

LAYTON CITY PLANNING COMMISSION MEETING MINUTES

TUESDAY, JANUARY 13, 2009

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

ALTERNATE MEMBERS PRESENT: Brent Allen, Ryan Stevenson

MEMBERS ABSENT: Tim Pales, Ron Stallworth

ALTERNATE MEMBERS ABSENT:

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

Planning Commission Chairman, Sharon Esplin, called the meeting to order at 7:00 pm. The Pledge of Allegiance was said and the invocation was given by a member of the audience, Volden Burk.

Chairman Esplin called for a motion on the December 23, 2008 and October 10, 2006 through April 10, 2007 minutes. Commissioner Gerald Gilbert moved to approve the December 23, 2008 and October 10, 2006 through April 10, 2007 minutes. Commissioner Blake Hazen seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to open the Public Hearing. Commissioner Kristin Elinkowski moved to open the Public Hearing. Commissioner Gilbert seconded the motion and the voting was unanimous.

PUBLIC HEARING:

(1) J & K GREEN ANNEXATION and REZONE – FINAL APPROVAL

This property consists of .751 acres and is located on the northwest corner of Weaver Lane and West Side Drive. The applicants, Kirk and Jessi Green, are requesting to rezone the property from A (Agriculture) to R-S (Residential Suburban).

Kem Weaver, City Planner presented the request to annex and rezone the .751 acre property on the northwest corner of West Side Drive and Weaver Lane. The lot will be .5 acres after property is dedicated to widen both West Side Drive and Weaver Lane. The property will be zoned R-S which meets General Plan requirements for the City.

Mr. Weaver said the property is within the city's future expansion area as identified in the City annexation policy and is in an area serviceable by Layton City. He said there is a lift station in the area that services Roberts Farms and Kayscreek Estates Subdivision. The applicant will use that lift station and participate in the associated payback agreement. Culinary water lines are available on both West Side Drive and Weaver Lane.

Mr. Weaver explained that the applicant is requesting to postpone installation of the sidewalk on Weaver Lane and West Side Drive. As further development occurs, the applicant will be required to install the sidewalk on both frontages. At present, there is a ditch that would be a hazard if there was a sidewalk terminating at the ditch. The applicant is still required to install curb and gutter as the street is widened on both frontages.

Mr. Weaver reviewed the motions that would be required for the annexation, rezone and the postponement agreement.

There were no questions from the Commission or the audience. Commissioner Ryan Stevenson disclosed that the applicant, Kirk Green, is his cousin but said he would not have a monetary interest or gain on the development.

Chairman Esplin called for a motion on the item. Commissioner Dave Pratt moved to recommend the City Council annex the property on the northwest corner of West Side Drive and Weaver Lane subject to the applicant meeting all Staff recommendations. Commissioner Gerald Gilbert seconded the motion and the voting was unanimous.

Commissioner Dave Pratt moved to recommend the City Council rezone the property on the northwest corner of West Side Drive and Weaver Lane from A to R-S subject to the applicant meeting all Staff recommendations. Commissioner Gerald Gilbert seconded the motion and the voting was unanimous.

Commissioner Dave Pratt moved to recommend the City Council approve the postponement agreement for sidewalk installation on the frontages of the property on the northwest corner of West Side Drive and Weaver Lane until such time as development warrants the sidewalk. Commissioner Gerald Gilbert seconded the motion and the voting was unanimous.

PUBLIC REVIEW:

(2) SYMPHONY HOMES – CONDITIONAL USE FOR PINEHURST PLACE SUBDIVISION MODEL HOME

This property is located at 1620 West 75 North on Lot 9 Pinehurst Place Subdivision in an R-S (Residential Suburban) Zoning District.

The applicant is Bruce G. Robinson representing Symphony Homes.

Amanda Jorgensen presented Symphony Homes request for a model home in the Pinehurst Place Subdivision. On August 18, 2007, the Planning Commission granted conditional use for a model home on Lot 1. Lot 1 was sold and Lot 9 is now proposed for the model home for the subdivision.

The following are the conditions required for the conditional use.

1. There is no on street parking allowed, The model home is required to facilitate all customer and employee parking, which is a minimum of three (3)-parking stalls.
2. All lighting is required to be contained on site at all times per Layton City Ordinance.
3. Signage is required to be at a minimum, which is one sign per office and a maximum size of 32 square feet for detached signs. Permits for signage are required and must comply with the Layton City Sign Ordinance.
4. Once the subdivision is 80% sold or after three (3) years, whichever comes first, the model home needs to be sold as a residential home. The expiration date for this model home conditional use is July 1, 2011.

5. Landscaping around the model home is required to be complete before receiving the certificate of occupancy.
6. The lot is required to be weed and debris free.
7. The home on lot 1 will be used only as a residential dwelling and not as a model home.

Condition 4 will be modified since there is an existing home on the lot. The beginning date of the three year limit for the home to be a model home will be determined by the date of the Certificate of Occupancy. Chairman Esplin asked Ms. Jorgensen to notify the applicant of this change. Ms. Jorgensen agreed to do so.

Ms. Jorgensen said Staff recommends the Planning Commission grant conditional use for the model home on Lot 9 of the Pinehurst Subdivision.

There were no questions from the Commission or the audience and Chairman Esplin called for a vote on the item.

Commissioner Brent Allen moved that the Planning Commission grant conditional use to Symphony Homes for the model home on Lot 9 subject to the applicant meeting all Staff requirements. Commissioner Pratt seconded the motion and the voting was unanimous.

(3) EXCEL DANCE STUDIOS – CONDITIONAL USE FOR DANCE STUDIO EXPANSION

This property is located at 556 North Marshall Way Suite C in an M-2 (Heavy Manufacturing/Industrial) Zoning District. The applicants are Volden and Erene Burk.

Ms. Jorgensen said the Planning Commission had granted conditional use on July 13, 2004, for the Excel Dance Studio in Unit B at 556 North Marshall Way. The applicant is requesting to expand into Unit C to the south. The expansion will include a 52 X 38 studio and an 11 X 38 office and waiting room area. According to Volden Burk, the applicant, there will no longer be a bathroom in this area but facilities are available in another area of the studio. Customer parking is temporary as children are dropped off and picked up, and parking has not been a problem in the past.

There were no questions from the Commission or the audience. Chairman Esplin called for a vote on the item. Commissioner Ryan Stevenson moved to grant conditional use for the expansion of the dance studio subject to Staff conditions which are hereby adopted as requirements. Commissioner Elinkowski seconded the motion and the voting was unanimous.

(4) MY FURNITURE STORE – CONDITIONAL USE – FURNITURE SALES

This property is in an M-2 (Heavy Manufacturing/Industrial) Zoning District located at 1564 West Hillfield Road, Building 3, Unit 3. The applicants are Jared and Kami Brandt.

Brandon Rypien presented the request from the applicants, Jared and Kami Brandt for a conditional use to occupy a tenant space at 1564 West Hillfield Road, Building 3, Unit 3 for a commercial use. The property is zoned for heavy manufacturing/industrial use although commercial uses may be allowed in this zoning designation as a conditional use. Retail sales are allowed in the M-2 zone as a conditional use as long as the requirements are met. He stated the applicants' business, My Furniture Store, met all requirements as listed below.

- Retail sales are limited to goods manufactured and/ or distributed by the same business.

- The amount of floor area used for retail sales shall not exceed 40% of the total floor area used for the business.
- The remaining floor area shall not be open to the public and is not used for commercial uses.
- The subject parcel shall have frontage on an arterial street with the main entrance of the business facing the arterial street.

The following are the conditions required for the conditional use.

1. My Furniture Store's retail sales shall not exceed 40% of its floor area. My Furniture Store states it will use 500 of a total of 1250 square feet for retail sales.
2. The remaining floor area shall not be open to the public and shall only be used for manufacturing and warehousing.
3. There shall be 6 parking stalls designated for My Furniture Store.
4. Hours of operation will be from 10 am to 6 pm.
5. Retail sales are limited to goods distributed by My Furniture Store. My Furniture Store states customers will primarily view goods by appointment only.
6. All signage shall receive required permits and be approved through the Community and Economic Development Department.
7. All Building and Engineering Division and Fire Department requirements shall be met previous to occupancy.

Mr. Rypien said Staff recommends approval of the conditional use permit for retail sales in the M-2 zone subject to conditions. Commissioner Ryan Stevenson asked that Suite 3 of Building 3 be specified on the conditional use so the whole building doesn't receive conditional use for retail sales.

There were no questions from the Commissioners or audience. Chairman Esplin called for a motion on the item.

Commissioner Elinkowski moved to grant the conditional use request for My Furniture Store located at 1564 West Hillfield Road, Building 3, Suite 3 subject to the applicant meeting all conditions which are hereby adopted as requirements. Commissioner Blake Hazen seconded the motion and the voting was unanimous.

(5) AMERICA FIRST CREDIT UNION – CONDITIONAL USE FOR DRIVE IN BANKING TO COMPLY WITH THE DEVELOPMENT AGREEMENT

This 1.98 acre property is located at 840 East Highway 193 in a CP-1 (Planned Neighborhood Commercial) Zoning District.

The applicant is Dee Hansen representing America First Credit Union.

Amanda Jorgensen, City Planner, presented America First Credit Union's conditional use request for drive in banking. In review, she said that on December 18, 2008, the City Council approved a rezone of the property from M-1 to CP-1 with a development agreement applying the P-B zone land use requirements. The land use ordinance for the P-B zoning designation requires conditional use approval from the Planning Commission for drive in banking. Ms. Jorgensen then reviewed the site

layout, parking and landscaping requirements for this property stating that Staff recommends the Planning Commission approve the conditional use with the following conditions:

1. The site and structures must comply with all Planning Division, Fire Department, Engineering Division and Building Code requirements.
2. The access from Fairfield Road is consistent with Planning Commission and Board of Adjustment approval for the raised median (see attached site plan).
3. Any signage will comply with the zoning ordinance and development agreement.

There were no questions from the Planning Commission or the audience. Chairman Esplin called for a motion on the item.

Commissioner Hazen moved to grant conditional use approval for drive in banking for the American First Credit Union subject to the applicant meeting all conditions which are hereby adopted as requirements. Commissioner Stevenson seconded the motion and the voting was unanimous.

(6) FERNWOOD SPRINGS SUBDIVISION – PRELIMINARY APPROVAL

This 1.91 acre property is located at 3193 Fernwood Drive in an R-S (Residential Suburban) Zoning District (5 lots).

The applicant is Colin Brown.

Kem Weaver, City Planner, presented Fernwood Springs Subdivision for preliminary approval. He said the applicant is proposing to develop 5 lots on the 1.91 acre parcel including an existing house on Lot 4. The property is zoned R-S and all lots meet or exceed the R-S requirement of 15,000 square feet per parcel. Mr. Weaver described the private drive as currently providing access to the existing home. The developer will be required to widen the drive to 26 feet to meet the fire requirements for access to the other lots. A hammerhead turnaround has been approved, but homes must be sprinkled. Lot 3 will be accessed off the upper eastern portion of Fernwood Drive.

Lots 2 and 3 have 38-42% slopes. Per geotechnical reports, heavy mitigation will be required before building to stabilize the slopes. The State has reviewed the project and concurred that recommended mitigation should be adequate. The existing home has been there for some time and has not experienced any problems.

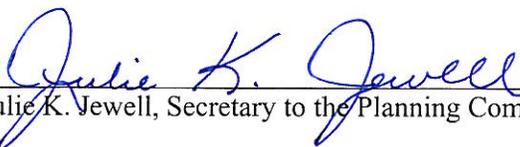
Mr. Weaver reviewed where the Wasatch fault runs through the property. Lots 1 and 5 will have required setbacks from the fault determined by the depth of the basements. He also said Weber Basin Water Conservancy District has an 18-inch high pressure water line running near the fault line. The developer will be required to apply to the Bureau of Reclamation to gain permission to move the water line. Kayscreek Irrigation also has a line in the area, but the developer states Kayscreek prefers the line is left in its current location.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the preliminary plat for Fernwood Springs Subdivision. There were no questions from the Planning Commission. Brad Whitesides, 438 East Rosewood Lane, asked if the relocation of the Weber Basin water line would affect the existing homes in the area. The developer, Colin Brown, 3193 Fernwood Drive, said it should not affect the existing residences as the current pipe will be abandoned and a reconnection made. However, there would be construction on Fernwood Road during this time. The developer said he just wanted to make sure the property was safe and the development done correctly with site specific geotechnical reports on each lot, Fire requirements being met, and homes built to suite sensitive land needs.

There were no further questions and Chairman Esplin called for a motion on the item. Commissioner Brent Allen moved that the Planning Commission forward a positive recommendation to the City Council to approve the preliminary plat subject to the applicant meeting all Staff requirements. Commissioner Hazen seconded the motion and the voting was unanimous.

Commissioner Stevenson moved to close Public Review. Commissioner Gerald Gilbert seconded the motion and the voting was unanimous.

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

By  _____
Julie K. Jewell, Secretary to the Planning Commission