

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, APRIL 28, 2009

MEMBERS PRESENT: Sharon Esplin, Tim Pales, Gerald Gilbert, Dave Pratt
Kristin Elinkowsk, Blake Hazen

ALTERNATE MEMBERS PRESENT:

MEMBERS ABSENT:

ALTERNATE MEMBERS ABSENT: Ryan Stevenson

OTHERS PRESENT: Staff Members: Kem Weaver, Amanda Jorgensen, Steve Garside, Julie Jewell

PUBLIC REVIEW:

(1) COLDSHOULDER, INC. – CONDITIONAL USE – TAVERN

This property is located at 768 West 1425 North in a CP-3 (Planned Regional Commercial) zoning district. The owner of the property, Kim Olsen, is representing the applicant, Doug Hartman, of Cold Shoulder Inc.

Amanda Jorgensen, City Planner, presented the request for a conditional use for a tavern to be located on the west side of the Costa Vida Restaurant building. Kem Weaver said that Costa Vida has a 10 foot wall to separate the restaurant from the tavern. He also pointed out that the applicant proposes a three-foot fence around the patio area which must be a four foot fence. There will be no outside entry or outside exit from the patio area. Staff and the Commission discussed the sharing of restroom facilities between the two establishments. Steve Garside, Assistant City Attorney, stated that the applicant will have to monitor alcohol leaving the club and asked that the applicant be made aware that if alcohol leaves the premises the applicant will be in violation of State law as well as their business license.

Parking space and requirements were reviewed. Ms. Jorgensen also stated that the applicant will be given a copy of a landscape plan with which they must comply. Costa Vida has offered to upgrade their landscaping as well. In addition, the applicant will need to present a plan for enclosing and accessing dumpsters on the property.

The following are the conditions placed on this conditional use with condition #8 being modified to change the height of the patio fence from 3 feet to 4 feet, and condition #9 being added as an additional condition:

- 1) The applicant is required to contain all lighting on property at all times.
- 2) The applicant is required to plant 6 trees along the west side of the property along with complying with the original approved landscape plan.

- 3) The applicant is required to properly enclose all dumpsters on site or provide proper access to the approved location on the northwest side of the property
- 4) The business is required to meet and uphold all the State and City Liquor Laws.
- 5) The business is required to obtain a Layton City business license.
- 6) The applicant is required to comply with all Fire Department and Building Code Division requirements.
- 7) If there are modifications or changes to the tenant spaces the applicant is required to obtain a building permit.
- 8) The proposed 3 foot wrought iron fence that will surround the outdoor patio area is required to be at least a 4 feet. The outdoor patio area is required to be monitored at all times during business hours.
- 9) Any alcohol is prohibited to leave the designated private club area indoor and outdoor.

Mr. Garside updated the Commission on the changes to the laws governing drivers' license suspension in the event of a DUI.

By Julie K. Jewell
Julie K. Jewell, Secretary to the Planning Commission

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Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:00 p.m. He welcomed Cub Scout Troops 460 and 550 from the Heritage and Park Wards. The Pledge of Allegiance was recited and the invocation was by Commissioner Blake Hazen.

Chairman Esplin called for a motion on the April 14, 2009 Planning Commission minutes. Commissioner Gerald Gilbert moved to accept the minutes as written. Commissioner Tim Pales seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to open Public Review. Commissioner Gilbert moved to open Public Review and Commissioner Kristin Elinkowski seconded the motion. The voting was unanimous.

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Amanda Jorgensen, City Planner, presented the applicants request for a conditional use for a tavern (Summit Lounge) which is relocating to the west half of the building currently housing the Costa Vida restaurant. The building which was completed in November 1998 is located on a 2.10 acre landscaped parcel with 197 parking stalls.

Ms. Jorgensen said the nearest tavern was Club Fahrenheit inside the Hilton Garden Inn which meets the separation requirement of 640 feet between taverns. Ms. Jorgensen read the following conditions which the applicant had not previously reviewed with condition #8 being modified to change the height of the patio fence from 3 feet to 4 feet, and condition #9 being added as an additional condition. She said Staff recommends the PC approve the tavern/private club with the conditions as follows:

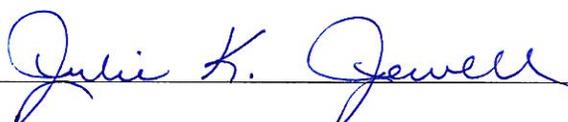
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- 6) The applicant is required to comply with all Fire Department and Building Code Division requirements.
- 7) If there are modifications or changes to the tenant spaces the applicant is required to obtain a building permit.
- 8) The proposed 3 foot wrought iron fence that will surround the outdoor patio area is required to be at least a 4 feet. The outdoor patio area is required to be monitored at all times during business hours.
- 9) Any alcohol is prohibited to leave the designated private club area indoor and outdoor.

The Commission and audience had no questions. Chairman Esplin asked the applicant if they understood the conditions and the applicant replied in the affirmative.

Chairman Esplin called for a motion on the item. Commissioner Pales moved that the Planning Commission grant the conditional use subject to the applicant complying with all conditions which are hereby adopted as requirements. Commissioner seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review. Commissioner Elinkowski moved to close Public Review. Commissioner Hazen seconded the motion and the voting was unanimous.

Commissioner Pales moved to adjourn the meeting, there was no second on the motion, but the voting was unanimous. The meeting adjourned at 7:08 p.m.

By  _____
Julie K. Jewell, Secretary to the Planning Commission