

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
JUNE 28, 2016**

**MEMBERS PRESENT:** Dawn Fitzpatrick, Wynn Hansen, Dave Weaver, Daniela Harding, Brian Bodily and Tricia Pilny

**MEMBERS ABSENT:** Robert Van Drunen and Brett Nilsson

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

City Council Member: Bruce Davis

**PUBLIC HEARING**

**1. CRAIG'S CORNER (RAINBOW TOWNHOMES) PRUD REZONE AND CONCEPTUAL PLAT- R-1-8 to R-2 PRUD**

This 1.782 acre property is located at 985 N. Rainbow Drive. This property is zoned R-1-8 (Single Family Residential) and is proposed for R-2 PRUD (Single and Two Family Residential – Planned Residential Unit Development) zoning. The applicant is Randy Craig.

Mr. Weaver said the proposed development will be adjacent east from the Rocky Mountain Power substation. The applicant will keep the two existing homes to the south and construct a new single family home to the west of the development. The applicant is proposing 15 units which creates a density of 8.4 units per acre. The PRUD ordinance allows for 8 units per acre as a base density in the R-2 zone. The proposed townhome development will need to have a density bonus of 8% for 15 units. The 8% density bonus will be reviewed by the Design Review Committee during the preliminary plat phase of the process.

Madam Chair Fitzpatrick asked what kinds of things the Design Review Committee will be looking at. Mr. Weaver said additional open space which this site has 61% open space.

Madam Chair Fitzpatrick asked if the 61% was the driveways. Mr. Weaver said the driveways have been included with the 61% open space. The building is 23% and the improvements are 16% and the driveways are considered limited common area, which would be part of the 61%.

Mr. Weaver mentioned a way the developer can receive density bonus is by placing masonry on the units, which is being proposed on the townhomes. There is an existing fence along the substation property.

Madam Chair Fitzpatrick said it would be helpful to see how the 61% will be broken down.

Mr. Weaver mentioned that recently two properties were rezoned to R-2 and two twin homes were built across Rainbow Drive to the east of this site. The Land Use Element of the General Plan indicates that multi-family townhome developments are appropriate in this area based on

the existing land uses to the east, location of abutting arterial streets and the adjacent power substation.

Commissioner Bodily asked if the applicant planned on selling. Mr. Weaver said yes.

Commissioner Weaver asked how long are the two private roads. Mr. Weaver said the length is approximately 140 feet, but there will be a turnaround on the south private street.

Commissioner Harding asked if a Homeowner's Association was proposed. Mr. Weaver said yes, the development is required to have a Homeowner's Association.

Commissioner Weaver asked how tall they will be. Mr. Weaver said they will be 2-story which is 25 to 30 feet at the most.

Commissioner Harding asked if to the south there were mostly single family homes. Mr. Weaver said yes they are zoned R-1-6.

Commissioner Weaver said in item number six in the engineering report it says that all utilities within the development will be private to be owned and maintained by a Homeowner's Association with the exception of the master meter which will be owned and maintained by the City. What is the master meter metering? Mr. Weaver said it is culinary water.

Commissioner Weaver asked if the Homeowner's Association pays the water bill. Mr. Weaver said yes through their covenants they will do a percentage of each unit.

Commissioner Bodily asked if there were separate meters for gas. Mr. Weaver said Questar Gas works with separate meters.

Commissioner Hansen asked if the City had any approach that they can take to ensure that the applicant is going to sell and not rent. Mr. Weaver said each unit will have its own tax id number. Madam Chair Fitzpatrick said in the CCR's that a certain percent that must be owner occupied which she thinks is 80 percent. However, anyone who owns their home can rent it out.

Madam Chair Fitzpatrick asked if there was designated visitor parking. Mr. Weaver said the units will be two car garages and they will have a depth on the driveway that will facilitate parking. The width of the driveway is 30 feet.

Commissioner Harding asked when it comes back for preliminary. Mr. Weaver said the next step is preliminary.

Madam Chair Fitzpatrick asked if too many units were being put in and not allowing for enough visitors parking. Mr. Weaver said all of those issues will be discussed at preliminary. Commissioner Weaver said in the fire report on item number one it says to ensure all items are met on a previous review letter dated March 18, 2016 by Fire Marshal Dean Hunt. Do we know

if those items have been met? Mr. Weaver said those items will be met with the construction of the units.

**2. EASTSIDE VILLAGE PRUD REZONE AND CONCEPTUAL PLAT – R-S to R-1-10 PRUD**

This 7.23 acre property is located at 798 N. Eastside Drive. This property is zoned R-S (Residential Suburban) and is proposed for R-1-10 PRUD (Single Family Residential – Planned Residential Unit Development) zoning. The applicant is Phil Holland.

Mr. Matson said this originally came before the Planning Commission as a PRUD and when the construction staff was convened to review sensitive lands, it was determined that this needed to go through that review process. Since December 2015, the applicant has been working with his geotech consultants to address some of the issues and constraints associated with this property. The residential subdivisions located east of Highway 89 are zoned primarily R-1-10 and R-S. The General Plan recommendation for this area of the city is for low density, single family residential. The density range associated with the R-1-10/PRUD zone is 3.50 to 4.90 units per acre. The conceptual PRUD plan for the rezone area represents a proposal to develop a single family subdivision of 25 lots on 7.23 acres, which is a density of 3.46 units per acre. The minimum open space represented is 33% (2.39 acres).

Some steeper slopes are located on the eastern portion of the property, and a 78-inch Weber Basin aqueduct runs north-south through the middle of the site. The most significant geotechnical aspects of the site are the two fault line areas that run somewhat parallel to each other across the eastern portion of the property from north and south. A geological hazard study was conducted because of the identified fault lines. The recommended setback for dwellings from the two fault lines closest to the eastern boundary of the site is 38 feet. There were two separate reports; one was looking at overall sensitive Lands and the second one was for the geologic fault study area. There are a range of lot sizes from about 5,000 to 12,000 square feet. The reason for the looped road system is they are trying to avoid the aqueduct, the fault lines and represent the setbacks recommended from the two reports, and also deal with onsite storm water detention at the bottom of the property. Further west on the property the recommended setback is 20 feet and to the east the recommended setback is 38 feet.

Commissioner Weaver asked if there would be three car garages. Mr. Matson said he was not sure but would depend on the style of the home but it is a possibility on the lots.

Slope stability meets the factors of safety for the site. However, any changes to the grading or addition of retaining walls for the site must be properly engineered to maintain the stability of the slope. The City hired Geostrata to conduct a third party review of both the geotechnical analysis and the geological hazards of the site. Geostrata concurred with GSH's recommended setbacks from the fault lines and recommended the setbacks be identified on the final subdivision plat.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 16-32 approving the rezone request from R-S to R-1-10 PRUD based on the consistency with the General Plan recommendations for this area of the city. Staff also

recommends the Planning Commission forward a positive recommendation to the City Council to approve the conceptual subdivision plat for Eastside Village PRUD subject to meeting recommendations from all geotechnical studies and Staff requirements.

Commissioner Harding asked if each unit will have their own land drain. Mr. Matson said it is usually the requirement in the City. Mr. Weaver said it is only required east of 89 if the geotech requires it.

Commissioner Hansen said Geostrata requested additional information from GSH for the slope stability areas, why did they ask for that, did they get what they needed, and what was there conclusion. Mr. Weaver said they are just asking for additional information from GSH because they were looking for some calculations that GSH had not given at the time to see how deep they can dig and if it will create problems with the slope issue.

Commissioner Hansen asked if the gravel pit is going to stay in place. Mr. Weaver said yes. Mr. Matson said they have a designated line in their conditional use permit with the County that they cannot go below.

Commissioner Hansen asked if Geostrata received the slope stability information they needed and is it satisfactory with Geostrata for this project to move forward. Mr. Weaver said based on Staff assumptions, Geostrata is fine with it now but they are requesting additional data.

Commissioner Hansen said the information that Geostrata has requested will be addressed in the preliminary.

Commissioner Weaver asked if a land drain requirement should be added at conceptual and then at preliminary have Staff convince the commissioners that land drains is not necessary. Mr. Matson said that is the typical process and he is okay if the Commissioners want to emphasize that.

Commissioner Hansen stated he feels Geostrata is concerned on how deep are they going to go and what impact does it have on the fault lines. Mr. Weaver said slope stability is not associated with the fault lines. There were four things identified on this property that was talked about and construction staff feels that now that it is back to GSH the items can be addressed at preliminary. Mr. Matson said they will call it out in the staff report.

Commissioner Harding said in other projects we have tagged the plat that these are sensitive lands; will this happen with this project? Mr. Matson said yes. Mr. Mills said the plat will be held at the County forever.

Commissioner Pilny asked if there were any plans for retaining walls on the slopes. Mr. Matson said there is for some cuts on a portion of the road and there is also some off site impact that a letter from the adjacent property owner is going to be required with final plat approval. Commissioner Weaver asked if there was a cut and fill requirement to be reviewed. Mr. Weaver said no.

Commissioner Harding asked if this was going to be a mass grade all at once or a phase grade. Mr. Weaver said they are not mass grade the property.

Madam Chair Fitzpatrick asked how deep the aqueduct was. Mr. Weaver said it is a 78 inch pipe and the cover on it is 2 or 3 feet.

Commissioner Weaver asked if the aqueduct empty out every year in the fall and refill in the spring. Mr. Matson said he was not sure although has heard reference of it being emptied certain times of the year.

Madam Chair Fitzpatrick said in the engineering report item number 8 states due to the grade of the site and the minimal setbacks, a detailed grading plan will need to be submitted at final. The grading plan will need to include either a rear lot private land drain system with yard boxes or rocked drainage swales to address individual lot run off.

Madam Chair Fitzpatrick asked if UDOT were ever to manipulate Eastside Drive would the detention basin be capable of losing some land. Mr. Matson said if the capturing and releasing of the water is affected by the widening then they would have to figure out a way to make it work which could include going deeper.

### **3. SUN RIVER TOWNHOMES PRUD REZONE AND CONCEPT PLAN – A to R-M1 PRUD**

This 6.07 acre property is located at 2187 N. Hill Field Road. This property is zoned A (Agricultural) and is proposed for R-M1 PRUD (Low/Medium Density Residential – Planned Residential Unit Development) zoning. The applicant is John Shepherd.

Commissioner Hansen asked if the storm drain issue got resolved. Mr. Matson said that last Thursday the applicant's engineer who specifically has been working on the drainage came and met with Shannon Hansen, Assistant City Engineer, and she stated that they are definitely on the right track but had not run the calculation to see if the CFS number is right on however she said she would be comfortable with the Planning Commission moving forward subject to the capacity being met. The only caveat is if the design still does not pan out they will need to lose a unit or two, then that would have to be restricted in the preliminary design. The Planning Commission's approval of the conceptual plan needs to be substantially similar to the preliminary, but the ultimate unit count and density bonus is based on the Design Review Committees and Staff's recommendation, Planning Commission's recommendation to Council and final approval from City Council.

Madam Chair Fitzpatrick asked if developers are ok with losing a unit if need be. Mr. Matson said he spoke with Mr. Mueller and they don't like the idea of losing units but understood that the storm drainage calculations have to be met.

Commissioner Hansen said his significant concern from the last meeting was the landscaping on the west side next to the residents and along Hill Field Road, which will need to be addressed in preliminary.

**4. BASTIAN REZONE – R-1-10 to R-2**

This .39 acre property is located at 998 E. Gentile Street. This property is zoned R-1-10 (Single Family Residential) and is proposed for R-2 (Single and Two Family Residential) zoning. The applicant is Mike Bastian.

Mr. Matson said the R-2 zoning request that Mr. Bastian is looking at includes a concept to develop two twin homes at the location. However, in the City's long range transportation plan it calls for a widening of Gentile Street. Although it is not on UDOT's project list yet, the City is concerned about approving new construction without a setback that accommodates that future widening. Also, the City is looking at a possible zoning district that might accommodate not just the two twin homes because of the setback but possibly a three plex unit.

**(THIS PUBLIC HEARING WILL NOT TAKE PLACE AT THE REQUEST OF THE APPLICANT)**

**PUBLIC REVIEW**

**5. VAPORLOC – CONDITIONAL USE**

This property is located at 897 N. Main Street or 792 W. Hill Field Road in a C-H (Planned Highway Commercial) zoning district. The applicant is Bradley J. Parsons.

Mr. Rypien said he spoke with the applicant about which area he will be occupying and the applicant said he has not received an answer from the owner. Condition number 11 states the approval of one location will void the other location based on the 600-foot separation requirement between Retail Tobacco Specialty Business (RTSB's). Once the applicant receives his business license for one location the other one will not qualify based on the 600-foot separation. These types of uses are not allowed as temporary or seasonal uses. The buffer requirement is 600 feet from any property which is zoned or used as agriculture or residential. RTSB's shall not be within 1,000 feet of a community location. Mr. Rypien looked at the Jesus Fields property and measured it and it was 1,200 feet from property line to the front entrance of each of the locations. The buffer requirement is from the property line to the front entrance of the locations.

Madam Chair Fitzpatrick asked about the Family History Library that will be going in and if that is considered a community location. Mr. Rypien said he spoke with Mr. Mills and he said it would not meet the definition of a community location.

Madam Chair Fitzpatrick asked Mr. Mills, attorney, if the State was to come back and say this is a community use what recourse does that business owner have. Mr. Rypien said they could put it in the letter of approval that the Family History Library is not a community use. Mr. Mills, said it is owned by a private entity and does not fall under a public library. Mr. Rypien said they can include the definition in the letter.

Commissioner Harding asked how far away North Davis Prep Academy (NDPA) is. Mr. Rypien said it is down off of Hill Field Road.

Commissioner Hansen said he is not comfortable on approving something where the location is either or and feels the burden rests with the applicant to get that finalized.

Commissioner Pilny asked what the owner's time frame was for opening. Mr. Rypien said the applicant has not stated when he would like to open. Mr. Rypien said both locations meet the requirements. Mr. Mills said where it is written with the condition that one cancels the other one out it would not be a valid reason to table this conditional use.

Commissioner Hansen asked if the City had a preference as to which building the applicant decides upon. Mr. Rypien said no.

Commissioner Harding said condition number 8 says signage shall be placed in the window near the entrance that states, "No Smoking inside building or within 25 feet of the business entrances". How does a person monitor that condition? Commissioner Hansen said they don't. Madam Chair Fitzpatrick said that surrounding business can report it to the Health Department if it becomes a nuisance.

Mr. Rypien said that the State code states that you can only vape when the retail establishment is demonstrating on how to use the e-cigarette or the customer is sampling the product for use in the e-cigarette.

Madam Chair Fitzpatrick said the FDA law will take effect in August where no sampling will be permitted.

Commissioner Hansen said the signage needs to be posted that they cannot smoke within 25 feet of the building.

Mr. Mills said the buildings are approximately 50 feet apart, the one will cancel out the other, and the City does not have a strong preference so there is no reason to hold up the conditional use.

Commissioner Weaver asked how many of these establishments are allowed in the zone. Mr. Rypien said one right now. There are two in the City and this would make three.

## **6. THE POTTER'S HOUSE CHRISTIAN CENTER – CONDITIONAL USE**

This property is located at 360 S. Fort Lane Building A, Suite 104 in a MU (Mixed Use) zoning district. The applicant's are Hansen and Eva Multine.

Mr. Applonie said the conditional use site is located in the Fort Lane Plaza just south of the Fort Lane intersection at Layton Parkway. They are currently in building 3B and they were not aware of the requirement for a conditional use permit for their original location. When they started the process to find a different tenant space they discovered the requirement for a conditional use permit and as such have submitted a request. The parking requirement for churches requires one stall for every four seats in the auditorium. They currently have 4 to 17 individuals attending the services throughout the week and hope to grow into 45 individuals.

Based on the 45 individuals 11 parking stalls would be required. The church intends to operate in non peak hours when most of the businesses are closed and looking at their schedule and the schedules around the area there is a 30 min gap on Monday's and Wednesday's when the church services will overlap hours with the beauty shop next to them. There are 16 parking stalls immediately surrounding the conditional use site, which exceed the parking requirement and there is additional parking next to adjacent buildings within the Fort Lane Plaza. Subsection 19.25.090 (3) of the municipal code entitled "Mixed-Use (MU) Zoning District" states that, "parking requirements may be reduced if it can be shown that shared parking is a viable alternative with the development plan. The City reserves the right to dictate the amount of parking and/or the location of parking spaces within a project to achieve the objectives of this ordinance". The buildings gross floor area is 900 square feet. The maximum occupancy load for this tenant space would allow up to a total of 60 occupants. The site and building shall meet all City ordinances and staff requirements from the Fire Safety, Engineering and Planning Divisions. Church services shall only held after 5:00pm on weekdays and anytime on weekends. If the congregation increases above the 45 members, additional off-street parking shall be acquired through an agreement with current and/or adjacent property owners within 500 feet of the Church.

Madam Chair Fitzpatrick said the applicant stated they plan on being open on Saturdays, and the beauty shop is open on Saturdays and sometimes the chiropractic office is open on Saturdays. Will there be an issue with parking? Mr. Applonie said even if they are open on Saturday there will still be enough parking spaces because all the other business are Monday through Friday.

#### **7. BEAR RIVER CABINETRY AND FURNITURE SHOP – CONDITIONAL USE**

This property is located at 126 N. Main Street in a MU-TOD (Mixed – Use Transit Oriented Development) zoning district. The applicant is Bear River Contractors.

Mr. Applonie said Bear River Contractors, based out of Smithville, Utah, refinishes old furniture and cabinets for their clients. Most of their cabinet work is completed at the client's home; the conditional use site will be for more long term projects. In 2007, the site was under the zoning designation of C-H and was occupied by Marv's Auto Glass. In 2008, the site was part of a 110 acre downtown rezone changing the zoning to MU-TOD, which established the existing automotive use as legal nonconforming. Marv's Auto Glass vacated in 2014 and since that time similar automotive uses have continued to occupy the site under the legal nonconforming status. Currently the site is vacant however; the property has been used for outdoor storage of a boat. The cabinet and upholstery furniture shop is an allowed use within the MU-TOD zoning district and if approved and moved through the conditional use approval process it would bring the site to conformity which would remove the legal nonconforming automotive use to the site. The parking ordinance requires 3 stalls for every 4 employees at the highest work shift plus one space for every vehicle used in conducting the business. The applicant intends to have no more than two people working at the site at any given time with up to 2 additional vehicles used in conducting the business. As such 5 stalls are required and it will need to be striped..



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Christy Wixom, Planning Commission Secretary

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**Citizen Comment Guidelines**

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES  
JUNE 28, 2016**

**MEMBERS PRESENT:** Dawn Fitzpatrick, Tricia Pilny, Dave Weaver, Daniela Harding, Wynn Hansen and Brian Bodily

**MEMBERS ABSENT:** Robert Van Drunen and Brett Nilsson

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

City Council Member: Bruce Davis

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

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

Madam Chair Fitzpatrick stated that the Rainbow Townhome PRUD Rezone has been requested to be held at the end of the meeting. So there will be a separate public hearing after the public review.

Madam Chair Fitzpatrick stated that the Bastian Rezone will not be heard tonight but if there will take any public comments.

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

**PUBLIC HEARING**

**1. EASTSIDE VILLAGE PRUD REZONE AND CONCEPTUAL PLAT – R-S to R-1-10 PRUD**

This 7.23 acre property is located at 798 N. Eastside Drive. This property is zoned R-S (Residential Suburban) and is proposed for R-1-10 PRUD (Single Family Residential – Planned Residential Unit Development) zoning. The applicant is Phil Holland.

Mr. Matson said the property proposed for rezone includes 7.23 acres located on the east side of Eastside Drive at approximately 798 North. The rezone area has frontage on Eastside Drive, which functions as the frontage road on the east side of Highway 89. The rezone parcel is located directly west of the Craythorne gravel pit. The rezone is accompanied by a conceptual subdivision plat that meets the requirements of the Sensitive Lands Ordinance and the conceptual plan requirements of the PRUD ordinance.

The rezone area is surrounded by R-S zoning and unincorporated County to the north; unincorporated County (gravel pit) to the east; R-S and R-M1 zoning to the south; and R-1-10 zoning to the west.

The applicant for this rezone is Phil Holland with the Wright Development Group representing the owner Bessie W. Clawson. The rezone area is situated just south of a Weber Basin irrigation pond and north of the Holbrook Apartments.

The residential subdivisions located east of Highway 89 are zoned primarily R-1-10 and R-S. The General Plan recommendation for this area of the city is for low density, single family residential. The proposed R-1-10/PRUD zone is consistent with the General Plan recommendation.

#### R-1-10 PRUD Rezone and Concept Plan

The density range associated with the R-1-10/PRUD zone is 3.50 to 4.90 units per acre. The conceptual PRUD plan for the rezone area represents a proposal to develop a single family subdivision of 25 lots on 7.23 acres, which is a density of 3.46 units per acre. The minimum open space required in the R-1-10/PRUD zone is 30%. The open space represented on the concept plan is 33% (2.39 acres).

Some steeper slopes are located on the eastern portion of the property, and a 78-inch Weber Basin aqueduct runs north-south through the middle of the site. The concept plan proposes single family lots with access to a looped road (horse shoe) with two connections to Eastside Drive. Lots are clustered along the looped public road with large open space buffers situated along the Eastside Drive frontage, through the center of the property, and on the eastern portion of the site where the fault zones intersect and where slopes exceed 30%. Lot sizes in the PRUD range from 4,874 square feet (Lot 4) to 12,112 square feet (Lot 11) with an average lot size of approximately 5,973 square feet. The applicant indicates that this project has some strong similarities to the Wyndom Square PRUD located just south of Highway 193 and west of the Wal-Mart Neighborhood Market. Wright Development Group was involved in the design and construction of the Wyndom Square PRUD.

A PRUD is particularly justified at this location because the sensitive lands features (slope, earthquake fault) are well-suited with the clustering of homes/lots. These land features, together with the 78-foot Weber Basin Water Aqueduct live with a 45 foot easement, are compatible with the coordination and design of open spaces. In addition, the required on-site storm water detention areas near the two entrances on Eastside Drive provide open space features consistent with the PRUD guidelines.

The rezone area is serviceable by utilities located in Eastside Drive. The details related to the specific utilities are described in the attached memorandum from the Engineering Division. Corrections noted in the Engineering Division memorandum will need to be reflected on the preliminary plan submittal. The detention ponds, together with the additional open spaces will be owned and maintained by an established Home Owners Association (HOA).

#### Conceptual Plat for Eastside Village PRUD (Sensitive Lands)

The applicant, Wright Development, hired GHS to conduct the initial geotechnical study and analysis of the sensitive lands associated with the rezone area. The applicant submitted GHS's initial geotechnical report to the City on January 26, 2016 and the accompanying geological hazards study on January 27, 2016. The scope of GSH's study was to define the subsurface soil and groundwater conditions on the site. They were also tasked with providing appropriate foundation, earthwork, slope stability and geoseismic information to be utilized in the design and construction of the proposed development.

The most significant geotechnical aspects of the site are the two fault line areas that run somewhat parallel to each other across the east portion of the property from north and south. A geological hazard study was conducted because of the identified fault lines. The recommended setback for dwellings from the two fault lines closest to the north/south street is 20 feet. The recommended setback for dwellings from the fault line running north/south near the eastern boundary of the site is 38 feet.

Slope stability meets the factors of safety for the site. However, any changes to the grading or addition of retaining walls for the site must be properly engineered to maintain the stability of the slope.

The City hired Geostrata to conduct a third party review of both the geotechnical analysis and the geological hazards of the site. Geostrata concurred with GSH's recommended setbacks from the fault lines and recommended the setbacks be identified on the final subdivision plat. The City will require this information to be placed on the plat as well.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 16-32 approving the rezone request from R-S to R-1-10/PRUD based on consistency with the General Plan recommendations for this area of the city.

Staff also recommends the Planning Commission forward a positive recommendation to the City Council to approve the conceptual subdivision plat for Eastside Village PRUD subject to meeting recommendations from all geotechnical studies and Staff requirements.

Commissioner Hansen said the request that Geostrata had made on April 15, 2016 for some additional information, we need to make sure that Geostrata received the information they requested and their interpretation of that information when we go to preliminary. Mr. Matson said he will make sure that is called out for the benefit of the Planning Commission in the staff report.

Commissioner Hansen said in view of rights of way and the fault lines, what will be placed on the preliminary plat that puts any potential buyers on notice as to what they are dealing with? Mr. Matson said there will be notes on the plat.

Commissioner Weaver said regarding the two fault zones, the one on the east has a 38 foot setback and the one on the west has two faults and is a 20 foot setback. What is the logic in delineating between the 38 feet and the 20 feet.

Andrew Harris, 1596 W. 2650 S. #107, Ogden, said the eastern fault is the primary fault trace of the Wasatch fault. The two western fault lines are secondary traces of the Wasatch fault. The difference being the amount of displacement that is seen across the faults, the secondary faults have significantly less displacement indicated on them expressed at the surface. The setback is a calculated distance based on displacement. That is the difference in the setback requirements.

Commissioner Weaver said if there was to be any earth movement activity it's speculated that secondary faults will move less than the primary fault for the smaller safety factor involved in the setbacks. Mr. Harris said that is correct.

Commissioner Harding asked about the ground water conditions on the site and should each home have a land drain. Also, is this something we want to require of the applicant? Mr. Harris said ground water was not encountered in the geotechnical study. They drilled until they got auger refusal around where lot 6 is and they were at 38 ½ feet in that location. Up closer to lot 11 we drilled to 50 feet and didn't encounter ground water in there. So ground water is not a huge concern from the standpoint of the individual structures being impacted by shallow ground water conditions. The soils are also very sandy so they are free draining material. The requirements under the International residential code would preclude them from being required to have a foundation drain system for each residence. They did recommend that particularly the residences along the hillside have a foundation drain system installed with them. This provides an added degree of protection to the home as well as the slope itself.

Commissioner Weaver asked if ground water and slope stability go hand in hand. Mr. Harris said yes when we model substibility models we often in times include a conservative ground water level just to speculate a condition that could occur. In this case, the ground water was not anticipated a very

significant depth. They asked that measures be taken to protect the site against certain conditions so in the report they discussed limitations on irrigation for each of the residences as to use drought resistant plants to have targeted sprinkler systems, and maintenance of the sprinkler systems. They also recommended that a sub drain system in order to protect the slope as much as the home from essentially man made water conditions largely resulting from the site irrigation.

Commissioner Weaver said a boring was done at lot number 6 and lot number 11. Was one done at Eastside Drive? Mr. Harris said they did extensive trenching as well as boring and a number of test pits. The trenching extended to almost Eastside Drive and was limited by the utilities on Eastside Drive. The trenching uphill was limited by property boundary and so they went until they go to the deer fence The gaps in the trenching are result of the aqueduct easement which they had to avoid. They intersected the primary trace with trenches and the secondary traces were intersected with the trenching as well.

Commissioner Weaver asked if the two borings on the eastern portion were done and if there were no borings on the west? Mr. Harris said they did test pits instead and the test pits and trenches extend to a depth significantly below what they anticipate for foundations around 15 to 18 feet in most cases. In this particular study they had test pits 16 feet across which puts them eight feet deeper than most conventional foundations with a deep embedment with their foundations. Mr. Harris said he is fairly confident that the ground water is not a concern at the site.

Commissioner Weaver said land drains were discussed a lot with the Commission and so what the Commissioners were thinking on doing is requiring land drains at this level of approval and at the preliminary plat have Mr. Harris talk the Commission out of requiring land drains. Mr. Harris said okay.

Madam Chair Fitzpatrick asked if the utilities on Eastside Drive are from the old city of East Layton. Also, will there be some viability issues with the utilities? Mr. Matson said he does not know the age of the utilities. There were some new ones rundown all the way to the south to the Canyon Creek Subdivision. The City Engineer does not specify any particular concern regarding the age or replacement and most connections are to the existing utilities.

Madam Chair Fitzpatrick asked if there are some of the old East Layton utilities back in the 80's and if they connect in and there is an issue will the City be responsible at that point. Mr. Matson said typically but hopefully anything that is as old as you are talking about would have been replaced a long time ago.

Commissioner Bodily said if they are tying into the city on an existing utility the City has to be responsible. Mr. Matson said the developer would not be responsible to make up an existing deficiency unless their project is demanding that from a capacity standpoint.

Madam Chair Fitzpatrick asked what the slope was on the road going from Eastside Drive east. Mr. Matson said around 8 percent but the percent was called out at eight percent and most street slopes were in the five to seven percent range. Commissioner Weaver said he thought he was reading 9.9 percent.

Madam Chair Fitzpatrick asked if the percentage of the slope will take just the Fire Department approval. Mr. Matson said anything greater than eight percent but with the grading and final design from a vertical standpoint the Engineering Division and the Fire Department have the standards that would need to be met and that will all be called out in preliminary plat in the design work.

Commissioner Hansen asked if they will see a landscape proposal at preliminary for the open space. Mr. Matson said yes the Commission will see a preliminary plan and the applicant will submit a landscape plan, architectural renderings and an also amenity package that Staff would then in turn convene the

Design Review Committee and they would review and provide recommendations to Staff and this will be presented with preliminary.

Commissioner Hansen asked Mr. Holland if he had a chance to review the notes from the Engineering department.

Phil Holland, Wright Development Legacy Crossing Boulevard, Centerville Utah, said yes he is aware of the requirements from the Engineering Department.

Commissioner Hansen said in view of the fact that this is in a sensitive land area, he will be particularly interested in the landscape plan.

Commissioner Harding said in the projects that were done in the past, did you put land drains in each individual lot. Mr. Holland said they usually do perimeter drains around the foundation 95 percent of the time and this project will experience this as well and GSH was specifically used because they focus a lot on the east bench and they know what they are doing.

Greg Holbrook, 754 Eastside Drive, said they are not opposed to this project.

Paul Lotts, 936 Eastside Drive, said he is concerned about the traffic and how the Fire Department is going to be able to put out a fire with the road being so narrow. He is also concerned about the mountain catching fire. Mr. Matson said the overall issue associated with Adams Canyon might be something that the Fire Department and the City Engineer will need to look at if they haven't already. The City is in negotiations to finalize and land trade with UDOT for a Fire Station just north of this development in the near future. That is to address the wild land interface areas that are a high priority for the City and we can have both departments look at what is happening with the access into the gravel pit and the parking with the trail head and determine if no parking guidelines might be appropriate.

Commissioner Harding asked if the turnaround was the appropriate size. Mr. Matson said the turnaround meets the minimum requirements and they are all designed based on City standards.

Commissioner Hansen said it would be appropriate based on Mr. Lotts feedback to have the Fire Department and Engineering input at preliminary to give the Commissioners assurance that they have the ability to manage the traffic, parking and emergency services access to this development. Mr. Matson said so noted.

Madam Chair Fitzpatrick asked if the wild lands interface impacts any landscaping. Does this sit within the interface that the landscaping will have to follow the guidelines that it can't be so close to a certain home? Mr. Matson said yes the vegetation on the property is primarily focused on the south and a little on the north. The center portion seems to be fairly wide open but whether its new plantings or existing that they are trying to build around, all the standards would come into play if its existing vegetation and the Fire Department at preliminary has their standards for separation from the vegetation, sprinkler systems if needed, and clearance from decks and roofs will all be part of the process.

Madam Chair Fitzpatrick said with preliminary will come the landscape plan and the Fire Department will have the opportunity to review it before it comes to the Commission. Mr. Matson said we will involve the Fire Department in that process.

Gerald Gilbert, 3117 E. 1300 N., asked if the improvements on Eastside Drive will it include sidewalk, curb and gutter Mr. Matson said yes.

Mr. Gilbert asked if the improvements will be on the east side. Mr. Matson said yes.

Mr. Gilbert asked if anyone has mentioned the gravel pit guy as he has concerns about the noise and the dirt coming down the hillside. When there was a rain storm there were big ruts that would come down. Has anyone checked into the life of the gravel pit and have they been contacted to see if they were going to do anymore blasting. Mr. Lotts said the gravel pit is owned by his wife's family and they are in the process of signing a new lease for a definite five years with a five year option on the end. He also stated they do very little blasting if any at all.

Commissioner Hansen made a motion for the rezone request and conceptual plat for sensitive land areas to recommend to City Council that they adopt Ordinance 16-32 approving a rezone request from R-S to R-1-10 PRUD. Commissioner Bodily seconded the motion. All in favor. Voting was unanimous.

Commissioner Hansen made a second motion to recommend to the City Council that the conceptual subdivision plat for Eastside Village PRUD be approved subject to meeting all recommendations from geotechnical studies and staff requirements and with a note that we requested several items regarding landscape, land drains and geotechnical reports from the Staff to make sure that feedback gets to the Commissioners and the Fire Department at the preliminary plat meeting. Commissioner Weaver seconded the motion. All in favor. Voting was unanimous.

## **2. SUN RIVER TOWNHOMES PRUD REZONE AND CONCEPT PLAN kathy- A to R-M1 PRUD**

This 6.07 acre property is located at 2187 N. Hill Field Road. This property is zoned A (Agricultural) and is proposed for R-M1 PRUD (Low/Medium Density Residential – Planned Residential Unit Development) zoning. The applicant is John Shepherd.

Mr. Matson said the property proposed for rezone includes 6.07 acres located on the west side of Hill Field Road at approximately 2187 North. The rezone area has frontage on Hill Field Road with a secondary access at the northwest portion of the property to 2275 North. The rezone area is located directly north of Seasons of Layton Apartments and south of Beyond Spa. The rezone area is traversed by a 45-foot Davis and Weber Canal Company easement that accommodates the piped and covered canal that traverses this north-central portion of the City.

The rezone area is surrounded by P-B and R-1-6 zoning to the north; CP-2, C-H, PB and A zoning (Northridge High School) to the east; CP-2 and R-H zoning (Seasons of Layton Apartments) to the south; and R-1-8 and R-1-6 zoning to the west.

The applicant for this rezone is John Shepherd representing EVN Property Development, LLC. The rezone area is the last, large vacant portion of frontage on the west side of Hill Field Road between Antelope Drive and the Highway 193. The applicant is proposing to develop a townhome community under the guidelines of the R-M1/PRUD zone.

The General Plan provides a "mixed use" land use recommendation for properties with frontage along this particular stretch of Hill Field Road. Mixed use, both existing and proposed, can include a variety of commercial, professional office and medium density residential. The Hill Field Road frontage in this area includes commercial development near the intersection of Antelope Drive and Hill Field Road (CP-2 zoning). The Ridge Park office park (PB zoning) is directly north of the rezone area at the northwest corner of Hill Field Road and 2275 North. The General Plan cautions that the depth of these land uses along arterial streets should not project into the interior of the surrounding single family neighborhoods.

The depth of this rezone area is somewhat limited based on the established residential neighborhood to the west

#### Conceptual PRUD Plan

The concept plan indicated the applicant's desire to develop 87 townhome units on 6.07 acres, which is a density of 14.33 units per acre. The R-M1/PRUD zone has a density range of 14 to 19.60 units per acre with a base open space requirement of 30%. The concept plan indicates a base open space percentage of 38.60%. At 14.33 units per acre, a very minor density bonus is required to develop the proposed 87 units on the rezone property.

The proposed 87 units are three-story townhomes configured in a combination of building sizes ranging from two to 10 units attached (typically 5 units), depending on the location throughout the project. All units are proposed to have two-car garages. The townhome buildings and units are similar to a few projects recently constructed along the Wasatch Front. Architectural renderings and photo examples are included in the packet. The applicant has indicated that the units in this PRUD will cater to young professionals and young families looking for a maintenance-free lifestyle. All units within the project will be owner-occupied.

The rezone area is serviceable by utilities located in Hill Field Road. The Fire Department is requiring a second access into the site and the applicant is proposing to make a private street connection to 2275 North that will line up with 525 West. This secondary access is proposed on City property along the edge of a city-owned detention basin situated between the rezone area and 2275 North. The streets throughout the development are all proposed to be private with maintenance the responsibility of an established home owners association (HOA).

#### Davis-Weber Canal Trail and Trailhead

The Davis and Weber Canal Company's (DWC) 45' easement through this property is part of an identified multi-use trail corridor through this north-central portion of the City. The City would like to extend the trail, from its present terminus at University Park Blvd. in Clearfield, to the Kays Creek Trail corridor near Church Street and Fairfield Road. This trail extension is "Priority Trail 3" in the recently adopted Layton City Parks, Recreation, Trails, Open Space & Cultural Facilities Master Plan. This same plan also identifies this general area for a "Future Trailhead". Based on these guidelines and recommendations, the applicant and City Staff have coordinated efforts and propose that the land needed for the required secondary access be provided to the applicant in exchange for the applicant replacing the storm water capacity from the City detention pond to the detention facility located on the southern portion of the rezone area. This will allow the City to design and construct a trail head on the City pond property. The trail head will provide for public parking and access to the DWC Trail. The DWC trail and connection to 2275 North are highlighted on the attached "Trail Connections Map".

#### Storm Drainage

The City Engineering memorandum indicates that the storm water detention calculations are not yet sufficient to handle both on and off-site storm water for the project. The detention pond will likely need to be expanded, which may require removal of a townhome building or some units. Staff will continue to work with the applicant on this storm water detention issue. However, if a solution is not available by the time the Planning Commission meets, this item may need to be tabled to the next available meeting.

Staff recommends the Planning Commission review the rezone and conceptual plan, and if solution to the storm water detention issue is presented, the Planning Commission may forward a positive recommendation to the City Council to adopt Ordinance 16-27 approving the rezone request from A to R-M1/PRUD. This recommendation for approval is based on consistency with the General Plan

recommendation for mixed use on this portion of Hill Field Road. Staff also recommends approval of the conceptual plan for the Sunriver Townhomes subject to meeting all Staff requirements as explained in Staff memorandums.

If a solution to the storm drainage issue is not yet available, Staff recommends this rezone and concept plan be tabled to the next available meeting.

Mr. Matson said the concept plan was submitted today and the City Engineer was not able to run the calculations to verify that required capacity was there. However, looking at the concept plan and talking to Ms. Hansen prior to this meeting she indicated that the applicant had addressed and appeared to design that based on the conversation.

Madam Chair Fitzpatrick said down in the southeast corner is where there is a potential pedestrian bridge, what is the status? Mr. Matson said it is at a preliminary discussion at this point and the City is looking at a couple of locations for these bridges. It is noted in both the engineering memo and the parks and recreation memo that this is a potential location for the touchdown for that ramp but they have to do a warrant analysis based on pedestrian trips in the area, and the impact of the roadway. So more studies will be done to see how the area will be impacted.

Madam Chair Fitzpatrick asked if the pedestrian bridge could impact the item on the agenda after it is constructed. Mr. Matson said yes.

Commissioner Weaver asked if the plan was to leave the canal covered. Mr. Matson said yes.

Commissioner Harding asked what the parking requirements were for the townhomes. Mr. Matson said it is two stalls per townhome unit plus one for every two units for guest and visitor parking. Throughout the project there are 46 visitor stalls including a few other stalls.

Commissioner Pilny made a motion that the Planning Commission forward a positive recommendation to City Council for Sunriver townhomes to adopt ordinance 16-27 approving the rezone request from A to R-M1 PRUD on the condition that the storm drain ratios are met. Commissioner Pilny also recommends that the Planning Commission forward a positive recommendation to approve the conceptual plan subject to meeting all staff requirements. Commissioner Harding seconded the motion. All in favor. Voting was unanimous.

### **3. BASTIAN REZONE – R-1-10 to R-2**

This .39 acre property is located at 998 E. Gentile Street. This property is zoned R-1-10 (Single Family Residential) and is proposed for R-2 (Single and Two Family Residential) zoning. The applicant is Mike Bastian.

**(THIS PUBLIC HEARING WILL NOT TAKE PLACE AT THE REQUEST OF THE APPLICANT)**

Madam Chair Fitzpatrick asked for a motion to close public hearing and open public review. Commissioner Hansen made a motion to close public hearing and open public review. Commissioner Pilny seconded the motion. All in favor. Voting was unanimous.

## **PUBLIC REVIEW**

### **4. VAPORLOC – CONDITIONAL USE**

This property is located at 897 N. Main Street or 792 W. Hill Field Road in a C-H (Planned Highway Commercial) zoning district. The applicant is Bradley J. Parsons.

Mr. Rypien said the applicant, Brad Parsons, is requesting a conditional use for a retail tobacco specialty business (RTSB). An RTSB is a conditional use in the C-H (Highway Regional Commercial) zoning district. The C-H zone is the only zone that RTSB's are allowed.

There are two locations the applicant is considering to locate in the Layton Crossing subdivision that meet the buffer requirements for a retail tobacco specialty business. Only one of the two locations would be approved in order to maintain the 600 foot separation requirement between RTSB's. The applicant has a contract to occupy the building next to Einstein's Bagels but the property owner is also negotiating a lease for the applicant to occupy the former Moon Dog Café building. A final decision for the location of the RTSB will be available at the time of the Planning Commission meeting.

Both buildings are located in the C-H (Highway Commercial) zone. RTSBs are regulated in Chapter 19.14.100(14) and defined in Chapter 19.02.020 (46)(162)(201) of the Zoning Ordinance. These are not allowed as a Temporary or Seasonal Use. The following buffers are required for all retail tobacco specialty businesses:

- RTSBs shall not be located within 600 feet of another RTSB within or outside of Layton City boundaries. Location #1 is 775 ft. from Electronic Stix and Location #2 is 608 ft. from Electronic Stix .
- RTSBs shall not be within 1,000 feet of a community location. The nearest community location is an Ethiopian Orthodox Church, which is more than 1,250 feet from Location #2 and 1,300 feet from Location #1. ....Jesus field... approx 1200 feet...
- RTSBs shall not be located within 600 feet of property used or zoned for agricultural use or residential use. The nearest residential zone or use is the former Weber State Credit Union property, it is zoned R-1-8. The former Weber State Credit Union property line is 640 feet from Location #1's entrance and 680 feet from Location #2's entrance.
- The proximity requirements shall be measured in a straight line from the nearest entrance of the RTSB to the nearest property boundary of the community location, agricultural or residential use/zone, without regard to intervening structures or zoning districts.

The locations of the proposed RTSB meet all of the buffer requirements. As part of the Business License requirement for a RTSB, the owner is required to submit a criminal background check. The owner has completed a criminal background check as required by Chapter 5.34.020 and it meets all business licensing requirements. The electronic cigarettes and accessories will be displayed at the front of the store for sale. At the time of purchase, staff will train the buyer on how to use the device and properly fill the tank with e-liquid. There will be no tobacco hookahs or tobacco paraphernalia displayed or sold at the store.

The parking requirement for a retail use is one stall for every two hundred (200) square feet of retail floor space.

Location #1: The business is required to provide nine (9) parking stalls based on 1,700 square feet of retail floor space. There are 26 parking stalls provided.

Location #2: The business is required to provide nine (9) parking stalls based on 1,800 square feet of retail floor space. There are 20 parking stalls provided.

Staff recommends approval of the retail tobacco specialty business subject to the following conditions.

1. The RTSB shall not be located within the 600 foot buffer from another retail tobacco specialty business within or outside of Layton City boundaries.
2. The RTSB shall not be within one thousand (1,000) feet of a community location.
3. The RTSB shall not be within six hundred (600) feet of property used or zoned for agricultural use or residential use.
4. The RTSB shall be limited to selling electronic cigarettes and electronic cigarette accessories and shall not include hookahs and tobacco paraphernalia.
5. The RTSB shall be limited to selling liquid flavoring that is not considered a cannabinoid or any other harmful or illegal substance.
6. The RTSB shall provide nine (9) parking stalls.
7. The RTSB shall comply with all regulations and requirements regarding materials that are harmful to minors. (Utah Code 26-38-2.6(1)(b)(ii))
8. Signage shall be placed in the window near the entrance that states, "No Smoking inside building or within 25 feet of the business entrances. Vaping is permitted in the building only" and "No persons under the age of 19 are allowed in building." Utah Code 26-38-2.6 allows for the use of e-cigarettes in a business that constitutes at least 75% of the gross sales from e-cigarettes and substances.
9. The RTSB shall meet all City Staff requirements as outlined in Staff memos.
10. The site and building shall meet all City ordinances and staff requirements from the Fire Safety, Engineering and Planning Divisions.
11. The approval of one location will void the other location based on the 600-foot separation requirement between RTSB's.
12. The RTSB shall follow all of Davis County Health Department requirements for electronic smoking device regulations 5.5.1 and 5.5.2.

Madam Chair Fitzpatrick asked the applicant if he has received the conditions and that he understands the changes that were made tonight.

Brad Parsons, 2816 N. 725 W., said he is aware of the conditions and the main reason he is looking at the two locations is because per the agreement with Layton City to get his annual license he will look at other places in the City to run his business. The place he is currently at is not in code. He is waiting for the owner to confirm which place he can rent.

Madam Chair Fitzpatrick said one of the concerns is a family history library being built by the LDS church that does fall within the 1000 foot mark and just want to verify that if the State were to come in and look at the community use of this family library differently than Mr. Mills saying this does not qualify for the community use so hopefully it does not happen to you on a second level business wise where you would be giving one approval and the State says something else. Hopefully the City can provide you

with some assurance that this will not happen. Mr. Parsons said there are 16 vape shops in the State that were given licenses that do not qualify to stay where they are at. Mr. Parsons's attorney has talked with all departments who are responsible for the regulations. Parsons asked if the family library is already done. Madam Chair Fitzpatrick said yes they are under construction.

Commissioner Hansen said he hopes that Mr. Parsons is committed to upholding the signage that you cannot smoke or vape within 25 feet of the building. Mr. Parsons said he has three employees that have been trained and he has no problem with enforcing the signage.

Commissioner Harding stated that from a Planning Commission perspective she would like to know which building Mr. Parsons was going into.

Mr. Rypien said there are community use and community location definitions in our code and the State code refers to community location.

Commissioner Bodily made a motion to grant a conditional use approval for the Vapor Loc for one of the proposed locations subject to the applicant meeting all staff requirements. Commissioner Weaver seconded the motion. All in favor. Voting was unanimous.

Mr. Parsons asked if there was a guarantee that they will not allow another vape shop in the place he is at already. Madam Chair Fitzpatrick said yes because it is too close to a church and a preschool.

#### 5. **THE POTTER'S HOUSE CHRISTIAN CENTER – CONDITIONAL USE**

This property is located at 360 S. Fort Lane Building A, Suite 104 in a MU (Mixed Use) zoning district. The applicant's are Hansen and Eva Multine.

Mr. Applonie said the applicants, Hansen & Eva Multine, with The Potter's House Christian Center are requesting conditional use approval for a church. The conditional use site is located just south of the Layton Parkway intersection at Fort Lane in the Fort Lane Plaza, building-A suite 104. The building the conditional use site is located in has two other tenant spaces which are a chiropractic office and a beauty shop.

Currently the Potter's House Christian Center is located in the Fort Lane Plaza; building-3 suite B. The Church has occupied the space for about two years. A church/temple is a conditional use in the MU zoning district. The Potter's House Christian Center was not aware of the requirement for a conditional use permit for their original location. When they started the process to find a different tenet space they discovered the requirement for a conditional use permit and as such have submitted a request.

Layton Municipal Code subsection 19.12.050 (9) requires churches to have 1 stall for every 4 seats in the auditorium. Based on the maximum expected occupancy of 45 individuals 11 parking stalls are required. The Church intends to operate at non-peak hours when most other businesses within the Fort Lane Plaza are closed, with an exception to a 30 minute gap on Mondays and Wednesday's when church services overlap with the beauty shop, Wax Me Too. There are 16 parking stalls immediately surrounding the conditional use site, which exceed the parking requirement and there is additional parking next to adjacent buildings within the Fort Lane Plaza.

Subsection 19.25.090 (3) of the municipal code entitled "Mixed-Use (MU) Zoning District" states that, "parking requirements may be reduced if it can be shown that shared parking is a viable alternative with the development plan. The City reserves the right to dictate the amount of parking and/or the location of parking spaces within a project to achieve the objectives of this ordinance".

The buildings gross floor area is 900 square feet. The number of occupants allowed in an assembly type setting is 1 person for every 15 square feet. The maximum occupancy load for this tenant space would allow up to a total of 60 occupants. The church has on average 4 to 17 individuals attending various services though the week and desires to increase the congregation up to 45 individuals.

Services and other meetings are intended to be held in the morning on Saturdays and Sundays and in the evening on Sundays, Mondays, and Wednesdays.

Staff recommends approval of the conditional use for a church subject to the following conditions.

1. The site and building shall meet all City ordinances and staff requirements from the Fire Safety, Engineering and Planning Divisions;
2. Church services shall only be held after 5:00pm on weekdays and anytime on weekends; and
3. If the congregation increases above the 45 members, additional off-street parking shall be acquired through an agreement with current and/or adjacent property owners within 500 feet of the Church.

Madam Chair Fitzpatrick asked if they were to grow to maximum occupancy of 60 will they still be okay at this location. Mr. Applonie said condition number three states that if the congregation increases above the 45 members, additional off-street parking shall be required so the church has stated that the occupancy they would like to hit is 45. So the City is basing the parking on no more than 60 members.

Madam Chair Fitzpatrick asked the applicant if he received a copy of the conditions. Hansen Multine, 1651 W. 1960 N., Layton, said yes.

Commissioner Hansen made a motion regarding the conditional use permit for the Potter's House Christian Center to approve and grant conditional use subject to meeting all staff requirements. Commissioner Pilny seconded the motion. All in favor. Voting was unanimous.

#### **6. BEAR RIVER CABINETRY AND FURNITURE SHOP – CONDITIONAL USE**

This property is located at 126 N. Main Street in a MU-TOD (Mixed – Use Transit Oriented Development) zoning district. The applicant is Bear River Contractors.

Mr. Applonie said the applicant, Ty Haguewood with Bear River Contractors, is requesting conditional use approval for a cabinet and furniture upholstery shop. Bear River Contractors, based out of Smithfield, Utah, refinishes old furniture and cabinets for their clients. Most of their cabinet work is completed at the client's homes; the conditional use site will be used for more long term projects. Items to be refurnished at the site are generally picked up by an employee and taken to the site. Operational hours will be Monday – Friday from 9am – 5pm.

In 2007, the site was under the zoning designation of C-H and was occupied by Marv's Auto Glass. In 2008 the site was a part of a 110 acre downtown rezone changing the zoning to MU-TOD, which established the existing automotive use as legal nonconforming. Marv's Auto Glass vacated in 2014 and since that time similar automotive uses have continued to occupy the site under the legal nonconforming status. Currently the conditional use site is vacant, however; the property has been used for outdoor storage of a boat.

A cabinet and furniture upholstery shop is an allowed use within the MU-TOD zoning district. Approval of this conditional use will bring the site into conformity with the current zoning code. The property owner, Marvin Dowden, is aware of such conformity issues and is in favor of a conditional use approval for Bear River Contractors.

The parking ordinance requires 3 stalls for every 4 employees at the highest work shift. Plus 1 space for every vehicle used in conducting the business. The applicant intends to have no more than 2 people working at the site at any given time with up to 2 additional vehicles used in conducting the business. As such, 5 stalls are required. The existing site has no outlined parking areas however, there is plenty of room to meet the parking requirement.

Staff recommends approval of the conditional use for a Cabinet & Furniture Upholstery Shop subject to the following conditions.

1. All Building, Engineering and Fire department requirements shall be completed prior to the use of the property.
2. Parking stalls must be striped to meet or exceed the number of parking stalls required and at all times be clearly visible and maintained.
3. All outdoor storage, including the boat located under the carport, must be removed from the site.
4. All work must remain indoors.

Applicant, John Neese, 457 Wellington Way, Farmington, said he has had the property and has leased it over the last three years and the property has been empty over the last 12 months.

Madam Chair Fitzpatrick asked if Mr. Neese was okay with the conditions particularly the stripping of the lot. Mr. Neese said yes.

Commissioner Weaver asked who owns the boat and will there be an issue with moving the boat. Mr. Neese said Rick Hondy owns the boat and no there will not be an issue moving the boat.

Mr. Weaver asked what type of finishes the applicant will be using. Mr. Neese said they will be using latex paint.

Commissioner Weaver asked if there were any plans to use any other type of finishing material. Mr. Neese said no.

Commissioner Bodily said the Fire department memo said if there is a change than the requirement would change as well. This will need to be conveyed to the potential tenant.

Commissioner Hansen asked if he would like a copy of the conditions. Mr. Neese said he has a copy and he will also write it in the lease.

Rick Hondy., 2229 Country Oaks Drive, said he owns the carpet store next door. His concern is will the tenants be allowed to paint in the building because if there is any kind of overspray it will affect his business. He is concerned about the environment and the parking lot. He also wanted to know if they

are open to the public and if not will they have more than two employees because there will not be enough parking. Also, will they be storing the cabinets at this location? Commissioner Hansen said all work must remain indoors and is in condition number 4.

Commissioner Hansen asked Mr. Hondy if he anticipated overspray if they are spraying in the building. Mr. Hondy said he is not sure but wants to fix the problems down the road.

Madam Chair Fitzpatrick stated that the majority of the work will occur in the client's home.

Jonathan Clark, 110 N. Main Street, said his residential is next door in what use to be Bingham Cyclery. He said they are a paint store and they also do custom cabinetry and upholstery. His issue is with the parking. Commissioner Hansen said the applicant intends to have no more than two people working in the store at any given time. Ordinance requires parking by the square footage of the building with up to two vehicles being used to conduct business. The code requires five painted stalls.

Mr. Clark asked if the City provides parking signs. Mr. Applonie says the business owner is responsible for the signs. They are not going to have retail customers and they will work out of the customer's home.

Commissioner Harding made a motion that the Planning Commission grant approval of the conditional use for the cabinet and upholstery furniture shop subject to all staff requirements. Commissioner Pilny seconded the motion. All in favor. Voting was unanimous.

Madam Chair Fitzpatrick asked for a motion to close public review and open public hearing. Commissioner Hansen made a motion to close public review and open public hearing. Commissioner Pilny seconded the motion. All in favor. Voting was unanimous.

#### **7. RAINBOW TOWNHOMES PRUD REZONE AND CONCEPTUAL PLAT– R-1-8 to R-2 PRUD**

This 1.782 acre property is located at 985 N. Rainbow Drive. This property is zoned R-1-8 (Single Family Residential) and is proposed for R-2 PRUD (Single and Two Family Residential – Planned Residential Unit Development) zoning. The applicant is Randy Craig.

Mr. Weaver said the applicant, Randy Craig, is requesting to rezone 1.782 acres of his property to the R-2 PRUD zone to propose a 15 unit townhome project. As can be viewed on the attached concept plan, the 15 units will be divided into three buildings; a four, five and six-plex. The remaining property will be common area and required open space for the development.

The proposed development will be adjacent east from the Rocky Mountain Power sub-station. The applicant will keep the two existing homes to the south and construct a new single family home to the west of the development. Recently, two properties were rezoned to R-2 and two twin homes were built across Rainbow Drive to the east of this site.

The proposed density for the PRUD is 8.4 units per acre. The PRUD ordinance allows for 8 units per acre as a base density in the R-2 zone. The proposed townhome development will need to have a density bonus of 8% for 15 units. The 8% density bonus will be reviewed by the Design Review Committee during the preliminary plat phase of the process.

The development is proposing 61% open space with the majority being located on the street frontages of Gordon Avenue and Rainbow Drive. Two private streets entering from Rainbow Drive will provide frontage to each townhome unit. The southern private street will provide access to a future single family

home that is not a part of the development. City staff felt it was more important to have the units front onto a private street than what was initially planned, which was to front the majority of the units onto Rainbow Drive.

During the preliminary plat review process, the applicant will need to provide open space/landscape plans as well as the proposed architecture of the townhomes for a Design Review Committee meeting. The Planning Commission and City Council will have the opportunity to review the design elements when the development is prepared for preliminary approval.

The Land Use Element of the General Plan indicates that multi-family townhome developments are appropriate in this area based on the existing land uses to the east, location of abutting arterial streets and the adjacent power substation.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve Ordinance 16-34, allowing the rezone from R-1-8 to R-2 PRUD based on consistency with the General Plan recommendations for multi-family townhome development in this area of Layton City.

Madam Chair Fitzpatrick asked why there was not visitor parking at this location and is concerned about the big trucks and parking out in the street. The Rainbow townhomes have two car driveways while proposing two car garages for these units. During preliminary review they will discuss where the big trucks can park.

Commissioner Hansen asked how they arrive at 61 percent open space and would be helpful at preliminary review to have a breakdown. Mr. Weaver said he will have them break down how they came to the 61 percent.

Commissioner Hansen asked if all areas were weighed the same for the open space calculations. Mr. Weaver said they do not count the streets or the driveways for the open space but will verify with Engineering to make sure that the 61 percent is excluding the driveways.

Commissioner Harding asked what the lighting requirement was. Mr. Weaver said there are ordinances in place that require street lights based on the spacing for both Gordon Avenue and Rainbow Drive.

Madam Chair Fitzpatrick asked if the developer will be required to do the curb and gutter. Mr. Weaver said yes.

Ed Green, 2150 North Valley View Drive, said this project is similar to Greyhawk. He said he widened the garages and you will be able to park four cars on each of them.

Madam Chair Fitzpatrick asked if Mr. Green had any intentions on renting them. Mr. Green said no.

Commissioner Bodily made a motion to forward a positive recommendation to City Council to adopt ordinance 16-34 approving the rezone from R-1-8 to R-2 PRUD based on the consistency of the General Plan and recommendations from medium residential development in this area of Layton City and addressing parking and open space calculations. Commissioner Hansen seconded the motion. All in favor. Voting was unanimous.

Madam Chair Fitzpatrick asked for a motion to adjourn the meeting. Commissioner Hansen made a motion to adjourn the meeting. Commissioner Pilney seconded the motion. All in favor. Voting was unanimous.

Meeting adjourned: 8:57 p.m.



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Christy Wixom, Planning Commission Secretary