

**Minutes of Layton City Planning Commission Meeting**  
**June 26, 2007**

**MEMBERS PRESENT:** Commissioners Robert Langford, Sharon Esplin, Gerald Gilbert, Dave Pratt, Kristin Elinkowski, Tim Pales

**MEMBERS ABSENT:** Commisioners Hugh Parke, Ron Stallworth, Brent Allen

**OTHERS PRESENT:** Staff members: Scott Carter, Peter Matson, Kem Weaver, Amanda Jorgensen, Linsy Riddle, Brian Brower, Julie Jewell, Councilman Mike Bouwhuis

Acting Chairman, Commissioner Robert Langford, called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was said. Commissioner Langford asked for volunteers to give the invocation. The invocation was given by Commissioner Sharon Esplin.

**APPROVAL OF THE MINUTES:** Minutes of the June 12, 2007, Planning Commission Meeting were approved.

Chairman Langford asked for a motion to close the work meeting and open the public meeting. A motion to open the public meeting was made by Commissioner Esplin and seconded by Commissioner Gerald Gilbert. The voting to open the meeting was unanimous.

Chairman Langford asked for a motion to open public review. Commissioner Tim Pales made a motion to open the public review and it was seconded by Commissioner Esplin.

**PUBLIC REVIEWS:**

**AMERICA FIRST CREDIT UNION CONDITIONAL USE PERMIT**

**Location:** 2200 West Hillfield Road (Drive Thru)

**Zoning:** CP1

The developer has come to the City with a request to put a credit union on the corner with a drive thru. Kem Weaver, City Planner, presented the site plan, landscape plan and artist's rendering of the proposed credit union. The most critical part of the conditional use is the drive thru and stacking capability. The drive thru is what made the use of the property a conditional use. Stacking will not be an issue since there is room to stack 8 cars in three of the 4 lanes. The shortest lane could handle 4 cars.

There will be shared access on 2200 West for future development. This access will line up with the fire station driveway access to the east.

Mr. Weaver stated that staff is recommending that the Planning Commission approve the drive thru with conditions listed in the planning memo, items 1-3. Chairman Langford asked the public if there were any questions. There were no questions from the public and the applicant, Stuart Adams, who was in the audience, had no comments to add to Mr. Weaver's presentation.

Commission Gilbert made a motion to accept staff's recommendation to approve the conditional use permit for the drive thru subject to the applicant meeting all staff requirements. Commissioner Pales seconded the motion. The voting was unanimous.

### **LOWE'S GARDEN CENTER EXPANSION CONDITIONAL USE PERMIT**

**Location:** 1055 West Antelope Drive

**Zoning:** CP3

Kem Weaver presented the Lowe's store conditional use application asking for an amendment to their site for a garden center expansion on the west side of the building. The original Eagle Hardware store was smaller than a typical Lowe's store use, but the same amount of product needs to be offered as in other Lowe's stores. This has resulted in multiple areas of storage that is not screened from public view. The existing garden center is 10,540 square feet and they are proposing another 15,570 square foot expansion. The expansion will eliminate 70 parking spaces and 222 square feet of landscaping. The site has a total of 168,000 square feet. By ordinance, storage and non-public access areas are not counted in the parking spaces per square foot ratio. This brings the area to be included in the calculations at 100,000 square feet. The applicant meets the parking ratio requirement of 5 parking spaces for every 1,000 square feet. Lowe's will work with the city to clean up the site.

Staff recommends that the conditional use be accepted subject to meeting requirements 1-10 in the staff memo. Chairman Langford opened the discussion for comments from the public or the applicant.

Chris Bolick from Lowe's corporate office stated that items are not currently stored on the roof. The product is on racks by a cinder block wall that will be knocked down in the expansion. He said that in the back corner there is a 6-foot high chain link fence designated as pallet storage. Lowe's will install an 8 or 10 foot fence to store pallets to bring pallets out of parking areas into the fenced in area.

Commissioner Gilbert asked if there was any consideration given to putting sheds on the west side of the expansion to free up parking spaces on east. The sheds are currently on the east side across from Chili's and further south. Commissioner Langford asked if sheds could be out of the view of the street. Lowe's has the option that 3-4 foot deep sheds could be put on the west side of the garden center. Moving of the sheds will be added as a requirement.

Commissioner Gilbert motioned that the Planning Commission accept Staff's recommendation to approve the conditional use permit based on the applicant meeting all of staff recommendations and meeting all city requirements including an added requirement, #11, sheds to be stored on the west side of the garden center. Commissioner Esplin asked if the chain link fence for pallets could be included in the requirements. Commissioner Gilbert amended the motion to include a 10-foot chain link fence to store pallets be built with the fence to match the black vinyl chain link fencing on the garden center. Commissioner Esplin seconded the motion that passed unanimously.

**MARY BETH CAMERON – CONDITIONAL USE PERMIT FOR PRIVATE KENNEL**

**Location:** 3301 East 150 North

**Zoning:** RS

City Planner, Amanda Jorgensen, presented the owner’s request for a conditional use permit for the purpose of allowing her pets to live in her home and live out their lives. Of the four dogs, three are reaching life span and only one dog is young. The animals range from 10 to 100 lbs. Each are inside the home 80% of the time. The property is appropriately fenced. The applicant would be responsible for the health and safety of the animals and for following all Davis County and Layton City ordinances.

Staff is recommending the following four conditions be placed on the conditional use.

- Any expiring animals would not be replaced.
- A healthy environment for the animals would be maintained on a daily basis.
- Davis County animal ordinances would be followed which covers barking and noise.
- Layton City would be allowed to inspect the property if needed.

There was no input from the community and the applicant was not present.

Commissioner Pratt asked what area of the yard was unfenced, but that information was not disclosed in the application.

Commissioner Elinkowski motioned that the conditional use be granted subject to the applicant meeting all staff requirements. Commissioner Pales seconded the motion that passed with a vote of 4 to 1 in favor of granting the conditional use.

**TESORO GAS STATION, M. SHANE LING – CONDITIONAL USE PERMIT FOR DRIVE THRU WINDOW.**

**Location:** 14 North Fort Lane

**Zoning:** CP-2

Kem Weaver presented the request from the new owner for a conditional use to have a drive thru window at the Tesoro Gas Station. The gas station is on the north east corner of Fort Lane and Gentile, next to the Gold’s Gym. When the old grocery store was remodeled into Gold’s Gym, the owners did a lot of landscaping. There is no accessibility to allow for a drive thru window at Tesoro between the two parcels. Tesoro will just be adding a drive thru window and will be making no other architectural changes. Traffic will come off Fort Lane across the front of store and leave on Gentile. The proposal meets the ordinance by allowing for stacking of 4 cars including one at the window. A crosswalk for pedestrians accessing the store will be incorporated across the front. The applicant will need to include a sign drawing the attention of drivers to look out for pedestrians and not to block the crosswalk area. The square footage of the building indicates that there needs to be 6 parking spaces that will be on the front and north side of the building. Mr. Weaver expressed a concern that the site is under landscaped and may not meet the 10% requirement. Planning Commission can reduce the amount of landscaping in the case of a hardship, such as this case, where there is not much room to put in more landscaping.

Commissioner Pratt asked if there would be room for egress out of gas pumps if cars are backed up at the window. Mr. Weaver stated that there was about 45 to 50 feet to the building from the gas pumps.

The width of a car is 9 to 10 feet which should leave about 30 feet to turn out of gas pumps. Staff recommended approval of the drive thru based on the 6 items listed in the planning memo.

Commissioner Elinkowski asked what the requirements were for creating a drive thru. Mr. Weaver said that there is no ordinance governing drive thrus but that it is a good idea to show a pattern. The number one condition in Staff's memo is that arrows must indicate the proper passage through the drive thru.

The applicant was not present for comments. Commissioner Gilbert asked if the rear end of the car could potentially be out in front of the building. Mr. Weaver mentioned that that was why it was a good idea to have signs instructing drivers not to park in the crosswalk.

Chairman Langford called for a motion. Commissioner Gilbert said he felt the drive thru had been designed poorly. Chairman Langford felt there were some concerns for the safety of customers. Commissioner Pales recommended tabling the discussion until the next Planning Commission and asking the applicant to be present to answer questions. Commissioner Gilbert asked if another entrance was possible. Chairman Langford proposed making the exit onto Gentile an exit only, however the drive approach is used as an entrance to the gas station. There were concerns expressed about customers possibly going through the drive thru backwards unless curbing was provided.

Commissioner Esplin moved that the conditional use request be tabled for two weeks and allowing the owner of the property to come in to answer questions. The motion was seconded by Commissioner Pales and passed with a vote of 4 to 1 in favor of tabling the request until the next planning commission.

### **DANNY HEBDON – REZONE**

**Location:** .25 acres at 1128 North 400 West

**Zoning:** R-1-8 to PB

Long Range Planner, Peter Matson presented a rezone proposal for .25 acres of ground east side of Hillfield Road at approximately 1128 North. The property is currently zoned R-1-8. The request is to rezone the property to PB -- Professional Business. The property is across Hillfield from the drive approach to McDonald's and Wendy's. The property is not in a subdivision and is a bit larger than lots in the nearby subdivision. The proposal is to convert the home to professional business use such as a real estate or appraisal office. The use could vary by tenant. The packet contains pictures of conversions of homes to office use by the applicant. The main level will be remodeled and a portion be used for office. The estimated square footage of office space would require 4 to 5 spaces of off-street parking stalls which can be accommodated with existing driveway and parking in the rear lot. Mr. Matson felt that compared to other conversions around town this seems to be a good fit. There was no discussion from the community. The applicant was present but had no comments.

Commissioner Pales motioned to approve the rezone and send it to City Council for approval. Commissioner Esplin seconded the motion that passed unanimously.

Commissioner Esplin motioned to close the public review. The motion was seconded by Commissioner Pales and passed unanimously.

**OTHER CONSIDERATIONS:**

**GREYHAWK TOWNHOMES – PRELIMINARY APPROVAL**

**Location:** Approximately 1800 East Hwy 193 (251 units)

**Zoning:** R-2 PRUD

Kem Weaver reviewed with the Planning Commission events of a year ago when the Commission approved the Greyhawk patio home area that was part of the master plan for the area. He presented a view of the proposed town home area and adjacent developments. He said he felt it was a natural fit for the master plan based on buffering between single family and commercial developments.

Chairman Langford asked if single family development in the Greyhawk was currently going on. Mr. Weaver reported that currently streets and utilities are going in. One street dissects the center of the development. 251 units are proposed. As part of the annexation agreement, the developers couldn't exceed more than 11 units per acre. RM-1 zoning allows for 14 units per acre, (291 units) but the city capped the development at 256 units.

The developer has provided the landscape plan, footing and foundation plans, entry ways and signage. Natural topography with everything sloping to Highway 193 will stagger units north to south. Recreational amenities will be provided on the upper and lower portion and a community pool in the lower area.

In the open space, the Design Review Committee (DRC) recommended changing some species of trees to those that would survive in Zone 4. With density at 44.23%, bonus density is not a concern. There will be a 10-foot wide trail easement that will enter through the townhome project and access the school site as well to continue the master trail project in this area of the City. The developer donated 9 acres of land at the top of the subdivision to provide connectivity from the park system down to the school. Staff recommends that the Planning Commission forward approval to of the Greyhawk Townhome PRUD to City Council subject to receiving covenants from the developer and all staff recommendations being met.

Commissioner Gilbert asked if the wording "consider" should be changed in the DRC's review Items 2 and 5 in the event the development considered meeting the requirements and then decided against it. No decision was made to change the wording.

There was no community input and the applicant was not present.

Chairman Langford asked about the property to the west that Mr. Weaver identified as being Business Research Park. An LDS Church will be in the area in the near future with the rest of the area office building type development.

Commissioner Pratt motioned that the Planning Commission grant preliminary approval of the subdivision and forward it to the City Council subject to all staff conditions. The motion was seconded by Commissioner Gilbert and the voting unanimous.

## **ELLISON PARK ESTATES – PRELIMINARY APPROVAL**

**Location:** 1900 W Gordon Avenue (24 lots)

**Zoning:** R-1-10

Kem Weaver clarified that there were 24 lots in Ellison Park Estates rather than the 26 listed on the agenda. The subdivision is located east of Swan Lake golf course and northwest of a new elementary school under construction. The homes will be single family zoned R-1-10 with a minimum 10,000 square foot lot size. A connecting street is planned in the subdivision between Gordon and Hillfield Road. An old detention basin on the property per the geo-tech report will need to be filled in with compacted fill and then inspected by the geo-tech engineer.

Staff is requesting that the final plat be labeled and show a 5-foot landscape buffer easement along Gordon Avenue, an arterial street, per the ordinance requirement. In the cul-de-sac, the City's Engineering Department is approving a 50-foot rather than 60-foot right away to allow for more development of property. The developer is required to show a 6-foot sidewalk as part of the 50-foot street cross-section.

Staff is recommending approval of the subdivision subject to the developer meeting all staff requirements. There was no community input, and the developer, Stuart Adams, who was present, had no comments.

Commissioner Elinkowski asked how the school would be accessed. Mr. Weaver replied that the school will be accessed off Gordon until the connecting street to Hillfield is finished.

Commissioner Gilbert asked if there were any requirements or notifications to homeowners regarding the golf course since they are building in an area where a golf course is present.

There was some discussion of liability for property damage from the golfers on the course. Mr. Weaver said that it's somewhat of a "buyer beware" situation with buyers choosing the risk of building by a golf course. However, there is a bank of trees by the hole closest to the subdivision that may provide some protection.

Commissioner Esplin motioned that the Planning Commission approve the preliminary plan of the Ellison Park Subdivision. Commissioner Pales seconded the motion that passed unanimously.

## **THE MERRILL SUBDIVISION – FINAL APPROVAL**

**Location:** 2338 East Oakridge Drive (2 lots)

**Zoning:** R-1-10

Mr. Weaver presented this subdivision for final approval stating that it was created to effect a parcel split on the east side of Oakridge Drive near Cherry Lane. On Lot 1 there is an existing home which will be torn down. Lot 2 will be a flag lot which barely meets the 10,000 square foot minimum at 10,005 square feet. A custom home will need to be built on the smaller lot. The home must have 900 square feet on the first floor. The lot fronting on Oakridge drive is 10,009 square feet and both meet frontage requirements. Staff recommended forward approval of the Planning Commission to the City Council. There was no community input.

Commissioner Pratt motioned that the Planning Commission forward approval to City Council of the parcel split subject to meeting staff recommendations. Commissioner Elinkowski seconded the motion and the voting was unanimous.

### **CHERRY LANE VILLAGE PRUD – PRELIMINARY APPROVAL**

**Location:** 1650 North & Highway 89 (12 lots)

**Zoning:** R-1-10 PRUD

Mr. Weaver stated that the site is located north of Cherry Lane as it connects to Highway 89. Existing homes on the property will be demolished. A private street coming off 1650 North will act as a frontage road for the expansion. Open spaces will be provided in the front of the project and on the south end of the project. Neighbors expressed concern over privacy if trees are removed. The developer lives in the area and will preserve the trees. The Design Review Committee (DRC) requested that some trees be taken out for play areas even though the patio homes are being marketed to seniors. A sitting area with a pavilion will be provided. The DRC is requesting that professionally drawn and stamped landscape plans be provided. The DRC needed to grant a 20% bonus density. The plan calls for 12 units; only 10 is allowed with the base density. However, the PRUD meets requirements bonus density because the base open space requirement is 30% and the developer is providing 50% which yields a 10% bonus. Materials used on units will provide another 10% density bonus. The two car garages provide a 10% bonus and vinyl fencing another 5%. The DRC had 14-15 recommendations that the developer will need to incorporate into the development. Staff is recommending that the Planning Commission forward approval to the City Council subject to covenants and professional architectural plans being received and documentation from UDOT to the effect that the Highway 89 expansion would not affect the property. There were no comments from the community or the applicant.

Commissioner Elinkowski motioned to forward approval from the Planning Commission to the City Council to grant preliminary approval subject to the developer providing covenants, an updated and stamped landscape plan, a letter from UDOT and all staff requirements being met. Commissioner Gilbert seconded the motion that passed unanimously.

### **RIDGE PARK OFFICE CONDOMINIUMS – PLAT AMENDMENT**

**Location:** 2297 North Hillfield Road

**Zoning:** PB

Mr. Weaver presented the developers request to amend the plat to show different footprints and interior walls of Buildings A & B. He explained that a plat amendment would be necessary for the owner to shift walls that have already been surveyed in. Because these units are sold and not leased, each owner needs a survey of their floor space. Staff recommended forwarding approval from the Planning Commission to the City Council to approve the plat amendment.

Commissioner Esplin moved that the Planning Commission approve the amended condominium plat subject to meeting all staff requirements. The motion was seconded by Commissioner Pales and voting was unanimous.

Chairman Langford asked for a motion to adjourn the meeting. Commissioner Esplin moved to adjourn the meeting 8:05 p.m.

By \_\_\_\_\_  
Julie K. Jewell, Secretary to the Planning Commission

**In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.**

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