

**Minutes of  
LAYTON CITY PLANNING COMMISSION MEETING**

**AUGUST 12, 2008**

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

**ALTERNATE MEMBERS PRESENT:** Brent Allen,

**MEMBERS ABSENT:** Ron Stallworth, Blake Hazen

**ALTERNATE MEMBERS ABSENT:** Ryan Stevenson

**OTHERS PRESENT:** Staff Members: Kem Weaver, Amanda Jorgensen, Brandon Rypien, Julie Jewell, and Steve Garside.

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

Chairman Esplin called for approval of the July 8, 2008, and the July 22, 2008, Planning Commission Minutes. Commissioner Gerald Gilbert moved to approve the July 8, 2008 Planning Commission minutes. The motion was seconded by Commissioner Kristin Elinkowski, and the voting was unanimous.

Commissioner Gerald Gilbert moved to approve the July 22, 2008 Planning Commission minutes. The motion was seconded by Commissioner Kristin Elinkowski, and the voting was unanimous.

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

**PUBLIC REVIEW:**

**(1) LAYTON POINT LC – CONDITIONAL USE – ADDITIONAL TENANT SIGNAGE**

700 West Antelope Drive.

The property is located in a B-RP (Business and Research Park) Zoning District.

The applicant is Layton Point, L.C. represented by Mike Evans.

Amanda Jorgensen, City Planner, presented a request from Layton Point LC for additional tenant signage at the Harris Pointe Development which is an amendment to the conditional use for a second pylon sign at the development approved on April 7, 2008. The proposed third sign will match the other two signs in architecture. Ms. Jorgensen reviewed the location of the signs on the property stating that the third sign will accommodate new tenants to the development. The development is allowed a maximum of 300 square feet allowed for signage with 208 square feet currently in use leaving 92 square feet maximum for the third sign. Ms. Jorgensen said Staff recommends that the Planning Commission approve the amendment to the conditional use permit for the planned development sign at the Harris Pointe Development subject to the applicant meeting the following conditions:

1. The said sign shall meet the Layton City sign ordinance.
2. The said sign must match the other existing signs with regards to architecture and design within the Harris Pointe development.
3. Planned development signs shall not exceed 300 square feet in sign area total.

4. The sign shall meet the clear view area, which may locate the sign further east along Antelope Drive.
5. The sign shall meet the minimum requirement of 200 linear feet from another detached sign.
6. The said sign shall not exceed 20 feet in height based on average grade.
7. The applicant for the said sign must obtain a sign permit from the City, along with a site plan and specifications.

Chairman Esplin asked if the applicant, who was not present, was aware of the conditions, and Ms. Jorgensen replied that the applicant received a faxed copy. There were no questions from the Planning Commission or the audience.

Chairman Esplin called for a motion on the item.

Commissioner Pales moved that the Planning Commission grant approval for the amendment to the conditional use permit for the Harris Point Development subject to the applicant meeting all staff conditions which are hereby adopted as requirements. Commissioner Allen seconded the motion and the voting was unanimous.

### **(2) ED KENLEY FORD – CONDITIONAL USE – SECOND SIGN ON PROPERTY**

Approximately 1888 North Main.

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

The applicant is Jewel Lee Kenley.

Brandon Rypien, Planning Technician, presented the conditional use application from Ed Kenley Ford for a second detached sign on their property at 1888 North Main. A conditional use is required because the second sign that is currently on the property, which will be removed, was installed without a conditional use permit. The site meets the 300 lineal feet of street frontage requirement along an arterial street and at 9 acres meets the 5-acre minimum area requirement. Because the sign base is 2 feet in width and extends 10 feet from the ground surface, it must be set back 10 feet from the front property line. Mr. Rypien said Staff recommends the Planning Commission grant conditional use approval for a second detached sign at 1888 North Main subject to the applicant meeting the conditions as follows:

1. The E. K. Corral detached sign must be removed prior to the installation of the new detached sign.
2. The distance between both detached signs shall be no less than two hundred (200) lineal feet.
3. The combination of both detached signs shall not exceed three hundred (300) square feet.
4. The maximum height for the detached sign shall not exceed thirty-five (35) feet.
5. The sign shall have a minimum clearance of ten (10) feet between the ground surface and the bottom of the sign.
6. The base of the sign shall be setback ten (10) feet from the front property line and outside of the clear view area. In addition, the leading edge of the sign shall have a two (2) foot setback from any property line or public right-of-way.
7. All required permits shall be obtained before construction begins.
8. All building, fire, and engineering requirements shall be met.

There were no questions from the Planning Commission or the audience. Chairman Esplin asked if the applicant, who was not present, was aware of the conditions and Mr. Rypien replied in the affirmative.

Commissioner Kristin Elinkowki moved that the Planning Commission grant the conditional use request subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. The motion was seconded by Commissioner Pales and the voting was unanimous.

### **(3) GOLDEN SUBDIVISION – FINAL APPROVAL**

Approximately 200 East Golden Avenue (3 lots -- .99 acres).

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

The applicant is Layton City represented by Ben Hart.

City Planner, Kem Weaver, presented the application for final approval for the Golden Subdivision which meets the criteria for a small subdivision with 3 lots and also, with Golden Avenue at its full width, there is no need to dedicate any property for a street right of way to the City. The homes will be constructed by Davis School District and built primarily for low to moderate income housing. The lots meet requirements for the R-1-8 zone based on frontage and area. Staff is recommending that the Planning Commission forward their approval to the City Council subject to all Staff requirements being met. There were no questions from the Commission or the audience. Chairman Esplin called for a motion on the item.

Commissioner Pratt moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plat of Golden Subdivision subject to the applicant meeting all Staff requirements. Commissioner Gilbert seconded the motion and the voting was unanimous.

#### **(4) WINDSOR SQUARE COMMERCIAL SUBDIVISION PHASE 3 – FINAL APPROVAL**

Approximately 100 West 2675 North (2 lots – 7.46 acres).

This property is in an M-1 (Light Manufacturing/Industrial) Zoning District.

The applicant is Gary Wright.

Mr. Weaver presented the application for final approval for Windsor Square Commercial Subdivision Phase 3 indicating that the developer is proposing to expand the existing commercial subdivision to the east as far as utility access is available for the property. The proposal is for 3 lots with Lots 1 and 2 planned for building lots and Lot 3 for a detention pond.

The City Engineering Division is requiring the detention pond to be fenced based on the slope of the berm being too steep for someone to get out if the pond fills up. Commissioner Gilbert asked Mr. Weaver to talk to Engineering about the possibility of removing the fencing requirement around the detention pond. Mr. Weaver said Staff is waiting for a revised title report for this phase and recommends that the Planning Commission forward approval to the City Council subject to receiving the revised title report. In answer to Commissioner Pales' question, Mr. Weaver verified the recommendation was for final approval. There were no questions from the Commission or the audience. Chairman Esplin called for a vote on the item.

Commissioner Allen moved to forward a positive recommendation to the City Council for final approval for the Windsor Square Commercial Subdivision Phase 3 subject to receiving a revised title report. Commissioner Pales seconded the motion and the voting was unanimous.

#### **(5) OAK HILLS PATIO HOMES PRUD – FINAL APPROVAL**

2500 East Oak Hills Drive – (8 units & 2 Single Family Homes).

This property is in an R-S PRUD (Residential Suburban Planned Residential Unit Development) Zoning District.

The applicant is Jerry Preston.

Mr. Weaver presented the request for final approval for the Oak Hills Patio Homes PRUD. He gave an overview of the property explaining that the majority of the property sloped at 30 percent or greater. The developer proposes 8 patio homes on the flatter area of the property with the other portion slated for 2 single-family lots. He stated the developer has received permission from the Utah Department of Transportation (UDOT) to create an access to the development directly across Oak Hills Drive from the Red Fox Ridge Subdivision. The roadway within the subdivision will be a private drive. A landscape buffer will be necessary as well as a 6-foot high solid vinyl fence along Oak Hills Drive. Geotechnical reports show no concern with slope stability as long as the builder and developer follow the requirements of the geotechnical engineer's report, avoid the steep hillsides and meet retaining requirements.

Mr. Weaver outlined setbacks between the development and existing lots in the area stating that a space of 20 feet between the proposed units and the boundary of the development is required.

Mr. Weaver said utilities will run through the private lane and connect to existing utilities on Oak Hills Drive. He reported that Staff's recommendation is for the Planning Commission to forward approval to the City Council subject to the applicant meeting all Staff requirements.

The Commissioners had no questions and Mr. Weaver addressed concerns from Herwig and Julian Glander, 2450 Oak Hills Drive, regarding setback and fencing requirements and lot size stating that no fencing would be required for the single family homes and the single family lots would be from 1-2 acres in area.

Susan Hoffstettler, 2656 Oak Hills Drive, asked for the natural trees and vegetation that border the property to be retained in the development.

Mr. Weaver clarified for Chairman Esplin that the property had been zoned R-S PRUD for approximately 15 years and that R-S PRUD was the correct zoning for the development.

Norma Sharp, a resident at 2575 Oak Hills Drive, voiced her objections to the development and particularly the density perceived as being inconsistent with the surrounding area.

Commissioner Gilbert said he felt the proposed development did not fit with the area but realized the zoning change had taken place at an earlier date. He voiced concerns about the slopes but understood that development could move forward if geotechnical issues were met.

Mrs. Glander spoke of hill side concerns and Chairman Esplin explained that geotechnical reports would address hill side issues and development could not take place without approval from the geotechnical engineer.

There were no further questions from the Commission or the audience and the applicant was not present. Chairman Esplin called for a motion on the item.

Commissioner Allen moved, based on the premise that there is no reasonable basis for denial, that the Planning Commission forward a positive recommendation to the City Council for final approval for the Oak Hills Patio Homes PRUD. Commissioner Elinkowski seconded the motion which passed by a 4-1 margin with Commissioners Pales, Allen, Elinkowski and Pratt voting in favor and Commissioner Gilbert opposed.

#### **(6) CREEKSIDE VILLAGE PRUD CONDOMINIUMS – FINAL APPROVAL**

Approximately 900 South Main.

This property is located in an R-M1 (Low/Medium Density Residential) Zoning District.

The applicant is Shawn Strong.

Mr. Weaver explained that the Creekside Village development was previously before the Planning Commission for approval as an apartment complex located on South Main Street at the Layton/Kaysville boundary. The new owner is proposing owner occupied units which requires approval from the Planning Commission and City Council with a condominium plat and restrictive covenants to be recorded. Other than the addition of a pool by the club house, the original plan remains with 72 units and 6 buildings on just over 4 acres of property.

Mr. Weaver said the only issue with the development had been on the north side of the development where FEMA showed the 100 year flood plain extending toward the club house. The previous owner filed a Letter of Map Amendment (LOMA) which was approved by the Federal Emergency Management Agency (FEMA) based on the elevation of the club house in relation to Kays Creek. A 23 percent bonus density will be required for the additional 14 units over the base density of 58 units. The (Design Review Committee) DRC has approved the bonus density and the new developer will follow the original guidelines from the DRC with a tot lot to be located in the center of the complex. Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the

City Council for final approval for the Creekside Village PRUD Condominiums subject to the applicant meeting all Staff and DRC requirements. There were no questions from the Commission.

Duane Weaver, a resident at 910 South Main, asked if the configuration of the development would be any different than previously proposed for the apartment complex. Mr. Weaver replied that the configuration remained the same.

Commissioner Gilbert mentioned that residents who previously opposed the apartment complex may approve the owner occupied units.

Chairman Esplin called for a motion on the item.

Commissioner Gilbert moved that the Planning Commission forward a positive recommendation to the City Council for final approval of the Creekside Village PRUD Condominiums. Commissioner Pratt seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review and adjourn the meeting.

Commissioner Pratt moved to close Public Review and adjourn the meeting. The motion was seconded by Commissioner Pales and the voting was unanimous to close Public Review and adjourn the meeting at approximately 7:40 p.m.

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