

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
DECEMBER 8, 2015**

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

MEMBERS ABSENT: Brian Bodily, Randy Pulham

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

City Council Members: Tom Day

The Planning Commissioners like the PDF version of the packets however some of the Commissioners like using the IPAD but most preferred the hardcopies of the packets. Madam Chair Fitzpatrick suggested numbering the packets and listing the numbers on the agenda.

PUBLIC HEARING

1. STREET TREE ORDINANCE - TITLE 19, SECTION 16.075 AND TABLE 16-4

Establishing standards for the placement and maintenance of permitted trees in park strips and along street frontages.

Kem Weaver said the Planning Commission reviewed this item and Staff took the input that was given by the Planning Commissioners and met with the Parks Department and Scott Carter who is a landscape architect. Staff reviewed the list of trees on table 16-4 and took the big trees out and added species that would be more in tune with the size of park strips that we have now in Layton city. The language in the ordinance that is being added is dealing with trees that are required to be planted as permitted trees within park strips and along frontages.

Commissioner Weaver said in section three on the last sentence where it says the property owner is responsible of any damage, who would be responsible for trees planted years ago? Nicholas Mills, City Attorney's office, said the current property owner is responsible if damages occur.

Commissioner Nilsson asked if there was a way to clarify the verbiage or is this for any new planting. Mr. Nicholas Mills said this ordinance would be for any new planting.

Commissioner Hansen said on Table 16-4 where it says Regal Prince and Skyrocket those are maple trees. He also recommends moving the Musashino Columnar Zelkova up to the five foot park strip. The Washington Hawthorn should be marked as a fruit tree. He also recommends not planting the Hackberry or Japanese Zelkova because they get too big.

2. BARLOW ANNEXATION, REZONE AND ANNEXATION AGREEMENT – A TO R-S PRUD

This 8.84 acre property is located at approximately 1700 W. Weaver Lane. The property is zoned A (Agriculture) and is proposed for R-S PRUD (Residential Suburban-Planned Residential Unit Development) zoning. The applicant is Ovation Homes LLC, representing Duncan Barlow.

Peter Matson said there are two items that Staff is currently waiting for. The first one is that we did not receive a full conceptual plan that meets the guidelines of the checklist from Engineering. Peter spoke with Mr. Frost and he is asking to have this item postponed until they go over the items in the Development Agreement. Once the City comes to terms with the developer and they are willing to sign the agreement, the City will move forward with this item.

3. RLS INVESTMENT PROPERTIES INC/ALPINE HOMES ANNEXATION AND REZONE – A TO R-S

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 annexation was on the last agenda for Planning Commission and the applicant, Jake Hone, said they would proceed with zoning the property R-S. You now have an annexation and rezone request for this 18.14 acres. The majority of the property is the RLS investment properties with a small piece on Angel Street. One of the things that Engineering looks at is the utility issues relative to a conceptual plan for that property. With the two stub streets coming out from the south and the connection to Angel Street, all three of will be required with a design of a subdivision on the property. With the guidelines of the General Plan for this area and the annexation plan the recommendation being forwarded to you is the approval of both items on the agenda.

Madam Chair Fitzpatrick asked how the secondary water easement worked. Mr. Matson said the engineering memo mentions a 12 inch Kay's Creek irrigation secondary water line in 1700 West, which the developer will be required to connect and extend to the annexation area.

Jake Hone, with Alpine Homes, said the property does not connect with 1700 West and so all the utilities will come from Angel Street or the stub streets and none of those have secondary water in them. In order to get to 1700 West they will either need to work with property owners to the south, north or Jerry Stevenson to the west.

Commissioner Nilsson asked if there was another connection. Mr. Matson said likely not probably just the Kay's Creek Irrigation line.

Madam Chair Fitzpatrick asked who handles the connection fee. Mr. Wright said engineering is handling who will be responsible for the connection fees. Mr. Hone said if they do not connect to secondary they would have to pay for the water exactions to run culinary water.

Commissioner Nilsson said the lines that are coming out of the two side streets for sewer are shown as eight inch lines and feels this is inadequate. Mr. Matson said most sewer lines are eight inch.

Commissioner Hansen asked if there will be a stubbed street going west. Mr. Matson said there will be a cul-de-sac.

4. 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 received an e-mail from Josh Jensen and he is considering changing his rezone application. He would still do parcel two, which is the majority of the property and leave as agriculture but the two parcels out front he is considering for residential. Mr. Jensen still wants to vacate the plat. He is asking for R-1-8 zoning and it is recommended to do R-1-10 zoning. Commissioner Harding asked how the trail will go if there are two houses. Mr. Weaver said they will have to take a look at the plans and determine where the trail will go. Mr. Weaver said this will be tabled indefinitely.

PUBLIC REVIEW

5. HIDDEN HIDEAWAY SUBDIVISION – PLAT VACATION

The approximate address is 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 Mr. Jensen still wants to go through with the plat vacation by removing the Hidden Hideaway Condominium plat. By vacating the recorded plat, the option for building the approved townhomes is removed. The reason for the rezone is he received some information from a geotechnical engineer that said the property at the base of the hill against 1450 East was not in the landslide complex area and so he wants to see if he can develop on the front of the property.

Commissioner Hansen said if the applicant wants to put in a couple of lots and build his home, down the road would that become a huge flag lot? Mr. Weaver said yes.

Commissioner Harding asked what the City was going to do about erosion control. Mr. Weaver said the City has an erosion control inspector who can ensure the applicant keeps the erosion under control.

Commissioner Nilsson asked if there were any advantages on not vacating a plat. Mr. Weaver said there are no advantages.

Commissioner Nilsson asked if he will have to go through a stricter review for a plat. Mr. Bill Wright bill said yes.

Commissioner Harding asked if the applicant was aware of all the standards involved with building on sensitive lands. Mr. Weaver said yes. She also stated that this piece of property needs land drains.

Christy Wixom

Christy Wixom, Planning Commission Secretary

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Madam Chair Fitzpatrick called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited and an invocation was given by Rick Smith .

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

APPROVAL OF MINUTES: Commissioner Nilsson motioned to approve the minutes for November 10, 2015 and Commissioner Pilny seconded the motion. All in favor. Voting was unanimous

PUBLIC HEARING

1. STREET TREE ORDINANCE TITLE 19, SECTION 16.075 AND TABLE 16-4

Establishing standards for the placement and maintenance of permitted trees in park strips and along street frontages.

Mr. Weaver said this ordinance amendment is amending Title 19, Chapter 19.16 and adding section 19.16.075 and table 16-4 of the Layton Municipal Code by establishing approved trees for park strips and frontages. Table 16-4 is an approved tree list. Trees are an important feature in creating natural aesthetics to a street or private property if trees are planned and planted appropriately. The type and location of tree planting is important so as to protect sidewalks, curbs and gutters and certain utilities. It is important to avoid these conflicts between trees and public improvements and to avoid creating safety issues with clear views at intersections and next to sidewalks and driveways. It is the desire of the City to establish a listing of trees that may be appropriately planted in designated areas. It is also the desire of the City to provide some parameters with regards to planting areas and distances from public improvements to planted trees. The added language in the ordinance provides details of how street trees are to be maintained within and behind the park strip. In addition, if the sidewalk is heaved or broken due to the roots of the tree that was planted by the homeowner or business

owner, it is the owner's responsibility to repair or replace the sidewalk, curb and gutter. Before the Planning Commission is ordinance 16-03 and staff has been working with the Planning Commission on the approved tree list. The added section 19.16.075 talks about where trees are to be planted and the maintenance of the trees. Item number four says if a person wishes the City to consider the addition of a tree to Table 16-4, such request is to be in writing to the Director of the Community and Economic Development Department. In the work meeting we talked about the list of trees in Table 16-4 and based on that discussion we will be making changes to a few of the tree species in the trees for six foot or larger park strips. These changes will be made in the Regal Prince and the Skyrocket from Maple to Oak. Also moving the Musashino Columnar Zelkova tree where trees are allowed in the three to five foot park strip. Suggestions have also been made about the Hackberry and Japanese Zelkova trees. Staff recommends the Planning Commission forward a positive recommendation to the City Council with suggested changes to approve Ordinance 16-03 amending Title 19, Chapter 19.16 adding Section 19.16.075 and Table 16-4 of the Layton Municipal Code by establishing approved trees for park strips and frontages.

Commissioner Hansen said it should be noted that the Washington Hawthorne is a fruit tree and should be noted or removed. The Musashino Columnar Zelkova should be noted to not plant under power lines because of its height.

Commissioner Hansen made the motion to forward a positive recommendation to the City Council to approve ordinance 16-03 amending Title 19, Chapter 19.16, Section 19.16.075 and Table 16-4 of the Layton Municipal Code establishing approved trees for Park Strips and Frontages and meeting all staff requirements. Commissioner Harding seconded the motion. All in favor. Voting was unanimous.

2. BARLOW ANNEXATION, REZONE AND ANNEXATION AGREEMENT – A TO R-S PRUD

This 8.84 acre property is located at approximately 1700 W. Weaver Lane. The property is zoned A (Agriculture) and is proposed for R-S PRUD (Residential Suburban-Planned Residential Unit Development) zoning. The applicant is Ovation Homes LLC, representing Duncan Barlow.

Mr. Matson said as mentioned in the work meeting, staff has been working with this applicant on the specifics of the language in the draft annexation agreement and also pointed out an updated concept plan that is still missing before the Planning Commission. The initial recommendation was to have the Planning Commission table this to the December 22nd meeting however, based on conversation with Mr. Frost regarding the language in the annexation agreement, we still have items that need to be discussed before they are willing to sign the agreement and come back before the Planning Commission. The best option is to table it indefinitely and when the agreement is signed in its final form along with the concept plan staff will do the proper advertising and get this item back on the agenda.

Commissioner Weaver said there is acknowledgement of the need for a sewer lift station in this location. Is the Junior High next door going to require a sewer lift station? Mr. Matson said there is an existing sewer lift station to the west of this property on the south side of Weaver Lane. The new Junior High School building will be located on the north end of the property and sewer will connect into the new trunk line in that area. The agreement addresses that this

property would also go into the line that goes into this lift station, but there are improvements and upgrades needed to that station and this property would need to pay a portion of its share of upgrades. Commissioner Weaver asked who owned the sewer lift station. Mr. Matson said the City does own the sewer lift station.

Commissioner Weaver made a motion to table this item indefinitely based on the input from staff, property owner and developer. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

3. RLS INVESTMENT PROPERTIES INC/ALPINE HOMES ANNEXATION AND REZONE – A TO R-S

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 majority of the property is accessed through two stubbed streets that come out of the Pheasant Place Subdivision. One of the stub streets is at 1425 West and one is at 1575 West. The 18.14 acre property is a long narrow parcel to be added to the City limits and zoned R-S. This annexation was on the Planning Commission agenda on November 24, 2015. During that time there was question on which direction the applicant was going to head in terms of the zoning for this property. The applicant made a formal request to the City to add a rezone application to go with the annexation and the rezone request is the R-S zone, which is the similar zone of surrounding subdivisions in this area of the City. RLS Investment Properties are owners of the majority of this property; 17.14 acres of the 18.14 acres. There is over a half acre located at the frontage of Angel Street. At the time the application was submitted the property owners did not sign the petition and indicated they did not have the intent to protest this annexation. With the Council accepting the petition and receiving certification of that petition on November 5, 2015 there was a 30 day protest period that started on that date and ended earlier this month, and the City received no protests. This annexation is within the expansion area as indicated in the Layton City Annexation plan. The proposed zoning is R-S, which is the zone consistent with the General Plan recommendation for this area for low density residential. Staff is recommending the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-39 approving the annexation request and Ordinance 15-41 approving the rezone from A to R-S based on consistency with the General Plan recommendation for this area.

Commissioner Hansen said based on the explanation of the stub piece where the property owner didn't sign and has expired is it the Staff anticipation that would allow in addition to access from 1425 and 1575 an appropriate access on to Angel Street. Mr. Matson said this property may or may not provide for that stub street. The main intent was to not leave that area as an island. Commissioner Hansen asked if at some point there would be an access onto Angel Street. Mr. Matson said that is what is anticipated.

Rick Smith, 615 South 1375 West, said Angel Street down to 500 South needs to be improved and widened. Mr. Smith said the residents are interested in the new layout of the homes. Also the residents would prefer the construction access come off of Angel Street and not through the subdivision.

Bruce Logan, 1642 West 500 South, had a concern about the quality of the homes and wanting to make sure the homes do not ruin the value of the other homes.

Commissioner Weaver asked the location of where the improvements will start and if they will end at 500 South. To date there has not been a requirement for improvements to 500 South. However, the City can work with the applicant to see if they can combine forces to get the done.

Randy Voss, 487 South Angel Street, asked if this subdivision is required to have secondary water. Mr. Matson said the Engineering Department has indicated there is a 12 inch Kay's Creek irrigation secondary line and the Engineering Department is asking that the Developer to bring that to the property.

Jake Hone, 1070 South Jordan Gateway, said the subdivision does not front 1700 West. Angel Street, 1425 and 1575 do not have secondary lines in them. If they can work with the property owners to the north, west or south to retrieve that secondary water, they will be able to provide secondary water, otherwise they will be required to install dry lines and pay for the water fees for future secondary access. In regards to comments on quality of houses being built, they are not low value houses with the intent here to build a nicer product.

Commissioner Harding asked if the minimum lot size was going to be about 15,000 square feet. Mr. Hone said the square footage finished will be approximately 2,500 to 3,500 square feet. Total square footage will be 4,000 to 5,000 square feet.

Commissioner Weaver asked what the target price would be. Mr. Hone said it will range from 400,000 to 500,000.

Commissioner Hansen asked Mr. Hone to address the access onto Angel Street. Mr. Hone said their intention is not to front Angel Street. They would prefer to do a cul-de-sac. They would have space to possibly front one house onto Angel Street. They would like to work with the City as much as needed including going down to 500 South to improve the frontage.

Commissioner Hansen asked the current designation of Angel Street. Mr. Matson said it is a collector street.

Michael Hall, 1278 West 500 South, said he would like to ask that the Planning Commission require a connection to Angel Street because 500 south is busy and feels there will be a safety concern.

Commissioner Weaver moved to forward a positive recommendation to the City Council to adopt Ordinance 15-39 approving the annexation request. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

Commissioner Weaver moved to forwarding a positive recommendation to the City Council regarding Ordinance 15-41 approving the rezone from Agriculture to Residential Suburban. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

4. 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 on November 24, 2015, the Planning Commission tabled the requested rezone after asking for public comment and asking questions of the applicant. There was no public comment and the applicant requested the rezone be tabled to the December 8, 2015 Planning Commission meeting to coincide with the request to vacate the existing Hidden Hideaway condominium plat. Staff received an e-mail from the applicant changing his mind about the rezone. Staff is recommending the Planning Commission table this rezone indefinitely and the applicant will have to do a new application if he intends to rezone this property in the future.

Jay Eggett, 1548 East 2050 North, said this is a critical piece to an existing trail and to future trail. Mr. Jensen said he is not ready to make a decision regarding the trail. There is some conflicting geotechnical information on the property and he is waiting to sort all that out before a decision is made.

Commissioner Harding noticed an increase in erosion. Mr. Jensen will keep an eye on the erosion and will work on keeping it looking nice.

Commissioner Van Drunen made a motion to table indefinitely. Commissioner Nilsson seconded the motion. All in favor. Voting was unanimous.

Commissioner Van Drunen made a motion to close Public Hearing and open Public Review. Commissioner Hansen seconded the motion. All in favor. Voting was unanimous.

PUBLIC REVIEW

5. HIDDEN HIDEAWAY SUBDIVISION – PLAT VACATION

The approximate address is 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 this was a plat that was recorded and approved by the City back in 1987 under the R-1-10 PRUD zone. The phase consisted of four attached townhome units with common area located around the units. Part of the plat dedicated the full 60-foot width of 1450 East to the City and a sewer easement. The townhomes were never constructed and the property has remained vacant. The applicant, Josh Jensen has purchased the Hidden Hideaway subdivision and is requesting the recorded plat be vacated. By vacating the recorded plat, the option for building the approved townhomes is removed. The plat vacation only vacates the first phase parcel and not the dedication of 1450 East, this street and sewer easement will remain under the City's ownership. Staff recommends the Planning Commission forward a positive recommendation to vacate the Hidden Hideaway condominium plat subject to meeting all staff requirements as described in staff memorandums to the applicant.

Madam Chair Fitzpatrick asked what the requirements on a frontage for an R-1-10 lot. Mr. Weaver said 80 feet.

Commissioner Hansen asked if the motion was simply going to be to vacate the plat that currently exists that would of allowed multi-family. Mr. Weaver said yes.

Commissioner Harding made a motion that the Planning Commission forwards a positive recommendation to the City Council to vacate the dedication plat for Hidden Hideaway subject to meeting all City staff requirements. Commissioner Pilny seconded the motion. All in favor. Voting was unanimous.

Commissioner Nilsson made a motion to close Public Review and adjourn. Commissioner Hansen seconded the motion. All in favor. Voting was unanimous.

Meeting adjourned: 7:52



Christy Wixom, Planning Commission Secretary