

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
JULY 14, 2015**

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

MEMBERS ABSENT: Randy Pulham

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Weston Applonie, Nicholas Mills, Christy Wixom, Julie Matthews

City Council Members: Tom Day, Joy Petro

PUBLIC HEARING:

1. ANDERSEN – REZONE A to R-S

This .61 acre property is located at 3012 Boulder Drive in a A (Agriculture) zoning district. The property owner, Gennette Williams, is represented by the applicants Lawrence and Kristine Anderson. Planner II, Kem Weaver, gave a presentation on the Andersen-Williams Rezone.

Applicants Lawrence and Kristine Anderson are requesting to rezone .61 acres located on Boulder Drive. Properties surrounding it are zoned R-S, Agriculture and R-1-10. Because the property is only .61 acres and zoned agricultural they are not allowed to build a home on this property. A rezone is required to build a home on the property. Rezoning it to R-S requires a minimum of 15,000 sq. ft. Having .61 acres is approximately 26, 000 sq. ft. Once rezoned, the property will meet the requirements for a building permit.

Staff recommends that the Planning Commission approve the rezone from A to R-S.

2. ZONING ORDINANCE AMENDMENT – BEEKEEPING – TITLE 19 (ZONING), SECTIONS 19.02.020, 19.06.010 (TABLE 6-1, 6-2) AND 19.06.080(3) – ORDINANCE 15-17

Planner I, Weston Applonie, gave a presentation on beekeeping.

Item 2: In June, this ordinance amendment came before the Planning Commission. After Public Hearing input and Planning Commission discussion, the item was continued for a month to provide staff time to review the ordinance and address concerns raised in the public meeting. The current draft ordinance is an accumulation of discussions held with the public, Planning Commission, Utah Department of Agriculture and Food, and research completed by Staff.

In subsection 3 of the draft ordinance, ownership and maintenance of apiaries is changed so that a City permit for beekeeping is not required. The Utah Department of Agriculture and Food and Davis County Bookkeepers Association have asked not to require a permit at the City level and keep it at the State level. This is also based on public comment from the last Planning Commission meeting. From a policy perspective, it appears that out of the 10 ordinances that were researched, both inside Utah and the cities outside of Utah, most cities chose to not require a permit. Through our research there have not been significant complaints.

Commissioner Bodily wanted to know how we could tell if beekeepers are licensed with the State and if this was an issue? Mr. Applonie said if there becomes an issue we will go out to enforce the beehive use be compliant to City ordinances. If there are zoning issues we will end up getting their name and we can check there name against the State database registry.

Commissioner Van Drunen asked if they had tools in case of a complaint. Mr. Applonie said if the complaints are based on swarming and the City will contact the Davis County Beekeepers Association. They are set up to go out and take care of these issues. If the neighbor is complaining that the hives are too close to a property line or coming into swimming pools, then those complaints can be addressed at City level where we can tell them to change the location of the hives.

Commissioner Hansen asked what you get from the State if the City has a request to get the beekeepers permitted. Mr. Applonie said anyone can look on line to see the names of the beekeepers, what city they are located in and if their permit is active. You won't be able to see addresses or the number of hives each beekeeper has. If there is a significant issue we can work with the State on a complaint by complaint basis. However, the State wants to keep the information as confidential as possible.

Commissioner Hansen asked if it was sufficient for the City if a complaint comes at that point to go online and request from the State that list or would you maintain a copy of that here at the City and update it every 3 months? Mr. Applonie said the City would go online when we needed the list. The State is very active in keeping this list.

Commissioner Nilsson said that we have compared beekeeper ordinances for about 6 or 7 different Cities and do any of those have to be licensed? Mr. Applonie said all of them have to be licensed with the State of Utah through Agriculture and Food. Roy City is the only city that requires registration through the City.

Commissioner Hansen wanted to know if a potential beekeeper, which is now going to go register with the State and is from Layton, do they take on the responsibility to come get this ordinance and see that they are in compliance with this ordinance? Mr. Applonie said the State will require them to be legal and to check with their local city to make sure they are in compliance. We have a great resource here, Richard Homer, who is the president of the Davis County Beekeeper Association and has gone through the ordinance. Mr. Homer said he does know a lot of the beekeepers and they do encourage them to follow the rules regarding city ordinances. Mr. Homer also said that every beekeeper receives a registration number and it is required by law to put that number and their phone number on their hives. So if someone wanted to complain they could get that registration number and report them.

Commissioner Hansen had concerns about making sure that we have a list of names of the bee keepers in Layton and that they are in compliance with the ordinance. Mr. Applonie said we could have citizens come in to register and at that point explain the ordinance; or we could just say it's up to citizens to comply.

Commissioner Van Drunen asked what causes swarming and what is done to fix the problem. Mr. Applonie said that swarming is typically caused by hive overgrowing as bees will continue to multiply and have no room to grow. To correct this problem you would split your hives or keep adding boxes on top to allow the hives to grow. The beekeepers take the hive and put it in a box.

Commissioner Hansen asked if beekeepers are responsible for properly managing their hives. Mr. Applonie said yes.

Commissioner Van Drunen asked what happens if they have to split the hive and have too many hives according to the ordinance? Mr. Applonie said they would have to find a new home for the hives.

Commissioner Fitzpatrick was concerned that hives are restricted to 6 feet in height while most ordinance examples allow hives to be 7 feet in height. Mr. Homer stated that most are 6 feet and if it was too high then it would be hard to manage.

Subsection 4 of the draft ordinance was reviewed and Mr. Applonie said the previous draft recommended the setback from the home be 10 feet. This is the setback from the hive to the home. It is proposed that the setback be removed per recommendations from the Utah Dept of Agriculture and Food and the Davis County Beekeepers Association. The feedback we received was that placing the hive next to the home may be the best location for a hive on a lot and could also act as a flyway and help to prevent a nuisance for the neighbor. It is proposed that a setback from a side yard be decreased from 10 feet to 5 feet. The Davis County Beekeeper's Association recommended removing all setbacks. However, to provide a separation barrier between hives and neighbors and still provide additional room for hive placement, this setback has been reduced to 5 feet. It is proposed that the total height of the hive be changed from 5 ft to 6 ft. This increase allows hives to grow during peak season but won't go over a 6 foot fence.

In Subsection 5b: Commissioner Fitzpatrick had a concern that the small lot had to have a 5 foot setback and the large lots had to have a 50 foot setback. The previous draft required a 100 foot minimum from any primary residential structure on the same or adjacent lot. Mr. Applonie said it is proposed that the side setback for lots larger than one acre and located in R-S and A zoning districts, be updated to minimum of 50 feet and only from primary residential structures on the adjacent lot. The intent is for those that have a large number of hives to be pushed further from primary residential structures.

It should be noted that the flyway can be solid vegetation and does not have to be a fence. Mr. Applonie presented a layout of setbacks.

PUBLIC REVIEW:

3. LOTUS MEMORY CARE – DEVELOPMENT PLAN & CONDITIONAL USE FOR A NURSING HOME

This property is located at 101 North Fort Lane in a MU (Mixed Use) zoning district. The property owner and applicant is Charles Osman. Planner I, Weston Applonie, gave a presentation on Lotus Memory Care.

The applicant for Lotus Memory Care is requesting conditional use approval for the nursing home. The nursing home consists of 16 beds all with private suites. The facility is a total of 15,445 square feet. The applicant intends to use 13,255 square feet of that for Memory Care, and 2,200 square feet will be office space for an existing tenant. The nursing home is allowed as a conditional use in that zone. Per the MU ordinance, the Planning Commission has the authority to approve the development plan. Staff has been working with the applicant to prepare the design elements for the development plan.

The Design Review Committee had the following recommendations that the applicant agreed with. The band located on the south elevation, which separates the levels, is recommended to continue to the north and west elevations; and to add stone veneer on the entrance of the west facade. The building incorporates design elements that include stone veneer, hardy board, porte-cochere, and sky lighting. The main floor will contain an activity room, lounge, dining room, living room, and office space. All living

quarters will be on the second floor. The existing facility is two stories however; the roof is too low to facilitate 16 beds so they are going to raise the roof.

The municipal code requires that nursing homes have one parking stall for every two beds plus one parking space for every employee. This will require a total of 15 parking stalls. Professional office is required to have 1 parking stall for every 200 square feet of floor area. The existing office space at 2,200 square feet will require 11 parking stalls. In total 26 parking stalls shall be required. The proposed parking lot contains 59 parking stalls and the stalls on the site exceed the requirements. Property to the North and West which includes Layton High School and a City Fire Station, require a 6 foot solid wood, solid vinyl, or chain link fence with interlocking slats. A landscape buffer is not required. The existing landscape consists of a 6 foot chain link fence and large mature evergreen trees. Staff recommends the Planning commission modify the requirement for a slatted fence by not requiring the slats as the mature evergreen trees provide a sufficient screen to minimize impact.

Commissioner Weaver stated there is a big hole in the fence on the west property line.

Commissioner Van Drunen asked if the evergreens go away would they have to put slats in the fence. Mr. Applonie said the evergreens are on the school district side of the fence. Commissioner Fitzpatrick asked if there could be a waiver saying if the evergreens go away then slats will have to be put in or put in something else of similar size. Mr. Matson said this is a reasonable request and should be well documented.

Mr. Applonie stated that there is no landscape buffer that is required on the east portion of the site. The proposed plan shows that they will be putting in a sidewalk. The landscape plan will maintain the mature trees and additional plants.

Mr. Applonie stated the structure is in compliance with all setbacks. Conditions for approval are:

- 1) All building, engineering, and fire requirements shall be completed prior to construction.
- 2) Striping of the parking lot must at all times be clearly visible and maintained.
- 3) Weeds shall be removed from the premises and landscaping maintained.
- 4) An attractive and functional entrance for pedestrians shall be added from the street to the front of the building.

Commissioner Hansen asked if the applicant had concerns about building a facility across from football field. Mr. Applonie had not heard of any concerns.

Mr. Applonie suggested that we add that the sidewalk meet ADA requirements.

Commissioner Fitzpatrick asked if they will be requiring a sprinkler system to be put in. Mr. Matson said yes.

4. SEASONS OF LAYTON COMMERCIAL CONDITIONAL USE FOR A FAST FOOD EATING ESTABLISHMENT AND REQUEST FOR A LANDSCAPE BUFFER MODIFICATION

City Planner, Peter Matson, did a presentation on Seasons of Layton. Mr. Matson was filling in for Mr. Rypien who wrote the report.

This property is located at 2127 – 2151 North Hill Field Road in a CP-2 (Planned Community Commercial) zoning district. The applicant, Nathan Leishman, is representing Seasons of Layton Commercial.

Mr. Matson stated there are two conditional use permit requests for two drive-thru fast food eating establishments, and a buffer modification request. The reason for the request is because this is a

shallow property and given the uses that may happen to the North. If conditional use is granted, applicant will submit a detailed site plan and landscape plan. The challenge is getting some decent usable square footage in the buildings and still accommodating enough parking spaces with the surrounding uses. The detention basin is already done and landscaping has been installed so they will be fitting in with some infrastructure that has already taken place. Mr. Rypien added in his report about a specific condition related to the outdoor paging system. This is a good reminder to call out as a condition given that residential units nearby may find this to be a nuisance.

Commissioner Fitzpatrick expressed concern regarding the small space in back for parking, the noise and bright lights may be a problem for the residents in the apartments. Mr. Matson stated they are looking for an alternative such as adding a ramp designated for the delivery trucks. Mr. Matson stated deliveries would be from 7:00 a.m. to 11 p.m.

Commissioner Weaver said the five spots south of the detention basin are not in the plans. Mr. Matson said they are still there just were not added into the plans.

Commissioner Weaver said there is a piece of landscaping and wanted to know if it stays and if the five spots are still going to be there. Mr. Matson said yes.

Commissioner Weaver asked about the neighbor to the North and the 10 ft. buffer. Mr. Matson said the owner of the house has put up a vinyl fence around the entire 6 acres. The buffer requirement between commercial and agriculture is fence only. However, if you take into account that a home is located adjacent to this property, a 20 ft. buffer would be required. However, the home is empty and probably will not be reoccupied. The property will probably redevelop and so the requested modification is 10 ft.

Commissioner Van Drunen asked if it was zoned agriculture. Mr. Matson said yes but if you count the home then the required buffer is 20 ft. To cover our bases we want the Planning Commission to address the modification from the residential land use from 20 ft. to 10 ft.

Commissioner Nilsson wanted to know how cars from two drive-thrus were getting out of there? Mr. Matson said they merge into a single lane that heads out to the private street.

Commissioner Hansen is concerned about trying to put too much in such a confined space. He would like to have a discussion with the applicant to possibly have one building that serves the purpose and gives room for parking.

Commissioner Fitzpatrick wanted to know if we are not putting a buffer between the proposed buildings and apartments, what is the backside of building going to look like? Mr. Matson suggested a four sided architecture type of treatment because the back is usually more open. They are coming before the Planning Commission because of fast food uses and buffer issues.

Commissioner Weaver was concerned that they would be sharing a receptacle with the apartments.

Mr. Matson said we could talk to them about putting a fence between the building and apartments.

Commissioner Fitzpatrick asked about outdoor seating? Mr. Matson said we would have to calculate that into the parking requirements.

Commissioner Fitzpatrick would like something listed regarding delivery times and the four sided architecture.

5. FLINT FIELDS SUBDIVISION- PRELIMINARY PLAT

Planner II, Kem Weaver, gave the presentation on Flint Fields Subdivision. This 9.785 acre property is located at approximately 2300 West Gentile Street in a R-S (Residential Suburban) zoning district. The applicant, Castle Creek Homes, represented by Bryce Thurgood, is proposing 23 single family residential lots.

Mr. Weaver said the property was rezoned back in April by the City Council, which was the first phase of Flint Fields. The only frontage is Gentile Street at approximately 2300 West. This is rezoned from A to R-S. Landscape buffer easement is required along Gentile Street.

Commissioner Fitzpatrick asked who is responsible for taking care of the detention basin. Mr. Weaver said the City will be taking care of it. They are requiring an easement from Rocky Mountain Power to put that detention basin in the power corridor.

Commissioner Weaver asked who is required to put in the fencing and landscaping? Mr. Weaver said the developer will be required to put in fencing and landscaping.

Commissioner Fitzpatrick wanted to know if the home adjacent could connect into the sprinkler system. Mr. Weaver said yes.

Commissioner Hansen wanted to know if lot 101 and 123 will be facing the street. Mr. Matson said both would be facing the subdivision street.

Commissioner Nilsson wanted to know if they could facilitate another fence so that the lots could be built without having to have frontage on 2200. Mr. Weaver said no because then the cul-de-sac length would be too long based on ordinance.

Commissioner Weaver asked if there were any complaints regarding traffic on Gentile Street due to this development? Mr. Weaver said no. Mr. Weaver also stated there will be an informational public meeting on Monday, July 20, 2015 at 4:00 p.m. regarding the 2200/2700 west interchange alternatives for the West Davis Corridor.

6. WINDMILL SUBDIVISION – PRELIMINARY PLAT

Planner II, Kem Weaver, gave the presentation. This 26.086 acre property is located at approximately 100 South 3200 West in a R-S (Residential Suburban) zoning district. The applicant, Destination Homes, represented by Cameron Scott is proposing 56 single family residential lots. Cameron Scott was in attendance to answer questions

Mr. Weaver said the property was annexed into the city and rezoned in April of this year. The zoning designation that was given is R-S. There will be two connections for accessing the subdivision phases.

Commissioner Nilsson asked the location of the rest of the property owned by Destination Homes. Mr. Weaver said the property to the north is an agricultural shed and we have not annexed all of that yet. The shed is owned by Scott Bone and Destination Homes is currently working with him.

Commissioner Van Drunnen said if the north parcels get developed then does there have to be an access to Gentile Street. Mr. Matson said they could develop a home. However, if they want to do any type of development that involves more lots then they would have to make a connection with Gentile Street. The biggest issue for Scott Bone is the location of the stub street relative to his property line and the

3300 W. connection on the north side of Gentile Street. There may be an opportunity to shift towards the east a little bit then curve the road somewhat and come back to align with 3300 West. This would give Mr. Bone a couple of lots on the west side. The recommendation is to grant approval and when it comes back for final plat that decision will have to be made.

Commissioner Hansen said if Mr. Bone decides to build a house, will the stub street get changed or modified in some way? Mr. Matson said the requirement or agreement for that will take place on Destination Home's site with the location of the stubbed street.

Commissioner Weaver said regarding the streetscape on Layton Parkway, will that be an HOA? Mr. Weaver stated that the whole development is going to pay to mow the lawn and water the trees. We are requiring that the fencing be put up now, but will not require landscaping to be planted until Layton Parkway is done.

Commissioner Fitzpatrick asked if they are being required to pay half the street like other developers had to do? Mr. Weaver will ask the City Engineer.

Commissioner Fitzpatrick wanted to know once you put fill in how long until you can build? Mr. Scott said it would not affect phase one.

Commissioner Fitzpatrick asked if there were any concerns regarding the water table and would some homes have to have no basements or be raised? Mr. Scott said they would be putting in a landscape and foundation drains. These utilities should lower the water table. So they are calculating how many basements are allowed, but reserve the right to go back and do more tests to see if the system can handle more homes with basements. Mr. Weaver also stated that Destination Homes is required to put in the sidewalk connection to Gentile Street along the west side of 2200 West. Sidewalk will be part of the right of way.

7. COTTAGES AT VALLEY VIEW -- PRELIMINARY PLAT

This 5.38 acre property is located at approximately 2150 East Oakridge Drive in a R-1-6 (single family residential) zoning district. The applicant Ovation Homes, represented by Brad Frost is proposing 18 single family residential lots.

Item not reviewed due to lack of time.

Christy Wixom, Planning Commission Secretary

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
JULY 14, 2015**

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

MEMBERS ABSENT: Randy Pulham

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Weston Applonie, Nicholas Mills, Christy Wixom, Julie Matthews

City Council Members: Tom Day, Joy Petro

Vice-chairman Weaver called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was recited and an invocation was given by Commissioner Nilsson.

- **REAPPOINTMENT OF COMMISSIONERS ROBERT VAN DRUNEN AND DAVE WEAVER**
- **ELECTION OF PLANNING COMMISSION CHAIR;** Commissioner Bodily nominated Commissioner Fitzpatrick, Commissioner Weaver second the motion, Commissioner Nilsson closed nominations. Called for vote, voting was unanimous. Madam Chair Fitzpatrick now conducted the meeting. Commissioner Bodily nominated Commissioner Weaver vice chair; Commissioner Nilson seconds the motion; Commissioner Bodily closed the nominations. Commissioner Weaver was re-elected Vice-Chair unanimously.

Announcement: Julie Matthews will be retiring. It was announced that Christy Wixom will be replacing Julie.

Approval of the minutes: The minutes for May 12 and May 26, 2015 were approved.

PUBLIC HEARING:

1. ANDERSEN – REZONE A to R-S

This .61 acre property is located at 3012 Boulder Drive in an A (Agriculture) zoning district. The property owner, Gennette Williams, is represented by the applicants Lawrence and Kristine Anderson.

Planner II, Kim Weaver, stated that the applicants are requesting to rezone .61 acres located on Boulder Drive to R-S. Properties surrounding it are zoned R-S Agriculture and R-1-10. Since the property is only .61 acres and currently zoned agricultural they are not allowed to build a home on this property. In order to build a home they will have to rezone this property. Rezoning it to R-S requires a minimum of 15,000 sq. ft. and .61 acres is approximately 26,000 square feet of lot area. The applicants will have to do street improvements along Boulder Drive such as curb, gutter, sidewalk, and asphalt to widen the street on Boulder Drive. The Land Use Element of the General Plan indicates that single family developments are appropriate in this area. The staff recommends that the Planning Commission recommend to City Council the property be rezoned from A to R-S. This recommendation is based on the consistency with the General Plan recommendation for single family development in this area of the City.

The applicant, Lawrence Andersen, 12433 S. Deer Cove, Draper Utah was present.

Commissioner Van Drunen asked if the applicant was clear on all that needs to be done on Boulder Drive with curb, gutter, sidewalk, and asphalt. Mr. Andersen said yes and they will also be stubbing in all other utilities that are needed to build a home.

There were no further comments. Madam Chairman Fitzpatrick called for a motion on the item. Commissioner Weaver motioned to approve this item and Commissioner VanDrunen seconds the motion. Voting was unanimous.

2. ZONING ORDINANCE AMENDMENT – BEEKEEPING – TITLE 19 (ZONING), SECTIONS 19.02.020, 19.06.010 (TABLE 6-1, 6-2) AND 19.06.080(3) – ORDINANCE 15-17

Planner I, Weston Applonie, stated that in June of 2015, the draft Beekeeping ordinance came before the Planning Commission. After hearing feedback from the public and Planning Commission, the item was continued for a month to provide staff time to review the draft ordinance and address concerns raised by the public. The draft ordinance is an accumulation of discussions held with the Planning Commission, public, Utah Department of Agricultural and Food, and research compiled by staff.

Under section 19.06.080 (3) it is proposed that beekeeping registration not be required by the City. This recommendation is based on the Utah Department of Agricultural and Food, and the Beekeepers Association. It's proposed the 10 foot setback between the home and the hive be removed. It's also proposed that the required setbacks from the side yard be decreased from 10 feet to 5 feet, and the total height of hive be changed from 5 feet to 6 feet.

The previous draft in subsection 5b required a minimum of 100 feet from any residential structure on the same or adjacent lot. The City is proposing that this be changed to 50 feet, and only for primary residential structures on only the adjacent lots. The intent is to push hives away from residential structures.

Staff recommends the Planning Commission to recommend the City Council to adopt ordinance 15-17 approving amendments to section 19.02.020, and 19.06.010 table 6-1 and table 6-2 and 19.06.0803 of the Layton Municipal Code to establish regulations for beekeeping.

Richard Homer, President of the Davis County Beekeepers Association, 1261 E. 300 N., Layton, UT addressed the Commission.

Mr. Homer would like a provision, that if granted permission from the neighbor to allow the hive closer than 5 ft to the property line.

Mr. Homer also stated that they are trying to mitigate and limit of swarming. So in order to do this they would need to cut the hives in half and so he would like to see the number of hives allowed changed from 2 to 3 or 5.

Commissioner Hansen recommends approval to changing 0 to 10,890 square foot lot size to 3 hives, and 10, 891 to 21,780 square feet to 5 hives and leaves the other two size lots as is.

Madam Chair Fitzpatrick called for a motion.

Commissioner Hansen moved to recommend the City Council approve ordinance 15-17 and to change the lots up to 10,890 square feet to be allowed to have 3 hives and lots between 10,891 and 21,780 be allowed to have 5 hives. Commissioner Bodily second the motion. Voting was unanimous.

PUBLIC REVIEW:

3. LOTUS MEMORY CARE – DEVELOPMENT PLAN & CONDITIONAL USE FOR A NURSING HOME

Planner I, Weston Applonie said the applicant, Lotus Care Memory Park LLC, is requesting a conditional use approval for a nursing home. Lotus Memory Care is a secure community that cares for individuals who suffer with Alzheimer's and dementia. This proposed facility will provide 16 beds using 13,255 square feet with an additional 2,200 square feet of office space for the existing tenant. Since this site is zoned MU, the applicant is required to provide a development plan. The development plan is to be reviewed by the City and Design Review Committee (DRC).

The DRC had the following recommendations which the applicant agreed to implement. The band located in the middle of the building on the south elevation was recommended to continue along the north and west elevations. Also, to add stone veneer to the entrance of the West façade. The building will incorporate design elements such as stone veneer, hardy board, skylighting, and a porte-cochere at the main entrance on the south side of building. The main floor will contain an activity room, lounge, dining room, living room, and offices. All living quarters will be on the second floor. The existing facility is two stories however; the roof is too low to facilitate 16 beds so they are going to raise the roof. The municipal code requires that the nursing home have one parking stall for every two beds plus one parking space for every employee, this will require a total of 15 parking stalls. There are a total of 26 parking stalls that are required. The proposed parking lot contains 59 parking lots which exceeds the requirements.

The property line to the west does not require a landscape buffer. The existing landscape consists of a 6 ft. chain link fence with large mature evergreen trees. Staff is proposing that the Planning Commission modify the requirements requiring the slats as the evergreen trees are sufficient. We will add that if the evergreen trees ever go away then a slated fence will be provided. The design requirements located in chapter 19.25.060 of the municipal code states a pedestrian entrance from the street to the building shall be required and shall be designed to be attractive and functional. The landscape plan will consist of the evergreen trees and additional plants and shrubbery. The existing setback is in compliance with all setback requirements for the MU zone. Staff recommends approval for the conditional use for the nursing home subject to all building, engineer and fire requirements being completed prior to construction. Striping of the parking lot must be visible at all times and maintained. An attractive functional entrance for pedestrians shall be added and will meet ADA standards. The staff recommends that the Planning Commission approve the development plan and fencing modification and add a condition that if the evergreen trees are removed then a slated fence will be provided.

Commissioner Weaver asked if in the fire prevention memorandum they will require the building to be sprinkled and if that includes existing tenants. Mr. Applonie said yes.

Charles and Jenae Osman, 3512 S. 2625 W., West Haven, UT was present. Commissioner Hansen asked if they looked into ADA requirements and Charles said they will be using the ADA requirements. The standard requirement for ADA is 4 feet and they will be putting in 5 feet of sidewalk.

Madam Chair Fitzpatrick asked if Mr. Osman understood the fencing issue that they could possibly grant the waiver. Mr. Osman stated that he understood the waiver on providing a slated fence if the evergreen trees are removed for any reason. He said he has replaced the slats in fence several times due to vandalism.

Commissioner Hansen stated that if trees are ever removed then there should be something there to replace it. Mr. Osman stated that would not be a problem at all.

Madam Chair Fitzpatrick brought it back to the Planning Commission for three motions.

- 1) Development plan approval. Commissioner Nilsson motioned to approve the Development Plan and Commissioner Bodily Second the motion. Voting was unanimous for approval.
- 2) Conditional use approval of facility subject to applicant meeting all staff requirements and ADA Standard requirements. Commissioner Nilsson motioned to approve the conditional use, and Commissioner Bodily second the motion. Voting was unanimous for approval.
- 3) Grant approval on fencing modification. Commissioner Nilsson motioned to approve the fencing modification and Commissioner Bodily Second the motion. Voting was unanimous for approval.

4. SEASONS OF LAYTON COMMERCIAL CONDITIONAL USE FOR A FAST FOOD EATING ESTABLISHMENT AND REQUEST FOR A LANDSCAPE BUFFER MODIFICATION

City Planner, Peter Matson, gave a presentation on Seasons of Layton. This property is located at 2127 – 2151 North Hill Field Road in a CP-2 (Planned Community Commercial) zoning district. The applicant, Nathan Leishman, is representing Seasons of Layton Commercial but was not present.

Mr. Matson stated there are two issues submitted by the applicant who is the owner of the property. The proposal is for the conditional use permit approval for two fast food eating establishments and a landscape buffer modification. This pertains to both the north and west property lines of the project. The property consists of two parcels. The fast food eating establishment is a conditional use in this particular zone. In review of the sketch plan, this provides the two uses, the drive-thru, a proposed layout relative to the buffers on the north, and also on the west side of the property line. The property on the north is zoned agriculture and there is a single family home adjacent to a commercial use which requires a 20 foot buffer. However, Planning Commission has the authority by zoning ordinance to examine future land use to the north that may end up changing or evolving the City's General Plan. The frontage along Hillfield Road in the future if property owner desires to change the use, could be a mix of uses. The applicant requests that the buffer be reduced to 10 feet. The west property is sharing parking stalls with the apartments. The request is the 10 feet buffer, and fencing requirement along the parking stalls be eliminated. In terms of parking, noise, and dumpster, these items will be reviewed during site plan review. The staff feels the request for the landscape buffer modification is reasonable on the north as stated. The staff can explore different options such as putting up a fence along the west property line.

Commissioner Van Drunen asked if the intent is to grant conditional use but will come back for final site plan? Mr. Matson said site plan review is handled at the staff level.

Commissioner Weaver asked what would be the access path for a patron of these two facilities. How would they get to the front of the building? Mr. Matson said the stalls in front will be reserved for patrons and not employees. The employees can park in back of the building.

Commissioner Nilsson stated in absence of the applicant, he would like to defer the item until next meeting in two weeks.

Commissioner Hansen stated he would like the applicant there at the next meeting to answer some questions or have staff answer the questions regarding sharing the same trash receptacle, traffic flow and how this will affect the people in the apartments, what the backside of the building will look like, noise and how it will affect tenants in the apartments, and outside seating.

Commissioner Nilsson motioned this item to be tabled until July 28, 2015. Commissioner Weaver second the motion. Voting was unanimous.

5. FLINT FIELDS SUBDIVISION – PRELIMINARY PLAT

This 9.785 acre property is located at approximately 2300 West Gentile Street in a R-S (Residential Suburban) zoning district. The applicant, Castle Creek Homes, represented by Bryce Thurgood is proposing 23 single family residential lots.

Planner II, Kem Weaver, gave the presentation on Flint Fields stating this is a preliminary plat. Mr. Weaver stated that the Planning Commission has authority to approve this plat because there are no sensitive land issues on this property. The applicant, Castle Creek Homes, is requesting approval for this plat. The subdivision received rezone approval from the City Council on April 28, 2015; the applicant is seeking preliminary plat approval for Phase I only. The rezoning for which is located along 2200 West Phase II was tabled at the last City Council meeting and will be reviewed in the future, which is located along 2200 west. Phase I has frontage onto Gentile Street. A landscape buffer easement is required along the frontage of Gentile Street. This impacts two lots which are lots 101 and 123. The developers would ask that the owners of lots 101 and 123 maintain that landscape buffer. The developer has the responsibility to install the landscaping, irrigation, and fencing. This also includes the park strip along Gentile Street. All lots meet the R-S requirements for frontage and lot average area. No dwelling structure will be allowed to be built in the Rocky Mountain Power easement.

Staff recommends that the Planning Commission approve the preliminary plat subject to meeting all staff requirements as outlined in staff memorandums.

Commissioner Nilsson said that the parks memo indicates a buffer along Gentile Street and the associated storm detention property are to be maintained by the subdivision Home Owners Association. Do we need to clarify that with them? Mr. Weaver said that yes we do need to clarify the maintenance agreement. The City would like to do a trail system in correlation with Rocky Mountain Power. It has always been the city's understanding that the City would maintain the trail.

Bryce Thurgood from Perry Utah stated that he would prefer the landscape buffer be included in the two lots.

Commissioner Nilsson asked if they specify the buffers to whoever buys the homes. Mr. Thurgood said yes they do and sometimes they have reduced the cost of the lots.

Commissioner Nilsson asked if there were any issues with the fact that lots 101 and 123 will face inward. Mr. Thurgood stated there were no issues.

Commissioner Hansen made a motion for the preliminary plat approval for Phase I, he moves that the Planning Commission approves the Preliminary Plat Phase 1 subdivision subject to meeting all staff requirements. Also, there will be no on-site detention pond and the City will maintain the off-site detention pond.

Commissioner Bodily second the motion. Voting for approval was unanimous.

6. WINDMILL SUBDIVISION – PRELIMINARY PLAT

This 26.086 acre property is located at approximately 100 South 3200 West in a R-S (Residential Suburban) zoning district. The applicant, Destination Homes, represented by Cameron Scott is proposing 56 single family residential lots.

Planner II, Kem Weaver, gave the presentation on Windmill Subdivision. On April 2, 2015, City Council approved the annexation and rezone from A to R-S for approximately 36 acres south of Gentile Street. The preliminary plat is on 26 acres. There will be another 10 acres developed in the future. The proposed subdivision is surrounded by single family homes to the west, east and north, which has the same zoning. The main access for this subdivision will be off 3200 West for Phase I. The Developer has been working with the Mr. Bone to provide for future development to the North and still be able to get a street connection that would line up with 3300 West. Per the annexation agreement the developer is required to install a sidewalk from 100 South to Gentile Street. This will provide access to children who will live in the subdivision. All lots meet R-S requirement for frontage and lot size. Staff recommends the Planning Commission approve the preliminary plat subject to working with the property owner to the north on the street alignment and meeting staff requirements.

Madam Chair Fitzpatrick asked if we are approving phase 1 or 2. Mr. Weaver said we are approving both phases.

Madam Chair Fitzpatrick wanted to make sure that Destination Homes understood that the sidewalk had to go all the way down to Gentile Street. Cameron Scott, with Destination Homes, 67 S. Main Street, Layton said yes they understood.

Commissioner Nilsson asked Mr. Scott if he will have everything worked out with Mr. Bone before coming back with final plat. Mr. Scott said yes.

Scott Bone, 3385 W. Gentile Street is concerned about the alignment of the road going through his property. He wanted to know if Mr. Scott was going to put a in a curve so that it would not leave him with a 60 ft. dead lot area on the west side of his property. He also proposed a little subdivision on his property. Mr. Weaver said that Dave Bailey with Destination Homes showed him a concept where the road will start curving at 100 South and so those lots may lose a little bit of frontage on the north side. This will provide Mr. Bone with enough room for the existing shed and for some lots on the west side. Mr. Bone met with the City's engineering department and proposed a cul-de-sac with no connections to Gentile Street. City engineering and planning staff would like more connections than just the two. The City will want the road to go through and connect to where 3300 West lines up at Gentile Street.

Commissioner Hansen asked Mr. Scott if his idea was to come off of Gentile Street with a standalone cul-de-sac or to incorporate a bubble cul-de-sac that extends off to Gentile Street. Mr. Scott said it would come out of the Windmill subdivision and go to the north.

Preston Cox; 257 S. 3200 W., Layton said there used to be a code where you had to have a 6 ft. fence along an agricultural use, and wanted to know if that is still enforced? Mr. Weaver said yes.

Mr. Cox also asked if the lots along 3200 W. will be required to have landscape along those lots. Mr. Weaver said 3200 W. is only a collector street. The ordinance only requires arterial streets to have a landscape buffer.

Commissioner VanDrunen moved to approve Windmill Subdivision preliminary plat subject to meeting all staff requirements. Commissioner Bodily second the motion. Voting was unanimous.

7. COTTAGES AT VALLEY VIEW -- PRELIMINARY PLAT-PHASE I

This 5.38 acre property is located at approximately 2150 East Oakridge Drive in a R-1-6 (Single Family Residential) zoning district. The applicant Ovation Homes, represented by Brad Frost is proposing 18 single family residential lots.

Planner II, Kem Weaver, gave the presentation on Cottages at Valley View. On May 21, 2015, the City Council approved the rezone for this first phase of the subdivision from A to R-1-6. The applicant is requesting preliminary plat approval for this first phase. Homes in this subdivision will primarily be single level. The developer of the subdivision is required to construct a standard 60 foot minor collector road, which would connect Oakridge Drive to Gordon Avenue. The subdivision meets the density required in the Development Agreement which is not to exceed 3.34 units per acre. Each lot meets frontage requirements. For lots that have the pipeline easements, landscaping and concrete driveways are allowed but no structures are allowed within the easement.

Staff recommends the Planning Commission approve preliminary plat for the Cottages at Valley View Subdivision Phase I subject to meeting all staff requirements in staff memos to the developer.

Commissioner Nilsson asked if Oakridge Drive was a collector. Mr. Weaver said yes.

Commissioner Nilsson asked if there are landscaping requirements. Mr. Weaver said he will ask them if they plan on matching the landscape on the north side of Oakridge Drive before final approval.

Madam Chair Fitzpatrick asked what is the length of the private road? Mr. Weaver said 200 feet.

Madam Chair Fitzpatrick asked if that falls in the requirements that the last 4 homes need to have a fire sprinkle system? Mr. Weaver said yes.

Commissioner Weaver said in the staff memorandum it stated that these houses are to be similar to the Cottages at Fairfield. Mr. Weaver said yes that is correct. In lots 12- 18 there will be basements which are not similar. This option is given due to the grade change.

Commissioner Van Drunen asked if each lot had a buildable area outside of the pipeline easement. Mr. Weaver said yes.

Madam Chair Fitzpatrick stated that in previous subdivisions where they have the fills they have to let land settle before they can develop on it. Do they have to do something to let the land settle before development? Mr. Weaver said when there are cuts and fills there are compacting requirements. The excavator who is creating the fill will have to meet a 95% compaction test, and then it is safe for construction.

Norm Frost, 722 N. 1550 W, Kaysville representing Ovation Homes said they will have landscape buffer matching on the north side of Oakridge Drive.

Commissioner Weaver asked if this will be an HOA. Mr. Frost said there will be an HOA and they take care of the front yard area and the public street will be maintained by Layton City.

Mr. Weaver said the developer will not be required to put in a sidewalk on the private drive.

Commissioner Weaver asked if the ground meets 10% grade requirement? Mr. Weaver said yes.

Commissioner Nilsson asked if the street lighting on the private drive had to be coordinated with the City. Mr. Weaver said yes.

Commissioner Weaver asked if there was a detention basin associated with this. Mr. Weaver said no.

Commissioner Weaver motioned to approve the preliminary plat subject to meeting all staff requirements. Commissioner Van Drunen second the motion. Voting was unanimous.

Madam Chair Fitzpatrick announced that Tuesday, July 21, 2015 at 6:00 p.m. there will be a Parks and Recreation open house at the Layton Community Center. The public is invited.

Meeting adjourned at 8:39 p.m.

Christy Wixom, Planning Commission Secretary