

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, JANUARY 12, 2010

**MEMBERS PRESENT:** Sharon Esplin, Gerald Gilbert, Dave Pratt, Tim Pales, Blake Hazen, Dave Weaver

**ALTERNATE MEMBERS PRESENT:** Brian Bodily

**MEMBERS ABSENT:** Kristin Elinkowski

**ALTERNATE MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Peter Matson, Kem Weaver, Amanda Jorgensen, Steve Garside, Julie Jewell and Councilmember Barry Flitton

Prior to review and discussion of agenda items, the Commissioners discussed the status of the mobile store/taco kiosk at 1464 North Main. Concerns were expressed about the location and size of the structure as well as the security of a tarp or tent attached to structure.

Other items discussed were the snow plowing patterns and regulations for banner type signs.

## **PUBLIC REVIEW:**

### **(1) LANDSCAPE MODIFICATION – ANTELOPE OFFICE BUILDING**

This property is located at 169 East Antelope Drive in a P-B (Professional Office) zoning district. The applicant is Josh Jensen.

Kem Weaver, City Planner, reviewed the previous rezone in which the applicant acquired 21 feet of property from an adjacent residential lot to add to the subject property at 169 East Antelope Drive for the purpose of building an office building. The residential lot from which the 21 feet was acquired was rezoned from A to R-1-8 to comply with zoning regulations. Due to the required landscape buffers when an office use is adjacent to a residential use, in this instance, it will be difficult for the developer to fit the building on the site. Mr. Weaver stated that the Planning Commission has the ability to modify or waive the landscape buffer. Mr. Weaver said that in order to meet the parking requirements for the 4500 square foot-building, the applicant needs 15 parking spaces. A modification on the west property line is needed to accommodate parking. The house next door will be 51 feet from the parking area and the modification will be against the home's rear yard and shielded with additional trees. The request would reduce the buffer from 10 feet to 3 feet and a 6 foot solid vinyl fence is proposed. The home on the east side of the property is currently vacant and for sale or for rent. Applicants from the proposed office use have been trying to contact the property owner with the intent to buy the property and expand their site. The modification proposed for the east landscape buffer is from 10 feet to 6 feet at the street and 10 feet to 3 feet at the northeast corner of the site. The applicant proposes to mitigate the buffer reduction by placing a maple tree every 15 lineal feet rather than the required one tree per 20 lineal feet. Mr. Weaver indicated

that the maple tree canopy will start 6-7 feet off the ground which should mitigate any impact on the neighboring property. Mr. Weaver said the General Plan for this portion of Antelope Drive calls for more office use zoning.

After discussion, the Commission recommended that a parking space on the west side of the property be moved to the east side to create a ten foot buffer on the west side by allowing the trash dumpster enclosure to be moved farther away from the property line. However, if it is not possible to engineer the recommendations, the Planning Commission said they would approve the applicant's proposed modifications.

**(2) MAVERIK, INC. – CONDITIONAL USE FOR A KIOSK FOR THE RENTING OF DVD'S TO THE PUBLIC (REDBOX VENDING MACHINES)**

This property is located at 2014 North Hillfield Road in a CP-2 (Planned Community Commercial) zoning district. The applicant is Dan Murray, Vice-President of Real Estate for Maverik, Inc. represented by Dawn Shepardson and Rich Engstrom.

Long Range Planner, Peter Matson, presented a conditional use prepared by Planning Technician, Nannette Larsen. Mr. Matson said the request is for a mobile store kiosk for a RedBox vending machine at 2014 North Hillfield Road at the Maverik Store site. The kiosk currently exists at the site and is one of several RedBox vending machines the City is trying to bring into compliance with the conditional use requirement. He said Staff is researching ways to make the mobile store ordinance more efficient.

Mr. Matson reviewed the kiosk location stating that it meets all separation requirements. A memo from the Fire Department noted that required the relocation of some wood bundles near the entry/exit to the Maverik Store. Ms. Larsen did a site visit and found that the wood bundles had been moved at least six feet from the entrance. Mr. Matson said Staff is recommending approval of the mobile store kiosk conditional use permit.

Staff and the Commission discussed setback requirements of mobile stores from residential areas.

**OTHER ITEMS:**

City Planner, Amanda Jorgensen, presented Staff and sign committee recommendations for modifications to the City's temporary sign ordinance regulations. This presentation is attached in its entirety.

Staff and the Commission discussed the types of signs allowed at businesses and the desire for the ordinance to be business friendly but keep signage aesthetically pleasing along the Main Street corridor. There was a discussion of corporate signage incentives. Also discussed was the anchoring of signs.

Chairman Esplin said that while the ordinance should be business friendly, there should also be guidelines to follow. The Commission asked Ms. Jorgensen to e-mail them the PowerPoint presentation regarding signage.

**LIABILITY TRAINING**

The work meeting adjourned at 7:06 p.m. for the regular Planning Commission Meeting. Commissioners were asked to return after the Planning Commission Meeting for a training video.

At 7:24 p.m. the Commissioners returned from the regular Planning Commission and reviewed a video entitled "Public Official Liability Training – Zoning & Land Use Issues."

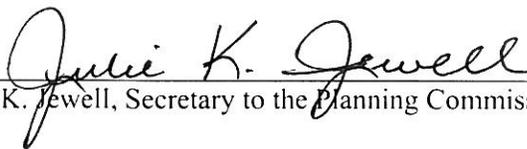
Assistant City Attorney Steve Garside advised the Commissioners that the Planning Commission is the recommending body which must ignore public clamor and decide on the basis of the General Plan and consistency with the Zoning Ordinance.

There was a discussion on Commissioners vocalizing the reasons why they were voting for or against an item on the agenda.

**OTHER DISCUSSION**

There was a discussion on the APZ regulations. Commissioner asked for a summary of the APZ regulations which Mr. Matson will send to him. The Commissioners expressed interested in reviewing the APZ zoning ordinance including sound mitigation and noise easements. The Planning Department will notify the Commissioners of the time of any upcoming public meeting on the F-35 fighter planes which will be coming to Hill Air Force Base.

The meeting adjourned at 7:45 p.m.

By   
Julie K. Jewell, Secretary to the Planning Commission

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Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:08 p.m.

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

Barry Flitton was welcomed as the new representative to the Planning Commission from the City Council.

Chairman Esplin called for a motion for approval of the December 8, 2009 Planning Commission Meeting minutes. Commissioner Dave Weaver asked for a correction to the minutes to delete a period between "Amanda" and "Jorgensen" in line 1 of Item #3.

Commissioner Hazen moved to accept the December 8, 2009 minutes as corrected. Commissioner Pales seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to open Public Review.

Commissioner Tim Pales moved to open Public Review. Commissioner Hazen seconded the motion and the voting was unanimous.

## **PUBLIC REVIEW:**

### **(1) LANDSCAPE MODIFICATION – ANTELOPE OFFICE BUILDING**

This property is located at 169 East Antelope Drive in a P-B (Professional Office) zoning district. The applicant is Josh Jensen.

Kem Weaver, City Planner, presented an aerial photograph and reviewed the previous rezone approved by the City Council on November 19, 2009 in which the applicant acquired 21 feet of property from an adjacent residential lot to add to the subject property at 169 East Antelope Drive for the purpose of building an office building. The residential lot from which the 21 feet was acquired was rezoned from A to R-1-8 to comply with zoning regulations. Due to the required landscape buffers when an office use is

adjacent to a residential use, in this instance, it will be difficult for the developer to fit the building on the site. Mr. Weaver stated that the Planning Commission has the ability to modify or waive the landscape buffer. Mr. Weaver said that in order to meet the parking requirements for the 4500 square foot-building, the applicant needs 15 parking spaces. The modification on the west property line is needed to accommodate parking. The house next door will be 51 feet from the parking area and the modification will be against the home's rear yard and shielded with additional trees. The request would reduce the buffer from 10 feet to 3 feet and a 6 foot vinyl fence is proposed. The home on the east side of the property is currently vacant and for sale or for rent. Applicants from the proposed office use have been trying to contact the property owner with the intent to buy the property and expand their site. The modification proposed for the east landscape buffer is from 10 feet to 6 feet at the street and 10 feet to 3 feet at the northeast corner of the site. The applicant proposes to mitigate the buffer reduction by placing a maple tree every 15 lineal feet rather than the required one tree per 20 lineal feet. Mr. Weaver indicated that the maple tree canopy will start 6-7 feet off the ground which should mitigate any impact on neighboring property. Mr. Weaver said the General Plan for this portion of Antelope Drive calls for more office use zoning and if homes were purchased in the area, the buyer would have an option to rezone to P-B (Professional Office).

Mr. Weaver said Staff recommends approval of the modification request as submitted and including the recommendations made by the Planning Commission as follows:

The Commission recommended that a parking space on the west side of the property be moved to the east side to create a ten foot buffer on the west side allowing the trash dumpster enclosure to be moved farther away from the property line. However, if it is not possible to engineer the recommendations, the Planning Commission said they would approve the applicant's proposed modifications.

Commissioner Weaver asked if the proposal could be reviewed again after the developer has reviewed the Commission's recommendations. Mr. Weaver said the modification recommendations can be made part of the motion as a requirement. Commissioner Hazen suggested the recommendations be contingent upon approval from the Engineering Division. Mr. Weaver said the Planning Department would be the approving Division.

There were no further questions or comments. Chairman Esplin called for a motion on the item.

Commissioner Hazen moved that the Planning Commission approve the landscape modification for the Antelope Office Building subject to Staff requirements and to the modifications recommended by the Planning Commission contingent upon approval from the Planning Division. The motion was seconded by Commissioner Brian Bodily and the voting was unanimous.

## **(2) MAVERIK, INC. – CONDITIONAL USE FOR A KIOSK FOR THE RENTING OF DVD'S TO THE PUBLIC (REDBOX VENDING MACHINES)**

This property is located at 2014 North Hillfield Road in a CP-2 (Planned Community Commercial) zoning district. The applicant is Dan Murray, Vice-President of Real Estate for Maverik, Inc. represented by Dawn Shepardson and Rich Engstrom.

Long Range Planner, Peter Matson, presented the application for conditional use for a RedBox kiosk currently in place at the 2014 North Hillfield Road Maverik Store stating that RedBox locations are currently being reviewed for compliance with conditional use requirements.

Mr. Matson gave an overview of the location of the RedBox kiosk on the Maverik site and stated the issue brought up by the Fire Marshall regarding a display of fire wood has been resolved.

The following are the conditions required as part of this conditional use permit:

1. The structure shall have appropriate utility connections, inspected for compliance to City codes.
2. The kiosk cannot be located closer than 100 feet to any residentially zoned property.
3. The kiosk cannot be located closer than 250 feet from any other kiosk or mobile store.
4. The site must be cared for so as to keep it in a clean, neat and in an orderly manner.
5. The kiosk shall be illuminated to ensure the comfort and safety of patrons during night-time hours.

Mr. Matson asked the Planning Commission to wave the City ordinance landscaping requirement of a 4 foot strip of landscaping surrounding the kiosk. He said Staff is recommending approval with the stated conditions.

There were no questions or comments. Chairman Esplin called for a motion on the item.

Commissioner Dave Pratt moved that the Planning Commission approve the conditional use permit subject to the applicant meeting all Staff conditions which are hereby adopted as requirements along with waving the landscaping requirement. Commissioner Hazen seconded the motion and the voting was unanimous.

Commissioner Tim Pales moved to close Public Review. Commissioner Weaver seconded the motion and the voting was unanimous.

Commissioner Weaver moved to adjourn the meeting. The voting was unanimous.

The meeting adjourned at 7:22 p.m.

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