

**LAYTON CITY PLANNING COMMISSION MEETING**  
**Tuesday, August 24, 2004**

Present: Chairman Kim Squire, Commissioners Hugh Parke, Kathy Hyde and Dave Pratt

Absent: Commissioners Ron Stallworth, Keith Preece, Mike Bouwhuis and Robert Langford

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

Chairman Squire brought the meeting to order and lead the Pledge of Allegiance. Commissioner Pratt offered the invocation.

Chairman Squire announced that Item #5 – Janet Mathie Conditional Use Request, would be continued to February, 2005.

**CLARK HUTCHINSON – CONDITIONAL USE REQUEST (continued)**

**Location:** 2160 Country Oaks Drive

**Zoning:** R-1-10

The Planning Commission tabled this item at the last meeting to give the property owner and adjacent resident an opportunity to work out the concerns with the request for an accessory residential dwelling unit. Both parties have met with the staff on a number of occasions to seek further information and guidance to resolve the concerns. Except for the garage and driveway proposal, the applicant has met the ordinance requirements for this type of use. The City does not govern the covenants of the subdivision. It is up to the residents to re-establish an association to govern their covenants.

Cindy Hutchinson approached the Commission. She stated she had talked with the property owners who were at the previous meeting, other than two families she couldn't get in touch with, and everyone has a difference of opinion. She said there was a meeting held about a week ago in the neighborhood and fliers were distributed regarding setting up a Home Owners Association (HOA), and other issues. Mrs. Hutchinson stated their willingness to put in additional landscaping; add more architectural features to the new structure; and file the required restricted deed at the County stating that the structure will not be used for rental purposes.

Kem Weaver, City Planner, stated that the building drawings that have been submitted do meet all the ordinances.

Julie Knudson Brown, a neighbor, read from the conditional use ordinance and pointed out what the Planning Commission is required to consider when they make their decision on this matter. She stated that it was the consensus of the neighbors, in the neighborhood meeting that was held that this request should not be approved as a detached building.

Chairman Squire reviewed the questions in the conditional use application with the Commissioners.

**MOTION:** Commissioner Parke made the motion to approve the conditional use request, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof, specifically Kem Weaver’s memo of August 24, 2004. Commissioner Hyde seconded the motion which failed due to a lack of a quorum vote.

Voting aye: Commissioners Parke and Hyde and Squire

Opposed: Commissioner Pratt

**WASATCH RECREATION – CONDITIONAL USE REQUEST**

**Location:** 110 North Main

**Zoning:** C-H (DTO)

Kem Weaver presented the conditional use request for a motor sports shop in the “downtown overlay” (DTO) area. The City recently adopted an ordinance change that allows for motor bikes, ATV’s and other recreational vehicles sales within the downtown overlay area zone. Mr. Weaver explained that this use must be indoor sales and is exempt from the four-year amortization plan. Bingham Cyclery had previously occupied the building for 20 years.

Mr. Weaver reviewed the site plan with the Commission. There is currently no landscaping on the site. The applicant will need to provide some type of landscaping with regard to planters on the front concrete and possibly grass on the sides of the building. The building itself needs to meet all current building codes and the outside needs to be painted.

Rich Eggett, applicant, indicated he had no problem with meeting all staff requirements, and asked to be allowed to have some outdoor display. He was informed that he would be allowed to have sidewalk sales twice a year for one week at a time.

**MOTION:** Commissioner Hyde made the motion to approve the conditional use request subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof; and that no outdoor display is allowed within the DTO area. Commissioner Parke seconded the motion which passed unanimously.

**MIMI’S CAFÉ – CONDITIONAL USE REQUEST**

**Location:** 874 West 2000 North

**Zoning:** CP-1

Kem Weaver explained the conditional use request is for a temporary hiring trailer for Mimi’s Café. They would like to have their staff hired by the time the restaurant is open for business.

Mr. Weaver reviewed the site with the Commission. The staff recommends approving the conditional use request.

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

### **EAGLE GATE COLLEGE – CONDITIONAL USE REQUEST**

**Location:** 915 North 400 West

**Zoning:** CP-3

Kem Weaver explained that Eagle Gate College is requesting approval to locate a 45' high pole sign along the I-15 right-of-way. Mr. Weaver explained that by ordinance, the City does not consider the UDOT right-of-way as frontage onto a public street because of no immediate access from the off-ramp to this site.

Mr. Weaver indicated that the design of the sign is not the best and asked the Commissioners if they had any input. It was the consensus of the Commission that they had no problem with the design or color of the sign.

**MOTION:** Commissioner Pratt made the motion to approve the conditional use request, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof; and to approve the sign as submitted without any change in design or color. Commissioner Parke seconded the motion which passed unanimously.

### **JANET MATHIE – CONDITIONAL USE REQUEST**

**Location:** 1352 East 1000 North

**Zoning:** R-1-8

This item was not reviewed or discussed. At the beginning of the meeting Chairman Squire informed the audience that this item would not be heard at this time. He stated that it would be continued to February 2005, to allow the petitioner additional time to bring the existing residence into compliance with current building codes. Chairman Squire informed the audience that the site would be posted one week prior to the meeting.

**MOTION:** Commissioner Hyde made the motion to continue this request to February 2005 or until the applicant has brought the premises into compliance. Commissioner Parke seconded the motion which passed unanimously.

### **STEVENSON/MITCHELL/DESTINATION HOMES REZONE REQUEST**

**Location:** Approximately 1100 North 2200 West

**Zoning:** From A to R-1-8

Peter Matson presented the request to rezone approximately 4.81 acres located on the west side of 2200 West at approximately 1100 North, for the development of a single-family residential subdivision.

The proposed R-1-8 zone is consistent with the General Plan land use and density recommendation for this area.

There were no comments from the audience.

**MOTION:** Commissioner Hyde made the motion to recommend the City Council approve the rezone request as it meets the land use and density recommendations of the General Plan. Commissioner Parke seconded the motion which passed unanimously.

**BLAKE HAZEN/CORDOVA II REZONE REQUEST**

**Location:** Approximately 2700 West 1000 North

**Zoning:** From A to R-S

Peter Matson presented the request to rezone approximately 6 acres located on the south side of Gentile at approximately 2700 West, for the development of a single-family residential subdivision.

The proposed R-S zone is consistent with the General Plan land use and density recommendation for the area.

The City Engineer's memo outlining utility issues was reviewed. Currently there are inadequate utilities in the area to service the entire parcel. The applicant has been made aware of the issues.

There were no comments from the audience.

**MOTION:** Commissioner Parke made the motion to recommend the City Council approve the rezone as it meets the land use and density recommendations of the General Plan, and subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Hyde seconded the motion which passed unanimously.

**SANDY PATCH SUBDIVISION – PRELIMINARY APPROVAL**

**Location:** Approximately 3370 West Gentile

**Zoning:** R-S

The request is to develop 42 single-family lots on 17.3 acres located on the north side of Gentile Street.

The developer is required to install a landscape buffer along Gentile. Conditions, covenants and restrictions have also been submitted.

**MOTION:** Commissioner Pratt made the motion to grant preliminary 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.

**SIERRA BELLA SUBDIVISION – PRELIMINARY APPROVAL**

**Location:** Approximately 2800 West Gentile

**Zoning:** R-S

The request is to develop 50 single-family lots on 22.15 acres located on the north side of Gentile Street.

The Engineering Dept. has received an agreement from the Call family for a storm drain line that will be constructed through the Call property and eventually connect to Gentile Street. The developer is required to install a landscape buffer along Gentile. Conditions, covenants and restrictions need to be submitted.

**MOTION:** Commissioner Pratt made the motion to grant preliminary 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.

**ANGEL STREET APARTMENTS – PRUD OVERLAY REQUEST**

**Location:** 1645 North 1200 West

**Zoning:** RM-1

Kem Weaver explained the request to place a PRUD overlay over four existing apartment buildings that were built under the previous “planned dwelling group” ordinance. Mr. Weaver explained that the bank is requiring each building to have its own tax identification number for financing purposes. The ownership will be under the same for all four buildings and all buildings will share the common open space.

Mr. Weaver explained that the project meets the requirements of the PRUD ordinance. Covenants have been submitted and will be recorded with the plat.

There were no comments from the audience.

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

**SPRING CREEK PRUD – AMENDMENT**

**Location:** Approximately 2300 North University Park Blvd.

**Zoning:** R-1-6 PRUD

Kem Weaver explained that the City gave a quick approval for the former owner of this development a couple of months ago. He indicated that the staff felt a thorough review of the amendment should be done to ensure that everything meets the ordinance. The intent of the proposed amendment is to split the twin homes into single detached patio homes. Approximately half of the entire project has already been built and sold, and there are 20 units currently occupied.

The common areas will not change with regard to square footage, and will be mitigated between the patio home units. The new developer will use the same elevations as previously approved for the existing units within the project.

Mr. Weaver explained the requirements the developer will have to meet in order to get the plat recorded. All property owners within the complex will need to sign the plat. No new building permits will be issued until the plat is recorded.

There were no comments from the audience.

**MOTION:** Commissioner Parke made the motion to recommend the City Council approve the amendment for Spring Creek PRUD, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Hyde seconded the motion which passed unanimously.

**ESCROW EXTENSION REQUEST:**

The staff has received requests to have the bonding agreements extended for one year for Weaver Lane Subdivision, Phase 1, and Wild Horse Springs, Phases 1-3. The staff recommends approval of the requests.

**MOTION:** Commissioner Parke made the motion to recommend the Council approve a one-year extension of the bonding agreement for Weaver Lane Subdivision, Phase 1. Commissioner Pratt seconded the motion which passed unanimously.

**MOTION:** Commissioner Parke made the motion to recommend the Council approve a one-year extension of the bonding agreement for Wild Horse Springs, Phases 1 – 3. Commissioner Hyde seconded the motion which passed unanimously.

**REQUEST TO AMEND PLANNING COMMISSION BY-LAWS & RULES**

This item was not discussed at this time.

**MOTION:** Commissioner Hyde made the motion to table this item to the next meeting. Commissioner Parke seconded the motion which passed unanimously.

Commissioner Parke made the motion to adjourn the meeting. Commissioner Pratt seconded the motion which passed unanimously. The meeting adjourned at 8:30 p.m.

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Gayla Thompson, Secretary to the Planning Commission