

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
APRIL 26, 2016

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

MEMBERS ABSENT:

OTHERS PRESENT: Staff: Peter Matson, Christy Wixom, Kem Weaver, Bill Wright, Brandon Rypien, Woody Woodruff, Ryan Pickup, JoEllen Grandy, David Price, Nicholas Mills, and Mark Vlastic-Landmark Design, Inc.

City Council Member: Bruce Davis

CED Director, Bill Wright provided the Planning Commission with an update on the Intermountain Layton Hospital project. He stated it has been determined by the Layton Development Staff that the following conditions of approval will be added to the Site Plan Approval for the Intermountain Layton Hospital (IHC). These conditions are in response to the items discussed by the Planning Commission in their deliberation for approval regarding the Conditional Use for the Hospital. The planning issues are construction vehicles, access to the site and truck delivery.

A traffic report from Hales Engineering was submitted outlining the types of trucks, the amount and the daily schedule. IHC reported back that on semi-tractor trailer trucks they expect between three to five deliveries per day. For box trucks, which are a single bed truck, they expect between 13 and 19 deliveries daily. IHC expects between 14 to 19 deliveries a day with vans.

Intermountain Health Care representatives and Layton City staff have agreed to the following conditions for the Site Plan Approval.

1. All construction traffic is to enter and exit the site from Layton Parkway through an approved SWPPP tracking pad. No construction vehicles are to enter and exit from Flint Street.
2. Truck deliveries coming to the site are to use the Layton Parkway entrance at 200 East. The trucks are to exit at the same location. These trucks are to include all Intermountain Health Care trucks that deliver supplies, laundry, etc. and all contracted vendors using trucks to deliver products. This restriction does not apply to vans or general service vehicles such as FedEx, USPS, UPS, etc that are not contracted for services specifically with Intermountain Health Care.
3. A low profile sign is to be placed at the Flint Street entrance indicating that truck access is not permitted; "No Truck Access Allowed". The sign will need to be approved by Layton City.

The grading permits have been issued and IHC is close to having the site plan approved by the City.

Commissioner Nilsson asked what the next process would be for IHC. Mr. Wright said the next step for IHC is to get the permit which will allow them to go underground with all the utilities. They have filed their construction plans and are going to ask for a footing and foundation permit first.

Commissioner Hansen asked if the no truck access sign was temporary. Mr. Wright said it will be a permanent sign.

Commissioner Hansen asked if IHC would communicate with the vendors regarding the vans that are not contracted with IHC that their preference would be to enter off of Layton Parkway. Mr. Wright stated all contracted vendors will have to enter off of Layton Parkway which will be written in the vendors' contract. They may ask for a second entrance off of Layton Parkway so that an emergency vehicle can access immediately the emergency Porte cohere. IHC is currently studying the idea to see if it would be a benefit to everyone.

Commissioner Hansen asked about extending the right hand turn lane off of Flint Street onto Layton Parkway. Mr. Woodruff said the traffic study did not show it needed to be done right now.

PUBLIC HEARING

1. 193 ASSOCIATES/ANDERSON HOLDINGS GENERAL PLAN AMENDMENT, REZONE AND DEVELOPMENT AGREEMENT

This 31.45 acre property is located at approximately 1374 East 3100 North. This property is zoned and identified on the General Plan Map for BR-P (Business and Research Park). The proposal is to amend the General Plan to low density residential and rezone 11.85 acres to R-1-8 (Single Family Residential), 12.86 acres to R-1-6 (Single Family Residential) and leave 6.74 acres remaining in BR-P (Business and Research Park). The applicant is Anderson Holdings LLC, representing the owner of the property, 193 Associates, LLC.

City Planner, Peter Matson said in the Development Agreement there is some additional language under the street improvements section. Development of the Subject Area will require specific public street improvements of North Hills Drive (3100 North), the extension of Church Street and provisions for appropriate East/West street connections through the Subject Area. North Hills Drive (3100 North) street improvements are required on the frontage of the Subject Area including installation of curb and gutter, sidewalk and widening of asphalt to meet City standards. Full street improvements and dedication for the extension of Church Street through the Weber Basin Water Conservancy District (Weber Basin) property at the south boundary line and through the Subject Area are required within two years of final plat approval of the first subdivision phase of the residential area with a completion date no later than October 15, 2019. The portion of Church Street that is south of the round-a-bout shall include the appropriate off-site portion of the Green property. Owner is responsible for the dedication of the required half width of Church Street north of the round-a-bout and shall post a cash bond for said half width for future construction. This portion of Church Street is a 66-foot right-of-way.

Commissioner Nilsson asked what happens if the timeline is not met. Mr. Woodruff said there are two different bonds. The first bond is for the northern piece and the City requires a cash bond for half width for the future construction of Church Street. The second bond is south of the round-a-bout portion and they would be required to do a public bond for those improvements and if they do not build it the City could go in and have that built.

Madam Chair Fitzpatrick asked if this would have semi truck traffic and is the round-a-bout large enough. Mr. Woodruff said the design will be large enough for box trucks and 1700 East would provide the access for semi trucks.

Commissioner Harding asked when the Planning Commissioners will find out if more geotech studies are needed because of the topography of the land. Mr. Matson said the 10 percent slope is the only overlapping map constraint for that property and does not warrant a review process at this time. They will have to do a soils and geotechnical report at preliminary and if anything unique comes out that wasn't anticipated, then additional information will be required.

Commissioner Weaver stated in Section 4.3.4 and Section 4.4.4 of the Development Agreement it talks about a sanitary sewer and storm drain payback. Who gets paid back? Mr. Matson said on the Sanitary Sewer, Mr. Green gets the payback based on acreage developed. The storm drain payback is more of a specific area. Parcel 001 is on the eastern portion and only a portion of this overall property pays into the storm drain payback?

2. GENERAL PLAN UPDATE - LAYTON CITY PARKS, RECREATION, TRAILS, OPEN SPACE AND CULTURAL FACILITIES MASTER PLAN

Mark Vlastic from Landmark Design said they have been working on this master plan for over 14 months. The purpose of the project is to update and replace the existing Parks and Recreation Element of the General Plan, which is outdated. The Plan provides a 10-year planning horizon for the provision and expansion of parks, trails, open space, and cultural and recreational facilities. The Plan also provides for the expansion of the City trail system and trail improvement goals based on a 10-year priority. As the population matures and the community fills in, different demographic demands are likely to arise that will require a more balanced, diverse and adaptable range of park and recreation facilities to meet changing needs, in particular those of the fast-rising retirement ages.

The Master Plan is organized into six chapters. Chapter one provides background and baseline data, demographic projections and a summary of the planning process and purpose of the plan. Chapter two addresses existing and future park needs, beginning with an analysis of existing park conditions, and followed by an analysis of need, a determination on level of service (LOS) for the current population and the projected future population in 2025, and a discussion of future priorities, standards and approaches. The chapter also addresses open spaces, albeit on a similar level. This chapter also includes amenities recommended now and in the future. Chapter three addresses existing and future recreational and cultural facilities not located in parks and open spaces. This chapter includes existing facilities and an analysis of needs and priorities, concluding with ideas for meeting future needs during the ten-year planning period and beyond. Chapter four addresses existing and future trail needs, including bicycle paths and routes. This chapter addresses existing conditions and analyzes need, discusses trail types including paved and non-paved trails and identifies standards and priorities. Chapter five estimates and prioritizes probable costs to acquire and construct new parks, recreation, trails and cultural facilities, and to upgrade existing facilities to meet City standards. Chapter six provides priorities and direction for future parks, recreation facilities, open spaces, trails and cultural facilities.

There is enough land to meet the needs of residents for the next 10 years with the exception of an area of the City that has a gap and there is a need to buy an additional 10 acres. Layton City has approximately 116 acres of parks that will be developed in the future. They did a lot of mapping and work with the GIS group. They did a distribution analysis and depending on the size of the park, they mapped how close residents are to any given park. There are seven gaps of service. The level of service is how many acres per 1,000 people. The current level of service is 4.8 acres per 1000 people and in the future the level of service should be 4.94 acres per 1,000 people. There are 348 acres of existing parks in the City. By 2050, Layton City will need 64 acres in addition to the acres they already have.

Commissioner Van Drunen asked about the future level of service which will be 4.94 acres per 1,000 people and how they came up with that figure. Mr. Vlastic said they based it on the total population. They looked at it in two ways. One is how many acres per 1,000 people and the distributions analysis is to look at how well people are served within a mile to a quarter mile.

Madam Chair Fitzpatrick asked how we protect land so that when we need it we have it. Mr. Vlastic said to buy whatever land you can buy now or as soon as you can. Mr. Price said this is a key step that they will continue to work on.

Madam Chair Fitzpatrick asked if the level of service is taken into account for the areas that could be annexed into the City. Mr. Vlasic said no. If a major change happened the City would want to do an assessment.

Mr. Vlasic said they took a look at private and other groups, special events, and with cultural facilities the question was asked how to fund them. Partnerships with private entities, school districts and various types of activities such as fundraisers can help with funding.

Commissioner Van Drunen asked if the money for the sports league comes out of the General fund. Mr. Price said some of the money comes out of the General Fund. The fee is set up so that each individual program can pay for itself. The program fees are specific for that activity.

Mr. Vlasic said we have 27 miles of trails that are installed and another 88 trails to go. The idea is to create a concept on how to link neighborhoods together using the regional trail system and local trails. Commissioner Harding asked how long it will take to get the trails connected. Mr. Vlasic said there is no set date because these are opportunities that happen at random and you can't plan for them. The idea is to have a plan on what you want and work on it when the option arises.

Mr. Vlasic mentioned the seven goals and policies for Parks and Open Spaces which included the following: 1. Maintain the desired level of service for parks at 4.94 acres of land per 1,000 populations. When new parks are planned and developed they should be Neighborhood or Regional/Community Parks that are generally of a larger size to accommodate the desired sports fields and other intensive activities. 2. Improve maintenance and operations in parks. 3. Assure that residents of Layton City have access to high quality recreation and cultural programs and facilities. 4. Assure that residents of Layton city have access to trails that provide links between neighborhoods and important destinations and attractions. 5. Assure that trails are safe. 6. Promote water conservation and sustainable practices in parks and recreation facilities. 7. Maintain critical open spaces, habitat areas and natural features.

Commissioner Van Drunen said in the report maintenance was good but wanted to know why Mr. Vlasic is recommending maintenance. Mr. Vlasic suggested ongoing maintenance due to age. There is no budget at this time but it is probable over the next 10 years.

Commissioner Nilsson said he is concerned that sometimes different departments have different plans and before we put together the final plan this ought to be a combined program that includes all aspects considering it is all part of the same General Plan that we have for Parks and Recreation and for Layton City. Mr. Vlasic recommended that when they work on the General Plan to also work on the portion that includes Parks and Recreation. JoEllen Grandy, Parks Planner, said Staff has been working with Peter and Brandon with Envision Layton and the Parks and Recreation plan and shared trails, and was reflected on the Envision Layton Plan. A great suggestion would be to include the Envision Layton Plan as an appendix to the back included with the survey.

PUBLIC REVIEW

3. RESIDENTIAL FACILITY FOR THE ELDERLY – CONDITIONAL USE

This property is located at 1456 Merlin Way in an R-1-8 (Single Family Residential) zoning district. The applicant, Gilda C. McBride is the owners.

Planner, Brandon Rypien said that Staff met with the applicant on March 7, 2016 and discussed some of the requirements with the legal department and they are aware that this facility is for a group of non-

related elderly persons. They are limited to 8 elderly people total in the household. Staff determined that a conditional use would be required for this specific use in the R-1-8 single family zoning district. They have met all the requirements listed in the Ordinance under Section 19.06.050.

Commissioner Harding asked what communication is happening with the Fire Marshall. Mr. Rypien said originally they requested the Department of Human Services and the Department of Health to respond as far as licensing goes for this facility and both departments responded and said there is no need for a license because they are just operating services such as food and transportation and not any medical type uses or medication.

Commissioner Van Drunen asked if there will be inspections done. Mr. Rypien said there will not be inspections considering they are not required to have a license. Mr. Rypien said they only provide services for meals, using the television, housekeeping, activities, emergency calls, scheduled transportation and internet.

Commissioner Weaver said the Fire Marshall stated in his memo that two means of egress must be provided from each room in the home. Mr. Rypien said each bedroom has a window and a door and meet the requirement. There will be a total of eight beds and only one room where there is a shared bedroom.

Madam Chair Fitzpatrick asked if the family who owns the house will continue to live there. Mr. Rypien said the family will be moving out of the home. One of the residents in the home will be the applicant's father and that is how they meet their requirement of ownership.

Madam Chair Fitzpatrick asked what happens when the father passes away. City Attorney, Nic Mills said an immediate family member will need to live there or they will lose their conditional use.

Madam Chair Fitzpatrick asked if anything will need to be done to retrofit the home for ADA compliance. Mr. Rypien said the building official will inspect and find out if there are any needs for ADA compliance.

Commissioner Nilsson said there has to be a parking space, one for every two beds. It was asked if any of the residents drive and would there be enough parking spaces for visitors to come visit them. Mr. Rypien said he has not addressed the visitor parking but would ask the applicant. Commissioner Harding said during a snow storm you have to have all vehicles off the street.

Commissioner Harding asked if she had a bus or van to transport these individuals. Mr. Rypien said he is not sure but would ask the applicant. Mr. Matson stated you do not have to provide off street parking for visitors.

Commissioner Bodily asked if there have been any issues regarding this conditional use. Mr. Rypien said no.

Mr. Rypien stated regarding Staff report condition #11, that it would be added as required. Regarding item #12, Mr. Rypien said he would add the words, "prior to business license approval".

Commissioner Pilny asked what ADA compliance construction they would be doing. She wanted to know if there will be a chair lift to the basement or an elevator. Mr. Rypien said he would ask the applicant.

Madam Chair Fitzpatrick asked if the applicant would need to have a food handler's permit. Mr. Rypien said he is not sure. Mr. Mills said condition #11 would cover that issue.

4. MORGAN ESTATES – FINAL PLAT

This 0.77 acre property is located at approximately 1675 E. Ponderosa Street in an R-1-10 (Single Family Residential) zone. The applicant and owner is Joe Morgan.

Mr. Weaver said the proposal for final plat approval for two lots on .77 acres is for the Morgan Estates Subdivision with a density of 2.6 units per acre. Mr. Scott Whetmen wants to build on one of the lots and has been involved in the process for the last two years. The City has required the applicant to conduct a two lot specific geotechnical report for final plat approval.

Madam Chair Fitzpatrick asked if the homes on both sides were the same square footage. Mr. Weaver said yes it is the same concept.

Commissioner Nilsson asked if the geotechnical report was required at the time other houses on both sides were being developed. Mr. Weaver said when Morgan Farms was developed, the City did not have a Sensitive Land Ordinance. There was a Geotechnical report required on the property and at that time Staff studied those recommendations and mitigations for the development of the subdivision and presented that information to the Planning Commission and City Council. There have not been any concerns with the homes.

Commissioner Van Drunen asked if the geotechnical report showed this could be done. Mr. Weaver said the mitigation on this property showed ground water on the hillside which causes some slope instability but by putting in certain drain systems you will get the water off the hillside which makes the hillside stable enough to build a home on it.

Commissioner Harding asked if there will be any need to bring field dirt into the site. The applicant, Mr. Whetmen, said there will be structural fill that will be put in to stabilize the hillside underneath the foundation. There will be an extensive draining system that will collect the underground water, surface runoff and anything that collects around the house.

Madam Chair Fitzpatrick asked where the water discharges. Mr. Whetmen said they will install a sump and an underground drainage system. The drainage will be 18 feet deep.

Commissioner Nilsson asked if this runs into any other property. Mr. Whetmen said no. There will be an emergency overflow incase anything does happen.

Commissioner Van Drunen asked if the other homes had drains. Mr. Whetmen said the one he observed had a foundation drain. Commissioner Van Drunen asked if the neighbor had an overflow would their drainage system collect the entire overflow that would come onto their property. Mr. Whetmen said yes.

Commissioner Weaver said the geotech engineer is required to be there at certain times. Mr. Whetmen said it is all laid out regarding when he will need to be there.

Commissioner Harding asked Mr. Whetmen when he wanted to develop lot two. Mr. Whetmen said as soon as first lot is sold.

5. TACO TIME – CONDITIONAL USE

This property is located at 1481 North Hill Field Road in a CP-3 (Planned Regional Commercial) zoning district. The applicant, Eric Dickson, is representing the owners Frank Dickson and Eric Dickson.

Mr. Weaver said the same franchise was recently located at 392 North Main Street in Layton. The Young Automotive Group purchased the property for the future Young Kia dealership. This property is located north of Wells Fargo Bank and Layton Hills Mall and east of the Layton Meadows Apartment. Heritage Park at Layton Hills subdivision is to the north. UDOT is requiring that there be a shared access for the existing building on the north side with the future Taco Time restaurant. Cross access easements will need to be recorded with the property to the north.

Commissioner Van Drunen asked if they will have to take down the entire block fence. Mr. Weaver said yes.

Commissioner Van Drunen said if there is a problem with headlights shining into the houses access Hill Field Road then it will need to be addressed during landscaping.

Commissioner Harding asked when they were going to submit the landscape plan. Mr. Weaver said they are working on it now.

Madam Chair Fitzpatrick asked if there was room in front of the parking stalls for landscaping. Mr. Weaver said yes. They are required to plant street trees along the frontage.

Madam Chair Fitzpatrick asked if there could be a requirement that they add shrubbery between the trees. Mr. Weaver said yes.

Commissioner Nilsson asked if noise and light level will be addressed. Mr. Weaver said yes at site plan review.

Madam Chair Fitzpatrick asked about parking since parking is at its maximum. Mr. Weaver said they will work through the ordinance regarding parking. Mr. Wright said the area they will agree to have the developer put shrubbery in is in front of the drive through along Hill Field Road.

6. DR. SCOTT NEIL – STREET DEDICATION

This is a road dedication plat located at the southeast corner of 3200 West and Gordon Avenue. The applicant is Scott Neil.

7. ARBOR ESTATES – PRELIMINARY PLAT

This 17.1 acre property is located at approximately 450 S. Angel Street in an R-S (Residential Suburban) zoning district. The applicant is Jake Hone with Alpine Homes.



Christy Wixom, Planning Commission Secretary

(Please see other side)

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
APRIL 26, 2016**

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

MEMBERS ABSENT:

OTHERS PRESENT: Staff: Bill Wright, Peter Matson, Kem Weaver, Nicholas Mills, David Price, JoEllen Grandy, Mark Vlastic-Landmark Design, Inc. and Christy Wixom

City Council Member: Bruce Davis

Madam Chair Fitzpatrick called the meeting to order at 7:03 p.m.

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

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

PUBLIC HEARING

1. 193 ASSOCIATES/ANDERSON HOLDINGS GENERAL PLAN AMENDMENT, REZONE AND DEVELOPMENT AGREEMENT

This 31.45 acre property is located at approximately 1374 East 3100 North. This property is zoned and identified on the General Plan Map for BR-P (Business and Research Park). The proposal is to amend the General Plan to low density residential and rezone 11.85 acres to R-1-8 (Single Family Residential), 12.86 acres to R-1-6 (Single Family Residential) and leave 6.74 acres remaining in BR-P (Business and Research Park). The applicant is Anderson Holdings LLC, representing the owner of the property, 193 Associates, LLC.

Mr. Matson said the property proposed for General Plan amendment and rezone contains a total of approximately 31.45 acres located on the east side of North Hills Drive at approximately 1374 East. The General Plan amendment and rezone area is east of Sun Hills Golf Course and North Hills Estates and Sun Hills Park residential subdivisions. The rezone area is surrounded by unincorporated county to the north, B-RP zoning to the east, A, CP-1 and R-M1(PRUD) zoning to the south, and R-1-6 zoning to the west. The rezone area has frontage on North Hills Drive (3100 North) and is situated such that Church Street will extend through the eastern portion of the rezone area.

The General Plan amendment and rezone request is accompanied by a Development Agreement that outlines the City and Owner's undertakings relative to utilities, streets (both on and off-site), and zoning. The applicant for the General Plan amendment and rezone is Anderson Holdings, LLC representing 193 Associates, LLC, owner of the 31.45 acres.

The current General Plan recommendation for this particular property is for Business/Research Park and related uses associated with the overall East Gate Business Park area. The applicant is proposing to rezone 11.85 acres of the property to R-1-8 and 12.86 acres to R-1-6. The remaining 6.74 acres on the eastern portion of the site will remain in the B-RP zone. A General Plan amendment from "Business-Research Park" to "Low Density Residential at 3-6 units per acre" is requested for the 24.71 acres proposed for residential zoning. The remaining 6.74 acres of B-RP zoning on the east portion of the site will retain its "Business-Research Park" designation in the General Plan.

Because of topography, it is not likely that large business or manufacturing buildings are feasible for the west portion of the subject property. The East Gate Business Park Illustrative Master Plan illustrates the extension of Church Street through the rezone area with business park and related uses lining Church Street and the west side

of 1700 East. The Illustrative Plan also shows a residential area east of the extension of 1700 East, and the plan shows the western portion of the subject property as open space. Wasatch Integrated Waste Management District (hereinafter Wasatch Integrated) now owns the property labeled for residential development on the east side of 1700 East. Wasatch Integrated purchased this property to create a buffer area between the land fill and surrounding residential. The applicant's proposal for residential development on the 193 Associates property utilizes an area deemed unsuitable for large business or manufacturing buildings and, in a sense, transfers the residential area on the East Gate Business Park Illustrative Plan to an area that provides a connection to the existing residential neighborhoods to the west. The proposed R-1-8 and R-1-6 zoning allows for a variety of lot sizes and housing types consistent with the residential zoning to the west at lower density than what was anticipated on the Wasatch Integrated portion of the East Gate Business Park Illustrative Plan.

The Development Agreement outlines the various requirements and provisions for culinary water, sanitary sewer, storm drain and land drain throughout the rezone area. Culinary water, sanitary sewer, and storm drain service for the rezone area will require connections and/or extension of lines from North Hills Drive (3100 North) and from Church Street. In addition to the extension of the storm drain line in North Hills Drive (3100 North), the property owner is responsible to construct their proportionate share of a storm drain detention basin located west of the rezone area.

Development of the rezone area will require full street improvements on the North Hills Drive frontage of the rezone area. Church Street will need to be extended north from the southeast corner of the rezone area through the eastern (B-RP) portion of the site to the north boundary of the rezone area. Given the importance of east/west connectivity through the rezone area, the Development Agreement outlines the requirement for an east/west street and the off-site connection from the B-RP area through the Edward Green and LDS Church properties to 1700 East. This portion of the Development Agreement also requires the owner to design and construct two mid-block trail connections to provide access to the future City trail planned on the property directly north of the rezone area.

The sketch plan indicates that 6.74 acres are to remain in the B-RP zoning district on the southeast portion of the site where the Church Street extension is proposed. This remaining B-RP area is designed to accommodate street connections and extensions for a coordinated business park with the properties to the east that front on 1700 East. Keeping this portion of the 193 Associates property in the B-RP zone allows these critical street extensions and connections to take place, which are important to the overall goals of the East Gate Business Park Plan.

Development of the Subject Area will require specific public street improvements of North Hills Drive (3100 North), the extension of Church Street and provisions for appropriate east/west street connections through the Subject Area. In Section 4.5.1 North Hills Drive (3100 North) street improvements are required on the frontage of the Subject Area including installation of curb and gutter, sidewalk and widening of asphalt to meet City standards. In Section 4.5.2 Full street improvements and dedication for the extension of Church Street through the Weber Basin Water Conservancy District (Weber Basin) property at the south boundary line and through the Subject Area are required within two years of final plat approval of the first subdivision phase of the residential area, as depicted on Exhibit "C", with a completion date no later than October 15, 2019. The portion of Church Street that is south of the roundabout shall include the appropriate off-site portion of the Green property, as depicted on Exhibit "C". Owner is responsible for the dedication of the required half width of Church Street north of the roundabout, as depicted on Exhibit "C", and shall post a cash bond for said half width for the future construction of this portion of Church Street no later than October 15, 2019. Church Street is a 66-foot right-of-way. In Section 4.7 under secondary water the Subject Area is within the Weber Basin Water Conservancy District (Weber Basin) service area for secondary water. Owner shall coordinate system requirements with Weber Basin for secondary water service for the Subject Area.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Resolution 16-24 approving the Development Agreement with 193 Associates, LLC. Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 16-15 approving the General Plan amendment from Business and Research Park to Low Density Residential at 3-6 units per acre for approximately 24.71 acres of the 193 Associates property; and Ordinance 16-13 approving the rezone request from B-RP to R-1-8 and Ordinance 16-14 approving the rezone from B-RP to R-1-6.

Commissioner Weaver asked how the negotiations were going with Mr. Green and the LDS Church regarding the extension of Church Street and the East/West connection street. Mr. Matson said in the last meeting the developer indicated conversations with Mr. Green have gone well.

Commissioner Weaver asked if Weber Basin was in agreement. Mr. Wright said the City Engineering Department is going to take the lead on that and they have already had conversations with Weber Basin and they would prefer to interact with the City for that small triangle as opposed to getting involved with the developer.

Commissioner Hansen asked if the roundabout and the connecting street to 1700 East is to be completed prior to the development of the two residential zones. Mr. Matson said that road is to be constructed and dedicated prior to final approval of the first phase of development of the residential area.

Ryan Anderson, 9537 South 700 East, Sandy UT, stated he had spoken with Mr. Green and indicated that his partner Mr. Wall will need to give some feedback but has not been able to contact him. However, Mr. Green believes it would not be a problem. Mr. Anderson said they have submitted a letter to the LDS church requesting the right-of-way. There is a formal process they have to go through with the church and they are not sure on the time frame.

Commissioner Weaver made a motion to forward a positive recommendation to City Council to approve Resolution 16-24 regarding the Development Agreement. Commissioner Nilsson seconded the first motion. All in favor. Voting was unanimous.

Commissioner Weaver made a motion to forward a positive recommendation to City Council to approve Ordinance 16-15 amending the General Plan. Commissioner Pilny seconded the motion. All in favor. Voting was unanimous.

Commissioner Weaver made a motion to forward a positive recommendation to City Council to approve Ordinance 16-13 which is a rezone request from BR-P to R-1-8. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

Commissioner Weaver made a motion to forward a positive recommendation to City Council to approve Ordinance 16-14 which is a rezone request from BR-P to R-1-6. Commissioner Bodily seconded the motion. All in favor. Voting was unanimous.

2. GENERAL PLAN UPDATE - LAYTON CITY PARKS, RECREATION, TRAILS, OPEN SPACE AND CULTURAL FACILITIES MASTER PLAN

JoEllen Grandy introduced Mark Vlastic from Landmark Design. She stated that they have been working on this project for approximately 14 months.

Mr. Vlastic said the purpose of the plan is to update and replace the existing Parks and Recreation element of the General Plan, which is outdated. The idea is to create a new Parks, Recreation, Trails and Cultural Facilities Master Plan. The Plan provides a 10-year planning horizon for the provision and expansion of parks, trails, open space, cultural and recreational facilities. The Plan also provides for the expansion of the City trail system and trail improvement goals based on a 10-year priority. The key findings in this community show there is a large household size with young children and nationally we are aging as a community so we need to be thinking about the older generation needs and not just about the needs of young people.

Layton City is unique because of the emphasis they put on cultural activities and facilities. The plan is organized into six chapters which include: Introduction of parks and open space, recreation and cultural facilities, trails, acquisition and construction costs, goals and policies. There is approximately 350 acres of parks and recreation land currently in Layton City. The parks were classified to size and different roles that the parks have today and in future. In addition to the existing parks, Landmark Design has proposed about 116 acres that is available for future park development. Mr. Vlastic showed a map of all the parks and trails. They did a distribution analysis for the different types of parks which are smaller parks, pocket parks, neighborhood parks and regional parks. Mr. Vlastic

showed the distribution map and showed the areas of gaps. A level of service was also established for parks, which is the number of acres of park land per 1,000 people and currently we have 4.8 acres per 1,000 residents, thinking forward we will need to acquire a 10 acre park to fill the largest gap. That will take the level of service up to 4.94, which will be the standard for the future at least for the next ten years in order to maintain the level of service. The key item regarding parks is that there are 348 acres today and we need 10 additional acres to meet the gap. By 2025, we will need 58 acres to meet the 4.94 level of service. As mentioned, we already have a significant amount of land so there will be no need to acquire any additional land.

By 2050, there will be a need for 64 acres of land. There is a proposal for 115 miles of trails and at present only 27 of those miles have actually been implemented. Almost 90 miles are required in the future. They developed a concept priority of trails and the focus is to connect neighborhoods to the parks. There are three priority trails: regional transportation trails, recreational trails, and inner-city connecting trails. The key recommendation is to provide a 10 acre park in the gap area, and within the next 10 years develop an additional 58 park acres in order to meet future needs. Another recommendation is to upgrade the existing parks that do not meet the standards and focus on larger parks instead of smaller parks. They also recommend providing an annual budget allocation for park improvements and upgrades.

Commissioner Hansen asked if there was a cost for more than one 10 acre park. Mr. Vlastic said one is to develop and one it to purchase.

Madam Chair Fitzpatrick asked if the unpaved trails run along the Bonneville shoreline Trail. Mr. Vlastic said they primarily are along the base corridors that are not paved.

Madam Chair Fitzpatrick asked David Price to explain how the RAMP tax funding is helping with the upgrade of the maintenance. David Price said \$150,000 was budgeted RAMP funds. They were able to go through about \$800.00 of requests that the committee sorted out and they developed a listing that will be a recommendation to the City Council for the projects they would like to fund this year. Some of the key projects include putting in a new playground at Ellison Park. With the RAMP tax, they will be able to fund a new LED board for the amphitheater which will help the Davis Art Council produce and bring in larger groups. The museum was funded for some improvements inside. Funding request was approved for park improvements at Ellison Park.

Commissioner Nilsson made a motion to forward a positive recommendation to City Council to adopt Ordinance 16-17 for the Layton City Parks, Recreation, Trails, Open Space & Cultural Facilities Master Plan as an update to the General Plan. Commissioner Van Drunen 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

3. RESIDENTIAL FACILITY FOR THE ELDERLY – CONDITIONAL USE

This property is located at 1456 Merlin Way in an R-1-8 (Single Family Residential) zoning district. The applicant, Gilda C. McBride is the owner.

Planner, Brandon Rypien said the applicant, Gilda McBride, is requesting a conditional use for a Residential Facility for Elderly. On March 7, 2016, Staff met with the applicant and reviewed her proposal for the Residential Facility for Elderly. A residential facility for elderly persons is a dwelling unit that offers living quarters to a limited number of non-related elderly persons.

Staff determined that a conditional use would be required for this specific use in the R-1-8 single family zoning district. The home is a rambler and is part of a single-family neighborhood. The property is located on the north side of Merlin Drive and is near a city park (Camelot Park).

Residential Facilities for Elderly are an alternative solution to a retirement home or an assisted living facility for someone who does not need medical care. A residential facility for elderly shall comply with the following requirements of the Layton Municipal Code Section 19.06.050:

1. Shall be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;

Gilda McBride's father, who is an immediate family member, will reside at the residence.

2. Shall be consistent with existing zoning of the desired location;

The R-1-8 single family zoning district allows Residential Facilities for Elderly as a conditional use.

3. Shall be occupied on a twenty-four hour per day basis by eight or fewer persons in a family type arrangement.

No more than eight persons are planned to occupy the home at any given time.

4. Shall meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings.

No modifications are planned to be made to the home except for ADA applicable modifications for persons with physical limitations.

5. Shall provide adequate off-street parking space as per Section 19.12.050;

The driveway will have two additional feet added to the side of it to accommodate space for an additional car. Total off-street parking stalls include five (5), with two (2) stalls in the garage and three (3) in the driveway.

6. Shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

The only structural alterations would be to make the structure ADA compliant.

7. No residential facility for elderly persons be established within three-quarters ($\frac{3}{4}$) mile of another residential facility for elderly persons or residential facility for persons with a disability, as defined by Section 10-9-605 of the Utah Code;

This separation requirement has been removed from the Utah Code and no longer applies.

8. No person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons;

There will be no persons treated for these types of issues at this location

9. Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

Elderly persons will only occupy the facility on a voluntary basis.

10. The use granted and permitted by this Section is non-transferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part.

The applicant is aware that this permit is non-transferable and is terminated if the facility is devoted to another use.

11. Discrimination against elderly persons and facilities for elderly persons and persons with disabilities is prohibited.

The applicant understands that she cannot discriminate against elderly persons and persons with disabilities.

Gilda's Senior Living use will meet all of these requirements outlined in the City Code.

Layton Municipal Code Section 19.12.040 (6) requires that a residential facility for elderly persons provide 1 (one) parking stall for every 2 (two) beds. Five (5) stalls are available on the property.

Four (4) parking stalls are required based on the number of beds that are available.

Home occupations are allowed to have a sign attached to the building; it shall not be illuminated and it shall not exceed four (4) square feet in size.

Staff recommends approval of the residential facility for elderly subject to the following conditions.

1. The facility shall be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
2. Eight or fewer elderly persons shall occupy the facility at one time.
3. The facility shall be occupied on a twenty-four hour per day basis by eight or fewer persons in a family type arrangement.
4. The facility shall meet all applicable building, safety, zoning and health ordinances applicable to similar dwellings.
5. The facility shall provide a total of 4 (four) off-street parking spaces as per Section 19.12.040(6), 1 (one) parking stall for every 2 (two) beds.
6. The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
7. No person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons;
8. The placement of a person in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
9. The use granted and permitted by this Section is non-transferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part.
10. Discrimination against elderly persons and facilities for elderly persons and persons with disabilities is prohibited.
11. All licenses required by the Department of Humans Services and the Department of Health shall be obtained prior to business license approval.
12. The site and building shall meet all City ordinances and staff requirements from the Fire Safety, Engineering and Planning Divisions prior to business license approval.

Commissioner Van Drunen asked if the applicant has to make it ADA compliant. Mr. Rypien said no.

Commissioner Van Drunen asked if patients with dementia or Alzheimer's are allowed to stay at this home. Mr. Rypien said she can't take those types of residents into her facility because that would put her into an assisted type of living facility.

Commissioner Van Drunen asked if there was a way to check up on this to ensure these types of patients are not in the home. Mr. Rypien said there was no way of checking up on that unless Human Services does annual checks.

Commissioner Pilny said they can't discriminate against someone with disabilities, so if they have a resident who is in a wheelchair they would have to go back and retrofit the doors and ramps to make them compliant. Mr. Mills said yes they would. If they start the business and no one requires an ADA accommodation, she will not have to put them in just because she is a business. However, if a resident required ADA compliance then she would be required to put them in. She can't discriminate because they have a disability and she would have to make reasonable accommodations under ADA guidelines.

Commissioner Weaver asked what if a new applicant came in and had a ADA requirement. Mr. Mills said she would have to make reasonable accommodations if that person was accepted into the home. Mr. Weaver asked if she could discriminate against her needing ADA requirements. Mr. Mills said no.

Commissioner Hansen asked who oversees this to see that all compliances are met and there are inspections periodically. Mr. Rypien said as far as the conditions go the City is responsible for making sure those conditions are followed which usually happens with a complaint. The Building Inspector and the Fire Department will do an inspection and will make sure the conditions are followed prior to a business license being issued.

Commissioner Hansen asked what recourse do the residents have and how will they know the process if owner is not in compliance. Mr. Rypien said the City could put the list of the conditions in the facility. Mr. Mills said it is important to remember that this is a business and is in a residential neighborhood and most of the enforcement with businesses throughout the City and with residents is driven by complaint from neighbors or by patrons. Placing the standards in the home is an option but the reality is that most code enforcement of this nature is done by complaint. Commissioner Hansen said the Ordinance needs to be rewritten to provide follow up on conditions.

Commissioner Pilny asked if they provide transportation. Mr. Rypien said they will provide transportation for groceries or doctors visits.

Madam Chair Fitzpatrick asked how the City will know if the family member who resides in the home is replaced by a non family member. She stated she is concerned about allowing this type of facility without any oversight. Her concern is regarding elderly abuse and how does the City ensure this does not happen.

Commissioner Pilny asked about the level of care. Gilda McBride, 1456 Merlin Way, said this type of facility is for those who need very little assistance. She stated she understands the concerns and has no problem with inspections.

Commissioner Hansen said as the aging process continues, at some point they may need to go into assisted living, who makes that decision. Ms. McBride said she will work with the assisted living places to help the residents get into one once the time arises which will be determined by the family members, business owner and the resident.

Commissioner Hansen asked if there will be an agreement that the resident and family members will need to sign. Ms. McBride said yes there will be an agreement.

Commissioner Van Drunen asked if she was planning on becoming a guardian to any of the residents. Ms. McBride said no.

Madam Chair Fitzpatrick asked the applicant if she was going to do background checks. Ms. McBride said yes. Mr. Mills said the applicant will want to contact BCI in obtaining background checks and the process.

Commissioner Nilsson asked if the applicant had experience in health care. Ms. McBride said she helped parents with elderly people who stayed in her parent's hotel.

Commissioner Nilsson said that one of the restrictions is parking space. How would you provide parking space for those residents who have a vehicle and can drive? Ms. McBride said there is room in the driveway for 3 cars.

Commissioner Nilsson asked who prepares the meals for the residents. Ms. McBride said she will be the one preparing the two meals a day and the third meal will be the responsibility of the resident. Commissioner Nilsson asked if the Department of Health had an issue with the applicant preparing the meals. Ms. McBride said no.

Commissioner Nilsson asked if the applicant will be living outside of the home. Ms. McBride said yes.

Commissioner Nilsson asked if the deck was elevated and had stairs. Ms. McBride said there is a door in the basement that leads to the back yard.

Madam Chair Fitzpatrick stated that Davis County has resources for caregivers if the applicant needs some guidance.

Commissioner Weaver asked if Ms. McBride was going to have eight residents in the home. Ms. McBride said there will be eight residents including her dad who will be living in the home.

Commissioner Weaver asked if the applicant had talked to an insurance agent about liability insurance. Ms. McBride said not yet but was planning on it.

Commissioner Pilny made a motion that the Planning Commission grant conditional use approval of the residential facility for the elderly located at 1456 Merlin Way subject to the applicant meeting all staff requirements. Commissioner Van Drunen stated that Staff and the City should look at the ordinance again for future changes. Commissioner Van Drunen seconded the motion. Madam Chair Fitzpatrick asked Ms. McBride if she received the list of conditions. Ms. McBride said yes. All in favor. Voting was unanimous.

4. MORGAN ESTATES – FINAL PLAT

This 0.77 acre property is located at approximately 1675 E. Ponderosa Street in an R-1-10 (Single Family Residential) zone. The applicant and owner is Joe Morgan.

Mr. Weaver said the applicant, Joe Morgan, is requesting final plat approval for a two lot subdivision entitled Morgan Estates. The two lot subdivision is .77 acres with a density of 2.6 units per acre. Single family homes are located to the west, north and east; agriculture property is to the south.

The proposed subdivision is in a Sensitive Lands area of the City with geological features south of the .77 acre parcel, which consists of ground water and slope stability. Slope stability is associated with the ground water on the property. When the subdivision to the west, called Morgan Farms Subdivision, went through the entitlement process, there were geotechnical reports conducted, which gave recommendations for development along the top of the north slope. Existing homes to the west of this property have implemented the recommendations of the subdivision geotechnical report. The preliminary plat requirements for hill side development were met during the original subdivision review process in 1979. The Sensitive Lands ordinance was not adopted at that time and therefore a third party geotechnical review was not required for the Morgan Farms Subdivision.

The geotechnical processes and requirements similar to the existing Sensitive Lands ordinance were addressed when the entire subdivision was being developed. Preliminary and final plat approvals were given subject to following the geotechnical recommendations and mitigations.

The City has required the applicant to conduct a parcel specific geotechnical report for final plat approval. The applicant provided a geotechnical study from G2 Gordon Geotechnical. The same concerns were included in the G2 Gordon Geotechnical reports that were in the original geotechnical report for the Morgan Farms Subdivision. The

City required a third party, or peer review, of the G2 Gordon Geotechnical report. The third party review was conducted by Geostrata. After extensive discussion between the geotechnical engineers and the City Engineer, Geostrata concurred with G2 Gordon Geotechnical's mitigation and recommendations.

The mitigation is to capture any ground water around the homes and on the slope through a sub-drain system. The drain system will then percolate into the creek at the top of the slope. With the ground water removed through a drain system, the hillside will become stabilized and the factor of safety becomes acceptable for development.

The Holmes Hollow Estates lot to the east of the proposed subdivision was constructed in 2005 to 2006. The lot specific geotechnical report for this lot stated that the home required a drain system to remove potential water from around the home and slope.

The proposed two lots meet the area and frontage requirements of the R-1-10 zone.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Morgan Estates subject to meeting all geotechnical study recommendations and Staff requirements as outlined in Staff memorandums to the applicant.

Commissioner Hansen asked if the geotechnical report becomes part of the record for this plat. Mr. Weaver said yes it does.

Commissioner Hansen feels it's important to recognize publicly that the report is incorporated into the records of the City and upon Staff's review of that report that the City is confident that this project can move forward and that the proper homework has been done. Mr. Weaver said the City is confident and will put a note on the final plat referencing these geotechnical reports that were conducted for the two lots. Commissioner Pilny asked Mr. Weaver if they will reference that there was a second peer review. Mr. Weaver said yes.

Joe Morgan, 537 South 725 East came to the microphone and Madam Chair Fitzpatrick asked if alternative landscaping was part of the development to keep water from entering the slope. Mr. Morgan said no, there was no indications from the geotech or the peer review. The land drain is extensive and more than adequate to handle whatever water comes. When the homes are built it will include the rain water lines to be attached to that under drain system and will take that water away.

Commissioner Weaver asked if there was any difference between the geotech activity and mitigation in efforts of the property that is not a current ordinance requirement for the City. Mr. Weaver said no the City is consistent with what the land ordinance requires.

Sean and Kerry Kennedy-Presey, 1596 East 275 North, said the house to the east is falling into the ravine and was wondering if the same due diligence was done on that house as the two lots that are before the Planning Commission tonight. Mr. Weaver said it was the Andregg residence that built the home and as of today the building inspector has not been called out to investigate the home to see if the home is sliding. Mr. Presey is concerned about the house going down the hill. He is worried about the property values.

Mr. Morgan said back in 2000 they had a geotechnical study done on the property and when the report came back there were some recommendations made and the owner chose not to do anything with the recommendations.

Vince Rhoton, 1591 E. 275 North, said he has similar concerns as the Presey's. He stated the Andregg home has been abandoned and is on its way to being an eye sore and a hazard to the surrounding property values. He is shocked to hear that the City has not inspected the Andregg's home.

Madam Chair Fitzpatrick said the City should have the inspector go take a look at the home. Does it impact the property before the Planning Commission tonight? As they start digging foundations what will be the damage to the existing home. Mr. Weaver said a G2 geotechnical representative will be on site to witness any excavations for footings and foundations. The City can send the building official out to inspect the home.

Mr. Pressey said if we are looking to redirect water how is it going to get past that house. How will it be redirected?

Scott Whetmen, 408 Rooster Hollow, said he wants to build on lot number one. When the Andregg property was being built they chose not to follow the recommendations of the geotechnical report which at that time they were not obligated to abide by the recommendations since there was no ordinance with the City that required them to follow the recommendations of the geotechnical report. Mr. Whetmen said the house is not sliding it is settling. The house has been built on four feet of fill in the front and sixteen feet of fill in the back. So you are getting differential settlement which is caused by the water so Mr. Whetman gave a bid to fix the house and jack the house back up and then they would drill a hole to capture the water and remove the water to relieve the hydrostatic charge of the dirt when it has the water introduced into it. There is significant damage but it is not to the point where it is hazardous because they went out and braced it up.

Mr. Whetmen said they are going to capture all the water around Mr. Whetmen's property and all water will go into the street. There are no discharge pumps and they are going to take the water and reintroduce back into the ground water into the southwest corner and will have a sump and drainage field so the water will come down and has storage capacity to handle up to a 100 year storm and circulates back down in the ground. None of the water they are capturing is going to go anywhere else down the road and will be contained on the property. The requirement of SWPPP is that all runoff be contained on the site.

Madam Chair Fitzpatrick said during the construction of the lot, will vibration from the machinery affect the Andregg home. Mr. Whetmen said vibration equipment can always be a problem and so they are going to videotape where they can get access. The house is owned by the bank and they have turned it over to a realtor to try and sell it. The problem is the fix is about the same as what they are asking for on the house.

Mr. Weaver said he will have the Building Inspector take a look at the house and the information will be provided to the City Council.

Commissioner Van Drunen made a motion to forward a positive recommendation to the City Council to approve the final plat for the Morgan Estates Subdivision subject to meeting recommendations from all geotechnical studies and staff requirements. Commissioner Hansen seconded the motion. All in favor. Voting was unanimous.

5. TACO TIME – CONDITIONAL USE

This property is located at 1481 North Hill Field Road in a CP-3 (Planned Regional Commercial) zoning district. The applicant, Eric Dickson, is representing the owners Frank Dickson and Eric Dickson.

Planner, Kem Weaver said the property being requested for a conditional use permit is located at 1481 North Hill Field Road. The property is located north of the Wells Fargo Bank and Layton Hill Mall, east of the Layton Meadows Apartments and south of the Heritage Park at Layton Hills commercial subdivision.

The conditional use area has CP-3 zoning to the south; R-H PRUD (High Density Residential) zoning to the west; B-RP (Business Research Park) zoning to the north; and R-1-8 (Single Family Residential) to the east.

The applicant, Eric Dickson, is the franchisee owner of Taco Time in Layton and was recently located at 392 North Main Street. The Young Automotive Group bought Mr. Dickson's property for the current development of the Young KIA dealership on Main Street. Mr. Dickson has recently found a piece of property to re-locate the Taco Time franchise.

The property to be developed currently has a single family home that is being rented. The home would be demolished and the site redeveloped with a single commercial building for the use. The commercial building will be located at the center of the site with parking located in front and to the north side of the proposed commercial building.

The proposed commercial building will have a size of 2,541 square feet with an interior floor size of 2,385 square feet. The architecture and design of the commercial building will incorporate earth tone colors with different

shades of tans and browns. A mauve colored band will circle the building above the window line. Faux rock will be used as a wainscot around the building. Parapet walls and cornices will be used at the front and north side of the building to create a change in the roof line of the building.

City ordinance requires one parking space for every 100 square feet of interior floor area. The interior floor area is 2,385 square feet, which will require 24 parking spaces. The site is proposed to have 24 spaces. Access from Hill Field Road has been determined by UDOT, and UDOT wants to limit the number of ingress/egress points for any type of development on UDOT's streets. An existing access is located on the property to the north and will need to be shared with the Taco Time business. Cross access easements will need to be recorded with the property to the north. The easements will need to be submitted for final site plan review. The drive through is required to queue a minimum five cars with one at the window and four stacking. The drive through can accommodate at least six vehicles.

The applicant has not submitted a landscape plan for the site. City Staff has asked for the landscape plan and will review the plan based on the landscaping section of the City Code. Street trees will be required along Hill Field Road and trees will be required along the west boundary of the site to aid in buffering the apartments from the fast food use. Landscaping is being addressed through site plan review.

Staff recommends the Planning Commission approve the conditional use permit for the Taco Time subject to the following conditions.

1. Meet all Building Division, Engineering Division and Fire Department requirements.
2. Meet all requirements as outlined in the City Code for fast food restaurant development for site plan review.
3. Signed cross access easement agreement with adjacent property owner, required at final site plan approval.
4. UDOT's signed approval of the combined access to Hill Field Road.
5. Landscape treatments or shrubs be used in the landscape area along Hillfield Road to help mitigate headlights shining into residential homes across Hillfield Road.

Madam Chair Fitzpatrick asked if both property owners will need to sign a permission form to enter through the property. Mr. Weaver said yes, there is a document that both property owners will sign. Madam Chair Fitzpatrick said if the property owner to the north refuses to sign, then what happens. Mr. Weaver said the City would probably enforce that the easement be given.

Commissioner Weaver asked if the size of building dictates 24 parking spaces and does that include employee parking. Mr. Weaver said the parking will be for employees and customers.

Commissioner Van Drunen said that he hopes the handicap parking is closer to the front door. Mr. Weaver said the handicap parking is shown by the drive-through and will need to be located closer to the door.

Commissioner Pilny asked if the existing gate is open. Commissioner Weaver said there is a chain link fence and the gate is wide enough for vehicular access.

Eric Dickson, 1074 Fairway Place, North Salt Lake, said that gate is existing and the owner of the home had trailers in the backyard and that it will go away and will be a fence along there. As part of UDOT's requirement for the access to be shared, Mr. Dickson bought both pieces of the property which is the house and the office building to the north to solve the issue of shared parking. UDOT asked to request cross access agreements with properties to the south which is Wells Fargo and the America First bank. They were not able to get access to meet UDOT's requirements but will continue to work with them to get access.

Commissioner Van Drunen asked the applicant if he was comfortable with adding shrubs to reduce headlights shining into resident's homes. Mr. Dickson said they can come up with something that the City will agree with. As long as the bushes are only headlight height then the applicant is good with adding bushes.

Commissioner Hansen made a motion to approve the conditional use permit for the Taco Time fast food establishment at 1481 North Hillfield Road subject to all Staff input and the four listed conditions of approval and adding one more condition that shrubs are located in the southeast corner of this property to help eliminate headlight shining into resident's homes. Commissioner Bodily seconded the motion. All in favor. Voting was unanimous.

6. DR. SCOTT NEIL – STREET DEDICATION

This is a road dedication plat located at the southeast corner of 3200 West and Gordon Avenue. The applicant is Scott Neil.

Planner, Kem Weaver said the applicant, Scott Neil, has been requested by the City to provide a street dedication plat as part of development of the dental building that will be located on the corner of 3200 West Gordon Avenue.

During the rezone, parcel split and site plan reviews, it was discovered by City staff that half of 3200 West and half of Gordon Avenue has not been dedicated to the City. The street half widths are still part of the Neil property. The applicant will be dedicating 33 feet, or 27,225 square feet, for 3200 West and 44 feet, or 9,261 square feet, for Gordon Avenue.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the road dedication plat subject to meeting all Staff requirements as outlined in Staff memorandums to the applicant.

Madam Chair Fitzpatrick asked if the road was dedicated at the time the lots to the south were being approved. Mr. Weaver said no, because it only went through preliminary review and there was never a final plat done. Madam Chair Fitzpatrick asked if Dr. Neil was losing an amount of buildable space. Mr. Weaver said no it does not affect his setbacks or parking.

Commissioner Bodily made a motion to forward a positive recommendation to City Council to approve the road dedication plat subject to meeting all staff requirements as discussed. Commissioner Pilny seconded the motion. All in favor. Voting was unanimous.

7. ARBOR ESTATES – PRELIMINARY PLAT

This 17.81 acre property is located at approximately 450 S. Angel Street in an R-S (Residential Suburban) zoning district. The applicant is Jake Hone with Alpine Homes.

Planner, Kem Weaver said on January 7, 2016, the City Council approved the annexation and rezone for Alpine Homes by rezoning the proposed subdivision to R-S of approximately 17.81 acres west of Angel Street at approximately 450 South. The applicant, Alpine Homes, is requesting preliminary plat approval for the Arbor Estates Subdivision. The subdivision is adjacent to unincorporated County to the north and west, R-1-8 zoning to the east, and R-S zoning to the south.

The preliminary plat will consist of 39 lots on 17.81 acres with a density of 2.2 units per acre. The main access for the subdivision is from Angel Street. There are two other connections made with the stubbed streets in the Pheasant Place Subdivision to the south.

Two stubbed streets are planned for the north boundary of the subdivision for access should the property to the north be developed. The subdivision will meet the block length requirement with these stubbed streets.

All lots meet the R-S requirements for frontage and area for lot-averaged lots.

Staff recommends the Planning Commission approve the preliminary plat for the Arbor Estates Subdivision subject to meeting all Staff requirements as outlined in Staff memorandums to the developer.

Commissioner Van Drunen asked if there was a concern about speed. Mr. Weaver said not that he was aware of any specific concerns.

Commissioner Nilsson said the main concern in the area is the construction that is presently taking place in the Evergreen Farms Subdivision to the west. This has been a concern because in the approval process construction trucks were to come off of Layton Parkway.

Madam Chair Fitzpatrick asked if they were still required to widen Angel Street all the way down to 500 South. Mr. Matson said it was indicated that the City would possibly work with the developer. Mr. Weaver said he will ask the City Engineer.

Commissioner Weaver asked if the only access on lot 101 is to Angel Street. Mr. Weaver said yes.

Commissioner Nilsson asked if the sewer line connections from the two stubbed streets went to the subdivision property line, will they have to dig into the existing streets in the Pheasant Place Subdivision. Mr. Weaver said his understanding was when Pheasant Place was constructed and improvements were put in they stubbed it to the property line or boundary of the subdivision, so they should not have to get into those streets.

Commissioner Nilsson said that one of the questions that came up is the houses do not line up with the property markers. Mr. Weaver said these are skinny parcels but there is an ordinance that prevents everything looking like a grid and so it requires certain lots to have certain offsets.

Commissioner Nilsson asked why the exactions can be so much less. Mr. Weaver said, as it states in the City Engineering memo, the City passed an ordinance back in 2004 because the City had a concern that when the City is built out there will not be enough water for the City. One way to prevent this is on any new development, since 2004, the City requires water shares to be submitted, which goes towards the City's water storage. There is a provision in the water ordinance that states if your property is able to have secondary water they are able to reduce the amount of shares by two-thirds.

Commissioner Hansen asked what the curb gutter width is. Mr. Weaver said a 58 foot right-of-way entails 28 feet of asphalt and 2 ½ foot width for curb and gutter and we require 7 ½ foot wide park strip and 5 foot sidewalk.

Commissioner Hansen asked if the City is going to require a circular drive or a hammerhead type turnaround for lot 101. Mr. Weaver said yes.

Commissioner Hansen stated that we need to get away from developing these narrow stretches of property in the City. Mr. Weaver said the City only has so much control with land use law and if it meets the General Plan requirements then we can't deny them the right to develop.

Commissioner Weaver asked if the lot has secondary water. Mr. Weaver said yes.

Randy Voss, 487 South Angel Street, asked if there was availability to secondary water. Mr. Weaver said in the last year Kayscreek Irrigation has provided an access or a main line that has gone under I-15 to the west side of Layton City to where they have the capability of providing secondary water to new development.

Mr. Voss asked if that was assuming the developer was going to allow access to secondary water. The applicant, Jake Hone, 10705 South Jordan Gateway, South Jordan, Utah said they will be doing an offsite secondary access through the PUE in Pheasant Place and then going out to 1700 West to connect to the new irrigation line that is installed.

Commissioner Nilsson asked where the access point will be that is proposed to come into the subdivision. Mr. Hone said in the west connection which is 1525 West.

Mr. Voss asked what the City was doing about traffic on Angel Street. Mr. Weaver said the City is currently finishing up the master transportation plan for the entire City and are looking at those types of issues especially on Angel Street.

Mr. Hone said with the construction traffic they can make sure to put up some temporary barricades on the stub streets knowing that those construction vehicles will not be able to enter the site from the neighborhood and will have to go through Angel Street. One restriction they have with the site is that it is a little wider than Pheasant Place is and they were able to have deeper lots shortening the frontage which offsets their lines and as they go towards the back the lot can spread out a little further.

Commissioner Van Drunen asked Mr. Hone if he was okay with the hammerhead. Mr. Hone said yes.

Keith Johnson, 492 South Angel Street, said he is concerned about traffic, curb and gutter. He is also concerned for the safety of the children. The sewer depth of lot 101 is about 3 ½ feet which means they could not put in a basement or they would have to pump to accommodate the basement. Mr. Hone said he discussed with City Engineer that they would be happy to install the improvements. This is not their property, they will need to work with the City to cover those cost which they will address at preliminary and final approval.

Mr. Hone said it would be best to address all the Angel Street improvements down to 500 South. That discussion will need to take place with City Staff and City Council.

Shawn Motts, 398 South Angel Street, said he is concerned about curb and gutter and concerned about overhead power lines, and will there be sidewalk going from Angel Street into the subdivision. Mr. Hone said the full right of way will be able to fit with sidewalk on both sides down the entire entrance into the neighborhood. The overhead power will have to be addressed with Rocky Mountain Power. Mr. Motts asked if they could put in a driveway entrance. Mr. Hone said yes they could work out some kind of easement.

Rick Smith, 615 S. 1375 W., said in regards to the knuckle cul-de-sac one idea is to design flag lots for lots 102, 103, and 104. Mr. Hone said they were encouraged to do a cul-de-sac width.

Aaron George, 1418 W. 500 S., said he is concerned about the construction traffic because they don't know the speed in a residential area. He said if you are putting pressure irrigation next to his lot does he have an option of being able to get a hold of secondary water. Mr. Weaver said he could have a discussion with Scott Green at Kayscreek Irrigation. Commissioner Bodily suggested having the police monitoring the speed limit on that road.

Commissioner Nilsson said one of the things they need to do is check the Ivory Homes agreement to see if we had a construction entrance agreement with them. Mr. Weaver said he will talk to Ivory Homes and have them stop accessing Pheasant Place and have them come off of Layton Parkway.

Commissioner Weaver made a motion to approve the preliminary plat subject to meeting all staff requirements as outlined in Staff memorandums to include a hammerhead or circular drive on lot 101. In addition, a condition to allow the construction traffic to only come off of Angel Street. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

Commissioner Weaver thanked Madam Chair Fitzpatrick for the activity and additional efforts she has put forth in the position that she is in and representing the Commission and the City the way you have through some difficult issues.

Commissioner Van Drunen made a motion to adjourn. Commissioner Bodily seconded the motion. All in favor. Voting was unanimous.

Meeting adjourned: 9:30 p.m.



Christy Wixom, Planning Commission Secretary