

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
FEBRUARY 25, 2014**

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

MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Peter Matson, Andrew King, Steve Garside, Tyson Willis, Julie Matthews, Councilmember Tom Day

PUBLIC REVIEW:

1. LUKE HERZOG – CONDITIONAL USE FOR AUTO SALES

This property is located at 2156 North Hill Field Road, Suite 11 in a C-H zoning district. The applicant Luke Herzog is representing the property owner, Don Peterson.

Planner I, Andrew King, presented the request for auto sales. The applicant intends to sell one or two cars a month. Customers will come to the office to sign agreements. There is no warehouse space and no work will be done on the vehicles including cleaning on the site. According to the lease agreement, the applicant has three stalls in which to park for sale vehicles. He will drive one of the vehicles to and from work.

Mr. King said the site plan is consistent with what was approved with the original building and site plan. He recommended that the number of vehicles kept on site be capped at four and said handicapped spaces will not be used to display vehicles. He pointed out the assigned parking stalls on the site plan and said the owner has asked the applicant to stripe those stalls a different color.

Chairman Gilbert asked if for sale signs in the cars and balloons would be prohibited. Mr. King said the property was zoned C-H (Highway Regional Commercial) and there was no reason to apply those regulations when for sale signs and balloons were allowed in the other C-H zones. The applicant would, however, have to meet the zoning and sign ordinances. He said auto sales are a conditional use in any allowed zone in the City.

Commissioner Fitzpatrick asked about the possibility of making auto sales a permitted use in some areas. Mr. King said Staff has been considering distinguishing between an auto brokerage and an auto sales use. A dealership would remain a conditional use and an auto brokerage would have requirements built in but not require a conditional use permit.

Commissioner Bodily asked if there should be a limit on the number of brokerage car lots there could be and suggested an analysis of how many are still in business.

City Planner, Peter Matson, said Staff would compile the statistics and distinguishing factors to decide where auto brokerages and auto sales can occur. This information will be discussed with the Planning Commission at future Planning Commission Work Meetings.

OTHER:

Mr. Matson informed the Planning Commission that the Green and Green rezone had been approved. He said when the joint meeting was held with the City Council, the Staff wanted the Planning Commission to know they had done a very good job of stating their findings in their review and communicating that to the Council in a very good way.

Tom Day, Councilmember, commented that as a new Councilmember, he felt the Planning Commission had already done their job and shouldn't have been required to attend a joint meeting to discuss the rezone further.

Commissioner Fitzpatrick commented that the City Manager had thanked the Commission for their work.

Mr. Matson reported on a City Council Strategic Planning meeting and said the Council had been updated on housing and land use data. He said Staff is planning to submit an application to the Wasatch Front Regional Council to obtain a grant to hire a consultant to assist the City with analyzing technical and economic land use data and to assist in a growth scenario analysis.

Chair Gilbert commented that some citizens felt Layton was getting too many apartments. He felt there had been a spike in the number of new apartments at one time, but now it seemed there were more single family homes being built.

CONDITIONAL USE REVIEWS:

MIDNIGHT EURO AUTOMOTIVE REPAIR: Mr. King reviewed the Midnight Euro conditional use requirements. He reported on inspections of the site and said conditions 1,3,5,6,7,8,9 and 10 have been met and the business was compliant at the time of the inspection. He said there were issues with condition 6 where vehicles have been parked on the dirt area. Mr. King said the business owner ultimately plans to improve the surface with a minimum of road base and is in the bidding process. Mr. King said the business owner fully intends to comply with the conditions but is not getting cooperation from the property owner to help with the costs.

Mr. King asked if the Planning Commission would consider revisiting this conditional use application. He said the application was approved right before the practice of bringing sites up to code with a conditional use was discontinued and the practice of just mitigating conditions was recommended.

Commissioner Bodily asked if the Commission decides to revisit the conditions and allow the business owner to not comply with some of the conditions, if a precedence will be set.

Assistant City Attorney Steve Garside said if the applicant agreed to the conditions and has not appealed to the City, then the conditions are set.

Mr. King reiterated that the current focus is on things that are mitigating an impact. With the Midnight Euro conditional use, the focus was on bringing the site up to code.

Mr. Garside said if there has not been a significant change in the use, then just because a conditional use is requested, it doesn't mean it is an opportunity to bring the site up to code.

Commissioner Fitzpatrick expressed the opinion that the extended park strip did not mitigate anything, but she felt the buffer in the back needed to be addressed. Commissioner Van Drunen was in agreement.

Chairman Gilbert said the applicant told the Planning Commission he would take care of all the items and conditions. He said when he went to the property, there were unlicensed and unregistered vehicles and one shell of a vehicle.

Commissioner Bodily said he had made the same observation. He said there were vehicles blocking one of the entrances. Mr. King said the Fire Department said the blocking of the driveway was not an issue if they can get out of the same entrance they come in. Another option is an 80 foot turnaround in the back.

Mr. King said the site changes daily. When he did his inspection, the site was in compliance.

Chairman Gilbert said the applicant typically encroaches on the driveway entrance. When he was there, another car had to wait for Gerald to come out so he could come in.

Chairman Gilbert said it seemed to him that Staff was ready to sign off on this conditional use. Mr. King said that Staff couldn't sign off on the conditional use until July 9, 2014. Chairman Gilbert said this site is one that needs to be on a visiting every week list. In two weeks if he is not compliant, then he should be brought back to Planning Commission Meeting to revisit the conditional use.

Commissioner Bodily asked if the applicant had received a letter first. Mr. King said he had told the applicant about the Planning Commission's concerns. He had received a follow-up letter after the conditional use was granted as well as two other copies.

Commissioner Bodily asked if it was okay to send a copy of the letter to the property owner. Mr. Garside said that would not be a problem.

Commissioner Van Drunen asked which condition was an issue. Commissioner Bodily replied that it was the parking of vehicles on the dirt and also unregistered vehicles.

Mr. Matson commented that the vehicles could be those he is fixing up and selling.

Mr. King said a salvage vehicle would be a violation. Chairman Gilbert specified a vehicle that had been there for four weeks and had just moved off gravel to payment. Mr. King will discuss the matter with the applicant.

Chairman Gilbert asked if the business had a KNOX box. Mr. King said that requirement would be observed during a Fire Department inspection.

Commissioner Bodily asked that Staff follow up on issues observed by the Planning Commission with a letter to the applicant and a copy to owner. He suggested the Planning Commission would revisit the Midnight Euro conditional use application at the March 11, 2014, meeting.

Chairman Gilbert asked that no new conditional use reviews be initiated until a current review is completed.

Mr. King said he would follow up with the applicant and the Fire Department and report back to the Planning Commission in a month.

ANDRESCAPES: Mr. Matson said he was surprised about the condition of Andrescapes when he visited the business.

Chairman Gilbert said the concern is follow up. He said the business owners should be given the conditions with an expectation that they comply. He said he thought Midnight Euro was trying to comply but B & Rides is not.

Mr. Matson said he would make sure the property owners get all the correspondence.

Commissioner Fitzpatrick said there are businesses with conditional uses that are in horrible condition. She referenced Fat Bob's on Main Street and a location on Fairfield Road, north of Antelope Road, where the property owner is collecting salvage metal. Another location is a fenced area across from Chevron on Sugar Street that is storing pallets that are in disrepair. She asked if enforcement handles these issues.

Commissioner Weaver said he had talked to a code enforcement officer who said there is nothing than can be done in spite of complaints about the Fairfield Road location.

B & R RIDES: Mr. Matson addressed concerns he observed at the business such as vehicles that do not seem to move, parking on the street, and general overflow issues. He said that he and Planner I, Brandon Rypien, would schedule a time to meet with the business owner.

Commissioner Bodily said there were obviously inoperable cars and he saw a car being repaired out in the street. The alternatives proposed for the number of cars to be parked on the property were discussed. The owner had chosen the alternative to park the most cars. Commissioners Pales and Fitzpatrick had also observed cars that did not move and were covered with snow in the winter. Commissioner Hansen said the applicant had agreed that 18 parking stalls for customers would be sufficient but there never seemed to be a parking space available.

An eight-foot gap in a fence with an air pressure tank exposed was mentioned as another issue.

Mr. Matson said he would verify the number of striped stalls and the number of employees and will verify compliance with Hill Air Force Base APZ regulations.

Mr. Matson and Mr. Rypien will report to the Planning Commission on their meeting with the business owner.



Julie K. Matthews, Planning Commission Secretary

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OTHERS PRESENT: Staff Members: Peter Matson, Andrew King, Steve Garside, Julie Matthews

Chairman Gilbert called the meeting to order at 7:10 p.m. The Pledge of Allegiance was recited, and an invocation was given by Commissioner Hansen.

Chairman Gilbert called for a motion to approve the January 28, 2014, Planning Commission and Work Meeting minutes. There were no additions or corrections to the minutes. Commissioner Pales moved to approve the January 28, 2014, minutes as written. Commissioner Weaver 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 Hansen seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

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Planner I, Andrew King, presented the request for auto sales. The applicant intends to sell one or two cars a month. Customers will come to the office to sign agreements. There is no warehouse space and no work will be done on the vehicles including cleaning on the site. All work on vehicles will be done at another location.

Mr. King said the site is in compliance for when the building was approved. He said Staff recommends the Planning Commission approve the conditional use request subject to the following conditions:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements as well as all applicable zoning requirements.
2. Vehicles being sold on this lot shall be parked in a designated striped parking stall at all times.
3. No more than four (4) of the striped parking spaces on this lot may be used for displaying "for sale" vehicles at any one time. Handicapped spaces shall not be used to display vehicles.

Commissioner Bodily asked that the owner be notified, for his records, of action being taken on the property.

There were no questions from Staff or the audience. The applicant, Luke Herzog, 1005 East Pheasant View Drive, Layton, was asked by Chairman Gilbert if he had reviewed the conditions and received a copy. Mr. Herzog had no questions and said he could meet the conditions.

Chairman Gilbert called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commission approve the conditional use for the auto brokerage subject to the applicant meeting the conditions as stated, which are hereby adopted as requirements. Commissioner Bodily seconded the motion, and the voting was unanimous.

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

The meeting adjourned at 7:18 p.m.


Julie K. Matthews, Planning Commission Secretary