

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
OCTOBER 23, 2012**

MEMBERS PRESENT: Jeremy Davis, Sharon Esplin, Dawn Fitzpatrick, Gerald Gilbert, Tim Pales, Dave Weaver

MEMBERS ABSENT: Brian Bodily, Wynn Hansen

OTHERS PRESENT: Staff Members: Peter Matson, Kem Weaver, Brandon Rypien, Andrew King, Clinton Drake, Julie Jewell

PUBLIC HEARING:

1. BRIAN ROBBINS REZONE AND DEVELOPMENT AGREEMENT – R-S (Residential Suburban) to R-2 PRUD (Single and Two-family Residential Planned Residential Unit Development)

This .689 acre property is located at 1424 West Gentile Street in an R-S (Residential Suburban) zoning district. The applicant and owner is Brian Robbins.

Planner II, Kem Weaver, presented the request to rezone .689 acres 1424 West Gentile Street from R-S to R-2 PRUD. He said that a building on the site was recently demolished because structural engineers determined it was not safe. The building was formerly a school built over 100 years ago and then it was a residence.

Mr. Weaver explained that the R-2 zoning designation allows for single and two-family homes. Under the PRUD ordinance, the applicant could achieve nine units but the development agreement that accompanies the rezone limits the number of units to six.

Mr. Weaver said the land use element of the general plan indicates that medium density residential is allowed along an arterial street, and Gentile Street is an arterial street. He sited a rezoning to the R-2 zoning designation of just over one half acre on Gordon Avenue, which also has a development agreement. He explained that a development agreement stipulates how a property will look and be developed.

Mr. Weaver referred to samples of home designs the staff has been working on with the property owner of the development. The goal is to achieve a well-designed development that is not a typical twin home. He presented examples of the mansion home style of multi-family dwelling, which would easily blend in with the other single family homes in the area and would look like a single family home. He said the parking is a two-car garage in the back of each unit. The first unit would face onto Gentile Street with landscaping to capture storm water. There would be a common area between the units with access to the garages. The other unit would face the agricultural fields to the north.

Mr. Weaver said Staff felt the mansion home design and the development layout was a good compromise to the original proposal. He said the developer was positive about this option rather than a typical twin home.

Commissioner Fitzpatrick asked if there would be landscaping on the north end of the property, and Mr. Weaver responded that landscaping on the north boundary would be required.

Commissioner Gilbert expressed concerns about the 26 foot space to back out of the two-car garages. He liked that cars would exit the property going forward rather than backing onto Gentile Street, but said that if more lots along Gentile Street developed in this manner, it would increase traffic on Gentile Street to a greater degree than a single family dwelling.

Commissioner Fitzpatrick said it didn't appear there was any allowance for visitor parking. Mr. Weaver said no on street parking would be allowed and said the PRUD ordinance only requires two parking spaces per unit, which, in this case, would be the two-car garage. Commissioner Fitzpatrick commented that residents could have more than two cars.

PUBLIC REVIEW:

2. WINDSOR SQUARE COMMERCIAL SUBDIVISION – PHASE 3 – FINAL APPROVAL

This property is located at 100 West 2675 North in an M-1 (Light Manufacturing/Industrial) zoning district. The property owner and applicant is Wright Development Group represented by Gary Wright.

Mr. Weaver presented the request for final approval for the Windsor Square Commercial Subdivision Phase 3, which is on 9.7 acres currently zoned M-1. He said there were similar institutional and commercial uses already on the street with mobile home parks to the north and to the south. He said the property is in close proximity to the Accident Potential Zone (APZ). He said a charter school, which is a permitted use in the zone, is proposed for development on Lot 301 of this subdivision. No development is currently planned for Lot 302 and a remnant parcel will be a detention pond.

Mr. Weaver explained that a 20-foot water line easement running north and south through a portion of Lot 301 would be under the school building. This easement will be moved further to the east and through the parking lot of the future school.

Commissioner Fitzpatrick raised concerns about traffic on Hill Field Road with parents bringing kids to and from school. She asked if there was enough parking for school events. Mr. Weaver said the development meets and exceeds the ordinance requirement for parking. He said he would talk with the applicant about potential traffic issues.

Commissioner Fitzpatrick said there was only one way out of the development, which was on to Hill Field Road. Mr. Weaver said that if the applicant could get an easement from the Federal Government, there could be a road from the development out to Fort Lane.

3. JUSTIN TAYLOR – CONDITIONAL USE REQUEST FOR AUTO SALES

This property is located at 2864 North Fairfield Road #150 in an M-1 (Light Manufacturing/Industrial) Zoning District.

Planner I, Andrew King, presented the request for conditional use for auto sales. He corrected the suite number from Suite 110 to Suite 150. He said the applicant is an insurance agent with an office in a suite in the same building as Suite 150 proposed for a conditional use for auto sales. The applicant would specialize in low to middle grade cars and is limited by the property owner to three cars, which must be stored inside the building. No auto repairs would be done at this site. Mr. King said the suite contains 1200 square feet with 40 percent of the square footage to be used for the insurance agency and 60 percent of the square footage in the back of the building.

Mr. King said that the site has a total of 27 parking stalls with seven parking stalls being required for the proposed business, eight stalls for another business on the site, and 11 stalls remaining for future businesses occupying the site.

Mr. King said the landscaping on the site is up to code.

Mr. King reviewed the conditions and said that the goal was to make the conditions applicable to any auto dealer who may occupy the building. The conditions were as follows:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. "For Sale" signs shall not be placed on or in vehicles displayed in the parking lot.
3. The number of vehicles for sale on this lot shall be limited to five (5) outside the building plus three (3) inside the building. (Any vehicles stored outside the building shall provide verification of permission from the property owner to do so.)
4. Any vehicles stored or displayed outside the building shall be limited to the rear of the lot.

The Commission asked for an additional condition to be added stating all vehicles must be operable and not salvage vehicles.

Mr. King said the applicant had called to let the Commission know that he was ill and could not be at the Planning Commission Meeting. Commissioner Fitzpatrick asked if the applicant wanted the Commission to move forward without him being present at the meeting. Mr. King said the applicant has no issues with the condition. He said he didn't feel the applicant would have a concern with the additional concern since that is already his business plan.

4. PLANNED DEVELOPMENT SIGN – FINAL APPROVAL

This sign is for the Layton Gateway Crossing Commercial Subdivision at 750 North Main Street. The applicant is the Thackeray Company.

Planner I, Brandon Rypien, presented the request for a fourth planned development sign in the Layton Gateway Crossing Commercial Subdivision stating that there was previously a monument sign on the development before the Lone Star restaurant was demolished. He explained why there could be a detached sign on a lot other than that of the building to which the sign pertains. Commissioner Fitzpatrick asked if the sign would be an electronic sign. Mr. Rypien said the sign would have four panels for the businesses in the building. The Commission asked to add a condition that the sign could be back lit but could not be an electronic message sign since the sign would be so close to the intersection.

5. WIGHT HOUSE RECEPTION CENTER – CONDITIONAL USE REQUEST FOR A RECEPTION CENTER

This property is located at 2621 East Oak Hills Drive in a P-B (Professional Office) zoning district. The applicant and owner is Dan Wight.

Planner I, Brandon Rypien, presented the request for conditional use for a reception center stating that the property had formerly been the site of a Montessori school. He said that a reception center is a conditional use in the PB zone. Commissioner Davis asked if the building was previously a reception center, and Mr. Rypien said it was used as a reception center at the time it was annexed into Layton City.

Mr. Rypien said the applicant plans to use the existing park lot and upgrade it by putting a slurry seal over it and restriping it. Once restriped there will be 57 parking stalls. Mr. Rypien said 35 parking stalls will be required for the 130 seats in the gathering area or area of assembly.

Mr. Rypien said that the only addition proposed is a covered patio. He gave an overview of the site planned and said that stucco will be applied to the façade of the structure.

There was a discussion on whether or not the applicant would install a sprinkling system or removed the patio per the Fire Department's memo. There was a discussion on fire memo, fire flow and ownership of the water lines.

Commissioner Fitzpatrick asked about the outdoor paging condition and asked if there could be music. Mr. Rypien said they could have music, which would be in a gazebo, but there would be no paging allowed, similar to a fast food restaurant restriction.

Commissioner Gilbert asked if the slatted chain link fence would be replaced, and Mr. Rypien responded that the fencing would be solid vinyl all the way to the back of the property. He said the Montessori School requirement was only for a chain link fence.

There was a discussion about the 10 foot buffer from the property line to the edge of the parking spaces. Mr. Rypien said there was enough traveling space to move the parking stalls back. He said about five feet of asphalt would have to be removed from where the trees follow the west property line.

DOUGLAS LEMMONS – CONDITIONAL USE REQUEST FOR INDOOR COMMERCIAL AMUSEMENT

This property is located at 976 North Marshall Way, Unit 4 in an M-2 (Heavy Manufacturing/Industrial) Zoning District. The applicant is proposing an indoor soccer training facility.

Mr. Rypien presented the request for indoor commercial amusement, which is a conditional use in manufacturing zone. The applicant is proposing an indoor soccer training facility in an office warehouse space. He said the applicant is required to have one stall for every two persons the building is designated to accommodate. The applicant anticipates 28-30 players in the building at one time, which will require 15 parking stalls. He said training will begin at 3:00 p.m. and end at 9:00 p.m. Monday thru Saturday. The applicant will be present at the meeting and asked if his facility would be open on Saturday mornings. He said there would be no tournaments or games. He said the facility will be large enough to allow a 12 and under team and a 12 and older team to practice at one time. All activities will be limited to the interior of the building.

There was a discussion of other businesses in the building and parking stalls needed for those businesses. Mr. Rypien said there was one engineering firm in the building which closed at 5:00 p.m. He said there was a dance school at the end of the complex.

OTHER:

BILLBOARD ORDINANCE -- Planner I, Andrew King informed the Planning Commission that the City Council will review a rewrite of the sign ordinance as it pertains to billboards. He said there is a temporary land use moratorium ordinance in place until November 17 during which no new billboards have been allowed as well as no re-locations or conversions except for one billboard that was blown down during a storm. He said the conditional use requirement for billboards will be removed from the ordinance.

Mr. King gave an overview of a map showing where a billboard could be permitted under the new ordinance. He said non-conforming billboards in other areas can remain but can't be converted to a digital billboard. Currently digital billboards are under the electronic message sign regulations. The new ordinance provides for specific regulations for digital billboards. He said the City Council will review the ordinance at a Public Hearing on November 1, 2012, during their regularly scheduled City Council meeting.

There was more discussion on the spacing requirements for the billboards. Commissioners Gilbert and Fitzpatrick expressed concerns about the brightness of the signs. Mr. King said there will be an extensive process to make sure the signs adhere to all requirements.

Commissioner Fitzpatrick asked if the State was going to provide guidelines for I-15. A representative from a sign company remarked that the State has standards on hold time and brightness and that his company would comply with those requirements on the right-of-ways. He said the League of Cities and Towns would like billboards regulated at the local levels. He felt regulations would be more similar from city to city if regulated at the State level.

UTOPIA CONDITIONAL USE – FORT LANE AND GORDAN AVENUE

The Commission reviewed before and after photographs showing the new landscaping on the UTOPIA hut site and painting of the hut. City Planner, Peter Matson, said drip lines have been run to the trees.

Commissioner Gilbert asked if the modifications to the building were traded for upgraded landscaping. Mr. Matson said that originally the hut was proposed with a pitched roof, but the conditions of the conditional use modification did not require a pitched roof.

Commissioner Weaver asked if the size of the generator was going to be reduced. Mr. Matson said the intent was to have painted the green generator, but it was found the surface wasn't paintable. The City allowed UTOPIA to forego the painting of the generator for this reason.

Commissioner Davis asked if there was a reason the sidewalk had stopped short of the corner. Mr. Matson said it was a Century Link requirement to extend the sidewalk to the corner.



Julie Jewell, Planning Commission Secretary

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OTHERS PRESENT: Staff Members: Peter Matson, Kem Weaver, Brandon Rypien, Andrew King, Clinton Drake, Julie Jewell

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Weaver.

Chairman Esplin called for a motion to approve the August 28, 2012, and September 25, 2012, Planning Commission and Work Meeting minutes. Commissioner Fitzpatrick moved to approve the August 28, 2012, and September 25, 2012, minutes as written. Commissioner Gilbert 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 Pales seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

1. BRIAN ROBBINS REZONE AND DEVELOPMENT AGREEMENT – R-S (Residential Suburban) to R-2 PRUD (Single and Two-family Residential Planned Residential Unit Development)

This .689 acre property is located at 1424 West Gentile Street in an R-S (Residential Suburban) zoning district. The applicant and owner is Brian Robbins.

Planner II, Kem Weaver, presented the request for rezone from R-S to R-2 PRUD and pointed on the property on an aerial photograph. He said the building showing on the aerial had been demolished due to it being structurally unsafe with no feasibility of saving the building. Mr. Weaver pointed out commercial properties to the east and across the street to the south. He said the subject property is .689 acres in size with a frontage of 130 feet and a depth of 260 feet. He said the applicant and owner is proposing two 3-plex buildings to be sold as condominium units for a total of six units.

Mr. Weaver reviewed the concept plan, which employs a mansion type style, which looks like a large single family home but has three separate units that occupy the home. He said Staff had been working with the application to achieve a favorable design to construct six units on the site. Mr. Weaver said that under the PRUD ordinance, nine units would be allowed on the .689 acres; however, the development agreement with this rezone proposes to limit the number of units to six.

Mr. Weaver said there would be landscaping along the Gentile Street frontage as well as all other boundary lines. A 26-foot wide access will be provided to the two car rear-loaded garages for each unit. He said the PRUD ordinance requires two parking spaces per unit, which would be the garage area.

Mr. Weaver said these types of homes would fit in with the surrounding residential properties without the feel of a typical duplex. He said the development would be reviewed by the Planning Commission and City Council for preliminary and final plat approval and would also be reviewed by the Design Review Committee (DRC), which may have recommendations to the Planning Commission and City Council. He said the units would be sold as condominium units with a homeowners association to maintain the common area. Mr. Weaver said the section entitled "Owner's Undertakings" of the agreement will ensure that the site is developed with a layout and design that will be compatible with the surrounding residential properties.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-S to R-2 PRUD based on consistency with the General Plan recommendations for medium-density residential as an alternative land use along arterial streets and subject to the Development Agreement. He reminded the Commission that Gentile Street was an arterial street in the City's Master Plan.

Commissioner Pales asked if the setbacks on the west and east sides would be nine feet. Mr. Weaver said in the R-2 zone the setbacks are an 8-foot and a 10-foot setback. In this situation, there would be a 9-foot setback on one side and a 39-foot setback on the other side.

Commissioner Gilbert asked about the side setbacks in an R-S zone, and Mr. Weaver responded that the setbacks were 10 feet and 12 feet.

Commissioner Weaver asked about the fence requirements. Mr. Weaver said there were no fencing requirements in the PRUD zone, but the landscaping ordinance will require a six-foot vinyl fence on the west, north and east sides of the property.

Commissioner Weaver asked about the height restriction, which Mr. Weaver said was 35 feet and that the mansion homes were 30-32 feet. City Planner, Peter Matson, said the development agreement for this rezone and property would limit the building height to 30 feet, which is the same height as a typical single family home.

Commissioner Weaver asked if a basement would be a possibility. Mr. Weaver said a partial basement would be a possibility but a geotechnical report would be required to determine the lowest floor elevations and land drains would be required.

Commissioner Fitzpatrick said that the staff notes indicate that the homes would be owner occupied but that is not specified in the development agreement. Mr. Weaver said the units would be like any single family home and could be rented.

A member of the audience, Tom Day, 2049 Ridge Road, Layton, said he owns the property adjacent to the back of the subject property and said that, in his opinion, the buffers required and the proposed development was totally out of character for that area. He asked why there weren't any enhancements to increase the density. He said he wanted Staff to present the citizens' point of view as to how the project will affect the neighborhood and not just the developer's view. He felt a Homeowner's Association would not work and said the City and developer had no right to disrupt the density for things that aren't wanted by the citizens. Mr. Day asked Assistant City Attorney, Clint Drake, if in the event the current owner sold the property, if a subsequent owner could develop nine units on the property. Mr. Drake responded that there is a development agreement, and anyone who develops the property would be restricted to six units by the development agreement.

Mr. Day said the property doesn't look 130 feet wide. He said he found it disturbing as a citizen that Staff and the developer have unlimited time to discuss and respond to comments on the issue, but citizens are limited to a three-minute time limit for comments.

Josh Russell, 1464 West Gentile, Layton, who lives directly west of the subject property questioned the purpose behind the proposal as to whether it was to benefit the citizens or was for revenue. He expressed his opposition to grouped development, which he felt introduced domestic and social problems to a neighborhood. He asked the Commission to insure the health and safety of the citizens and said he felt there were many benefits to retaining the R-S zone on the property.

Brett Spencer, 1302 West Gentile, Layton, who lives east of the property, expressed opposition to the development and asked that the property be restricted to a single family home.

Commissioner Weaver asked Mr. Weaver about the 9-foot setback issue. Mr. Weaver said that with the 20-foot landscaping buffer, there may be room to shift the building. He said the plan presented is just a concept plan with room for modification.

Commissioner Davis asked for an overview of adjacent properties, and Mr. Weaver pointed out the R-S zoning in the area, commercial property in the area, and M-1 zoning to the east. He referred to two lots further west on Gentile Street, one of which has a twin home that looks like a single family home.

Allison Green, 1445 West Gentile, Layton, who lives directly across the street from the property proposed for rezone said she is familiar with the twin home on West Gentile Street, said it looked like a single family home and said she was fine with a twin home being built on the property. She expressed concerns about more homes being built and traffic.

The developer, Brian Robbins, 470 North 2975 West, Layton, said the idea of the mansion home was so residents would not be backing onto Gentile Street. He said he felt the larger mansion type of home would accent the homes on Gentile Street. He said he wants to make a quality project for people who don't want to be in a townhome but can't afford a single family residence. He said he had no intention of keep the units and renting them. He said he wanted to build a quality project to give back to the City.

Commissioner Pales asked Mr. Robbins if he considered just building one of the mansion style homes. Mr. Robbins responded that with the depth on the lots and the rear loaded parking, it made sense for one residence to face north.

Mr. Russell said that the best project for the surrounding area would be a single family dwelling.

Commissioner Fitzpatrick asked Mr. Weaver to explain the difference between an R-2 zoning designation and an R-2 PRUD zoning designation.

Mr. Weaver said the PRUD allows for higher density. In an R-2 zone, the property would have been restricted to six units and couldn't go to nine units with a 50% bonus density. However, the development agreement associated with this rezone limits the number of units to six. He said the PRUD overlay allows for the three-plex mansion home rather than three twin homes.

Chairman Esplin called for a motion on the item.

Commissioner Gilbert said he agreed with some of the citizen comments and felt the project doesn't fit the area. He expressed concerns about the safety and welfare of the residents in the area. He then moved that the Planning Commission forward a recommendation to the City Council to not adopt Ordinance 12-30 and deny the rezone. Commissioner Pales seconded the motion, and voting was unanimous.

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. WINDSOR SQUARE COMMERCIAL SUBDIVISION – PHASE 3 – FINAL APPROVAL

This property is located at 100 West 2675 North in an M-1 (Light Manufacturing/Industrial) zoning district. The property owner and applicant is Wright Development Group represented by Gary Wright.

Mr. Weaver presented the request for final approval of phase 3 of the Windsor Square Commercial Subdivision plat. He described the property as 9.7 acres located on both sides of 2675 North in an area of industrial, commercial and institutional uses. Mr. Weaver outlined where the Accident Potential Zone (APZ) was located and said he had talked to

the Hill Air Force Base (HAFB) planner who said HAFB had no concerns but suggested that noise attenuation be considered in the design of any building on the property.

Mr. Weaver gave an overview of the lot locations and said the detention basin will be extended and landscaped. He said an existing water line will need to be vacated since it runs through the building area of Lot 301. The easement will be redirected to the east. Another water line easement will need to be vacated on lot 302.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final approval to Windsor Square Commercial Subdivision Phase 3 subject to meeting all Staff requirements.

Commissioner Weaver asked about the APZ and Mr. Weaver pointed out the easement stating that the development is far enough away from the easement that HAFB was not concerned and HAFB just asked that the architecture of the building address noise attenuation.

Chairman Esplin called for a motion on the item. Commissioner Hansen moved that the Planning Commission forward a positive recommendation to the City Council subject to the applicant meeting all Staff requirements as outlined in the Staff memorandums.

There was a question on the motion. Commissioner Weaver asked if the motion passed and the final plat is approved, if it locked the property into being used for a private school. Mr. Weaver said the school is secondary to the plat being approved. He said he would talk to the applicant about traffic issues.

Commissioner Davis verified that the Planning Commission would not have an opportunity to review the site plan for the school. Mr. Weaver said that was correct and discussion about traffic control options followed.

Commissioner Fitzpatrick said the area was inappropriate for a charter school with no busing for the students. Commissioner Davis expressed concerns about traffic and illegal turns to avoid the traffic. Commissioner Gilbert said he had definite traffic concerns and suggested tabling the item for further discussion. Commissioner Pales said he strongly recommended that there not be a charter school on the site.

Spencer Wright, a representative of the property owner, said that the request before the Commission was to subdivide the property currently owned by the property owner. The discussion was not regarding a charter school and he wasn't there asking for an approval for a charter school. He said the charter school would like to buy the property and the owner couldn't sell the property if it was not subdivided. He said it was the Commission's prerogative to add the restriction not allowing the charter school.

Mr. Matson said charter schools are allowed use in all zones. They must meet parking and setback requirements. He said a charter school is not a conditional use.

Commissioner Fitzpatrick said she has had bad experiences with traffic and charter schools and felt a charter school would be very inappropriate for the site.

Mr. Wright responded that no one would be required to take their children to the charter school. He said the owners of the school and the developers obviously think it is a good location.

Commissioner Gilbert asked if they could make it a condition of final plat approval that a charter school not be allowed. Mr. Drake said that it could not be a condition of approval. If the request fits the codes, then it should be approved. If it does not meet the codes, then it should be not approved. He said the approval could contain words of encouragement.

Commissioner Hansen amended his motion that the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Windsor Square Commercial Subdivision Phase 3 subject to meeting all Staff requirements and including a strong recommendation from the Planning Commission that a charter school be located elsewhere due to traffic concerns. Commissioner Davis seconded the motion, and the voting was unanimous.

Commissioner Hansen said the Commission must count on Staff to give a hard and close look if a charter school comes before them for the site for parking review and consider concerns about issues with other charter schools with regard to traffic movement. Commissioner Fitzpatrick suggested talking with Layton City Police Chief Keefe about concerns with a charter school on West Hill Field Road.

3. JUSTIN TAYLOR – CONDITIONAL USE REQUEST FOR AUTO SALES

This property is located at 2864 North Fairfield Road #150 in an M-1 (Light Manufacturing/Industrial) Zoning District.

Planner I, Andrew King, presented the request for conditional use for auto sales. He said the applicant occupies Suite 150 with an insurance agency. In addition to the insurance agency, he plans to purchase vehicles that have been confiscated and acquired by the insurance company or similar organization and repair them to the extent they can be sold.

Sixty percent of the building will be used for display of vehicles and forty percent for the insurance agency. He said the property owner will not allow any for sale vehicles to be parked outside. Three vehicles parked inside the building will be the limit.

Mr. King said the landscaping is up to code, and the area is well-maintained. He said the landscaping buffers around the exterior are in excess of what the ordinance requires. Mr. King said there were 27 parking stalls on the site. The applicant's requirement will be seven parking stalls for the insurance agency and auto sales dealership. A warehousing suite on site has eight parking stall requirements. He said this leaves 11 other spaces for any other businesses.

Mr. King said that a fifth condition will be added that the vehicles for sale must be in working order. Mr. King said Staff recommends the Planning Commission grant the conditional use approval subject to the applicant meeting all Staff requirements and the conditions as follows:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. "For Sale" signs shall not be placed on or in vehicles displayed in the parking lot.
3. The number of vehicles for sale on this lot shall be limited to five (5) outside the building plus three (3) inside the building. (Any vehicles stored outside the building shall provide verification of permission from the property owner to do so.)
4. Any vehicles stored or displayed outside the building shall be limited to the rear of the lot.
5. Any vehicles stored outside the building shall be maintained in a drivable manner and shall only be on the property if it is ready to be sold.

Commissioner Hansen asked in regard to Condition #5 if the vehicles are mechanically in working order, can they be wrecked. Mr. King said Staff can make the condition more specific. He said the applicant's intention is to acquire the vehicles, repair them off site, and then bring the vehicles to the subject site in saleable condition.

There was a question on Condition #3, and Mr. King said that the intent is to make the conditions uniform for all dealership sites. In this case, there could be five cars stored outside at the rear of the building, but property owner permission would be required.

Mr. King said the applicant was ill and unable to attend the meeting. Mr. King will give the applicant a copy of the updated conditions.

There were no public comments.

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 four Staff conditions with the addition of Condition #5, with the conditions to be hereby adopted as requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

4. PLANNED DEVELOPMENT SIGN – FINAL APPROVAL

This sign is for the Layton Gateway Crossing Commercial Subdivision at 750 North Main. The applicant is the Thackeray Company.

Planner I, Brandon Rypien presented the request for a planned development sign on Lot 2 of the Layton Gateway Crossing Commercial Subdivision at 750 North Main Street. He said the sign will be a monument or low-profile type sign that will provide sign space for each tenant of the new building that is under construction as well as other tenants in the subdivision.

Mr. Rypien said there are currently three (3) planned development signs in the Layton Gateway Crossing development, and Lone Star had a monument sign on Main Street before it was demolished for the new building. The number, location and size of all planned development signs are based on the approval of the Planning Commission. The new planned development sign will be the fourth planned development sign to be placed on the commercial subdivision. The following are the requirements for the sign:

1. The planned development sign shall be architecturally integrated with the commercial subdivision.
2. All detached signs shall be placed outside of any clear view area.
3. The planned development sign shall incorporate a landscape design theme with a minimum of two (2) to one (1) ratio of landscaping to sign area.
4. The planned development sign shall reserve space for the tenants within the new strip mall.
5. The planned development sign shall be setback a minimum of five (5) feet from the leading edge of the sign to the property line.
6. Monument or low-profile signs shall have a maximum height of six (6) feet.

7. The planned development sign is required to be a minimum of 75 feet from any other detached sign.

Commissioner Hansen said that in the Staff recommendation there is a statement that the monument of a low profile sign shall have a maximum height of six feet. He said the actual sign appears to be six feet and what holds up the sign is 7 feet 10 inches. Mr. Matson clarified that a typical monument sign as described in the code has a six-foot height limit in the PB zone. He said the planned development sign does not have to meet that requirement, which was included by mistake in the staff report. He said the height and size of a planned development sign is up to the Planning Commission.

Commissioner Hansen asked if there were any issues with the line of site, and Mr. Matson replied that either way, the sign has to be located out of the line of the clear view triangle.

Mr. Rypien said that the tallest part of the sign would be closer to the building rather than the street right of way.

Commissioner Weaver said it appears to be well out of the clear view, and Mr. Weaver said it is about 20 feet from the right of way. Requirement #6 will be deleted.

Commissioner Davis asked that the sign be back lit rather than an electronic message sign.

Jeff Krantz with Young Electric Sign Company and Cindy Cobbley from Johanson Thackery, the property owners, said that with regard to the height of the sign, they were trying to add architectural design to tie the sign into the building. He said he has found that other cities encourage architectural design without compromising the square footage of the sign.

Mr. Krantz said the sign is proposed to be about 40 feet in from either frontage, which is because the property line is so far back from the right of way. He respectfully requested, given that the sign will be 30-40 feet back from the road, that they be allowed to install the sign so the tenants can begin advertising their building. He said normally a sign would be set back five feet from the property line. He felt this setback was unusual in the distance from Hill Field Road to the property line without the five foot setback.

Mr. Rypien said that the Planning Commission does have the ability to determine the sign location.

Commissioner Davis asked why the site was unique, and Mr. Rypien said it is because the right of way between Hill Field Road and the property line is larger.

Chairman Esplin clarified the applicant was asking to waive the five foot placement requirement from the property line so the sign would be right on the property line. Mr. Krantz handed out a more detailed drawing.

Mr. Matson measured the distance and said it was 38 feet from the sidewalk along Hill Field Road to the property line.

Mr. Rypien pointed out where a typical sign would be located six feet behind the sidewalk.

Chairman Esplin clarified that the taller part of the sign will be closer to the building.

Commissioner Davis asked if the applicant had any issue with the requirement that the sign could be back lit but not an electronic message sign. Ms. Cobbley replied that she did not have an issue with the requirement.

Commissioner Weaver asked if the applicant would consider leaving the five-foot setback and increasing the size of the sign.

Mr. Krantz said the six-foot height is the limiting factor. A wider sign wouldn't help. Mr. Rypien responded that the Planning Commission can consider a higher sign, and Ms. Cobbley said any additional height would help.

Mr. Krantz said the edge of the sign would go to the property line. The area will be landscaped since switching equipment is in the view line from the intersection. He said the front part of the sign will be at the property line and not the structure that holds the sign.

Chairman Esplin and Commissioner Hansen saw no problem with the sign. Commissioner Hansen said his issue was in the conflicting information in the staff report. He said he thought the sign was very attractive and had no problem with the sign touching the property line.

Commissioner Weaver asked if the business owner can put signage on the exterior of the building. Mr. Krantz said each tenant lease space has limiting conditions for signage for their buildings. Mr. Rypien said each tenant can put an attached sign on the business with square footage restrictions. He explained how the square footage of signage is calculated during a staff review.

Chairman Esplin called for a motion on the item.

Commissioner Pales moved that the Planning Commission approve the planned development sign subject to the applicant meeting all Staff requirements with deletion of requirements 5 & 6 and the addition of a new #6 that the sign can be back lit but not an electronic message sign. Commissioner Davis seconded the motion, and the voting was unanimous.

Mr. Drake interjected a comment to make sure there is consistency with the City ordinance, that it might be best for the request to be tabled to allow more research on the location, or that the requirement #5 – "The planned development sign shall be setback a minimum of five (5) feet from the leading edge of the sign to the property line," be left as a requirement.

Commissioner Hansen asked if the concern is whether or not the five-foot requirement can be waived. Mr. Drake said the question is whether or not the Planning Commission has the discretion to do that.

Chairman Esplin asked the applicant if it would be better to table the item or to request a hardship.

Mr. Krantz said it was a hardship due to the switching equipment being in the line of site and the unbelievable setback. He asked that the sign be approved with the recommendation that the setback be waived as a hardship.

Mr. Drake made the recommendation that the motion be subject to a recommendation from the Planning Commission that the five-foot setback be waived as a hardship.

Commissioner Fitzpatrick said that the Planning Commission's intent was that the waiver be granted and expressed a concern about the results if Mr. Wright denied the hardship.

Mr. Krantz said that if Mr. Wright had concerns, he would be happy to have the Commission review the request again.

Ms. Cobbley said she was okay with the item being tabled, but Mr. Krantz said that there is an approval with recommendations, and he would like to take the chance that Mr. Wright would grant the hardship.

Mr. Matson said that given the large area of right of way at this particular intersection and also given the new building is much closer to the property line than the former building, he was confident that Mr. Wright would allow the administrative relief. He said the ordinance allows Mr. Wright 10 days to respond once the request for a hardship is received. He said that if Mr. Wright does deny the hardship, then no noticing is required for the item to be on the Planning Commission agenda. Mr. Krantz said he would send the letter to Mr. Wright.

Mr. Drake said that in this particular situation, hardship is defined an existing physical condition such as topography or lot configuration that so restricts the placement of a sign on this property under this title that the property cannot host a sign in a similar manner to other properties within the same zoning district.

Commissioner Fitzpatrick asked if the motion could be worded to waive the five-foot requirement if permissible under the current code, and if it can't be done under the current code, then the hardship would be considered.

Mr. Krantz explained how he thought the situation met the recommendation of a hardship.

Commissioner Hansen amended the motion to keep requirement #5 and added a strong recommendation from the Planning Commission that a hardship be granted allowing the sign to be placed at the property line. Commissioner Pales accepted the change and seconded the motion, and the voting was unanimous.

5. WIGHT HOUSE RECEPTION CENTER – CONDITIONAL USE REQUEST FOR A RECEPTION CENTER

This property is located at 2621 East Oak Hills Drive in a P-B (Professional Office) zoning district. The applicant and owner is Dan Wight.

Planner I, Brandon Rypien, presented the request for conditional use for a reception center stating that the property had formerly been the site of a Montessori school. He said that a reception center is a conditional use in the PB zone. Commissioner Davis asked if the building was previously a reception center, and Mr. Rypien said it was used as a reception center at the time it was annexed into Layton City. The applicant is planning to renovate the building and convert it back to a reception center.

Mr. Rypien said the applicant plans to use the existing parking lot and upgrade it by putting a slurry seal over it and restriping it. Once restriped there will be 57 parking stalls. Mr. Rypien said 35 parking stalls will be required for the 130 seats in the gathering area or area of assembly.

Mr. Rypien said the property is surrounded by R-S (Residential Suburban) zoned property, which requires the reception center to have landscape buffers along the east and west property lines. He said both landscape buffers shall be ten (10) feet wide and include one large tree every twenty (20) feet on center with shrubbery, plantings and a six (6) foot solid vinyl fence or masonry wall. The buffer along the west property line shall extend from the front property line to the north end of the parking lot in order to decrease the impact of noise and light to the adjacent property due to the parking lot. The buffer along the east property line shall extend from the front property line to thirty (30) feet behind the adjacent home. Mr. Rypien said that the only addition to the building will be a covered patio that will match the exterior of the

reception center. A final site plan will need to be approved by Staff to commence improvements to the site. He said the renovation on the interior has been approved by the Building Official.

Mr. Rypien listed the following conditions to be required with this conditional use:

1. Both landscape buffers shall be ten (10) feet wide and include one large tree every twenty (20) feet on center with shrubbery, plantings and a six (6) foot solid vinyl fence or masonry wall. The buffer along the west property line shall extend from the front of the property to the north end of the parking lot. The buffer along the east property line shall extend from the front property line to thirty (30) feet behind the adjacent home.
2. All lighting shall be maintained on the property.
3. No outdoor communication or paging system shall be permitted.
4. Any addition to the primary building, new accessory structures or interior remodeling will be required to receive required permits.
5. The site plan must be approved by Staff.
6. All Fire and Engineering requirements must be met prior to Certificate of Occupancy.

Commissioner Fitzpatrick asked a question about fire flow from the memo from the Fire Department. Dan Wight, the applicant, 267 South 1400 West, Farmington, said he had talked to the Fire Marshall and discussed options to meet the fire flow. One option would be to put an iron trellis instead of a roof on the patio. He said he was leaning toward the trellis.

Mr. Wight had a question on the 10 foot setback on the west. He said he measured from the property line to the parking lot, and the measurement was 5.5 feet. He said the property goes a foot past the fence line, but he's not interested in moving the fence. He said the trees are every 26 feet rather than every 20 feet. Mr. Rypien said the Planning Commission can grant a landscaping modification.

Commissioner Gilbert said he had understood from work meeting that Mr. Wight was aware he'd have to pull out five feet of asphalt.

Mr. Wight said that was a concern to him because it would cause a decrease in backing out space with the opposing parking spaces. He said he could make a 5.5 to 6 foot landscaping buffer that would be nice without cutting into parking.

Mr. Rypien said that if the Planning Commission requires a 10-foot buffer, there would be enough space to back out.

Mr. Wight said that part way back on the west property line, there are some 25 foot spruce trees that hang over the fence. He asked if the fence height could be shortened to accommodate the trees. Commissioner Gilbert asked if the trees caused the current damage to the fence, and Mr. Wight replied that it was the wind storm in December.

There was a discussion about possibly modifying the 10-foot buffer and requiring upgraded landscaping.

Commissioner Fitzpatrick said it seemed the intent of the 10-foot buffer and the six-foot vinyl fence was to block the vehicle lights from the adjacent home. She suggested that the buffer be 10 feet from the front of the property to the back of the adjacent home.

There was a discussion on parking requirements. The requirement for this facility is 30 parking stalls and 57 are available with a possibility for valet parking in the back of the property.

Mr. Wight said he didn't want to devastate the neighbor's spruce trees hanging over the fence. He wanted to lower the fencing without damaging the trees.

Commissioner Weaver said the limbs would come over but not into the 5.5 feet before the asphalt starts.

Chairman Esplin said the idea of the vinyl fence is to block light and noise, and the trees would do that.

Commissioner Davis said cutting into the parking doesn't accomplish anything and that he was in favor of granting the landscaping modification to a 5.5 foot buffer with a vinyl fence.

Commissioner Hansen said there should be additional landscaping on the west which would benefit the landowner to the west.

Mr. Wight said he planned to do extensive landscaping.

Mr. Rypien explained landscape modifications and said the possibility would be to require additional landscaping back to the 30 foot setback of the adjacent home.

Mr. Wight asked if the big trees could count as meeting the 20 foot requirement between trees.

Chairman Esplin said the trees were put in for the Montessori School and were healthy plants. He suggested Mr. Wight work with Staff to develop increased landscaping.

There was continued discussion regarding the landscaping and setbacks on the east. Both the east and west boundaries will be fenced. Chairman Esplin recommended that Mr. Wight work with Staff on the specifics of the landscaping.

Chairman Esplin called for a motion on the item.

Commissioner Weaver moved that the Planning Commission grant conditional use approval subject to the applicant meeting all Staff conditions, which are hereby adopted as requirements plus a condition to enhance the landscaping requirement to meet the intent of adding privacy to make up for not meeting the 10 foot requirement.

There was a question on the motion from Commissioner Pales regarding condition #1 which specifies a 10 foot buffer. Chairman Esplin recommended that condition #1 be change to a 5.5 foot buffer on the west side of the property only. Commissioner Hansen added that enhanced landscaping be required for the first 90 feet on the east side of the property. Commissioner Davis added that the existed landscaping should be kept with additional landscaping required.

Commissioner Weaver rescinded his first motion and then moved that the Planning Commission grant conditional use approval subject to the modification of condition #1 to retain existing trees and reduce the landscape buffer from 10 to 5.5 feet on the west side of the property, to require enhanced landscaping for the first 90 feet on the east side of the property, and subject to including the fencing and all other conditions, which are hereby adopted as requirements. Commissioner Hansen seconded the motion, and the voting was unanimous.

6. DOUGLAS LEMMONS – CONDITIONAL USE REQUEST FOR INDOOR COMMERCIAL AMUSEMENT

This property is located at 976 North Marshall Way, Unit 4 in an M-2 (Heavy Manufacturing/Industrial) Zoning District. The applicant is proposing an indoor soccer training facility.

Mr. Rypien presented the request for an indoor soccer training facility in the M-2 zone, which allows indoor commercial amusement as a conditional use. He said the parking requirement is one stall for every two persons such a place is designated to accommodate including participants and spectators.

A typical youth soccer team has 16 players and a younger teams ages twelve (12) and under have 12 players on a team. Based on the size of the facility, one (1) team above twelve (12) years or older and one (1) team under twelve (12) years old would be able to use the facility at one a time. The applicant anticipates 28 to 30 players at one time requiring a maximum of 15 parking stalls. The four tenant spaces have about 80 stalls in the front and rear areas. This would provide 20 parking stalls for this recreation use plus after hours shared parking. A majority of the participants will be dropped off and picked up. The adjacent businesses typically operate during normal business hours, so additional parking is available

after 5 p.m. The facility will be open from 3 p.m. to 10 p.m., Monday through Saturday, so there should be minimal conflict with surrounding uses.

Mr. Rypien said Staff recommends approval of the conditional use for the indoor soccer facility with the following conditions:

1. The facility must have access to one (1) parking stall for every two (2) persons such place is designed to accommodate including participants and spectators.
2. All activities shall be limited to the interior of the building.
3. All Engineering and Fire requirements shall be completed before occupancy

Chairman Esplin asked about the hours on Saturday. The applicant, Douglas Lemmons, 343 North 4920 West, West Point, said the Saturday hours would be 8:00 a.m. to 6:00 p.m. He said the adjacent buildings are not open at that time.

Commissioner Fitzpatrick asked if the Staff recommendation needed to include the hours of operation. Mr. Rypien responded that the applicant meets the parking requirement with or without the shared parking.

In answer to Commissioner Hansen's questions about the use of the facility, Mr. Lemmons responded that the facility will be used for practice time since locations hosting games don't have practice time available. Different clubs and independent teams will be able to schedule practice time at the facility.

Chairman Esplin called for a motion on the item. Commissioner Hansen moved that the Planning Commission grant conditional use approval for indoor commercial amusement for an indoor soccer training facility subject to the applicant meeting all Staff conditions, which are hereby adopted as requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

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

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

The meeting adjourned at 9:07 p.m.



Julie Jewell, Planning Commission Secretary