

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
JANUARY 14, 2014**

MEMBERS PRESENT: Brian Bodily, Dawn Fitzpatrick, Wynn Hansen, Gerald Gilbert, Robert Van Drunen, Tim Pales, Dave Weaver

MEMBERS ABSENT:

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

PUBLIC REVIEW:

1. OAK HILLS PRUD – FINAL APPROVAL

This 7.35 acre property is located at approximately 2500 East Oak Hills Drive in an R-S PRUD (Residential Suburban Planned Residential Unit Development) zoning district. The applicant, Jerry Preston, is proposing eight (8) patio homes and two (2) single family residential lots.

Planner II, Kem Weaver, presented the request for final approval for Oak Hills PRUD. He said the previous approvals on this subdivision had expired, which is why the approval process is being repeated. Mr. Weaver said the 7.35 acres would allow for a 2.5 units per acre base density, which would be nine (9) units. The developer is proposing eight (8) units.

Mr. Weaver said the Design Review Committee (DRC) said the project is well-designed considering the constraints of the property with topography issues. Mr. Weaver reviewed the landscaping requirements. He said the DRC recommended that privacy fencing be installed between Lots 1 and 4 and that minor color changes to the front elevations be made and different colors be used on the two-story units.

The two single-family lots may be difficult to develop based on the steep slopes on the rear of the property. However, the final recommendations from the geotechnical engineer state that the lots meet the factors of safety and very little mitigation will be necessary. Staff does encourage the developer to keep the buildable areas off the 30% slopes. The patio homes are predominately outside the 30% slope areas.

Commissioner Van Drunen asked about Staff's encouragement for the developer not to build on the 30% slopes. Mr. Weaver said there is no ordinance against it if they can mitigate the topography issues. The lots will show as restricted on the plat and lot specific geotechnical surveys will need to be done.

Chairman Gilbert asked if the access would line up with Red Fox Ridge. Mr. Weaver responded in the affirmative and said it was a Utah Department of Transportation (UDOT) requirement that a four-way intersection be created.

Commissioner Weaver asked how perspective buyers would be advised that the lots are on sensitive land. Mr. Weaver said there will be geotechnical notes on the plat specifying that a geotechnical engineer has to inspect the lots during excavation.

Chairman Gilbert asked about buffering the existing homes to the east from the proposed patio homes. Mr. Weaver said there would be a six-foot earth tone solid vinyl fence with trees along the fence line between the existing homes and the patio homes.

2. ESTATES AT MUTTON HOLLOW PHASE 5 – FINAL APPROVAL

This 22.42 acre property is located at approximately 1800 East 175 South in an R-1-10 (Single Family Residential) zoning district. The applicant, Howard Kent, is proposing 47 single family residential lots.

Mr. Weaver said the 22.42 acre property allows for a density of 2.9 units per acre. However, the 4.37 acres that will be dedicated for the park is subtracted from the total acreage and the allowable density is 2.6 units per acre. The developer is required to dedicate one-half of the park property for no monetary compensation. The City purchased the other half of the park property from the developer. The entire park will be approximately eight (8) acres. The Layton City Parks Department will be required to install the irrigation system and landscaping for the park. The developer will be required to widen and improve Boynton Road and build 75 South Street.

Commissioner Weaver asked when the park would be improved. Community and Economic Development Director, Bill Wright, said he was not sure when the improvements were scheduled in the capital development plan. He said the park will be a regional detention pond and will likely have a large soccer field and park toys. Commissioner Weaver commented that the subdivision was a nice development that was selling well.

Commissioner Fitzpatrick asked about a comment on the Engineering report about a ditch to be cut along the east side of the access road and if the ditch would be open or covered. Mr. Weaver said it would be more of a swell than an open ditch and could be landscaped.

Commissioner Hansen asked about Scott Carter's concern about getting the right size of water line to the park. Mr. Matson said the construction drawings would be updated with the correct water line size.

3. H.I.P. COMMERCIAL CONDOMINIUMS AMENDED – FINAL APPROVAL

This property is located at approximately 400 North Main Street in a C-H (Highway Regional Commercial) zoning district. The applicant, G42, LLC and the property owners (Dee Rigby, Chad Pace, Merrill Sherriff, Hersh Ipaktchian) are represented by Garth Robinson.

Mr. Weaver presented the request to amend a commercial plat. He said G42, LLC is purchasing four storage unit buildings backing onto the I-15 corridor. This entity owns the property to the north and plans to purchase the storage units and take them out of the HIP plat and combine with their existing parcel. They have future plans for the entire property and possibly the Taco Time property. For now, the storage units will be used for auto parts warehousing and parts storage and then eventually there will be a dealership on this property.

Commissioner Van Drunen asked if the storage unit area would be fenced off from the Pace and the Southwest Cantina businesses. Mr. Weaver said the cross access easement needs to be kept in place. There will be a fence installed with a gate in the fence line with an SOS system for the Fire Department.

Chairman Gilbert brought up some code enforcement issues regarding the property and a concern that the issues would extend on to the G42, LLC property.

Commissioner Hansen asked about buffering requirements between the property and the freeway. Mr. Weaver said there were no requirements.

Chairman Gilbert felt the G42, LLC property needed to be compliant before being granted additional approvals. Mr. Weaver said the G42, LLC property is currently occupied by Young Automotive and there is a conditional use on the property. Commissioner Hansen referred to past discussions regarding this property. Mr. Weaver will research the previous conditional use.

Commissioner Fitzpatrick asked how the subject property would be added to a property to the north. Mr. Wright said it would be combined on the title report.

4. LAYTON MAJID MOSQUE– CONDITIONAL USE APPROVAL FOR A CHURCH USE

This property is located at 2525 North Hill Field Road in a CP-1 (Planned Neighborhood Commercial) zoning district. The applicant is Shiekh M. Ahmed representing the property owner, Joseph Eckman.

Planner I, Andrew King, presented the conditional use request for a church use. The proposed use on this property is a mosque. He said there is currently an active commercial business at this location. The applicant is planning to purchase the property but the purchase hinges on conditional use approval. There is a current development agreement on the property and the applicant has no issues with adhering to this agreement. He said the applicant is in the process of obtaining funding for the mosque and will, in the meantime, lease the existing building to the current tenant.

If the congregation outgrows their current location, the building on the subject property could be retrofitted for their church use.

Mr. King said the landscaping and fencing will be brought into compliance at the time of site plan review. Mr. King said the development agreement is applicable to anyone who develops the site. The applicant is not developing the site at this time but will use the existing building. He reviewed the development agreement and said with regard to height, the proposed mosque will not be a two-story building. It will be one story with a basement. A steeple is not included in the building height calculation.

There was a discussion about the delay between the granting of a conditional use and the development of the property. Mr. King said the purchase of the property was contingent on the conditional use approval. Commissioner Fitzpatrick asked if a property could have two conditional uses on it since there is already a day spa use. Mr. Wright replied in the affirmative and said the applicant had a right to apply for the conditional use and also to apply for an extension. Commissioner Pales commented that he preferred an applicant apply for a conditional use early rather than after they are operating the business.

Commissioner Fitzpatrick asked about the lack of landscaping along the property's frontage on North Hill Field Road. Mr. Wright said weed control would have to be done on the property and Mr. King said the fencing and buffers would be brought up to code with the new building. The Commission asked for weed control to be added to the conditions. Mr. King will add a line in the conditions that there must be compliance with all codes and ordinances.

There was a discussion regarding parking, and Mr. King explained the parking requirements for the property, which could be met with the striping of the parking stalls.

5. LEGACY IRISH DANCE – CONDITIONAL USE APPROVAL FOR A DANCE STUDIO

This property is located at 3080 North Fairfield Road, Suites 3 & 4 in an M-1 (Light Manufacturing/Industrial) zoning district. The applicant is Victoria Lambourne representing the property owner, Fairfield Business Suites, LLC.

Planner I, Brandon Rypien, presented the request for conditional use for a dance studio in the M-1 Zone. He said there are four (4) suites in the building and the applicant will occupy two of the suites. Fifteen parking stalls will be shared between the suites.

The applicant anticipates 10 students or less per class with the majority of the students dropped off and picked up. The other businesses in the building are an auto brokerage, which meets with customers by

appointment only and a mortgage/finance company. The applicant will be the only employee and dance instructor in the suites proposed for conditional use. The dance studio is required to have six parking stalls and a total of 14 stalls will be needed between the three businesses. There are 15 striped stalls.

Mr. Rypien said there is a mobile home park to the east. The 10-foot wide landscape buffer on the site is compliant with th3code.

The Commission expressed concerns about competitions and recitals being held at this location. An additional condition will be added that competitions, recitals and day camps be held after regular business hours (8 a.m. to 5 p.m., Monday thru Friday) so as not to disturb the other tenants.

Commissioner Fitzpatrick commented that the Fire Marshall is requiring an inspection prior to occupancy. She asked about the hours of operation and competitions or recitals. Mr. Wright suggested the applicant be asked about her business operation.

Commissioner Weaver asked if the owner was aware of the parking stall requirements.

OTHER:

Chairman Gilbert said that an item of discussion for a future meeting would be to decrease the number of Commissioners from nine to seven.

Chairman Gilbert said at future meetings he would like to have the Commission identify three conditional uses they would like to ask Staff to research and then report on the status of those conditional use permits at the next meeting. Staff will review the conditional use, and if Staff determines the conditions are being met, then the Commission will accept that determination. If a conditional use is out of compliance and the applicant has been contacted and has not fixed the issues within six weeks, then the applicant would be brought before the Commission for a revocation review. He asked that 30 minutes of the Work Meeting be set aside for conditional use review.

Councilmember Francis was not present due to illness.

JOINT PLANNING COMMISSION AND CITY COUNCIL MEETING TO DISCUSS GREEN AND GREEN REZONE REQUEST

The Commission and Staff reviewed the Green and Green rezone packet of materials that will be discussed at the joint Planning Commission and City Council Meeting.


Julie Jewell, Planning Commission Secretary

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Chairman Gilbert called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Fitzpatrick.

APPROVAL OF THE MINUTES: November 12, 2013 Work Meeting and November 26, 2013 Meeting

Chairman Gilbert called for a motion to approve the minutes. Commissioner Weaver moved to approve the November 12, 2013, Work Meeting and November 26, 2013, Meeting minutes as written. Commissioner Hansen seconded the motion, and the voting was unanimous.

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

PUBLIC REVIEW:

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Planner II, Kem Weaver, presented the request for final approval for Oak Hills PRUD. He said the previous approvals on this subdivision had expired, which is why the approval process is being repeated. Mr. Weaver said the 7.35 acres would allow for a 2.5 units per acre base density, which would be nine (9) units. The developer is proposing eight (8) units, and a density bonus is not required.

Mr. Weaver said the open space will be landscaped and concentrated around the eight patio homes. He said there is an opportunity to develop a trail system with benches in the natural terrain area.

The following are the recommendations from the Design Review Committee (DRC):

- Install privacy partitions or fencing between the units for units 1 through 4.
- Make minor changes to the front elevation and use different colors on the two-story units.

Mr. Weaver said the development will require a private drive owned by the Home Owner's Association of the PRUD as part of the separation of Oak Hills Drive and the private drive. He said there would be a landscape buffer along the Utah Department of Transportation right-of-way with the landscaping facing toward Oak Hills Drive.

The proposed development will connect to the existing utilities in Oak Hills Drive.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council subject to meeting all DRC and Staff recommendations.

Commissioner Weaver asked why there was an "R" on the two lots on west side. Mr. Weaver said these lots are restricted and require lot specific geotechnical reports.

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

Commissioner Bodily moved that the Planning Commission forward a positive recommendation to the City Council to grant final approval for Oak Hills PRUD subject to meeting Staff and DRC recommendations as outlined in the memorandums. Commissioner Hansen seconded the motion, and the voting was unanimous.

2. ESTATES AT MUTTON HOLLOW PHASE 5 – FINAL APPROVAL

This 22.42 acre property is located at approximately 1800 East 175 South in an R-1-10 (Single Family Residential) zoning district. The applicant, Howard Kent, is proposing 47 single family residential lots.

Mr. Weaver said four phases of the Estates at Mutton Hollow Subdivision have been developed, and Phase 5 is the last and largest phase located on the eastern end of the overall subdivision. The proposed final plat will consist of 47 lots on 22.42 units per acre. Of the total acres, 4.37 acres will be dedicated, with no monetary compensation, to the City for a park. Layton City has purchased another portion of the phase for the park to make the overall park approximately eight acres. The density range for the R-1-10 zone is 2-4 units per acre. Mr. Weaver said the development will have to adhere to the annexation agreement approved with the annexation of the property. Part of the annexation requirements are the dedication of the park property, the widening of Boynton Road and development of 75 South, which are the responsibilities of the developer. Layton City will be responsible for landscaping the detention basin/park and the park strips of the road by the park.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final approval to the Estates at Mutton Hollow Phase 5 subject to meeting all Staff requirements.

There were no questions from the Commission or the audience.

Chairman Gilbert 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 Estates at Mutton Hollow. Commissioner Pales seconded the motion. Commissioner Fitzpatrick asked that "Phase 5" be specified in the motion. Commissioner Hansen accepted the correction to the motion. Commissioner Pales seconded the motion, and the voting was unanimous.

3. H.I.P. COMMERCIAL CONDOMINIUMS AMENDED – FINAL APPROVAL

This property is located at approximately 400 North Main Street in a C-H (Highway Regional Commercial) zoning district. The applicant, G42, LLC and the property owners (Dee Rigby, Chad Pace, Merrill Sherriff, Hersh Ipaktchian) are represented by Garth Robinson.

Mr. Weaver presented the request from G42, LLC to amend the H.I.P. commercial condominium plat. He said the reason for the amendment of the commercial condominium plat is to remove 1.4 acres from the plat. The remaining 1.5 acres in the condominium plat will include the H.I.P. office buildings, Pace's,

and Southwestern Cantina Restaurant. The 1.4 acre property will be vacated from the condominium plat, purchased by G42, LLC and combined with the Young Automotive property to the north.

He said the storage units will remain and be used by the applicant to store auto parts. Cross access easements will need to remain on the property for access and fire safety to the storage units. The main access to the storage units will be through the applicant's property.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the H.I.P. condominium plat amendment.

There were no questions from the Commission. Garth Robinson, representing the applicant, said the applicant is G42, LLC and not Young Automotive Group.

Commissioner Hansen asked Mr. Robinson how the property would be used. Mr. Robinson said currently the storage units are used for parts storage as the units become available. Eventually the property will be the site of another dealership. Mr. Robinson explained how the properties would be combined for a future dealership.

Chairman Gilbert called for a motion on the item. Commissioner Pales moved that the Planning Commission forward a positive recommendation to the City Council to approve the condominium plat amendment subject to meeting all Staff requirements and recommendations as outlined in memorandums. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

4. LAYTON MAJID MOSQUE– CONDITIONAL USE APPROVAL FOR A CHURCH USE

This property is located at 2525 North Hill Field Road in a CP-1 (Planned Neighborhood Commercial) zoning district. The applicant is Shiekh M. Ahmed representing the property owner, Joseph Eckman.

Planner I, Andrew King, presented the request for a conditional use approval for a church use and said the applicant anticipates purchasing the property to build a mosque. He said the applicant said it will not be an issue to adhere to the required height of the building, and he anticipates 20 people to occupy the existing building if it is used as a mosque. Mr. King said five parking stalls are required for the site, and the site could accommodate at least 12 parking stalls. The stalls will be required to be striped when plans are submitted for a new building.

The following are the conditions required for this conditional use permit:

1. The use shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. All new or existing parking areas associated with a Church, Temple or Mosque on this lot shall be appropriately striped to meet standard Layton City parking stall dimensions.
3. The use must comply with the recorded Development Agreement.

Chairman Gilbert asked if Condition #2 had to be completed right away. Mr. King said the applicant would stripe the parking spaces as soon as the property is purchased.

Commissioner Weaver asked if anyone was living in the home. The applicant, Shiekh Ahmed, 568 West 2400 North, said as far as he knows the seller has a business in the home and no one is living in the home.

Chairman Gilbert asked Mr. Ahmed if he had a copy of the conditions. He said he did and had no concerns.

Carol Eckman, the present property owner, said no one was living in the home.

Chairman Gilbert called for a motion on the item. Commissioner Bodily moved that the Planning Commission grant conditional use approval as presented and subject to the Staff conditions, which are hereby adopted as requirements. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

5. LEGACY IRISH DANCE – CONDITONAL USE APPROVAL FOR A DANCE STUDIO

This property is located at 3080 North Fairfield Road, Suites 3 & 4 in an M-1 (Light Manufacturing/Industrial) zoning district. The applicant is Victoria Lambourne representing the property owner, Fairfield Business Suites, LLC.

Planner I, Brandon Rypien, said the applicant Victoria Lambourne is requesting conditional use for a dance studio to occupy two suites of the four-suite building. Fifteen parking stalls have been striped and allocated for the four suites.

Mr. Rypien said the applicant has indicated that the classes will be held in the evening from 4-9 p.m. on weekdays and 9 to noon on Saturdays. There will be 10 students per class with the majority dropped off and picked up from class. The area of the two suites is 2,050 square feet for offices, storage and a remaining open area for dance instruction.

The other occupants in the building are Simply Smarter Auto Sales and a mortgage and finance company. The auto brokerage sees customers by appointment only. The mortgage and finance company is open during regular business hours. The applicant is the sole employee and dance instructor for the dance studio.

Mr. Rypien said dance studios require a minimum of one parking stall for every two people. The applicant anticipates 10 students and 1 dance instructor, which would require six parking stalls for this use. The auto brokerage has three parking stalls in front and two stalls indoors. The mortgage and finance company is parked as an office use and requires five parking stalls. There are 15 striped stalls and 14 will be required.

Mr. Rypien said there is a mobile home park to the east. The 10-foot wide landscape buffer on the site is compliant with that code. The front landscape requirement is eight feet but the requirement will be waived to accept the existing six-foot landscape strip.

Mr. Rypien said Staff recommends the Planning Commission approve the conditional use for Legacy Irish Dance subject to meeting all Staff requirements.

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. A total of six (6) parking stalls shall be provided on-site for the proposed dance studio use.
3. Competitions, recitals and day camps shall only be held after regular business hours (8:00 a.m. to 5:00 p.m., Monday thru Friday) so as not to disturb regular tenants.

There were no questions of Staff.

The applicant, Victoria Lambourne, 531 North 1425 East, was asked if she understood the third condition. She said she had no concerns with that or any of the other conditions. Ms. Lambourne asked if she would

be required to enhance the landscaping. Chairman Gilbert told her she wouldn't have to do anything with the landscape buffers.

Commissioner Bodily asked if the owner had been notified of the conditions, and Mr. Rypien replied in the affirmative.

There were no other questions. Chairman Gilbert called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commissioner approve the conditional use request for a dance studio subject to meeting all Staff conditions with the addition of condition #3. These conditions are hereby adopted as requirements. Commissioner Hansen seconded the motion, and the voting was unanimous.

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

The meeting adjourned at 7:39 p.m.


Julie Jewell, Planning Commission Secretary

