

LAYTON CITY PLANNING COMMISSION MEETING
Tuesday, April 26, 2005

Present: Chairman Hugh Parke, Commissioners Robert Langford, Mike Bouwhuis, Kathy Hyde, Sharon Esplin, and Dave Pratt

Absent: Commissioners Ron Stallworth

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

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

GREYHAWK, LC – REZONE REQUEST

Location: Approximately 1800 East Highway 193

Zoning: From Agriculture to R-1-8, R-1-10, P-B, B-RP and R-2

Peter Matson presented the request. Ed Green, representing Greyhawk, L.C., was present.

Mr. Matson explained that the City Council approved the annexation of the property in March, with an annexation agreement that outlines the general location and acreage of each of the proposed zoning districts. The proposed zoning districts were shown on the screen.

The applicant is proposing 12.88 acres of R-1-10 zoning located along the east edge of the site, adjacent to the existing R-1-10 subdivisions. 18.66 acres directly north of Mountain View Elementary is proposed for R-1-8. 14.63 acres north of the proposed R-1-8 area is proposed for R-2 and is designated for patio homes with a density of no more than 8 unit per acre. 26.59 acres located west of the elementary school is designed for townhomes with a density of no more than 11 units per acre. 5.19 acres near the realigned intersection of 3100 North and 1700 East is designated for B-P along with 16.51 acres designated for BR-P.

Mr. Matson briefly explained the pertinent sections from the annexation agreement referencing utility improvements. The areas for payback agreements were shown on an overhead map. A map of proposed road alignments were shown.

Mr. Matson explained the land use recommendations for the area and stated that the recommendations were solidified several years ago when the City examined the entire “Highway 193 Study Area”.

The time was turned over for public comments.

Luinda Downs, a resident who lives in the area, expressed her concerns with decreasing property values if higher density is approved.

Duncan Shelly, a resident who lives on 3225 North, stated that 46% of the property is designated for high density and that he was opposed.

Sherry Allen, a resident living on 3100 North, stated that the area is already impacted and that she was lead to believe that future development would be compatible to her area.

Brian Dahl, a resident who lives on 3225 North, asked who would be responsible for the installation of a signal at the future 1700 East 3000 North intersection. Mr. Matson stated that the annexation agreement specifically states that the developer will do the design work for the signal and submit it to UDOT.

Ed Green, one of the developers, stated that he has developed a lot of ground within the City for several years, with a range of home sizes and values. He stated that the proposed concept has been available for public review for months. He explained that R-2 (Two-Family Residential) zoning is a buffer between the single-family residential (R-1-8 and R-1-10) and the B-RP (Business Research Park) area. He indicated that the density will likely drop because of the topography.

Shiela Andrews, who lives on 2175 East, was concerned with the impact this development would have on the elementary school. Peter Matson explained how the City works with the school district to keep them informed of new growth.

The meeting was closed for public comments.

MOTION: Commissioner Langford made the motion to recommend the City Council approve the rezone request. Commissioner Esplin seconded the motion. The motion passed with a 4:1 vote. Opposed: Commissioner Dave Pratt

ROBERTS FARMS SUBDIVISION, PHASE 5 – FINAL APPROVAL

Location: Approximately 1100 South 1200 West

Zoning: R-S

The request is to develop 40 lots on 22.13 acres located to the northwest of Heritage Elementary School.

Utah Power has a 315 foot power easement which encroaches into Lots 502 and 503. The buildable areas will not project into this easement. The restrictive covenants allow for these two lots to accommodate a maximum of two large farm animals.

The plat provides an alignment for the future 750 South Street, east/west arterial that will eventually connect I-15 and the Legacy Parkway. The arterial street designation requires that a 5-foot landscape buffer be installed along the arterial frontage. Covenants have been submitted for the maintenance of the buffer.

MOTION: Commissioner Hyde 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.

ADAMSWOOD LANDING SUBDIVISION, PHASE 2 – FINAL APPROVAL

Location: Approximately 1250 East 400 North

Zoning: R-1-10

Phase 2 of Adamswood Landing consists of 34 lots on 12.51 acres located to the east of Phase 1. The developer was required to enlarge a storm drain line down 1050 East and a detention basin on 575 North to collect the storm water from this development and other existing subdivisions in the area. The storm drain line has been enlarged but the detention basin has yet to be completed.

The staff recommends final approval be granted.

MOTION: Commissioner Bouwhuis made the motion to recommend the Council grant final 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.

HERITAGE PLAZA – CONDITIONAL USE REQUEST

Location: Approximately 877 West Heritage Park Blvd.

Zoning: B-RP

The conditional use request is for the approval of a restaurant (or restaurants) in a new building proposed to be built to the south of the new Davis County Conference Center and Hilton Garden Inn Hotel.

Kem Weaver reviewed the landscape plan and building elevations with the Commission. A corner of the site backs onto a regional detention basin that Layton City will maintain once it has been landscaped. Mr. Weaver stated that the developer has requested that he be allowed to wait to landscape this corner of his site until the area is developed and then have all the landscape around the detention basin done at the same time. After some discussion, it was the consensus of the Commission that all the landscape, including this corner, be installed with the construction of the building.

Dan VanZeben, architect for the developer, addressed the Commission. He stated that the developer has decided to complete all the landscaping, including this corner, as it will compliment the outdoor eating area.

There were no comments from the public.

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 Esplin seconded the motion, which passed unanimously.

WILLOW BEND SUBDIVISION, PHASE 5 – AMENDED

Location: Approximately 2350 North 550 West

Zoning: R-1-6

Kem Weaver explained that the bank currently owns this phase of Willow Bend. They have applied for an amendment to adjust the rear boundary lines of Lots 504 and 505, decreasing the square footage by about 2200 sq.ft. Mr. Weaver stated the loss of square footage will not create non-conforming lots.

David Hansen from First National Bank of Layton was present. He explained that before Phase 5 was recorded the original developer agreed to sell Lot 301 in Phase 3 with the extra 2200 sq.ft. of property to the north. That property owner has asked that the bank amend the plat so that the correct property boundaries are filed correctly with the County.

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

LUXURY AUTO – CONDITIONAL USE REVIEW

Location: 1685 North Main

Zoning: C-H

Kem Weaver gave the Commissioners a brief history of Luxury Auto. They were given conditional use approval in October of 2002. Mr. Weaver explained that since that time the dealership has been operating but has not complied with the conditions of the permit.

The dealership was allowed to have four concrete display pads in the landscape area along Main Street. The pads have not been installed and they are parking vehicles on the grass.

Mr. Weaver stated that the main reason for this review is the installation of the six neon palm trees along the frontage of the site. He stated that the staff gave the dealership written notice in January that the “trees” were in violation of the sign ordinance and that they needed to be removed by February 15, 2005. Mr. Weaver stated that the deadline came and went and the “trees” are still on the site and the staff has not had any response from the business owner.

Scott Crist was present. Mr. Crist stated that he called the staff but got no response as to what his violations are. He stated that he has purchased the residence to the south of the lot and plans to expand his site. He also stated that he is waiting for Reagan Signs to remove the billboard that encroaches onto his property. Mr. Crist stated that he invested \$50,000 in the “trees”. He also stated that he had three different attorneys review the City’s ordinances and they advised him that installing the “trees” would not be in violation of any City ordinances.

Commissioner Langford questioned why Mr. Crist asked three different attorneys to read and interpret the City’s ordinance but never approached the City. Mr. Crist did not answer.

Mr. Crist stated that he felt that he had met all the conditions of the permit. He thought that the general contractor had posted the \$10,000 bond that was required.

Commissioner Bouwhuis asked why the 14 trees that were required were not planted and why hadn’t he removed the neon “trees”, as he was required to do. Mr. Crist did not have an answer.

Chairman Parke indicated to the Commissioners the two alternatives they have when a motion is made. They can either make a motion to give the business owner time to bring the site into compliance or they can make a motion to direct the staff to revoke the conditional use permit.

MOTION: Commissioner Esplin made the motion to direct the staff to start revocation of the conditional use for Luxury Auto. Commissioner Bouwhuis seconded the motion, which passed unanimously.

Kem Weaver stated that the applicant has 30 days to appeal the Commission's decision to the City Council.

Mr. Crist asked exactly what the issues are. Chairman Parke stated that there is a \$10,000 bond that needs to be posted, the 14 trees need to be planted, the display areas need to be installed, and the neon "trees" need to be removed.

Commissioner Hyde made the motion to adjourn the meeting. The meeting adjourned at 8:45 p.m.

Gayla Thompson, Secretary