

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

APRIL 14, 2014

MEMBERS PRESENT: Brian Bodily, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Randy Pulham, Robert Van Drunen, L.T. Weese

MEMBERS ABSENT: Dave Weaver

OTHERS PRESENT: Staff Members Bill Wright, Peter Matson, Kem Weaver, Brandon Rypien, Weston Applonie, Woody Woodruff, Steven Jackson, Steven Garside, Nicholas Mills

Councilmembers: Tom Day and Joy Petro

Other: Joey Caputo, Utah Department of Agriculture

Beekeeping: Planner I, Weston Applonie, gave a slide presentation on beekeeping. Joey Caputo, State of Utah bee expert from the Utah Department of Agriculture was present to answer questions.

Commissioner Nilsson asked what kind of diseases in bees are typical. Mr. Caputo said it is the State's role maintain the health of bees. He said there is no risk to humans. He said there was a recent bee disease outbreak that had to be addressed to protect the bee and honey industry.

Commissioner Fitzpatrick asked if pesticides were an issue. Mr. Caputo said the State is in the process of establishing a management plan for the industry.

Commissioner Van Drunen asked if there are cities with a minimum lot size for beekeeping. Mr. Applonie said Bountiful has a minimum lot size of 5,000 square feet. He said Provo, Roy and South Jordan have a similar minimum.

Commissioner Fitzpatrick asked about the number of bees per hive. Mr. Caputo said it depends on the time of year and the health of the colony, but 50,000 to 60,000 would be the average.

Commissioner Hansen said that up to five hives per half acre seems dense. He said it would be good to set a minimum lot size.

Chairman Gilbert asked Staff to work on a draft ordinance to present to the Commission.

- 1. FLINT/VAN DRIMMELEN REZONE – A (Agriculture) to R-S (Residential Suburban) -- Ordinance 15-13**
This 15.85 acre property is located at 200 North 2200 West in an A (Agriculture) zoning district. The property owners, David Van Drimmelen and the Flint Family Trust, are represented by the applicant, Bryce Thurgood, of Castle Creek Homes.

Planner II, Kem Weaver, asked the Commission to table this item to the April 28, 2015, Planning Commission meeting. Community and Economic Development Director, Bill Wright, said the reason for tabling the time was to allow more information to come forward about the 2200 West or 2700 West interchange for the West Davis Corridor to become available. This information may be available after the public open house.

Public input on this rezone could be taken at this meeting, but the Commission could still table the item.

2. LAYTON CITY – ORDINANCE AMENDMENTS TO TITLE 18, SECTION 18.50.040 SANITARY SEWER IMPROVEMENTS AND TITLE 19 SECTION 19.07.060 SENSITIVE LANDS OVERLAY – Clarifying the Requirements of Land Drains for Dwellings and Sensitive Land Areas -- Ordinance 15-07

Planner II, Kem Weaver, presented the request to amend Section 18.50.040 and Section 19.07.060. He said the current ordinance is vague with regard to when land drains are required. In Title 19 adding language is being added that the land drains will be maintained by the Home Owner's Association (HOA).

Commissioner Fitzpatrick asked how the HOA can guarantee the land drains are functioning when the developer turns them over to the HOA.

Mr. Weaver said the functionality of the land drains will be verified before the HOA takes over the responsibility. City Engineer, Woody Woodruff, said that land drains are videotaped at the end of installation.

Commissioner Fitzpatrick expressed the opinion that there has been a history of putting in a hillside system that doesn't work and the second phase isn't finished.

Assistant City Attorney, Steve Garside, said the City cannot warranty everything. The City will perform inspections, but that is the best they can do. However, if the land drain doesn't work, the developer is liable.

Commissioner Hansen felt there should be a greater determination if the drains function properly.

Chairman Gilbert asked if there was anything that could be put on the lots or deed indicating that a land drain is involved.

Assistant City Engineer, Steve Jackson, said that if there is a land drain, it is included in most CC&R's. Mr. Garside said that when a future property owner does due diligence, they would find notification of a land drain on the property.

There was a discussion about permeability and the soils in Layton.

3. LAYTON CITY – ORDINANCE AMENDMENT TO TITLE 19 ADDING SECTION 19.16.075 AND TABLE 16-4 ESTABLISHING APPROVED TREES FOR PARK STRIPS AND FRONTAGES – Establishing Approved Trees for Park Strips and Frontages -- Ordinance 15-03

Mr. Weaver presented the request to amend Title 19.16.075 and Table 6-4, which is the landscaping ordinance. He said the City wants to determine the species of the trees that should be planted in park strips and make sure they are planted in the right place to prevent sidewalk buckling in the future. Commissioner Fitzpatrick felt that most of the trees dropped fruit. Commissioner Hansen expressed concern about some of the trees. He said from a personal point of view he wouldn't recommend a Hackberry or a Burr Oak or London tree. He said he agreed with the ordinance but there are some trees that would be really nice that aren't on the list. He felt the ordinance needed more review.

Mr. Wright suggested that the ordinance be tabled to allow for more research.

PUBLIC REVIEW:

4. WAT DHAMMAGUNARAM BUDDIST TEMPLE– CONDITIONAL USE FOR A COLUMBARIUM

This property is located at 644 East Gordon Avenue in an R-1-8 (Single Family Residential) zoning district. The applicant is Douglas Faulkner.

Planner I, Weston Applonie, presented the request for a columbarium for the Buddhist Temple. He said the columbarium will hold the remains of deceased persons that are cremated. The Temple is located in an R-1-8 zoning district. The facility has 96 parking spaces, which exceeds the requirement. He said there will be three structures on the property, including one round structure and two rectangular structures. The columbarium will be surrounded by trees to create privacy for the use. It is a secondary use to the Buddhist temple. The columbarium will be setback according to the minimum setbacks of the zone.

Commissioner Fitzpatrick said the landscaping needs to be maintained around the columbarium. She recommended that the church install some type of hard surface and replace the grass to make sure that the area is suitable for visitors.

Commissioner Fitzpatrick asked if the structures can be moved in case the church moved and if they would be required to remove the remains if they moved.

5. WINCO PLANNED DEVELOPMENT SIGN REVIEW

This property is located at 200 South Fort Lane. The applicant, WinCo Foods, is requesting three planned development signs.

Planner I, Brandon Rypien, presented a site plan of where the planned development signs are planned. He said the signs include an electronic message sign, which is permitted in the CP-2 zone. There are additional panels for other tenants. There could be other signs if the property is divided into other parcels.

Commissioner Hansen asked why the sign had to be 35 feet tall.

Mr. Wright said the developer has approached it from a design perspective. The old Fort Lane sign is 30 feet tall and the additional five feet in height gives a good perspective. He said sign C is oriented to the freeway.

Commissioner Hansen said that if the old sign is being removed and the other signs are in the 20-foot range, planned development signs should be lower. He felt tall signs were old school and that monument signs would be more appropriate.

Mr. Rypien said any sign larger than 200 square feet has to be set back 10 feet.

6. THE VILLAGE AT CHURCH AND MAIN DEVELOPMENT PLAN REVIEW –

This 2.60 acre property is located on the northwest corner of Church Street and Main Street in a MU-TOD (Mixed Use – Transit Oriented Development) zoning district. The applicant, Brighton Homes Utah, represented by Taylor Spendlove, is proposing 56 townhome units.

Mr. Weaver said the Planning Commission has the ability to approve this plan. It is a redevelopment in the mixed use zone. Mr. Weaver said City staff has been working with Brighton Homes Utah, the applicants. Staff has also met with the Design Review Committee, which review is required for this zone.

The applicant is proposing 56 townhomes, which does meet the density for this zone. Most of these units will be accessed from the private street. The three bedroom units will have flex space, which will give them an option to have an office space in the home.

Mr. Weaver described the materials that will be used on the building. He said it is a flat roof building and the elevations will be brick, stucco and hardy board.

Commissioner Fitzpatrick expressed a concern about parking and traffic particularly at the Church Street and Main Street intersection. She asked if the units would be for rent or for sale, and Mr. Weaver said they would be for rent.

Mr. Weaver presented the following accident report for streets that intersect with Main Street in this area.

Accidents 4/1/15 to 3/31/15

Row Labels Count of SEVERITY

Cross and Main 2

NO INJURY/PDO 1

POSSIBLE INJURY 1

Main and Church 10

INCAPACITATING 1

NO INJURY/PDO 2

NONREPORTABLE 6

POSSIBLE INJURY 1

Main and Gentile 13

NO INJURY/PDO 5

NON-INCAPACITAT 2

NONREPORTABLE 1
POSSIBLE INJURY 5
Main and Hill Field 55
NO INJURY/PDO 23
NON-INCAPACITAT 2
NONREPORTABLE 16
POSSIBLE INJURY 14
Grand Total 80

7. EASTRIDGE PARK PRUD – APPROVAL OF CUTS AND FILLS

This 70.02 acre property is located at 1450 East Antelope Drive. Per Ordinance Title 19, Subsection 19.07.120(5)(e), the Planning Commission will review all cuts and fills planned for this development over 10 feet in vertical height.

Chairman Gilbert asked that the Commission focus on the 10-foot cuts and fills. He said the traffic study had been redone, and the trail would be discussed at City Council meeting on Thursday, April 16.



Julie K. Matthews, Planning Commission Secretary

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- MEMBERS ABSENT:** Dave Weaver
- OTHERS PRESENT:** Staff Members Bill Wright, Peter Matson, Kem Weaver, Brandon Rypien, Weston Applonie, Woody Woodruff, Steven Jackson, Steven Garside
- Councilmembers Tom Day and Joy Petro
Other: Joey Caputo, Utah Department of Agriculture

Chairman Gilbert called the meeting to order at Planning Commission at 7:05 p.m. The Pledge of Allegiance was recited and the invocation was given by Commissioner Pulham.

PUBLIC HEARING:

- 1. FLINT/VAN DRIMMELEN REZONE – A (Agriculture) to R-S (Residential Suburban) -- Ordinance 15-13**
This 15.85 acre property is located at 200 North 2200 West in an A (Agriculture) zoning district. The property owners, David Van Drimmelen and the Flint Family Trust, are represented by the applicant, Bryce Thurgood, of Castle Creek Homes.

Planner II, Kem Weaver, presented the request for rezone. He said that based on the Transportation Master Plan meeting, 2200 West is being studied as a future arterial street. While single family homes are appropriate for this area, Staff is asking that the Planning Commission to table this request until April 28, 2015, to allow for further discussion on 2200 West.

The developer, Ed Green, 2150 North Valley View Drive, said that about 15 years ago, 2700 West was planned as the interchange for the West Davis Corridor. Since the Utah Department of Transportation has not made their decision, lives are on hold. If 2200 West becomes a 100-foot right of way, 22 homes would need to be removed. In the meantime, they are hard to sell. He talked about new homes being built that may potentially have to be torn down.

The ditch master for Davis Weber Water Company referred to the west irrigation ditch and said there is a pipeline on the north of the property. He said he had a letter to provide to address his company's concerns. The concern is that the irrigation company is able to access the pipeline and that no hard surfaces or permanent structures are located on this easement.

Commissioner Fitzpatrick said there are mechanisms in place that will protect the easement.

There were no further comments. Chairman Gilbert called for a motion on the item.

Commissioner Nilsson moved to table the item. Commissioner Bodily seconded the motion, and the voting was unanimous.

2. LAYTON CITY – ORDINANCE AMENDMENTS TO TITLE 18 SECTION 18.50.040 SANITARY SEWER IMPROVEMENTS AND TITLE 19 SECTION 19.07.060 SENSITIVE LANDS OVERLAY – Clarifying the Requirements of Land Drains for Dwellings and Sensitive Land Areas -- Ordinance 15-07

Mr. Weaver said the purpose for this amendment is to clarify the location and reason to place land drains. He said land drain systems are outlined in the ordinance but the ordinance is a bit vague. The purpose of the amendment is to clarify the language of the ordinance.

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

Commissioner Hansen moved to forward a positive recommendation to the City Council to approve Ordinance 15-07. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

3. LAYTON CITY – ORDINANCE AMENDMENT TO TITLE 19 ADDING SECTION 19.16.075 AND TABLE 16-4 ESTABLISHING APPROVED TREES FOR PARK STRIPS AND FRONTAGES – Establishing Approved Trees for Park Strips and Frontages -- Ordinance 15-03

It was recommended that this item be tabled.

Chairman Gilbert called for a motion to table the item. Commissioner Van Drunen moved to table Ordinance 15-03. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

4. WAT DHAMMAGUNARAM BUDDIST TEMPLE-- CONDITIONAL USE FOR A COLUMBARIUM

This property is located at 644 East Gordon Avenue in an R-1-8 (Single Family Residential) zoning district. The applicant is Douglas Faulkner.

Planner I, Weston Applonie, said the purpose of the structure is to store urns that have the remains of the cremated persons. The applicant, Douglas Falkner, responded to questions about landscaping. Assistant City Attorney Steve Garside said that any required conditions for the conditional use have to be completed within one year of the approval; however, the applicant can have an additional extension if necessary.

There were no additional questions or comments. Chairman Gilbert called for a motion on the item.

Commissioner Hansen moved that the conditional use be approved subject to all Planning, Building, Engineering and Fire requirements and that a landscape plan be submitted for review.

Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

5. WINCO PLANNED DEVELOPMENT SIGN REVIEW

This property is located at 200 South Fort Lane. The applicant, WinCo Foods, is requesting three planned development signs.

Planner I, Brandon Rypien, presented the request for the WinCo planned development signs. Each sign has a common theme that matches the WinCo building. The Fort Lane Village location is in the freeway corridor area. Title 20 requires that all planned development signs be reviewed and approved by the Planning Commission.

Mr. Rypien said Sign A and Sign B are identical to the design and style of the WinCo building. Sign C is proposed for along the Interstate 15 corridor. He said pole signs are allowed in the CP-2 zoning district. Since they are in the freeway corridor, they are allowed to be 45 feet tall. Signs A and B will be 35 feet tall and will also include an electronic message center, which are permitted in the CP-2 zoning district. These signs are allowed to be placed in the clear view area because the poles do not exceed two feet in width. The maximum size of the signs shall not exceed 300 Square Feet. All signs that are 200 Square feet or larger are required to be set back 10 feet from the property line. Each sign is on different parcel. Staff recommends approval subject to the following six conditions:

1. The planned development sign shall be architecturally integrated with the commercial subdivision.
2. All detached sign supports shall be less than two (2) feet wide in any clear view area.
3. The planned development sign shall be setback a minimum of ten (10) feet from the leading edge of the sign to the property line.
4. The signs shall have a maximum height of thirty-five (35) feet.
5. The planned development signs are required to be separated a minimum of two-hundred (200) feet from another detached sign on the same parcel.
6. All electronic message signs shall meet the requirements of Chapter 20.04.150 (Electronic message signs) as indicated below

Chairman Gilbert asked if the applicant was aware of the conditions. Mr. Rypien said he had mailed the conditions to the applicant.

Commissioner Hansen said Sign C makes sense to be 35 feet tall due its location. He felt Signs A and B were not appropriate for the development. He felt he couldn't support 35 foot signs and he also felt those signs should have landscaping.

Commissioner Nilsson asked if the sign was reduced by five feet would the tenant signs be removed and then cause there to be more signs. Mr. Rypien said that could happen.

Mr. Rypien said with regard to the clearance from the ground, that the director could approve a sign that is no less than six feet from the ground. Signs A and B have a 12.5 foot clearance from the ground.

Mr. Garside said if the ordinance allows the sign height, and if it is not a health or safety issue, then the issue is with the ordinance.

There were no public comments.

Commissioner Fitzpatrick asked if the item could be tabled for further discussion.

Mr. Wright said WinCo had been working to get a building permit, and the City is at the point to issue the permit. They submitted the planned development sign request to have it approved so it can be a part of their entire building permit package.

Commissioner Hansen said since there was not a WinCo representative at the meeting to answer questions, it is difficult to discuss. He said since Wells Fargo and Zion's Bank have 20 foot signs that should be adequate for WinCo.

There were no further comments. Chairman Gilbert called for a motion on the item.

Commissioner Fitzpatrick moved that the Planning Commission table this item to request further details on a smaller sign for Signs A and B. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

6. THE VILLAGE AT CHURCH AND MAIN DEVELOPMENT PLAN REVIEW –

This 2.60 acre property is located on the northwest corner of Church Street and Main Street in a MU-TOD (Mixed Use – Transit Oriented Development) zoning district. The applicant, Brighton Homes Utah, represented by Taylor Spendlove, is proposing 56 townhome units.

Planner II, Kem Weaver, presented the request for development plan review for the redevelopment of 2.61 acres. The purpose is to go over the design aspects of the plan. Staff has met with Design Review Committee as required by ordinance. Some of the things the Planning Commission will be looking at are the scale, floor plans, and balconies. The MU-TOD zone allows for up to 31 units per acre. The purposed density is 21 units per acres. There will not be a density bonus applied. The development has flex space to allow for a home occupation on the main floor.

The buildings will be designed to be urban in nature. The applicant is proposing two car garages for each unit and 16 guest parking spaces.

Mr. Weaver said based on the information provided to the Planning Commission, Staff recommends the Planning Commission approve the development plan.

Commissioner Van Drunen asked if there was a lighting plan. Mr. Weaver said the City would like to keep the double lamp style, but that might provide too much light for the residents. But with the light poles being 15 feet tall and the bedrooms being on the third floor, those lights should work.

Commissioner Hansen asked if there would be access for the Fire Department. Mr. Weaver said the property owner would work with the Fire Department to regulate this. He said 56 units is not a high number and the area was already planned for this type of development.

Commissioner Pulham asked how the moratorium on rentals would impact this property. Mr. Weaver said it does not as the property was already zoned.

Commissioner Fitzpatrick asked what kind of enforcement there will be.

The developer, Nate Pugsley of Brighton Homes, said they had hired a very strict third party management company.

Commissioner Fitzpatrick asked about the trash containers and if there would be a fence to keep people out. Mr. Pugsley said it would be at Main and Church. He said the frontage of the property would be at Cross Street based on utility connections and what UDOT allows.

Brett Davis, representing the dance school adjacent to the proposed project, expressed concerns about traffic and parking since there is already a day care and Gabor Brothers restaurant on the same street. He said it is already a congested intersection. He said the area is red curbed but people still park there.

Commissioners Bodily and Hansen asked if any options had been considered for traffic control.

Mr. Weaver said Staff has not addressed the issue but they can look into options.

There were no further comments. Chairman Gilbert called for a motion on the item.

Commission Van Drunen moved to approve the development plan. Commissioner Nilsson seconded the motion. The voting was unanimous.

The Commission asked the Staff to spend some time to find options to solve the traffic issues.

7. EASTRIDGE PARK PRUD – APPROVAL OF CUTS AND FILLS

This 70.02 acre property is located at 1450 East Antelope Drive. Per Title 19, Subsection 19.07.120(5) (e) of the zoning ordinance, the Planning Commission will review all cuts and fills planned for this development over 10 feet in vertical height.

Mr. Weaver said that at the preliminary review of East Ridge Estates part of the motion stated the Planning Commission would approve all cuts and fills over 10 feet in vertical height.

City Engineer, Woody Woodruff, outlined where the cuts and fills were located. He explained the cut and fill map. He also reviewed the street profiles. He explained the height of the walls and showed the grading equipment to be used. He said there is an option to have a grading monitor.

There was a discussion about suitable soils for fills initiated by Commissioner Fitzpatrick. Kent Hartley, from IGES in Draper, UT, said they would look for those types of soils to be used in certain areas.

Commissioner Fitzpatrick asked about the time between the phases of grading.

Property owner/developer, Mike Flood, 1371 North 1075 West, Farmington, said that the phases of grading would be market driven. As homes are built in one phase, the next phase would be ready for grading. He said there are large sections that would be graded all at once.

Commissioner Fitzpatrick expressed concerned that if there is an extended period of time between phases of grading that soil conditions may change and additional mitigation would be required.

The soils engineer, Kent Hartley, said that engineers would determine any mitigation needed. Mr. Woodruff said mitigation would be on a case by case basis

Commissioner Hansen expressed concerns that the specific type of sand needed couldn't be found in large enough quantities. Mr. Hartley said that wouldn't be a concern.

Daniela Harding, from the audience, expressed concerns that proper information was not given about the cuts and fills and risk to the public. She felt the 11 concerns brought up by the public had not been validated. She had concerns about mass grading not being done when the permit was issued in August of 2012. She said the public would not accept phased grading and wanted mass grading. She applauded Mr. Flood for getting the traffic study done and the trail system designed.

Chairman Gilbert said that changes were made to protect the residents and that he believed the grading will be done properly. He said the number of units had been substantially reduced.

Mr. Woodruff explained that initially the developer wanted to mass grade the property. When the developer proposed phased grading, reviews had to start over.

Commissioner Fitzpatrick asked if by the developer not mass grading, the residents would be put at risk.

Mr. Woodruff said the residents would not be at risk and that is why it took so long to review the grading plan again to make sure it was safe. Each cut and fill was analyzed for safety.

Commissioner Hansen asked if there was anything else that could be done to make it safer.

Mr. Woodruff said that in his 20 years as an engineer, he'd never seen a property more scrutinized. He said he believed the geotechnical engineer had done his due diligence.

Mr. Flood said he had been building for 25 years and all over hillsides. He said from 2012 to now, the grading plan for this property has changed several times. The next step is to build it and build it correctly. He said he was confident the geotechnical engineer had provided accurate guidance.

Mr. Hartley said this project had been an extraordinary amount of work. He felt they had come up with the best possible buildable option. He said if you look at the profile cuts, you can see how steep these slopes are. He felt an incredible job of designing the development had been done.

Ms. Harding expressed concerns about the vibration to homes within 100 feet during the grading process. She asked if more research could be done.

Mr. Flood said there was no more to be done, but he did understand there were concerns. He felt there had been a lot of give and take.

Steve Collins expressed concerns about phased grading versus mass grading. He asked if there could be any indemnification. He expressed concerns about additional traffic. He felt the citizens should have been able to be part of the dialogue to make a determination if the cuts and fills recommended were safe. He felt the time table should be secondary to safety.

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

Chairman Gilbert called for a motion on the item.

Commissioner Bodily moved that the Planning Commission approve the cuts and fills plan for cuts and fills over 10 feet for Eastridge Park PRUD subject to meeting the geotechnical requirements from IGES and Staff requirements. Commissioner Van Drunen seconded the motion.

Commissioner Fitzpatrick commented that she still had reservations in her mind. She said that what was before the Commission tonight was the cuts and fills over 10 feet and it needed to be noted that was the only thing before the Commission.

Chairman Gilbert agreed with Commissioner Fitzpatrick about the only issue before the Commission.

The voting on the motion by Commissioner Bodily and seconded by Commissioner Van Drunen was unanimous.

Chairman Gilbert called for a motion to close Public Review and adjourn the meeting. There was a motion and a second to close Public Review and adjourn. The voting was unanimous.

The meeting adjourned at 9:50 p.m.


Julie K. Matthews, Planning Commission Secretary