

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
TUESDAY, MARCH 22, 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: Peter Matson, Kem Weaver, Andrew King, Steve Garside, Julie Jewell, and Councilmember Barry Flitton

City Planner, Peter Matson presented training on the role and process of the Planning Commission. He said the Planning Commission's decisions or recommendations should be relative to the Land Use Ordinance and the General Plan. He said the adoption of the General Plan and land use ordinances are the responsibility of the City Council.

Assistant City Attorney, Steve Garside addressed the difference between the administrative role of the Planning Commission and the legislative role of the City Council.

There was a discussion on the West Layton Village Center as related to conditional uses. Mr. Matson said the plan will be very detailed, regulating and illustrative and that use categories will be broad and assume a mixed-use type area.

There was a discussion regarding Commissioners approaching the City Council to politic their position. Mr. Garside said that it could be done, but said it is not how the role of a Commissioner has evolved in the City of Layton. He suggested that if a Commissioner is reviewing the Municipal Code and sees changes that could be made, that they bring their recommendations to the Planning Commission. The recommendations will be reviewed by Staff and presented by Staff to the City Council. If there is a conflict between recommendations and how the recommendations are received by the Council, a work meeting can be scheduled. The staff report to the Council will indicate the concerns and the decision of the Planning Commission.

Mr. Matson said that Councilmember Flitton is present to observe the Planning Commission meetings and report back to the City Council.

Commissioner Davis asked what the interaction of the Planning Commission was with the General Plan. Mr. Matson responded that the General Plan is the broad vision for the City and the implementation of the General Plan is the zoning ordinance, land use ordinance and sign ordinance. He said the Planning Commission is involved with creating the General Plan and that while the whole General Plan hasn't been recently been updated, the Plan will eventually come to the Planning Commission for recommendations on individual elements or as a whole element.

Mr. Garside said the Planning Commissioners are appointed by the Mayor to represent the General Plan and the zoning code. They are an apolitical body and not influenced by the public. The City Council represents the citizens but is still bound by the General Plan.

There was a discussion as to why the public is allowed to comment in Planning Commission meetings and Mr. Garside said that allowing the open dialogue may address a situation that has not been considered. Comments of the public are not ignored but are addressed by the City Division or Department responsible for that area of concern. Allowing the comments also promotes a good relationship with the City. Commissioner Elinkowski said that sometimes the citizens do not need to take their concerns to the City Council because the concerns have been addressed at the Planning Commission level. Chairman Esplin said that citizens are often directed by the Commission to the entity or office which would best address their concerns.

There was a discussion of how public input sometimes can influence a decision for denial or approval. Commissioner Hazen suggested that the motion should state findings for denial and approval.

Commissioner Davis said he would like additional training and explanation of procedures and reasons for the procedures.

Mr. Garside told the Commission that if they are in the course and scope of procedures they are supposed to follow on the Commission, then there is no personal liability and they are covered by Layton City.

Mr. Matson said that Planning Commission Work Meeting would start at 5:30 p.m. on April 12, 2011, for a discussion on the General Plan.

OTHER:

Mr. Matson provided an update on the proposed IHC hospital and explained that IHC would be petitioning the Council for a one-year extension of the development agreement between IHC and Layton City.

Commissioner Fitzpatrick verified that if a Commissioner has a recommendation for a change, the recommendation should be brought to the Planning Commission. She mentioned limiting the number of smoke shops in Layton City. Mr. Matson said Staff would approach the Council to see if they are open to discussion on the recommendation before proceeding with research on an ordinance change.

Commissioner Elinkowski asked about the progress at Fort Lane Village. Mr. Matson said construction for the WINCO store had been anticipated in March and said staff would contact WINCO.

There was also a discussion regarding the proposed In 'N Out Burger to be near the Ream's Store on Main Street.

1. CNG AMERICA AUTO SALE – CONDITIONAL USE FOR AUTO REPAIR

This property is located at 1131 East Highway 193, in a C-H (Highway Regional Commercial) zoning district. The applicant, Kim Hugie, is requesting a conditional use permit to add auto repair to his current conditional use for auto sales.

Planner I, Andrew King, presented a conditional use request for major auto repair stating that the applicant has a conversion kit certified with the EPA to convert vehicles to natural gas fuel and sell the vehicles on his lot. Mr. King said the applicant, Kim Hugie, has a current conditional use at the subject

property for auto sales. Mr. King said the applicant owned the building in the past but is now leasing space in the building.

Commissioner Fitzpatrick said she noticed Condition # 4 states cars should be parked on the south side of the building and they are actually parked on the east side of the building. Mr. King said the property seems to be one large parking lot. Commissioner Weaver said there were vans parked on the west side of the building that seemed to be inoperable. Mr. King said that a requirement of the conditional use permit is that no canisters are to be stored outside the building. He said that the business license will not be processed until all the canisters are removed. Mr. King also said a requirement of the conditional use will be for the applicant to obtain a building permit for changes he has made to the building which require a building permit. He said the Fire Department is requiring a ventilation system to be installed in the building.

Mr. King said Staff recommends approval of the conditional use. Commissioner Hazen asked how the building permit issued can be resolved. Mr. King said the adjacent tenant and current owner of the building is planning to add a gas line to his business and Staff is requiring the CNG America Auto Sale business to be compliant before a permit for the gas line is issued. Mr. Garside responded that it doesn't matter who made the changes to the building; whoever bought the building is responsible for obtaining building permits.

Commissioner Gilbert remarked that the applicant is already doing the conversions at this location. Mr. King said the applicant's business license will be revoked if he does not come into compliance.

Commissioner Fitzpatrick recommended that one of the requirements should be that the canisters be moved off site. Mr. King said that the condition to meet Fire Department requirements includes an item in the Fire report stating that only one canister can remain on site. Mr. King said the applicant will be getting new canisters that aren't already filled. Chairman Esplin said a specific date should be put on the moving of the canisters. Mr. King said the Commission could ask the applicant about the time table for moving the canisters and then if the Planning Commission desired, a deadline could be put on the moving of the canisters.

There was a discussed on possible hazards of the storing of the natural gas.

There were no other questions.

UPDATE ON CURRENT CONDITIONAL USE ISSUES

Planner II, Kem Weaver updated the Commission on issues with current conditional uses. He said the rock base had been put on the missile sign at the Patriot Carwash, 1475 East Highway 193. He said the code enforcement officer had been monitoring Got Storage and it appeared that the vehicles were being stored properly. Commissioner Weaver said he had noticed vehicles parked at Got Storage in a direction to be headed out from the facility and also in a drop off only area.

Commissioner Elinkowski asked if Code Enforcement could check on activity at the Andrescapes business on West Gentile. Mr. Weaver said he would mention the concern to Julie Arguello, the code enforcement officer.

Commissioner Weaver mentioned that the PowerTrain Perfection auto repair property had been fenced but there was a lot of debris inside of the fence at 1370 West Gentile. Mr. Weaver will investigate the situation.

2. COTTAGES AT CHAPEL PARK PHASE 1– FINAL APPROVAL

This 2.71 acre property is located at approximately 300 South Chapel Street in an R-1-6 (Single Family Residential) zoning district. The applicant, Ovation Homes, represented by Brad Frost, is proposing 8 lots.

The Commission had no questions on this item which was not discussed due to lack of time.

3. FOOTHILLS AT CHERRY LANE PHASES 3 & 4– PRELIMINARY APPROVAL

This 14.29 acre property is located at approximately 2019 East Oakridge Drive in an R-1-10 (Single Family Residential) zoning district. The applicant, Brighton Homes, represented by Jim Boyden is proposing 42 single family lots.

The Commission had no questions on this item which was not discussed due to lack of time.



Julie K. Jewell, Planning Commission Secretary

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
TUESDAY, MARCH 22, 2011**

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

ALTERNATE MEMBERS PRESENT: Dawn Fitzpatrick

MEMBERS ABSENT:

ALTERNATE MEMBERS ABSENT: Jeremy Davis

OTHERS PRESENT: Staff Members: Peter Matson, Kem Weaver, Andrew King, Steve Garside, Julie Jewell, and Councilmember Barry Flitton

Planning Commission Chairman, Sharon Esplin called the meeting to order at 7:03 p.m.

The Pledge of Allegiance was recited and an invocation was said by Commissioner Hazen.

Chairman Esplin called for a motion to approve the March 8, 2011 Planning Commission and Work Meeting minutes. There were no additions or corrections to the minutes. Commissioner Hazen moved to approve the March 8, 2011 Planning Commission and Work Meeting minutes as typed. Commissioner Bodily seconded the motion, and the voting was unanimous.

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

PUBLIC REVIEW:

1. COTTAGES AT CHAPEL PARK PHASE 1– FINAL APPROVAL

This 2.71 acre property is located at approximately 300 South Chapel Street in an R-1-6 (Single Family Residential) zoning district. The applicant, Ovation Homes, represented by Brad Frost, is proposing 8 lots.

Planner II, Kem Weaver, presented the request for final approval for The Cottages at Chapel Park Phase I which received preliminary approval from the Planning Commission on February 22, 2011. He said the eight-lot subdivision has two lots with frontage on Chapel Street and that the corner lot could face could be designed to face the subdivision street if desired.

Mr. Weaver said the Fire Department is requiring a temporary turnaround which can be removed once Phase 2 to the west is approved for development. The street will then be connected through Phase 2 to Whitesides Street.

Mr. Weaver said all of the lots in Phase 1 will be 6,000 square feet or greater in size. There will be a homeowners association, and a development agreement for the subdivision has been approved by the City Council. He also said the developer is required to install a storm drain line in the area of the

future street, which connects to Whitesides Street, to a detention pond on the west side of the development.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve The Cottages at Chapel Park Phase 1 subject to the applicant meeting the requirements in Staff memos.

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

Commissioner Bodily moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plat for The Cottages at Chapel Park Phase 1 subject to the applicant meeting the requirements listed in the Staff memos. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

2. FOOTHILLS AT CHERRY LANE PHASES 3 & 4– PRELIMINARY APPROVAL

This 14.29 acre property is located at approximately 2019 East Oakridge Drive in an R-1-10 (Single Family Residential) zoning district. The applicant, Brighton Homes, represented by Jim Boyden is proposing 42 single family lots.

Planner II, Kem Weaver, presented the request for preliminary approve for the Foothills at Cherry Lane Phases 3 & 4. He gave an overview of the area including Phases 1 and 2 of the Foothills at Cherry Lane, formerly Coventry Estates.

Mr. Weaver reviewed that on February 3, 2011, the City Council approved the rezone of the 14.29 acre property from A to R-1-10 which is a single family residential zoning similar to adjacent subdivisions. He said the applicant is proposing 42 single family lots at 2.9 units per acre which is below the maximum 3.5 units per acre allowed in the R-1-10 zone.

Mr. Weaver said the developer plans a 10-foot wide landscape buffer on lots which back on to Oakridge Drive similar to the landscape buffer on Phases 1 & 2. He said this is not required by ordinance, but the developer wants to create a beautiful entrance to the subdivision. The Planning Department will review the landscape plan.

Mr. Weaver said a geo-technical report has been requested for Phases 3 & 4. He said there were no sensitive lands issues in Phases 1 & 2 adjacent to Phases 3 & 4.

Mr. Weaver stated that all lots meet the requirements of the R-1-10 zone. Based on the information presented, he said Staff recommends the Planning Commission grant preliminary approval to the Foothills at Cherry Lane Phases 3 & 4.

Commissioner Weaver asked if the subdivision would have a detention pond. Mr. Weaver said the development will run a storm drain line down Oakridge Drive and construct a portion of the regional detention pond for the subdivision's storm water on property planned for a future school. Commissioner Weaver asked if there would be secondary water available for the subdivision, and Mr. Weaver replied that Kayscreek Irrigation would provide secondary water.

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

Commissioner Weaver moved to approve the Foothills at Cherry Lane Phases 3 & 4 preliminary plat subject to the applicant providing a satisfactory geo-technical report and updated title report, and subject to meeting all Staff requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

3. CNG AMERICA AUTO SALE – CONDITIONAL USE FOR AUTO REPAIR

This property is located at 1131 East Highway 193, in a C-H (Highway Regional Commercial) zoning district. The applicant, Kim Hugie, is requesting a conditional use permit to add auto repair to his current conditional use for auto sales.

Planner I, Andrew King, presented the request for conditional use for major auto repair. He stated the applicant, Kim Hugie, currently has a conditional use on the property at 1131 East Highway 193 for auto sales. He reviewed the conditions for the current conditional use.

Mr. King said the applicant has a kit certified by the EPA for installing compressed natural gas systems in vehicles.

Mr. King said the site has 35 parking stalls and landscaping that meets code. He said an issue had been brought forward about old canisters being stored on the site. During the Work Meeting, the Commission requested that a deadline be set for the removal of these canisters.

The applicant, Kim Hugie, said all but five tanks had been moved the previous day. Commissioner Hazen reminded the applicant that the Fire Department will allow only one canister to remain and asked the applicant when all of the canisters would be removed. Mr. Hugie stated the canisters would be removed by April 1, 2011.

The applicant, Kim Hugie, explained his interest in the CNG (compressed natural gas) business. He agreed that there would only be one canister on site. In the future, all canisters will be empty and delivered in boxes and would not be filled until conversion is done. Any used containers will be stored on Mr. Hugie's property in Wanship.

Commissioner Weaver mentioned there were four canisters on the north end of the building and expressed a concern that the valves could be broken off or opened up by children.

Mr. Hugie said all tanks are put through crash tests and Department of Transportation certified. His opinion was that a tank couldn't be opened without a pipe wrench. He said there is no gas in the used tanks. Mr. Hugie was of the opinion that natural gas is safer than gasoline, is a vapor, dissipates quickly, and has a lower flash point than gasoline. In answer to Commissioner Gilbert's question about the filling of tanks on new conversions, he said the vehicles are bi-fuel vehicles (gasoline and natural gas), so they can be driven to a local CNG station and filled.

Mr. King corrected an error on the recommendation to read that an approval is requested for major auto repair rather than auto sales. Mr. King said Staff recommends the Planning Commission approve the conditional use request subject to the applicant meeting and adhering to Staff conditions as follows:

Previous conditions for auto sales

1. The Auto Business is allowed a maximum of six (6) vehicles for sale.

2. Customer business is “By Appointment only” and advertising is done through mail, ads and the internet.
3. The Specialized Auto Business is required to provide a total of ten (10) parking stalls, four (4) parking stalls for employees/customers and six (6) parking stalls for sale vehicles.
4. Vehicles for sales are located only on the south side of the building and in the existing striped parking area (outside).

New conditions for major auto repair

1. The business must comply with all Fire Department, Building, Planning and Engineering Division requirements attached in the memorandums.
2. The applicant is required to comply with the sign ordinances, including permanent and temporary signage.
3. The business will continue to comply with conditions attached to the previous conditional use application (approved 8/14/2007) except where such are amended by this permit.
4. The business will not store any vehicles or equipment being used to convert vehicles outside the building. If outdoor storage is needed in the future, an additional conditional use application for “outdoor storage” must be approved.
5. The applicant will remove all but one of the CNG canisters no later than April 1, 2011.

Commissioner Weaver asked about vehicles on the west side of the building backed into the loading dock. Mr. Hugie said the vehicles are parked there for parts. He said the vehicles could be moved.

Mr. King reminded Mr. Hugie of condition #4 which states that outdoor storage on the site is not permitted and a vehicle stored in the way Mr. Hugie described would be considered outdoor storage.

Mr. Hugie said he would only have one vehicle at a time, and Mr. King said vehicles to be converted must fit in the shop and not be stored outside. Chairman Esplin reiterated that only six for sale vehicles would be allowed. Commissioner Hazen confirmed that the applicant understood that the vehicles being stored for parts must be removed or put in the shop. Chairman Esplin asked Mr. Hugie if he would move the vehicles stored outside, and Mr. Hugie agreed that he would do so.

Chairman Esplin stated that any construction done on the building must be permitted by the City, and asked Mr. Hugie if he had a copy of the conditions and if he had read them. Mr. Hugie said the appropriate permits would be obtained and said he had received and read the conditions. Chairman Esplin reminded Mr. Hugie that he must also comply with the sign ordinance. Permits will also be obtained for the addition/remodeling of a bathroom and office.

Mr. Hugie explained the benefits of CNG, the certification process and vehicle makes and models that could be altered with his specific certification.

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

Commissioner Elinkowski moved that the conditional use request by CNG Auto Sales for major auto repair be granted subject to the applicant meeting all Staff conditions which are hereby adopted as requirements and subject to all but one used canister being removed from the site by April 1.

Commercial Pales seconded the motion which passed by a margin of 5 to 1 with Commissioners Bodily, Elinkowski, Gilbert, Hazen, and Pales voting in favor of the conditional use approval and Commissioner Weaver voting against the approval.

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

Commissioner Pales moved to close Public Review and adjourn the meeting. Commissioner Gilbert seconded the motion, and the voting was unanimous. The meeting adjourned at 7:30 p.m.



Julie K. Jewell, Planning Commission Secretary