

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
NOVEMBER 13, 2012**

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

MEMBERS ABSENT: Brian Bodily

OTHERS PRESENT: Staff Members: Bill Wright, Kem Weaver, Brandon Rypien, Andrew King, Clinton Drake, Julie Jewell, Craig Call, and Councilmember Jory Francis

Community and Economic Development Director, Bill Wright, introduced Attorney Craig Call who presented a workshop to the Planning Commission on land use regulations and the Planning Commission's role in making recommendations and decisions regarding land use. Each Commissioner and Staff member received a copy of a book authored by Mr. Call entitled "A Citizen's Guide to Utah Land Use Regulations." Mr. Call discussed portions of the book with the Commission and Staff. He said that no city can have a zoning system without a Planning Commission. He explained that the Planning Commission has the following responsibilities:

1. Advise the Council on the General Plan, Land Use Ordinances and the Zoning Map with only elected officials making the final decision (legislative).
2. Act as a land use authority if designated as such in the local ordinance (administrative).

The difference between legislative acts (City Council) and administrative acts (Planning Commission) was discussed. The need for substantial evidence, which doesn't need to be a lot of evidence, in making a decision was also an item of discussion. He said public clamor is not reason enough for denial of a request.

Planning Commission members were counseled not to have ex parte conversations. Evidence a Planning Commission member obtains outside a Planning Commission meeting can't be used in the decision making process. If a Commissioner accidentally hears something outside a meeting, they must announce it at the meeting if it will affect their decision.

If a Commissioner does not have a financial investment in a decision, he does not have to recuse. If he does, it was recommended he not be in the room at the time of the discussion on that item.

Several different land use cases were discussed, and due process of law was also discussed. Applicants should have an opportunity to respond to any comments, but if an applicant is not present at the Planning Commission meeting, the decision should be made on the evidence available as long as the applicant was given notice.

Mr. Call said if developer is a subject of a referendum, he must stop development until the next election. Administrative decisions can't be subjected to a referendum.

With regard to conditional uses, Mr. Call said that conditions shouldn't include everything that could possibly go wrong and shouldn't require compliance with rules for which other entities will require compliance.

With regard to imposing conditions on development, Mr. Call said there must be a connection with the development and the condition. The amount of burden placed on the applicant must be roughly equal to the burden the applicant is placing on the City. Commissioner Fitzpatrick asked about sidewalk or street widening, and Mr. Call said that would be the case if the ordinance allows that to be required.

With regard to determination of burden, Mr. Call said this is something Staff does all the time and that they have resources available to them to study the impacts and fees. He said the City has to follow the fees in its ordinance.

Chairman Esplin asked what the process should be if someone continues to not meet conditions. Mr. Call said that the process is in the ordinance and local governments have to determine how long to continue to work with the property owner to bring them into compliance.

Mr. Call said that with regard to the role of the Planning Commission, that there was no one better than City Attorney Gary Crane or Mr. Wright to discuss the Planning Commission's role in land use planning and rights.

PUBLIC HEARING:

1. DUTCHER REZONE – R-1-8 (Single Family Residential) to PB (Professional Office)

This .28 acre property is located at 608 West Antelope Drive in a PB (Professional Office) zoning district. The property owner Gwen L. Crockett is represented by the applicant, Terry Dutcher.

Planner II, Kem Weaver, explained that Ms. Dutcher, a wedding planner, would just be using the proposed site for office space and that she had a retail space on Main Street. He said clients would come by appointment only and that four parking spaces would be required for the site. With some additional concrete added to the north portion of the driveway, the driveway would accommodate four parking spaces. This will require a widening of the drive approach, which is allowed in the PB zone. This will require an existing water meter to be moved, and curb cut and road cut permits will be required.

Mr. Weaver said the property across 650 West to the west is a PB zoned property used as a beauty shop and has a large parking lot. He said buffering will be required along the north property line with existing trees to remain and few new trees to be planted. The chain link fence separating the site from a neighboring house will need to be upgraded to a solid fence.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-8 to PB based on consistency with the General Plan policy recommendations for small professional business uses along high traffic arterial streets and along the edge of single family neighborhoods.

Commissioner Fitzpatrick commented that there used to be a business at this location. Mr. Weaver said it must have been a home occupation. The applicant will not be residing in the home, so it needs to be rezoned to accommodate a business.

Commissioner Hansen asked about the landscaping requirements and the fencing. Mr. Wright said there are ordinance requirements for those items, so they don't need to be included in the motion. He asked if Ms. Dutcher was aware of the requirements, and Mr. Weaver responded that she was aware. He said the fence would be solid vinyl, wood or masonry. Mr. Wright explained that there was a landscaping matrix for fencing between uses.

Commissioner Fitzpatrick asked if the portion of the home not used for the office could be rented. Mr. Wright responded that it could be rented, but the parking will be restrictive.

PUBLIC REVIEW:

2. MIDNIGHT EURO AUTOMOTIVE GROUP – CONDITIONAL USE REQUEST FOR AUTO SALES

This property is located at 2750 North Fairfield Road, Suites 4 & 5 in an M-1 zoning district. The property owner is Lee Worrell represented by the applicant, Nick Stone.

Planner I, Andrew King, presented the request for conditional use for auto sales, stating that the applicant currently runs an auto repair business at this same location. He explained that during the course of the business, people give him titles to their vehicles rather than pay for repairs. The applicant is applying to do auto sales so he can sell some of these autos at this location.

Mr. King said the suite is one of seven suites in the building. Each suite is approximately 1800 square feet. The applicant has leased an additional suite to have more space to store vehicles inside the business.

Mr. King said the landscaping is up to code. He said a detailed study of the businesses and parking on the site was conducted. It was found there is an excess of five parking stalls above and beyond the minimum that each suite would be required to have.

Mr. King said the applicant has been contacted and has a copy of conditions and will be here tonight for additional questions. He said Staff recommends positive approval of the conditional use request based on the following six conditions:

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 three (3) outside the building and nine (9) inside the building.
4. Any vehicles stored or displayed outside the building shall not be closer than 120 feet (the length of the landscaped detention area) to the Fairfield Road right-of-way.
5. Any vehicles stored outside the building shall be maintained in a drivable manner.
6. No "junk" vehicles or vehicles being salvaged for parts shall be stored outside the building or outside of fenced and screened areas.

Commissioner Fitzpatrick asked if the vehicles stored outside will be in the fenced lot. Mr. King said the fenced lot is used exclusively for a contractor's yard. He said the applicant will have space for three vehicles outside the building and the rest will be stored inside. Commissioner Fitzpatrick asked about condition #3. Mr. King said the conditions were designed to be consistent with any auto sales business that may occupy the suite.

3. OAKRIDGE ESTATES – FINAL APPROVAL

This 4.228 acre property is located at approximately 2213 East Oakridge Drive in an R-1-10 (Single Family Residential) zoning district. The applicant, Ivory Homes represented by Daron Young, is proposing 9 single family residential lots.

Planner II, Kem Weaver, presented the request for final plat approval for the property zoned R-1-10. The applicant is proposing nine lots at 2.12 units per acre.

Commissioner Weaver asked about the property line issues, and Mr. Weaver said the applicant is working with the Engineering Division to do a boundary line agreement, which is also being required by the County. Commissioner Weaver verified that as long as the discrepancy is noted in the Engineering report, the Commission can be confident the boundary issues will be corrected. Mr. Weaver said the boundary line agreement will resolve the issue.

4. KERSHAW ESTATES SUBDIVISION PHASE 2 -- PRELIMINARY APPROVAL

This 1.68 acres property is located at approximately 200 South Bluff Ridge Boulevard in an R-S (Residential Suburban) zoning district. The applicant and owner, Dennis Higley, is proposing four single family residential lots.

Mr. Weaver presented the request for final approval Kershaw Estates Phase II. This phase is adjacent to Phase I which is currently being development and built on by the same developer proposing Phase II. Phase II will have four lots, which will front on to an existing street and back on to what had formerly been planned as Layton Parkway.

Mr. Wright said it was uncertain as to whether or not Layton Parkway will terminate northward or terminate at Bluff Ridge Boulevard. He said the City's goal is to have Layton Parkway extend as a frontage road along the West Davis Corridor. He said vinyl fencing but not landscaping would be required on the back of the lots next to the former proposed Layton Parkway area. On Bluff Ridge Boulevard, there would be a landscaped buffer between the sidewalk and the vinyl fencing.

Mr. Weaver said all the lots meet the RS zoning requirements with regards to frontage and area for a lot averaged R-S subdivision.

5. JENSEN HOMESTEAD – FINAL APPROVAL

These properties are located at approximately 2600 East Gentile Street in an R-1-10 (Single Family Residential) zoning district. The applicant is Jack Jensen and the property owners are Gwen N. Anderson and James Palkovich.

Mr. Weaver said Staff had done a survey of where the right of way will be for the existing home owner to determine how much property he will lose and how it will affect the existing lot.

Mr. Weaver explained each of the pictures provided and said Mr. Palkovich will lose minimal property. He showed where the curb and gutter will be and said a light pole, landscape rocks, water feature and trees on Mr. Palkovich's property will not need to be moved.

He addressed questions the Planning Commission had on the subdivision plat and said that a notice will be added on the plat regarding geotechnical issues. Mr. Jensen's engineer has been notified. He explained that three street lights would be required because of the curve in the road, and said Holmes Creek Irrigation Company has been contacted to trim back the trees near Gentile Street, especially near Lot 1.

Mr. Wright stated that the City Council had tabled the preliminary approval because the applicant was not there to answer questions about the history and pending court case and because the City Council saw that the Planning Commission had had a split vote. At the November 1, 2012, meeting, he helped the City Council understand why he had recorded the deeds in error. Mr. Wright said the City Council understands that the benefits to all parties would be better if the subdivision was approved. The City would obtain the property to be dedicated for the widening of Gentile Street. The subdivision would be legally divided so the property would be sellable. The public would benefit from the curb and gutter and better street design. Mr. Wright and Mr. Weaver had visited Mr. Palkovich's home and said it was a five-level home with tremendous views of nature and the reservoir. He said that Lot 1, with engineering and proper architecture has the potential to have a really good home built on it.

OTHER:

Commissioner Weaver asked about the status of the Village Center, and Mr. Wright said it was in a paused situation.


Julie Jewell, Planning Commission Secretary

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
NOVEMBER 13, 2012**

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

MEMBERS ABSENT: Brian Bodily

OTHERS PRESENT: Staff Members: Bill Wright, Kem Weaver, Andrew King, Clinton Drake, Julie Jewell, and Councilmember Jory Francis

Chairman Esplin called the meeting to order at 7:07 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Weaver.

APPROVAL OF THE MINUTES: Chairman Esplin called for a motion to approve the October 23, 2012, Planning Commission Meeting minutes as written. Commissioner Weaver moved to approve the October 23, 2012, Planning Commission Work and Regular Meeting minutes as written. Commissioner Hansen 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 Weaver seconded the motion, and the voting was unanimous.

PUBLIC HEARING:

1. DUTCHER REZONE – R-1-8 (Single Family Residential) to PB (Professional Office)

This .28 acre property is located at 608 West Antelope Drive in a PB (Professional Office) zoning district. The property owner Gwen L. Crockett is represented by the applicant, Terry Dutcher.

Planner II, Kem Weaver, gave an overview of the property on an aerial stating that the property was on the corner of 650 West and Antelope Drive, which is an arterial street. The property, which is approximately 12,000 square feet, has residential property to the north and PB zoned property on the adjacent corner to the west as well as CP-1 zoned property to the west. CP-1 zoned property is across Antelope Drive from the property and an LDS Church and commercial property are to the east.

Mr. Weaver said the applicant is requesting the rezone to convert the existing home to an office with clients by appointment only with four parking spaces required. With some additional concrete added to the north portion of the driveway, Mr. Weaver said the driveway would accommodate four parking spaces. This will require a widening of the drive approach, which is allowed in the PB zone. This will require an existing water meter to be moved, and curb cut and road cut permits will be required to move an existing water meter.

Mr. Weaver said the existing landscaping buffer on north property line will remain with a few trees to be added. He said the existing chain link fence will need to be a solid wood, vinyl or masonry fence.

Mr. Weaver said the Zoning Ordinance (Title 19 of the City Code) describes the PB zoning district as follows: *The PB (Professional Business) zoning district is intended to provide area for offices and institutional uses in which the intensity of the use, in terms of hours of operation and number of customers, is less than that of a commercial zone. These districts should be located along arterial and collector streets, abutting residential*

neighborhoods, which would patronize these uses. Land uses typically found in the "PB" zone include medical and dental offices, small businesses such as real estate and appraisal offices.

Mr. Weaver said that based on information presented, Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-8 to PB based on consistency with the General Plan policy recommendations for small professional business uses along high traffic arterial streets and along the edge of single family neighborhoods.

There were no questions from the audience.

Commissioner Fitzpatrick asked the applicant, Theresa Dutcher, 2336 South 675 West, Syracuse, UT, what plans she had for the portion of the home that would not be office space. Ms. Dutcher responded that she has a retail location and the proposed location will be for wedding consulting services. Individual vendors (photograph, cake designer, floral designer) would have a small office space with a conference room location for the customer to meet with the vendors. Total office space would 800 to 1000 square feet with the remainder of the square footage to be used for storage. She said she was negotiating the lease of additional parking spaces on a long term basis from the building to the west for Ms. Dutcher and the business owners to park.

Commissioner Fitzpatrick asked if each vendor would need to get a conditional use permit, and Mr. Weaver said the office use would cover the other vendors.

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 12-31 rezoning the property from R-1-8 to PB subject to the applicant meeting all Staff requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

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

PUBLIC REVIEW:

2. MIDNIGHT EURO AUTOMOTIVE GROUP – CONDITIONAL USE REQUEST FOR AUTO SALES

This property is located at 2750 North Fairfield Road, Suites 4 & 5 in an M-1 zoning district. The property owner is Lee Worrell represented by the applicant, Nick Stone.

Planner I, Andrew King, said the applicant has currently been using Suite 4 for an auto repair business. He is leasing Suite 5 in anticipation of using the space for an auto sales business.

Mr. King said the subdivision has seven suites with each suite being approximately 1800 square feet. The applicant will have approximately 3040 square feet of warehouse and 560 square feet of office space. He said a wall still exists between the applicant's two suites. The total parking requirements for the other businesses on site is 12 stalls and the site currently contains 29 parking stalls. The applicant will need 12 stalls, which leaves at excess of five parking stalls to be shared between the businesses. He said the applicant plans to store the three for sale vehicle in three parking stalls across from his business. Anything above those three cars will be stored inside Suite 5, which has room for about 9 vehicles, although the applicant doesn't anticipate having that many vehicles at one time and is projecting 10 sales per month.

Mr. King said the landscaping is up to code. He said the detention area represents the setback required in Condition # 4 and that none of the for sale vehicles can be parked in front of that area. Mr. King said Layton City ordinance does require a six (6) foot fence between manufacturing zones and agriculturally zoned property, however, the property to the south of this subdivision is not within Layton City boundaries. Title 19.16 Landscape and Fencing, is not specific to these situations. City records also indicate that the subdivision and buildings were

permitted with no fencing required when it was built in 2008. Staff recommends that fencing along this south property line not be required due to constraints on the site and the lack of specific regulations for fencing adjacent to vacant land in unincorporated County.

Mr. King said Staff recommends the Planning Commission grant conditional use approval subject to the following conditions:

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 three (3) outside the building and nine (9) inside the building.
4. Any vehicles stored or displayed outside the building shall not be closer than 120 feet (the length of the landscaped detention area) to the Fairfield Road right-of-way.
5. Any vehicles stored outside the building shall be maintained in a drivable manner.
6. No "junk" vehicles or vehicles being salvaged for parts shall be stored outside the building or outside of fenced and screened areas.

Commissioner Weaver asked for clarification on Condition #3 and Mr. King said that there could only be a total of 12 vehicles at any given time with three stored outside the building and nine stored inside.

There were no questions from the Commission or the audience. The applicant, Nick Stone, said he had received a copy of the conditions and had no questions on the conditions.

Chairman Esplin called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commission approve the conditional use request for auto sales subject to the applicant meeting all Staff conditions, which are hereby adopted as requirements. Commissioner Davis seconded the motion, and the voting was unanimous.

3. OAKRIDGE ESTATES – FINAL APPROVAL

This 4.228 acre property is located at approximately 2213 East Oakridge Drive in an R-1-10 (Single Family Residential) zoning district. The applicant, Ivory Homes represented by Daron Young, is proposing 9 single family residential lots.

Planner II, Kem Weaver presented an aerial photograph of the area proposed for final plat approval. He said the final plat will include nine lots with one lot fronting on to Oakridge Drive.

Mr. Weaver explained the boundary line agreement that have to be recorded at the County before the subdivision plat can be recorded. He said Lot 5 has a petroleum line easement, and the buildable area will not be able to encroach into the easement at any time.

Mr. Weaver said the street will be a 50-foot public right-of-way and that all lots meet frontage and square footage requirements for the R-1-10 zoning requirements.

Commissioner Hansen asked if Lot 9 would be the only lot to access Oakridge Drive. Mr. Weaver said Lots 1 and 8 could front on to Oakridge if they chose to do so.

There were no questions from the Commission or the audience, and the applicant was not present.

Chairman Esplin called for a motion on the item. Commissioner Pales moved that the Planning Commission forward a positive recommendation to the City Council to grant final approval to Oakridge Estates subject to the applicant meeting all Staff requirements. Commissioner Hansen seconded the motion, and the voting was unanimous.

4. KERSHAW ESTATES SUBDIVISION PHASE 2 -- PRELIMINARY APPROVAL

This 1.68 acres property is located at approximately 200 South Bluff Ridge Boulevard in an R-S (Residential Suburban) zoning district. The applicant and owner, Dennis Higley, is proposing four single family residential lots.

Mr. Weaver presented an aerial photograph outlining the subdivision and pointed out the zoning in the area. Mr. Weaver said it was uncertain as to whether or not Layton Parkway will terminate northward or terminate at Bluff Ridge Boulevard. He said the City's goal is to have Layton Parkway extend as a frontage road along the West Davis Corridor. He said vinyl fencing but not landscaping would be required on the back of the lots next to the former Layton Parkway area. On Bluff Ridge Boulevard, there would be a landscaped buffer between the sidewalk and the vinyl fencing. Mr. Weaver said the City Engineer is requiring a cash escrow bond for curb, gutter, sidewalk, street lights and their installation, and the landscape buffer along the Layton Parkway frontage.

Mr. Weaver said Staff recommends the Planning Commission grant preliminary approval to Kershaw Estates Subdivision Phase 2 subject to the applicant meeting all Staff requirement.

There were no questions from the Commission or the audience. The applicant, Dennis Higley, 2989 South Bluff Road in Syracuse, was present and had no questions.

Chairman Esplin called for a motion on the item. Commissioner Weaver moved that the Planning Commission grant preliminary approval to the Kershaw Estates Subdivision Phase 2 subject to the applicant providing a geotechnical report addendum and to meeting all Staff requirements. Commissioner Davis seconded the motion, and the voting was unanimous.

5. JENSEN HOMESTEAD – FINAL APPROVAL

These properties are located at approximately 2600 East Gentile Street in an R-1-10 (Single Family Residential) zoning district. The applicant is Jack Jensen and the property owners are Gwen N. Anderson and James Palkovich.

Mr. Weaver said the City Council had a second opportunity on November 1, 2012, to review the preliminary plat for the Jensen Homestead and granted approval. The request is for final plat approval for two single family lots on 1.15 acres at approximately 2600 East Gentile Street. He said the reason for the subdivision plat is for the dedication of the property for Gentile Street for the same length or lineal footage of the two lots as well as to make the lots legally subdivided.

Kem explained each of the pictures provided and said Mr. Palkovich will lose minimal property. He showed where the curb and gutter will be and said a light pole, landscape rocks, water feature and trees on Mr. Palkovich's property will not need to be moved. He said the street dedication does not encroach more than 2-3 feet into the vacant lot. He said a confirmation letter has been sent to Gwen Anderson, owner of the vacant lot, from the geotechnical engineer that the lot is buildable if geotechnical recommendations are followed. A note will be added to the plat noticing the geotechnical issues.

Mr. Weaver explained that three street lights would be required because of the curve in the road, and said Holmes Creek Irrigation Company has been contacted to trim back the trees near Gentile Street, especially near Lot 1.

Mr. Weaver said that based on the information presented and updates provided, Staff is recommending the Planning Commission forward a positive recommendation to the City Council to grant final approval to the Jensen Homestead Subdivision subject to the applicant meeting all Staff requirements.

Commissioners Fitzpatrick and Hansen and Chairman Esplin complimented Staff for addressing the issues and lessening the impact on property owners, for adding the geotechnical notification to the plat and addressing the clear view issue.

There were no questions from the Commission or audience.

Chairman Esplin expressed appreciation to the applicant, Jack Jensen, 2733 East Gentile, for the work he had done to clear up issues. Mr. Jensen expressed appreciate for Staff, particularly Mr. Weaver.

Chairman Esplin called for a motion on the item. Commissioner Hansen moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plat for the Jensen Homestead subject to the applicant meeting all Staff requirements. Commissioner Fitzpatrick 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 adjourn the meeting, and Commissioner Pales seconded the motion. The voting was unanimous. The meeting adjourned at 7:45 p.m.


Julie Jewell, Planning Commission Secretary