

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
NOVEMBER 24, 2015**

MEMBERS PRESENT: Dawn Fitzpatrick, Brett Nilsson, Robert Van Drunen, Wynn Hansen, Tricia Pilny, Daniela Harding, Brian Bodily

MEMBERS ABSENT: Dave Weaver, Randy Pulham

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Nicholas Mills, Christy Wixom, Bill Wright

City Council Members: Tom Day

PUBLIC HEARING

1. RLS INVESTMENT PROPERTIES INC/ALPINE HOMES ANNEXATION

This 18.14 acre property is located at approximately 450 S. Angel Street. The applicant is Alpine Homes, representing RLS Investment Properties, LLC.

Mr. Matson said the Legal and Planning Staff had a conference call with Mr. Jake Hone who is with Alpine Homes representing the property owner regarding their future desire for zoning on the property. Mr. Hone submitted in writing their desire to pursue R-S zoning on this property so the recommendation from Staff is to table this to Dec. 8, 2015 and at that point the Planning Division will bring back the annexation and rezone petition to R-S on the property.

The Commissioners had the following questions and concerns:

1: There would have to be some reverse flow on the west side to flow utilities back towards the east. 2. There were some concerns on whether the utility lines would have to be moved and which utility lines that would be. 3. Another concern was developing smaller homes and the existing homes maintaining their value. 4. There was also discussion on what the homes would look like and whether the developer could use aluminum siding and how much brick would be used.

Commissioner Nilsson asked about the curb and gutter along Angel Street. Mr. Matson said the frontage owned by the developer along Angel Street is where the curb and gutter is required.

Commissioner Hansen asked what triggers an annexation request. Mr. Matson said the City could request an annexation if there are several different property owners involved. Commissioner Hansen asked if there was a better way for the City to deal with these long narrow strips of land.

JENSEN REZONE – R-1-10 PRUD TO A

This 7.41 acre property is located at approximately 2215 N. 1450 E. This property is zoned R-1-10 PRUD (Single Family Residential-Planned Residential Unit Development) and is proposed for A (Agriculture) zoning. The applicant is Josh Jensen.

Mr. Weaver said Staff is asking that the Planning Commission table this item until December 8, 2015. This is hillside property. Currently there is a recorded plat called Hidden Hideaway Condominiums which includes four townhomes recorded in 1986. Mr. Jensen is going to request at the next Planning Commission meeting that the plat be vacated. The long range plan is to build a single family home on the flattest portion of the property and that would be the only development on this property. Mr. Jensen is down zoning this property from an R-1-10 PRUD to Agricultural. The short range plan is to place farm animals on the property and build a barn. A non-habitable structure, such as a barn, will not require geotechnical studies.

Commissioner Nilsson asked how many animals are allowed. Mr. Weaver said two large animals and five smaller animals such as a sheep or goat per acre.

Commissioner Van Drunen asked how the City handles any complaints if the owner decides to put a bunch of little animals on the property. Mr. Weaver said the residents around the area are use to animals from the adjacent Nalder property.

Commissioner Hansen asked if the .38 acres is currently a multi-unit PRUD. Mr. Weaver said yes.

Commissioner Van Drunen asked about the trail easement. Staff met with the Jensens and they have security concerns if they were to build a home as the trail would be close to where they want to build their home.

Commissioner Harding said her concern was that the hillside was unstable and watering the hillside could cause damage to the other homes.

Commissioner Van Drunen said you can't stop the owner from watering however suggested that a drainage system be put in to avoid any damage.

Madam Chair Fitzpatrick asked if the owner was to build a home would it have to be sprinkled? Mr. Weaver said yes.

Commissioner Van Drunen said the owner will have to put in curb and sidewalk along the frontage of 1450 East. Mr. Weaver said yes.

PUBLIC REVIEW

2. VERIZON CELL TOWER @ CDJH CUP – CONDITIONAL USE FOR A CELL SITE

This property is located at 52 West Golden Avenue in an R-1-8 (Single Family Residential) zoning district. The applicant, Technology Associates on behalf of Verizon Wireless, is representing the owner, Davis School District.

Mr. Matson said back in 2014 AT&T was working with the school district. Mr. Garcia, representing Technology Associates, who is representing Verizon Wireless, is back with a similar proposal for the tower that was approved for AT&T. The cell tower will be enclosed in a 24-foot by 48-foot compound that will also include a generator and other utility boxes. The monopole is proposed to be 60 feet tall. The compound is proposed to be enclosed with a ten-foot masonry wall and will be set back approximately 300 feet from Golden Avenue.

The applicant has indicated that the type and amount of equipment inside a cell tower compound has changed compared to tower facilities previously approved by the City. Wireless providers are now dealing with an all-digital network for both voice and data, which requires less equipment to support the tower. Instead of the backup generator being housed in an enclosed shed, the equipment proposed in the compound consists primarily of boxes on pedestals to handle the power transformer, electric utility and fiber connections, and the power generator. The generator, and other equipment cabinets, is situated on a 12' x 16' steel platform that is covered by a metal roof for weather protection and is open on all four sides. The generator is electric with a diesel backup. The applicant indicates that the noise associated with the generator is equal to that of an air conditioning compressor unit outside of a single family home.

Commissioner Van Drunen asked if the backup generator only kicks on during a power outage. Mr. Garcia said you have the battery pack and then the generator and the generator will turn on regularly for maintenance purposes.

Commissioner Nilsson asked if this accommodates requirements from the Environmental Protections Agency. Mr. Garcia said yes.

Commissioner Pilny asked how often the area is maintained and locked. Mr. Garcia said the maintenance guy comes out once a month and there is a phone number on the gate if there is a problem.

Commissioner Harding commented on the letter from Mr. Garcia where it said such use will not under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and/or general welfare of persons and not inquiries to property and improvements in the community. Mr. Garcia replied that all carriers, including VZW, comply to federal regulations for health and safety, which will protect the residents. Wireless facilities are known not to insure properties or the community. Commissioner Harding has an issue with the verbiage because cell phone technology is new and we do not know the effect of being exposed to radioactive frequency and is concerned that this is next to a school.

Mr. Matson said the property owner and applicant propose that the compound area be enclosed by a 10-foot solid masonry wall. The applicant also proposes placing a "bird netting" over the compound to keep soccer balls from entering the compound area. For improved long-term maintenance purposes, the permanent goal posts will be replaced by the school with moveable posts to accommodate shifting field configurations.

Commissioner Hansen asked whose responsibility is it to maintain the net and the netting should have small holes to accommodate sports that use the smaller balls. Mr. Matson said the initial responsibility will be the District then it will be Verizon's responsibility. Mr. Matson said the Planning Commission could add a type of netting that has small enough holes for a baseball in item four.

Madam Chair Fitzpatrick asked if the construction will be done in the summer or during school hours. Mr. Garcia said it would be done during the summer.

3. UTAH AUTO PROS – CONDITIONAL USE FOR AUTOMOBILE DEALERSHIPS

This property is located at approximately 505 N. Main Street in a C-H (Planned Highway Commercial) zoning district. The applicant, Utah Auto Pros, is representing the owner RD Layton, LLC.

Mr. Matson said the applicant is requesting conditional use approval for a car dealership. The property was previously used as a restaurant, which was called Mandarin Palace. This property is located in the C-H (Highway Regional Commercial) zone. The property is 0.69 of an acre. With the reuse of this property the applicant is proposing to use the footprint of the old building for the location of a new dealership sales office and use the existing parking lot for employees, customer and auto sales parking. The main street frontage has curb, gutter and the City would require sidewalk improvement on this property. In addition to the curb, gutter and sidewalk improvements, there would be an 8-foot landscape strip behind the sidewalk which is required by the City. There is 260 feet of frontage along Main Street; therefore five trees would be required along Main Street.

Commissioner Van Drunen asked if there was a requirement of the kind of trees that can be planted. Mr. Matson said there are specifications on the size of trees you can have along an arterial street but there is not a list on the kinds of trees for commercial.

Commissioner Bodily asked if they were going to have something separating the retail space and the car lot. Mr. Matson said if the landscape strip does not equal 10 percent of the site, then they would need to separate the retail space and the car lot with landscaping. Commissioner Bodily is concerned about having a manufactured home on Main Street.

Commissioner Van Drunen asked what the lighting requirements were for a car lot. Mr. Matson said the code requires no minimum lighting for a site plan. If they do lighting they have to submit a lighting plan.

Madam Chair Fitzpatrick asked what kind of signs they will be allowed to have. Mr. Matson said they could reuse the pole that is currently there but the height limit on Main Street is 35 feet. Mr. Mills said you can require at least the same conditions as you would for a permitted use. Also, when going through the hearing it is important to list reasons why it is detrimental to the site and what conditions you are going to impose to mitigate those conditions.

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
NOVEMBER 24, 2015**

MEMBERS PRESENT: Dawn Fitzpatrick, Brett Nilsson, Robert Van Drunen, Wynn Hansen, Daniela Harding, Tricia Pilny, Brian Bodily

MEMBERS ABSENT: Dave Weaver, Randy Pulham

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Nicholas Mills, Bill Wright and Christy Wixom

City Council Members: Tom Day

Madam Chair Fitzpatrick called the meeting to order at 7:01 p.m.

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

Madam Chair Fitzpatrick asked for a motion to open public hearing. Commissioner Bodily motioned to open public hearing and Commissioner Hansen seconded the motion. All in favor. Voting was unanimous.

PUBLIC HEARING

1. JENSEN – REZONE R-1-10 PRUD TO A

This 7.41 acre property is located at approximately 2215 N. 1450 E. This property is zoned R-1-10 PRUD (Single Family Residential) and is proposed for A (Agriculture) zoning. The applicant is Josh Jensen.

Mr. Weaver said the applicant is proposing A (Agriculture) zoning. This property is vacant hillside property and there is a recorded plat on the front of this property along 1450 East and this is a condominium plat called Hidden Hideaway. The applicant, Josh Jensen is proposing to vacate the Hidden Hideaway Condominium plat, which currently allows four townhomes on Parcel 3. There are three parcels that are part of the 7.41 acres, which will be combined into one parcel. The applicant has done some earthwork by regrading the frontage of the property as it abuts 1450 East. Rock retaining walls were placed along part of the frontage of the property except for the proposed drive access. The applicant will apply for a curb cut permit with the City for a permanent drive access onto the property. The applicant plans on fencing the frontage and providing an access gate at the drive approach. There is a short term plan, which is to build an agricultural structure or barn to store farm equipment and to use for animals that may be placed on the property. At this time the applicant is planning on a couple of horses. The long term plan is to have geotechnical studies completed and geotechnical peer reviews done before receiving a building permit from the City to build one single family home that would be occupied by the property owner/applicant located towards the southeast portion on the property.

As a continuation of the Kays Creek trail in this portion of Layton City, the City needs time to work with the applicant to establish a trail easement as part of the existing 20-foot wide sewer

easement that travels parallel to Kays Creek adjacent to the east boundary of the property. The existing sewer easement and proposed trail easement would be located entirely on the applicant's property. The Land Use Element of the General Plan indicates that low density single family residential and agricultural uses are appropriate in this area of Layton City. The entire 7.41 acres resides in Sensitive Lands per City ordinances. Previous geotechnical studies have been performed on this property with the most recent study completed two years ago, commissioned by Ivory Homes. Layton City never received the geotechnical report commissioned by Ivory Homes because they never made application with the City to develop the property based on the geotechnical report recommendations.

A geotechnical study was performed by AGEC on March 25, 2003 when the previous property owner was trying to develop a townhome and single family project 12 to 15 years ago. The AGEC report summarized the property as not developable except for a minor slope location on the south portion of the property. As mentioned previously this is where the applicant would like to build a home as part of the long range plans. The Sensitive Land issues will be addressed with a lot specific geotechnical study and peer review, which will need to be completed before receiving a building permit from the City to build a single family home. Staff recommends the Planning Commission hold the public hearing to receive public comment and table the rezone from R-1-10 PRUD to A to the December 8, 2015 Planning Commission meeting to give the City time to work with the applicant in establishing a trail easement for the continuation of the Kays Creek trail corridor.

Commissioner Harding said she has concerns about the water saturation on that hillside and if the applicant chooses to put in an orchard or something that would require large amounts of water, there are concerns about that slippage on that hillside and as Commissioners do we want to consider a geotechnical study on that land.

Applicant, Josh Jensen, 2376 North 78 East, said they may plant trees and have a couple horses or cows. The reason they want to change it to agriculture is because previous property owner tried to develop it and it is not developable and the best use for property is agricultural. Mr. Jensen said they are not quite ready to pay for geotechs and they are not ready to put a house on the property. Weber basin has 18 acre feet of water available on the property. There is only a two inch pipe in the road right now and he does not plan on doing major irrigation.

Commissioner Nilsson asked Mr. Jensen if he was comfortable with the Planning Commission tabling this item to December 8, 2015. Mr. Jensen said he is fine with tabling it however; he is not interested in putting in a trail.

Commissioner Bodily asked how they accommodate Mr. Jensen and the trail issues. Mr. Bill Wright said city staff is aware of their position but the Parks Department would like a little more time to explore how that trail connection can be made. Mr. Jensen said he had received a memo with additional comments and wanted to know if those comments needed to be addressed before December 8, 2015. Mr. Weaver said we can add subject to and continue with the meeting on December 8, 2015.

Commissioner Nilsson motioned that the Planning Commission table Ordinance 15-38 for the rezone of the property from R-1-10 PRUD to Agriculture and reschedule that for December 8, 2015. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

2. RLS INVESTMENT PROPERTIES INC/ALPINE HOMES ANNEXATION

This 18.14 acre property is located at approximately 450 S. Angel Street. The applicant is Alpine Homes, representing RLS Investment Properties, LLC.

Mr. Matson said this is 18.14 acres in size. Based on recent discussions with the City, the applicant, Alpine Homes, has made an application for R-S zoning on this property. The Staff's recommendation is to table this to a date certain of December 8, 2015 and at that point both the annexation and rezone will be on that agenda. Staff feels this is moving in a positive direction relative to the future zoning and use of this property. The R-S zone is the zoning district that surrounds this property to the north and south and also to the southwest. The Staff recommends that the Planning Commission table this to December 8, 2015.

Commissioner Nilsson asked the developer, Jake Hone, if he had any issues with the R-S. Jake Hone, 10705 South Jordan Gateway, South Jordan, UT, said he had no issues.

Commissioner Hansen made a motion on item number two the annexation request for RLS Investment Properties, applicant Alpine Homes, Ordinance 15-39 located at approximately 450 S. Angel Street be tabled until a date certain of December 8, 2015. Commissioner Harding seconded the motion. All in favor. Voting was unanimous.

Commissioner Hansen motioned to close public hearing and open public review. Commissioner Nilsson seconded the motion. All in favor. Voting was unanimous.

PUBLIC REVIEW

3. VERIZON CELL TOWER @ CDJH CUP – CONDITIONAL USE FOR A CELL SITE

This property is located at 52 West Golden Avenue in an R-1-8 (Single Family Residential) zoning district. The applicant, Technology Associates on behalf of Verizon Wireless, is representing the owner Davis School District.

Mr. Matson said this is a conditional use submitted on behalf of the Davis School District by Technology Associates represented by Nefi Garcia, representing Verizon Wireless requesting approval for a new telecommunications facility. On September 23, 2014 the Planning Commission approved a Conditional Use for an AT&T Wireless Telecommunication Facility as a community use at this same location. The proposed location of the new facility is west of the gymnasium at the southwest corner of the parking lot. The cell tower will be enclosed in a 24-foot by 48-foot compound that will also include a generator and other utility boxes. The intent is to provide reasonable access for both the carrier and the school district, for maintenance of this particular facility and not have it interfere with other functions of the campus and the activities that take place on the ball fields. The purpose of the proposed cell tower is to provide more data capacity to the area and offload the data traffic from the three nearest Verizon

Wireless sites. The three nearest Verizon towers are 1) behind Smith's grocery store at the southeast corner of Gentile Street and Fairfield Road, 2) behind the Light of the Valley Lutheran Church at 1074 North Fairfield Road, and 3) behind the Davis Lanes bowling alley at 1396 North Main Street.

The applicant has indicated that the type and amount of equipment inside a cell tower compound has changed compared to tower facilities previously approved in the City. Wireless providers are now dealing with an all-digital network for both voice and data, which requires less equipment to support the tower. The generator, and other equipment cabinets, is situated on a 12' x16' steel platform that is covered by a metal roof for weather protection and is open on all four sides. The property owner and applicant propose that the compound area be enclosed by a 10-foot solid masonry wall. The applicant indicates that the noise associated with the generator is equal to that of an air conditioning compressor unit outside of a single family home. The gate on the north side of the compound will be chain link with privacy slats on the gate. The applicant also proposes placing a "bird netting" over the compound to keep balls as small as a baseball from entering the compound area. Staff recommends approval of the conditional use application for a "telecommunication facility as a community use" subject to the applicant meeting the all requirements that are listed in the Staff report to the applicant.

Madam Chair Fitzpatrick asked if there was a landscaping requirement. Mr. Matson said there was no requirement previously listed. The applicant said the school district is requiring some landscaping.

Mr. Garcia will try to match the masonry wall with the privacy slats and the surrounding buildings.

Commissioner Hansen said they should add to the requirement who is responsible for the maintaining the netting. Mr. Garcia said that Verizon will be responsible for the netting. The number will be on the gate.

Commissioner Van Drunen said they need to change on the City's staff report from soccer ball to a smaller size ball.

Commissioner Hansen made a motion to approve the conditional use permit for a Verizon Wireless telecommunication facility subject to all staff input and the recommended conditions in the staff report adding to condition number four that the size of the holes in the netting are to be small and who will be responsible for maintaining the netting. Commissioner Bodily seconded the motion. All in favor. Voting was unanimous.

4. UTAH AUTO PROS – CONDITIONAL USE FOR AUTOMOBILE DEALERSHIPS

This property is located at approximately 505 N. Main Street in a C-H (Planned Highway Commercial) zoning district. The applicant, Utah Auto Pros, is representing the owner RD Layton, LLC.

Mr. Matson said this is on the west side of Main Street just north of the intersection of 500 North. This property is approximately 7/10 of an acre surrounded by typical highway

commercial development in Layton City throughout this corridor. There are three drive approaches on Main Street. The applicant will need to work with UDOT to see the amount of curb cuts they will need to do. The parking stalls that are painted on the Main Street frontage go all the way up to the curb. The parking will need to be reconfigured after the required landscape strip is installed to allow for circulation throughout the parking lot.

The property is located on an arterial street. Commercial property that has frontage on an arterial street is required to have a landscape strip. The landscape strip shall be located between the sidewalk and the parking lot. The depth of the landscape strip is determined by the depth of the lot. The average lot depth is less than 160' deep, so the landscape strip shall be eight feet deep. The landscape strip shall include one tree for every fifty feet of frontage or portion greater than twenty-five feet. It shall also include twenty-five percent grass. There is 260 feet of frontage along Main Street, therefore five trees would be required along Main Street. The trees may be clustered or placed on center. The park strip between the curb and the sidewalk shall also be installed, landscaped and maintained by the adjacent property owner. A four foot sidewalk shall be installed along Main Street that matches the alignment of the sidewalk on the adjacent properties. The main issue that was discussed in the work meeting was the design of the proposed dealership building itself and having the trailer look like a permanent building along Main Street. There are design guidelines, although general in the City code. Staff's recommendation to the Planning Commission is to grant approval subject to the conditions listed in the Staff report.

Commissioner Van Drunen asked if the owner decides to leave the driveway entrances as they exist, would that be allowed. Mr. Wright said UDOTs policy is to comply with their standards whenever there is a change in use that requires new permits. Commissioner Van Drunen suggested rephrasing number five in the staff report to say the owner must receive UDOT approval of driveway entrances.

Madam Chair Fitzpatrick asked if the site plan in the packet was also the parking layout. Mr. Matson said this is a general representation and is not exactly how it would lay out.

Madam Chair Fitzpatrick said in the past when we have done some conditional uses similar to this we have made some requirements on the display and wanted to know if he will have ramps on the display. Mr. Matson said the applicant will not have display ramps.

Commissioner Bodily asked if there was going to be a chain barrier to separate the businesses. The applicant, Cameron Madsen, 460 Willow Valley, Centerville, said they would park cars there to block off the area. The owner is setting up a lease option to buy; however, the property owner is not too happy with the short term lease when he has to put in a sidewalk and park strip.

Commissioner Bodily asked what kind of lighting the applicant would have on the property. Mr. Madsen, the applicant, said there is only one pole but they would add corner lights.

Commissioner Hansen said a designer mobile office is not compatible to what has been done in the past along that portion of Main Street.

Commissioner Harding asked what kind of sign the applicant would want. Mr. Madsen said they would want a traditional sign.

Madam Chair Fitzpatrick said she had a concern about the cross access easement and there is a lot of parking that occurs on this property and suggested that the applicant get clarification on the easement.

Commissioner Van Drunen asked Mr. Madsen if he was aware of the masonry requirement. Mr. Madsen said no but would talk with staff regarding the requirements. Mr. Madsen agreed to table the item to resolve some of the issues.

Commissioner Bodily motions to table the conditional use proposal for Utah Auto Pros on 505 North Main Street to a future date and all items discussed tonight can be addressed. Commissioner Hansen seconded the motion. Voting is unanimous.

Commissioner Van Drunen made a motion to close public review. Commissioner Nilsson seconded the motion. All in favor. Voting was unanimous.

Meeting was adjourned at 8:13 p.m.


Christy Wixom, Planning Commission Secretary