found under the current conditions all intersections are functioning well with great levels of service and little delay. To be conservative, they looked at the project as whole, and the study found that all intersections continued to operate well. They looked at 2020 and travel demand modeling for the Wasatch front and found the intersections would continue to operate well. He said they used the worst case scenario, which are the AM peak hours. He said the intersections still handle the traffic well.

Mr. Sorrell said without the new development, Antelope Drive handles 700-800 vehicles per hour currently. There are 259 trips during the PM peak hour and 2,600 trips daily.

Commissioner Bodily asked if the study was done before Antelope Drive opened to Highway 89. Mr. Sorrell replied in the affirmative. He said not all traffic from the new development will be on Antelope Drive. Some of the traffic will disburse to the south.

Mr. Sorrell said that no mitigation measures were recommended as a result of this study.

Chairman Gilbert advised the audience on the procedures for public comment. Mr. Flood asked to address the questions and concerns after all of the public comments. The following are the public comments:

David Paulsen, 1555 East 2050 North, said he was representing the Hidden Hollow Residents for Responsible Development group. He said he had reviewed a lot of data in a short time and had nine questions as follows:

1. With regard to traffic, if the development was flat land, he agreed that no mitigation is required. However, Antelope Drive is a steep and deep hollow and very dangerous in winter. He said it is extremely difficult to stop. When the traffic study was done, construction was underway and the opening of Antelope Drive to Highway 89 had not occurred. He said he knows that there is

going to be more traffic flow. He felt there was a safety issue at 1450 East and Emerald Drive. He felt mitigation was needed for safety.

2. Mr. Paulsen felt disappointed that from conceptual to preliminary, traffic didn't seem to flow better within the development. He said there are many dead ends within the entire development and he saw many opportunities for traffic to flow better. He felt the traffic from the townhomes to Antelope Drive would be a concern.
3. Mr. Paulsen said even with the land drains, the residents would not be able to get enough water out. His neighbor has five sump pumps and he felt the development should be designed for sump pumps.
4. Mr. Paulsen felt the mass grading plan should be approved before the preliminary plan. Initially, the City wanted mass grading to occur. He read from a letter from the City indicating that the City would not entertain preliminary approval until mass grading occurs. With the phasing, Mr. Paulsen said that requirement is no longer in place. Mr. Paulsen quoted 19.107.120(5) (e) "*The maximum vertical height of all cuts and fills shall be ten feet, except in circumstances where the Planning Commission gives specific approval.*" He felt he had been told the smaller cuts weren't given to the Planning Commission for review.
5. Mr. Paulsen felt that Emerald Drive should be required to go all the way from the Emerald Drive stub to Antelope Drive and provide a good connection from day one.
6. Mr. Paulsen felt CC & R's are very important. He said he didn't want rental property. In the CC&Rs, someone who has authority should make a provision for a percentage of rentals with less than 10 percent rentals occurring.

Commissioner Hansen asked if Mr. Paulsen's concern was the townhomes. Mr. Paulsen said that the townhomes were just a single project in the concept. Each project type should manage the percentage of rentals in each of the product types.

7. Mr. Paulsen thanked the city for the trail systems. He said he would like the same type of amenity in the proposed development. This developer is only responsible for taking the trail a short way. He felt it would not be used unless it continues. He felt the trail should be contained within the development and finished all the way to the park.
8. Mr. Paulsen felt there was no accommodation for parking within the subdivision. He said there should be a dedicated location to park when using the park.
9. Mr. Paulsen said his friends have lost homes to landslides in this area. He said what happens is developers come in and 20 years later there is no one left around when the homes move and the people lose their homes. The insurance companies walk away, the City walks away and the developer is not around. He asked for a bond/escrow to indemnify and protect those who will eventually live there. He said he was requesting that the Planning Commission table the preliminary approval request until the Planning Commission has the opportunity for further review.

Jan Moore, 2110 East 2000 North, asked why the development couldn't be entirely single family homes.

Jerome Borden, 1571 East Beechwood Drive, talked about vernal ponds and asked if the UTA bus route would be re-instated with this project. He also asked if the high knoll on the west end of Beechwood would be regraded.

Michael Lenz, 2450 East Oak Lane, felt the project was about density and greed. He expressed about the possibility of increased traffic on Oak Lane, increased danger and concerns about getting sewage carried out of the development.

Travis Copier, 1513 Antelope Drive, expressed concerns about high density becoming rental property. He felt that would change the crime rate and dynamics of the neighborhood. He felt there should be similar homes in similar neighborhoods. He felt the key to preventing crimes is to knowing one's neighbors. In a densely populated area, a person can't know his neighbors. He said it provides a big wall of windows so your neighbors know what you are doing. He said he wanted to keep the neighbors he had and keep the transient and short term residents from happening.

Jeff Merkley , 1777 East Beechwood Drive, said he felt sorry for the people in the high end homes on the edge of Beechwood having to look at the townhomes. He said Antelope Drive has a very shallow road based between the Hidden Hollow Subdivision to the round-a-bout. He said it is a slalom course through the pot holes.

Stephanie Martinez, 2340 North 2050 East, said her family moved into the area because the school was not a Title 1 school. She felt if low income families move into the townhomes and smaller homes, the school will eventually turn into a Title 1 school. She also mentioned that her mother's home in Hidden Hollow has five sump pumps and still floods. Every spring they rip back the carpet and put down towels.

Tamara Schaelling, 1479 East Beechwood Drive, asked if the developer could assure that all the construction activity around her would not have negative effects on her property or cause her home to slide off the hill. The back of her property is a steep hill. She asked how many feet between her property line and where the homes will be. Her landscaper told her to make sure that she didn't do much around her home and lot.

Donald Berube, 1570 East Beechwood Drive, said his main concern is no western exit from the subdivision. He also asked for a more in depth traffic study. He felt it was hard to make it up the hills in the winter. He expressed concerns about dust mitigation. He said he felt Beechwood Drive is never maintained. He asked how much vibration it took to set off a land slide.

Other concerns expressed by Mr. Berube were dust mitigation, water that streams down Beechwood Drive, possible active landslide area and vibration from heavy equipment. He said it was his opinion that Beechwood Drive has never been maintained.

Terry Freeman, 873 East 2100 North, expressed concerns with the number of homes because of water and traffic issues. He said the traffic has increased since the connection was made from Antelope Drive to Highway 89.

Dennis Lyon, 1540 East 2016 North, asked how decisions are reached and what it takes for the Planning Commission to say,"no." Assistant City Attorney, Steve Garside, explained the General Plan and Zoning Ordinance as it relates to land use decisions. He said citizens were involved in creating the General Plan, during which the property was planned for residential. The property owner then has the opportunity to request zoning from the Planning Commission and City Council. If the zoning request was consistent with the General Plan, then the property could be rezoned.

He said when the general plan and zoning ordinance are developed, that sets the framework. If someone does not agree with a rezoning that is allowable by the general plan, then they have the option to buy the property and not do any development. If a rezoning request that is allowable under the General Plan is denied, there is a possibility the City would have to buy the land.

Jackie Malan, 1960 North 2150 East, said she was against the townhomes. She asked what could be done for children to cross Antelope Drive safely since they can't have a crossing guard unless there are 15 or more children. She felt the school population could not handle any more students and that single family, bigger homes would yield fewer students.

Jay Eggett, 1548 East 2050 North, said that as a former parks planner he felt it should be required to make a connection to the park from the north side to the south end of the development. He also spoke about indemnification for property owners in the event of a slide.

Daniele Hardy, 1506 East 2050 North, a licensed real estate appraiser encouraged the developer to put a percentage on the number of rental units possibly by deed restrictions. She felt the traffic study should be revisited and asked for just single family residential homes.

Drew Lewis, 2057 North Sunset Drive, recommended monitoring of the vibrations during earth moving. He wanted all perspective homeowners to have the original geotechnical report. He recommended bonding or indemnity in the event of a land slide.

Kathy Esplin, 2312 East Antelope Drive, said traffic issues have already affected her. She asked for single family dwellings only.

Kaye Pryor, 1643 East 2200 North, expressed concerns regarding safety of children. She felt there would be more traffic with people from the townhomes taking children to school than from single family dwellings.

Steve Collins, 1765 East 2100 North, said he wanted to keep the notion of community and the quality of Layton that blends the urban and the rural. He wanted to keep the property the way it is. He said he realized the citizens were not there to blame the developer and recognized his right to develop. He felt that vinyl fencing, which he sees on the west side of the town is a blight and likes the cast concrete walls instead.

Other concerns expressed were the functioning of HOA's particularly with a master HOA and junior HOAs.

The developer, Mike Flood, responded to the residents' questions and particularly concerns about engineering and design. He explained that the development was redesigned and sent to his geotechnical engineer who provides a review response. The City sends the plans to the third party geotechnical engineer and revisions are returned and addressed.

Mr. Flood said the townhomes will be very nice and priced between \$180,000 to \$200,000. It was his opinion the residents would not be transient. He said a PRUD is designed to be sustainable and a place where young couples can begin and then move up.

Mr. Flood said that studies shown no adverse affect is caused by higher density if the development is carefully planned and sustainable housing of a varying product range can actually enhance the property perception of those around them. He said he was not proposing apartments and that there was an architectural element in the townhomes that make them look nice.

Mr. Flood addressed the major points of the residents' concerns:

1. Density. He said the development, based on resident concerns in previous meetings, has been reduced from 4.34 units per acre to 3.83 units per acre. While all the townhomes were not eliminated, the number was reduced by 67 percent and replaced with single family homes. The townhomes and homes are nicely constructed. The cottage homes will be similar in price range to the other homes in the area with the exception of Beechwood Drive.
2. Traffic. He said he would engage Hales Engineering in an additional traffic study, however, the construction of the development was anticipated in the previous study.

Commissioner Weaver said it was an excellent idea to revisit the traffic study.

Mr. Flood said regardless of what everyone wants to have happen, he doesn't own the property to the west. He can't make them give him access. He said it would be a much steeper access.

Mr. Flood said the townhome phase is able to be developed without extending the 12 inch water line to Emerald Drive. The townhomes will develop in the first one and a half years of the plan. After that, the water line will be put in the Emerald Drive extension. They will start where the utilities begin and move forward. He said he couldn't commit to the date of the Emerald Drive Extension.

Chairman Gilbert asked for a definition of a vernal pond. Mr. Flood said he had done a wetlands delineation of the entire site. He said a vernal pond is where surface water collects as it runs off from the homes above. The geotechnical engineer from IGES, present at the meeting, said he'd never heard of a vernal pond.

Chairman Gilbert asked if the construction would eventually drain the area of the standing water. Mr. Flood explained the grading process. He said they decided not to grade all at once because of slope instability. Since so many townhomes were taken out, it changed the grading and took away some of the issues. A concern of residents had been the 25 foot wall, which will now be an average of 9 to 10 feet. He said grading in phases results in less vibration and equipment on site.

Mr. Flood said they were dedicating the bottom 16 acres as a preserve nature park. He said studies and reports indicated if nothing was done there was no potential of movement. The original proposal was to cut into the hill and move the stream up. The City asked them not to disturb that area and they complied.

Mr. Flood said a great deal of engineering and review has gone into this plan. He said Layton City's sensitive lands ordinance is the most stringent in the state and this property has been highly scrutinized.

Chairman Gilbert said he didn't know about the stream underneath Beechwood Drive. Mr. Flood said that in 2006 and 2007, a pizometer was installed in Beechwood Drive that allows water to flow into it. There are two in Heather Drive and two on Falcon Ridge. They are read regularly and the average water

depth is 5-20 feet. He said that the water table in the proposed development is 7.5 feet below the finished design level and foundation/land drains will be installed. He said that in Hidden Hollow, where the residents had sump pumps, there were no land drains around the homes.

Mr. Bingham said there could be court challenges to CC&R's setting a percentage of properties that can be rented. He felt someone could not be told they couldn't rent a property they own. Mr. Garside said Layton doesn't have any specific ordinances in that regard.

Mr. Bingham said he didn't expect to change anyone's mind about townhomes. The price of the proposed townhomes will be \$20,000 above their main competition. Their townhomes will not be simple and non-descript. It would provide a way for a younger generation to buy a home in the area.

Mr. Bingham said the Envision Utah project the City was involved with advocates providing sustainable housing for people of various income capacity. The townhomes are priced from \$180,000 to \$220,000. He said it is dangerous anytime there is a "those people" type discussion. Those people are your neighbors and friends. He said that the price point of the townhomes means that the rental price would have to be fairly high.

Mr. Bingham said the question arose as to when the Planning Commission could vote against something and he said they could vote against a proposal when it didn't comply with ordinance. This subdivision does comply with the ordinance and a framework has been established for the responsible growth.

Chairman Gilbert asked about differences in CC&R's for the different types of homes in the development. Mr. Flood said there were several association levels in the Hill Farms Subdivision in Kaysville. He said the townhomes only own the parcel they are built on and vertically up. All around the home is common ground. The HOA will maintain all around the home and the exterior of the structure. The townhomes have to have an HOA that is different than perhaps a single family where the owner is responsible for everything such as snow removal, what is planted, etc. The master association will pay for the landscaping on Antelope Drive as well as both sides of the Emerald Drive extension. He said they layer the associations to make sure there is no undue burden for the traditional single family owner paying for the townhome owner getting more services. The master HOA will clear the sidewalk of snow on Antelope Drive.

Commissioner Hansen asked where children who will live in the development will go to school.

Mrs. Malan, the Sarah Jane Adams PTA president, said the children would go to Sarah Jane Adams Elementary, and she expressed concerns about children crossing Antelope Drive.

Mr. Garside said the City is responsible for maintaining crosswalks and lights, but the State dictates the location and when there can be a crossing guard.

Mrs. Malan said some children may go to East Layton Elementary.

There was a discussion on where children went to school and how they got there.

Commissioner Hansen expressed concerns about the water table issue and how land drains will mitigate the water that apparently exists on the property.

Mr. Flood explained how the land drains worked and how the water ends up in Kays Creek. The detention basins will be designed to meter the flow of water based on the State's rate for releasing water into a stream. A conveyance system will be in place to move the water away. He said Hidden Hollow doesn't have that system.

Chairman Gilbert asked Mr. Garside how the possible negative effects could be addressed. Mr. Garside said when someone purchases a property, they step in the shoes of the owner before. The property owner has to decide what their risks are and if they are going to insure the property against a flood, earthquake, etc. When the homes slid previously, the City worked hard in trying to have the mortgages forgiven. Ultimately, the homeowner is responsible. There may be some liability on the professionals if they are still around, particularly if they didn't disclose something, but ultimately, it's the responsibility of the buyer.

Chairman Gilbert asked how potential buyers are notified. Mr. Garside said a notice of sensitive lands can be put on the plat. Warnings can be put on a plat, but ultimately it's the responsibility of the buyer.

Mr. Flood said in the past there is a property condition disclosure provided for every development. Questions are answered pertinent to a particular lot and also there is a website where potential buyers can read, download or print all the studies relative to that development. At closing, the buyer will receive a CD or DVD of all of the documents. Full disclosure is provided as well as a summary at the end in layman's terms.

Mr. Flood said a requirement of this development is during an excavation, a geotechnical engineer will be on site to observe the soil. The soil will be tested and analyzed to determine if any other requirements need to be met before they put a footing on it.

It was Mr. Flood's opinion that if code is met and something happens, it's not the builders or the developer's fault. He said they can't inoculate buyers from acts of God or something we didn't foresee.

Commissioner Hansen said that with regard to the Beechwood Drive home overlooking the cottage homes, water won't move up the hill to her home.

Mr. Flood said one of the concerns that any geotechnical engineer has is the water contribution around the home running down to the foundations possibly due to overwatering.

With regard to Mrs. Schaeling's home with the steep back yard, there won't be any steep cuts there. The setback area is below the area of concern. The 41-foot cut will help with stability since the heaviness is a driving force that could cause the instability.

Commissioner Hansen asked if there was any practical way to make a temporary access to the trail. Mr. Flood said he would look at options for trail connectivity.

Mr. Weaver said the parks planners have been working on this for quite some time. He said the trail will be developed with some future property or earlier if in the capital improvements plans. There was a suggestion to put a trail on the western part of the lots and he said that would not be a possibility.

There was a clarification from City Planner, Peter Matson, on school boundaries. He said the north half of the development will go to Adams Elementary and the south half to EG King Elementary.

Commissioner Nilsson said that traffic should be revisited as well as the trail system and asked if the Commission could see more of the topography of the grades. He felt that a decision should not be delayed and asked Mr. Flood how long it would take him to revisit the concerns he mentioned. Mr. Flood said he could revisit the trail in a few days and amend the traffic study in two weeks. Mr. Flood asked that the Planning Commission forward a positive recommendation to the Council for preliminary approval and he would address the concerns before final plat.

Chairman Gilbert said there were many different questions, but nothing could be done about the wildlife or the view. He asked if there was anyone who didn't get a specific answer.

Mr. Paulsen asked for the preliminary approval request to be tabled until the Planning Commission reviews the cuts and fills over 10 feet.

Mr. Garside said in the past, the Planning Commission has deferred to the engineers' expertise in making the decision.

Mr. Garside said with regard to Ms. Schaeling's question that under the common law, the lower property owner must maintain the support of someone uphill from them and not do something that would affect the integrity of the property above them.

Mr. Garside advised Chairman Gilbert to call the Public Works Department if he sees a violation and the streets are not being taken care of.

Chairman Gilbert called for a motion on the item.

Commissioner Bodily commended the members of the audience for being present, participating and staying late. He advised to watch as the property develops and be aware if promises from the developer are not kept.

Commissioner Weaver said he had been involved with the project since 2007 and felt the project has evolved from when the developer proposed putting the south fork of Kayscreek in a cement culvert and covering it with 30 feet of soil. He said this project would be a benchmark project in mitigating hazardous lands. He said with the two geotechnical engineers and Hawkins Homes working together, there have been tremendous improvements. He expressed sympathy for the family on Heather Drive who lost their home.

Commissioner Hansen commented on the traffic study. He said it is not a traffic issue because traffic will grow in Layton as we grow and build out. He said it is a safety issue and both parties should come together and solve the safety issue and get the speed controlled.

Commissioner Van Drunen moved that the Planning Commission forward a positive recommendation to the City Council to approve Eastridge Estates PRUD preliminary plat subject to IGES, the Design Review Committee and Staff requirements. Commissioner Hansen seconded the motion. Commissioner Bodily

asked that the motion include prior to City Council review to have the conditions of the trail, traffic study and cuts and fills greater than 10 feet resolved.

Mr. Garside said the cuts and fills greater than 10 feet could be reviewed by the Planning Commission or the review deferred to Staff, when presented for final approval.

Commissioner Van Drunen amended the motion to include trail options and the traffic study and review by the Planning Commission on the cuts and fills greater than 10 feet before final review by the Planning Commission.

Commissioner Hansen seconded the amended motion, and the voting was unanimous.

Chairman Gilbert called for a motion to close the Public Review and adjourn the meeting. Commissioner Bodily moved to close the Public Review and adjourn the meeting. The voting was unanimous, and the meeting adjourned at 11:31 p.m.



Julie K. Matthews, Planning Commission Secretary