

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, OCTOBER 12, 2010

MEMBERS PRESENT: Sharon Esplin, Gerald Gilbert, Dave Weaver, Blake Hazen

ALTERNATE MEMBERS PRESENT: Dawn Fitzpatrick

MEMBERS ABSENT: Tim Pales, Kristin Elinkowski

ALTERNATE MEMBERS ABSENT: Brian Bodily

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

PUBLIC HEARING:

1. KIRT MERRILL – CONDITIONAL USE REQUEST FOR AN ACCESSORY RESIDENTIAL DWELLING UNIT.

This property is located at 2338 East Oakridge Drive in an R-1-10 (Single Family Residential) Zoning District. The applicant/owner is Kirt Merrill.

Long Range Planner, Peter Matson, explained that when the Plans Examiner reviewed the plans for the Merrill home, they determined that a conditional use permit would be needed for the dwelling unit to be built over the garage. The applicant, Kirt Merrill, explained that per ordinance only blood relatives would live in the dwelling unit. There was a discussion of the available parking and Mr. Merrill said he had not planned to put in additional hard surface for parking until his sons began college and would then be using the accessory dwelling unit. There was a discussion over the home being fronted close to the street (Oakridge Drive), and traffic on the street.

Mr. Matson said the property meets the parking requirements and that it will accommodate parking needs. He explained the difference in square footage requirements between attached and detached accessory structures.

The following are the conditions required for this conditional use permit:

1. The applicant / owner shall sign a letter of agreement stating that only blood relatives are to occupy the accessory dwelling and that it can not be rented out to a non-related person. The letter of agreement shall also be recorded against the lot in case the property owner decides to sell the home so that future homeowners become aware of the use of the accessory residential dwelling unit.
2. Provide one parking space in the existing driveway for the occupants of the accessory residential dwelling unit.
3. All building and fire requirements shall be met before occupancy.
4. The applicant must complete all of the conditions prior to receiving the Final Inspection.

2. WAYNE BELLEAU – Proposal to AMEND THE GENERAL PLAN from Business/Research Park to Commercial and to **REZONE .94 acres** located at **1597 North Woodland Park Drive** from **B-RP** (Business & Research Park) to **CP-3** (Planned Regional Commercial). The applicant and property owner is Wayne Belleau.

Community & Economic Development Director, Bill Wright, explained that the public hearing for this item would be opened and continued to the November 9, 2010, Planning Commission Meeting, and the public hearing for this item would not be closed. Mr. Wright said a representative of the applicant had asked for the item to be continued with no decision made at the October 12, 2010, Planning Commission Meeting. He said the item had remained on the agenda to avoid further expense of advertising the public hearing in the newspaper. Members of the audience would, however, be invited to comment if desired.

There was a discussion about possible tenants for the building if the property were rezoned from B-RP to CP-3. The discussion included signage such as a billboard. Mr. Wright explained the cap and replace program regarding billboards and outlined other locations that are currently available to accommodate a billboard.

3. COURTYARDS AT ANGEL STREET – REQUEST TO AMEND THE ANGEL STREET TOWNHOMES PHASE 1 PRUD PLAT.

This property is located at approximately 1400 North and 150 West in an R-M1 PRUD (Low/Medium Density) Zoning District. The purpose of the amendment is to correct the footprint of the 3-plex building and the vinyl fencing around the lot. The applicant is the Courtyards at Angel Street represented by Jeff Southard.

City Planner, Kem Weaver presented the request to amend the Angel Street Townhomes Phase 1 PRUD plat. He said the ownership of the project changed after the original plat was recorded. The new owner found a discrepancy in the size of the buildings. Because the buildings are surveyed in the plat, the amended plat has to be approved by the Planning Commission and City Council. He said the design, lot and landscaping will remain the same.

4. EMILY SMITH – CONDITIONAL USE REQUEST FOR A BOARDING KENNEL.

This property is located at 389 North Main Street in a C-H (Highway Regional Commercial) Zoning District. The owner is Barlow Corporation represented by the applicant, Emily Smith.

Planning Technician, Nannette Larsen, presented the conditional use request for a cat and dog boarding kennel (Jeweled Sphinx) proposed for 389 North Main Street. Ms. Larsen gave an overview of the area and said the property is zoned C-H and is separated by 70 feet from the adjacent mobile home park.

The 1,200 square foot home on the property is proposed to be changed from a residential to a commercial use with 819 square feet to be used for boarding and grooming a total of 18 pets at any time. The pets will be kept in separate kennels and there will be approximately 5 grooming customers each day.

Ms. Larsen said the property meets landscaping standards and can accommodate 4 off-street parking stalls. The Building Department has submitted a list of requirements to bring the house into compliance with commercial codes and standards. She said Staff is recommending approval with the following conditions:

1. The site is to be clear of weeds, junk, and debris at all times.

2. There may not be more than 18 dogs and/or cats total boarded at any one time.
3. The business is required to provide at least 4 parking stalls for clients/employees.
4. The outdoor exercise area shall be fenced and screened at all times and be within the fenced area adjacent to the building.
5. The applicant is required to comply with the sign ordinances, including permanent and temporary signage.
6. The structure must meet Building Code standards for change of use from residential to commercial use.
7. The business must comply with all Fire, Building, and Engineering Division requirements.

There was a discussion regarding fence screening. Ms. Larsen said per Davis County Animal Control regulations, the fence must be screened -- either chain link with slats or vinyl fencing. The Commission asked for a condition requiring anti-digging bars or a concrete barrier at the base of the fencing.

There was a discussion regarding noise from the business, and Ms. Larsen said the applicant will be required to put the dog exercise area next to the house. Chairman Esplin recommended similar requirements as received by Pet Pals which must have animals placed indoors by 9:00 p.m. each evening. A condition was added to require animals to be placed indoors by 9:00 p.m. each evening. The applicant, Emily Smith, said the 6 foot by 6 foot exercise area will be supervised at all times.

At Commissioner Fitzpatrick's suggestion, a condition was also added requiring that animal waste be disposed of and the site free from nuisance odors.

There were no other questions or comments.



Julie K. Jewell, Planning Commission Secretary

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

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Hazen. Boy Scout Troop #446 from the Sandridge Park area in Layton was welcomed to the meeting.

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

PUBLIC HEARING:

1. WAYNE BELLEAU – Proposal to **AMEND THE GENERAL PLAN** from Business/Research Park to Commercial and to **REZONE .94 acres** located at **1597 North Woodland Park Drive** from **B-RP** (Business & Research Park) to **CP-3** (Planned Regional Commercial). The applicant and property owner is Wayne Belleau.

Chairman Esplin explained that regarding this item, the applicant's representative had requested that the item be continued to the November 9, 2010 Planning Commission Meeting. Members of the audience were invited to comment even though a decision would not be made on the item at this time. There were no questions or comments.

Chairman Esplin called for a motion to continue the hearing to the November 9, 2010, Planning Commission Meeting with the public hearing for this item being left open until that date. Commissioner Weaver moved to leave the public hearing open and continue the request to amend the general plan and the request for the rezone at 1597 North Woodland Park Drive to the November 9, 2010, Planning Commission Meeting. Commissioner Hazen seconded the motion, and the voting was unanimous.

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

2. COURTYARDS AT ANGEL STREET – REQUEST TO AMEND THE ANGEL STREET TOWNHOMES PHASE 1 PRUD PLAT.

This property is located at approximately 1400 North and 150 West in an R-M1 PRUD (Low/Medium Density) Zoning District. The purpose of the amendment is to correct the footprint of the 3-plex building and the vinyl fencing around the tot lot. The applicant is the Courtyards at Angel Street represented by Jeff Southard.

City Planner, Kem Weaver gave an overview of the area and explained the reason for the request to amend the Angel Street Townhomes PRUD plat.

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

Commissioner Hazen moved to forward a recommendation to the City Council to approve the amended plat for Angel Street Townhomes Phase 1PRUD subject to the applicant meeting all Staff requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

3. KIRT MERRILL – CONDITIONAL USE REQUEST FOR AN ACCESSORY RESIDENTIAL DWELLING UNIT.

This property is located at 2338 East Oakridge Drive in an R-1-10 (Single Family Residential) Zoning District. The applicant/owner is Kirt Merrill.

Long Range Planner, Peter Matson, presented the application submitted by the Merrill family for a conditional use permit for an accessory residential dwelling. He presented an aerial photo of the area. During the building permit review, the Plans Examiner noticed that the upper portion of the garage contained two bedrooms, a bathroom, and a sitting area, which are a potential use for blood relatives as an accessory residential dwelling.

Mr. Matson said that a letter of agreement signed by the property owner has been requested stating that the unit will only be used for blood relatives. A notice will be recorded against the lot stating this requirement.

Mr. Matson said Staff is recommending approval of this conditional use subject to the letter to be submitted to the Planning Department before final occupancy.

The zoning ordinance requires that there be a parking space provided should it be occupied as an accessory residential dwelling. Mr. Matson said the applicant must designate one parking space on the plan.

Commissioner Hazen asked if the dwelling unit had a kitchen, and Mr. Matson replied in the affirmative. There were no other questions or comments from the Commission or the audience.

Chairman Esplin asked the applicant, Kirt Merrill, 988 North 200 West, Farmington, if he had a copy of the recommendation.

Commissioner Gilbert asked Mr. Merrill if he would be living in the other portion of the home, and Mr. Merrill responded “yes,” and that he hoped to do so for many years.

Chairman Esplin called for a motion on the item. Commissioner Hazen moved to grant conditional use subject to the applicant meeting all Staff conditions which are hereby adopted as requirements.

Commissioner Weaver seconded the motion which passed by a margin of 3 in favor and 1 opposed with Commissioners Hazen, Weaver, and Fitzpatrick voting in favor, and Commissioner Gilbert opposed.

4. EMILY SMITH – CONDITIONAL USE REQUEST FOR A BOARDING KENNEL.

This property is located at 389 North Main Street in a C-H (Highway Regional Commercial) Zoning District. The owner is Barlow Corporation represented by the applicant, Emily Smith.

Planning Technician, Nannette Larsen, presented the conditional use request for a cat and dog boarding kennel (Jeweled Sphinx) proposed for 389 North Main Street. Ms. Larsen gave an overview of the area and said the property is zoned C-H and is separated by 70 feet from the adjacent mobile home park.

The 1,200 square foot home on the property is proposed to be changed from a residential to a commercial use with 819 square feet to be used for boarding and grooming a total of 18 pets at any time. The pets will be kept in separate kennels and there will be approximately 5 grooming customers each day. There will be no additional employees.

Ms. Larsen explained that the outside exercise space will initially be 36 square feet just to the west of the building and within the fenced back yard. She said all landscaping requirements have been met as well as parking requirements. The following are items required by the Building Division to bring the building up to commercial standards and code:

- Accessibility including ramps, handrails, interior and exterior door widths.
- Restrooms are required to meet ADA standards, maneuvering clearances, fixture heights, grab bars, floor drain.
- Verification of code compliance for the plumbing, electrical and HVAC systems by a licensed professional.
- Ventilation system for kennel must comply with the mechanical code.
- Seismic and structural review to ensure the building is in accordance to code standards.

Ms. Larsen said Staff recommends the Planning Commission approve the conditional use request subject to the applicant meeting all Staff conditions with the addition of three conditions requiring cement barriers or anti-digging bars at the base of the fence, requiring the dogs to be inside by 9:00 p.m. each evening, and requiring the outdoor area to be kept clean and free of odors.

1. The site is to be clear of weeds, junk, and debris at all times.
2. There may not be more than 18 dogs and/or cats total boarded at any one time.
3. The business is required to provide at least 4 parking stalls for clients/employees.
4. The outdoor exercise area shall be fenced and screened at all times and be within the fenced area adjacent to the building and include cement barriers or anti-digging bars at the base of the fence.
5. The applicant is required to comply with the sign ordinances, including permanent and temporary signage.
6. The structure must meet Building Code standards for change of use from residential to commercial use.
7. The business must comply with all Fire, Building, and Engineering Division requirements.
8. All animals must be placed indoors by 9:00 p.m. each night.
9. The outdoor pen shall be kept clean and free of odors.

The applicant, Emily Smith, 721 East 750 North, Layton, described the portable fencing to be used for the pets in the outdoor area. She said vinyl fencing would be the permanent solution, but during an intermediate stage, panels and additional anti-digging bars would be added. Ms. Larsen said that even though the proposed fencing is temporary, it will need to be slatted. Damon Smith, 721 East 750 North, Layton, said the portable fencing is constructed of one-inch by one-inch squares of expanded metal. After a discussion as to whether the construction of the portable fencing and location would provide adequate screening, Ms. Larsen said Davis County Animal Control and Layton City would inspect the fencing before a building license is issued and determine if the screening was adequate. The Smiths said the landlord had agreed to repair the fencing around the perimeter of the back yard.

There were no additional comments from the Commission or the audience. Chairman Esplin asked Ms. Smith if she understood the conditions, and she replied in the affirmative and had no questions.

Chairman Esplin called for a motion on the item. Commissioner Weaver moved to grant the conditional use subject to the applicant meeting all Staff conditions which are hereby adopted as requirements including ADA requirements. Commissioner Gilbert 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 Weaver seconded the motion, and the voting was unanimous.

The meeting adjourned at 7:30 p.m.

By 
Julie Jewell, Planning Commission Secretary