

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
JANUARY 12, 2016**

**MEMBERS PRESENT:** Dawn Fitzpatrick, Brett Nilsson, Dave Weaver, Wynn Hansen, Daniela Harding

**MEMBERS ABSENT:** Brian Bodily, Randy Pulham, Robert Van Drunen, and Tricia Pilny

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

City Council Members: Tom Day, Bruce Davis

Mr. Matson said there are several aspects of our zoning ordinance that the City would like to address to be compliant with State law. Staff would like to address the appeal authority idea and met with the legal department to take a look at our code and break out all the different decision making bodies and what type of decisions they make. Also, where those decisions go after a decision making body makes their decision and where the appeals and variances go. The Board of Adjustment is located throughout the municipal code and the challenge is to keep the Board of Adjustment members up to date on all the laws when they do not meet on a regular basis. Staff will coordinate a joint work meeting with the Council in February and would like the Planning Commissioners to attend the work meeting.

Envision of Layton will be meeting with the Stakeholder Group in the next few weeks to take all the survey data and formulate the preferred vision based on all the data. The Planning Commissioners will be invited to the Vision Summit meeting at the end of February or first part of March.

**PUBLIC REVIEW**

**1. ALLGOOD REZONE-R-1-10 TO R-1-6**

This .147 acre property is located at approximately 240 South 975 East. This property is zoned R-1-10 (Single Family Residential) and is proposed for R-1-6 (Single Family Residential) zoning. The applicant is Bruce Allgood.

Mr. Weaver said Staff is asking for this item to be tabled indefinitely. There is a commercial propane tank that is located on the property and the Fire Department has asked this item to be tabled until the tank is removed because it is not allowed in residential areas. Staff is also waiting on the Holmes Creek Estates lot 34 plat amendment. Lot 34 of the Holmes Creek Estates Subdivision is a long skinny lot with an existing home fronting onto Rosewood Lane. The southern end of the lot is being proposed for R-1-6 zoning while the northern portion of the lot remains R-1-10.

Madam Chair Fitzpatrick stated the map was not clear on the boundaries. Madam Chair Fitzpatrick wanted clarification of the acreage because under the description of the property it says .147 acres and the southern half of the lot show the acreage as .163. Mr. Weaver said it should be .46 acres which is lot 101 and 102 combined.

Madam Chair Fitzpatrick asked where the entrance to the new lot would be. Mr. Weaver said they have a choice of 975 East or 250 South.

Madam Chair Fitzpatrick said in the Engineering report under street it says Boulder Drive street improvements will need to be installed and include street widening, curb/gutter, and sidewalk. Boulder Drive is east of Valley View Drive and not in the subdivision and will need to be corrected in the memo.

**2. PRESTON COX – REZONE AND PARCEL SPLIT – A TO R-S**

This .38 acre property is located at approximately 257 South 3200 West. This property is zoned A (Agriculture) and is proposed for R-S (Residential Suburban) zoning. The applicant is Preston Cox.

Mr. Matson said the proposed property is north of 257 South 3200 West and currently there is no address. The parcel split is to create a new lot for construction of a single family home. Mr. Cox runs the perennial flowers business which is behind and to the east of the property. Preston's home sits out front. This is part of a larger lot that goes back to the boundary of the City and the remaining acreage on the back side is where Mr. Cox is proposing to add the parcel which is where his house sits on. They have already provided for a street dedication so they will not have to do a plat. Mr. Cox will do the improvements in front of the lot. They will do the curb and gutter and will look at whether the sidewalk will need to be done. The new lot meets the R-S zoning requirement and the remaining property meets the requirements of the agriculture zone.

Commissioner Weaver asked if the greenhouses were located in the City or County. Mr. Matson said one is located in the City and one is located in the County.

Commissioner Nilsson asked if they had to do the improvements on both parcels. Mr. Matson said no they only had to do the improvements on the new lot.

**3. AMENDMENT TO TITLE 18 , SECTION 18.40.020: LAND DRAINS, ORDINANCE 16-01**

This ordinance amendment clarifies ownership responsibility for land drain systems.

Mr. Matson said Steve Garside in the legal department generated the cover sheet and the ordinance. The City code is pretty clear regarding the culinary water system and the sanitary sewer system. This ordinance is making land drains consistent with the verbiage that goes along with sanitary sewer laterals and culinary water laterals. The ordinance clarifies the owner of the property being serviced by that land drain system is responsible for all portions of the system at the point of its connection to the City's storm sewer or land drain main and that is the same for sewer and water.

Mr. Mills said it is important to clarify and designate ownership responsibility for the separate portions of these utilities.

Madam Chair Fitzpatrick asked whose responsibility it is if this property is in a Home Owners Association. Mr. Matson said if it is a public street through a private development then same would hold true but if it's a private line and laterals then it will need to be clarified in the CCR's.

## **PUBLIC REVIEW**

### **4. WYNDOM SQUARE COMMERCIAL SUBDIVISION PHASE 2 – AMENDED PLAT**

This property is located at 1290 East Highway 193 in the Wyndom Square Commercial Subdivision. The plat amendment is to create a condominium parcel. The applicant, Logan Johnson, is representing the Wright Development Group.

Mr. Weaver said the proposal is to create a condominium pad within phase two of the commercial development. The reason for creating a condominium pad with an existing building is to sell half the building to a tenant. The other half will remain in ownership with the applicant.

Commissioner Weaver said item four in the Engineering Report said the public utility easements will need to be expanded to include drainage. Will the infrastructure change? Mr. Weaver said nothing is being changed with the infrastructure just the ownership. Engineering is just asking them to increase the easements which can be adjusted in the amended plat.

Commissioner Harding said on item three in the memo from the Fire Department, that during an on-site visit, it appeared that construction efforts were being conducted and there was no recorded building permit generated. Is that something that is underway? Mr. Weaver said he spoke with the Building Official, Paul Bauer, and he is researching to make sure they do have a building permit.

Madam Chair Fitzpatrick asked if there were currently condominium CCR's on these buildings. Mr. Weaver said there will need to be a covenant or agreement between both owners for that building which will be required when they record the plat.

### **5. JAY AUTO BODY REPAIR - CONDITIONAL USE**

This property is located at 3086 North 750 East Suite 2 in the M-1(Light Manufacturing Industrial) zoning district. The applicant is Jay Auto Body Repair.

Mr. Applonie said the applicant is requesting conditional use approval for a paint and body shop. The applicant intends to provide general auto body repairs as well as painting of auto parts and full vehicles. The applicant will work on no more than two vehicles at one time. The tenant space is 2,000 square feet. The site is located within the M-1 zoning district which requires a conditional use permit. A subsequent improvement program for 750 East installed curb and gutter and in 2007, the parking lot was paved with asphalt. Due to the impact on the drive aisle and parking stalls the sidewalk and park strip were not installed and asphalt was installed up to the back of the curb. The parking ordinance requires three spaces for every four employees at the highest work shift plus one space for every vehicle used in conducting the business. The site meets the parking requirements.

Commissioner Hansen asked if the owner has been fully appraised with the fire requirements related to the spray booth. Mr. Applonie said the applicant speaks Spanish; all communications have been through his daughter. The daughter is aware and understands the requirements, she said most of the items from the Fire Department have been taken care of and they will work with the Fire Department to clear up the remaining items.

Commissioner Nilsson said his concern was the vehicles that are being repaired not staying in the building and being parked out front. Mr. Applonie said the applicant only intends on working on three to five vehicles per month and if they needed to park vehicles outside they could park in the back. Part of the conditions would be that he cannot park up front.

Commissioner Harding asked if there was a conflict having Shade Tree Automotive located so closely. Mr. Applonie said there is not a regulation that requires a certain proximity from one similar use to another.

Commissioner Hansen said there should be a condition saying no storage of wrecked or damage vehicles in the front of the building.

Commissioner Harding asked if the applicant is supposed to add landscaping. Mr. Applonie said no.

  
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Christy Wixom, Planning Commission Secretary

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**MEMBERS ABSENT:** Brian Bodily, Randy Pulham, Robert Van Drunen, and Tricia Pilny

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

City Council Members: Tom Day, Bruce Davis

Madam Chair Fitzpatrick called the meeting to order at 7:02 p.m.

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

**APPROVAL OF MINUTES:** Commissioner Weaver made a motion to approve the minutes for December 8, 2015 and December 22, 2015. Commissioner Harding seconded the motion. All in favor. Voting was unanimous.

Madam Chair Fitzpatrick asked for a motion to open public hearing. Commissioner Nilsson moved to open public hearing and Commissioner Weaver seconded the motion. All in favor. Voting was unanimous.

**PUBLIC HEARING**

**1. ALLGOOD REZONE-R-1-10 TO R-1-6**

This .147 acre property is located at approximately 240 South 975 East. This property is zoned R-1-10 (Single Family Residential) and is proposed for R-1-6 (Single Family Residential) zoning. The applicant is Bruce Allgood.

Mr. Weaver said this is in correlation with the Holmes Creek Subdivision Lot 34 Plat Amendment. Because the plat amendment is not ready to come before the Planning Commission and City Council Staff is recommending to table this rezone Ordinance 16-07 indefinitely.

Bruce Allgood, 1792 South 1175 East, Bountiful, asked why this was being tabled. Mr. Weaver said he would e-mail him the items from the Fire Department and the Engineering Department. However, the Fire Department had an issue with the propane tank and the Engineering Department had some concerns with the plat amendment. Mr. Allgood was aware of these issues.

Ryan Price, 240 South 975 East, had a concern with a house being built on the corner and the safety issues and will the grading change because it is on flood plain. Mr. Weaver said a home being built on the corner will have to meet certain setbacks which are 25 feet in the front and 20 feet on the street side yard. The buildable area being shown is still large enough to put a house on it and meet the setback requirements. There are a number of lots in that subdivision that are the same size or smaller.

Commissioner Harding asked if land drains were prevalent in the area. Mr. Weaver said when the subdivision was built land drains were not required. The hatched area is the creek easement area and is suppose to represent the FEMA flood plain for this area but Staff can look further into this with the Engineering Department and see what their determination will be.

Madam Chair Fitzpatrick asked if there were CC&R's that would give a minimum lot size of the home. Mr. Weaver said he will look into it but does not think there were any CC&R's.

Commissioner Nilsson made a motion to table Ordinance 16-07 indefinitely. Commissioner Hansen seconded the motion. All in favor. Voting was unanimous.

## **2. PRESTON COX – REZONE AND PARCEL SPLIT – A TO R-S**

This .38 acre property is located at approximately 257 South 3200 West. This property is zoned A (Agriculture) and is proposed for R-S (Residential Suburban) zoning. The applicant is Preston Cox.

Mr. Matson said this property is south of Gentile Street on the east side of 3200 West. The property proposed for a parcel split and rezone to R-S is .38 acres which is 16,600 square feet. The new .38-acre parcel is to be split from an existing .61-acre parcel with the remaining .23 acres to be combined with the 1.01-acre parcel to the south. The lot to the south is occupied by a single family home and will be 1.24 acres in size and remain in the Agricultural zoning district. If this rezone and parcel split are approved, Mr. Cox intends to build a new single family home on this lot that meets the guidelines of the R-S zone. The General Plan recommendation for this area is low density single family residential and the proposed R-S zoning is consistent with this recommendation. Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 16-08 approving the rezone request from A to R-S and the parcel split based on consistency with the General Plan recommendations and with the lot area regulations of the R-S zone.

Madam Chair Fitzpatrick said in the future if this property were ever to be sold and developed what would be the access to the back corner piece. Mr. Matson said somewhere south of the area there could be access.

Commissioner Harding said if we zone this to R-S will the applicant be required to put in curb, gutter, and side walk to widen the street. Mr. Matson said yes but the only exception may be is the City Engineer does have the ability to look at all the surrounding improvements and possibly delay sidewalk.

Commissioner Hansen made a motion to recommend to City Council to adopt Ordinance 16-08 approving the rezone request from A to R-S for the parcel based on consistency of the General Plan Use recommendation. Commissioner Nilsson seconded motion. All in favor. Voting was unanimous.

Commissioner Hansen made a motion to recommend to the City Council to approve the parcel split subject to meeting the requirements of the R-S zone and all the staff input. Commissioner Nilsson seconded the motion. All in favor. Voting was unanimous.

**3. AMENDMENT TO TITLE 18 , SECTION 18.40.020: LAND DRAINS, ORDINANCE 16-01**

This ordinance amendment clarifies ownership responsibility for land drain systems.

Mr. Matson said this item refers to footing and foundation drainage. The City's Code is clear regarding the culinary water system and the sanitary sewer system. The ownership and maintenance responsibility for culinary water service is divided at the water meter. For the sanitary sewer system, the property owner maintains that responsibility for the lateral until it reaches the City's main line. Land drains are more common in the contemporary developments in the City. Ordinance 16-01 is proposing to clarify the owner of the property being serviced by the land drain system is responsible for all portions of the system to the point of its connection to the City's storm sewer or land drain main. This clarification is reasonable considering ownership and control, and is consistent with industry standards. The legal department drafted Ordinance 16-01 with the proposed language to section 18.40.020 regarding land drain systems as they are provided to each parcel where the foundation and land drain is required. The proposed ordinance also includes the land drain system, and any lateral extending to and including its connection with a public storm sewer or land drain main, remains the property of the landowner serviced hereby. Staff recommends the Planning Commission forward a positive recommendation to the Council to adopt Ordinance 16-01 amending Title 18, Chapter 18.40 Section 18.40.020 of the Layton Municipal Code by clarifying ownership responsibility of land drain systems.

Commissioner Harding recommended that the Planning Commission forward a positive recommendation to City Council to adopt Ordinance 16-01 amending Title 18 section 18.40.020 of the Layton Municipal Code by clarifying ownership responsibility of the land drain system. Commissioner Hansen seconded the motion. All in favor. Voting was unanimous.

Commissioner Hansen made a motion to close Public Hearing and open Public Review. Commissioner Weaver seconded the motion. All in favor. Voting was unanimous.

**PUBLIC REVIEW**

**4. WYNDOM SQUARE COMMERCIAL SUBDIVISION PHASE 2 – AMENDED PLAT**

This property is located at 1290 East Highway 193 in the Wyndom Square Commercial Subdivision. The plat amendment is to create a condominium parcel. The applicant, Logan Johnson, is representing the Wright Development Group.

Mr. Weaver said the proposal is to create a condominium pad (Lot 3B) within phase 2 of the commercial development. The reason for creating a condominium pad with an existing building is to sell half the building to a tenant. The other half will remain in ownership with the applicant. The amendment is taking .12 acres from the existing 6.518 to create the condominium pad. This leaves the remaining portion of the phase as 6.398 acres as Lot 3A. Nothing changes with the ownership of the condominium pad building; the landscaping, parking and building will remain the same. Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the Wyndom Square Commercial Subdivision Phase 2 Amended plat subject to meeting all Staff requirements as explained in Staff memorandums.

Commissioner Harding asked Mr. Weaver if he knew who the tenant would be and were there parking issues. Mr. Weaver said he was not sure who the tenant is but would find out if there are any issues with parking.

Madam Chair Fitzpatrick asked if there was a minimum acreage or lot size. Mr. Weaver said the minimum size lot is 20,000 square feet for a CP-1 zone. However, because the pad is condominized within parcel 3A, the parcel size is still being met.

Commissioner Nilsson recommends the Planning Commission forward a positive recommendation to the City Council to approve the Wyndom Square Commercial Subdivision Phase 2 amended plat subject to all Staff recommendations as explained in the Staff memorandum. Commissioner Weaver seconded the motion. All in favor. Voting was unanimous.

**5. JAY AUTO BODY REPAIR - CONDITIONAL USE**

This property is located at 3086 North 750 East #2 in the M-1(Light Manufacturing Industrial) zoning district. The applicant is Jay Auto Body Repair.

Mr. Applonie said the applicant is requesting conditional use approval for a paint and body shop. Jay Auto Body intends to provide general auto body repairs as well as painting of auto parts and full vehicles. The applicant will work on no more than two vehicles at a time. City ordinance requires a conditional use permit for paint and body shops located within the M-1 zoning district. The building was constructed in 1990. A subsequent improvement program for 750 East installed curb and gutter and in 2007, the parking lot was paved with asphalt. Due to the impact on the drive aisle and parking stalls the sidewalk and park strip were not installed and asphalt was installed up to the back of the curb. The parking ordinance requires three spaces for every four employees at the highest work shift plus one space for every vehicle used in conducting the business. The applicant is the sole employee and does not have any vehicles used in conducting the business, as such three parking spaces are required. Staff recommends approval of the conditional use for a paint and body shop subject to the following conditions: 1) All Building, Engineering and Fire Department requirements shall be completed prior to the use of the property. 2) No storage of wrecked or damage vehicles parked in the front of the building.

Applicant's representative, Joseyln Rodriguez, 1191 E. 2350 N., Layton, was asked to come up to the microphone by the Commissioners. Madam Chair Fitzpatrick asked the applicant if she understood the conditions. Ms. Rodriguez said yes.

Commissioner Weaver asked the applicant what the hours of operation were. Ms. Rodriguez said the hours of operation would be 8-5.

Commissioner Hansen asked the applicant if she was fully acquainted with the Fire Departments issues regarding the spray booth. Ms. Rodriguez said they are fully aware of everything and are currently working with the landlord regarding vehicle impact protection for the gas meter.

Commissioner Hansen made a motion that the Planning Commission grant conditional use approval for the paint and body shop subject to applicant meeting all staff requirements and the two conditions that the Staff has recommended. However, would like to reword condition number two to state that the storage of wrecked, damaged or unrepaired vehicles will not be allowed in the front of the building. Commissioner Weaver seconded the motion. All in favor. Voting was unanimous.

Commissioner Harding made a motion to close public review and adjourn, Commissioner Hansen seconded the motion. All in favor. Voting was unanimous.

Meeting adjourned: 7:43 p.m.



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Christy Wixom, Planning Commission Secretary