

LAYTON CITY PLANNING COMMISSION MEETING
Tuesday, September 13, 2005

Present: Chairman Hugh Parke, Commissioners Michael Bouwhuis, Robert Langford, Brent Allen, Dave Pratt, Kathy Hyde, Ron Stallworth and Sharon Esplin

Absent: Commissioner Matt Henderson

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

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

PUMP IT UP – CONDITIONAL USE REQUEST

Location: 421 Marshall Way

Zoning: M-2

The request is to locate an “indoor amusement” business in the Sugar Street Industrial Park. The applicant would like to lease 11,000 sq.ft. within the “shell building” for large, inflatable playground equipment. The applicant plans to provide two separate party rooms. Kem Weaver explained how the equipment is inflated and utilized. There will be no food preparation in the business. The owners have contracted a pizza company to deliver pizzas for parties upon request.

The site plan was reviewed. The majority of the business is during the evening hours, so there should not be a parking problem.

There were no comments from the audience.

MOTION: Commissioner Stallworth 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 Esplin seconded the motion that passed unanimously.

HERITAGE FLOORING – CONDITIONAL USE REQUEST

Location: 731 McCormick Way

Zoning: M-2

The request is to lease 4,000 sq.ft. of space in a “shell building” in the Layton Industrial Park and incorporate a retail showroom area as part of the flooring business. Retail sales may be approved through a conditional use permit provided the business fronts onto an arterial and that the retail floor area is no more than 40% of the business.

There were no comments from the audience.

MOTION: Commissioner Bouwhuis 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 Allen seconded the motion that passed unanimously.

DUSTIN EREKSON – CONDITIONAL USE REQUEST

Location: 1062 East 1425 North

Zoning: R-1-8

Kem Weaver presented the applicant's request to occupy an existing single-family residence for disabled adults.

Mr. Weaver explained that the applicant, Community Treatment Alternatives (CTA) has been occupying a residence without the knowledge of needing a conditional use permit. The City has required CTA to be compliant with the City ordinances before approving their business license.

Mr. Weaver explained the purpose of the home is to assist adults with autism. There are currently four adults living in the home and there are always one or two staff members on a 24-hour basis under State regulations.

Mr. Weaver addressed the parking issues. The home has a two-car garage and a driveway that will accommodate four additional cars. The CTA representative indicated to staff that there would be a maximum of two staffing vehicles at any given time. Mr. Weaver suggested that on-street parking be limited and that parking for the facility be contained within the frontage of the home.

The time was turned over for public comments.

Rob Bouwhuis, a neighbor, expressed his concerns with the high level of activity. He stated that he knew there was something different when the home was occupied in June. He questioned the on-site parking requirements. He stated that he felt this type of use does not fit within the neighborhood.

Dan Sanders stated that a treatment center does not fit in a residential neighborhood and that it opens the door for other types of treatment facilities (other than those with autism).

Laurie Poulsen stated that her concerns with the care provided for these types of people.

Attorney Steve Garside explained the State guidelines and regulations for these types of facilities and that they are allowed, under State law, in residential neighborhoods.

The applicant, Dustin Erikson approached the Commission. He explained that the staff to client ratio is 1:1, depending on the needs of the individual. He explained that two of the residents work during the day; that there are 3-4 staff members there in the evening; 1 to 2 staff members there during the day and one that is there all night while the residents are asleep.

Mr. Erikson explained that the State assesses the needs of the patients. They are typically 18 to 30 years of age. He claimed that most cities don't require conditional use approval when there are 2 to 4 residents, so he was unaware that Layton City had those requirements. He stated that the State has approved the facility as ADA status.

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. Commissioner Stallworth seconded the motion.

Commissioner Bouwhuis asked that the motion be amended to require the applicant to study the off-street parking availability and that they be required to add additional parking spaces if necessary. Commissioners Hyde and Stallworth accepted the amendment. The motion passed unanimously.

MICHAEL & TRACEY OAKS – CONDITIONAL USE REQUEST

Location: 896 North Aspen Way

Zoning: R-1-8

John Anderson presented the conditional use request to construct an accessory residential unit for the Oaks' mother. Mr. Anderson pointed out that the accessory structure is proposed to be located on a vacant lot behind the Oaks' existing home. Mr. Anderson stated that the two lots would need to be combined into one single lot.

Mr. Anderson addressed the memo from the Fire Dept. They recommend the request be denied because the private drive to the proposed structure does not have sufficient width. The ordinance also requires emergency access to be provided to within 150 feet of all portions of the building. The proposed building would exceed that number.

Mr. Anderson stated that because of these issues, the staff recommends the request not be approved.

Michael Oaks approached the Commission. He stated that he was told the property was all one lot when he purchased it.

John Brown, the former property owner, indicated that the proposed structure could be moved closer to the existing home to meet the fire requirements.

MOTION: Commissioner Stallworth made the motion to deny this request based on the issues provided by the staff. Commissioner Allen seconded the motion that passed unanimously.

HEARTLAND MEADOWS SUBDIVISION – FINAL APPROVAL

Location: Approximately 1700 North Fort Lane

Zoning: R-1-8

The request is to develop 20 single-family lots on 7.26 acres located on the west side of Fort Lane.

The developer is required to install a perimeter fence along the southern boundary of the development along with a landscape buffer along the frontage of the one lot on Fort Lane.

The staff recommends final approval be granted.

MOTION: Commissioner Langford 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 Stallworth seconded the motion that passed unanimously.

ELMER LOVE/L & C PROPERTIES – ANNEXATION & REZONE REQUEST

Location: Approximately 2525 North Fairfield Road

Zoning: From A to R-1-8 and M-1

Peter Matson presented the request to annex approximately 9.87 acres and rezone approximately 7.68 acres to R-1-8 and 2.18 acres to M-1. The property is located on the east side of Fairfield Road.

The applicant's desire is to develop single-family residential on the eastern portion of the property and a use that would be compatible with the Accident Potential Zone (APZ) on the western portion, next to Fairfield Road.

Mr. Matson reviewed the proposed annexation agreement that addressed the major on and off-site utility issues.

Chairman Parke turned the time over for public comments.

Jeff Ostler, a resident who lives to the south of this site on Fairfield Road, asked how the proposed M-1 zoning would affect his property. He was concerned that he wouldn't have access to the rear portion of his property from the proposed development. Mr. Matson indicated that a note would be put on the plat protecting the agricultural uses. Mr. Matson pointed out that Mr. Ostler has access to the rear portion of his property through the frontage he currently has along Fairfield Road.

Allan Higgs, who owns property on the north end of Bafco Road asked if the utilities would connect into Bafco Road. Mr. Matson explained that the annexation agreement requires the developer to connect to Bafco Road. Also the developer is required to install a 10" water line that will be stubbed to Bafco Road. Mr. Matson recommended that the annexation agreement also allow for a payback agreement for a future connection from Bafco Road, should the Bafco Road area ever be developed.

George Love, who owns property to the north of the project site, claimed that the requested M-1 zoning would be "spot zoning". He claimed that a manufacturing zone would devalue his property and affect the use of his property because he has pigs. He said the property has been in his family for more than 100 years.

Ada Love, who lives across the street and has property to the north requested that a good, strong fence be required along her property. She asked what type of development would be going in the M-1 zone. Petitioner Brad Larsen indicated that they are presently planning on building storage units in the M-1 zone.

The time was turned back to the Commissioners for a motion.

MOTION: Commissioner Brent Allen made the motion to recommend the Council approve Resolution 05-38, approving the Annexation Agreement with the addition to allow for a payback

agreement for the water line stubbed to Bafco Road. Commissioner Bouwhuis seconded the motion that passed unanimously.

MOTION: Commissioner Allen made the motion to recommend the Council approve Ordinance 05-38 to annex approximately 9.87 acres, subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Esplin seconded the motion that passed unanimously.

MOTION: Commissioner Allen made the motion to recommend the Council approve Ordinance 05-39 and rezone approximately 7.68 acres from Agriculture to R-1-8. Commissioner Esplin seconded the motion that passed unanimously.

MOTION: Commissioner Allen made the motion to recommend the Council approve Ordinance 05-40 and rezone approximately 2.18 acres from Agriculture to M-1. Commissioner Esplin seconded the motion that passed unanimously.

WESTFIELD ESTATES SUBDIVISION, PHASE 3 – ESCROW EXTENSION

Location: Approximately 3500 West 1000 North

Zoning: R-S

The bonding agreement expired July 2, 2005. The developer has requested a one-year extension. The staff recommends the request be approved.

MOTION: Commissioner Hyde made the motion to recommend the Council approve a one-year extension. Commissioner Stallworth seconded the motion that passed unanimously.

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

Gayla Thompson, Secretary