LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
MAY 10, 2016

MEMBERS PRESENT:	Dawn Fitzpatrick, Brett Nilsson, Dave Weaver, Daniela Harding, Robert Van Drunen, Brian Bodily
MEMBERS ABSENT:	Wynn Hansen, Tricia Pilny
OTHERS PRESENT:	Staff: Christy Wixom, Kem Weaver, Bill Wright, Brandon Rypien and Nicholas Mills City Council Member: Bruce Davis

PUBLIC REVIEW

1. **PENTECOSTAL CHURCH OF GOD – CONDITIONAL USE**
This property is located at 70 West Gentile Street in an MU-TOD (Mixed- Use Transit Oriented Development) zoning district. The applicant is Jose A. Herrera.

Mr. Rypien said the parking requirements for churches are one space for every four seats in the auditorium. The church has proposed to have a congregation of 25, including children, which requires six parking stalls. They show four parking stalls behind the building to the north. The two additional stalls that are required will be located at the First National Bank. Mary Lamb, who is Vice President and Branch Administrator for First National Bank, sent a letter to the City stating the church can occupy two parking stalls. In their letter of intent they stated that they will have no special events as part of their congregation. Based on the building code, the occupancy load for 869 square feet is 58 people, which is one person for every 15 square feet. The hours of service will be Thursday evenings after 5 p.m. and on Sundays. The MU-TOD zone allows for shared parking. Street parking does not count as available parking. The parking requirement has to be off the street but is available for them to use.

Commissioner Van Drunen asked if they will need 12 parking stalls when they reach the maximum occupancy. Mr. Rypien said yes.

Commissioner Harding asked about the bat problem at Costume Castle and wanted to know if it will impact the church. Mr. Rypien said he was told that they are currently not in the building because they migrate.

Commissioner Harding asked if the applicant was aware of the bat issue. Craig Day, owner of the building, said he has discussed the bat issue with the applicants. He said they are able to keep the bats feces under control by hosing off the area where the bats are located. This happens for a three month period from May to August and then they migrate. Mr. Day said he has had numerous meetings with the City, Health Department and with a bat expert from the State of Utah. There are some restrictions on what you can and can't do. You can't kill bats and you can't disturb them during the period when they are having their babies. After the period has passed when they have had their babies, it was recommended by the Health Department to eliminate where they are roosting.

Commissioner Weaver asked how close the bat location was to the front door of the church. Mr. Day said there is no indication that there is just one particular place however, the one obvious place is in the eaves of the boutique next to the church building. The bat expert says the only thing you can do is to try and eliminate the area where they are roosting and that will force them to go somewhere else.

Commissioner Weaver asked if the owner of the boutique is aware of the bats.

Sherri Tatton stated that the bats are in the church building. She stated that Mr. Day has no ownership of the back alley way and therefore should not be allowed to have parking. Ms. Tatton stated that she owns 50 percent of the back alley right-of-way, the Titus's owns 25 percent and the Ellison's own 25 percent. Ms. Tatton stated that the little area Mr. Day owns is landlocked.

Madam Chair Fitzpatrick asked what the height requirements were for steps before a hand rail will need to be put installed. Mr. Wright said we will have the building official take a look and see if a hand rail will be needed.

Commissioner Harding asked if the church needs to be ADA compliant. Mr. Wright said that will be reviewed by the building official. Mr. Day said the building is ADA compliant and the stairs are within code.

Commissioner Harding asked if some of the offsite parking will be on Gentile Street. Mr. Rypien said there are stalls on Gentile Street but those stalls are for public use and cannot be counted towards the church's parking requirement.

Commissioner Nilsson asked if the church was located in another location. Mr. Day said the Pentecostal church religion is nationwide.

Madam Chair Fitzpatrick asked if there was a written agreement with the other owners allowing access to the back alley right-of-way. Mr. Mills said they looked into the parking issue and the back alley right-of-way and it is owned by somebody else. It is a non issue for this conditional use permit because they need to have six parking spaces and will not be granted the conditional use until they have the six spaces within 500 feet of the location. They can either get parking spaces from the bank or have some kind of court case to quiet title.

PUBLIC HEARING

2. **DEWAAL/SMOOT REZONE AND DEVELOPMENT AGREEMENT – R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-M1 (LOW/MEDIUM DENSITY RESIDENTIAL)**
This .69 acre property is located at 333 S. Fort Lane. This property is zoned R-1-8 (Single Family Residential) and is proposed for RM-1 (Low and Medium Density Residential) zoning. The applicant is Scott Smoot.

Mr. Wright went over the details of the map and said the proposal for the rezone is to accommodate the attached units to be built. The request is to be able to develop seven attached units with a potential of dividing the attached units between a four unit building and a three unit building.

Commissioner Van Drunen asked if there was any feedback from the neighbors. Mr. Wright said he was not aware of any feedback from the neighbors.

Commissioner Van Drunen stated that if the developer wants to change the earth tone color to something else to let him. Mr. Wright said they would have that requirement removed.

Commissioner Van Drunen asked what the setbacks were regarding the development. Mr. Weaver said there is a 40 setback because of Fort Lane being an arterial road.

Madam Chair Fitzpatrick asked where the detention basin will be. Mr. Wright said they have not gotten to that point.

Commissioner Van Drunen asked if it was unusual to have a land drain and a detention basin. Mr. Wright said the land drains are to keep the water away from the building. There needs to be a detention basin for storm water runoff on the lot.

Commissioner Weaver asked if the property owner was aware that the eave of the cinder block building appears to be close to property line. Mr. Wright said to ask the property owner during the meeting.

Commissioner Van Drunen asked if there will be a fence. Mr. Weaver said based on buffer requirements, a fence may be required.

3. **SUMNER G MARGETTS AND COMPANY INC./MZ ENTERPRISES REZONE – R-S (RESIDENTIAL - SUBURBAN TO R-1-6 (SINGLE FAMILY RESIDENTIAL)**
This 2.33 acre property is located at approximately 191 Phillips Street. This property is zoned R-S (Residential Suburban) and is proposed for R-1-6 (Single Family Residential) zoning. The applicant is Craig North with MZ Enterprises.

Mr. Wright said back in 2015 the request was for R-1-6 zoning but as we went through the process it became apparent that the applicant wanted R-1-6 PRUD zoning. The Planning Commission recommended against the R-1-6 PRUD zoning

and City Council tabled the item. The applicant decided not to pursue the project and so the property has been on the market this last year. The new developer is requesting an R-1-6 zone, which are single family detached homes with the lots facing a public street. Only half of Phillip Street is located within Layton City. There was an assumption that the other half was located in Kaysville. However, Kaysville City did not include half of Phillips Street when they annexed other properties. The other half of Phillips Street is actually in unincorporated Davis County.

Madam Chair Fitzpatrick asked if there was any reason to annex part of Phillip Street which is in Davis County. Mr. Wright said they will probably not pursue that but will need to be discussed in the future.

Commissioner Nilsson asked what the status was on the large metal building. Mr. Wright said the building will be removed with the development of the property.

Mr. Wright said the concept plan shows a public street located along the west property line that connects to 975 South. During the previous review of zoning by the Planning Commission and City Council, there was a question from the property owner to the north as to the nature of the turnaround cul-de-sac in the Ablazen Estates one-lot subdivision (see attached plat of Ablazen Estates). City Staff clarified that although the cul-de-sac was a permanent turnaround, a street connection through the rezone area is not only possible, but it is recommended by the Planning and Engineering Staff to allow for the looped water line and to provide better connectivity into the neighborhood from Phillips Street. The attached concept plan for the rezone area shows a connection to 975 South. The final details and design of this street connection will be determined during the subdivision review process should the zoning be approved.

Commissioner Weaver asked what would be the logic in not connecting. Mr. Wright said the owner of Ablazen Estates prefers to be in a cul-de-sac.

Commissioner Nilsson asked if there was another access road to the north. Mr. Wright said no there was not.

Mr. Wright said there is a variety of zoning in the area. There is the R-S, R-1-6 and the R-1-8. The reason for the R-1-6 is because of the layout of lots and the frontage requirement of the R-1-6 zone. The lots are very large and run from 9,400 to about 15,000 plus.

Commissioner Van Drunen asked what the minimum lot size was for a R-1-8. Mr. Wright said 8000 square feet.

Commissioner Bodily asked if the plan could change since it was a concept. Mr. Wright said it is a concept plan with the rezone as part of the motion, if the Planning Commission feels there should be some follow through with the concept plan, the concept plan can be part of the motion with the Development Agreement before it goes to the City Council.

Commissioner Harding stated that the street is a public street and wanted to know what happens if the owner demands that the cul-de-sac remain. Mr. Wright said the street to the right of the property is a public street. The City has the right to approve the development that the street would connect to.

Madam Chair Fitzpatrick asked if it has been clarified to the neighbors that it is a R-1-6. Mr. Wright said yes.

4. **ALLGOOD REZONE – R-1-10 (SINGLE FAMILY RESIDENTIAL) TO R-1-6 (SINGLE FAMILY RESIDENTIAL)**
This 1.63 acre property is located at 240 S. 975 E. This property is zoned R-1-10 (Single Family Residential) and is proposed for R-1-6 (Single Family Residential) zoning. This property is also part of a plat amendment for Lot 34 Holmes Creek Estates. The applicant is H. Bruce Allgood with AFIN Corporation.

Mr. Weaver said the rezone request was tabled at the January 12, 2016 Planning Commission meeting due to the existing propane tank on Lot 34 of the Holmes Creek Estates Subdivision. The tank currently resides on the property and has never been in use. The existing home has always been connected to a natural gas lateral and meter from Questar Gas. The propane tank was to be used as a backup power source for the house. The applicant has contacted Amerigas to remove the propane tank. Currently, Amerigas has not complied by removing the tank and has placed a lock on the tank and will not remove the tank until it is needed by Amerigas. However, the City will work with the applicant, homeowner and Amerigas to have the tank removed.

Commissioner Van Drunen asked why Amerigas was being difficult. Bruce Allgood said the tank was put in 12 years ago and was owned by Amerigas. Amerigas has told the new owners that they do not come and pick up propane tanks anymore although it is the property of Amerigas.

Commissioner Weaver asked if it was empty. Mr. Allgood said he had no idea. The County has created an easement on both sides of the creek so they can perform creek maintenance.

Commissioner Nilsson asked if the County put in the bridge. Mr. Weaver said he didn't think so but was not sure.

Commissioner Weaver asked what the square footage of the buildable area was. Mr. Weaver said the lot is 7100 square feet with a 20 foot side yard and a 25 foot rear yard. Mr. Weaver said the buildable area is approximately 1000 to 1500 square feet. Most of the houses in the area are a two story building.

Madam Chair Fitzpatrick asked if this development was one of the areas where the City was doing a study on flood plains. Mr. Weaver said the City is still under appeal with FEMA but the owner will probably need to have some type of flood insurance.

Commissioner Harding asked if propane tanks were prevalent in the area. Mr. Weaver said a typical home has a propane tank for a grill. The one on the property is a commercial tank.

Commissioner Harding asked if there were any code enforcement issues. Mr. Weaver said there are fire code issues but the Fire Department is willing to work with the homeowner and Amerigas to have the propane tank removed from the property.

PUBLIC REVIEW

5. **LOT 34 HOLMES CREEK – AMENDED PLAT**
This 1.63 acre property is located at 240 S. 975 E. This property is also part of a rezone request from R-1-10 (Single Family Residential) to R-1-6 (Single Family Residential) zoning. The applicant is H. Bruce Allgood with AFIN Corporation.

Mr. Weaver said the applicant has quit claimed .317 acres of lot 34 to Ryan and Melanie Price. This was done last fall in order to sell the home to the Prices. By amending lot 34of the Holmes Creek Estates Subdivision will be split and platted correctly. The new lot will be .163 acres which is 7100 square feet.

Madam Chair Fitzpatrick asked to have the agenda rearranged to keep items together. In the regular meeting the items will go as follows: Item two, item three, item one, item five and item four.

6. **MAGIC WASH EXPRESS CAR WASH – CONDITIONAL USE**
This property is located at 2200 West and Antelope Drive in a C-H (Planned Highway Commercial) zoning district. The applicant is William Shaw.

Mr. Weaver said there are apartments to the north but is not immediately adjacent to this property. The approximate distance from the apartments to the location of the proposed tunnel is about 200 feet. One of the concerns Staff has is noise because of the blowers for drying the vehicles. Based on a conversation with the applicant, the proposal is to drive through heading south through the tunnel and exiting on the south end.

Commissioner Bodily asked if the turn is going to be too tight. Mr. Shaw said it should not be too tight because the turn right now is the same turn as the existing car was site and it can fit the longest hummer limousine.

Commissioner Harding asked if the vacuums were going to be loud and disturb residents. Mr. Shaw said the vacuums have individual motors and they are on a timer for four minutes. It is not a central system where it is constantly running.

Commissioner Van Drunen asked if there will be doors on both sides. Mr. Shaw said yes. Mr. Weaver said if the noise becomes a nuisance, there will be a condition they will have to close the back door.

Commissioner Van Drunen asked what UDOT says about the entrance on Antelope. Mr. Weaver said the applicant is working with UDOT and Kier Management on getting the access. Mr. Weaver said they will deal with the access during the site plan process.

Madam Chair Fitzpatrick asked if Clearfield City was on board for any utility hookups. Mr. Weaver said no, there is Layton City water on Antelope Drive.

Madam Chair Fitzpatrick asked where the City boundary was on Antelope. Mr. Weaver said 2200 West in Clearfield but any utilities would be From Antelope Drive.

Madam Chair Fitzpatrick asked where the signs are going to be. Mr. Weaver said the signs will be at the corner of the property so they can catch both frontages of traffic. Mr. Shaw said the signs on the building will be on the face of the towers and there may be a carwash sign on the back of the towers.

Commissioner Van Drunen asked if there will be a detached sign. Mr. Shaw said they do plan on getting a LED billboard sign.

Madam Chair Fitzpatrick asked what the regulations were for a LED billboard. Mr. Weaver said the ordinance requires a one square foot to one square foot ratio.

Commissioner Harding stated that the lighting needs to be reduced by 40 percent at night.

Mr. Weaver described the traffic flow on the map.

Commissioner Weaver asked what the days of operation were. Mr. Shaw said they will be open six days a week and closed on Sundays. They can't create any noise past 10:00 p.m. The hours of operation are 8 a.m. to 8 p.m. The vacuums will be off at 10:00 p.m.

Commissioner Harding asked how many locations the owner had. Mr. Shaw said they have one in South Ogden.

Commissioner Weaver asked what the estimated completion date was. Mr. Shaw said he was hoping by December 31, but probably will not be until next spring.

7. **MAGIC WASH EXPRESS CAR WASH – PARCEL SPLIT**
This property is located at 2200 West and Antelope Drive in a C-H (Planned Highway Commercial) zoning district. The applicant is William Shaw.

Mr. Weaver said this property has more than 20,000 square feet and meets the zoning requirements.

Commissioner Weaver asked if the car wash was trying to buy this piece of property. Mr. Weaver said yes that was the reason for the split.

8. **DAWSON HOLLOW ESTATES PLAT D AMENDING PLAT C – FINAL PLAT**
This 1.019 acre property is located at approximately 2433 Kayscreek Drive in an R-1-10 (Single Family Residential) zone. The applicant is Carissa Beeston.

Mr. Weaver said there is a barn on the property. Mr. Weaver said the purpose for amending the plat is to combine lots 317 and 318 and this would create a Plat D for the Subdivision. By combining the two lots into a single lot the new lot becomes 1.019 acres which is just over 44,000 square feet. This also creates a frontage of 180 lineal feet.

Madam Chair Fitzpatrick asked if they are doing this to build a house on the property. Mr. Weaver said yes.

Christy Wixom, Planning Commission Secretary

(Please see other side)

Project Updates: Mr. Wright said the IHC site plan is about to be approved and a preconstruction meeting is scheduled for May 17, 2016 and it will have the conditions about the delivery vehicles. They are going to start the geo peers under the grading permit. Then after the preconstruction meeting most likely they will start working on the underground utilities.

Commissioner Bodily asked about doing the signal at the top of 700 South. Mr. Wright said the signal is projected to be very far into the future.

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MEMBERS PRESENT:	Dawn Fitzpatrick, Tricia Pilny, Dave Weaver, Daniela Harding and Brett Nilsson, Brian Bodily and Robert Van Drunen
MEMBERS ABSENT:	Wynn Hansen, Tricia Pilny
OTHERS PRESENT:	Staff: Bill Wright, Brandon Rypien, Kem Weaver, Nicholas Mills, and Christy Wixom
	City Council Member: Bruce Davis

Madam Chair Fitzpatrick called the meeting to order at 7:00 p.m.

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

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

APPROVAL OF MINUTES: Commissioner Nilsson made a motion to approve the minutes for April 12, 2016 as written. Commissioner Bodily seconded motion. All in favor. Voting was unanimous.

PUBLIC HEARING

1. **DEWAAL/SMOOT REZONE AND DEVELOPMENT AGREEMENT – R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-M1 (LOW/MEDIUM DENSITY RESIDENTIAL)**
   This .69 acre property is located at 333 S. Fort Lane. This property is zoned R-1-8 (Single Family Residential) and is proposed for RM-1 (Low and Medium Density Residential) zoning. The applicant is Scott Smoot.

   Mr. Wright said the property proposed for rezone contains .69 acres located on the east side of Fort Lane at approximately 333 South. The rezone area is just south of the intersection of Layton Parkway and Fort Lane. The rezone area is surrounded by R-1-8 and R-M1 zoning (Twin Tree Apartments) to the north, R-1-8 zoning to the east and to the south, and MU (Mixed-Use) zoning to the west.

   The rezone request is accompanied by a Development Agreement that requires the developer of the property to meet certain design standards for the construction of the proposed townhome units.

   The applicant for the rezone is Scott Smoot representing Legrand Dewaal, owner of the .69-acre (30,056 square feet) rezone area. The proposed R-M1 zoning represents the applicant's desire to construct a six-plex townhome building on the property. Based on the potential need for an on-site turn-around for fire protection, the applicant may look at an alternative design that includes a 3-plex townhome building and a 4-plex townhome building. This configuration may better accommodate a turn-around on the site by placing it between the two buildings rather than a turn-around at the back (east) end of the property.

   Fort Lane is a major north/south arterial street through the City. The segment between Gentile Street and south Main Street is characterized by a combination of commercial and mixed use zoning on the west side and a combination of multi-family and single family residential on the east side. The home on the property was built in 1935 and needs considerable work to establish a viable street presence and is therefore proposed to be removed from the site.

   The Zoning Ordinance indicates that the R–M1 zoning district is intended to provide areas for multi-family attached dwellings at low and medium densities. This zoning district is to be located adjacent to arterial streets. The General Plan recommends for the interior neighborhoods of the area to the east of the site to develop as single family residential at 3-6 dwelling units per acre. However, the subject property is located along the edge of the neighborhood, along an arterial street, and adjacent to multi-family zoning. The Land Use Element of the General Plan also indicates that medium density residential projects can be effective buffers or transitions from the busy street to the interior single family neighborhoods.

   The attached Development Agreement stipulates no more than seven units are to be constructed on the property. The site is to develop with a minimum of 30% landscaping with specific guidelines for landscaping around the townhome building and an enhanced landscaping along property line adjacent to the single family residential. The Agreement also calls for a solid vinyl fence (solid earth tone color) along the north, east and south property lines. Architectural guidelines call for masonry building

materials including brick, rock, stucco and hardy board (no vinyl siding). The maximum height of the townhome building is 30 feet and each unit shall include a minimum of an attached two-car garage.

If the zoning is approved, detailed site and landscaping plans will be submitted for site plan review and approval. This will ensure the number of dwelling units does not exceed seven and that the appropriate landscape buffers, setbacks, street improvements and utilities are provided. Design elements will be carefully considered for the units to ensure the townhomes will provide a pleasant street presence on Fort Lane. Mr. Wright showed examples of the type of townhomes.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Resolution 16-32 approving the Development Agreement and adopt Ordinance 16-20 approving the rezone requests from R-1-8 to R-M1. This recommendation is based on the notion that the R-M1 zoning, and associated townhomes, will provide an appropriate land use and density transition from the Fort Lane to the single family residential east of the subject property.

Commissioner Van Drunen requests to take out earth tone colors in the Development Agreement. Mr. Wright said in the Development Agreement there is a statement about colors to be earth tone. Based on some changes and how we are approaching the architecture today versus a decade ago we would like to have that provision removed.

Madam Chair Fitzpatrick asked if these lots will be owner occupied or rentals. Scott Smoot, 335 W. Sunset Circle, said they are still working on whether they are going to be rentals or owner occupied but could be rentals.

Madam Chair Fitzpatrick asked if owner occupied will there be an HOA. Mr. Smoot said yes.

Commissioner Weaver asked if the irrigation ditch in front is an active ditch. Mr. Smoot said yes it is an active ditch and they have already talked with the irrigation company and will be burying that ditch.

Commissioner Harding asked how many units Mr. Smoot was planning on developing. Mr. Smoot said the maximum units will be seven. These will be about 1500 to 1600 square feet and rent will be between $1400 to $1500.

Commissioner Van Drunen made a motion that the Planning Commission forward a positive recommendation to the City Council to adopt resolution 16-32 approving the Development Agreement with the changes outlined in the work meeting regarding the earthtone color being removed. Commissioner Bodily seconded the motion. All in favor. Voting was unanimous.

Commissioner Van Drunen made a motion that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 16-20 approving the rezone request from R-1-8 to R-M1. Commissioner Harding seconded the motion. All in favor. Voting was unanimous.

2. SUMNER G MARGETTS AND COMPANY INC./MZ ENTERPRISES REZONE – R-S (RESIDENTIAL - SUBURBAN TO R-1-6 (SINGLE FAMILY RESIDENTIAL)

This 2.33 acre property is located at approximately 191 Phillips Street. This property is zoned R-S (Residential Suburban) and is proposed for R-1-6 (Single Family Residential) zoning. The applicant is Craig North with MZ Enterprises.

Mr. Wright said the property proposed for rezone includes 2.31 acres located on the north side of Phillips Street at 191 East Phillips Street. The rezone area is across the street and north of the Camping World of Kaysville (former Blaine Jensen RV facility). The boundary between Layton City and Kaysville City in this area is the centerline of Phillips Street. The rezone area is surrounded by R-S and R-1-8 zoning to the north, R-1-8 and R-1-6 zoning to the east, Kaysville City (Camping World) to the south, and R-S, R-1-8 and R-1-6 zoning to the west.

The applicant for this rezone is Craig North of MZ Enterprises representing Sumner Stewart of Sumner G Margetts and Company, Inc. owner of the property. The large metal building on the property is associated with a long-standing, legal non-conforming use of a land reclamation service owned by Mr. Stewart. The two drive approaches associated with access to the metal building will need to be removed and replaced with standard curb and gutter. Sidewalk does not exist along the Phillips Street frontage and will need to be added with development of a subdivision.

The subdivisions in this neighborhood (bounded by Phillips Street on the south, Flint Street on west and I-15 on the east) are located in primarily the R-1-8 and R-1-6 zoning districts. The General Plan recommendation for this area of the city is for single family residential at 3-6 units per acre. The proposed R-1-6 zone is within this density range and consistent with this recommendation. It is anticipated that, upon rezone of the property, the applicant will pursue development of a single family subdivision under the guidelines and requirements of the R-1-6 zoning district.

The south portion of the rezone area has frontage on Phillips Street and the north portion has a small amount of frontage on a cul-de-sac at the end of 975 South. All of the required utilities to service the property are located within the Phillips Street

right-of-way; however, a looped water line from 975 South to Phillips Street may be required to meet fire flow requirements. If the rezone is approved, the developer will work with the Engineering staff to determine utility requirements related to culinary water, storm drainage and sanitary sewer, and the street connection through the property.

Approximately one year ago, the Planning Commission reviewed a proposal to rezone this property to R-1-6. The applicant's proposal at that time included a concept plan for a future PRUD with approximately 14 homes with common area. The Planning Commission recommended that the Council not approve the rezone based on the notion that the R-1-8 zone was a more appropriate zoning designation. The City Council held a public hearing and postponed their decision remanding the rezone back to the Planning Commission to review the rezone request with the PRUD overlay. The applicant working with the property owner at that time is no longer involved with the property and a PRUD proposal was never submitted for review.

The applicant, Craig North, is requesting R-1-6 zoning based on his desire to develop a seven lot subdivision similar to the concept plan provided in the packet. The concept plan shows a public street located along the west property line that connects to 975 South. Seven lots are laid out on the public street with lot sizes ranging from 9,432 square feet (Lot 1) to 15,240 square feet (Lot 7). The applicant considered the R-1-8 zone, but the minimum lot width would have limited the concept plan to six lots compared to the seven proposed in the R-1-6.

During the previous review of the zoning by the Planning Commission and City Council, there was a question from the property owner to the north as to the nature of the turnaround cul-de-sac in the Ablazen Estates one-lot subdivision. City Staff clarified that although the cul-de-sac was a permanent turnaround, a street connection through the rezone area is not only possible, but it is recommended by the Planning and Engineering Staff to allow for the looped water line and to provide better connectivity into the neighborhood from Phillips Street. The attached concept plan for the rezone area shows a connection to 975 South. The final details and design of this street connection will be determined during the subdivision review process should the zoning be approved.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 16-19 approving the rezone request from R-S to R-1-6 based on consistency with the General Plan land use and density recommendations for this area of the City.

Madam Chair Fitzpatrick asked if this subdivision will be completed fast enough to avoid digging into Phillip Street. Mr. Wright said that would be the hope and maybe they can put some stubs in to avoid having to cut into the street. There is a moratorium once the street is overlaid that is either in time or in the method that would have to occur to repave the street as opposed to allowing a trenching to occur.

Jerry Madsen, 135 E. 975 S. stated that this is a much better plan then the last one. He stated he had concerns about going to R-1-6 because he fears the homes will be too narrow and will looked jammed in. He said it was in the minutes that the cul-de-sac was permanent not temporarily and has not seen anything at the County or otherwise that says it is temporary. The other concern he has is once the R-1-6 is approved they will come back and do a PRUD which he does not want. Mr. Madsen made a suggestion to get with the developer, the City, and the residents and come up with something more agreeable to everyone.

Craig North, 6161 S. 1375 E. said they are 14 feet short of the R-1-8 zone so as far as how narrow the homes will be it will look about the same as if it were an R-1-8 development.

Commissioner Van Drunen asked about the setbacks and the differences between R-1-8 and R-1-6. Mr. Weaver said the difference in setbacks between R-1-8 and R-1-6 is mainly in the side yards. The front yard and rear yard are 25 feet in both zones. In the R-1-8 zone your side yard setbacks are 8 and 10 feet and you have to have 18 feet between the homes. In the R-1-6 the side yard setbacks are 8 and 5 feet and you have to have 13 feet between the homes. Two 5 foot setbacks on the same side property line are not allowed. The area requirements are 2000 square difference.

Commissioner Weaver asked Mr. North about the detention basin. Mr. North said his engineer is currently working to place the basin on lot one. Mr. North said in talking with the Engineering Staff, the basin is small and should not be a problem fitting that onto lot one.

Commissioner Bodily said along Phillips Street there is a width issue. Mr. North said they will have to rearrange some things in order to allow the detention basin to be there.

Commissioner Bodily said if the detention basin will be on the east side of the street and the water usually runs the other way. Mr. North said he is not sure that is feasible and may have to be on the west side of the street.

Commissioner Van Drunen asked if the developer was comfortable having a maximum of seven homes. Mr. North said yes. Commissioner Harding asked if there were plans to come back and ask for a PRUD overlay. Mr. North said no.

Commissioner Van Drunen asked what the price range was going to be on these lots. Mr. North said in a range from $300,000 to $315,000 or higher.

Commissioner Nilsson asked about the minutes saying permanent versus temporarily on the cul-de-sac. Mr. Wright said that discussion goes back when Jerry Madsen was having his subdivision approved back in 1994. There was some discussion with Mr. Jerry Madsen, who was the developer, and there was some discussion about the L-shape parcel and Mr. Scott Carter talked about the dedication and improvement plan for the road. Mr. Madsen asked if the cul-de-sac would be permanent or temporarily. Mr. Carter stated it would be permanent Mr. Madsen's interpretation would not be a connection of the road but today we would say permanent means that with asphalt and will not be removed in the future.

Commissioner Bodily asked Mr. North if he ever pursued options of not going through. Mr. North said selfishly it allows for a better layout and an additional lot to go the route they are going.

Madam Chair Fitzpatrick asked Staff to explain the process if this goes forward tonight. Mr. Wright said if the City Council were to make a decision to rezone this property to R-1-6, the next step would be the applicant is to have his Engineer bring forward a subdivision plat that would be a preliminary plat that would come back before the Planning Commission and after the Staff reviews for compliance with ordinance codes and at that point in time the Planning Commission would have it before them as a public review and at that time it would be appropriate to make a decision on whether it remain two separate cul-de-sacs or a connective street.

Mr. Madsen said when he was getting his lot approved there was another place in the City that did not have a full cul-de-sac but the people who lived there believed it was a cul-de-sac. The City was coming back and punching that street through and that was what led to requesting that cul-de-sac in question be permanent.

Angie Webb, 163 Phillips Street, said she is much happier to see this over the condos but does question the punching through the cul-de-sac as that was believed to be permanent. With the lots being R-1-6 she would much rather see them R-1-8 instead of R-1-6 because she feels it lessens the value of their property.

Madam Chair Fitzpatrick asked if the Planning Commission approves the rezone will the rezone change if they decide to do something different with the cul-de-sac. Mr. Wright said no, it will stay R-1-6.

Commissioner Bodily made a motion that Planning Commission forward a positive recommendation to City Council to adopt ordinance 16-19 approving the rezone from R-S to R-1-6 based on the consistency with the General Plan use and density recommendations. However, would like to make sure in the concept plan that there is the best effort to work with the neighbors to come up with a compromise if possible. Commissioner Nilsson seconded the motion. All in favor. Voting was unanimous.

3. ALLGOOD REZONE – R-1-10 (SINGLE FAMILY RESIDENTIAL) TO R-1-6 (SINGLE FAMILY RESIDENTIAL)

This 1.63 acre property is located at 240 S. 975 E. This property is zoned R-1-10 (Single Family Residential) and is proposed for R-1-6 (Single Family Residential) zoning. This property is also part of a plat amendment for Lot 34 Holmes Creek Estates. The applicant is H. Bruce Allgood with AFIN Corporation.

Mr. Weaver said the property proposed for R-1-6 zoning is .163 acres (7,100 square feet). Adjacent properties to the north and east are zoned R-1-10 and subdivisions to the south and west are zoned R-1-6.

The rezone request was tabled at the January 12, 2016 Planning Commission meeting due to the existing propane tank on Lot 34 of the Holmes Creek Estates Subdivision. The tank currently resides on the property and has never been in use. The existing home has always been connected to a natural gas lateral and meter from Questar Gas. The propane tank was to be used as a backup power source for the house. The applicant has contacted Amerigas to remove the propane tank. Currently, Amerigas has not complied by removing the tank and has placed a lock on the tank and will not remove the tank until it is needed by Amerigas. However, the City will work with the applicant, homeowner and Amerigas to have the tank removed.

The applicant, H. Bruce Allgood, is the former owner of .317 acres of Lot 34 in the Holmes Creek Estates Subdivision. The .163 acre rezone area is still under the ownership of the applicant. The applicant is requesting the rezone to meet the zoning requirement of R-1-6 for the .163 acre rezone area. The southern half of the lot split would be the .163 acres, which is not large enough for R-1-10 zoning, but is large enough to meet the R-1-6 area requirements.

Splitting Lot 34 of the Holmes Creek Estates Subdivision into two lots is part of the Planning Commission agenda for this meeting. Lot 34 of the Holmes Creek Estates Subdivision is a long skinny lot with an existing home siding onto Rosewood Lane. The southern end of the lot is being proposed for R-1-6 zoning while the northern portion of the lot is to remain R-1-10. The future plan is to build a single family home on the proposed R-1-6 lot.

The Land Use Element of the General Plan indicates that single family developments are appropriate in this area based on the existing land uses on this property and surrounding properties. In addition, the adjacent subdivisions to the south are zoned R-1-6.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-10 to R-1-6 based on consistency with the General Plan recommendations for single family development in this area of Layton City.

Bruce Allgood, 1792 S. 1175 E., asked if there were any questions. No one had questions.

Ryan Price, 240 S. 975 E., asked how were they able to split it and record with the County before it is rezoned. Mr. Weaver said back in October 2015 there was a quit claim done to split the property and create Lot 102. Through legal description the property owner can do that at the County; however, as a State requirement, a plat amendment or parcel split needs to be approved by the City to amend lot 34 of the Holmes Creek Estates Subdivision.

Mr. Mills said you can go down to the County and record anything you want but it is not necessary valid until you go through the process.

Mr. Price said with the creek being close by and with the floods how can they engineer a house to not slide down the hill. Mr. Weaver said the hatched lines on the lot represent an easement which requires a certain distance to be away from the creek which is considered a safe distance to build the home. The County maintains all the creeks in Davis County through Davis County Flood Control. The City is working with FEMA to make sure our flood plain maps are correct and so whoever buys this other lot will most likely have to acquire flood insurance.

Mr. Price said are they planning on building a home that is comparable to what is in the area. Mr. Weaver said the homes will be more of a two story home instead of a rambler.

Commissioner Harding would like to make a motion to forward a positive recommendation to the City Council for the rezone request for adopting ordinance 16-07, R-1-10 to R-1-6. Commissioner Weaver seconded the motion. All in favor. Voting was unanimous.

Commissioner Bodily made a motion to close public hearing and open public review. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

PUBLIC REVIEW

4. LOT 34 HOLMES CREEK – AMENDED PLAT

This 1.63 acre property is located at 240 S. 975 E. This property also part of a rezone request from R-1-10 (Single Family Residential) to R-1-6 (Single Family Residential) zoning. The applicant is H. Bruce Allgood with AFIN Corporation.

Mr. Weaver said Holmes Creek Estates Lot 34 is 20,909 square feet (.48 acres) and zoned R-1-10. Adjacent properties to the north and east are zoned R-1-10 and subdivisions to the south and west are zoned R-1-6.

The applicant, H. Bruce Allgood, is requesting Lot 34 of the Holmes Creek Estates Subdivision to be split into two lots. The applicant had ownership of the entire lot until .317 acres, or 13,808 square feet, were quit-claim deeded to Ryan and Malerie Price on October 13, 2015, which split the lot into two lots. The Price's purchased the portion of Lot 34 with the existing home after it was split by the quit-claim deed. By reviewing and approving the plat amendment for Lot 34 of the Holmes Creek Estates Subdivision, the lot will be split correctly.

The southern half of the lot split or remaining piece is .163 acres or 7,100 square feet. The .163 acres is being reviewed as part of this Planning Commission agenda to be rezoned from R-1-10 to R-1-6.

Lot 34 of the Holmes Creek Estates Subdivision was a long skinny lot with an existing home siding onto Rosewood Lane. The southern end of the lot is being proposed for R-1-6 zoning while the northern portion of the lot is to remain R-1-10. The future plan is to build a single family home on the proposed R-1-6 lot.

The existing propane tank on Lot 34 currently resides on the property and is not in use. The existing home has always been connected to a natural gas lateral and meter from Questar Gas. The propane tank was to be used as a backup power source for the house and was never owned by the homeowner. The applicant has contacted Amerigas to remove the propane tank. Currently, Amerigas has not complied by removing the tank and has placed a lock on the tank and will not remove the tank until it is needed by Amerigas. However, the City will work with the applicant, homeowner and Amerigas to have the tank removed.

The proposed new lot meets the area and frontage requirements of the R-1-6 zone if the rezone is approved by the City Council.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the plat amendment for Lot 34 of the Holmes Creek Estates subject to meeting all Staff requirements.

Madam Chair Fitzpatrick asked if the City Council denies the rezone does the plat still need to be taken care of. Mr. Wright said if they deny the rezone then the plat can't be approved.

Commissioner Nilsson made a motion to forward a positive recommendation to City Council to approve the Holmes Creek Estates Lot 34 Amended Plat as outlined in Staff memorandums. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

5. **PENTECOSTAL CHURCH OF GOD – CONDITIONAL USE**
This property is located at 70 West Gentile Street in an MU-TOD (Mixed- Use Transit Oriented Development) zoning district. The applicant is Jose A. Herrera.

Mr. Rypien said the applicant, Jose Herrera, is requesting a conditional use for a Church. A Church is a conditional use in the MU-TOD (Mixed-Use Transit Oriented Development) zoning district. The purpose of the MU-TOD zone is to allow for a variety of uses in Layton's Historic Downtown that include retail, commercial, office and residential use and benefit from its proximity to a transit station.

The proposed Church is near the Frontrunner Station and is located near the intersection of Main Street and Gentile Street. The church proposes to occupy one of the suites in a building on the north side of Gentile Street west of the original First National Bank. The suite is between Horizon Home Health and Hospice and Shabby, a clothing store, which is currently vacant. Previously, the suite was occupied by C. Day & Company Appraisal & Consulting. The off-street parking designated for the Pentecostal Church of God is located on the north side (rear) of the building. There are two entrances to the building. The main entrance is on Gentile Street and the secondary entrance is on the north side of the building where the parking is located.

Land Use Charts 6-1 and 6-2 of the Zoning Ordinance, list "Church/Temple/Rectory" in the same category and allow them as a conditional use in any zone.

Layton Municipal Code Subsection 19.12.050 (9) requires that Churches/Temples have one space for every four seats in the auditorium; however, where a church/temple building is designed with the intention to be used by two congregations at the same time, one and one-half parking spaces shall be provided for every four seats in the auditorium. There will only be one congregation.

Section 19.26.090 of the Mixed-Use Transit Oriented Development Chapter states that parking requirements may be reduced if it can be shown that shared parking is a viable alternative with the Development Plan. The City reserves the right to dictate the amount of parking and/or the location of parking spaces within a project to achieve the objectives of this ordinance.

Six (6) parking stalls are required based on the twenty-five (25) members that are proposed to occupy the building. There will be no special events conducted at the church as stated in the Letter of Intent. There are four (4) parking stalls directly behind the building. These four (4) stalls are used by Horizon Home Health and Hospice during normal business hours Monday through Friday and are vacant after 5:00p.m. Additional stalls (2 or more) will be provided by agreement with adjacent property owners.

The building's gross floor area is 869 square feet. The number of occupants allowed in an assembly type setting is one (1) person for every fifteen (15) square feet. The occupancy load based on this would allow up to a total of 58 occupants. The number of members will be a total of twenty-five (25) including children.

The Church will hold services on Thursday evenings after 5:00p.m. and anytime on Sundays. The services would be during off-peak hours for the adjacent businesses and should not increase the need for parking in the area.

Staff recommends approval of the church subject to the following conditions:

1. Church services shall only be held after 5:00p.m. on weekdays and anytime on Sundays.

2. The church shall provide a total of six (6) off-street parking spaces based on twenty-five (25) total members. As per Section 19.12.050(9), Churches/Temples shall have one space for every four seats in the auditorium.

3. If the congregation increases above twenty-five members, then additional off-street parking shall be acquired through an agreement with an adjacent property owner within 500 feet of the Church.

4. The site and building shall meet all City ordinances and staff requirements from the Fire Safety, Engineering and Planning Divisions.

Commissioner Harding asked Mr. Herrera how many members he currently had. Jose Herrera, 70 West Gentile Street, said he has a translator because he does not speak very good English. Veronica Herrera, 4933 S. Murray Boulevard, said he currently has 9 members including children.

Commissioner Van Drunen asked Mr. Herrera if he understood that if he has more than 25 members that he will need to find additional parking. Mr. Herrera said yes he is aware of the parking requirement but plans on no more than 25 members.

Bart Tatton, 1032 W. 500 S., said there has been parking issues for the last 25 years. Mr. Tatton stated there is no other parking that Mr. Day can use and if they park in his spot he should be able to boot them out or have their cars towed and removed at that time. He stated that he was supposed to own the property that Craig Day currently owns.

Mr. Mills said in order to get the conditional use permit they have to have six parking spots. They are purposing that they use the four spots in back and two spots across the street at the bank. For whatever reason they are not able to get those spots they will just need to find six spots within 500 feet of the building. The City Staff looked into the ownership of this parcel that is an alley way behind the buildings and the County said it is owned by the Ellison's.

Mr. Rypien said the Tatton's own 50 percent of the interest on the driveway, and the Titus's and the Ellison's each own 25 percent.

Mr. Mills said it is a non issue and that in order to be allowed the conditional use they will need to come up with six parking spots. Potentially the property owners could bring an action to quiet title which is likely that this property has an easement by necessity.

Commissioner Harding said the majority of the parking would be off hours and First National Bank has given permission for two additional spaces.

Madam Chair Fitzpatrick said to Ms. Herrera that they may need to be prepared to find four additional parking spots that are within 500 feet of the building.

Sherri Tatton, 1032 W. 500 S., said the First National Bank does not have the extra parking spaces to be offering spots to the Church. Madam Chair Fitzpatrick said the church is operating after hours and would not affect the bank hours.

Ms. Tatton said she has been trying to call the Planning Commissioners all week long. She gave out her phone number to the Planning Commissioners and said she would like a call from every Commissioner.

Madam Chair Fitzpatrick said the Planning Commission is not the City Council and the Planning Commissioner can't have ex parte conversations with applicants. When the Commissioners come to this meeting they are allowed what was given to them in their book and that is the extent of what they can have prior to this meeting.

Ms. Tatton stated that she felt the Planning Commissioners were not looking at the conditional use objectively and said their area is the number one parking problem in Layton City.

Ms. Tatton suggested having this item tabled until the Commissioners can realize the parking problem on that street.

Commissioner Van Drunen said a conditional use is a permitted use and there has to be compelling evidence to deny it. Parking may be an issue and we are not saying they have to park anywhere in particular, all the Planning Commission is saying is they have to have six parking spots within 500 feet of the building.

Craig Day, 1885 E. Gentile, said he has a warranty deed and title insurance on the entire parcel when he bought the property from Lois Cook and it includes the right of way from Main Street into his property. He stated he owns the property and has right of way since 1996 and those four parking stalls are not going to go away. Mr. Day stated that they are his stalls and in the past when he has leased the property he leased it to two tenants and in the lease he specifically has said that they each had two parking stalls.

Mr. Mills said this is all irrelevant that for the conditional use to be granted the Church just needs to come up with six parking stalls.

Commissioner Weaver made a motion to approve the conditional use as long as there is compliance to the four amended statements and are understood by the applicant. Commissioner Van Drunen seconded the motion. All in favor. Voting was unanimous.

6. **MAGIC WASH EXPRESS CAR WASH – CONDITIONAL USE**

This property is located at 2200 West and Antelope Drive in a C-H (Planned Highway Commercial) zoning district. The applicant is William Shaw.

Mr. Weaver said the property being requested for a conditional use permit is located at the northeast corner of 2200 West and Antelope Drive. The property is currently vacant but has been planned and is zoned for commercial development. The Hidden Cove Apartments are to the north, commercial development is to the east, single family residential is to the south, and vacant property is to the west in Clearfield City.

The conditional use area is zoned C-H (Highway Regional Commercial) with C-H zoning to the east; R-1-8 (Single Family Residential) zoning to the south; R-M1 PRUD (Low/Medium Density Residential) zoning to the north; and Clearfield City to the west.

The applicant, William Shaw, is requesting conditional use permit approval for a tunnel car wash. This request is in association with the proposed parcel split that is included on the Planning Commission agenda.

The property to be developed is currently vacant and has been planned for commercial development with the existing retail commercial to the east. The commercial building will be located at the center of the site running north and south. Parking is combined with the vacuum stations located to the west of the tunnel car wash and adjacent to 2200 West. There is not a specific ordinance requirement for parking at a car wash. The ordinance requires a three car queuing for each approach lane to each washing bay. There is one approach for the tunnel and the queuing of the vehicles is on the east side of the tunnel and can accommodate a large number of vehicles for queuing purposes.

The proposed commercial building will have a size of 5,179 square feet. The architecture and design of the commercial building will incorporate red, black and grey colors. Block masonry will be used as a wainscot around the building with the majority of the building being stucco material. The roof line will curve for the majority of the building.

The tunnel is to be entered from the north end and exiting on the south end. It is anticipated that the blowers or drying mechanism will be located on the south end of the tunnel and away from the adjacent multi-family residential. Should the blowers become a nuisance to adjacent residential properties; the owners will need to incorporate a door at both ends of the tunnel car wash. The doors will need to remain closed while the tunnel is in operation.

The applicant has not submitted an official site plan that can be reviewed by City Staff. Once the site plan has been submitted to the City for review, City Staff will require a landscape plan and will review the plan based on the landscaping requirements of the City Code.

Street trees will be required along Antelope Drive and 2200 West. As part of the required buffer adjacent to residential land uses, the north boundary line will require a 10-foot landscape buffer with trees required every 20 feet and solid vinyl or wood fence. There is an existing vinyl fence that can be considered for the required buffer along the north property line. Existing trees also line the north boundary that belongs to the apartment development. However, trees will be required as part of the landscape buffer on the subject property adjacent to the residential property.

The applicant is not including a 30 foot drive access as part of the site along the north boundary line (see Magic Wash Express Car Wash parcel split agenda item). The applicant will have to work with the owners of the 30 foot wide drive access to place the 10-foot landscape buffer along the north property line. Another option is to have the 10-foot buffer along the north boundary of the site to be developed. This would ensure the landscaping is maintained and kept alive.

The two access points are being planned on both 2200 West and Antelope Drive. Access off 2200 West will be the 30 foot wide drive access being reserved for the remainder of the development of the commercial property. Access off Antelope Drive will be from a planned access with the planned commercial development to the east. The owner of the car wash will need to work with the owner of the commercial development to the east to establish a cross access easement to construct the access that was planned for build out.

Staff recommends the Planning Commission approve the conditional use permit for the Magic Wash Express Car Wash subject to the following conditions.

1. Meet all Building Division, Engineering Division and Fire Department requirements.

2. Meet all requirements as outlined in the City Code for car wash development for site plan review.

3. If it is determined that there is a noise nuisance from the tunnel car wash due to blowers or drying mechanisms, the owner will be required to place doors at each end of the tunnel.

4. The vacuums need to be turned off by 10 p.m.

Commissioner Van Drunen asked if other car washes are required to be turned off by 10 p.m. Mr. Weaver said they required the one on Hill Field Road to be turned off by 10 p.m.

Commissioner Weaver asked how much water does their process discharge per day. William Shaw, 70 N. Morgan Valley Drive, said probably 40 to 50 gallons per wash.

Commissioner Weaver asked if it went into a tank to be recycled. Mr. Shaw said yes the initial rinse is reclaimed.

Commissioner Van Drunen asked if there was going to be a signage on back of the building facing the apartments. Mr. Shaw said no.

Madam Chair Fitzpatrick asked if this comes back before the Planning Commission if they will be putting up the sign or do they have set guidelines they have to follow when putting up the sign. Mr. Weaver said they do have set guidelines and the ratio is one square foot to one square foot, it would not be coming back to the Planning Commission.

Mr. Shaw said the sign they presently have in South Ogden was an existing sign and grandfathered in.

Commissioner Bodily made a motion to approve the conditional use permit for the car wash as permitted in the Staff report. Commissioner Harding seconded the motion. All in favor. Voting was unanimous.

Commissioner Bodily amended his recommendation to approve the conditional use permit for the car wash with the addition that the vacuums to be turned off by 10 p.m. Commissioner Harding accepted the changes. All in favor. Voting was unanimous

7. MAGIC WASH EXPRESS CAR WASH – PARCEL SPLIT

This property is located at 2200 West and Antelope Drive in a C-H (Planned Highway Commercial) zoning district. The applicant is William Shaw.

Mr. Weaver said the applicant, William Shaw, is requesting parcel split approval. The proposed parcel split will divide the 9.06 acres into two parcels creating a parcel for a future tunnel car wash. Once split, the existing parcel that has commercial buildings and vacant land will be 8.02 acres and the car wash parcel that is currently vacant will be 1.03 acres.

The proposed car wash is permitted conditionally in the C-H zone. The conditional use permit associated with this parcel split is on this Planning Commission agenda. The site plan is forth coming and will not be reviewed by the Planning Commission. However, before City Staff approves the site plan, the car wash facility will be required to meet City ordinances during site plan review.

The parcel split is leaving a 30 foot wide piece of land on the north end to Parcel 1 for access from 2200 West to the future commercial development.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the Magic Wash Express Car Wash parcel split subject to meeting staff requirements as outlined in staff memorandums.

Madam Chair Fitzpatrick asked if the drive at the north will belong to the existing larger parcel to the east. Do they have to have permission to connect into the larger parcel? Mr. Weaver said it will be through a cross access easement.

Commissioner Nilsson asked if they are splitting the parcel but buying the entire piece. Mr. Weaver said yes. Mr. Nilsson said the car wash will have nothing to do with the parcel. Mr. Weaver said no it will just be improved to give access to the car wash.

Tom Hart, 2725 N. 650 E., Kier Property Management, said they are still working out some of the access issues and he knows there is a buffer that is actually good size piece of ground that is required. So that actual north property line may not actually be in the exact spot. Mr. Weaver said the legal description might change a little bit and can be dealt with on a Staff level.

Commissioner Van Drunen made a motion that the Planning Commission forward a positive recommendation to the City Council to approve the Magic Wash Express Car Wash Parcel Split subject to meeting all Staff requirements as outlined in Staff memorandums. Commissioner Bodily seconded the motion. Commissioner Nilsson asked Mr. Mills if what Mr. Hart said needed to be incorporated into the motion that the partial split will need to be modified. Mr. Mills said even though it could be split differently it does not need to be in the motion as it will be handled on a Staff level. All in favor. Voting was unanimous.

8. DAWSON HOLLOW ESTATES PLAT D AMENDING PLAT C – FINAL PLAT

This 1.019 acre property is located at approximately 2433 Kayscreek Drive in an R-1-10 (Single Family Residential) zone. The applicant is Carissa Beeston.

Mr. Weaver said the two lots being amended are zoned R-1-10. The surrounding properties or lots are zoned R-1-10. The two lots are currently vacant except for an agricultural structure that is located on Lot 317.

The applicant, Carissa Beeston, is requesting to amend Dawson Hollow Estates Plat C Lot 317 and 318 to create a single residential lot from two platted lots. By combining the two lots, the proposed single lot becomes 1.01 acres (44,406 square feet) in area and the lineal street frontage becomes 180 feet. This meets the area and frontage requirements of the R-1-10 zone.

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve Dawson Hollow Estates Plat D Amending Lots 317 and 318 of Dawson Hollow Estates Plat C subject to meeting all Staff requirements.

Commissioner Harding asked Carissa Beeston if she had any plans on taking down the barn. Carissa Beeston, 2166 Kayscreek Drive, stated she plans on keeping the barn.

Commissioner Harding made a motion that the Planning Commission forwards a positive recommendation to the City Council to approve Dawson Hollow Estates Plat D Amending Plat C Final Plat subject to meeting all staff requirements as outlined in Staff memorandums. Commissioner Nilsson seconded the motion. All in favor. Voting was unanimous.

Commissioner Van Drunen made a motion to close public review and adjourn. Commissioner Bodily seconded the motion. All in favor. Voting was unanimous.

Meeting adjourned: 8:35 p.m.

Christy Wixom, Planning Commission Secretary