

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, JANUARY 11, 2011

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

**ALTERNATE MEMBERS PRESENT:** Dawn Fitzpatrick, Jeremy Davis

**MEMBERS ABSENT:**

**ALTERNATE MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Kem Weaver, Steve Garside, Julie Jewell, and Councilmember Barry Flitton

Planner I, Kem Weaver, introduced Andrew King, recently hired as a Planner I in the Community & Economic Development Department.

The Commission was informed that Planning Commission Meeting would still be held on January 25, 2011 as well as the West Layton Village Center Charrette meetings.

Representatives of the check cashing group are scheduled to meet with planners and interested Commissioners on Wednesday, January 12, 2011 at 3:30 p.m. in the CED Conference Room.

## **1. BRIGHTON HOMES REZONE – A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL)**

This 14.19 acre property is located at approximately 2019 East Oakridge Drive. The owner is Dale R. Seegmiller represented by Brighton Homes Utah.

Mr. Weaver presented the Brighton Homes request to rezone 14.19 acres at 2019 East Oakridge Drive. Mr. Weaver gave an overview of zoning in the area and said the request is to rezone the property for 43 R-1-10 lots which meet R-1-10 qualifications with regard to area and frontages. The request to rezone to R-1-10 also meets the General Plan requirements. He said streets connecting to Oakridge Drive and Cherry Lane will be a 62-foot right of way with other streets in the proposed subdivision being a 58-foot right of ways.

Commissioner Weaver asked about the existing home which Mr. Weaver said will be purchased with the property and demolished.

Commissioner Fitzpatrick asked if there would be a detention pond in the subdivision. Mr. Weaver said no pond is planned but the developer will be required to run a parallel storm water line to the existing storm water line to the Andy Adams detention pond.

## **2. DANIEL SANCHEZ – CONDITIONAL USE FOR A MARTIAL ARTS STUDIO**

This property is located in an M-1 (Light Manufacturing/Industrial) Zoning District at 196 North Sugar Street in Suites 3 & 4. The applicant is Daniel Sanchez representing the owner, Jeff Coxey.

Mr. Weaver presented the request for a martial arts studio in an existing tenant space at 196 North Sugar Street Suites 3 & 4. He said the applicant would be teaching students from 5-10 p.m. on weekdays and from 8 a.m. to 2 p.m. on Saturday. The applicant would like to teach 25 students per class. Mr. Weaver overviewed the on-site parking and business hours of other tenants in the building. He said there would be no on-street parking but there is parking in back of the building.

Commissioner Fitzpatrick voiced a concern about parking and building occupancy in the event of a competition at the facility.

## **3. BIG 3 BASEBALL – CONDITIONAL USE FOR INDOOR COMMERCIAL AMUSEMENT**

This property is located in an M-2 (Heavy Manufacturing/Industrial) Zoning District at 377 North Marshall Way in Suite 6.

Mr. Weaver presented the request for conditional use for a baseball training facility proposed for a warehouse space behind the offices of a current business. Proposed hours of operation would be 5-10 p.m. which would not conflict with other businesses at the site with 8 a.m. to 5:00 p.m. business hours. The purpose of the facility is for training only with no competitive games. The facility would only be open from December through March. Students would be dropped off and picked up at the rear of the facility.

### **OTHER:**

City Planner, Peter Matson, explained the West Layton Village Center Charrette to be held from January 24, 2010 thru January 28, 2010.

Community and Economic Development Director, Bill Wright, said that ultimately a form based code would be developed based on the concept plans.

Councilmember Flitton asked if there had been any negative feedback regarding the Charrette, and Mr. Matson said although Staff would like to predict what public input may be, it is not possible. He said the consultant relies on Staff to inform them of the citizen concerns.

Chairman Esplin expressed the opinion that citizen involvement and input should help to cut down on any negativity.

The area involved in the West Layton plan was reviewed.

Following the discussion of the West Layton plan, there was a discussion of check cashing businesses and the article presented by the check cashing representative at the December 28, 2010 Planning Commission Meeting. There was also a discussion about payday loans and the presentation of post-dated checks for cashing. The Commission was advised to save these discussion items for the meeting on which this issue will be revisited.

Mr. Wright mentioned a housing project proposed in the MU-TOD zoning district next to the FrontRunner station. He explained that since the proposed development is above the density in the

existing MU-TOD zone, a bonus density model similar to the model used in a residential PRUD is being developed to give density bonuses based on certain criteria.

There was a discussion of parking, and Mr. Wright said there may be an opportunity for UTA to provide deck parking on the site. He said the proposal was a great opportunity to create a new type of housing to support more retail businesses in the historic downtown area. He also discussed possibilities for the train station.

  
Julie K. Jewell, Planning Commission Secretary

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- ALTERNATE MEMBERS PRESENT:** Dawn Fitzpatrick, Jeremy Davis
- MEMBERS ABSENT:**
- ALTERNATE MEMBERS ABSENT:**
- OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Kem Weaver, Steve Garside, Julie Jewell, and Councilmember 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 Weaver.

Chairman Esplin called for a motion to approve the December 28, 2010 Planning Commission and Work Meeting minutes. There were no additions or corrections. Commissioner Weaver moved to approve the December 28, 2010 Planning Commission and Work Meeting minutes as written. Commissioner Pales seconded the motion, and the voting was unanimous.

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

**1. BRIGHTON HOMES REZONE – A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL)**

This 14.19 acre property is located at approximately 2019 East Oakridge Drive. The owner is Dale R. Seegmiller represented by Brighton Homes Utah.

Planner I, Kem Weaver, presented the request for rezone from A to R-1-10, stating that the 43 proposed lots are similar to lots in surrounding subdivisions. He said streets connecting to Oakridge Drive and Cherry Lane will be a 62-foot right of way with other streets in the proposed subdivision being a 58-foot right of way. The applicant is proposing two entrances, creating better circulation for the property.

Mr. Weaver explained that the Land Use Population Element of the General Plan indicates medium to low density with 3-4 units per acre in this area. The applicant is proposing is 3.0 units per acre.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from A to R-1-10 based on consistency with the General Plan policy recommendations for low to medium density single family residential in the Oakridge Drive area.

Commissioner asked about fencing requirements against the agricultural property and Mr. Weaver explained that a 6-foot chain link fence with a top rail would be required if agricultural operations are

taking place on adjacent properties. No fencing would be required between the proposed subdivision and residential property.

There were no further questions or comments from the Commission.

Michael Davies, 1869 East Oakridge Drive, expressed concerns about vinyl fencing and current irrigation to his property. Mr. Weaver responded that those issues would be addressed during preliminary approval process. Mr. Davies also expressed concerns about dust control, and Mr. Weaver explained that an erosion control plan is required by the EPA to protect adjacent properties. Mr. Davies asked that his property be separated from the proposed subdivision by a chain link fence.

Marge Davies, 1869 East Oakridge, expressed a concern about how to find the survey lines. Mr. Weaver recommended that a survey be done of her property to address the concerns. In answer to Ms. Davies question regarding a possible disagreement over property line locations, Assistant City Attorney, Steve Garside, said any dispute over a property line could be resolved in court

Jill Pedia, 1033 West 1875, in Clinton asked if the area is rezoned R-1-10 and not sold, would it be rezoned back to Agriculture. Mr. Weaver responded that another rezone application would be required to rezone the property back to Agriculture. Commissioner Hazen answered Ms. Pedia's concern about taxes being raised with the zone change stating that even if the property is zoned R-1-10 but used for agricultural purposes, it would remain in green belt status. Assistant City Attorney, Steve Garside, confirmed Commissioner Hazen's comments.

Mr. Weaver explained the proposed lot size to the audience, and Jim Boyden, of Brighton Homes Utah, which is currently under contract to purchase the property and under due diligence to determine if it is a feasible property, spoke about the portfolio of homes Brighton Homes builds.

There were no other questions or comments.

Chairman Esplin called for a motion on the item.

Commissioner Gilbert moved to forward a positive recommendation to the City Council to rezone the property at approximately 2019 East Oakridge Drive from A to R-1-10 based on consistency with the General Plan. Commissioner Hazen seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close the Public Hearing and open Public Review.

Commissioner Bodily moved to close the Public Hearing and open Public Review. Commissioner Gilbert seconded the motion, and the voting was unanimous.

## **2. DANIEL SANCHEZ – CONDITIONAL USE FOR A MARTIAL ARTS STUDIO**

This property is located in an M-1 (Light Manufacturing/Industrial) Zoning District at 196 North Sugar Street in Suites 3 & 4. The applicant is Daniel Sanchez representing the owner, Jeff Coxey.

Planner I, Kem Weaver, presented the request for a martial arts studio at 196 North Sugar Street in Suites 3 & 4. The applicant proposes a maximum of 25 students per class with hours of operation being 5:00 to 9:00 p.m. Monday thru Friday, and 8:00 a.m. to 2:00 p.m. on Saturday. Students would be dropped off

and picked up. Mr. Weaver said parking should not be an issue with the other businesses in the building closing the end of the business day at 5:00 p.m. and the night use not conflicting with the day use.

Mr. Weaver said staff recommends the Planning Commission approve the conditional use for the martial arts and fitness studio subject to the following conditions:

1. The training facility shall have the operation hours of 5:00 PM to 10:00 PM on weeknights and at anytime during weekends.
2. The training facility must meet all City Staff codes, requirements and approvals.

Chairman Esplin asked the applicant, Daniel Sanchez, 332 North Church Street, if there would be any competitions for the studio held at the facility. Mr. Sanchez replied that there would be no competitions or belt testing. He said he had received a copy of the conditions.

There were no questions from the Commission or the audience.

Chairman Esplin called for a motion on the item.

Commissioner Hazen moved to approve the conditional use request subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Bodily seconded the motion, and the voting was unanimous.

### **3. BIG 3 BASEBALL – CONDITIONAL USE FOR INDOOR COMMERCIAL AMUSEMENT**

This property is located in an M-2 (Heavy Manufacturing/Industrial) Zoning District at 377 North Marshall Way in Suite 6.

Planner I, Kem Weaver, presented the request for conditional use from Big 3 Baseball for indoor commercial amusement at 377 North Marshall Way Suite 6.

Commissioner Gilbert disclosed that one of the owners of Big 3 Baseball is a relative. He said that he personally had nothing to gain from the business and no financial consideration.

Mr. Weaver said the proposal is for a baseball training facility in the warehouse portion of the building. The training facility would be a secondary use to the office use already in place. Mr. Weaver explained how the facility would be set up and said there would be no competitive games at the site. He said the use would be seasonal from December to March or April, with hours of operation being 5:00 to 10:00 p.m. on week nights and all day on Saturday. He said parking for the evening use should not conflict with the daytime business operations in the complex. Students would be dropped off and picked up at the rear of the facility with approximately 20-25 students each evening.

Mr. Weaver said Staff recommends the Planning Commission approve the conditional use as a secondary use for the unit space subject to the following conditions:

1. The training facility can only be in operation between the months of December and April and is considered seasonal.
2. The training facility shall have the operation hours of 5:00 PM to 10:00 PM on weeknights and at anytime during weekends.

3. Competitive games shall not be allowed within the unit/warehouse or on site. This includes baseball and similar games.
4. The training facility must meet all City Staff codes, requirements and approvals.

Commissioner Bodily asked about the seasonality of the business. The applicant, Scott Robinson, 314 Cold Creek Way, Layton, said he agreed with the April closure of the facility since the teams typically practice outside beginning in April. Mr. Robinson said he had a copy of the conditions and that he agreed with them.

There was a discussion of access to the training area in the building as well as vehicular traffic outside.

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

Commissioner Elinkowski moved that the Planning Commission approve the conditional use request at 377 North Marshall Way Suite 6 (Unit D) subject to all Staff conditions which are hereby adopted as requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

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

Commissioner moved to close Public Review. Commissioner Weaver seconded the motion, and the voting was unanimous. The meeting adjourned at 7:36 p.m.

  
Julie K. Jewell, Planning Commission Secretary