

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, SEPTEMBER 13, 2011

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

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

**MEMBERS ABSENT:**

**ALTERNATE MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Bill Wright, Peter Matson, Brandon Rypien, Andrew King, Steve Garside, Julie Jewell

**PUBLIC HEARING:**

**1. YEATES REZONE – R-2 (Single and Two Family Residential) to R-M1 (Low/Medium Density Residential)**

This .4 acre property is located at 985 North 1200 West in an R-2 zoning district. The applicant and owner is Matt Yeates.

City Planner, Peter Matson, explained that the request for rezone had been tabled by the Planning Commission on August 23, 2011 to allow the developer to reconfigure the design of the development to allow for 6 units. The applicant has now submitted a design for a 6-plex configuration approximately 2.5 stories high which will meet setback requirements on the lot. There was a discussion of the possible layout of the units as well as distance from the Angels Landing I PRUD, which Bill Wright, Community & Economic Director, said it appeared there would be approximately 37 feet between the Angels Landing I townhomes and the proposed townhomes.

**PUBLIC REVIEW:**

**2. PINES AT CHERRY LANE CONDOMINIUM PLAT VACATION**

This property is located at 1457 North 2575 East in an R-M1 (Low/Medium Density Residential) zoning district. The petitioner, Mark Byrd, represents the owners, Curtis and Chris Ward, and requests the condominium plat be vacated to convert the property to a tri-plex.

Mr. Matson explained that the prospective owner of the Pines at Cherry Lane wants for ownership purposes to own the parcel outright without each individual unit having a tax identification number. The property will be one building on the lot with three units, which are separated with fire walls and could be changed back to condominiums. The residents of the building could rent the units, but the units could not be individually sold, if the condominium plat is vacated.

**3. UTAH MUAY THAI – REQUEST FOR CONDITIONAL USE FOR A MARTIAL ARTS STUDIO**

This property is located at 1220 West Jack D Drive, Suite 4 in an M-2 (Heavy Manufacturing/Industrial) zoning district. The property owner is Jay Yahne represented by the applicant, Daniel Sanchez.

Planner I, Andrew King, said the applicant, Daniel Sanchez, currently operates his business with a conditional use for a martial arts studio at 196 North Sugar Street, Suites 3 & 4. The conditional use for a martial arts studio will remain with the Sugar Street location even if Mr. Sanchez moves to a new site.

Mr. Sanchez indicated he would have up to 25 students at a time with most of his business occurring in the evenings and weekends. If he were to offer a class during business hours, he would not be able to use parking reserved for other business during normal business hours. Commissioner Bodily suggested that normal business hours be more defined such as prior to 5:00 p.m. Events held at the facility will be limited to just clientele of Mr. Sanchez.

There was a discussion of any issues that could arise regarding the proximity of the studio to the winery in the same building.

#### **4. ALEX PROPERTY PARCEL SPLIT**

This property is located in the Alex Property Subdivision at 1055 North Jamie-Matt Circle (2475 West) in an R-1-8 (Single Family Residential) zoning district. The applicant and owner is Peter Alex.

Planner I, Brandon Rypien, presented a request for a parcel split for property that was initially part of the Alex Property Subdivision. The proposed parcel will meet all of the requirements for the R-1-8 zoning designation and will have access to utilities off Jamie-Matt Circle (2475 West).

There was a discussion regarding the distance from the property line of the proposed parcel and the shed on an adjoining parcel. Mr. Rypien will ask the owner about the use of and access to the shed.

#### **5. HUGO AGUERO – CONDITIONAL USE FOR A MOBILE SITE**

This property is located at 1987 West Antelope Drive in a C-H (Highway Regional Commercial) zoning district. The property owner is Frank Dickson represented by Hugo Aguero.

Mr. Rypien presented a request for a mobile store site at 1987 West Antelope Drive in a C-H zone. The applicant is proposing a 98 square foot trailer in which to sell a variety of foods. His clients will have access to three parking stalls adjacent to the proposed mobile store site location. Mr. Rypien gave an overview of the businesses on the site and parking stalls available. He said the mobile store site would need to be 100 feet from the residential property adjacent to the commercial site. He also reviewed the signage requirements. The hours of operation were discussed and are proposed to be from 9:00 a.m. to 8:00 p.m. during the summer and 9:00 a.m. to 6:00 p.m. in the winter.

Commissioner Fitzpatrick asked that the owner be required to stripe the parking lot. There was also a discussion of power to the site.

Mr. Wright also responded to Commissioner Fitzpatrick's question stating that there would be a site plan review as part of the business license process as well as a review by the Health Department. Mr. Rypien said the Fire and Building Departments would review possible access to the power from the existing power pole. Mr. Wright said the motion could state that a site plan review is required for parking space layouts and access to the site.

#### **6. OTHER**

Mr. Wright said the Utah Department of Transportation (UDOT) had released a refined version of the West Davis Corridor that will affect the western part of Layton City. All of the comments submitted from Layton City Council and Staff had been incorporated in the revision. He gave an overview of the possible Legacy Highway interchange in West Layton at 2700 West and Layton Parkway.

  
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Julie Jewell, Planning Commission Secretary

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

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

**MEMBERS ABSENT:**

**ALTERNATE MEMBERS ABSENT:**

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

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:07 p.m. The Pledge of Allegiance was recited, and the invocation was given by Commissioner Davis.

Chairman Esplin called for a motion to approve the August 23, 2011, Planning Commission and Work Meeting minutes. There were no additions or corrections to the minutes. Commissioner Elinkowski moved to approve the August 23, 2011, minutes as written. Commissioner Bodily seconded the motion, and the voting was unanimous.

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

## **PUBLIC HEARING:**

### **1. YEATES REZONE – R-2 (Single and Two Family Residential) to R-M1 (Low/Medium Density Residential)**

This .4 acre property is located at 985 North 1200 West in an R-2 zoning district. The applicant and owner is Matt Yeates.

City Planner, Peter Matson, presented a request to rezone .4 acres at 985 North 1200 West from R-2 to R-M1. He said the proposed maximum density for the R-M1 zone is approximately 16 units per acre. The applicant is proposing a 6-plex townhome building. The original rezone proposal, which was tabled at the August 23, 2011, Planning Commission meeting, did not fit on the property, and the Planning Commission gave the applicant the opportunity to redesign the concept so that it would still allow a 6-plex building and meet setback, buffer, and parking requirements. Although a conceptual plan is not required for the rezoning of the property, with the unique configuration of the property, the applicant has submitted a conceptual plan for reference purposes. Mr. Matson reviewed the proposed building design and said the sewer service will be shared with a private line to the property being developed to the south.

Commissioner Weaver asked about storm water detention for the property, and Mr. Matson explained that a new storm drain line had been installed along the frontage of the property (1200 West) with a payback when the property develops because of the over sizing of the facility.

There was a discussion of the unit sizes at 1,500 square feet per unit, the size of the footprint and the building height.

Commissioner Weaver asked the applicant Matt Yeates, if he intended to match the appearance of the property recently approved in the area. Mr. Yeates said the building type for his project had been changed to a smaller footprint, which would make it different from Angels Landing PRUD, but he said he could possibly match that design.

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

Commissioner Pales moved to forward a positive recommendation to the City Council to approve the rezone request for the property at 985 North 1200 West from R-2 to R-M1 subject to the applicant providing a detailed conceptual plan and meeting all Staff requirements. Commissioner Davis seconded the motion, which passed by a margin of 5 in favor to 1 against with Commissioners Bodily, Davis, Elinkowski, Pales and Weaver voting in favor and Commissioner Gilbert voting against the rezone.

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

## **PUBLIC REVIEW:**

### **2. PINES AT CHERRY LANE CONDOMINIUM PLAT VACATION**

This property is located at 1457 North 2575 East in an R-M1 (Low/Medium Density Residential) zoning district. The petitioner, Mark Byrd, represents the owners, Curtis and Chris Ward, and requests the condominium plat be vacated to convert the property to a tri-plex.

Mr. Matson presented the request to vacate the Pines at Cherry Lane Condominium plat to create one lot and tax identification number for the property. The existing utilities easements on the property will remain on the mapping and title report associated with the property.

Mr. Matson said Staff is recommending the Planning Commission forward a positive recommendation to the Council to approve the plat vacation subject to the applicant meeting all Staff requirements.

The owner, Chris Ward, 3976 North 1050 West, Pleasant View, explained that he was planning to sell the units individually, but the current buyer wanted all three units and couldn't get financing without the property being one lot.

There were no questions or 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 plat vacation subject to the applicant meeting all Staff requirements. Commissioner Davis seconded the motion, and the voting was unanimous.

### **3. UTAH MUAY THAI – REQUEST FOR CONDITIONAL USE FOR A MARTIAL ARTS STUDIO**

This property is located at 1220 West Jack D Drive, Suite 4 in an M-2 (Heavy Manufacturing/Industrial) zoning district. The property owner is Jay Yahne represented by the applicant, Daniel Sanchez.

Planner I, Andrew King, presented the request for conditional use for indoor commercial amusement for a martial arts studio with hours of operation from 5:00 p.m. to 9:00 p.m. on weekdays and throughout the day on Saturday.

Mr. King presented an overview of the site and said all of the landscaping requirements are up to date. He said Staff recommends approval of the conditional use subject to the applicant meeting the following conditions:

1. All requirements and/or conditions from the Fire Department, Building and Engineering Divisions are met.
2. All planning and zoning regulations are maintained including but not limited to buffers, signage and lighting.
3. The business shall limit the number of clients to a number which can safely park in off-street parking areas and which does not negatively impact the parking needs of other tenants in the building during their regular business hours.
4. Special events or tournaments involving anyone but the clients of the business in this location are prohibited.
5. No activities involving equipment shall be conducted outside the building.

The applicant, Daniel Sanchez, 332 North Church Street, Layton, stated that he understood the conditions. Commissioner Gilbert asked Mr. Sanchez if he was currently operating at the new location, and Mr. Sanchez replied that he was not.

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

Commissioner Elinkowski moved that the request for conditional use be granted subject to the applicant meeting all conditions, which are hereby adopted as requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

#### **4. ALEX PROPERTY PARCEL SPLIT**

This property is located in the Alex Property Subdivision at 1055 North Jamie-Matt Circle (2475 West) in an R-1-8 (Single Family Residential) zoning district. The applicant and owner is Peter Alex.

Planner I, Brandon Rypien, presented the parcel split request at 1055 North Jamie-Matt Circle. Mr. Rypien explained that parcel A will be divided into two parcels to create Parcel B which will be accessed off Jamie-Matt Circle (2475 West). Mr. Rypien said utilities were put in place with the Alex Property Subdivision and all utility easements will be dedicated and recorded at the County. He said the property will meet the minimum lot size requirements for the R-1-8 zone.

A property owner in the Alex Property Subdivision, Rob Ormsby, requested that the CC&R's for the Alex Property Subdivision be amended to include Parcel B so the property owners would be bound by the same restrictions as the Alex Property Subdivision.

Mr. Rypien said he would review the CC&R's to make sure the home proposed for Parcel B meets the CC&R's of the Alex property Subdivision.

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

Commissioner Pales moved that the Planning Commission forward a positive recommendation to the Council to approve the parcel split. Commissioner Bodily seconded the motion, and the voting was unanimous.

#### **5. HUGO AGUERO – CONDITIONAL USE FOR A MOBILE STORE SITE**

This property is located at 1987 West Antelope Drive in a C-H (Highway Regional Commercial) zoning district. The property owner is Frank Dickson represented by Hugo Aguero.

Mr. Rypien presented the request for a mobile store site at 1987 West Antelope Drive. He presented an overview of the zoning, residential property and businesses in the area and stated the applicant is proposing a 98 square foot mobile store on the site. He said the mobile store must be located outside of any clear view areas near the ingress and egress of the property and 100 feet from any residential zone. Mr. Rypien explained that the applicant would

be allowed 50 square feet of signage, which must be attached to the structure of the mobile stores and 2 directional signs (up to 6 square feet), which can be off site. Mr. Rypien said Staff recommends the Planning Commission approve the conditional use for the mobile store site subject to the applicant meet all conditions including the addition of conditions 10 and 11 as follows:

1. The structure and seating area shall occupy a maximum of one hundred square feet on the site. The structure shall be placed a minimum of ten feet from all property lines on a hard surface outside of landscaped areas and not obstruct access to the property.
2. The mobile store site shall maintain the clear view area.
3. The mobile store shall have written acceptance of the operation from the Davis County Health Department before the site is occupied.
4. The structure shall have appropriate utility connections, inspected for compliance to City codes.
5. The structure shall be secured to or placed on the ground to be stable in a seventy-five mph wind.
6. The mobile store shall be allowed to have two (2) off-site directional signs with a maximum of six (6) square feet each and a maximum of fifty (50) square feet for the entire mobile store. The signage shall be placed on the structure.
7. The structure shall be placed a minimum of one-hundred (100) feet from any residentially zoned property.
8. All building and fire requirements shall be met before occupancy.
9. All of the following conditions shall be met before business begins.
10. Hours of operation shall be from 9 a.m. to 8 p.m. during the summer and 9am to 6pm during the winter.
11. A Site Plan review shall be conducted for the site, which shall show parking stalls, travel lanes and traffic flow.

Chairman Esplin asked the applicant, Hugo Aguero, 1195 North Main Street, if he had received a copy of the conditions. Mr. Aguero replied in the affirmative stating that he understood the requirements. He asked if there could be one table for customers, but the request was denied based on all but 2 square feet of space allowed being used by the cart.

There were no further questions or comments. Commissioner Bodily asked that the property owner be advised of the requirements for the conditional use. Mr. Rypien stated he would contact the owner.

Chairman Esplin called for a motion on the item. Commissioner Davis moved that the Planning Commission approve the conditional use request subject to the applicant meeting all conditions including the two additional conditions, which are hereby adopted as requirements. Commissioner Elinkowski seconded the motion, and the motion passed by a margin of 5 in favor to 1 against with Commissioner Bodily, Davis, Elinkowski, Gilbert and Pales voting in favor and Commissioner Weaver voting against the motion.

Chairman Esplin called for a motion to adjourn the meeting. Commissioner Gilbert moved to adjourn the meeting. Commissioner Pales seconded the motion, and the voting was unanimous.

The meeting adjourned at 7:47 p.m.

  
Julie Jewell, Planning Commission Secretary