

**LAYTON CITY PLANNING COMMISSION  
TUESDAY, APRIL 11, 2006**

**MEMBERS PRESENT:** Chairman Hugh Parke, Commissioners Dave Pratt, Sharon Esplin, Gerald Gilbert, Kristin Elinkowski and Tim Pales

**ABSENT:** Commissioners Ron Stallworth, Robert Langford and Brent Allen

**OTHERS PRESENT:** Staff Members: Scott Carter, John Anderson, Peter Matson, Steve Garside, Gayla Thompson and Councilman Mike Bouwhuis

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

**APPROVAL OF THE MINUTES**

Commissioner Esplin made the motion to approve the minutes of February 28, 2006 and March 14, 2006, as written. Commissioner Pales seconded the motion that passed unanimously.

**PUBLIC HEARINGS:**

Commissioner Pratt made the motion to open the meeting for public comments. Commissioner Pales seconded the motion that passed unanimously.

**MATTHEW YEATES GENERAL PLAN AMENDMENT & REZONE REQUEST**

**Location:** Approximately 985 North 1200 West

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

Peter Matson presented the request to amend the City's General Plan and rezone approximately .40 acres located on the east side of 1200 West to allow for multi-family housing.

Mr. Matson explained that in the General Plan, these zoning designations should be located adjacent to arterial streets and, in some circumstances, major collector streets. Gordon Avenue (1000 North) is an arterial and 1200 West is a collector street. He indicated that while the General Plan recommendation for this area is for single-family, given the close proximity to Gordon Avenue and the commercial development to the south, it is reasonable to consider a different plan designation for this area. Medium density residential may serve as a good buffer from the commercial to the south.

Mr. Matson explained that the City Staff has started a review process to look into this area for an update to the goals and policies. The staff is considering looking into more transitional types of uses in this target area.

John Yeates, representing his brother Matthew, indicated that a meeting was held with the neighbors to review their proposal. He indicated that the neighbors would agree to the proposed zone change but that they didn't want stacked units. He indicated that their proposal is contiguous to the Legacy Village project. They don't own the vacant parcel to the south.

Eric Byers indicated that he lives 1-½ blocks to the east of this site. He agreed with Mr. Yeates in that the neighbors recognize this side of the street as difficult and realize that more multi-family could fit. He stated that his concern is the number of units on a small parcel.

The time was turned back to the Commission.

**MOTION:** Commissioner Gilbert made the motion to deny the request to amend the General Plan based on future review of the “target area”. Commissioner Pratt seconded the motion that passed with a 4:1 vote. Commissioner Elinkowski opposed the motion.

**PETERSON/YEATES GENERAL PLAN AMENDMENT & REZONE REQUEST**

**Location:** Southwest corner of 1200 West and Gordon Avenue (1000 North)

**Zoning:** From R-1-8 to M-2

Peter Matson presented the request to rezone a nine-acre parcel to M-2 for the purposes of developing a produce distribution facility that would include the office portion along the Gordon Avenue frontage and delivery and distribution along the south portion of the site and adjacent to the rail line.

He indicated that this parcel is included in the “target area” the City staff would like to review for transitional types of uses.

Mr. Matson said that in the past residents from the neighborhood to the north have been concerned about multi-family uses on this site. The concept of an office/warehouse-type use is one that these residents have said they could support. As talked about in the early work meeting, the M-2 zoning designation allows for some high impact types of uses. Mr. Matson indicated that the Commission might want to consider the development agreement that was used when the skating rink property was rezoned to M-2.

Increasing landscape buffers along 1200 West (8 foot) and 1000 North (20 foot) were discussed. It was the consensus of both the staff and the Commission that the buffer on 1200 West should be increased to 12-feet because of the potential for residential across the street.

Mr. Yeates was asked if the Commission would consider an M-1 zoning designation. Mr. Yeates indicated that he was unsure of which zone they would prefer, but that they would have no problems agreeing to a development agreement.

The Commission had concerns with truck traffic, noise from cooling systems, truck parking and trucks running all night, deliveries and the hours of operation. Mr. Yeates indicated that the produce distribution center would likely generate 15 trucks per week in and out of the site.

Dan Carter indicated that he is a close resident and is in favor of the proposal and that his biggest concern would be the different types of uses allowed in the proposed zoning. He asked that if a development agreement is required, that the Commission consider the noise, smells, etc. that could come from the produce operation.

It was the consensus of the Commission that an M-1 zoning designation would be less of an impact and that a development agreement be done taking into consideration what has been addressed in this meeting and that indoor amusement and convenience stations be omitted from the list of approved uses.

**MOTION:** Commissioner Elinkowski made the motion to recommend the City Council approve the General Plan Amendment. Commissioner Esplin seconded the motion that passed unanimously.

**MOTION:** Commissioner Gilbert made the motion to recommend the City Council approve a zone change to M-1 with a development agreement addressing the concerns as mentioned. Commissioner Pales seconded the motion that passed unanimously.

Chairman Parke asked to be excused at this time. Commissioner Elinkowski made the motion to nominate Dave Pratt as acting Chairman in the absence of Chairman Hugh Parke. Commissioner Gilbert seconded the motion that passed unanimously.

## **PUBLIC REVIEWS**

### **SVETLANA LAMBSON – CONDITIONAL USE REQUEST**

**Location:** 101 Cross Street

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

John Anderson indicated that this item was tabled at the last meeting to allow the applicant more time to address concerns from the Fire Marshall and Building Inspector.

The request is to operate a day care center in the existing building. The applicant provided some architectural plans to the staff, but it appears they are insufficient and do not include the entire building, only the portion they wish to occupy at this time.

Steve Shukhman, one of the applicants, asked the Commissioners to consider granting them conditional use approval subject to the meeting the concerns of both the Fire and Bldg. Depts.

Commissioner Gilbert asked how many children they plan to have and if they have a designated “drop off” spot on the site. The applicant stated that the State regulates the number of children they can have based on the square footage per child.

Mr. Anderson stated that the staff is not comfortable at this time with recommending conditional use approval.

**MOTION:** Commissioner Esplin made the motion to table this until further notice. Commissioner Gilbert seconded the motion that passed unanimously.

### **VINYL FENCE CONNECTION – CONDITIONAL USE REQUEST**

**Location:** 1377 North Main

**Zoning:** C-H

John Anderson presented the request to operate a vinyl fence company. The site where they wish to locate has been used for outdoor storage in the past and also has storage units on the property. The storage units are legal nonconforming as they were established prior to the use being categorized as conditional.

The site will be used for sales and distribution and will have outdoor storage for materials that will be bundled. Mr. Anderson reviewed the landscape and fencing requirements.

Applicant Craig Brown was present. Mr. Brown indicated that there has been a white board fence along the fence line between the business and the single family home to the west for years, and is higher than the ordinance requires. He indicated he would like to keep it in place.

There were no comments from the audience.

**MOTION:** Commissioner Pales made the motion to grant conditional use approval subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof; and that if the white board fence between the business and the single family home is in good shape, that it be allowed to remain in place as long as it is kept up. Commissioner Gilbert seconded the motion that passed unanimously.

**WASATCH BAPTIST CHURCH – CONDITIONAL USE REQUEST**

**Location:** 52 East Gentile

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

John Anderson presented the request to operate a church from an existing building on the south side of Gentile Street, just west of the I-15 overpass.

Mr. Anderson explained that as per the explanation given by the application, the church is an independent congregation of approximately 20 to 30 individuals meeting on Sundays. The parking will require 5 to 8 spaces for a congregation of the number. The facility itself has 22 parking stalls. The building has been used as offices in the past and should need little, if any, remodeling to accommodate the small congregation.

The question was asked if the church would be including day care, as so many of them have been doing recently. Darren Smith, the applicant, indicated that they do plan to have a day care. Mr. Anderson stated that the staff did not address the use of a day care because it was not included as such on the application. Mr. Smith claimed that the information he provided stated that there would be a day care operation.

Acting Chairman Dave Pratt informed Mr. Smith that they could not take any action on the day care, but could on the conditional use request for the church.

**MOTION:** Commissioner Gilbert made the motion to grant conditional use approval for a church subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Esplin seconded the motion that passed unanimously.

**DESTINATION HOMES – CONDITIONAL USE REQUEST**

**Location:** 431 North 1050 East

**Zoning:** R-1-10

John Anderson presented the conditional use request for a model home in Adamswood Landing Subdivision. He indicated that part of the request was to use the building for a model home and as a design center until their new building on South Main is completed.

Mr. Anderson stated that the staff does not recommend approving the site for a design center as they feel it is not compatible in a residential zone.

**MOTION:** Commissioner Gilbert made the motion to grant conditional use to Destination Homes for a model home only subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Elinkowski seconded the motion that passed unanimously.

**JUSTIN PAGE REZONE & PARCEL SPLIT**

**Location:** Approximately 800 North 2700 West

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

Peter Matson presented the request for a parcel split and rezone for a 16,535 sq.ft. parcel to allow for the construction of one single-family home. The site is located west of Swan Meadows Subdivision, along the frontage of the future 2700 West Street that will connect to Gordon Avenue.

The applicant will be required to dedicate 15.5 feet to the City for the public right-of-way. The applicant has filed a plat for a one-lot subdivision (Wayne Acres).

There were no comments from the audience.

**MOTION:** Commissioner Pales made the motion to recommend the Council approve the parcel split subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Gilbert seconded the motion that passed unanimously.

**MOTION:** Commissioner Esplin made the motion to recommend the Council approve the rezone. Commissioner Elinkowski seconded the motion that passed unanimously.

**SHANE O'NEIL & SAMARA SALAZAR ACCESS RIGHT APPROVAL**

**Location:** 176 North Church Street

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

Steve Garside presented this item to the Commission. The access to an existing single-family home on this site has been from Church Street for a long time. In performing a title search, the owners discovered that UDOT has ownership of a triangular piece of property that extends from the I-15 right-of-way, separating the property from Church Street.

UDOT is conveying this triangular area to Layton City with the provision that the City provide an easement for the home site to have access to Church Street. UDOT has conveyed the property to the City. This transaction will provide the abutting property owners with the access that they have enjoyed and will resolve the discrepancy between the various property records.

**MOTION:** Commissioner Gilbert made the motion to recommend the City Council adopt Resolution 06-18 as explained by staff. Commissioner Pales seconded the motion that passed unanimously.

**OTHER CONSIDERATIONS**

**WHEAT FIELD ESTATES – ESCROW EXTENSION REQUEST**

**Location:** Approximately 3200 West Gentile

**Zoning:** R-S

The request is to extend the bonding agreement for a one-year term to enable the developer to complete all remaining site improvements. The bonding agreement expired April 4, 2006.

**MOTION:** Commissioner Esplin made the motion to recommend the Council grant a one-year extension. Commissioner Pales seconded the motion that passed unanimously.

**HERITAGE PARK – VACATE OF STORM DRAIN EASEMENT**

**Location:** Approximately 855 West Heritage Park Blvd.

**Zoning:** B-RP

The request is to vacate a 15-foot storm drain easement running through Lot 206. The easement has been relocated and now includes a 20-foot storm drain easement. The Engineering Dept. recommends the request be approved.

**MOTION:** Commissioner Elinkowski made the motion to recommend the Council approve the request. Commissioner Gilbert seconded the motion that passed unanimously.

**ORDINANCE REVIEWS/AMENDMENTS**

Condo/Townhome PRUD ordinance review. This was not discussed. No action was taken.

Commissioner Pales made the motion to adjourn the meeting. The meeting adjourned at 9:00 p.m.

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Gayla Thompson, Secretary