LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
OCTOBER 8, 2019

MEMBERS PRESENT: Chairman Brett Nilsson, Commissioners Robert Van Drunen, Jeremy Manning, Tyson Roberts, Trevor Steenblick

MEMBERS ABSENT: Vice Chair Tricia Pilny, Commissioners Clint Morris, George Wilson, Brian Allen

OTHERS PRESENT: Staff: City Attorney Mason Kjar, CED Director Chad Wilkinson, City Planner Tim Watkins, Planning Commission Secretary Brittney Whitecar

City Council Member: Tom Day

The work meeting was held in the Chambers Conference Room of the Layton City Center. Chairman Nilsson called the work meeting to order at 5:37 PM.

1. WELCOME AND ANNOUNCEMENTS (5:37 PM)

2. PLANNING COMMISSION TRAINING

Assistant City Attorney Mason Kjar provided a review of recent trainings conducted in Planning Commission work meetings. The Planning Commission represents the City and its municipal code. Administrative and legislative powers were reviewed, as were quasi-judicial. The Commission must conduct all business publically and avoid biases and conflicts. The history of zoning and municipal code in the United States was reviewed – having started in the late 1920’s. Police Power & LUDMA (staying within constitutional bounds) were discussed.

3. UPCOMING REZONE: 1450 NORTH MAIN

Tim Watkins presented a proposed addition to the Villas on Main multi-family property located along Main Street. The General Plan allows for townhomes and apartments in this location along a Mixed-Use Corridor. The applicant intends to rezone to M-U (Mixed Use). Discussion ensued as to why this proposal is for MU instead of R-H PRUD as there are no commercial uses intended for the property.

Tim Watkins described the ground level amenities proposed for the additional multi-family building, including a shared business center to support live/work opportunities. Chad Wilkinson stated that the MU doesn’t require each individual parcel/lot to be Mixed-Use – there just need to be a good mix of uses within the area or zone, as described in the recently adopted General Plan. Commissioners Van Drunen and Manning suggested further discussion of mixed-use application as a policy question for future meetings.
4. **TABLE 6-2 AMENDMENT: DWELLING, MULTIPLE UNIT**

Tim Watkins introduced a proposal to change Multiple Dwelling Units from a Conditional Use, to a permitted use in the MU zone and introduce them as a permitted use in the M-2 zone. A change will be made to municipal code table 6-2 should it be approved.

5. **CONDITIONAL USE: 7TH WEST APARTMENTS**

Tim Watkins presented the previously proposed Development Plan for the 7th West apartment project, and described the similarities with the conditional use review to allow multiple-unit dwelling within the MU (Mixed Use) zone. Mr. Watkins suggested that multiple-unit dwelling could be amended to be a permitted use in the MU zone.

6. **UPCOMING TEXT AMENDMENT: 19.17 ORDINANCE AND MAP AMENDMENTS**

Tim Watkins and Chad Wilkinson provided an overview of the need to amend the zoning code to provide locations for Cannabis production, as now required by State Law. City Staff will provide suggested locations to be considered by the Planning Commission and City Council within the next few meetings.

7. **REZONE: NORTH STREET CHURCH**

Tim Watkins presented a rezone proposal to rezone the property at approximately 3001 North Church Street from Business research park (B-RP) to Mixed-Use (MU), to allow for townhomes and live/work units. The proposal complies with the updated General Plan.

8. **TEXT AMENDMENT: 19.08 PLANNED RESIDENTIAL UNIT DEVELOPMENT OVERLAY ZONE**

Chad Wilkinson expressed that in order to enforce quality development, additional specifications need to be made to the PRUD design standards.

The definition of masonry is proposed to be increased. A minimum 20% masonry minimum will be required on street-facing sides of all structures, and permitted building materials will be clearly defined. Density bonuses will be available where a higher masonry percentage is masonry is used.

Fencing standards will become more uniform, specifying fencing types and prohibiting solid white vinyl. Density bonuses available for higher quality, more durable fencing materials.

Landscape specifications will be added. Street trees and streetscape enhancement will be encouraged through density bonuses, as will recreational amenities including playgrounds, pickle ball, basketball courts, street furniture, street lighting enhancements, etc.

Further specification will be added to the setback and building height ordinances for PRUD’s.

**ADJOURNMENT**

At 7:03 PM, Commissioner Nilsson closed the work session.

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Tim Watkins,
City Planner
LAYTON CITY PLANNING COMMISSION REGULAR MEETING MINUTES
OCTOBER 8, 2019

MEMBERS PRESENT: Chairman Brett Nilsson, Commissioners Robert Van Drunen, Jeremy Manning, Tyson Roberts, Trevor Steenblik

MEMBERS ABSENT: Vice Chair Tricia Pilny, Commissioners Clint Morris, George Wilson, Brian Allen

OTHERS PRESENT: Staff: City Attorney Mason Kjar, CED Director Chad Wilkinson, City Planner Tim Watkins, Planning Commission Secretary Brittney Whitecar

City Council Member: Tom Day

PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Nilsson called the meeting to order at 7:06 PM.

The Pledge of Allegiance was conducted and an invocation was provided by Commissioner Manning.

Approval of minutes: September 10th, 2019 & September 24th, 2019 work and regular Planning Commission Meeting minutes.

MOTION:

Commissioner Steenblik motioned to approve the minutes from the September 10th & September 24th, 2019 Planning Commission work and regular meetings. Commissioner Van Drunen seconded the motion, which was approved unanimously.

PUBLIC REVIEW

Commissioner Van Drunen motioned to open the public review section of the meeting. Commissioner Manning seconded the motion, which was unanimously approved.

1. 7TH WEST APARTMENTS – CONDITIONAL USE

The applicant, John Plyer, representing 7th West Partners LLC and Destination Homes is requesting conditional use approval for “Dwelling, Multiple Unit” on 3.35 acres of property for the 7th West Apartments located at approximately 1814 North Layton Hills Parkway in the MU (Mixed-Use) zoning district.

City Planner Tim Watkins introduced the item.

Background: The applicant, John Plyer, representing 7th West Partners LLC and Destination Homes is requesting a conditional use permit for “Dwelling, Multiple Unit”. Multiple Unit Dwellings are allowed as a conditional use within the Mixed Use (MU Zone). On June 11th, the Planning Commission approved a Mixed Use Development Plan for 130 occupied multi-family units on the 3.35 acre parcel, which included a 20% parking reduction based on the availability of transit and the high ratio of 1 bedroom units proposed in the project.
The attached staff report from June 11th describes how the Development Plan meets the standards of the MU, DO-1 (Mixed Use Design Overlay) zoning districts and the development agreement, and applies the design recommendations provided by the Design Review Committee (DRC). Adherence to the Development Plan site design and building elevations, and Development Staff memos are commensurate to any required conditions for this project.

This item was tabled during the September 24, 2019, Planning Commission meeting due to an incorrect address listed on the agenda. The property has since been re-noticed with the correct address.

**Recommendation:** Staff recommends the Planning Commission grant conditional use approval for “Dwelling, Multiple Unit” subject to the applicant meeting all City requirements, as previously outlined in the approved Development Plan.

**Public Comments:**
No Comments were made.

**Planning Commission Discussion:**
Commissioner Roberts asked what the land use to the south is and if it is compatible with the development. Tim Watkins stated that the use is storm water detention and that it is compatible with the current zone and proposed development.

**MOTION:**
Commissioner Van Drunen motioned that the Planning Commission grant conditional use approval for “Dwelling, Multiple Unit” subject to the applicant meeting all City requirements, as previously outlined in the approved Development Plan. Commissioner Roberts seconded the motion, which was unanimously approved.

2. **3101 NORTH CHURCH STREET - REZONE**

The applicant, Justin Atwater of Privet Barrow, LLC, representing the property owner RD DEVELOPMENT HOLDINGS LLC is seeking to rezone a 3.05 acre parcel located at approximately 3101 North Church Street from B-RP (Business Research Park) to MU (Mixed-Use).

City Planner Tim Watkins introduced the item.

**Background:** The applicant for this rezone request is Justin Atwater of Privet Barrow, LLC, representing the property owner RD DEVELOPMENT HOLDINGS LLC. It is the applicant’s desire to rezone the property from B-RP to MU in order to construct townhomes and live/work units as a transition from more intensive commercial uses to the adjacent single family residential area.

The recently adopted General Plan Future Land Use Map identifies the subject parcel as “Mixed-Use.” Chapter 2 describes Mixed-Use areas as potentially infill and redevelopment opportunities, or greenfield (vacant) areas where residential housing variety in a walkable urban format, convenient access to retail shopping and services, with access to transit, is provided. Land uses can be, but are not necessarily mixed in each building, development or block. The property is within an established commercial office and multi-family residential area, and lies between the Gordon and Fairfield Town Center, and the East Gate Business Center.
Section 19.04.020 of Layton Municipal Code states that “The "MU" (Mixed-Use) zoning district is intended to provide areas that may combine commercial or retail uses with multi-family residential uses within buildings, or within close proximity to other uses along a corridor or within a walkable district.”

Church Street is a Collector Street designed to accommodate vehicle trips associated with commercial and residential uses in the area that require access to Highway 193.

**Recommendation:** Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone request from B-RP (Business Research Park) to MU (Mixed-Use). This recommendation is based on consistency with the current General Plan’s land use designation for this property.

**Public Comments:**
Daniel Hofer 3343 N. Red Shoulder Drive, Layton, UT – Asked if infrastructure improvements have been considered to support this development. Planner Tim Watkins addressed the utilities that will stub to the area and how building frontage will be created to relate to Church Street and the surrounding area.

Boy Scout Miles Griffith – Asked what re-zoning means. Chairman Nilsson explained that the land is currently an agricultural area and an owner wants to put buildings there, so now they need to make sure the proposed zone change will be appropriate for the townhomes that they want to build.

**Planning Commission Discussion:**
No comments were made.

**MOTION:**
Commissioner Manning motioned that the Planning Commission forward a positive recommendation to the City Council to approve the rezone request from B-RP (Business Research Park) to MU (Mixed-Use). Commissioner Van Drunen seconded the motions, which was approved unanimously.

3. **TABLE 6-2 AMENDMENT FOR “DWELLING, MULTIPLE UNIT” IN MU AND MU-TOD ZONING DISTRICTS – TEXT AMENDMENT**

A proposal to amend the Layton City Zoning Ordinance – Title 19, Chapter 19.06, Table 6-2 “Table of Land Use Regulations” to amend “Dwelling, Multiple Unit” from a conditional use to a permitted use in the MU (Mixed-Use) and MU-TOD (Mixed-Use, Transit Oriented Development) zoning districts.

City Planner Tim Watkins introduced the item.

**Background:** The MU and MU-TOD zoning districts currently allow for “Dwelling, Multiple Unit” as a Conditional Use. A Conditional Use review is similar to, and redundant to the required Development Plan review. The Development Plan review process already provides for a review of city standards as they relate to proposed land uses(s), site plan, utilities and building elevations in the mixed-use zones. Multifamily residential use is recognized as an appropriate and desirable use in the MU zones and critical to creating vibrant mixed-use neighborhoods therefore is more appropriate as a permitted use.

In addition to Development Staff, the Development Plan must also be reviewed by the Design Review Committee (DRC). The proposed amendment to Table 6-2 is to change “Dwelling, Multiple Unit” to be allowed as a Permitted Use (P) rather than the current Conditional Use (C) allowance, with the
understanding that the Planning Commission will review MU or MU-TOD Development Plan proposals as the Land Use Authority.

In ‘Chapter 2 – Land Use’ of the General Plan, Mixed-Use areas are described as “infill and redevelopment opportunities, or greenfield (vacant) areas where residential housing variety in a walkable urban format, convenient access to retail shopping and services, with access to transit, is provided. Land uses can be, but are not necessarily mixed in each building, development or block. The walkable urban design format and architectural characteristics described for Town Centers in Chapter 4 also applies to Mixed-Use Development, at varying scales and levels of land use intensity” (pg 12).

“Desired building heights are typically three stories, or up to five stories where greater development intensity is compatible with surrounding uses” (pg 13).

In the core of Layton, the General Plan promotes Urban Districts as including “multi-story buildings oriented to the street, with office, retail, service hospitality, entertainment, and residential uses. Condos, apartments, and townhomes should provide a mix of housing options at a range of price points” (pg 12).

**Recommendation:** Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt the proposed amendments to Title 19, Chapter 19.06, Table 6-2 of the Layton Zoning Code by amending “Dwelling, Multiple Unit” from a Conditional Use to a Permitted Use in the MU and MU-TOD zoning districts.

This recommendation is based on the General Plan land use recommendations for Mixed-Use areas (including Town Centers and Urban Districts), and the opportunity to create more efficient use of time for applicants, Development Staff, Design Review Committee and Planning Commission members.

**Planning Commission Discussion:**
None

**Public Comments:**
None

**MOTION:**
Commissioner Roberts proposed that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed amendments to Title 19, Chapter 19.06, Table 6-2 of the Layton Zoning Code by amending “Dwelling, Multiple Unit” from a Conditional Use to a Permitted Use in the MU and MU-TOD zoning districts.

4. **PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE – TEXT AMENDMENT**

A proposal to amend the Layton City Zoning Ordinance – Title 19, Chapter 19.08 “Planned Residential Unit Development (PRUD) Overlay Zone” to more closely align with recommendations provided in Chapter 6 of the Layton Forward General Plan.

City Planner Tim Watkins Introduced the item:
Background: Following the recent adoption of the comprehensive General Plan update, the City Council has requested that planning staff review the PRUD standards to 1) address concerns with existing implementation of the ordinance, and 2) to analyze the relationship of the PRUD ordinance to the recommendations provided in Chapter 6 of the General Plan. Concerns have been expressed in recent joint Planning Commission and City Council work meetings, specifically about the quality of design and consistency in implementation and interpretation of open space, and density bonus provisions in the existing PRUD ordinance. Department staff have reviewed the existing ordinance and applied design testing to hypothetical and real sites to support public review of the proposed revisions.

The significant changes to the PRUD standards to be discussed include the following:

Providing minimum standards for PRUD developments that must be met by all projects before a density bonus can even be considered

A focus on quality of open space rather than quantity by:

- Allowing smaller percentages than the current 30 percent minimum, but ensuring quality, usability and public access
- Requiring that open space areas front on public or private streets
- Excluding areas between buildings unless part of a specific pedestrian circulation or trail network
- Counting detention areas toward open space only where pedestrian access and useable recreation areas are present
- Requiring that open space supports walkable pedestrian circulation

Providing better clarification on types of materials available for consideration for Density Bonus

Providing a connection between Neighborhood Ag Heritage overlay designation anticipated in the proposed General Plan update and the standards for PRUD’s.

The attached materials include draft ordinance revisions, and additional summaries depicting how new standards would apply to development under the amended PRUD ordinance.

Recommendation:
Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the proposed amendments to Title 19, Section 19.08.080 and Section 19.08.090 of the Layton City Municipal Code by amending design standards and regulations within the PRUD Overlay Zone.

Public Comments:

Nathan Allred, 268 South 3200 West, Layton UT – Stated that he is in favor of broadening the agricultural uses as stated in the code. It currently specifies fruits & vegetables, but his family grows other plants, as do many other farmers. He asked if the agricultural shares have to be transferred from an adjacent lot, or can they be from elsewhere in the City and asked how that would all be managed in the future, should land change owners. Planner Tim Watkins stated that an easement would have to be applied to avoid future development, or non-allowed uses in the transferred open space.
Planning Commission Discussion:
Commissioner Steenblik asked if the fruit or vegetable specification in the agricultural overlay could be changed from specifying fruits and vegetables, to any type of agriculture to comply with farmers who grow crops such as hay, wheat, etc. The Planning Commission discussed the possible issues with that general change because lacking to specify crops by name leaves the definition of “agriculture” open in abroad way for landowners and may cause problems.

Commissioner Roberts asked if tail water (runoff) maintenance can be specified in the code in order to avoid flooding issues. Assistant City Attorney Mason Kjar stated that tail water is generally addressed by the Engineering department in regards to each individual project, so it may not need to be added to the code.

Commissioner Steenblik asked what happens if nobody maintains an agricultural space within a PRUD and it becomes weeds. Chad Wilkinson stated that section of the code that states that open space must be maintained by the HOA. It does not have to remain a specific use indefinitely, but whatever the lot is being used for, it does need to be maintained.

MOTION:
Commissioner Roberts proposed an amendment to section 19.08.000, to strike the words fruit and vegetable and replace with agricultural products or agricultural activities. Commissioner Van Drunen stated that he was unsure about what all the agricultural products are so he is not confident in voting in favor of it. Commissioner Manning asked for further clarification to avoid unanticipated agricultural uses. Community Development Director Chad Wilkinson stated that some further clarification is probably necessary because agricultural products is not clearly specified.

Commissioner Manning motioned that the item be tabled to the next meeting to allow for further discussion regarding the definition of agricultural products. Commissioner Steenblik seconded the motion, which was approved unanimously.

ADJOURNMENT

At 8:07 PM, Commissioner Van Drunen motioned to close the meeting.

Tim Watkins,
City Planner