

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

MAY 21, 2015; 6:03 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR PRO TEM JOYCE BROWN, TOM DAY,
JORY FRANCIS, SCOTT FREITAG AND JOY
PETRO**

ABSENT:

MAYOR BOB STEVENSON

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, PETER MATSON,
TERRY COBURN, JAMES “WOODY”
WOODRUFF, AND TORI CAMPBELL**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Pro Tem Brown opened the meeting and excused Mayor Stevenson. She turned the time over to Staff.

AGENDA:

ADOPT WASTEWATER MASTER PLAN – RESOLUTION 15-31

James “Woody” Woodruff, City Engineer, presented the Wastewater Master Plan. He said he wanted to report on future projects included in the Plan. Woody said there were some projects in the future that the City would need to implement; sewer upsizing and capacity projects that were needed within the community. He said most of these projects were to improve existing infrastructure, not for new growth.

Woody said the City was fortunate to have North Davis Sewer District and their large lines in the community, particularly on the west side. He asked if the Council had any questions.

Terry Coburn, Public Works Director, said the Wastewater Master Plan was a requirement of the State.

Councilmember Freitag asked what the cost was to complete the Plan.

Woody said it was approximately \$75,000. He said this was another mandate from the State without funding. He said the State’s biggest concern was to make sure there were not any overflows within the community. Woody said the City did a great job maintaining the sanitary sewer system.

Councilmember Freitag said he thought that he read somewhere that they could detect if groundwater was coming into the sewer system. He asked if the opposite could be detected.

Woody said if wastewater was leaving the system; he didn’t think they could detect that.

Councilmember Freitag asked how they could tell that groundwater was coming into the system.

Woody said they would monitor a baseline during a non-storm event. He said when there was a storm; they would compare that data for a flow increase in the sanitary sewer system. Woody said the sewer system should be separate from the storm drain system, but obviously if it wasn’t, the flow would increase during a storm.

Mayor Pro Tem Brown asked if some of that was from people hooking their outside drains to the sewer system.

Woody said a lot of it was probably from sump pumps and drains the City wasn't aware of.

Councilmember Day asked what some of the major concerns were.

Woody said some projects were listed on Table 6-1 of the report. He said these had been prioritized by what Staff felt were critical areas that needed to be addressed first. Woody said in 2016 there was a 12-inch line listed; there were 7 projects that were listed for improvements that the City would be looking at. He explained to the Council about flow monitors that had been put on some of the critical trunk lines.

Councilmember Petro asked how many of the areas were major concern areas.

Woody said there were four projects that were concerning to Staff that were identified in the table. He said a lot of them were for up-sizing of lines. He explained a new process for replacing lines that would not require the street to be torn up, which would reduce costs.

Councilmember Freitag asked what the City was spending on sewer.

Woody said there was a maintenance category and a separate amount for projects and replacement. He said on average the City spent \$200,000 to \$500,000 a year in reconstruction projects. He said maintenance was about \$200,000 a year. Woody said the City went through each pipe in the City once every 7 to 10 years with cleaning and televising.

Alex Jensen, City Manager, said there were a few areas of concern that were being checked regularly, but overall the City's system worked very well.

Terry Coburn mentioned that the City couldn't control what citizens put down the sewer.

Councilmember Francis arrived at 6:06 p.m.

REZONE REQUEST – FLINT/VAN DRIMMELEN – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – APPROXIMATELY 2300 WEST GENTILE STREET – ORDINANCE 15-13

Peter Matson, City Planner, said this property was presently zoned agriculture and the proposed rezone was to R-S. He said the property was located at 2300 West Gentile Street. Peter said when this went before the Planning Commission they were proposing taking a larger area all the way to 2200 West, approximately 15 acres, but they had scaled it back to 9.78 acres. He said the General Plan recommendation for this area was 0 to 3 units per acre. Peter said this proposal was for a lot averaged project with an entrance off of Gentile Street. Peter said the western edge of the project was the power corridor. He said this project would require coordination for a regional detention basin in the power line corridor, and appropriate fencing of the subdivision would be required. Peter said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Day asked about the location of the detention basin.

Council and Staff discussed the location of the detention basin. They discussed other things that could be placed in the power line corridor. They discussed other areas that would drain into the detention basin.

Gary Crane, City Attorney, said the developer of this property was anxiously awaiting a decision on the 2200 West or 2700 West interchange connection to the West Davis Corridor. He said that would dictate what would happen to the balance of the property.

REZONE REQUEST – STEWART/UPDWELL DEVELOPMENT – R-S (RESIDENTIAL SUBURBAN) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) – 191 EAST PHILLIPS STREET – ORDINANCE 15-14

Peter Matson said this rezone was for property owned by Summer Stewart, which contained 2.31 acres and was located on Phillips Street along the common boundary with Kaysville City. He identified the property on a map and explained the City boundary in this area. Peter said this was the last remaining property on the north side of Phillips Street that remained in the County. He said the present zoning was R-S. Peter said there was some other R-S zoning in the area on some of the larger lots with animals. He said there was R-1-8 and R-1-6 zoning in the area. Peter said the developer was proposing R-1-6 zoning on the property.

Peter said the Planning Commission recommendation on the rezone was a 5 to 1 vote against the R-1-6 zone. He said Staff did not support the recommendation of the Planning Commission, believing that the R-1-6 zone was a more reasonable zone for this particular property. Peter said the property was a super block bounded by Phillips Street to the south, Flint Street on the west, I-15 on the east and the Layton Parkway to the north. He said the City's General Plan recommendation for this area was single-family residential with a density range of 3 to 6 dwelling units per acre. Peter said these types of areas in the City were typically developed in the R-1-6 or R-1-8 zoning designation.

Peter said this particular property had frontage along Phillips Street. He said the development would have access onto Phillips Street, but there were questions about a public right of way and another access. Peter said there had been some debate as to whether that access should go through or not, or if there were promises made to the property owner, Mr. Madsen, that it would never connect.

Mayor Pro Tem Brown asked who Mr. Madsen felt had made the promise that it would never connect.

Peter said in the Planning Commission meeting Mr. Madsen referenced an email that Kem Weaver had sent to the real estate agent that had listed the property. He said the email indicated that the cul-de-sac would be a permanent thing, but looking at the plat for Mr. Madsen's property, his assumption was that when this was done as a one lot subdivision, given the things that were around it, the 50-foot turnaround and the rectangular piece was dedicated as a street or a right of way. Peter said there was certainly enough frontage to connect a road through.

Peter said he had driven by the property today and someone had created a berm and placed some rocks in the area. He said he was not sure if Mr. Stewart did that or if one of the other property owners had done that in order to make some type of statement.

Mayor Pro Tem Brown asked if some of that would depend on a Fire Department determination that there needed to be two accesses.

Peter said there was very poor connectivity in this neighborhood. He said another street connection would improve that. Peter said a lot of folks didn't like the idea of bringing traffic through the neighborhood. Peter said utility wise, everything was in Phillips Street. He said he didn't think the second street would be needed from a utility standpoint, but it certainly made a lot of sense.

Peter said there wasn't a lot of room on the property to put a street down the middle with lots on either side. He said Mr. Haskell could speak to what he envisioned for the property if the zoning was approved.

Peter said Staff was recommending approval of the R-1-6 zone, which was within the guidelines of the General Plan.

Mayor Pro Tem Brown said some of the citizens that spoke at the Planning Commission meeting talked about losing their view. She said the only solution to that was to purchase the property. Mayor Pro Tem Brown said they talked about the traffic on Phillips Street. She asked how many more homes would there

be with an R-1-6 zone versus an R-1-8 zone.

Peter said there were a couple of variables. He said a PRUD would provide the most flexibility and allow for a private road that would meet the City's standards, which might accommodate homes on either side of the street. Peter said the PRUD was not part of the application at this time.

Mayor Pro Tem Brown said in a general sense, 2.31 acres in an R-1-6 zone could have how many homes.

Peter said on a nice, flat, square piece of property it could be 4 ½ to 5 homes per acre; the R-1-8 would yield 3 ½ to 4 units per acre.

Mayor Pro Tem Brown said there wouldn't be a lot of difference.

Councilmember Francis asked what the Planning Commission's objections were to the proposal.

Mayor Pro Tem Brown said they felt that it should be R-1-8.

Peter said they didn't recommend R-1-8, but there was a lot of discussion about the R-1-8 zone being proposed by the public, and whether the R-1-8 was an acceptable way to go.

Councilmember Francis asked if they saw it as a compromise; what was the rationale.

Peter said his take was that it was not contiguous to an R-1-6 and the dominate zone in the neighborhood was R-1-8.

Mayor Pro Tem Brown asked if the R-1-8 homes that surrounded the area were older homes or newer homes.

Peter said to the east they were older, split entry homes with no garages. He said that changed to the north where there were newer homes with two-car garages.

Mayor Pro Tem Brown said most likely these homes would have two-car garages. She asked what the setbacks were in an R-1-6 zone.

Peter said setbacks were the same as an R-1-8 except for the side yards. He said R-1-6 allowed for five feet on one side and eight feet on the other side, but two fives couldn't be put together. Peter said in the R-1-8 zone is was eight feet on one side and ten on the other side. He said lot width was 10 feet different, which allowed for flexibility of the footprint of the home. Peter said the lots would be a little smaller, but because of the flexibilities of the setbacks, larger homes could be built.

Mayor Pro Tem Brown mentioned the School District home on Angel Street and how with the City's partnership, it allowed for a school teacher or police officer to purchase the home. She said smaller lots allowed for more people to be able to afford to purchase homes and live in the community where they worked.

DEVELOPMENT AGREEMENT AND REZONE REQUEST – BARLOW (SERVICE MORTGAGE CORP) OVATION HOMES – A (AGRICULTURE) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) – APPROXIMATELY 2100 EAST OAKRIDGE DRIVE – RESOLUTION 15-11 AND ORDINANCE 15-06

Peter Matson said this rezone was the Barlow/Ovation Homes rezone. He said Brad Frost with Ovation Homes was the applicant. Peter said the property was currently zoned agriculture and the proposed zoning was R-1-6. Peter identified the property on a map and explained the surrounding area.

Peter said the Planning Commission reviewed a proposal to rezone about 24 acres. Since that time, with

reviewing the City's guidelines for sensitive lands and the property containing some 10 to 20% slope areas, Mr. Frost had decided to scale back the rezone proposal to only the northern portion of the property.

Peter indicated that there was R-1-10 PRUD zoning to the north, and there were two 4-plexes and Valley View Golf Course to the south along with the projected alignment of Gordon Avenue. He displayed a conceptual drawing of the original layout of the subdivision that included all 24 acres. Peter said when Mr. Frost decided to scale the development back to the northern portion of the property, the development agreement was changed to include only the 5.38 acres.

Peter indicated that the homes would be similar to those in other Ovation Homes developments in the City. He said the development agreement indicated that the homes would be single-family homes, there would be a 30-foot height limit, the number of homes on the 5.38 acres would be limited to 18, and the homes would be single level with not less than 1,800 square feet with a two-car garage minimum. Peter said a 12-inch water line would run through the property connecting Oak Ridge Drive to Gordon Avenue, and there would be an extension of a 10-inch sanitary sewer line and storm drain line to the west. He said some of those improvements would benefit the development of the remaining property.

Peter said one of the biggest issues with the proposal was that the R-1-6 zone was not typically used in this area of the City; this area was typically recommended at 2 to 4 dwelling units per acre. He said with Mr. Frost's other projects, the number of units had been limited through the development agreement so that the density was within the 2 to 4 units per acre guideline. Peter said the City Engineer had recommended that the subdivision road be a public road so that the connection from Oak Ridge Drive to Gordon Avenue was public and not a private road. He said because of the easements, some of the lots were very long and narrow. Peter said some of the lots might be close to the R-1-6 size, but most of them would be much larger to deal with the easements.

Peter said the Planning Commission reviewed this proposal on March 24th and recommended approval of the rezone. He said their recommendation was for the entire 24 acres, but since the developer was proposing less acreage, it did not go back to the Planning Commission. Peter said Staff supported the Planning Commission's recommendation.

Councilmember Freitag said the original plan was what the Planning Commission approved.

Peter said yes.

Councilmember Freitag said after that approval, the developer came forward with this scaled down version.

Peter said yes; they took out everything on the south side of Gordon Avenue.

Councilmember Freitag said because this portion was approved, it didn't need to go back to the Planning Commission.

Peter said that was correct.

Councilmember Freitag said the assumption was that the Planning Commission would approve this smaller portion by itself.

Peter said yes; they approved separate ordinances for the zoning.

Councilmember Day said relative to Gordon Avenue, why wasn't the developer being required to build half of Gordon Avenue.

Peter said the agreement was requiring dedication of the frontage so that it was set aside.

Councilmember Day said with a similar situation on Hill Field Road, the developer had to do that. Why wasn't that happening here?

Peter said when the other phases were done it would be required. He said it was required in the original agreement when development was happening on both sides of the future Gordon Avenue.

Alex clarified that Gordon Avenue would be an oversized arterial road and the developer wasn't responsible to finish the street.

Councilmember Petro asked if the developer was responsible for any of it.

Alex said typically they would finish their portion; on bigger roads the City had responsibility for a portion of the road as well.

Mayor Pro Tem Brown asked, in comparison, were developers that built subdivisions along Layton Parkway required to put in part of the road.

Alex said the current standard was that they had to dedicate property for the road and build their share of the road. He said their share was defined as what they would have to build in a typical subdivision; they didn't have to bear the cost of the oversized street.

Woody explained that they had to install 26 feet of asphalt.

Councilmember Petro asked if the cost was based on today's costs or the cost in the future when the road was actually built.

Woody explained that the City would work with the developer in exchange for development fees.

Councilmember Freitag said he wasn't at the Planning Commission meeting, but why didn't they approve the R-1-6 zoning on Phillips Street, but they approved R-1-6 in this instance when there was no other R-1-6 zoning in the area.

Peter said the development agreement was the tool used to keep the zoning in line with the density recommendation. He said in the General Plan this area called for single family residential at 2 to 4 dwelling units per acre. Peter described densities in surrounding subdivisions. He said this development would have 18 lots on 5.38 acres, which was a density of 3.3 units per acre. Peter said the density was below the 4 units per acre that the General Plan called for in the neighborhood. He said the same language in the development agreement was used for the Ovation Homes development at Fairfield Road and Church Street.

Councilmember Freitag asked Peter to remind him what benefits came to the City with the development agreement on this development; what great attributes was the City getting with the development agreement.

Councilmember Day asked if the development agreement stayed with the property.

Peter said yes; it was recorded against the property.

Mayor Pro Tem Brown said when looking at other Ovation Homes developments in the City, they were developed on property that probably couldn't be developed into a typical subdivision, but this property was different. She said if the developer wanted to develop patio homes, she would look more toward something similar to Peacefield with larger homes on smaller lots with basements; something a little more upscale than what Ovation Homes had built in other areas of the City.

Woody said one of the challenges with this parcel was the City requiring a public street, and the impacts of the gas lines through the property.

Council and Staff discussed the location of the gas lines and impacts to development.

The meeting adjourned at 7:03 p.m.

Thieda Wellman, City Recorder