

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, NOVEMBER 09, 2010

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

**ALTERNATE MEMBERS PRESENT:** Brian Bodily, Dawn Fitzpatrick

**MEMBERS ABSENT:** Kristin Elinkowski

**ALTERNATE MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Nannette Larsen, Steve Garside, Julie Jewell

**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.

Bill Wright, Community & Economic Development Director, explained that the rezone request had been continued from the October 12, 2010 Planning Commission Meeting. The reason for the applicant's request to rezone is to provide some flexibility in terms of commercial tenants and occupants and also to include the ability to relocate a billboard. Mr. Wright said that since the Utah Department of Transportation (UDOT) has not made some determinations, there has not been conclusive discussion about the relocation of a billboard from the new South Layton Interchange. In order to save on advertising expense since this rezone will need to be considered at a future Planning Commission Meeting, Mr. Wright said Staff recommends the public hearing be opened, comments taken, and the public hearing be continued to the December 14, 2010, Planning Commission Meeting.

Potential uses other than the current office use and parking requirements were discussed.

**2. ANNEXATION – GAILEY/KENT/GREEN/JORGENSEN – PETITION TO ANNEX AND REZONE WITH A DEVELOPMENT AGREEMENT** 48.77 acres located at approximately 1600 East 200 South with 26.42 acres proposed to rezone from A (Agriculture) to R-1-10 (Single Family Residential), 20.75 acres from A to R-1-8 (Single Family Residential) and 1.60 acres to remain A (Agriculture).

Long Ranger Planner, Peter Matson, presented the request for annexation for 48.77 acres located at approximately 1600 East 200 South just to the east of the Fairfield Estates at Muddy Lane subdivision.. He explained the ownership of the parcels within the annexation area. These properties are within the City's annexation policy plan expansion area and currently within the Mutton Hollow Township. As stated by Mr. Matson, the annexation would reduce the size of the peninsula of unincorporated land extending into the City; however, the annexation would create an unincorporated island within the City.

Mr. Matson reviewed the proposed zoning of the annexation properties and the current zoning of the surrounding area.

In answer to Commissioner Fitzpatrick's question about the location of the detention pond proposed for the northeast corner of the property, Mr. Wright responded that the property to be annexed drains to the west and will be allowed to drain into the regional storm drainage system. In order for that to be accomplished, water has to be pulled out of Holmes Creek, stored in the proposed detention pond and then metered into the regional storm drainage system. The capacity of the creek and the detention pond would remain balanced.

Commissioner Weaver asked if the County had approved the discharge and Mr. Wright replied that the City and County are working together to better manage the discharge from Holmes Creek.

There was a discussion of the proposed zoning of the properties proposed for annexation.

In answer to Commissioner Fitzpatrick's question on the Boynton Road development, Mr. Wright responded that the developer is responsible to construct half of Boynton Road when the property is developed.

Commissioner Fitzpatrick's asked which school the children living in this development would attend. It was explained that the Davis County School District is informed when an annexation is proposed and may create school boundaries crossing over city boundaries. Mr. Wright responded that the proposed annexation was first filed in 2005.

Commissioner Hazen asked how the reduction in flow from Holmes Creek would affect landowners to the west. Layton City Assistant Attorney, Steve Garside, responded that the water flow will be reduced but not the amount of water for irrigation.

In answer to Commissioner Weaver's question about the acquisition of acreage for a City park, Mr. Wright responded that the City generally purchases park land. He explained that park impact fees are generated with building permits and can be used to purchase park land and construct parks. He also explained paybacks for storm drainage infrastructure. He explained that the annexation development agreement is still in draft form. In answer to Commissioner Weaver's question about the difference between the park portion of this development agreement and the Adams Property development agreement, Mr. Wright explained that the Adams Property, due to environmental and geologic constraints, would have a natural park. The park associated with this annexation would be a fully developed park.

There was a discussion between Staff, the Commission, and the developer, Nate Pugsley, from Brighton Home, regarding exterior masonry, and Mr. Pugsley agreed that an all stucco exterior would not be desirable.

Mr. Wright advised the Planning Commission in their review to stay focused on the planning issues to determine if the petition is consistent with the City's annexation policy plan and that the zoning is appropriate for the property. Mr. Wright said the City Council will make the final decision on the Annexation Agreement upon the recommendation of the Planning Commission. Mr. Garside added that the Staff report to the City Council will include the Planning Commission's recommendation.

There was a discussion on appropriate motions for this item and for the Belleau rezone request.

## **PUBLIC REVIEW:**

### **3. POWERTRAIN PERFECTION, LLC – CONDITIONAL USE FOR MINOR AUTO REPAIR**

This property is located at 1370 West Gentile Street in a CP-1 (Planned Neighborhood Commercial) Zoning District. The applicant is Ryan Jones.

Planning Technician, Nannette Larsen, presented the request for conditional use for auto repair. There was a discussion regarding the types of repair to be done at the facility and the type of repairs the zoning would allow.

There was a discussion about overnight outside parking of vehicles which would not be allowed.

Commissioner Hazen said he would recuse himself due to a financial association he has with the applicant and leave the room during the review of this item during the regular meeting.

ADA requirements which must be met were discussed.

Commissioner Gilbert recommended that the applicant be informed as to where signage could be used.

Ms. Larsen stated that stored farm equipment and vehicles would be removed from the property.

The following are the conditions that will be required as part of 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 9 parking stalls for customers and employees.
4. There are to be no major auto repair services to be operated at the property, such as: engine machining, transmission repair, paint or auto body repair.
5. Customer vehicles waiting for service repairs or pick-up are not permitted to be stored outdoors overnight.
6. Outdoor storage is not permitted at this site.
7. The business is not allowed to park any vehicles on landscaping or on the street.
  
8. The applicant is required to comply with the sign ordinance, including permanent and temporary signage.
9. The structure must meet Building Code standards for change of use from agriculture to commercial use.
10. The business must comply with all Fire, Building, and Engineering Division requirements.

## **OTHER:**

Mr. Matson announced that Planning Technician, Nannette Larsen, would be leaving Layton City for employment as a building plan reviewer in Salt Lake City. Ms. Larsen said she was grateful for the opportunities and experience of working at Layton City.

The Commissioners asked the Staff to follow up on the following conditional uses that had been granted but were out of compliance:

- Buddhist Temple – cell tower removal
- SYS Storage – sign and expansion of sign
- Highway 193 – outside storage
- Patriot sign – missing masonry

The Commissioners expressed concerns about conditional use conditions being enforced.

By   
Julie Jewell, Planning Commission Secretary

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**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Nannette Larsen, Steve Garside, Julie Jewell

Planning Commission Chair, Sharon Esplin called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited, and Commissioner Fitzpatrick gave an invocation.

Chairman Esplin called for a motion to approve the October 26, 2010 Planning Commission and Work Meeting Minutes. There were no additions or corrections. Commissioner Weaver moved to approve the October 26, 2010 minutes as written. Commissioner Hazen seconded the motion, and the voting was unanimous.

Chairman Esplin explained that the order of items had been changed from the published agenda with the Public Review portion of the meeting to precede the Public Hearing.

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

## **PUBLIC REVIEW:**

**1. POWERTRAIN PERFECTION, LLC – CONDITIONAL USE FOR MINOR AUTO REPAIR**  
This property is located at 1370 West Gentile Street in a CP-1 (Planned Neighborhood Commercial) Zoning District. The applicant is Ryan Jones.

Commissioner Hazen recused himself from the discussion because of a financial association with the applicant. He left the room at 7:07 p.m.

Planning Technician, Nannette Larsen, presented the request for conditional use for minor auto repair. She gave an overview of the building layout and the zoning in the area. Ms. Larsen said the zoning would not allow engine machining, transmission rebuilding, or auto body repair.

Ms. Larsen explained that the proposed business would not be able to meet the required 30 foot setback on the west side of the building since the existing building is located within a few feet of the property line. She said Staff recommends the Planning Commission wave this setback requirement. Ms. Larsen reviewed other setbacks as well as landscaping and parking requirements.

Ms. Larsen said Staff recommends the Planning Commission approve the minor auto repair shop with the condition listed in the staff report as follows:

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 9 parking stalls for customers and employees.
4. There are to be no major auto repair services to be operated at the property, such as: engine machining, transmission repair, paint or auto body repair.
5. Customer vehicles waiting for service repairs or pick-up are not permitted to be stored outdoors overnight.
6. Outdoor storage is not permitted at this site.
7. The business is not allowed to park any vehicles on landscaping or on the street.
8. The applicant is required to comply with the sign ordinance, including permanent and temporary signage.
9. The structure must meet Building Code standards for change of use from agriculture to commercial use. The business must comply with all Fire, Building, and Engineering Division requirements.

There were no questions from the Commission or the audience. Chairman Esplin asked the applicant, Ryan Jones, 2846 South 1000 West in Syracuse if he had a copy of the conditions and if he understood and agreed with the conditions. Mr. Jones replied in the affirmative.

Commissioner Weaver asked if the equipment currently on the property would be removed.

The property owner, Alex Hines, 1140 West Gentile, said he thought he could find a place for the equipment. Mr. Hines also asked to discuss the requirement for no overnight storage and proposed building a fence around the back part of the building to facilitate overnight storage. Ms. Larsen replied that per ordinance, there can be no overnight storage in this zoning district whether or not the storage is screened.

Mr. Hines said the cars would not be torn down vehicles, but vehicles kept overnight in the case a customer has not yet picked up his vehicle.

Community & Economic Development Director, Bill Wright, said it was probably a reasonable proposal for vehicles that are part of the business operation. If customers are not able to pick up their car the same day as they brought it in or if the business is waiting for a part, then those vehicles stored behind a fence would comply with the type of vehicle storage issue the Staff wants to prevent.

There was a discussion regarding the placing of a fence and whether or not it should be a privacy fence as well as hard surface for parking and the number of stalls.

Commissioner Pales recommended that the item be tabled until Staff and the applicant could address all of the recommendations.

Chairman Esplin agreed with Commissioner Pales and called for a motion on the item. Commissioner Pales moved to table the request for conditional use for auto sales to the November 23, 2010, Planning Commission meeting. Commissioner Gilbert seconded the motion, and the voting was unanimous.

Commissioner Hazen returned to the meeting.

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

### **PUBLIC HEARING:**

**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 request for rezone had been on the October 12, 2010 agenda and continued to the November 9, 2010 agenda. He said the applicant has requested that the item be continued one more time as discussions with Utah Department of Transportation (UDOT) regarding the relocation of a billboard have not been conclusive. Mr. Wright said Staff recommends the Planning Commission receive any comments on the rezone request and then continue the item to the December 14, 2010, Planning Commission agenda.

There were no comments on the item. Chairman Esplin called for a motion on the item. Commissioner Gilbert moved to continue the request to rezone .94 acres at 1597 North Woodland Park Drive to the December 14, 2010, Planning Commission Meeting. Commissioner Pales seconded the motion, and the voting was unanimous.

### **3. ANNEXATION – GAILEY/KENT/GREEN/JORGENSEN – PETITION TO ANNEX AND REZONE WITH A DEVELOPMENT AGREEMENT**

Approximately 48.77 acres located at approximately 1600 East 200 South with 26.42 acres proposed to rezone from A (Agriculture) to R-1-10 (Single Family Residential), 20.75 acres from A to R-1-8 (Single Family Residential) and 1.60 acres to remain A (Agriculture).

Peter Matson, Long Range Planner, presented the annexation and rezone with a development agreement request for 48.77 acres of property located east of the Fairfield Estates at Muddy Lane Subdivision, north of Mutton Hollow Road and west of Boynton Road. He gave an overview of current Layton City boundaries showing a peninsula of unincorporated County extending into the City. Mr. Matson said the City Council reviewed and accepted the applicants' petition for annexation on October 21, 2010. The City Recorder has certified that this annexation meets the requirements for State Law. Mr. Matson said there is a provision for a protest period for 30 days following acceptance by the City Council.

Mr. Matson explained that the proposed area is within Layton City's General Plan and Annexation Policy Plan. The property is also within the Mutton Hollow Township. He said the applicant understands that if the property is annexed, it will not be in Mutton Hollow Township. He reviewed the zoning requested for the annexed property. Mr. Matson also said an annexation agreement draft has been developed to address utilities, an 8-acre park to be developed, storm drainage and detention.

Mr. Matson said Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve the annexation and rezones subject to the adoption by the City Council of the annexation development agreement.

There were no questions or comments from the Commission.

Mike Gold, owner of adjoining farming property, expressed concerns about access to his farm and an access easement for water. He felt the developer wasn't concerned about the needs for his farm.

Mr. Matson explained that Staff and the developer had been working with Mr. Gold on these issues. He said that from the Staff's standpoint, the review by the Planning Commission should focus on whether or not the property belongs within the boundaries of Layton City and if the rezoning recommendations were appropriate. He outlined Mr. Gold's property and access, stating that while this project is not at the subdivision stage yet, when the subdivision is designed, accesses for roads and utilities will need to be accommodated with agricultural rights being taken into consideration.

Chairman Esplin stated that the development agreement requires City standards as far as connectivity and that there needs to be an accommodation for the developers' rights to use their property. He explained that issues will be dealt with on the preliminary plat which will be presented to the Planning Commission according to ordinances which dictate legal property access and water rights.

Developer and petitioner, Howard Kent, 261 East 300 South, Salt Lake City, said he fully intended to provide Mr. Gold access according to City ordinance and to provide any other accesses to which he has legal claim. Mr. Kent agreed to continue to work with Staff to resolve issues.

Tom Winegar, 199 East Mutton Hollow, Kaysville, spoke in favor of the annexation, stating that he realizes his access will be through the subdivision and that he felt the park would be a beautiful addition to the City. He felt the problems with Muddy Lane may be resolved by the development.

Sidney Watts, 223 East Mutton Hollow Road, asked for the developer to build a road for construction of the development rather than use existing private roads and lanes. He also asked for the developer to refrain from leaving development materials along the private lane.

Mr. Wright stated there was a 20-foot wide road provided by deeded easement across the property to Mutton Hollow Road with certain legal rights to use the easement. He said through the subdivision development process there should be an east/west road developed to be an access point for construction rather than the Mutton Hollow Road access.

Chairman Esplin reminded the audience that the point of discussion should just be the annexation and zoning of the property.

Alan Craig, 181 Boynton Road, expressed concerns about increased traffic on Boynton Road with future development. He also expressed concerns about the assessing of impact fees for the development. Mr. Kent responded to the concerns.

Commissioner Gilbert said that citizen input was considered when the adjacent property, now Fairfield Estates at Muddy Lane, was rezoned. He said the Planning Commission would make a recommendation to the City Council regarding this annexation, rezone and the development agreement and that citizen input would be important.

Chairman Esplin called for a motion on the item. Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the annexation along with the annexation agreement. Commissioner Gilbert seconded the motion.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the rezones as proposed and requested to R-1-8 and R-10 and A . Commissioner Gilbert seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close the Public Hearing for the annexation and rezone. Commissioner Hazen moved to close the Public Hearing for the annexation and rezone and adjourn the meeting. Commissioner Gilbert seconded the motion, and the voting was unanimous.

The meeting adjourned at 8:03 p.m.

By  \_\_\_\_\_  
Julie Jewell, Planning Commission Secretary