

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
APRIL 28, 2015**

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

MEMBERS ABSENT: L.T. Weese

OTHERS PRESENT: Staff: Bill Wright, Peter Matson, Kem Weaver, Brandon Rypien, Weston Applonie, Steve Garside, Nick Mills, Julie Matthews

City Council Members: Tom Day, Joy Petro

Planner I, Weston Applonie, presented information on the number of registered bee keepers and hives in Layton. He presented a map of where the beekeepers are located. There are 29 beekeepers and 90 hives but the hives are not necessarily in the City. The map only shows where the beekeepers live.

Mr. Applonie compared several cities with beekeeping ordinances. He also compared some cities outside of Utah. Their ordinances are very similar to the proposed Layton ordinance.

Mr. Applonie said the proposal is to design Layton City's ordinance so if there is a nuisance, the beekeeper can be asked to move their hive.

Commissioner Van Drunen asked what constitutes a nuisance. Mr. Applonie said it could be a flyway pattern not adjusted correctly so that the bees fly over a neighboring yard or land in a pool or kennel. The flyway pattern could be a nuisance to the neighbors.

Mr. Applonie said a six-foot fence is recommended 10 feet each way from hive when the hive is 25 feet or less from the property line. Some other cities require a 30-foot setback from the property line unless there is a six-foot fence.

Mr. Applonie was asked if the water source had the potential to create a mosquito area. He said the water source is only about the size of a large dog bowl. It was suggested that the maximum size of the water source be set so that there is no misunderstanding.

Commissioner Van Drunen asked the reason for the flyway area. Mr. Applonie said it was for bees to have to move up and fly over.

He also said bee combs and hives cannot be left abandoned. He said that in a comparison of cities, the average lot size was 7,000 square feet with three hives.

Mr. Applonie explained swarming, allergic reactions and bee excrement, which could be considered nuisances. He explained that a hive is stacks of boxes with one queen per hive.

Benefits of hives are fresh local honey. He said there are health benefits and an increase in pollen production in the area that increase crop production. There are minimum concerns.

There was a discussion initiated by Commissioner Fitzpatrick and Councilmember Day on the effects of pesticides on bees.

Mr. Applonie said that if done right, the bees are beneficial for the residents and not a negative impact. The State does not impose heavy restrictions because that causes residents not to register the hives. Then the State inspector can't follow up and check for diseased hives.

Commissioner Pulham suggested that education be required as a part of the licensing process.

Commissioner Hansen and Councilmember Day felt the number of hives allowed per acre in the proposed ordinance was too many.

City Planner, Peter Matson said currently beekeeping is only allowed in the Agriculture (A) zone in the City and there are no guidelines. He said that a higher concentration of bees is being put on agriculture property. It was his opinion that there should be a separation from a neighborhood based on the concentration of bees.

There was a discussion on registration with the State. Mr. Applonie said the State's many concern is regarding disease management. It would be up to the City to enforce nuisances.

Commissioner Van Drunen asked about front yard hives. Mr. Applonie said all the city ordinances he reviewed did not allow bees in the front yard.

The ordinance will be discussed further in a future meeting.

PUBLIC HEARING:

1. SUMNER STEWART/UPDWELL DEVELOPMENT REZONE – R-S (Residential Suburban) to R-1-6 (Single Family Residential) – ORDINANCE 15-14

This 2.31 acre property is located at 191 East Phillips Street in an R-S zoning district. The property owner is Sumner M. Stewart represented by Guy Haskell of Updwell Development.

City Planner, Peter Matson, presented the rezone request and gave the Commission a copy of resident concerns received by e-mail. He outlined the location of the property and zoning designations in the area.

A concern expressed by the Commission was the continuance of 975 South. Mr. Matson said this would not be a requirement as all of the utilities are in Phillips Street.

There was a discussion of the difference in the number of homes allowed between an R-S, R-1-8 and R-1-6.

Some of the Commissioners felt there should be a conceptual plan provided and whether a development agreement was required. Mr. Matson addressed their questions and concerns. Mr. Matson said a development agreement addresses issues that can't be pinned down at zoning. He said detention would be needed since the storm drain line in Phillips is nearly at capacity. Landscaping would be maintained by an HOA, but no development agreement would be required since there would be CC&R's. There is no fencing requirement.

Mr. Garside reminded the Commission that the issue that evening was a zoning issue, a decision if the property is appropriate for the proposed zone. The other issues would be addressed later. He said sometimes the developer brings a conceptual plan as a convenience. Discussing the design and the final product is premature to the zoning.

Commissioner Hansen expressed concerned about R-1-6 versus R-1-8 zoning.

Mr. Garside said the General Plan allows for R-1-6 zoning in the area. A reason to deny could not be just a dislike of the proposal.

Commissioner Weaver said the difference between R-1-6 and R-1-8 zoning is only a difference of about two homes.

2. FLINT/VAN DRIMMELEN DEVELOPMENT AGREEMENT AND 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 said that the applicants felt that due to the uncertainty on 2200 West that they would rather reduce the amount of acreage they are requesting to rezone from 15.85 acres to 9.785 acres without a development agreement. There is a natural division in the property due to the power line corridor. Mr. Weaver said the R-S zoning at 2.2 units per acre meets the General Plan Guidelines. There was a discussion of the 50-foot power corridor easement.

PUBLIC REVIEW:

3. 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 WinCo's planned development signs. He said WinCo had agreed to adjust Signs A & B from 35 feet to 25 feet in height. Since the size of Signs A & B are below 200 square feet, they are allowed to be two feet from the property line instead of 10 feet. Signs 200 square feet or larger are required to be setback 10 feet.

Commissioner Van Drunen asked if the signs would be in the landscape buffer. Mr. Rypien replied in the affirmative. There will be landscaping around the base of the signs. The following are the conditions recommended by Staff:

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).

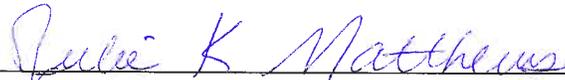
Commissioner Van Drunen asked that the electronic sign ordinance be revisited in the future.

The Commissioners also asked if parking at senior care centers can be revisited.

Mr. Garside said anytime the Commission comes up with a concern about an ordinance, they can request the Staff look at the issue.

Chairman Gilbert said it was just not senior care center parking issues but also businesses like Duncan Donuts and Habit Burger. He asked if the seats outside are taken into consideration when calculating parking requirements.

Chairman Gilbert asked for Mr. Wright to have Staff reconsider parking requirements.



Julie K. Matthews, Planning Commission Secretary

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City Council Member: Tom Day

Chairman Gilbert called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited, and an invocation was given by Commissioner Hansen.

APPROVAL OF THE MINUTES: Chairman Gilbert called for a motion to approve the March 10, 2015, Planning Commission and Work Meeting Minutes. Commissioner Bodily moved to approve the minutes as written. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

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

City Planner Peter Matson spoke about the Envision Layton Public Workshops open to the public and high school students on April 29, 2015, from 6-8 p.m. at Layton High School. He said it is an opportunity for the public to participate in a live survey on issues of growth and future population. He said it would be meaningful input that would eventually be incorporated into the City's Land Use General Plan.

PUBLIC HEARING:

1. SUMNER STEWART/UPDWELL DEVELOPMENT REZONE – R-S (Residential Suburban) to R-1-6 (Single Family Residential) – ORDINANCE 15-14

This 2.31 acre property is located at 191 East Phillips Street in an R-S zoning district. The property owner is Sumner M. Stewart represented by Guy Haskell of Updwell Development.

City Planner, Peter Matson, presented the rezone proposal for 2.31 acres of property located at 1919 East Phillips Street, presently zoned R-S. He said the property has 183 feet of frontage on Phillips Street. There is currently a large metal building associated with a business on the property.

Mr. Matson said the applicant is requesting a zone change from R-S to R-1-6, which is a single family residential zone found throughout the city at a density of 3-6 dwelling units per acre. The minimum lot size will be 6,000 square feet with side yard setbacks of 5 and 8 feet for a total of 13 feet between properties.

If developed as a subdivision, this property has all the utility accesses out to Phillips Street. The proposed R-1-6 zone is a zone that is found in parts of this neighborhood. R-1-8 is the predominant zone in the area, and this particular area is recommended for 3-6 dwellings units per acre. R-1-6 zoning is consistent with the General Plan recommendation for this area at 5 to 5.5 units per acre. Sidewalk improvements along Phillips Street would be required. Given the guidelines of the City's General Plan, the Planning Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to adopt ordinance 15-14 approving the rezone from R-S to R-1-6.

Commissioner Weaver asked about the future of the metal building. Mr. Maton said the building was associated with an excavation type business. If a subdivision is developed, that building would be removed from the property.

The applicant, Guy Haskell, addressed a concern brought up in the work meeting where he was asked if his proposed development would connect into 975 South. He said there would be a connection and the Fire Marshall preferred that connection.

Commissioner Hansen asked why the rationale to rezone to an R-1-6 zone versus an R-1-8 zone, which is a zoning that is a little more prevalent in the area.

Mr. Haskell said his real estate agent did some research and said the resale value wouldn't be high enough to go with a bigger home. He hadn't researched the R-1-8.

Commissioner Weaver asked if there would be storm water detention on the property. Mr. Haskell said there would be detention.

Jerry Madsen, 134 East 975 South, said several residents from the neighborhood feel the R-1-6 zoning would not be holding with Title of 18 and 19 regarding a proposed development potentially reducing the value of an existing home. He felt the development reduces the value of his home.

Mr. Madsen felt the zoning was not correct on the City Map.

Mr. Madsen expressed a concern that the cul-de-sac by his home would not remain and felt he had been promised that it would remain there.

Steven Pellecolomo, 137 Phillips Street, said it didn't make sense to devalue the 2.31 acres. He said the value of his property has gone up. He also felt the City map with R-1-6 on Phillips Street was not correct. Peter Matson, City Planner, verified the map was correct.

Mr. Pellecolomo also spoke about traffic on Phillips Street. He expressed concerns about the condition of Phillips Street. He felt R-1-8 would sell well.

Angie Wood, 163 Phillips Street, felt the R-1-6 homes would not be kept up nicely since the ones in another R-1-6 area are not kept up in her opinion. She said they live in the area for a reason because they like the way it feels and like to keep their home up nicely.

John Lidema, 968 South 200 East, moved to the neighborhood in April, 1981. Both he and his wife are afraid with R-1-6 zoning or any homes more traffic will be created. He didn't want the quiet

neighborhood to change. He expressed concerns about the condition of Phillips Street and the possible height of any new homes taking away his view.

Lorell Martinez, 103 Phillips Street, said she understands the desire to develop because everyone needs a place to live and needs affordable housing. She said the value is the quality of life on the street. The density of R-1-6 is the issue. She expressed concerns about speed.

Mark Oveson, 986 South 200 East, had concerns that the privacy of his backyard would be lost with development.

Guy Haskell said one of the reasons they looked at R-1-6 zoning instead of R-1-8 was because he wants to give people what they are looking for, which is a smaller lot with a larger home. He said they want to meet the needs of a double income family who don't want as much yard.

Commissioner Fitzpatrick asked about the average selling price of the homes. Mr. Haskell said the homes would be built for \$125 a square foot plus the cost of the lot. The base price would be \$225,000. Commissioner Fitzpatrick said she didn't feel there were that many more houses in an R-1-6 than an R-1-8 zone so there may not be a traffic issue.

Chairman Gilbert called for a motion on the item. Commissioner Hansen said he acknowledged the fact that there is a need in the City for a variety of housing sizes and types. In his view, the prevalent size of lots in the area is R-1-8. He said he appreciated the developer's argument but feels the R-1-8 would be the most appropriate size and cannot support R-1-6.

Commissioner Hansen moved that the Planning Commission forward a recommendation to the City Council to not adopt ordinance 15-14 denying the rezone from R-S to R-1-6. Commissioner Bodily seconded the motion, and the motion passed by a margin of 5 to 1 with Commissioners Bodily, Fitzpatrick, Hansen, Nilsson and Weaver in favor and Commissioner Van Drunen against the motion.

2. FLINT/VAN DRIMMELEN DEVELOPMENT AGREEMENT AND 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 said that since the Staff report was generated with the development agreement attached, the Staff met with the developer who requested the rezone area be reduced from 15.85 acres to 9.785. This portion of the property is west of the power corridor and wouldn't be affected by the development agreement, which was put in place due to the uncertainty of the future width and street classification of 2200 West.

The developer wants to move forward to subdivide the property and develop it before the weather gets bad toward the end of the year.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from A to R-S.

There were no questions from the Commission or audience. Chairman Gilbert called for a motion on the item. Commissioner Nilsson moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-13 approving the rezone from A to R-S. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

Commissioner Bodily said this was a perfect example of the developer going out of his way to accommodate the situation and he should be commended.

Chairman Gilbert called for a motion to close the Public hearing and open Public Review. Commissioner Bodily moved to close the Public Hearing and open Public Review. The motion was seconded by Commissioner Fitzpatrick, and the voting was unanimous.

PUBLIC REVIEW:

3. 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, said at the April 14, 2015, meeting the Commissioners had concerns about the height of the proposed signs. WinCo has agreed to reduce the height of signs A & B from 35 feet to 25 feet in height. Sign C will remain at a height of 35 feet based on its proximity to the I-15 Freeway.

Mr. Rypien said Sign A will be on the southwest corner of Wasatch Drive and Gentile Street. Sign B will be located just north of Zion's Bank, and Sign C will be on the west side of the WinCo property along the freeway. Detached signs that exceed 200 square feet are required to be setback 10 feet from the property line. Signs A & B are required to be 2 feet from the leading edge of the sign to the property line because they are less than 200 square feet in size. On parcels with multiple detached signs, the signs must be 200 feet away from each other. The current Fort Lane Shopping center sign on Gentile Street is 30 feet tall. Signs A & B will have electronic message centers. Sign C doesn't include an electronic message center.

Each sign has two poles. If the pole is wider than two feet it must be outside of the clear view area. In this case, the pole is less than 2 feet wide and can be located in the clear view area.

Mr. Rypien said Staff recommends approval of the WinCo Planned Development signs. He said all signs shall have a landscaped scheme around the base of the sign. The signs will have to be landscaped right after installation.

The following are the conditions with adjustment suggested by the Commission.

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 200 feet from another detached sign on the same parcel.
6. The planned development signs shall meet the requirements of Chapter 20.04.150 (Electronic Message Signs)

Commissioner Nilsson asked about the electronic signs curfew. Mr. Rypien said that signs could operate from 6:00 a.m. to 10:00 p.m.

There was a discussion of monument signs and the location of the proposed signs to the billboard. The WinCo representative, Dave Collard, 8382 South 1000 East, Salt Lake City, was asked if he had reviewed the conditions and recommendations from Staff. Mr. Collard said he had. Chairman Gilbert asked how the timer worked and Mr. Collard explained how the dimming of the signs was programmed into the system.

There were no questions from the audience.

Chairman Gilbert called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commission approve the Planned Development signs subject to the applicant meeting all conditions. Commissioner Weaver seconded the motion, and the voting was unanimous.

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

The meeting adjourned at 8:00 p.m.



Julie K. Matthews, Planning Commission Secretary