

**Minutes of Layton City Planning Commission Meeting
Tuesday, December 11, 2007**

MEMBERS PRESENT: Commissioners Sharon Esplin, Dave Pratt, Tim Pales, Ron Stallworth

ALTERNATE MEMBERS PRESENT: Blake Hazen

MEMBERS ABSENT: Commissioners Kristin Elinkowski, Gerald Gilbert, Brent Allen, Alternate Member Ryan Stevenson

OTHERS PRESENT: Staff members: Scott Carter, Peter Matson, Amanda Schultz, Doug Pierce, Steve Garside, Julie Jewell

Chairman Sharon Esplin called the meeting to order at 7:01 p.m. The pledge of allegiance was recited and the invocation was given by Commissioner Dave Pratt.

APPROVAL OF THE MINUTES: November 13, 2007 – Chairman Esplin called for a motion to approve the November 13, 2007, Planning Commission Minutes. Commissioner Ron Stallworth moved to approve the minutes. Commissioner Pratt asked for a revision to the minutes to change the wording “Acting Commissioner Esplin” to “Acting Chairman Esplin.”

With regard to the motion on the Hamlet Homes rezone in the November 13, 2007 minutes, the Commissioners discussed if it was necessary to include the specifics of which way each Commissioner voted in a split vote situation. City Attorney Steve Garside stated that the bylaws do not require this specification but that it would be up to the discretion of the Commissioners if they wanted the specifics of the voting included in the minutes. The Commissioners indicated they preferred that this information be included with regard to the Hamlet Homes rezone and in future split voting scenarios. Ms. Jewell was asked to update the November 13, 2007, minutes to reflect that Commissioners Pratt, Gilbert, Pales, Stallworth and Allen voted for the motion and that Commissioners Pales and Hazen voted against the motion, and to include split voting specifics in future minutes. Commissioner Stallworth moved to approve the minutes with the corrections noted. Commissioner Tim Pales seconded the motion and the voting was unanimous.

APPROVAL TO CANCEL DECEMBER 25, 2007 PLANNING COMMISSION MEETING – Chairman Esplin called for a motion to cancel the December 25, 2007, Planning Commission Meeting. Commissioner Dave Pratt moved to cancel the meeting. Commissioner Blake Hazen seconded the motion that passed unanimously.

Commissioner Pales moved to open public review. The motion was seconded by Commissioner Hazen and the voting was unanimous.

PUBLIC REVIEW:

(1) LAYTON POINT LC – REZONE – B-RP to CP-1
Building Pad at 2058 North Harris Boulevard

Long Range Planner, Peter Matson , presented Layton Pointe LC's requested to rezone a building pad in the Harris Pointe Commercial Subdivision at 2058 North Harris Boulevard from Business Research Park (BR-P to Planned Neighborhood Commercial (CP-1).

The applicant is requesting to rezone the property because they have Letters of Intent from restaurants wanting to build on the pad. The applicant's preferred use is retail since there have been many issues between the neighbors and a larger restaurant to the south of the site regarding lighting at night and the noise caused by delivery trucks and garbage removal. Mr. Weaver from the Planning Staff has worked with both entities to solve issues, and adjustments have been made.

Mr. Matson said the main issue the Staff has concerning the change in zoning from BR-P to CP-1 is the impact on the minimum square footage for office space the applicant will have to meet according to the Development Agreement in which there was a commitment to have office space be a major part of the development. As it has been developed, the majority of the project has been retail.

According to Mr. Matson, the City Engineer has no issues regarding rezone request, but has cautioned the developer that any change of utilities and hard surface will need to be reviewed by the Engineering Division. Staff has not seen any issues and the hard surface amount will stay the same.

In reviewing the Development Agreement in Planning Commission Work Meeting, a concern the Commissioners expressed was if the zone was changed to CP-1, a fast food establishment could potentially occupy the site. The Commissioners recommended that if the zoning was changed to CP-1, Article 4 Section 1A of the Development Agreement (Page 3) should be amended to exclude fast food restaurants.

Mr. Matson said that with those changes to the Agreement and the map, Staff is recommending that the zoning of the building pad be changed from B-RP to CP-1.

The Commissioners discussed with Mike Evans, construction manager for the developer, the possibilities for business that may occupy the site. He stated that Rod Works, which sells wall hangings and furniture in a current location in Layton, has expressed interest in the site. This business closes early in the day.

Chair Esplin asked Mr. Evans if he understood that if the zone is changed in behalf of the developer, the remainder of projects on the site would be required to be primarily office space. Mr. Evans replied in the affirmative.

Chairman Esplin asked for comments from the audience.

Terry Premak, a resident at 665 West 2175 North, expressed concerns that the square footage in office space that is required may be made up in the height of the office buildings. The Commission acknowledged the neighbors concerns and Mr. Evans said that the height of the office buildings could be stepped as they are built farther away from the location of the residences but building would not be higher than 3 stories. Mr. Premak expressed concerns that if the office buildings didn't fit, there would be another rezone. Mr. Matson said that Staff would not recommend that the Development Agreement be changed to allow less office space.

Chairman Esplin called for a motion regarding the rezone request. Commissioner Pales moved that the Planning Commission send a positive recommendation to the City Council to approve the rezone request from B-RP to CP-1 for the building pad at 2058 North Harris Boulevard and to forward to the City Council the amendment to the Development Agreement, Page 3, Article 4, Item 1A to exclude fast food establishments and also to make sure the developer understands that the requirement for office space square footage will need to be met. Commissioner Stallworth asked to specify that the amendment will be on Page 3, Article 4, Section 1A, "Owner's Undertakings."

The Commissioners discussed whether or not the amendment should include restaurants as well, but since both B-RP and CP-1 zoning allows for restaurants, it was decided to just exclude fast food from the Development Agreement.

The motion was restated as requested by Commissioner Stallworth to include the reference to the "Owner's Undertakings" in the Development Agreement and seconded by Commissioner Hazen. The voting was unanimous.

(2) SYMPHONY HOMES – CONDITIONAL USE REQUEST – Temporary Sales Office for Pinehurst Subdivision – 57 North 1625 West (RS)

Mrs. Schultz, City Planner, presented a copy of Staff's requirements to the Symphony Homes representative. Mrs. Schultz said the Planning Commission had approved the Pinehurst Subdivision on August 28, 2007. On August 14, 2007, a temporary sales trailer was approved for an open space parcel in the subdivision. The applicant is now requesting to move the sales trailer to Lot 5. She said the Fire Department recommended that the temporary sales office be sprinkled. The Engineering Department had no comments.

Mrs. Schultz stated that Staff recommends that the temporary sales trailer be approved based on the following 10 conditions which will be hereby adopted as requirements.

1. No on street parking will be allowed for employees. Lot 5 is required to provide three parking stalls to facilitate the customers and employees.
2. All lighting is to be contained on site per Layton City ordinance.
3. All signage is required to be kept to a minimum and one sign per office at a maximum size of 32 square feet (detached).
4. The hours of operation must be noted and approved by Layton City.
5. Before the temporary sales trailer can be installed and used, the building permit for the model home must be issued.
6. The temporary sales trailer is required to be skirted, tied down properly, and meet all building and fire codes requirements.
7. The parking area is required to be a minimum road base surface and tracking dirt onto the street will not be allowed.
8. The lot is required to be weed and debris free at all times.

9. The temporary utilities must be removed and redirected to a future home once the temporary sales trailer has been removed.
10. The temporary sales trailer will be removed after 30 days of Model Home opening.

Chairman Esplin asked if there were any questions from the Commission or the applicant. Dale Gardner, sales manager from Symphony Homes spoke to the Commission stating that Symphony Homes wants to finish the beautification of the entrance to the subdivision and would not be able to do so with the trailer in the open space.

Chairman Esplin asked Mr. Gardner if he understood the requirements and Mr. Gardner replied in the affirmative.

Chairman Esplin called for a motion on the conditional use request.

Commissioner Pratt moved to approve the conditional use request from Symphony Homes to move the proposed location for their temporary sales office from the previously approved open space to Lot 5 subject Staff recommendations. Commissioner Stallworth seconded the motion and voting was unanimous.

MISCELLANEOUS

Community Development Director, Scott Carter mentioned the yearly mandatory training as part of URMA requirements. Planning Commissioners and City Councilmen are required to receive this training in case law and management of projects. The training will be held Thursday, February 7, 2008, at 5:30 p.m.

Mr. Matson mentioned an additional training through the American Planning Association that is an online web audio conference. This training will be January 16 from 1-3 p.m or 5-7 p.m

Commissioner Pales moved to adjourn the meeting. Commissioner Hazen seconded the motion and the voting was unanimous. 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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