

LAYTON CITY PLANNING COMMISSION MEETING
Tuesday, August 10, 2004

Present: Chairman Kim Squire, Commissioners Hugh Parke, Mike Bouwhuis, Robert Langford, Kathy Hyde, Keith Preece and Dave Pratt

Absent: Commissioner Ron Stallworth

Others Present: Staff members Scott Carter, Peter Matson, Kem Weaver, Steve Garside, Gayla Thompson

Chairman Squire brought the meeting to order. The Pledge of Allegiance was said. Vice Chairman Parke offered an invocation.

MORGAN/READ REZONE (A to R-1-8) and PARCEL SPLIT REQUEST

Location: Approximately 150 South 1300 East

Peter Matson presented the rezone and parcel split request to the Commission. The property contains approximately .42 acres located on the south side of 1300 East in Indian Springs Subdivision. The request is to split the .42 acre parcel from a larger agricultural piece to the south to create a single-family building lot. This parcel will not be a part of the subdivision.

The City Engineer has indicated that the property will not be approved for development at this time, due to lack of water supply and flow for fire protection. The engineer has indicated that the Capital Improvement Plan indicates that a water tank, to service the general area, is programmed for the 2005-2006 fiscal year.

The requested R-1-8 zone is consistent with the General Plan recommendations for the area. The staff recommends the parcel split and rezone be approved, subject to the developer being put on notice that development will not be able to take place at this time.

The applicant, David Read, was present. He acknowledged that he had been made aware of the building restrictions. He asked that the request be approved so that when they are able to develop, the paperwork will have been completed.

MOTION: Commissioner Parke made the motion to recommend the City Council approve the parcel split subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Bouwhuis seconded the motion which passed unanimously.

MOTION: Commissioner Parke made the motion to recommend the City Council approve the rezone. Commissioner Hyde seconded the motion which passed unanimously.

AMERICA WEST BANK DRIVE-THROUGH – CONDITIONAL USE REQUEST

Location: 476 West Heritage Park Blvd.

Zoning: B-RP

The conditional use request is to construct a drive through facility for America West Bank on the west side of the Durbano building. The parking configuration will change to accommodate the

drive through and only one parking space will be eliminated. Some landscaping will also be eliminated, but the site will still meet the overall percentage.

Kem Weaver indicated that stacking might be a problem. The fourth car in the stacking position will extend into the 22' drive aisle at the first bay of the drive through. Mr. Weaver suggested the drive aisle be widened to 24' to accommodate this.

Dave Whitaker, general contractor for the applicant, explained that America West is more of an investment banking operation and doesn't have the amount of drive through traffic of typical banks. Mr. Whitaker said that they would address the issues and meet the requirements of staff.

There were no other comments from the audience.

MOTION: Commissioner Bouwhuis made the motion to grant conditional use approval, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof; and that good safety measures be incorporated. Commissioner Langford seconded the motion which passed unanimously.

WYNDOM SQUARE COMMERCIAL – FINAL APPROVAL

Location: Approximately 1200 East Highway 193

Zoning: CP-1

The request for final approval is for a third development phase for commercial buildings and pad sites. The Wal-Mart Neighborhood Market, next to Church Street, was the first building in this development. A Subway Sandwich Shop and shell building are under construction on the west side of North Hills Drive. This phase is proposed to have two building pads along Highway 193, one of which will be a Wendy's. A detention basin will be located on the south side of the development.

Twenty-foot landscape buffers will separate the commercial uses from the adjacent residential uses to the south and southwest. White vinyl fencing was installed when the residential portion was developed. The parking areas will be softened by creating islands with trees and shrubs, and creating a corridor going from east to west.

MOTION: Commissioner Pratt made the motion to recommend the Council grant final approval to the Wyndom Square Commercial construction drawings, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Bouwhuis seconded the motion which passed unanimously.

WENDY'S – CONDITIONAL USE REQUEST

Location: Approximately 1200 East Highway 193

Zoning: CP-1

Wendy's is proposing to build on one of the commercial pad sites in the Wyndom Square Commercial Subdivision. The site is located towards Highway 193 just west of the Wal-Mart Neighborhood Market parking lot.

The landscaping for Wendy's will be a joint effort between the subdivision developer and Wendy's. Wendy's will be responsible for the landscaping around the building and the developer will landscape the streetscape and the adjacent islands.

The building materials, elevations and colors were reviewed. The dumpster will be enclosed with masonry materials that will match the Wendy's building. There will be a monument sign along Highway 193.

There were no comments from the audience.

MOTION: Commissioner Hyde made the motion to grant conditional use approval, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Preece seconded the motion which passed unanimously.

CLARK HUTCHINSON – CONDITIONAL USE REQUEST

Location: 2160 East Country Oaks Drive

Zoning: R-1-10

Kem Weaver presented the Hutchinson's request to build an accessory residential dwelling to the side of their existing home. Mr. Weaver refreshed the Commissioner on the recently approved ordinance regulating this type of use.

The applicant has submitted a building permit with elevations. The design of the secondary structure will closely match the primary residence. The building includes a single car garage; however, they will not be able to have a second driveway because of frontage constraints. The staff has required a geotechnical report be submitted because of the 25% slope.

The applicant, Cindy Hutchinson, addressed the Commission. She stated she had a copy of the restrictive covenants for the subdivision and that it was her understanding that the Homeowners Association (HOA) had been abandoned. She stated that she originally wanted to add onto the rear of the house but the addition couldn't fit within the setback perimeters. She indicated the home needs to be handicap accessible.

Barbara Peterson, an adjacent neighbor, read from her copy of the restrictive covenants, stating that only one dwelling per lot, unless written approval is given by the HOA for a secondary dwelling unit. Mrs. Peterson indicated she had talked with Bud Bailey who told her that the HOA could be re-established and new people appointed to enforce the restrictive covenants. She also complained about all the cars that are continuously parked on the street.

Julie Brown, a resident who lives on Country Oaks Drive, stated her opposition in that the request is not harmonious to adjacent homes or the neighborhood. She quoted the City's zoning ordinance on conditional uses stating that the Planning Commission shall pay due regard to this.

Verlene Ferre, another resident of Country Oaks Drive, claimed the proposed use would devalue her property value.

Mark Fortuno stated he had lived in his home for four months and that he is concerned with the enforcement of "blood relatives", and that they are the only ones who can occupy such.

Lonnie Hutchinson, son of the applicant, stated that he will be moving out and that his sister, who is building a new home, will be moving out. He also stated that they plan to remove the window on the side of the new structure that faces the Petersens.

The time was turned back to the Commission. Some of the questions in the conditional use application were discussed. Commissioner Bouwhuis made the suggestion to the applicant that she meet with the residents and the HOA.

MOTION: Commissioner Bouwhuis made the motion to table this to the August 24th meeting, to allow the petitioner time to meet with her neighbors and the HOA. Commissioner Parke seconded the motion which passed unanimously.

CARVER’S KITCHEN – CONDITIONAL USE REQUEST

Location: 2672 North Hillfield Road

Zoning: CP-2

The request is to locate a “take & bake” business in an existing building in the Windsor Square Commercial development on North Hillfield Road. The landscape is in place and is maintained.

The staff recommends conditional use approval be granted subject to the developer receiving approval from Davis County Health Dept. and the North Davis Sewer District. (sounds yukey huh!)

MOTION: Commissioner Preece made the motion to grant conditional use approval subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Hyde seconded the motion which passed unanimously.

RUFFLEDALE PET RESORT & SPA – CONDITIONAL USE REQUEST

Location: 1045 North Main

Zoning: C-H

Kem Weaver presented the conditional use request for a boarding kennel in an older building previous occupied by Americarpets. The use is being considered a resort/spa for domestic animals. An enclosed outdoor running area is planned for the west side of the building for dogs to run in during the day. The animals will not be allowed to stay in this area during the night because of the high-density residential use adjacent to the sight. Animal grooming will be included and optional.

Mr. Weaver stated that the sight needs to be upgraded and junk and debris removed. The existing landscape needs to be brought up to current standards by placing a couple of trees within the grass area along Main Street and a couple on the west side of the building within the kennel run area.

There were no comments from the audience.

MOTION: Commissioner Hyde made the motion to grant conditional use approval, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Preece seconded the motion which passed unanimously.

BEVERLY ESTATES – SUBDIVISION AMENDMENT

Location: Approximately 825 North Church Street

Zoning: R-1-8

The application is to amend the plat of Beverly Estates Subdivision by extending the boundary description to include a 4,830 sq.ft. parcel onto Lot 103. This will accommodate a larger home on the lot.

The existing public utility easement between the two parcels will need to be vacated. The applicant has been required to submit written approval from all public utilities.

MOTION: Commissioner Langford made the motion to recommend the Council approve the proposed amendment subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Hyde seconded the motion which passed unanimously.

SWAN MEADOWS, PHASE 1 – ESCROW EXTENSION

Location: Approximately 631 North 2200 West

The bonding agreement for this phase expired July 31, 2004. The developer has requested a one-year extension.

MOTION: Commissioner Parke made the motion to recommend the City Council grant a one-year extension to the escrow for Swan Meadows Subdivision, Phase 1. Commissioner Bouwhuis seconded the motion which passed unanimously.

ANGEL STREET PRUD – PLAT APPROVAL

Location: Approximately 1645 North 1200 West

Zoning: RM-1

Kem Weaver explained the request to place the PRUD overlay designation over four existing apartment buildings known as the Angel Street apartments. The purpose for doing this is to meet certain requirements for the bank that owns the project. The landscaping and parking arrangement will not change and will be considered as common space for the project. Covenants have been submitted and need to be recorded with the plat.

Dave Byrd, Byrd Engineering, explained that the lending institution will lend money on different parcels, not an entire complex. He indicated that the apartments will remain as apartments and will not be converted into condos.

It was the consensus of the Planning Commission that overlaying existing buildings with the PRUD zoning designation cheapens the PRUD ordinances. They questioned the reasoning of the lending institution.

MOTION: Commissioner Hyde made the motion to table this item until the staff can make sure the project meets the PRUD ordinance and to research the reasons of the lending institution. Commissioner Parke seconded the motion which passed unanimously.

BROMSFIELD SUBDIVISION – FINAL APPROVAL

Location: Approximately 50 South Highway 89

Zoning: R-1-10

Kem Weaver reminded the Commission that this had been tabled at the last meeting in order to give the developer time to complete the requirements of the City Engineer. The proposal is to

develop a 19-lot subdivision to the south of Tanglewood. The property was recently annexed into the City.

The City Engineer's recent memo states that final approval can be given, but that a couple of items need to be completed before having a pre-construction meeting. These items are based on the debris flow basin at the top of the subdivision. More detailed plans need to be provided based on the geotechnical report recommendations. A qualified professional should determine the design, height and location of a protective berm at the drainage mouth of the debris flow basin. The engineer should take into account debris flows and not just rain or storm water when routing these potential dangers away from building sites.

The applicant was present.

MOTION: Commissioner Parke made the motion to recommend the City Council grant final approval subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Preece seconded the motion which passed unanimously.

ORDINANCE AMENDMENTS/REVIEWS

No action was taken.

Commissioner Hyde made the motion to adjourn the meeting. Commissioner Bouwhuis seconded the motion which passed unanimously. The meeting adjourned at 9:30 p.m.

Gayla Thompson, Secretary
Layton City Planning Commission