

**LAYTON CITY PLANNING COMMISSION MEETING  
TUESDAY, JUNE 13, 2006**

**MEMBERS PRESENT:** Chairman Hugh Parke, Commissioners Dave Pratt, Sharon Esplin, Kristin Elinkowski, Robert Langford, Ron Stallworth and Gerald Gilbert

**ABSENT:** Commissioners Brent Allen and Tim Pales

**OTHERS PRESENT:** Staff Members: Scott Carter, Kem Weaver, Doug Pierce, Peter Matson, Steve Garside, Gayla Thompson and Councilman Mike Bouwhuis

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

**PUBLIC HEARING:**

**WEST LAYTON GENERAL PLAN STUDY**

Commissioner Stallworth made the motion to open the meeting for public comments. Commissioner Esplin seconded the motion that passed unanimously.

Peter Matson, Long Range Planner, explained the Policy recommendations in the West Layton General Plan Study. He explained that the goal and policy recommendations are for the entire City. He referenced page 4 of the document under the West Hill Field Road Background Information section. Policy #2 eliminates the use of "light commercial" land uses along West Hill Field Road and supports the innovative mix of residential and professional office land uses to provide an alternative to the traditional strip commercial development.

Mr. Matson cited Gordon Avenue, Antelope Drive and portions of Gentile Street where these uses could be implemented.

There were no questions or discussion on the rest of the study. There were no comments from the audience.

**MOTION:** Commissioner Langford made the motion to recommend the City Council adopt the policy recommendations to the West Layton General Plan Study, including the changes to Policy #2 on page 4, as explained and discussed. Commissioner Stallworth seconded the motion that passed unanimously.

**PUBLIC REVIEWS:**

**RIDL/SYMPHONY HOMES REZONE REQUEST**

**Location:** Approximately 1650 West Hill Field Road

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

This target site was reviewed at the last Planning Commission meeting. The property runs north and south between Gentile Street and West Hill Field Road. The property has frontage on Gentile Street. The north portion of the site does not have frontage on, nor will it have access to West Hill Field Road.

In the last meeting the Commission directed the staff to advertise and bring this back to the Commission to review the zoning of the northern portion of the property for potential B-RP. A development agreement for a landscape buffer on the northern portion of the site was also discussed in the last meeting.

Chris Shultz and Tony Combs from Symphony Homes was present along with Mr. Ridl. Chris Shultz addressed the Commission. Chairman Parke made the comment that he wanted it made clear to Symphony Homes that the landscape buffer will be quantified. Chairman Parke cited other developments in the City that Symphony Homes has been involved in and that there has been problems getting them to comply. Chairman Parke mentioned that it had been discussed in the early work meeting that preliminary approval for the subdivision would not be given without the landscape plan being approved.

Mr. Shultz stated that Symphony has been working with the staff to arrive at an appropriate conclusion relative to the buffer/transition along West Hill Field Road. Peter Matson provided photos of different streetscapes that Symphony Homes will agree to along the northern boundary of the subdivision. Symphony proposes to create a landscape installation and maintenance agreement with the City that includes a landscape easement on the City-owned property along the entire northern boundary of the proposed subdivision. This in lieu of zoning the property to B-RP.

There were no other comments from the audience.

**MOTION:** Commissioner Esplin made the motion to recommend the City Council approve the original rezone request from A to R-S, subject to a landscape and maintenance agreement addressing the landscaping issues. Commissioner Stallworth seconded the motion that passed unanimously.

### **BOSTON'S GOURMET PIZZA – CONDITIONAL USE REQUEST**

**Location:** Approximately 700 West Antelope Drive

**Zoning:** B-RP

The request is to locate a restaurant in the Harris Pointe Plaza. Kem Weaver provided a PowerPoint presentation of the site plan and building elevations. The site plan indicates a “future limited retail” building to the north of the restaurant. The two buildings will share parking. Cross easements will need to be deeded between the two parcels. All parking for both buildings will be installed with the first building.

There were no comments from the audience.

**MOTION:** Commissioner Elinkowski 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 Langford seconded the motion that passed unanimously.

### **FUTURE THROUGH CHOICES – CONDITIONAL USE REQUEST**

**Location:** 897 East 3250 North

**Zoning:** R-1-8

Kem Weaver presented the request. He mentioned that the business has apparently been operating out of this location for the past ten years without the City’s knowledge or having gone

through due process. The City staff became aware of this when a representative from the business inquired as to the probability of moving an additional disabled adult into the home. Currently there are five disabled adults in the 1971 sq.ft. rambler-style home.

Mr. Weaver explained that parking is always a concern with these types of uses within a residential neighborhood. The home has a two-car garage with a driveway that can accommodate four additional cars. A total of six cars could be parked on the property. There will be a maximum of 3 to 4 employees on duty at the highest work shift. The disabled adults do not have the capacity to operate a vehicle.

Jim Hamilton, regional manager for Future Through Choices, indicated that they have been here for 10 years. He stated that the State does annual inspections and that the basement is finished. They would like to turn the existing storage room into a bedroom to accommodate an additional disabled adult. He explained that the patients are mentally and physically challenged. The operation is staffed on a 24-hour basis.

There were no comments from the audience.

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

### **MILLS' MONTESSORI SCHOOL – CONDITIONAL USE REVIEW**

**Location:** 2621 East Oakhills Drive

**Zoning:** P-B

Kem Weaver explained that the school is non-compliant in meeting three of the seven conditions the Planning Commission placed on it when they granted conditional use approval in April of 2003. The three conditions were and still are significant for operating the school at this site.

Kem reviewed the conditions and the current status with the Commissioners. The staff has met with the owner of the school annually to see if progress has been made and each time the staff was informed by the owner that he would comply. Mr. Weaver stated that the staff feels they have been more than fair in giving enough time to have the conditions met. By ordinance all conditions are to be met within one year of receiving conditional use approval.

Mr. Mills approached the Commission and explained that some of the trees he had planted winterkilled and he has had to deal with four different landlords since first occupying. He asked the Commission for 90 days at which time he hopes to close a deal with private investors so that he can continue to operate. Mr. Mills explained the difficulty in working with UDOT on getting street improvement drawings approved for Oakhills.

Commissioner Stallworth reiterated that the conditional use was granted three years ago and each time the staff inspected the site, Mr. Mills made promises to complete the conditions. Mr. Mills stated that he could have the trees replaced and planted within 30 days. He explained that he originally agreed to the street improvements but funding for the school has been very tight.

**MOTION:** Commissioner Stallworth made the motion to review the progress in 30 days. Commissioner Esplin seconded the motion that passed unanimously.

Commissioner Langford made the motion to close the public hearing portion of the meeting.  
Commissioner Stallworth second.

**CHERRYWOOD SUBDIVISION – FINAL APPROVAL**

**Location:** Fairfield Road and Cherry Lane

**Zoning:** R-1-8

The request is to grant final approval for a private subdivision consisting of five single-family lots on the southeast corner of Fairfield Road and Cherry Lane. The property currently has a single-family home occupying frontage along Cherry Lane. This home will be incorporated into the private development.

All utilities will be accessed by an easement along the south boundary of Lot 3 and out to Fairfield Road. A homeowners association (HOA) will maintain all the utilities, the private drive and the landscape.

**MOTION:** Commissioner Langford 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 Esplin seconded the motion that passed unanimously.

**RIDGE PARK OFFICE CONDOS – PLAT APPROVAL**

**Location:** Approximately 2275 North Hill Field Road

**Zoning:** P-B

There is currently one office building under construction at the above location. The condo plat consists of two parcels; one includes the first building and the other plat will have two future buildings. Each building is one-story in size. Office space will be sold or leased.

**MOTION:** Commissioner Elinkowski made the motion to recommend the City Council approve the condominium plat subject to meeting all staff recommendations, which are adopted as requirements and made a part hereof. Commissioner Stallworth seconded the motion that passed unanimously.

**TRANSFER OF PROPERTY TO UTA**

**Location:** Approximately 180 West Gentile

**Zoning:** CH(DTO)

Steve Garside, Assistant City Attorney, explained the next three agenda items.

UTA is in the process of construction a commuter rail line that traverses Layton City. In reviewing the plans, UTA has determined that necessary attendant facilities in support of the rail system need to be located near the intersection of the proposed line and Gentile Street.

Due to the location of the facilities it has become necessary for UTA to acquire a small parcel of property at this location. The subject property is currently owned by Layton City and is in the public parking area of the maintenance facility for the Parks & Recreation Dept.

The City has reviewed the request and has determined that transferring 104 sq.ft. of the park property should not affect the current use of the parcel.

**MOTION:** Commissioner Stallworth made the motion to recommend the City Council adopt Resolution 06-35 as explained by counsel. Commissioner Elinkowski seconded the motion that passed unanimously.

**ACQUISITION OF PROPERTY FOR REALIGNMENT OF CHURCH STREET**

**Location:** Approximately 1700 North Fairfield Road

**Zoning:** P-B

Mr. Garside explained that one of the long-range plans in the transportation element of the City's infrastructure, is the realignment of the intersection of Church Street at Fairfield Road. Although this is a long-range plan, the property necessary to house such realignment on the west side of Fairfield Road at Church Street has become available to purchase. It is the City's desire to acquire said property and, upon completion of the planning or construction of the realignment of Church Street on the west side of Fairfield Road, dispose of the useable remnant of said property.

**MOTION:** Commissioner Stallworth made the motion to recommend the City Council adopt Resolution 06-36 as explained by counsel. Commissioner Elinkowski seconded the motion that passed unanimously.

**DISPOSITION OF PROPERTY ON 400 WEST**

**Location:** Approximately 999 North 400 West

**Zoning:** CP-3

Mr. Garside explained the history of the construction of I-15 and State Road 232, and the realignment of Gordon Avenue and 400 West. At the conclusion of said construction and realignment a unique parcel of property remained. This site currently houses an office building which used to have a clock tower.

The property recently changed hands and in reviewing the surveys and legal descriptions, it has been determined that the property line, between the City's right-of-way for 400 West and the property located to the west of 400 West on the north side of Gordon Avenue, is a few feet inside the property owner's parking lot. The property owner desires to have the property for which he is responsible, to be within his property description. The City will be receiving fair market value for the property and the adjustment of the property line will provide the City with sufficient property to maintain the right-of-way.

**MOTION:** Commissioner Stallworth made the motion to recommend the City Council adopt Resolution 06-37 as explained by counsel. Commissioner Elinkowski seconded the motion that passed unanimously.

**ALEX PROPERTY SUBDIVISION – PRELIMINARY APPROVAL**

**Location:** Approximately 1100 North 2225 West

**Zoning:** R-1-8

The request is to develop a 12 lot single family subdivision on 3.57 acres located to the north of Gordon Avenue. The staff recommends preliminary approval be granted.

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

**ORDINANCE AMENDMENTS/REVIEWS**

Peter provided the Commissioners with a review of the staff's first stab at amending the townhouse/condominium ordinance. He asked that the Commission review it and be prepared to make comments at the next meeting.

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

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Gayla Thompson, Secretary