

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
TUESDAY, DECEMBER 9, 2008**

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

ALTERNATE MEMBERS PRESENT:

MEMBERS ABSENT: Ron Stallworth, Kristin Elinkowski, Blake Hazen

ALTERNATE MEMBERS ABSENT: Brent Allen, Ryan Stevenson

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Amanda Jorgensen, Steve Garside, Julie Jewell

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

Approval of the Minutes: November 25, 2008. Commissioner Tim Pales asked that the minutes be corrected to reflect that he was not present at the November 25, 2008, Planning Commission Meeting. Commissioner Gerald Gilbert moved to accept the minutes with the correction. Commissioner Pales seconded the motion and the voting was unanimous.

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

PUBLIC REVIEW:

(1) ADAMSWOOD LANDING PRUD – PRELIMINARY APPROVAL

Approximately 575 North 1050 East (12 units – 2.82 acres).
This property is in an R-1-10 PRUD Zoning Designation.
The applicant is Bruce Nilson.

Kem Weaver, City Planner, presented the request for preliminary approval for Adamswood Landing PRUD. The proposal is for 12 patio home units on the 2.82 acre property zoned R-1-10 which allows for 3.5 units per acre. This property would allow for a density of 10 units and a 20% bonus density is required for the two additional units. Mr. Weaver said the Design Review Committee (DRC) awarded a 10% bonus density for additional open space (57% total open space for the development), and 10% for the home exterior materials which will be masonry on all 4 sides. The development also received a 10% bonus density for double car attached garages and 5% for a solid vinyl perimeter fence. The total bonus density received is 35%. The DRC asked the developer to incorporate grass in the park strips along 575 North and Adamswood Road with additional shrubs throughout the development and evergreen trees at the entrance. The DRC requested that the cluster of pear trees planned along the private drive be reduced to one tree set closer to each unit. The DRC also requested that Units 8 & 9 be re-arranged to eliminate the shared driveway. Another request from the DRC specified masonry or rock be used for the monument sign at the entrance rather than wood which requires more maintenance.

Mr. Weaver explained that Lot 1 is identified as being in the FEMA (Federal Emergency Management Agency) 100 year flood plain. The developer has sent an application to FEMA asking for a Letter of Map Amendment in order to remove the flood plain from Lot 1. Currently, the small stream enters into a culvert on the north side of 575 North and travels under Adamswood Road to the Davis County detention basin that

fronts onto both Fairfield Road and Adamswood Drive. A note has been placed on the preliminary plan that states the lot is unbuildable until FEMA has removed it from the flood plain.

Mr. Weaver gave an overview of the zoning designations in the area. He said there should be no detriment caused by the subdivision to the neighboring subdivisions and stated that Staff recommends the Planning Commission forward approval to the City Council subject to the applicant meeting all Staff requirements. There were no questions from the Commission or audience.

Commission Gilbert moved to forward a positive recommendation for preliminary approval of the Adamswood Landing PRUD to the City Council subject to the applicant meeting all Staff requirements. Commissioner Pales seconded the motion and the voting was unanimous.

(2) THE VILLAS AT HARMONY PLACE PHASES 1A, 1B, & 3 – FINAL APPROVAL

This property is located at approximately 475 South 2200 West in an R-S PRUD Zoning District (38 units -- 3.26 acres).

The applicants are Chris Martineau, Dave Adams, Stuart Adams and Bob Stevenson.

Mr. Weaver said that the Planning Commission and City Council had previously approved Phase 1 of the development with 42 patio home units. Since that time the developer has not recorded a plat and bonding has not been received. The developer is now asking to create 3 phases with a total of 38 patio homes. Phase IA will have 14 patio homes at 2200 West with a roundabout and a 66-foot right of way to handle traffic. Phase IB will consist of 10 patio homes and Phase 3 will have 14 patio homes fronting on a 50-foot right-of-way. The DRC gave the development a 45% bonus density and asked for no changes.

Mr. Weaver said there would be a school site nearby. The General Plan for this area is residential single-family development and this development will blend in with the future single-family development and cause no threats to adjoining property or hazards to the public. Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation for approval to the City Council.

Commissioner Pales moved to forward a positive recommendation for final plat approval for The Villas at Harmony Place to the City Council subject to the applicant meeting all Staff requirements as outlined in Staff memos. Commissioner Pratt seconded the motion and the voting was unanimous.

(3) NOYES -- PARCEL SPLIT – FINAL APPROVAL

1468 Church Street – 0.94 acres.

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

The applicant is Lynn Noyes.

Mr. Weaver presented the applicant's request for final plat approval. The plat is required for dedication of 30-feet of property frontage to the City to widen Church Street. The existing home on Lot 1 has a large setback. The lot created behind Lot 1 will be Lot 2 and will be a flag lot on a hammerhead turn around. If a home is built on Lot 2 it must be fire sprinkled per a new ordinance allowing a hammerhead turn around on land that is not in a sensitive land area.

Mr. Weaver said Staff recommends that the Planning Commission forward a positive recommendation for approval to the City Council subject to the applicant meeting Staff requirements. There were no questions from the Commission or the audience.

Commissioner Pratt moved to forward a positive recommendation for approval of the Noyes parcel split to the City Council subject to the applicant meeting all Staff requirements. Commissioner Pales seconded the motion and the voting was unanimous.

OTHER CONSIDERATIONS:

(4) MAXI PAWN -- CONDITIONAL USE REVOCATION

This property is in a CP-2 (Planned Community Commercial) Zoning Designation at 1868 North Hill Field Road, #101.

The applicant is Layton City.

Mr. Weaver stated that Raul Gutierrez received a conditional use permit in January 2004 for a pawn shop use. Since that time he has violated condition #8 of the conditional use permit which states the applicant must comply with all city ordinances related to pawn shops and how they are managed. Mr. Gutierrez' business license was revoked on October 10, 2008 based on violations of Title 5 of the City Code. Mr. Gutierrez was found to have broken both State and City laws by accepting stolen goods and not providing a receipt for the stolen items. The revocation order stated he must cease doing business on December 10, 2008. The revocation of the conditional use permit is to prevent another pawn shop at the site without a conditional use application. The findings for revocation of the conditional use permit are that a significant condition was not met and the applicant's business license was revoked. Mr. Weaver said the applicant is aware of the revocation and knows that he must cease operating his business after December 10, 2008.

Commissioner Gilbert moved to revoke the conditional use permit for Raul Gutierrez at 1868 North Hill Field Road Suite 101 due to the applicant's failure to meet ordinance requirements and added that the Planning Commission would need to review any other conditional use at that location. Commissioner Pales seconded the motion and the voting was unanimous.

(5) SCOTT CHIROPRACTIC COMMERCIAL SITE PLAN APPLICATION – PLANNED DEVELOPMENT SIGNS -- FINAL APPROVAL

This property is located at 180 West Gordon Avenue.

This property is located in a P-B (Professional Office) Zoning District.

The applicant is Bette Scott.

Amanda Jorgensen, City Planner, presented the request from the applicants, Betty and Ted Scott, for approval of Planned Development Signs in order to have 2 monument signs at their location. Ms. Jorgensen reviewed the site plan of the property stating that a 5,000 square-foot building housing Scott Chiropractic and Layton Vision Center is on one parcel with an adjacent vacant parcel. She said the applicant is requesting approval for 2 monument signs and per the Planned Development Sign Ordinance 20.04.110, the applicant will need to add architectural material to the new sign to make it compatible with the building and the other sign. Staff recommends the sign be modified to have a brick base and architecturally integrated with the building. The applicant must apply to the Planning Commission to approve any future re-location of the signs.

Chairman Esplin asked the applicant, Dr. Ted Scott, (1169 East Ward Road, Kaysville, UT) if he understood the addition of the brick and the requirement for Planning Commission review of any sign re-location. The applicant said he was aware of the requirements but would like the Planning Commission to consider a common theme or integration of the sign by enclosing the base of the second sign in metal that matches the building.

Commissioner Gilbert commented that the original sign is outlined in brick that blends with the building. He reminded Dr. Scott that material blending the sign to the building is recommended by Staff. Chairman Esplin commented that the two signs needed to match architecturally as well as matching the building.

Dr. Scott asked how far the brick needed to extend. Chairman Esplin replied that the brick should extend up to the level of the sign. Dr. Scott and the Commission discussed landscaped.

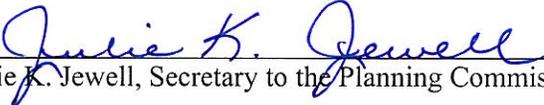
Mrs. Scott commented on the intent of the ordinance and the architecture of the signs. Commissioner Gilbert reminded Mrs. Scott that the second sign was not removed as the City previously requested. Chairman Esplin

said that the second sign should not even be on the property. If the applicant wants metal on one side, the other sign must be removed. If both signs remain, the Planning Commission requires brick on the second sign to match the building and the other sign. Dr. Scott accepted Chairman Esplin's explanation.

Chairman Esplin called for a motion on the item. Commissioner Pales moved to grant the sign waiver subject to the applicant meeting all Staff requirements. Commissioner Gilbert seconded the motion and the voting was unanimous.

There was a motion to close Public Review, however, the applicant requested a timetable for applying the brick. Chairman Esplin counseled the applicant to work with the Staff on the timeline. Ms. Jorgensen said the brick addition would be added to the existing permit and no additional documentation would be needed for the applicant to install the brick. Allowance for the weather would be given when determining a completion deadline.

Commissioner Pales moved to close Public Review and adjourn the meeting. Commissioner Gilbert seconded the motion. The voting was unanimous and the meeting adjourned at approximately at 7:37 p.m.

By 
Julie K. Jewell, Secretary to the Planning Commission