# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

## TUESDAY, AUGUST 24, 2010

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| **MEMBERS PRESENT:** | Sharon Esplin, Gerald Gilbert, Kristin Elinkowski, Dave Weaver |
| **ALTERNATE MEMBERS PRESENT:** | Brian Bodily, Dawn Fitzpatrick |
| **MEMBERS ABSENT:** | Tim Pales, Blake Hazen |
| **ALTERNATE MEMBERS ABSENT:** | |
| **OTHERS PRESENT:** | Staff Members: Bill Wright, Peter Matson, Kem Weaver, Amanda Jorgensen, Nannette Larsen, Steve Garside, Julie Jewell, and Councilman Barry Flitton |

**PUBLIC REVIEW:**

**1. REDBOX AUTOMATED RETAIL, LLC -- CONDITIONAL USE FOR A KIOSK**
This property is located at 1040 Main Street (Ream's store). The property owner is Ream's Food Stores represented by Dawn Shepardson of Redbox Automated Retail, LLC.

Nannette Larsen, Planning Technician, stated this Redbox request for conditional use was similar to the previous requests. Commissioner Fitzpatrick asked if the Redbox at Ream's was 250 feet from the snow shack in the Ream's parking lot. Both Ms. Larsen and Community & Economic Development Director, Bill Wright, replied that the Redbox was in compliance with the 250-foot required spacing between mobile stores/kiosks.

**2. REAGAN OUTDOOR ADVERTISING – CONDITIONAL USE FOR AN OFF-PREMISE SIGN (BILLBOARD)**
This property is located at 826 South Main Street. The property owner is DKG Equity, LLC, and the applicant is Reagan Outdoor Advertising represented by Guy Larson.

Community & Economic Development Director, Bill Wright presented the request for conditional use for the relocation of an existing billboard at 806 South Main Street to 826 South Main Street. The billboard is currently located in a field and the request is to move the billboard to the storage unit property to the south. Mr. Wright said the applicant is requesting to change the billboard size from a junior billboard to a new senior billboard. In conversations with the City Attorney, it was determined that the applicant has the right to relocate the billboard under the cap and replace program. Mr. Wright said the new location meets zoning requirements and the 500-foot spacing requirement from other billboards. The applicant has agreed to eliminate two junior billboards in order to increase the size of the proposed 826 South Main Street billboard to a senior billboard. The junior billboards being eliminated are one at 608 South Main Street and one at 1855 North Main Street across from the Ed Kenley dealership. The removal of the two junior billboards will lower the total number of billboards in the cap and replace program.

Mr. Wright explained that the reason for the request to relocate the billboard from 806 South Main to 826 South Main is due to a visibility issue of the existing board that will occur with the closure of the Fort Lane off ramp to which the board had been oriented. The applicant is requesting to increase the height of the board from the 45 foot maximum. Mr. Wright said State law allows 65-foot high billboards, but State language says that municipality regulations must be followed. The City height limit for billboards is 45 feet. Thorough exploration of limiting the billboard to 45 feet, which includes a 14-foot billboard and a catwalk, shows that a conflict would result between the billboard sign and the on–premise sign by blocking the view shed of the Wasatch Trailer on-premise sign.

Commissioner Bodily asked if any property owners had commented on the sign height. Mr. Wright responded that Staff had met with property owners who recognized the importance of improving the visibility of the on-premise sign.

In summary, Mr. Wright stated that under the current law, the billboard can be relocated. Having the relocated sign replace two other signs lowers the total number of billboards in the city. He said the height of the relocated billboard is lower than a billboard to the north and higher than the Saunders Company 45-foot billboards. The increased height of the relocated billboard will maintain the visibility of the on-premise sign.

Commissioner Fitzpatrick asked if there was somewhere the billboard could be relocated and remain at 45 feet in height where there was not an on-premise sign it would block.

Mr. Wright explained that with the 500-foot spacing requirement, the corridor is filled, and there weren't many options available to the applicant. He stated that Staff is supporting the request for a height variance to maintain the visibility of the on-premise sign. That request will be heard by the Board of Adjustment.

Commissioner Gilbert asked if any consideration was given to the west side of I-15 for relocating the billboard. Mr. Wright said that corridor was also full and there are two other boards trying to relocate because of the impact of the interchange.

Commissioner Gilbert asked if the Board of Adjustment grants the variance for the 60 foot height if it will open the door for everyone to apply for a higher sign height. Mr. Wright responded that the variance is site specific and will not change the law. Others would have the right to apply for a higher sign height.

Commissioner Fitzpatrick asked if sound walls blocking the visibility of other signs will be erected as I-15 develops. Mr. Wright responded that there should be no more sound walls built in the area.

There were no other questions or concerns.

### 3. COLD SHOULDER, INC. – CONDITIONAL USE FOR A TAVERN

This property is located at 918 West Heritage Park Blvd. #100 in a CP-3 (Planned Regional Commercial) Zoning District. The property owner is Brian Bacigulpo of Heritage Park West, LLC represented by Samantha Hartmann of Cold Shoulder, Inc.

City Planner, Amanda Jorgensen explained that the applicant initially was granted a conditional use to move the Summit Lounge by the Costa Vida restaurant but has since decided to move Club Fahrenheit instead. The change was approved administratively. The applicant is now asking to relocate the Summit Lounge to 918 West Heritage Park Blvd. in suites 100 and 105. The drive thru will be blocked off and used for an outdoor patio area.

The parking requirements and availability of parking were discussed. Mr. Wright explained that the occupancy load was based on indoor square footage only and did not include the patio space. Long Range Planner, Peter Matson, explained that the proposed occupancy load was an increase over the previous use and additional bathroom space would be required.

Ms. Jorgensen said the applicant will be required to install a gate and a blocking device to keep cars from going thru the drive thru and into the patio area. Utility boxes and AC units on the north side of the building will remain accessible.

Ms. Jorgensen listed the conditions required for the conditional use at the proposed location as follows:

1. The business must comply with all Fire Department, Building, Planning and Engineering Division, Police Department and other State agency requirements.
2. All signs must comply with the Layton City sign ordinance and the applicant must obtain a sign permit for any new signage.
3. The business is required to comply with Section 5.16.050 of the City Code regarding the liquor license.
4. The site is required to be cleaned and maintained at all times.
5. Alcohol is prohibited to leave the designated private club area, including the outdoor patio area.
6. The applicant is required to obtain a building permit if modifications to the tenant space exceed cosmetic alterations.
7. The business is required to contain all lighting on property at all times.
8. The business is required to meet and uphold all the State liquor laws.

In answer to Commissioner Weaver's question, there was a discussion on allocation of and process for obtaining a liquor license.

Commissioner Weaver also asked about the use of the VIP rooms proposed for the Summit Lounge. Ms. Jorgensen said the VIP rooms would be furnished with couches for private parties with an occupancy limit set. The Police Department would also monitor the business.

It was suggested a condition be added restricting the patio area to outdoor dining only with no bands or piped music allowed.

In answer to a question about landscape buffers, Ms. Jorgensen said a landscape buffer was already in place between the proposed Summit Lounge location and the Applebee's restaurant.

Mr. Matson said the applicant had talked with the Fire Department about putting a temporary screen or misters over the patio area since it is on the west side of the building.

**4. DIANA TABOR – CONDITIONAL USE FOR A SECONDARY ACCESSORY RESIDENTIAL USE**

This property is located at 921 West 2350 North in the Willow Bend Subdivision in an R-1-8 (Single Family Residential) Zoning district. The applicant is Diana Tabor.

Kem Weaver, City Planner, said Staff has been working with Diana Tabor for about two years. He said Ms. Tabor has created a site plan to house an accessory residential dwelling. Mr. Weaver explained the

layout of the structure including the square footage and presented architectural elevations of the proposed structure. He explained the landscape plans as well stating there would be the inclusion of evergreen trees to lessen the impact on neighbors.

Mr. Weaver said that one concern the Fire Department had with the proposal was the distance of the accessory structure from the street. Since it is not feasible for the applicant to provide a hammerhead or cul de sac for Fire Department access and turn around, the accessory structure must be equipped with a fire sprinkling system specified by the Fire Department.

Mr. Weaver explained that the issues brought forward by neighbors can be addressed and mitigated with conditions placed on the conditional use permit. He explained that the accessory structure cannot be rented or leased and only blood relatives can occupy the structure.

Commissioner Fitzpatrick said that the renting or leasing of the accessory structure is a valid concern and explained that she knows of several that are being rented out.

Mr. Weaver said that Condition #10 will be added providing for a notice on the property deed, which states the accessory structure cannot be rented out. The City will have to rely on neighbors to report violations to Code Enforcement which will then address the situation.

Parking options were discussed and Ms. Tabor assured the Commission that relatives would not be present for extended stays with parking requirements being no more than when guests visit at any residence.

Ms. Tabor explained that the garage workshop area would be for ATV and riding lawnmower storage.

Mr. Weaver said Staff recommends approval of the conditional use request with the addition of item #10.

Commissioner Weaver asked if the neighbors were aware of the 10 conditions. Mr. Weaver responded that he would e-mail the conditions to the neighbors.

Commissioner Gilbert said he understood there was an issue with cats on the property. Ms. Tabor responded that there is not an issue with cats. She said she personally had two cats that are kept inside and the neighbor to the north has one cat that is an outside animal.

Commissioner Weaver asked if the current tenant would have to comply with the City noise ordinance and Mr. Weaver replied in the affirmative. Chairman Esplin commented that the neighbors' concerns appear to be addressed in the conditions required with the conditional use permit.

**5. LAYTON EXPRESS WASH – LANDSCAPE BUFFER MODICIATION**

This property is located at 950 West Hillfield Road in a C-H (Highway Regional Commercial) Zoning District. The applicant is Layton Express Wash represented by Weston Broadbent.

This item was not discussed due to lack of time.

**6. WALTER WHIPPLE PARCEL SPLIT – FINAL APPROVAL**

This 0.841 acre property is located at 2269 East Cherry Lane. The applicant, Walter Whipple is requesting a parcel split with Parcel A to contain 0.433 acres and Parcel B to contain 0.408 acres.

This item was not discussed due to lack of time.

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

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Planning Commission Chairman, Sharon Esplin, called the meeting to order at 7:05 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Bodily.

Long Range Planner, Peter Matson, recognized retiring Planning Commissioner, Dave Pratt, who had served on the Planning Commission three terms, totaling nine years which is the maximum time allotted by ordinance.

Commissioner Pratt expressed his appreciation to the Commission and the Staff.

Chairman Esplin asked if there were any corrections to the July 27, 2010 Planning Commission Minutes. Commissioner Fitzpatrick noted that page 1 of the Work Meeting Minutes, item 1, paragraph 2 should be corrected to read as follows:

> Ms. Jorgensen said that based on recommendations from other cities, the LED should not exceed 75 percent of the total sign area.

Chairman Esplin called for a motion to approve the July 27, 2010 Planning Commission Minutes. Commissioner Weaver moved to approve the July 27, 2010 Planning Commission Minutes as corrected. Commissioner Elinkowski seconded the motion and the voting was unanimous.

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

**PUBLIC REVIEW:**

**1. REDBOX AUTOMATED RETAIL, LLC -- CONDITIONAL USE FOR A KIOSK**
This property is located at 1040 Main Street (Ream's store). The property owner is Ream's Food Stores represented by Dawn Shepardson of Redbox Automated Retail, LLC.

Planning Technician, Nannette Larsen, presented the request for conditional use for a RedBox kiosk at 1040 North Main Street. She said Staff recommends the Planning Commission approve the request for conditional use with the following conditions:

1. The structure shall have appropriate utility connections and be 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 orderly manner.
5. The kiosk shall be illuminated to ensure the comfort and safety of patrons during night-time hours.

There were no questions or comments from the Commission or audience. The applicant was not present, but Ms. Larsen had given her a copy of the staff report and conditions.

Chairman Esplin called for a motion on the item. Commissioner Gilbert moved that the Planning Commission approve the conditional use request with the conditions presented by Staff hereby adopted as requirements. Commissioner Weaver seconded the motion and the voting was unanimous.

**2. REAGAN OUTDOOR ADVERTISING – CONDITIONAL USE FOR AN OFF-PREMISE SIGN (BILLBOARD)**

This property is located at 826 South Main Street. The property owner is DKG Equity, LLC, and the applicant is Reagan Outdoor Advertising represented by Guy Larson.

Bill Wright, Community & Economic Development Director, presented a request for conditional use from Reagan outdoor advertising for a billboard to be located at 826 South Main Street. Mr. Wright said the applicant currently has a junior billboard at 806 South Main Street, oriented to the Fort Lane off ramp from I-15. The applicant, Guy Larson, is requesting that the billboard be relocated. Mr. Wright said that consistent with the City's cap and replace program for billboards, there can be no new billboards that didn't exist when the cap and replace program was initiated; therefore, relocation is the only option. Mr. Wright said this request will meet the requirements of the C-H (Highway Regional Commercial) zone and also the required spacing between billboards. He said one of the reasons for the request to relocate is to provide better visibility of the billboard from I-15 since the board is currently oriented to the existing off ramp which will close. Mr. Wright said that the Fire and Building Departments and Engineering Division all recommend approval of the billboard relocation.

Mr. Wright said the applicant is also requesting the billboard be placed higher than the 45-foot limit for billboards. Field work on the request showed that if the billboard were to be placed at the 45-foot maximum height, it would completely block the on-premise sign currently in place. Raising the billboard to the 60-foot height would provide for visibility of the on-premise sign. The 60-foot height would need to be approved by the Board of Adjustment.

Mr. Wright said Staff recommends the Planning Commission approve the billboard conditional use with the following conditions:

1. The business must comply with all Fire Department, Building, Planning and Engineering Division, and other State agency requirements.

2. The billboard must comply with the Layton City sign ordinance and applicant must obtain a sign permit.
3. An approval from the Board of Adjustment must be obtained for the 60 feet height billboard sign prior to the issuance of a sign permit.
4. The applicant must obtain a permit from the State of Utah.

Commissioner Weaver asked if two motions would be required: one motion for the conditional use request and a second motion to forward a position recommendation to the Board of Adjustment to allow the sign to be 60-feet in height.

Mr. Wright responded that two motions would be required although the Board of Adjustment does not require a recommendation from the Planning Commission.

Chairman Esplin asked if the applicant had received a copy and was aware of the conditions. Guy Larson, 1775 North Warm Springs Road, representing Reagan Outdoor Advertising Company said he had seen the list of requirements but did not have a copy.

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

Chairman Esplin called for a motion on the item. Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the Board of Adjustment to approve a variance to allow the billboard to exceed the maximum height of 60 feet. Commissioner Elinkowski seconded the motion and the voting was unanimous.

Commissioner Weaver moved that the Planning Commission approve the conditional use based on the Reagan Outdoor Sign Company complying with all Staff conditions which are hereby adopted as requirements. Commissioner Bodily seconded the motion and the voting was unanimous.

**3. COLD SHOULDER, INC. – CONDITIONAL USE FOR A TAVERN**

This property is located at 918 West Heritage Park Blvd. #100 in a CP-3 (Planned Regional Commercial) Zoning District. The property owner is Brian Bacigulpo of Heritage Park West, LLC represented by Samantha Hartmann of Cold Shoulder, Inc.

City Planner, Amanda Jorgensen, presented the conditional use request from Cold Shoulder, Inc. to relocate Summit Lounge to 918 West Heritage Park Boulevard. Ms. Jorgensen gave an overview of the square footage of the proposed location and explained that a drive thru to be used for an outdoor patio must be blocked from access to insure the safety of the outdoor patio area.

Ms. Jorgensen said Staff recommends approval of the conditional use per the following conditions:

1. The business must comply with all Fire Department, Building, Planning and Engineering Division, Police Department and other State agency requirements.
2. All signs must comply with the Layton City sign ordinance and the applicant must obtain a sign permit for any new signage.
3. The business is required to comply with Section 5.16.050 of the City Code regarding the liquor license.
4. The site is required to be cleaned and maintained at all times.
5. Alcohol is prohibited to leave the designated private club area, including the outdoor patio area.

6. The applicant is required to obtain a building permit if modifications to the tenant space exceed cosmetic alterations.
7. The business is required to contain all lighting on property at all times.
8. The business is required to meet and uphold all the State liquor laws.
9. The business shall not create a noise nuisance in the outdoor patio area.

Condition 9 was corrected to include outdoor music being disallowed from the outdoor patio area.

There was a discussion about private clubs, and the applicant, Samantha Hartman, 1952 South 1580 East, Ogden, said Summit Lounge would not be a private club and would be open to anyone.

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

Commissioner Esplin asked if the applicant had an opportunity to read the conditions. Ms. Hartman replied that she had read the conditions. She asked if she could have someone playing the guitar outside. Karaoke would be inside with a guitar only outside.

Commissioner Esplin said that the conditional use goes with the property and future businesses would need to follow all of the conditions.

Assistant City Attorney Steve Garside suggested that the outdoor music be restricted from being amplified music.

Ms. Jorgensen clarified that the hours of operation would be 10:00 a.m. to 2:00 a.m. rather than 10:00 a.m. to 2:00 p.m. as previously indicated.

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

Commissioner Bodily moved to approve the conditional use permit with the conditions outlined by Staff which are hereby adopted as requirements including corrections to the conditions to specify acoustic only music on the outdoor patio area. Commissioner Elinkowski seconded the motion and the voting was unanimous.

**4. DIANA TABOR – CONDITIONAL USE FOR A SECONDARY ACCESSORY RESIDENTIAL USE**

This property is located at 921 West 2350 North in the Willow Bend Subdivision in an R-1-8 (Single Family Residential) Zoning district. The applicant is Diana Tabor.

Kem Weaver, City Planner, gave an overview of the applicant's property and indicated the Davis Weber Canal and easement running adjacent to the property. He described the proposed accessory residential dwelling to be used for family visits 2-4 times a year. In addition there will be a covered patio and a garage/workshop. Mr. Weaver explained that there will be a walking path to connect the lot to the main property. The proposed structure is below the 722 square foot maximum for this accessory dwelling, and the site plan meets all setback requirements. Mr. Weaver said the Fire Department is requiring a cul de sac or hammerhead turnaround which is not feasible, so the structure including the patio and garage area must be sprinkled with a specified system. Mr. Weaver described the proposed landscaping and said conifer trees will be planted along the property lines to lessen any impact to adjacent neighbors. The proposal also meets the hard surface requirements.

Mr. Weaver said Staff recommends approval of the conditional use with the following conditions:

1. The accessory residential dwelling can only be occupied by blood relatives
2. The accessory residential dwelling shall not be rented or leased.
3. The accessory residential dwelling unit shall not have more than two bedrooms.
4. The accessory residential dwelling unit will be required to have exterior materials consistent with stucco, stone veneer, and timber and shall maintain a pitched roof system.
5. The accessory residential dwelling shall not be expanded to a square footage greater than 722 square feet.
6. The accessory residential dwelling shall be setback from the rear property line, 20 feet, and the side property line, 8 feet.
7. The accessory residential dwelling shall be fire sprinkled with an approved NFPA 13-d fire sprinkler system.
8. All utility requirements shall meet the standards and guidelines of Layton City and shall be approved by the City's engineering department.
9. Landscaping along the north and east property line shall be planted to lessen the impact of an accessory residential dwelling.

A tenth condition was added requiring that a notice be filed with the County that the accessory dwelling cannot be rented or leased and only blood relatives can occupy the guest house.

The receipt of e-mails expressing concerns with the proposal was discussed with the Commission agreeing that the conditions addressed those concerns. Mr. Weaver will e-mail the conditions to those who expressed concerns.

Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved to approve the conditional use for the accessory residential dwelling with the conditions outlined by Staff hereby adopted as requirements and including the addition of the tenth condition. Commissioner Weaver seconded the motion and the voting was unanimous.

**5. LAYTON EXPRESS WASH – LANDSCAPE BUFFER MODICIATION**

This property is located at 950 West Hillfield Road in a C-H (Highway Regional Commercial) Zoning District. The applicant is Layton Express Wash represented by Weston Broadbent.

City Planner, Kem Weaver, explained that the applicant is requesting a modification in the landscape buffer to widen the turn radius into the car wash and to provide an express lane to allow cars to move faster through the car wash to avoid excess stacking.

Layton Express Wash is required to have a 30-foot landscape buffer due to the adjacent property being zoned R-S with a home located to the north on Gordon Avenue and about 560 feet from the business. The proposal is to maintain the 30-foot buffer on the west and east sides of the property and to encroach 20 feet into the buffer on the north side leaving a 10-foot buffer.

Mr. Weaver said the R-S property on the north has many pine trees along the shared property line with the car wash. As part of modifying the landscape buffer, the applicant must mitigate any adverse impact with additional evergreen trees.

Mr. Weaver said Staff recommends the Planning Commission approve of the landscape modifications as outlined on the submitted landscape plan with the knowledge that the mitigated design minimizes the

adverse impacts of a commercial use next to a pasture and a single-family zone. The approval shall be subject to the applicant planting only evergreen or spruce trees within the landscape buffer as a mitigation effort.

In answer to Commissioner Weaver's question about how the change would improve the right angle turn into the carwash, Mr. Weaver said the site plan does not accurately show how the width of the lane will increase to allow a better turn radius, which will protect equipment which has been damaged in the past.

The applicant and owner, Weston Broadbent, said the lane would be widened by 4 to 5 feet. He also explained the layout and purpose for the other lanes.

There was a discussion of future possibilities for the R-S property to the north.

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

Commissioner Gilbert commended the applicant for the previous re-design done on the property at the request of the Commission which may have caused the clearance problem. He then questioned the reasoning for three lanes.

Commissioner Gilbert moved to grant the modification to the landscape buffer on the information provided. Commissioner Fitzpatrick seconded the motion and the voting was unanimous.

**6. WALTER WHIPPLE PARCEL SPLIT – FINAL APPROVAL**

This 0.841 acre property is located at 2269 East Cherry Lane. The applicant, Walter Whipple is requesting a parcel split with Parcel A to contain 0.433 acres and Parcel B to contain 0.408 acres.

City Planner, Kem Weaver, presented the request to split a .841 acre parcel, which has an existing home on the north end of the parcel. Mr. Weaver gave an overview of the area explaining that the existing home will be on a flag lot. The new buildable parcel will be set back 30 feet from the other property line and will front on Cherry Lane. He said both lots meet the R-1-10 zoning requirement for lot size.

Mr. Weaver said final approval of the parcel split by the City Council is contingent upon a small portion of property being deeded to the City because the right of way is already built on this property. Mr. Weaver said Staff recommends approval of the parcel split subject to the applicant deeding the small piece of property for the right of way and meeting all Staff requirements.

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

Commissioner Elinkowski moved to forward a positive recommendation to the City Council to approve the parcel split subject to the applicant deeding the small piece of property for the right-of-way to the City and meeting all Staff requirements. Commissioner Gilbert seconded the motion and the voting was unanimous.

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

Chairman Esplin called for a motion to adjourn the meeting. Commissioner Gilbert moved to adjourn the meeting. Commissioner Bodily seconded the motion and the voting was unanimous.

The meeting adjourned at 7:47 p.m.

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