

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, FEBRUARY 23, 2010

MEMBERS PRESENT: Sharon Esplin, Kristin Elinkowski, Gerald Gilbert, Dave Pratt, Tim Pales, Dave Weaver

ALTERNATE MEMBERS PRESENT: Brian Bodily

MEMBERS ABSENT: Blake Hazen

ALTERNATE MEMBERS ABSENT:

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Amanda Jorgensen, Steve Garside, Julie Jewell and Councilman Barry Flitton

PUBLIC REVIEW:

(1) SECLUDED OAKS SUBDIVISION – PRELIMINARY APPROVAL

This 3.11 acre property consists of 5 lots and is located at approximately 1800 North and Highway 89. The property is zoned R-1-10 (Single Family Residential) and R-S (Residential Suburban). The applicant is Kathleen Tait.

City Planner, Kem Weaver, explained that the request for preliminary approval of the Secluded Oaks Subdivision was tabled at the last Planning Commission Meeting in order for Staff and the Planning Commission to do further research on geotechnical reports, storm water runoffs and permits required by Davis County Flood Control.

Mr. Weaver provided sections of the geotechnical report highlighting the conclusions of the report and what is expected of the developer as follows:

3.0. CONCLUSIONS – *(1) The subject site is suitable for the proposed construction provided the recommendations presented in this reports are followed. (2) . . . Water was not encountered below the existing site grade at the time of this investigation.*

4.0. SITE CONDITIONS – *(5) Footing excavations should be observed by the geotechnical engineer prior to placement of structural fill and construction of footings to evaluate whether suitable bearing soils have been exposed and verify that excavation bottoms are free of loose or undisturbed soils.*

14.0. SUBSURFACE DRAINAGE -- . . . *A reading of the piezometer on September 28, 2006 indicated groundwater at 11'8" below the existing site grade. With the depth that groundwater was encountered and the native soils are granular in nature, as long as basements do not extend more than 9'8" below the existing site grade subsurface drainage should not be needed for buildings on this site.* Mr. Weaver stated that perimeter or land drains would be required around these foundations to capture and carry away any groundwater.

Mr. Weaver said the groundwater at 11'8" in one of the bore holes was at the lowest point of the drainage on the Staples property which is the natural drainage area. Mr. Weaver said that after the storm water

runs into a small gully, it dissipates into the ground no further than 100 feet from Highway 89. The water does not reach the land proposed for development. Storm water will be piped down the private drive into the stream so there may not be any deterioration in the future. A detention pond easement is required on the frontage of Lot 2. Mr. Weaver said the developer will actually be improving the control of storm water runoff.

Commissioner Dave Weaver commented that the piezometer reading was taken in September which is the driest time of the year. He asked that the piezometers be checked quarterly with reports from the geotechnical engineer to Staff up until the time building permits are issued.

City Planner, Kem Weaver, said that the piping of the storm water runoff will help to mitigate the ground water.

15.0. SLOPE CONDITIONS – *The site has several moderately steep slopes . . . Based on our drilling we have determined that the slope material consists primarily of the native cobbles in a silty sand matrix to a silty gravel soil which extends throughout the profile of the slope. All slopes observed during the field investigation were less than 20 feet high and had a natural slope at 3:1 (horizontal:vertical) to 4:1. The native slopes are no steeper than standard recommendations for unretained cut and fill slopes, therefore, as long as the native slopes are not over steepened during construction the slopes should be stable.*

Mr. Weaver said that the native cobble on the subject property is more stable than other areas in the City such as West Layton. He said the slopes are no steeper than the standard recommendation for cut and fill slopes and that as long as the lots are not over-steepened, the slopes should be stable. He said, however, that Lot 2 will need a lot specific geotechnical report to determine mitigation needed to make it a stable, buildable lot.

Mr. Weaver addressed Commissioner Weaver's question about placement of a home on Lot 2 stating there would be options of where to put the home.

In answer to Commissioner Weaver's question about ground water, Mr. Weaver said that if ground water is found higher than anticipated, the geotechnical engineer would return to re-evaluate the property.

Mr. Weaver said Davis County Flood Control would require site plans for Lots 2 and 3 showing that the detention basin on Lot 2 and storm drain line access wouldn't be impeded by landscaping and fencing on the site.

Commissioner Weaver asked if there was any data supporting the two-foot distance separating the groundwater level from the depth limit for a basement or if it was just a determination by the engineer. Mr. Weaver replied that it would be determined by the engineer. He addressed Commissioner Weaver's question about the procedure should a higher level of groundwater be discovered by stating that the geotechnical engineer would notify the City building inspector if that were the case.

Commissioner Gilbert asked if the subdivision was for family members or if lots would be sold to the public. Mr. Weaver said the developer would occupy Lot 1. Commissioner Gilbert felt it would be prudent for geotechnical information to be provided to prospective buyers. Mr. Weaver said it would be noted on the final plat and the plat must reference the specific geotechnical report.

Commissioner Weaver asked if the existing owners know they will have to participate in street and utility maintenance and Mr. Weaver replied in the affirmative.

(2) YOUNG ELECTRIC SIGN COMPANY – CONDITIONAL USE REQUEST FOR AN ELECTRIC SIGN

This property is located at 2837 East Highway 193 at the Weber Basin Water Conservation District office in an R-1-8 Zoning District. Dale Hadley represents Young Electric Sign Company.

City Planner, Amanda Jorgensen, presented the request for an electronic message center sign which would be the second sign on the Weber Basin Water Conservation District office property. Ms. Jorgensen said that an electronic sign up to 20 feet high is allowed in an R-1-10 zone as long as the business is a community use which this office has been categorized.

Ms. Jorgensen said there would need to be two motions – one motion for a second sign on the property and one for the electronic message center sign.

The site contains 17.89 acres and has approximately 1,500 lineal feet of frontage along Highway 193 and 880 lineal feet of frontage along Highway 89. The site has an existing monument sign that is 4.5 feet in height and 9'11" in length for a total sign area of 44.59 square feet.

The proposed sign contains two cabinets that show 14.56 square feet for the Learning Garden sign and 25.4 square feet for the electronic message sign for a total of approximately 40 square feet of sign area. The sign is proposed at 20 feet in height with a 14'10" clearance. The pole sign is proposed with a pole cover and a rock base that architecturally match the primary structure color scheme. The proposed sign must not be located within 200 lineal feet from a residential use and/or from another sign.

Ms. Jorgensen stated that Staff recommends the Planning Commission approve the conditional use for the second sign and the electronic message sign with the following conditions:

- 1) The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
- 2) The applicant is required to comply with the sign ordinances for both businesses, including permanent and temporary signage.
- 3) The applicant is required to obtain a sign permit and also call for inspection; this includes placement, footing and final inspections.
- 4) The sign is required to comply with the Ordinance 20.01.150 and 20.04.120.
- 5) The sign is required to maintain a 200 lineal foot distance from the adjacent residential dwellings and also the existing monument sign.

Commissioner Brian Bodily asked if there would be any considerations per the Engineering Division's comments. Ms. Jorgensen said the proposed sign would be in compliance with all recommendations.

There was a discussion of services offered at the facility.

(3) AUTO BOSS – CONDITIONAL USE REQUEST FOR AUTO SALES

This property is located at 415 West 1425 North (Layton Hills Mall area) in a CP-3 Zoning District. The applicant, Cameron Winquist, is the owner of the business.

City Planner, Amanda Jorgensen, presented the conditional use for auto sales in conjunction with The Pawn Depot which was relocated from North Main Street as a result of the new South Layton Interchange to 415 West 1425 North. Ms. Jorgensen explained that auto sales are allowed in a CP-3 zone with a conditional use. The vehicles to be sold will be consigned or owned vehicles which must be in good working condition and will be stored directly to the north and south of the Pawn Depot business. All advertising will be through the internet with no balloons or banners advertising the vehicles. Ms.

Jorgensen addressed Commissioner Weavers question about "For Sale" signs in the vehicle windows, stating that no signage will be allowed on the vehicles to prevent owners parking private vehicles at this location with the intent to sell.

Ms. Jorgensen said that 31 parking stalls are required and the parking is adequate for the 6,000 square foot tenant space.

The Commissioners requested the addition of two conditions:

- 8) Consignment vehicles must be currently licensed and registered at all times.
- 9) No "For Sale" signs may be displayed on the vehicles to prevent other public vehicles from being displayed.

There was a discussion about vandalism and also about whether or not the vehicles could be leased. Ms. Jorgensen will ask the applicant if he intends to lease the vehicles. She said fencing of the vehicle display and storage areas would not be allowed.

(4) GOT STORAGE – CONDITIONAL USE REVIEW

This 5.62 acre property is located at 153 Antelope Drive in an M-1 (Light Manufacturing/Industrial) zoning district. The current conditional use is for truck & trailer rental in addition to the storage unit business on the property. The owners are Ken and Kiley Crockett.

City Planner, Amanda Jorgensen, explained that the per the Planning Commission's request, the conditional use for truck & trailer rental would be reviewed for compliance particularly pertaining to parking of rental vehicles and drop off issues.

Ms. Jorgensen said the applicant is considering underground detention with parking on top or the purchase of additional property on which to park vehicles. She said the demand for the rental trucks has been greater than the owner originally expected, and that the owner would bring in a plan to resolve the situation and the Commission could discuss his options with him.

Chairman Esplin said it appears one truck never moves and had concerns it was in an access area. He said the agreement was that excess vehicles be parked in the storage units.

Commissioner Gilbert said that the conditional use granted a limit of 10 rental units which would include car carriers with only two units being allowed outside for display. He said the applicant currently has five units outside with a truck in an access area and one truck sticking out of a unit. Commissioner Gilbert said he only voted in favor of granting the conditional use because just two units would be outside for display.

There was a discussion about liability and obstructing Fire Department access. The recommendation was made to designate and identify a drop off area with trucks dropped off at night being moved immediately in the morning.

Ms. Jorgensen said the applicant must apply for an amended conditional use approval or comply with the October 27, 2009 conditional use, otherwise, the original conditional use permit may be revoked.

Commissioner Gilbert expressed a concern that the applicant wanted to amend the existing conditional use permit even though the original conditions haven't been met. He reminded the Commission of the applicant's statement during the October 27, 2009 conditional use review that he would keep excess trucks/units inside because he could make more money on renting the trucks rather than the storage units.

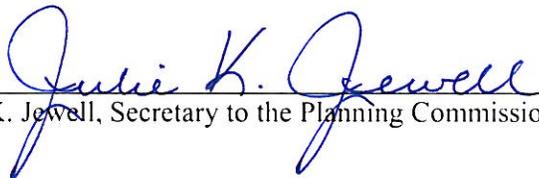
Ms. Jorgensen said there had been no public complaints about the business.

Chairman Esplin compared the situation to a previous conditional use review for Andrescapes and said the applicant needed to comply or come up with a good workable solution. Ms. Jorgensen reiterated that if the applicant proposes more than originally approved, an amended conditional use application would be required.

Staff and the Commission reviewed other conditional use permits out of compliance such as the south Layton U-haul/pool business. Mr. Weaver said only 4 out of 15 conditions were met. Ms. Jorgensen said she would bring the conditional use back to the Planning Commission to review. Another conditional use out of compliance according to Chairman Esplin is a home health business south of Antelope on 1700 West. Ms. Jorgensen will research that conditional use and will call Code Enforcement regarding the truck stored on the grass.

OTHER:

Ms. Jorgensen mentioned that banner permit fees are being waived for businesses affected by the South Layton Interchange construction. Code Enforcement is not aggressively enforcing the sign ordinance but is requiring that signs are kept out of the right of way and clear view areas. Community & Economic Development Director, Bill Wright, said the burden of advertising should be kept with the interchange construction contractor because that is their responsibility and they can better manage the placement of signage so that it doesn't become a nuisance to those trying to negotiate the construction zone. Commissioner Elinkowski said she would pass that information on to the Citizen Review Board for the South Layton Interchange of which she is a member.

By 
Julie K. Jewell, Secretary to the Planning Commission

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TUESDAY, FEBRUARY 23, 2010

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- ALTERNATE MEMBERS PRESENT:** Brian Bodily
- MEMBERS ABSENT:** Blake Hazen
- ALTERNATE MEMBERS ABSENT:**
- OTHERS PRESENT:** Staff Members: Peter Matson, Kem Weaver, Amanda Jorgensen, Steve Garside, Julie Jewell and Councilman Barry Flitton

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited and an invocation was given by Commissioner Dave Weaver.

Chairman Esplin called for a motion to approve the February 9, 2010 Planning Commission Meeting minutes and asked that Page 5 Paragraph 4 of the public meeting minutes be amended from “Commission Weaver” to “Commissioner Weaver.” There were no other changes. Commissioner Weaver moved to approve the February 9, 2010 Planning Commission Meeting minutes with the noted corrections. Commissioner 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. Commissioner Pales seconded the motion and the voting was unanimous.

PUBLIC REVIEW:

(1) SECLUDED OAKS SUBDIVISION – PRELIMINARY APPROVAL

This 3.11 acre property consists of 5 lots and is located at approximately 1800 North and Highway 89. The property is zoned R-1-10 (Single Family Residential) and R-S (Residential Suburban). The applicant is Kathleen Tait.

Kem Weaver, City Planner explained that the request for preliminary approval of the Secluded Oaks Subdivision was tabled at the last Planning Commission Meeting in order for Staff and the Planning Commission to do further research on geotechnical reports, storm water runoffs and permits required by Davis County Flood Control.

Mr. Weaver said the groundwater at 11’8” in one of the bore holes at the lowest point of the drainage on the Staples property which is the natural drainage area. Mr. Weaver said that after the storm water runs into a small gully and dissipates into the ground no further than 100 feet from Highway 89. The water

does not reach the land proposed for development. Storm water will be piped down the private drive into the stream so there may be no road deterioration in the future. A detention pond easement is required on the frontage of Lot 2. Mr. Weaver said the developer will actually be improving the control of storm water runoff. The Commission had suggested that the piezometers be kept in place to monitor ground water up until building permits are issued.

According to Mr. Weaver, Lot 2, with the slope of 33% through the center of the lot, will need a lot specific geotechnical report to determine mitigation needed to make it a stable, buildable lot. He said that the buildable area of the lot may encroach into that slope and a geotechnical engineer will need to present a plan to make sure there will be no slope failure.

Mr. Weaver reported that there are no active faults around the subdivision and the liquefaction risk is moderate.

Mr. Weaver said Davis County Flood Control would require site plans for Lots 2 and 3 showing that the detention basin on Lot 2 and storm drain line access wouldn't be impeded by landscaping and fencing on the site. A permit from Davis County Flood Control will also be required before installing any fencing.

With regard to zoning, Mr. Weaver said Lots 1, 2, 4, and 5 are zoned R-1-10 with Lot 1 being a flag lot. Lot 3 is zoned R-S and this property owner has horses and agricultural buildings on the west side of the property. Mr. Weaver said the owners of the two existing homes, which are not part of the subdivision but will access their property through the subdivision, will be required to help maintain the private road and the utilities in the private road.

Mr. Weaver outlined a 20-foot easement to be dedicated for storm water runoff and explained the location of sewer lines flowing into the Country Oaks Subdivision and said 10-foot wide public utility easements would be required on the lots.

Due to the 50-foot-wide street width being required for private streets, rather than the 60-foot street width required for public streets, the subdivision will be a private subdivision.

Mr. Weaver said Staff recommends the Planning Commission forward a recommendation of approval to the City Council.

Commissioner Weaver asked the partner of the developer about the two-foot safety margin of ground water in the bore holes and if there was data supporting the two-foot margin of safety. City Planner, Ken Weaver, responded that since the geotechnical engineer was not present, he would address the question and stated that in most geotechnical reports, a two foot distance between the basement and ground water is considered safe. He said the land drain should take the water away from the home through a connection to a storm drain line.

Commissioner Weaver asked how the land drain would access the storm drain line for Lot 1 and Mr. Weaver replied that the land drain would go around the house and then down the staff of the flag lot where it would connect to the storm drain line.

Commissioner Weaver stated that the Planning Commission asks that the piezometer be assessed quarterly to determine if the 11'8" ground water depth is an accurate evaluation. He asked what would occur should the ground water depth be found to be higher. Mr. Weaver responded that the geotechnical engineer would re-evaluate the situation and make different recommendations for the property.

Commissioner Weaver confirmed that the piezometers would be monitored quarterly with a report back to the Planning Staff. Mr. Weaver replied in the affirmative.

There were no further questions or comments from the Commission or the audience. Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved that the Planning Commission forward a positive recommendation to the City Council to grant preliminary approval to the Secluded Oaks Subdivision subject to the applicant meeting all Staff requirements, with the stipulation that a notation be placed on the plat requiring piezometers to be monitoring quarterly until building permits are issued. Commissioner Weaver seconded the motion and the voting was unanimous.

(2) YOUNG ELECTRIC SIGN COMPANY – CONDITIONAL USE REQUEST FOR AN ELECTRIC SIGN

This property is located at 2837 East Highway 193 at the Weber Basin Water Conservation District office in an R-1-8 Zoning District. Dale Hadley represents Young Electric Sign Company.

City Planner, Amanda Jorgensen, said the applicant, Dale Hadley with Young Electric Sign Company, is representing the Weber Basin Water Conservation District and requesting an approval from the Planning Commission for a second sign on a corner lot and an electronic message center sign.

The site contains 17.89 acres and has approximately 1,500 lineal feet of frontage along Highway 193 and 880 lineal feet of frontage along Highway 89. The site has an existing monument sign that is 4.5 feet in height and 9'11" in length for a total sign area of 44.59 square feet.

The proposed sign contains two cabinets that show 14.56 square feet for the Learning Garden sign and 25.4 square feet for the electronic message sign for a total of approximately 40 square feet of sign area. The sign is proposed at 20 feet in height with a 14'10" clearance. The pole sign is proposed with a pole cover and a rock base that architecturally matches the primary structure color scheme. The proposed sign must not be located within 200 lineal feet from a residential use and/or from another sign.

Ms. Jorgensen said Staff recommends the Planning Commission approve the conditional use and explained that two motions would be needed for this conditional use including a motion to approve the addition of a second sign on a property and a motion for the electronic message center sign with conditions as follows:

- 1) The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
- 2) The applicant is required to comply with the sign ordinances for both businesses, including permanent and temporary signage.
- 3) The applicant is required to obtain a sign permit and also call for inspection; this includes placement, footing and final inspections.
- 4) The sign is required to comply with the Ordinance 20.01.150 and 20.04.120.

There were no questions from the Commission or the audience. Chairman Esplin called for a motion on the item.

Commissioner Pratt moved that the Planning Commission grant conditional use approval for the addition of a second sign at the Weber Basin Water Conservation District office at 2837 East Highway 193 subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Gilbert seconded the motion and the voting was unanimous.

Commissioner Pratt moved that conditional use for the electronic message center sign be granted subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. The motion was seconded by Commissioner Bodily and the voting was unanimous.

(3) AUTO BOSS – CONDITIONAL USE REQUEST FOR AUTO SALES

This property is located at 415 West 1425 North (Layton Hills Mall area) in a CP-3 Zoning District. The applicant, Cameron Winquist, is the owner of the business.

The applicant, Cameron Winquist, would like to establish an auto broker service associated with the existing Pawn Depot business located at 415 West 1425 North. The auto sales business that is proposed will serve as an auto broker service only and not a typical auto retail business.

The business was previously located at the northeast corner of Gentile Street and Main Street and was required by UDOT to relocate due to the new south Layton I-15 Interchange design. The Pawn Depot is now located on the northeast portion of the Layton Hills Mall development and is between the Dollar Store and Jo-Ann Fabric & Craft Store.

The Pawn Depot tenant space is approximately 6,000 square feet and the businesses located in this complex share the common areas, which include the parking lot. The tenant space contains a 3,500 square foot retail floor area, 500 square foot office area and a 2,000 square foot storage area. The parking requirement for the retail space is 18. The office area requires 3 spaces and 10 spaces will be required for the sales vehicles with a total of 31 parking stalls.

Chairman Esplin asked if the parking stalls on the north side of the building were striped, designated stalls. Commissioner Weaver replied in the affirmative.

Ms. Jorgensen said the pawn business will take the vehicles in trade or consignment. These vehicles will be displayed along the north side and the south side of the building in the parking area that is in line with the business tenant space. Commissioner Gilbert confirmed with the owner of the Pawn Depot and Auto Boss that the vehicles would only be stored and displayed directly in front (south) and directly in back (north) of the business. The owner, Cameron Winquist, 415 West 1425 North, replied in the affirmative.

Ms. Jorgensen said Staff recommends the Planning Commission approve the conditional use for the auto sales (broker service) business with the following conditions:

- 1) The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
- 2) The applicant is required to comply with the sign ordinances for both businesses, including permanent and temporary signage.
- 3) The business will be allowed a maximum of 10 vehicles. These sales vehicles must be displayed along the north and south portion of the property that is in line with the business tenant space.
- 4) The business is allowed to sell vehicles only through the internet.
- 5) These vehicles are required to be in good repair at all times.
- 6) The site is required to be clear of debris, junk, garbage and auto parts.
- 7) The business is required to have 31 parking stalls.
- 8) The consignment vehicles are required to be currently registered and licensed at all times.

- 9) The vehicles are not allowed to have “for sale” signs displayed on the vehicles to prevent owners parking private vehicles at this location with the intent to sell.

Chairman Esplin asked Mr. Winquist if he'd received a copy of the 7 conditions and if understood conditions 8 and 9 which were added to the original list. Mr. Winquist replied in the affirmative.

Commissioner Weaver confirmed that the applicant would park the vehicles just north and south of the pawn business. Mr. Winquist said most vehicles would be parked on the north of the building leaving the front for customer parking.

Commissioner Weaver also clarified there would be no “for sale” signs placed on the vehicles and sales would be by internet only. Mr. Winquist replied in the affirmative and added that sales would also be by word of mouth.

There were no other questions from the Commission. A member of the audience, Curtis Hadley, 35 North 2475 West, asked why the applicant needed 6,000 square feet of building space if he was only selling 10 vehicles. Ms. Jorgensen said the building space is a tenant space for the pawn business.

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

Commissioner Pales moved to grant conditional use based on the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Elinkowski seconded the motion and the voting was unanimous.

(4) GOT STORAGE – CONDITIONAL USE REVIEW

This 5.62 acre property is located at 153 Antelope Drive in an M-1 (Light Manufacturing/Industrial) zoning district. The current conditional use is for truck & trailer rental in addition to the storage unit business on the property. The owners are Ken and Kiley Crockett.

City Planner, Amanda Jorgensen, reviewed the Planning Commission's October 27, 2009 approval for conditional use for truck and trailer rental service for the Got Storage business.

The Planning Commission has requested that the owner of Got Storage, Kiley Crockett, address the drop-off and pick-up issues that are currently occurring on site. The conditional use approval only allows two vehicles to be displayed along the south property (adjacent to the office building). The business has experienced a larger demand with the rental services and has had more than two vehicles parked on the south portion of the property due to the increase of pick-up and drop-off.

Ms. Jorgensen said that according to the owner, Kiley Crockett, drop-off and pick-up are the only times when there are more than two rental vehicles located in this designated area. The employees are required to retrieve these rental vehicles and park them adjacent to the office building. The business does not want the public to have access into the storage unit area unless they are authorized; however they also want to provide easy access to the vehicle for customer convenience. The owner also indicated that drop-off issues occur during the times the business is closed. The customers are parking the rental vehicles along the south portion of the property where they may at times block off access. The owner has agreed to address these issues by placing a sign on the gate that reads “DO NOT BLOCK”, and place signs along the driveway access that informs the customers where to park these rental vehicles.

Ms. Jorgensen said the owner indicated that he has been considering other alternatives for additional parking and storage of these vehicles. The first option could be to re-design the existing pond that is located southwest of the office building, which is required to maintain an approved amount of storm water approved by the City Engineering Division. The second option is to purchase additional property, located on the southwest corner of 2150 North and Fort Lane, from Jean Love. Ms. Jorgensen explained that if more property is obtained for this use the owner is required to apply for an additional conditional use for outdoor storage and truck and trailer rental services.

Ms. Jorgensen said Staff recommends that the applicant must either apply for an amended conditional use approval or comply with the original conditional use approval from October 27, 2009, otherwise the original conditional use permit may need to be revoked.

Chairman Esplin asked the Commission for any questions or comments. Commissioner Weaver asked to hear from the applicant regarding his plans for the business.

The applicant and owner, Kiley Crockett, 3340 West Gentile in Layton said the business, which is the only Penske site in Davis County, has experienced a lot more growth than he anticipated. Much of the business increase was for trucks being returned to his site when they were not even scheduled for return to his site, particularly during the holidays. Mr. Crockett said he felt he had the unscheduled dropoffs under control.

Chairman Esplin reminded the applicant that the first memo from the Fire Department recommended denial of the conditional use. He asked the applicant if employees are required to move trucks first thing in the morning that have been dropped off in the previous evening. Mr. Crockett replied in the affirmative and said a sign had been made asking customers not to block the gate.

Chairman Esplin asked about the truck parked in the access road from the main gate (southwest corner of the property). Mr. Crockett replied that the storage sheds had been removed in that area so there was full access around the truck. Chairman Esplin reminded Mr. Crockett that he had agreed to have only two units out even if there was space to park additional vehicles. All other units should be parked in storage units.

Mr. Crockett replied that he would move the truck parked in the southwest corner.

Commissioner Gilbert reminded Mr. Crockett that he had agreed not to park trucks in the access and stated that he had noticed trucks which were not in units parked on the north side of the property and other trucks sticking out of units. With there being only 10 units allowed, Commissioner Gilbert asked Mr. Crockett how many units he had on the property. Mr. Crockett replied that he had 8 units. Commissioner Gilbert reminded Mr. Crockett that carriers were considered to be units. Mr. Crockett said he had not interpreted it that way. Commissioner Gilbert asked if Mr. Crockett had considered moving to an area that would accommodate his business. Mr. Crockett replied that a move would not be easy or feasible.

Commissioner Gilbert told Mr. Crockett that although the neighbors consider Got Storage a great neighbor, the business is not in compliance with what was agreed with the issuance of the conditional use permit for the truck and trailer rental. Commissioner Gilbert felt that the business should be brought into compliance before the owner asked for an amendment.

Mr. Crockett explained the reasons he couldn't control the number of trucks at his business and Commissioner Gilbert responded that perhaps it was a bad decision to grant conditional use if the business could not be controlled. He felt it was a great opportunity for the applicant to move to another location where the business could be facilitated, and said he would not have voted in favor of the conditional use had he known the business would be as it is.

Mr. Crockett responded that SYS rental business had five units parked in their driveway. City Planner, Amanda Jorgensen, will address the SYS issue.

Commissioner Elinkowski said the Commission was glad for the business to be growing but reminded Mr. Crockett of his agreement to have only 10 units and asked if he had a solution.

Mr. Crockett said he was trying to work with the City on underground storage of storm water or acquire property from Jean Love. He said he would comply with whatever the City required and work issues out with Penske.

Chairman Esplin said the Planning Commission didn't want to prevent growth, but the business had been way out of compliance with 20 trucks. Mr. Crockett said he can call Penske to move the trucks but it may take them a day or two to get there. Commissioner Gilbert asked if Mr. Crockett could put the trucks in storage until Penske arrived, and Mr. Crockett replied he didn't have enough storage for 20 trucks.

There was a discussion about trucks being dropped off on weekends and it was decided that the applicant must remain in compliance perhaps by requiring the manager coming in to move the trucks. The Commission reiterated that gates cannot be blocked at any time preventing Fire Department access.

There was a discussion of the pre-payment of rentals and determining amount of time the trucks are rented.

There were no other comments or questions from the Commission or the audience.

Commissioner Gilbert moved that applicant be required to abide by the original conditional use requirements with a compliance review to be scheduled for the March 23, 2010 Planning Commission Meeting. Once the applicant is in compliance with the original conditional use requirements, an amendment can be considered. If the applicant is not compliant within 30 days (March 23, 2010) the Commission may move to revoke the conditional use permit. Commissioner Weaver seconded the motion and the motion passed by a margin of 5 in favor to 1 opposed with Commissioners Pales, Bodily, Weaver, Elinkowski and Gilbert voting in favor and Commission Pratt opposed.

Mr. Crockett said that some of the trucks are longer than the sheds are deep and asked if the truck could extend slightly beyond the opening of the shed. The Commission agreed that would be acceptable as long as Fire Department access remained clear.

Mr. Crockett asked if he could use the lane on the southwest corner as a staging area in the morning if a truck is to be picked up. The Commission agreed that would be acceptable.

Chairman Esplin said that Ms. Jorgensen was willing to work with Mr. Crockett to bring the conditional use into compliance as she did with the SYS rental business. Commissioner Gilbert recommended that the Fire Department sign off on compliance. There was a discussion on closing the fence where snow was pushed and Mr. Crockett said he would be able to close the gate now that the snow is gone.

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

Commissioner Pales moved to adjourn the meeting and the voting was unanimous. The meeting was adjourned at 7:58 p.m.

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