

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES**

**TUESDAY, JUNE 8, 2010**

**MEMBERS PRESENT:** Sharon Esplin, Kristin Elinkowski, Tim Pales, Dave Pratt, Blake Hazen

**ALTERNATE MEMBERS PRESENT:**

**MEMBERS ABSENT:** Gerald Gilbert, Dave Weaver

**ALTERNATE MEMBERS ABSENT:** Brian Bodily

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

Work Meeting began at 6:11 p.m.

**PUBLIC HEARING:**

**(1) ORDINANCE AMENDMENT --TEMPORARY SIGN ORDINANCE PORTION OF TITLE 20 Chapter 20.05. (This hearing to be continued to June 22, 2010.)**

City Planner, Kem weaver explained that the hearing for the temporary sign ordinance is to be continued for the June 22, 2010, Planning Commission Meeting. City Planner, Amanda Jorgensen, explained the structure of the ordinance and said the ordinance is scheduled for review by the City Council on July 1, 2010. Commissioner Elinkowski, Planning Commission representative to the temporary sign ordinance committee, expressed confidence in Ms. Jorgensen and said there seems to be overall support for the revised ordinance.

Commissioner Elinkowski asked how businesses would be educated about the new sign ordinance. Ms. Jorgensen said new businesses will have to sign off on having read the ordinance. Long Range Planner, Peter Matson, said there might be a mechanism through the Chamber of Commerce to disseminate information as well as through the newspaper. Information will be available at the City office counters and through enforcement officers.

**(2) ORDINANCE AMENDMENT – SENSITIVE LANDS – TITLE 19.07 – INTEGRATION WILD-LAND URBAN INTERFACE CODE**

City Planner, Kem Weaver, stated this item had been withdrawn and will instead be included in Title 16 which is the Fire Code ordinance for the City and will only require an adoption by the City Council.

**(3) BRIAN D’EWART – REZONE REQUEST – R-2 (Single and Two-Family Residential) to P-B (Professional Office).** This .53 property is located in an R-2 zone at 10 Whitesides Street. The applicant/owner is Brian D’Ewart.

City Planner, Kem Weaver, presented the request to rezone a .53 acre property at the southwest corner of Gentile Street and Whitesides Drive from R-2 (Single and Two Family Residential) to PB (Professional Office). He said the applicant is proposing the rezoning of the property to PB to use the existing house on the property for office use. Mr. Weaver said he made certain the applicant was aware that once the property is rezoned to PB, it can't be use as a primary residence nor can the home be rented. He said there can be a residence as a secondary use on the property as long as the office is the primary use.

Mr. Weaver said General Plan guidelines allow for a PB zone based on property being on an arterial street. He said a home across Gentile from the subject property has been rezoned to PB with CP-2 (Planned Community Commercial) zoned properties also in the area.

The applicant, a traveling salesperson, is proposing a low-impact office use with no employees or customers. Assistant City Attorney, Steve Garside, mentioned that with the PB zoning an office building could be built on the site at a later date.

Commissioner Hazen mentioned that he noticed a perimeter drain had been installed around the site. There were no other questions or comments.

#### **PUBLIC REVIEW:**

##### **(4) FAIRFIELD ESTATES AT MUDDY LANE – PRELIMINARY APPROVAL**

This 9.78 acre property (32 lots) is located at approximately 350 South Fairfield Road in an R-1-6 (Single Family Residential) zoning district. The applicant is Brighton Homes represented by Nate Pugsley.

City Planner, Kem Weaver, presented Brighton Homes' request for preliminary approval for the Fairfield Estates at Muddy Lane Subdivision. He stated that the rezone of the property from R-1-6 PRUD to R-1-6 had been approved by the City Council in April of 2010. Mr. Weaver said 32 lots are proposed for the 9.78 acre property with a density of 3.37 units per acre. Mr. Weaver said the City Council will not need to review the request for preliminary approval since the subdivision is not on sensitive lands.

Mr. Weaver said a landscape and irrigation plan will be approved during final review. There was a discussion of proposed landscape buffers on Fairfield Road and in the east to west median. The applicant, Nat Pugsley, asked if the City had reconsidered the landscaped knuckle in the cul-de-sac. Mr. Weaver said the knuckle would not be allowed as the Public Works Department felt it would be too challenging to snow plow.

Mr. Pugsley said the intent was to have a sycamore tree in the cul-de-sac similar to one in Salt Lake City that spreads over the cul-de-sac. He said he would send in pictures of what they were proposing.

There was a discussion about snow removal. Commission Hazen asked if the homes would have basements. Mr. Pugsely said the geotechnical report only indicated water close to the corner adjacent to Fairfield Road and that the land drain at the top of the development is to catch seepage from the small reservoir.

Commissioner Hazen asked what kind of bond would be allowed, and Mr. Weaver and Mr. Garside explained the reasoning for requiring an escrow bond.

**(5) TMD INC dba BURGER STOP – CONDITIONAL USE FOR A MOBILE STORE**

This request is for a mobile store for a shaved ice business. This property is located at 323 East Gentile Street in a MU (Mixed-Use) zoning district. The applicant is Burger Stop represented by Mark Theobald.

City Planner, Amanda Jorgensen, presented the conditional use request for a mobile store for a shaved ice business. She said the applicant must meet the following conditions as well as obtaining a separate business license from the Burger Stop business license before opening:

- 1) The building must comply with all Fire Department, Building, Planning, and Engineering Division requirements.
- 2) The applicant is required to comply with the sign ordinance for both businesses, including permanent and temporary signage.
- 3) The mobile store is required to have a distance of 250 linear feet from another mobile store location.
- 4) The mobile store must comply with Section 19.21.020 and 19.21.040 of the zoning ordinance.

Commission Hazen asked if the proposed mobile store site was actually 250 feet from the mobile store site across Gentile Street. Ms. Jorgensen said she measured the distance and the applicant will not be able to get a business license until he moves his store to be in compliance.

There was a discussion regarding entering and exiting the site.

**(6) BIG O TIRES -- PROPOSAL FOR BARBED WIRE FENCING**

This property is located at 1159 West Antelope Drive in a CP-3 (Planned Regional Commercial) zoning district. Ms. Jorgensen explained the reason this item was being removed from the agenda.

**(7) DESTINY HOMES – CONDITIONAL USE FOR A MODEL HOME**

This property is located on Lot 11 of Kershaw Estates at 31 South 3600 West in an R-S (Residential Suburban) zoning district. The applicant is Destiny Homes represented by Dennis Higley.

Planning Technician, Nannette Larsen, presented the conditional use request for a model home proposed for Kershaw Estates Subdivision, with the following conditions.

- 1) The model home is required to provide one client parking stall and two parking stalls for employees in the driveway or garage area.
- 2) All lighting is required to be contained on site at all times.
- 3) Signage is limited to one sign per model home with a maximum size of 35 square feet for detached signs; additional flags are not permitted at the site. All signs require a permit and must comply with the Layton City Sign Ordinance.
- 4) Once the subdivision is 80% sold or after 3 years of operation, whichever comes first, the model home needs to be sold as a residential home.
- 5) All landscaping must be installed before receiving a certificate of occupancy.
- 6) The lot is required to be weed and debris free.

Commissioner Hazen asked about parking and landscaping. Ms. Larsen said that before the model home receives a certificate of occupancy, the landscaping (both front and back) must be installed and approved.

**(8) CASTLE CREEK HOMES – CONDITIONAL USE FOR A MODEL HOME**

This property is located at 1244 West 575 South on Lot 127 of Pheasant Place Subdivision in an R-S (Residential Suburban) zoning district. The applicant is Castle Creek Homes represented by Nate Shulz.

Planning Technician, Nannette Larsen, presented the request from Castle Creek for a model home in the Pheasant Place Subdivision. The following are the required conditions for this conditional use approval:

- 1) The model home is required to provide one employee parking stall and two parking stalls for clients in the driveway or garage area.
- 2) All lighting is required to be contained on site at all times.
- 3) Signage is limited to one sign per model home with a maximum size of 35 square feet for detached signs; additional flags are not permitted at the site. All signs require a permit and must comply with the Layton City Sign Ordinance.
- 4) Once the subdivision is 80% sold or after 3 years of operation, whichever comes first, the model home needs to be sold as a residential home.
- 5) All landscaping must be installed before receiving a certificate of occupancy.
- 6) The lot is required to be weed and debris free.

**(9) THERON WATSON – CONDITIONAL USE FOR A MOBILE STORE**

This request is for a mobile store for Olympic Fireworks to be located at 1182 North Main Street in a C-H (Highway Regional Commercial) zoning district. The property is owned by Tony Mora, represented by Theron Watson, the applicant.

Planning Technician, Nannette Larsen, presented the request from Theron Watson for a mobile store for a fireworks stand. The following conditions will be required:

- 1) The Mobile Store will have no more than eighteen-hundred (1,800) square feet of outside display area located at a minimum of ten (10) feet from all property lines. The structure also may not be located in any landscaping areas and cannot be obstructing access to the property.
- 2) The Mobile Store will be at least two-hundred fifty feet (250') away from any other mobile store location.
- 3) The Mobile Store will maintain the clearview area.
- 4) The structure shall have appropriate utility connections and inspected for compliance to City codes.
- 5) The structure shall be secured to or placed on the ground to be stable in a seventy-five (75) mph wind.
- 6) The Mobile Store shall be allowed to have two (2) off-site directional signs with a maximum of six (6) square feet for each and a maximum of fifty (50) square feet total for the entire mobile store. The signage shall not be placed in the public right-of-way or landscaping.
- 7) All Building and Fire requirements shall be met before occupancy.
- 8) The applicant must obtain property owner's approval.
- 9) These conditions shall be met before business begins.

Ms. Larsen stated that an additional condition that will be required will be a signed and notarized affidavit from Shopko before business can begin.

**(10) THERON WATSON – CONDITIONAL USE FOR A MOBILE STORE**

This request is for a mobile store for an Olympic Fireworks stand to be located at 894 West Hillfield Road in a C-H (Highway Regional Commercial) zoning district. The property is owned by Gary Eckman, represented by Theron Watson, the applicant.

Ms. Larsen presented an additional request from Theron Watson for a mobile store site at 894 West Hillfield Road for a fireworks stand. The following conditions are required for this conditional use.

- 1) The Mobile Store will have no more than eighteen-hundred (1,800) square feet of outside display area located at a minimum of ten (10) feet from all property lines. The structure also may not be located in any landscaping areas and cannot be obstructing access to the property.
- 2) The Mobile Store will be at least two-hundred fifty feet (250') away from any other mobile store location.
- 3) The Mobile Store will maintain the clearview area.
- 4) The structure shall have appropriate utility connections and inspected for compliance to City codes.
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- 6) The Mobile Store shall be allowed to have two (2) off-site directional signs with a maximum of six (6) square feet for each and a maximum of fifty (50) square feet total for the entire mobile store. The signage shall not be placed in the public right-of-way or landscaping.
- 7) All Building and Fire requirements shall be met before occupancy.
- 8) The applicant must obtain property owner's approval.
- 9) These conditions shall be met before business begins.

There were no questions or comments.

**OTHER:**

Code Enforcement officer, Julie Arguello, reported that the Andrescapes owner has moved all of the equipment from the west side of the site to an orderly manner on the east side with the exception of a personal trailer. She said the sprinkling system has been connected and she will monitor the site for a month.

Commissioner Hazen initiated a discussion regarding beekeeping

By:   
Julie K. Jewell, Planning Commission Secretary

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TUESDAY, JUNE 8, 2010

**MEMBERS PRESENT:** Sharon Esplin, Kristin Elinkowski, Tim Pales, Dave Pratt, Blake Hazen

**ALTERNATE MEMBERS PRESENT:**

**MEMBERS ABSENT:** Gerald Gilbert, Dave Weaver

**ALTERNATE MEMBERS ABSENT:** Brian Bodily

**OTHERS PRESENT:** Staff Members: Bill Wright, 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 7:02 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Hazen.

Chairman Esplin called for a motion to approve the work and regular meeting minutes from the May 25, 2010, Planning Commission Meeting. Commissioner Pales moved to approve Work and regular Planning Commission Meeting minutes from May 25, 2010 as written. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to open the Public Hearing. Commissioner Hazen moved to open the Public Hearing. Commissioner Pales seconded the motion and the voting was unanimous.

## **PUBLIC HEARING:**

### **(1) ORDINANCE AMENDMENT --TEMPORARY SIGN ORDINANCE PORTION OF TITLE 20 Chapter 20.05.**

City Planner, Kem Weaver, stated the temporary sign ordinance review would be continued to the June 22, 2010 Planning Commission Meeting and that a motion would be required for the continuance.

Commissioner Elinkowski moved to table the item to the June 22, 2010, Planning Commission meeting. Commissioner Hazen seconded the motion, and the voting was unanimous.

### **(2) ORDINANCE AMENDMENT – SENSITIVE LANDS – TITLE 19.07 – INTEGRATION WILD-LAND URBAN INTERFACE CODE (*THIS ITEM HAS BEEN WITHDRAWN*).**

City Planner, Kem Weaver, stated this item had been withdrawn and that these proposed regulations will instead be included in Title 16 which is the Fire Code ordinance for the City and will only require an adoption by the City Council.

**(3) BRIAN D'EWART – REZONE REQUEST – R-2 (Single and Two-Family Residential) to P-B (Professional Office).** This .53 property is located in an R-2 zone at 10 Whitesides Street. The applicant/owner is Brian D'Ewart.

City Planner, Kem Weaver, presented the request to rezone a .53 acre property at the southwest corner of Gentile Street and Whitesides Drive from R-2 (Single and Two Family Residential) to PB (Professional Office). He said the applicant is proposing the rezoning of the property to PB to use the existing house on the property for office use. Mr. Weaver said he made certain the applicant was aware that once the property is rezoned to PB, it cannot be use as a primary residence nor can the home be rented. He said there can be a residence as a secondary conditional use on the property as long as the office is the primary use.

Mr. Weaver said General Plan guidelines allowed for a PB zone based on the property being on an arterial street. He said a home across Gentile Street from the subject property has been rezoned to PB with CP-2 (Planned Community Commercial) zoned properties also in the area.

The applicant, a traveling salesperson, is proposing a low-impact office use with no employees or customers. Mr. Weaver reviewed the PB zoning ordinance and listed possible uses in the PB zone as medical/dental office, real estate, and insurance offices. Mr. Weaver said professional businesses should take into account the neighbors and blend into the area. Any renovations would require a site plan. If the rezoning is approved, the applicant will be required to submit a detailed site plan included landscaping information, fencing, and landscape buffers along street frontages and along adjacent residential parcels.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to rezone the property from R-2 to PB based on consistency with the General Plan policy recommendations for small professional business uses along high traffic arterial streets.

There were no questions or comments from the Commission, and the following were concerns expressed by the audience:

Brian Hale, 427 Whitesides Street, expressed a desire to keep Whitesides Street a purely residential street and area. He expressed concerns about property values being decreased, and in answer to his question if there would be a hearing for changes to the property, he was told there would not be another hearing at the Planning Commission level.

Scott Whitesides, 59 Whitesides Street, said he was not open to uses that would require office visits. Requiring a development agreement to accompany the rezone was discussed.

Richard Molten, 840 Elm Street, expressed concerns about putting a business in a residential area and traffic that could be generated. He said there was a property with 20-25 cars parked for business purposes. Julie Arguello, Code Enforcement officer, said the property was still zoned residential and that it was an open enforcement case being reviewed weekly.

Brian D'Ewart, the property owner, explained the scope of his business and the reason for moving from his current location.

The Commissioners and Staff again discussed adding a development agreement. Commissioner Elinkowski felt the zoning ordinance could govern the property use rather than a development agreement.

There were no other questions or comments.

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 rezone the property from R-2 to PB subject to the applicant meeting all Staff requirements. Commissioner Hazen seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close the public hearing and open Public Review. Commissioner Pales moved to close the public hearing and open Public Review. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

#### **PUBLIC REVIEW:**

##### **(4) FAIRFIELD ESTATES AT MUDDY LANE – PRELIMINARY APPROVAL**

This 9.78 acre property (32 lots) is located at approximately 350 South Fairfield Road in an R-1-6 (Single Family Residential) zoning district. The applicant is Brighton Homes represented by Nate Pugsley.

City Planner, Kem Weaver, presented the request for preliminary approval for Fairfield Estates at Muddy Lane. Since the property is not in a sensitive lands area, the City Council will not need to review the request for preliminary approval. Mr. Weaver reviewed the April 2010 rezone of the property from R-1-6 PRUD to R-1-6. He then gave an overview of zoning in the area. Mr. Weaver said 32 lots are proposed for the 9.78 acre property with a density of 3.37 units per acre. He outlined the layout of roads proposed for the subdivision and reviewed landscaping requirement stating that covenants will be required to maintain the landscaping buffer and the entrance island. He said a more detailed landscaping plan will be reviewed by the Planning Commission at final approval.

Mr. Weaver said Staff recommends the Planning Commission approve the preliminary plat subject to receiving a final landscaping plan and irrigation plan with final plat approval and subject to meeting all Staff requirements.

June Wiggle, property owner to the north of the development, requested that the developers of Fairfield Estates at Muddy Lane fence the stub road between the proposed subdivision and her property. Mr. Weaver said that by ordinance, the developer will be required to put up a fence within 30 days after construction begins. Mrs. Wiggles asked how many stories the homes would be, and Mr. Weaver replied that they would be no more than two stories high.

There were no further questions or comments from the Commissioners or the audience.

Chairman Esplin called for a motion on the item. Commissioner Pales moved to approve the preliminary plan for Fairfield Estates at Muddy Lane subject to the developer provided a detailed landscaping and irrigation plan and subject to meeting all Staff requirements. Commissioner Pratt seconded the motion and the voting was unanimous.

##### **(5) TMD INC dba BURGER STOP – CONDITIONAL USE FOR A MOBILE STORE**

This request is for a mobile store for a shaved ice business. This property is located at 323 East Gentile Street in a MU (Mixed-Use) zoning district. The applicant is Burger Stop represented by Mark Theobald.

City Planner, Amanda Jorgensen, presented the request for conditional use for a mobile store for a shaved ice store. Ms. Jorgensen gave an overview of the Burger Stop site on which the mobile store will be

located. She stated there was another mobile store across Gentile Street, and the applicant must meet the 250 foot distance requirement from that mobile store.

Ms. Jorgensen said Staff recommends the Planning Commission approve the mobile store with the conditions listed in the Staff report.

Chairman Esplin asked if the applicant understood the four conditions and then asked Ms. Jorgensen to read the conditions as follows:

- 1) The building must comply with all Fire Department, Building, Planning, and Engineering Division requirements.
- 2) The applicant is required to comply with the sign ordinance for both businesses, including permanent and temporary signage.
- 3) The mobile store is required to have a distance of 250 linear feet from another mobile store location.
- 4) The mobile store must comply with Sections 19.21.020 and 19.21.040 of the zoning ordinance.

The applicant, Travis Theobald, expressed concerns that he would have to move his mobile store because it didn't meet the 250 separation distance from the mobile store across Gentile Street. After discussion, Chairman Esplin informed Mr. Theobald that if the site was approved for conditional use by the Planning Commission, that as the owner and applicant, Mr. Theobald would need to work with the Planning Department to place his mobile store in the correct location. Mr. Theobald said he understood he would need to work with Ms. Jorgensen to place the mobile store correctly. Ms. Jorgensen said this would need to be done before a business license would be issued.

Ms. Jorgensen mentioned that the mobile store ordinance was being revised.

There were no questions from the Commissioners or the audience.

Chairman Esplin called for a motion on the item. Commissioner Hazen moved to grant conditional use subject to the applicant meeting all Staff requirements. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

**(6) BIG O TIRES -- PROPOSAL FOR BARBED WIRE FENCING**

This property is located at 1159 West Antelope Drive in a CP-3 (Planned Regional Commercial) zoning district.

City Planner, Amanda Jorgensen, stated that the Big O Tires proposal for barbed wire fencing has been removed from the agenda.

**(7) DESTINY HOMES – CONDITIONAL USE FOR A MODEL HOME**

This property is located on Lot 11 of Kershaw Estates at 31 South 3600 West in an R-S (Residential Suburban) zoning district. The applicant is Destiny Homes represented by Dennis Higley.

Planning Technician, Nannette Larsen, presented the conditional use request for a model home proposed for Kershaw Estates Subdivision, with the following conditions.

- 1) The model home is required to provide one client parking stall and two parking stalls for employees in the driveway or garage area.

- 2) All lighting is required to be contained on site at all times.
- 3) Signage is limited to one sign per model home with a maximum size of 35 square feet for detached signs; additional flags are not permitted at the site. All signs require a permit and must comply with the Layton City Sign Ordinance.
- 4) Once the subdivision is 80% sold or after 3 years of operation, whichever comes first, the model home needs to be sold as a residential home.
- 5) All landscaping must be installed before receiving a certificate of occupancy.
- 6) The lot is required to be weed and debris free.

Commissioner Hazen asked about fencing of the property along Gentile. Long Range Planner, Peter Matson, said the subdivision frontage fencing along Gentile Street and Bluff Ridge Boulevard will all be done at the same time.

Commissioner Hazen asked if signage could be put in the back yard landscaped area. There was some discussion on this comment.

There were no other questions or comments.

Commissioner Pratt moved to grant conditional subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

#### **(8) CASTLE CREEK HOMES – CONDITIONAL USE FOR A MODEL HOME**

This property is located at 1244 West 575 South on Lot 127 of Pheasant Place Subdivision in an R-S (Residential Suburban) zoning district. The applicant is Castle Creek Homes represented by Nate Shulz.

Planning Technician, Nannette Larsen, presented the request from Castle Creek for a model home in the Pheasant Place Subdivision. The following are the required conditions for this conditional use approval:

- 1) The model home is required to provide one employee parking stall and two parking stalls for clients in the driveway or garage area.
- 2) All lighting is required to be contained on site at all times.
- 3) Signage is limited to one sign per model home with a maximum size of 35 square feet for detached signs; additional flags are not permitted at the site. All signs require a permit and must comply with the Layton City Sign Ordinance.
- 4) Once the subdivision is 80% sold or after 3 years of operation, whichever comes first, the model home needs to be sold as a residential home.
- 5) All landscaping must be installed before receiving a certificate of occupancy.
- 6) The lot is required to be weed and debris free.

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

Commissioner Hazen moved to grant conditional use for the model home subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Elinkowski seconded the motion, and the voting was unanimous.

**(9) THERON WATSON – CONDITIONAL USE FOR A MOBILE STORE**

This request is for a mobile store for Olympic Fireworks to be located at 1182 North Main Street in a C-H (Highway Regional Commercial) zoning district. The property is owned by Tony Mora, represented by Theron Watson, the applicant.

Planning Technician, Nannette Larsen, presented the request for conditional use for a mobile store. The 1800 square foot fireworks sales tent is located on Shopko property, and the applicant must get approval from the property owner and meet all Building Division and Fire Department requirements before receiving occupancy. Ms. Larsen said the applicant was not present but was aware of the following conditions which will apply to this conditional use:

- 1) The Mobile Store will have no more than eighteen-hundred (1,800) square feet of outside display area located at a minimum of ten (10) feet from all property lines. The structure also may not be located in any landscaping areas and cannot be obstructing access to the property.
- 2) The Mobile Store will be at least two-hundred fifty feet (250') away from any other mobile store location.
- 3) The Mobile Store will maintain the clearview area.
- 4) The structure shall have appropriate utility connections, inspected for compliance to City codes.
- 5) The structure shall be secured to or placed on the ground to be stable in a seventy-five (75) mph wind.
- 6) The Mobile Store shall be allowed to have two (2) off-site directional signs with a maximum of six (6) square feet for each and a maximum of fifty (50) square feet total for the entire mobile store. The signage shall not be placed in the public right-of-way or landscaping.
- 7) All Building and Fire requirements shall be met before occupancy.
- 8) The applicant must obtain property owner's approval.
- 9) All of the above conditions shall be met before business begins.

Commissioner Pratt noted that the staff report indicated on condition #9 that "All of the following conditions shall be met before business begins." It should read, "All of the above conditions shall be met before business begins."

Chairman Esplin called for a motion on the item. Commissioner Pales moved to approve the conditional use subject to the applicant meeting all staff conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion, and the voting was unanimous.

**(10) THERON WATSON – CONDITIONAL USE FOR A MOBILE STORE**

This request is for a mobile store for an Olympic Fireworks stand to be located at 894 West Hillfield Road in a C-H (Highway Regional Commercial) zoning district. The property is owned by Gary Eckman, represented by Theron Watson, the applicant.

Planning Technician, Nannette Larsen, presented the request for conditional use for a mobile store for a fireworks stand. This request is from the same applicant as the previous conditional use request. This mobile store will also be an 1800 square foot fireworks tent. The following are the conditions associated with this conditional use:

- 1) The Mobile Store will have no more than eighteen-hundred (1,800) square feet of outside display area located at a minimum of ten (10) feet from all property lines. The structure also may not be located in any landscaping areas and cannot be obstructing access to the property.

- 2) The Mobile Store will be at least two-hundred fifty feet (250') away from any other mobile store location.
- 3) The Mobile Store will maintain the clearview area.
- 4) The structure shall have appropriate utility connections, inspected for compliance to City codes.
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- 6) The Mobile Store shall be allowed to have two (2) off-site directional signs with a maximum of six (6) square feet for each and a maximum of fifty (50) square feet total for the entire mobile store. The signage shall not be placed in the public right-of-way or landscaping.
- 7) All Building and Fire requirements shall be met before occupancy.
- 8) The applicant must obtain property owner's approval.
- 9) All of the above conditions shall be met before business begins.

Ms. Larsen said Staff recommends the Planning Commission approve the conditional use for the mobile store with the stated conditions.

There were no questions from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved that the Planning Commission grant the conditional use request subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review and adjourn the meeting. Commissioner Pales moved to close Public Review and adjourn the meeting. Commissioner Hazen seconded the motion, and the voting was unanimous. The meeting adjourned at 7:58 p.m.

By:   
Julie K. Jewell, Planning Commission Secretary