

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, SEPTEMBER 28, 2010

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

ALTERNATE MEMBERS PRESENT: Brian Bodily

MEMBERS ABSENT:

ALTERNATE MEMBERS ABSENT: Dawn Fitzpatrick

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Nannette Larsen, Steve Garside, and Councilman Barry Flitton

1. NORM & BRAD FROST – REZONE REQUEST – R-1-10 (Single Family Residential) to R-1-6 (Single Family Residential).

This 2.734 acre property is located at approximately 189 South Chapel Street in an R-1-10 (Single Family Residential) Zoning District. The applicants are Norm and Brad Frost.

City Planner, Kem Weaver, presented the request from Brad and Norm Frost to rezone the 2.734 acre property at approximately 189 South Chapel Street from R-1-10 to R-1-6. The applicant is requesting 11 lots which creates a density of 4 units per acre. He said if the property remained zoned R-1-10 it would allow for 7 lots at 2.5 units per acre. He explained the premise for the rezone is to create an adult community with 6,000 square foot lots, which require less maintenance by the home owner than a 10,000 square foot lot. He said the front portion of the lots and common areas would be maintained by a Homeowner's Association (HOA). The side and rear yards would be left to the homeowner.

Mr. Weaver presented an overview of the location including zoning, homes, and churches built in the area.

There was a discussion regarding adult communities. Mr. Frost said the requirements for the CC& R's in the communities he has built would limit the occupancy of the homes to 3 people in a 2 bedroom home and 4 people in a 3 bedroom home. No age restriction is placed on the community. Mr. Frost said they prefer the wider public street than the smaller street allowed by a PRUD. The City would maintain the public street which would lessen the HOA fees. The homes will be landscaped and fenced prior to occupancy. The HOA would upkeep the landscaping as well.

Commissioner Elinkowski said there would probably be a good market for this type of community.

In answer to Commissioner Bodily's question about neighborhood involvement, Mr. Frost said no neighbors had presented any complaints about the proposed community.

There was a discussion of the utility locations for the development. Mr. Weaver said with the exception of storm drainage, the utilities were in Chapel Street. He said the developer would construct a detention pond in the southwest corner of the development.

There was a discussion of the turning radius of the proposed knuckle in the street as well as streetscapes.

Mr. Weaver answered Commissioner Hazen's question regarding the recommendation of the General Plan for this area and stated that the General Plan indicates R-1-6 zoning with 3-6 units per acre for this area. He said the R-1-6 yields a density of 5.5 units per acre.

Mr. Weaver said the developer will be required to stub a street to the vacant parcel to the west.

There was a discussion of land drainage, and Mr. Frost said he had no intention of putting basements in the homes.

Chairman Esplin asked if there had been any public input. Mr. Weaver said there had been no calls from the public.

2. ADAMSWOOD LANDING PRUD – REVISED PRELIMINARY APPROVAL

This 2.78 acre property (12 lots) is located at approximately 575 North 1050 East in an R-1-10 PRUD Zoning District. The applicant is Bruce Nilson of Nilson Homes.

Mr. Weaver stated that the City Council gave preliminary approval to the Adamswood Landing PRUD subdivision on January 15, 2009. At that time, the preliminary plans showed access off Adamswood Road. A lot near this access was listed as being on the FEMA flood plain map and couldn't be built on until a Letter of Map Amendment Request (LOMAR) was received. Even though the creek goes through a culvert at that point and there is a detention basin to the east, Mr. Weaver said the developer still had been unable to receive the LOMAR from FEMA.

Mr. Weaver said the developer had now presented a revised preliminary plan with the new private road being configured, which takes the lot out of the flood plain. The developer would still have 12 units for the development.

Mr. Weaver reviewed how the 20% bonus density was achieved to get 12 units on the property rather than the base density of 10. He said the developer had met the Design Review Committee (DRC) requirements with the original approval. These requirements and recommendations will still be met with the new design.

Commissioner Weaver asked if the trees on Adamswood would remain. Mr. Weaver said the trees would remain.

There was a discussion of land drainage and open space. Commissioner Weaver asked if the properties adjacent to the open areas could fence their properties. Mr. Weaver said typically, the space is left open, but the homeowners could fence their patio areas. A pedestrian walking path had not been included in the plans. Mr. Weaver referred the Commissioners to the landscape plan included in the packet. Commissioner Weaver asked if the rock wall will remain. Mr. Weaver said the grades would be matched with the street and retention or grade changes would be required if necessary.

Commissioner Weaver pointed out item 4 in the staff report, which said additional evergreen trees would be placed on Adamswood Road. Mr. Weaver said the report should have indicated the trees be placed on 575 North.

3. LOW BOOK SALES – CONDITIONAL USE AMENDMENT

This 1.58 acre property is located at 1650 North Main Street in a C-H (Highway Regional Commercial) Zoning District. The applicant is Low Book Sales represented by Jody Oliverson.

Mr. Weaver presented the request for conditional use for additional display pads. The original conditional use under Luxury Auto would have allowed Low Book Sales to have 4 display pads. However, they have used only two display pads to date. They are now requesting 10 pads, however, the staff recommendation finds that only 6 pads would be allowed. Staff's research compared the number of pads with other dealerships in Layton. Staff has since found that the data used in making a recommendation was outdated. In addition, the applicant has purchased a neighboring property adding additional frontage. The applicant had expressed concerns about being limited to 6 display pads in comparison to other dealerships and also pointed out that other dealerships are able to park cars within 8 feet of the sidewalk. Low Book Sales has 30 feet between their display area and the sidewalk.

Mr. Weaver recalculated and found that 1 display pad per 64 feet could be allowed giving Low Book 8 display pads. The Commission felt that there should be some sort of regulation for the number of pads set forth rather than uses and mean average of dealership display pads.

Mr. Weaver said Staff recommends the conditional use request be granted subject to the applicant meeting of the following conditions:

1. The auto dealership shall have no more than 6 auto display pads along the street frontage of the site. A display pad consists of a space for one car on hard surface.
2. Drought tolerant shrubs shall be planted within the xeriscape areas of the street frontage landscaping. A weed barrier shall be installed under the rock mulch to prevent weeds.
3. A revised landscape plan showing 6 auto display pads and shrubs within the xeriscape areas shall be submitted to the City for approval.
4. An irrigation plan shall be submitted to the City that matches the proposed landscaping needs.
5. The maximum height of the parking lot light poles is to be 22 feet and shields installed to shine the light down into the parking areas. Provide a lighting plan to be reviewed and approved by City staff.
6. The lights are to be on a timer to turn off no later than 11:00 PM, except for security lighting on the building and the accent lights on the ground along the street frontage.
7. Maintain a 6-foot solid vinyl fence on the east boundary line of the improved area.
8. Any form of storage or debris shall not be permitted in the unimproved area behind the solid vinyl fence. The unimproved area shall be maintained by keeping the weeds down.
9. No outside speaker system is allowed per City ordinance.

Commissioner Gilbert said there should be a condition that the house on the additional lot be torn down. Commissioner Hazen felt that a condition should be added that there be no more than 1 display pad per 64 feet and this calculation should remain until an ordinance is put in place.

There was a discussion of the location of the existing sanitary sewer line.

4. YOUNG CHEVROLET – CONDITIONAL USE FOR A WAREHOUSE

This .67 acre property is located at 521 West 600 North in a C-H (Highway Regional Commercial) Zoning District. The applicant is Young Chevrolet represented by Dave Whitaker.

Planning Technician, Nannette Larsen, presented the Young Chevrolet request for a warehouse at 521 West 600 North. The property and surrounding properties are zoned C-H (Highway Regional Commercial). Ms. Larsen gave an overview of surrounding businesses which are all owned by Young Chevrolet.

Ms. Larsen said Young Chevrolet intends to use this building to distribute auto parts to nearby clients. Presently Young Chevrolet Automotive Sales distributes these parts as an accessory use to its automotive sales. Young Chevrolet is not expecting customers to visit the warehouse; employees will distribute warehouse products to the Young Chevrolet Body Shop to the east of this site and to other nearby shops. The parts warehouse will operate during the hours of 7 AM to 6 PM Monday through Friday. There will be no outdoor storage at this site.

Ms. Larsen outlined the parking requirements, and Commissioner Gilbert asked if the parking would be adequate if the use became a commercial use versus the warehouse use. The response was that if the use were changed to a commercial use, parking would be recalculated at that time.

Ms. Larsen said Staff recommends the Planning Commission approve the conditional use for a warehouse with the following conditions:

1. The site is to be clear of weeds, junk, auto parts and debris at all times.
2. The landscape plan must be submitted for approval by the staff and installed before occupancy (with the extension provision for winter occupancy).
3. The business is required to provide at least 6 parking stalls for warehouse employees and company vehicles, and at least 20 parking stalls for the lube center.
4. Outdoor storage is not permitted at this site.
5. The applicant is required to comply with the sign ordinances, including permanent and temporary signage.
6. The business must comply with all Fire, Building, and Engineering Division requirements.

Condition #7 was added to require that the facility be used only as a warehouse.

By 
Julie Jewell, Planning Commission Secretary

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OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Nannette Larsen, Steve Garside, and Councilman Barry Flitton

Chairman Esplin called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was recited and an invocation given by Commissioner Bodily.

Chairman Esplin called for a motion to approve the September 14, 2010, Planning Commission and Work Meeting minutes. There were no additions or corrections. Commissioner Hazen moved to approve the September 14, 2010 Planning Commission and Work Meeting minutes. Commissioner Bodily seconded the motion, and the voting was unanimous.

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

PUBLIC HEARING:

1. NORM & BRAD FROST – REZONE REQUEST – R-1-10 (Single Family Residential) to R-1-6 (Single Family Residential).

This 2.734 acre property is located at approximately 189 South Chapel Street in an R-1-10 (Single Family Residential) Zoning District. The applicants are Norm and Brad Frost.

City Planner, Kem Weaver, presented the request from Norm and Brad Frost to rezone 2.734 acres from R-1-10 to R-1-6 with a density of 4 units per acre. Mr. Weaver gave an overview of the area. He said the applicant is requesting to develop 11 single-family, single-story, slab on grade homes. Staff has requested that a stub road be installed to provide a second access should the parcel to the west develop in the future. Mr. Weaver said a detention pond would be required for the development. He explained the calculation of density for other single family zones and said the increase in density would be 1.5 more units per acre (4 lots) than the R-1-10 density. He said Staff felt the R-1-6 zoning would not be a significant impact on surrounding properties since there is R-

2 (8 units to the acre) to the north and similar R-1-6 zoning to the northeast of the property. He said the R-1-6 zoning would act as a transitional buffer from the R-2 zoning to the R-1-10 zoning to the south and southwest.

Mr. Weaver referred to the applicant's letter stating the reason he is proposing a rezone from R-1-10 to R-1-6 is to develop a community marketed and geared to senior adults. The developer would install the front landscaping on each lot, which would be maintained by the Homeowners Association (HOA). The street would be public and the City's responsibility to maintain. The HOA would maintain the detention basin on the southwest corner. The side and rear yards would mostly likely be fenced off from the front and maintained by the owner. An owner would also have the option of having the HOA maintain the entire yard. Mr. Weaver said covenants would need to be recorded with the plat for the proposed subdivision if the rezone is approved.

Mr. Weaver explained that the Land Use Element for the General Plan for the area recommends 3-6 units per acre. The R-1-6 zone yields a density of 5.5 units per acre. The applicant is proposing 4 units per acre below the R-1-6 maximum.

Mr. Weaver presented elevations of the type of homes proposed (see Exhibit 1).

Mr. Weaver said based on the information and images shown, Staff recommends the Planning Commission forward a positive recommendation for approval to the City Council of the rezone from R-1-10 to R-1-6 based on consistency with the General Plan recommendations for single family residential similar to the surrounding area.

Commissioner Bodily asked to make it a matter of record that Mr. Frost is a neighbor and friend, but he had not had any discussions regarding the rezone with Mr. Frost.

Commissioner Weaver asked if secondary water was available at that location. Mr. Weaver said that secondary water is discussed with the Engineering Division once development plans are received. Commissioner Weaver said secondary water would facilitate better maintenance of the front and back yards. There were no further questions from the Commission.

Chairman Esplin called for questions from the audience and informed the audience that each person would be allowed 3 minutes to speak according to City Council guidelines.

Mark Wiedeman, 831 Elm Street, expressed concerns that a retirement community would not be needed with the larger one under construction on Fairfield Road. Chairman Esplin explained that anyone could buy a lot in this proposed development, which is not specifically a retirement community. Mr. Wiedeman mentioned home prices. Commissioner Elinkowski explained that the developer was indicating a price of \$190,000 to \$300,000. Mr. Wiedeman expressed concerns regarding a possible depreciation of values in existing homes in the area. He also expressed concerns over traffic, public utilities, and safety. He proposed that the zoning remain at R-1-10 and find a developer who could build homes at a higher value.

Don Gunther, 139 South Talbot Drive, asked Mr. Weaver the zoning of the property just west and north of the property proposed for rezone. Mr. Weaver replied that the property to the west was zoned R-1-10 and the property to the north was zoned R-2. Mr. Gunther questioned the R-2 zoning of the property to the north and consistency with the General Plan. Mr. Gunther asked if the homes were without basements, and Mr. Weaver replied that basements were not planned for the homes.

Mark Birmingham, 193 South Talbot Drive, expressed concerns about smaller lot sizes and maintaining property values.

Louise Brown, 343 South 750 East, said she was impressed with the elevations and expressed concern that if the rezone is approved, there was no guarantee that the product that was presented would be what is actually built. Mr. Weaver said when a development is approved, ordinances have to be met, and the City would insure that the landscaping is done properly. He said the HOA would be in place to maintain the landscaping, and that the elevations proposed for the homes would be what is issued with the building permit. Ms. Brown expressed concerns about another developer developing the property since the rezoning stays with the land.

Commissioner Gilbert asked if the property was sold to another developer if the rezoning could revert back to R-1-10. Mr. Garside explained that a development agreement could be approved in conjunction with the rezoning to address this concern. The current applicant could enter into a development agreement with the City stating that the representations they've made would be the final product.

Ms. Brown asked for it go on record that the citizens strongly urge the Planning Commission to require a development agreement in conjunction with the rezone.

Richard Molton, 840 Elm Street, expressed concerns about the density proposed as compared with the surrounding area. He also asked about R-1-6 setbacks.

Commissioner Weaver asked Mr. Weaver to review the zoning surrounding the property proposed for rezone.

Randall Heaps, 977 East 150 South, asked about the road size. Mr. Weaver responded it would be 58-foot right-of-way. He expressed concerns about cars parking on the street and traffic.

Scott Whitesides, 59 Whitesides Street, suggested reducing the R-2 density if surrounding properties are rezoned to R-1-6.

Amy Molton, 840 Elm Street, said she thought the property could be sold as R-1-10 lots. Commissioner Hazen asked for clarification on Ms. Molton's remarks, which Mr. Weaver then explained.

Carol Whitesides, 89 Whitesides Street, asked about the marketing price of the homes and expressed a concern about the proposed development being low income housing and the possibility of the homes being rented in the future with a lack of property upkeep. Mr. Weaver explained how the HOA would maintain the property. She asked how the development would compare with a senior development in North Ogden.

Chairman Esplin asked for Mr. Frost to come forward. Mr. Frost said he had a project on 2550 West in Ogden. He explained the quality of the projects he'd completed in Layton, which enhanced the area in which they'd been built. He said that the target market is people who don't want a basement. The homes range between 1600 and 2300 square feet with two-car garages. He said that the private streets in a PRUD are narrower and maintained by the HOA, which makes it more expensive for the homeowner. He said there would be restrictions for any more than one car in the driveway and none on the road. An RV on the street is not allowed beyond 24-hours and then the HOA works with the City code enforcement to have the vehicle moved if necessary. He felt the people would be good citizens who just want privacy. He indicated that \$190,000 to \$300,000 is now considered medium income, not low income.

Commissioner Weaver said he noticed a couple of the pictures had sidewalks and another did not. Mr. Frost said that the City would require sidewalks.

Mr. Gunther said that he felt protective covenants could not be legally enforced. Mr. Garside said civil litigation could be set forth against a non-compliant member of an HOA. There was a discussion of the enforcement of protective covenants and care of the public streets. Mr. Frost explained the use of funds held by the HOA. He answered Mr. Gunther's question about the restrictions as they would apply to those who are not seniors. He said 3 people would be allowed to reside in a 2 bedroom home and 4 people would be allowed to reside in a 3 bedroom home. There was continued discussion of zoning in the area.

Commissioner Gilbert asked if there was any guarantee that the homes would not have basements. Mr. Frost didn't think the sewer would be low enough for a basement.

Toni Cadell, 389 Whitesides, asked about the elevations and price range and Mr. Frost explained the variance in square footage and the home design. Mrs. Cadell also expressed concerns about traffic.

Leticia Morgan, 69 South Chapel Street, asked about potential homeowners, and Mr. Frost said that similar persons had moved into his other developments. Chairman Esplin summarized a discussion of smaller lots versus larger lots and integrity of homeowners. Ms. Morgan also expressed concerns about traffic issues.

Jonathan Brown, 123 South Whitesides, asked about the density in R-1-10. Mr. Weaver said there would be 7 lots with 2.5 units per acre. He also said there was no secondary water in the area, just irrigation ditches.

Commissioner Pales asked Mr. Weaver if the difference between R-1-10 and R-1-6 would be only 4 lots. Mr. Weaver responded in the affirmative and said there would be a 1.5 units per acre increase.

Rick Morely, 849 Rosewood, spoke about property to the south that had been sold to the Catholic Church and said he felt there was no need for a buffer between the R-2 and the R-1-10. He asked who enforces the HOA. Mr. Garside responded that an individual member of the HOA could initiate the enforcement of the covenants and that some cities require the City to be a member of the HOA as part of the development agreement.

Commissioner Hazen asked about the R-1-10 property to the south of the Catholic Church, which Mr. Morely said the developer planned to rezone to R-S.

Commissioner Gilbert commended the citizens for coming to the meeting. He talked about the reason the Master Plan is updated, the reason for the rezone, and the HOA maintenance of the development.

Commissioners Gilbert and Weaver recommended a development agreement with the project. Mr. Weaver responded that the motion to the City Council include the rezone being subject to a development agreement. Commissioner Gilbert recommended tabling the item and convening a meeting of the developer, staff and residents to come up with a development agreement. Chairman Esplin asked if that was typically how a developer agreement would be drafted. Mr. Weaver said that usually Staff writes the development agreement, which is reviewed by the Legal Department. Multiple drafts are sometimes required before the agreement is ready to present to the City Council for approval. Mr. Matson said that Staff would like the Planning Commission to voice concerns and provide guidelines which Staff would write into the development agreement.

Chairman Esplin called for a motion on the item. Commissioner Gilbert moved that Planning Commission forward a recommendation to the City Council to approve the rezone based on consistency with the General Plan recommendation and the following conditions: (1) that the developer and the City provide a development agreement, (2) the developer remain with the project until it is finished and does not sell it off to another developer, (3) the HOA issues are addressed with possible involvement from the City so that shrubs and landscaping in the front of the homes and in common areas are maintained.

Commissioner Elinkowski asked if the Commission could say that the property couldn't be sold. Assistant City Attorney, Steve Garside, stated that if the property is sold that the representations as far as lot size and number would remain the same. Commissioner Gilbert responded that he asked earlier if the property didn't stay in compliance with the issues brought forth if it could revert back to R-1-10. Mr. Garside said that the actual disposition of the property is generally not addressed, but the project type, quality, and representations are enforced. Mr. Bodily asked if conditions would go with the land. Mr. Matson responded in the affirmative. Mr. Garside said it would likely be unenforceable that the property could not be sold, however, the conditions and representations that were made can be required to continue under the development agreement. Commissioner Gilbert summarized that the property could not revert back to R-1-10, but the development agreement would address the concerns and would go with the land. Commissioner Weaver also confirmed that the development agreement remains with the land no matter who owns the property.

Commissioner Gilbert made a new motion that the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-10 to R-1-6 with the requirement that the Staff and the developer will draft a development agreement stating that the product represented by the developer be included as a requirement of the development agreement. Commissioner Weaver seconded the motion, and the voting was unanimous.

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

PUBLIC REVIEW

2. ADAMSWOOD LANDING PRUD – REVISED PRELIMINARY APPROVAL

This 2.78 acre property (12 lots) is located at approximately 575 North 1050 East in an R-1-10 PRUD Zoning District. The applicant is Bruce Nilson of Nilson Homes.

City Planner, Kem Weaver, said that on December 8, 2008, the Planning Commission forwarded a positive recommendation to the City Council to approve the preliminary plan for Adamswood Landing PRUD. The City Council granted preliminary approval on January 15, 2009. Since that plan was approved, the applicant has submitted a different configuration of the preliminary plan which requires a re-approval from preliminary through final approval.

Mr. Weaver gave an overview of the properties and streets surrounding the property. The preliminary plans showed access off Adamswood Road. A lot near this access was listed as being on the FEMA flood plain map and couldn't be built on until a Letter of Map Amendment Request (LOMAR) was granted by FEMA and submitted to the City. Mr. Weaver said the developer still had been unable to receive the LOMAR from FEMA. The new configuration proposed shows a change where the private street enters from 575 North. The area of the flood plain will be a proposed detention basin metered into the creek culvert.

Mr. Weaver said the proposal is for 12 patio-style homes on 2.82 acres. The base density for the R-1-10 zone is 3.5 units per acre, which would allow for 10 units on this acreage. Mr. Weaver explained how the development received a 35 percent bonus density from the Design Review Committee (DRC) during the original review process, which met the 20 percent bonus density needed for the additional 2 units. Resubmitted landscape plans address other recommendations from the DRC.

Mr. Weaver said the development meets the General Plan guidelines for the area and should blend in with other developments in the area. He said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the plan subject to the applicant meeting all Staff requirements.

There were no questions or comments from the Commission.

Bob Davis, 1044 East 575 North, commented that he was pleased to know the development would be a single-family development. He expressed concern about the amount of traffic on Adamswood Road and asked if there were any plans to improve Adamswood Road.

Mr. Weaver responded there is a plan to widen Adamswood Road and the developer is required to bond for the improvements of his frontage on Adamswood Road. Once the City Council approves the funding, the road will be improved.

Mr. Davis also expressed concern about visibility of turning from 575 North to Adamswood especially if the detention pond is built up.

Mr. Weaver said the detention pond wouldn't be build up since it has to be the low point of the subdivision. He said when Adamswood Road is raised, the visibility at the 575 North intersection would be improved.

Commissioner Hazen asked if the pine trees would be out of clear view. Mr. Weaver said clear view would be assessed when the trees are planted.

Chairman Esplin asked the developer, Bruce Nilson, if he had any comments. Mr. Nilson, 6172 South 2175 East, Ogden, said the bonus from coming off 575 North helps with dealing with the steep road and retention and a magnificent change for livability.

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

Commissioner Bodily moved that the Planning Commission forward a positive recommendation for approval of the Adamswood Landing PRUD revised preliminary plat to the City Council subject to the developer meeting all Staff requirements as outlined in the memo to the developer. Commissioner Hazen seconded the motion, and the voting was unanimous.

3. LOW BOOK SALES – CONDITIONAL USE AMENDMENT

This 1.58 acre property is located at 1650 North Main Street in a C-H (Highway Regional Commercial) Zoning District. The applicant is Low Book Sales represented by Jody Oliverson.

Kem Weaver, City Planner, stated that after talking with the applicant, a lot of the information in the staff report has changed. This was reviewed during work meeting.

Mr. Weaver said the reason for the request for the amendment to the conditional use approved on the site for Luxury Auto in October, 2002, is to add additional display pads for cars. The original conditional use permit allowed for 4 display pads for cars, and only 2 of the display pads were used. The applicant has acquired an adjacent house to eventually be demolished to allow for more area to park vehicles. Landscaping will be improved. The site will then have 494 lineal feet of frontage.

Mr. Weaver said as discussed in the Work Meeting, the City's intent is to be consistent with all dealerships with regard to landscaping requirements and number of display pads. The number of display pads is calculated by a ratio per lineal feet of frontage. He explained how he had calculated and recalculated with the new data, the number of pads to be allowed for Low Book Sales. Mr. Weaver said the proposed landscaping plan is much better than the existing landscaping. He said that the Commission felt that 8 display pads would be the best fit for the site.

The following are the conditions required for this amended conditional use request:

1. The auto dealership shall have no more than 6 auto display pads along the street frontage of the site. A display pad consists of a space for one car on hard surface.
2. Drought tolerant shrubs shall be planted within the xeriscape areas of the street frontage landscaping. A weed barrier shall be installed under the rock mulch to prevent weeds.
3. A revised landscape plan showing 6 auto display pads and shrubs within the xeriscape areas shall be submitted to the City for approval.
4. An irrigation plan shall be submitted to the City that matches the proposed landscaping needs.
5. The maximum height of the light poles is to be 22 feet and shields installed to shine the light down into the parking areas. Provide a lighting plan to be reviewed and approved by City staff.
6. The lights are to be on a timer to turn off no later than 11:00 PM, except for security lighting on the building and the accent lights on the ground along the street frontage.
7. Maintain a 6-foot solid vinyl fence on the east boundary line of the improved area.
8. Any form of storage or debris shall not be permitted in the unimproved area behind the solid vinyl fence. The unimproved area shall be maintained by keeping the weeds down.
9. No outside speaker system is allowed per City ordinance.

Changes to the conditions given to the applicant indicate that 8 display pads would be allowed rather than 6. Commissioner Gilbert mentioned that Condition #2 did not include grass.

The applicant, Jody Oliverson General Manager of the Layton Low Book sales and residing at 177 Blue Sage Lane, Layton, explained where grass would be planted and professionally maintained.

Mr. Weaver said that a requirement for grass to be planted could be added to condition #2. Assistant City Attorney, Steve Garside, said another option would be to add that the applicant must follow the approved landscape plan.

Commissioner Hazen asked that condition #1 read "no more than one car on each display pad."

Mr. Oliverson said he understood and agreed to that condition. He said other dealerships are using similar pads for more than one vehicle, but Low Book Sales has no intention of doing that.

Commissioner Weaver asked about the 30 feet of landscaping easement along the frontage. Mr. Oliverson said they would not change the width of the buffer. He said some of the pads would be elevated to better display the vehicles.

Chairman Esplin explained that the approval would include the entire frontage including the frontage of lot containing the home to be demolished.

Mr. Oliverson said they have future plans for improvement of the additional lot as the economy improves.

Chairman Esplin reiterated that no additional pads would be granted when the home is demolished. Mr. Oliverson replied they would just be widening their parking area for cars on the lot where the home is. He commented that the billboard makes it impossible to display cars on that end of the lot.

There was a discussion about the number of pads requested versus the number to be granted.

Mr. Oliverson was asked when the home would be removed, but he didn't have a date for that demolition.

Chairman Esplin said the Planning Commission desires to be consistent. Mr. Oliverson said that if it gets approved at 8, he said his owner may want to establish a lot closer to street, however, he would like to avoid that change.

Mr. Weaver explained that the landscape buffer is based on the depth of the lot, which is 534 feet for this lot. Therefore, the landscape buffer would need to be 20 feet in width. He explained that the landscape buffer would only need to be 20 feet wide on the property with the house.

Mr. Oliverson asked to make his presentation as to why Low Book Sales should be allowed to have 10 pads. The Commission discussed the ratio if there were to be 10 pads as well as ratios at other dealerships.

Mr. Oliverson said he was not happy with 8 lots based on the display pads at other dealerships with which he has to compete.

Commissioner Elinkowski said the City would like to come up with a standard. Mr. Oliverson said he felt the width of the landscape buffer should be considered when developing this standard.

Commissioner Elinkowski asked how the number of 8 had been calculated. Mr. Weaver said it was based on an average of the number of pads at Layton car dealerships.

Mr. Oliverson gave a presentation on display pads at other dealerships (see Exhibit 2).

Commissioner Elinkowski asked if someone made a motion to display 10 vehicles if the applicant would wait until the house was demolished to display the vehicles. Commissioner Pales said he liked the proposed display of vehicles.

Commissioner Gilbert mentioned that 18 spaces just inside of the pad area would also be available for display. Mr. Oliverson said the cars were backed in and not facing the street. Commissioner Gilbert asked if 10 pads were to be allowed, would they be on the additional lot. Mr. Oliverson said it would not be a desirable place to display vehicles.

Commissioner Weaver asked if it would make sense to table the application until the City sets new standards. Mr. Weaver said that would not be possible since the application was vested under the current method of calculating the number of pads.

Mr. Weaver said an ordinance can be developed for future requests but this conditional use goes with the land, not the ownership.

Commissioner Bodily asked if 2 pads could be put on the lot where the home is. Mr. Oliverson said they could do that, but it wouldn't be conducive to good advertising.

Bill Wright, Community & Economic Development Director, said it was reasonable with what the applicant has brought forward that his regular lot where he stores his vehicles is set back much further than other dealerships in the community and 10 feet further than required under the code. The difference between the 8 pads and the 10 pads is an average of multiple dealerships reviewed rather than using the least ratio. He said that it's reasonable to use the lower ratio, which would be 47 feet per display pad, which would allow 10 pads. The balance used in judging this is that all of his vehicles are set back further than what is seen throughout the City. However, from here forward, Staff could study this more in detail and come up with a standard. He said the applicant would likely still be below the standard. He said the City would like to improve the urban design and display of vehicles. He said he felt Staff could accept the reasonable proposal for 10 display pads.

Chairman Esplin said that it would be advisable to develop a standard for future use. Mr. Wright said each site is different and different conditions can be weighed during the conditional use process. Commissioner Hazen asked that until an ordinance be developed that the minimum standard be use.

Chairman Esplin called for a motion on the item.

Commissioner Hazen moved that the conditional use permit for Low Book Sales be approved subject to the conditions outlined with a change in the number of display pads from 6 to 10, with no more than one automobile be allowed on each pad. Condition #2 would change to require grass to be added as part of the landscaping pursuant to 19.16.060, with all conditions previously stated and changes to conditions hereby adopted as requirements. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

4. YOUNG CHEVROLET – CONDITIONAL USE FOR A WAREHOUSE

This .67 acre property is located at 521 West 600 North in a C-H (Highway Regional Commercial) Zoning District. The applicant is Young Chevrolet represented by Dave Whitaker.

Planning Technician, Nannette Larsen, presented the request for conditional use to establish a warehouse at 521 West 600 North. The property would be used as an auto parts warehouse for Young Chevrolet to distribute auto parts to their clients. Ms. Larsen gave an overview of the zoning in the area and explained the applicant's proposal to expand their site.

Ms. Larsen said the following conditions are required for this conditional use:

1. The site is to be clear of weeds, junk, auto parts and debris at all times.
2. The landscape plan must be submitted for approval by the staff and installed before occupancy (with the extension provision for winter occupancy).

3. The business is required to provide at least 6 parking stalls for warehouse employees and company vehicles, and at least 20 parking stalls for the lube center.
4. Outdoor storage is not permitted at this site.
5. The applicant is required to comply with the sign ordinances, including permanent and temporary signage.
6. The business must comply with all Fire, Building, and Engineering Division requirements.

Chairman Esplin, asked Young Chevrolet's representative, Dave Whittaker, 689 South 550 East in Kaysville, to come forward. Chairman Esplin explained the addition of condition #7 requiring facility only be used as a warehouse. Mr. Whittaker replied that the use would be solely for distribution with no walk-in cliental. Mr. Whittaker said that the landscape plan just submitted contained several hundred feet of landscaping to get to the required 10 percent landscaping requirement. Mr. Whittaker said he had no questions.

There were no questions or comments from the Commissioner or audience.

Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved that the conditional use request for Young Chevrolet be approved subject to the applicant meeting all staff requirements including the addition of condition #7 with all conditions hereby adopted as requirements. Commissioner Hazen seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review and adjourn the meeting.

Commissioner Hazen moved to close Public Review and adjourn the meeting. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

The meeting adjourned at 9:30 p.m.

By  _____
Julie Jewell, Planning Commission Secretary

FROST REZONE – EXHIBIT 1

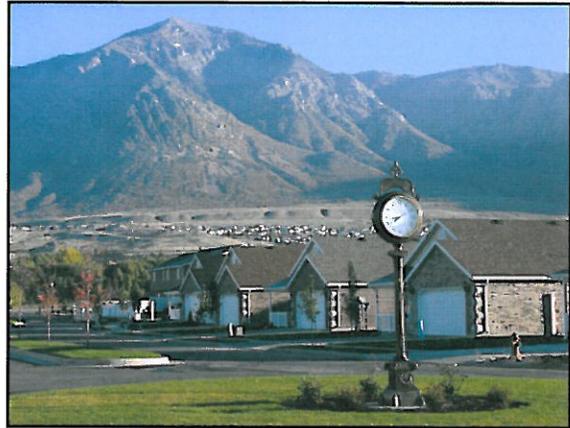


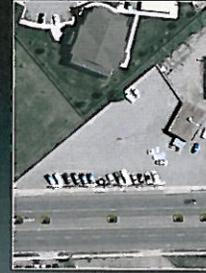


EXHIBIT 2 Low Book Sales

Conditional Use Permit Request

All Star Automotive

Linear Feet: 281'
Display Pads: 0
Feet/Pad: 0
Distance to Street: 0



Automatic Car Credit

Linear Feet: 147'
Display Pads: 0
Feet/Pad: 0
Distance to Street: 7'



Five Points Auto Group

Linear Feet: 479'
Display Pads: 6
Feet/Pad: 79.8
Distance to Street: 18'
Driveway used as display
Displays in line with lot



Hertz

Linear Feet: 407'
Display Pads: 0
Feet/Pad: 0
Distance to Street: 10'



Kia

Linear Feet: 578'
Display Pads: 0
Feet/Pad: 0
Distance to Street: 0



Young Chevrolet

Linear Feet: 638'
Display Pads: 8
Feet/Pad: 79.75'
Buffer to Street: 8'
Vehicles Doubled on Displays



Ed Kenley

Linear Feet: 893'
Display Pads: 16 + 1 Extra
Lrg
Feet/Pad: 52'
Buffer to Street: 6'

