

**Minutes of  
LAYTON CITY PLANNING COMMISSION MEETING  
AUGUST 26, 2008**

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

**ALTERNATE MEMBERS PRESENT:** Brent Allen, Ryan Stevenson

**MEMBERS ABSENT:** Ron Stallworth

**ALTERNATE MEMBER ABSENT:**

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

Planning Commissioner Chair, Sharon Esplin, called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited and the invocation was given by Commissioner Ryan Stevenson.

Commissioner Esplin asked if there were any changes to the August 12, 2008, Planning Commission Meetings. Commissioner Gerald Gilbert asked that the term monument sign be changed to pylon in the Layton Point LC conditional use request for a third sign. He also asked that the minutes reflect a third sign rather than a fourth sign.

Commissioner Gilbert moved to approve the August 12, 2008 Planning Commission Meeting with corrections. The motion was seconded by Commissioner Blake Hazen and the voting was unanimous.

Commissioner Gilbert moved to open Public Review. Commissioner Kristin Elinkowski seconded the motion and the voting was unanimous.

**PUBLIC REVIEW:**

**(1) WHITESIDES STREET – REZONE – R-1-10 to R-S**

389, 419, and 427 South Whitesides Street. (3 lots – 2.9 acres).

These properties are located in an R-1-10 (Residential Single Family) Zoning District.

The applicants are Neil and Audre Broadbent, Kenneth and Natalie Anderson, Ronald and Toni Cowdell.

Long Range Planner, Peter Matson presented the proposal to change the zoning designation of just under 3 acres of property from R-1-10 to R-S at 389, 419 and 427 South Whitesides Street. R-S (Residential Suburban) is also a single family zoning designation that allows the keeping of farm examples. Each of the 3 parcels meets the R-S zoning requirement for acreage and frontage.

Mr. Matson reviewed zoning designations in the area which is a combination of residential and farm uses. Mr. Matson indicated Staff's perception is that the existing of R-1-10 zoning does not allow the keeping of farm animals and rezoning to R-S would bring the use associated with these properties for years into compliance. The Fire and Engineering departments had no comments or concerns with the rezone. Staff is recommending approval of the rezone from R-1-10 to R-S.

The Commissioners and the audience had no questions. Chairman Esplin called for a motion on the item.

Commissioner Dave Pratt moved that the Planning Commission forward a positive recommendation to the City Council to rezone the properties at 389, 419 and 427 South Whitesides from R-1-10 to R-S subject to the applicant meeting all Staff recommendations. Commissioner Tim Pales seconded the motion, and the voting was unanimous.

**(2) FRANK & SHERYL FLUCKIGER – REZONE – R-S TO R-1-10**

Approximately 1600 North and Highway 89 (.784 acres).

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

The applicants are Frank and Sheryl Fluckiger.

Mr. Matson presented the applicants proposal to rezone .78 acres at approximately 1600 North and Highway 89 from R-S (Residential Suburban) to R-1-10 (Single Family Residential). This property is located on the west side of Highway 89 with access off a private drive. The property is vacant ground and part of a larger parcel owned by the applicant. Mr. Matson defined the area proposed for rezoning and stated that the predominant zoning designations on the east side of Layton are R-S and R-1-10. Both lots are just over 17,000 square feet in size. The applicant desires to meet frontage and setback requirements to have the flexibility to build the size of homes typically built in the area. The property proposed for rezone will ultimately be Lots 4 and 5 of the proposed Secluded Oaks Subdivision.

Mr. Matson stated that no development can occur on this property until the requirements for the Secluded Oaks Subdivision are met. He said Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-S to R-1-10 based on General Plan recommendations for single family developments at this density and in this area of the City.

The Commissioners and the audience had no questions. Chairman Esplin called for a motion on the item.

Commission Tim Pales moved to send a positive recommendation from the Planning Commission to the City Council to approve the rezone from R-S to R-1-10 based on the consistency of the rezoning meeting the General Plan recommendations for the area. Ryan Stevenson seconded the motion and the voting was unanimous.

**(3) LAYTON HILLS MALL – CONDITIONAL USE – TEMPORARY OUTDOOR ACTIVITIES**

Layton Hills Mall parking area at approximately 1200 North Hillfield Road.

This property is located in a CP-3 (Planned Regional Commercial) Zoning District.

The applicant is Barry Smith.

Layton Hills Malls would like to establish a mobile store adjacent to the Down East Home store next to the Layton Hills Mall and Hillfield Road. The approval for this site would complete the Mall area for allowing mobile stores for seasonal activities. Ms. Jorgensen reviewed the site plan and said any structures on the site could not be more than a total of 100 square feet. Ms. Jorgensen said depending on the nature of a business, a temporary business may be required by Layton City Business Licensing to provide a letter from the Davis County Health Department. Parking spaces assigned to other businesses cannot be occupied by a mobile store. The following conditions were placed on the conditional use for this site:

- 1) The mobile store area must be ten feet away from any property line and not obstruct access.
- 2) The mobile store area must be 100 feet away from any residentially zoned property.
- 3) If the mobile store area has a structure added to the site, the structure is required to have appropriate utility connections and must not exceed 100 square feet in area.

- 4) The mobile store area must have approvals that may include Layton City Fire Division, Engineering, Building Code, Planning, Business Licensing and the Davis County Health Department.
- 5) Any business located at this site will need to comply with all sign regulations.

Chairman Esplin asked if the applicant was aware of the conditions. Ms. Jorgensen said she had faxed the conditions to the applicant but had not received a response.

The Commissioners and the audience had no comments. Chairman Esplin called for a vote on the item. Commissioner Kristin Elinkowski moved to grant conditional use approval based on the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Pratt seconded the motion which was unanimously approved.

**(4) JUSTIN HIGLEY & RYAN ROPER– CONDITIONAL USE – CAR WASH**

Highway 193 and Church Street—Lot 2 Greyhawk Plaza.

The property is in a CP-1 (Planned Neighborhood Commercial) Zoning District.

The applicants are Justin Higley and Ryan Roper.

Ms. Jorgensen presented the applicants request for a conditional use to establish a car wash at Highway 193 just east of Church Street and adjacent to the new Maverick store. The access to the proposed carwash is not yet completed. Zoning designations in the vicinity were reviewed.

The car wash will have 5 washing bays and 6 detailing stalls. Ms. Jorgensen explained the proposed exterior architecture plan for the building. Before the applicant can schedule a pre-construction meeting for the project, the Greyhawk Commercial Subdivision must be recorded.

The following conditions were placed on the conditional use for this property:

- 1) Meet all guidelines and requirements from the North Davis Sewer District for the installation and maintenance of the wastewater.
- 2) The dumpster shall be enclosed with a six-foot fence (with slats) or wall and an opaque gate.
- 3) The property needs a 13-foot street landscape along Highway 193 with three (3) street trees placed every 50 feet.
- 4) The car wash needs to receive site plan and building permit approval from the Engineering Division, Fire department, Building Division and Planning Division before construction. This also includes the proposed subdivision.
- 5) The site plan needs to show a two car stacking area in front of all wash bays.
- 6) The site plan needs to show the public improvements, which includes the park strip and sidewalk.
- 7) The applicant is required to bring in specs, samples or pictures of the material for the exterior of the building.
- 8) The applicant is required to provide a photometric plan for the final site plan approval.
- 9) The proposed air blower needs to be insulated so it does not create a noise nuisance to the area.

The Commissioners and the audience had no questions. Chairman Esplin asked the applicant, who was present, if he understood the conditions. The applicant responded in the affirmative.

Commissioner Esplin called for a motion on the item. Commissioner Tim Pales moved to e grant the conditional use request for a car wash based on the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Elinkowski seconded the motion and the voting was unanimous.

**(5) 1550 ASSOCIATES – CONDITIONAL USE – ON SITE MANAGER**

1550 North 320 West #A.

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

The applicant is Desire' Skeen representing 1550 Associates.

Brandon Rypien, Planning Technician presented a request from the 1550 Associates for conditional use approval for a secondary dwelling unit in a commercial district. The applicant would like to have a manager living on-site 24 hours a day for security reasons.

The applicant proposes to convert Unit A into a 1,100 square foot dwelling unit with one parking stall.

The following conditions were placed on the conditional use for this property:

- 1) One (1) parking stall shall be designated for the on-site manager.
- 2) All required permits shall be obtained before construction begins.
- 3) All Building, Fire and Engineering Division requirements must be met.

The Commissioners and the audience had no questions. Chairman Esplin called for a motion on the item. Commissioner Hazen moved to grant conditional use approval for the secondary dwelling unit in a commercial district subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Pales seconded the motion and the voting was unanimous.

**(6) CHRISTOPHER JAKE ALLEN – CONDITIONAL USE – INDOOR SKATE BOARD PARK**

144 South Fort Lane (Fort Lane Shopping Center).

This property is located in a CP-2 (Planning Community Commercial) Zoning District.

The applicant is Christopher Jake Allen.

Mr. Rypien presented the request for conditional use for an indoor skate board park in a 22,000 square foot tenant space at the south end of the Fort Lane Shopping Center. The skate park will occupy 17,000 square feet of the space with 3,000 square feet for retail space.

The facility will accommodate all skill levels, and all ramps will be kept within the facility and not stored outdoors. Basic on square footage of the space, 160 parking stalls are required but Staff feels this requirement exceeds the needs of the use. Mr. Rypien asked the Planning Commission to defer to Staff to discuss parking regulations and requirements with the Fire and Engineering divisions and then determine the appropriate number of parking stalls required. A sixth condition was added that number of parking stalls will be regulated by Staff.

The applicant anticipates monthly competitions inside the building or at local stake parks. The parking lots must not be used as an extension of the facility. A special event permit will be required if the parking lot is used for host vendors.

The applicant has submitted a copy of a liability waiver that participants must submit before participating. This waiver indicates that the applicant, Infamous Me, will not be responsible for damage, and applicants must wear a helmet.

The follows are the conditions placed on the conditional use request for an indoor skate park:

- 1) All events shall be kept within the building.
- 2) Hours of operation shall be approved by Layton City Business Licensing.

- 3) All structures within the skate park shall be built to meet standards required by the International Code Council (ICC) building codes.
- 4) All required permits shall be obtained before construction begins.
- 5) All Building, Fire, and Engineering Division requirements must be met.
- 6) The number of parking stalls required will be determined by Staff.

The Commission and the audience had no questions. Chairman Esplin asked the applicant if he understood the conditions including the sixth condition added. The applicant replied in the affirmative.

Chairman Esplin called for a motion on the item. Commissioner Ryan Stevenson moved that the Planning Commission grant the conditional use request subject to the applicant meeting the six Staff conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion and the voting was unanimous.

**(7) LAKEWOOD PLAT VACATION – FINAL APPROVAL**

1718 North 1500 West – Vacating condo plat and reverting to 4-plex.

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

The applicants are Bob Strobaugh and Erin Egan.

City Planner, Kem Weaver, reminded the Planning Commissioners that the Commission approved a plat in April to allow the conversion of the Lakewood Apartments to condominiums. He said the applicant has now applied to vacate the condo plat and convert back to one lot under the same ownership. Common area and landscaping will return to a single ownership. This request is due to difficulties in funding the sale of apartments that have been converted to condominiums. Staff recommends the Planning Commission forward approval to the City Council to vacate the Lakewood Condo Plat subject to the applicant meeting all Staff requirements.

There were no questions from the Planning Commission or the audience. Chairman Esplin called for a motion on the item. Commissioner Pratt moved to forward a positive recommendation to the City Council to vacate the Lakewood Condominium plat and convert the property back to apartments under one owner as proposed. Commissioner Hazen seconded the motion which was unanimously approved.

**(8) ANGEL STREET TOWNHOMES PHASES II & III – FINAL APPROVAL**

1200 North Angel Street (Phase II – 16 lots; Phase III – 10 lots).

This property is located in an R-M1 PRUD Zoning District.

The applicant is Bill Pepperone, representing Trophy Homes.

City Planner, Kem Weaver, reminded the Commissioners that final approval had been received previously for Phase I of this Subdivision. Mr. Weaver reviewed the site plan and location of each of the Phases. A cross access easement will provide access to the development through the Kohl's parking lot.

The developer is required to follow Design Review Committee (DRC) recommendations. The developer had previously asked for a modification to the front façade of units in Phase I. The proposal was to eliminate false balconies and shutters. The Planning Commission allowed the developer to eliminate the false balconies, but recommended that the shutters remain as part of the façade.

Mr. Weaver said staff recommends the Planning Commissioner a positive recommendation to the City Council to approve Phases II and III of Angel Street Townhomes.

The Planning Commission and audience had no questions. Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved to forward a positive recommendation from the Planning Commission to the City Council to give final plat approval to Angel Street Townhomes Phases II & III

subject to the developer meeting all Staff and DRC requirements. The motion was seconded by Commissioner Pales, and the voting was unanimous.

**ORDINANCE AMENDMENTS/REVIEWS:**

**(8) AMENDMENTS AND ADDITIONS TO LAYTON MUNICIPAL CODE – Title 19.02.020 and Title 19.05.040 (5) – Definition of Basketball Court and Private Basketball Court Regulations.**

After recent challenges to residents having basketball courts on their property, Mr. Weaver said the Staff felt that it would be important to define a basketball court. In a recent Board of Adjustment hearing, a resident was allowed to keep the basketball standard with a portable net to contain the balls within the resident's yard.

Title 19.02.020 was amended to add the definition of a basketball court as follows:

“Basketball Standard or Court”: A standard is any erected device which houses a basketball hoop and accompanying backboard. A basketball court is an accessory area designated for the sport of basketball that has at least one basketball standard.

Title 19.05.040 (5) was amended to add basketball court standards and regulations as follows:

(5) Basketball Standards and Courts. Basketball standards and courts are allowed in all residential zones as accessory uses. The following requirements shall be followed for the placement of a basketball standard or court.

- (a) If the basketball standard or court is located within the front yard, as defined in 19.02.020 under “Yard, Front”, it shall be associated with the driveway or similar concrete pad for the parking of vehicles.
- (b) Basketball standards shall not be installed or placed on public streets or the public street right of way.
- (c) Basketball standards may not be located closer than one (1) foot from any property line of the property on which it is located.
- (d) A net or other portable device may be erected up to 13 feet in height behind the basketball standard to protect the ball from falling onto the adjacent property.
- (e) The basketball standard or court cannot be enclosed by a fence unless it meets the standards of 19.05.040(2), “Tennis Court”.

Mr. Weaver said staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt the amendment.

The Commission and the audience had no questions. Chairman Esplin called for a motion on the item. Commission Pratt moved to forward a positive recommendation from the Planning Commission to the City Council to adopt the amendments and additions to Title 19.02.020 and Title 19.05.040 (5). Commissioner Stevenson seconded the motion and the voting was unanimous.

Commissioner Elinkowski moved to adjourn the meeting at 7:30 p.m. The motion was seconded by Commissioner Hazen and the voting was unanimous.

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