

LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, AUGUST 25, 2009

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

ALTERNATE MEMBERS PRESENT:

MEMBERS ABSENT: Sharon Esplin, Blake Hazen

ALTERNATE MEMBERS ABSENT: Ryan Stevenson

OTHERS PRESENT: Staff Members: Peter Matson, Kem Weaver, Nannette
Larsen, Clint Drake, Julie Jewell

PUBLIC HEARING:

(1) DUSTIN SIDDOWAY – REZONE – R-S TO R-2

This .58 acre property is located at 2563 West Gordon Avenue in an R-S (Residential Suburban) zoning district. The request is for a rezone to R-2 (Single and Two Family Residential). The applicant is Dustin Siddoway.

City Planner, Kem Weaver, presented the request to rezone the .58 acre property at 2563 West Gordon Avenue which backs on to the Swan Meadows Phase 4 Subdivision. The applicant is requesting the R-2 zoning designation which would allow for 6 units to be built on the property, however, only twin homes would be allowed, not 4- or 6-plexes. Mr. Weaver said General Plan guidelines allow for medium density on arterial roads. He cited a previously approved rezone to R-2 of a property on an arterial street at approximately 3000 West Gentile Street.

Mr. Weaver said he spoke with the developers of Swan Meadows and Shadybrook Subdivisions to the east and south of the property. The developers concerns were with the possible aesthetics of the developments and with drainage from the hard surface of the development onto their developments.

Mr. Weaver stated the development would need approvals from the Fire Department and Engineering and Planning Divisions. The development would not be allowed to drain on to other properties and landscaping would be required to transition between the twin homes and single family homes. Fencing would not be required but a buffer along the front of the development would be required with a driveway that would accommodate those exiting the property to turn around and go forward onto Gordon Avenue.

(2) TEXT AMENDMENT – Title 19.06.070 amendment to provide regulations for the keeping of chickens in residential zones.

This text amendment is being discussed to provide for regulations for the keeping of residential chickens.

Planning Technician, Nannette Larsen reviewed the Planning Commission's previous discussion on the keeping of back yard chickens. She listed the positives and negatives of keeping back yard chickens. This presentation is included in its entirety as part of these minutes including the proposed amendment with alternative provisions.

The Commissioners discussed the proposed text amendment as well as alternatives. Commissioner Kristin Elinkowski asked if the Planning Commission would need to review every proposal from citizens or if the proposals could be reviewed on a Staff level. Commissioner Gerald Gilbert asked for a clarification on alternative 3A which states that a coup must be 50 feet from a neighboring dwelling and 20 feet from a primary dwelling. He felt this would place a chicken coup in the back corner of a property thus impacting neighbors who may not want to live by chickens. He suggested an additional alternative to include a setback from the property line. Commissioner Dave Pratt clarified that there would be no changes to the current R-S and A zones with regard to the keeping of backyard chickens.

Since there was time in the work meeting remaining, Vice-Chair Elinkowski asked if the citizens who were present had any comments.

C. B. Johnson, of 1587 East Antelope Drive, commented on the proposed text amendment stating that he agreed with provisions 1-5 but felt the addition of provision 6 requiring site plan approval put too much burden on the City. He felt that allowing the keeping of backyard chickens would be a great opportunity for the City to be involved in something to educate children. He presented pictures of modern chicken coups.

Justen Smith from the Utah State Extension Service in Davis County addressed the possibility of salmonella and viruses and said that people were more likely to get salmonella from cooking chicken in their kitchens than from eggs from their backyard chickens and that viruses were not likely. He felt the chickens would not be a health hazard. He also discussed containment of the chickens and composting waste.

Karianne Lisonbee, former Layton resident, presented information she had gathered in discussion and research regarding the keeping of backyard chickens.

Vice-Chair Elinkowski asked City Planner, Peter Matson, for guidance on presenting the proposal. Mr. Matson said the pre-amble and provisions 1-5 would be the basic proposal with the ability to substitute the alternatives.

Commissioner Gilbert reiterated that he felt citizens should at least come to the City to discuss their plans.

Commissioner Pratt said he was comfortable with provisions 1-5.

Vice-Chair Elinkowski asked for clarification on the approval process. Mr. Matson stated the Planning Commission would need to give a recommendation to the City Council regarding the

text amendment, but that the Planning Commission could table the item tonight, preferably to a date certain, in order to conduct a future work meeting to discuss any citizen input presented during the regular meeting tonight.

PUBLIC REVIEW:

(3) PERRY HOMES – CONDITIONAL USE FOR A TEMPORARY SALES OFFICE (MODEL HOME)

This property is located on Lot 303 of the Weaver Meadows Subdivision at 629 West Weaver Lane in an R-1-8 (Residential Single Family) zoning district. The applicant is Perry Homes represented by Jeff Taylor.

Planning Technician, Nannette Larsen, presented Perry Homes' requesting for conditional use for a model home in the Weaver Meadows Subdivision. She said Staff recommends the Planning Commission approve the model home which is currently under construction with the conditions as follows:

1. The model home is required to provide 3 parking stalls for employee parking in the driveway area.
2. All lighting is required to be contained on site at all times.
3. Signage is required to be no more than one sign per office with a maximum size of 32 square feet for detached signs. All signs require a permit and must comply with Layton City Sign Ordinance.
4. Once the subdivision is 80% sold or after 3 years, whichever comes first, the model home needs to be sold as a residential home.
5. All landscaping must be installed before receiving a certificate of occupancy.
6. The lot is required to be weed and debris free.

(4) FAITH BAPTIST CHURCH – EXPANSION OF CONDITIONAL USE FOR CHURCH

This property is located at 2430 North Fairfield Road in an A (Agriculture) zoning district. The applicant is the Faith Baptist Church represented by John Huffman.

Kem Weaver, City Planner, presented the request from the Faith Baptist Church to expand its conditional use to build additional buildings on a church site. Mr. Weaver explained that most of the property is in the APZ (Accidental Potential Zone). A letter from the State restricts the site to 650 people at one time. Mr. Matson clarified that while the typical use in the APZ is much more restrictive, this particular use existed before APZ easements were purchased by the State. Mr. Weaver outlined the site plan and explained how the 187 parking spaces would be shared between the church and the school. Commissioner Gilbert asked about the memo from the Fire Marshall stating that the water supply was inadequate to meet fire flow requirements. Mr. Weaver said that before the building permit is issued, the utilities would need to be upgraded.

(5) CRAZY TOWING– CONDITIONAL USE FOR TOWING SERVICES

This approximately .5 acre property is located at 3067 North 750 East in an M-1 (Light Manufacturing/Industrial) zoning district. The applicant is Brett Sorensen.

Mr. Weaver explained that Crazy Towing has existed for a while but never received conditional use approval to have a storage/towing service. He said that parking is sufficient for both the Crazy Towing and Premier Towing businesses as well as other tenants in the building. New gates and fences will be installed along with Knox boxes for Fire Department requirements.

Commissioner Gilbert said that it appeared that the landscaping is well maintained and asked if there was a limit to the number of storage yards and cars. Mr. Weaver said there was not a moratorium on the number of storage areas and cars. The Commission and Staff discussed future road connections and Commissioner Gilbert made Staff aware of a possible hazard to children with outdoor freezer chests being stored on a neighboring property.

Mr. Matson informed the Commissioner that per their recommendation, Staff is requiring conditional use applicants to meet within 3 days of their application to review their property for compliance. The property will need to be brought into compliance before the property can be posted for an additional use conditional use review by the Planning Commission.

(6) TRINITY LUTHERAN CHURCH – CONDITIONAL USE FOR A CHURCH AND A PRESCHOOL

This property is located at 88 North Fort Lane in an MU (Mixed Used) zoning district. The applicant is the Trinity Lutheran Church represented by Pastor Kurt Hering.

Mr. Weaver presented the request from the Trinity Lutheran Church for conditional use for a church and a pre-school. He reviewed parking requirements and Mr. Matson clarified the parking area on the site plan. The following are the conditions recommended for this conditional use:

1. The applicant is required to comply with all Fire Department, Engineering, Building Code and Planning Division requirements.
2. The applicant is required to obtain sign permits for the church and pre-school services.
3. The applicant is required to provide a letter from the property owner designating 17 parking stalls for the church services and pre-school use.
4. The site is required to be clear of weeds, junk and debris at all times.

Mr. Weaver suggested two additional conditions as follows:

5. The pre-school will be required to obtain a Layton City business license.
6. The pre-school will be required to obtain State approval.

In addition with regard to condition # 3, 22 spaces would need to be designated for the church and pre-school use.

(7) SYS STORAGE & U-HAUL -- CONDITIONAL USE FOR TRUCK & TRAILER RENTAL

This property is located at 1728 West Gordon Avenue in an M-2 (Heavy Manufacturing) zoning district. The applicant is Jason Larsen of SYS Storage & U-Haul.

Mr. Weaver presented the request for conditional use for City Planner, Amanda Jorgensen, who was absent due to illness. He said that according to Ms. Jorgensen, the applicant had fulfilled the three requirements asked of him at the previous Planning Commission meeting, i.e., parking stall had been striped, no parking signs were installed, and weed, debris and junk had been cleaned up. Commissioner Gilbert stated he had visited the site and noted progress being made. He encouraged the applicant to meet with Staff regarding questions about handicap parking and permanent signage. Commissioner Gilbert asked about the temporary turnaround and Mr. Matson clarified that it was in the back area where the storage units have not been built.

(8) LDS CHURCH – CONDITIONAL USE FOR A CHURCH

This 3.49 acre property is located at approximately 475 South 2200 West on Lot 1 of the Villas at Harmony Place Phase II. The property owner is Bob Stevenson and the applicant is the LDS Church represented by Gary Tyler.

Mr. Weaver presented the request from the LDS Church for conditional use for a church on 2200 West which is part of the Villas at Harmony Place PRUD Subdivision. He said the Planning Commission previously recommended approval for a preliminary plat amendment which included the 3.49 acre site for the church building. At a future meeting a Villas Phase 2 Subdivision plat will be presented which is just the lot for the church. He said the lots around the church parcel would be in another phase of the PRUD. Mr. Weaver said the architectural elevations of the proposed church would be similar to other LDS churches in West Layton. The building will be a ward house and not a stake center. The storage unit proposed for the back of the property will need to match the architecture of the church building. Mr. Weaver said that by ordinance, churches can have chain link fencing with slats, but in this case solid vinyl fencing will be required due to the PRUD's requirements. The developer and the LDS Church will work together on the fencing issue. Mr. Weaver outlined the required landscaping and said the walkway between the church and the PRUD would be maintained by the Homeowners Association. A 25-foot storm drain easement will be required as well. The 200 proposed parking spaces satisfy the 90 parking spaces required for this site.

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

Residential Chickens

PLANNING COMMISSION
WORK MEETING
AUGUST 20TH, 2009

Resident Responses to Backyard Chickens

Positive	Negative
<ul style="list-style-type: none"> • Sustainable <ul style="list-style-type: none"> ◦ Local Food • Teaching Tool • Less intrusive pet than a dog • Effective pest control 	<ul style="list-style-type: none"> • Diseases <ul style="list-style-type: none"> ◦ Salmonella ◦ Campylobacter • Noise • Mess

Coop Location

<ul style="list-style-type: none"> • West Point Setbacks <ul style="list-style-type: none"> ◦ Street - 50' ◦ Adjacent Lot Dwelling - 50' ◦ Nearest Dwelling - Property Lines - 10' • Syracuse Setbacks <ul style="list-style-type: none"> ◦ Street - 150' ◦ Adjacent Lot Dwelling - 50' ◦ Nearest Dwelling - 20' ◦ Property Lines 	<ul style="list-style-type: none"> • Farmington Setbacks <ul style="list-style-type: none"> ◦ Street ◦ Adjacent Lot Dwelling ◦ Nearest Dwelling ◦ Property Lines - 10' • North Ogden Setbacks <ul style="list-style-type: none"> ◦ Street - 100' ◦ Adjacent Lot Dwelling - 75' ◦ Nearest Dwelling - 50' ◦ Property Lines
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Coop Location Continued

<ul style="list-style-type: none"> • Kaysville <ul style="list-style-type: none"> ◦ Street ◦ Adjacent Lot Dwelling - 50' ◦ Nearest Dwelling ◦ Property Lines • West Bountiful <ul style="list-style-type: none"> ◦ Street ◦ Adjacent Lot Dwelling - 75' ◦ Nearest Dwelling ◦ Property Lines - 10' 	<ul style="list-style-type: none"> • Clearfield <ul style="list-style-type: none"> ◦ Street - 50' ◦ Adjacent Lot Dwelling - 50' ◦ Nearest Dwelling - 20' ◦ Property Lines
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Number of Chickens Allowed

<ul style="list-style-type: none"> • West Point <ul style="list-style-type: none"> ◦ Not limited • Syracuse <ul style="list-style-type: none"> ◦ Regulated by lot size <ul style="list-style-type: none"> • More than 21,780 sq ft - More than 6 • Less than 21,780 sq ft - No more than 6 • Farmington <ul style="list-style-type: none"> ◦ Any size: 8 ◦ 1/2 acre: 12 • North Ogden <ul style="list-style-type: none"> ◦ Not Limited 	<ul style="list-style-type: none"> • Kaysville <ul style="list-style-type: none"> ◦ Not Limited • West Bountiful <ul style="list-style-type: none"> ◦ Not Limited • Clearfield <ul style="list-style-type: none"> ◦ 3 allowed per acre
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Minimum Lot Area	Additional Yard/Coop Requirements
<ul style="list-style-type: none"> • West Point • Syracuse • Farmington • North Ogden • Kaysville • West Bountiful • Clearfield 	<ul style="list-style-type: none"> West Point <ul style="list-style-type: none"> • Coop must be less than 120 sq ft Syracuse <ul style="list-style-type: none"> • Coops must be kept clean and free from objectionable odor and waste Farmington <ul style="list-style-type: none"> • No requirements North Ogden <ul style="list-style-type: none"> • No requirements Kaysville <ul style="list-style-type: none"> • Must show odor, dust, noise, or drainage will be controlled West Bountiful <ul style="list-style-type: none"> • All animals must be located in an area enclosed by a fence • Waste and debris must be kept from becoming offensive Clearfield <ul style="list-style-type: none"> • No requirements

Suggested Coop Size

Square Footage Examples:

- 4 chickens
Coop only
12 x 12
Run and Coop
12 x 12
- 6 chickens
Coop only
12 x 12
Run and Coop
12 x 12

- 2 sq. ft. per chicken inside the coop
- 2 sq. ft. per chick in the run
- Too small of a coop will create problems
- Nests
1sq ft.

Other Requirements

Syracuse	Kaysville
<ul style="list-style-type: none"> • Roosters are not permitted in any residential zone • In residential zones there is a minimum lot size 21,780 sq ft. • Point System <ul style="list-style-type: none"> ◦ 21,780 sq ft. has an allocation of 40 points ◦ add 10 points for each additional 10,890 sq ft. ◦ Chickens are 2 points each • Required to be kept in pens 	<ul style="list-style-type: none"> • Minimum Residential Lot Size <ul style="list-style-type: none"> ◦ 14,000 sq ft ◦ Lot area required for each animal: 1,400 sq ft. • Additional requirement on related Structures <ul style="list-style-type: none"> ◦ Barns, coops, stables, etc. are permitted where farm animals are permitted.

West Point City

Salt Lake City
Must obtain a permit to keep chickens
Fee: \$5.00 per animal and annual fee of \$1.00 per year
The same permit is used for:

- Chickens
- Turkeys
- Ducks
- Geese
- Pigeons
- Rabbits

- # of chickens allowed
 - Dependant on point system
 - 100 animal points per vacant acre (e.g. .5 acre X 100 = 50 points)
 - Chickens, duck, geese, pigeons, etc. = 5 points
 - Residential properties
 - Deduct .25 acres (8,100 sq ft) per unit from the total acreage

Allowed:
For noncommercial purposes only.
Zones allowed in:
R-1
R-2
R-3

Introduction to Section

The purpose of this section is to provide regulations for the keeping of chickens in residential zones. Chickens in residential zones may be kept in a way which will ensure the continued health and welfare of Layton residents while permitting a more sustainable way of living and maintaining the residential character of Layton City neighborhoods. Any resident with the intent of keeping chickens within a residential neighborhood shall comply with the following provisions:

Proposed Provisions

- (1) Chickens in residential locations shall only be allowed in the R-1-6, R-1-8, and R-1-10 zones. All other fowl associated with being kept outdoors are prohibited in residential areas. In Residential Suburban (R-S) and Agriculture (A) zones additional chickens are allowed as outlined in section 19.06.080 of this code.
- (2) Residents shall have no more than 6 hens on a property with a minimum overall lot area of 6,000 square feet.
- (3) All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. The coop, pen, cage, or similar structure shall be restricted to the rear or backyard of a residential use and is limited to a maximum of 120 square feet (includes coop space and chicken run).
- (4) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. Waste and debris must be kept from becoming offensive or a health hazard.
- (5) Roosters are not permitted in any residential zones.

Alternative Provisions

- (2) Residents shall have no more than 6 hens on a property with a minimum overall lot area of 6,000 square feet.
- (2a) Residents shall have no more than 6 hens on a property zoned R-1-6, R-1-8, or R-1-10 lot.

Alternative Provisions

- (3) All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. The coop, pen, cage, or similar structure shall be restricted to the rear or backyard of a residential use and is limited to a maximum of 120 square feet (includes coop space and chicken run)
- (3a) No coop, pen, cage, or similar structure shall be kept closer than 50 feet from a neighboring dwelling or 20 feet from the primary dwelling on the same lot, and shall be no taller than 7 feet at the highest point of the roof.
- (3b) No coop, pen, cage, or similar structure shall be kept closer than 6 feet from the dwelling on the same lot nor 12 feet from a dwelling on an adjacent lot, and shall be no taller than 7 feet at the highest point of the roof.
- (3c) All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape and provide at least 4 square feet per chicken for the coop and run to be predator-proof with a solid top.

Alternative Provisions:

- (6) Applicants must show, before being granted approval, that odor, dust, and noise will be controlled and the location of coop and fencing is sufficient to prohibit escape. Consent will be granted through site plan approval.

Text Amendment Draft – Title 19 (Zoning)

19.06.070 Residential Chickens

The purpose of this section is to provide regulations for the keeping of chickens in residential zones. Chickens in residential zones may be kept in a way which will ensure the continued health and welfare of Layton residents while permitting a more sustainable way of living and maintaining the residential character of Layton City neighborhoods. Any resident with the intent of keeping chickens within a residential neighborhood shall comply with the following provisions:

- (1) Chickens in residential locations shall only be allowed in the R-1-6, R-1-8, and R-1-10 zones. All other fowl associated with being kept outdoors are prohibited in residential areas. In Residential Suburban (R-S) and Agriculture (A) zones additional chickens are allowed as outlined in section 19.06.080 of this code.
- (2) Residents shall have no more than six (6) hens on a property with a minimum overall lot area of six-thousand (6,000) square feet.
- (3) All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. The coop, pen, cage, or similar structure shall be restricted to the rear or backyard of a residential use and is limited to a maximum of one-hundred twenty (120) square feet (includes coop space and chicken run).
- (4) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. Waste and debris must be kept from becoming offensive or a health hazard.
- (5) Roosters are not permitted in any residential zones.

Alternative Drafts for Discussion

- (2a) Residents shall have no more than six (6) hens on a property zoned R-1-6, R-1-8, or R-1-10 lot.
- (3a) No coop, pen, cage, or similar structure shall be kept closer than fifty feet (50') from a neighboring dwelling or twenty feet (20') from the primary dwelling on the same lot, and shall be no taller than seven (7) feet at the highest point of the roof.
- (3b) No coop, pen, cage, or similar structure shall be kept closer than six feet (6') from the dwelling on the same lot nor twelve feet (12') from a dwelling on an adjacent lot, and shall be no taller than seven feet (7') at the highest point of the roof.
- (3c) All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape and provide at least four (4) square feet per chicken for the coop and run and be predator-proof with a solid top.
- (6) Applicants must show, before being granted approval, that odor, dust, and noise will be controlled and the location of coop and fencing is sufficient to prohibit escape. Consent will be granted through site plan approval.

LAYTON CITY PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 25, 2009

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

ALTERNATE MEMBERS PRESENT:

MEMBERS ABSENT: Sharon Esplin , Blake Hazen

ALTERNATE MEMBERS ABSENT: Ryan Stevenson

OTHERS PRESENT: Staff Members: Peter Matson, Kem Weaver, Nannette Larsen, Clint Drake, Julie Jewell, Council Member Scott Freitag

Vice-Chair, Kristin Elinkowski called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited and an invocation was given by Russ Silver, a member of the audience.

PUBLIC HEARING:

(1) DUSTIN SIDDOWAY – REZONE – R-S TO R-2

This .58 acre property is located at 2563 West Gordon Avenue in an R-S (Residential Suburban) zoning district. The request is for a rezone to R-2 (Single and Two Family Residential). The applicant is Dustin Siddoway.

City Planner, Kem Weaver, presented the request to rezone the .58 acre property at 2563 West Gordon Avenue which backs on to the Swan Meadows Phase 4 Subdivision. The applicant is requesting the R-2 zoning designation which would allow for 6 units to be built on the property, however, only twin homes would be allowed, not 4- or 6-plexes. Mr. Weaver said General Plan guidelines allow for medium density on arterial roads. He cited a previously approved rezone to R-2 of a property on an arterial street at approximately 3000 West Gentile Street.

Mr. Weaver said he spoke with the developers of Swan Meadows and Shadybrook Subdivisions to the south and east of the property. The developers' concerns were with the possible aesthetics of the developments and with drainage from the hard surface of the development onto their developments.

Based on information presented, Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation for approval of the rezone to the City Council based on the applicant meeting all Staff requirements.

There were no questions from the Commission or the audience.

Vice-Chair Elinkowski called for a motion on this item. Commissioner Tim Pales moved that the Planning Commission forward a positive recommendation to the City Council for the rezone based on meeting the General Plan recommendations for the area as an alternative land use along an arterial street and based on the applicant meeting all Staff requirements. Commissioner Dave Pratt seconded the motion and the voting was unanimous.

- (2) **TEXT AMENDMENT – Title 19.06.070** amendment to provide regulations for the keeping of chickens in residential zones.

Planning Technician, Nannette Larsen presented a proposed text amendment for the keeping of chickens in residential zones. The following is the draft of the amendment as presented.

Text Amendment Draft – Title 19 (Zoning)

19.06.070 Residential Chickens

The purpose of this section is to provide regulations for the keeping of chickens in residential zones. Chickens in residential zones may be kept in a way which will ensure the continued health and welfare of Layton residents while permitting a more sustainable way of living and maintaining the residential character of Layton City neighborhoods. Any resident with the intent of keeping chickens within a residential neighborhood shall comply with the following provisions:

- (1) Chickens in residential locations shall only be allowed in the R-1-6, R-1-8, and R-1-10 zones. All other fowl associated with being kept outdoors are prohibited in residential areas. In Residential Suburban (R-S) and Agriculture (A) zones additional chickens are allowed as outlined in section 19.06.080 of this code.
- (2) Residents shall have no more than six (6) hens on a property with a minimum overall lot area of six-thousand (6,000) square feet.
- (3) All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. The coop, pen, cage, or similar structure shall be restricted to the rear or backyard of a residential use and is limited to a maximum of one-hundred twenty (120) square feet (includes coop space and chicken run).
- (4) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. Waste and debris must be kept from becoming offensive or a health hazard.
- (5) Roosters are not permitted in R-1-6, R-1-8, and R-1-10 residential zones.

Alternative Drafts for Discussion

- (2a) Residents shall have no more than six (6) hens on a property zoned R-1-6, R-1-8, or R-1-10 lot.
- (3a) No coop, pen, cage, or similar structure shall be kept closer than fifty feet (50') from a neighboring dwelling or twenty feet (20') from the primary dwelling on the same lot, and shall be no taller than seven (7) feet at the highest point of the roof.
- (3b) No coop, pen, cage, or similar structure shall be kept closer than six feet (6') from the dwelling on the same lot nor twelve feet (12') from a dwelling on an adjacent lot, and shall be no taller than seven feet (7') at the highest point of the roof.
- (3c) All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape and provide at least four (4) square feet per chicken for the coop and run and be predator-proof with a solid top.

- (6) Applicants must show, before being granted approval, that odor, dust, and noise will be controlled and the location of coop and fencing is sufficient to prohibit escape. Consent will be granted through site plan approval.

There were no questions from the Planning Commission. Vice-Chair Elinkowski explained to the audience that a public hearing was being held to take comments from the audience for consideration.

A Layton resident, Eric Myers, asked Ms. Larsen to explain the R-1-6, R-1-8 and R-1-10 zoning designations. He asked about what was involved in site plan approval and Vice-Chair Elinkowski said that would be determined at a later date.

Residents Chris Bouwhuis, Russ Silver, Sarah Silver, Heidi Coon and Frank Coon addressed the positive reasons for the keeping of residential chickens. Mr. Coon and Mr. Bouwhuis requested that rabbits and pigeons be included for consideration with the text amendment currently being considered. They addressed the positive reasons for the keeping of these animals. A letter from a resident, Mrs. Dana Pevey, had been given to the Commissioners and will be included in the minutes of the meeting. Mr. J. Pevey asked that no restrictions be placed on coop size.

There were no other comments from the audience. Commissioner Gilbert recommended that Staff gather more information on the additional animals (rabbits and pigeons) and that chickens, rabbits and pigeons all be considered in the next work meeting rather than a separate meeting for the additional animals. Ms. Larsen said she would have a proposal for the next meeting.

Vice-Chair Elinkowski called for a motion on the item. Commissioner Gilbert moved to table the item to the September 22, 2009 Planning Commission meeting to give the Planning Commission an opportunity to review alternate suggestions at the September 8, 2009 work meeting. The motion was seconded by Commissioner Pales and the voting was unanimous.

Vice-Chair Elinkowski called for a motion to close the Public Hearing. Commissioner Pales moved to close the Public Hearing. Commissioner Gilbert seconded the motion and the voting was unanimous.

Vice-Chair Elinkowski called for a motion to Open Public Review. Commissioner Pales moved to open Public Review. Commissioner Gilbert seconded the motion and the voting was unanimous.

PUBLIC REVIEW:

(3) PERRY HOMES – CONDITIONAL USE FOR A TEMPORARY SALES OFFICE (MODEL HOME)

This property is located on Lot 303 of the Weaver Meadows Subdivision at 629 West Weaver Lane in an R-1-8 (Residential Single Family) zoning district. The applicant is Perry Homes represented by Jeff Taylor.

Planning Technician, Nannette Larsen, presented Perry Homes' request for conditional use for a model home in the Weaver Meadows Subdivision on Lot 303 at 629 W Weaver Lane. Ms. Larsen said Staff recommends approval of the conditional use with the conditions as listed below:

1. The model home is required to provide 3 parking stalls for employee parking in the driveway area.
2. All lighting is required to be contained on site at all times.
3. Signage is required to be no more than one sign per office with a maximum size of 32 square feet for detached signs. All signs require a permit and must comply with Layton City Sign Ordinance.
4. Once the subdivision is 80% sold or after 3 years, whichever comes first, the model home needs to be sold as a residential home.
5. All landscaping must be installed before receiving a certificate of occupancy.
6. The lot is required to be weed and debris free.

There were no questions from the Commission or the audience. Vice-Chair Elinkowski called for a motion on the item. Commissioner Pratt moved to grant approval of the conditional use for the Perry Homes model home in Weaver Meadows subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Pales seconded the motion and the voting was unanimous.

(4) FAITH BAPTIST CHURCH – EXPANSION OF CONDITIONAL USE FOR CHURCH

This property is located at 2430 North Fairfield Road in an A (Agriculture) zoning district. The applicant is the Faith Baptist Church represented by John Huffman.

Kem Weaver, City Planner, presented the request from the Faith Baptist Church to expand its conditional use to build additional buildings on a church site. Mr. Weaver explained that most of the property is in the APZ (Accidental Potential Zone). A letter from the State restricts the site to 650 people at one time. Mr. Matson clarified that while the typical use in the APZ is much more restrictive, this particular use existed before APZ easements were purchased by the State. Mr. Weaver outlined the site plan and explained how the 187 parking spaces would be shared between the church and the school. Mr. Weaver said exterior lighting will require a photometric plan insuring that all lighting will stay on sight and not cause a nuisance to adjoining properties. Mr. Weaver said Staff recommends the Planning Commission approve the conditional use based on the conditions listed below.

1. The applicant is required to comply with the Fire Department, Engineering, Building Code and Planning Division requirements.
2. The site is required to be clear of debris, weeds and junk.
3. The applicant is required to obtain a sign permit for any new permanent or temporary signage.
4. The church is not allowed more than 650 people during church and/or school at any time.
5. The applicant is required to obtain a building permit for all the additions proposed.
6. Any new lighting requires a photometric plan that is required to be approved from the Planning Division.
7. The proposed development is required to get site plan approval.

Vice-Chair Elinkowski asked the applicant's representative, John Huffman, if he was aware of the conditions and Mr. Huffman replied in the affirmative. He also stated in response to the Fire Department comment that the water flow was not adequate, that the City engineer said the fire flow was adequate. He said he is scheduling a flow test to confirm the adequacy of the water flow.

Commissioner Pales moved to grant the expansion OF the conditional use for the church subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Gilbert seconded the motion and the voting was unanimous.

(5) CRAZY TOWING– CONDITIONAL USE FOR TOWING SERVICES

This approximately .5 acre property is located at 3067 North 750 East in an M-1 (Light Manufacturing/Industrial) zoning district. The applicant is Brett Sorensen.

Mr. Weaver presented the applicant's proposal for conditional use for a towing service business which already exists. He gave an overview of the site and stated the applicant plans to have two towing services share the lot which will be divided in the center. Mr. Weaver reviewed the parking requirements which the applicant meets and stated that the property owner meets City landscaping requirements as well. The business will operate on an appointment only basis.

Mr. Weaver said Staff recommends approval of the conditional use based on the applicant meeting the following conditions:

1. The applicant is required to comply with all Fire Department, Engineering, Building Code and Planning Division requirements.
2. The applicant is required to obtain a sign permit for temporary and permanent signs for the business.
3. The applicant is required to keep the site clear of weeds, junk and debris at all times.
4. The applicant is required to provide a photometric plan if new lighting is proposed.
5. The applicant is required to maintain the screened and gated outdoor storage area for the impounded vehicles. The existing barbed wire is required to be turned inward into the property.
6. A building permit is required for any new fences over 6 feet in height.
7. The applicant is not allowed to store the wreacked or impounded vehicles on the street.
8. The applicant is required to provide a letter from the property owner designating 5 parking stalls total for the businesses in suite 1.
9. The applicant is required to park any tow trucks in the designated outdoor storage area.

There were no questions from the Planning Commission or the audience. Vice-Chair Elinkowski called for a motion on the item. Commissioner Pratt moved to grant conditional use for the towing service subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Pales seconded the motion and the voting was unanimous.

(6) TRINITY LUTHERN CHURCH – CONDITIONAL USE FOR A CHURCH AND A PRESCHOOL

This property is located at 88 North Fort Lane in an MU (Mixed Used) zoning district. The applicant is the Trinity Lutheran Church represented by Pastor Kurt Hering.

Mr. Weaver presented the applicant's request for conditional use to establish a church and pre-school service in the strip mall next to Gold's Gym. Mr. Weaver said the site has been upgraded and meets landscaping requirements. Current attendance for the church is 35 members with a maximum of 13 children in the pre-school. Church services will be primarily on Sunday with other events that may occur during the week. The applicant made every effort to clean up one

area which was inspected by a planner for compliance before presenting the conditional use request to the Planning Commission.

Mr. Weaver overviewed parking for the church and pre-school and said the applicant meets the requirement for 4 parking spaces for the pre-school plus one parking space for every 500 square feet of building space and 22 parking spaces for church use on Sunday. There are 132 parking spaces available.

Mr. Weaver said Staff's recommendation is to approve the conditional use permit based on the conditions listed. A change was made to condition #3 stating the applicant is required to provide a letter from the property owner verifying there are 22 parking spaces available rather than the 17 spaces originally indicated. Conditions 5 and 6 were also added.

1. The applicant is required to comply with all Fire Department, Engineering, Building Code and Planning Division requirements.
2. The applicant is required to obtain sign permits for the church and pre-school services.
3. The applicant is required to provide a letter from the property owner designating 22 parking stalls for the church services and pre-school use.
4. The site is required to be clear of weeds, junk and debris at all times.
5. The pre-school will be required to obtain a Layton City business license.
6. The pre-school will be required to obtain State approval.

There were no questions from the Commission and Reverend Kurt Hering from the Trinity Lutheran Church stated that the correct address for the church and pre-school would be 88 North Fort Lane. Mr. Weaver explained the changes to the conditions with regard to licensing, approvals for the pre-school, and required parking spaces.

There were no further questions or comments. Vice-Chair Elinkowski called for a motion on the item. Commissioner Gilbert moved to approve the conditional use for the church and pre-school at 88 North Fort Lane subject to the applicant meeting all Staff conditions which are hereby adopted as requirements including the change to condition # 3 to indicate 22 rather than 17 parking stalls required and the addition of conditions # 5 and # 6. Commissioner Pratt seconded the motion and the voting was unanimous.

(7) SYS STORAGE & U-HAUL -- CONDITIONAL USE FOR TRUCK & TRAILER RENTAL

This property is located at 1728 West Gordon Avenue in an M-2 (Heavy Manufacturing) zoning district. The applicant is Jason Larsen of SYS Storage & U-Haul.

Mr. Weaver stated that the applicant's request for conditional use for truck and trailer rental had been presented to the Planning Commission on August 11, 2009. However, the Planning Commission decided that since the site was not complying with original use requirements, i.e., striped parking stalls, no parking signs, and the site being kept free of debris, weeds, and junk, that the request would be tabled until the business was in compliance and had been inspected and approved by a Layton City planner. City Planner, Amanda Jorgensen, has inspected the property and found it to be in compliance. The applicant currently has a temporary sign and lenience was granted for the applicant to obtain a sign permit and have an approved permanent sign constructed and installed.

Mr. Weaver reviewed the recent ordinance amendment approved by the City Council on June 4, 2009 to allow the rental of trucks and trailers in an M-2 zone.

Mr. Weaver said that landscaping on the site is complete and that 20 vehicles total will be located on the northeast side of the property in an area where a future building is proposed but does not currently exist.

Mr. Weaver said staff recommends the Planning Commission approve the conditional use based on the applicant meeting the requirements in the planning memo which are as follows:

1. The business must comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The U-haul vehicles are not allowed to be placed in the required fire access area.
3. The business is required to comply with the city sign ordinances; this includes all temporary signage such as banners.
4. The existing temporary detached signage is required to be replaced with a permanent sign. This will require the applicant to obtain a sign permit.
5. The business is required to contain all existing and new lighting on site. If new lighting is proposed, a photometric plan is required to be approved by the Planning Division.
6. The northeast side of the property has not been developed (see site plan) per site plan. When the developer or owner completes rear units an amended conditional use permit is required to be reviewed and approved by the Planning Commission.
7. The site is required to be clear of debris, weeds and junk at all times.

There were no questions from the Commissioner or the audience. Vice-Chair Elinkowski called for a motion on the item. Commissioner Pales moved to grant conditional use subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Pratt seconded the motion and the voting was unanimous.

(8) LDS CHURCH – CONDITIONAL USE FOR A CHURCH

This 3.49 acre property is located at approximately 475 South 2200 West on Lot 1 of the Villas at Harmony Place Phase II. The property owner is Bob Stevenson and the applicant is the LDS Church represented by Gary Tyler.

Mr. Weaver presented the request from the LDS Church for conditional use for a church on 2200 West which is part of the Villas at Harmony Place PRUD Subdivision. He said the Planning Commission previously recommended approval for a preliminary plat amendment which included the 3.49 acre site for the church building. At a future meeting a Villas Phase 2 Subdivision plat will be presented which is just the lot for the church. He said the lots around the church parcel would be in another phase of the PRUD. Mr. Weaver said the architectural elevations of the proposed church would be similar to LDS churches in West Layton. The building will be a ward house and not a stake center. The storage unit proposed for the back of the property will need to match the architecture of the church building. Mr. Weaver said that by ordinance, churches can have chain link fencing with slats, but in this case solid vinyl fencing will be required due to the PRUD's requirements. The developer and the LDS Church will work together on the fencing issue. Mr. Weaver outlined the required landscaping and said the walkway between the church and the PRUD would be maintained by the Homeowners Association. A 25-foot storm drain easement will be required as well. The 200 proposed parking spaces satisfy the 90 parking spaces required for this site. He outlined the location of ADA parking spaces.

Mr. Weaver said that based on the above information, Staff recommends approval of the conditional use based on the applicant meeting the following conditions:

1. All lighting must be contained on site. An approved photometric plan shall be followed.
2. The landscaping must be installed as soon as the construction of the building is being completed subject to weather conditions.
3. Trees need to be planted every 20 feet on the north, west and south property lines.
4. The storage building is to match the main building concerning colors and materials.
5. The dumpster is to be enclosed and have an opaque gate.
6. The LDS Church is required to work with the developer of the PRUD to install a 6-foot solid vinyl fence along the south, west and north property lines.
7. Meet all requirements from Layton City Engineering and Fire Departments.

There were no questions or comments. Vice-Chair Elinkowski called for a motion on the item. Commissioner Gilbert moved to approve the request for conditional use for the LDS Church at approximately 475 South and 2200 West subject to the applicant meeting all the conditions set forth in the August 25, 2009 planning memo which are hereby adopted as requirements. Commissioner Pales seconded the motion and the voting was unanimous.

Vice-Chair Elinkowski called for a motion to close Public Review. Commissioner Pales moved to close Public Review. Commissioner Gerald Gilbert seconded the motion and the voting was unanimous.

Vice-Chair Elinkowski called for a motion to adjourn the meeting. Commissioner Pales moved to adjourn the meeting. Commissioner Pratt seconded the motion and the voting was unanimous. The meeting adjourned at 8:08 p.m.

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