

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
JULY 28, 2015**

**MEMBERS PRESENT:** Brian Bodily, Dawn Fitzpatrick, Brett Nilsson, Robert Van Drunen, Dave Weaver, Randy Pulham,

**MEMBERS ABSENT:** Wynn Hansen

**OTHERS PRESENT:** Staff: Peter Matson, Kem Weaver, Nicholas Mills, Christy Wixom

City Council Members: Tom Day

- City Planner, Peter Matson stated that he has met with the Mayor and drafted up the documentation for him to appoint two new members on August 6, 2015. Commissioner L.T. Weese submitted a letter of resignation to the Mayor. The two that are proposed to be appointed are Daniela Harding who will fill in as an alternate for L.T. Weese for one year and Tricia Pilney would be appointed to fill Gerald Gilbert's position. This will be a full three year appointment.

**PUBLIC Review:**

**1. QUESTAR GAS – PARCEL SPLIT**

This .077 acre property is located at approximately 1600 N. Woodland Park Drive in a B-RP (Business and Research Park) zoning district. The applicant, Questar Gas, is requesting the parcel split. Planner II, Kem Weaver, gave a presentation of this agenda item.

Mr. Weaver stated this is a parcel split request and is being split off from the existing bank parcel which is owned by Wayne Belleau and Questar is looking to place what they call a pig station. A pig station is a mechanical device they use to clean out the natural gas pipe which is below ground. The property is not 20,000 square feet which is required in a BRP zone. However, the City has franchise agreements with these utility companies, which will allow them to be built on smaller parcels. This will be in compliance with the zone. The site plan is reviewed by staff and so it does not have to go back to Planning Commission, but staff will require, similar to the Fort Lane Village site substation that they put in decorative masonry walls that will go around this property.

Madam Chair Fitzpatrick asked if they will be required to maintain the landscaping? Mr. Weaver said the wall is going to come out to the curb so there will be no room to landscape. Inside the enclosed area will be rock cobblestone.

Commissioner Pulham asked if the entire area will be enclosed? Mr. Weaver said yes.

Commissioner VanDrunen wanted to know the location of the approach?

Mr. Weaver said that they need to access the site without going on the curb and will need a drive approach and just want to make sure the drive approach is lined up with the drive entrance into the commercial area across the street.

Commissioner Nilsson said regarding the high pressure gas, are there any restriction concerning the businesses or can residents close by be affected by a high pressure line break? Mr. Weaver said having it enclosed, locked up and secure should help to ensure that this would not affect the other residents.

## 2. EVERGREEN FARMS PHASE 3 SUBDIVISION - FINAL PLAT

This 17.54 acre property is located at approximately 1700 W. Layton Parkway in the R-S (Residential Suburban) zoning district. The Adams Company is both the property owner and the applicant. Kem Weaver, Planner II, gave the presentation on Evergreen Farms Phase 3 Subdivision.

The Adams Company is requesting the final plat approval. The Planning Commission approved the preliminary in February of 2015. Phase 3, will consist of 48 lots on the south end of the development. They will occupy the southeast corner of the subdivision at 1700 West and Layton Parkway. As you go further north the property becomes a little bigger because of the restricted Rocky Mountain Power corridor to the west of this phase.

Commissioner Bodily asked if anything has changed from the preliminary plat? Mr. Weaver said no.

Commissioner Nilsson asked if the developer agreed to these 9 items from the engineering memo? Mr. Weaver said the developer is aware of them and they will have to meet those 9 items.

Commissioner VanDrunen asked what is Mr. Weaver's opinion on lining up the streets? Mr. Weaver said the Engineering Division typically likes them lined up but they can be offset if there is a 250 foot separation.

Commissioner Weaver wanted to know the location of the detention basin? Mr. Weaver said the detention basin is located across from Layton Parkway to the south. Mr. Weaver said it is maintained by the City.

Commissioner VanDrunen wanted to know if there was chain link fence on the back of the Rocky Mountain Power corridor? Mr. Weaver said yes and when they get to the northern portion they will have chain link down the north property line.

Commissioner VanDrunen asked if all the streets will extend that are temporary cul-de-sac's? Mr. Weaver said yes.

Councilman Day wanted to know if anything had to be been done to the north side? Mr. Weaver said no.

Commissioner VanDrunen wanted to know if 500 North will be going straight across? Kem said no because of the two homes that were built.

Madam Chair Fitzpatrick wanted to know if this stops with Planning Commission or does it go to city council? Mr. Weaver said staff recommends approval from Planning Commission to City Council.

Commissioner Bodily asked under parks what comprises superblock? Mr. Matson said it's the square mile block between 2200 West and Angel Street and Gentile Street to 1000 South. It may be a little bigger than that.

### 3. SEASONS OF LAYTON COMERCIAL - CONDITIONAL USE FOR A FAST FOOD EATING ESTABLISHMENT AND REQUEST FOR A LANDSCAPE BUFFER MODIFICATION

This property is located at 2127 – 2151 North Hill Field Road in a CP-2 (Planned Community Commercial) zoning district. The applicant, Nathan Leishman, is representing Seasons of Layton Commercial. Peter Matson, City Planner, gave the presentation of Seasons of Layton.

Mr. Matson went over a diagram of where Seasons of Layton is located. This is a shared area between the apartments and the two commercial parcels. The shared nature of the overall project is pretty clear from the drawing and approval, which was mentioned on staff report on April 10, 2012, in which the Planning Commission reviewed the site plan for Seasons of Layton apartment community. It was noted both on the staff report and the minutes that landscaping is not planned between the two common parcels and the surface parking for the development because of the required shared parking. So, it was anticipated when this was developed that these would kind of play off of each other both from the stand point of design and uses; and also patronage of the multi-family dwellings, those who live in the apartment community walking to and from the uses. The applicant is here and can speak on the the type of uses. The proposal and conditional use request is for two fast food eating establishments which end up with a drive-thru window. Looking at two retail buildings and the square footage on the proposed site plan, these are similar to what was anticipated when the apartment communities concept drawing was drawn up, which was 4600 square feet give or take on each building. The detention pond that is in puts a crimp on the space. The depth is less than that on what you might see in front of an arterial for a commercial building, hence the concept of the shared parking and the coordinated land uses.

The north property line proposal is to go from a 20 to 10 foot buffer. The parcel to the north is presently zoned agriculture, and there is a vacant single family home that is on the other side of the solid vinyl fence. That property is master planned in general terms on the City's recommended land use map that the frontage is shown as mixed use such as office space or retail and perhaps some housing. The rear portion is master planned for single family residential similar to the neighborhood back behind. The challenge with that property, from a single family stand point is that there are no connections from the surrounding neighborhoods and so developers have been looking at uses on the north property primarily in the medium density housing range. The most serious consideration will probably be for some town homes so whether it is residential attached, or multifamily that buffer requirement would be 10 feet. So the request for the reduction would match what would likely be required anyway if that land use were to evolve into multi-family to the north. If it were to go as an office or commercial a buffer would not be required. Since it is residential right now, that is the reason for the request for the reduction.

Commissioner VanDrunen wanted to know if the owners wanted to sell off the property to the two fast food restaurants how would the share parking work? Mr. Matson said with the parcels existing as they are now would probably handle it with the site plan approval. They could get some cross access and shared parking easements that are actually recorded as part of site plan approval.

Madam Chair Fitzpatrick wanted to know if there was enough shared parking to accommodate the apartments and the restaurants? Mr Leishman, the applicant, said yes.

Commissioner VanDrunen wanted to know if the employees were going to park in designated areas? Mr. Leishman said the employee's designated area to park will be towards the rear in the shared parking area and customer parking would be in the front.

Mr. Matson said with final site plan approval we would have to formalize a dedicated amount of stalls back there to meet the parking requirement for the square footage and the use.

Commissioner Weaver asked if based on layout, are they losing the five parking stalls to the south of the detention basin? Mr. Matson said no they would be staying.

Madam Chair Fitzpatrick asked if this would overflow the apartments? Peter said those five parking stalls were not calculated in the plan approval. Mr. Leishman said that shared parking has not been enforced as there was no need to restrict the apartment tenants from using it. Potentially they could restrict some of the parking at the apartments to allow more parking for the restaurants.

Commissioner Bodily wanted to know if they were going to have two exits at the drive-thru windows? Mr. Matson said the drive-thrus start off as two and then they combine.

Commissioner Weaver said the meter outlet is five to six feet away from the shared parking and looks like you will have to build a bridge. Mr. Matson said they have to meet the parking requirements at site plan. Mr. Leishman said they intend on meeting the parking requirements.

Mr. Matson said you have a conditional use which is for fast food. You also have the buffer modifications. So the site plan that is relative to parking is handled with the final site plan upon review and approval. If they don't meet the requirements then they do not get approval.

Madam Chair Fitzpatrick believes there ought to be a solid fence along the west corridor to keep the headlights from shining into the apartments. Mr. Matson said he discussed this with Mr. Leishman and not sure if it's a big issue with the two layers of parking before you get to the building.

Madam Chair Fitzpatrick's concern was only having one trash receptacle to be shared with apartments and restaurants. Mr. Matson said there is room to add an additional dumpster. Mr. Leishman said there are four dumpsters on the apartment site and will be dumped once a week. There is room to add more pickup times and add another dumpster.

Commissioner Weaver was concerned about adding all these businesses in such a confined space. He suggested it would be better if there were some conceptual drawing that would provide less retail space to accommodate some of the other issues.

Mr. Matson said the shielding of the lights is spelled out in the ordinance. The loud speaker even though it was listed as a condition is listed in the ordinance as something that needs to be addressed.

Commissioner Bodily wanted to know how the retail space works with the restaurants and what is being discussed? The retail stores are looked at independently and in connection with the fast food users. So if both of the fast foods go in whatever is left over and whatever uses are allowed and end up going in there, those will have to be looked at relative to the parking. If uses are not specified at time that project is constructed then we assume general retail.

Commissioner Van Drunen is concerned about safety issues and wanted to know how the lighting works on the back property? He recommended having some lighting on the pedestrian areas. Mr. Matson said it should be added into the motion.

Madam Chair Fitzpatrick had a concern about outside seating? Mr. Leishman said they would like outside seating but only if it's feasible.

Mr. Matson said the Planning Commission's job is to determine, because of the unique nature of the use, what conditions above and beyond what the code calls for are appropriate to mitigate the impacts of the fast food use and associated drive thru.

Madam Chair Fitzpatrick suggested going ahead and approving the motion but to add conditions concerning the extra dumpster, pedestrian walkway, the noise issue, and the lighting issue and have them work around that. Mr. Matson said that was the appropriate approach.

#### 4. FORT LANE VILLAGE PLAT AMENDMENT

This 17.96 acre property is located at the southwest corner of Gentile Street and Fort Lane in a CP-2 (Planned Community Commercial) zoning district. The applicants and property owners are Fort Lane Village, LLC, Wells Fargo Bank, Zion's Bank and WinCo Foods. Planner II, Kem Weaver gave the presentation on Fort Lane Village Plat Amendment.

Mr. Weaver said the reason for plat amendment as outlined in the staff report, is the property owner is going to be deeding property to UDOT. On the current plat, Gentile Street is only a 66 foot right-of-way but with the amended plat it will be a 104-foot right-of-way along the commercial subdivision in that area. This will provide for right-turn lanes onto Fort Lane and also right turn lanes into the development. The private street will be coming from the Wasatch Drive intersection through the development then out to Fort Lane.

Another reason for the amendment is there are two parcels created which are parcels eight and parcel nine. WinCo still owns the large parcel.

Madam Chair Fitzpatrick asked if they will be required to landscape the area nearby? Mr. Weaver said yes.

Commissioner VanDrunen asked if this affects the Development Agreement? Mr. Weaver said no.

Commissioner VanDrunen wanted to know how much of the 40 feet would be street? Mr. Weaver said that is for future growth.

Commissioner VanDrunen asked if that changes the designation of the street? Kem said no because it is an arterial street.

Commissioner VanDrunen asked how wide are the parking strips? Mr. Matson said typically they are 4 ½ feet to 5 feet wide.

Commissioner VanDrunen asked how wide are sidewalks? Mr. Weaver said he had not seen the final design. Mr. Matson will get a copy of the new Gentile Street cross-section and share it with the Commission.

Commissioner VanDrunen encourages a wider park strip and sidewalk. It would be kind of nice on north side to have a safer and bigger park strip.

Commissioner Bodily stated it would be nice to have a walking area.

Mr. Matson said the street lighting scheme that will go along Gentile Street and carry over to I-15. Mr. Matson said he will get that information to the Planning Commission regarding wider park strips and sidewalks.

Commissioner Pulham asked if there were plans to widen the bridge? Mr. Matson said eventually yes.

Madam Chair Fitzpatrick stated she would like to see a bike pedestrian area put in.

Commissioner Bodily wanted to know if all of this has been signed off and negotiated with Wells Fargo and are they familiar with the change? Mr. Weaver said yes.

Commissioner VanDrunen asked how does this affect Wells Fargo with their buffer and parking? Mr. Weaver said they will still need to meet the requirement for parking and will lose some landscaping in the front.

Commissioner VanDrunen asked if the property owner will have to maintain their landscaping? Mr. Weaver said yes.

Commissioner Bodily asked if their sign was in the buffer? Mr. Weaver said if sign is in buffer then it will need to be moved. If the sign is within a certain amount of feet, it can be in the landscape buffer.

Commissioner Bodily wanted to know what it will look like as you come across on Gentile Street going south on Wasatch Drive? Mr. Weaver said it will match the intersection and will taper down as it becomes a private road. It will circle and taper down as it extends towards the east.

Commissioner Bodily wanted to know if the property owner will have to maintain snow removal on their own? Mr. Weaver said yes.

Commissioner VanDrunen asked if there will be an entrance to Winco down south? Mr. Weaver said yes and there is a detention basin and which is private.

Commissioner Weaver asked what was on the southeast corner? Mr. Weaver said that is property that belongs to the Adams Company and is not part of this subdivision. That is a separate parcel.

Commissioner Bodily asked what is going on with the Adams Company property? Mr. Weaver said he has not seen or heard of any activity on those parcels lately.

Commissioner VanDrunen wanted to know the timeline on a WinCo? Mr. Weaver said approximately 8 months.

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Christy Wixom, Planning Commission Secretary

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**MEMBERS ABSENT:** Randy Pulham, Wynn Hansen,

**OTHERS PRESENT:** Staff: Peter Matson, Kem Weaver, Nicholas Mills, and Christy Wixom

City Council Members: Tom Day

Madam Chair Fitzpatrick called the meeting to order at 7:08 p.m.

The Pledge of Allegiance was recited and an invocation was given by Commissioner Bodily.

Madam Chair Fitzpatrick stated there were no minutes to approve and asked for a motion to open public review. Commissioner Nilsson motioned to open public review and Commissioner Bodily second the motion. Voting was unanimous.

**PUBLIC HEARING: No Public Hearings**

**PUBLIC REVIEW:**

**1. QUESTAR GAS – PARCEL SPLIT**

This .077 acre property is located at approximately 1600 N. Woodland Park Drive in a B-RP (Business and Research Park) zoning district. The applicant, Questar Gas, is requesting the parcel split. Planner II, Kem Weaver, gave the presentation on Questar Gas.

Mr. Weaver said this is a parcel split request from Questar Gas. Questar Gas has a high pressure gas line that runs parallel to the I-15 corridor and they need to create an area where they can install a device to clean out the pipeline from time to time. This means that the sight will not be visited very often by Questar Gas, but will be there for maintenance of the pipeline. The total parcel is .993 acres and they would like to split it into two parcels. The part that Questar Gas will be taking over is .077 acres. The facility is a permitted use in the BRP zone. The site plan will not be reviewed by the Planning Commission. Conditional use is not required. However, before the staff approval can be given for the facility and the site plan, the city is requiring the station be enclosed with masonry wall similar to what they have done on their substations at the Fort Lane Village area and further south on Morgan Street. The access will be from Woodland Park Drive and would line up with the access to the commercial subdivision into the east. There will be a gate that will access the compound. Questar Gas parcel will only be 3,351 square feet. This does not meet the minimum lot requirement for the BRP zone, however; the City does have franchise agreements with utility companies which allow for utility stations or substations to be located on smaller parcels. Based on this information, staff recommends a positive recommendation to the City Council to approve the parcel split subject to meeting all staff requirements outlined in staff memos.

Madam Chair Fitzpatrick said because it is going to be gated she didn't see a fire department report that they have to have access to it. Is this something that the fire department needs access to? Mr. Weaver

said yes they would, they have a Knox system where the fire department could access it if they needed to.

Commissioner Bodily asked if that needed to be added? Mr. Weaver said it was part of the site plan approval.

Madam Chair Fitzpatrick asked if there were any more questions. No questions from the Commissioners or the audience.

Madam Chair Fitzpatrick brought it back to the Commission for a motion. Commissioner VanDrunen moved that the Planning Commission forward a positive recommendation to the City Council to approve the parcel split for Questar Gas subject to meeting all staff requirements that is outlined in staff memorandum. Commissioner Pulham seconded the motion. Voting was unanimous.

## **2. EVERGREEN FARMS PHASE 3 SUBDIVISION**

This 17.54 acre property is located at approximately 1700 W. Layton Parkway in a R-S (Residential Suburban) zoning district. The property owner and applicant is The Adams Company. Planner II, Kem Weaver, showed gave the presentation on Evergreen Farms Phase 3 Subdivision.

Mr. Weaver said this is a final plat request for Evergreen Farms Subdivision Phase 3, which is located approximately on the northwest corner of 1700 West and Layton Parkway. In February of 2015, the Planning Commission approved the preliminary plat for Evergreen Farms on all the property that was east of the Rocky Mountain Power corridor. This includes this plan, but the property to the north. The Adams Company is proposing a third phase of the single family subdivision. Phases one and two, which are located along 2200 West, are against the Rocky Mountain Power corridor on the west side. The proposed final plat consists of 48 lots which are lot averaged on 17 ½ acres. This creates a density of 2.74 units per acre. All lots meet requirements of the R-S zone. As part of developing this subdivision, the applicant is required to build half of Layton Parkway; 42 feet on their side. Along Layton Parkway and wrapping around along 1700 West the developer is required to provide a 5 foot landscape buffer. The Masonry wall will continue along this phase of the subdivision as it will on phases one and two towards 2200 West. The fencing along 1700 West can be 6-foot solid vinyl so it will transfer from the masonry wall to the solid vinyl fence as it wraps around on 1700 West. The Parks Department is requesting that the fencing be installed on the rear lots that back onto Rocky Mountain Power corridor. This will be a 6-foot chain link fence. The fencing is required by ordinance if Rocky Mountain Power allows agricultural operations as part of the lease agreement on the property. Based on this information, staff is recommending that Planning Commission forward a positive recommendation to the City Council to approve the final plat for Evergreen Farms Phase 3. Subject to meeting all staff requirements outlined in staff memos to the applicant.

Madam Chair Fitzpatrick asked who is responsible for landscaping along the Parkway through the Rocky Mountain Power corridor. Does the City have that responsibility? The City had a meeting with Adams Company to discuss who is responsible and no decision has been made at this time.

Madam Chair Fitzpatrick asked if there were any more questions? No questions from the Commissioners or the audience.

Madam Chair Fitzpatrick brought it back to the Commission for a motion. Commissioner Bodily motioned that the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Evergreen Farms Subdivision Phase 3 subject to meeting all staff requirements

that are outlined in the staff memorandum to the applicant. Commissioner Nilsson seconds the motion. Voting is unanimous.

**3. SEASONS OF LAYTON COMERCIAL - CONDITIONAL USE FOR A FAST FOOD EATING ESTABLISHMENT AND REQUEST FOR A LANDSCAPE BUFFER MODIFICATION**

This property is located at 2127 – 2151 North Hill Field Road in a CP-2 (Planned Community Commercial) zoning district. The applicant, Nathan Leishman, is representing Seasons of Layton Commercial. City Planner, Peter Matson, gave the presentation.

Mr. Matson said this is a conditional use request for the Seasons of Layton Commercial project for fast food eating establishments and also a request for a landscape buffer modification on this property. Those Commissioners that were in attendance at the July 14, 2015 Planning Commission meeting will recall much of the background information associated with this property. The property is located on the west side of Hill Field Road. The property has an overlap with the improved site of Seasons of Layton apartment community. This particular area is primarily occupied by a drive isle in between the parking that is up against the apartment building and parking that would be up against the edge of the future commercial development. As noted in the staff report and minutes, landscaping was not planned to be between these two common parcels, and surface parking for the apartment. In terms of the conditional use request, the applicant is requesting two fast food eating establishments in two separate buildings. They are proposing that the fast food drive-thru associated with these two uses occur on the north side of both buildings. The two drive-thru lanes are proposed to come parallel to each other on the west side and merge into one access point out into the common drive that goes to Hill Field Road. As far as improvements that are on the site presently, the detention basin, sidewalk and landscaping are along the south side and this is where the shared parking is located. The vinyl fence already exists on the north property line. The frontage and a bit of landscaping in the parks strip are already in place with the existing city street lighting. The entrance Seasons of Layton will be located along the south property line. The ordinance requires a 20 foot buffer between retail and single family residential. Due to the projected future land use on the City's General Plan and inquiries that the city has had, there is a possibility that the north property could be a mix of uses. Staff feels the request to reduce the buffer to 10 feet is justified based on the planned future uses that is anticipated to happen to the north. To the west the property line is actually further into the property and goes down the center of the drive isle. Typically, that is where the buffer transition of uses takes place. In this instance, because of this kind of shared arrangement this area is where the transition would typically take place. There is landscaping on the south end and also on the north that was completed with the apartment project. Staff feels that a modification here is justified based on the shared nature of when the apartments were constructed and what the applicant is looking for at this point. The Commission may want to address what occurs along this area by the drive-thru. There is a concern regarding headlights in the evening hours as the lights may come through and shine on the residents in the apartment community. The staff recommends approval of the conditional use for fast food eating establishments with the following conditions.

- 1- The buffer modification from 20 to 10 feet be approved for the north property line which would be the existing vinyl fence and one evergreen or deciduous tree every 20 to 25 feet along that common boundary with a maximum mature height of 30 to 50 feet. Additional shrubs and bushes are to be planted and mixed in with the trees and will be part of the final landscape plan that comes through with final site plan review and approval.
- 2- Buffer at northwest corner and the landscape area on the south west corner remain intact and that the fencing requirement between the two uses be waived and reduced to zero. There would be a small amount of retaining along that property that will be required.

The staff feels that a good way to mitigate impacts of both the fast food eating establishments, retail and the lack of a formal buffer is through the architecture of the building. The west elevations of the buildings will be enhanced because of the residents to the west. The only exterior paging system on the property is an electronic two way system for the drive-thru. Staff will work with both the developer and contractor once that is installed to be consistent with the guidelines of the code. All other city ordinances, staff requirements from the Fire, Engineering, and Planning Divisions will be followed. Mr. Leishman, who is the applicant representing Seasons of Layton commercial, was present to discuss the conditions. Staff supports what the Commissioners talked about in the work meeting that those items should be addressed that mitigate the impacts from the fast food eating establishments and that those be incorporated into a motion and the final site plan approval by staff.

Madam Chair Fitzpatrick wanted to know if these particular parcels are affected by the Hill Air Force Base plume? Mr. Matson said no they are not affected. When that was reviewed for the apartment complex, the plume boundary actually clipped the northwest corner of the apartment community. The developer worked with Hill Air Force Base Environmental Staff on the footing; foundations on those buildings on that part of the project.

Commissioner Nilsson asked on the 2012 agreement, in relationship to the parking, was there a site agreement or was there something built into that acceptance that mitigated that particular arrangement that it could not be sold without there being a site agreement between the two parcel owners? Mr. Matson said that particular arrangement was not the case.

Commissioner Nilsson asked if it is necessary to duplicate language contained in the apartment approvals? Mr. Matson said in 2012 when the site plan was reviewed for the apartments, it was noted that the property owner was the same on all three parcels, that the understanding was that landscaping was not planned between the two common parcels and that the surface parking for the developments was constructed because of a shared parking arrangement and that the property owner was aware of this. Because the possibility exists that the two parcels could be sold to separate entities and not remain in common ownership that a condition of the conditional use permit would make it a requirement with the final the site plan approval that cross access easements be established and recorded between the parcels relative to the parking and the use of the dumpster and the possibility of needing to expand and add another dumpster. That will be a formal recorded document between all three parcels.

Commissioner VanDrunen asked if there was a percentage of the property that needs to be landscaped and does it meet it? Mr. Matson said in a CP-2 zone the minimum requirement is 10 percent. It appears that 10 percent would be met with the frontage landscaping, the buffer, and the detention basin. This is calculated at the final site plan approval.

Commissioner Weaver said in condition #2 it says there will be a small amount of retaining between the drive-thru lanes and the shared parking. Does that mean a small retaining wall or bolders? Mr. Matson said it could be either.

Commissioner Weaver said on the north end a small retaining wall or fence could mitigate the headlights coming around the corner and shining into the apartments.

Applicant, Nate leishman, 1386 Sweet Water Lane, Farmington was present.

Commissioner VanDrunen asked if Mr. Leishman had a problem with a condition for a pedestrian access being lit and marked? Mr. Leishman said no.

Commissioner Weaver asked Mr. Leishman if he had a problem trying to get creative in mitigating the headlights that would be shining into the apartment from each of the fast food lanes? Mr. Leishman said no.

Commissioner Weaver said asked about the dumpster situation? Mr. Leishman said there could be more frequent pickups to eliminate any potential concerns.

Commissioner VanDrunen asked if we put the dumpster as a condition? Commissioner Weaver said the attempt is to mitigate the impact.

Madam Chair Fitzpatrick asked if the dumpster needed to be fenced? Mr. Matson said it is enclosed.

Commissioner Weaver said one of the biggest challenges they have had is the amount of parking available. Outside seating would add to the number of parking spots. Is the tenant considering outside dining? Mr. Leishman said they have not yet considered outside dining because it has not been a requirement from the tenant.

Commissioner Weaver said if we were to add a condition that outside dining was not going to be allowed based on the parking, would that impact your negotiation with your potential tenant? Mr. Leishman said it can always impact it but as we discussed earlier one or the other will be impacted. Mr. Leishman said they would rather have more building and parking area than outside seating.

Commissioner Bodily asked if they wanted to restrict outside dining or just make sure that during the site plan it is addressed. Commissioner VanDrunen asked if there is outside seating and additional parking is needed will this be handled at the department level? Mr. Matson said yes it is if it's listed on the site plan. However, the issue is you have a space on the concept plan that would be a great place for outdoor dining so what we would do is either designate it and take it into account in your parking calculations or you will not be able to have it.

Commissioner VanDrunen asked if we needed to put that waiver in from Commissioner Weaver? Mr. Matson said yes it would not hurt to do so. To say you can't do it takes away some flexibility but as long as we take it into account, we can allow it and put it into the calculations.

Madam Chair Fitzpatrick asked if it's noted that they can't have outside seating, then in a year down the road they have umbrellas outside for outside dining is that a code enforcement issue or a licensing issue? Mr. Matson said it is both. Mr. Matson said we are better off addressing it up front and taking it into account and that gives more flexibility to the tenants.

Commissioner Weaver stated that they do not want to be restrictive and want them to be successful.

Commissioner Bodily asked if there is a requirement in the code for the stacking of cars in a drive-thru? Mr. Matson said there is four, one at the window and three behind.

Commissioner Bodily asked if there are windows on the backside of building also? Mr. Matson said yes.

Commissioner Weaver said the detention basin is not in correct position on the plan. Mr. Matson said that could be and if that does not work then that will need to be reconfigured to make that space available. Mr. Leishman is interested in underground or vault storage. The Engineering Division is starting to look at that as a possibility. If they were able to reconvert that then it would free up some room and give more flexibility on this site. Commissioner Weaver stated that would help tremendously.

Mr. Matson said what is in there now is designed to handle this site and if it needs to be adjusted and deepened to keep the capacity to get that drive-thru lane in there or if it doesn't fit or work then they will not do a drive-thru there.

Madam Chair Fitzpatrick thinks it's great that they are exploring the underground option but if you are counting that detention basin as landscaping then everything has to be re-calculated. Mr. Matson agreed.

Commissioner Weaver asked if the detention basin really does not need to be a concern of ours? Mr. Matson said no the staff would take care of that.

Madam Chair Fitzpatrick stated that in the motion they needed to address the outdoor seating, the pedestrian safety and lighting, the cross access agreement, and the dumpster. Everything else the staff will handle with the site plan review. Mr. Matson said he would recommend some consideration for the architectural treatment on the west elevation of building as well.

Commissioner Weaver stated that is condition number 2. Commissioner Weaver asked, do you suggest waiving the buffer completely between the two and mitigate the headlights going into the front of the apartments? Mr. Matson said okay.

Madam Chair Fitzpatrick asked if this was just one motion or two. Commissioner Pulham said there are two motions. One motion is for the fast food establishments and one motion is for the landscape buffer.

Madam Chair Fitzpatrick asked if there were any more questions? No questions from the Commissioners or the audience. Madam Chair Fitzpatrick brought it back to the commission for a motion and asked to address the landscape buffer first and then the fast food conditional use second.

Commissioner Weaver said regarding the landscape buffer, Commissioner Weaver moved to approve the landscape buffer as it is defined for the north side and that require some type of buffer on the west side to mitigate the headlights into the apartments.

Mr. Pulham seconded the motion. Voting was unanimous in favor.

Commissioner Weaver said regarding the conditional use, he motioned to approve the conditional use for the fast food with the listed conditions from staff plus if there is outdoor seating planned by the potential tenants then it be calculated into the overall parking requirement; that lighting for pedestrian access on the west side of the building be provided that the dumpster pick up and capacity be addressed appropriately to handle the addition of the two commercial buildings plus the existing apartments, and that there be a cross access agreement between building one, building two and the apartments.

Commissioner VanDrunen said the pedestrian access needs to be clearly marked so people know where it is located.

Commissioner Weaver said in addition including doing something with the landscape buffer on the west side to mitigate the headlights shining into the apartments.

Commissioner VanDrunen seconded the motion. Voting was unanimous in favor.

#### 4. FORT LANE VILLAGE PLAT AMENDMENT

This 17.96 acre property is located at the southwest corner of Gentile Street and Fort Lane in a CP-2 (Planned Community Commercial) zoning district. The applicants and property owners are Fort Lane Village, LLC, Wells Fargo Bank and WinCo Foods. Planner II, Kem Weaver gave the presentation.

Mr. Weaver said this is a preliminary plat for Fort Lane Village Commercial Subdivision. The purpose for the amendment is for the property owners to dedicate land for the widening of Gentile Street for UDOT. Currently, Gentile Street in this location is only 66 feet in width with the street ultimately being widened to 106 feet. Fort Lane Village will need to sell 40 feet along Gentile Street. The widening includes additional travel lanes and right turn lanes. The secondary reason for the amending of the preliminary plat is to modify the configuration of the current lots. With the current plat there are only eight parcels. With the amended plat two new parcels are created and located in the area behind the Wells Fargo bank. WinCo will be the major parcel or tenant on parcel one. All lots and parcels meet the minimum size requirements for this CP-2 zone which is 20,000 square feet. Based on this information, staff recommends to the Planning Commission forward a positive recommendation to the City Council to approve the amended preliminary plat subject to meeting all staff requirements as outlined in memos.

Madam Chair Fitzpatrick said we are doing an amended preliminary plat but we currently have two buildings already on the preliminary plat. She wanted to know how it can be a preliminary plat? Mr. Weaver said with commercial subdivisions it is different than residential subdivisions. Because commercial subdivisions tend to get slightly changed from when preliminary plat approval is granted, a preliminary plat is recorded and then if there are any lots that need changing they can do that by meets and bounds. Once the development is built out, then a final plat is recorded. The reason this is coming back for approval is the deeding land to UDOT to make sure that is part of the amended preliminary plat.

Commissioner VanDrunen encourages the city or developers when they talk to UDOT to consider the unique characteristics surrounding the proposed shopping center such as the park, the arts and the residential. He would like to have a wider landscaped park strip and sidewalks because of pedestrian and bicycle traffic. Mr. Weaver said those concerns have been noted and Layton City was present and will work with UDOT.

Scott Stone, the applicant, 1207 Hampshire Lane, TX was present.

Commissioner Nilsson asked Mr. Stone about the timeline on the development and if they would see any other modifications to this project. Mr. Stone said he can speak only about WinCo as that is who he is representing. The building plans have already been through the City and are waiting to be picked up for a building permit. The bids were due today for WinCo. Typically, with that process construction starts within 30 to 45 days.

Commissioner VanDrunen asked how long does it typically take to build a WinCo? Mr. Stone said 8 to 10 months and weather will be a factor.

Commissioner Bodily asked if WinCo had any issues with the items discussed? Mr. Stone said no.

Commissioner Weaver asked what the status was regarding the electrical service to the entire site as we have been told that was a hangup? Mr. Stone said it was his understanding that it has been a hang up but thinks that after seeing a couple of emails it might have freed that log jam up.

Commissioner Bodily asked what was going on with Rocky Mountain Power? Mr. Weaver said he believes Rocky Mountain Power has reviewed the plans for WinCo and there was relocation of some power lines. Mr. Stone said it came down to Wells Fargo approving the plans and the changes that were going to be made.

Madam Chair Fitzpatrick asked if there were any more questions? No questions from the Commissioners or the audience. Madam Chair Fitzpatrick brought it back to the Commission for a motion.

Commissioner Nilsson motioned that the Planning Commission forward a positive recommendation to City Council to approve the preliminary plat for the Fort Lane Village amended subdivision subject to meeting all staff recommendations in the memorandums to the developer. Commissioner Bodily second the motion. Voting was unanimous.

Motion to adjourn: 7:59

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Christy Wixom, Planning Commission Secretary