

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
NOVEMBER 27, 2012**

MEMBERS PRESENT: Jeremy Davis, Sharon Esplin, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Tim Pales, Dave Weaver

MEMBERS ABSENT: Brian Bodily

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Brandon Rypien, Clinton Drake, Julie Jewell, and Councilmember Jory Francis

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

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

PUBLIC HEARING:

1. PJF CORP REZONE – R-S (Residential Suburban) to PB (Professional Office)

This .68 acre property is located at approximately 945 North 3200 West in an R-S (Residential Suburban) zoning district. The property owner is Roark Neville represented by David Whitaker.

Planner II, Kem Weaver presented the proposal to rezone .68 acres from R-S to PB. He gave an overview of the zoning in the area. He said the existing medical office building to the north has outgrown its parking. He said the purpose for the rezone is to establish an office building to the west and add additional parking toward 3200 West. He said the applicant is currently grading the parking for temporary parking until the rezone process can be complete, which the City has allowed through the rezone process so that people don't park on 3200 West during the winter.

Mr. Weaver gave an overview of the site layout and pointed out where the detention basin will be located. He said the property meets the General Plan recommendations of the PB zone, which are that these districts should be located along arterial and collector streets, abutting residential neighborhoods, which would patronize these uses. Land uses typically found in the "PB" zone include medical and dental offices and small businesses such as real estate and appraisal offices. The office hours and intensity of the businesses would be less than that of a commercial zone.

Mr. Weaver said the Land Use/Population Element of the General Plan recommends that professional businesses if located on a collector street, need to be adjacent to an arterial street and on the edge of single family neighborhoods. Gordon Avenue is an arterial street and 3200 West is a major collector street. A traffic signal is also located at the intersection of Gordon Avenue and 3200 West. Professional Business zoning is located across 3200 West to the east. The General Plan also recommends that professional businesses at this location should take into account the adjacent neighbors and attempt to blend into the area through the appropriate use of architectural motifs, scale, height, and signage.

Mr. Weaver said that based on this information Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-S to PB based on consistency with the General Plan policy recommendations for small professional business uses along high traffic arterial and collector streets and along the edge of single family neighborhoods.

Commissioner Hansen asked if the north property line of the parking lot would blend in with the existing parking. Mr. Weaver said the landscaping between the new and old parking lot is the current detention basin, which will be relocated. Commissioner Hansen asked about the curb, gutter and sidewalk on 3200 West. Mr. Weaver said the developer will be required to install the curb and gutter with the parking lot and improve the street in that area. The sidewalk will be installed when the building is constructed. Mr. Weaver said the temporary parking will be road base until spring. The detention pond will be built when the parking is finished with asphalt as there is no run off from road base, which is pervious.

Commissioner Weaver asked Mr. Weaver to summarize the periphery of the project. Mr. Weaver said that a 10-foot buffer on the south property line by the detention pond and along the west property line will be required with trees every 25 feet on center with a masonry wall or similar fencing.

Commissioner Fitzpatrick asked about street lighting, and Mr. Weaver replied that the City Engineer is requiring street lights.

Commissioner Hansen asked about landscaping between the two properties. Mr. Weaver said there would be hard surface between the buildings and an eight-foot landscaping buffer along 3200 West and the future public street within the property.

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

Chairman Esplin called for a motion on the item. Commissioner Davis moved that the Planning Commission forward a positive recommendation to the City Council to approve Ordinance 12-32 to rezone the property from R-S to PB. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

2. LAYTON CITY -- ORDINANCE AMENDMENT – 19.05.030 TABLE 5-1 – Side and rear yard setbacks in single-family residential zones and 19.12.030 – Driveway approaches in a single-family residential zones.

Mr. Matson said Ordinance 12-33 contains amendments proposed regarding residential setbacks in the single family zoning districts and also addresses a slight modification in the driveway approach widths in the single family zone.

Mr. Matson said the first amendment proposed is a side yard setback change in the R-1-10 zone. The present setback requirements are 10 feet on each side of the home for a total of 20 feet between homes. The proposal is to change the minimum on one side from 10 feet to 8 feet with 12 feet on the other side of the home. There may be two eight-foot side yards adjacent to each with a spacing of 16 feet between homes.

Mr. Matson said Staff had been working with a focus group of residential developers to examine setback flexibility. For market reasons, such as a main floor master bedroom, the possibility of adding on the rear of the home or enclosing a covered patio, and to allow for more of a variety of homes, it is recommended that the rear yard setback be reduced from 30 to 25 feet.

Presently in R-S, R-1-6, R-1-8, and R-1-10 zones, the drive approach width can be up to 33 percent of the lot frontage of property. It was determined that allowing a couple of extra feet of width, 35 percent rather than 33 percent of the lot front frontage, would allow more of a straight shot into a driveway.

The following would be the ordinance for driveway widths with changes to the existing ordinance in highlighted:

(Please see Page 3 for table.)

Zone	Minimum Width	Percent of Frontage Allowed in Approach	Maximum Width
A	10'	40%	40'
R-S	10'	33 35%	32 35'
R-1-6	10'	33 35%	32 35'
R-1-8	10'	33 35%	32 35'
R-1-10	10'	33 35%	32 35'
R-MH	10'	33%	32'
R-2	10'	33%	32'
RM-1	10'	33%	32'
RM-2	10'	33%	32'
R-H	10'	33%	32'

The percentage of frontage indicated in (7) above shall be inclusive of all drive approaches allowed on any one frontage of a lot. In the R-S, R-1-6, R-1-8 and R-1-10 zones, the primary frontage is allowed to have a drive approach of at least twenty (20) feet. In no case shall said drive approach be less than ten (10) feet as indicated in (7) above. The width of a drive approach shall be measured where the approach attaches to the sidewalk, or at a distance four and one-half feet (4 ½') or seven and one-half feet (7 ½'), based on the applicable right of way cross section, behind the curb. Any flare or radius shall not be counted in the approach width.

Mr. Matson said that based on discussion in work meeting, the ordinance amendments were received favorably by the Planning Commission, He said Staff is recommending the that the Planning Commission forward a positive recommendation to the City Council to approve the ordinance amendments.

Chairman Esplin said he appreciated having the developers present to give a better perspective of why these ordinance amendments are needed.

Mr. Wright brought to the attention of the Planning Commission an item in Table 5.1 that had not been discussed in the Work Meeting, which proposes that the minimum rear yard setback on a double street facing lot be reduced from 40 feet to 35 feet for the same reasoning as the previously discussed rear yard setback.

Commissioner Weaver asked why the current setback was 40 feet. Mr. Matson responded that it was to allow for a larger rear yard with more opportunity for tree plantings where the lot abuts an arterial street.

There was a discussion on this proposed setback and Mr. Wright said a reduction to 35 feet would leave 30 feet from the house to the fence with a five-foot buffer behind the fence, and sidewalk, curb and gutter on the public right-of-way.

There was a discussion on the wording of the motion.

There were no further questions.

Chairman Esplin called for a motion on the item.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 12-33 along with the highlighted items on Table 5 including that the rear yard setback of a doubled street faced property be reduced from 40 feet to 35 feet in the R-1-6, R-1-8, and R-1-10 zones. Commissioner Gilbert 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 Davis seconded the motion, and the voting was unanimous.

PUBLIC REVIEW:

3. ANGEL MEADOWS AMENDED SUBDIVISION PLAT – FINAL APPROVAL

This property is located at 506, 514, and 522 West Weaver Lane in an R-1-8 (Single Family Residential) zoning district. The applicant, Keith Russell, is proposing 3 single family residential lots.

Planner II, Kem Weaver, said the applicant, Keith Russell, was unable to attend the meeting regarding the application for final approval for the second amendment to the Angel Meadows Subdivision. Mr. Weaver explained that initially the property was approved in 2007 as a two-lot subdivision. The lots were very large for the R-1-8 zoning district, and the plat was amended to include three single family lots. The property owner is requesting to amend the plat, still having three lots, but with an amended configuration. Mr. Weaver said all lots meet the requirements of the R-1-8 zone and the applicant is required to dedicate property for a 66-foot right of way on Weaver Lane. He said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the amended plat subject to meeting all requirements as written in Staff memorandums.

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

Chairman Esplin called for a motion on the item.

Commissioner Hansen moved that the Planning Commission forward a positive recommendation to the City Council to approve the Angel Meadows Subdivision Amended plat subject to meeting all requirements as written in Staff memorandums. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

4. GREYHAWK PLAZA COMMERCIAL PHASE 3 AMENDED – FINAL APPROVAL

This commercial subdivision is located at Highway 193 and Church Street in a CP-1 (Planned Neighborhood Commercial) zoning district. The applicant, Matt Gertge, is requesting to divide the one lot subdivision into two lots.

Mr. Weaver explained that typically a preliminary plat is recorded and then as the commercial subdivision is closer to being developed, a metes and bounds description is done for each lot. In this case, the developer did a final plat for each phase before the property was developed. The applicant mistakenly thought they were under the typical metes and bounds ordinance. But since the plat was recorded as one lot, the Planning Commission and City Council have to approve an amended plat to divide the lot into two lots.

Mr. Weaver said both lots meet the minimum requirement of 20,000 square feet in the CP-1 zone. He said that Staff recommends the Planning Commission forward a positive recommendation to the City Council subject to the applicant meeting all Staff requirements.

Commissioner Hansen asked if the side yard requirements will still be met. Mr. Weaver replied that in the CP-1 zone there is a 0 foot lot line setback.

There was a question about the Maverik Store access and Mr. Weaver responded that the access had to be 26 feet wide and no responsibility was given to this developer to complete the access.

Commissioner Gilbert mentioned a utility box in the Greyhawk Commercial Subdivision that is in clear view. Mr. Weaver said he would contact Rocky Mountain Power (RMP). He said RMP has been asked not to place utility boxes in the clearview area even if they are in the Public Utility Easement. RMP has been asked to meet with City Staff before installing a utility box.

There were no questions from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Pales moved that the Planning Commission forward a positive recommendation to the City Council to grant final approval to Greyhawk Plaza Commercial Subdivision Phase 3 Amendment plat. Commissioner Hansen seconded the motion, and the voting was unanimous.

5. ELECTRONIC STIX CORPORATION – CONDITIONAL USE FOR A RETAIL TOBACCO SPECIALTY BUSINESS

This property is located at 729 North King Street, Suite 500 in a C-H (Highway Regional Commercial) zoning district. The property owner is SDC4, LLC represented by Jason Cornfeld.

Brandon Rypien, Planner I, pointed out on an aerial the location of the building proposed for the retail tobacco specialty business. He said that by ordinance, this type of business must be in the C-H zone.

Mr. Rypien listed the requirements as follows:

1. The RTSB shall not be located within the 600 foot buffer from another retail tobacco specialty business within or outside of Layton City boundaries.
2. The RTSB shall not be within one thousand (1,000) feet of a community location.
3. The RTSB shall not be within six hundred (600) feet of property used or zoned for agricultural use or residential use.
4. The RTSB shall be limited to selling electronic cigarettes and their accessories and shall not include hookahs and tobacco paraphernalia.
5. The RTSB shall be limited to selling liquid flavoring that is not considered a cannabinoid or any other harmful or illegal substance.
6. The RTSB shall provide five (5) parking stalls.
7. The RTSB shall comply with all regulations and requirements regarding materials that are harmful to minors.

Mr. Rypien said the applicant anticipates having 10 employees with additional employees in the future. As part of the business license the applicant was required to get a criminal background check. Both owners received reports with no criminal record found. Mr. Wright visited the Ogden store, which is one of the applicant's two stores. He witnessed the operation of the business and walked back into the warehouse part of the store and said it was a very clean and simple operation. The product was what they say it is, which is the electronic cigarette. He said the applicant did not have any paraphernalia typically found in a smoke shop and is not planning to do that.

Mr. Rypien said the business must have five parking stalls and meets this requirement.

Mr. Rypien said an additional condition will be added to the list of conditions required for this conditional use as follows:

8. Signage shall be placed in the window near the entrance that states, "No Smoking inside building or within 25 feet of the business entrances," "Vaping is permitted in the building only," and "No persons under the age of 19 are allowed in the building." (Utah Code 26-38-2.6) temporarily allows for the use of e-cigarettes in a business that constitutes at least 75 percent of the gross sales of e-cigarettes and substances.

Jason Cornfeld, the applicant, explained the components of the electronic cigarette and how the nicotine is inserted. He said people are trained to use the product before they leave the store.

Commissioner Weaver said he had not seen the public notice. Mr. Matson said the notice was at the back of the building on King Street and he had seen it several times.

Chairman Esplin asked Mr. Cornfeld he had received a copy of the conditions. Mr. Cornfeld said he had received a copy of the conditions and had no problems with the original conditions or the additional condition.

Commissioner Fitzpatrick moved that the Planning Commission grant conditional use approval for the retail tobacco specialty business subject to the applicant meeting all Staff conditions including the addition of the two signage conditions, which are hereby adopted as requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

6. GREYHAWK PROFESSIONAL BUSINESS PARK – PLANNED DEVELOPMENT SIGNS

This property is located at 1800 East 3100 North. The applicant is NSC Properties, LLC represented by Mark Thayne.

Mr. Rypien said the applicant, Mark Thayne, is requesting two planned development signs along 3100 North as well as four signs along Highway 193. He said the signs are required to be a minimum of 150 feet from one another. Mr. Rypien said there is a 15-foot public utility drainage easement along Highway 193 with a 36-inch concrete storm drain pipe. The November 19, 2012, the Engineering memo indicated no signs should be placed in the utility easement. The November 27, 2012, memo from the Engineering Division states that the sign could be placed minimum of 6 feet from the center of the concrete storm drain pipe.

Mr. Rypien said that in the PB zone, detached signs are required to be low profile type signs, limited to six feet in height and located a minimum of five feet from any property line. Mr. Rypien said the proposed signs meet these requirements. However, because of the six-foot minimum requirement from the center of the storm drain pipe, one sign would be required to receive approval of a regulatory hardship.

Mr. Rypien said there are two signs along 3100 north required to be placed outside of any clear view area. He said that based on the proposed placement of those signs, this requirement will be met.

Mr. Rypien said there is a landscaping requirement around the base of each sign with a two to one ratio of landscaping to sign area.

Mr. Rypien said Staff recommends approval subject to following conditions:

1. The planned development sign shall be architecturally integrated with the commercial subdivision.
2. All detached signs shall be placed outside of any clear view area.
3. The planned development sign shall incorporate a landscape design theme with a minimum of two (2) to one (1) ratio of landscaping to sign area.
4. The planned development sign shall be setback a minimum of five (5) feet from the leading edge of the sign to the property line.
5. Monument or low-profile signs shall have a maximum height of six (6) feet.

6. The planned development signs are required to be a minimum of one-hundred (150) feet from one another and any other detached sign.
7. All electronic message signs shall meet the requirements of Chapter 20.04.150 (Electronic message signs).
8. The signs along Highway 193 within the fifteen (15) foot public utility and drainage easement shall be a minimum of six (6) feet from the centerline of the concrete storm drain pipe.
9. If determined that a sign is within any other easement, the entity with ownership of the easement shall provide a letter of approval, in particular Weber Basin Water Conservancy. The letter of approval shall be submitted with the application of each sign permit that is within the easement.
10. An updated site plan shall be submitted showing the signs a minimum of six (6) feet from the center line of the storm drain pipe, per Engineering.

Commissioner Gilbert asked to see a sample of the sign, which Mr. Rypien provided and said the sign would be perpendicular to the street. Commissioner Gilbert asked how the homes across the street would be affected from the brightness of the sign, and Mr. Wright said electronic message signs have a required distance from the property line of the homes to the sign, so some signs may not be able to be electronic message signs due to that requirement

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

Chairman Esplin called for a motion on the item.

Commissioner Gilbert moved that the Planning Commission grant approval of the Planned Development signs for the Greyhawk Commercial Business Park subject to the applicant meeting all Staff requirements. Commissioner Pales 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 Fitzpatrick seconded the motion, and the voting was unanimous.

The meeting adjourned at 8:02 p.m.


Julie K. Jewell, Secretary

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
NOVEMBER 27, 2012**

MEMBERS PRESENT: Jeremy Davis, Sharon Esplin, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Tim Pales, Dave Weaver

MEMBERS ABSENT: Brian Bodily

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Brandon Rypien, Clinton Drake, Julie Jewell, Councilmember Jory Francis

City Planner, Peter Matson gave the Commissioners an updated agenda for the joint City Council and Planning Commission Strategic Planning Meeting on Thursday, November 29, 2012, regarding a review and discussion of policy recommendation and maps for the Land Use/Population Element and Housing Element of the General Plan.

PUBLIC HEARING:

1. PJF CORP REZONE – R-S (Residential Suburban) to PB (Professional Office)

This .68 acre property is located at approximately 945 North 3200 West in an R-S (Residential Suburban) zoning district. The property owner is Roark Neville represented by David Whitaker.

This item was not discussed due to lack of time.

2. LAYTON CITY -- ORDINANCE AMENDMENT – 19.05.030 TABLE 5-1 – Side and rear yard setbacks in single-family residential zones and 19.12.030 – Driveway approaches in a single-family residential zones.

City Planner, Peter Matson, said that over the last several months, Staff has met with the various sectors of the development community, including commercial developers/builders and residential developers/builders, to review the City's land development regulations and guidelines. The purpose of this effort has been to gather reasonable and appropriate input to determine if there are potential improvements that can be made to development regulations. As part of the larger group, a handful of local residential developers/builders recently met with the planning staff to review a few basic setback and driveway modifications in the single-family zoning districts to discuss with the Planning Commission. He introduced Jeff Taylor from Perry Homes; Ed Green from Ed Green Construction, Inc; and Micah Peters from Clearwater Homes who were present as representatives of the larger group.

Mr. Matson said the City's administration team made up of department heads and Alex Jensen have held meetings and discussions with members of the development community to get a feel of where the City stands in terms of some of the City's regulations and the private sector going through the regulatory review process. The purpose is to determine if the City's codes and ordinances are keeping up with the times and also to compare to other cities along the Wasatch Front. Patrick Scott from Brighton Homes also participated in previous discussions but couldn't be present at this meeting.

Mr. Matson said the current focus is on setbacks and ways to add flexibility to the types and sizes of homes developers can put on single family home lots with the R-1-10 zoning being the main focus. Another focus is the driveway widths due to the current market's demand for third car garages and RV pads and an analysis of how City's driveway widths requirements line up with market demands.

Mr. Matson explained that as a starting point, the attached "Draft" of Ordinance 12-33 proposes the following:

- R-1-10 zone – change minimum side yard setback from 10 feet to 8 feet still requiring a total of 20 feet combined which would allow flexibility for a wider home with a third car garage.
- R-1-10, R-1-8 and R-1-6 zones – change minimum rear yard from 30 feet to 25 feet.
- R-S, R-1-10, R-1-8 and R-1-6 zones – increase percent of frontage allowed in driveway approach from 33% to 35%; and increase maximum width from 33/32 feet to 35 feet.

Mr. Peters provided lists of setback ordinances from other communities and examples of how rear yard setback changes would affect development. He explained that if the rear yard setback could be reduced to 25 feet more plans could be put on the lots in the community he is building, which is the Estates at Mutton Hollow.

Mr. Peters said the Davis County buyer has rigid requirements for third car garages in that 70 percent of buyers want third car garages. He also said reducing the depth of the rear yard is market driven and a better use of the land. It would also cut down on water usage for Kentucky Blue grass in the back yard. He said he was impressed with Staff and communication regarding these issues.

Mr. Matson discussed the flexibility possible in the variation of homes built. He said the change in side yard requirements may resolve third car garage issues and would allow for the desirable main floor master bedroom in a two-story home. With the reduction in the rear yard setbacks, homeowners in the R-1-8 and R-1-10 zoning districts would have more flexibility for future additions to the rear of a home or an enclosed covered patio, which would add to neighborhood stability. He said that from Staff's perspective, the greater variety of homes that can be built on non-R-S lots is better for the community and one reason to seriously consider this ordinance amendment.

Mr. Taylor said it would be easy for someone to suggest that the developer just do bigger lots, but he said there is an affordability factor involved. He said when there is flexibility in an R-1-6, R-1-8 or R-1-10 zone, it really allows variations in the product, the type of buyer and people who can stay longer in the neighborhood if they can add on to the home or enclose a deck or a porch. He said it would help with cul-de-sac lots on which they've only been able to build two story plans and with the change they could build ramblers, which are the most popular plans.

Commissioner Davis asked why not have less depth on the backyard than the 25 feet. Mr. Taylor said for privacy reasons, it's hard to sell a property with less than a 25 foot backyard setback.

There was a discussion of market driven expectations with regard to backyards.

Mr. Matson said the same lot provisions would still exist.

Mr. Green said the setback modification would help with squaring up the driveway on a cul-de-sac lot. He said people don't necessarily want a great big yard but they want to be able to fit a desirable home on a lot and the market today expects a larger home.

Mr. Matson explained the proposal for increasing the maximum percentage to 35 percent allowable for a driveway approach as follows with changes to the existing ordinance highlighted:

(See Page 3 for table)

Zone	Minimum Width	Percent of Frontage Allowed in Approach	Maximum Width
A	10'	40%	40'
R-S	10'	33 35%	32 35'
R-1-6	10'	33 35%	32 35'
R-1-8	10'	33 35%	32 35'
R-1-10	10'	33 35%	32 35'
R-MH	10'	33%	32'
R-2	10'	33%	32'
RM-1	10'	33%	32'
RM-2	10'	33%	32'
R-H	10'	33%	32'

The percentage of frontage indicated in (7) above shall be inclusive of all drive approaches allowed on any one frontage of a lot. In the R-S, R-1-6, R-1-8 and R-1-10 zones, the primary frontage is allowed to have a drive approach of at least twenty (20) feet. In no case shall said drive approach be less than ten (10) feet as indicated in (7) above. The width of a drive approach shall be measured where the approach attaches to the sidewalk, or at a distance four and one-half feet (4 ½') or seven and one-half feet (7 ½'), based on the applicable right of way cross section, behind the curb. Any flare or radius shall not be counted in the approach width.

Commissioner Fitzpatrick asked about the rationale for the four-foot separation between drive approaches. Mr. Wright said it was to accommodate street lights, fire hydrants and snow storage. Each lot has to provide its own separation. He said the curb cut can't be to the property line, but the driveway can.

There was a discussion on what determine which side of the property dictates where the front of the property will be. Mr. Matson said that is determine and designated at the building permit stage.

There was a discussion about properties in the R-1-10 zone where the side setbacks, instead of 10 and 10 could be 12 and 8 under the ordinance amendment. Commissioner Hansen expressed concerns about bringing homes closer together.

Mr. Taylor said that when the plan has to be changed to fit the lot, the home is more difficult to sell. Mr. Matson said some developers build in projects they have developed while others may pick up projects at various stages where they don't have the control of matching their home plans to the design of the subdivision.

Mr. Taylor expressed appreciation to Layton City for asking the opinion of developers. He said it is better to work in a municipality that listens.

Mr. Hansen said the 25 foot versus 30 foot back yard setback, the argument for the R-1-10 zone to change the side backs to a total of 20 feet, and the change in the drive approach requirements all make sense. He said the builders need to scrutinize their plats as they lay out their lots to make sure there are reasonable sized lots.

Mr. Green said that the biggest difficulty is that sometimes the developer is not the builder. The end user buys the paper lot subdivision which has already been approved, and it is difficult for the builder to get his models on the lots. Their new plans just don't quite fit. He said he doesn't think decreasing the back yard setback by five feet will be noticeable, but it will help the economy through sales of the lots.

PUBLIC REVIEW:

3. ANGEL MEADOWS AMENDED SUBDIVISION PLAT – FINAL APPROVAL

This property is located at 506, 514, and 522 West Weaver Lane in an R-1-8 (Single Family Residential) zoning district. The applicant, Keith Russell, is proposing 3 single family residential lots.

This item was not discussed due to lack of time.

4. GREYHAWK PLAZA COMMERCIAL PHASE 3 AMENDED – FINAL APPROVAL

This commercial subdivision is located at Highway 193 and Church Street in a CP-1 (Planned Neighborhood Commercial) zoning district. The applicant, Matt Gertge, is requesting to divide the one lot subdivision into two lots.

This item was not discussed due to lack of time.

5. ELECTRONIC STIX CORPORATION – CONDITIONAL USE FOR A RETAIL TOBACCO SPECIALTY BUSINESS

This property is located at 729 North King Street, Suite 500 in a C-H (Highway Regional Commercial) zoning district. The property owner is SDC4, LLC represented by Jason Cornfeld.

Planner I, Brandon Rypien, presented the request for a conditional use permit for a retail tobacco specialty business (RTSB). Jason Cornfeld is requesting a conditional use permit for an electronic cigarette store and under State regulations an electronic cigarette is considered a tobacco product. He said the business must meet all the requirements that a retail tobacco specialty business is required to meet.

Mr. Rypien listed the requirements as follows:

1. The RTSB shall not be located within the 600 foot buffer from another retail tobacco specialty business within or outside of Layton City boundaries.
2. The RTSB shall not be within one thousand (1,000) feet of a community location.
3. The RTSB shall not be within six hundred (600) feet of property used or zoned for agricultural use or residential use.
4. The RTSB shall be limited to selling electronic cigarettes and their accessories and shall not include hookahs and tobacco paraphernalia.
5. The RTSB shall be limited to selling liquid flavoring that is not considered a cannabinoid or any other harmful or illegal substance.
6. The RTSB shall provide five (5) parking stalls
7. The RTSB shall comply with all regulations and requirements regarding materials that are harmful to minors.

Mr. Rypien reviewed the definition of community locations and said an RTSB has to be at least 1000 feet from those types of uses. He said an RTSB also has to be 600 feet from residential zoned property or property that is used as a residential property. This includes properties that may be in cities adjacent to Layton and within the

buffer zone. He said the proximity requirements shall be measured in a straight line from the nearest entrance of the RTSB to the nearest property boundary of the community location, agricultural or residential use/zone, without regard to intervening structures or zoning districts. Mr. Rypien said this location meets all the buffer requirements.

Mr. Rypien said the applicant is anticipating 10 employees. As part of the business license the owners were required to get a criminal background check. Both owners received reports with no criminal record found. Mr. Wright visited the Ogden store, which is one of the applicant's two stores. He witnessed the operation of the business and walked back into the warehouse part of the store and said it was a very clean and simple operation. The product was what they say it is, which is the electronic cigarette. He said the applicant did not have any paraphernalia typically found in a smoke shop and is not planning to do that.

Commissioner Gilbert verified that Staff had no issues with Condition # 4 at the Ogden location and Mr. Wright said there were no issues with that condition at all.

Commissioner Fitzpatrick also toured the business. She said that the owner anticipates having a lounge area with a television and that people can smoke inside the building as long as 75 percent of the sales is electronic cigarettes. She said she saw three people who were smoking while going into the building. She said that under State law the Clean Air Act requires that people smoke no closer than 25 feet from the door of the building. She felt the electronic cigarettes were positive alternatives versus smoking regular cigarettes. She requested that there be signage that includes verbiage that no one under the age of 19 is allowed in the store and that no smoking is allowed within 25 feet of the door of the building.

Commissioner Davis asked if there was a reason for conditions 1-3, and Mr. Wright said those conditions just restate the obvious. Mr. Drake said it is best to include more conditions to be clear for any future requests for this type of business. He said the additions regarding the signage could be included as one or two conditions.

Mr. Wright said there had been a lot of inquiries regarding this type of business.

Mr. Wright and Mr. Rypien presented an overall City map showing how restrictive the buffer requirements are for these businesses. Mr. Wright said the electronic cigarette alternative may be a business that helps with the smoke shop issues, and landlords may be more careful in selecting renters.

6. GREYHAWK PROFESSIONAL BUSINESS PARK – PLANNED DEVELOPMENT SIGNS

This property is located at 1800 East 3100 North. The applicant is NSC Properties, LLC represented by Mark Thayne.

Planner I, Brandon Rypien, presented the request for six planned development signs in the Greyhawk Professional Business Park, which will have professional office type uses. He said the signs will provide signage for each of the tenants with two planned development signs off 3100 North and four signs along the Highway 193 frontage.

The four signs proposed for the Highway 193 frontage would be in the 15-foot public utility drainage easement. Assistant City Engineer, Debi Richards concluded that the signs need to be placed six feet away from the centerline of the 36-inch concrete storm drain pipe, which would meet the needs of the Public Works Department to access the utility. Mr. Rypien presented an updated memo from the Engineering Division.

Mr. Rypien explained the design of the signs. Commissioner Fitzpatrick asked about landscaping and the visibility of the signs off Highway 193. Mr. Wright said landscaping would be required around the signs and said this could include a slight berm.

Commissioner Hansen asked why there needed to be four signs on the Highway 193 frontage, and Mr. Wright said it would be to provide signage for the 14 buildings proposed for the complex. Mr. Wright said the tenants

want frontage exposure of their businesses on Highway 193 similar to the Layton Medical buildings that are setback on Church Street from Highway 193 but have signage on Highway 193.

Commissioner Weaver asked for clarification of the six-foot spacing requirement from the centerline of the pipe. Mr. Rypien said the measurement could be on either side of the pipe from the six feet from the center line. Mr. Wright said one of the signs would not meet the five-foot setback requirement for low profile signs from the property line and a regulatory hardship will be considered. The sign plans will be reviewed in detail when the permits are submitted. Mr. Rypien said each sign would have a separate building permit and that each sign could be an electronic message sign.

Commissioner Gilbert asked if the buildings could have signage attached to the buildings, and Mr. Wright replied in the affirmative. Chairman Esplin explained that the signage would be good for businesses that won't have front along Highway 193.

Mr. Wright said the spacing requirements for the low profile signs are the largest spacing requirements in the code. If pole signs were permitted, they could be close together. He said 150 feet provides a lot of spacing between the low profile signs.



Julie K. Jewell, Secretary