

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
NOVEMBER 26, 2013**

MEMBERS PRESENT: Brian Bodily, Dawn Fitzpatrick, Wynn Hansen, Gerald Gilbert, Robert Van Drunen, Dave Weaver

MEMBERS ABSENT: Chad Harward, Tim Pales

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Andrew King, Steve Garside, Julie Jewell

1. LEGACY COTTAGES – CONDITIONAL USE FOR SENIOR HOUSING AND DEVELOPMENT PLAN APPROVAL

This property is located at approximately 250 North Adamswood Road in an R-H (High Density Residential) zoning district. The applicant, Western States Lodging, represented by Brad Miles and Tyler Miles, is proposing 155 senior housing units on 6.25 acres.

Planner II, Kem Weaver, presented the request for conditional use for senior housing and for approval of the development plan. He gave the Commission a copy of the development agreement and reviewed Article 4, which is the Owners Undertakings portion of the development agreement. He reviewed the previous approval of the rezone and conceptual plan and said the landscape plan matches the approved conceptual plan.

Mr. Weaver reviewed the density and age restrictions with the number of units capped at 155 units. The developer is proposing 150 senior housing units at a density of 23.25 units per acre on the 6.25 acre property. He said the maximum density in the R-H zone is 24 units per acre. Eighty percent of the residents must be 55 years or older. The developer will pursue renting all units to that demographic, but because of Fair Housing requirements, 20 percent of the units could be leased to other demographics. Sixty-five percent of the units are one bedroom units and 35 percent are two bedroom units.

Mr. Weaver said the parking requirement of 1.25 parking spaces per unit (188 spaces) will be met with 199 spaces proposed. Most of the parking will be covered with detached garages located on the north and east sides of the property. A traffic study was completed for the proposed development including an executive summary stating that the senior apartment use will not cause a dramatic traffic increase in the area around the property. The development will be required to participate in the Crime Free Housing Program.

Most of the landscaping is on the northern portion of the site with 44.2 percent of the property being landscaping including a walking trail planned in the open space area. Trees will be planted every 20 feet on center on the north and east boundary and on the southern boundary. Street trees will be met per ordinance across the frontage of the site on Adamswood Road, and the developer is being asked to plant evergreen trees mixed with deciduous trees in the buffer area. Mr. Weaver said the development will be gated at the access points. Residents accessing in or out after the property is closed will have a key code. The gates will be siren operated for Fire Department access. Gates will be of tubular aluminum with a black rod iron look.

The following are the comments from the Design Review Committee (DRC):

- Rethink certain species of plants located in certain areas with regard to the sun's orientation and shaded areas versus direct sun light.
- Provide additional species of plants and shrubs around the primary building and community center.
- Soften the face of the retaining walls along the south building elevation with shrubs and possible vine plants for the tall retaining wall.
- Dress up the front porte cochere area with a diversity of plants and shrubs.
- Eliminate trees located close to the drive entrances on Adamswood Road for clear view purposes.

Mr. Weaver said most of the site amenities will be in the club house/community center and will include a swimming pool, health spa, offices, great room, exercise room and walking path. The DRC asked for benches to be added in shaded areas along the walking trail.

Commissioner Fitzpatrick recommended with regard to the bushes surrounding the building that the developer work closely with Officer Otteson of the Crime Prevention Through Environmental Design Committee to make sure the bushes are planted in the correct areas.

Mr. Weaver said that the plants proposed along the foundation are low lying, and the developer, Brad Miles, said he would take Commissioner Fitzpatrick's recommendation into consideration.

An architectural rendering of the building was presented by Mr. Weaver. He said the maximum building height would be 35 feet and stated that the average grade of the building is 33 feet. He said the building must be earth tone colors with the use of rock, stucco, batten board and hardy board. He presented various views and elevations of the buildings with 5 foot by 10 foot patios on the upper two floors and railings rather than panels and panels on the lower floor for privacy. He presented materials boards and reviewed where the materials would be placed. The following were the DRC recommendations regarding architecture.

- The buildings are proposed to have two similar colors of orange. Consider using other earth tone colors to offset one of the orange colors.
- Use glass fenestration on the corner units where there is a blank wall.
- Remove the parking canopies along the front of the building, or if kept, the parking canopies shall architecturally be integrated with the front of the building.
- Do not use panels for the balconies; use spindles or open railings. Panels can be used for the ground floor to provide privacy.
- The larger dormers are to be broken up with the use of ventilation boxes, trim, and batten board.
- Install window glazing for the second story behind the porte cochere to provide natural light into the foyer area.
- Break up the north elevation of the community center with a dormer that matches the dormers on the primary building.
- Add window detail to the community center, the same detail used for the windows on the primary structure.

Commissioner Fitzpatrick asked about the covered parking on the front of the property. Mr. Miles said the covered parking along Adamswood Drive would be removed.

Mr. Weaver said the proposed detached signage will be limited to a monument sign.

Mr. Weaver said the first motion would be for the conditional use request and the second motion would be for the development plan as associated with the development agreement.

Community and Economic Development Director, Bill Wright, said Staff believes that compliance with the development agreement will eliminate any issues that would need to be mitigated.

Commissioner Van Drunen asked about the distance from the fence to the sidewalk on Adamswood Road. Mr. Miles said the fence would be 20 feet from the road.

Mr. Wright said that at the rezone hearings, there was a lot of public comment about offsite issues, which do not relate to the conditional use request. He said the City participated with the chiropractor on Adamswood Road and Gentile Street, and the sign has been moved. In the spring, the Public Works Department will realign the cross walk and stop bar to allow a car to come out further and see better before entering the intersection.

Commissioner Weaver asked about the dumpster area and detention pond. Mr. Weaver pointed out both areas. Commissioner Weaver asked if the proposed development was associated with Legacy Village on Fairfield Road. Mr. Miles said both developments will be owned by Western States Lodging with resources being shared between the two facilities as much as possible. He said there would be no services at the proposed locations and residents will be taken to the other facility for activities and dinners. He said interested parties had visited Legacy Village wanting a senior apartment but more independence.

Commissioner Hansen asked about the fencing. Mr. Weaver said the proposed development would meet the minimum requirement with solid earth tone vinyl fencing on the north, south and east boundaries and tubular aluminum fencing on the west. Mr. Miles said he had no issues with the DRC recommendations. He would discuss the third story recommendations with his architect.

The following are the conditions required by Staff for this conditional use approval.

1. The developer shall meet all requirements of the Development Agreement, Article 4 entitled "Owner's Undertakings".
2. The developer shall incorporate the DRC recommendations into their landscaping, site, and architectural plans.
3. Detached signage shall be limited to a monument or low profile sign that will incorporate landscape plantings around the detached signage.

2. SWAN CROSSING SUBDIVISION PHASES 1 & 3 – FINAL APPROVAL

This property is located at approximately 2700 West Gordon Avenue in an R-S (Residential Suburban) zoning district. Phase 1 consists of 6 lots on 2.49 acres and Phase 3 consists of 2 lots on 1.178 acres. The property owner and developer is Blake Hazen.

Mr. Weaver presented the request for final approval for Swan Crossing Subdivision Phases 1 and 3. He said the landscape buffer along Gordon Avenue, an arterial street, affects Lots 301 and 302. He said fencing should match the Shadybrook Farms Subdivision to the east. There is a minor correction on the plat to be done before the mylar is submitted for recording, and covenants are to be submitted for a Home Owner's Association to maintain the buffer.

Commissioner Hansen asked if the homeowner would be responsible for the long driveway and Mr. Weaver replied in the affirmative.

Mr. Weaver said there is an option for a pedestrian gate from the subdivision to Gordon Avenue. The developer, Blake Hazen, asked if it would be possible for the homeowners of Lots 301 and 302 to maintain the buffer rather than organizing a homeowner's association. Mr. Weaver replied that has been tried in other subdivisions and the homeowners do not maintain the landscaping, and it becomes an issue.

City Planner, Peter Matson, recommended contracting with the landscapers who maintain the Shadybrook Farms and Swan Meadows Subdivision landscape buffers.

Commissioner Weaver noted that the Engineering report requires an approval from the Davis Weber Canal Company. He said he thought the City Engineer said this company would not service this area. Mr. Weaver said Davis Weber does service this area.

3. MAKES AND MODELS – CONDITIONAL USE FOR AUTO SALES

This property is located at 1620 West Hill Field Road, Suites 101 and 102, in an M-2 (Heavy Manufacturing/Industrial) zoning district. The applicant and property owner is Todd Walker.

Planner I, Andrew King, said the Planning Commission had previously granted a conditional use for the Makes and Models business at another location (1524 West Gordon Avenue) on February 14, 2012. The business at the proposed location will be the exact same business, which is the primary business being auto repair on high end imported vehicles and a secondary auto broker business. Most advertising is on-line, word of mouth and appointment only. He said the proposed site was consistent with what was approved in 2004 when the building was approved as far as parking and the division of the building.

The following are the conditions required by Staff for this conditional use:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. Vehicles being sold on this lot shall be displayed indoors or in striped parking spaces.
3. No more than three (3) of the striped parking spaces on this lot may be used for displaying "for sale" vehicles at any one time. Handicapped spaces shall not be used to display vehicles.

Mr. King said that with regard to Condition #3, the applicant does not plan to keep any vehicles outside after business hours.

Commissioner Fitzpatrick asked if a condition could be added that there be no flag signs. Mr. King said that condition could be added but it would be redundant with the current sign ordinance. He said that the Commission should try to focus on conditions that mitigate something. The proposed condition would not mitigate anything.

Commissioner Hansen asked if it would be in-line for the Commission to ask the applicant to acknowledge their awareness of the sign ordinance. He said there were no for sale signs in the cars currently, but there are three stalls occupied by cars that are for sale. He felt parking may be a problem because there are cars parked along Hill Field Road, which is allowed. He said every stall was full and there were cars parked in the handicapped stall that were cars with no handicapped sign.

He said there was plenty of space on the west of the building, but it is muddy. He said to the north is a counter top company, and a delivery truck was blocking the driveway around the building. He asked if the west area could be black top.

Mr. Wright said the area to the west is owned by a different entity. Mr. King said the property line is two feet behind the building, but the owner has an agreement with Jordan Valley Water Conservancy District

to allow them to pave 12 feet behind the building. The applicant and owner of Makes and Models has taken over the lease agreement and may pave the area.

Commissioner Weaver asked how many people the business would employ. Mr. King said there are six employees including the applicant. He said he and the other salesperson drive the for sale vehicles.

Commissioner Weaver had a concern with there being just eight parking spots with the business having six employees. Mr. Wright said the building was approved as a warehouse with 24 parking stalls. Parking isn't taking into consideration with an approved use such as the auto repair business. In this case, the auto brokerage is not significant.

Commissioner Van Drunen asked how the 24 parking spots would be divided between the occupants. Mr. King said there are six units with four parking stalls each. Each business has two units.

OTHER:

Mr. Matson presented training on conditional use reviews. He said there has been an assumption that a conditional use permit can be a tool to bring a site into compliance versus mitigating any additional impacts the use may cause. The following is the procedure to be followed for the processing and follow-up on conditional uses.

1. Accept application – Conditional Use or via Business License Review
 - a. Attach all staff memos
3. Review – identify unique characteristics and/or potential impacts
 - a. Check for health and safety concerns
 - b. Check for environmental concerns
 - c. Check for concerns to persons and property
 - d. Check for consistency with General Plan and Zoning District intent
4. Planning Commission Review and Approval
5. Follow-up letter – conditions of approval
 - a. Distributed to Applicant
 - b. Distributed to Property Owner
 - c. Distributed to Code Enforcement Officer
6. Initiate (new) Project Tracker tracking system

Mr. Matson explained how the Layton City Project Tracker system is used to track projects. There was a discussion on the long term tracking of conditional uses and the associated conditions.

A concern was expressed about a vehicle at B & R Rides consistently remaining in the same parking stall.

Mr. Wright said, with regard to future Project Tracker functions, that once all the conditions are fulfilled, a reminder will be put in Project Tracker to be sent to the planner on a date specific date to check the business and then a random check a year later. He said since B & R is a new business, there is on-going observation. Mr. King said the code enforcement officer (Julie Arguello) had been out of town. Planner I, Brandon Rypien, will set up meeting with B & R Rides and Ms. Arguello to resolve the issues.

Commissioner Hansen said the Commission has to walk the line of having people in compliance but also being a business friendly City. He said at some point in time, the bar has to be raised, set expectations and follow up. He felt the word would get out that the City does not make businesses become and stay compliant. He feels the Planning Commission has a concern that even though the applicants say they understand and will comply, that Layton City never enforces. If the conditions are required, they should

be enforced and the attitude should be that in Layton City, there are consequences for non-compliance. Commissioner Bodily expressed a similar concern. Mr. King responded that the goal as a department is to keep in touch with the applicant until all conditions are fulfilled for a certain amount of time.

Mr. Matson said Staff will do what needs to be done to bring B & R Rides into compliance. The exact specifications of the conditions will need to be clarified.

There was a discussion regarding the use of flags at car sale businesses with conditional uses and if conditions should be added stating that the signs are not allowed. Mr. Hansen said the Planning Commission's approach to conditional uses is being redirected to focus on mitigating specific impacts. He said there is an issue with the flags on car sale services, but that is a different part of the ordinance than conditional uses. However, he asked if the Planning Commission should or should not specify this issue in the minutes and in the motion so Staff has something to fall back on.

Mr. King responded that the sign ordinance does not allow the flags to be used. Staff is looking at a recodification of the sign ordinance. Ms. Arguello can take the small signs but can't take anything that would hang out of her truck. Sometimes she uses a bigger truck and takes as many signs as possible. Her process is to first send the offending business a letter, then tag the sign and then take the sign.

Assistant City Attorney Steve Garside said if the Planning Commission wants to be specific, they should state that the one of the concerns is something specific. He said it would be redundant if already contained in an ordinance but better to say it twice than once.

Mr. Matson asked Mr. Garside about care to be taken with conditions and if they mitigate a particular use in the zone. Mr. Garside said a letter should be sent to the applicant with the conditions. The applicant should be instructed to comply with all other requirements and if something is specific, the applicant should receive a reminder of the ordinance, and the ordinance should be quoted in the letter.

Commissioner Gilbert asked about the time frame for sign enforcement. Mr. Matson said that after the initial letter, the business is given 7-10 days and then if the sign is not removed, it is tagged. If after 20 to 30 days the sign is not removed, then it is taken from the property.

Commissioner Gilbert felt that a specific number of cars should have been indicated for B & R Rides. He spoke about ways of tracking license renewal and review of compliance with conditions. He felt the business must abide by conditions or lose its conditional use.

Commissioner Weaver said the format of conditional use permits can be improved and said it boils down to enforcement.

Mr. Matson said reports are written according to the State Law. He said conditional use requests can only be denied if impacts cannot be mitigated.

Commissioner Weaver said there must be follow up and that the Planning Commission has not been effective. He said Ms. Arguello has a pretty tough task without a good tracking system for conditional uses and that possibly she did not have the time to follow up.

Mr. Matson said she now has a good tracking system. If her procedure is to first follow up on conditional uses, she'll catch the other violations.

Commissioner Fitzpatrick suggested that a top 10 offender list should be developed similar to the Police Department's approach.

Mr. Matson said that a letter had been sent to Premier Auto and conditions have been met. He said the biggest task is not new construction, but reuse.

Commissioner Gilbert asked if there was any discussion with the owner of the property if one of the other businesses was to go away and a new use replaces it. He felt the owner was restricting himself on parking stalls causing more people to park on West Hill Field Road.

Mr. Matson said Staff met with the owner twice on site but did not know if they discussed that issue specifically.

Staff's commitment to the product brought to the Planning Commission in terms of a staff report is to make sure there is an initial understanding of health, safety and welfare issues. The Fire Marshall and Building Division address other issues before occupancy. He said sometimes people get in the site and operate prior to receiving a license or conditional use if needed. He said Staff will be doing a better job of stating conditions and what each condition is mitigating in terms of the recommendation to the Planning Commission.

He said Staff would be following up with the property owners and code enforcement officer. He said it would take a bit of time for Staff to make this shift and make sure they are abiding by State law. Staff's job is to make the Planning Commission's job easier, and they will do whatever possible on enforcement.

Commissioner Bodily said that he finds no problem with the reports. The issue was after the deal is done with follow up.

Commissioner Hansen said the Commission would do a better job of making the motion specific with specificity to things that are not conditions and part of ordinance.

Commissioner Weaver said follow up has the most opportunity for improvement.

Mr. Matson said Staff needs to go through the entire conditional use land use table and update it for appropriateness to the zoning district. He said in the next few months Staff would have something to the present to the Planning Commission to clear up the auto broker versus auto dealership issue.


Julie Jewell, Planning Commission Secretary

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MEMBERS ABSENT: Chad Harward, Tim Pales

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Kem Weaver, Andrew King, Steve Garside, Julie Jewell

Chairman Gilbert called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited, and an invocation was given by Commissioner Bodily.

Chairman Gilbert called for a motion to approve the November 12, 2013, Planning Commission Meeting minutes. The Commission had a question on the following statement made by Community and Economic Development Director, Bill Wright, from the Work Meeting minutes: Mr. Wright said, "The Commission is not deciding if the conditional use request is approved or denied. The uses are permitted as long as there are conditions associated with the business being a unique use with very specific impacts being mitigated by the conditions."

Commissioner Fitzpatrick moved that the Work Meeting minute approval be left open until the following Planning Commission Meeting to allow for an explanation by Mr. Wright, and that the regular meeting minutes be approved as written. Commissioner Hansen seconded the motion, and the voting was unanimous.

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

1. LEGACY COTTAGES – CONDITIONAL USE FOR SENIOR HOUSING AND DEVELOPMENT PLAN APPROVAL

This property is located at approximately 250 North Adamswood Road in an R-H (High Density Residential) zoning district. The applicant, Western States Lodging, represented by Brad Miles and Tyler Miles, is proposing 155 senior housing units on 6.25 acres.

Planner II, Kem Weaver, presented the request for conditional use for senior housing and for development approval for the property located at approximately 250 North Adamswood Road. He stated the City Council had approved the rezone request for the property on October 4, 2012. He outlined the zoning and uses in the area and reviewed Article 4 of the development agreement, which is the Owner's Undertaking outlining the requirements the developer must complete to ensure a quality development of the project, well-designed and fitting into this single family and multi-family commercial area of the City. He said items highlighted in red in the development agreement were those recommended by the Design Review Committee (DRC) (see recommendations to follow). He said senior housing and apartments are conditional uses in the R-H zone. Many of the requirements in the development agreement will be conditions in the conditional use approval.

The following are DRC comments for the open space:

- Rethink certain species of plants located in certain areas with regard to the sun's orientation and shaded areas versus direct sun light.
- Provide additional species of plants and shrubs around the primary building and community center.
- Soften the face of the retaining walls along the south building elevation with shrubs and possible vine plants for the tall retaining wall.
- Dress up the front porte cochere area with a diversity of plants and shrubs.
- Eliminate trees located close to the drive entrances on Adamswood Road for clear view purposes.

The DRC also recommended benches along the walkways as part of the site amenities.

The following are the DRC comments for architecture:

- The buildings are proposed to have two similar colors of orange. Consider using other earth tone colors to offset one of the orange colors.
- Use glass fenestration on the corner units where there is a blank wall.
- Remove the parking canopies along the front of the building, or if kept, the parking canopies shall architecturally be integrated with the front of the building.
- Do not use panels for the balconies; use spindles or open railings. Panels can be used for the ground floor to provide privacy.
- The larger dormers are to be broken up with the use of ventilation boxes, trim, and batten board.
- Install window glazing for the second story behind the porte cochere to provide natural light into the foyer area.
- Break up the north elevation of the community center with a dormer that matches the dormers on the primary building.
- Add window detail to the community center, the same detail used for the windows on the primary structure.

A 7,000 square foot community center will include a swimming pool, health spa, offices, great room and exercise room. The DRC recommended that the community center have a parapet wall to hide any utilities or pool equipment. The DRC also recommended benches along the walking paths as part of the site amenities.

Mr. Weaver said based on these recommendations, Staff recommends the Planning Commission in motion 1 approve the conditional use request with the following conditions:

1. The developer shall meet all requirements of the Development Agreement, Article 4 entitled "Owner's Undertakings".
2. The developer shall incorporate the DRC recommendations into their landscaping, site, and architectural plans.
3. Detached signage shall be limited to a monument or low profile sign that will incorporate landscape plantings around the detached signage.

Mr. Weaver said Staff recommends that the Planning Commission in motion 2 forward a positive recommendation to the City Council to approve the development plan for Legacy Cottages.

Commissioner Fitzpatrick asked if at some point a physical therapist wanted to set up a business in the community Center if it would be an acceptable use.

Mr. Weaver said a physical therapist could come in and perform therapy without having an office there.

Commissioner Fitzpatrick asked if the amount of handicap parking would be increased.

The developer, Brad Miles, 1126 North Dutch Fields Parkway, Midway, Utah, said the facility will meet minimal parking requirements, however, the facility has been designed to make sure there are no steps into the entrances of the building. All the residents will be able to get into all the entrances with a wheelchair.

Chairman Gilbert asked Mr. Miles if the development would be able to meet the DRC recommendations and the Staff conditions. Mr. Miles said he had no issues and would meet with his architect on the suggestions, which he said he liked and wanted to make sure were structurally safe.

Commissioner Hansen verified that the fencing around the property would be a solid vinyl fence in earth tone colors. Mr. Miles said that kind of fencing would be used.

There were no further comments from the Commission or the audience. Chairman Gilbert called for a motion on the item. Commissioner Hansen moved that the Planning Commission approve the conditional use subject to all staff input, specifically pages 3 & 4, recommendations from the DRC, and the three conditions. Commissioner Bodily seconded the motion, and the voting was unanimous.

Commission Hansen moved that the Planning Commission forward a positive recommendation to the City Council to approve the development plan subject to incorporating the Staff and DRC recommendations as noted in the first motion. Commissioner Bodily seconded the motion, and the voting was unanimous.

2. SWAN CROSSING SUBDIVISION PHASES 1 & 3 – FINAL APPROVAL

This property is located at approximately 2700 West Gordon Avenue in an R-S (Residential Suburban) zoning district. Phase 1 consists of 6 lots on 2.49 acres and Phase 3 consists of 2 lots on 1.178 acres. The property owner and developer is Blake Hazen.

Planner II, Kem Weaver, presented the request for final approval for the Swan Crossing Subdivision Phases 1 & 3. He said the preliminary plat was approved by the Planning Commission in June, 2013. Final approval is being requested by the developer, Blake Hazen, for Phase 1 with six single family lots on 2.49 acres and Phase 2 with two single family lots on 1.178 acres. Mr. Weaver outlined the access and fronting of the phases. He said a minimum five-foot landscape buffer would be required on the back side of Lots 301 and 302 backing onto Gordon Avenue, which is an arterial street. This buffer will be maintained by a Home Owner's Association. The fencing required is a solid vinyl fencing of an earth tone color. Covenants are required to create the HOA.

Mr. Weaver said Staff recommends approval subject to providing covenants and meeting all Staff requirements.

There were no public comments or concerns.

Chairman Gilbert called for a motion on the item. Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plats for Swan Crossing Phases 1 & 3 subject to providing covenants and meeting all Staff requirements as outlined in Staff memos. Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

3. MAKES AND MODELS – CONDITIONAL USE FOR AUTO SALES

This property is located at 1620 West Hill Field Road, Suites 101 and 102, in an M-2 (Heavy Manufacturing/Industrial) zoning district. The applicant and property owner is Todd Walker.

Planner I, Andrew King, presented the request for conditional use for auto sales to accommodate the relocation of Makes and Models. He said Makes and Models has moved to suites 1 & 2 of this building from 1524 Gordon Avenue where the business has been operating with a conditional use since 2012. Nearly all the vehicles will be marketed and sold on-line. There will normally only be test drives and vehicle paperwork when the customers come to the building. He said vehicle sales are secondary to the auto repair business.

Mr. King said the property line is two feet west of building. The access to the back of the building is through a lease with the Jordan Valley Water Conservancy District.

Mr. King said that since the conditional use will “run with the land”, it would be important to limit the number of vehicles that can be displayed in front of the building to avoid detrimentally affecting customer and employee parking. This would mitigate any negative impact to off-street parking needs on the site.

The following are the conditions required for this conditional use approval:

1. The business shall comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. Vehicles being sold on this lot shall be displayed indoors or in striped parking spaces.
3. No more than three (3) of the striped parking spaces on this lot may be used for displaying “for sale” vehicles at any one time. Handicapped spaces shall not be used to display vehicles.

Commissioner Weaver asked if the former location of Makes and Models at 1524 West Gordon Avenue would retain the conditional use for car sales. Mr. King said the conditional use would remain with that property unless there is a reason to revoke it. As far as the Business Licensing process is concerned, if there is a conditional use on the property, the conditions are given to the applicant of the new business.

Commissioner Hansen asked Assistant City Attorney, Steve Garside, with regard to Condition #1 if it would be appropriate to add all associated City codes and ordinances. Mr. Garside said the codes could be added, but it would be redundant.

The applicant, Todd Walker, was not present but had been given a copy of the conditions and said he did not have a problem with them.

Derek Wolthoff, the applicant, said he had seen the conditions. Chairman Gilbert said he had noticed three cars in parking stalls out front and it appeared the handicap stall was being used to park a car. Mr. Wolthoff said it would not be a problem to not park in the handicap stall. He said he could accommodate 16 vehicles inside at night. He said they were high caliber vehicles and he didn't want to leave them out at night.

Commissioner Hansen said it appeared that parking was a challenge on the site. He asked what vehicles would be parked on Hill Field Road. Mr. Wolthoff said the employees were parking on the street. He said there was limited parking with an influx of cars in the morning, which he tries to move inside the building as soon as possible. He said he had leased the property to the west that goes up into the RV parking and would go through the process to asphalt that area.

Commissioner Bodily asked if the applicant could park behind the building. Mr. King responded in the affirmative and said the site does contain the minimum amount of parking required. He said if the applicant intends to use the space to the west for an outdoor storage, then he would need a conditional use for outdoor storage but not if used for display of vehicles.

Commissioner Fitzpatrick asked for a clarification on the number of cars displayed for sale. Commissioner Hansen said it appeared there were three cars displayed for sale. Mr. Wolthoff said he only had one car for sale. The other cars were high end sales being prepped for customers.

Commissioner Hansen asked about the car in the handicap stall with no handicap tag. Mr. Wolthoff said he tries to accommodate leaving that stall vacant as much as possible and employees are not supposed to park there. He said sometimes they fill up the lot in the morning. He also said he houses cars while the owners are waiting to go to a race track but no longer than two to three days.

There were no audience comments.

Chairman Gilbert called for a motion on the item. Commissioner Weaver moved that the Planning Commission approve the conditional use for auto sales subject to the applicant being compliant to the three conditions in the Staff recommendation. Commissioner Hansen asked for the motion to be modified to add "all other pertinent City codes and ordinances." Commissioner Weaver agreed with the modification. Commissioner Van Drunen seconded the motion and the voting was unanimous.

Chairman Gilbert called for a motion to close Public Review and adjourn the meeting. Commissioner Bodily moved to close Public Review and adjourn the meeting. Commissioner Hansen seconded the motion, and the voting was unanimous. The meeting adjourned at 7:56 p.m.


Julie Jewell, Planning Commission Secretary