

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

JULY 08, 2014

**MEMBERS PRESENT:**

Brian Bodily, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Robert Van Drunen, Dave Weaver, L.T. Weese

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

Staff Members: Peter Matson, Kem Weaver, Brandon Rypien, Andrew King, Tyson Willis, Julie Matthews, Councilmember Tom Day

**1. PRECISION ASPHALT MAINTENANCE INC. – CONDITIONAL USE FOR A OUTDOOR STORAGE/CONTRACTOR’S STORAGE YARD**

This property is located at 201 East 2150 North in an M-1 (Light Manufacturing/Industrial) zoning district. The applicants, Aaron Martinez and Jayce Schneider from Precision Asphalt Maintenance, are representing the owner, Chris Looch. *(The applicant has requested that this item be tabled to the July 22, 2014, Planning Commission Meeting.*

Planner I, Andrew King, said the applicant and the owner are requesting that the Planning Commission table the conditional use request to allow him time to determine if the requirements of the conditional use will be affordable. He said the applicant was new to the business and trusted that the location allowed the use he had planned.

Commissioner Hansen felt the applicant, in the meantime, needed to clean up the property to show good faith.

**2. CRIMSON CORNERS PHASE 5 – PRELIMINARY APPROVAL**

This 6.18 property is located at approximately 275 North 3650 West in an R-S (Residential Suburban) zoning district. The applicant and owner, Wayne Johnson, is proposing 15 single family residential lots.

Planner II, Kem Weaver, presented Crimson Corners Subdivision Phase 5 for preliminary approval. He explained that 275 North would be extended and the other half of Bluff Ridge Boulevard completed with this phase.

Commissioner Weaver asked about detention, and Mr. Weaver explained how the storm drain system would take the runoff to the wetlands. He also explained that the original preliminary approval for Crimson Corners expired, which was why the owner had to reapply for approvals. He explained that all changes on the drawings required by Staff would be made before final plat approval. He also explained how utilities are included in the cost estimates for bonding on the public improvements. This allows the City to make a claim on the bond if the developer does not complete the work satisfactorily. There was a discussion on the developer’s reluctance to install dry lines prior to the secondary water being available to the subdivision.

Commissioner Hansen asked if Lot 505 was wide enough for a reasonable home. Mr. Weaver said the lot met the chord length measurement, and Mr. Matson said the lot would meet the necessary frontage and depth.

### **3. RETRIBUTION TATU AND PIERCING – CONDITIONAL USE REQUEST FOR A TATTOO PARLOR**

This property is located at 1701 North Main Street in a C-H (Highway Regional Commercial) zoning district. The property owners are Homer and Phidea Cutrubus represented by the applicants, Lawrence Valadez and Shon Shibbet.

Mr. Weaver presented the request for conditional use for a tattoo parlor and explained the improvements that the applicant intends for the property. Commissioner Nilsson asked if the sign would be cleaned up. Mr. Weaver said the applicant will utilize the sign with a new sign at the top. A requirement is that they clean up and restore the sign. He said the applicants want the sign to look professional. They will obtain a sign permit and utilize a professional sign company.

Mr. Weaver said the property meets ordinance requirements, and the applicants would keep the existing trees, remove weeds and add grass. City Planner, Peter Matson said they do not have to expand the landscaping but bring what is there up to standard.

Commissioner Weaver asked if the applicant knew the codes involved, and Mr. Weaver replied in the affirmative.

### **4. ANDRESCAPES -- CONDITIONAL USE REQUEST FOR A MODIFICATION TO CONDITIONS**

This property is located at 1142 West Gentile Street in an M-2 (Heavy Manufacturing/Industrial) zoning district. The property owner is Alex Hines represented by the applicant, Dave Andre.

Planner I, Brandon Rypien, presented the request for a conditional use modification. He related the history of the conditional use on this property. He said the applicant had met all requirements except the requirement (#5) to park all equipment under the awning. He said the applicant's opinion was that since they had a screened outdoor storage area, they shouldn't be restricted to parking equipment under the awning when it is not in use and have the same opportunity as other M-2 zoned outdoor storage areas.

Mr. Rypien said the Planning Commission made a landscape buffer modification on September 22, 2009, to reduce the landscape buffer from 30 feet to 10 feet. He said the applicant would like to ask for a change to the 10-foot requirement since the buffer is behind the solid vinyl fence and in the storage area where he stores all of his equipment. He has installed a 30-foot buffer in front of the fence along the west property line.

Mr. Rypien asked the Planning Commission to take into consideration that in the City Master Street Plan, Angel Street is planned to go through the subject property, which will eliminate that use when the street is continued to Sugar Street. This future street, however, is not in the City's Capital Improvements Plan, and there is no estimated time for the extension.

Commissioner Van Drunen asked if a subdivision develops to the west of the property if there would be an easement for a road. Mr. Matson said the dedication plat would set aside property for the extension of Angel Street.

There was a discussion of the storing of equipment on the property for businesses other than Andrescapes and a concern expressed that Mr. Andre is not in control of the businesses that are allowed to occupy the property, which affects his ability to meet the requirements of his conditional use.

It was noted that a conditional use for outdoor storage is not required when the storage is only vehicles.

Commissioner Hansen suggested that the focus be on what is in front of the fence rather than what is behind the fence.

There was a discussion about the requirement for the gate to be closed. Mr. Rypien said a Knox Box was not required if the gate was not locked.

Commissioner Gilbert agreed with eliminating the buffer, removing the signs and asking the applicant to set a date for completing requirements.

There was a discussion regarding water sources and keeping the plants watered.

The Commission was in agreement on eliminating Condition #5 requiring vehicles to be parked under the awning when not in use, modifying condition #9 to eliminate the buffer behind the screened area, and adding Condition #13 requiring all landscaping to be completed by August 12, 2014, and verification that Mr. Andre has adequate water to meet his landscaping design.

#### **5. MIDNIGHT EURO AUTOMOTIVE – CONDITIONAL USE REQUEST FOR A MODIFICATION TO CONDITIONS**

This property is located at 1590 North Main Street in a C-H (Highway Regional Commercial) zoning district. The property owner is Araina Thorsness represented by the applicant, Nicholas Stone.

Planner I, Andrew King, said the applicant is requesting the removal of Condition 2 to allow the landscape strip to remain at 10 feet. Mr. King said the upgraded landscape strip was based on a previous policy to bring landscaping up to code with a conditional use request even if the improvement was not mitigating a specific impact. He said the applicant has met all other conditions.

Commissioner Gilbert asked about the transmissions being stored on a rack in the back of the building. Mr. King said that this was not enough storage to require an outdoor storage conditional use.

Mr. King said that the storage sheds, which were a concern, have been removed from the property. Chairman Gilbert expressed concerns about weeds.

Commissioner Weaver expressed concerns about the for sale vehicles parked in the second entrance. Mr. King said the Fire Department had approved the parking as long as they have an access to the property. Mr. King said he would ask the applicant to move the cars back a short distance.

There was a discussion about blade signs, which issue will be resolved when the ordinance changes to allow the signs. The blade signs will not be allowed in the park strip.

#### **6. AT&T UNMANNED WIRELESS FACILITY – CONDITIONAL USE REQUEST FOR A TELECOMMUNICATIONS FACILITY AT A COMMUNITY USE**

This property is located at 52 West Golden Avenue in an R-1-8 (Single Family Residential) zoning district. The property owner is the Davis County School District represented by the applicant, Kris Martinez, from NSA Wireless.

Mr. King presented the request for a new cell tower on the Davis School District, Central Davis Junior High property. He said the request meets the requirements for co-location. He said the applicant was out of town and his replacement representative was ill and would not be at the meeting.

Mr. King said the map indicates four cell towers within a one-mile radius of the proposed tower. However, these towers offer no co-location opportunities. AT&T's goal is to improve indoor signals.

Commissioner Weaver suggested that if the applicant was without representation, that possibly the request should be tabled for this meeting.

Commissioner Nilsson asked if the towers needed to be telecommunications provider specific. Mr. King said that as each tower is erected, the City requires at least two additional spaces for co-location. Mr. King said the applicant would not be able to get the coverage needed if co-located on another tower.

Mr. Matson said that without the applicant present to answer questions, tabling the request would be a good option.

Commissioner Hansen did not feel the location was a good choice.

**OTHER:**

There was a discussion on the proposed temporary use ordinance. Mr. King said adding a requirement for tent vendors to have improved off street parking posed a potential issue since agricultural uses invite people on to their property to pick or buy produce and those surfaces are unimproved. If the tent vendors are allowed in the downtown area, people may pull up to the curb to buy produce. Requiring the improved surface at locations such as Grounds for Coffee may not solve the issue since people will park where they want to park.

Commissioner Fitzpatrick asked about the trailers by fireworks stands. Mr. King said that Fire Department regulations require that the fireworks be kept in a contained locked facility after hours.

  
Julie K. Matthews, Planning Commission Secretary

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**MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Peter Matson, Kem Weaver, Brandon Rypien, Andrew King, Tyson Willis, Julie Matthews, Councilmember Tom Day

Chairman Gilbert called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Nilsson.

Chairman Gilbert called for a motion to appoint a new Planning Commission Chair. Commissioner Weaver moved that Gerald Gilbert be reappointed as Planning Commission Chair. Commissioner Nilsson moved to close the nominations and second the motion. The voting was unanimous to re-appointment Chairman Gilbert.

Commissioner Fitzpatrick moved to reappoint Commissioner Weaver as Vice-Chair of the Planning Commission. Commissioner Bodily moved to close the nominations. Commissioner Hansen seconded the motion, and the voting was unanimous.

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

**1. CRIMSON CORNERS PHASE 5 – PRELIMINARY APPROVAL**

This 6.18 property is located at approximately 275 North 3650 West in an R-S (Residential Suburban) zoning district. The applicant and owner, Wayne Johnson, is proposing 15 single family residential lots.

Planner II, Kem Weaver, presented Crimson Corners Subdivision Phase 5 for preliminary approval. He said the plat consists of 15 R-S zoned, lot averaged single family residential lots on 6.18 acres. The density is 2.42 units per acre, and all lots meet the R-S lot averaging requirements.

Mr. Weaver presented an overview of the plat and explained that 275 North would be extended and the other half of Bluff Ridge Boulevard completed with this phase. He pointed out where the developer would be responsible to install a five-foot landscape buffer including a vinyl fence and trees.

Mr. Weaver said Staff recommends that the Planning Commission grant preliminary approval to Crimson Corners Subdivision Phase 5.

There were no questions or comments from the Commission or the audience.

Chairman Gilbert called for a motion on the item. Commissioner Bodily moved to approve the preliminary plat for Crimson Corners Subdivision Phase 5. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

## **2. RETRIBUTION TATU AND PIERCING – CONDITIONAL USE REQUEST FOR A TATTOO PARLOR**

This property is located at 1701 North Main Street in a C-H (Highway Regional Commercial) zoning district. The property owners are Homer and Phidea Cutrubus represented by the applicants, Lawrence Valadez and Shon Shibbet.

Mr. Weaver presented the request for conditional use for a tattoo parlor. He said the applicants currently have a location at 1095 North Main Street. He showed pictures of the new site at 1701 North Main Street and said the applicants will work with the property owners to improve the site with regard to landscaping, weed control and striping of the parking lot. The business will open with four chairs with room to grow to 5-6 chairs in the future based on the parking space availability.

Mr. Weaver said the applicants will need to meet the requirements of the Davis County Board of Health.

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

1. Owners to enhance the aesthetics of the site by: 1) Improving and maintaining the existing landscaping on the Main Street frontage. 2) Stripe the 12 required parking spaces. 3) Secure a permit for new signage.
2. For public and business owner safety, meet all standards of the Davis County Board of Health Department and maintain the annual County license.
3. Meet all City codes and regulations.

The applicant, Lawrence Valadez, 519 South 425 East, Clinton, Utah, said he had been in business at 1095 North Main in Layton for 10 years and 10 years in Clearfield prior. He explained how the sign would be refurbished and outlined plans for the landscaping. He acknowledged his responsibility to clean up the site and said he would refer to the City Code for ordinance requirements. Commissioner Weaver asked if water would be available for the landscaping and Mr. Valadez said his apprentice was responsible for the watering of the landscaping.

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

Commissioner Fitzpatrick moved that the Planning Commission approve the conditional use for the tattoo parlor with the Staff conditions hereby adopted as requirements and with a requirement for 12 parking spaces. Commissioner Nilsson seconded the motion, and the voting was unanimous.

## **3. ANDRESCAPES -- CONDITIONAL USE REQUEST FOR A MODIFICATION TO CONDITIONS**

This property is located at 1142 West Gentile Street in an M-2 (Heavy Manufacturing/Industrial) zoning district. The property owner is Alex Hines represented by the applicant, Dave Andre.

Planner I, Brandon Rypien, presented the request for a conditional use modification. He reviewed the work Mr. Andre had done to bring the property into compliance. Mr. Andre's request is to remove the requirement to store vehicles under the awning when not in use, which is condition # 5 and to modify condition #9 to eliminate the landscaping buffer in the storage area.

Mr. Rypien said condition #13 will be added to require that all landscaping be installed by August 12, 2014. The Commission requested that the applicant state that sufficient irrigation will be provided to maintain the landscaping.

Commissioner Fitzpatrick said that Dave Andre, the applicant, is her friend and they also had a business relationship, which has ended. She felt she could be objective in the voting.

Commissioner Bodily asked that the Commission receive an update on Andrescapes at the July 22, 2014, Planning Commission meeting.

Chairman Gilbert called for a motion on the item. Commissioner Hansen moved that with regard to the modification request that Condition #5 be removed with the acknowledgement that storage can be done behind the six-foot vinyl fencing running east and west on the property, that Condition #9 be modified to remove the requirement for a 10-foot buffer inside the screened storage area and require sufficient irrigation to the landscaping on the property, add Condition #13 to require the landscaping be accomplished no later than August 12, 2014, and to request that Staff enter this item on the July 22, 2014, agenda to allow for an update on the progress of an applicant.

Commissioner Bodily seconded the motion, and the voting was unanimous.

Chairman Gilbert acknowledged the attendance of Scout Troop 464 from the Meadows Ward in South Ogden present to earn their citizenship in the community badge.

#### **4. MIDNIGHT EURO AUTOMOTIVE -- CONDITIONAL USE REQUEST FOR A MODIFICATION TO CONDITIONS**

This property is located at 1590 North Main Street in a C-H (Highway Regional Commercial) zoning district. The property owner is Araina Thorsness represented by the applicant, Nicholas Stone.

Planner I, Andrew King, said the subject site has had a history of outdoor storage since 1980. The conditional use was required because of the change of use. Since the conditions were required on this conditional use, Staff has received training to make sure the conditions mitigate an impact of the conditional use. He said Staff's opinion is that Condition #2, to increase the landscape strip from 10 feet to 15 feet, does not mitigate any impacts. Based on an inspection, all conditions have been met except for Condition #2. He said Staff recommends that Condition #2 be removed.

Commissioner Fitzpatrick asked the applicant, Nicholas Stone, 1044 West 2050 South, Syracuse, if there was a water source for the trees required by Condition #4. Mr. Stone said there was a water source.

Commissioner Weaver expressed the opinion that the vehicles parked in front should be kept back at least 10 feet (back of the area where the landscape buffer would be if it were continued across the access).

Chairman Gilbert reminded the applicant not to park vehicles in the graveled area or in the back and to keep the areas free of weeds. He said the applicant had lived up to what he said he would do and asked him to keep the outdoor storage cleaned up as much as possible.

Chairman Gilbert called for a motion on the item. Commissioner Van Drunen moved that the Planning Commission approve the modification to the conditions by removing Condition #2. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

#### **5. AT&T UNMANNED WIRELESS FACILITY -- CONDITIONAL USE REQUEST FOR A TELECOMMUNICATIONS FACILITY AT A COMMUNITY USE**

This property is located at 52 West Golden Avenue in an R-1-8 (Single Family Residential) zoning district. The property owner is the Davis County School District represented by the applicant, Kris Martinez, from NSA Wireless.

Mr. King said the applicant, Chris Martinez, was out of town and his representative was ill and unable to attend Planning Commission meeting.

Mr. King presented the request for a new cell tower on the Davis School District Central Davis Junior High property. He said the request meets the requirements for co-location.

Mr. King said the map indicates four cell towers within a one-mile radius of the proposed tower. AT&T's goal is to improve indoor signals.

Mr. King said the onsite backup generator will be enclosed in the shed and has to be recharged several times a week for about 30 minutes each time. Recharging will be between the hours of 1 and 4 p.m.

Commissioner Hansen asked if denial was a possibility. Mr. King said only if the conditions could not mitigate the issues.

Commissioner Hansen asked if the conditional use could be denied for the location. Associate City Attorney, Tyson Willis, said he was not certain, but his instinct was that the location could not be denied if the use was conditional at that location.

There was a discussion regarding the generator and fuel storage. Mr. King said that would be covered during the permit process.

Commissioner Nilsson asked if there was a possibility that there may have been a study done as to why this particular location was chosen. Mr. King said the applicant has the study and has stated it meets City requirements.

Commissioner Fitzpatrick asked if a motion is made to deny the conditional use and is seconded but there are not enough votes, would it carry. Mr. Willis said there would need to be another motion.

Commissioner Weaver asked if there would be a condition for disposal of the cell tower if it became obsolete. Mr. King said that typically the cell tower companies provide a letter that they will remove the equipment if it becomes obsolete and restore the site. In this case, the applicant is negotiating with the school district to take over the equipment if it becomes obsolete or inoperable.

Mr. Willis reviewed the code and said the conditional use could be denied with regard to location. *(Mr. Willis, upon further study of the code, has determined that a conditional use cannot be denied with regard to location. 08/07/14).*

Commissioner Hansen recommended that the site be denied for location. His reasons were (1) that Layton City has the right to have cell towers as inconspicuous as possible within the City limits, and an effort needs to be made by the cell tower companies to accomplish that; and (2) because a tremendous amount of sports use at this park, people coming and going and views being blocked by the tower.

Commissioner Hansen moved to table the request to the July 22, 2014, meeting when the applicants can be present. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

Mr. King will speak with the applicant and determine what other locations were discussed and if the decision on this location was AT&T's or Davis School District's.

Commissioner Fitzpatrick went on record as agreeing with Commissioner Hansen.

Commissioner Nilsson moved to amend the motion to include alternatives to deny the conditional use request and to deny the location.

Commissioner Hansen said he preferred not to accept the alternatives. He felt the applicant needed to be present and give additional information and feedback as to why this location was chosen.

Commissioner Nilsson withdrew his motion. The voting was unanimous.

**6. PRECISION ASPHALT MAINTENANCE INC. – CONDITIONAL USE FOR A OUTDOOR STORAGE/CONTRACTOR'S STORAGE YARD**

This property is located at 201 East 2150 North in an M-1 (Light Manufacturing/Industrial) zoning district. The applicants, Aaron Martinez and Jayce Schneider from Precision Asphalt Maintenance, are representing the owner, Chris Loock. *(The applicant has requested that this item be tabled to the July 22, 2014, Planning Commission Meeting.)*

Since the applicant has asked that his request for conditional use be tabled to the July 22, 2014, meeting, Chairman Gilbert asked if the Commission had any questions. There were no questions.

Chairman Gilbert called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commission table the request to the July 22, 2014, meeting, with the stipulation that in the interim the fuel tanks be removed until a decision is made.

Commissioner Van Drunen asked if removing the tanks was a code or a condition. Mr. King said that since the business is operating without a conditional use, that restriction can be imposed. Commissioner Van Drunen seconded the motion, and the voting was unanimous.

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

Mr. Matson mentioned the joint Planning Commission/City Council meeting on July 17, 2014, at 5:30 p.m. to receive information from the consultant on the Master Transportation plan update. He also said a Strategic Planning Meeting is anticipated for July 31, 2014, with the main discussion point being multi-family housing data and Resolution 14-07.

Commissioner Fitzpatrick mentioned the Dunkin' Donuts ribbon cutting Friday, July 11.

Chairman Gilbert thanked the Commission for considering him for the Planning Commission Chair position.

The meeting adjourned at 8:01 p.m.

  
Julie K. Matthews, Planning Commission Secretary

