

**Minutes of
LAYTON CITY PLANNING COMMISSION WORK MEETING
September 23, 2008**

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

ALTERNATE MEMBERS PRESENT: Ryan Stevenson

MEMBERS ABSENT: Ron Stallworth

ALTERNATE MEMBER ABSENT: Brent Allen

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

PUBLIC HEARING:

1. **HANSEN & HUNT INVESTMENTS – ANNEXATION & REZONE** – A (Agriculture) and R-1-10 (Single Family Residential) to R-1-10(PRUD) Planned Residential Unit Development.
This property is located at approximately 20 North Boynton Road.
The property to be annexed is .954 acres. Total property to be rezoned is 4.28 acres.
The applicant is Scott L. Hansen.

City Planner, Kem Weaver, presented the request to annex .954 acres into Layton City at the end of Boynton Road and south of Oak Hills Drive. He reviewed the subdivisions in the area. Commissioner Blake Hazen disclosed that he owned adjacent property to the north of the proposed annexation.

Mr. Weaver reviewed the proposed development which will be a Planned Residential Unit Development (PRUD). The property will connect through a strip of land to Boynton Road which will be extended. The property to be annexed for the development is zoned A. The remainder of the development (3.28 acres) is presently zoned R-1-10. Fifteen patio homes are proposed for the development at an estimated density of 3.5 units per acre and no bonus density is required.

PUBLIC REVIEW:

2. **ED KENLEY FORD – CONDITIONAL USE – AUTO AND BOAT DISPLAYS**
This property is located at 1777 North Main Street.
The property is located in a C-H (Highway Regional Commercial) Zoning District.
The applicant is Brett Kenley.

Brandon Rypien, Planning Technician, presented the request for conditional use for boat displays. He said the applicant, Brett Kenley, already has boats on the site. Mr. Rypien explained that the site is in a C-H zone and a conditional use is required for auto sales. The Staff and Commissioners discussed parking and fencing possibilities and concerns. Commissioner Hazen asked about fire flow. Mr. Rypien said the applicant must meet all requirements of the Building, Fire, and Engineering Divisions and indicated that the Fire Department had not recommended any changes.

3. BEN'S AUTO SALES – CONDITIONAL USE – AUTO SALES

This property is located at 1140 West Gentile Street.

The property is located in an M-2 (Heavy Manufacturing/Industrial) Zoning District.

The applicant is Ben Heiner.

City Planner, Amanda Jorgensen, gave the Commissioners a recently received memo from the Fire Department. She outlined where the applicant proposes to store up to 20 cars. She stated he would be the only employee on site with a maximum of 2 customers at a time. Vehicles would be shown by appointment only and advertised in the newspaper and on the internet. Ms. Jorgensen requested feedback from the Planning Commission as to the type of surface they preferred for the access areas. She said the applicant would need to meet the Planning Commission's recommendations for landscaping. Commissioner Ryan Stevenson mentioned safety issues with large trucks entering and exiting the site. The Commissioners and Staff discussed access, safety issues, and hard surface concerns. Assistant City Attorney Steve Garside reminded the Commission that conditions could be put on the request to remedy concerns. Mr. Garside clarified that the \$50,000.00 minimum improvement requirement only applied to buildings that are out of conformance and have an existing use. The applicant is requesting a new use in an existing building and can be required to meet the Planning Commission's expectations for improvements on the site.

The Staff and Commission considering tabling the item until October 14, 2008, in order to get more information regarding access and hard surface.

4. RICK BENSON CONDITIONAL USE – CONDITIONAL USE – HORSE BOARDING

This property is located at approximately 2314 North Bafco Road.

The property is located in an A (Agriculture) Zoning District.

The applicant is Rick Benson.

Ms. Jorgensen presented the applicant's request for a conditional use to board 20 horses on the site explaining that he wants to add covered stalls to border up to 20 horses as well as indoor and outdoor riding areas. A 7,200 square foot structure is currently on the site.

Ms. Jorgensen said that no additional landscaping will be required since the property is in an agriculture area. Eight parking stalls will be required and Staff determined that the parking surface could be gravel. The applicant is requesting that 15 people be allowed on the site at one time.

The applicant can meet Planning requirements but the Building Department has indicated a bathroom will be required and there is no sewer service in the road. This would require the road to be widened to 26 feet. Fire is asking for fire flow to protect the property. The road is on a Davis County parcel and the applicant would have to get an easement from Davis County to do the utilities.

Chairman Sharon Esplin advised that once the applicant has people coming to his facility for commercial uses the property is no longer considered agricultural property and would then become a commercial property with permits required for improvements and additions. Guidelines of commercial building codes must be followed including hiring licensed contractors to do the work.

Community and Economic Development Director, Bill Wright noted that the Fire Department is recommending denial. Commissioner Esplin explained that the Planning Commission can't deny the conditional use but may specify in the conditions that the applicant must meet Fire Department requirements.

Ms. Jorgensen said that even though it appears the property is not in the Accident Potential Zone (APZ), the applicant will be required to coordinate with the State on any improvements or uses. She also said citizens near the property are requesting potential dust and odor control.

The Commissioners discussed the possible issues and recommended adding an 11th condition stipulating that the dust must be controlled. A 12th condition was added that the applicant is to remove the animal waste from the property and maintain malodorous emanations. Mr. Garside recommended that condition # 12 be worded to indicate that the applicant must be in compliance with all nuisance ordinances. Ms. Jorgensen will give the applicant a copy of the ordinance.

5. LDS CHURCH – CONDITIONAL USE – SEMINARY BUILDING

This property is at 3380 West Hill Field Road.

The property is in an A (Agriculture) Zoning District.

The applicant is Mike Davies of Butler Architects representing the LDS Church.

This item was not reviewed due to lack of time.

6. LDS CHURCH PARCEL SPLIT – FINAL APPROVAL

This property is at 3380 West Hill Field Road.

The property is in an A (Agriculture) Zoning District.

The applicant is Mike Davies of Butler Architects representing the LDS Church.

This item was not reviewed due to lack of time.

7. CAMBRIDGE WAREHOUSE CONDO PLAT – FINAL APPROVAL

This property is located at 1086 East 2950 North (1 lot with 3 units -- .95 acres).

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

The applicant is Matt Gertge.

This item was not reviewed due to lack of time.

8. HARMONY PLACE SINGLE FAMILY SUBDIVISION – PRELIMINARY APPROVAL (REVISED)

This property is located at approximately 2300 West and Gentile Street (78 lots – 46.62 acres).

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

The applicant is Chris Martineau.

Commissioner Stevenson asked about access to the proposed elementary school since there was just one road coming into the subdivision and stubbing at the school. Mr. Weaver said the school would not be built for a couple of years and some of the lots may sell so that stubbed roads can be extended. Mr. Weaver explained that the street would need to be extended through Phase I to allow storm water and sewer to flow out through the proposed PRUD.

Mr. Weaver also presented a letter to the Commissioners written by John Watts, son of the property owners to the west of the proposed subdivision on Gentile. He explained that Mr. Watts had come before the Commission previously to ask that completion of the sidewalk along his parents' property be delayed until the entire phase was completed. He also asked for some fencing modifications to block car lights from shining on his parents' windows. The developer was willing to accommodate his requests, but the Commission stipulated there must be no delay installing the sidewalk. Mr. Watt's letter addressed the same concerns as previously voiced before the Planning Commission and Mr. Weaver said a citizen should be allowed to re-address the Planning Commission.



By Julie K. Jewell, Planning Commission Secretary

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ALTERNATE MEMBERS PRESENT: Ryan Stevenson

MEMBERS ABSENT: Ron Stallworth

ALTERNATE MEMBER ABSENT: Brent Allen

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

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was recited and the invocation was said by Commissioner Kristin Elinkowski.

Chairman Esplin called for approval of the August 26, 2008 Planning Commission Meeting Minutes. Commissioner Blake Hazen requested that paragraph 4 page 2 be corrected to read as follows: "Commissioner Kristin Elinkowski asked if an item can be discussed after voting **has** taken place." There were no other questions and Chairman Esplin called for a motion on approval of the minutes. Commissioner Gerald Gilbert moved to approve the August 26, 2008 Planning Commission Work and Meeting Minutes with the correction requested. Commissioner Pales seconded the motion and the voting was unanimous.

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

PUBLIC HEARING

1. **HANSEN & HUNT INVESTMENTS – ANNEXATION & REZONE** – A (Agriculture) and R-1-10 (Single Family Residential) to R-1-10(PRUD) Planned Residential Unit Development.
This property is located at approximately 20 North Boynton Road.
The property to be annexed is .954 acres. Total property to be rezoned is 4.28 acres.
The applicant is Scott L. Hansen.

City Planner, Kem Weaver, presented the request to annex .954 acres into Layton City at the end of Boynton Road and south of Oak Hills Drive. He reviewed the subdivisions in the area.

Mr. Weaver reviewed the proposed development which will be a Planned Residential Unit Development (PRUD). The property will connect through a strip of land to Boynton Road which will be extended. The property to be annexed for the development is zoned A (Agriculture). The remainder of the development (3.28 acres) is presently zoned R-1-10. Fifteen patio homes are proposed for the development at an estimated density of 3.5 units per acre and no bonus density is required.

Mr. Weaver said that the Fire Department and Engineering still had concerns with the development including slope and flood plain concerns with Holmes Creek.

Mr. Weaver instructed the Planning Commission that two motions will be necessary – one motion for the

annexation and one motion for the rezone. He said Staff recommends the annexation of the .954 acre parcel and a rezone of a total of 4.28 acres from A to R-1-10(PRUD) and R-1-10 to R-1-10(PRUD).

Commissioner Hazen disclosed that he owns the property to the north of the one-acre parcel to be annexed.

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

Commissioner Tim Pales moved to forward a positive recommendation from the Planning Commission to the City Council to approve the annexation request for the Hansen Hunt property at approximately 20 North Boynton Road. Commissioner Gilbert seconded the motion and the voting was unanimous.

Commissioner Pales moved to forward a positive recommendation from the Planning Commission to the City Council to approve the rezone of the 4.28 acres from A and R-1-10 to R-1-10(PRUD) based on the General Plan recommendations. Commissioner Gilbert seconded the motion and the voting was unanimous.

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

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

2. ED KENLEY FORD – CONDITIONAL USE – AUTO AND BOAT DISPLAYS

This property is located at 1777 North Main Street.

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

The applicant is Brett Kenley.

Brandon Rypien, Planning Technician, presented the request to display boats on the vacant property across the street from Ed Kenley Ford on Main Street. He gave an overview of the property stating that the front of the property is paved with a combination of asphalt and gravel. Only the front portion of the property will be used to display the boats. A vinyl fence will be installed from the rear foundation line of the building to each side property line to shield the back portion of the property. He said the site is in the C-H (Highway Regional Commercial) Zoning District which allows for auto sales as a conditional use. He said all sales transactions will be done across the street at Ed Kenley Ford or Quick Lane.

The following eight conditions were placed on the conditional use request.

- 1) All transactions shall be through Quick Lane or Ed Kenley Ford.
- 2) Five (5) parking stalls shall be required and striped.
- 3) All parking stalls shall be maintained open for customers.
- 4) No boats shall obstruct the flow of traffic.
- 5) All boats shall be placed on a hard surface.
- 6) All sign ordinance requirements shall be met and all permits shall be obtained.
- 7) All building, fire, and engineering requirements shall be met.
- 8) All of the above conditions shall be met before receiving a certificate of occupancy.

There were no questions from the Commission or the audience, and the applicant was not present. Mr. Rypien said the applicant had been provided with a copy of the conditions.

Commissioner Elinkowski moved to approve the conditional use request for auto and boat display at the Ed Kenley property at 1777 North Main Street subject to the applicant meeting the eight conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion which was approved unanimously.

3. **BEN'S AUTO SALES – CONDITIONAL USE – AUTO SALES**

This property is located at 1140 West Gentile Street.

The property is located in an M-2 (Heavy Manufacturing/Industrial) Zoning District.

The applicant is Ben Heiner.

Ms. Jorgensen presented the conditional use for auto sales at 1140 West Gentile Street. The property is owned by Hines Company which is the historic onion farm in West Layton. The property is west of the D&RG Railroad tracks and east of Angel Street.

The business will be located in a portion of the north part of the building. Mr. Heiner will be conducting business in a 4,000 square foot warehouse and a 3,000 square foot covered parking area. The facility will not have more than 20 vehicles on site. These vehicles will be located inside the warehouse and outside under the awning only. Customers will be "by appointment only" and vehicles will be advertised on the internet and in newspaper ads. These vehicles are not to be placed along the south portion of property facing Gentile Street.

The applicant is required to provide a revised site plan that the City must approve for parking and access. The applicant is required to show on the site plan an access to the business from the main entrance off Gentile Street. This access area is required to have a hard surface material, along with hard surface parking stalls. This access must take into account the existing onion business demands, which includes pick up and deliveries located on the west side of building. Customers must have an open access to enter and exit the property safely at all times.

The applicant is required to provide 3-parking stalls for the auto sales business. The calculation was determined under the warehouse/manufacturing definition, which requires one stall plus two stalls for customers. There will be no more than one employee and two customers at a time. The parking stalls are required to be striped. Staff does not feel that landscaping the entire street frontage along the Gentile Street frontage is necessary, but would like to see some improvements.

Ms. Jorgensen said more information is needed regarding how safe access for customers will be achieved and hard surface to be used on the property. Staff, therefore, recommends the Planning Commission table this item until the October 14, 2008 Planning Commission meeting.

Chairman Esplin asked the applicant, Ben Heiner, who was present if he understood Staff's recommendation. Mr. Heiner had no questions.

Commissioner Hazen moved to table the request for the conditional use until October 14, 2008. Commissioner Pales seconded the motion and the voting was unanimous.

4. **RICK BENSON CONDITIONAL USE**

2314 North Bafco Road.

This property is located in an A (Agriculture) zone.

The applicant is Rick Benson.

Ms. Jorgensen presented the applicant's request for a conditional use to board 20 horses on the site explaining that he wants to add covered stalls to board up to 20 horses as well as indoor and outdoor riding areas. There is currently a 7,200 square foot structure on the site.

Ms. Jorgensen said that no additional landscaping will be required since the property is in an agriculture area. Eight parking stalls will be required and Staff determined that the parking surface could be gravel. The applicant is requesting that 15 people be allowed on the site at one time.

The applicant can meet Planning requirements but the Building Department has indicated a bathroom will be required and there is no sewer service in the road. This would require the road to be widened to 26 feet. Fire is

asking for fire flow to protect property. The road is on a Davis County parcel and the applicant would have to get an easement from Davis County to do the utilities.

Ms. Jorgensen said the following conditions will accompany the conditional use request.

- 1) The applicant is required to obtain a valid business license from the City.
- 2) The applicant is required to coordinate and receive approval with the State of Utah regarding any easement issues on this property (if necessary).
- 3) The applicant is required to abide by all applicable Layton City Engineering Division, Fire Department and Building Division requirements.
- 4) The applicant is required to provide eight parking stalls, with drivable gravel located north of the indoor arena.
- 5) Any lighting on the property must be contained on site. If there is outdoor lighting for the structure or outdoor arena lights, they are required to be off by 10 p.m.
- 6) The site is required to remain free of junk, debris and garbage.
- 7) Bafco Road shall not be blocked by any vehicles or trailers, to allow access to be maintained along this narrow road. No parking will be allowed on Bafco Road.
- 8) The applicant must obtain a building permit for the additions on the north and south side of the structure.
- 9) A maximum of 15 people may be on the site at one time.
- 10) A maximum of 20 horses are allowed to be boarded at one time on the site.

Conditions 11 and 12 were added at the request of the Planning Commission.

- 11) The applicant is required to control any dust from the increased use.
- 12) The applicant is required to comply with all City nuisance ordinances.

The applicant will be given a copy of the City nuisance ordinances.

There were no questions from the Commission.

The applicant, Rick Benson, who lives at 1751 North 2675 East, in Layton, expressed concerns about the fire flow and water hydrant requirements being imposed by the Fire Department. He felt that there was no entity that claimed responsibility for Bafco Road. Commissioner Esplin explained that concerns about Fire and Engineering requirements would have to be resolved with those divisions of the City. There was a discussion as to whether Love Estates adjacent to this property had met Fire Department requirements.

Both Chairman Esplin and Mr. Garside reiterated that if the Fire Department required a hydrant, the applicant must work with the Engineering Division to have it installed according to their specifications.

Chairman Esplin asked if the applicant understood the conditions. The applicant had no further comments.

Property owners in the area, Jim Clark (2447 North 1075 East), Paul Smith (1809 North 650 West), Janita Searle, (2047 North 1075 East), Allan Higgs (1189 North 300 East), and David Jackson (2342 North 1075 East), expressed concerns about the condition and upkeep of Bafco Road. Other concerns were possible nuisances from the proposed facility such as dust, lighting, odors, increased traffic, and the speed of the vehicles.

Commissioner Esplin explained that the conditions are put in place to protect the health, safety and welfare of the citizens.

It was clarified for the applicant that the total number of horses could only be 20 including his own horses. If any reason for complaint arises, comments should be addressed to the City to ensure the conditions are followed.

Ms. Searle indicated the neighbors would like to see the site plan and said she would get the site plan from the City and distribute it to the neighbors.

Chairman Esplin acknowledged that that the applicant and the residents were not in agreement regarding the use of the property. There were no further questions or comments, and Chairman Esplin called for a motion on the item.

Commissioner Pales moved that the conditional use for commercial horse boarding be granted based on the applicant meeting the 12 Staff conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion. The motion passed by a margin of 5 in favor of granting the conditional use to 1 opposed. Commissioners Pales, Hazen, Stevenson, Elinkowski, and Pratt were in favor, and Commissioner Gilbert was opposed.

5. LDS CHURCH – CONDITIONAL USE – SEMINARY BUILDING

This property is located at 3380 West Hill Field Road.

The property is in an A (Agriculture) Zoning District.

The applicant is Mike Davies of Butler Architects representing the LDS Church.

Kem Weaver presented the conditional use application for an LDS Seminary on the northwest corner of the new Davis School District junior high school. Mr. Weaver gave an overview of the area and said the building would front on West Hillfield Road. The approximately .5 acre site will consist of one 4,000 square foot building housing two classrooms and offices. There will be 7 parking stalls with one designated to meet American Disability Act (ADA) requirements. A detention pond on the site will be part of the regional detention system. Landscape plans, when received, must meet ordinances and include trees along the west property line every 25 feet. Staff is encouraging but not requiring trees on the east and south boundaries to create a visual separation from the school playing fields and the Seminary site. There is an existing chain link fence along the west property line. If the Church receives approval from the current residents, they may place interlocking slats in the chain link fence. If that is not an option, then the Church will have to install their own fence of either chain link with interlocking slats or solid vinyl at 6 feet in height.

Mr. Weaver said the mainly brick architecture of the building will enhance the area. The site plan will be approved by Staff at a later date.

Mr. Weaver asked for recommendations or questions on the following conditions to be placed on the application:

- 1) Provide a detailed landscape plan for City Staff review. The plan will need to meet all landscape ordinances.
- 2) Permission shall be received from the adjacent residents in Wild Horse Meadows subdivision to place interlocking slats in the existing chain link fence.
- 3) A six-foot solid vinyl or chain link fence with interlocking slats shall be installed on the west property line should the residents fail to give permission for slating their existing fence.
- 4) The lone light pole on the west portion of the site shall not emit light out towards the single-family residents so as to create a nuisance. All lighting shall stay on the Seminary sight.
- 5) Provide an irrigation plan for the proposed landscape areas.
- 6) The site shall meet all Fire and Engineering Division requirements as spelled out in their reviews.

There were no questions from the Commission or the audience. The applicant was present and stated he understood the conditions. Chairman Esplin called for a motion on the item.

Commissioner Stevenson moved to grant conditional use for the LDS Church seminary subject to the applicant meeting the six conditions which are hereby adopted as requirements. The motion was seconded by Commissioner Elinkowski and the voting was unanimous.

6. LDS CHURCH PARCEL SPLIT – FINAL APPROVAL

This property is located at 3380 West Hill Field Road.

The property is in an A (Agriculture) Zoning District.

The applicant is Mike Davies of Butler Architects representing the LDS Church.

Mr. Weaver explained prior to the parcel split request being presented to the City Council, a dedication plat for Hillfield Road and a new legal description for the Davis County School property reflecting the parcel split must be received. He said the parcel to be split from the Davis County School property consists of .49 acres and meets the requirements of the R-S zoning designation.

Mr. Weaver said Staff recommends the Planning Commission forward the parcel split request to the City Council for final approval subject to the applicant meeting Staff requirements and recording a street dedication plat and updated legal description for the Davis County junior high site parcel.

Chairman Esplin called for a motion on the item. Commissioner Dave Pratt moved to forward a positive recommendation to the City Council for the parcel split for the LDS Church subject to the applicant meeting all Staff requirements specifically recording the street dedication plat and providing a new legal description for the junior high site. Commissioner Gilbert seconded the motion and the voting was unanimous.

7. CAMBRIDGE WAREHOUSE CONDO PLAT – FINAL APPROVAL

This property is located at 1086 East 2950 North.

(1 lot with 3 units -- .95 acres)

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

The applicant is Matt Gertsch.

Mr. Weaver presented the request for final approval for the Cambridge Warehouse Condo Plat. He gave an overview of the developments in the area. The Cambridge Warehouse is an 18,000 square foot building housing 3 tenants who each want to own their space under a condo plat. The landscape and parking will be considered common areas. Restrictive covenants have been reviewed and approved by Staff and a business owner's association will govern the covenants. He said the applicant will need to amend the lot by separating the storage units from the condominium plat. He said Staff recommends that the Planning Commission forwarding a positive recommendation for approval to the City Council subject to the applicant providing an amended plat for Lot 1.

Chairman Esplin asked if the plat would have to be amended before final approval at City Council. Mr. Weaver responded that the amended plat must be approved at Planning Commission for approval prior to be presented to the City Council for approval.

In response to Commissioner Hazen's question about fire code, Mr. Weaver explained the separation requirements and stated the Fire Department will inspect the building.

There were no further questions from the Commission or the audience.

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 approve the Cambridge Warehouse Condo plat subject to the amended subdivision plat being approved and subject to the applicant meeting all Staff requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

8. HARMONY PLACE SINGLE FAMILY SUBDIVISION – PRELIMINARY APPROVAL (REVISED)

This property is located at approximately 2300 West and Gentile Street.
(78 lots – 46.62 acres).

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

Mr. Weaver mentioned that the Planning Commission had approved a previous plan with 104 lots for this subdivision on March 13, 2007. The applicant then phased the development with a final plat for 39 lots in Phase I which was approved on November 13, 2007.

The Davis County School District was looking for an elementary school site in south west Layton and approached the Harmony Place developer. Consequently, 12.12 acres of the original subdivision was sold to the School District reducing the number of building lots in the subdivision to 78. It also changes the street pattern approved previously and decreases the open space. The northern part of the subdivision will still have some open space and a City park will be constructed in the detention pond portion of the property.

There will still be a collector street running from Gentile to the future PRUD (Planned Residential Unit Development) to the south. This street is still required for utility purposes. The density for the subdivision has dropped from 2.23 units per acres to 1.69 units per acre. There will be landscaping along both sides at the entrance from Gentile and will have a roundabout.

The City Legal Department received a letter from John Watts on behalf of his parents Burns and Louise Watts. This letter will be attached in its entirety as part of the minutes. The issues with which he expressed concern are the construction of a sidewalk along his parents' property (west side of the main entrance) which he would like delayed until the completion of the subdivision and the type of fencing to be installed along this section of the entrance. The developer had expressed a willingness to comply with the Watts' requests; however, the Planning Commission decision stated that the sidewalk construction could not be delayed.

Mr. Weaver indicated that Staff recommends the Planning Commission approve the preliminary plan for Harmony Place subdivision subject to the applicant meeting all Staff requirements. The Planning Commission had no questions.

A resident, Mike Kolendrianos, 2601 West Gentile Street, expressed concern with water conveying easements through the Harmony Place property. He asked for the item to be tabled until water source issues are addressed. He also expressed concerns about open space being diminished with the new plan.

The Commissioners and Staff discussed potential commercial uses around the proposed 2700 West interchange.

Burn Watts, 2429 West Gentile, property owner adjacent to the entrance to the subdivision spoke on previously expressed concerns in the letter written by his son, John Watts. He asked who would maintain the property between the barrier along the entrance and his property line. Mr. Weaver said the homeowners association would maintain the subdivision's property along the entrance and under the power lines. Mr. Martineau, the developer, said the property of which Mr. Watts spoke was owned by Mr. Watts but his development would work with Mr. Watts on this maintenance.

Commissioner Elinkowski asked if there is a timeline for when the school buys property for a school. Mr. Weaver said there is no way to determine when the school district intends to begin construction of the school.

Mr. Watts asked again that the sidewalk be delayed and Chairman Esplin said code indicates the sidewalk must not be delayed.

Commissioner Gilbert felt a school would reduce the overall traffic due to residences being eliminated.

The developer, Chris Martineau, 1464 Ridgeline Drive, addressed the Planning Commission to clarify that only a portion of the open space has been eliminated and that the density was decreased. A trail system will be maintained, the entrance landscaped, and there is a proposal for a future City park. He has been in discussion with the Watts family and was willing to accommodate their requests but understands that for safety issues, the sidewalk must be installed. The development will install a fence that will block lights from shining on the Watts property as the vehicles turn into the subdivision. He said the timing for the school is uncertain as is the timing for the development which will go forward as the market indicates. He said Rocky Mountain Power has been involved in the planning of the road with a future power line in mind. He said this does not guarantee water rights to neighboring properties but ditch easements have been settled and prescriptive easements such as those mentioned by Mr. Kolendrianos were addressed in December 2007.

Mr. Garside said the water has been tail water with no water rights. He said there can be a prescriptive easement without any water rights. Chairman Esplin said the easement would be maintained, but whether or not any water comes through the ditches depends on the water company.

Mr. Watts expressed concerns about being able to get irrigation water to his property.

There were no other questions or comments.

Commissioner Gilbert moved to approve the amended preliminary plan for Harmony Place Subdivision subject to the developer meeting all Staff requirements to include the maintenance of the easements of the ditches. Commissioner Pales seconded the motion and the voting was unanimous.

Commissioner Elinkowski moved to close Public Review. Commissioner Pales seconded the motion and the meeting adjourned at 8:47 p.m.



Julie K. Jewell, Planning Commission Secretary