

MINUTES OF LAYTON CITY PLANNING COMMISSION MEETING
June 10, 2008

MEMBERS PRESENT: Commissioners Sharon Esplin, Tim Pales, Dave Pratt, Gerald Gilbert

ALTERNATE MEMBERS PRESENT: Blake Hazen, Ryan Stevenson

MEMBERS ABSENT: Ron Stallworth, Brent Allen, Kristin Elinkowski

ALTERNATE MEMBERS ABSENT: Ryan Stevenson

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Amanda Jorgensen, Brandon Rypien, Julie Jewell, and Steve Garside.

Planning Commission Chairman, Sharon Esplin, called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited and Commissioner Dave Pratt gave the invocation.

APPROVAL OF THE MINUTES: May 13, 2008

There were no corrections or additions to the May 13, 2008 minutes. Commissioner Tim Pales moved to approve the May 13, 2008 working meeting and regular session minutes. The motion was seconded by Commissioner Gerald Gilbert and the voting was unanimous.

Commissioner Gerald Gilbert moved to open Public Review. The motion was seconded by Commissioner Pales and the voting was unanimous.

PUBLIC HEARING:

PUBLIC REVIEW:

(1) PHILIP S. HOLLAND – REZONE REQUEST – R-1-8 (RESIDENTIAL SINGLE FAMILY) TO R-2 (SINGLE AND TWO FAMILY RESIDENTIAL)

579 East Gentile Street

This property is in a R-1-8 (Residential Single Family) Zoning District.

The applicant is Phillip S. Holland.

Peter Matson, Long Range Planner, presented Philip Holland's request to rezone his property at 579 East Gentile Street. Mr. Matson gave an over view of the area and the zoning designations in which the home is located. The home on this property has been used as a duplex for quite some time. A previous owner created a separate dwelling and didn't complete any of the unit separation requirements. The applicant just purchased the property and desires to bring the property into conformance with a request to rezone the property from R-1-8 (Single Family Residential) to R-2 which is the zoning designation that allows for duplexes.

The units have been separated but not with the proper building code and fire code separation requirements. The owner will separate the units according to fire code and add a second address for the 2nd dwelling unit. Parking possibilities were discussed. With the property being on Gentile Street, which

is an arterial street, it meets the intent of the R-2 zoning designation. Mr. Matson said Staff is recommending approval of the rezone from R-1-8 to R-2.

There were no questions from the Commissioners or from the audience.

Commissioner Gilbert moved to forward a positive recommendation of approval for the rezone from R-1-8 to R-2 subject to the applicant reviewing firewall construction and parking with Staff. The motion was seconded by Commissioner Tim Pales and the voting was unanimous.

(2) TOWN HOMES OF GENTILE PRUD – REZONE P-B (PROFESSIONAL BUSINESS) AND R-S (RESIDENTIAL SUBURBAN) TO RM-1 PRUD (LOW/MEDIUM DENSITY PLANNED RESIDENTIAL UNIT DEVELOPMENT) WITH CONCEPTUAL APPROVAL

312 & 332 West Gentile Street (12 buildings – 56 units – on 6.596 acres)

This property is located in P-B (Professional Business) and R-S (Residential-Suburban) Zoning Districts. The applicants are Brian Wallen and Brad Lasater.

Mr. Matson presented the application for rezone for the proposed Town Homes of Gentile, which will be a PRUD development. The property is presently zone a combination of two zones – P-B (Professional Business) and R-S (Residential Suburban). Mr. Matson gave an overview of the history of the property as well as zoning designation and land owners in the area.

Mr. Matson said the applicant is required by the PRUD ordinance to submit conceptual site plan for the Planning Commission and City Council to review to give an idea of the general layout and types of units proposed on the site. This conceptual plan is not a preliminary or final plan for the site. If the zoning is approved by the City Council, the applicant would then prepare detail preliminary drawing with a detailed site plan, landscape plan and building plan. The Design Review Committee (DRC) would review the plan to recommend possible density bonuses.

The applicant is proposing 56 units on 6.6 acres with combinations of 2, 4, 6 unit attached dwelling units. The approximate density is 8.4 dwelling units per acre, with an estimated 57% open space. Given the property's location on Gentile Street which is an arterial street, and the proximity to the railroad tracks, the Planning Commission and City Council can consider as an alternative to single family residential zoning, multi family dwellings that would provide a buffer between retail, the railroad, and the arterial street.

The applicant is proposing and R-M1 PRUD which allows 14-21 dwelling units per acre. This project is 8.4 dwelling units per acre which is well below the density of the proposed R-M1 zone. The R-2 zoning designation allows a density of 8-12 units per acre. The R-2 PRUD zoning designation falls within the density of this project. Staff recommends that the R-2 is the preferred zoning designation for this property and insures the density range will stay at the 8-12 units per acre. Mr. Matson said Staff feels this is a desirable use for the property. Sensitivity to neighbors will be considered with the preliminary design if the rezone is approved. Neighborhood concerns were discussed. Staff recommends in the PRUD that a 6-foot vinyl fence be used, but the applicant can work with neighborhoods for other alternatives.

Mr. Matson presented elevations of proposed development and will ask applicant to explain the difference between the proposed foot print and the elevations provided. Staff feels the proposed elevations provide a nice architectural look for the City. Staff is recommending approval and asks the Planning Commission to forward a recommendation of the R-2 PRUD zoning designation rather than the R-M1 PRUD zoning designation to the City Council.

Mr. Matson said Staff is recommending that units along Gentile Street have the facade face Gentile Street which would fit in with the older historic homes that are scattered along Gentile.

The applicant, Brad Lasater, 976 East 3050 North in North, Ogden, stated he and Brian Wallen are partners in the proposed development. He stated that he will work with the neighbors to resolve concerns or issues. He explained that the elevations presented are from developments in other areas and were meant just to show the style that will be used for townhomes in the proposed footprint.

The Commissioners asked questions of Mr. Lasater regarding the floor plans and rooflines of the development.

Mr. Lasater question the 6.596 acreage that had been stated in the presentation. He said the acreage was only 4.96 acres. Mr. Matson said that 6.596 acres was indicated on the documents submitted, but he will have the acreage clarified. He said with 4.96 acres, the density would go to 11.29 units per acre, which would still be allowed in the R-2 zoning designation. He felt the density bonus would be achieved with the garages and the building materials. Mr. Lasater agreed with the change in zoning designation from R-M1 PRUD to R-2 PRUD.

There were no further questions form the Planning Commission.

A citizen from the neighborhood, Ned Iversen, 434 West Gentile Street, asked if the townhomes would be owner occupied and if the applicant would consider facing the townhomes to Gentile. The applicant answered in the affirmative to both questions. Mr. Iversen asked what assurances the neighborhood would have that the development would be built as presented. Chairman Esplin said that if the applicant wants to change the design, it must be approved by the Design Review Committee (DRC) and fit within its guidelines. The R-2 zoning designation would restrict an increase in density.

Terry Smedley, 490 West Gentile, asked how many stories the townhomes would be. The response was the townhomes would be two stories but single-family units that are not stacked.

Commissioner Dave Pratt moved that the Planning Commission forward a positive recommendation to the City Council to approve the rezone request from P-B and R-S to R-2 PRUD subject to staff input. The motion was seconded by Commissioner Pales and the voting was unanimous.

3) ANIMAL ANGELS – CONDITIONAL USE – FELINE BOARDING

1095 North Main Street #5

This property is in a C-H (Commercial Highway) Zoning District.

The applicant is Christian N. George.

Amanda Jorgensen, City Planner, presented a request for a kennel/boarding facility at 1095 North Main Street #5. She gave an overview of tenants currently in the facility. The applicant is proposing a reception area and lobby in the 500 square foot suite plus one room containing 4 cages for rescued kittens and one room with 26 cages for cats. All required landscaping is already on site. Ms. Jorgensen stated the applicant will have to meet all Davis County Health and Animal Control requirements. The animals will initially be dropped off at another site to be examined to insure they are disease free and to be given shots. Following this treatment, they will be taken to the proposed site for potential adoption. The applicant will provide a letter from the owner designating 3 parking stalls for the Animal Angels site. Ms. Jorgensen said Staff recommends approval of the conditional use request and listed the following conditions with which the applicant is being asked to comply.

1. The business is required to meet all requirements and regulations from the Davis County Health and Animal Control Departments.
2. The business will board and kennel felines only with 4 cages for kittens and 26 cages for cats. No outdoor use is proposed at this time.
3. Animals will not be dropped off at this site. These rescued felines will be dropped off at another location where an examination will be conducted.
4. The business is only a kennel/boarding facility for the purpose of adoption, but is not an animal clinic.
5. Three parking stalls are required for this business. The property owner must submit a letter identifying these three parking stalls.
6. The business must obtain a sign permit.
7. The business is required to obtain a business license and comply with all requirements and regulations.
8. The business is required to comply with Chapter 08.04 Subsection .010 of the City Code, which regulates animal nuisance.

There were no questions from the Planning Commission. Chairman Esplin as the applicant, who was present, if she had reviewed and understood the conditions. The applicant replied in the affirmative.

Commissioner Pales moved to grant the conditional use request subject to the applicant meeting the 8 conditions which are hereby adopted as requirements. Commissioner Pratt seconded the motion and the voting was unanimous.

(4) THRIFTY AUTO SALES – CONDITIONAL USE – AUTO SALES EXPANSION

416 North Main Street

This property is in a C-H (Commercial Highway) Zoning District.

The applicants are Spencer Young and Garth Robinson.

Ms. Jorgensen presented Thrifty Auto Sales request for an expansion of conditional use for auto sales previously approved on a portion of property at 416 North Main Street.

Ms. Jorgensen gave an overview of the original conditional use area and the proposed expansion area to build a rock ramp to display vehicles for potential customers on the north east side of the property providing exposure to Interstate 15. She said the site plan for improvements on the site has been put on hold pending negotiations with other dealerships and possibly attaining more land. If more land is obtained, the applicant must apply for a conditional use permit for the added property. Before proposed improvements are made on additional property, the site plan must be approved by the Planning, Engineering, and Fire Divisions.

Ms. Jorgensen said Staff had concerns about the vehicles for sale encroaching on the state right of way and said the applicant will have to provide a bumper or barrier to prevent cars from being parked on the right of way. She said the applicant would be required to meet the conditions of the conditional use application.

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

Chairman Esplin asked the applicant, who was present, if he was aware of the conditions.

The applicants, Spencer Young and Garth Robinson, stated that their e-mail system is down and they didn't receive the transmittal from Ms. Jorgensen. They asked to have the conditions provided. Ms. Jorgensen read the conditions as follows:

1. The vehicles are not allowed on the State's right-of-way, and must be removed immediately. A barrier or bumper is required to be placed to prevent vehicles from parking on this right-of-way.
2. The rock ramp will be located on the northeast side of the property in accordance with the attached site plan.
3. The business is required to comply with the sign ordinance, which does not allow signs to be placed on the vehicles located on the ramp.
4. The site must be free from debris and weeds at all times.
5. All requirements from the original conditional use apply.
6. If more property is obtained, another conditional use approval will be required if that property is used for auto sales.

Garth Robinson, 5980 South 5500 West, Hooper, Young Automotive and Thrifty Car Sales representative, asked to have the property identified that has been approved for conditional use for car sales. Ms. Jorgensen said if the conditional use for the additional property is approved, then the conditional use for car sales will cover the entire property presently owned at 416 North Main Street.

Mr. Robinson described the landscaping and structure of the ramp and stated the area would be kept weed free and well maintained.

Spencer Young, the applicant who lives at 5450 South Highway 56, Morgan, asked if weeds were allowed on the undeveloped portion of the property. Chairman Esplin stated the weeds must be kept mowed down. Mr. Young requested that this requirement be enforced on the other dealerships as well. He also requested that other dealerships be forced to comply to the same sign ordinances as imposed on his dealership. Chairman Esplin said that Code Enforcement was working to insure that all dealerships are in compliance with existing ordinances. Chairman Esplin, along with Ms. Jorgensen, said Planning and Code Enforcement do the best they can but community help is appreciated in identifying businesses who are out of compliance with ordinances.

There were no further questions from the Commission, the applicant, or the audience. Chairman Esplin called for a motion on the item.

Commissioner Tim Pales moved to grant the conditional use for auto sales subject to the applicant meeting the 6 conditions which are hereby adopted as requirements. Commissioner Pratt seconded the motion and the voting was unanimous.

(5) DAVID AMBERSON – CONDITIONAL USE – ACCESSORY DWELLING UNIT GARAGE/WORKSHOP COMBINATION

1424 West Gentile Street.

This property is in an R-S (Residential Suburban) Zoning District.

The applicant is David Amberson.

Brandon Rypien, Planning Technician, presented the applicant's request for a conditional use for an accessory residential dwelling unit at 1424 West Gentile Street. He said the applicant is proposing to build a 2 bedroom accessory dwelling unit above a detached garage in the rear of the property. The dwelling will initially be used to provide housing for Mr. Amberson as he renovates the existing home on the property. Once renovated, the family will move into the primary structure. The accessory structure may be used by a child or family member and can only be occupied by blood relatives. Mr. Rypien said the applicant will be required to sign a letter of agreement that will be recorded against the lot so future owners will understand that only blood relatives can occupy the accessory structure.

Mr. Rypien reviewed the requirements for an accessory structure and for the primary structure as well as parking and Fire requirements. He stated the applicant will be required to meet the following conditions:

1. The applicant/owner shall sign a letter of agreement stating that only blood relatives are to occupy the accessory dwelling and that it cannot be rented out to a non-related person. The letter of agreement shall be recorded against the lot in case the property owner decides to sell the home so that future homeowners will understand the use of the accessory residential dwelling unit.
2. Provide one parking space in the existing driveway for the occupants of the accessory dwelling unit.
3. The maximum building height for the accessory structure is 23 feet from the lowest grade.
4. The accessory dwelling shall closely match the existing primary structure architecturally once renovation is complete.
5. The accessory residential dwelling must not be more than 40 percent of the primary structure's living area after renovation and addition, nor more than 1000 square feet, nor have more than two (2) bedrooms.
6. All setbacks stated in Section 19.05.030 of the Zoning Ordinance must be met.
7. All Building and Fire requirements shall be met before occupancy.
8. The accessory dwelling unit shall either have a fire sprinkler system installed prior to occupancy or meet the 150-foot distance requirement from the fire access road.

There were no questions from the Planning Commission or audience.

The applicant, David Amberson , 1424 West Gentile, was present. Chairman Esplin asked Mr. Amberson if he understood the conditions and if he was willing to comply. The applicant stated he understood the conditions and he would comply.

Commission Pratt moved to grant the conditional use request for an accessory structure subject to the applicant meeting the 8 conditions which are hereby adopted as requirements. The motion was seconded by Commissioner Gilbert and the voting was unanimous.

Commissioner Pales moved to close the Public Review. Commissioner Pratt seconded the motion and the voting was unanimous.

OTHER CONSIDERATIONS:

(6) JACOB'S HOLLOW SUBDIVISION – ESCROW AGREEMENT EXTENSION

1700 North 3200 East (13 lots)

This property is located in an R-1-10 (Residential Single Family) Zoning District. The developer is asking for a 1-year extension of the Escrow Agreement for this subdivision.

The developers are Neil Wall and Mark Thayne.

Mr. Matson gave an over view of the Jacob's Hollow Subdivision. He reviewed the items left on the punch list and said the applicant is requesting a one-year extension of the escrow agreement to finish up the items. He said Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to approve the extension.

Commissioner Pales moved to forward a positive recommendation to the City Council to approve a one-year extension of the escrow agreement and forward a positive recommendation to the City Council. Commissioner Gilbert seconded the motion and the voting was unanimous.

(7) CANDLEWOOD ESTATES SUBDIVISION – ESCROW AGREEMENT EXTENSION

1115 South Westside Drive (11 lots)

This property is located in an R-S (Residential Suburban) Zoning District. The developer is asking for a 6-month extension of the Escrow Agreement for this subdivision.

The developer is Marcus Green.

Mr. Matson gave an over view of the area surrounding the Candlewood Estates subdivision. He stated the original escrow agreement has expired, and the applicant is requesting 6-month extension to complete some basic items on the punch list. He said Staff recommending approval of the escrow agreement extension. There were no questions from the Commission.

Commissioner Gilbert moved to forward a positive recommendation for a 6-month escrow agreement extension for the Candlewood Estates Subdivision. The motion was seconded by Commissioner Pales and the voting was unanimous.

Commissioner Pales moved to adjourn the meeting. There was a second on the motion and the meeting was adjourned at 7:48 p.m.

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