

**Minutes of Layton City Planning Commission Meeting**  
**Tuesday, July 10, 2007**

**MEMBERS PRESENT:** Commissioners Hugh Parke, Sharon Esplin, Gerald Gilbert, Brent Allen, Ron Stallworth, Robert Langford

**MEMBERS ABSENT:** Commissioners Dave Pratt, Tim Pales, Kristin Elinkowski

**OTHERS PRESENT:** Staff members: Scott Carter, Peter Matson, Kem Weaver, Amanda Jorgensen, Doug Pierce, Julie Jewell, Steve Garside

Planning Commission Chairman, Hugh Parke, called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said and an invitation extended for a volunteer to give the invocation. There were no volunteers from the audience, and Commissioner Langford was asked to give the invocation.

Commissioner Parke called for a motion to accept the July 26, 2007, Planning Commission Work Meeting and Commission Meeting minutes. Commissioner Langford made a motion to accept the minutes. The motion was seconded by Commissioner Sharon Esplin and passed unanimously.

Commissioner Parke called for motion to open the Public Hearing portion of the meeting. Commissioner Esplin made a motion to open the Public Hearing. Commissioner Gerald Gilbert seconded the motion that passed unanimously.

**GENERAL PLAN AMENDMENT**

Peter Matson, Long Range Planner, presented a proposed amendment to the General Street Plan which will be an amendment to the Transportation Element of the Master Street Plan. This specific amendment is relative to King Street that extends north from Gentile and connects into Main Street just south of Hillfield Road. The existing right of way on King Street is 66 feet making it the same width as other collector roads in the city system. The amendment is to note in the General Plan that King Street is a collector street and that King Street will extend south to the 750 South corridor. King Street has been widened to allow left turn lanes. This will accommodate a future signal at Gentile Street. King Street is located between two collector streets, Flint Street and Angel Street. Its purpose will be to collect traffic from the south.

The Engineering Division has seen for some time the need to clarify King Street as a collector street in the City's Master Street plan especially now with the construction of the 750 South corridor and possible connection into I-15.

The proposal is for a major collector street with a right of way range from 66 to 84 feet. It is likely to remain at 66 feet north of Gentile but needs the flexibility to widen to the south as needed for future development.

Commissioner Parke asked if the street would vary in width along the segment. Mr. Matson stated that it may widen at the intersection but would most likely remain consistent. There were no other questions from the Commissioners or the audience.

Commissioner Ron Stallworth made a motion that the Planning Commission forward its recommendation to the City Council to adopt the amended Master Street Plan. Commissioner Brent Allen seconded the motion and it passed unanimously.

Commissioner Parke called for a motion to close the Public Hearing. Commissioner Gilbert motioned to close the Public Hearing. Commissioner Allen seconded the motion and it passed unanimously.

### **ROBERT RINGLER – CONDITIONAL USE PERMIT– AUTO BROKERAGE**

**Location:** 3251 North 750 East

**Zoning:** M-1

Amanda Jorgensen, City Planner, presented a conditional use request for an auto brokerage located in an M-1 zone that requires Planning Commission approval. She stated that all vehicles will be displayed only inside the building with no more than six autos on site at a time. There will be no more than four employees at any time. The auto brokerage hours of operation will be 8:00 a.m. to 6:00 p.m. Showing of the vehicles will be by appointment only with advertising in the newspaper and on the internet. The building is a 10,800 square foot building with four suites. The auto brokerage will occupy one 1800 square foot suite and be required to supply three parking stalls. The site plan indicates that four parking stalls will be available. There are also 10 conditions outlined in Staff's memo to the applicant that must be met as a part of the conditional use.

Chairman Parke asked if the applicant was aware of the conditions and Ms. Jorgensen indicated that they had been informed.

There were no questions from the Commissioners or the public. Commissioner Allen made a motion to approve the conditional use request subject to the applicant meeting the 10 items in Staff's memo. Commissioner Langford seconded the motion and it passed unanimously.

## **ROCKY MOUNTAIN PIPELINE – CONDITIONAL USE – OIL PIPELINE**

**Location:** Highway 89 in Layton City

Kem Weaver, Current Planner, presented a master plan for a crude oil pipeline that will come down Weber Canyon and sweep along Highway 89 along the Wasatch Front. One of the reasons for the new pipeline is to reduce the dependency on trucks bringing crude oil down to refineries. Carrying crude oil through the pipeline will provide better service and reduce pollution by taking trucks off the roads. The pipeline requires a conditional use permit because it passes through water recharge areas or well head protection zones in Layton City. An outline of the pipeline route was shown on a map indicating how it will pass by water recharge areas. Profiles of the proposed pipeline were given to the Planning Commission to review. Mr. Weaver explained that as the pipeline comes up from the South Weber Canyon area it's at about 200 to 100 feet deep and goes under Kays Creek and comes up to about 10 feet below surface. As it heads further into the water re-charge area, the pipeline is 50 feet below surface. At the end of the re-charge area it goes from 50 to 10 feet below the surface.

The water recharge areas are 800 to 1000 feet below the surface, so the installation of the pipeline will not be a detriment to the recharge area. However, there is always a concern of leakage. The proposal was presented to the Planning Commission to put conditions on the use to alleviate concerns. Engineering will assure that the Division of Water Quality has reviewed the plan. The plans will also need to be reviewed by a registered geologist as well as the Utah Department of Transportation. Easement agreements will need to be secured from private property owners. Federal standards for pipelines will need to be met and the pipeline must be able to be shut down immediately in the event of a leak. Layton City must be notified immediately if there is a leak.

Chairman Parke asked if the conditional use would still be allowed if any condition is not met. Mr. Weaver said that if there was a violation of the conditions, the Planning Commission would re-review the request for conditional use revocation.

Chairman Parke asked what role the Planning Commission would play if any of the reviewing entities did not approve the request. Mr. Weaver said there would be ways to assess and make adjustments to mitigate the issue.

Commissioner Stallworth stated that with a pipeline being involved, Homeland Security should be notified. Mr. Weaver asked the applicant, Stan Dolnar, if notifying Homeland Security was part of the development plan. Mr. Dolan said Rocky Mountain Pipeline had met with a government group that researches projects regarding security. The pipeline will be operated under the same federal regulations that governs the Utah Department of Transportation (UDOT). Once the oil begins transporting it will be fully monitored and regulated by the UDOT.

Chairman asked if UDOT would monitor the depth of trenches and location of shutoffs. Mr. Dolnar said that the CFR-195 code provides guidelines for crude oil and liquid carbon pipelines.

There were no additional comments from the Commission or the public. Chairman Parke called for a motion regarding the Rocky Mountain Pipeline conditional use request. Commissioner Stallworth motioned that the Planning Commission grant approval subject to the applicant meeting all staff recommendations. The motion was seconded by Commissioner Esplin and the voting was unanimous to approve the request.

### **BRYCE THURGOOD – REZONE**

**Location:** 17.72 acres at approximately 821 North 3200 West

**Zoning:** A to R-S

Mr. Matson presented the Whittle/Thurgood request to rezone two parcels on the west side of town. Main access to the property is the east side of 3200 West at approximately 821 North. The property is presently zoned Agriculture (A). The proposal is to rezone the property Residential-Suburban (R-S). The parcels are bisected by property owned by Rocky Mountain Power. The Rocky Mountain Power property would remain zoned A. It is anticipated that street connection with underground utilities will take place through the property to Swan Meadows. No homes would be built under power lines. The density of the rezoned area would be 0-3 single family homes consistent with R-S zone.

Commissioner Esplin made a motion to send a recommendation of approval from the Planning Commission to the City Council to approve the rezone of the Whittle/Thurgood property from A to R-S. The motion was seconded by Commissioner Stallworth and the voting was unanimous.

### **TESORO GAS STATION – CONDITIONAL USE PERMIT -- DRIVE THRU WINDOW**

**Location:** 14 North Fort Lane

**Zoning:** CP-2

Mr. Weaver said the application for a conditional use permit was presented at the June 26 Planning Commission Meeting with the request to implement a drive thru window on the south side of Tesoro Gas Station building located close to the front of the building. Mr. Weaver explained the route of the drive thru and said that the Planning Commission reviewed the submitted site plan as well and found it a difficult design for maneuvering to the drive thru window. There was enough room to meet the stacking requirement of one car at the window and 3 cars stacking. The concern, however, is how the drive thru relates to the gas pumps under the canopy and how the vehicles turn the corner to get to the window. The distance between the building and the canopy was not given on the site plan and the building appears to be a lot closer than shown on the site plan. Pedestrian access is a concern. Recommendation at the previous Planning Commission meeting was to approve the conditional use with the 6 items mentioned on staff's memo. Staff, however, doesn't hold to that recommendation based on discussion with the Planning Commission and feels that a better access could be worked out. There is a concern that

vehicles cutting through the canopy to access the drive thru window could possibly hit a gas pump. Staff's recommendation is for the applicant to provide a better site plan addressing the safety of pedestrians and the radius of cars accessing the window. Staff's recommendation is that the Planning Commission either table or deny the conditional use.

Shane Linge, the applicant and contractor representing Tesoro said that they could redesign the drive thru and asked for recommendations for the re-design from the Planning Commission. Mr. Linge suggested that they move or eliminate the green area.

Commissioner Parke said that because the site is already below city standards for green areas, no green space could be eliminated. Since it is an old site, it is grandfathered in without appropriate green space. If changes are made, the City can ask the owner to update to City standards for green space. Commissioner Parke reiterated that it could be a problem for traffic to come in along the north side of the property. He said that City ordinance states there has to be room for one car at the window and 3 stacking and he felt that vehicles would cut in thru the pumps and then people who want gas couldn't get in. He felt that it would be a congested situation and asked about the possibility of a window in the back or a reverse traffic flow where cars would come in from Gentile and exit on Fort Lane. Commissioner Parke felt that the applicant is trying to do too much in small area.

Commissioner Gerald Gilbert said that initially the area in the back was supposed to be reserved for delivery trucks to come through. A landscape buffer variance was given to allow for trucks to proceed between Tesoro and Gold's Gym. Now there is storage in the space reserved for delivery trucks. He wondered how a drive thru could now be added.

Mr. Linge said that they would regroup and try to come up with a solution.

Commissioner Parke asked if the applicant would be allowed to revisit the Planning Commission with the conditional use request.

Commissioner Allen motioned that the conditional use request for a drive thru at Tesoro Gas Station be tabled indefinitely to allow the applicant to come back to the Planning Commission with a workable solution. The motion was seconded by Commissioner Stallworth and the voting was unanimous.

### **PREMIER MOTORSPORTS – CONDITIONAL USE – AUTO BROKERAGE**

**Location:** 3125 North 750 EAST #3

**Zoning:** M1

Mr. Weaver presented Premier Motorsports conditional use request for an Auto Brokerage at 3125 North 750 East #3. Premier Motorsports is currently in a portion of a building on 750 East. They are looking to relocate to the Smedley building for higher visibility. They will occupy the west side of the building where Lodge Pole Design was.

The applicant is requesting to occupy 5,000 square feet of building with an office in front and a warehouse in back. Mr. Weaver stated that vehicles will be stored inside only. The site plan doesn't show parking spaces. He said that the landscaping is really deficient and will need to be brought up to current code. The minimum width of landscaping along Highway 193 is 20 feet and along 750 East it is 8 feet in width. Part of the site is within the Hill Air Force Base Accident Potential Zone (APZ) and no storage can be allowed there. The applicant has designated six parking spaces and is required to have six based on 1200 square feet of office. Mr. Weaver was unsure of the number of employees but thought it would be no more than six. He said that staff recommends acceptance of the subject to the items on Staff's memo.

Dave Hales, owner of Premier Auto Sports, was asked to comment and stated that the number of employees would be two. He also clarified that his intent is to store vehicles inside the building at night but that the vehicles would be pulled out during the day for visibility from Highway 193.

Mr. Weaver stated that an auto brokerage is different than car sales. An auto brokerage is allowed in an M-1 zone. Commissioner Parke asked if an auto brokerage would be allowed if they were displaying vehicles outside. Mr. Weaver said it would be allowed under a conditional use. It doesn't delineate if cars are being displayed in or out. Under the conditional use the Planning Commission can determine how many spaces can be used for display.

Mr. Hales said that the parking space was immense with up to 50 spaces on black top. Due to the Hill Air Force Base APZ, there can't be a permanent structure on the black top. He said the least expensive car is \$15,000 and the highest \$60,000 with most around \$20-30,000. In his existing location, he only had four parking spaces so the cars had to be kept inside.

Mr. Weaver asked how many cars Mr. Hales was intending to display.

Mr. Hales said his current inventory is 15 to 20 cars. He is a specialty dealer with unique vehicles. The cars will look nice and be impressive. There will be a maximum of 25-30 vehicles.

Mr. Weaver said one concern is using parking for existing buildings if they should change their use in the future.

Commissioner Parke stated that with another 2000 to 3000 square feet available in the other half of the building, there must be adequate parking. Commissioner Allen asked where the vehicles would be displayed.

Mr. Weaver pointed out on the site plan where the cars would be displayed and indicated there would be an additional 12-15 parking spaces available on the other side of the building. The parking area is not striped. Mr. Hales was asked by Commissioner Dave

Pratt if it would be repaved. Mr. Hales said he would like it repaved but there were no plans yet for repaving.

Commissioner Gilbert asked if the Mr. Hales would object to a limited number of cars and asked how many cars would be stored inside. Mr. Hales said he would not object to a limit and would leave one side of the parking area open. He would store about 21 cars inside.

Commissioner Gilbert asked Mr. Weaver for a number of cars that could be displayed outside. Mr. Weaver said that 20 cars could be displayed outside as part of the conditional use

Mr. Hales felt comfortable with that restriction and was just hoping that drive by traffic could increase business.

Mr. Weaver said that another condition would be to stripe the parking area (9.5 by 20 feet) for employees. Commissioner Allen confirmed that striped parking stalls would be for customers to know where to park and not for display space.

Commissioner Allen asked if the amount of landscaping needed to be addressed.

Mr. Hales said he would take care of snow removal and landscaping. He will clean up the landscaping along Highway 193 within ten days. Commissioner Gilbert asked if a rock garden was acceptable since there was no water to the area. Mr. Weaver said the ordinance requires the intermingling of rock, trees, shrubs and grass. Mr. Hales said there was no way to get water 70 feet from the building to Highway 193 and he didn't want to dig up the parking lot to do so.

Mr. Gilbert asked if the rest of the businesses in the area were required to have landscaping.

Mr. Weaver said that the adjacent site added landscaping and two other sites in the area have landscaping along frontages.

Commissioner Esplin asked what the City requires for landscaping subject to what could be worked out between staff and property owner.

Mr. Hales said he wasn't sure if the property owner would trench for landscaping water and repave.

Chairman Parke asked if the property owner was not willing to resurface. Mr. Hales said the property owner has been ill and he has not personally talked to the owner. He said a walk through was to take place in another day or so.

There were no additional questions and Commissioner Langford motioned that a conditional use permit for the auto brokerage at 3125 North 750 EAST #3 be granted subject to the applicant meeting all Staff recommendations with the addition of the stipulation that all display of cars will be west of the sign on the property, that all employee and customer parking will be striped, that the number of cars on display not exceed 20, that cars will be warehoused each night, and that landscaping issues be worked out with Staff. The motion was seconded by Commissioner Allen and the voting was unanimous.

**WALTON HILLS #3 SUBDIVISION – FINAL APPROVAL**

**Location:** 1377 North 3175 East (1 Lot)

**Zoning:** R-1-10

Mr. Weaver presented the Walton Hills #3 Subdivision request for final approval. The street will eventually continue through to Jacob’s Hollow subdivision. An 8-inch water line and a 12-inch water line were recently installed on the easement where the future road will take place. The owners are required to dedicate 38 feet to the City for public right of way for the road. The Fire Department has required that a temporary turn around be installed. The geotech report shows that a fault line runs on the back portion of the lot and encroaches thru the buildable area. The lot has a slope of 10% or greater so they have a five foot relief on the front setback. The easement for the fault will be based on the depth of the footings. A partial basement has to be 17 feet from fault and a full basement 20 feet from the fault. Staff’s recommendation is for the Planning Commission to forward approval to the City Council subject to the applicant providing a geotech and title report for staff review. There were no questions from the Commission. Commissioner Gilbert made a motion recommending that the Planning Commission forward their approval to the City Council for the parcel split/subdivision. Commissioner Stallworth seconded the motion and it passed unanimously.

Commission Esplin made a motion to adjourn the meeting at 8:01 P.M.

After the adjournment, it was announced that it would be Chairman Parke’s last meeting on the Commission. Appreciation was given for his service.

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