

**Minutes of  
LAYTON CITY PLANNING COMMISSION MEETING  
TUESDAY, NOVEMBER 25, 2008**

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

**ALTERNATE MEMBERS PRESENT:** Ryan Stevenson

**MEMBERS ABSENT:** Ron Stallworth, Tim Pales

**ALTERNATE MEMBERS ABSENT:** Brent Allen

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

Planning Commission Chairman, Sharon Esplin, called the Planning Commission Meeting to order at 7:01 p.m. The Pledge of Allegiance was recited and the invocation was given by Commissioner Dave Pratt.

Chairman Esplin called for approval of the October 28, 2008 Planning Commission Meeting minutes. Commissioner Blake Hazen moved to approve the minutes for both the Work Meeting and the Planning Commission Meeting. Commissioner Kristin Elinkowski seconded the motion and the voting was unanimous.

**PUBLIC REVIEW:**

**(1) URBAN COFFEE – CONDITIONAL USE FOR A MOBILE STORE SITE – FINAL APPROVAL**

This property is located in a MU-TOD Zoning District at 12 South Main Street. The applicant is Ryan Wilson.

Peter Matson, Long Range Planner, presented Urban Coffee's request for a conditional use permit for a mobile coffee business at the First National Bank site at Main and Gentile Streets. The bank signed an affidavit approving this use at its site which was not previously approved as a mobile store site. Urban Coffee will be housed in an 8 foot by 12 foot cart and stored in an on-site equipment shed after business hours. The business hours will be 5:00 a.m. to 9:00 a.m. during peak hours of the Front Runner traffic but not overlapping with bank hours. The cart will be located in the first parking space just off Main Street. No required parking spaces or the landscaped areas may be used for the business. If the business decides to alternate the proposed hours, parking spaces will need to be recalculated and the hours approved by the Planning Commission. The proposed year round business will need a Layton City business license and a Davis County Health Department permit and must meet mobile store requirements. The applicant is not required for this particular use to change any landscaping or do site modifications.

Mr. Matson said Staff is recommending approval for the mobile store site with the following conditions.

1. The business signage will comply with the sign ordinance. This includes regulations for grand opening and special events.
2. The business will comply with all Fire Department, Business Licensing, and Building code requirements.
3. The coffee stand is not allowed to provide drive through service for customers.
4. The coffee stand business hours will be from 5 a.m. to 9:00 a.m. to prevent congestion with the regular bank business.
5. The coffee stand is not allowed to be placed in required parking stalls or landscaped areas.
6. The business is required to comply with all requirements from Ordinance 19.21.040 for mobile stores.
7. The business is required to receive approval from the Davis County Health Department.
8. The cart will be removed after daily business to the existing shed on site.

Commissioner Elinkowski asked for verification that the cart will be put away each day and Mr. Matson described the storage area and shed and confirmed the cart must be removed after business hours each day.

There were no questions from the Commissioners or the audience. The applicant, Ryan Wilson, was asked if he had a copy of the conditions and if he was familiar with the requirements. He replied in the affirmative and had no questions for the Commission.

Commissioner Ryan Stevenson moved to grant the conditional use subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion and the voting was unanimous.

- (2) **AMERICA FIRST CREDIT UNION – REZONE** – M-1 (Light Manufacturing/Industrial) to P-B (Professional Office) – 1.986 acres.  
This property is located in an M-1 Zoning District at 840 East Highway 193.  
The applicant is Dee Hansen.

Mr. Matson presented America First Credit Union's proposal for the property on the southwest corner of Highway 193 and Fairfield Road. The proposed office use is not allowed in the current M-1 zoning designation. Mr. Matson gave a review of the businesses in the area and said the applicant is proposing the zone change to allow for a new credit union building on the site. The old building will be demolished and the new building will have drive through banking and an ATM. Mr. Matson gave an overview of the area which is close to Hill Air Force Base (HAFB). It is not in the APZ (Accident Potential Zone) but is in the 75 idn noise contour that wraps around the flight path of aircraft from HAFB. The State of Utah does not have an easement on this property and therefore no guidelines are recorded on the property, but Mr. Matson said Staff feels that following the State Easement guidelines would be a positive recommendation for this property particularly to reduce noise levels from HAFB flight operations. He said that noise attenuation will be more important with future aircraft coming to HAFB for maintenance. He stated Staff is reviewing the conditional use for drive through banking and the site plan.

Mr. Matson said the initial site plan will address landscaping and setback requirements for the PB zone. He explained the uses allowed in the P-B zone and said the General Plan designates this area for primarily light industrial/lower occupancy types of uses. Mr. Matson said he had discussed the PB zoning designation and also the CP-1 zoning designation with a development agreement with the applicant. The drive thru would be a conditional use in the PB zone. Tim Stone, HAFB Community

Planner, said the lower occupancy financial institution use is compatible with area. Large meeting rooms and auditoriums would not be compatible.

Mr. Matson said Staff is recommending approval of the zone change from M-1 to PB to provide a compatible re-use of this property and also compatibility with HAFB.

Commissioner Esplin asked Mr. Matson to clarify the difference in property sizes with the agenda stating the property at 1.986 acres and the Staff report at 3.06 acres. Dee Hansen, the applicant, clarified that the 1.986 acres is correct. Mr. Matson said the Staff Report for the City Council would indicate 1.986 acres as the property size.

There were no questions or comments from the Commissioners or the audience. Commissioner Esplin asked the applicant, Mr. Hansen, if he had comments. Dee Hansen, 5445 South Highland Drive, Salt Lake City, real estate broker representing America First Credit Union commented that he wished that there was a conditional use for drive through banking in the M-1 zone, but expressed appreciation to the Staff for their help in selecting the appropriate zoning. He felt the only negative issue with the PB zone is that only monument signage is allowed. He said pylon signs were in use along Highway 193 and asked if there was a conditional use in the PB zone for pylon signage. Mr. Matson said there was no variance for a pylon sign in this zone. Another alternative would be a different zoning designation with a development agreement that makes the land use equal to a PB zone and addresses the sign issue. An example would be a CP-1 zoning designation where a pylon sign is allowed. The applicant asked to go ahead with the PB zoning.

Commissioner Gerald Gilbert moved to forward a positive recommendation to the City Council to rezone the 1.986 acre property at 840 East Highway 193 from M-1 to PB. Commissioner Elinkowski seconded the motion and the voting was unanimous.

**(3) CHUCK E CHEESE -- PARCEL SPLIT – FINAL APPROVAL**

450 & 470 North Main Street – 2.57 acres – 2 parcels

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

The applicant is Gordon Corn represented by Stephen Fackrell.

Kem Weaver, City Planner, presented an overview of the parcel, the location of the buildings and the access. The owner is requesting to create two parcels out of the 2.57 acre parcel. Parcel 1 (1.52 acres) will contain the Chuck E Cheese restaurant and Parcel 2 (1 acre) will contain the retail building.

He said the hatched areas on the plat represent utility easements and cross access easements for each building on the site. The Planning and Engineering Divisions have reviewed and approved the covenants which will be recorded with the plat. He said Staff is recommending the Planning Commission forward a positive recommendation to the City Council to approve the parcel split.

Commissioner Pratt moved to forward a positive recommendation from the Planning Commission to the City Council to approve the parcel split. Commission Stevenson seconded the motion and the voting was unanimous.

Commissioner Elinkowski moved to close Public Review. There was no second or vote on the motion.

**OTHER CONSIDERATIONS:**

**(4) ZION'S BANK – LANDSCAPING MODIFICATION**

This property is in a CP-2 (Planned Community Commercial) Zoning District located at 166 South Fort Lane.

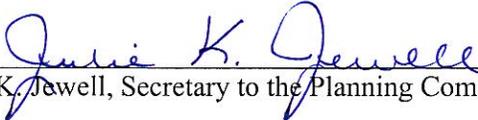
The applicants are David Delight representing Zion's Bank and Corey Cracroft representing Prescott Muir Architects.

Mr. Weaver presented Zion Bank's request for a landscaping modification at its temporary location in a free-standing building adjacent to the Fort Lane Shopping Center. Because of the uncertainty of the Fort Lane Shopping Center, their lease is temporary. They are requesting a modification to allow 25% turf along the Fort Lane Street frontage with 2 deciduous trees and the remainder of the landscaping to be decorative rocks and boulders. He said the Planning Commission has the authority to modify landscape requirements based on lot configuration or size. This building sits at an angle to Fort Lane and due to lot configuration of the parcel and temporary nature of the use because of possible future development, Staff feels the modification can be justified. Another requirement will be for Zion's Bank to maintain the area adjacent to the drive through, keeping it mowed and clear of weeds. If the applicant occupies the building for more than 2 years, they will be required to complete the landscaping per City ordinance. The applicant has agreed to this requirement. If there is no progression on redevelopment of the site within two years, Zion's Bank will finish the landscaping for the site.

Commissioner Esplin asked the applicants, Corey Cracroft (Prescott Muir Architects) and David Delight (Zion's Bank) if they understood the requirement that they would either request in writing an extension to the modification agreement in two years or landscape the site per ordinance. The applicants replied in the affirmative.

Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved to approve the landscape modification with the understanding that in two years, the applicant will comply with all landscaping ordinances or request an extension of the modification agreement from the Planning Commission. Commissioner Hazen seconded the motion, and the voting was unanimous.

Commissioner Gilbert moved to adjourn the meeting and Commission Hazen seconded the motion. The voting was unanimous and the meeting adjourned at 7:37 p.m.

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