

**LAYTON CITY PLANNING COMMISSION MEETING**  
**Tuesday, May 10, 2005**

Present: Chairman Hugh Parke, Commissioners Kathy Hyde, Sharon Esplin, Dave Pratt, and Matt Henderson

Absent: Commissioners Ron Stallworth, Robert Langford and Mike Bouwhuis

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

Chairman Parke brought the meeting to order. The Pledge of Allegiance was said. Commissioner Hyde volunteered to give an invocation.

Chairman Parke introduced and welcomed Matt Henderson as the newest member to the Planning Commission.

**KELLER CONSTRUCTION – CONDITIONAL USE REQUEST**

**Location:** 1075 East Gentile and 2080 North Main

**Zoning:** CP-2 and C-H, respectively

Kem Weaver, City Planner, reviewed the request submitted by Keller Construction to install a DVD dispensing kiosk at the McDonalds on East Gentile and on North Main. The kiosks are approximately 200 sq.ft. in size and are bright red with a canopy covering them. The kiosks will be illuminated to provide safety at night.

Mr. Weaver explained that the kiosk at the East Gentile site would have to be relocated to the east or south side of the building (preferably the south side) because of the residential use to the north and west of the McDonalds.

There were no public comments.

**MOTION:** Commissioner Pratt made the motion to approve the conditional use request by Keller Construction for the McDonalds location at 1075 East Gentile, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Hyde seconded the motion, which passed unanimously.

**MOTION:** Commissioner Pratt made the motion to approve the conditional use request by Keller Construction for the McDonalds at 2080 North Main, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Esplin seconded the motion, which passed unanimously.

## **CLASSIC FUN CENTER – CONDITIONAL USE REQUEST**

**Location:** 867 North 1200 West

**Zoning:** C-H

Kem Weaver explained the conditional use request submitted by YESCO to incorporate neon lighting along the frontage of the Classic Fun Center building and to border the existing permanent detached sign. A thin blue neon border will outline the front façade of the building.

Mr. Weaver noted the ongoing issues with nuisances related to noise. The neighbors have complained and the Planning Commission has heard in recent meetings from the manager himself about the noise the business creates.

Kelly Kearns, manager of Classic Fun Center, claimed first, that he was not aware of any noise issues. Then Mr. Kearns acknowledged that he was aware of a couple of formal complaints. He stated that they do not plan on having any more live bands in the future. He stated that he had met with a neighborhood representative and they had decided on a decibel level. Mr. Kearns indicated that they carpeted the ventilation ducts to help the noise levels; that they are looking to plant poplar trees to mitigate noise; that they will eliminate the Friday night dances and close the business earlier on the weekends in an effort to get along better with the neighborhood.

Alan Thompson, 1237 West 1050 North, acknowledged that there has been a problem and that Loyce Bowman is the neighborhood spokesperson. He stated that there have been times when he has gotten along with the people at Classic Fun Center and there has been time when he has not. Mr. Thompson claimed that as recently as within the past 6 to 9 months he called the manager complaining of the noise and tried to work with him, but the problem keeps occurring. He stated that he does not oppose the type of business but is opposed to the constant noise. Mr. Thompson stated that he visited with an Officer Jones who was aware of the violations of the business. He stated that he and his wife canvassed the neighborhood about the noise. He stated he got 15 plus signatures complaining about the noise on the weekends. He stated that they have not noticed the noise as much the last few weeks. Mr. Thompson stated that he does not oppose approving the neon border lighting.

Commissioner Hyde stated that she would like to have some input from Officer Jones.

Mr. Kearns stated that they are thinking of sound proofing the air vents, etc. He stated they would appreciate being able to move forward with the signage as the sign on the building is leaking and running down the front of the building. They would like to get it replaced as soon as possible.

**MOTION:** Commissioner Hyde made the motion to table this time for two weeks to allow time for the staff to get input from Officer Jones and discuss possible ways to mitigate the noise. Commissioner Henderson seconded the motion, which passed unanimously.

**COLDWATER CREEK “CLUB IVORY” – CONDITIONAL USE REQUEST**

**Location:** Approximately 1725 West Hillfield Road

**Zoning:** B-RP

Kem Weaver explained the “Club Ivory” concept of Ivory Homes. The conditional use request is to develop a private outdoor recreation area for the residents of Coldwater Creek Subdivision. The landscape plan was reviewed.

Mr. Weaver stated that Ivory Homes has set aside a 1.586 acre parcel that fronts West Hill Field Road that is zoned B-RP. The City would not approve a zone change for houses on this particular property, so the developer chose this site for the outdoor recreation area, which can be approved through a conditional use.

The City has asked Ivory Homes to accommodate additional parking for the charter school located to the east of this site. There has been a lot of traffic congestion with dropping off and picking up the students that attend the school. The additional parking on the Club Ivory site will accommodate staff and faculty parking.

There were no public comments.

**MOTION:** Commissioner Esplin 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 Henderson seconded the motion, which passed unanimously.

**HEARTLAND MEADOWS SUBDIVISION – PRELIMINARY APPROVAL**

**Location:** Approximately 1700 North Fort Lane

**Zoning:** R-1-8

The request is to develop 20 single-family lots on 7.26 acres recently rezoned to eliminate the PRUD overlay designation.

There will be one lot fronting Fort Lane that will require a 5’ landscape buffer. On the backside of the buffer, the developer is required to install a 6’ solid, vinyl fence.

The City Engineer’s memo was reviewed addressing the water and storm drain issues.

Mark Sill, 1743 North Fort Lane, stated that he had an agreement with the developer when they were going to develop the project as a PRUD, that they would stub an access into his property. Mr. Sill stated that the rear of his property would be landlocked without the access. Chairman Parke said that Mr. Sill has frontage on Fort Lane and therefore his property is not landlocked. Chairman Parke asked Mr. Sill if the agreement was in writing. Mr. Sill indicated that it was a verbal agreement. Chairman Parke suggested that Mr. Sill work with the developers directly.

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

## **JOSHUA GRIFFIN – CONDITIONAL USE REQUEST**

**Location:** 1241 North Main

**Zoning:** C-H

Kem Weaver explained the conditional use request for an auto brokerage firm at the above referenced location. The original occupant in the building was a state liquor store and was converted a couple of years ago into office space.

The applicant did not provide a site plan with the conditional use application. There are approximately 30 to 35 parking spaces and the bottom floor of the building is still occupied. Mr. Weaver reviewed the landscape requirements. He stated that without a current site plan he couldn't determine if the site meets the landscape requirements.

The Commissioners questioned the landscape buffer behind the building.

**MOTION:** Commissioner Hyde made the motion to table this item to the next meeting until a current site plan could be submitted. Commissioner Henderson seconded the motion. The motion passed with a 3:1 vote. Commissioner Pratt was the dissenting vote.

Commissioner Henderson asked to be excused from the meeting.

## **JIM WILKINSON REZONE REQUEST**

**Location:** 1990 North 1690 West

**Zoning:** From R-1-8 to P-B

Peter Matson presented the request to rezone a 11,151 sq.ft. parcel, with an existing home, located on the north side of 1990 North to P-B. The applicant's desire is to convert the existing home into office spaces for a home healthcare agency.

Mr. Matson explained that the parcel has no vehicle access onto Antelope Drive and is accessed from an abandoned stub street that was previously connected to Antelope Drive. The property is surrounded by C-H zoning to the north and to the west. Single-family zoning is to the east and south.

Mr. Matson described the P-B zoning district as intended to provide area for offices and institutional uses in which the intensity of use, in terms of hours of operation and number of customers, is less than that of a commercial zone. The General Plan recommends that professional businesses be located along arterials and on the edge of single-family neighborhoods.

The applicant, Jim Wilkinson, was present. He explained that he is the owner of Alta Home Health Care and he explained the nature of the business. There would be only two employees and typically no walk-up business. He stated that they have staff meetings once every two weeks in the evening at which time there may be a maximum of seven cars parked at the site. He explained the improvements he wanted to make to the home and to the property.

The time was turned over for public comments.

Bill Rasmussen submitted a petition from his neighbors opposing the rezone request. He stated that Camelot Subdivision has become a “dumping ground” for whatever anyone wants to do.

Marvin Guymon stated that the home has been used as a drug house and is uninhabitable. The building should be destroyed and a new building constructed.

Troy Dye also stated the house had been used as a drug house but that the proposed use would be an improvement. He stated that he has had to live next door to the rental unit for three years.

Julie Gardiner stated that the area already has enough traffic on 1690 West.

The meeting was closed for public comments and brought back to the Commission. It was the consensus of the Commission that the proposed use would be a great improvement over what has been there previously.

**MOTION:** Commissioner Hyde made the motion to recommend the City Council approve the rezone request based consistency with the General Plan policy recommendations for small professional business uses along high traffic arterial streets and along the edge of single-family neighborhoods; and with the stipulation that there be no signage on the site. Commissioner Esplin seconded the motion, which passed unanimously.

#### **LUXURY AUTO – REVOCATION OF CONDITIONAL USE**

**Location:** 1685 North Main

**Zoning:** C-H

Scott Crist and his attorney, Craig Petersen, were present. Kem Weaver briefed the Commission on the action taken at the last meeting when the staff was directed to start revocation procedures of the conditional use permit for Luxury Auto.

Mr. Weaver stated that the business owner had the option to remove the neon palm trees and install the rest of the required landscaping or face revocation. Mr. Weaver stated that as of today, the neon trees are still on site and the rest of the landscape has not been completed.

Mr. Weaver reviewed the City ordinance’s definition of a “sign”. Mr. Petersen stated that he and his client disagree with the City’s interpretation and that the “trees” are part of the landscape. He stated that the trees are not signs and that they are decorative and attractive, but they are not a sign because they do not announce that they are Luxury Auto, and they are considered xeriscape. He also stated that all the landscape was installed on time but three trees had died and were replaced over the weekend.

Chairman Parke stated that he should have come to the Planning Commission to get conditional use approval for the “trees”. He also questioned why the business owner or his attorney never asked the City for an interpretation before he went ahead and installed the neon trees. Chairman Parke stated that there was never even an electrical permit taken out for the “trees”.

**MOTION:** Commissioner Hyde made the motion to revoke the conditional use due to noncompliance. Commissioner Esplin seconded the motion.

Voting Aye: Commissioners Hyde, Esplin and Langford

Opposed: Commissioner Pratt

It was stated that due to the lack of a quorum vote, this item would automatically be forwarded to the next meeting. Commissioner Matt Henderson left the meeting prior to this item being heard.

Commissioner Hyde made the motion to adjourn the meeting. The meeting adjourned at 9:30 p.m.

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Gayla Thompson, Secretary