

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

MEMBERS PRESENT: Dawn Fitzpatrick, Brett Nilsson, Robert Van Drunen, Dave Weaver, Randy Pulham, Wynn Hansen, Tricia Pilny, Daniela Harding

MEMBERS ABSENT: Brian Bodily

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

City Council Member: Tom Day

Conference Reports from the Commissioners:

Commissioner Van Drunen said Kaysville and Farmington are doing an active transportation study and they sent out a Peach Jar electronic flyer to all the parents letting them know of this study. Commissioner Van Drunen suggested that the Peach Jar flyer is a great way to get information out to the public and this is obtained through the school district. Mr. Matson said he will contact the school district. Mr. Matson said Envision of Layton has found it to be successful if the president of a company or director would send out an e-mail allowing employees to take a few minutes to do the survey. Commissioner Van Drunen also suggested sending out the Peach Jar flyer to Hill Air Force Base.

Commissioner Van Drunen attended the Active Transportation Conference in Ogden and the main item discussed was planning vision. The first thing is to have a vision on where you want to go. The second thing is when you have a vision also have a plan and be ready to go when money is available. Also, there should be signs when getting off the Frontrunner to help direct you through Layton City. Mr. Matson said the consultant team from Fehr and Peers came to Layton recently and noted the same things regarding having a map when you get off the Frontrunner. Fehr and Peers are working for Wasatch Front Regional Council to develop a draft on an active transportation plan for the Front Runner station area.

Commissioner Hansen attended the Utah APA Conference and the two things that were mentioned were Envision Utah statistics which are available and Mr. Matson has that resource available for the City's use. The other item that was discussed is the design ordinance and they have several cities that have developed design standards, which allow them to get some standardized design and also allows them to fit really good development in really strange pieces of property.

Commissioner Harding attended the Utah APA Conference and went to a seminar which discussed how to train new Planning Commissioners and had a flyer that had a lot of different land use training resources on it and Staff will send this out to everyone. There is a Citizens Academy, which is a new civic education course offered this fall through Weber State University. Community members and students are invited to learn from various city officials about how city government works and ways to become involved. On the design standards, breaking through requires disruption, we need to know the communities really well, and we need to rethink the land use map. Also, Planning Commissioners need to do more planning.

Commissioner Van Drunen said the Wasatch Front Regional Council is measuring all streets for walkability and will be providing information to the cities. Mr. Matson said a color-coded map has been created that represents certain aspects of walkability related to all major roads in the region.

Commissioner Pilny attended the Utah League of Cities and Towns conference and Charles Morohn talked about the strong cities and towns, financially prosperous land use and infrastructure decision making. He talked about cities looking into their most prosperous areas and understanding their viability and how to plan for the future. Another conference was Planning For Zero Growth Communities and they focus more on the rural parts of Utah. Rural Planning of Utah has an online toolbox and you can map out your city's assets. Another session was multi-generation hiring and how cities are helping to encourage businesses that want to bring more diversity to the city.

Madam Chair Fitzpatrick thanked the planning department for allowing the Planning Commissioner to go to the conferences.

Madam Chair Fitzpatrick said Clearfield is doing a walkability study on Thursday, November 12, 2015. They are leaving from the Health Department at 10:00 a.m.

Commissioner Pilny said next month there will be a meeting an Urban Land Institute (ULI) on homelessness and the development of the downtown areas. In January, there will be a meeting on building projects that operate as cleanly, efficiently and beautifully as the natural architecture. Commissioner Pilny will send Christy Wixom a list of dates on when these meetings will take place.

Street Tree Ordinance:

Mr. Weaver said when this ordinance was discussed back in June there were no concerns with the verbiage in the ordinance. Most of the discussion was the list of trees and whether we were getting the right tree species for the park strips. The objective of the ordinance is to protect our curbs, gutters, and sidewalks from cracking or lifting because the wrong size tree was put in the park strip. Mr. Weaver handed out a list of trees that were suggested by the Human Resource department. As planners, it is a good idea to help people understand which tree they should be planting in the park strip. There was a meeting that was held with Staff, Scott Carter who is a landscape architect, and the Parks Department who have two landscape architects and they had some good ideas which were applied to the list that Mr. Weaver passed around to the Planning Commissioners.

Commissioner Hansen said there are several trees on this list that should not be on the list and has met with Mr. Weaver who will make changes to the list.

Commissioner Nilsson asked how does the city monitor what types of trees are being planted in the park strips and how do we enforce the requirements. Is the city prepared to deal with the enforcement? Mr. Weaver said they will put this list in the building permit packet and have a flyer go out with utility billing. Commissioner Van Drunen suggested distributing the list out to the different nurseries.

Madam Chair Fitzpatrick asked if Tree City USA had any guidance or guidelines that are provided to the city in dealing with design and what kinds of trees to use. Mr. Weaver believes they do have some guidelines.

The Planning Commissioners agreed to have the Street Tree Ordinance brought back to Planning Commission on November 24, 2015 at the regular meeting.

Swimming Pool Ordinance:

Mr. Matson said the city has a series of guidelines and setbacks for swimming pools and there is a provision in the code regarding pools on corner lots. Regardless of the zoning district the setbacks are the same. On a corner lot where the rear lot line is coterminous with side lot line, for a joining lot the setback has to be 25 feet from the property line. The reason for this provision has to do with privacy. Some contractors and homeowners have asked if the city would examine a possible amendment for corner lots where you have a rear yard against a

rear yard and possibly changing the requirement on the setback so that owners with corner lots can possibly have a pool in their yard.

Mr. Matson said the city has two contractors that have pool permits and have given us information about other cities that do allow smaller setbacks where two rear yards are next to each other. Commissioner Van Drunen asked if this requirement is for pools that are in the ground or above ground. Mr. Matson said it applies to any pool over 5,000 gallons whether it is above ground or below.

Madam Chair Fitzpatrick asked what the regulation was on a structure for a pool house. Mr. Matson said the setbacks would be 3 feet from sideyard and 3 feet from rear yard.

Mr. Matson said there is good cause to look at some flexibility. The pool should not be less than 20 feet from any neighboring dwelling. If it is a garage you can go to 15 feet from the dwelling. Mr. Matson would like to draft up some language and get feedback from other cities and will bring back to the Planning Commission on December 8, 2015.

Public Hearing

1. LAYTON CITY ORDINANCE AMENDMENT – MOBILE FOOD VENDOR – TITLE 19 (ZONING) SECTION 19.06.010 (TABLE 6-1, 6-2), SECTION 19.21.010, SECTION 19.21.020(8) AND 19.21.045 – ORDINANCE 15-35

This ordinance amendment establishes guidelines and regulations for mobile food vendors (food truck trailers).

Mr. Applonie said on October 13, 2015, minor changes were added to the proposed draft code including the following subsections: 19.21.045(1)(v) which requires mobile food trucks and or trailers that are stored on residentially zoned property to comply with home occupation regulations; 19.21.045(3)(a) includes requirements for a certificate of liability insurance based on examples provided in the American Fork, Provo, and Springville food truck regulations.

Commissioner Van Drunen asked Mr. Applonie to go over a home occupation. Mr. Applonie said vehicles associated with a home occupation are required to be setback behind the front setback of the home. Commissioner Harding asked who enforces the mobile food vendors to follow the requirements. Mr. Applonie said code enforcement would enforce the requirements.

Commissioner Nilsson stated that he does not know of any organization that is authorizing certificates of insurance in the state outside of an insurance broker. It was suggested that they add Layton City to the insurance. Under subsection 19.21.045(3)(i) provision I it should be 500,000 for personal injury.

Commissioner Van Drunen said they had to be 200 feet from the school unless they get permission. Mr. Applonie said that was correct.

Madam Chair Fitzpatrick asked if the criminal background check pertains to a registered sex offender. Mr. Mills said yes.

Madam Chair Fitzpatrick asked for clarification on those who are nonprofit. Mr. Applonie said they are exempt from paying fees but not exempt from applying for a permit or the regulations.

Public Review

2. FLINT FIELDS SUBDIVISION – PHASE 2 – PRELIMINARY PLAT

This 8.06 acre property is located at approximately 150 North 2200 West in an R-S (Residential Suburban) zone. The applicant Castle Creek Homes is represented by Bryce Thurgood. There was no discussion on this item was needed.

3. INFOVETS CONDITIONAL USE FOR A VETERINARY CLINIC

This property is located at 1014 West Gentile Street in a CP-1 (Neighborhood Commercial) zoning district. The applicant, Cody Faerber, is representing the owner Sean Hackett.

Mr. Weaver said there was a text amendment that was put through in April 2013 that allowed veterinary clinics in a CP-1 zone. They are going to occupy 5,270 square feet of the building. The site has 53 parking spaces. The entire building is required to have 41 parking spaces.

Madam Chair Fitzpatrick asked if the Subway and Chevron were included. Mr. Weaver said no, the Chevron and Subway is a separate parcel. There is a four foot fence that runs along Gentile Street and there are two sections of the fence that will need to be repaired. The dumpsters will need to be enclosed before receiving final occupancy. The ordinance requires four items that need to be followed which are no outdoor boarding of any type, animals will be kept indoors at all times except they can take one animal out at a time for exercise and relief, any indoor boarding will be limited to animals receiving treatment, and keeping the noise down. To keep the odor of biowaste at a minimum, everything will need to be double bagged. There is no onsite disposal or cremation for animals that have passed away. Animals will need to be stored in freezers until removed by a company who will dispose of the animal.

Madam Chair Fitzpatrick had a concern on the noise for the existing businesses. Is the building going to have additional insulation to keep noise down? The owner, Cody Faerber said the wall between the clinic and the barber shop is a cinder block wall that goes all the way to the ceiling and they are framing in a 2 x 6 wall on the other side of the clinic and will have insulation put in.

Commissioner Weaver asked if the name should be Infovets or Canyon View. Mr. Faerber said it should be named Canyon View.

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City Council Member: Tom Day

Madam Chair Fitzpatrick called the meeting to order at 7:04 p.m.

The Pledge of Allegiance was recited and an invocation was given by Commissioner Pulham. Madam Chair Fitzpatrick thanked all of the men and women who have served our country.

APPROVAL OF MINUTES: Commissioner Nilsson moved to approve the minutes for October 13, 2015 and Commissioner Pulham seconded the motion. Voting was unanimous.

Madam Chair Fitzpatrick asked for a motion to open public hearing. Commissioner Van Drunen moved to open public hearing and Commissioner Hansen seconded the motion. Voting was unanimous.

PUBLIC HEARING:

- 1. LAYTON CITY ORDINANCE AMENDMENT – MOBILE FOOD VENDOR – TITLE 19 (ZONING) SECTION 19.06.010 (TABLE 6-1, 6-2), SECTION 19.21.010, SECTION 19.21.020(8) AND 19.21.045 – ORDINANCE 15-35**
This ordinance amendment establishes guidelines and regulations for mobile food vendors (food trucks).

Mr. Applonie said within the last few years, mobile food vendors, food trucks and trailers have become a fast growing segment within the dining industry. During last spring and summer staff has seen an increase desire for food trucks to locate in Layton City as well as businesses requesting food trucks to operate temporarily or long term at their locations. The existing city code does not adequately address issues specific to food trucks and trailers such as requested flexibility in location, vendor size, and safety concerns that come with mobile food vending. Staff has gathered a number of existing food truck ordinances that are in use along the Wasatch Front and compiled a draft ordinance. The draft code proposes to permit mobile food vendors to operate in the public right of way and on private property within the BR-P, C-H, CP-1, CP-2, CP-3, M-1, M-2, M-U, MU-TOD zoning districts.

There is a 200 foot buffer requirement for all schools, parks and restaurants with a stipulation that the vendors may operate in these buffers if given property owner permission. In the work meeting several changes to the draft ordinance were recommended. In 19.21.045(2)(c) it was recommended to add the criteria "unless otherwise permitted". Under 19.21.045(3)(a) it was recommended to remove the language describing who has to issue the certificate of insurance. An additional recommendation to subsection 19.21.045(3)(a)(i) which is in the amount not less than \$200,000 and recommended a change

to \$500,000 and also to add in (3)(a) the City would be an additional insurer. Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-35 approving the amendment to Section 19.06.010, tables 6-1 and 6-2, Section 19.21.010, Section 19.21.0208 and 19.21.045 of the Layton City Municipal Code to establish regulations for mobile food vendors with the modifications previously listed.

Commissioner Nilsson said regarding 19.21.045 (3)(a) that the recommendation is to indicate that it is mandatory to have a certificate of insurance executed. Then where it says for the full term of the license it is recommended to have the certificate of insurance state the dates of the license during the course of their business license with a renewable policy in effect. On item one an applicable split limit policy should say bodily injury instead of personal injury with \$500,000 on a per occurrence basis. On item two the sentence should end after it says claims per occurrence. It is also suggested to make another item three and put automobile insurance provision under that item number.

Commissioner Hansen said there will be days when the schools will have mobile vendors come to their school will this ordinance impact those events? Mr. Applonie said it helps the city to know where they are located and requires them to have some regulations such as the insurance. As long as they have property permission they can work within that buffer. Commissioner Van Drunen asked how the city would handle a restaurant moving in within 200 feet of an existing mobile vendor who has been there a year or more. Mr. Applonie said it may come into legal non-conforming.

Commissioner Nilsson would like to motion to forward a positive recommendation to the City Council that we accept the ordinance 15-35 as written with the modifications discussed. Commissioner Hansen seconded the motion. Voting was unanimous.

Commissioner Weaver motioned to close public hearing and open public review. Commissioner Hansen seconded the motion. Voting was unanimous.

PUBLIC REVIEW:

2. FLINT FIELDS SUBDIVISION – PHASE 2 – PRELIMINARY PLAT

This 8.06 acre property is located at approximately 150 North 2200 West in an R-S (Residential Suburban) zone. The applicant Castle Creek Homes is represented by Bryce Thurgood.

Mr. Weaver said on June 9, 2015, the City Council approved the rezone for this phase from A to R-S. The applicant, Castle Creek Homes and Ed Green, is requesting preliminary plat approval for this second phase. There are agricultural properties to the north and south. Single family homes to the east. This phase consists of 14 lots which create a secondary access for this subdivision and the first access is located in Phase I off Gentile Street. There is a lot that does front onto 2200 West Street, this will be a restricted lot with the requirement to have a driveway that provides a circular or hammerhead type turnaround. There will be a corresponding note on the final plat that will address this requirement. As with Phase I of the subdivision there will be an easement that will be required along the north property line of the subdivision for an irrigation ditch that is being currently used by farmers to the west. This is an easement that has been placed on Phase I plat. All lots do meet the R-S requirements for frontage and lot averaged area and there are no dwelling structures that will be allowed in the Rocky Mountain Power Corridor easements. Based on this information, Staff recommends that the Planning Commission approve the preliminary plat, and this does not have to go to City Council for Flint Fields Phase 2 subject to meeting all staff requirements as outlined in staff memorandums.

Commissioner Van Drunen asked if there will be a trail. Mr. Weaver said in the Rocky Mountain Corridor there will be a trail which is to the west of Phase I. Commissioner Van Drunen asked if there will be fencing. Mr. Weaver said there will be fencing required along the north boundary. Madam Chair Fitzpatrick said in the engineering report item three said comments from Davis Weber Canal dated October 28, 2015 will need to be addressed. What are these comments? Mr. Weaver said it is the irrigation system that the farmers use to water their crops.

Commissioner Pilny said item number four in the engineering memo where it says open ditch system along the north line of the development is not permitted within the development. The ditch will either need to be relocated outside the development or piped. A separate easement will need to be created for the irrigation system if it is to be piped within the development. So if it is relocated outside of the development where would it be located? Mr. Weaver said it would be located off the north property line.

Commissioner Van Drunen recommends that the Planning Commission approve the preliminary plat for Flint Fields Subdivision Phase 2 subject to meeting all staff requirements as outlined in staff memorandum addressed to the developer. Commissioner Pulham seconded the motion. Voting was unanimous.

3. INFOVETS CONDITIONAL USE FOR A VETERINARY HOSPITAL

This property is located at 1014 West Gentile Street in a CP-1 (Neighborhood Commercial) zoning district. The applicant, Cody Faerber, is representing the owner Sean Hackett.

Mr. Weaver said the applicant has requested us to change the name from Infovets to Canyon View Animal Health Center and staff will get the name changed on the records and file. On April 18, 2013 the City Council approved a text amendment to allow veterinarian clinics in the CP-1 zone as a conditional use. The Planning Commission recommended approval of the text amendment on March 26, 2013. The applicant of the veterinarian clinic requested the text amendment at that time.

Through the last couple years the applicant has contracted with a building contractor and is ready to work on the tenant improvements. The building is just over 10,000 square feet and the veterinary clinic is using the majority of the space. The applicant would like to open at the end of this year or the first part of next year.

The site has 53 total parking spaces to be shared with each business in the building. The veterinarian clinic is required to have a minimum of 10 parking spaces based on their being one or two practitioners. The barber shop occupies the west end of the building and is required to have six parking spaces based on the shop only having two barber chairs. A dentist who occupies the south end of the building and is required to have a minimum of 10 parking spaces based on two practitioners. There are two vacant tenant spaces in the building. Using a conservative parking ratio, these two spaces would require 15 parking spaces combined. The required parking for the site based with the current uses is 41 parking spaces, 12 spaces less than the 53 stalls provided.

The property needs to make some repairs to the 4-foot vinyl fence adjacent to the parking spaces fronting Gentile Street. The purpose of the fencing is to protect residential dwelling across Gentile Street and residents did not want headlights shining into their homes. The property needs to install a dumpster enclosure to be hidden from public view.

The veterinary clinic shall adhere to the four requirements that were approved through the text amendment in Section 19.14.100(11) of the Layton City Municipal Code. The applicant has provided a letter addressing the ordinance requirements and will adhere to the ordinance.

Staff recommends the Planning Commission approve the conditional use permit subject to the following conditions: One-meeting all building, engineering and fire requirements. Two-meeting all requirements of ordinance 19.14.100(11). Three- repairing the four foot vinyl fence before receiving final occupancy. Four- installing the required dumpster enclosure per the approved site plan before receiving final occupancy.

Commissioner Weaver asked if there were any City requirements regarding the dumpster enclosure. Mr. Weaver said it can be chain link fence but needs to be slated. Most commercial sites do a vinyl enclosure or a masonry wall.

Commissioner Weaver asked if the north wall will have any special sound walls. Mr. Weaver said the north side will have glass windows.

The applicant, Coby Faerber 2545 S 1200 W, Perry UT, said to the north is mainly open field. Most of the housing is on the east side and on that side is a cinder block wall.

Madam Chair Fitzpatrick asked Mr. Faerber if he received a copy of the conditional use requirements and asked if he concurred with the requirements and is the owner in agreement with the requirements. Mr. Faerber said yes he was good with the requirements and he sent the owner the requirements and is sure the owner will be all right with the requirements.

Commissioner Pulham asked since most of this is addressed to the property owner is it appropriate to not have the owner here. Mr. Weaver feels it is appropriate.

Commissioner Van Drunen asked what signs are allowed on Gentile Street for this business. Mr. Weaver said they will have attached signing on the building. Mr. Faerber said they are planning some sort of signing for each business that is involved but will follow the code regarding signs. Madam Chair Fitzpatrick said if it is a monument sign will there have to be landscaping around it. Mr. Weaver said yes they can use the existing landscaping around it.

Commissioner Hansen made a motion that the Planning Commission approve the conditional use permit for Canyon View Animal Health Center subject to meeting all staff recommendations and the four conditions that have been listed. Commissioner Van Drunen seconded the motion. Voting was unanimous.

Commissioner Pulham motioned to close the public review and Commissioner Van Drunen seconded the motion.

Meeting was adjourned at 7:39

Christy Wixom, Planning Commission Secretary