

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

DECEMBER 9, 2014

MEMBERS PRESENT: Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Randy Pulham, Dave Weaver, L.T. Weese

MEMBERS ABSENT: Brian Bodily, Robert Van Drunen

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Brandon Rypien, Marlesse Jones, Julie Matthews
City Council Member: Tom Day

PUBLIC REVIEW:

1. DEFINITION OF JUNK DEALER -- Ordinance Amendment – Title 5 (Business Regulations and Licensing), Chapter 5.29, Sections 5.29.280 and 5.29.281; Title 12 (Streets and Sidewalks), Chapter 12.04, Section 12.04.070; Title 19 (Zoning), Chapter 19.02, Section 19.02.020 “Definitions” – Ordinance 14-26

Planner II, Kem Weaver, presented the request for an ordinance amendment to add the definition of a junk dealer. He said there has been a growing interest of people wanting to deal in junk in Layton City. The City wanted to add the definition of junk dealer to Title 19 and make Titles 5 & 12 more specific with regarding to junk dealing.

Commissioner Nilsson asked for an explanation of junk dealing. Mr. Weaver said it was people acquiring and selling scraps on a public right of way.

Council member Day said there had been concerns with junk dealing on the road to the County landfill. Mr. Weaver said junk dealing causes a nuisance and a public safety issue with trucks stopping in the street.

City Planner, Peter Matson said Title 12 indicates that junk dealing is not allowed on public property. Title 19 specifies that junk dealing is only allowed in the M-1 and M-2 zones as a conditional use.

Current junk dealers with signs on their trucks and buying scrap metal on Fairfield Road are not compliant with the junk dealing ordinance.

Commissioner Nilsson felt the ordinance amendment would give the City more leverage in removing the junk dealing trailers.

Commissioner Fitzpatrick asked if the County had a similar ordinance since the County road to the landfill begins just past the golf course. Mr. Weaver said he would check with the County.

Commissioner Nilsson asked if any controversy was expected. Mr. Matson said the ordinance amendment had been noticed in the newspaper, but there had been no comments.

2. ADVANCED SPINAL REHAB – REQUEST FOR LANDSCAPE BUFFER MODIFICATION

This property is located at 1690 West Antelope Drive in a PB (Professional Office) zoning district. The property owners and applicants are Corey and Katie Bowden.

Mr. Weaver presented the request for a landscape buffer modification from Corey and Katie Bowden who are the owners of a site being redeveloped at 1690 West Antelope Drive. He said a single family home on the property had been demolished, and the property had been rezoned for some time to PB (Professional Office). He said Dr. Bowden proposes to build his own building closer to the hospital for his chiropractic practice. The medical office is a permitted use in the PB zone.

Mr. Weaver said that because the site is so small, a reduction of the landscape buffer east property line from 10 feet to three feet is being requested to meeting the parking requirement. There is an existing solid vinyl fence on the east property line, and the landscape plan shows additional trees being planted within the reduced landscaped area.

Mr. Weaver said that the applicant has obtained the right of first refusal to purchase the property to the east when the owner sells. The owner is not moving because of the applicant's development. If the applicant is able to buy this property, the site could be rezoned and expanded. Therefore, the reduced buffer may be temporary.

Commissioner Weaver mentioned that the white vinyl fence was in disrepair. He asked if the fence could be other than white vinyl. Chairman Gilbert thought the changing of the fence color could be a good trade off for the buffer reduction.

Commissioner Pulham commented that if the applicant bought the property to the east, then the fence would be removed altogether.

Commissioner Nilsson asked if there would still be a fence around the perimeter. Mr. Weaver said there is an existing masonry UDOT wall on Antelope Drive and nothing else is required.

Commissioner Hansen felt the extra trees in the landscaping should be identified. Mr. Weaver said the applicant is in the process of working with a new landscape architect. Mr. Weaver said he had recommended deciduous trees with columnar trees between the two deciduous trees. He said he had recommended columnar oak trees with a maturity height of 35 feet. He said he would work with the applicant on the species of trees.

Mr. Weaver said the applicant is considering parking for his office on UDOT property across 1690 West if approved by UDOT. Since UDOT had not approved this use, all the parking had to be contained on the proposed site.

Commissioner Weaver asked about the location of the dumpster. Mr. Weaver pointed out the notch along the wall on Antelope Drive where the dumpster would be. He commented that if the applicant was able to obtain the additional site, there would be more room for parking and for uses in the building that had a higher parking demand.

There was a discussion regarding all the plan versions the applicant had to submit to satisfy UDOT. The applicant has tried multiple ways to avoid affecting the buffer as much as possible.

Commissioner Fitzpatrick asked if this property would be affected by the widening of Antelope Drive. Mr. Weaver said UDOT plans an acceleration lane on Antelope Drive at 1690 West.

Associate City Attorney, Marlesse Jones, agreed that the applicant has to accomplish the intent of the buffer in order to facilitate it at a smaller size. Since the fencing already exists, requiring a change of fence color may be an issue because color doesn't mitigate a negative impact, rather the fence itself mitigates the impact.

Commissioner Hansen expressed concerns about the plantings in the reduced buffer encroaching on the parking. Mr. Matson said pruning would deal with any encroachment.

Commissioner Pulham asked if the fence had to remain and expressed concerns about getting more plantings in a three-foot buffer. Mr. Weaver said the diamond cutouts in the curbing against the parking area provide more space for the trees. The applicant will have to stay on top of the pruning by keeping the bottoms pruned and letting the tree grow up.

Mr. Weaver was asked about what would have happened if the request was denied. He said the applicant would have to redesign again.

Commissioner Fitzpatrick asked about the design of the building. Mr. Weaver said there were three-stories planned for multiple office use tenants. Planner I, Brandon Rypien, said the building would be 5,500 square feet.

Commissioner Hansen recommended the columnar mushroom zelkova tree for the buffer. He commented that the applicant could reduce the size of the building. He said he was thrilled that a distinct improvement would be developed on that corner, but felt the applicant needed to be more specific.

Chairman Gilbert recommended that there be a drip system so that the roots don't come to the top. Mr. Weaver said that he would cover that with the new landscape architect.

3. NORTH DAVIS GYMNASTICS – CONDITIONAL USE FOR INDOOR COMMERCIAL AMUSEMENT (GYMNASTICS STUDIO)

This property is located at 770 South Main Street in a C-H (Highway Regional Commercial) zoning district. The applicant is Keith Potter representing the property owner Maxine R. Richins.

Mr. Weaver presented the request for conditional use for North Davis Gymnastics currently located in former Deseret Industries building on West Hill Field Road. He said the applicant wants to build his own building instead of paying rent.

Mr. Weaver submitted a letter from Jay Dansie who leases the property to the north of Wasatch Trailer. He said the items Mr. Dansie points out are mainly site plan issues that will be worked out with the site plan. He explained to Mr. Dansie that the conditional use doesn't include surveying or grading and drainage plans.

Mr. Weaver said the C-H zone allows for a 60-foot high maximum building height, however, this building won't be that high. Mr. Dansie is concerned about the proposed building blocking the Wasatch Trailer sign. Since the zone allows the 60-foot height, the applicant has a right to build up to that height, however, the proposed building is not that high. There is no view shed ordinance. The Wasatch trailer sign is at 20 feet and could be raised. Mr. Weaver assured Mr. Dansie that his memo and concerns would be passed on to the Planning Commission.

The conditional use request is for commercial indoor recreation. Mr. Weaver said there are not too many issues to mitigate the impacts on the site. Staff wants to make sure there is enough parking and that municipal,

building, and fire code requirements are met. Staff will make sure those requirements are met during the site plan review phase of the development.

Mr. Weaver said the parking requirement was one parking stall for every two people. He said there would be approximately two competitions per year requiring 40-45 parking spaces. Street parking is allowed for temporary occasions.

Mr. Weaver said the applicant will be employing 6-10 per day staff members with 100 students a day with approximately 10 parents staying to watch per hour. He said there would be four classes per hour with 3-5 students per class and 5-6 employees per hour.

Commissioner Nilsson asked about the swimming pool on the plans and if the conditional use would have to be amended when it was added. Mr. Weaver said the swimming pool is part of the gymnastics operation and is an outdoor pool. Commissioner Nilsson asked if there were ordinances regarding pools.

Mr. Matson said the applicant had a swimming pool at its previous Main Street facility. He said regulations for public and private pools are in place.

With regard to parking, Mr. Weaver said the pool is not for public use, but for conditioning purposes for the classes.

Commissioner Nilsson asked about lighting and its affect on neighboring properties as well as for lighting in the parking lot. Mr. Weaver said the foot-candle measurement at the property line by residential uses must be 0. He has asked the applicant for a photometric plan, which will be reviewed in the site plan review.

Commissioner Fitzpatrick asked about fencing between the proposed development and the residential property. Mr. Weaver said the fence would need to be a six-foot solid vinyl fence. This will be addressed in the site plan review. Commissioner Fitzpatrick asked if the fencing could be earthtone, and Mr. Weaver said that could be a condition.

Mr. Weaver was asked how tall the building would be and he replied that it would be 25-30 feet, one floor with a high ceiling.

Chairman Gilbert asked if there could be a condition that there would only be two competitions per year based on the applicant's statement. Mr. Weaver said he would add that as a condition.

4. BAC LAYTON REZONE – R-1-10 (SINGLE FAMILY RESIDENTIAL) TO R-1-8 (SINGLE FAMILY RESIDENTIAL)

This 4.48 acre property is located in an R-1-10 (Single Family Residential) zoning district on the southeast corner of Gordon Avenue and Cold Creek Way. The property was approved as Phase 2 of the Ellison Park Subdivision. The applicant and owner is Chad Bessinger.

Mr. Matson presented the request for rezone of 4.48 acres on the southeast corner of Gordon Avenue and Cold Creek Way. He presented a history of the property and said that in 2007, the property owner at that time received a rezone and General Plan Amendment, which is now Phase 1 and Phase 2 of Ellison Park Subdivision. He said R-1-10 and R-1-8 zoning are located in the immediate area. The GPA recommendation is for 2-4 units per acre. The R-1-8 zoning yields 3.5 units per acre and the R-1-10 zoning yields 2.25-3 units per acre on a flat piece of property.

Mr. Matson said the applicant is requesting a rezone from R-1-10 to R-1-8, and Staff feels the request is consistent with the General Plan recommendation. The rezoning gives the applicant a more reasonable flexibility because the R-1-18 zoning has a smaller lot setback.

There were questions from the Commission on the proximity of the entrance to Gordon Avenue from Lot 214. Mr. Matson said the accesses to the lots will be determined with the final plat. He said the home styles would be similar to those in Phase 1.

Commissioner Hansen asked if Lots 212, 213 and 214 on the conceptual design could enter from Gordon Avenue. Mr. Matson said lots can't front on an arterial street. Commissioner Hansen asked for assurance that Lots 214 and 201 could enter from the cul-de-sac. Mr. Matson said there is not an ordinance requiring that to be the case.

Commissioner Hansen felt the design was compounding the already existing traffic issues on the street.

Mr. Matson said these issues could be addressed with the plat but not at the rezone stage. There were continued questions from Commissioner Hansen about the entering of the street from various lots. Mr. Matson reminded the Commission that a zoning or land use decision was before them.

The developer, Chad Bessinger, asked to speak to the philosophy of the design relative to access. He said setbacks could not be met if the access for lots 201-204 was from the cul-de-sac rather than from 1950 West.

Mr. Bessinger said they were trying to create a sense of community by having homes on 1950 West across the street from each other. He said all of the homes in Phase 2 will be similar in size to those across the street in Phase I. Ten of the 14 lots are still over 10,000 square feet.

Mr. Bessinger said there are traffic problems wherever there is an elementary school because they are all surrounded by neighborhoods.

Chairman Gilbert asked if there was any way to adjust the position of a home to keep as much traffic as possible from going on to a busy road. Mr. Bessinger said Lot 214 will access from the cul-de-sac and he would talk with Planning about other options.

5. LAYTON HILLS PLAZA – PARCEL SPLIT

This 1.026 acre property is located 1840 North Hill Field Road in a CP-1 (Planned Neighborhood Commercial) zoning district. The applicant, Michael Hoffman, representing the owner, Kevin Garn, is proposing to split the existing parcel into two parcels.

This item was not discussed due to lack of time.


Julie K. Matthews, Planning Commission Secretary

LAYTON CITY PLANNING COMMISSION MEETING MINUTES

DECEMBER 09, 2014

MEMBERS PRESENT: Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Randy Pulham, Dave Weaver, L.T. Weese

MEMBERS ABSENT: Brian Bodily, Robert Van Drunen

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Brandon Rypien, Marlesse Jones, Julie Matthews
City Council Member: Tom Day

Chairman Gilbert called the meeting to order at 7:07 p.m. There was a delay due to technical difficulties. The Pledge of Allegiance was recited, and an invocation given by Commissioner Pulham.

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

PUBLIC HEARING:

1. BAC LAYTON REZONE – R-1-10 (SINGLE FAMILY RESIDENTIAL) TO R-1-8 (SINGLE FAMILY RESIDENTIAL)

This 4.48 acre property is located in an R-1-10 (Single Family Residential) zoning district on the southeast corner of Gordon Avenue and Cold Creek Way. The property was approved as Phase 2 of the Ellison Park Subdivision. The applicant and owner, is Chad Bessinger.

City Planner, Peter Matson, presented the request for rezone for a 4.48 acre property on the southeast corner of Gordon Avenue and Cold Creek Way on 1950 West, which is a north/south collector road connecting Gordon Avenue on the north to West Hill Field Road on the south.

Mr. Matson said the request is to rezone the property from R-1-10 to R-1-8, which is consistent with the 2007 General Plan recommendation. The request is to allow more flexibility in the design of Phase 2 of Ellison Park Estates.

Mr. Matson said there are Issues unique to the property such as the UTA corridor with the rail trail to the east and then several utility, irrigation, drainage and gas line easements at a width of 50-55 feet on the east portion of the lots backing on to the corridor. Mr. Matson said there was PB (Professional Office) zoning to the north and an elementary school to the south. On the east side of the rail trail the zoning is M-2 (Heavy Manufacturing/Industrial) zoning.

Mr. Matson said City staff is recommending the Planning Commission forward a positive recommendation to the City Council to rezone the property from R-1-10 to R-1-8 based on consistency with the City's general plan.

Mr. Matson said that in the work meeting, during which the applicant was present, there was a discussion on the lot layouts. He reviewed the conceptual layout. He said if the zoning is approved, it is likely that there could be an additional one to two lots on Cold Creek Way and along the rail trail. Mr. Matson said Staff acknowledges concerns about access on 1950West. He said that the final plat, if zoning is approved, will be reviewed by the Planning Commission.

Commissioner Hansen asked if Phase I was zoned R-1-10, and Mr. Matson replied in the affirmative.

Commissioner Weaver asked about the irrigation box on the south end of Lot 20. Mr. Matson said that while the flood irrigation boxes are not relative to the rezone, they will be handled in an approved format during development.

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

Commissioner Hansen then asked Chad Bessinger, the developer, why he was requesting the change from R-1-10 to R-1-8.

Mr. Bessinger said they were trying to create a sense of community. He said the R-1-8 allows Phase 2 to be designed in such a way to achieve this sense of community, and the R-1-8 zoning is within the General Plan.

Commissioner Hansen asked if he could retain the same sense of community with the R-1-10 zone. Mr. Bessinger said the R-1-8 zone allows for four neighbors across the street rather than the two with the R-1-10 zone.

Commissioner Fitzpatrick asked if the subdivision requires a detention basin. Mr. Matson said the storm water will be handled in another manner.

Chairman Gilbert called for a motion on the item.

Commissioner Fitzpatrick moved that the Planning Commission forward a positive recommendation to the City Council to approve the rezone request and adopt Ordinance 15-01, based on consistency with the General Plan. Commissioner Weaver seconded the motion, and the voting was unanimous.

2. DEFINITION OF JUNK DEALER -- Ordinance Amendment – Title 5 (Business Regulations and Licensing), Chapter 5.29, Sections 5.29.280 and 5.29.281; Title 12 (Streets and Sidewalks), Chapter 12.04, Section 12.04.070; Title 19 (Zoning), Chapter 19.02, Section 19.02.020 “Definitions” – Ordinance 14-26.

Planner II, Kem Weaver, presented the request to amend Titles 5, 12 and 19 of the Layton City Municipal Code. He said there is a practice growing within Layton City for junk dealers dealing on public streets where junk dealing is not allowed. Currently there are not adequate provisions to prohibit junk dealers on public streets. The purpose of the ordinance amendment is to help eliminate safety risks and the nuisance of junk dealers selling on public roads and outside appropriate zoning for that land use.

Mr. Weaver reviewed each of the changes and additions (see attached). He said Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 14-26.

Commissioner Hansen mentioned that there were three alternatives to the motion.

Commissioner Fitzpatrick asked if the City would do any type of signage to post this ordinance. Mr. Weaver said there would be a warning period. Commissioner Fitzpatrick expressed the concern that the new ordinance would just push the junk dealers into the County. Mr. Weaver said Staff would contact the County and check their codes.

There were no public comments.

Chairman Gilbert called for a motion on the item.

Commissioner Nilsson moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 14-26 to not allow junk dealers to operate on a public street. Commissioner Hansen seconded the motion, and the voting was unanimous.

Chairman Gilbert called for a motion to close the Public Hearing and open Public Review.

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

3. ADVANCED SPINAL REHAB – REQUEST FOR LANDSCAPE BUFFER MODIFICATION

This property is located at 1690 West Antelope Drive in a PB (Professional Office) zoning district. The property owners and applicants are Corey and Katie Bowden.

Mr. Weaver presented the request for a landscape buffer modification. He said the owner is restricted by the size of the lot, and the parking requirement cannot be met without the modification to the landscape buffer. The following are the reasons Staff is recommending the Planning Commission approve the landscape buffer modification:

1. The proposed office building will be located as far from the residential property to the east as it can go with parking between the office building and the residential property. The property owner to the east wanted to move (not because of this project) and has given Advanced Spinal Rehabilitation the first right of refusal to buy the property when they are ready to sell.
2. Additional trees spaced every 9 to 10 feet can mitigate the buffer modification. Staff is recommending that canopy and columnar trees be spaced alternately. The existing fence is a critical part of the buffer and should remain. The fence is in disrepair due to a car driving off Antelope Drive and hitting the fence. The fence will need to be repaired. Mr. Weaver said that if the fence cannot be repaired and needs to be replaced, that the owner may consider an earth tone fence.

The applicant, Corey Bowden, 958 North 3500 West, Layton, said the fence had not been repaired because he had just been contacted by the insurance company. He said he had contacted the Bronco fence company. He said the fence will remain a six-foot white vinyl privacy fence because it is in good repair except where the car went through it. The repair will match the existing fence.

Chairman Gilbert expressed his concern about planting extra trees in a three-foot space and not having them encroach on the parking once they mature.

Dr. Bowden was asked if he understood the number of trees he had to plant, and he replied in the affirmative. He explained the opportunity to possibly purchase the property to the east. He said he was not a landscaping expert but would do what is necessary to protect the adjacent homeowner and the boundary line.

Katie Bowden said she has been dealing with the landscape architect and has collected bids. She said they have discussed using trees that will not grow into the parking area and keeping them well-trimmed.

Dr. Bowden said there was no guarantee that the home owner will move. He said he hoped to acquire some Utah Department of Transportation property across the street to alleviate the parking stress.

Dr. Bowden said the property was unique. He said he had been contacted by the Governor's office because of the unique structure designed out of recycled steel and insulation.

In answer to Commissioner Hansen's questions about purchasing the additional property, Dr. Bowden said if they acquired the property they could extend another row of parking and install a grass detention area that would fit in with the property. He said the building's architectural style will be a colonial look that blends with the neighborhood. He said they would ask for a rezone on the additional property if they are able to purchase it. He said the buffer would then be considerably larger than 10 feet.

Commissioner Hansen said he was excited to see something of good quality be built on this property. He strongly recommended that as they work with the landscaper that they consider the challenge of putting trees in a three foot buffer. He said there were some that would be just fine there. He asked if the landscaping would be irrigated, and Dr. Bowden said it would be.

There were no questions from the audience.

Chairman Gilbert called for a motion on the item. Commissioner Hansen moved that the Planning Commission approve the landscape buffer modification from 10 feet to three (3) feet, including the planting of additional trees and repairing the solid vinyl fence, and securing the proper plantings in the buffer. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

4. NORTH DAVIS GYMNASTICS – CONDITIONAL USE FOR INDOOR COMMERCIAL AMUSEMENT (GYMNASTICS STUDIO)

This property is located at 770 South Main Street in a C-H (Highway Regional Commercial) zoning district. The applicant is Keith Potter representing the property owner Maxine R. Richins.

Mr. Weaver presented the request for conditional use for indoor commercial amusement for a gymnastics studio, which is permitted conditionally in the C-H zone. He said Main Street and apartments are located to the east, commercial properties are to the north, the I-15 corridor is to the west and two detached single family homes are to the south.

Mr. Weaver said the property is currently vacant and the applicant is proposing to construct a new building for a gymnastics facility. The proposed gymnastics facility offers scheduled classes for children and others who are

interested in becoming gymnasts. Classes are scheduled throughout the day and typically have 3-5 participants per class. There are four classes per hour and most children are dropped off for their class, and some parents do stay for the class. Six to ten employees are working during a typical day. Competitions will be held only twice a year at the facility.

Mr. Weaver said the proposed building will be 20,750 square feet and be of metal construction on the interior with an exterior that will consist of split face concrete block to give the exterior walls some definition and texture. Per the attached building elevation and picture example, the building exterior will incorporate a large amount of windows on both the main floor level and what would be considered a second level, even though the interior of the building is one level. A defined entry is required for the front of the building that is not shown on the provided building elevations

Mr. Weaver said the landscape buffer on the south boundary line is a 10 foot buffer with a six-foot solid vinyl fence and trees every 25 feet. If the property on the south boundary should be redeveloped in the future, it would be for commercial uses. Mr. Weaver said there would be landscaping along the front and on the west but not on the north because the adjacent property is also commercial.

City ordinance requires one parking space for every two persons occupying the gymnastics facility. Based on the number of employees and students attending classes with parents, the approximate number of required parking spaces may be 20 to 30 for each hour of operation. Staff will work with the applicant to ensure there is enough parking for the number of persons occupying the building at any given hour.

If adjustments to the building size or parking area are required to meet the parking ordinance, the final site plan will be modified to reflect any changes.

Mr. Weaver said Staff recommends that the Planning Commission grant the request for conditional use subject to meeting the following conditions:

1. The use shall meet the parking requirement of one parking space for every two people occupying the facility. Said required parking shall be shown on the final site plan approved by City Staff.
2. The use shall meet all City Staff requirements as they pertain to the Layton City Municipal Code, Building Code and Fire Code for final site plan and building permit approval.

Mr. Weaver said the applicant is aware of these two conditions. An additional condition, #3, was added, based on the application request, that competitions at this facility would be limited to two competitions per year based on parking constraints on the site.

Commissioner Weaver asked if the site plan would be reviewed by the Planning Commission. Mr. Weaver said the site plan review would be by the Staff.

Commissioner Fitzpatrick expressed concerns if the pool becomes an outdoor pool, if the home to the south would be impacted by the noise. She suggested limiting the hours of usage.

Mr. Weaver explained the noise ordinance. Commissioner Fitzpatrick reiterated that there should be a time set for the noise to stop particularly in the pool and the parking lot.

Chairman Gilbert asked the applicant, Keith Potter, 752 West Christopher Circle, Kaysville, if he had a copy of the two conditions and if he understood the newly added third condition. Mr. Potter re-read the third condition and said the parking lot would not be able to accommodate all the people who may attend a competition. He said that typically there are just two competitions at the facility a year. There could be 50 cars for a meet. For a State meet, they rent space at a high school.

Chairman Gilbert asked Mr. Potter to expand on his intent for the pool. Mr. Potter said their previous facility had an outdoor pool where swim lessons were taught to little children. The depth was 2-4 feet with 10-12 children at a time. Chairman Gilbert asked if those numbers would still fall within the required parking stalls. Mr. Potter replied in the affirmative.

Commissioner Fitzpatrick asked if the conditional use covered the pool for lessons. Mr. Weaver said outdoor commercial recreation is permitted in the C-H zone.

Commissioner Fitzpatrick asked the proposed height of the building. Mr. Potter said it would be 21 feet at the eaves.

Chairman Gilbert asked for public comments.

Jay Dansie, 571 South Fort Lane, spoke about concerns with the property line and survey issues. Mr. Potter said he would have the property surveyed.

Mr. Dansie expressed concerns about drainage. Mr. Weaver said a drainage plan would be required to be approved by the Engineering Department.

Mr. Dansie expressed concerns about the height of the building obscuring the Wasatch Trailer signage. Wasatch Trailer is leasing from Mr. Dansie.

Mr. Dansie had written a letter to Staff, which was given to the Planning Commission at the Work Meeting.

Kevin Rigby, 34 South Kays Drive, Kaysville, said his mother is the owner of the residence to the south of the building. He felt the 10 foot buffer and the six foot solid vinyl fence the length of the property would be a great addition and replace some existing bad fencing.

Mr. Rigby expressed concerns about traffic when his mother tries to get out of her driveway. He explained concerns about irrigation to the back of her property being interrupted.

Mr. Weaver said ordinance requires the developer of the property, in the event of any irrigation lines or easements, to work with the irrigation company. The water to a property that has been using the water can't be cut off. Mr. Potter said he would work with Holmes Creek Irrigation on the issue. Mr. Weaver will also contact Holmes Creek.

Chairman Gilbert asked if there would be a clear view issue. Mr. Weaver said that if during the site plan review there is a clear view issue, it will be corrected. Mr. Weaver explained how the fence would be lowered toward the street so there would be no clearview issue. He also explained how the clearview area is measured and determined.

Stan Rigby, 1782 North 1750 East in Layton, asked about the drive access to the proposed facility. Mr. Weaver spoke about the drive access configurations at the facility and on Mrs. Rigby's property and said one of the drive approaches on Mrs. Rigby's property wouldn't be allowed. Mr. Rigby pointed out the cement pad for the apartment on the property.

There were no other questions from the audience.

Commissioner Hansen ask Mr. Potter if he would consider making the fence on the south side earthtone in color and not white.

Mr. Potter asked if the 10-foot buffer on the south could be delayed since it will cost him \$50,000.00 and the property may be zoned commercial in the future.

Mr. Weaver said there is no provision in the ordinance to allow the delay of the fencing. He said even if it was rezoned commercial and there was still a residence there, the fence would be required.

Chairman Gilbert called for a motion on the item.

Commissioner Hansen moved that the Planning Commission grant conditional use approval to the gymnastics studio subject to the applicant meeting all Staff conditions, which are hereby adopted as requirements. Commissioner Pulham seconded the motion, and the voting was unanimous.

5. LAYTON HILLS PLAZA – PARCEL SPLIT

This 1.026 acre property is located at 1840 North Hill Field Road in a CP-1 (Planned Neighborhood Commercial) zoning district. The applicant, Michael Hoffman, representing the owner, Kevin Garn, is proposing to split the existing parcel into two parcels.

Planner I, Brandon Rypien, presented the request for the parcel split to create a parcel for the former Cutler's Deli building. The outbuilding on the property will be included with the remaining parcel and linked by a cherry stem to have one parcel identification number. Mr. Rypien said Washington Federal wants to purchase the Cutler's building for a branch. Parcel 1 will be occupied by Washington Federal and Parcel 2 will be occupied by the strip mall and outbuilding.

Mr. Rypien said no public utility easements will need to be changed and there will be a shared access from North Hill Field Road.

Mr. Rypien said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the parcel split.

Commissioner Hansen asked the purpose of the outbuilding. The owner's representative, Mike Hoffman, didn't know the purpose of the building.

Commissioner Hansen asked if the cross access easement allows for the property owners of Parcel 2 to get to the outbuilding. Mr. Rypien said both parcels have cross access easements.

Commissioner Nilsson asked if there would be a drive thru on Parcel 1. Mr. Rypien explained the drive thru configuration to the proposed Bank property. He said a parking stall may need to be removed to make the drive thru more functional.

Mr. Hoffman said the intent is not to have a drive thru bank. Most transactions are handled inside the building.

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

Chairman Gilbert called for a motion on the item.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the parcel split subject to meeting all Staff requirements. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

Chairman Gilbert called for a motion to close Public Review and adjourn the meeting.

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

The meeting adjourned at 8:25 p.m.



Julie K. Matthews, Planning Commission Secretary