

Minutes of Layton City Planning Commission Meeting
Tuesday, September 25, 2007

- MEMBERS PRESENT:** Commissioners Sharon Esplin, Dave Pratt, Kristin Elinkowski, Tim Pales,
- MEMBERS ABSENT:** Commissioners Ron Stallworth, Brent Allen, Gerald Gilbert
- OTHERS PRESENT:** Staff members: Scott Carter, Peter Matson, Kem Weaver, Ben Hart, Steve Garside, Brandon Rypien, Julie Jewell, Councilman Mike Bouwhuis

Acting Chairman, Commissioner Sharon Esplin, called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said and the invocation was given by Commissioner Dave Pratt.

Acting Chairman Esplin called for a motion to approve the September 11, 2007, minutes. Commissioner Kristin Elinkowski motioned that the September 11, 2007, minutes be approved as written. The motion was seconded by Commissioner Tim Pales.

Acting Chairman Esplin called for a motion to open Public Review. Commissioner Pratt motioned to open Public Review. The motion was seconded by Commissioner Elinkowski and the voting was unanimous.

PUBLIC REVIEWS:

- (1) **KOUROSH & PAMELA HARONI – REZONE** – 3.005 Acres – Approximately 1605 East 2250 North

Peter Matson, Long Range Planner, presented a proposal to rezone 3 acres just east of Hidden Hollow Drive. The property is presently zoned Agriculture (A) which would allow one large animal per 20,000 square feet. The proposal is to rezone the property to R-1-10 (Single-Family Residential) zoning with a 10,000 minimum square foot lot size. This is a typical lot size in this area of Layton.

The property is owned by the rezone applicants, Kourosch and Pamela Haroni. They have also submitted an application for a conceptual review for a five lot single family subdivision that would include access from 2250 North Street to the property. The R-1-10 designation, which is 2-3 units per acre, is consistent with the City's General Plan of 2-4 units per acres. The density on this property because of the topography would probably be less than the typical 2-3 units per acre.

Mr. Matson said that memos from the Planning Department, Engineering Department, and Fire Marshall were included in the information provided to Commissioners.

The following are some of the concerns from the Engineering Department:

1. Historical slope instability and natural springs in the area warrant a site specific and general soils report to determine if the rezone is possible. The applicant has submitted a report that was prepared

last year. The report is being reviewed by the City and was forwarded to the State geologist's office for review and comments to the applicant and the City.

2. Easements for access to 2250 North Street and a culinary line easement must be obtained.
3. An easement would be required for storm water that would be discharged from the site into Kay's Creek
4. An easement would be required for a sanitary sewer connection to the trunk line along the Kay's Creek Trail.

Mr. Matson stated that Staff recommends that the Planning Commission table the rezone request indefinitely until easements are obtained and responses from the State Geologist regarding the geo tech report have been received. This information is critical to determine the number of lots in the proposed subdivision.

Acting Chairman Esplin asked if the owner was present and aware that the item would be tabled indefinitely. Mr. Haroni was present, and Commissioner Esplin asked him if he understood that the rezone would be tabled until the necessary information was available. He informed the applicant that when the information was received, the rezone application would be brought back to the Planning Commission for review. Mr. Haroni indicated that he understood the proceedings.

Commissioner Pratt made a motion to table the rezone request to a date uncertain pending the receipt of information on soil stability and easements. Commissioner Pales seconded the motion that passed unanimously.

A resident in an area adjacent to the rezone area, Kapil Soorma, asked to present the residents' views. Commissioner Esplin explained that the item was being tabled for the evening and that the Planning Commission would review the information provided by Mr. Soorma. When the item is re-scheduled on the Planning Commission agenda, the residents will have an opportunity to present their views. He stated that the property will be reposted with the date of the review prior to that Planning Commission meeting. Mr. Soorma provided Mr. Matson with several copies of the "Kayscreek Residents Coalition Against Landslides" packet.

(2) LUCKY BAMBOO SPA – CONDITIONAL USE – 1155 North Main Street, Suite 8

Amanda Schultz, City Planner, presented the conditional use application from Jared Preslar for a tattoo parlor at 1155 North Main Street, Suite 8. She said the property is on a one-acre parcel. The building is approximately 11,000 square feet with 8 units, 42 parking stalls and existing landscaping.

Ms. Schultz reported that Lucky Bamboo Spa offers a variety of services including permanent makeup, reiki, acupuncture, laser tattoo removal and traditional tattooing. The spa is focused on attracting respectable customers and providing high quality services. The interior of the spa will be of an Asian theme to create a soothing and relaxing environment for the customers. The business suite is 1300 square feet, provides a small reception area, waiting room, employee break room and storage. There are also 4 working stations rather than the 3 mentioned in the materials given to the Commission.

The business hours proposed are from Monday through Thursday, 12 p.m. to 8 p.m. and Friday through Sunday 12 p.m. to 10 p.m. These hours are to be approved by Layton City Business Licensing.

The spa is required to provide 13 parking stalls. The business owner is required to provide a letter from the property owner stating that the site will designate 13 parking stalls for the spa business. Ms. Schultz also listed the current tenants in the building.

The site provides landscaping, however, the Planning Department will be working with the property owner with a possible landscape violation. The property owner will be responsible for installing any required landscaping; however, business owners in the building complex could possibly come under review with Business Licensing until the site is complying with the landscaping requirements.

Ms. Schultz said that Staff recommends the Planning Commission approve the Tattoo Parlor subject to the following conditions:

1. All signs are required to comply with the City sign ordinance.
2. The business owner must provide a letter from the property owner stating that the required parking stalls be designated for the business on the site.
3. The Tattoo Parlor must meet all other City department requirements.
4. The Tattoo Parlor is required to provide an approval from the Davis County Board of Health.
5. The business hours are to be approved by Layton City Business Licensing.

Commissioner Pales motioned to grant conditional use to the Lucky Bamboo Spa subject to the applicant meeting all staff requirements. Commissioner Elinkowski seconded the motion and the voting was unanimous.

(3) ST. MARY ETHIOPA ORTHODOX TEWAHEDE CHURCH – CONDITIONAL USE – 688 North Main Street

Ms. Schultz presented a conditional use request from the applicant, Chris Burton, to establish an Orthodox Church located at 688 North Main Street. She said the Church would like to utilize the existing commercial structure for an auditorium and use the adjacent residential structures for the Priest quarters, classes, socials, meetings, and church offices.

The site contains a commercial structure along with a residential home and a detached garage. The commercial building has previously been used as a general store, beauty salon, and a travel agency. City records show the residence is a single-family dwelling in a commercial zone.

The two parcels will be required to be combined into one parcel. The property must have approvals from the Layton City Planning Division before recordation with the Davis County Recorder's Office. The applicant is required to provide the City this documentation.

The property is the first lot on the north when entering into the Hill Villa Subdivision from Main Street. The property is adjacent to commercial and residential properties. A buffer will be required between the residential property to the north and the Church. The Church is required to provide a 6-foot solid fence and 5 trees along the north side of the property. The fence and trees are required to meet City ordinance.

According to City ordinance, a church must provide one parking space for every 4 seats in the auditorium. The Church is proposing 40 seats in the auditorium that will require 10 parking stalls. There should also be 1 stall for the Priest and 2 stalls for the caretakers for a total of 13 parking stalls.

Ms. Schultz said that staff recommends the Planning Commission approve the Church subject to the following conditions:

1. The applicant must provide documentation to the City to combine the two parcels into one parcel. The property must have Layton City Planning Department approval before recordation with the County.
2. The Church is required to provide a 6-foot solid fence along the north side of the property. The fence must meet City ordinance.
3. The Church is required to provide 5 trees along the north side of the property and must meet the City ordinance.
4. Item # 4 was revised to require 13 parking stalls rather than 11 on the site for the proposed use.
5. The residential structure is to be used for church purposes only and the Priest quarters.
6. The Church is required to meet all other City requirements including those from the Fire Department, Engineering Department and Building Department.
7. Item # 7 was added to specify that the 3 rooms upstairs in the residential structures shall be used for Church caretakers only. If any of the rooms are empty, they may not be rented out at any time.

Acting Chairman Esplin asked Mr. Burton if he had questions and asked him if he would comply with the conditions specified by the Planning Commission. Mr. Burton had no questions and said he would comply with the Planning Commission's specifications.

Acting Chairman Esplin specified that the 3 rooms upstairs were not to be rented out and be used for caretaker and their family only,

Mr. Burton said the rooms would be for the caretaker and family only.

Commissioner Elinkowski made a motion to grant conditional use for the Church subject to the developer meeting all Staff requirements. Commissioner Pratt seconded the motion and the voting was unanimous.

(4) DAVIS LANES – CONDITIONAL USE -- Neon Building Lighting/Sign – 1396 North Main Street

Ms. Schultz stated that the building is currently being remodeled with a new and updated look. The neon lighting will border the top facade of the building and would complete the remodeling project.

The building is adjacent to C. H. Auto Parts on the north, Angel Street Plaza on the south, multiple commercial buildings along the west across the street and the 72-unit Autumn Hills Apartments to the east. The neon lighting will not be allowed along the north and east sides to prevent any nuisance to the adjacent residential property.

The neon lighting will require a sign permit and will need to meet the Layton City sign ordinance. The neon lighting must not produce an excessive or dangerous amount of light and must be contained on site. Also, the neon lighting shall not cause glare, nor be intensely lighted and create a nuisance or hazard to vehicular traffic or pedestrian properties.

Ms. Schultz stated that Staff recommends the Planning Commission approve the conditional use for neon lighting subject to the following conditions:

1. All signs are required to comply with the Layton City sign ordinance.
2. The neon lighting will require a sign permit to be obtained.
3. The neon lighting is only allowed along the west side of the building facing Main Street.
4. The neon lighting must not produce an excessive or dangerous amount of light and must be contained on site.
5. The sign will not cause glare, nor be intensely lighted that it creates a nuisance or hazard to vehicular traffic or pedestrian properties.

The applicant was not present and Acting Chairman Esplin asked Ms. Schultz if the applicant was aware of the conditions. She said she had faxed the conditions to him.

Commissioner Pales made a motion to grant conditional use for neon lighting at Davis Lanes subject to the developer meeting all staff requirement. Commissioner Elinkowski seconded the motion that passed unanimously.

Acting Chairman Esplin asked for a motion to close Public Review. Commissioner Pales made a motion to close Public Review. The motioned was seconded by Commissioner Elinkowski, and the voting was unanimous.

OTHER CONSIDERATIONS:

(5) GREYHAWK TOWN HOMES – FINAL APPROVAL

Approximately 1800 East 3100 North (251 units, RM-1 PRUD)

City Planner, Kem Weaver, presented Greyhawk Town Homes' request for final approval on 251 two-story type town homes. The number of units is within the maximum density of 256 stipulated in the annexation agreement. He said the General Plan supports this type of development for the area. Mr. Weaver pointed out the zoning areas near the subdivision. He said the proposed open space is 44.23%. The open space will contain sports courts, a pool, pavilions, play ground, walking trails and other amenities. There will be a trail through the project as a continuation of the City's master trail plan for connecting the future park at the top of the single family area to other developments and provide a trail to the elementary school on 3100 North. The Home Owners' Association will take care of the trail within the subdivision and the City would maintain the trail out of the subdivision.

Mr. Weaver said the developer would be required to install a solid vinyl fence in a color other than white on the north and east boundaries of the development. A four-foot wrought iron tubular fence would be installed along the public street. Entrances off Red tail Way and 3100 North would be nicely landscaped with rock columns and tubular fencing

Mr. Weaver stated that Staff recommended that the Planning Commission forwarded their recommendation for final approval of the final plat of the Greyhawk Town Homes Subdivision to the City Council subject to the developer providing locations of the retaining walls as they relate to the engineering plans, incorporating a four-foot wrought iron fence along the public streets and meeting all staff requirements.

There were no questions from the Commission. Acting Chairman Esplin asked the developer, Ed Green, if he had any comments, but he did not.

Commissioner Pratt motioned that the Planning Commission grant final approval for the Greyhawk Town Homes final plat and forward their recommendation to the City Council for final approval. Commissioner Pales seconded the motion that passed unanimously.

(6) CAMBRIDGE CIRCLE COMMERCIAL SUBDIVISION – FINAL APPROVAL

Approximately 1150 East Highway 193

Mr. Weaver presented the request for final approval of the Cambridge Circle Commercial Subdivision plat. This plat consists of parcel # 2 of the Cambridge Circle Subdivision just north of Highway 193 and west of 1150 east. He pointed out the location of the Uintah Gas and Fireplace building and the location of Lot 2 on an overhead presentation. Because of the power substation in the area, there is a 50-foot power easement

that runs through west area of the Uintah building and will dissect Lot 2. No buildings can be placed in the easement and can abutt, but not encroach into the easement. Open space for detention will be required to catch run off from the cul de sac and Lot 1. The parking area will also be categorized as common area. There will be four building pads. The applicant will occupy building number 3 for his business.

There were no questions or comments from the Commission or audience.

Mr. Weaver stated Staff recommends that the Planning Commission forward approval of the condominium plat to the City Council subject to meeting all Staff requirements.

Commissioner Pales motioned that the Planning Commission approve the condominium plat subject to meeting all staff requirements and forward their approval to the City Council. Commissioner Elinkowski seconded the motion that passed unanimously.

(7) BROMSFIELD SUBDIVISION ESCROW AGREEMENT EXTENSION

Mr. Weaver said that the bonding agreement for the Bromsfield Subdivision located on the South East corner of the City above Highway 89 expired in July 2007. The developers are asking for a one-year extension to their escrow bonding agreement. Mr. Weaver said that Staff recommends that the Planning Commission forward their approval for the one-year extension to the City Council.

There were no questions from the Commission

Commissioner Elinkowski motioned that the Planning Commission forward their recommendation to the City Council to approve a one-year extension of the bonding agreement. Commissioner Pratt seconded the motion that passed unanimously.

(8) EAST GATE ECONOMIC DEVELOPMENT AREA (670 Acres East of Hill Air Force Base)

City Economic Development Specialist, Ben Hart presented a non-action item outlining the proposal for an Economic Development Area (EDA) to be established near the East Gate area of Hill Air Force Base (HAFB). He said the EDA was formerly associated with the Redevelopment Area (RDA) but now is distinguished as a separate economic development tool.

The EDA would use tax increment financing for public infrastructure in the area. A few nice entrance areas would be created into the proposed business park. He felt the development would be advantageous in trying to lure new businesses. Because the area near HFAB is currently undeveloped, the firms would have flexibility in what they want to establish in the area. There will be a consistent structural design throughout the business park.

Mr. Hart outlined the process for adopting an EDA. He said that a plan and budget had been created, a summary of which has been provided to the Commission. Negotiations would begin with taxing agencies that levy taxes in the area. A public hearing would be held to get landowner input. The adoption of the EDA would then require the RDA and City Council approval.

Mr. Hart said the development is supported by the Governor's Office, the Economic Development Corporation of Utah, and Davis County. He felt it would be a world-class development and provide higher paying jobs in the County and the City.

The EDA plan is in line with current zoning and the General Plan for the area.

Since there are some residences in the area, he said there would be natural barriers between residents and the business park so as not to encroach on homeowners. It would be a clean development with well manicured landscaping and architecturally pleasing facilities.

Mr. Hart said that while this item does not require action on the part of the Planning Commission, he would welcome feedback on the progression of the development.

There were no questions from the Commission.

Acting Chairman Esplin called for a motion to adjourn the meeting. Commissioner Pales made the motion to adjourn the meeting. The motion was seconded by Commissioner Elinkowski. The meeting adjourned at 7:34 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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