

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

OCTOBER 15, 2015; 7:03 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN, TOM
DAY AND JOY PETRO**

ABSENT:

JORY FRANCIS AND SCOTT FREITAG

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
PETER MATSON AND THIEDA WELLMAN**

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

Mayor Pro Tem Brown opened the meeting and excused Councilmembers Francis and Freitag. She indicated that Mayor Stevenson was attending a meeting at Hill AFB and would arrive later. Mayor Pro Tem Brown led the Pledge of Allegiance. Councilmember Petro gave the invocation. Scouts and students were welcomed.

MINUTES:

MOTION: Councilmember Petro moved and Councilmember Day seconded to approve the minutes of:

Layton City Council Strategic Planning Work Meeting – July 20, 2015.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Mayor Pro Tem Brown indicated that on October 24th Surf 'n Swim would host the Pumpkin Dunk.

Mayor Pro Tem Brown said the Family Recreation Halloween Bash would be held on October 30th at Central Davis Jr. High.

Mayor Pro Tem Brown said early voting would begin next Tuesday and would run for two weeks. She said the schedule was available on the City's website.

CITIZEN COMMENTS:

Mike Kolendrianos, 2601 West Gentile Street, said it had been a year since he attended a Council meeting and asked questions. He said he hadn't received any response from any elected official. Mr. Kolendrianos indicated that his questions had to do with the City's policy regarding high speed chases, and problems with the PRUD Ordinance relative to front yards being used in the calculation of open space. He said hopefully he would be hearing back from someone soon on both issues.

Bill Wright, Community and Economic Development Director, said when Mr. Kolendrianos brought up the PRUD Ordinance it did catch the attention of the City Council. The City Council had worked on the ordinance and the ability for front yards to be calculation as part of the open space calculation for a bonus density had been removed from City Code and was not allowed to be counted as PRUD developments were proposed in the future.

Councilmember Day said he would like to know when the ordinance was changed.

Bill said he would get that information to Councilmember Day.

Alex Jensen, City Manager, said Staff would be happy to make a copy of the pursuit policy for Mr. Kolendrianos. He explained that the City had a very conservative policy relative to high speed chases. Alex said the only time the City's officers would pursue a high speed chase would be if there was eminent danger.

Gary Crane, City Attorney, said he just went back to the meeting minutes where Mr. Kolendrianos made his comments. He said the minutes indicated that Mr. Kolendrianos had suggested that the City review their high speed chase policy. Gary said that policy was reviewed annually, and it was updated to current case law. He said he would get a copy of the policy to Mr. Kolendrianos.

Councilmember Day said he had numerous questions about what happened the day of that high speed chase a year ago. He suggested that what happened that day be reviewed.

Gary said Staff did an in depth review after it was over. A review was always completed after those types of incidents occurred. Gary said Staff would be happy to let the Council know the results of the review.

Councilmember Day said he would be happy with that.

CONSENT AGENDA:

STATEWIDE UTILITY LICENSE AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION (UDOT) TO CONDUCT CONSTRUCTION ACTIVITIES WITHIN THE STATE'S RIGHT OF WAY – RESOLUTION 15-54

Gary Crane said Resolution 15-54 was a resolution relative to an expired license agreement with UDOT for the use of their rights of way. This was a renewal of the agreement with UDOT that was originally signed in 1992. Gary said the agreement indicated that the City was allowed to use UDOT rights of way in order to place utilities. As long as the City abided by UDOT's policies and rules for the use of those rights of way, the City could proceed to use them. He said it was a lot less expensive to place utilities in a public right of way than it was to acquire new property from private property owners. Gary said Staff recommended approval.

Councilmember Brown said UDOT was working on the interchange at Main Street and Hill Field Road. At the same time the City was doing some work on sewer and water lines in the area. She asked if this agreement went both ways; did UDOT always notify the City when they were doing work in the City so that the City could coordinate City work if it was needed.

Gary said this agreement was one directional on the part of UDOT; it simply stated that the City could use their rights of way. He said UDOT came to the City if they ever wanted to use the City's rights of way. Gary said the City met regularly with UDOT for the purpose of keeping up to date on projects in the City.

PRELIMINARY PLAT – HARMONY PLACE PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) – APPROXIMATELY 2375 WEST GENTILE STREET

Bill Wright said this was preliminary plat approval for Harmony Place PRUD located at approximately 2375 West Gentile Street. Bill displayed a map and identified the property. He said the applicant was Perry Homes. The property contained approximately 37 acres.

Bill said in May of 2010 the rezone of the property was approved along with a development agreement. He said the development agreement limited the development to 111 single family detached lots, which was 3 units per acre. Bill said the subdivision would include a City park. He said amenities in the park would be provided for by the developer. Bill said there was also an elementary school site in the development.

Bill said the Design Review Committee (DRC) made some comments and suggestions relative to landscaping and the park. He said the City and applicant were working with the School District to share amenities at the park, which had been done in other areas of the City. Bill said there was bonus density allowed with the development.

Bill said the preliminary plat followed the conceptual drawings provided earlier in the process. He said the Planning Commission reviewed this on September 22nd and unanimously recommended approval. Bill said the Planning Commission suggested that the street not be named Sunset Way because of a similar street on the east side of the City. He mentioned an irrigation line on the property that would be dealt with.

Councilmember Day said in the Planning Commission meeting they mentioned a stub street near the park to accommodate future growth to the west.

Bill explained the alignment of the future 2700 West and indicated that access to the property to the west could be accessed off of 2700 West.

Councilmember Brown mentioned the required fencing next to agricultural property.

Bill said a 6-foot chain link fence was required, not vinyl.

Councilmember Petro asked about the width of the road that would access Gentile Street.

Bill said it would be a standard residential street at 28 feet wide. He explained other connections in the area.

Councilmember Petro asked about a detention basin.

Bill said the detention for this property and the Villas at Harmony Place had already been planned and would be located to the south of this property and west of the Villas. He explained that the design of the park and school property could potentially provide additional detention.

FINAL PLAT – FIRTH SUBDIVISION – 1389 NORTH CHURCH STREET

Bill Wright said this was final plat approval for a one lot subdivision located at 1389 North Church Street. He said the request was to develop one lot a little over an acre to develop a single family house. Bill said the proposal met all the requirements of the zone. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Brown asked about water rights for the property.

Bill said water would only be required for the area that was being developed.

FINAL PLAT – FLINT FIELDS SUBDIVISION, PHASE 1 – APPROXIMATELY 2300 WEST GENTILE STREET

Bill Wright said this was final plat approval for the Flint Fields Subdivision, Phase 1, located at approximately 2300 West Gentile Street. He said the property was bordered on the west side by the power corridor. Bill said the applicant was Castle Creek Homes. The proposal was to develop 23 lots in this phase on 9.7 acres. He said Phase 2 would be coming in shortly for approval.

Bill said there was a requirement for a landscape buffer and fencing along Gentile Street that would be maintained by the two lots that would abut Gentile Street rather than through an HOA. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Day asked if a fence was required along the power corridor.

Bill said yes.

Councilmember Day said during the Planning Commission review, relative to the Engineer's notes, it indicated that written approval from the irrigation users would be needed to eliminate the existing ditch

system. He said there should be no ditch systems eliminated on the property. Councilmember Day said it was also stated that there should be an easement for a Davis Weber Canal Company line that ran along the northern part of the property. He said he couldn't see where that had been addressed.

Bill recommended that that be included as part of the motion by the Council. He said he wasn't positive that the City Engineer had fully addressed that.

Eric Craythorne said he had been asked to represent Castle Creek Homes on this matter. He said he received a message that they had acquired a 10-foot easement for the north ditch through Davis Weber Canal Company.

Councilmember Day said that wasn't noted anywhere on the plat, but he would be fine with it being included as part of the motion.

Councilmember Petro asked if fencing was required along lots that abutted agricultural property.

Bill said wherever there was an agricultural use abutting the development, a fence would be required.

Councilmember Day asked if fencing along agricultural property applied along the road. He said he received a complaint along the Layton Parkway where they were only building half of the road.

Bill said it was not required along the roadway.

Councilmember Day asked Mr. Craythorne if he was in agreement with the ditch easement.

Mr. Craythorne said yes.

FINAL PLAT – WINDMILL SUBDIVISION, PHASE 1 – APPROXIMATELY 100 SOUTH 3200 WEST

Bill Wright said this was final plat approval for the Windmill Subdivision, Phase 1, located at approximately 100 South 3200 West.

Mayor Stevenson arrived at 7:42 p.m.

Bill said this phase included 28 lots on 13.5 acres of property. He said there had been one change since the preliminary plat was approved relative to the alignment of a north/south road. Bill said there was an annexation agreement associated with the property that required installation of a sidewalk up to Gentile Street along the west side of 3200 West. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Day asked if the requirement for sidewalk up to Gentile Street also included curb, gutter and road improvements. If not, who would be responsible for the road improvements in the future?

Peter Matson, City Planner, said the annexation agreement required the road improvements on the west side of 3200 West.

Mayor Stevenson said he would like Item B, the Harmony Place preliminary plat, to be voted on separately. He said he would recuse himself from that portion of the meeting. Mayor Stevenson said he didn't own any property in the Harmony Place project but he did have some ties to the area.

MOTION: Councilmember Day moved to approve Items A, C, D and E of the Consent Agenda as presented, with Item D subject to recording of the easement along the north side for the Davis Weber Canal pipeline that was there and all adjoining requirements they had with that. Councilmember Petro seconded the motion, which passed unanimously.

Mayor Stevenson left the meeting at 7:48 p.m.

MOTION: Councilmember Petro moved to approve Item B of the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

Mayor Stevenson rejoined the meeting at 7:49 p.m.

Mayor Stevenson apologized for being late to the meeting. He indicated that he was attending an event at Hill Air Force Base for the F-35s.

PUBLIC HEARINGS:

REZONE REQUEST – ADAMS-LAYTON-PERKINS/CRAYTHORNE DEVELOPMENT – A TO R-1-8 – APPROXIMATELY 608 WEST WEAVER LANE – ORDINANCE 15-33

Bill Wright said Ordinance 15-33 was a rezone request for 17 acres of property located on the north side of Weaver Lane at approximately 608 West. Bill reviewed the history of the rezone and changes made in property configuration to move the rezone area to the south. This was a better layout for allowing the property to develop with less impact on abutting properties.

Bill said there were street connections that would be made onto Weaver Lane that would align with Vance Drive and would eventually connect through to Gentile Street, and there were two stub streets at 350 South and 425 South into the Brookhurst Subdivision to the east.

Bill said the proposed rezone was to R-1-8 and was consistent with the General Plan for the area. He said the predominant zone in the area was R-1-8 and there was some R-1-10 zoning in the area. Bill said the Planning Commission reviewed this on September 22nd and unanimously voted approval of the rezone, and Staff supported that recommendation.

Councilmember Day said, in the spirit of full disclosure, he had had numerous conversations with some of the property owners, but it shouldn't affect the decision tonight.

Councilmember Petro said she had also had conversations with some of the property owners.

Mayor Stevenson opened the meeting for public input.

Eric Barnes, 619 West 225 South, asked where the alignment of the road that would tie into Weaver Lane at Vance Drive would align as it traveled north to Gentile Street.

Mr. Craythorne said the alignment of the road would be one lot in from the eastern border; there would be houses on both sides of the street as it traveled north.

Councilmember Brown asked if there were any concerns from the property owners with the disclosure statements from Councilmembers Day and Petro.

None were indicated.

MOTION: Councilmember Brown moved to close the public hearing and approve the rezone request as presented, Ordinance 15-33. Councilmember Petro seconded the motion, which passed unanimously.

Mayor Stevenson said this was a good example of everyone working together to make this happen.

REZONE AND PARCEL SPLIT REQUEST – STEWART/MINER – A TO R-S – APPROXIMATELY 300 SOUTH 3200 WEST – ORDINANCE 15-32

Bill Wright said Ordinance 15-32 was a rezone and parcel split request for property located at approximately 300 South 3200 West. He said the parcel split would accommodate the building of a single family home on the property; there was an existing home on the property. Bill explained access to the back portion of the property. He said both lots met the requirements of the zone and it was consistent with the General Plan. Bill 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 rezone and parcel split request as presented, Ordinance 15-32. Councilmember Day seconded the motion, which passed unanimously.

There was discussion about a future Strategic Planning meeting to allow time for the Council and Planning Commission to discuss issues with HOAs. There was discussion about the status of the Transportation Master Plan.

The meeting adjourned at 8:05 p.m.

Thieda Wellman, City Recorder