

**LAYTON CITY PLANNING COMMISSION  
WORK MEETING  
Tuesday, November 9, 2004**

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

Absent: Commissioners Hugh Parke, Ron Stallworth and Kathy Hyde

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

The work meeting started with discussion on the packet that had been mailed to each Commissioner from Loyce Bowman, regarding the Boothe/Chournos rezone request.

Peter Matson provided a copy of the draft of a development agreement incorporating the items discussed at the last Planning Commission meeting. Mr. Matson stated he forwarded a copy to Ms. Bowman.

Chairman Squire explained his concern with the number of multiple unit dwellings in such a concentrated area. This area is described as "Zone 18" in Ms. Bowman's submittal and is basically between the areas of 1000 North to 2000 North and 1200 West to 1800 West. Commissioner Bouwhuis concurred with Chairman Squire. Mr. Matson noted that the homes along 1000 North are newer and better taken care of; as it transitions to the north, the homes are older and lacking attention.

Commissioner Bouwhuis explained that he thought that with the past rezone requests for this site, both the Planning Commission and the City Council were concerned with the quality of life for residential along the tracks.

Lanse Chournos, petitioner, stated he purchased the property based on recommendations from the City Staff and how the Staff foresees the best use of the property. Commissioner Pratt asked Mr. Chournos if there is a non-residential use that would be viable. Mr. Chournos indicated that right now the market is not good for that market (professional business). Mr. Chournos indicated that light manufacturing might be a better use.

Commissioner Preece indicated he like the proposed design but that he is very concerned with the existing high density in the area. Mr. Chournos stated that his "Plan B" is to develop single family lots.

Peter Matson reviewed the Angelo/Burt Rezone with the Commissioners. He pointed out a small parcel that was erroneously left out when the property was rezoned to M-1. The applicant would also like to discuss the landscape requirements. The applicant has not provided the staff with a legal description so the staff recommends the Commission consider this request and it will be on the next agenda for action.

Dave Decker, City Engineer, was present to discuss the access on Oakhills Drive for the Red Fox Ridge Subdivision. Jere Weiderholtz, developer of Red Fox Ridge, was also present. Mr. Decker indicated that the City Staff had been approached by a developer who is interested in developing the property on the south side of Oakhills Drive. This same site was approved a few years ago for a PRUD but was never developed. The City Engineer asked the Commission and Mr. Weiderholtz to consider relocating the access off Oakhills to accommodate future development on the south side and the Petersen property to the west.

Mr. Decker provided an aerial photo showing two access points on Oakhills Drive. One access point (Option A) is the access to Red Fox Ridge. The other access (Option B) is on the Petersen property, west of Red Fox Ridge. Mr. Decker stated that UDOT is willing to approve the access for Red Fox Ridge as submitted, but would like a letter from Layton City because they will allow only one more access off Oakhills Drive. Mr. Decker also stated that while there have been inquiries regarding development on the south side, nothing has been formally submitted.

The different alignments were discussed. Commissioner Preece asked why the person who ends up developing the property on the south side couldn't align the access with the one for Red Fox Ridge. Mr. Decker explained the difficulty in developing the property to the south.

Mr. Decker stated he had met with the Petersens to discuss access options. The Petersens agreed to Option B that, if approved, would require the access for Red Fox Ridge to be terminated and a cul-de-sac created. The access from the Petersen property aligns with an access point for the property to the south.

Jere Weiderholtz approached the Commission and suggested that another option (Option C) be considered which would create an access along the common boundary between his property and the Petersens. Mrs. Petersen indicated to the Commission that she liked Option C because it would align with the access to the south and she would lose one building lot instead of two. Mr. Weiderholtz stated that because of development on the south side of Oakhills Drive, which may never happen, he and the Petersens stand to lose three lots between them. He pointed out to Mrs. Petersen that by agreeing to Option A, the submitted access to Red Fox Ridge, the Petersens would not lose any lots. Mrs. Petersen agreed to that.

Chairman Squire and Commissioner Preece both agreed that Option A was a better concept.

Kem Weaver reviewed the landscape waiver request for the Antelope Business Park. He indicated that he felt there would still be enough area for the developer to work with if they shorten the depth of the building on the north side to accommodate a 5' landscape strip where they could plant trees every 20 feet and that the grass requirement would not be necessary.

The work meeting adjourned at 6:55 p.m.

  
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Gayla Thompson, Secretary

**LAYTON CITY PLANNING COMMISSION MEETING**  
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Present: Chairman Kim Squire, Commissioners Keith Preece, Mike Bouwhuis, Kathy Hyde, Robert Langford and Dave Pratt

Absent: Commissioners Hugh Parke, Ron Stallworth

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

Chairman Squire brought the meeting to order. The Pledge of Allegiance was said. Commissioner Preece volunteered to offer the invocation.

Commissioner Pratt made the motion to approve the work and regular meeting minutes of June 23, 2004, July 13, 2004, July 27, 2004, and August 10, 2004, as written with the exception to corrections being made to the July 27, 2004 meetings stating that Chairman Squire was absent and Vice Chair Hugh Parke was present and conducted the meetings. Commissioner Hyde seconded the motion, which passed unanimously.

**BOOTHE/CHOURNS GENERAL PLAN AMENDMENT & REZONE (continued)**

**Location:** Approximately 1250 West 1000 North

**Zoning:** From R-1-8 to P-B, RM-1 (PRUD) and M-2

Peter Matson presented the request to amend the City's General Plan and rezone approximately 9.70 acres to accommodate three different zoning designations. Mr. Matson provided the Commission with a draft of a development agreement the Commission recommended at the last meeting. He indicated that he had forwarded a copy to Loyce Bowman, the spokesperson for the neighborhood. He pointed out the recommendations from the Planning Commission in the draft copy.

Chairman Squire acknowledged that he had met with the citizens group and that he and the other commissioners had received a packet of information from the citizens group. Chairman Squire turned the time over for comments from the group.

Eric Byers (1300 West) stated that this is the fourth time this site has been the subject of rezoning. He questioned why the past requests had been denied. He cited the turn over rate in the elementary school. Items in the packet provided by the citizens group were discussed. Mr. Byer stated that this project will have no benefits to the citizens of Layton and it's not conducive for people to live near this site. He suggested the property be rezoned to P-B or manufacturing.

Dale Briggs talked about the traffic issues at Main Street and Hill Field Road. He quoted the number of vehicles per day that travel through the intersection. He complained of gridlock and reiterated the water pressure problems he has experienced for several years.

Kelly Kearns, approached the Commission stating that he is the manager for the Classic Fun Center and that the fun center doesn't close until midnight on Friday and Saturday nights. He stated that there is a lot of noise and they leave their doors open during the warmer months. He also stated they play the music at a high volume and that they receive complaints from the neighbors at least once a month because of the noise; and, that police receive non-stop complaints about them. He suggested the Commission take this into consideration before approving residential next to the fun center.

Developer Lanse Chournos stated that with this design he has tried to alleviate and mitigate the issues from those that have been expressed in previous rezone submittals. He indicated that this design was based on recommendations from the City staff. He also stated that if this is not approved, that his "Plan B" is to build slab-on-grade single family homes.

Chairman Squire asked the staff what kind of weight does the Planning Commission give to these factors. Peter Matson explained the Community Development Block Grant (CDBG) plan policies, as quoted in the citizens group packet, are guidelines for the City as a whole. He stated that percentages are guidelines and that the high concentrations in Ms. Bowman's packet are likely correct for that specific area.

Commissioner Langford asked if there would be building code requirements to mitigate the noise for residential units next to the tracks and the fun center. Mr. Matson stated that the noise from the fun center is an enforcement issue and it will be looked in to. Noise attenuation for the residential units should be considered given the close proximity to the tracks. In addition, Mr. Matson noted that if the development is done in single-family, there would be more trips (traffic) generated on a daily basis than if it were developed into multi-family.

Commissioner Bouwhuis asked if the staff feels the issues in the proposed design mitigate those issues that have been brought up in previous submittals. Mr. Matson indicated that the concern in the past with the City Council was with the noise (railroad tracks) and whether this site is conducive to single family. The previous submittals didn't seem to have enough of a transition from the tracks. Mr. Matson stated that the staff feels this property warrants flexibility, but that the Council has acted differently.

Loyce Bowman suggested the option of having single family homes on the site. She stated she is not opposed to single family homes, but that Classic Fun Center has created a very undesirable affect on the property. She expressed her concern with this parcel ending up in the same situation as the 4-plex units in the Lakewood Subdivision.

Commissioner Hyde stated that she felt the proposed design is not the best use for the property.

Commissioner Preece stated that his concern is with adding to the already high concentration of multiple family housing in the area.

**MOTION:** Commissioner Preece made the motion to recommend the City Council deny the request to amend the General Plan. Commissioner Hyde seconded the motion. The motion passed 4:1. Commissioner Robert Langford voted against the motion.

**MOTION:** Commissioner Preece made the motion to recommend the City Council deny the rezone request. Commissioner Hyde seconded the motion. The motion passed 4:1. Commissioner Langford voted against the motion.

**DARREL FARR – PARCEL SPLIT AND CONDITIONAL USE REQUEST**

**Location:** 984 North 3200 West

**Zoning:** PB and A

Kem Weaver presented the conditional use request for a beauty salon within an existing home on the southeast corner of 3200 West and 1000 North. The applicant has future plans to build a separate building and move the salon in as part of it and lease the remainder of the building.

Mr. Weaver explained that the intersection will eventually warrant a traffic signal; therefore, the existing driveway on 3200 West will have to be relocated 200 feet south. Because of this, the applicant is having to do a parcel split to accommodate the property for P-B uses and have it rezoned.

There were no comments from the audience.

**MOTION:** Commissioner Bouwhuis made the motion to approve the conditional use request and 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 Hyde seconded the motion, which passed unanimously.

**ANTELOPE BUSINESS PARK – WAIVER REQUEST OF LANDSCAPE BUFFER**

**Location:** Approximately 2150 North Fort Lane

**Zoning:** M-1

Kem Weaver presented the request to waive or modify a required 20' landscape buffer between the structures and the south property line. He explained that ordinance 19.16.040(b) requires the 20' buffer when adjacent to a residential zoned property.

The applicant's site plan shows the storage units against the property line. There is pastureland to the south and it is within the APZ, therefore the property can not be developed for residential. Mr. Weaver suggested that because this property is a residential zone, there should be some sort of buffering between it and the property line. He suggested that instead of granting a waiver, the Commission consider a modification and allow the buffer to be reduced from 20' to 5'.

Applicant, Jean Love, was present. She stated that it cost her \$200,000 to build the road from Antelope Hill Subdivision to Fort Lane, as required by the City's engineer. She said the maintenance of a landscape buffer in this area would be a terrible maintenance problem. She indicated that the Hoskins, who own the dry farm to the south, would be happy to have a security wall one foot from their fence. Mrs. Love asked for a 1' landscape buffer with the security wall.

There were no comments from the audience.

**MOTION:** Commissioner Bouwhuis made the motion to approve a modification and allow for a one-foot landscape buffer, and suggested the staff allow the back wall of the storage unit to

serve as the security fence and decorative block to be incorporated into the back wall of the structure. Commissioner Langford seconded the motion, which passed unanimously.

### **RED FOX RIDGE SUBDIVISION – PRELIMINARY APPROVAL**

**Location:** Approximately 2475 East Oakhills Drive

**Zoning:** R-1-10

The conceptual approval that was granted earlier this year was for 19 lots on the entire Weiderholtz site, but until the utility issues between this developer and the Petersens can be worked out, preliminary approval is for 11 lots on 3.95 acres.

Kem Weaver reviewed the preliminary drawings with the Commission. He explained the discussion that took place in the early work meeting regarding the two options provided by the City Engineer for access onto Oakhills Drive. One access was the one provided on the preliminary drawings for Red Fox Ridge. The other access was on the Petersen's property that would create an intersection with access to the south. The City Engineer would like the Planning Commission to consider the options based on a recent inquiry to develop the property on the south side of Oakhills Drive.

Mr. Weaver explained that UDOT would allow only one access onto Oakhills Drive in this area. If the access for Red Fox Ridge is to stay where it is being shown, it will limit any form of development on the south side because of elevation issues and causing a reverse cul-de-sac on the west end of the southern property. The best place for an access for future development on the south side would be to shift the access to the west.

Jere Weiderholtz stated that he does not support moving his access because of the cost in engineering fees and he would lose one building lot. He stated that after talking with Mrs. Petersen, they do not want an access on Oakhills from their property because they would lose two building lots; they would use the access through his subdivision. Mrs. Petersen concurred with Mr. Weiderholtz. She also stated she would like to have a fence installed between the Red Fox Ridge development and her barns in the rear.

**MOTION:** Commissioner Langford made the motion to recommend the City Council grant preliminary approval to the Red Fox Ridge Subdivision, as submitted, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Preece seconded the motion, which passed unanimously.

### **SWAN MEADOWS SUBDIVISION, PHASES 3 & 4 – PRELIMINARY APPROVAL**

**Location:** Approximately 2650 West 1000 North

**Zoning:** R-S

The request is to develop 78 single-family lots on 33.58 acres located on the south side of 1000 North.

Kem Weaver explained the formula used to calculate the number and size of lots using the recently adopted ordinance allowing higher density near arterial streets in the R-S zoning designation. The maximum density for the development is 2.32 units per acre.

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

**SANDY PATCH SUBDIVISION, PHASE 2 – FINAL APPROVAL**

**Location:** Approximately 3370 West Gentile

**Zoning:** R-S

The request is to develop an additional 21 lots on 8.27 acres located on the north side of Gentile.

Restrictive covenants have been submitted to provide maintenance for the required landscape buffer along Gentile. The staff recommends final approval be granted.

**MOTION:** Commissioner Pratt 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.

**WILD HORSE SPRINGS SUBDIVISION, PHASES 4-7 – ESCROW EXTENSION**

**Location:** Approximately 3200 West Hill Field Road

**Zoning:** R-S

The bonding agreement expired on October 30, 2004. The developer has requested a one-year extension. The staff recommends approving a one-year extension.

**MOTION:** Commissioner Bouwhuis made the motion to recommend the City Council grant a one-year extension. Commissioner Hyde seconded the motion, which passed unanimously.

**ANGELO/BURT REZONE REQUEST**

**Location:** Southeast corner of Fort Lane and Antelope Drive

Peter Matson presented the request to rezone a parcel of property from Agriculture to M-1. This property will be incorporated into the property to the west that is proposed for storage units. The property to the west has a development agreement tied to future development under the M-1 zoning designation. This property should be subject to the same guidelines and restrictions.

Mr. Matson indicated that because of mis-communications, the request was not posted for the entire property the applicant wished to rezone. He asked the Commission to consider this request and be prepared to take action at the next meeting.

**MOTION:** Commissioner Preece made the motion to table this to the next meeting. Commissioner Bouwhuis seconded the motion, which passed unanimously.

**SIERRA BELLA SUBDIVISION, PHASE 1 – FINAL APPROVAL**

**Location:** Approximately 2800 West Gentile

**Zoning:** R-S

The first phase of Sierra Bella consists of 25 lots on 10.49 acres, located on the north side of Gentile. Kem Weaver reviewed the staff input with the Commission.

The staff recommends final approval be granted.

**MOTION:** Commissioner Pratt 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 Bouwhuis seconded the motion, which passed unanimously.

**50/50 BIKE & SKATE SHOP – CONDITIONAL USE REQUEST**

**Location:** 1485 West Hill Field Road

**Zoning:** M-2

Kem Weaver reviewed the request to locate a business for light manufacturing, warehousing and distribution. The bulk of the supplies and parts are shipped to customers using the on-line store provided by the business.

Mr. Weaver reviewed his recommendations should the Commission approve the conditional use. Applicant Eddy Buckley was present. There were no comments from the audience.

**MOTION:** Commissioner Langford 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.

**BIKESELLERZ – CONDITIONAL USE REQUEST**

**Location:** 110 North Main

**Zoning:** C-H

Kem Weaver explained that the Commission approved Bikesellerz on August 24<sup>th</sup>, but at that time the applicant was unsure if the site was to have an on-site manager as part of the business. Since that time the applicant has decided to incorporate a living area on the second floor for a site manager for security purposes.

Mr. Weaver recommended the Commission amend the original conditional use approval to allow for a secondary residential dwelling. Applicant Corey Palmer was present. Mr. Weaver stated that parking should not be an issue for the on-site manager.

There were no comments from the audience.

**MOTION:** Commissioner Pratt made the motion to amend the original conditional use approval to include approval for a secondary residential dwelling, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Preece seconded the motion, which passed unanimously.

**WEBER BASIN WATER/UINTAH GAS FIREPLACES – REVIEW OF C-USE**

**Location:** 1131 East Highway 193

**Zoning:** C-H

Kem Weaver explained that on January 14, 2003 the Planning Commission approved a conditional use permit for a Weber Basin Water fluoridation injection pump substation to the rear of Uintah Gas Fireplace's building. This location was the only option Weber Basin had to

place their substation to service the surrounding area. Conditions were applied to the permit that required the original property (Uintah Gas) to complete his site improvements and building.

Mr. Weaver did an on-site inspection and found that Uintah Gas has never painted the rear side of their building which was one condition of the Planning Commission. Mr. Weaver stated that the landscape is not being maintained and junk is starting to form around the substation. He did state that the area landscaped around the substation by Weber Basin is being maintained.

Darin Hess from Weber Basin was present. He indicated that Weber Basin planted the landscape they were required to, and have maintained it themselves. Mr. Hess stated he had talked with Kim Hugie from Uintah Gas and that Mr. Hugie indicated to him that he never intended to paint the backside of his building.

It was the consensus of the Planning Commissioners that Uintah Gas has had two years to comply with the conditions but that it seemed unfortunate to have to penalize Weber Basin for Mr. Hugie's inability to meet the conditions.

Mr. Weaver explained that the intent of this review is to make the Planning Commission aware of the violations and noncompliance. He stated that if the building were not painted by the 16<sup>th</sup> of November, the site would be noticed for a public hearing for the revocation of the conditional use permit. He also indicated that Uintah Gas might be in jeopardy of losing their business license.

No action was taken on this item.

#### ORDINANCE AMENDMENTS/REVIEWS

Peter Matson provided the Commissioners with copies of the ordinances from Provo City and the Utah League of Cities and Towns demonstrating two different ways to regulate accessory residential dwelling units (ADU).

Commissioner Bouwhuis stated that philosophically the existing ordinance creates divisions between neighbors. He stated that he felt the ADU's should be attached or a part of the primary residence.

Commissioner Preece agreed. Mr. Matson stated that the staff feels ADU's should be allowed in the rear yard areas only with the proper setbacks.

Commissioner Hyde stated she does not like to dictate whether the ADU's should be attached or detached. She would like to see site plans that meet the setbacks if ADU's are detached.

Commissioner Hyde made the motion to adjourn the meeting. The meeting adjourned at 9:40 p.m.

  
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Gayla Thompson, Secretary