

**REGULAR MEETING AGENDA OF THE
CITY COUNCIL OF LAYTON, UTAH**

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a regular public meeting in the Council Chambers in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 PM on July 2, 2015.**

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION, APPROVAL OF MINUTES:

- A. Minutes of Layton City Council Work Meeting - May 7, 2015
- B. Minutes of Layton City Council Meeting - May 7, 2015
- C. Minutes of Layton City Council Work Meeting - May 21, 2015

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

4. CITIZEN COMMENTS:

5. CONSENT ITEMS:(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

- A. Acquisition of Property to Accommodate Road Improvements at the Antelope Drive and Hill Field Road Intersection - Resolution 15-43
- B. Re-appointments to the Planning Commission - David J. Weaver and Robert Van Drunen - Resolution 15-41

6. PUBLIC HEARINGS:

- A. Development Agreement and Rezone Request – Adams/Craythorne – A (Agriculture) to R-1-8 (Single-Family Residential) – Resolution 15-42 and Ordinance 15-15 – Approximately 752 West Gentile Street
- B. Development Agreement and Rezone Request – Flint/Van Drimmelen – A (Agriculture) to R-S (Residential Suburban) – Resolution 15-25 and Ordinance 15-18 – Approximately 150 North 2200 West

7. PLANNING COMMISSION RECOMMENDATIONS:

8. NEW BUSINESS:

9. UNFINISHED BUSINESS:

10. SPECIAL REPORTS:

ADJOURN:

Notice is hereby given that:

- A Work Meeting will be held at 6:00 p.m. to discuss miscellaneous matters.
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Members at remote locations may be connected to the meeting telephonically.
- By motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that chapter.

Date: _____ **By:** _____
Thieda Wellman, City Recorder

LAYTON CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify Layton City eight or more hours in advance of the meeting. Please contact Kiley Day at 437 North Wasatch Drive, Layton, Utah 84041, 801.336.3825 or 801.336.3820.

Citizen Comment Guidelines

For the benefit of all who participate in a PUBLIC HEARING or in giving PUBLIC COMMENT during a City Council meeting, we respectfully request that the following procedures be observed so that all concerned individuals may have an opportunity to speak.

Electronic Information: An electronic or hard copy of any electronic information presented to the City Council must be submitted to the City Recorder by the end of the meeting.

Time: If you are giving public input on any item on the agenda, please limit comments to three (3) minutes. If greater time is necessary to discuss the item, the matter may, upon request, be placed on a future City Council agenda for further discussion.

New Information: Please limit comments to new information only to avoid repeating the same information multiple times.

Spokesperson: Please, if you are part of a large group, select a spokesperson for the group.

Courtesy: Please be courteous to those making comments by avoiding applauding or verbal outbursts either in favor of or against what is being said.

Comments: Your comments are important. To give order to the meeting, please direct comments to and through the person conducting the meeting.

Thank you.

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**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

MAY 7, 2015; 5:36 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,
TOM DAY, JORY FRANCIS, SCOTT FREITAG
AND JOY PETRO**

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, BILL WRIGHT,
JAMES (WOODY) WOODRUFF, TERRY
COBURN, TRACY PROBERT, SCOTT CARTER,
STEVE JACKSON, SHAWN HORTON, MARK
CHATLIN, ALLEN SWANSON, WES ADAMS,
PAUL APPLONIE, KENT ANDERSEN AND
THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and turned the time over to Staff.

AGENDA:

PRESENTATION - UDOT

Brett Slater with UDOT gave the Mayor and Council an update on the Antelope Drive project and an update on the new interchange that would be constructed at Hill Field Road. He indicated that the Antelope Drive project had been ongoing for several months; they had gotten a little behind schedule because of utility issues. Mr. Slater said they were back on track and would be paving this Sunday. He said all of the signage was not ready to complete the project, but it would be finalized in mid June. Mr. Slater said final striping would be completed in the next couple of weeks. He indicated that the temporary striping had been somewhat confusing.

Councilmember Freitag asked how many lanes would there be on the bridge.

Mr. Slater said there would be three lanes in each direction.

Obrey Benyon with UDOT explained how the turning lanes would function. She explained that the turning pockets took up one of the lanes in each direction.

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Councilmember Freitag asked if there would be three lanes in each direction on either side of the bridge, and then one lane would be taken for the turning movements.

Ms. Benyon said that was correct.

James “Woody” Woodruff, City Engineer, said there would be eight lanes total on the bridge with dual left turning lanes and two lanes going straight in each direction.

Mr. Slater said the Hill Field Road project was awarded to Ames Construction. He said they were currently working on the design build portion of the SPUI. Mr. Slater said construction would begin in the next month on the through turns with work happening later on for the interchange. Mr. Slater said two structures would be built to the side of the existing bridge and slid into place after the existing bridges were removed. He indicated that the newly constructed interchange and through turns would save about 10 minutes of travel time through that corridor.

Mr. Slater played a video of the traffic flow through the intersection and indicated that the video would be played in local movie theaters to help residents understand the movement better. He indicated that they were excited about the project.

Councilmember Petro asked if a semi-truck would be able to make it through the through turns.

Mr. Slater said yes; they were designed so that large trucks could make the maneuver.

Councilmember Brown said it would be important for signage to be in place.

Councilmember Petro asked when the through turns would be in place.

Mr. Slater said they were in the process with the design build team; they were designing the interchange and the work that was happening between Gordon Avenue and Main Street. Mr. Slater said they would begin construction within the month for the through turns, and it had to be completed before September of this year. He said the only portion that wouldn't be done was the actual SPUI, which would be completed next year.

Councilmember Brown asked if the intersection would function during the shopping season.

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Mr. Slater said yes. He said the intersection would function during the entire construction process.

Councilmember Petro asked when they would start showing the video in the movie theaters.

Ms. Benyon said for the last two years they had been reaching out to the businesses and property owners, and then they would be reaching out to the drivers. She said they were being very strategic. Ms. Benyon said they had been meeting with local businesses in tailoring their approach to show the video in a variety of ways. She said she met with Walmart last week and they had asked to play the video on a television in the front of their store.

Councilmember Petro strongly encouraged them to reach out to the smaller businesses; particularly the Moon Dog restaurant.

Kent Andersen, Deputy Director of Community and Economic Development, said an article would be in the City's newsletter, on Facebook and the City's website.

Councilmember Freitag mentioned the City's monument signs at the off ramps of Antelope Drive and Hill Field Road. He asked if those could be redone with the new logo, and if they could be lighted.

Alex Jensen, City Manager, said that could be done if the Council wanted.

Woody said they had talked with a contractor about salvaging the existing signs and they would be working on landscaping. He said some areas had been identified to locate the signs.

Councilmember Freitag said they should be able to resurface the existing concrete signs.

Ms. Benyon said there was an updated aesthetics policy from UDOT.

Mr. Slater said there were opportunities with this project for the City to bring additional betterments to the interchanges.

Councilmember Freitag asked about street lighting.

Woody said new lighting was planned along Hill Field Road as part of the project. He said there would be some lighting under the SPUI structure, but the City would be putting upgrading lighting along the

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corridor.

Bill Wright, Community and Economic Development Director, said Ames Construction would be building the SPUI bridge off to the side and then sliding it into place. He said there wouldn't be much disruption to traffic in the area.

Randy Jeffries with UDOT said he wanted to discuss the West Davis Corridor project and the location of the interchange. He said the City had been looking at two locations 2200 West and 2700 West. Mr. Jeffries said there were no fatal flaws with either location. He said as they looked at both locations, there were a couple of concerns they wanted to share with the City.

Mr. Jeffries said the distance from the next interchange to the south; at 200 North in Kaysville would be 1.2 miles from 2200 West and 1.9 miles from 2700 West. He said the closer distance caused issues with traffic trying to get on and off in a short distance. Mr. Jeffries said another consideration was the impact on local roads. He said if the interchange was moved to 2200 West traffic would increase to 7,000 cars a day; currently that was at less than 1,000. Mr. Jeffries said 2700 West didn't have homes on the road and could be planned for that type of traffic.

Councilmember Petro asked what section of 2200 West they looked at for the study.

Mr. Jeffries said south of Gentile Street.

Councilmember Petro asked what they anticipated traffic counts to be on 2200 West north of Hill Field Road if the interchange went in at 2700 West.

Steve Lord with Horrocks Engineering said there was a slight increase on 2200 West, but it wouldn't be significant.

Mayor Stevenson asked how traffic would disperse if the interchange was at 2700 West.

Mr. Lord said there would be an east/west split at Hill Field Road. He said traffic would split east and west and disperse through the neighborhoods.

Council and Staff discussed traffic movement in the area.

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Councilmember Freitag said the first split for east/west traffic would be at Layton Parkway. He said a key factor would be commercial development at Hill Field Road and 2200 West.

Mr. Jeffries said the reason they saw only a slight increase on 2200 West with the interchange at 2700 West was because 2700 West would be designed as a higher capacity road than 2200 West. He said the model would send people on 2700 West instead of going over to 2200 West, which was a lower capacity, smaller roadway.

Councilmember Francis said in other words, 2700 West would be designed as a much larger street and would be more attractive to drivers.

Mr. Jeffries said yes.

Mayor Stevenson said they probably wouldn't be getting an answer this evening.

Mr. Jeffries said that was fine; they would leave the interchange at 2700 West unless they were directed otherwise.

Councilmember Freitag asked if street lights would be put on Antelope Drive where the changes were being made.

Woody said yes. He said some would be installed from I-15 to Woodland Park, and eventually all the way to Hill Field Road. Woody said there were no lights planned to the west at this point; that was a UDOT road.

Alex said there was nothing budgeted to put lights to the west.

Woody said there was no widening planned to the west, but the City was taking advantage to install the conduit to the east where there was widening. He said lighting would be added to Robins Drive and to University Park Avenue.

Councilmember Petro asked if the poles were different for those that had the banner signs. She said banners would be a good way for promoting things going on in the City.

Alex said there were three different types of poles; subdivision poles, collector street poles and the

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downtown poles. He said he thought the banner poles could be added to any of them.

Councilmember Freitag asked about the strip of land along I-15 between Hill Field Road and Antelope Drive and the possibility of getting that area cleaned up. He asked if there were any opportunities to work with UDOT on cleaning that area.

Mr. Jeffries said whenever a city wanted to beautify interchanges or sections of I-15, there would need to be an agreement in place. The City would need to agree to maintain whatever was placed there.

Councilmember Freitag asked if there were examples of that happening along I-15.

Mr. Jeffries said there was an agreement in place with the City for the Layton Park interchange.

Alex said in the past, UDOT would mow that area but they wouldn't put in landscaping or maintain it. He said anything above the minimum standard for landscaping would be up to the City to maintain.

Councilmember Freitag said the City's stretch of I-15 was very visible.

Councilmember Petro asked if there would be any aesthetic design on the bridge on Hill Field Road.

Mr. Slater explained the proposed design. He said they were currently working with the City on color and pattern.

Bill Wright said Staff had recommended that they follow the same pattern that was on the Layton Parkway overpass.

DISCUSSION – MASTER TRANSPORTATION PLAN

Woody said the public open house on the Master Transportation Plan had been held. He said they wanted to share some of the comments, focusing on the 2200 West/2700 West interchange location. Woody gave the Mayor and Council a summary of the comments.

Steve Lord said as Woody stated, this was a report on the open house that was held on April 15th. He said there were 45 residents or land owners that signed in with a total of 110 comments. Mr. Lord reviewed some of the comments that were received, specifically comments about the pros and cons of the 2200

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West or 2700 West connection. He explained a website that was set up to take comments.

Mr. Lord said in summary, there were 32 comments from people that were in favor of 2200 West or opposed to 2700 West, and 53 comments from people that were in favor of 2700 West or opposed to 2200 West.

Councilmember Brown asked if there was another way to take 2700 West to Hill Field Road other than angling it to 2550 West.

Woody said if the road went straight up 2700 West it intersected right under the power corridor. He said there was a 300-foot right of way for the power corridor.

Mr. Lord said the current plan showed a through connect to the north at 2550 West, but it was a much smaller subdivision street. It was not intended to be a through street into the neighborhood.

Councilmember Brown asked if they were anticipating that traffic would “T” at Hill Field Road.

Mr. Lord said yes. He said in the conversations he had with residents that evening, they preferred 2700 West if it didn’t continue through the neighborhood. Mr. Lord said when he explained ways to provide traffic calming features through neighborhoods, they were less antagonistic.

Bill explained a concept during the West Layton Village process to move the connection of 2700 West farther to the east and not have it align directly with 2550 West.

Mayor Stevenson said there was a good possibility that there would be a lot of traffic going through the neighborhood if the connection was made at 2550 West.

Mr. Lord said yes; if the road was wide open with five lanes through the subdivision. He said they would want to make sure that the road was very narrow and would not be used as a through street. Mr. Lord said there were things that could be done to mitigate that.

PRESENTATION – HOLMES CREEK IRRIGATION

Scott Carter, Special Projects Manager, said about a month and a half ago Staff presented a bunch of fact finding questions to the Council, that they wanted to present to the irrigation companies. He said they

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wanted the irrigation companies to come before the Council and discuss those questions.

Scott said this evening, Mr. Alton Fisher, President of Holmes Creek Irrigation Company, was here to discuss the information with the Council. He said Mr. Ron Richens and Mr. Dave Adams were also present and were members of the Holmes Creek Irrigation Company Board.

Alton Fisher said he had a history of what they had tried to do over the past few years. He said their ultimate goal was to provide cheap water to stockholders. Mr. Fisher explained that they had applied three times for federal grants, but had been unsuccessful. He said their engineering consultants suggested getting a trunk line down Gentile Street, and they applied for a fourth time for a grant, which they received. Mr. Fisher said they had applied for a State loan to go with the grant for \$800,000; the grant was for \$300,000. He said the project was in limbo; they would have to show the State that they could make the payments on the \$800,000 loan.

Mr. Fisher said they previously came to the City and to Kays Creek Irrigation in an attempt to sell some of their water, but were told that the water would not be needed for 10 years. He said they would lose the grant by then. Mr. Fisher indicated that the State loan was 2% interest for 11 years.

Mr. Fisher said, relative to the fact finding questions, Layton City owned 1/3 of the shares in Holmes Creek Irrigation. He said Holmes Creek Irrigation was interested in pursuing a pressurized system. Mr. Fisher displayed maps of their service area. He said they owned 1500 acre feet of water and the reservoir held 1050 acre feet of water. Mr. Fisher said they had the possibility of having 3000 acre feet of water.

Mayor Stevenson asked how that compared to how much water Kays Creek Irrigation had.

Mr. Fisher said he didn't know how much water Kays Creek Irrigation had. He said Holmes Creek had 1,200 acre feet out of Adams Canyon and 200 acre feet out of Snow Canyon, and that could double. Mr. Fisher said Kays Creek didn't have water out of either of those canyons.

Mayor Stevenson asked if those two canyons would produce that amount of water in a dry year.

Mr. Fisher said they would find out; this was one of the worst years on record. He said as of 5 days ago, the reservoir was 88% full. Mr. Fisher said in a normal year they could be at 88%, but there would still be snow pack for water later in the year. He said this year they would have to start using right out of the reservoir.

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Mayor Stevenson asked if the creeks would dry out.

Mr. Fisher said Snow Canyon did. He said he had never seen Adams Canyon dry out. He said right now all of their water was going into the reservoir; they weren't sending any water down the creek. Mr. Fisher said there was water in the creek out west because of storm water and springs.

Councilmember Day said Kays Creek Irrigation had 1,250 acre feet of water in Hobbs Pond and Andy Adams had 950 acre feet of water. He said they leased 2,000 acre feet of water from Weber Basin every year.

Mr. Fisher went on to answer fact finding questions. He indicated that the dam on the reservoir was completely rebuilt in 1998 and they were still making payments of approximately \$8,000 a year for that. Mr. Fisher said they supplied some water in Kaysville to the Websters. He said it would not be feasible to pressurize that supply. Mr. Fisher said he felt that they should pressurize the area east of I-15 up to the reservoir, south to Kyle Anderson's property. He said initially their system covered the City complex, but that had changed.

Mayor Stevenson asked if their biggest issues now were the grant and the State loan, and being able to pay for it.

Mr. Fisher said they had been approved for the grant and the State loan, but the State would not give them the money until they could show that they could make the payments on the loan.

Mayor Stevenson asked what the easy fix for that would be.

Dave Adams explained the history of applying for the grant.

Mayor Stevenson asked why Kays Creek Irrigation wasn't leasing water from Holmes Creek Irrigation instead of Weber Basin Water.

Mr. Fisher said Kays Creek Irrigation had indicated that they might do that, but they wouldn't need the water for five to ten years. He said by then it would be too late for the grant.

Mayor Stevenson asked what the timeframe was for the grant.

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Mr. Fisher said they would have to do something by October for the grant, but they could apply for an extension; the State loan would begin September 2016. He said they would pay interest only payments on the loan for three years after that; the interest payment would be \$14,700 per year.

Mayor Stevenson asked if they were able to generate that amount of money.

Mr. Fisher said they could probably do that out of the assessments. He said the following eight years, the payment would be \$107,000 per year. Mr. Fisher said there was no way they could generate that amount of money.

Councilmember Petro asked how many additional users they would need to cover that cost.

Mr. Fisher said he didn't know that number.

Dave Adams said if there was an interest on the part of the County and the City to match the grant by contributing \$150,000 each, the loan from the State would not be necessary. He mentioned the possibility of running a trunk line and possibly paying for it out of revenues or with a smaller loan from the State.

Mr. Fisher said at one point the County had indicated that they would come up with another \$150,000 if the City would match it.

Councilmember Petro asked what the anticipated cost of the trunk line was.

Mr. Fisher said it was \$980,000.

Mayor Stevenson said financially they were not in very good shape. He asked what happened if the match wasn't there and the grant went away; in 10 years what would happen.

Mr. Ron Richens said the City would end up owning the company; currently the City owned over ¼ of the company. He said as development occurred, property owners were required to turn their shares of water over to the City.

Mr. Adams said there might be options for the water to go someplace south.

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Mayor Stevenson asked Staff if they had any input on this. He said Holmes Creek Irrigation was in a predicament and was trying to get out of it.

Terry Coburn, Public Works Director, said the biggest value to the City was the water and the water shares. He said their infrastructure wasn't worth anything; most everything was open irrigation through ditches.

Mayor Stevenson said hypothetically, in 10 years if the City took Holmes Creek Irrigation over, what would the City do with it.

Terry said Staff had talked about the reservoir being a parks amenity. He said the value was the shares of water and the water.

Councilmember Day said there might be a lot of water that the City wouldn't own, which would have to be delivered through the system to existing shareholders. He said the City wouldn't be able to shut off the dam and only use it for a fishing pond.

Mr. Richens said that was where they were now; they had to deliver water to the shareholders.

Terry said those water users were diminishing in a hurry as the farm ground was being sold for subdivisions. He said he didn't know how long it would be before Holmes Creek Irrigation ran out of customers.

Councilmember Day said they still had a lot of residential customers.

Terry said that was flood irrigation.

Mr. Fisher said that was correct; they didn't have any pressurized water.

Mayor Stevenson asked if they covered more of Layton than Kaysville.

Mr. Fisher said yes; they had very minimal usage in Kaysville.

Mayor Stevenson asked what happened to the shares in Kaysville; did Kaysville City take those shares as property developed.

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Mr. Fisher said no.

Steve Jackson, Assistant City Engineer, said he understood that the only companies Kaysville accepted were Kaysville Irrigation and Davis Weber Canal Company. He said if there were Holmes Creek Irrigation shares, Kaysville City would try to trade them for one of the other two companies.

Councilmember Day said if the other shareholders didn't want to sell their shares, the City wouldn't just inherit them. He said if the City wanted the entire company, it would eventually have to buy those shares.

Mayor Stevenson asked what would happen if there was no way to deliver water and no one wanted to buy it.

Mr. Richens said the City would still be required to maintain the system and deliver to those people. He said the City couldn't just shut them off.

Councilmember Day said the City could buy the shares.

Mr. Fisher said if the shareholders didn't want to sell their shares, the City would still have to provide the water.

Mr. Richens said this was the case with any water company. He said the only thing that had really changed with Holmes Creek Irrigation since the dam was built in 1870 was the color of canvases used to dam off the water.

Mayor Stevenson asked if they were just providing information or were they asking the City for help.

Mr. Fisher said they were giving the Council information that was requested so that the Council could make a decision.

Mr. Fisher asked if the City had a preference of options A, B, C, D or E.

Alex said the City didn't have a preference; that was the purpose for getting feedback from all of the irrigation companies to see what would be best.

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MISCELLANEOUS

Councilmember Freitag asked about the signs that had been on Gentile Street indicating that it would be closed, but they were now gone.

Woody said North Davis Sewer District was going to replace a manhole at the Flint Street intersection, and the only way they could do that was to close the west bound lane of Gentile Street. He said the impacts to the community and businesses at this time were substantial. Woody said the Sewer District was willing to postpone those improvements until late summer. He said they willingly removed the signage and would be coming back later in the year to make those repairs.

Councilmember Day asked if this was a relining similar to other areas or if it was only to replace the manhole.

Woody said it was a manhole replacement. He said the Sewer District was doing a relining project on Angel Street.

The meeting adjourned at 6:57 p.m.

Thieda Wellman, City Recorder

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**MINUTES OF LAYTON CITY
COUNCIL MEETING**

MAY 7, 2015; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,
TOM DAY, JORY FRANCIS, SCOTT FREITAG
AND JOY PETRO**

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, BILL WRIGHT,
TRACY PROBERT, JAMES “WOODY”
WOODRUFF, ALLEN SWANSON, SCOTT
CARTER, DAVE THOMAS, PETER MATSON,
KENT ANDERSEN AND THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. Ron Richens gave the invocation. Scouts and students were welcomed.

MINUTES:

MOTION: Councilmember Brown moved and Councilmember Freitag seconded to approve the minutes of:

**Layton City Council Work Meeting – April 2, 2015;
Layton City Council Meeting – April 2, 2015; and
Layton City Council Work Meeting – April 16, 2015.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown mentioned that the Parks and Recreation Department had discount vouchers for Bees games.

Councilmember Brown said on Monday, May 18th, the Family Recreation Program would host the family golf night at Swan Lakes Golf Course from 4:00 p.m. to 8:00 p.m. She said prices would be reduced.

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Councilmember Brown said on Saturday, May 30th, Family Recreation would kickoff the “G.O. ‘n Play” program. She said there would be mud, suds and floods at Ellison Park from 10:00 a.m. to 2:00 p.m.

Councilmember Petro indicated that an organizing committee had been put together for the RAMP tax and Louenda Downs had agreed to chair that committee.

Mayor Stevenson read a letter from a citizen thanking the City for the repairs on Gilman Drive.

PRESENTATIONS:

LAYTON CITY’S ACCEPTANCE OF A \$1,500 DONATION FROM LAYTON’S COMPETITIVE BASEBALL TEAMS

Dave Thomas, Recreation Supervisor, expressed appreciation to be able to address the Council. He said the City had a great recreation program. Dave said two years ago he was approached by two ball teams that wanted to be more involved in Layton City and in promoting baseball. He said they held a tournament this year and wanted to do something that would allow them to give something back to the City.

Kyle Day and Scott Robinson addressed the Council. They explained their love of the game and indicated that they wanted to give back to the City. They indicated that there was a long history of baseball in Layton City. Mr. Day and Mr. Robinson presented a tournament baseball to the Mayor and a check for \$1,500 that had been earned through the home run derby at the tournament.

Dave said the money would be used for the scholarship fund to help kids that couldn’t afford to play. He said the tournament raised an additional \$3,300 dollars that would be used for scholarships as well.

POLICE CHIEF PRESENTATION

Mayor Stevenson said in January the longtime Police Chief, Terry Keefe, retired. He said it was a big loss to the City. Mayor Stevenson said the City started a nationwide search to replace Chief Keefe. He said the best applicant was Allen Swanson, the City’s Assistant Chief. Chief Swanson and his family came forward. Mayor Stevenson presented Chief Swanson with his badge.

Chief Swanson thanked his family for their support. He thanked the men and women of the Police

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Department for their support, and he thanked the City Manager, Alex Jensen, Mayor Stevenson and the Council.

Councilmember Freitag said it wasn't necessary for the Council to do an official motion to approve a department director in the City, but he wanted to make an informal motion to show a sign of support from the Council of the new Police Chief. Councilmember Petro seconded the motion, which passed unanimously.

CITIZEN COMMENTS:

Todd Derrick, 2414 West 850 North, said he wanted to second the comments about the baseball tournament. He said the fields were well maintained, the tournament was well attended, the prizes were great, and he appreciated the City bringing the tournament to the City.

Mr. Derrick expressed appreciation for Chief Swanson.

CONSENT AGENDA:

RECONVEYANCE OF DEED OF TRUST TO ZIONS FIRST NATIONAL BANK, TRUSTEES – 2010 NORTH MAIN STREET (K-MART) – RESOLUTION 15-30

Steve Garside, Assistant City Attorney, said in 1979 the City did an industrial bond agreement for the development of the K-Mart area. He said pursuant to giving of the bond, a lien was placed on the property. Steve said that bond had been paid in 2005. He said as a matter of housecleaning, the reconveyance of the deed was not done, and they were requesting that the deed be reconveyed to Zions First National Bank. Steve said Resolution 15-30 would authorized the reconveyance of that deed of trust. He said Staff recommended approval.

ASSIGNMENT OF CITY'S INTEREST IN A PARCEL OF PROPERTY TO THE REDEVELOPMENT AGENCY OF LAYTON CITY – APPROXIMATELY 3600 NORTH FAIRFIELD ROAD – RESOLUTION 15-29

Steve Garside said Resolution 15-29 was an assignment of the City's interest. He said several years ago the City obtained an interest in a piece of property to have the first right of refusal. Steve said at this time, the City had elected to exercise that option, and in doing that, assigning the exercise of that option to the Redevelopment Agency. Steve said in the earlier meeting, the Redevelopment Agency accepted the authority

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to exercise that option. He said Resolution 15-29 would transfer the authority to exercise that option from the City Council to the Redevelopment Agency as they were the entity that would take care of those developments to further the economics of the City. Steve said Staff recommended approval.

ADOPT TENTATIVE BUDGET FOR FISCAL YEAR 2015-2016 AND SET A PUBLIC HEARING FOR JUNE 18, 2015, AT 7:00 P.M. – RESOLUTION 15-27

Tracy Probert, Finance Director, said Resolution 15-27 would adopt the tentative budget for fiscal year 2015-2016. He said as required by State Code, the City needed to accomplish that adoption before or on the first meeting in May. Tracy said the Mayor, Council and Staff had met in various work sessions to prepare the budget. He said there were no major changes to the tentative budget from what had been discussed to this point. Tracy said Staff recommended that the Council adopt Resolution 15-27 and set a public hearing for June 18, 2015, to adopt the budget. He said the tentative budget would be on file until that time for public review.

Councilmember Freitag asked if that was the same night as approval of the final budget.

Tracy said yes.

RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL CONTRACT – WASTE MANAGEMENT OF UTAH, INC. – RESOLUTION 15-28

Tracy Probert said Resolution 15-28 was the residential solid waste contract with Waste Management. He introduced Beth Holbrook with Waste Management.

Ms. Holbrook indicated that Waste Management was excited to move forward with this contract. She said they valued the partnership they had with Layton City.

Councilmember Freitag said this relationship had been a good relationship; he appreciated the work they did in the City.

Mayor Stevenson said he noticed a big difference in the drivers; they were very accommodating.

Ms. Holbrook said they took pride in their customer service.

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Tracy said the proposed contract would extend the service through July 1, 2020. He said it represented a rate increase equivalent to \$.35 per can per month on the first can, and \$.25 per can per month on additional cans. Tracy said Staff recommended approval.

Councilmember Day said in one meeting there had been discussion about a recycling program that would be included.

Tracy said that was part of the contract on an opt-in basis. He said in the past the proposal had been for an opt-out program. Tracy said the City had steered away from that because of opposition in having to opt-out of something. He said this contract included a generous option to allow citizens to opt-in on an individual basis for recycling.

Councilmember Day asked if that was available to the citizens now.

Tracy said it would be available July 1st. He said information about the program would be included in the City's newsletter.

Ms. Holbrook explained how the recycling program would function.

Councilmember Freitag asked what type of items could be recycled.

Ms. Holbrook said plastic bottles, aluminum cans, and cardboard boxes. She said citizens that opted in would be given a list of acceptable recyclables.

Councilmember Day asked about the cost.

Tracy said it would be \$5.50 per month with pickup every other week.

ON-PREMISE RESTAURANT LIQUOR LICENSE – FIREHOUSE PIZZERIA LAYTON – 768 WEST 1425 NORTH

Bill Wright, Community and Economic Development Director, said this was a request by Firehouse Pizzeria Layton, for an on-premise restaurant liquor license. He said the Pizzeria was located at 768 West 1425 North; the applicant was Brent Hanson. Bill said they were in business now and wanted to add the liquor license. He said the location met all buffer requirements and background checks had been approved by the Police

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Department. Bill said Staff recommended approval.

DEVELOPMENT AGREEMENT – MIKE BASTIAN – APPROXIMATELY 950 NORTH RAINBOW DRIVE – RESOLUTION 15-23

Bill Wright said this was an amendment to a development agreement that was approved on April 2, 2015, for property located at approximately 950 Rainbow Drive. He said the property was rezoned on April 2nd along with the development agreement with Richard and Elaine Widner, the owners of the property. Bill said before the Widners signed the agreement, Mr. Bastian purchased the property. This was simply a name change on the development agreement. He said Staff recommended approval.

MOTION: Councilmember Brown moved to approve Items A, B, C, D, E and F of the Consent Agenda as presented. Councilmember Francis seconded the motion, which passed unanimously.

PRELIMINARY PLAT – EASTRIDGE PARK ESTATES PRUD – APPROXIMATELY 1450 EAST ANTELOPE DRIVE

Scott Carter, Special Projects Manager, said in regard to the trails in the Eastridge Park development, Staff had been working with the developer to place onto his plan a trail that would come from the Kays Creek Corridor Trail along the west side of the lots in the subdivision. On the southerly public street, there would be a connection into the 16 acre park area that the developer was granting to the City. He displayed a conceptual drawing showing the layout of the trail and the park.

Scott said he had been researching properties on Heather Drive and would be making an offer to purchase the property for a parking area. He said there was a small parcel north of Antelope Drive, east of the north fork of Kays Creek that would accommodate 6 to 8 cars. Scott said Staff would be working with the property owner to develop a parking lot there.

Mayor Stevenson asked if there would be small parking areas throughout the City to provide parking for access to the trails.

Bill Wright said yes. He explained some of the areas they were working on to provide parking for access to the trails.

Councilmember Day asked if the developer would put the trail system in his subdivision and the City would

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do the nature park.

Scott said the City would be working in concert with the developer. When it got to that point, the City would work with the developer on the park and trails in trade for some of the impact fees.

Mayor Stevenson said relative to the safety concerns on Antelope Drive, until the development was in and the impacts from the development were known, the City wouldn't know what steps would need to be taken to mitigate those impacts. He said this would be no different from any other development that impacted areas around it. Mayor Stevenson said the City would follow up on that throughout the process.

Mayor Stevenson asked Mr. Mike Flood with Adams Property LLC and Hawkins Homes if he would address a few items. He said he would like this included in the minutes. Mayor Stevenson said the items that would be discussed were the monitors, the widening of the entrance, the HOA dealing with the rentals, land drains, the sidewalks and the sensitive lands issues that would be placed on the title reports and the plats.

Mr. Flood expressed appreciation for the work that had been done since the last meeting. He said they met with neighboring residents to discuss their concerns, and while they couldn't and wouldn't agree to all of their demands, they had agreed to do some things.

Mr. Flood said they hadn't agreed to loop and tie in the townhome access road, but they did agreed to widen the entrance into the townhome area to a fifty-foot right of way and dress it up a little bit. He said it would be similar to the entrance into Cold Water Creek Subdivision.

Mr. Flood said another concern was the potential of vibration during grading and construction on the development. He said the question was raised whether or not they would be willing to install vibration monitoring. Mr. Flood said they agreed to put a portable vibration monitor anywhere there was a property boundary, not the house but the property, that was within 100 feet of any development construction activity. He said before construction, they would need to do some base-line monitoring with the vibration monitors. Because of the proximity of Hill Field AFB, the airplanes could set the monitors off. He said they would be monitored regularly and the data would be downloaded. Mr. Flood said they had agreed to place all of their data, whether it was vibration monitoring or soil compaction data, on a public cloud site where anybody could access it. Mr. Flood said he didn't know how technical the data from the monitors would be, but it would also be provided to the City Engineer.

Mr. Flood said the residents had expressed concerns with a second or third homebuyer knowing of the

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geotechnical issues. He said they had drafted a document that would be recorded over the entire boundary of the subdivision. Mr. Flood said the document would state that the development was within Layton City's sensitive lands overlay zone and that all geotechnical and geological studies that had been performed were on file for review at the City. He said information would also be made available to every person they sold to, whether it was a company that purchased a group of lots or whether it was an individual buyer.

Mr. Flood said concerns had been raised about rental properties. He said the citizens group had asked that they make some type of provision on the entire development. Mr. Flood said they agreed to place in the CC&Rs, and what was allowable by law, a rental restriction on the attached product. He said the typical concern was that attached homes turned into large rental areas. Mr. Flood said they agreed to limit the number of rentals in the townhome phase through the CC&Rs and HOA to no more than 8 of the 52 units, which was about 15.3% of the townhome development. He said that was a common percentage.

Mr. Flood said a question was raised about putting sidewalks throughout the subdivision. He said they had several thousand feet of public right of way throughout the development that would have sidewalk on both sides of the road. Mr. Flood said he believed that the street section now required a five-foot sidewalk in most areas, and that had been designed into this development. He said within their private streets, they had designed a sidewalk on one side of the road, but not on both sides. Mr. Flood said that was partly due to the nature of the development. He said within the PRUD ordinance they were not required to do sidewalk on either side, but they were recommending a sidewalk on one side. Mr. Flood said there would be sidewalks on both sides of all public streets, as required by City ordinance, and there would be sidewalk on one side of all the private streets.

Mayor Stevenson said relative to the land drains, that was a City requirement. He said there would be land drains and footing drains around the houses.

Mr. Flood said that was correct. He said they would provide a lateral to each individual single family unit, and a lateral to each townhome building that the builder could tie to their footing. Mr. Flood said the concern was providing a place for water to go if there was a groundwater issue. He said this land drain would provide for that. He said unlike some areas where they had to add sump pumps after the fact, this provided a place for water to go, which would eventually end up in the detention basin, and slowly released into the creeks.

Mayor Stevenson asked Mr. Flood to address notification to the homeowners about monitoring and when construction would be happening.

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Mr. Flood said before they commenced construction they were required to hold a pre-construction meeting with the City. He said they would agree, either by mail or by hand delivery to a door, to notify anybody that abutted the property within the area prior to commencement of construction. Mr. Flood said this would allow time for the residents to make any preparations they would like prior to construction.

Mayor Stevenson asked Mr. Merkley if he wanted to make a short presentation to the Council that they had discussed earlier.

Mr. Merkley declined.

Mayor Stevenson said there had been a number of meetings regarding this issue. He said he had met with citizens this past week and had gone over these items. Mayor Stevenson said they had also met with Mr. Flood to reassure that these things would take place. He said at this time, he believed the Council needed to take action on this item.

MOTION: Councilmember Freitag moved to approve Item G of the Consent Agenda, the preliminary plat approval for Eastridge Park Estates PRUD, as presented.

Councilmember Day asked if that would be subject to all the things Mr. Flood outlined.

Councilmember Freitag said subject to everything that Mr. Flood just outlined.

Councilmember Brown seconded the motion, which passed unanimously.

Mayor Stevenson said this was preliminary approval. He said there would be additional conversation about this project. Mayor Stevenson expressed appreciation to the residents for working through this process. He said as the City continued to grow, people needed to be involved. Mayor Stevenson said this was the process that would make the City better.

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PUBLIC HEARINGS:

AMEND TITLE 18, CHAPTERS 18.40 AND 18.50, SECTIONS 18.40.020 AND 18.50.040; TITLE 19, CHAPTER 19.07, SECTION 19.07.060 OF THE LAYTON MUNICIPAL CODE BY CLARIFYING THE REQUIREMENTS OF LAND DRAINS FOR DWELLINGS AND SENSITIVE LAND AREAS – ORDINANCE 15-07

Bill Wright said this was an ordinance amendment dealing with Title 18 and Title 19. He said Title 18 addressed the City's land development standards and Title 19 was the zoning code. Bill said both of these areas of the code dealt with land drains. He said the determination was that the engineering standards in the building code were clear about the use of land drains and making them available as development occurred in the community where it was appropriate, but the language in these two areas of the code was a little vague. Bill said Staff wanted to make sure the signal was very clear that land drains would be required, and be consistent with the building code and the engineering standards that had been adopted.

Bill said these amendments were fairly minor changes in wording to make it much clearer what the expectation was for providing those land drains, and that they become mandatory. He said the installation of land drains in a sensitive lands area needed to be maintained by an HOA or the property owner for the purpose of not only providing drainage of the immediate property but also for de-watering hillsides for slope stability. Bill said this was really a clarifying change to the code. He said the Planning Commission recommended approval and Staff supported that recommendation.

Mayor Stevenson opened the meeting for public input. None was given.

MOTION: Councilmember Brown moved to close the public hearing and approve the amendments to Title 18 and Title 19 as presented, Ordinance 15-07. Councilmember Francis seconded the motion, which passed unanimously.

COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR FISCAL YEAR 2015-2016 – RESOLUTION 15-26

Kent Andersen, Deputy Director of Community and Economic Development, said this was an opportunity to take public comment and approve the CDBG Annual Action Plan for the upcoming fiscal year, 2015-2016.

Kent explained the CDBG program and reviewed the Annual Action Plan, which addressed how the grant funds would be spent through the upcoming year. He said this was the second public hearing in this process.

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Kent said this public hearing would be restricted to comments based on projects that were in the proposed Plan. He said the amount of the grant funds had stabilized and were back to the level of 2010-2011. Kent said this allowed more flexibility where there was the highest demand, which was for the public service programs. He said only 15% of what was received could go to these programs. Kent said this year funds were being submitted to all of the applicants that applied for funds; Family Connection Center, Safe Harbor Domestic Violence Shelter, Layton Community Action Council and the Youth Court, and the Road Home homeless shelter.

Kent said other portions of the grant included 20% for administration and planning. He said included in that was another Davis School District home. Kent said there would be a ribbon cutting ceremony on May 21st for the Angel Street lot. He said another in-demand program was the homebuyer assistance program, which would provide 10 grants of \$5,000 each. Kent said another program would be historic downtown infrastructure, which gave the City an opportunity to continue to fund programs in the historic downtown area. He said a lot of those revolved around infrastructure improvements and enhancements for the businesses in that area.

Mayor Stevenson opened the meeting for public input.

Karlene Kidman thanked the City for their support of the Layton Community Action Council and the Youth Court. She said they would not be the great program they were without the City's support. Ms. Kidman indicated that they started their 18th group this year.

Mayor Stevenson said Karlene worked very hard to support this program. He expressed appreciation to Karlene for all that she did.

Steve Garside said the City's Youth Court was a model throughout the State. He said it was well respected and well run.

Kendra Wycoff, Executive Director of Safe Harbor Crisis Center, thanked the City for their support. She presented information about the services they provided.

Mayor Stevenson expressed appreciation to Ms. Wycoff for the services they provided.

MOTION: Councilmember Petro moved to close the public hearing and approve the Community Development Block Grant Annual Action Plan, Resolution 15-26. Councilmember Freitag seconded the

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motion, which passed unanimously.

AMEND BUDGET FOR FISCAL YEAR 2014-2015 – ORDINANCE 15-16

Tracy Probert said Ordinance 15-16 would amend the budget for the current fiscal year. He said the amendment related to Item E on the Consent Agenda of the option for the RDA to purchase property. Tracy said the amendment would transfer funds from the City to the RDA to enable that transaction to occur. He said Staff recommended approval.

Mayor Stevenson opened the meeting for public input. None was given.

MOTION: Councilmember Francis moved to close the public hearing and approve the amendments to the 2014-2015 budget as presented, Ordinance 15-16. Councilmember Brown seconded the motion, which passed unanimously.

The meeting adjourned at 8:14 p.m.

Thieda Wellman, City Recorder

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**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.

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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

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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.

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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.

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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.

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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 dominant 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 it 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.

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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

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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

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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.

D R A F T

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

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.A.

Subject:

Acquisition of Property to Accommodate Road Improvements at the Antelope Drive and Hill Field Road Intersection - Resolution 15-43

Background:

The City, in conjunction with the Utah Department of Transportation (UDOT), has developed a project to improve the intersection of Antelope Drive and Hill Field Road. The result of the project will be two left turn lanes from each direction on Antelope Drive to access Hill Field Road. There will also be a dedicated right turn lane from west bound Antelope Drive to north bound Hill Field Road.

In order to complete this project, it is necessary to acquire property at the northeast corner of the intersection. The amount of property to be acquired is 1960 square feet along with existing private improvements. In order to perform the construction work, a temporary easement of approximately 1873 square feet will also need to be acquired.

Resolution 15-43 authorizes Staff to negotiate the acquisition of these property interests and authorizes Staff to acquire the property interests as long as any value given for the property interests does not exceed ten percent (10%) above the market value of the property. This value would include any private improvements on the property.

Resolution 15-43 further authorizes the Mayor to execute the documents necessary to complete these acquisitions, it also ratifies any action that may have been taken by the City in furtherance of this Resolution.

Alternatives:

Alternatives are to 1) Adopt Resolution 15-43 authorizing the acquisition of property to accommodate the road improvements at the Antelope Drive and Hill Field Road intersection and ratify any actions taken by the City in obtaining these property interests; 2) Adopt Resolution 15-43 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 15-43 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 15-43 authorizing the acquisition of property to accommodate the road improvements at the Antelope Drive and Hill Field Road intersection and ratify any actions taken by the City in obtaining these property interests and authorize the Mayor to sign the necessary documents.

RESOLUTION 15-43

A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY TO HOUSE AND ACCOMMODATE ROAD IMPROVEMENTS AT THE INTERSECTION OF ANTELOPE DRIVE AND HILL FIELD ROAD; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS; AND RATIFYING ACTIONS TAKEN PURSUANT HERETO.

WHEREAS, the City has undertaken a project, in conjunction with the Utah Department of Transportation, to construct road and traffic improvements at the intersection of Antelope Drive and Hill Field Road; and

WHEREAS, in order to complete the planned improvements it will be necessary to acquire property interests from an abutting property owner to house the improvements, and obtain a temporary construction easement within which to perform the work; and

WHEREAS, in order to acquire the needed property interests, the Council desires to authorize the negotiation and acquisition of these property interests, and ratify any action taken consistent with this Resolution in furtherance of this project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:

1. That the City Council hereby authorizes Staff to negotiate for the acquisition of the needed property interests for the installation of road and traffic improvements at the intersection of Antelope Drive and Hill Field Road.
2. That Staff is authorized to negotiate the acquisition of these property interests for a value not to exceed ten percent (10%) of market value, including any existing improvements on this property.
3. That any actions taken heretofore in furtherance of this Resolution are hereby ratified.
4. That the Mayor is authorized to execute the documents necessary to complete these transactions.


PASSED AND ADOPTED by the City Council of Layton, Utah, this 2nd day of July, 2015.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



STEVEN L GARSIDE, Assistant City Attorney

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.B.

Subject:

Re-appointments to the Planning Commission - David J. Weaver and Robert Van Drunen - Resolution 15-41

Background:

The need has arisen to re-appoint two members of the Planning Commission to terms to expire on July 1, 2018. Commissioner David J. Weaver was first appointed as a member of the Planning Commission on September 3, 2009. Commissioner Weaver's present term began on July 1, 2012, which expires on July 1, 2015. Commissioner Robert Van Drunen was first appointed as a member of the Planning Commission on July 1, 2013, to a term to expire on July 1, 2015.

Alternatives:

Alternatives are to 1) Adopt Resolution 15-41 confirming the re-appointment of David J. Weaver and Robert Van Drunen as members of the Planning Commission to terms to expire on July 1, 2018; or 2) Not adopt Resolution 15-41 and remand to Staff with directions.

Recommendation:

Mayor Stevenson recommends the Council adopt Resolution 15-41 confirming the re-appointment of David J. Weaver and Robert Van Drunen as members of the Planning Commission to terms to expire on July 1, 2018.

RESOLUTION 15-41

A RESOLUTION CONFIRMING THE RE-APPOINTMENTS OF DAVID J. WEAVER AND ROBERT VAN DRUNEN, AS MEMBERS OF THE LAYTON CITY PLANNING COMMISSION FOR THREE-YEAR TERMS BEGINNING JULY 1, 2015.

WHEREAS, pursuant to Layton City Ordinance, there are to be nine members of the Planning Commission; and

WHEREAS, it is in the best interest of the City to have all positions on the Planning Commission filled to best provide for a full voting quorum at their meetings; and

WHEREAS, the Mayor has recommended that David J. Weaver and Robert Van Drunen be re-appointed as members of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:

1. That Commissioner David J. Weaver and Robert Van Drunen serve as members of the Layton City Planning Commission to terms that will end July 1, 2018.

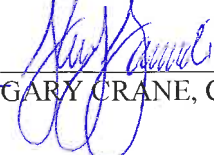
PASSED AND ADOPTED by the City Council of Layton, Utah, this **2nd** day of July, 2015.

ROBERT J STEVENSON, Mayor

ATTEST:


THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



for GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



WILLIAM T. WRIGHT, Director
Community & Economic Development

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 6.A.

Subject:

Development Agreement and Rezone Request – Adams/Craythorne – A (Agriculture) to R-1-8 (Single-Family Residential) – Resolution 15-42 and Ordinance 15-15 – Approximately 752 West Gentile Street

Background:

On June 4, 2015, the Council opened the public hearing and at the request of the applicant continued the public hearing to June 18, 2015, to allow an opportunity to explore various options. No public comments were received. On June 18, 2015, the Council received public comments during the public hearing, closed the public hearing and tabled the rezone request to July 2, 2015, to allow additional time for the developer and adjacent land owner to continue discussion regarding a possible land trade affecting the rezone area. Based on discussion during the public hearing regarding a development agreement tied to the proposed R-1-8 zoning, Staff prepared a development agreement addressing lot averaging in the R-1-8 zone and the sanitary sewer connection alternative through the D&RG/UTA right-of-way.

The property proposed for rezone includes 17.36 acres located on the south side of Gentile Street at 752 West. The rezone area consists of two long, narrow parcels (312 feet wide) with Gentile Street frontage on the north and the D&RG Rail Trail corridor on the south. The north parcel contains 8.41 acres and the south parcel contains 8.95 acres. The rezone area is surrounded by R-2 and R-1-8 zoning to the north, A, R-1-8 and R-1-10 zoning to the east, R-1-8 zoning to the south, and A, R-1-8 and R-1-10 zoning to the west.

Alternatives:

Alternatives to the First motion: Alternatives are to 1) Adopt Resolution 15-42 approving the development agreement between Layton City and Luke L. and Diana C. Adams; 2) Adopt Resolution 15-42 with modifications; or 3) Not adopt Resolution 15-42 denying the development agreement.

Alternatives to the Second motion: Alternatives are to 1) Adopt Ordinance 15-15 approving the rezone request from A to R-1-8 based on consistency with General Plan land use and density recommendations; or 2) Not adopt Ordinance 15-15 denying the rezone request from A to R-1-8.

Recommendation:

On May 12, 2015, the Planning Commission voted by a margin of 5 to 1 to recommend the Council adopt Ordinance 15-15 approving the rezone request from A to R-1-8 based on consistency with the General Plan land use and density recommendation for this area of the City.

Staff supports the recommendation of the Planning Commission and recommends the Council adopt Resolution 15-42 approving the development agreement.

RESOLUTION 15-42

ADOPTING AN AGREEMENT FOR THE DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND LUKE L. AND DIANA C. ADAMS.

WHEREAS, Owners (herinafter "Owner") Luke L. and Diana C. Adams are developing certain property located at approximately 752 West Gentile Street ("Subject Area") in Layton City; and

WHEREAS, Owner and Layton City have entered into an agreement setting forth the responsibilities of both parties relative to various aspects of the development of the Subject Area to accommodate development of a single-family subdivision with appropriate lot widths and lot sizes to enhance the general area; and

WHEREAS, the City Council has determined it to be in the best interest of the citizens of Layton City to enter into this agreement to ensure that the Subject Area will be developed according to the overall objectives and intent of the City's General Plan and in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:

1. The agreement entitled "Agreement for the Development of Land between Layton City and Luke L. and Diana C. Adams" is hereby adopted and approved.
2. The Mayor is authorized to execute the Agreement, which is attached hereto and incorporated herein by this reference.

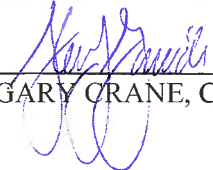
PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2015.

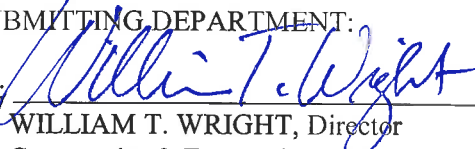
ATTEST:

By: _____
THIEDA WELLMAN, City Recorder

By: _____
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

By:  _____
For GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:
By:  _____
WILLIAM T. WRIGHT, Director
Community & Economic Development

**AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND
LUKE L. AND DIANA C. ADAMS.**

THIS AGREEMENT for the development of land (hereinafter referred to as this “Agreement”) is made and entered into this _____ day of _____, 2015, between LAYTON CITY, a municipal corporation of the State of Utah (hereinafter referred to as “City”), and LUKE L. AND DIANA C. ADAMS (hereinafter referred to as “Owner”), with City and Owner collectively referred to as the “Parties” and separately as “Party”.

RECITALS

WHEREAS, in furtherance of the objectives of the Layton City General Plan, City has approved an application for a zone change from A (Agriculture) to R-1-8 (Single-Family Residential), of certain property located at approximately 752 West Gentile Street in Layton City (hereinafter the “Subject Area”); and

WHEREAS, the Subject Area consists of approximately 17.36 acres and is depicted on Exhibit “A” attached hereto (hereinafter “Exhibit A”); and

WHEREAS, Owner is the owner of the above described property and has presented a proposal for development of the Subject Area to the City, which provides for development in a manner consistent with Layton City’s General Plan; and

WHEREAS, Parties desire to enter into this Agreement to provide for the development of the Subject Area, in a manner consistent with the City’s General Plan and the intent reflected in that Plan; and

WHEREAS, City has granted R-1-8 zoning approval on the Subject Area, subject to Owner agreeing to certain limitations and undertakings described herein, which Agreement will provide protection to surrounding property values and will enable the City Council to consider the approval of such development at this time; and

WHEREAS, City finds that entering into the Agreement with Owner is in the vital and best interest of the City and health, safety, and welfare of its residents.

NOW, THEREFORE, each of the Parties hereto, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree as follows:

**ARTICLE I
DEFINITIONS**

The following terms have the meaning and content set forth in this Article I, wherever used in this Agreement:

- 1.1 “Owner’s Property” shall mean that property owned by LUKE L. AND DIANA C. ADAMS.

- 1.2 “City” shall mean Layton City, a body corporate and politic of the State of Utah. The principal office of City is located at 437 North Wasatch Drive, Layton, Utah, 84041.
- 1.3 “Owner” shall mean LUKE L. AND DIANA C. ADAMS. The principal mailing addresses for each Owner is listed in paragraph 7.2.
- 1.4 “Owner’s Undertakings” shall have the meaning set forth in Article IV.
- 1.5 “Subject Area” shall have the meaning set forth in the Recitals hereto.
- 1.6 “Exhibit A” shall have the meaning set forth in the Recitals hereto.

**ARTICLE II
CONDITIONS PRECEDENT**

- 2.1 This Agreement shall not take effect until City has approved this Agreement pursuant to a resolution of the Layton City Council.
- 2.2 Owner agrees to restrict the uses permitted under an R-1-8 zoning designation, to those listed herein.

**ARTICLE III
CITY’S UNDERTAKINGS**

- 3.1 Subject to the satisfaction of the conditions set forth in Article IV, City shall approve the rezone from A to R-1-8 of the Subject Area. This approval shall occur upon a finding by the Planning Commission that it is in the best interest of the health, safety and welfare of the citizens of Layton City to grant such an approval at that time.

**ARTICLE IV
OWNER’S UNDERTAKINGS**

Conditioned upon City’s performance of its undertakings set forth in Article III with regard to subdivision approval of the Subject Property and provided Owner has not terminated this Agreement pursuant to Section 7.8, Owner agrees to the following:

- 4.1. Development on the property shall be limited to the following uses, which shall be properly approved as required under Layton City’s Ordinance; specifically, single-family detached permitted uses allowed under the R-1-8 zoning designation.
- 4.2. Owner agrees that the lots developed in the single-family residential subdivision shall be designed to provide for a variety of lot widths as required in Section 19.05.010 Table 5-1. To that end, Owner agrees that:

- 4.2.1. Twenty-five percent (25%) of the lots in the subdivision shall have a lot width at least five feet (5') wider at the required front setback than the minimum of the R-1-8 zone, which is seventy-five feet (75').
- 4.2.2. Twenty-five percent (25%) of the lots in the subdivision shall have a lot width at least ten feet (10') wider at the required front setback than the required minimum of the R-1-8 zone, which is eighty feet (80').
- 4.2.3. In order to distribute the varied lot widths throughout the subdivision, no more than 5 lots in a row of the minimum lot width of the R-1-8 zone, which is seventy feet (70'), shall be provided.
- 4.3. In addition to the requirements of Section 4.2 of this Agreement, Owner agrees that:
 - 4.3.1. The average lot width for lots in the single-family subdivision developed on the Subject Area shall be at least seventy-five feet (75').
 - 4.3.2. The average lot size for lots in the single-family subdivision developed on the Subject Area shall be at least ten thousand square feet (10,000 sf).
- 4.4. Owner has the option of providing temporary sanitary sewer service to the Subject Area by connecting to an 8-inch sewer line in 775 West (Trailside Drive) on the west side of the D&RG/UTA right-of-way located at the south end of the Subject Area.
 - 4.4.1. Owner must acquire a 20-foot easement from the adjacent property owner on the west side of the D&RG/UTA right-of-way for access to the 8-inch sewer line in 775 West (Trailside Drive).
 - 4.4.2. Owner must obtain all necessary permits and easements to install said 8-inch sewer line through the D&RG/UTA right-of-way from Utah Transit Authority and any other easement owners adjacent to said right-of-way.
 - 4.4.3. When sanitary sewer service for the Subject Area is extended and connected to the east to 425 South, or some other accepted location wherein the line is within a public roadway, the sewer connection through the D&RG/UTA right-of-way to 775 West shall be abandoned at Owner's expense. With the approval of the preliminary subdivision plat for the phase in which said sewer line is abandoned, Owner shall post a bond, as per City requirements, to ensure said sewer line is appropriately abandoned.
- 4.5. Owner shall provide for and record enforceable covenants, conditions and restrictions (CCRs) providing architectural design consistency among all parcels with the Subject Area. Owner shall cause a Homeowners Association (HOA) to be constituted as part of CCRs with the duties of maintaining the landscape buffers, storm water detention pond and any amenities delineated in an approved

final plat. The HOA shall ensure efficient, timely and complete administration of HOA duties and responsibilities. The CCRs shall establish the City with a controlling interest in the HOA for the matter of voting to dissolve the HOA.

**ARTICLE V
GENERAL REQUIREMENTS AND RIGHTS OF CITY**

- 5.1 Issuance of Permits - Owner. Owner, or its assignee, shall have the sole responsibility for obtaining all necessary building permits in connection with Owner's Undertakings and shall make application for such permits directly to the Layton City Community and Economic Development Department and other appropriate departments and agencies having authority to issue such permits in connection with the performance of Owner's Undertakings. City shall not unreasonably withhold or delay the issuance of its permits.
- 5.2 Completion Date. The Owner shall, in good faith, diligently pursue completion of the development.
- 5.3 Access to the Subject Area. For the purpose of assuring compliance with this Agreement, so long as they comply with all safety rules of Owner and its contractor, representatives of City shall have the right of access to the Subject Area without charges or fees during the period of performance of Owner's Undertakings. City shall indemnify, defend and hold Owner harmless from and against all liability, loss, damage, costs or expenses (including attorneys' fees and court costs) arising from or as a result of the death of a person or any accident, injury, loss or damage caused to any person, property or improvements on the Subject Area arising from the negligence or omissions of City, or its agents or employees, in connection with City's exercise of its rights granted herein.

**ARTICLE VI
REMEDIES**

- 6.1 Remedies for Breach. In the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party or any permitted successor to such Party shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within thirty (30) days after receipt of such notice. In the event that such default or breach cannot reasonably be cured within said thirty (30) day period, the Party receiving such notice shall, within such thirty (30) day period, take reasonable steps to commence the cure or remedy of such default or breach, and shall continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to:

- 6.1.1 Cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the Party in default or breach of its obligations; or
- 6.1.2 Owner agrees not to contest the reversion of the zoning by the City Council to the previous zoning on the property, and hereby holds the City harmless for such reversion of the zoning from R-1-8 to A.
- 6.2 Enforced Delay Beyond Parties' Control. For the purpose of any other provisions of this Agreement, neither City nor Owner, as the case may be, nor any successor in interest, shall be considered in breach or default of its obligations with respect to its construction obligations pursuant to this Agreement, in the event the delay in the performance of such obligations is due to unforeseeable causes beyond its fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, acts of the other Party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes or unusually severe weather, or delays of contractors or subcontractors due to such causes or defaults of contractors or subcontractors. Unforeseeable causes shall not include the financial inability of the Parties to perform under the terms of this Agreement.
- 6.3 Extensions. Either Party may extend, in writing, the time for the other Party's performance of any term, covenant or condition of this Agreement or permit the curing of any default or breach upon such terms and conditions as may be mutually agreeable to the Parties; provided, however, that any such extension or permissive curing of any particular default shall not eliminate any other obligations and shall not constitute a waiver with respect to any other term, covenant or condition of this Agreement nor any other default or breach of this Agreement.
- 6.4 Rights of Owner. In the event of a default by Owner's assignee, Owner may elect, in its discretion, to cure the default of such assignee; provided, Owner's cure period shall be extended by thirty (30) days.
- 6.5 Appeals. If the Owner desires to appeal a determination made hereunder by Staff, said appeal shall be to the Planning Commission, whose decision shall be final. If the appeal is regarding the interpretation of this Agreement the appeal shall be to the City Council with a recommendation from the Planning Commission and Staff.

ARTICLE VII GENERAL PROVISIONS

- 7.1 Successors and Assigns of Owner. This Agreement shall be binding upon Owner and its successors and assigns, and where the term "Owner" is used in this Agreement it shall mean and include the successors and assigns of Owner, except that City shall have no obligation under this Agreement to any successor or assign of Owner not approved by City. Notwithstanding the foregoing, City shall not unreasonably withhold or delay its consent to any assignment or change in

ownership (successor or assign of Owner) of the Subject Area. Upon approval of any assignment by City, or in the event Owner assigns all or part of this Agreement to an assignee, Owner shall be relieved from further obligation under that portion of the Agreement for which the assignment was made and approved by City.

- 7.2 Notices. All notices, demands and requests required or permitted to be given under this Agreement (collectively the “Notices”) must be in writing and must be delivered personally or by nationally recognized overnight courier or sent by United States certified mail, return receipt requested, postage prepaid and addressed to the Parties at their respective addresses set forth below, and the same shall be effective upon receipt if delivered personally or on the next business day if sent by overnight courier, or three (3) business days after deposit in the mail if mailed. The initial addresses of the Parties shall be:

To Owner: LUKE L. AND DIANA C. ADAMS
777 East Gentile Street
Layton, Utah 84041
801/544-2225

To City: LAYTON CITY CORPORATION
437 North Wasatch Drive
Layton, Utah 84041
Attn: Alex R. Jensen, City Manager
801/336-3800, 801/336-3811 (FAX)

Upon at least ten (10) days’ prior written notice to the other Party, either Party shall have the right to change its address to any other address within the United States of America.

If any Notice is transmitted by facsimile or similar means, the same shall be deemed served or delivered upon confirmation of transmission thereof, provided a copy of such Notice is deposited in regular mail on the same day of such transmission.

- 7.3 Third Party Beneficiaries. Any claims of third party benefits under this Agreement are expressly denied, except with respect to permitted assignees and successors of Owner.
- 7.4 Governing Law. It is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance. Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Utah.
- 7.5 Integration Clause. This document constitutes the entire agreement between the Parties and may not be amended except in writing, signed by the Parties.

- 7.6 Exhibits Incorporated. Each Exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.
- 7.7 Attorneys' Fees. In the event of any action or suit by a Party against the other Party for reason of any breach of any of the covenants, conditions, agreements or provisions on the part of the other Party arising out of this Agreement, the prevailing Party in such action or suit shall be entitled to have and recover from the other Party all costs and expenses incurred therein, including reasonable attorneys' fees.
- 7.8 Termination. Except as otherwise expressly provided herein, the obligation of the Parties shall terminate upon the satisfaction of the following conditions:
- 7.8.1 With regard to Owner's Undertakings, performance by Owner of Owner's Undertakings as set forth herein.
- 7.8.2 With regard to City's Undertakings, performance by City of City's Undertakings as set forth herein.

Upon either Party's request (or the request of Owner's assignee), the other Party agrees to enter into a written acknowledgment of the termination of this Agreement, or part thereof, so long as such termination (or partial termination) has occurred.

- 7.9 Recordation. This Agreement shall be recorded in reference to the property, and shall run with the land and be binding upon all successors in interest of the property.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

LAYTON CITY CORPORATION

By:

ROBERT J STEVENSON, Mayor

ATTEST:

By: _____
THIEDA WELLMAN, City Recorder

Signed by

LUKE L. ADAMS

Subscribed and sworn to before me this _____ day of _____, 2015.

Notary

Signed by

DIANA C. ADAMS

Subscribed and sworn to before me this _____ day of _____, 2015.

Notary

APPROVED AS TO FORM:

[Handwritten Signature]

For GARY CRANE, City Attorney

EXHIBIT A

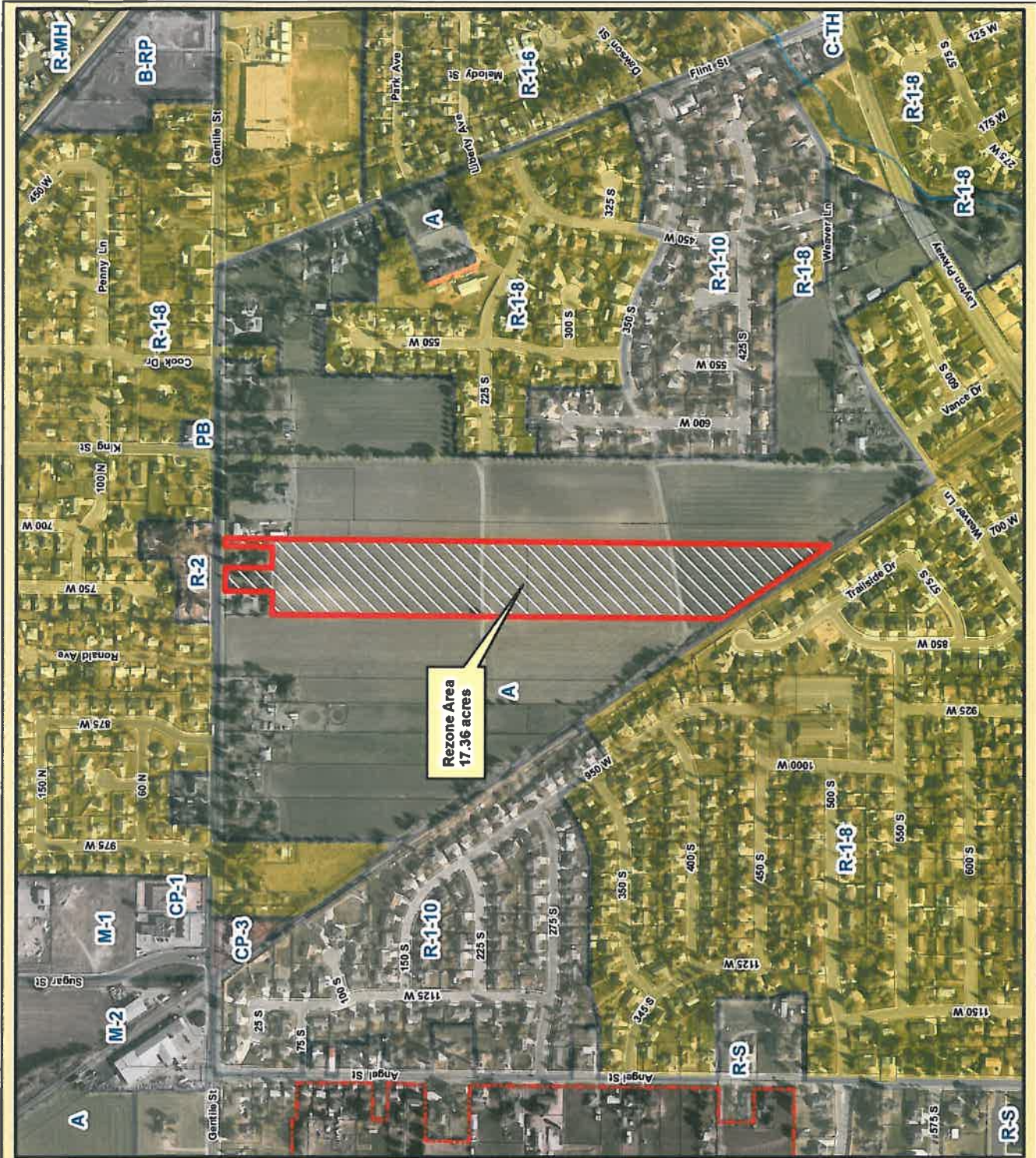


EXHIBIT A

Luke L. and
Diana C. Adams
Development
Agreement

752 West
Gentile Street

17.36 Acres

LEGEND

-  Layton City Boundary
-  Property
-  Lakes
-  Streams
-  Rezoned Area
-  Possible Utility Connection



1 inch = 550 feet



ORDINANCE 15-15
(Adams/Craythorne)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT APPROXIMATELY 752 WEST GENTILE STREET STREET FROM A (AGRICULTURE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has been petitioned for a change in the zoning classification for the property described herein below; and

WHEREAS, the Planning Commission has reviewed the petition and has recommended that the petition to rezone said property from A to R-1-8 be approved; and

WHEREAS, the City Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council has determined that this amendment is rationally based, is reasonable and is consistent with the intent of the City's General Plan, which is in furtherance of the general health, safety and welfare of the citizenry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:

SECTION I: Repealer. If any provisions of the City's Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. The zoning ordinance is hereby amended by changing the zone classification of the following property from A (Agriculture) to R-1-8 (Single Family Residential).

BEG 366.5 FT W & 33 FT S FR THE NE COR OF NW1/4 OF SEC 29, T4N-R1W;
SLM: TH W 30 FT; TH S 200 FT, TH W 90 FT, TH N 200 FT, TH W 94.4 FT, TH S
200 FT, TH W 97.45 FT, TH S 1087 FT, TH E 311.95 FT, TH N 1287 FT TO BEG.

CONT. 8.41 ACRES

BEG AT APT ON S BNDY LN OF LAYTON TOWN; W 366.5 FT & S 1320 FT FR NE
COR OF NW 1/4 OF SEC 29; T4N-R1W; SLM: TH W 311.95 FT; TH S 836 FT TO
E'LY R/W LINE OF DRG RY; TH S 33^18' E 545 FT M/L TO PT DUE S OF BEG; TH
N 1275 FT TO BEG.

CONT. 8.95 ACRES.

SECTION III: Update of Official Zoning Map. The Official Layton City Zoning Map is hereby amended to reflect the adoption of this ordinance.

SECTION IV: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of the said ordinance.

SECTION V: Effective date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is more remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2015.

ROBERT J STEVENSON, Mayor

ATTEST:

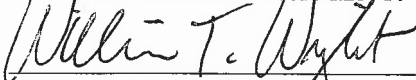
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

STAFF REPORT

TO: City Council

FROM: Peter Matson, AICP - City Planner

DATE: July 2, 2015

RE: Development Agreement and Rezone Request – Adams/Craythorne – A to R-1-8 – Resolution 15-42 and Ordinance 15-15

LOCATION: 752 West Gentile Street

CURRENT ZONING: A (Agriculture)

CURRENT MINIMUM LOT SIZE: 1 Acre

PROPOSED ZONING: R-1-8 (Single Family Residential)

PROPOSED MINIMUM LOT SIZE: 8,000 square feet

DESCRIPTION OF REZONE AREA

The property proposed for rezone includes 17.36 acres located on the south side of Gentile Street at 752 West. The rezone area consists of two long, narrow parcels (312 feet wide) with Gentile Street frontage on the north and the D&RG Rail Trail corridor on the south. The north parcel contains 8.41 acres and the south parcel contains 8.95 acres. The rezone area is surrounded by R-2 and R-1-8 zoning to the north, A, R-1-8 and R-1-10 zoning to the east, R-1-8 zoning to the south, and A, R-1-8 and R-1-10 zoning to the west.

BACKGROUND INFORMATION AND STAFF REVIEW

The applicant for this rezone is Craythorne Development representing Luke and Diana C. Adams, owners of the property. The north parcel has frontage on Gentile Street between two single-family homes for a width of 100 feet. There is also a small 30-foot section of Gentile Street frontage at the northeast corner of the north parcel (see attached Map 2). The south boundary of the rezone area is contiguous to the D&RG Rail Trail for a distance of 554 feet.

The subdivisions in this neighborhood (bounded by Gentile Street on the north, Flint Street on east, Weaver Lane on the south, and Angel Street on the west) are located in primarily the R-1-8 and R-1-

10 zoning districts. The General Plan recommendation for this area of the city is for single-family residential at 2-4 units per acre. The proposed R-1-8 zone is within this density range and consistent with this recommendation. It is anticipated that, upon rezone of the property, the applicant will pursue development of a single-family subdivision under the guidelines and requirements of the R-1-8 zoning district.

The rezone area is serviceable by city utilities in the area. More specifically, the Engineering Division has identified that the 10" culinary water line in Gentile Street is sufficient to provide service for a distance of 1,500 feet south of Gentile Street. At the 1,500-foot distance, the water line servicing the rezone area will need to be looped to one of the stub streets in the subdivision to the east (see attached Map 2 and Engineering Division memorandum). Sanitary sewer service will need to either connect through an acquired easement to one of the stub streets in the subdivision to the east, or connect through an acquired easement to the 8" sewer line in 775 West (Trailside Drive) on the west side of the D&RG Rail Trail (UTA r-o-w) (see attached Map 2).

Storm drainage for the rezone area will connect to a 48" storm drain line at the south end of the property. The Engineering Division indicates that a detention pond will be required at the south end of the rezone area to detain storm water that will discharge into the 48" line at a rate consistent with city engineering standards. The pond will be owned and maintained by an established HOA.

The attached development agreement stipulates that the eventual design of a single-family subdivision on the rezone area is subject to a lot-averaging scheme that insures that the average lot size will be at least 10,000 square feet and that the average lot width be at least 75 feet. In addition, the agreement specifies the requirements for the proposed sewer line connection beneath the D&RG/UTA right-of-way. This sewer connection alternative may be approved subject to obtaining all required permits. The sewer connection is to be temporary and abandoned once sewer service is connected to through an easement to the east.

STAFF RECOMMENDATION

Staff recommends the Council adopt Ordinance 15-15 approving the rezone request from A to R-1-8 based on consistency with the General Plan land use and density recommendations for this area of the city. This recommendation is subject to adoption of Resolution 15-42 approving the development agreement with Mr. and Mrs. Adams.

Engineering AA Planning PM Fire OB

PLANNING COMMISSION PROCEEDINGS AND RECOMMENDATION

The Planning Commission reviewed this rezone request on May 12, 2015. Several residents were in attendance expressing concerns about the loss of farmland. Residents also discussed the proposed R-1-8 zoning compared to an R-1-10 designation.

The Planning Commission recommended, with a 5 to 1 vote, that the Council adopt Ordinance 15-15 approving the rezone from A to R-1-8 based on consistency with General Plan land use and density recommendations for this area of the city.

CITY COUNCIL MEETING SUMMARY

On June 4, 2015 the Council opened the public hearing and at the request of the applicant continued the public hearing to June 18, 2015 to allow an opportunity to explore various options. No public comments were received. On June 18, 2015, the Council received public comments during the public hearing, closed the public hearing and tabled the rezone request to July 2, 2015 to allow additional time for the developer and adjacent land owner to continue discussion regarding a possible land trade affecting the rezone area.

Based on discussion during the public hearing regarding a development agreement tied to the proposed R-1-8 zoning, Staff prepared a development agreement addressing lot averaging in the R-1-8 zone and the sanitary sewer connection alternative through the D&RG/UTA right-of-way.



Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Luke & Diana Adams
Eric Craythorne; ecraythorne@gmail.com

CC: COMMUNITY DEVELOPMENT & FIRE DEPARTMENT

FROM: Shannon Hansen, Assistant City Engineer - Development

DATE: April 28, 2015

SUBJECT: Luke L and Diana C Adams Rezone
752 West Gentile

I have reviewed the Petition for Amending the Zoning Ordinance for two parcels totaling approximately 17.36 acres at 752 West Gentile. The applicant is requesting a zoning change from A to R-1-8 to match the general plan. The Engineering Department has the following comments or concerns regarding the approval of the rezone.

Water – There is an existing 10” waterline on the south side of Gentile. The waterline will need to be looped after 1,500 feet to provide adequate service. The waterline can be looped to the lines in 225 South, 350 South, or 425 South. A 20 foot easement from the adjoining property owner will need to be obtained by the developer before any development of the southern portion of the property can occur.

Sanitary Sewer – There are two options for a sanitary sewer connection.

There is an 8” sewer line in 225 South and a 10” sewer line in an easement south of 425 South to Weaver Lane. A 20 foot easement from the adjoining property owner will need to be obtained by the developer before any development of the property can occur. If this easement is combined with the culinary water easement, the total easement width would be 30 feet (20 feet for the first utility and 10 feet for the second utility).

The other option is a connection to the 8” line in 775 West on the west side of the UTA right-of-way. A 20 foot easement from the affected property owner will need to be obtained by the developer before any development of the property can occur. Because the connection will be through UTA’s right-of-way, a permit from UTA will be required. This line will be installed under a 48” storm drain line, a fiber optic trunk line, and 2 high pressure gas lines. The line will need to be installed a casing from 10 feet northeast of the storm drain line to 10 feet southwest of the outside gas line.

The following utility information is provided for informational purposes and may not be inclusive.

Storm Drain – There is a 48” storm drain on the south end of the property, which is at capacity. The developer will be required to provide detention for a 100 year return storm event. The pond can discharge into the pipe at a 0.2 cfs/acre release rate. The landscaping for the pond will be owned and maintained by an HOA.

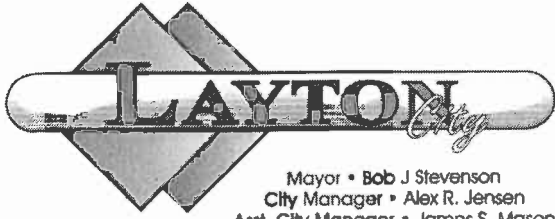
Land Drain – A land drain system will need to be installed. The land drain can connect to the 48” storm drain pipe at the south end of the property.

Lighting – Lighting will be required in the public right of way.

Secondary Water – Secondary water is not available to this site

Water Exactions - Layton City passed a water exaction ordinance on November 4, 2004 requiring all developments to purchase and bring a quantity of water (3 acre-feet per “developed” acre) based on a modified total square footage of lots plus any additional open space. The exact amount of water to be dedicated to Layton City will be determined with the site plan submittal.

Jordon Valley Water has expressed interest in obtaining an easement north of the UTA right-of-way. The contact is JT Cracroft at jtc@jvwcd.org; 801-565-4300.




Mayor • Bob J. Stevenson
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason

• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
Fax: (801) 546-0901

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Community Development, Attention: Julie Matthews

FROM: Douglas K. Bitton, Fire Prevention Specialist 

RE: Luke L. and Diana Adams (Rezone) @ 752 West Gentile Street

CC: 1) Luke and Diana Adams, 777 East Gentile Street
2) Eric Craythorne, ecraythorne@gmail.com

DATE: April 20, 2015

I have reviewed the plat received on April 17, 2015 for the above referenced project. The Fire Department, with regards to the rezone, does not have any comments at this time. However, for future development our concerns include but are not limited to the following:

1. A minimum fire flow requirement will be determined for buildings that are to be built on this property. The fire flow requirement must be determined by the Fire Prevention Division of this department and will be based upon the type of construction as listed in the building code and total square footage of the building. Prior to applying for a building permit, provide the Fire Prevention Division of this department the type and size of structure(s) to be built.



2. Designated fire access roads shall have a minimum clear and unobstructed width of 26 feet. Access roads shall be measured by an approved route around the exterior of the building or facility. If dead-end roads are created in excess of 150 feet, approved turnarounds shall be provided.
3. Where applicable, two means of egress may be required.
4. On site fire hydrants may be required.

These plans have been reviewed for Fire Department requirements only. Other departments may review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DB\Luke & Diana Adams RZ:kn
Plan # S15-055, District # 44
Project Tracker: #LAY 1504171518





Memorandum

To: Planning Commission
From: JoEllen Grandy, Parks Planner Intern
Date: April 20, 2015
Re: Luke L. & Diana C. Adams, Rezone – 752 W. Gentile St.

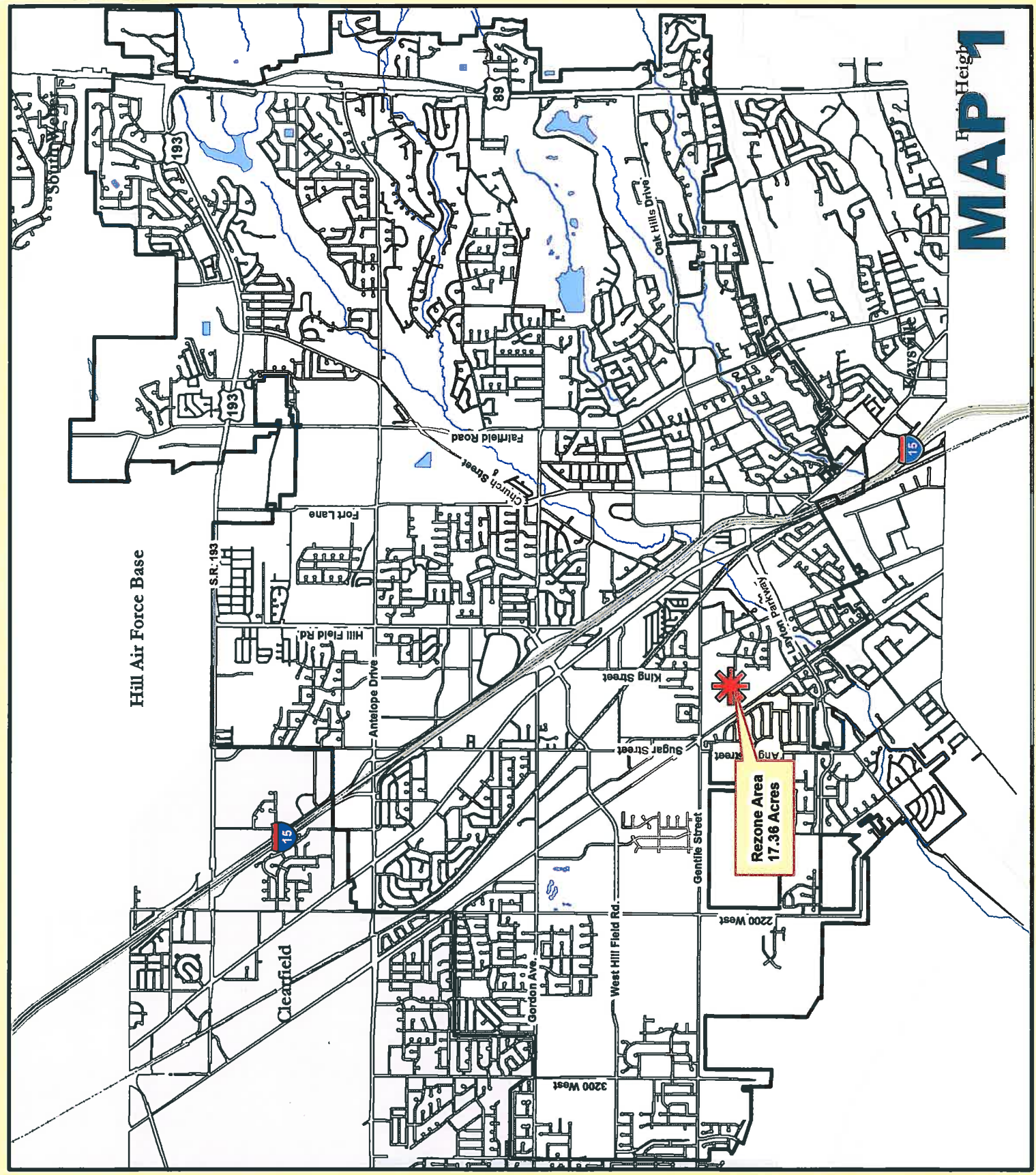
The proposed Luke L. & Diana C. Adams Rezone does not impact the Parks & Recreation Department; however, it should be noted that no access is to be allowed from any future lots to the D&RG Trail as development occurs.

The southern section of this rezone is within the future service area of Whispering Willows. All other area is located outside a park service area.

Recommendation

Parks & Recreation supports approval of the Luke L. & Diana C. Adams Rezone located at 752 W. Gentile Street.

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.



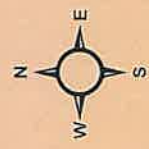
City Council Meeting

July 2, 2015

Adams-Craythorne Rezone

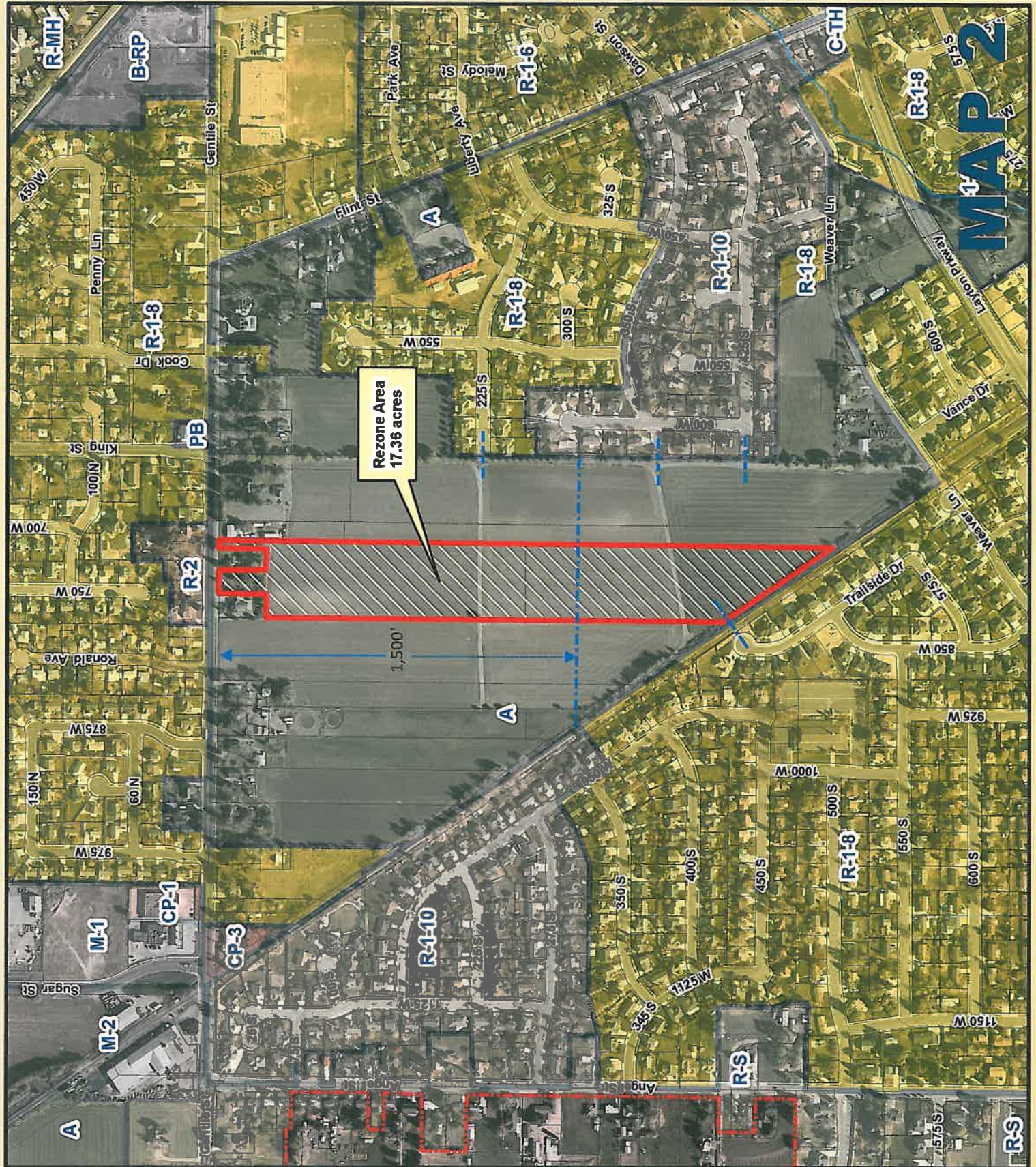
A to R-1-8

- LEGEND**
- Rail Lines
 - Interstate 15
 - Layton City Boundary
 - Rights of Way
 - Lakes
 - Streams
 - Rezone Area



1 inch = 4,250 feet





City Council Meeting

July 2, 2015

Adams-Craythorne Rezone

A to R-1-8

752 West Gentile Street

17.36 Acres

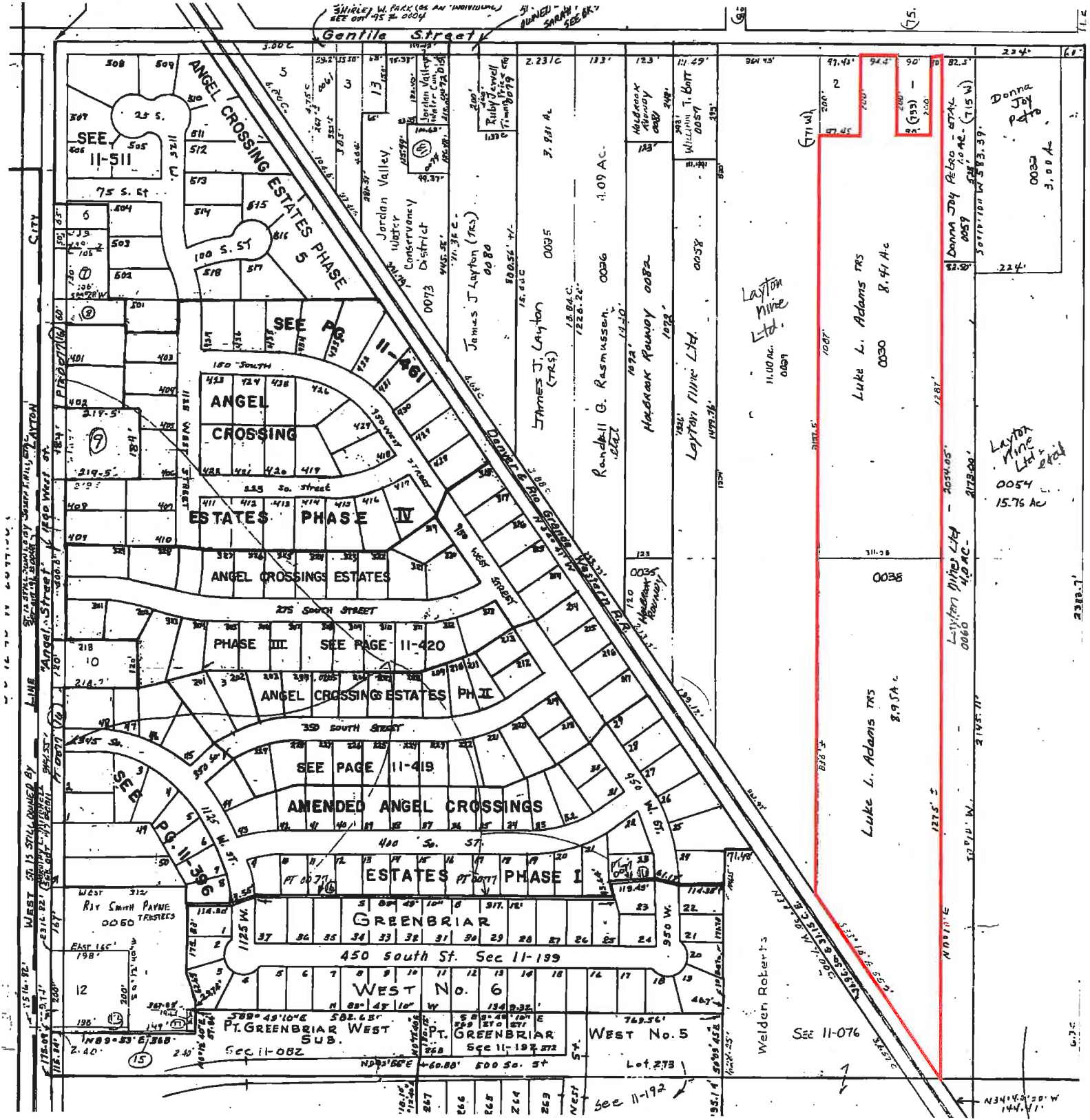
LEGEND

- Layton City Boundary
- Property
- Lakes
- Streams
- Rezoned Area
- Possible Utility Connection

N E S W

1 inch = 550 feet





SHARLEY W. PACK (OR AN INDIVIDUAL) SEE OUT 95 PL 0004

51 HUNGER - SHARLEY SEE BK 7

65

75

112

WEST 50 IS STILL OWNED BY WEST PHILIP LAYTON
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25 W. STREET
15 W. STREET
5 W. STREET
1 W. STREET

Layton Mine Ltd.

Luke L. Adams Trs

Luke L. Adams Trs

Layton Mine Ltd. et al

Donna Joy Reber

See 11-076

see 11-192

675

338.7

112

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
MAY 12, 2015**

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

MEMBERS ABSENT: L.T. Weese

OTHERS PRESENT: Staff: Kem Weaver, Nicholas Mills, Julie Matthews
City Council Members: Tom Day, Joy Petro

Chairman Gilbert called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Bodily.

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

PUBLIC HEARING:

1. LUKE L. AND DIANA C. ADAMS REZONE -- A TO R-1-8 – Ordinance

This 17.36 acre property is located at approximately 752 West Gentile Street in an A (Agriculture) zoning district. The applicant, Craythorne Development, is representing the property owners, Luke L. and Diana C. Adams.

Kem Weaver presented the request for rezone from Agriculture to R-1-8, single family residential zoning for the property located at 752 West Gentile Street. The property is 17.36 acres on the south side of Gentile Street. The rezone area consists of 2 parcels. Mr. Weaver said that while R-2, R-1-8, R-1-10 and Agriculture zoning districts are in the surrounding area, most property is primarily zoned R-1-8 and R-1-10. The density, which the General Plan allows for in the R-1-8 and the R-1-10 zones in this area, is 2-4 units per acre.

Mr. Weaver said the applicant is Craythorne Development, representing the owners Luke and Diana Adams.

Mr. Weaver said the property has 130 feet of frontage on Gentile Street and also another small portion of frontage on Gentile. He described the location of the D&RG rail trail as it related to the proposed development. He said the property could be serviced by a Layton City 10 inch water line sufficient to provide service 1500 feet in from Gentile Street. At 1500 feet, the water line will need to be looped to 225 South or 350 South, which are roads that stub into the property. Sanitary sewer service will need to connect through one of the stub streets or through an easement on Trailside Drive. He said there was a 48 inch storm drain line along the D&RG rail trail on the south portion of the property. A detention basin will be required on the south end to capture the storm water and meter it out.

Mr. Weaver said Staff's recommendation is for the Planning Commission to forward a positive recommendation to the City Council to adopt Ordinance 15-15 to rezone the property from A to R-1-8 based on consistency with the General Plan.

Chairman Gilbert reviewed the audience comment guidelines.

Eric Craythorne, West Point, said he was representing the Adams Family. He said there are 17.36 acres requested to be rezoned and there will be just 30 lots due to access off Gentile Street. He said about 9 acres will be undeveloped until other surrounding acres are developed.

Mr. Craythorne addressed information that had been circulated to area residents' homes. With regard to the information requesting that rezoning be stopped and the property remain agriculture, he said that he did approach surrounding property owners, but no agreement was reached.

With regard to information circulated asking to stop the dangerous development of the proposed development, he said that that may be referring to the sewer line crossing under the petroleum line along the D&RG trail. He said he had met with the Tesoro representative over land acquisitions who gave them a letter and instructions on proceeding with the sewer line. He said he would follow those instructions. The Commission was given a copy of the letter. He said two feet of separation was required between the pipeline and the sewer line. In this case, the developer will have a 4-5 foot separation.

Mr. Craythorne said he approached the owner about getting an easement for the sewer through the stub road but didn't get a favorable response.

Chairman Gilbert asked if he received the easement, would he have proceeded with the road. Mr. Craythorne said they discussed other options.

Commissioner Hansen asked if Mr. Craythorne had made several efforts to sell the property to adjacent owners. He expressed concerns that narrow properties develop in strips one at a time. He asked again if Mr. Craythorne had made an honest effort to contact adjoining property owners to work this out and connect to one of the stub streets to get traffic out another way.

Mr. Craythorne said yes, he had and an agreement which couldn't be reached with the adjacent property owner.

Commissioner Nilsson said it appeared the letter from Tesoro was addressed to Ed Green. Mr. Craythorne explained that Mr. Green is a partner in the development of the property. The letter is specific to this property.

Mr. Craythorne said they would pothole where the 12-inch petroleum line is and be certain of its location before putting the sewer line in.

Commissioner Hansen asked what level of interest would be needed for a traffic study before developing the preliminary plat. He felt it would be beneficial to the Commission to have such a traffic study done.

Mr. Craythorne clarified that Commissioner Hansen meant additional traffic on to Gentile Street. He said he would have a traffic study done if it is desired by the Planning Commission.

Carol Dimock, 438 South 450 West, spoke of a problem with the Emigration Canyon pipeline and how a water supply was affected. She also mentioned the Willard Bay pipeline issue. She felt there were too many things to cross the pipeline that would be harmful to families, homes and the City in general. She felt money was being given priority over principles. She felt there were very few small parcels like this that children can enjoy. She had concerns about traffic.

Jean Clement, 733 West Gentile Street, said that even though the owner's representative said he'd contacted all the property owners to see if they had an interest in purchasing this piece, no one contacted her. Ms. Clement reported on a traffic study she had done between 8:20 to 8:30 a.m. and said there were 362 cars both east and west, with the traffic being forced to a standstill up to 16 times from her house to Angel Street. In the afternoon after school recessed, 572 cars passed east and west with the traffic at a standstill 10 times. She felt the rezone would cause 60 more cars a day from the 30 homes. It takes her 10 minutes to get out of her driveway on to Gentile Street.

Ms. Clement asked that the developer would make the entrance to the development look nice. She felt the zoning should be R-1-10 to limit the amount of homes and vehicles. She felt the developer should wait and develop the property all at once with a park and walking paths and not go under the pipeline.

Ms. Clement mentioned the Envision Layton community exercise and wondered if the City was serious about trying to save agriculture. She said the development would be an eyesore. Chairman Gilbert reminded the audience that before the Commission was a rezone request from a property owner. He said the only area of concern was the area proposed for rezone. He said the request fit the General Plan.

Tyson Roberts, 928 South Angel Street, said he had been a partner with the land owner on both sides of this property for the last 10 years. He expressed concerns about water for future development, continued farming of the two afore mentioned parcels, irrigation lines and ditches and issues with drainage water. He said he would have to have an easement to get water to both sides of the property where he farms.

Mr. Roberts expressed concerns about traffic on Gentile Street and the big farming equipment making it worse. He felt R-1-8 zoning was irresponsible.

Commissioner Hansen asked if Mr. Roberts had farmed the rezone property. Mr. Roberts said he had. He pointed out the ditches taking the tail water to the west and the above ground irrigation line supplying each of the three fields.

Christopher Layton, 2128 Birch Hollow Cove, Draper, said his father has farmed the land for the last 40-50 years. He said they were told years ago they would never be able to tie into the storm drain to the south if they developed the subdivision. He said that his ancestor was the person who settled Layton and Layton was named after him. No one else had own the land his family owns.

Mr. Layton spoke of an incident in California where someone was fined for a fatal accident that happened when boring under a gas line. He said there is no other access for this developer to bring their sewer line through. He expressed concerns about the 9 acres that would not be developed

questioning why the developer would rezone that portion and pay higher taxes on it. He mentioned that the property possibly cannot be developed without going through Commissioner Fitzpatrick's property.

Mr. Layton expressed concerns that the stub streets will be landlocked in the future if they can't connect.

Commissioner Weaver asked if the Layton's property on either side of the subject property would not be sold for the considerable future. Mr. Layton said it cannot be sold until sister dies in approximately 50 years.

Commissioner Weaver said he has seen property that wasn't going to be sold that was nevertheless sold in a short time.

Commissioner Nilsson asked if there was consideration for the Layton family to pick up the property. Mr. Layton said they have property inherited from the Roberts Family. They would have had to sell another piece to buy the Adams property.

Mary Searle, 12243 Grisly Hollow Cove, Draper, Utah said she was a daughter of the property owner on either side of the Adams property. She expressed concerns that the 9 undeveloped acres would have a weed problem.

Dana Sykes, 625 West Gentile, expressed the concern that on the master plan, the home next to her is on property planned for a roadway.

Delaney Nalder, 628 West Gentile, introduced herself as the Layton Elementary PTA president. She said traffic is horrible and she asked for a traffic study.

Chairman Gilbert said the rezone was the first step of many and a traffic study would probably come in the future.

Ms. Nalder said the landowner has generously let her farm a little spot for several years. She expressed concerns about the tailwater and who would take care of the 9 acres.

Chairman Gilbert said the landowner would be responsible for the undeveloped 9 acres. He said by final plat, the developer has to be required to maintain water right-of-ways.

Ms. Nalder said at the Envision Layton workshop, the top desire in her group was farmland and access to fresh fruit and vegetables. She felt R-1-10 would make more sense. She expressed concerns about stub streets going over the pipeline.

Chairman Gilbert said he was part of that workshop, which was projecting the future of Layton for the year 2050. He said at the rate the City is going, there won't be any farmland left. The workshop was a want and wish list. Planners will gather the information and use it as a guide for the General Plan going forward.

Commissioner Hansen said any stub streets would have to be to the east. Commissioner Bodily stated a correction that with the block length requirements, the stub streets would have to be to the east and to the west.

Ed Green, one of the developers, 2150 North Valley View Drive in Layton, listed all of the R-1-8 subdivisions he had developed in Layton and said he has never developed an eyesore or been known for that. Even though the zones are R-1-8 some of the lots are 10,000 square feet. The R-1-8 zoning is better for side yards with 8 feet on one side and 10 on the other, whereas R-1-10 zoning requires 10 feet on each side.

Mr. Green said when the economy wasn't good, he farmed his land he planned to develop. Other people will farm the 9 acres. He said Layton city has a weed ordinance and he'll get ticketed if he doesn't take care of the weeds.

Mr. Green said that just because there are lots that face east and west, it won't make the development an eyesore.

Commissioner Nilsson asked if Mr. Green had discussed irrigation systems with Mr. Craythorne. Mr. Green said they weren't that far in the development process to have an opportunity to consider irrigation. He had in the past addressed a similar situation in Swan Meadows where water easements for farms had to be continued.

Mr. Green said he was also from a generation of people whose family had also obtained their land through the US Patent, which was also land that had never been owned by anyone.

Councilmember Joy Petro, 683 West Gentile, adjacent landowner, asked the Commission to consider that their decisions impact the City for the future. She referenced the Eastridge Park property, which zoning decision made several years back. She said that even though a decision is brought before the Commission that evening, they didn't have to act on it. They could wait until questions are answered, especially knowing the families involved. She has worked with them all and they are all strong willed. She said she understands the need for a family to sell and that they have the rights to do that. She said that the Commission needs to look at the future and not put themselves in the same situation as what they've done before. They have the opportunity to delay the decision and she would like them to do that.

Ms. Petro said she personally would be interested in the property as well but she was not contacted. She said she thought it was a gentleman's agreement and rightfully so between the farmer and landowner and they've worked cooperatively in the past. She said she felt this would be a dividing factor and some lines are going to be drawn in the sand, and it will be extremely tough going forward, especially when dealing with water rights, run off and the drainage at the end. Also mentioned was the grandfather law regarding the run off ditch. Her opinion was that down the road when everything is developed when the road would go in and the home would get taken out, she felt the zoning should be R-1-10. She said she wanted to protect her own personal land value and those around her. She encouraged the Commission to postpone or table their decision.

With regard to the traffic study, Ms. Petro also did her own traffic study, and she said Ms. Clements numbers were pretty accurate. Ms. Petro did her own traffic study during an odd time of the day and found there were over 200 cars within a 10 minute span. She said it was difficult for her to get into her

driveway due to traffic from Gentile Street and King Street and has been rear ended trying get into her driveway. She said the cars get backed.

She asked the Commission to exercise their rights and authority and postpone the decision.

Barry McClellan, 611 West 425 South, which is said was one of the stub streets, said he would be opposed to any development along that area, but preferred R-1-10 instead of R-1-8. He expressed concerns about the impact a development would have on traffic. He said the proposed development creates an area that divides up farmland that is in use. He said he doesn't want a settling pond to be created with mosquitoes.

Bryce Thurgood, 1798 West 1550 South #103, Roy Utah, the developer from Castle Creek Homes said he sat with the Layton siblings, Christopher and his sister and had good discussion on possible trades that would square up the land. They discussed trading a parcel but couldn't come to an agreement. They offered to trade the parcel for the one they wanted to sell west on Gentile. As far as never developing it, they asked if Castle Creek did buy it, how it would develop, so maybe the Layton family development is not so far in the future.

Mr. Thurgood said property in Layton, Kaysville and Farmington doesn't get advertised for sale. Developers go to property owners and ask about purchasing their land. This property had 2-3 people approach.

As far as the R-1-8 and the R-1-10 lots, most of the map is R-1-8. As they would lay out the subdivision, the averages would be 9500 to 10,000 sf. They use R-1-8 because of better side yards and more flexibility. This development would be similar to Weaver Park Subdivision which was just developed. Their reputation is pretty important to them and they wouldn't do anything to thwart that.

As far as water, he has dealt with that with every project they've developed. They would continue to farm that piece or let Mr. Roberts continue to farm it. If the Planning Commission and City Council would give them the rezone they don't necessarily have to develop the property right away. The taxes don't change until the use changes.

Mr. Thurgood said they have exhausted every option they can to accommodate everyone and it seems like no one else wants to participate. They will still make a nice subdivision with a nice entrance. There would be about 100 feet between the homes on each side of the road. There would be nice landscaping. He compared what was planned to Pheasant Place with landscaping on both sides of the entrance.

Joy Petro asked Planning Commission had been faced with HOA issues. She said she knows one person in particular who has been frustrated with HOA's. She said if this development had an HOA, she would like to make sure the detention pond is addressed. She asked the Commission to remember that whatever they zone the property, that's how it stays in perpetuity. She asked them again to hold off on their decision until there are alternatives.

Chairman Gilbert reminded the audience that the Commission was only there to address the rezone and not other issues.

Diane Adams, 777 East Gentile, said her husband's grandparents owned the property and she and her husband own the property. She said they were not there to cause trouble, they just need to move on with life. She and her husband have health issues and she feels it is the time to sell the property. She said they have always worked with Dan Layton and gave him first chance last year. They would like to sell now and she felt some of the people would want to sell, too, when the time came in their life. She said her husband was in his 80's and she was almost there, too, and they have the right to sell their property and do with it what they want to do with it.

Chairman Gilbert called for a motion on the item and then Jean Clement came to the microphone again and asked Commissioner Fitzpatrick if the sewer line would go in her back yard.

Commissioner Fitzpatrick said it would not go in her back yard. It will go in a cul-de-sac. Her property at that point is only about 20-22 feet deep. There are 7-foot public utility rights on either side of it. The piece of her property it would touch would be very minimal. It will be on her side yard in a shared cul-de-sac. She said she is in an R-1-8 zone on one-third of an acre and the home next to her is on one-half acre.

Ms. Clement asked Commissioner Fitzpatrick if the developer had contacted her about the sewer line easement.

Commissioner Fitzpatrick said that early on the developer asked if they would entertain giving up an easement. They said sure. They have seen no paperwork or discussed no money. They don't exactly know where the easement will go and how much of the property is affected. She said they have approached her and that is the extent of it.

Ms. Clement asked if there was a possibility Commissioner Fitzpatrick would be paid for the easement.

Commissioner Fitzpatrick said she didn't know if she would be paid.

Ms. Clement asked if they could get Commissioner Fitzpatrick on record stating that she would not be paid for this easement if it does come to be.

Commissioner Fitzpatrick said no because she jointly owns the property with her husband and that would be his decision as well.

Associate City Attorney, Nicholas Mills, said he didn't mean to cut off Ms. Clement, but at this point, the focus was just on the rezone. Commissioner Fitzpatrick has stated that at this point she has had no discussions beyond the initial inquiry if they would entertain the possibility of an easement.

Commissioner Fitzpatrick said she'd actually had more contact with people who don't want her to give the easement than she has had with the developer. She also stated during the work meeting that if it does become an issue, she will recuse herself if she needs to or if money transfers hand. She recused herself at another time when she felt she needed to do so. She said she trusts her judgment and that's where she stands on the issue at this point.

Tyson Roberts said that Commissioner Fitzpatrick mentioned her lot is a third acre and he asked her if the one to the north is a half acre. Commissioner Fitzpatrick replied in the affirmative. He said the property was zoned R-1-8, but the reason was because there was no other way to develop that corner.

He said that would provide an average of R-1-8 and the other lots are smaller, so what Commissioner Fitzpatrick mentioned about lot size is not to say what an R-1-8 would look like. He said with the possibility of the easement going through her property, she had the option to recuse herself right now because she could gain from voting in favor of the rezone.

Commissioner Fitzpatrick said she had cleared that issue with the Legal Department. To have to recuse herself, there would need to be paperwork signed or a financial status at this point. She asked Mr. Mills if she was correct.

Mr. Mills said she was correct. At this point with just a developer saying potentially could we possibly do an easement, there is no conflict at this time.

Mr. Roberts said he was not a lawyer because lawyers find loopholes. What he said he was saying was that Commissioner Fitzpatrick had potential for financial gain.

Chairman Gilbert said they were there to discuss the rezone, and Commissioner Fitzpatrick's property had nothing to do with it.

Mr. Roberts said that his statement about Commissioner Fitzpatrick did have something to do with the rezone. The developer said her property is the only option.

Chairman Gilbert thanked the citizens for their input. He said it was the same scenario of people not wanting development in their backyard which gets everyone involved. But there is a landowner who has submitted a request. He said the Planning Commission will give a recommendation and the City Council will make the decision.

Commissioner Hansen asked Mr. Craythorne how the remaining 9 acres would be maintained. Mr. Craythorne said he would make sure the remaining 9 undeveloped acres would be maintained whether or not it is farmed.

Commissioner Hansen asked Mr. Craythorne if he had had any specific discussions regarding irrigation with the property owner on either side.

Mr. Craythorne said that before designing the development, they wanted to get the rezone. He said if there is a road down the center of the property, lots will be 127 feet deep. Lot averages will have to be a lot bigger than what is recommended. They want to provide nicer homes that match surrounding development.

Chairman Gilbert called for a motion on the item.

Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-15 and request a traffic study be completed prior to the presentation to the City Council and be included in the presentation to the City Council.

Chairman Gilbert asked Mr. Mills if a traffic study could be requested on a rezone. Mr. Mills said he didn't believe so at this point because there is nothing to study. All that is being done is the rezone at this meeting.

Commissioner Weaver modified his motion to move that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-15 to rezone the Adams property from A to R-1-8. The motion was seconded by Commissioner Van Drunen. The motion passed by a margin of 5 to 1 with Commissioners Bodily, Fitzpatrick, Nilsson, Weaver and Van Drunen voting in favor and Commissioner Hansen opposed.

PUBLIC REVIEW:

2. WILLOW RIDGE SUBDIVISION PHASE 1 – FINAL PLAT

This 8.6 acre property is located at approximately 3500 West Hill Field Road in an R-S (Residential Suburban) zoning district. The applicant, Nilson Homes, represented by Mark Staples is proposing 21 single family residential lots.

On March 10, 2015 the Planning Commission approved the preliminary plat for the subdivision. He said Phase 1 consists of 8.6 acres and gave an overview of the area. He said the developer is proposing 21 lots, which is a density of 2.2 units per acre. The proposal meets the frontage and area requirements of the R-S lot averaged zone. He said West Hill Field Road will be extended and built at its full width. Improvements will be installed on the north side of the street, which will be improved up to the end of Phase 1. There will be a five- foot landscape buffer easement on the frontage of West Hill Field Road. No homes will front on to West Hill Field Road. The landscape buffer will be maintained by an HOA that will also take care of the Bluff Ridge Boulevard landscape buffer when it is developed.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final plat approval.

Commissioner Van Drunen asked if the issue of tail water rights would be addressed. Mr. Weaver said the issue will be addressed with Phase 2.

There were no further questions or comments. Chairman Gilbert called for a motion on the item.

Commissioner Hansen moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plat subject to Staff recommendations.

Commissioner Fitzpatrick seconded the motion, and the voting was unanimous.

3. LAYTON FARMS COMMERCIAL SUBDIVISION – PRELIMINARY PLAT

This 8.65 acre property is located at approximately 1600 North 2200 West in an M-2 (Heavy Manufacturing/Industrial) zoning district. The applicant is Chris Look.

Mr. Weaver presented the request for a commercial subdivision on 8.65 acres of vacant ground with frontage on 2200 West. He said there was residential property to the south and to the west. He said the plat consists of three lots on two parcels and dedication of property to the D&RG rail trail. The City is negotiating with the developer to possibly purchasing Parcel B to create a trailhead with a few parking stalls on that parcel.

Parcel A is to be left vacant. Some light industrial use could be located there. Lots 1 and 2 are proposed for storage units. Lot 3 could possibly be office warehouse or an extension of the storage units.

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 6.B.

Subject:

Development Agreement and Rezone Request – Flint/Van Drimmelen – A (Agriculture) to R-S (Residential Suburban) – Resolution 15-25 and Ordinance 15-18 – Approximately 150 North 2200 West

Background:

The applicant, Castle Creek Homes, is requesting to rezone 6.06 acres of vacant farm land. The property has agricultural zoning to the east, north and south and recently zoned R-S property to the west.

The proposal is to develop a single-family subdivision in connection with the recently zoned R-S property to the west. The proposed subdivision on both properties is similar to the many R-S lot averaged subdivisions in Layton City. Zoning for a single lot is proposed to front 2200 West. Based on the Transportation Master Plan meetings, and Planning Commission and City Council public discussions, the future designation for 2200 West is being studied as a possible major arterial, with a right-of-way up to 100 feet in width in the future. If the City adopts the Transportation Master Plan with 2200 West being a future arterial designation, then zoning for a lot fronting 2200 West is not consistent with the General Plan policies. The associated Development Agreement designates options based on the Council's decision about 2200 West being an arterial or remaining as a collector street.

The Land Use Element of the General Plan indicates that low density, single-family residential developments are appropriate for this area of Layton City.

Alternatives:

Alternatives to the First Motion: Alternatives are to: 1) Adopt Resolution 15-25 approving the Development Agreement in association with the rezone from A to R-S; or 2) Not adopt Resolution 15-25 denying the Development Agreement.

Alternatives to the Second Motion: Alternatives are to 1) Adopt Ordinance 15-18 approving the rezone request from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Not adopt Ordinance 15-18 denying the rezone request.

Recommendation:

On June 9, 2015, the Planning Commission voted 5 to 1 in favor to recommend the Council adopt Resolution 15-25 and Ordinance 15-18 approving the Development Agreement and rezone from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.

RESOLUTION 15-25

ADOPTING AN AGREEMENT BETWEEN LAYTON CITY AND WAYNE H. AND CLEONE H. FLINT FAMILY TRUST AND DAVID J. VAN DRIMMELEN FOR THE DEVELOPMENT OF LAND AT APPROXIMATELY 150 NORTH 2200 WEST

WHEREAS, Owner, Wayne H. and Cleone H. Flint Family Trust and David J. Van Drimmelen (hereafter "Owner") is developing certain property located at approximately 150 North 2200 West (hereafter "Subject Area") in Layton City; and

WHEREAS, Owner and Layton City have entered into an agreement setting forth the responsibilities of all parties relative to various aspects of the development of the Subject Area to accommodate development with appropriate land uses, landscaping and design to enhance the general area; and

WHEREAS, the City Council has determined it to be in the best interest of the citizens of Layton City to enter into this agreement to ensure that the Subject Area will be developed according to the overall objectives and intent of the City's General Plan and in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:

1. The agreement entitled "Agreement for the Development of Land between Layton City and Wayne H. and Cleone H. Flint Family Trust and David J. Van Drimmelen" is hereby adopted and approved.
2. The Mayor is authorized to execute the Agreement, which is attached hereto and incorporated herein by this reference.

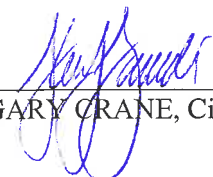
PASSED AND ADOPTED by the City Council of Layton, Utah, this day of , 2015.

ROBERT J STEVENSON, Mayor

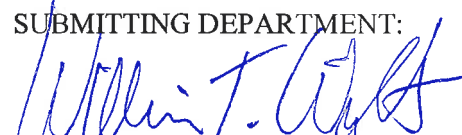
ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



For GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:


WILLIAM T. WRIGHT, Director
Community & Economic Development

**AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND
WAYNE H. AND CLEONE H. FLINT FAMILY TRUST AND DAVID J. VAN
DRIMMELEN**

THIS AGREEMENT for the development of land (hereinafter referred to as this “Agreement”) is made and entered into this _____ day of _____, 2015, between LAYTON CITY, a municipal corporation of the State of Utah (hereinafter referred to as “City”), and WAYNE H. AND CLEONE H. FLINT FAMILY TRUST AND DAVID J. VAN DRIMMELEN (hereinafter referred to as “Owner”), with City and Owner collectively referred to as the “Parties” and separately as “Party”.

RECITALS

WHEREAS, in furtherance of the objectives of the Layton City General Plan, City has approved an application for a zone change from A (Agriculture) to R-S (Residential Suburban), of certain property located at approximately 150 North 2200 West in Layton City (hereinafter the “Subject Area”); and

WHEREAS, the Subject Area consists of approximately 6.06 acres and is depicted on Exhibit “A” attached hereto (hereinafter “Exhibit A”); and

WHEREAS, Owner is the owner of the above described property and has presented a proposal for development of the Subject Area to the City, which provides for development in a manner consistent with Layton City’s General Plan; and

WHEREAS, Parties desire to enter into this Agreement to provide for the development of the Subject Area, in a manner consistent with the City’s General Plan and the intent reflected in that Plan; and

WHEREAS, City has granted R-S zoning approval on the Subject Area, subject to Owner agreeing to certain limitations and undertakings described herein, which Agreement will provide protection to surrounding property values and will enable the City Council to consider the approval of such development at this time; and

WHEREAS, City finds that entering into the Agreement with Owner is in the vital and best interest of the City and health, safety, and welfare of its residents.

NOW, THEREFORE, each of the Parties hereto, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree as follows:

**ARTICLE I
DEFINITIONS**

The following terms have the meaning and content set forth in this Article I, wherever used in this Agreement:

- 1.1 “Owner’s Property” shall mean that property owned by WAYNE H. AND CLEONE H. FLINT FAMILY TRUST AND DAVID J. VAN DRIMMELEN.

- 1.2 “City” shall mean Layton City, a body corporate and politic of the State of Utah. The principal office of City is located at 437 North Wasatch Drive, Layton, Utah, 84041.
- 1.3 “Owner” shall mean WAYNE H. AND CLEONE H. FLINT FAMILY TRUST AND DAVID J. VAN DRIMMELEN. The principal mailing addresses for each Owner is listed in paragraph 7.2.
- 1.4 “Owner’s Undertakings” shall have the meaning set forth in Article IV.
- 1.5 “Subject Area” shall have the meaning set forth in the Recitals hereto.
- 1.6 “Exhibit A” shall have the meaning set forth in the Recitals hereto.

**ARTICLE II
CONDITIONS PRECEDENT**

- 2.1 This Agreement shall not take effect until City has approved this Agreement pursuant to a resolution of the Layton City Council.
- 2.2 Owner agrees to restrict the uses permitted under an R-S zoning designation, to those listed herein.

**ARTICLE III
CITY’S UNDERTAKINGS**

- 3.1 Subject to the satisfaction of the conditions set forth in Article IV, City shall approve the rezone from A to R-S of the Subject Area. This approval shall occur upon a finding by the Planning Commission that it is in the best interest of the health, safety and welfare of the citizens of Layton City to grant such an approval at that time.

**ARTICLE IV
OWNER’S UNDERTAKINGS**

Conditioned upon City’s performance of its undertakings set forth in Article III with regard to subdivision approval of the Subject Property and provided Owner has not terminated this Agreement pursuant to Section 7.8, Owner agrees to the following:

- 4.1. Development on the property shall be limited to the following uses, which shall be properly approved as required under Layton City’s Ordinance; specifically, single-family detached permitted uses allowed under the R-S zoning designation.
- 4.2. Owner agrees to a conceptual plan substantially similar to the concept plan as depicted on Exhibit “B” with a maximum of 14 single family detached lots.
- 4.3. If 2200 West is designated as an arterial street the Owner agrees to install a minimum of a solid vinyl fence with a solid earth tone color, and landscape buffer along the east boundary of the Subject Area.

- 4.4 Based on the options discussed with the future adoption of the Transportation Master Plan, the Council's decision will determine the future right-of-way width of 2200 West Street. If 2200 West Street is designated as an arterial with an 80, 84, or 100 foot right-of-way then the development will have to reconfigure lots, especially remove Lot 37 shown on the conceptual plan (Exhibit B) as fronting 2200 West Street. The City will purchase the property needed for the 80, 84, or 100 foot right-of-way prior to preliminary plat approval. If 2200 West Street continues to be designated as a collector street with a 66 foot right-of-way, the proposed conceptual plan (Exhibit B) will be acceptable and can proceed with a preliminary plat application.
- 4.5 Owner shall provide for and record enforceable covenants, conditions and restrictions (CCRs) providing architectural design consistency among all parcels with the Subject Area. Owner shall cause a Homeowners Association (HOA) to be constituted as part of CCRs with the duties of maintaining the landscape buffers and any amenities delineated in an approved final plat. The HOA shall ensure efficient, timely and complete administration of HOA duties and responsibilities. The CCRs shall establish the City with a controlling interest in the HOA for the matter of voting to dissolve the HOA.

ARTICLE V GENERAL REQUIREMENTS AND RIGHTS OF CITY

- 5.1 Issuance of Permits - Owner. Owner, or its assignee, shall have the sole responsibility for obtaining all necessary building permits in connection with Owner's Undertakings and shall make application for such permits directly to the Layton City Community and Economic Development Department and other appropriate departments and agencies having authority to issue such permits in connection with the performance of Owner's Undertakings. City shall not unreasonably withhold or delay the issuance of its permits.
- 5.2 Completion Date. The Owner shall, in good faith, diligently pursue completion of the development.
- 5.3 Access to the Subject Area. For the purpose of assuring compliance with this Agreement, so long as they comply with all safety rules of Owner and its contractor, representatives of City shall have the right of access to the Subject Area without charges or fees during the period of performance of Owner's Undertakings. City shall indemnify, defend and hold Owner harmless from and against all liability, loss, damage, costs or expenses (including attorneys' fees and court costs) arising from or as a result of the death of a person or any accident, injury, loss or damage caused to any person, property or improvements on the Subject Area arising from the negligence or omissions of City, or its agents or employees, in connection with City's exercise of its rights granted herein.

ARTICLE VI REMEDIES

- 6.1 Remedies for Breach. In the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party or any permitted successor to such Party shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within thirty (30) days after receipt of such notice. In the event that such default or breach cannot reasonably be cured within said thirty (30) day period, the Party receiving such notice shall, within such thirty (30) day period, take reasonable steps to commence the cure or remedy of such default or breach, and shall continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to:
- 6.1.1 Cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the Party in default or breach of its obligations; or
 - 6.1.2 Owner agrees not to contest the reversion of the zoning by the City Council to the previous zoning on the property, and hereby holds the City harmless for such reversion of the zoning from R-S to A.
- 6.2 Enforced Delay Beyond Parties' Control. For the purpose of any other provisions of this Agreement, neither City nor Owner, as the case may be, nor any successor in interest, shall be considered in breach or default of its obligations with respect to its construction obligations pursuant to this Agreement, in the event the delay in the performance of such obligations is due to unforeseeable causes beyond its fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, acts of the other Party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes or unusually severe weather, or delays of contractors or subcontractors due to such causes or defaults of contractors or subcontractors. Unforeseeable causes shall not include the financial inability of the Parties to perform under the terms of this Agreement.
- 6.3 Extensions. Either Party may extend, in writing, the time for the other Party's performance of any term, covenant or condition of this Agreement or permit the curing of any default or breach upon such terms and conditions as may be mutually agreeable to the Parties; provided, however, that any such extension or permissive curing of any particular default shall not eliminate any other obligations and shall not constitute a waiver with respect to any other term, covenant or condition of this Agreement nor any other default or breach of this Agreement.
- 6.4 Rights of Owner. In the event of a default by Owner's assignee, Owner may elect, in its discretion, to cure the default of such assignee; provided, Owner's cure period shall be extended by thirty (30) days.
- 6.5 Appeals. If the Owner desires to appeal a determination made hereunder by Staff,

said appeal shall be to the Planning Commission, whose decision shall be final. If the appeal is regarding the interpretation of this Agreement the appeal shall be to the City Council with a recommendation from the Planning Commission and Staff.

ARTICLE VII GENERAL PROVISIONS

- 7.1 Successors and Assigns of Owner. This Agreement shall be binding upon Owner and its successors and assigns, and where the term “Owner” is used in this Agreement it shall mean and include the successors and assigns of Owner, except that City shall have no obligation under this Agreement to any successor or assign of Owner not approved by City. Notwithstanding the foregoing, City shall not unreasonably withhold or delay its consent to any assignment or change in ownership (successor or assign of Owner) of the Subject Area. Upon approval of any assignment by City, or in the event Owner assigns all or part of this Agreement to an assignee, Owner shall be relieved from further obligation under that portion of the Agreement for which the assignment was made and approved by City.
- 7.2 Notices. All notices, demands and requests required or permitted to be given under this Agreement (collectively the “Notices”) must be in writing and must be delivered personally or by nationally recognized overnight courier or sent by United States certified mail, return receipt requested, postage prepaid and addressed to the Parties at their respective addresses set forth below, and the same shall be effective upon receipt if delivered personally or on the next business day if sent by overnight courier, or three (3) business days after deposit in the mail if mailed. The initial addresses of the Parties shall be:

To Owner: WAYNE H. AND CLEONE H. FLINT FAMILY TRUST
2668 East 1600 North
Layton UT 84040

DAVID J. VAN DRIMMELEN, JUDITH V. BOWCUT
C/O LINDA MCCARTY
2982 WEST 5525 SOUTH
ROY, UT 84067

To City: LAYTON CITY CORPORATION
437 North Wasatch Drive
Layton, Utah 84041
Attn: Alex R. Jensen, City Manager
801/336-3800, 801/336-3811 (FAX)

Upon at least ten (10) days’ prior written notice to the other Party, either Party shall have the right to change its address to any other address within the United States of America.

If any Notice is transmitted by facsimile or similar means, the same shall be deemed served

or delivered upon confirmation of transmission thereof, provided a copy of such Notice is deposited in regular mail on the same day of such transmission.

- 7.3 Third Party Beneficiaries. Any claims of third party benefits under this Agreement are expressly denied, except with respect to permitted assignees and successors of Owner.
- 7.4 Governing Law. It is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance. Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Utah.
- 7.5 Integration Clause. This document constitutes the entire agreement between the Parties and may not be amended except in writing, signed by the Parties.
- 7.6 Exhibits Incorporated. Each Exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.
- 7.7 Attorneys' Fees. In the event of any action or suit by a Party against the other Party for reason of any breach of any of the covenants, conditions, agreements or provisions on the part of the other Party arising out of this Agreement, the prevailing Party in such action or suit shall be entitled to have and recover from the other Party all costs and expenses incurred therein, including reasonable attorneys' fees.
- 7.8 Termination. Except as otherwise expressly provided herein, the obligation of the Parties shall terminate upon the satisfaction of the following conditions:
- 7.8.1 With regard to Owner's Undertakings, performance by Owner of Owner's Undertakings as set forth herein.
- 7.8.2 With regard to City's Undertakings, performance by City of City's Undertakings as set forth herein.

Upon either Party's request (or the request of Owner's assignee), the other Party agrees to enter into a written acknowledgment of the termination of this Agreement, or part thereof, so long as such termination (or partial termination) has occurred.

- 7.9 Recordation. This Agreement shall be recorded in reference to the property, and shall run with the land and be binding upon all successors in interest of the property.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

LAYTON CITY CORPORATION

By: _____
ROBERT J STEVENSON, Mayor

ATTEST:

By: _____
THIEDA WELLMAN, City Recorder

Signed by

WAYNE H. AND CLEONE H. FLINT FAMILY
TRUST

Subscribed and sworn to before me this _____ day of _____, 2015.

Notary

DAVID J. VAN DRIMMELEN

Subscribed and sworn to before me this _____ day of _____, 2015.

Notary

APPROVED AS TO FORM:


For _____
GARY CRANE, City Attorney



SUBJECT AREA

EXHIBIT A

Flint/Van Drimmelen Rezone

A to R-S

Legend

- Centerlines
- City Boundary
- Interstate 15
- Highways
- Lakes
- Streams



1 inch = 530 feet

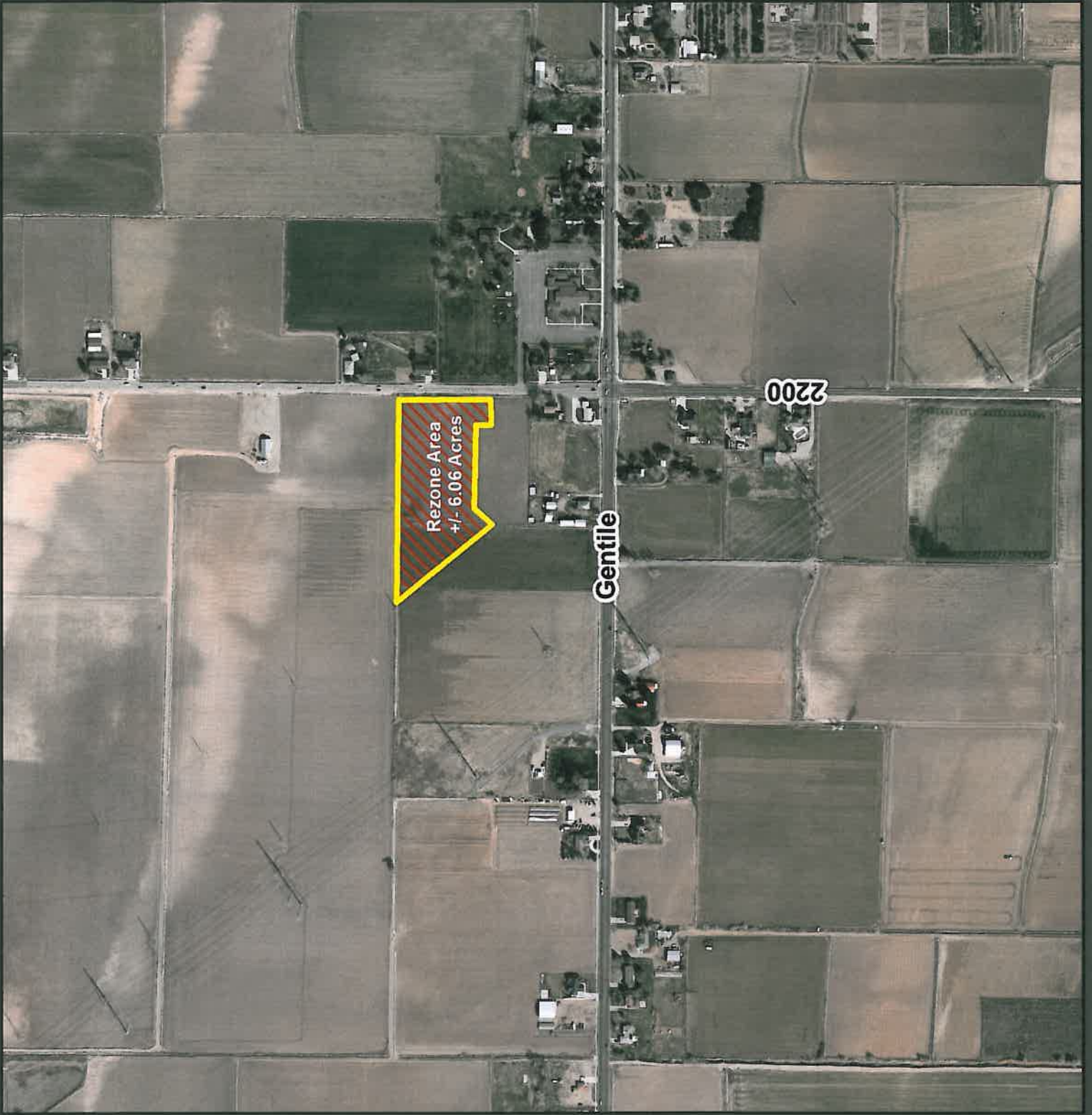



EXHIBIT B



Reeve & Associates, Inc.

Preliminary Design

PART OF THE SE 1/4 OF SECTION 24, T4N, R24W, S19 & 18 U.S. SURVEY
LAYTON CITY, DAVIS COUNTY, UTAH

DATE: _____

REVISIONS: _____

Project No. _____

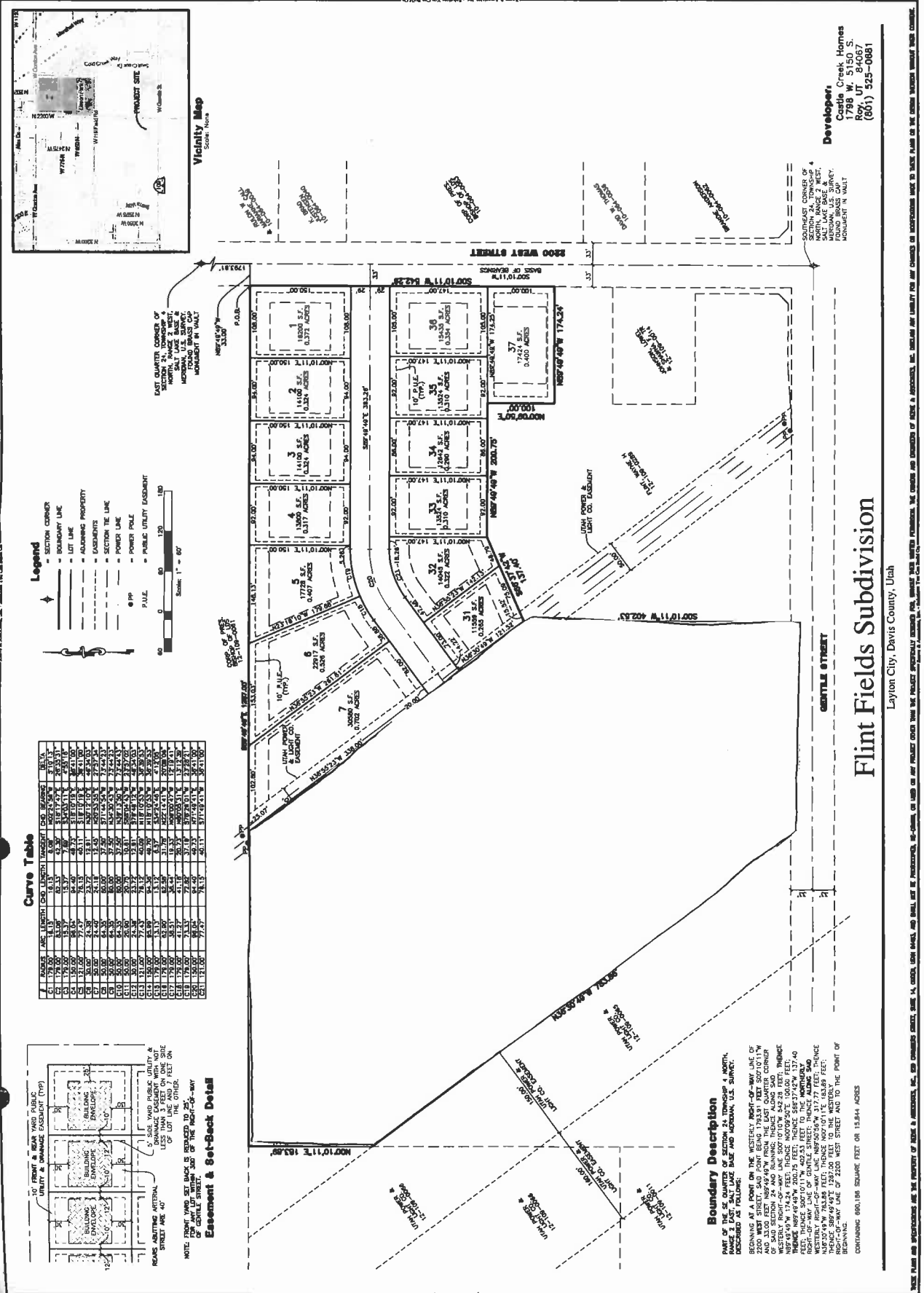
Drawn By: _____

Checked By: _____

Scale: _____

North Arrow: _____

Number: 3704-54



Boundary Description
PART OF THE SE QUARTER OF SECTION 24, T4N, R24W, S19 & 18 U.S. SURVEY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 2200 WEST STREET, SAID POINT BEING 793.37 FEET SOUTH 0.00° 10' 10" WEST OF SAID SECTION 24 AND THENCE ALONG SAID RIGHT-OF-WAY LINE, THENCE N85°45'00" W 174.24 FEET; THENCE N00°09'50"E 100.00 FEET; THENCE S89°49'00" W 200.79 FEET; THENCE S88°37'00" W 137.40 FEET; THENCE S88°37'00" W 137.40 FEET; THENCE ALONG SAID RIGHT-OF-WAY LINE OF GENTLE STREET, THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF GENTLE STREET, THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 2200 WEST STREET AND TO THE POINT OF BEGINNING.
CONTAINING 600,186 SQUARE FEET OR 13.844 ACRES

ORDINANCE 15-18
(Flint/Van Drimmelen Rezone)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT APPROXIMATELY 150 NORTH 2200 WEST FROM A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has been petitioned for a change in the zoning classification for the property described herein below; and

WHEREAS, the Planning Commission has reviewed the petition and has recommended that the petition to rezone said property from A to R-S be approved; and

WHEREAS, the City Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council has determined that this amendment is rationally based, is reasonable and is consistent with the intent of the City's General Plan, which is in furtherance of the general health, safety and welfare of the citizenry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:

SECTION I: Repealer. If any provisions of the City's Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. The zoning ordinance is hereby amended by changing the zone classification of the following property from A (Agriculture) to R-S (Residential Suburban).

FLINT FIELDS PHASE 2

BEGINNING AT A POINT ON THE WEST RIGHT OF WAY OF 2200 WEST, SAID POINT BEING S00°10'11"W 1793.91 FEET AND N89°49'49"W 33.00 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 24 AND RUNNING THENCE S00°10'11"W ALONG SAID WEST RIGHT OF WAY 455.00 FEET; THENCE N89°49'49"W 174.24 FEET; THENCE N00°09'50"E 100.00 FEET; THENCE N89°49'49"W 200.75 FEET; THENCE S66°37'42"W 137.40 FEET; THENCE N36°30'49"W 121.52 FEET; THENCE N42°36'38"W 58.33 FEET; THENCE N36°55'23"W 338.00 FEET; THENCE S89°49'49"E 817.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 263,950 SQUARE FEET OR 6.06 ACRES

SECTION III: Update of Official Zoning Map. The Official Layton City Zoning Map is hereby amended to reflect the adoption of this ordinance.

SECTION IV: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of the said ordinance.

SECTION V: Effective date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is more remote from the date of passage thereof.


PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2015.

ROBERT J STEVENSON, Mayor

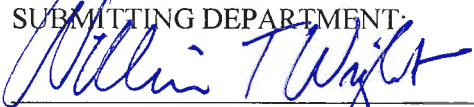
ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:


WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II 

Date: July 2, 2015

Re: Development Agreement and Rezone Request – A (Agriculture) to R-S (Residential Suburban) – Resolution 15-25 and Ordinance 15-18

Location:	Approximately 150 North 2200 West
Current Zoning:	A (Agriculture)
Proposed Zoning:	R-S (Residential Suburban)
Current Minimum Lot Size:	A (Agriculture) – 1 Acre
Proposed Minimum Lot Size:	R-S (Residential Suburban) – 10,000 to 20,000 square feet

Description:

The property proposed for R-S zoning is 6.06 acres located at approximately 150 North 2200 West. The property has agricultural zoning to the north, east and south and recently zoned R-S property to the west. Rocky Mountain Power has a 350 foot wide easement for their regional transmission lines and an additional 50 foot easement to the west of the rezone area for a local transmission line.

Background:

The property proposed for R-S zoning is vacant farm land. The applicant, Castle Creek Homes, is proposing to purchase the 6.06 acre parcel to develop a single-family subdivision that is lot-averaged within the R-S zoning designation.

As Staff proceeds with preliminary plat review, a lot fronting 2200 West may need to be eliminated due to the possible street classification change for 2200 West. The location of the proposed interchange for the West Davis Corridor has yet to be determined. If the interchange is placed at 2200 West then the street will need to be widened to a 100 foot right of way. The widening would require 34 feet of property on the west side of 2200 West in this area. If the interchange is placed at 2700 West, then 2200 West may remain as a 66 foot right-of-way and the lot will not be affected. The associated Development Agreement

designates options based on the Council's decision about 2200 West being an arterial or remaining as a collector street.

The Land Use Element of the General Plan indicates that low density residential developments in the R-S zone are appropriate in this area.

Staff Recommendation:

Staff recommends approval of the Development Agreement and rezone request from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering



Planning



Fire



Planning Commission Action: On June 9, 2015, the Planning Commission voted 5 to 1 in favor to recommend the Council grant approval of the rezone request from A to R-S subject to the Development Agreement.

The Planning Commission asked for public comment. Public comment was received from adjacent property owners to the rezone area, which stated that the rezone and development should move forward without the Development Agreement. They believed that certain language in the Development Agreement would keep the development from moving forward until decisions are made by the City regarding 2200 West.



Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Ed Green; edgotherrun@comcast.net
Bryce Thurgood; brycethurgood@gmail.com
Chris Cave; ccave@reeve-assoc.com

FROM: Shannon Hansen, Assistant City Engineer - Development

CC: Fire Department/Community Planning and Development Department

DATE: May 22, 2015

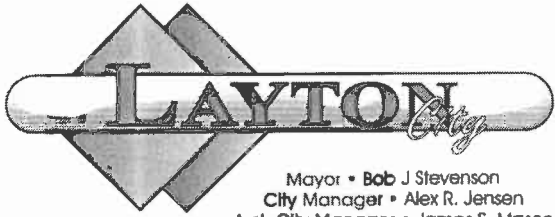
RE: Flint/Van Drimmelen Rezone 2

I have reviewed the Petition to Amend the Zoning Ordinance for a 6.06± acre parcel of land located at approximately 2200 West and Gentile submitted on May 18, 2015. The applicant is requesting a rezone change from A to RS. The Engineering Department has no specific concerns regarding this request.

Upon the development of this property, the following items will need to be addressed.

1. The Developer will be required to construct a storm drain pipe system, sized for future development.
2. The portion of the detention pond required for this development will need to be completed including the control structures and by-pass pipe system for the pond. This pond is located on the Rocky Mountain parcel to the west of this parcel.

An additional memo regarding the preliminary plan will be emailed to the Developer upon completion of that review.




• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
Fax: (801) 546-0901

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Community Development, Attention: Julie Matthews

FROM: Dean Hunt, Fire Marshal 

RE: Flint VanDrimmelen Rezone #2 @ 150 North 2200 West, Layton Utah

CC: 1) Ed Green, edgontherun@comcast.net
2) Chris Cave, ccave@reeve-assoc.com
3) Bryce Thurgood, brycethurgood@gmail.com

DATE: May 20, 2015

I have reviewed the site plan received on May 19, 2015 for the above referenced project. The Fire Department, with regards to the rezone, does not have any comments at this time. However, for future development our concerns include but are not limited to the following:

1. A minimum fire flow requirement will be determined for buildings that are to be built on this property. The fire flow requirement must be determined by the Fire Prevention Division of this department and will be based upon the type of construction as listed in the building code and total square footage of the building. Prior to applying for a building permit, provide the Fire Prevention Division of this department the type and size of structure(s) to be built.



2. Designated fire access roads shall have a minimum clear and unobstructed width of 26 feet. Access roads shall be measured by an approved route around the exterior of the building or facility. If dead-end roads are created in excess of 150 feet, approved turnarounds shall be provided.
3. Where applicable, two means of egress may be required.
4. On site fire hydrants may be required.

These plans have been reviewed for Fire Department requirements only. Other departments may review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DBH\Flint VanDrimmelen #2:kn
Plan # S15-073, District #40
Project Tracker #LAY 1505191524





Memorandum

To: Planning Commission
From: JoEllen Grandy, Parks Planner Intern
Date: May 26, 2015
Re: Flint van Drimmelen, Rezone 2- 150 N. 2200 W.

The proposed rezone at 150 N. 2200 W. would not affect the Parks & Recreation Department.

As a reminder, the Parks and Recreation Department has a regional trail corridor planned through the Utah Power & Light Company easement to the west of this site (a 310' easement). We would remind you that all property abutting up to an agriculturally zoned area - in this case the Utah Power & Light Company 310' easement- needs to be fenced.

The proposed rezoning is within the service areas of Ellison Park and our future Harmony Place Park.

Recommendation

Parks & Recreation approves rezoning to Flint/Van Drimmelen.

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a re-submittal. Thank you.





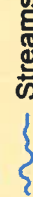
CITY COUNCIL


July 2, 2015

Flint/Van Drimmelen Rezoning

A to R-S

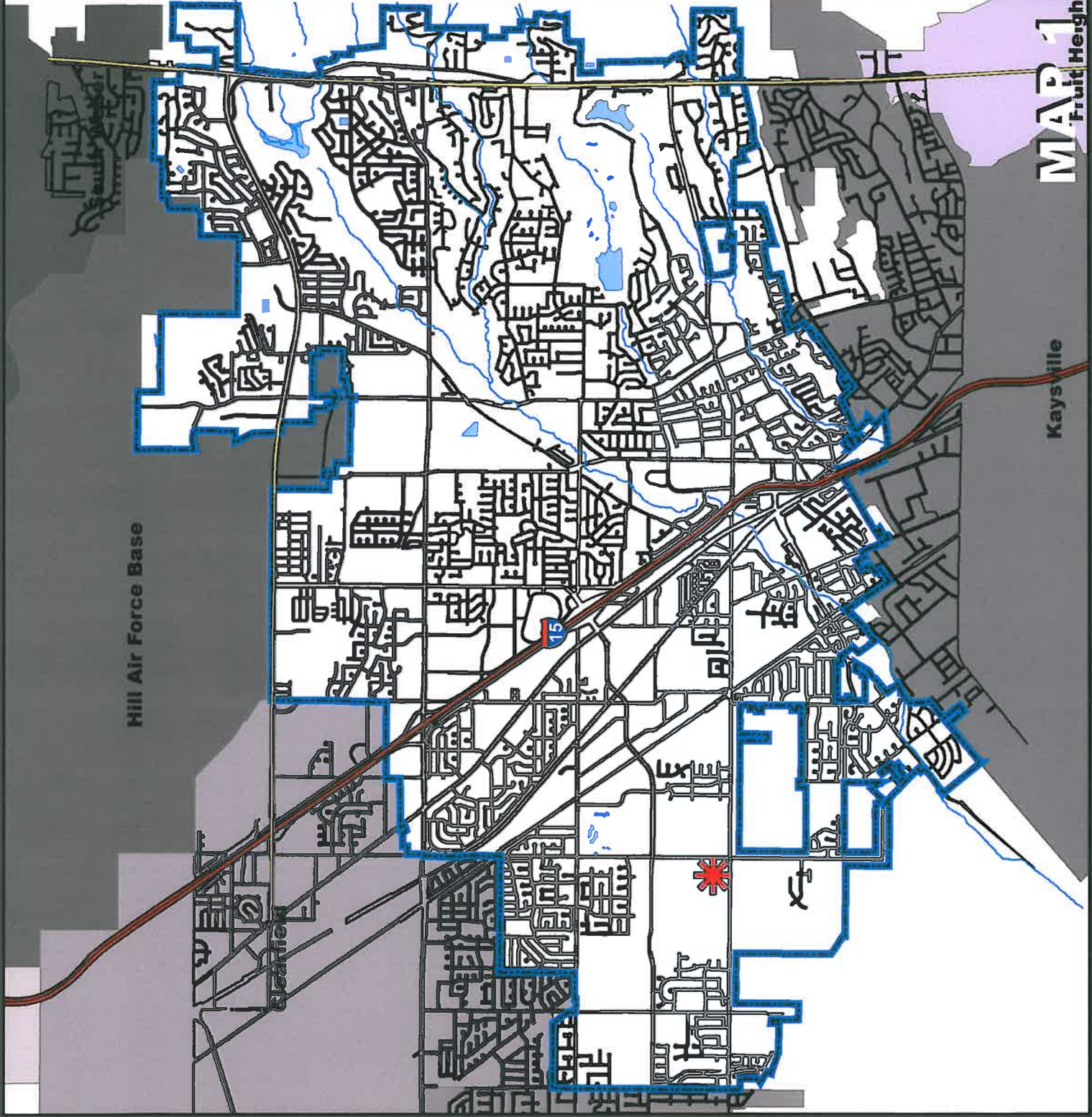
Legend

-  City Boundary
-  Interstate 15
-  Highways
-  Lakes
-  Streams

 - Project Site



1 inch = 4,605 feet



CITY COUNCIL

July 2, 2015

Flint/Van Drimmelen Rezoning

A to R-S

Legend

- Centerlines
- City Boundary
- Interstate 15
- Highways
- Lakes
- Streams



1 inch = 333 feet



Flint/Van Drimmelen
Rezoning Area 6.06 Acres

Gentile

2200

MAP 2

ALL SECTION 24 T 4 N, R 2 W SALT LAKE MERIDIAN. DAVIS COUNTY, UTAH RECORDERS OFFICE

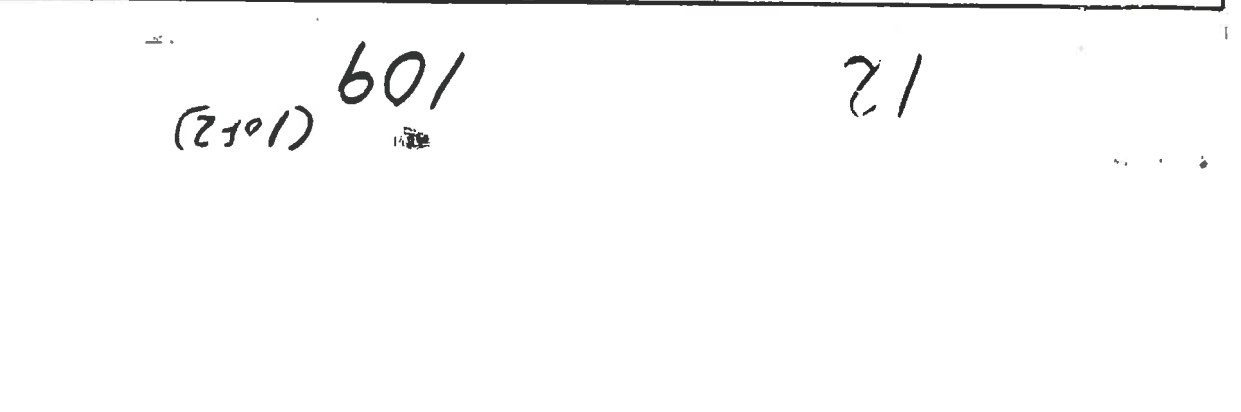
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12-109

PID	OWNER	ACRES
0854	UTAH POWER & LIGHT CO.	0.24
0855	UTAH POWER & LIGHT CO.	0.24
0856	UTAH POWER & LIGHT CO.	0.24
0857	UTAH POWER & LIGHT CO.	0.24
0858	UTAH POWER & LIGHT CO.	0.24
0859	UTAH POWER & LIGHT CO.	0.24
0860	UTAH POWER & LIGHT CO.	0.24
0861	UTAH POWER & LIGHT CO.	0.24
0862	UTAH POWER & LIGHT CO.	0.24
0863	UTAH POWER & LIGHT CO.	0.24
0864	UTAH POWER & LIGHT CO.	0.24
0865	UTAH POWER & LIGHT CO.	0.24
0866	UTAH POWER & LIGHT CO.	0.24
0867	UTAH POWER & LIGHT CO.	0.24
0868	UTAH POWER & LIGHT CO.	0.24
0869	UTAH POWER & LIGHT CO.	0.24
0870	UTAH POWER & LIGHT CO.	0.24

PID	OWNER	ACRES
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0872	UTAH POWER & LIGHT CO.	0.24
0873	UTAH POWER & LIGHT CO.	0.24
0874	UTAH POWER & LIGHT CO.	0.24
0875	UTAH POWER & LIGHT CO.	0.24
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0888	UTAH POWER & LIGHT CO.	0.24
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0890	UTAH POWER & LIGHT CO.	0.24

PID	OWNER	ACRES
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0892	UTAH POWER & LIGHT CO.	0.24
0893	UTAH POWER & LIGHT CO.	0.24
0894	UTAH POWER & LIGHT CO.	0.24
0895	UTAH POWER & LIGHT CO.	0.24
0896	UTAH POWER & LIGHT CO.	0.24
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0907	UTAH POWER & LIGHT CO.	0.24
0908	UTAH POWER & LIGHT CO.	0.24
0909	UTAH POWER & LIGHT CO.	0.24
0910	UTAH POWER & LIGHT CO.	0.24

PID	OWNER	ACRES
0911	UTAH POWER & LIGHT CO.	0.24
0912	UTAH POWER & LIGHT CO.	0.24
0913	UTAH POWER & LIGHT CO.	0.24
0914	UTAH POWER & LIGHT CO.	0.24
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0928	UTAH POWER & LIGHT CO.	0.24
0929	UTAH POWER & LIGHT CO.	0.24
0930	UTAH POWER & LIGHT CO.	0.24



109 (1052)

12

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
JUNE 9, 2015**

MEMBERS PRESENT: Brian Bodily, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Brett Nilsson, Robert Van Drunen, Dave Weaver, L.T. Weese

MEMBERS ABSENT: Randy Pulham

OTHERS PRESENT: Staff: Peter Matson, Weston Applonie, Nicholas Mills, Julie Matthews

City Council Member: Tom Day

Chairman Gilbert called the meeting to order at 7:05 p.m. The Pledge of Allegiance was recited and an invocation given by Commissioner Fitzpatrick.

Commissioner Hansen recognized a Boy Scout present in the audience to work on his Communications merit badge.

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

1. FLINT/VAN DRIMELLEN DEVELOPMENT AGREEMENT AND REZONE REQUEST (A) AGRICULTURE TO R-S (RESIDENTIAL SUBURBAN)

This 6.06 acre property is located at approximately 200 North 2200 West in an Agriculture zoning district. The applicant is Bryce Thurgood from Castle Creek Homes, representing the owners, Wayne H. and Cleone H. Flint and David J. Van Drimmelen.

City Planner, Peter Matson, presented the request to rezone 6.06 acres from A to R-S. He said the lots will be 15,000 square feet or larger. He said most subdivisions in West Layton develop under the lot averaging scheme.

The concern is the future potential widening of the right of way from 2200 West from its present 66 foot right of way to an 80 or 84 foot right of way or a 100 foot right of way and reclassified from a collector street in Layton City's Master Transportation Plan.

Mr. Matson said the development agreement that was attached to the entire acreage when proposed for rezone is attached to this portion of the rezone.

Mr. Matson said the development meets the General Plan requirements for the City. He reviewed the owner's undertaking in the development agreement. Fourteen lots are proposed to be platted on this property. If 2200 West is designated as an arterial street with the increased right of way, the development of the lots would be reconfigured and the lot proposed to front on 2200 West would not do so. The City would purchase the needed right of way prior to preliminary plat approval.

Mr. Matson said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the development agreement and the rezone.

There was a discussion of what would be a substantial change in the conceptual drawing per Article 4 in the Owner's Undertakings. Mr. Matson said that 14 lots are laid out in the exhibit. Different accesses or a different number of lots would be a substantial change.

Commissioner Fitzpatrick asked if the number of lots had to be reduced to 11 if 2200 West is reconfigured, would it be considered a substantial difference. Peter said a change in number of lots and/or access would be considered a substantial difference.

Associate City Attorney, Nicholas Mills, said if the developer has to reconfigure because of a change in 2200 West, it would be necessary change rather than a substantial change. The Commission would look at what is left to develop as still substantially similar.

Commissioner Fitzpatrick felt the rezone should be subject to adopting the development agreement, which addresses the final design of the development.

Commissioner Weaver asked about the clause stating the owner should cause a Home Owner's Association (HOA) to be created. He asked when an HOA would be created and by what authority they operate.

Mr. Matson said the HOA would be for the maintenance of the landscape buffer, specifically for when there was a requirement for the entire 15 acres. He said this property may not need an HOA unless 2200 West becomes an arterial street.

Commissioner Fitzpatrick felt the HOA clause should stay in the development agreement in the event the lots are reconfigured, a green space might be created, which would require an HOA.

There was a discussion of meeting the setback requirements on Lot 37 if a circular drive is required. The developer, Bryce Thurgood, 165 East 1550 South, Perry, UT representing Castle Creek Homes and his business partner, Ed Green, 2150 North Valley View Drive, Layton, UT, said the setbacks could most likely be met.

Lowell Johnson, 47 North 2200 West, asked the Commission to approve the rezone but not include the development agreement. His concern is that his house will go away if 2200 W is expanded. Mr. Thurgood has made bargains and made decisions based on Staff guidance. The development agreement lets people know 2200 West may expand, which devalues his home and others around.

Ed Green, 2150 North Valley View Drive, Layton, said he built the Swan Meadows Subdivision. At that time 2700 was established as UDOT's connection to Layton Parkway. He said they met with staff when considering the current property, and the issue of 2200 West being the connection didn't come up. They invested \$400,000 and weren't told about the possibility. He said Staff didn't know that 2200 West could become a 100 foot right of way. He said UDOT has told the City that 2700 is their preferred location. The City is giving building permits to DR Horton to build homes that won't be able to remain if 2200 West is widened. He felt the amount of homes Layton City will be buying or in litigation to buy will be a lot. With the 2700 West option, no homes will need to be purchased. He said to put Castle Creek

on hold is not right. They have been waiting three months. He said there comes a point in time when the City Council must make a decision. He felt making 2200 West a big road will make it so that developers are damaged. The City only wants to buy extra ground for the road, but Castle Creek has already purchased two entire lots.

Marsha Ashby, 2668 East 1600 North, Layton, introduced herself as one of the trustees of the Flint Family Trust. She mentioned how the rezone was tabled at a meeting two months previous while waiting for the Council's decision on 2200 West. She said as owners of the property, they have waited several months with the hope that a decision would be made in a timely manner so that the contractors who have made an offer on the property can proceed and close the proceedings. She said she had a home on 2202 West Gentile Street that will not sell due to the uncertainty. She asked that the Planning Commission and City Council move forward with their decisions.

Chairman Gilbert said the Planning Commission would only be making a recommendation to the City Council.

Dennis Flint, from Delaware, and one of the trustees, encouraged the Planning Commission to come to a decision and he hoped the road would remain as is.

Mr. Thurgood clarified for the minutes, that the biggest reason to move forward with the rezone and not sign the development agreement is because it will hold Castle Creek hostage until the decision is made on 2200 West, which could be a month to six months to a year from now. They would like to be able to go to the City Council and encourage them to make their decision.

Commissioner Hansen asked how the developer could be held hostage with a phase to develop.

Mr. Thurgood said the interest on the loan will be difficult and they may lose three lots.

There was continued discussion on the issue.

Mr. Thurgood pointed out that if 2200 West is widened, it could be widened all the way to Antelope Drive and affect more properties; whereas 2700 West would not have that effect.

Chairman Gilbert felt the development agreement should be signed. He recommended a strong recommendation from the Commission to the Council to address the issue of 2200 West. He asked if the development agreement could be adjusted. Mr. Mills said terms can be altered on mutual agreement and approved by the Planning Commission or City Council. Mr. Matson said the City can make modifications to the recommended agreement. If substantially different, the Council can send the development agreement back to the Planning Commission for review.

Mr. Thurgood said they may agree if there is a drop dead date to sign the development agreement.

Commissioner Bodily felt there needed to be more discussion.

Mr. Matson recommended that the Planning Commission make a recommendation and move forward.

Commissioner Fitzpatrick asked there is an expiration date to the agreement

Mr. Mills said both parties would have to act in good faith and fulfill the agreement in the way they intend it to be fulfilled.

Commissioner Fitzpatrick asked what the City's good faith effort is in resolving this issue.

Mr. Mills said the City Council would have to move in a good faith effort. They could not table it for no reason or not approve it. They would have to move with good faith and not hold up the process. Commissioner Fitzpatrick continued to question the issue and asked if it would take a court to resolve the issue. Mr. Mills said that potentially it could.

Chairman Gilbert asked the staff to review homes fronting on a collector street. Mr. Thurgood said that if required he would put in a circular drive on Lot 37.

Chairman Gilbert called for a motion on the item. Commissioner Hansen moved with a strong recommendation to the City Council to quickly act on the 2200 West issue, that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-18 approving the rezone from A to R-S. Commissioner Bodily seconded the motion, and the voting was unanimous.

Commissioner Hansen moved that the Planning Commission forward a positive recommendation to the City Council to adopt Resolution 15-25 approving the current development agreement recognizing that at some future time pending the disposition of 2200 West. Commissioner Weaver seconded the motion, and the motion passed with Commissioners Bodily, Hansen, Nilson, Van Drunen and Weaver in favor, and Commissioner Fitzpatrick opposed.

2. PAXMAN REZONE REQUEST – R-1-0 (SINGLE FAMILY RESIDENTIAL) TO R-S (RESIDENTIAL SUBURBAN)

This 1.23 acre property is located at 2475 East Oak Hills Drive in an R-1-10 zoning district. The applicant and owner is Angelika Paxman.

Mr. Matson presented the request for rezone for the 1.23 acre property for the purpose of marketing the property as horse property. He said that the zoning would allow 1 large animal for every 20,000 square feet of property.

Mr. Matson said Staff is recommending the Planning Commission forward a positive recommendation to the City Council to approve the rezone due the size and the proximity to other R-S zoned property.

There were no questions of the Staff or the audience.

Chairman Gilbert called for a motion on the item. Commissioner Fitzpatrick moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 15-19 approving the rezone from R-1-10 to R-S based on consistency with the General Plan. Commissioner Van Drunen seconded the motion, and the voting was unanimous.