

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES**

**TUESDAY, NOVEMBER 24, 2009**

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

**ALTERNATE MEMBERS PRESENT:** Brian Bodily

**MEMBERS ABSENT:**

**ALTERNATE MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Peter Matson, Amanda Jorgensen, Brandon Rypien, Nannette Larsen, Steve Garside, Julie Jewell

Commissioner Hazen asked about the procedure for recommending corrections to Planning Commission minutes. The corrections recommended were as follows: In the November 10, 2009 Planning Commission Work minutes Page 3, Paragraph 4 – Item #3 was moved to Paragraph 5, Item #8, to be listed as a condition not met. In the regular Planning Commission Meeting minutes, Page 6, Paragraph 6, Item #3, was moved to Paragraph 7, Item #8, to be listed as a condition not met. Assistant City Attorney Steve Garside asked that in the regular meeting corrections should be summarized with the page and paragraph number being listed. Other corrections were in the regular meeting minutes: Page 3 Paragraph 2, corrected to read Assistant City Attorney, Steve Garside and Page 3 Paragraph 4, corrected to read Commissioner Hazen.

**PUBLIC HEARING:**

**(1) ANDRESCAPES – CONDITIONAL USE REVOCATION HEARING**

This property is located at 1142 West Gentile Street in an M-2 (Heavy Manufacturing/Industrial) zoning district. The business is owned by David Andre.

Brandon Rypien, City Planner, discussed the revocation of Andrescape’s conditional use for outdoor storage. Mr. Rypien said he had visited the property twice that day to observe Mr. Andre’s progress toward bringing the site into compliance. He presented recent photographs taken of Mr. Andre’s progress and items completed including installation of a 30 foot length of fence, parking for two customers, grass, and extra trees. Mr. Rypien referred to the site plan showing a 30 foot buffer 65 feet from the front of the property to the fence line and then a 10 foot buffer behind the fence line. While Mr. Andre meets the 65 foot length of 30 foot buffer, he installed the fence further to the north than on the site plan, thus the 30 foot buffer tapers to 10 feet in front of the fence rather than beginning behind the fence. Mr. Rypien informed Mr. Andre that rocks that appeared to be outdoor storage on the front side of the fence needed to be installed in an organized fashion as part of the landscaping. Mr. Andre said all requirements have been met except for the Building Division and

Fire Department inspections. The Building Division inspection is scheduled for Monday, November 30 and the Fire Department will call Mr. Andre to schedule an inspection.

Mr. Rypien said the Staff recommendation has changed to recommend that Mr. Andre be given a 14-day extension to December 8, 2009, to complete the required inspections. The Planning Division will do a final inspection on December 8, 2009 and give the Planning Commission an update.

In answer to Commissioner Elinkowski's question as to whether Mr. Andre would need to return to the Planning Commission if he is in compliance, Mr. Rypien said that he would not have to return to the Planning Commission if he is in compliance and his business license would be issued.

Assistant City Attorney, Steve Garside, advised the Planning Commission to allow for public comment that evening since the item has been advertised as a public hearing and those who want to make comments may not be able to return to the Planning Commission meeting in two weeks.

Mr. Rypien confirmed that the gate would be slatted but a knock box would not be installed because the gate would remain unlocked due to there being multiple users of that entrance.

## **PUBLIC REVIEW:**

### **(2) ALPINE COMMUNITY CHURCH – CONDITIONAL USE REQUEST FOR A CHURCH**

This property is located at 254 West 2675 North in a CP-2 (Planned Community Commercial) zoning district. The applicant is Alpine Community Church represented by Pastor Gerrod Van Engen.

City Planner, Amanda Jorgensen, presented the Alpine Community Church request for a church in the Windsor Square Commercial Subdivision. Ms. Jorgensen presented a site plan and pictures of the 13,000 foot existing building and reviewed the layout of the proposed sanctuary. She said there would be two congregations meeting on Sunday morning at separate times and possibly a meeting on Wednesday night. Ms. Jorgensen reviewed parking requirements and explained the location and requirements for the dumpster. The following are the conditions that would be required:

- 1) The applicant/church is required to comply with all Fire Department, Building, Planning and Engineering Division requirements.
- 2) The applicant/church is required to comply with the sign ordinances for permanent and temporary signage.
- 3) The applicant/church is required to enclose the dumpster with a 6 foot wall or fence that is impervious to sight.
- 4) The applicant/church is required to provide a photometric plan for city approval if new lighting is added to the building or site.
- 5) The applicant/church is required to provide 92 parking stalls to accommodate the church members, volunteers, and employees.

Staff and the Commissioners discussed future parking and development.

Commissioner Hazen asked about blocking off the loading ramp for safety purposes. Condition #6 will be added stating that a barrier must be added in front of the loading ramp for safety purposes.

Commissioner Weaver asked if the classrooms would be used for a private school. Ms. Jorgensen said there was no intent for a school, just the Sunday and Wednesday night meetings.

**(3) ANNETTE OLSEN – CONDITIONAL USE FOR AN EXTENDED CARE KENNEL**

This property is located on Lot 3 of Mount Air Estates Subdivision, 760 East Antelope Drive, in an A (Agriculture) zoning district. The applicant is Annette Olsen.

Ms. Jorgensen presented the applicant's request for an extended care kennel which would allow 23 dogs including the owner's personal dogs (limit of 2) for boarding, grooming and overnight stay. Ms. Jorgensen explained the history of conditional uses on the property and said that if the current request goes into effect, the other conditional uses will be voided. She also presented a copy of the approved Extended Care Kennel ordinance.

**19.02.020 Definitions:**

**“Kennel, Extended Care”:** Any lot or premises on which three or more dogs or cats or combination thereof, at least four months old, are kept or groomed, daily or overnight for a fee, as a home occupation by the members of the family living in the home.

**19.14.100. Conditions relating to specific types of uses**

**(8) Extended Care Kennels**

In the A (Agriculture) zone, an extended care kennel will be a conditional use and only permitted as a home occupation. The home occupation does not allow employees, and the operation shall comply with the following regulations:

- (a) Must be located in the A (Agricultural) zone with a minimum of one (1) acre of property;
- (b) Must be located in the Accident Potential Zone (APZ) easement overlay area as described, defined, and regulated in this Code and in Utah Code sections 63M-6-201, *et. seq.* also known as the Utah Military Base Easements Act; and
- (c) The number of dogs and/or cats, at any one time, for day care or boarding, shall be limited to 20 (twenty), including the owner's dogs and/or cats. The number of dogs and/or cats, at any one time, for grooming, shall be limited to 3 (three). This use shall allow for day care, grooming, and boarding services only. Obedience, or other similar classes, and the selling of pets are not allowed under these provisions.
- (d) An extended care kennel will comply with the Davis County Health Department regulations and Davis County Animal Control regulations.
- (e) Outdoor pens shall be located in the rear yard area and shall not be closer than one hundred feet (100') to any neighbors dwelling and ten feet (10') from any side or rear property line.
- (f) There shall be a minimum of one hundred (100) square feet of yard space provided for each animal kept within the extended care kennel. Said space shall be secured by a six foot (6') solid vinyl fence or chain link fence with vinyl slats, which is adequately secured at the bottom with a concrete mow strip to prevent animals from exiting under it. Any area or use within the yard area determined to be a hazard to animals shall be secured from access and shall not be counted in the required yard space. A site plan of the parcel being used and the neighboring properties, including dwellings, shall be reviewed and approved by the City staff.
- (g) Must be located along an Arterial Street as defined in the Layton City Master Street Plan.
- (h) The dogs and/or cats shall be boarded indoors between the hours of 9:00 pm and 7:00 am to avoid noise disturbances during the quiet ambient noise times. The enclosures shall have electricity and a heating source.

(i) All dogs or cats kept or groomed at the extended care kennel shall have a current rabies vaccination.

The applicant is required to comply with the sign ordinance for a home occupation business. This only allows a maximum of 4 square feet of attached signage to the residence.

The Planning Commission can require additional landscaping as mitigation to off-site impacts to adjoining properties as a requirement of the conditional use. Providing additional trees along the rear property line near the Kennel barns was discussed in the November 5, 2009 City Council meeting. The staff supports the planting of fast growing canopy trees (i.e. Poplar trees with 20 foot spacing) along the south property line to provide a visual buffer to the kennel barns from the properties to the south. The landscaping may also help reduce the noise from barking dogs in the outdoor pens.

The applicant is required to board all dogs and/or cats indoors between the hours of 9:00 p.m. and 7:00 a.m. to avoid noise disturbances during the quite ambient noise times. The daycare and grooming hours of operation are from 7:00 a.m. to 7:00 p.m.

The applicant is required to have current rabies vaccination records of all dogs and/or cats on site and comply with the Davis County Animal Control and Health Department regulations.

The outdoor pens shall not be located closer than 100 feet to any neighbors dwelling. Ms. Jorgensen said that in order to comply with this requirement, the applicant will need to fence off the area from the day care dogs as indicated on an aerial photograph she presented (see attached aerial photograph).

Ms. Jorgensen said Staff recommends the Planning Commission approve the conditional use for the Extended Care Kennel with the following conditions:

1. The applicant is allowed to provide day care, grooming, and boarding services only. Obedience, or similar classes, and the selling of pets are not allowed.
2. The applicant is limited to 20 dogs and/or cats for daycare or boarding, including the owner's dogs and/or cats. The number of dogs and/or cats, at any one time, for grooming, shall be limited to three.
3. The applicant is not allowed more than 23 dogs and/or cats at any one time on location for any reason.
4. The applicant is required to comply with the Davis County Animal Control and Davis County Health Department regulations.
5. The applicant is required to comply with all home occupation business license regulations except that an Extended Care Kennel shall be exempt from the limitation on the use of space in and outside the home. The applicant must obtain a home occupation business license for the Extended Care Kennel.
6. The applicant is required to comply with the home occupation sign regulations, which allows a maximum of 4 square feet of attached signage.
7. The applicant is required to comply with the Extended Care Kennel regulations in Section 19.14.100 (8) of the zoning ordinance.
8. The applicant's previous conditional use approval on November 10, 2009 for the Daily Boarding Kennel is rescinded upon the approval of an Extended Care Kennel conditional use.
9. The day care and grooming hours of operation are from 7:00 a.m. to 7:00 p.m.
10. The applicant is required to board all dogs and/or cats indoors between the hours of 9:00 p.m. and 7:00 a.m.

11. The applicant is required to provide additional landscaping along the south property line to mitigate off-site visual and noise impacts. The landscaping shall include fast growing large canopy shade streets (i.e. Poplar trees spaced at 20 feet) as approved by the Planning staff.
12. The applicant is required to comply with all Engineering, Planning, Building Code Division and Fire Department requirements.

Commissioner Hazen asked if the applicant was in compliance with the sign ordinance and Ms. Jorgensen replied in the affirmative. Commissioner Gilbert asked about the propane tank and Ms. Jorgensen said the applicant is working with the Fire Department to make the propane tank compliant with the zone and the new ordinance. A letter from the Fire Division indicated that the Fire Department is going to propose an ordinance change to allow propane tanks in the Agriculture zone. The installation of two fire extinguishers by the existing propane tank will be required.

**(4) COBBLESTONE VILLAGE ESCROW AGREEMENT EXTENSION**

This property is located at approximately 1100 West Gordon Avenue in an R-M1 (Low/Medium Density) zoning district. The applicant, Nilson Homes represented by Bruce Nilson, is requesting a one-year extension of the escrow agreement for this subdivision to November 10, 2010.

The bonding agreement for Cobblestone Village PRUD expired on January 11, 2009. This subdivision entered into the one-year warranty period on October 1, 2009 which will expire on October 1, 2010. The Layton City public works inspector stated that all of the items on the punch list were completed as of October 1, 2009 and the amount remaining in the escrow account (\$49,330.00) is sufficient to guarantee the subdivision through final acceptance. The developer is asking for an extension of the bonding agreement to November 10, 2010.

Commissioner Hazen asked if the subdivision passed its final acceptance inspection at the end of the one-year extension if the amount remaining in the escrow account would be refunded and Community & Economic Development Director, Bill Wright, replied in the affirmative.

**(5) MAVERIK, INC. – CONDITIONAL USE FOR A KIOSK FOR THE RENTING OF DVD'S TO THE PUBLIC (REDBOX VENDING MACHINES)**

This property is located at 87 North Main Street in an MU-TOD (Mixed Use Transit Oriented Development) zoning district. The applicant is Dan Murray, Vice-President of Real Estate for Maverik, Inc. represented by Dawn Shepardson and Rich Engstrom.

Nannette Larsen presented the applicant's request for a RedBox kiosk stating that the kiosk is located about three feet from the Maverik Store against a vinyl fence. The following are the conditions that will be required to be met:

1. The structure shall have appropriate utility connections, inspected for compliance to City codes.
2. The kiosk cannot be located closer than 100 feet to any residentially zoned property.
3. The kiosk cannot be located closer than 250 feet from any other kiosk or mobile store.
4. The site must be cared for so as to keep it in a clean, neat and orderly manner.
5. The kiosk shall be illuminated to ensure the comfort and safety of customers during night-time hours.

Commissioner Bodily said that code requires a 4 foot landscape buffer around kiosks and wondered if an exception should be made for the RedBox kiosk. It was agreed that the buffer wouldn't be

practical in this instance. Peter Matson, Long Range Planner, said steps were being taken to simplify the ordinance to allow Staff to approve this type of kiosk. However, if the kiosk would affect traffic circulation, the requests would be brought to the Planning Commission for review.

Mr. Matson said the kiosk would be inspected during the process and lights would not be necessary at this kiosk because of the close proximity to the Maverik. Mr. Matson also answered questions about power sources for the kiosk.

**OTHER ITEMS:**

Commissioner Elinkowski stated she was on the Citizen Review Board for the South Layton Interchange and said that she would welcome any questions about the interchange during work meetings. Mr. Wright explained the traffic flow once the interchange is completed. Mr. Wright updated the Commission on the Fort Lane Shopping Center as well as businesses that may locate in Layton.

  
Julie K. Jewell, Planning Commission Secretary

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES**

**TUESDAY, NOVEMBER 24, 2009**

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

**ALTERNATE MEMBERS PRESENT:** Brian Bodily

**MEMBERS ABSENT:**

**ALTERNATE MEMBERS ABSENT:**

**OTHERS PRESENT:** Staff Members: Peter Matson, Amanda Jorgensen, Brandon Rypien Nannette Larsen, Steve Garside

Commissioner Sharon Esplin called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said and an invocation given by a citizen, Rod Olsen.

Chairman Esplin called for a motion on the November 10, 2009 minutes. Commissioner Hazen moved to approve the minutes with the following changes: In the November 10, 2009 Planning Commission Work minutes Page 3, Paragraph 4 – Item #3 was moved to Paragraph 5 Item, #8, to be listed as a condition not met. In the regular Planning Commission Meeting minutes, Page 6, Paragraph 6, Item #3, was moved to Paragraph 7, Item #8, to be listed as a condition not met. Other corrections were in the regular meeting minutes: Page 3 Paragraph 2, corrected to read Assistant City Attorney, Steve Garside and Page 3 Paragraph 4, corrected to read Commissioner Hazen. Commissioner Gilbert seconded the motion and the voting was unanimous.

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

**PUBLIC HEARING:**

**(1) ANDRESCAPES – CONDITIONAL USE REVOCATION HEARING**

This property is located at 1142 West Gentile Street in an M-2 (Heavy Manufacturing/Industrial) zoning district. The business is owned by David Andre.

Brandon Rypien, City Planner, said that on November 10, 2009, the Planning Commission held a conditional use revocation review for Andrescapes. At that time, the Planning Commission decided to hold a revocation hearing on November 24, 2009. Mr. Rypien reported that since November 10, all of the conditions have been met except for the required inspections by the Building Division and Fire Department. Mr. Rypien said that Staff recommends that the public be allowed to voice their opinion on this conditional use in this public hearing and also recommends granting a 14-day extension to the

conditional use. At the end of the 14 days, Staff will conduct a final inspection on the property to check for completion of all requirements.

Chairman Esplin asked Dave Andre, the owner of Andrescapes, if he understood that he needed to finish all requirements to be approved by Staff during the 14-day continuance of the revocation hearing. Staff will return to the Planning Commission and report on the progress and the Planning Commission would make a final decision at that time (December 8, 2009). Chairman Esplin instructed Mr. Andre to finish up outstanding items and have inspections done.

David Andre, 1709 North 2295 East, Layton, said he would have an inspection by the Building Division inspector on Monday and said he would put vinyl slats in the fence.

Chairman Esplin asked members of the audience if they had any comments, but there were none. He then called for a motion on the item.

Commissioner Weaver asked about the availability of water to the plants in the landscaping. Mr. Andre responded that sprinklers had been installed under all the vegetation and then a main line would be run from the office trailer area to the landscaping. There were no other questions or comments.

Chairman Esplin called for a motion on the item. Commissioner Dave Pratt moved that the conditional use revocation hearing be continued for 14 days until December 8, 2009 and progress reviewed at that time. The motion was seconded by Commissioner Tim Pales. The motion passed by a margin of five in favor of the motion to one opposed with Commissioners Pratt, Weaver, Pales, Elinkowski, and Hazen voting in favor and Commissioner Gilbert opposed.

The Public Hearing was not closed for this agenda item and will be continued until December 8, 2009.

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

**PUBLIC REVIEW:**

**(2) ALPINE COMMUNITY CHURCH – CONDITIONAL USE REQUEST FOR A CHURCH**

This property is located at 254 West 2675 North in a CP-2 (Planned Community Commercial) zoning district. The applicant is Alpine Community Church represented by Pastor Gerrod Van Engen.

City Planner, Amanda Jorgensen, presented the request from Alpine Community Church for conditional use for a church in the Windsor Square Commercial Subdivision on Lot 2, which contains 7.22 acres and a 13,300 square foot building, 76 parking stalls and landscaping. She presented an overall site plan of the commercial subdivision including parking stalls. Ms. Jorgensen said there are 3 phases proposed. The overall phase will consist of one 26,600 square foot office/warehouse building, and a 30,450 square foot warehouse building along with 176 parking stalls to accommodate all three phases.

Ms. Jorgensen said the Church will have two congregations that will meet at separate times, so the parking calculation is based on one space for every four seats (368 total seats), which would require 92 parking spaces. The site plan shows 76 existing parking stalls and 30 proposed parking stalls. This would provide 106 parking stalls, which exceeds the required parking for the proposed church. She said the proposed floor plan shows a 3,400 square foot Sanctuary, a 1,900 square foot narthex (lobby/foyer area) and multiple classrooms for children of all ages. The existing building materials consist of stones and stucco, which are in earth tone colors.

Ms. Jorgensen reviewed the dumpster location in the northwest corner of the property and said the dumpster must be enclosed with a six foot (6') fence or wall and be impervious to sight. She said that if the church adds new lighting to the building or the site, a photometric plan must be reviewed and approved by the Planning Division.

Ms. Jorgensen said Staff recommends the Planning Commission approve the Alpine Church with conditions as follows:

1. The applicant/church is required to comply with all Fire Department, Building, Planning and Engineering Division requirements.
2. The applicant/church is required to comply with the sign ordinances for permanent and temporary signage.
3. The applicant/church is required to enclose the dumpster with a 6 foot wall or fence that is impervious to sight.
4. The applicant/church is required to provide a photometric plan for city approval if new lighting is added to the building or site.
5. The applicant/church is required to provide 92 parking stalls to accommodate the church members, volunteers, and employees.

Ms. Jorgensen said the applicant had seen conditions 1-5 but not 6, which was added as follows:

6. The applicant is required to design and construct a barrier around the loading dock area which must be approved with the final site inspection.

Ms. Jorgensen reviewed the location of the loading dock which the applicant intends to fill in. There would not be a requirement for the barrier if the loading dock is filled in per Commissioner Hazen's recommendation.

The applicant said he understood the addition of item #6 and said they would fill in the loading dock or provide the barrier as required.

There were no other questions or comments from the Commission or the audience and Chairman Esplin called for a motion on the item.

Commissioners Hazen moved that the conditional use permit for the Alpine Church be approved subject to the applicant following all Staff conditions and recommendations which are hereby adopted as requirements. Commissioner Pales seconded the motion and the voting was unanimous.

**(3) ANNETTE OLSEN – CONDITIONAL USE FOR AN EXTENDED CARE KENNEL**

This property is located on Lot 3 of Mount Air Estates Subdivision, 760 East Antelope Drive, in an A (Agriculture) zoning district. The applicant is Annette Olsen.

City Planner, Amanda Jorgensen, presented the request for a conditional use for an extended care kennel to allow 23 dogs at one time including the owner's personal dogs for daily boarding, grooming and overnight stay services to the public. Ms. Jorgensen described the property as a one acre lot located in the APZ (Accidental Potential Zone) easement area along Antelope Drive, which is an arterial street. Ms. Jorgensen stated that the City Council approved the Extended Care Kennel ordinance, which provides definition and guidelines for extended care kennel with a conditional use permit. This ordinance requires that the number of dogs and/or cats at any one time for day care or boarding be limited to 20 including the owner's dogs and/or cats. The number of dogs and/or cats at any one time for grooming shall be limited to 3 under the home occupation business license regulations (no employees).

On November 10, 2009, the Planning Commission approved the Daily Boarding Kennel conditional use, which allows a total of 8 dogs, (including personal dogs) for day care services only. The applicant has agreed that the conditional use approval for the Daily Boarding Kennel will be rescinded if this proposal for the Extended Care Kennel is approved.

Ms. Jorgensen said the applicant is required to comply with the regulations for Extended Care Kennels as outlined in Section 19.14.100 of the zoning ordinance. The applicant and the Commission have received copies of this ordinance which were reviewed during the Work Meeting.

Ms. Jorgensen said the applicant is required to comply with the sign ordinance for a home occupation business which only allows a maximum of 4 square feet of attached signage to the residence. Ms. Jorgensen outlined other requirements as follows:

The Planning Commission can require additional landscaping as mitigation to off-site impacts to adjoining properties as a requirement of the conditional use. Providing additional trees along the rear property line near the kennel barns was discussed in the November 5, 2009 City Council meeting. The staff supports the planting of fast growing canopy trees (i.e. Poplar trees with 20 foot spacing) along the south property line to provide a visual buffer to the kennel barns from the properties to the south. The landscaping may also help reduce the noise from barking dogs in the outdoor pens.

The applicant is required to board all dogs and/or cats indoors between the hours of 9:00 p.m. and 7:00 a.m. to avoid noise disturbances during the quiet ambient noise times. The daycare and grooming hours of operation are from 7:00 a.m. to 7:00 p.m.

The applicant is required to have current rabies vaccination records of all dogs and/or cats on site and comply with the Davis County Animal Control and Health Department regulations.

The outdoor pens shall not be located closer than 100 feet to any neighbors dwelling. In order to comply with this requirement, the applicant will need to fence off the area from the day care dogs. Ms. Jorgensen presented an overhead of an aerial to review required locations of pens, fencings and areas where animals are prohibited from being placed. She also reviewed these locations on site with the owner.

Staff recommends the Planning Commission approve the conditional use for the Extended Care Kennel with the following conditions of which the applicant is aware:

1. The applicant is allowed to provide day care, grooming, and boarding services only. Obedience, or similar classes, and the selling of pets are not allowed.
2. The applicant is limited to 20 dogs and/or cats for daycare or boarding, including the owner's dogs and/or cats. The number of dogs and/or cats, at any one time, for grooming, shall be limited to three.
3. The applicant is not allowed more than 23 dogs and/or cats at any one time on location for any reason.
4. The applicant is required to comply with the Davis County Animal Control and Davis County Health Department regulations.
5. The applicant is required to comply with all home occupation business license regulations except that an Extended Care Kennel shall be exempt from the limitation on the use of space in and outside the home. The applicant must obtain a home occupation business license for the Extended Care Kennel.
6. The applicant is required to comply with the home occupation sign regulations, which allows a maximum of 4 square feet of attached signage.
7. The applicant is required to comply with the Extended Care Kennel regulations in Section 19.14.100 (8) of the zoning ordinance.

8. The applicant's previous conditional use approval on November 10, 2009 for the Daily Boarding Kennel is rescinded upon the approval of an Extended Care Kennel conditional use.
9. The day care and grooming hours of operation are from 7:00 a.m. to 7:00 p.m.
10. The applicant is required to board all dogs and/or cats indoors between the hours of 9:00 p.m. and 7:00 a.m.
11. The applicant is required to provide additional landscaping along the south property line to mitigate off-site visual and noise impacts. The landscaping shall include fast growing large canopy shade streets (i.e. Poplar trees spaced at 20 feet) as approved by the Planning staff.
12. The applicant is required to comply with all Engineering, Planning, Building Code Division and Fire Department requirements.

There were no questions from the Planning Commission or the audience. Commissioner Esplin asked the owner, Annette Olsen, if she had a copy of the conditions and if she agreed with them. Mrs. Olsen replied in the affirmative.

Chairman Esplin called for a motion on the item. Commissioner Weaver moved that the Planning Commission approve the conditional use subject to the staff recommendations as written. Commission Hazen seconded the motion which passed by a margin of five in favor to one opposed with Commissioners Pratt, Weaver, Pales, Elinkowski, and Hazen voting in favor and Commissioner Gilbert opposed.

**(4) COBBLESTONE VILLAGE ESCROW AGREEMENT EXTENSION**

This property is located at approximately 1100 West Gordon Avenue in an R-M1 (Low/Medium Density) zoning district. The applicant, Nilson Homes represented by Bruce Nilson, is requesting a one-year extension of the escrow agreement for this subdivision to November 10, 2010.

City Planner, Amanda Jorgensen, presented the requested from Nilson Homes for an escrow agreement extension for the Cobblestone Village PRUD. Ms. Jorgensen said the bonding agreement for Cobblestone Village PRUD expired on January 11, 2009. This subdivision entered into the one-year warranty period on October 1, 2009 which will expire on October 1, 2010. The Layton City public works inspector stated that all of the items on the punch list were completed as of October 1, 2009 and the amount remaining in the escrow account (\$49,330.00) is sufficient to guarantee the subdivision through final acceptance. The developer is asking for an extension of the bonding agreement to November 10, 2010.

There were no questions from the Commission or the audience and Chairman Esplin called for a motion on the item.

Commissioner Elinkowski moved that the Planning Commission forward a positive recommendation to the City Council to approve a one-year extension of the bonding agreement for Cobblestone Village to November 10, 2010. The motion was seconded by Commissioner Pratt and the voting was unanimous.

**(5) MAVERIK, INC. – CONDITIONAL USE FOR A KIOSK FOR THE RENTING OF DVD'S TO THE PUBLIC (REDBOX VENDING MACHINES)**

This property is located at 87 North Main Street in an MU-TOD (Mixed Use Transit Oriented Development) zoning district. The applicant is Dan Murray, Vice-President of Real Estate for Maverik, Inc. represented by Dawn Shepardson and Rich Engstrom.

Long Range Planner, Peter Matson, presented the request from Maverik, Inc. for conditional use for a RedBox kiosk. He reviewed the location of the Maverik Store and the kiosk which is on the south edge of the property. He said all requirements have been met. During the Work Meeting, Commissioner Bodily mentioned that the ordinance requires a 4 foot landscape buffer around the kiosk. Mr. Matson said that given the location of the kiosk as well as the other RedBox kiosks, this requirement is not achievable. He asked the Planning Commission to waive the requirement for the landscape buffer around the kiosk itself and stated that Staff is recommending approval of the conditional use permit.

Chairman Esplin asked if there were any questions or comments from the Commission or the audience. There were none, and Chairman Esplin called for a motion on the item.

Commissioner Hazen moved that the Planning Commission grant the conditional use subject to all staff recommendations which are hereby adopted as requirements and also moved to wave the landscape buffer requirement. Commissioner Elinkowski seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close the Public Review. Commissioner Hazen moved to close Public Review. Commissioner Elinkowski seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to adjourn the meeting. Commissioner Weaver moved to adjourn the meeting and the voting was unanimous. The meeting adjourned at 7:28 p.m.

  
Julie K. Jewell, Planning Commission Secretary



100'

100'

AREA WITHIN 100' SHADED  
BUFFER NOT PERMISSIBLE  
FOR OUTDOOR PENS

