

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
TUESDAY, DECEMBER 13, 2011**

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

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

**MEMBERS ABSENT:** Tim Pales

**ALTERNATE MEMBERS ABSENT:**

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

**PUBLIC HEARING:**

**1. PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) ORDINANCE AMENDMENT – Chapter 19.08.090 – Density bonus and base open space requirement in a PRUD**

City Planner, Peter Matson, reviewed the proposed changes to Ordinance 19.08.090. He said Staff is requesting that the Planning Commission forward the ordinance amendment to the City Council for their review. A change on the density bonus cap from 50 percent to 40 percent was discussed with the Planning Commission's consensus being that the density bonus should be capped at 40 percent. Density bonus for parking was also discussed with Staff recommending that no density bonus be given for parking that is not included in the building.

Mr. Matson said streetscape enhancements were removed from the base open space qualification with improvements above the City standard being required for a density bonus to be achieved.

There was a discussion of what would qualify as open space with the opinion being that only meaningful, contiguous open space could qualify for a density bonus for open space.

There was a discussion on the placement of utility structures, and Community and Economic Director, Bill Wright, said there must be a good coordinating effort with the utility companies on the placement of these structures

Commissioner Davis expressed a concern that 19.08.090 (9) and 19.08.090 (10) were conflicting. The decision was that the second sentence in (9) be removed and added to (10). Mr. Matson recommended that the City Council review and determine if the open space between buildings could be counted toward an open space density bonus.

The Commission requested that the ordinance be specific about what base open space could include.

**2. TEMPORARY USES ORDINANCE AMENDMENT AND RE-WRITE -- Chapter 19.21 Temporary and Seasonal Uses**

This item was not discussed due to lack of time.

## **PUBLIC REVIEW:**

### **3. UTOPIA HUT SITE – CONDITIONAL USE REVIEW**

This hut site is located at the northeast corner of Fort Lane and Church Street.

Mr. Matson updated the Commission on discussions regarding the existing UTOPIA hut site. He said that installing wainscoting to cover the utility boxes would be difficult. He also said that since the hut is not very visible from the mobile home park to the east that Staff is recommending that screened fencing to the east of the hut site be removed as a requirement of the conditional use.

Mr. Matson presented drawings of how the property could be landscaped and have an initial impact but over time provide a nice screen for the hut. He said the Engineering Division had provided a map of the closest water line which is a 14-inch on-site line, so no street cut would be needed. The Parks and Recreation Department is reviewing the planting concept plan with a planting list and irrigation plan to be forthcoming. There was a discussion regarding the site being used in the future for a parking area for a trailhead. Mr. Matson said the landscaping would be completed in the spring of 2012.

Commissioner Fitzpatrick asked if there was a bond for the original conditional use, and Mr. Wright responded that the bond had been released to the company that took the site through the initial conditional use process in a settlement between that company and UTOPIA.

There was a discussion regarding the pitched roof requirement, and UTOPIA representative, Steve Magleby said the structure consisted of only concrete walls to tie into and if anything, the pitched roof would just raise the profile of the hut. He said the utility boxes could be painted to match the building.

The Commission discussed Staff working with the applicant to present a modified plan to the Commission at the January 24, 2012, Planning Commission Meeting with a date included as to when the planting will be completed.

### **4. ESTATES AT MUTTON HOLLOW PHASES 3, 4 AND 5 -- REVISED PRELIMINARY APPROVAL**

This 48.50 acre property is located in an R-1-8 and an R-1-10 (Single Family Residential) zoning district. The applicants John Gailey and Howard Kent are proposing 121 single family residential lots in three phases.

Planner II, Kern Weaver, presented the amended preliminary plan for the Estates at Mutton Hollow Phases 3, 4, 5. The original preliminary plan was approved in July of 2011 and the new plan incorporates some recently purchased adjacent property and will yield an additional 36 lots in the R-1-8 zone.

He said a requirement for approval of the preliminary plan will be that the developer deed the remaining 4.5 acres of park property to the City.

### **5. DEREK EDWARDS – CONDITIONAL USE FOR AUTO SALES**

This property is located 1183 West Marshall Way, Suite 2 in an M-2 (Heavy Manufacturing/Industrial) zoning district. The property owner is Anthem Logistics and will be represented by Derek Edwards.

Mr. Weaver presented the conditional use request for auto sales in the Sugar Street Industrial Park. The applicant will occupy one suite of the building. Mr. Weaver said the property meets all landscaping requirements. He said the applicant's business plan states there will be three for sale cars parked in front of the building with other cars kept in the back storage area. Repairs on the cars will be done as well. The applicant anticipates 10 or fewer vehicles on the property at any one time. He said the State requires that at least three "for sale" cars be parked in front of the building. The Commission discussed that a maximum of four cars could be parked in front of the building.

Commissioner Fitzpatrick asked if there was a Fire Department memo regarding the conditional use. Fire Department comments will be provided to the Commission as soon as they are received by the Planning Department.

As with other similar conditional use requirements for auto sales, it was decided that "For Sale" signs not be allowed to be placed in or on the vehicles for sale. Another condition was added to assure the outdoor area is always screened and also a condition requiring the applicant to abide by City sign regulations.

Commissioner Gilbert expressed a concern that if the back log of auto repair and sales is large that the business could become a salvage yard. Mr. Weaver replied that there is a separate ordinance for salvage yards and the City will enforce on the business if that becomes the case.

  
Julie Jewell, Planning Commission Secretary

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

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

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:09 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Weaver.

Chairman Esplin called for a motion to approve the November 8, 2011 Planning Commission and Work Meeting Minutes. There were no additions or corrections to the minutes. Commissioner Fitzpatrick moved to approve the November 8, 2011, Planning Commission and Work Meeting Minutes as written. Commissioner Elinkowski 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. PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) ORDINANCE AMENDMENT – Chapter 19.08.090 – Density bonus and base open space requirement in a PRUD**

City Planner, Peter Matson, presented the proposed amendment to Chapter 19.08.090 Density bonus and open space requirement in a PRUD. He explained that the PRUD is an overlay zone that is an option for the developer to use in any residential zoning. He said the maximum density bonus, which is 50 percent of the base density for each individual zoning district, would be adjusted down to 40 percent in a PRUD. Mr. Matson said in reference to 19.08.090 (17) that a property zoned R-S PRUD must have a minimum lot size of 8,000 square feet.

Mr. Matson said the proposed ordinance amendment removes single family home parking as a density bonus. He said streetscape enhancements have been moved from the base open space classification to the density bonus classification with a 10 percent density bonus for physical elements enhanced on a street above typical standards.

Mr. Matson reviewed the base open space requirements in individual zoning districts and said that base open space cannot be a collection of remnant spaces. He also said that 19.08.090 10(b) will not be removed from the ordinance with the proposed ordinance amendment.

Mr. Matson said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the ordinance with 19.080.090 10(b) that has been crossed out to be added back into the ordinance.

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

Commissioner Elinkowski moved that the Planning Commission forward a positive recommendation to the City Council to approve the ordinance amendment with 19.080.090 10(b) being added back into the ordinance. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

## **2. TEMPORARY USES ORDINANCE AMENDMENT AND RE-WRITE -- Chapter 19.21 Temporary and Seasonal Uses**

Mr. Matson presented the ordinance re-write for Chapter 19.21 Temporary and Seasonal Uses addressed by Ordinance 11-34. He reviewed a list of the temporary uses.

He said business licenses would be valid from May 1 to October 31 for produce sold in a commercial zone or on the property where grown with guidelines to be provided for individual locations. There would be a similar timeline for snow shacks and also guidelines for two competing users on one site. Commissioner Weaver asked if the Commission should define the size and grade of fire extinguisher to be used at a Christmas tree stand and Mr. Matson responded that it would be based on Fire Department standards. Community and Economic Development Director Bill Wright commented that there is a great deal of plan, site and fire review done on these structures with a bond put in place to make sure the structures are removed.

Commissioner Fitzpatrick stated that 19.21.50 5(f) needs to be changed to make the business license valid from May 1 to September 30 rather than September 31.

A mobile business such as a car or truck that moves from place to place doing service was discussed and determined not to fall under this ordinance unless they try to establish as a mobile store.

Commissioner Davis asked how the ordinance changes would affect existing conditional use. Mr. Matson replied that if the business continues and doesn't discontinue for over a year, they can exist under the previous guidelines. However, he said the ordinance change is better for the majority of temporary businesses because the use becomes permitted. He said as businesses come in to apply for a temporary use on properties that qualify under the old ordinance, they will be given the new set of guidelines and will have the option to forfeit their original conditional use and do business under the guidelines of the new ordinance.

Assistant City Attorney, Steve Garside, said that businesses will be subject to both business license regulations and land use regulations.

There was a discussion of subsection 18 regarding trailer type carts in the Mixed Use (MU) zones.

Mr. Matson clarified that the adjustment to the fee schedule for temporary uses will be done in combination with other citywide adjustments and that the table included with the ordinance will not actually be in the code.

Commissioner Bodily asked how the fees were determined, and Mr. Garside responded that State law sets forth a limit and the fees are then based on the City's administrative costs.

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

Commissioner Davis moved that the Planning Commission forward a positive recommendation to the City Council to adopt ordinance 11-35 amending Title 19.21 and Tables 6-1 and 6-2. Commissioner Weaver seconded the motion, and the voting was unanimous.

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

## **PUBLIC REVIEW:**

### **3. UTOPIA HUT SITE – CONDITONAL USE REVIEW**

This hut site is located at the northeast corner of Fort Lane and Church Street.

Mr. Matson presented a review of a conditional use permit for an existing UTOPIA hut site approved in 2006 as a fiber optic interconnection hut site, which is the base of operations for a service area in Layton City from between Hill Field Road and Fort Lane and Gordon Avenue to 2600 North. He said the conditional use permit for the 30 foot by 12 foot structure on Layton City property has come into question regarding some of the requirements of the original conditional use permit that have not been completed such as the roof pitch and changes to the hut's aesthetics and a proposal for a solid vinyl fence along the boundary between the hut site and the Mountain View mobile home park.

Mr. Matson said UTOPIA is now under new management team which is proposing landscaping enhancements based on specifications from the Parks and Recreation Department. He said there was a water line on the north edge of the property to be used for irrigation. Mr. Matson said UTOPIA will paint the structure with common colors including the two accessory structures.

Mr. Matson said Staff's recommendation is for UTOPIA to request a modification of the original conditional use requirements at the January 24, 2012, Planning Commission Meeting. He said that by that date, the Parks and Recreation Department will provide a plant list with recommendations for irrigating and managing the property. He said the Parks and Recreation Department is anticipating using the property as a trailhead parking lot.

There were no other questions or comments from the Commission or the audience. Chairman Esplin called for a motion on the item. Commissioner Fitzpatrick moved that Staff continue to work with UTOPIA on landscaping modifications to be presented to the Planning Commission on January 24, 2012. Commissioner Weaver asked if the final planting plan, corrected site plan and proposed completion date also be made available at the January 24, 2012, meeting. Commissioner Fitzpatrick restated the motion to include Commissioner Weaver's requests. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

### **4. ESTATES AT MUTTON HOLLOW PHASES 3, 4 AND 5 -- REVISED PRELIMINARY APPROVAL**

This 48.50 acre property is located in an R-1-8 and an R-1-10 (Single Family Residential) zoning district. The applicants John Gailey and Howard Kent are proposing 121 single family residential lots in three phases.

Planner II, Kem Weaver, presented an overview of the original preliminary plat area approved on July 26, 2011, for the Estates at Mutton Hollow Phases 3, 4, and 5. He said additional adjacent property has been purchased which was already annexed into the City and zoned to R-1-8.

Mr. Weaver said the number of lots will increase from 85 to 121 lots with phasing to be with the final plat submittal. He explained the number of lots and zoning per phase. He said the owner will be required to dedicate 4.5 acres of the property to the City for a park before final plan approval can be given for any of the three phases.

Mr. Weaver gave an overview of the proposed revised plan showing the layout of the streets and traffic flow.

Based on this information, Mr. Weaver said Staff recommends the Planning Commission approve the Estates at Mutton Hollow Phases 3, 4, 5 revised preliminary plan subject to the applicant deeding 4.5 acres to the City for the park and subject to meeting all Staff requirements.

There was a discussion of stub streets in the plan, street length and Fire access.

No were no further comments from the Commission.

Mike Gold, a farmer owning property adjacent to the development, commented on a boundary line agreement in litigation on the property. Commissioner Gilbert said that the Commission is considering the revised plan which is not associated with an agreement between property owners. Mr. Garside stated that City does not get involved with litigation which cannot stop the approval process but could hold up development.

A resident in the area, Alan Craig, expressed concerns about potential traffic and property values.

There were no other questions or comments from the audience.

Chairman Esplin called for a motion on the item. Commissioner Gilbert moved to approve the revised preliminary plat for the Estates at Mutton Hollow Phases 3, 4 and 5 subject to the owner deeding 4.5 acres to the City for the park and storm drain detention. Commissioner Bodily seconded the motion, and the voting was unanimous.

#### **5. DEREK EDWARDS – CONDITIONAL USE FOR AUTO SALES**

This property is located 1183 West Marshall Way, Suite 2 in an M-2 (Heavy Manufacturing/Industrial) zoning district. The property owner is Anthem Logistics and will be represented by Derek Edwards.

Mr. Weaver presented the conditional use for auto sales stating that the applicant will have 10 or fewer vehicles for sale at any one time. Three of the vehicles will be stored in front of the building and all other vehicles will be stored behind the building. The fenced area in the back is slatted and meets the outside storage requirement of being screened from public view.

Mr. Weaver said the applicant will also be doing auto repair which is a permitted use in the M-2 zone.

Mr. Weaver said Staff recommends approval of the conditional use with three conditions (4, 5, 6 & 7 as listed below) added during work meeting. The conditions are as follows:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. All business related parking shall be off-street only.
3. The business shall limit parking in front of the building to no more than four (4) for sale vehicles and two (2) repair vehicles. Repair vehicles may only be parked in the front of the building for pick-up or drop-off purposes.
4. Storage areas at the rear of the site shall be screened as outside storage.
5. "For Sale" signs shall not be placed on vehicles for sale.
6. The applicant shall abide by all City sign regulations.
7. Repair vehicles must be moved within 24 hours to the back storage area.

Commissioner Fitzpatrick suggested that a condition be added requiring repair vehicles to be moved within 24 hours to the back storage area.

The applicant, Derek Edwards, 1028 West 225 South, Layton was present and said he agreed with the conditions. He said all vehicles will be secured inside the locked area at the back of the building outside of business hours.

There were no questions or comments from the Commission or the audience. Chairman Esplin called for a motion on the item. Commissioner Davis moved that the Planning Commission approve the conditional use for auto sales subject to the applicant meeting the seven (7) conditions which are hereby adopted as requirements. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review and adjourn the meeting. Commissioner Weaver moved to close Public Review and adjourn the meeting. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

The meeting was adjourned at 8:18 p.m.

  
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Julie Jewell, Planning Commission Secretary