

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, DECEMBER 8, 2009

MEMBERS PRESENT: Sharon Esplin, Kristin Elinkowski, Gerald Gilbert, Dave Pratt, Tim Pales, Dave Weaver

ALTERNATE MEMBERS PRESENT:

MEMBERS ABSENT: Blake Hazen

ALTERNATE MEMBERS ABSENT: Brian Bodily

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

PUBLIC HEARING:

(1) ANDRESCAPES – CONDITIONAL USE REVOCATION HEARING

This property is located at 1142 West Gentile Street in an M-2 (Heavy Manufacturing/Industrial) zoning district. The business is owned by David Andre.

City Planner, Brandon Rypien reviewed the progress of Andrescapes in meeting requirements to be compliant with the conditional use on the property. Concerns were expressed that the owner continues to be non-compliant even after the revocation review by the Planning Commission.

Mr. Rypien displayed photos of conditional use requirements completed since the November 24, 2009 Planning Commission meeting as follows:

1. Bollards have been installed around the propane tank.
2. Vinyl slats have been installed in the chain link fence.
3. Railing leading to door of sales trailer has been installed.

Items not completed were as follows:

1. Vehicles and equipment must be stored under the awning.
2. Landscaping rocks must be displayed in an organized manner.

It was suggested that the conditional use be left in place on a probationary status with follow up inspections by code enforcement to assure the business becomes and remains compliant. If the business does not stay in compliance, there could be another revocation review by the Planning Commission.

PUBLIC REVIEW:

(2) GREYHAWK PLAZA COMMERCIAL SUBDIVISION PHASE 2 – PRELIMINARY APPROVAL

This 1.023 acre lot is located in a CP-2 (Planned Community Commercial) zoning district. The applicant, Ken Golding, has submitted plans to build a car wash on this lot. The applicant is represented by Russ Naylor.

Amanda Jorgensen, City Planner, reviewed the request for preliminary approval for the Greyhawk Commercial Subdivision Phase 2 one-lot plat. On June 23, 2009, the East Layton Carwash received conditional use approval from the Planning Commission to be built on this lot. The lot will be accessed from Church Street through Lot 1 of the commercial subdivision. A cross access easement will be required to access through Lot 1 as well as a cross access easement on Church Street until it becomes a dedicated street.

Planning Commission Chairman, Sharon Esplin, asked about the Fire Department memo regarding fire flow. Ms. Jorgensen responded that as of the date of the memo, the Fire Department had not received the site plan for the carwash. They have now received and are reviewing the site plan.

The Staff and the Commissioners discussed the grades of the Maverik and car wash parking lots.

Ms. Jorgensen indicated that in the regular meeting, a citizen express concerns about the car wash proposed for this property. She reminded the Commission that the use of the land had already been approved and the current review is for the subdivision approval.

(3) MARK JONES – CONDITIONAL USE REQUEST FOR A DANCE/EXERCISE FACILITY

This property is located at 201 East 2150 North in the Ridge Warehouse Development in an M-1(Light Manufacturing/Industrial). The applicant is Mark Jones.

Amanda Jorgensen, City Planner, presented the request for a dance studio and fitness facility for Performance Dance and Hard Body Fitness stating that the conditional use granted for Hard Body Fitness in another building on the property has expired. Bill Wright, Community & Economic Development Director, explained the process for expiration of a conditional use permit.

Ms. Jorgensen said that a dance studio for up to 10 students and an instructor at one time will need a conditional use permit to operate in the facility. A software company with 7 employees will also occupy the building but not require conditional use approval. Hard Body Fitness will only occupy the building when the dance studio is not in session.

The most recent letter from the State regarding building occupancy in the Accident Potential Zone (APZ) states that occupancy must not exceed one person per 611 square feet. However, officials responsible for governing the APZ both at Hill Air Force Base and the State of Utah have indicated the stated restriction may not be reasonable and will conduct another review of occupancy limits in the APZ.

Ms. Jorgensen listed the requirements for the conditional uses for the dance studio and the fitness studio as follows:

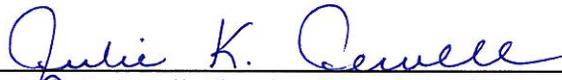
- 1) The applicant/businesses will be required to comply with all Fire Department, Building, Planning and Engineering Division requirements.
- 2) The applicant/businesses will be required to comply with the sign ordinances for permanent and temporary signage.
- 3) The applicant/businesses will be required to enclose any dumpsters with a 6 foot wall or fence that is impervious to sight.
- 4) The applicant/businesses are required to provide a photometric plan for city approval if new lighting is added to the building or site.
- 5) The applicant/businesses will be required to provide 12 parking stalls to accommodate all three businesses for employees, clients and customers.
- 6) The applicant/businesses are required to comply with the APZ easement regarding the maximum occupancy load. This will be determined by the State of Utah and Hill Air Force

Base, but can be no more than the occupancy load determined by the International Building Code.

- 7) The Hard Body Fitness Temporary Banner Permit issued September 15, 2009 under receipt # 204981 is revoked.
- 8) Due to the adjacency of a Single Family residential neighborhood, commercial signage shall be reviewed and approved for compatibility with residential community standards.

After discussion, it was determined that the motion would include a statement that total occupancy will be determined administratively with the ceiling established by the building code and as suggested by the easement holder.

There was a brief discussion on mobile stores after which Mr. Wright indicated that Staff has plans to propose changes to the handling of mobile stores.



Julie K. Jewell, Planning Commission Secretary

LAYTON CITY PLANNING COMMISSION MEETING MINUTES

TUESDAY, DECEMBER 8, 2009

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ALTERNATE MEMBERS PRESENT:

MEMBERS ABSENT: Blake Hazen

ALTERNATE MEMBERS ABSENT: Brian Bodily

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

Planning Commission Chairman, Sharon Esplin, called the meeting to order at 7:05 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Dave Pratt.

Chairman Esplin called for a motion to approve the November 24, 2009 Planning Commission minutes. Commissioner Kristin Elinkowski moved to approve the November 24, 2009 Planning Commission minutes as written. Commissioner Gerald Gilbert seconded the motion and the voting was unanimous.

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

PUBLIC HEARING:

(1) ANDRESCAPES – CONDITIONAL USE REVOCATION HEARING

This property is located at 1142 West Gentile Street in an M-2 (Heavy Manufacturing/Industrial) zoning district. The business is owned by David Andre.

City Planner, Brandon Rypien, reviewed the history of the Andrescapes conditional use permit stating on September 22, 2009, the Planning Commission amended the conditional use permit and the applicant agreed to complete all of the conditions within a thirty day period ending on October 22, 2009. On November 10, 2009 the Planning Commission reviewed the conditional use and voted unanimously to set a date for the Hearing of Revocation on November 24, 2009. As of November 24, 2009, the following conditions were not yet complete:

1. All Building Division, Engineering Division, and Fire Department requirements shall be met before the business begins operation.
2. All Building Division, Engineering Division, and Fire Department requirements shall be met before the business receives a business license.
3. All vehicles and equipment shall be parked under the awning of the business.

Mr. Rypien said that on November 30, 2009, Paul Bauer, Building Official, performed a pre-occupancy inspection and granted approval. On December 3, 2009, Doug Bitton, Fire Prevention Specialist,

performed an inspection and granted approval for the business to operate. The Fire Department noted that if a Knox box is not going to be installed, then the gate must remain unlocked at all times to allow Fire Department access during an emergency. Mr. Rypien stated that with the bollards installed around the perimeter of the propane tank location and slats installed in the chain link fencing, all requirements have now been fulfilled and approved.

Mr. Rypien said Staff recommends that Andrescapes be allowed to continue operating under the amended and approved conditional use subject to a follow up inspection in six months.

There were no questions from the audience.

Commissioner Gilbert reminded the applicant, Dave Andre, that on three occasions the Planning Commission Chair had made sure Mr. Andre was aware of the conditions and Mr. Andre agreed to complete the requirements within a reasonable time. He noted that Mr. Andre had failed to comply and that the Commission questioned as to whether he would remain in compliance. Commissioner Gilbert said he felt Staff and the Commission had been more than fair and hoped that Mr. Andre would work as hard as possible to be in compliance.

Commissioner Dave Weaver emphasized that Code Enforcement will visit the site from time to time and report back to the Commission if Andrescapes is not in compliance. If Andrescapes is not in compliance, the Planning Commission would take action to revoke the conditional use for the business.

There were no other comments and Chairman Esplin called for a motion on the item.

Commissioner Pales moved to allow Andrescapes to continue operation under the amended conditional use subject to a follow up inspection in six months. Commissioner Elinkowski seconded the motion and the motion passed by a margin of 4 votes in favor and 1 vote against with Commissioners Pales, Pratt, Elinkowski and Weaver voting in favor and Commissioner Gilbert voting against.

Chair Esplin then expounded on the conditional use requirements, reminding Mr. Andre that vehicles must be stored under the awning, rocks placed in an organized fashion and the site being kept up and looking nice. Mr. Andre said he would continue to improve the site and expressed his appreciation to the Planning Commission for working with him.

Chairman Esplin said the site would be monitored and if it remains in compliance there would be no review by the Planning Commission. However, if it is not in compliance, a review could be conducted sooner than six months. Chairman Esplin wished Mr. Andre the best and asked him to run the business in the way set forth in the conditions.

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

PUBLIC REVIEW:

(2) GREYHAWK PLAZA COMMERCIAL SUBDIVISION PHASE 2 – PRELIMINARY APPROVAL

This 1.023 acre lot is located in a CP-2 (Planned Community Commercial) zoning district. The applicant, Ken Golding, has submitted plans to build a car wash on this lot. The applicant is represented by Russ Naylor.

City Planner, Amanda Jorgensen, presented the request for preliminary approval for the Greyhawk Plaza Commercial Subdivision Phase 2, which is a one-lot subdivision. She also gave an overview of the entire Greyhawk Plaza Commercial Center. Ms. Jorgensen reported that on June 23, 2009, the East Layton Carwash received conditional use approval from the Planning Commission to be built on this lot. The lot will be accessed from Church Street through Lot 1 of the commercial subdivision (Maverik property). Ms. Jorgensen reviewed the location of a cross access easement required to access the property through Lot 1 as well as a cross access easement on Church Street until it becomes a dedicated street.

Ms. Jorgensen said all Staff requirements and corrections must be approved and completed before the Greyhawk Plaza Commercial Subdivision Phase 2 plat can be recorded with Davis County and also before a building permit is issued. She said the development meets the requirement of the general plan for this area and should blend in with the surrounding developments, there should not be a detriment caused to any adjoining subdivision, and there are no hazards or threats to the public with regards to safety and welfare.

Ms. Jorgensen said Staff recommends the Planning Commission forward a recommendation for approval of the Greyhawk Plaza Commercial Subdivision Phase 2 preliminary plat to the City Council subject to meeting all Staff requirements as outlined in Staff memorandums to the developer.

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

Commissioner Weaver moved to forward a positive recommendation to the City Council to approve the Greyhawk Plaza Commercial Subdivision Phase 2 preliminary plat subject to the applicant meeting all Staff recommendations. Commissioner Elinkowski seconded the motion and the voting was unanimous.

(3) MARK JONES – CONDITIONAL USE REQUEST FOR A DANCE/EXERCISE FACILITY

This property is located at 201 East 2150 North in the Ridge Warehouse Development in an M-1 (Light Manufacturing/Industrial). The applicant is Mark Jones.

City Planner, Amanda Jorgensen, presented the request for conditional use for the dance and fitness studio stating that Suites C & D at 201 East 2150 North in the Ridge Warehouse Development will contain three businesses – Performance Dance, Contracted Computer Resources, and Hard Body Fitness. Ms. Jorgensen outlined where each of the businesses will be located in the suites and the square footage each occupies and said the software business does not require a conditional use permit in the M-1 zone. Hard Body Fitness will only occupy the building when Performance Dance is not in session.

On October 28, 2008 Hard Body Fitness was approved for a conditional use at 199 East 2150 North, Suite A. The conditional use permit expired one year after approval and the owner, Annette Taylor has been notified that the conditional use is expired. The Hard Body Fitness business has not been able to receive a business license or a certificate of occupancy. The business is currently working on expanding the

previous business plan and will apply for a conditional use permit again at the original location (198 East 2150 North, Suite A). Due to the obligations to Hard Body Fitness clients the business must re-locate and has made agreements with Mark Jones to occupy the dance studio suite a few hours during the week. The fitness business will not be allowed to occupy the dance studio during any of the dance classes due to the restrictions on the amount of people in the APZ area at one time.

Staff has recently met with staff members at the State of Utah and Hill Air Force Base regarding the easement restrictions. The City received a letter dated on May 8, 2007 from Palmer DePaulis, Executive Director of the Department of Community and Culture, State of Utah, which stated that one (1) person per 611 square feet appears to be acceptable as proposed, which would allow a maximum of nine (9) individuals at one time. The original proposal to the State of Utah was based on warehouse use only. After discussions with staff members of Hill Air Force Base, it was discovered that the occupancy was not based on proposed uses. The occupancy could increase and the occupancy restriction that was approved earlier did not seem reasonable to feasibly function businesses in this development. The easement restrictions will be reviewed again with occupancy based on the land use. A new letter from Hill Air Force Base and the State of Utah will be submitted within the next week. The occupancy requirements will be handled administratively.

Ms. Jorgensen also reviewed the parking requirements. Staff recommends the Planning Commission approve the dance and fitness studio conditional use with the following conditions with Condition #6 being modified to state the occupancy load will be determined by the State of Utah and Hill Air Force Base recommendations and handled administratively:

- 1) The applicant/businesses will be required to comply with all Fire Department, Building, Planning and Engineering Division requirements.
- 2) The applicant/businesses will be required to comply with the sign ordinances for permanent and temporary signage.
- 3) The applicant/businesses will be required to enclose any dumpsters with a 6 foot wall or fence that is impervious to sight.
- 4) The applicant/businesses are required to provide a photometric plan for city approval if new lighting is added to the building or site.
- 5) The applicant/businesses will be required to provide 12 parking stalls to accommodate all three businesses for employees, clients and customers.
- 6) The applicant/businesses are required to comply with the APZ easement regarding the maximum occupancy. This will be determined by the State of Utah and Hill Air Force Base, but can be no more than the occupancy determined by the International Building Code.
- 7) The Hard Body Fitness Temporary Banner Permit issued September 15, 2009 under receipt # 204981 is revoked.
- 8) Due to the adjacency of a Single Family residential neighborhood, commercial signage shall be reviewed and approved for compatibility with residential community standards.

There were no questions from the Commission, and Chairman Esplin asked for comments from the audience.

Jeff Adams, 2154 North 75 East, who resides west of the facility, asked about the type of signing that would be allowed. Ms Jorgensen responded that a monument sign and a detached sign are allowed based on the frontage of the property. Mr. Adams said that Hansen Construction said they would never put a pole sign on the property and he expressed concerns about the lighting of a potential sign. Since there was no development agreement on the property addressing signage, it was suggested that something in

writing be requested from Hansen Construction regarding their intent. It was noted that requirements can be put in place denoting how much light can reach a neighboring property, but those restrictions will not necessarily address the glare.

Mr. Adams expressed additional concerns about activities behind the warehouse in the evening and concrete and debris being dumped on the vacant portion of the property. It was suggested that the police and code enforcement be notified about these issues.

Commissioner Gilbert suggested that any commercial signage be reviewed for compatibility with other signage in the area. Commission Weaver asked about the use of dumpsters on the property and Ms. Jorgensen said any dumpsters would have to be enclosed with a six foot wall other than dumpsters placed on the site temporarily for construction debris.

Commissioner Gilbert asked Annette Taylor, the owner of Hard Body Fitness, if she was still planning the same 24 hour access procedures for this conditional use as proposed for her expired conditional use permit. Initially, Ms. Taylor replied that she was planning 24 hour access but then explained she meant when she has a new location in the future. She said usage preference for the facility being considered for conditional use permit approval would be to the dance studio and she would use the facility only when the dance studio was not in session. Ms. Taylor's clients would not have access to the building after hours which would end at 8:00 p.m.

Mr. Wright emphasized that the software business office hours would not be restricted and restricting the dance studio and Hard Body Fitness operating hours was not warranted.

Steve Garside, Assistant City Attorney, indicated that if the business grew to the point of being problematic, the conditional use permit could be revisited and restricted further at a later time.

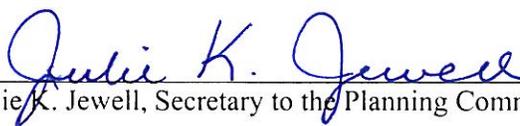
There were no further comments or questions and Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved that the Planning Commission grant conditional use approval based on the applicant meeting all Staff conditions which are hereby adopted as requirements. The motion was seconded by Commissioner Pales and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review. Commission Gilbert moved to close Public Review. Commissioner Pales seconded the motion and the voting was unanimous.

OTHER BUSINESS

Chairman Esplin called for a motion to cancel the December 22, 2009 Planning Commission meeting due there being no items on the agenda. Commissioner Pales moved to cancel the December 22, 2009 Planning Commission Meeting. Commissioner Pales seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to adjourn the meeting. Commissioner Elinkowski moved to adjourn the meeting and the voting was unanimous. The meeting adjourned at 7:45 p.m.

By 
Julie K. Jewell, Secretary to the Planning Commission