

**MINUTES OF LAYTON CITY PLANNING COMMISSION MEETING
JANUARY 8, 2008**

MEMBERS PRESENT: Commissioners Sharon Esplin, Dave Pratt, Tim Pales, Kristin Elinkowski, Brent Allen,

ALTERNATE MEMBERS PRESENT: Blake Hazen, Ryan Stevenson

MEMBERS ABSENT: Ron Stallworth, Gerald Gilbert

OTHERS PRESENT: Staff members: Scott Carter, Peter Matson, Kem Weaver, Amanda Schultz, Brandon Rypien, Steve Garside, Julie Jewell, Councilman Scott Freitag

Planning Commission Chairman, Sharon Esplin, called the meeting to order at 7:00 a.m. The Pledge of Allegiance was recited and the invocation said by Commissioner Brent Allen.

Chairman Esplin asked if there were any changes or additions to the November 27, 2007 Planning Commission Meeting minutes. There were no changes or addition, therefore, he called for a motion to approve the minutes. Commissioner Blake Hazen moved to approve the November 27, 2007, Planning Commission minutes. Commissioner Tim Pales seconded the motion and the voting was unanimous.

Commissioner Allen moved to open Public Hearing. The motion was seconded by Commissioner Hazen and the voting was unanimous.

PUBLIC HEARING:

(1) TROPHY HOMES GENERAL PLAN AMENDMENT and REZONE – CH TO RM-1 PRUD
Approximately 2.72 acres at approximately 1400 North Angel Street

Long Range Planner, Peter Matson, explained that Item # 1, a General Plan Amendment and Rezone application from Trophy homes would require two separate motions. The property, in the Main Street Commons Commercial Subdivision, is currently zoned C-H. Mr. Matson explained the General Plan for the area stating that the property proposed for rezone to RM-1 PRUD surrounds an existing single family home on Angel Street. The proposal is to develop a townhouse project with the developable site including 2.39 acres on 36 units which is 15 units to the acre. The General Plan for this area transitions from commercial to multi family along Angel street. Mr. Matson said Staff feels the change in zoning could work in the area given the sensitivity to the single family home and multi family homes in the area. Mr. Matson presented drawings of the open space and elevations of the 2.5 story townhomes. He said that in addition to the rezone request and the General Plan amendment, there will be a development agreement limiting the development to 36 units overall.

Mr. Matson said Staff is recommending approval of the General Plan amendment and the rezone with the rezone conditioned on the approval of the Development Agreement as well.

Chairman Esplin asked if the Commission or the audience had any questions. There were no questions or comments, and the applicant, who was present, also had no comments.

Chairman Esplin called for a motion on the item. Commissioner Allen moved to forward a positive recommendation to the City Council to approve the General Plan Amendment to RM-1 zoning in this commercial section of the City. Commissioner Kristin Elinkowski seconded the motion and the voting was unanimous. Commissioner Allen moved to forward a positive recommendation to the City Council to approve the application for rezone from C-H to RM-1 PRUD. Commissioner Kristin Elinkowski seconded the motion. The Commission was reminded that the motion needed to include approval of the Developmental Agreement associated with the rezone of the property at approximately 1400 North Angel Street. Commissioner Allen amended his motion to include the Development Agreement. Commissioner Ryan Stevenson seconded the motion and the voting was unanimous.

Commissioner Pales moved to close Public Hearing and Commissioner Hazen seconded the motion. The voting was unanimous.

PUBLIC REVIEW:

(2) T-MOBILE CONDITIONAL USE – Power Pole Antennae – Conditional Use 2273 E Country Oaks Drive

City Planner, Amanda Schultz, presented T-Mobile's request for a conditional use to place 2 antennas on a 65-foot existing utility pole. The two antennas would be placed 40 feet in height with a microwave dish below the antennas. A 10 X 20 accessory structure will be placed east of the utility pole for BTU units. The proposed placement of the shelter is 7 feet from the property line but must be moved to show a 10-foot setback from the property line. All setbacks will be addressed at the time of the building permit application. Mrs. Schultz described the design of the antennas and shelter.

Mrs. Schultz stated that Staff recommends approval of the conditional use request based on the applicant meeting the following 3 conditions which are hereby adopted as requirements:

1. The colors of the two antennas and microwave dish are required to blend into the hillside and are required to match existing colors of the utility pole.
2. A building permit is required for the structure that must meet all zoning, building code and Fire Department requirements.
3. The structure must have a gable roof, shingles and earth tone colors.

Chairman Esplin asked if there were any questions from the Commission or comments or questions from audience. A citizen in the neighborhood, Mark Child, 2236 Country Oaks Drive, came forward to ask if the antennas would provide service only to T-Mobile customer or other customers as well. He asked if other providers would now request a conditional use to put additional antennas on the pole.

Jerome Gourley, the applicant who lives at 260 Ashbrook Drive in Toquerville, Utah, said the antennas would only service T-Mobile customers and stated the reasons for placing the antennas in the area.

Commissioner Pales asked if there were existing antennas on the pole, and Mrs. Schultz responded that there were none currently there.

Commissioner Esplin asked if the property owner had been consulted about the installation of the antennas prior to the meeting. Mrs. Schultz said the property owner had signed an application and notarized affidavit of ownership so they are aware of the installation of the antennas and the shelter. Mr. Gourley said T-

Mobile has leased the property from the owner and that Rocky Mountain Power's approval was part of the review process.

Commissioner Pales moved to grant conditional use for the antennas and shelter based on the applicant meeting all of Staff's conditions that are here by adopted as requirements. Commissioner Elinkowski seconded the motion and the voting was unanimous.

(3) SNAP FITNESS – Temporary Sales Office – Conditional Use
781 East Gordon Avenue

Brandon Rypien, City Planning Technician presented Snap Fitness' request for a conditional use to install a temporary sales office for their permanent facility located in the Fairfield Crossing development. The temporary office would be used to interview and hire new employees and to pre-sale memberships for the opening of the permanent facility. The current zoning is CP-1 which allows for this type of use as a conditional use. The temporary sales office will be used until the permanent location becomes available at the end of January or as late as April 1. The office is 78 square feet and the maximum occupancy is one person per 100 square feet, but as part of the application, the Building Division has allowed an occupancy of 2 for interviewing purposes. Two parking stalls for employees and one for customer use are required. The office will be in the south portion of the development. Sandra Williams, the franchise owner, has received permission from Checker Auto to occupy the 3 parking stalls which does not take away from the parking required for Checker Auto. The applicant will have to put down road base or hard surface. The applicant has a business licenses and proposes to be open from 8:00 a.m. to 8:00 p.m. Staff is recommending approval based on 8 conditions which will hereby be adopted as requirements.

- 1) The applicant is required to provide 3 parking stalls to accommodate employee and customers.
- 2) The building must be located outside of the Clear View Area
- 3) The building must meet all setback requirements for the designated zone.
- 4) The building must be located on a hard surface.
- 5) The temporary Sales Office must be removed within fourteen (14) days of occupancy of the permanent building or by April 1, 2008.
- 6) The hours of operation shall be 8:00 a.m. to 8:00 p.m.
- 7) The signage shall meet all City requirements.
- 8) The business is required to meet all building and fire department requirements.

Chairman Esplin asked if there were any questions from the Commissioner or audience. There were none and the applicant was not present.

Commissioner Elinkowski moved to grant conditional use for the Snap Fitness temporary office subject to the applicant meeting all Staff requirements. Commissioner Allen seconded the motion that was approved unanimously.

(4) JERRY PUTNAM REZONE – A TO P-B
1.04 acres at 1286 North Fairfield Road

Long Range Planner, Peter Matson, presented Jerry Putnam's request to rezone his property at 1286 North Fairfield Road from A (Agriculture) to P-B (Professional Office). The rezone request is for 1.4 acres of ground located on the East side of Fairfield Road. Zoning in the area includes R-1-8 property to the north, R-1-8 and A to the East, and the vacant CP-1 (Planned Neighborhood Commercial) and PB to the West. On the property is a large home with a circular drive. The proposal is to leave the home in place and convert it into a professional business type of use. PB zoning does not allow retail type uses and is typically located along the edge of single family neighborhoods and functions well off arterial streets leading into single family neighborhood. Mr. Matson gave examples of typical office uses. The rezone request and conversion to office space must be sensitive to neighbors in terms of height, scale or signage. If there are any changes to hard surface, it will be reviewed in a site plan when the building permit is submitted for structural changes.

Mr. Matson said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone request. Chairman Esplin asked if there were any questions or comments. There were none from the Commission, the audience or the applicant who was present.

Commissioner Hazen moved to forward a positive recommendation from the Planning Commission to the City Council to approve the Putnam rezone request. The motion was seconded by Commissioner Pales and the voting was unanimous.

Commissioner Pales moved to close Public Review. The motion was seconded by Commissioner Allen and the voting was unanimous.

OTHER CONSIDERATIONS:

(5) DANIEL 23 SUBDIVISION – PARCEL SPLIT

Approximately 100 North and King Street (2 lots, R-1-8)

Kem Weaver, City Planner, presented approval for a parcel split on the corner of 100 North and King Street. Fifteen (15) feet of the frontage of the property must be dedicated to the city for the widening of the street per the City's Master Street Plan. At first, the owner was unable to split the parcel because with the dedication of the frontage to the City, he would not meet the 8,000 square foot minimum R-1-8 zoning requirement. He was able to acquire some square footage from the owner of Lot 119 of the Sunset Parks Subdivision. The result will be when the parcel is split Lot 1 will have 8,002 square feet and Lot 2 will have 8,005 square feet of property. There is an existing home on Lot 1 and the applicant will need to stub laterals for utilities into Lot 2. The current home is legal nonconforming since it will not meet setback requirements. However, if the home on Lot 1 is demolished, a new home will have to conform to existing setback requirements.

Mr. Weaver said Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to approve the parcel split. Commissioner Pales asked if the approval was final or preliminary. The agenda incorrectly listed the item as being presented for preliminary approval. Mr. Weaver explained that parcel splits only require final approval.

Commissioner Dave Pratt moved to approve the parcel split and forward it to the City Council for final approval. Commissioner Pales seconded the motion and the voting was unanimous.

(6) WYNDOM SQUARE COMMERCIAL SUBDIVISION PHASE 2 – FINAL APPROVAL

Approximately 1320 East Highway 193 (4 lots, CP-1)

Mr. Weaver explained the process for final approval for a commercial subdivision. He said the developer presents a preliminary plan before construction. Depending on the market for commercial development, the parcel can be split in many ways. Rather than have the applicant amend the final plat several times, a final plat is not done until build out or near build out. This phase has just one vacant site. Mr. Weaver overviews the buildings on the site. He said that Wyndom Square, LLC is the sole owner, so covenants are not required. The owner will need to maintain landscaping and utilities. All parcels must meet the zoning requirement of 20,000 square feet. The owner will maintain the water line running through Phase 2 and Rocky Mountain Power will maintain their utility lines.

Mr. Weaver said Staff recommends forwarding approval of the final plat for Wyndom Square Commercial Subdivision Phase 2 from the Planning Commission to the City Council. Chairman Esplin asked if the applicant was present. The applicant was present but had no comments or questions.

Commissioner Stevenson moved that the Planning Commission forward a positive recommendation for final plat approval of the Wyndom Square Commercial Subdivision Phase 2 to the City Council subject to the applicant meeting all Staff requirements. Commissioner Elinkowski seconded the motion that was approved unanimously.

Commissioner Pales moved to adjourn the Planning Commission Meeting. The motion was seconded by Commissioner Hazen and the voting was unanimous. The meeting was adjourned at 7:38 p.m.

ORDINANCE AMENDMENTS/REVIEWS:

By _____
Julie K. Jewell, Secretary to the Planning Commission