

**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 public meeting in the Council Chambers of the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 PM on April 4, 2024**.

**AGENDA ITEMS:**

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

- A. Minutes of Layton City Council Work Meeting - January 18, 2024
- B. Minutes of Layton City Council Work Meeting - February 1, 2024
- C. Minutes of Layton City Council Meeting - March 7, 2024

**2. MUNICIPAL EVENT ANNOUNCEMENTS:**

**3. VERBAL PETITIONS AND PRESENTATIONS:**

- A. Presentation – Years of Service Award

**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. Appointing Members to Layton City's Record Appeals Board Pursuant to Section 4.01.403 of the Layton Municipal Code - Resolution 24-12
- B. New Development Required to Pay for Project Improvements Installed by the City – Layton Parkway/2700 West Construction, Project 20-59 – Resolution 24-14
- C. Bid Award – Ormond Construction, Inc. – Hillsboro Drive Water Line Improvements, Project 23-03 – Resolution 24-15 – Along Hillsboro Drive Between Approximately Emerald Drive and Cherry Lane

**6. PUBLIC HEARINGS:**

- A. Rezone Request – Smith's Food and Drug – A (Agriculture) to M-2 (Heavy Manufacturing /Industrial) – Ordinance 24-07 – 282 West Hill Field Road
- B. General Plan Map Amendment, Rezone Request, and Development Agreement – Double J Investments, LTD – General Plan Map Amendment from (Agriculture) to (Light Manufacturing/Industrial), Rezone Request from A (Agriculture) to M-1 (Light Manufacturing/Industrial) – Ordinance 24-09, Ordinance 24-08, and Resolution 24-13 – 445 East Antelope Drive

**7. UNFINISHED BUSINESS:**

**ADJOURN:**

Notice is hereby given that:

- A Redevelopment Agency (RDA) Meeting will be held at 5:30 PM. A Work Meeting will be held at 5:30 PM to discuss miscellaneous matters.
- This meeting will also be live streamed via [laytoncitylive.com](http://laytoncitylive.com) and [facebook.com/Laytoncity](https://facebook.com/Laytoncity)
- 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. Elected Officials at remote locations may be connected to the meeting electronically.
- 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:** \_\_\_\_\_ **Kimberly S Read, City Recorder**

This public notice is posted on the Utah Public Notice website [www.utah.gov/pmn/](http://www.utah.gov/pmn/), the Layton City website [www.laytoncity.org](http://www.laytoncity.org), and at the Layton City Center.

In compliance with the Americans with Disabilities Act, persons in need of special accommodations or services to participate in this meeting shall notify the City at least 24 hours in advance at 801-336-3826 or 801-336-3820.

# **D R A F T**

## **MINUTES OF LAYTON CITY COUNCIL WORK MEETING**

**JANUARY 18, 2024; 5:40 P.M.**

### **MAYOR AND COUNCILMEMBERS PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, CLINT  
MORRIS, TYSON ROBERTS, BETTINA SMITH  
EDMONDSON, AND DAVE THOMAS**

### **STAFF PRESENT:**

**ALEX JENSEN, CLINT DRAKE, CHAD  
WILKINSON, WESTON APPOLONIE, STEPHEN  
JACKSON, TRACY PROBERT, ED FRAZIER,  
DAVID PRICE, KIMBERLY ZYGMANT, AND KIM  
READ**

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

Mayor Petro opened the meeting.

### **AGENDA:**

#### **COUNCILMEMBER REPORT**

Councilmember Smith Edmondson reminded the Council of the Layton Communities That Care (CTC) kick-off meeting scheduled for Tuesday, January 30, 2024, from 12:00 noon to 2:00 PM, lunch would be provided. She stated an overview of past activities and the direction moving forward for the CTC program, and the reorganization of work groups. She mentioned although there would be limited space, organizers were hopeful to fill that space and requested attendees RSVP. She suggested invitations could be made to other community members passionate about drug and alcohol prevention in youth.

Councilmember Thomas reported he had attended the recent Davis Arts Council Board Meeting and its leadership was looking for the last RAMP (Recreation, Arts, Museum, and Parks) contribution from Layton City. David Price, Parks and Recreation Director, stated he would look into the issue.

#### **UPDATE – UTAH INFRASTRUCTURE AGENCY/LAYTON CITY REVENUE SHARE**

Alex Jensen, City Manager, reminded the Council, Councilmember Bloxham had previously touched on this during a previous meeting. He explained the history regarding the creation of UIA (Utah Infrastructure Agency), the sister agency to UTOPIA, and the opportunity for participating cities to

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backstop the debt to continue with the buildout of the infrastructure system. As part of that structure, those participating cities would then have the opportunity to participate with any potential revenue share. He announced Layton City was the only entity to step forward and accept the risk at that time and was now benefitting from that action. He mentioned the City now had the opportunity to formalize and settle terms regarding how the City would receive that revenue share and believed the agreement being proposed by UIA was fair.

Tracy Probert, Finance Director, shared a visual presentation pointing out the following:

- In 2018 Layton City entered into a service agreement with UIA to build out the fiber network to all existing homes.
- In 2018 Layton City backed the bonding effort of UIA to accomplish the proposed project.
- It was estimated the project needed to achieve 21% take rate to cover the annual payment on the bonds.
- UIA agreed to a revenue share program to pay the bonds and provide a potential revenue stream to the City.

He continued to review the highlights of the agreement:

- End users prior to the agreement and bonding – 2,609 connections.
- Maximum number of new end users covered by the agreement – 3,860.
- End user goal of 3,860 connections per the agreement was reached on December 31, 2019.
- Current end users were approximately 9,000 connections equivalent to a 41.7% take rate.
- Residential revenue split was proposed at 20%.
- Commercial revenue split was proposed at 50%.
- Bond Payments would be covered by the Layton revenue split.
- Future amounts owed to the City from the revenue split were estimated between \$137,000 and \$158,000 annually.

He identified specifics included in the proposed agreement:

- Amount owed to Layton City from 2019 through June 30, 2023 was approximately \$3,420,444.
- UIA would repay the current balance owed to Layton City over the remaining life of the service agreement – 21 years or April 1, 2044.
- Interest would be calculated and paid at 5.5%.
- Annual Payment of \$278,645.71.
- Cumulative payback of \$5,851,559.91.
- Total estimated annual payment was between \$415,663 and \$432,364.

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- The combined amount over the 21 years would be around \$9 million to Layton City.

He expressed his opinion the proposed agreement was fair to both parties. Mr. Jensen clarified these funds were completely separate from the excess revenue received by participating entities for the initial debt service payment and a discussion followed.

Councilmember Thomas inquired how the funds from the annual payment would be appropriated. Mr. Jensen recommended appropriating those funds to a designated fund, allowing them to accumulate over time for future Capital Projects which would have a significant presence within the City similar to the Parks Shops facility or the Dispatch Center and the discussion continued.

Mr. Jensen summarized these results were better than originally anticipated.

## **AMENDMENT TO DEVELOPMENT GUIDELINES AND DESIGN STANDARDS – ORDINANCE 24-01**

Stephen Jackson, City Engineer, reminded the Council, the Engineering Division maintained the Development Guidelines and Design Standards regarding development within the City. He mentioned from time to time it was necessary to update and amend the guidelines and informed the Council, the City was required to comply with legislative changes effective February 1, 2024. He reviewed the following key updates with the Council:

- Checklist for Review
  - Requirement to disconnect existing laterals at the main
- Sanitary Sewer Systems
  - Added maximum depth requirements
- Storm Drainage and SWPPP
  - Added maximum depth requirements
  - Added setback requirement for retention and detention basins
- Land Drain Improvements
  - Added maximum depth requirements
- Geotechnical Information
  - Additional infiltration test requirements
  - 5 feet between bottom of infiltration basin and groundwater
- Standard Plans
  - Updates to coordinate with written standards

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He asked if there were any questions and a discussion followed regarding the updates.

**PROPOSAL TO ADD A NEW CHAPTER TO TITLE 19 “ZONING”, CHAPTER 19.03 ENTITLED “LAND USE APPLICATION REQUIREMENTS AND REVIEW PROCESS”, TO AMEND REQUIREMENTS FOR PROCESSING LAND USE APPLICATIONS AND ESTABLISH COMPLIANCE AND CONSISTENCY WITH UTAH STATE CODE 10-9A-604.2; AND AMEND VARIOUS SECTIONS OF TITLE 18, “LAND USE DEVELOPMENT” AND TITLE 19 “ZONING”, RELATED TO CONSISTENCY FOR THE LAND USE APPLICATION PROCESS – ORDINANCE 24-03**

Chad Wilkinson, Community and Economic Development Director, recognized Weston Applonie, City Planner, for the tremendous work of his Staff and his efforts in meeting all deadlines for this new legislation. Mr. Applonie announced the City would be required, as of February 1, 2024, to follow a specific ‘Review Cycle’ upon accepting Single-Family, Two-Family, and Townhome Subdivision applications. He shared a visual presentation and identified the review cycle for the developments and reminded the Council, Staff had generally followed this format in the past. He explained the City’s desire that all Land Use Applications would be required to follow the same review cycle, with a few exceptions, in an effort to promote consistency.

He asked if there were any questions from the Council and a discussion followed regarding the timeline and the assessment of fees. Mr. Applonie clarified the first two submittals were applicable to the initial fees. Mr. Wilkinson suggested only in rare circumstances would the application reach number of the review cycle, and if so, believed that would only happen in the case of significant issues. The discussion continued regarding the tracking of compliance and he indicated this process would make it easier for Staff to track changes.

**CLOSED SESSION TO DISCUSS THE CHARACTER AND/OR COMPETENCY OF AN INDIVIDUAL(S), PENDING OR REASONABLY IMMINENT LITIGATION, PURCHASE, SALE, EXCHANGE OR LEASE OF REAL PROPERTY, WATER RIGHTS OR SHARES, AND/OR DEPLOYMENT OF SECURITY PERSONNEL, DEVICES OR SYSTEMS AS PERMITTED UNDER UTAH CODE 52-4-205**

**MOTION:** Councilmember Roberts moved to adjourn the meeting and convene in a closed meeting at

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6:29 p.m. to discuss the Character and/or Competency of an Individual and Pending or Reasonably Imminent Litigation. Councilmember Thomas seconded the motion, which passed unanimously.

**MOTION:** Councilmember Thomas moved to open the meeting at 7:04 p.m. Councilmember Smith Edmondson seconded the motion, which passed unanimously.

The Work Meeting resumed at 7:57 p.m.

## **DISCUSSION – PROCESS OF APPOINTMENTS FOR ELECTED OFFICIALS**

Clint Drake, City Attorney, reminded the Council it was requested that he review the current ordinance regarding appointments made by the Mayor to determine whether changes were warranted. He reported he had dedicated a considerable amount of time researching the issue and informed the Council the ordinance would be applicable to all and different types of appointments.

He shared a visual presentation of the Ordinance which identified the current language and the suggested language changes. The Council discussed the proposed changes to the City's ordinance with an emphasis regarding the language on how to remove someone from an appointment.

The Council concluded to include language requiring a supermajority of the City Council, four members to remove an appointment.

Councilmember Roberts believed the Mayor should present her report at the beginning of each meeting with the City Councilmembers and the Council expressed agreement.

The Council continued to discuss language in the ordinance regarding removal of an appointment.

Mr. Drake pointed out the elected officials from Layton City should remember their role was to do what would be in the best interests of Layton City and its residents, even if contrary to the secondary role of the appointment. The discussion continued.

Mr. Drake clarified the Council's direction was to include language a supermajority would be required to remove any appointment and indicated he would draft the ordinance for the Council to review and adopt during a future meeting.

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## **OPEN AND PUBLIC MEETING ACT TRAINING**

Mr. Drake shared a presentation and reviewed State Code regarding the Open and Public Meetings Act with the Council highlighting the following:

- Meetings must be public, except under certain conditions for a closed meeting
- Deliberations take place in a public meeting
- Actions/voting take place in a public meeting
- Items were required to be discussed in a public meeting
- Definition of a ‘meeting’
- Electronic meeting
- Closed meetings
- No action was allowed in a closed meeting, including interviews
- Noticing requirements for closed meetings
- Emergency meetings
- Minutes and recordings
- Violations and penalties

## **CONFLICT OF INTEREST TRAINING**

Mr. Drake also shared a presentation and reviewed the law regarding Conflict of Interest and Ethics and identified the following must be disclosed:

- Interest in any business or entity which conducted business with the City or was regulated by the City
- Any personal interest which conflicted with the Council’s public duties

He cautioned the Council to consider how their respective actions could be viewed or perceived by the public in considering whether a conflict existed.

## **SEXUAL HARASSMENT TRAINING**

This agenda item wasn’t addressed by the Council.

## **MAYOR’S REPORT**

Mayor Petro updated the Council on the following:

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- The most recent decision by Wasatch Integrated Waste Management District (WIWMD) Board to hold a Special Board Meeting regarding the Property Purchase Agreement. She also shared an update regarding the Resolution adopted by WIWMD during its meeting in December 2023. She stated she would continue to work with the District's Board regarding a recycling program.
- Updated the Council regarding Davis County's Homeless taskforce to identify a location for an appropriate location for a facility to house the homeless, as well as an appropriate location to meet compliance with the Code Blue legislation. She informed the Council of the different options being considered by the County and taskforce as well as funding options.
- Indicated the need for the Council to tour the North Davis Sewer District facility and requested they be prepared to accommodate her request this spring.
- Informed the Council she had been designated the Chair for the Active Transportation Committee affiliated with Wasatch Front Regional Council (WFRC).

Mr. Drake mentioned each councilmember would receive a certificate regarding their participation in tonight's trainings.

**The meeting adjourned at 10:05 p.m.**

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Kimberly S Read, City Recorder

## SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **18th day of January, 2024**, was to Discuss the Competency of an Individual and Pending or Reasonably Imminent Litigation .

Dated this 4th day of April, 2024.

ATTEST:

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JOY PETRO, Mayor

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KIMBERLY S READ, City Recorder

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## **MINUTES OF LAYTON CITY COUNCIL WORK MEETING**

**FEBRUARY 1, 2024; 5:33 P.M.**

### **MAYOR AND COUNCILMEMBERS PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, CLINT  
MORRIS, TYSON ROBERTS, BETTINA SMITH  
EDMONDSON, AND DAVE THOMAS**

### **STAFF PRESENT:**

**ALEX JENSEN, CLINT DRAKE, CHAD  
WILKINSON, DAVID PRICE, JOELLEN GRANDY,  
ED FRAZIER, AND KIM READ**

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

Mayor Petro opened the meeting.

### **AGENDA:**

#### **MAYOR'S REPORT**

Mayor Petro announced the following:

- She had sent an email to each Councilmember earlier today providing an update regarding the North Davis Sewer District (NDSD) Board.
- Wasatch Front Regional Council (WFRC) was monitoring items being discussed during this legislative session. She specifically mentioned a 'housing inventory' could be located on its website.
- WFRC Active Transportation Committee had been meeting and reported the State of Utah had been recognized as the largest population based mountain bike riders for high school students and pointed out the importance of connecting the various trails throughout the State.
- Tim Watkins, Layton City's previous City Planner, had been hired with WFRC as a planner.
- Davis County's Homeless Task Force had presented to the Legislature requesting funding. Although the Committee complimented the Task Force's presentation and plan she wasn't optimistic and a discussion followed.
- The Chamber of Commerce's number one priority was the extension of the Davis Behavioral Health housing center, consolidating its housing, on the boarder of Layton and Kaysville City. She mentioned that entity would be requesting assistance from the Legislature and stated it seemed to have momentum. She expressed her opinion it would be a successful project.

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## **COUNCILMEMBER REPORT**

Councilmember Roberts reiterated the Chamber's Legislative Affairs Committee was meeting weekly and indicated it was helpful to recognize its assistance on some of the bills, which would impact cities, being considered by the Legislature.

Councilmember Thomas mentioned the Gordon Avenue Town Center public hearing, scheduled for a future City Council meeting. He reported on what had taken place during the Planning Commission's public hearing and a discussion followed.

Chad Wilkinson, Community and Economic Development Director, informed the Council of the history associated with the Gordon Avenue Town Center, which included communication and requests from the public, and revisions from City Staff. He believed Staff had been responsive to the public's requests for the Town Center and reported the Planning Commission unanimously forwarded a positive recommendation to the City Council. He expressed his opinion this would be a unique opportunity for a cooperative property owner to ensure a quality development. He reported commercial developers which had expressed interest in developing the Town Center would provide the City with a valuable final product which he believed suggested the commercial component would initially take place followed by the multi-family housing.

Councilmember Thomas complimented the Planning Commission Chair, Trevor Steenblik, in managing the public hearing on Tuesday, January 30, 2024.

Councilmember Smith Edmondson suggested the City consider live streaming Planning Commission meetings and Mr. Wilkinson pointed out the importance of the public participating in person during these meetings.

She shared a report for Communities That Care regarding its kick-off meeting from Tuesday, January 30, 2024, at the Intermountain Layton Hospital which experienced a great turnout. She expressed appreciation to City's Parks and Recreation Department for its presentation and believed the meeting had been very successful. She stated representation and participation was still needed from Northridge High School and mentioned that would be a focus moving forward. She also mentioned she was attending the Legislature with ULCT (Utah League of Cities and Towns) and shared an update on a few bills and committees she was familiar with.

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Councilmember Bloxham inquired what the City knew about Representative Peterson's bill regarding local government fees modification which could potentially affect UTOPIA. Alex Jensen, City Manager, responded UTOPIA Staff believed it wouldn't affect UTOPIA and further explained its current structure.

Councilmember Morris reviewed specific bills related to Land Use and Housing and expressed his concern with a few of them and a discussion followed regarding bills being considered by the Legislature.

## **COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR FISCAL YEAR 2024-2025**

Mr. Wilkinson explained Layton City had been designated as an entitlement Grantee of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) and was required to develop an Annual Action Plan. The Plan identified needs within the City and proposed strategies to meet those needs using the allotment of CDBG funds during the upcoming Program Year, July 1, 2024 to June 30, 2025. HUD regulations required two public hearings during the preparation of the Plan. This was the first public hearing for the purpose of gathering information from the public concerning the needs within Layton City. Community organizations had the opportunity to present requests for assistance with their operational costs. No action was required at this time; the finalized Plan would be presented to the Council during a meeting in May 2024.

He specifically pointed out the \$410,000 appropriation of CDBG funding. He pointed out the illustration shared with the Council was last year's CDBG activities and funding budget. He reported the City had been given an opportunity from Davis School District to purchase a portion of East Layton Elementary property as a way to provide additional building lots for Habitat for Humanity and Have a Heart. He continued to explain these entities provided affordable housing, via donated labor and materials, to qualified low to moderate income buyers. He believed this was a great opportunity to the City to acquire approximately two acres by re-directing the remainder of previously allocated funds from past program years, which had not yet been expended. He mentioned there were time limits associated with appropriations and the City was required to re-allocate and disburse these funds by May 1, 2024. He clarified the remaining \$110,000 would be designated from the 2024-2025 Program Year and indicated the school district had agreed to the arrangement.

Councilmember Morris clarified the School District didn't build the homes and inquired why the City was paying full market price for the property. Mr. Wilkinson responded that was a HUD requirement. Mr. Jensen explained the difference between this transaction and the property purchase for the teen center.

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Councilmember Smith Edmondson inquired how many homes could be accommodated on the parcels and Mr. Wilkinson responded at least four and possibly five homes.

Mr. Wilkinson reminded the Council sub-recipients could be in attendance to participate during the public hearing.

Councilmember Bloxham inquired about the possibility of re-allocating the funding to programs which would benefit a greater number people. Mr. Wilkinson reminded the Council about the parameters associated with the funding options. He mentioned the Have a Heart committee was made up of Realtors and reviewed the activities which could be supported by HUD and explained the challenges associated with the Homebuyer Assistance Program and a discussion followed regarding other funding appropriations which could benefit current homeowners.

**ANNEXATION AND REZONE REQUEST – BARNEY ANNEXATION AND REZONE – A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL) – ORDINANCE 24-04 AND ORDINANCE 24-05 – APPROXIMATELY 3041 WEST GENTILE STREET**

This item was not addressed by the Council.

**PROPOSED AMENDMENTS TO LAYTON CITY MUNICIPAL CODE, TITLE 19 “ZONING”, CHAPTER 19.02 “DEFINITIONS”, 19.05 “GENERAL AND SPECIFIC DEVELOPMENT REGULATIONS”, 19.06 “LAND USE REGULATIONS”, AND 19.12 “OFF STREET PARKING” TO AMEND REQUIREMENTS AND ADD CLARIFICATION FOR IMPERVIOUS SURFACE COVERAGE WITHIN RESIDENTIAL ZONES – ORDINANCE 24-02**

Mr. Wilkinson informed the Council, the City had received a Zoning Ordinance text amendment petition from Jeremy Roberts of RPM Construction, on behalf of a Layton City resident. The applicant had submitted a proposal to modify and increase the impervious surface coverage percentage applied to the rear yards in single-family residential zones. He mentioned the City had received an increasing number of requests for pool installations; however, many struggle and become frustrated with restrictions on the location of the pool because of Code constraints specifically related to maximum impervious area coverage requirements. Impervious surface coverage was an important consideration when developing lots within subdivisions as it determined sizing for storm water systems and provided for open areas to allow for water to naturally drain into the ground. Impervious surfaces include any surface which

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prevents, delays, hinders, or alters the natural absorption of water into the soil, or that causes water to run off the surface in greater quantities or faster than natural conditions. Examples of impervious surfaces include, but were not limited to: structures, concrete or asphalt, walkways, decks, patios, driveways, parking lots, sports courts, pools, and/or other similar surfaces. He mentioned the inconsistencies in the past when identifying the best location for the swimming pool given the constraints of the lot and shared an example.

Staff had reviewed the codes and determined the City's Code might be too restrictive related to the maximum amount of impervious surface allowed. The City Engineer determined the maximum impervious surface which could be permitted in a rear yard. The maximum lot coverage allowed and maximum coverage of structures in the rear yard setback in single-family zones would not change; however, what counted as a structure, would be clarified. He shared an illustration to further explain the proposed text amendment. Swimming pools, patios, sports courts, etc., would no longer count as a structure when calculating coverage and would amend Chapter 19.06, "Land Use Regulations." Pools, patios, sports courts, etc., would continue to be considered impervious surfaces and would count towards the overall maximum lot coverage. The Engineering Department had determined the proposed increase in impervious surface area in the rear yard setback would not negatively impact existing storm drain systems as the overall lot coverage would not change.

Additionally, there was potential ambiguity when determining which yard area impervious surfaces were attributed, especially when structures overlap setback lines. To address the ambiguity, the proposed ordinance provided clarification when determining yard areas. The purpose of the amendments was to clarify yard definitions found in Chapter 19.02 "Definitions," with a graphic in Diagram A-2 to illustrate these definitions. Clarifying language would also be added to Chapter 19.12, "Off Street Parking," in reference to impervious surface coverage in the front yard in single-family zones.

Impervious surface would be added as a definition, along with clarifications to the definition of hard surface, front yard area, corner side yard, and corner side yard area. Additionally, graphics would be added to help illustrate definitions.

The Council expressed appreciation to Staff for considering whether adjustments to City Code could be made to better accommodate citizens' requests for residential swimming pools.

## **PARKS PLANNING UPDATES**

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David Price, Parks and Recreation Director, was pleased to share a presentation with the Council of its current projects.

## Layton Parks Shop Facilities Update

- Guaranteed maximum price completed
- Pre-Construction: February 6, 2024
- Construction Period was estimated to be completed in December 2024

He expressed appreciation to JoEllen Grandy, Parks Planner, for her efforts associated with this project.

## Proposed Public Parks Master Plan Review

Ms. Grandy shared an illustration from the 2016 Parks and Recreation Master Plan which the Department followed in determining the service areas for existing and future proposed parks. She reviewed the current parks established within the City. She identified locations identified for future park development and asked if there were any questions.

Mr. Price expressed appreciation to the Council, and previous Councils, for the foresight in acquiring property for future parks.

Councilmember Smith Edmondson inquired if Mr. Price would speak to how the City identified when parks were developed. Mr. Price responded parks were constructed with the use of Park Impact Fees and mentioned that funding source had time constraints and deadlines for when those funds had to be used. He pointed out the last park developed by the City was the result of a partnership with an interested developer who was willing to share in development costs. He also mentioned Staff used an opportunistic approach when acquiring future park space or determining which park would be next recommended for development.

## **MAYOR'S REPORT**

### EDA Update

Mr. Wilkinson provided a brief update regarding the East Gate Economic Development Area (EDA). He explained the City was in receipt of the Interlocal Agreement with the Davis School District extending its participation in the EDA. This action required the City to follow State Code specific to noticing within

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the EDA and explained the residents within the area could easily be confused regarding the specific language required in the mailed notice. He emphasized this action would not result in any tax increase because of the action and this would be a 30-day notice.

**CLOSED SESSION TO DISCUSS THE CHARACTER AND/OR COMPETENCY OF AN INDIVIDUAL(S), PENDING OR REASONABLY IMMINENT LITIGATION, PURCHASE, SALE, EXCHANGE OR LEASE OF REAL PROPERTY, WATER RIGHTS OR SHARES, AND/OR DEPLOYMENT OF SECURITY PERSONNEL, DEVICES OR SYSTEMS AS PERMITTED UNDER UTAH CODE 52-4-205**

**MOTION:** Councilmember Smith Edmondson moved to adjourn the meeting and convene in a closed meeting at 6:35 p.m. to discuss the Character and/or Competency of an Individual(s), and Discuss Pending or Reasonably Imminent Litigation. Councilmember Thomas seconded the motion, which passed unanimously.

**MOTION:** Councilmember Smith Edmondson moved to open the meeting at 7:10 p.m. Councilmember Thomas seconded the motion, which passed unanimously.

**The meeting adjourned at 7:10 p.m.**

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Kimberly S Read, City Recorder

## **SWORN STATEMENT**

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **1st day of February, 2024**, was to Discuss the Character and/or Competency of an Individual, and; Discuss Pending or Reasonably Imminent Litigation.

Dated this 4th day of April, 2024.

ATTEST:

# **D R A F T**

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JOY PETRO, Mayor

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KIMBERLY S READ, City Recorder

# **D R A F T**

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**MARCH 7, 2024; 7:12 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, CLINT  
MORRIS, BETTINA SMITH EDMONDSON, AND  
DAVE THOMAS**

**PARTICIPATING ELECTRONICALLY:** **TYSON ROBERTS**

**STAFF PRESENT:**

**ALEX JENSEN, CLINT DRAKE, STEPHEN  
JACKSON, DAVID PRICE, JOELLEN GRANDY,  
AND KIM READ**

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

Mayor Petro opened the meeting and welcomed the Public. She apologized for beginning the meeting tardy. She announced Councilmember Roberts would be participating during the meeting electronically. Councilmember Smith Edmondson offered the invocation followed by the Pledge of Allegiance.

**MINUTES:**

**MOTION:** Councilmember Smith Edmondson moved and Councilmember Morris seconded to approve the minutes of:

**Layton City Council Meeting – January 18, 2024;**  
**Layton City Council Special Meeting – February 6, 2024; and**  
**Layton City Council Meeting – February 15, 2024.**

The vote was unanimous to approve the minutes as written.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Thomas announced the following City events:

- Wear Green for half-priced admission at Surf'n Swim on Saturday, March 16, 2024.
- ‘Night at the Library’ Family Recreation Activity, Mermaid Scales and Pirate Tales, on Friday, March 22, 2024, at the Davis County Library Layton Branch from 6:30-8:00 PM. Crafts, games, prizes, and free fun for everyone!

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- Surf'n Swim's Easter Egg Dive, Saturday, March 23, 2024 from 10:00 AM-12:00 PM. \$3.00 admission and pre-registration is required.
- Revealed Tessa Vaschel, Davis Arts Council Executive Director, had tendered her resignation. An open house to wish her farewell was scheduled for Friday, March 15, 2024, from 11:00 AM-1:00 PM. He also announced the Arts Council recently hired Kristin Wojciechowski to fill the Senior Director of Development position.

Mayor Petro announced the old white bank building on the corner of Gentile and Main Street had been renovated and converted to office space. A public open house was scheduled for Monday, March 11, 2024, from 3:00-6:00 pm.

## **PRESENTATIONS:**

### **PROCLAMATION – LAYTON CHRISTIAN ACADEMY – 4A BOYS BASKETBALL STATE CHAMPIONS**

Mayor Petro read a Proclamation and requested Coach Stanley share some comments.

Casey Stanley, Basketball Coach, introduced the basketball team to the City Council.

Mayor Petro presented the proclamation to Chris Crowder, Head of School.

Mr. Crowder, expressed appreciation for the support received from Layton City. He reported the school had 346 international students attending the school from 41 different countries. He announced two members of the team, both juniors, had been offered and received a basketball scholarships from Weber State University.

Councilmember Bloxham commented Layton City had been well represented at the State Semi-Finals Basketball Tournament with both Layton Christian Academy and Layton High School.

## **CITIZEN COMMENTS:**

There were no citizen comments.

## **CONSENT AGENDA:**

# **D R A F T**

## **ACCEPT A PROPOSAL FOR AN AGREEMENT BETWEEN LAYTON CITY, UTAH DEPARTMENT OF TRANSPORTATION, AND KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL PRE-CONSTRUCTION ENGINEERING CONSULTANT SERVICES FOR THE KAY'S CREEK TRAIL PEDESTRIAN OVERPASS AT THE LAYTON FRONTRUNNER STATION – RESOLUTION 24-07 – 150 SOUTH MAIN STREET**

David Price, Parks and Recreation Director, introduced the agenda item and explained the City had obtained \$7,863,325 in grant funding to assist with construction of the Kay's Creek Trail Pedestrian Overpass, proposed to span the width of the Union Pacific/FrontRunner railway corridor and touch down immediately next to the Layton FrontRunner Station. The proposed overpass would connect the east and west alignment of the Kay's Creek Trail to the FrontRunner Station and the downtown area. The project scope would include a new pedestrian bridge with an elevator, stairs, lighting, and safety improvements such as cameras to connect the Kay's Creek Trail.

Utah Department of Transportation (UDOT) was the administrator of the grant funding and joint-team project manager with the City in determining the awarded contracts for the project during the design and eventual construction of the pedestrian overpass. A Request for Proposal (RFP) for professional pre-construction engineering consultant services was distributed through UDOT to all interested firms. Two professional firms responded to the RFP and submitted proposals. These proposals were evaluated and scored by five individuals using a predetermined weighted scoring criteria. The qualification-based proposals were evaluated under six general categories. Once the qualification-based proposal evaluations were completed, Kimley-Horn was invited to prepare a fee structure and its proposal for professional pre-construction engineering consultant was \$1,057,546.25.

Staff recommended approval of Resolution 24-07 authorizing the City Manager to conduct negotiations and execute an agreement between Layton City, UDOT, and Kimley-Horn for professional pre-construction engineering consultant services for the Kay's Creek Trail Pedestrian Overpass at the Layton FrontRunner Station. He asked if there were any questions.

Mayor Petro requested Mr. Price explain the map and orient the public where the overpass would be located. He identified on a map illustration where the pedestrian crosswalk would be located and indicated the overpass would be a vital link for those using FrontRunner, as well as the entire community. He also shared an aerial illustration which identified the Kay's Creek Trail within this area of the City. Councilmember Morris requested clarification about the pedestrian crossing at Main Street and Mr. Price responded this would be a controlled pedestrian crosswalk intersection. He introduced JoEllen Grandy, Parks Planner, and complimented

# **D R A F T**

her efforts in obtaining the significant grant funding for the project and emphasized the City couldn't have completed the project on its own without grant funding.

Ms. Grandy explained how pedestrians using bicycles could easily push their bike up or down an adjacent ramp to the stairs for the overpass without having to carry them.

## **BID AWARD – RJT EXCAVATING, INC. – GORDON AVENUE SECONDARY WATER TRUNK LINE, PROJECT 22-04 – RESOLUTION 24-08 – ALONG GORDON AVENUE BETWEEN APPROXIMATELY RAINBOW DRIVE AND 400 WEST**

Stephen Jackson, City Engineer, introduced the agenda item and explained this was the first phase of the large secondary water trunk line included in the City's Water Master Plan. He stated the City had been working toward securing funding and designing of the project. He explained this first phase would construct the water line from approximately Rainbow Drive at Gordon Avenue to Interstate 15. He mentioned the total project costs for the entire trunk line were approximately \$14 million. He reported five bids were received with RJT Excavating, Inc. submitting the lowest, responsive, responsible bid in the amount of \$5,188,893.95. He indicated the Engineer's estimate was \$4.5 million. He briefly reviewed the scope of this first phase of the project and announced the second phase was in the design process. Staff recommended approval.

Mr. Jackson mentioned the project would begin this spring. He indicated Gordon Avenue was a five lane roadway and construction would take place down the middle of those five lanes and added this would allow two-way vehicular traffic in both directions for most of the construction. He explained it would be the contractor's responsibility to plan for traffic control at crossings to ensure the safety of the school children using the school crossings. The project was anticipated to be completed by this fall.

Mayor Petro pointed out Councilmember Roberts desired to acknowledge that RJT was a local Layton business.

Councilmember Bloxham requested Mr. Jackson speak to the need and/or importance of this project. Mr. Jackson explained the Water Master Plan, adopted years ago, addressed the importance of optimization of the City's water resources. Part of that was identifying how to supply culinary and secondary water for City residents, now and in the future, as well as keeping costs manageable. He concluded without completion of this project the costs for the delivery of culinary water from other sources would be quite high and stated the new pipeline allowed the City to utilize water resources via local reservoirs, already owned and available to the City. This would ensure optimization between indoor and outdoor uses was efficient and affordable water.

# **D R A F T**

Councilmember Bloxham mentioned the pipeline would provide water to residents in the western portion of the City allowing culinary water to be used for indoor purposes. He added the Water Master Plan was referenced often and this project had been discussed for a number of years to benefit future residents. Mr. Jackson added the Governor's Office of Economic Opportunity provided grant funding of \$5 million to assist with this water infrastructure project which was a great benefit to the City.

**BID AWARD – CRAYTHORNE, INC. – WATERWAY REMOVAL/STORM DRAIN IMPROVEMENTS, PROJECT 23-13 – RESOLUTION 24-09 – SCHEDULE A - LOCATED APPROXIMATELY AT THE INTERSECTION OF 2600 EAST AND 2700 NORTH AND SCHEDULE B - LOCATED ALONG OAKRIDGE DRIVE BETWEEN ASH DRIVE AND CHERRYWOOD DRIVE**

Mr. Jackson announced the agenda item and indicated both projects included the installation of 12-inch to 15-inch storm drain pipe with box installations and other items to remove the waterways, which were damaging the roadway, repair the roadway including new ADA (Americans with Disabilities Act) ramps, and all other work associated with the storm drain installation.

He reported six bids were received with Craythorne, Inc. submitting the lowest responsive, responsible bid in the amount of \$263,044.06. The Engineer's estimate was \$250,000. Staff recommended approval.

**MOTION:** Councilmember Smith Edmondson moved to approve the Consent Agenda as presented. Councilmember Thomas seconded the motion, which passed unanimously.

## **PUBLIC HEARINGS:**

There were no public hearings.

## **UNFINISHED BUSINESS:**

There was no unfinished business.

**The meeting adjourned at 7:53 p.m.**

# **D R A F T**

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Kimberly S Read, City Recorder

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

**Item Number:** 3.A.

**Subject:**

Presentation – Years of Service Award

**Background:**

The following employee with over 30 years of service will be recognized at Council Meeting.

Police

Shawn Horton

**Alternatives:**

N/A

**Recommendation:**

N/A

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

**Item Number:** 5.A.

**Subject:**

Appointing Members to Layton City's Record Appeals Board Pursuant to Section 4.01.403 of the Layton Municipal Code - Resolution 24-12

**Background:**

Within Section 4.01.403 of the Layton Municipal Code is created a Record Appeals Board. This Board is authorized to hear and adjudicate appeals regarding records that Layton City has been requested to disclose. The membership of this Board is to be a City employee and two citizens, one of which is to have professional experience in managing or requesting records. Melvin E. Smith was previously appointed in 2017 to the Board, but has since retired. It is the desire of the Council to appoint Gary R. Crane as a replacement member of the Layton City Record Appeals Board, who has significant experience in the management of records.

**Alternatives:**

Alternatives are to: 1) Adopt Resolution 24-12 Appointing Members to Layton City's Record Appeals Board Pursuant to Section 4.01.403 of the Layton Municipal Code; 2) Adopt Resolution 24-12 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 24-12 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 24-12, and authorize the Mayor to sign the necessary documents.

**RESOLUTION 24-12**

**A RESOLUTION APPOINTING MEMBERS TO LAYTON CITY'S RECORD APPEALS BOARD PURSUANT TO SECTION 4.01.403 OF THE LAYTON MUNICIPAL CODE**

**WHEREAS**, within Section 4.01.403 of the Layton Municipal Code is created a Record Appeals Board; and

**WHEREAS**, this Board is authorized to hear and adjudicate appeals regarding records that Layton City has been requested to disclose; and

**WHEREAS**, the membership of this Board is to be a City employee and two citizens, one of which is to have professional experience in managing or requesting records; and

**WHEREAS**, Melvin E. Smith was previously appointed in 2017 to the Board, but has since retired; and

**WHEREAS**, it is the desire of the Council to appoint Gary R. Crane as a replacement member of the Layton City Record Appeals Board, who has significant experience in the management of records.

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

That Gary R. Crane be appointed as a member of the Layton City Record Appeals Board as a replacement for Melvin E. Smith.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this 4<sup>th</sup> day of April, 2024.

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JOY PETRO, Mayor

ATTEST:

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KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:

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JADYN APPLONIE, Assistant City Attorney

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

**Item Number:** 5.B.

**Subject:**

New Development Required to Pay for Project Improvements Installed by the City – Layton Parkway/2700 West Construction, Project 20-59 – Resolution 24-14

**Background:**

The City has installed a portion of Layton Parkway, from 2200 West to 2700 West and all of 2700 West from Layton Parkway to Gentile Street, by installing street improvements, including road base, asphalt, curb, gutter, sidewalk, and street lights and utilities including water, sewer, storm drain, and secondary water. The City has determined, pursuant to Section 12.24.060 of the Layton Municipal Code that new development should pay its proportional share of the costs of infrastructure and improvements, that constitute “project improvements” and that specifically benefit development activity within the City. The City has calculated the cost of those improvements, based on actual costs incurred by the City in making those improvements and, pursuant to the above ordinance, desires to impose, by resolution, those costs on future development.

**Alternatives:**

Alternatives are to: 1) Adopt Resolution 24-14 requiring that the project improvement costs attributable to new development, be assessed to new development; 2) Adopt Resolution 24-14 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 24-14 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 24-14 requiring that the project improvement costs attributable to new development be assessed to new development and authorize the City Manager to sign the necessary documents.

**RESOLUTION 24-14**

**A RESOLUTION REQUIRING NEW DEVELOPMENT TO PAY FOR LAYTON PARKWAY/2700 WEST IMPROVEMENTS, INSTALLED PREVIOUSLY BY THE CITY IN ADVANCE OF DEVELOPMENT, FOR THE LAYTON PARKWAY/2700 WEST CONSTRUCTION, PROJECT 20-59**

**WHEREAS**, the City has installed a portion of Layton Parkway from 2200 West to 2700 West by installing street improvements; and

**WHEREAS**, the City has installed all of 2700 West from Layton Parkway to Gentile Street by installing street improvements; and

**WHEREAS**, the City, and The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints "The Church", entered into a Settlement Agreement and Release of All Claims on August 6, 2021; and

**WHEREAS**, the City, and Allen Land Company, entered into an Settlement Agreement and Release of All Claims on May 5, 2021; and

**WHEREAS**, the City, and Susan Chen, entered into an Settlement Agreement and Release of All Claims on April 1, 2021; and

**WHEREAS**, the City, and Mike Kolendrianos and Patricia Child, entered into an Settlement Agreement and Release of All Claims on July 21, 2021; and

**WHEREAS**, the City, and Spyros Sam Manes and Caryn Sorenson Manes, entered into an Settlement Agreement and Release of All Claims on April 9, 2021; and

**WHEREAS**, the City, and Joseph F. and Rozanna S. Hill Family Limited Partnership, entered into an Settlement Agreement and Release of All Claims on August 15, 2022; and

**WHEREAS**, consistent with the City's policy and Section 12.24.060 of the Layton Municipal Code, the City has determined that new development should pay its proportional share of the costs of infrastructure and improvements that constitute "project improvements" and that specifically benefit development activity within the City; and

**WHEREAS**, the City has calculated the costs of those improvements, based on actual costs incurred by the City in making those improvements and, pursuant to the above ordinance, desires to impose, by resolution, those costs on future development; and

**WHEREAS**, it is deemed to be in the best interest of the citizens of Layton City, to adopt and approved this resolution, requiring that those costs attributable to new development, be assessed to new development.

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

1. That the owners of those properties, identified in Attachments "A" through "E", that have benefited by the City's installation of "project improvements", specifically street improvements, secondary water, culinary water, sanitary sewer, and storm drain to those properties, be assessed their proportional share of the costs of those improvements only when development occurs on the property as provided in Attachment "F" to this resolution, which is attached hereto and incorporated herein by this reference.

2. That, pursuant to Section 12.24.060 of the Layton Municipal Code, the payment of these costs become a condition precedent to any development approval or permit requested or applied for at the cost as shown in Attachment "F".

3. That a copy of this resolution be recorded upon each parcel of property identified in Attachments "A through "E", to be assessed their proportional share of the costs of those improvements, as identified in Attachment "F", which attachments are attached hereto and incorporated herein by this reference.

4. That the City Manager is authorized to execute the necessary documents.

5. This Resolution shall become effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this 4<sup>th</sup> day of April, 2024.

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JOY PETRO, Mayor

ATTEST:

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KIMBERLY S READ, City Recorder

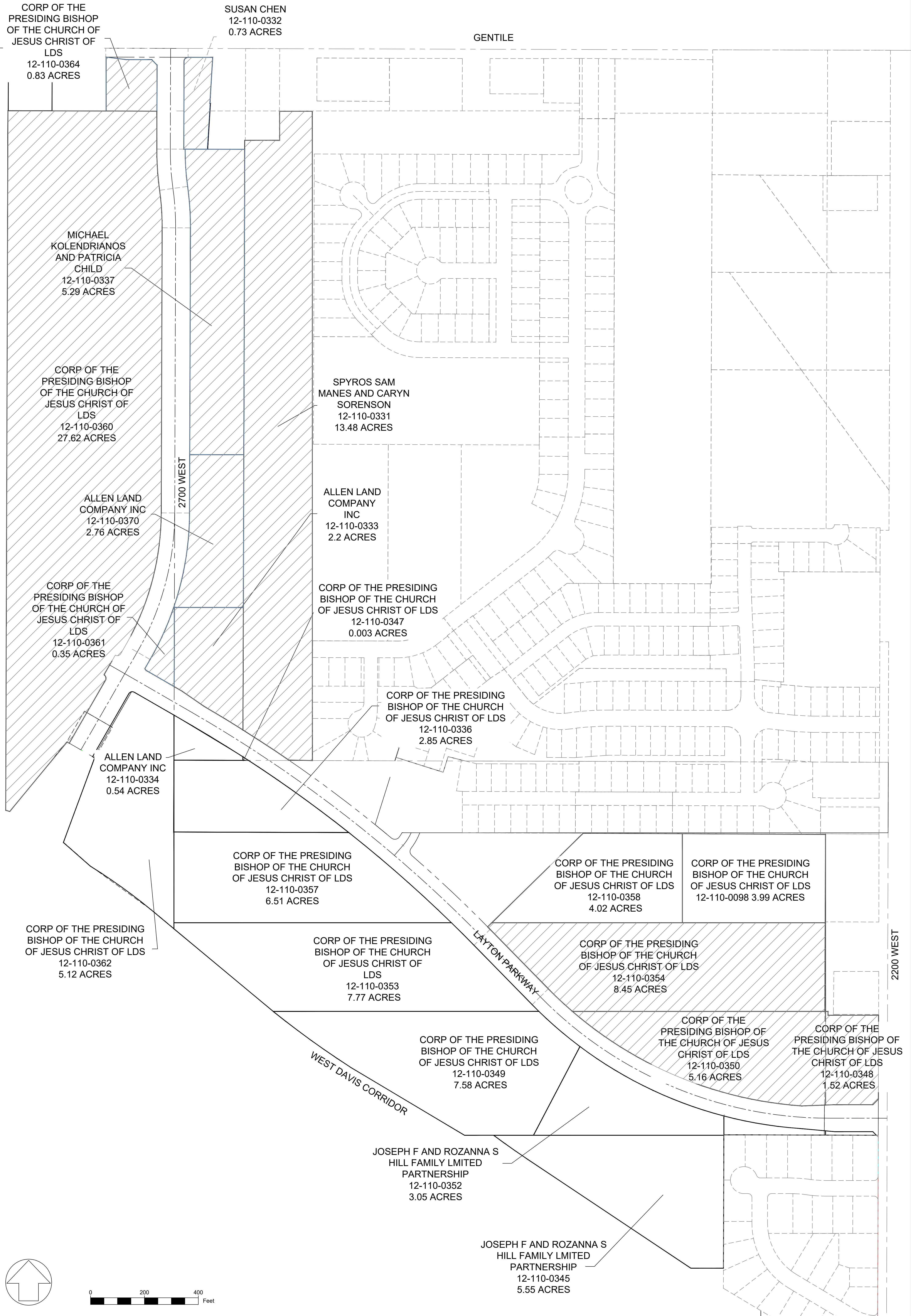
APPROVED AS TO FORM:

  
CLINTON R. DRAKE, City Attorney

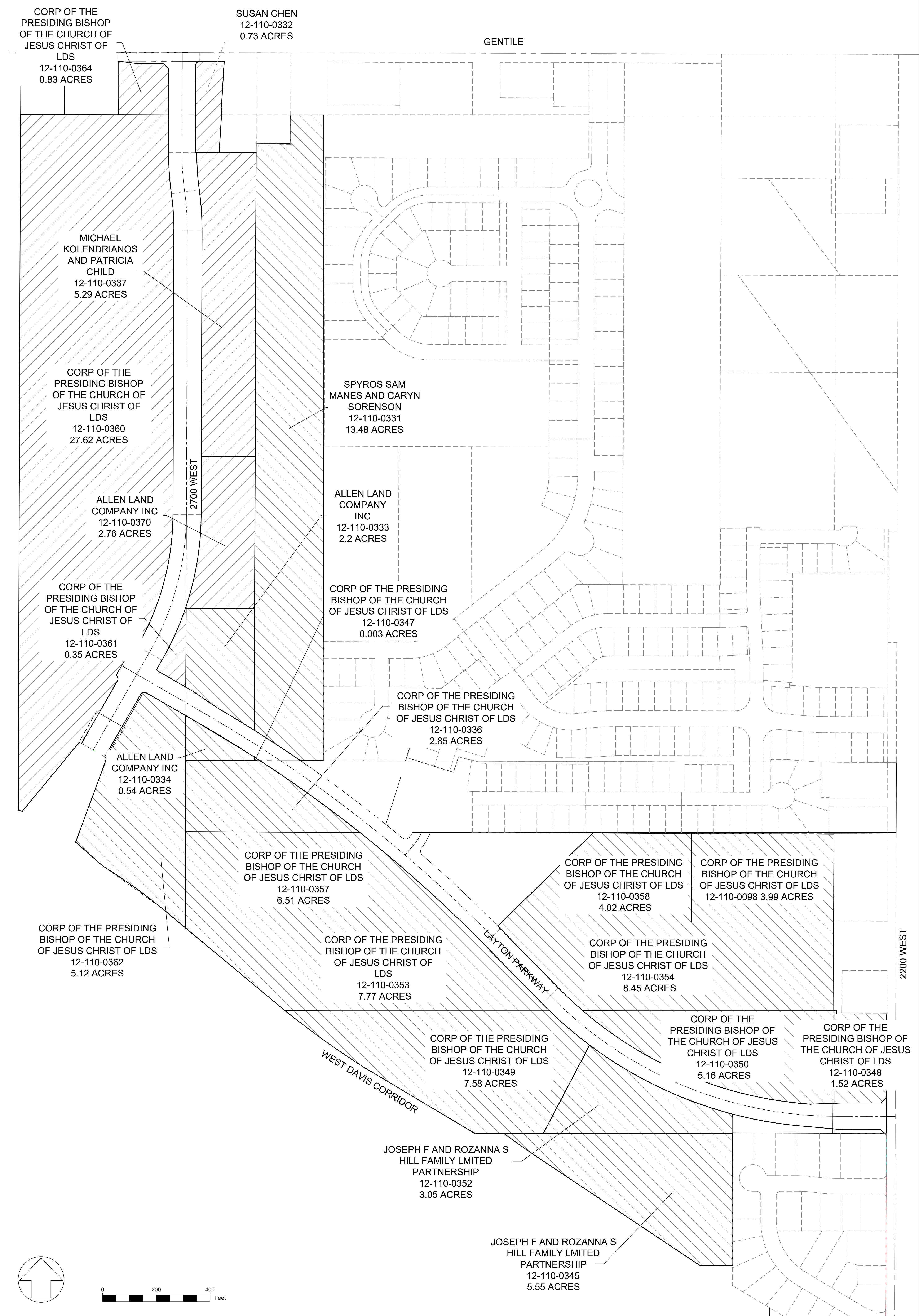
  
TERRY COBURN, Department Director

## ATTACHMENT 'A'

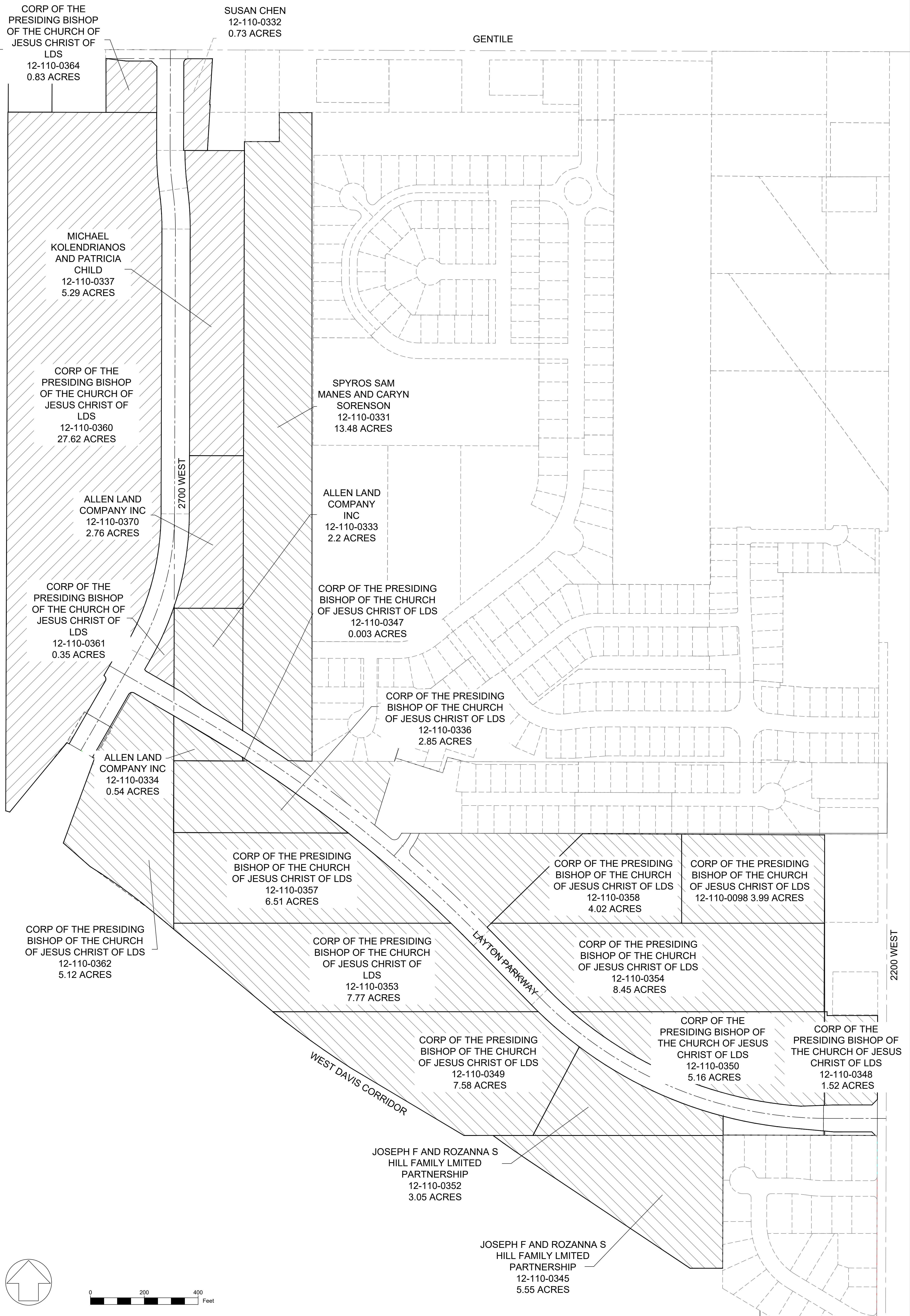
## STREET CONSTRUCTION PAYBACK



## CULINARY WATERLINE PAYBACK

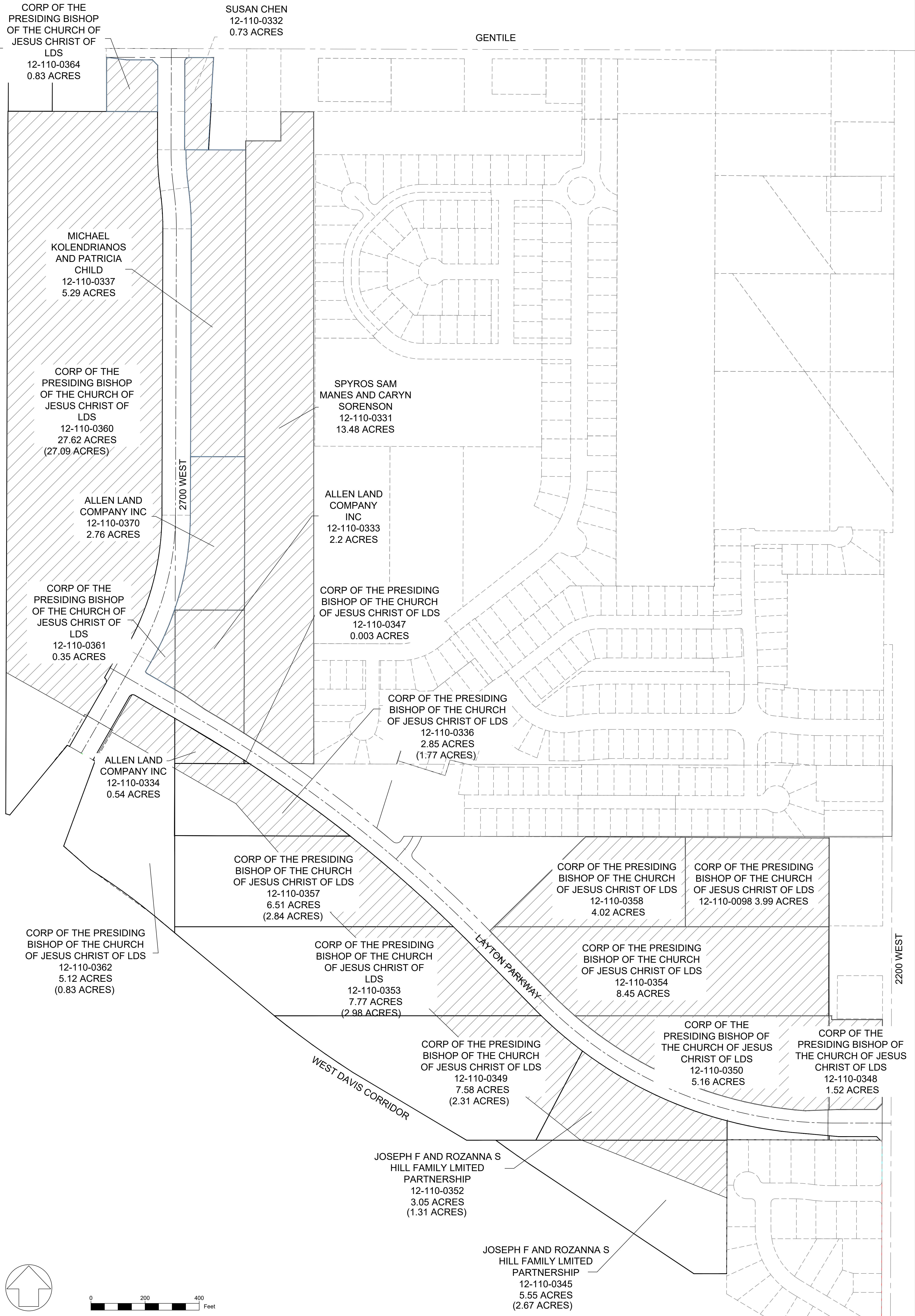


## SECONDARY WATERLINE PAYBACK

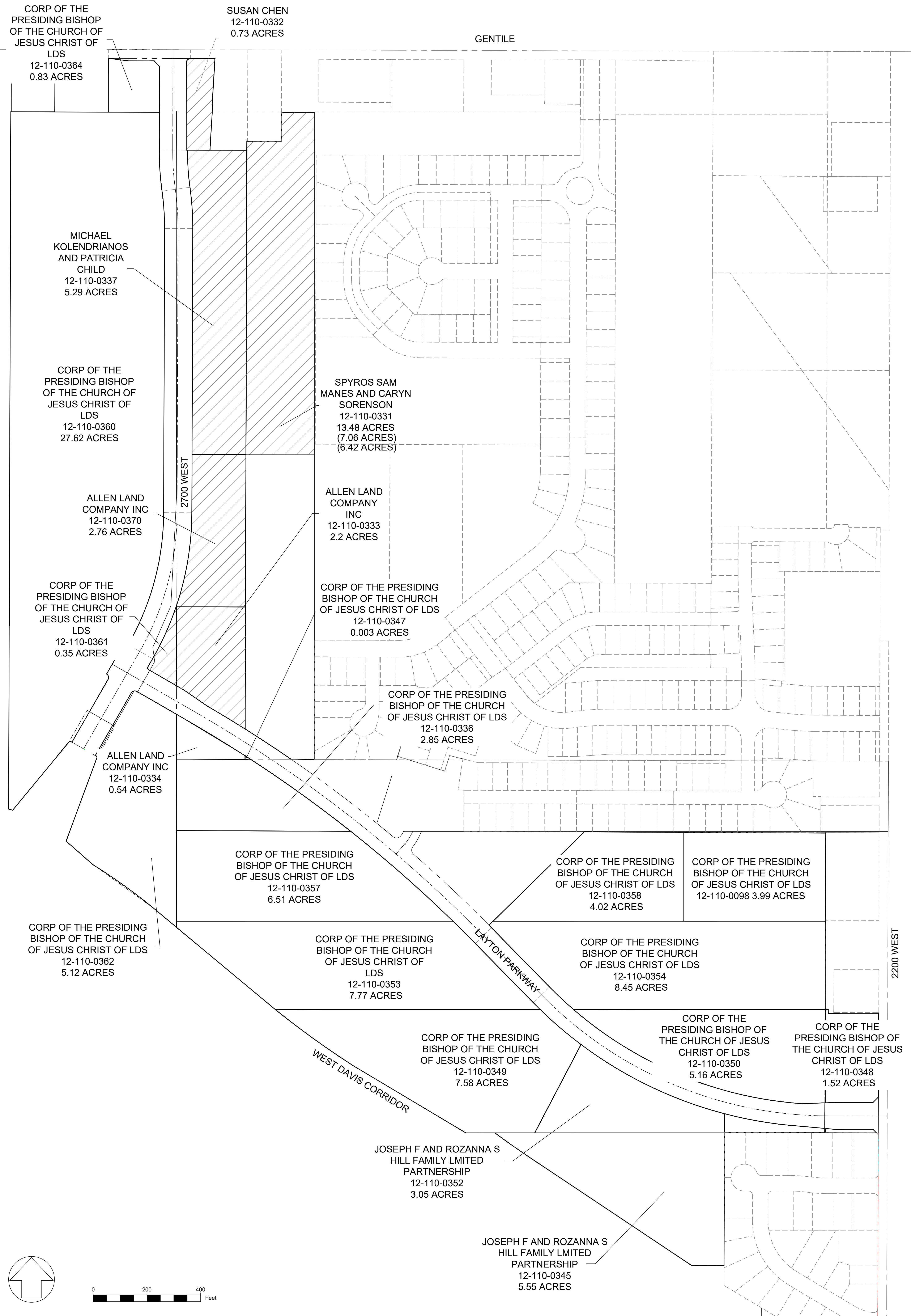


## ATTACHMENT 'D'

## SANITARY SEWER PAYBACK



## STORM DRAIN PAYBACK



**ATTACHMENT 'F'**

<b>Owner</b>	<b>Tax ID</b>	<b>Total Acres in Area</b>	
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0098	3.99	\$88,564.09
SPYROS SAM MANES AND CARYN SORENSON	12-110-0331	13.48	\$341,400.90
SUSAN CHEN	12-110-0332	0.73	\$62,975.84
ALLEN LAND COMPANY INC.	12-110-0333	2.2	\$104,010.94
ALLEN LAND COMPANY INC.	12-110-0334	0.54	\$49,025.04
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0336	2.85	\$75,551.52
MICHAEL KOLENDRIANOS AND PATRICIA CHILD	12-110-0337	5.29	\$279,988.53
JOSEPH F AND ROZANA S HILL FAMILY PARTNERSHIP	12-110-0345	5.55	\$107,998.68
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0347	0.003	\$3,150.48
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0348	1.52	\$67,783.24
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0349	7.58	\$174,282.74
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0350	5.16	\$283,367.72
JOSEPH F AND ROZANA S HILL FAMILY PARTNERSHIP	12-110-0352	3.05	\$170,268.96
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0353	7.77	\$101,914.09
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0354	8.45	\$188,489.80
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0357	6.51	\$100,722.52
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0358	4.02	\$89,229.98
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0360	27.62	\$586,842.27
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0361	0.35	\$46,225.06
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0362	5.12	\$93,964.28
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0364	0.83	\$31,406.29
ALLEN LAND COMPANY INC.	12-110-0370	2.76	\$142,492.44
VILLAS AT HARMONY PLACE POND	12-110-0359	3.81	\$37,005.85
<b>\$3,226,661.26</b>			

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

**Item Number:** 5.C.

**Subject:**

Bid Award – Ormond Construction, Inc. – Hillsboro Drive Water Line Improvements, Project 23-03 – Resolution 24-15 – Along Hillsboro Drive Between Approximately Emerald Drive and Cherry Lane

**Background:**

Resolution 24-15 authorizes the execution of an agreement between Layton City and Ormond Construction, Inc. for the Hillsboro Drive Water Line Improvements, Project 23-03. The project includes the installation of 1,280 linear feet of culinary water line and associated items.

Four bids were received, with Ormond Construction, Inc. submitting the lowest responsive, responsible bid in the amount of \$348,868.39. The engineer's estimate was \$330,000.00.

**Alternatives:**

Alternatives are to: 1) Adopt Resolution 24-15 awarding the bid to Ormond Construction, Inc. for the Hillsboro Drive Water Line Improvements, Project 23-03; 2) Adopt Resolution 24-15 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 24-15 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 24-15 awarding the bid to Ormond Construction, Inc. and authorize the City Manager to execute the agreement for the Hillsboro Drive Water Line Improvements, Project 23-03.

## **RESOLUTION 24-15**

### **A RESOLUTION ADOPTING AN AGREEMENT WITH ORMOND CONSTRUCTION, INC. FOR THE HILLSBORO DRIVE WATER LINE IMPROVEMENTS, PROJECT 23-03**

**WHEREAS**, Layton City (City) has elected to construct street improvements, to be known as the Hillsboro Drive Water Line Improvements, Project 23-03 (Project 23-03), located at along Hillsboro Drive between approximately Emerald Drive and Cherry Lane; and

**WHEREAS**, the City received four bids for construction of the referenced project on March 28, 2024, with the results of the bid attached hereto for the Council's review; and

**WHEREAS**, City Staff has reviewed and evaluated the response to the Advertisement for Bids and has found it to be in the best interest of the City and citizens of Layton City to conditionally select Ormond Construction, Inc. (Ormond) as the contractor for Project 23-03.

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

1. Ormond is conditionally selected as the lowest responsive and responsible bidder with whom the City Manager should conduct negotiations for Project 23-03.

2. The City Manager is directed to conduct negotiations for an agreement (Agreement) with Ormond for Project 23-03. The terms of the Agreement shall address the terms and conditions of the Advertisement for Bids as well as the price contained in the proposal submitted by Ormond that are consistent with the intent of the Advertisement for Bids. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an agreement for Project 23-03.

3. When the Agreement is in a form acceptable to the City Manager and City Attorney and after Ormond has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by the City Manager shall constitute the City's acceptance of the offer by Ormond and the formal award of the contract to Ormond for Project 23-03, pursuant to the terms and conditions of the Agreement.

4. This Resolution shall become effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this 4<sup>th</sup> day of April, 2024.

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JOY PETRO, Mayor

ATTEST:

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KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:

  
CLINTON R. DRAKE, City Attorney

  
TERRY COBURN, Department Director

**LAYTON CITY CORPORATION**  
**Hillsboro Drive Water Line Improvements, Project 23-03**

Bid Opening March 28, 2024, 10:00 a.m.

Engineer's Estimate: \$330,000.00

Hillsboro Drive Water Line Improvements, Project 23-03			Ormond Construction, Inc.		3XL Construction, Inc.		Thurgood Excavating		PNL Construction, Inc.		
Schedule A: Emerald Drive to Cherry Lane		QTY	Unit	(\$ Per)	Total (\$)	(\$ Per)	Total (\$)	(\$ Per)	Total (\$)	(\$ Per)	Total (\$)
A1	Furnish and install new 8-inch diameter C900 DR14 PVC culinary water pipe including bends, tees, valves, loops	1,240	LF	\$122.10	\$151,404.00	\$113.95	\$141,298.00	\$156.00	\$193,440.00	\$172.00	\$213,280.00
A2	Furnish and install new 10-inch diameter C900 DR14 PVC culinary water pipe including bends, tees, valves, and loops	40	LF	\$413.61	\$16,544.40	\$460.00	\$18,400.00	\$201.00	\$8,040.00	\$579.00	\$23,160.00
A3	Furnish sand material for pipe bedding (if required, 6-inch thick below pipe)	165	TONS	\$27.04	\$4,461.60	\$21.00	\$3,465.00	\$14.00	\$2,310.00	\$19.00	\$3,135.00
A4	Furnish 3-inch minus select borrow material for trench backfill	1,500	TONS	\$28.68	\$43,020.00	\$22.45	\$33,675.00	\$24.50	\$36,750.00	\$19.00	\$28,500.00
A5	Furnish, place, and compact the 3/4-inch or 1-inch gravel roadbase material over trenches	745	TONS	\$28.68	\$21,366.60	\$23.25	\$17,321.25	\$23.00	\$17,135.00	\$22.25	\$16,576.25
A6	Furnish, place, and compact the 1/2-inch gradation asphalt over trenches	160	TONS	\$180.99	\$28,958.40	\$154.00	\$24,640.00	\$181.00	\$28,960.00	\$193.00	\$30,880.00
A7	Reconnect existing 1-inch or smaller culinary water service connection	26	EA	\$1,061.04	\$27,587.04	\$1,496.00	\$38,896.00	\$950.00	\$24,700.00	\$1,400.00	\$36,400.00
A8	Furnish and install 1-inch or smaller culinary water service with new meter box	2	EA	\$2,817.92	\$5,635.84	\$1,740.00	\$3,480.00	\$3,400.00	\$6,800.00	\$4,100.00	\$8,200.00
A9	Remove and replace existing fire hydrant (STA 4+48A)	1	EA	\$11,652.87	\$11,652.87	\$9,658.00	\$9,658.00	\$11,750.00	\$11,750.00	\$12,500.00	\$12,500.00
A10	Furnish and install new fire hydrant (STA 0+68A and 9+57A)	2	EA	\$10,180.42	\$20,360.84	\$9,068.00	\$18,136.00	\$9,600.00	\$19,200.00	\$10,900.00	\$21,800.00
A11	Existing valve to be abandoned (STA 0+32A and 11+87A)	2	EA	\$300.00	\$600.00	\$750.00	\$1,500.00	\$825.00	\$1,650.00	\$350.00	\$700.00
A12	Remove existing pipe (additional quantity not included in other bid items)	20	LF	\$35.00	\$700.00	\$125.00	\$2,500.00	\$40.00	\$800.00	\$125.00	\$2,500.00
A13	Loop new 8-inch water line under utilities (additional quantity not specified on plans or included in other items)	1	EA	\$4,134.98	\$4,134.98	\$7,211.00	\$7,211.00	\$5,250.00	\$5,250.00	\$6,000.00	\$6,000.00
A14	Furnish and install 8-inch diameter gate valve (additional quantity not specified on drawings or included in other bid items)	1	EA	\$3,453.89	\$3,453.89	\$4,276.00	\$4,276.00	\$4,200.00	\$4,200.00	\$3,250.00	\$3,250.00
A15	Furnish and install 8-inch diameter 45 degree bend if needed (additional quantity not specified on plans or included in other bid items)	1	EA	\$911.02	\$911.02	\$1,888.00	\$1,888.00	\$1,225.00	\$1,225.00	\$980.00	\$980.00
A16	Furnish and install 8-inch diameter 22 1/2 degree bend if needed (additional quantity not specified on plans or included in other bid items)	1	EA	\$905.47	\$905.47	\$1,883.00	\$1,883.00	\$1,220.00	\$1,220.00	\$980.00	\$980.00
A17	Furnish and install 8-inch diameter 11 1/4 degree bend if needed (additional quantity not specified on plans or included in other bid items)	1	EA	\$734.19	\$734.19	\$1,868.00	\$1,868.00	\$1,195.00	\$1,195.00	\$150.00	\$150.00
A18	Furnish and install 10-inch diameter 45 degree bend if needed (additional quantity not specified on plans or included in other bid items)	1	EA	\$1,371.58	\$1,371.58	\$2,337.00	\$2,337.00	\$1,525.00	\$1,525.00	\$1,650.00	\$1,650.00
A19	Furnish and install 10-inch diameter 22 1/2 degree bend if needed (additional quantity, if needed, not specified on plans or included in other bid items)	1	EA	\$1,370.67	\$1,370.67	\$2,336.00	\$2,336.00	\$1,515.00	\$1,515.00	\$1,650.00	\$1,650.00
A20	Remove and replace existing curb and gutter (additional quantity not included in other bid items)	20	LF	\$28.00	\$560.00	\$275.00	\$5,500.00	\$71.00	\$1,420.00	\$72.00	\$1,440.00

LAYTON CITY CORPORATION  
**Hillsboro Drive Water Line Improvements, Project 23-03**

Bid Opening March 28, 2024, 10:00 a.m.

Engineer's Estimate: \$330,000.00

Hillsboro Drive Water Line Improvements, Project 23-03				Ormond Construction, Inc.		3XL Construction, Inc.		Thurgood Excavating		PNL Construction, Inc.	
A21	Remove and replace sidewalk (additional quantity not included in other bid items)	20	LF	\$39.00	\$780.00	\$285.00	\$5,700.00	\$66.00	\$1,320.00	\$60.00	\$1,200.00
A22	Remove and replace drive approach (additional quantity not included in other bid items)	20	LF	\$39.00	\$780.00	\$295.00	\$5,900.00	\$79.00	\$1,580.00	\$72.50	\$1,450.00
A23	Remove and replace existing concrete flatwork (driveway) (additional quantity not included in other bid items)	25	SF	\$23.00	\$575.00	\$37.00	\$925.00	\$49.00	\$1,225.00	\$60.00	\$1,500.00
A24	Remove and replace concrete waterway impacted by new water line (additional quantity not included in other bid items)	20	LF	\$50.00	\$1,000.00	\$155.00	\$3,100.00	\$86.00	\$1,720.00	\$95.00	\$1,900.00
Schedule A Total:				\$348,868.39		\$355,893.25		\$374,930.00		\$419,781.25	
Project Total:				\$348,868.39		\$355,893.25		\$374,930.00		\$419,781.25	

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

**Item Number:** 6.A.

**Subject:**

Rezone Request – Smith’s Food and Drug – A (Agriculture) to M-2 (Heavy Manufacturing /Industrial) – Ordinance 24-07 – 282 West Hill Field Road

**Background:**

The applicant, Brent Bateman, representing Smith’s Food King Properties, is requesting a rezone of 26.41 acres from A to M-2 zoning. The subject property is adjacent to M-2 zoning to the south and west, with C-H (Highway Regional Commercial) zoning to the north and east.

The proposal for the rezone is to develop and expand the Smith’s Food and Drug operations to the adjacent property north of its existing production and storage facility. The expansion into the vacant parcels will house a large warehouse building for the storage of perishable grocery items. The expansion will provide additional parking and a better movement of the semi-trucks through both the existing site and the expansion site.

The applicant will be required to go through the subdivision process to dedicate half the width of Sugar Street to the City. Warehousing and distribution are permitted uses in the M-2 zone, the applicant will have to go through site plan reviews and approval with City Staff.

**Alternatives:**

Alternatives are to: 1) Adopt Ordinance 24-07 approving the rezone request from A (Agriculture) to M-2 (Heavy Manufacturing/Industrial); 2) Adopt Ordinance 24-07 approving the rezone request from A (Agriculture) to M-2 (Heavy Manufacturing/Industrial) with modifications; or 3) Not adopt Ordinance 24-07, denying the rezone request.

**Recommendation:**

On March 12, 2024, the Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the rezone request from A (Agriculture) to M-2 (Heavy Manufacturing/Industrial).

Staff supports the Planning Commission’s recommendation.

**ORDINANCE 24-07**  
(282 West Hill Field Road Rezone)

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCELS  
10-067-0062, 10-067-0022, AND 10-067-0071 DESCRIBED HEREIN, LOCATED AT  
APPROXIMATELY 282 WEST HILL FIELD ROAD FROM "A"  
(AGRICULTURE) TO M-2 (HEAVY MANUFACTURING/INDUSTRIAL);  
PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE**

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

**WHEREAS**, the Planning Commission has reviewed the petition and has recommended that the petition to rezone said property from A to M-2 be approved; and

**WHEREAS**, the 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 Council has determined that this amendment is rationally based, reasonable, and 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 1. Repealer.** If any provision of Layton City's ordinance that is deemed to be inconsistent with this amendment is hereby repealed.

**SECTION 2. Enactment.** The zoning map is hereby amended by changing the zone classification of the following property from A to M-2:

Parcel 10-067-0062 A PART OF THE NW 1/4 OF SEC 20-T4N-R1W, SLM, BEG AT A PT WH IS N 89<sup>54'40"</sup> E 79.00 FT FR THE W 1/4 COR OF SD SEC 20; & RUN TH N 0<sup>05'20"</sup> W 105.50 FT; TH N 89<sup>54'40"</sup> E 141.00 FT; TH S 0<sup>05'20"</sup> W 105.50 FT; TH S 89<sup>54'40"</sup> W 141.00 FT TO THE POB. CONT. 0.341 ACRES.

Parcel 10-067-0022 BEG AT SW COR OF SE 1/4 OF NW 1/4 SEC 20-T4N-R1W, SLM; TH N 372.3 FT TO W R/W LINE OF OSL RR; TH SE'L Y ALG SD W R/W 573.1 FT; TH W ALG N R/W LINE OF A SPUR TRACK OF SD RR 437 FT TO POB. CONT. 1.87 ACRES.

Parcel 10-067-0071 BEG AT SW COR OF NW 1/4 OF SEC 20-T4N-R1W, SLM; RUN E 79.00 FT; TH N 0<sup>05'20"</sup> W 105.50 FT; TH N 89<sup>54'40"</sup> E 141.00 FT; TH S 0<sup>05'20"</sup> W 105.50 FT; TH E 1,100.0 FT; TH N 0<sup>09'49"</sup> E 366.47 FT TO THE W R/W LINE OF THE UPRR; TH N 49<sup>31'</sup> W TO THE S LINE OF HILL FIELD RD; TH S 40<sup>29'</sup> W 80.99 FT; TH ALG THE ARC OF A 607.639 FT RAD CURVE TO THE RIGHT FOR A DIST OF 239.199 FT TO A PT ON A 150.00 RAD CURVE TO THE LEFT; TH ALG THE ARC OF SD CURVE FOR A DIST OF 164.479 FT; TH N 0<sup>11'20"</sup> E TO N LINE OF THE SW 1/4 OF NW 1/4; TH W 33.00 FT TO THE SEC LINE; TH S 20 CHAINS, M/L, TO THE POB. CONT. 25.208 ACRES.

**SECTION 3. Severability.** If any part of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining language shall remain in full force and effect.

**SECTION 4. Effective Date.** This zoning amendment shall become effective immediately upon posting.

**PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL ON APRIL 4, 2024.**

	AYE	NAY	ABSENT	ABSTAIN
Joy Petro	_____	_____	_____	_____
Zach Bloxham	_____	_____	_____	_____
Clint Morris	_____	_____	_____	_____
Tyson Roberts	_____	_____	_____	_____
Bettina Smith Edmondson	_____	_____	_____	_____
Dave Thomas	_____	_____	_____	_____

JOY PETRO, Mayor

ATTEST

KIMBERLY S READ, City Recorder

*for*



CLINTON R. DRAKE, City Attorney



CHAD WILKINSON, Community &  
Economic Development Director



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

## **STAFF REPORT**

**TO:** City Council

**FROM:** Kem Weaver, Planner II

**DATE:** April 4, 2024

**RE:** Rezone Request – Smith's Food and Drug – Rezone from A (Agriculture) to M-2 (Heavy Manufacturing/Industrial) – Ordinance 24-07 – 282 West Hill Field Road

A handwritten signature in blue ink, appearing to read "K. Weaver".

**LOCATION:** 282 West Hill Field Road

**CURRENT ZONING:** A (Agriculture)

**PROPOSED ZONING:** M-2 (Heavy Manufacturing/Industrial)

### **DESCRIPTION OF REZONE AREA**

The property proposed for rezone contains 26.41 acres of vacant land located in central Layton. The property is located north of the existing Smith's Food and Drug warehouse and distribution operations with street frontage on both Hill Field Road and Sugar Street. The proposed development site is currently zoned A.

The subject property is adjacent to M-2 zoning to the south and west, with C-H (Highway Regional Commercial) zoning to the north and east. The railroad right-of-way travels between the M-2 and C-H zoning.

### **BACKGROUND INFORMATION**

The applicant, Brent Bateman, representing Smith's Food King Properties, is requesting a rezone for the subject property. The purpose for the rezone is to expand Smith's Food and Drug operations by constructing a new perishable grocery warehouse that will store produce and provide large freezers for storage of frozen food items. Truck docks will be located along the north side of the new warehouse building as part of Smith's distribution process.

Additional parking areas and better semi-truck circulation will be provided with the expansion into the property being proposed for rezoning. A new access onto Sugar Street will be provided

for outbound trucks only, inbound trucks will continue to use their current access on Sugar Street. There will be no vehicle access driveways located on Hill Field Road. Other new buildings are being planned for expansion on the existing Smith's site for dry grocery storage and distribution.

The applicant is required to go through the subdivision process to dedicate half of Sugar Street's right-of-way. This will require a subdivision plat that will be recorded at the County once the City has given approval of the plat.

## STAFF REVIEW

### General Plan

Utah State Code 10-9a-401 requires municipalities to create a General Plan that plans for the present and future community needs as well as the growth and development of land within the municipality. The General Plan identifies the subject property (See Figure 1) as planned for Heavy Manufacturing. The M-2 zone is consistent with the General Plan and constitutes a heavy industrial development as defined in the General Plan.

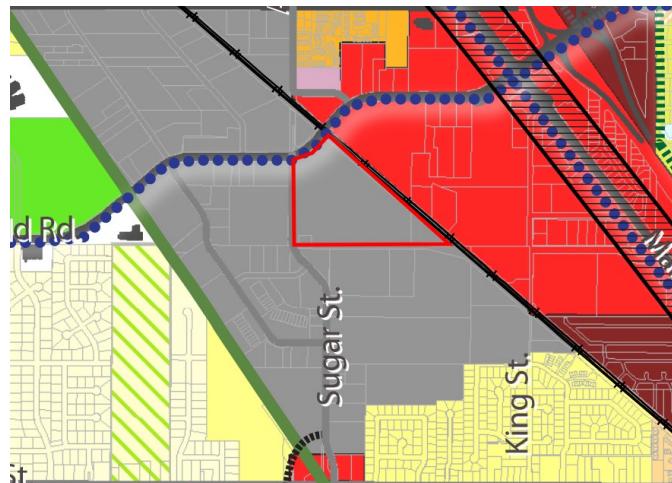


Figure 1 - Layton City General Plan Map

## STAFF RECOMMENDATION

On March 12, 2024, the Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the rezone request from A (Agriculture) to M-2 (Heavy Manufacturing/Industrial). Staff supports the Planning Commission recommendation.



**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 15 business days of a preliminary submittal and within 20 business days of a final submittal. Thank you.

## MEMORANDUM

**TO:** Brent Bateman; brent.bateman@dentons.com  
Erik Gregory; erik.gregory@kroger.com

**CC:** CED Department/Fire Marshal

**FROM:** Shannon Hansen, Assistant City Engineer - Development

**DATE:** February 26, 2024

**SUBJECT:** Smith's Food & Drug Rezone  
550 Sugar Street

I have reviewed the Rezone Petition for three parcels of ground containing approximately 27.419 acres at 550 Sugar Street. The applicant is requesting a zoning change from A to M-2 to expand their existing facility. The Engineering Department has the following comments regarding the rezone of the property.

The legal descriptions for the properties to be rezoned included a 4<sup>th</sup> parcel ID (10-067-0040) which includes three portions of property owned by Layton City. This parcel ID includes the detention basin north of West Hill Field Road and West Hill Field Road between Sugar Street and the railroad tracks. This property should not be included within the rezone.

**The following is provided for informational purposes only and may not be inclusive.**

**Street** – Property will need to be dedicated for Sugar Street which has a 66-foot ROW. 7-foot PU&DEs will need to be established along Sugar Street and West Hill Field Road upon development. These will be accomplished through a dedication plat.

Sidewalk will need to be installed along the frontage of Sugar Street. Any broken sidewalk or curb and gutter will need to be replaced with development.

**Sanitary Sewer** – There is a 30-inch North Davis Sewer District line on the south side of the property and a 10-inch City sewer line on the west side of Sugar Street. NDSD shall approve any connections to their main.

**Culinary water** – There is a 10-inch main on the east side of Sugar Street. It is anticipated that a new connection will be made to the main in Sugar Street with an 8-inch master meter and fire flow rated double check valve. The main will then loop through the project to connect to the existing private main within the existing facilities. This will allow for fire connections and any culinary water connections needed within the site without the need for additional approvals and/or meters. The water impact fees and water exaction will be based on the fixture unit count rather than the 8-inch meter.

Based on the city water model, the fire flow in Sugar Street is 6,000 gpm and 75 psi. The fire flows will be further refined upon receipt of a site plan. The Fire Marshal will determine the required fire flow as well as the need for any additional hydrants.

**Storm Drain** – There is a 33" storm drain line on the east side of Sugar Street. This line is owned by the federal government for drainage from Hill Field Air Force Base. No new connections can be made to this line. There is a 30" storm drain line on the west side of Sugar Street.

Detention with a maximum release rate of 0.2 cfs per acre will need to be incorporated in the development. Subsurface detention is allowed for this development.

The development will need to comply with Low Impact Development requirements in Section 6 of the City Guidelines and Design Standards. Items of note for the LID:

- 1) This area is within one Drinking Source Protection Zone 4.
- 2) An infiltration test will not be required if infiltration is deemed technically infeasible due to a drinking water protection zone, contaminated soil, soil classification and/or ground water depth. Any infiltration test will need to comply with the standards outlined in Section 8.16 of the same design standards

**Miscellaneous –**

1. Street lights on public streets will required.
2. Water exaction requirements will need to be met for all new connections. As indicated above, the water exaction amount will be based on fixture unit counts. Water shares from Kays Creek Irrigation, Holmes Creek Irrigation, or DWCCC will need to be submitted prior to scheduling a preconstruction meeting.
3. A Traffic Impact Study will need to be included with the site plan application. The TIS will need to address the intersection of West Hill Field Road and Sugar Street, particularly the left turn stacking on West Hill Field, the timing of the warrant for a traffic signal, and any widening required.
4. The site plan is dependent upon the purchase of parcel 10-069-0043 from the Oregon Short Line RR Company. Documentation will need to be provided with the site plan application that this transaction has taken place or will be taking place shortly.



Community • Prosperity • Choice

Mayor • Joy Petro  
City Manager • Alex R. Jensen

• 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.**

## M E M O R A N D U M

TO: Community Development

FROM: Gavin Moffat, Deputy Fire Marshal 

RE: Smith's Food & Drug Rezone @ 550 N Sugar Street

CC: 1) Engineering  
2) Brent Bateman, [brent.bateman@dentons.com](mailto:brent.bateman@dentons.com)  
3) Erik Gregory, [erik.gregory@kroger.com](mailto:erik.gregory@kroger.com)

DATE: February 28, 2024

I have reviewed the conditional use application received on February 2, 2024 for the above referenced project. The Fire Department, with regard 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.

GM\#4ANNEX/REZONE:sh

Plan #S24-017 District #43

Project Tracker #LAY2402083332

ERS# BMI





**Parks & Recreation Department**  
JoEllen Grandy • City Landscape Architect  
Telephone: 801.336.3926  
Email: [jgrandy@laytoncity.org](mailto:jgrandy@laytoncity.org)

## Memorandum

**To:** Brent Bateman, Erik Gregory  
**CC:** Community Development, Fire, & Engineering  
**From:** JoEllen Grandy, City Landscape Architect – Parks & Recreation  
**Date:** February 9, 2024  
**Re:** Smith's Food & Drug Rezone, Rezone – 550 Sugar Street  
**Review:** 1<sup>st</sup> Cycle, 1<sup>st</sup> Submittal

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Smith's Food & Drug located at approximately 550 Sugar Street lies within the City's existing Ellison Park and future East Ellison Park service areas. The applicant's proposed rezone from A to M-2 would not impact the Parks & Recreation Department.

The Parks & Recreation Department has reviewed the petition submitted and has no comments or concerns regarding approval of the rezone.

**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.



# Layton City

SMITH'S FOOD  
AND DRUG

282 WEST  
HILL FIELD ROAD

REZONE

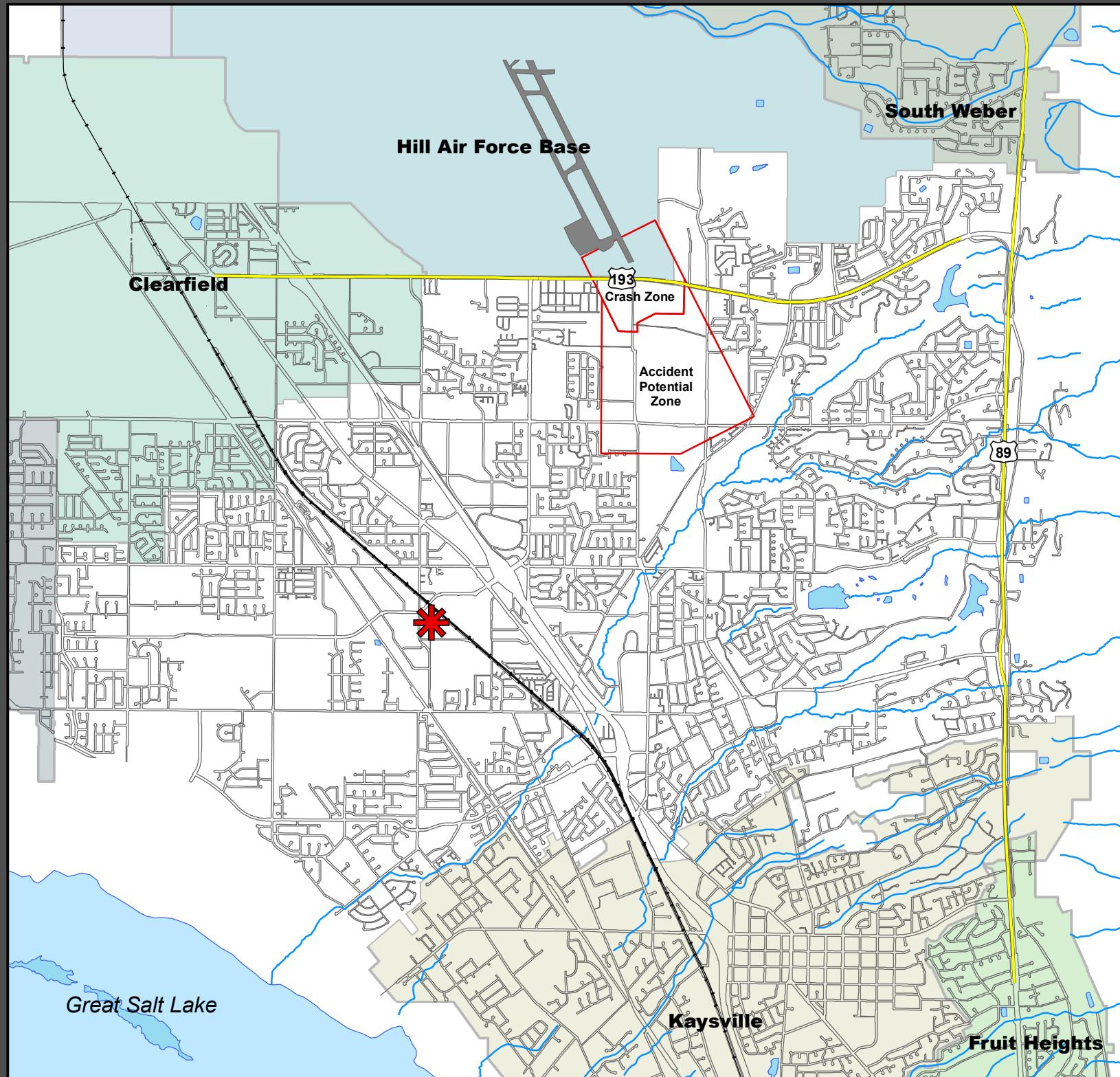
## Legend

- City Boundary
- Rail Lines
- APZ
- Interstate 15
- Lakes
- Streams

— Project Site



Map 1



# Layton City

## SMITH'S FOOD AND DRUG

282 WEST  
HILL FIELD ROAD

REZONE

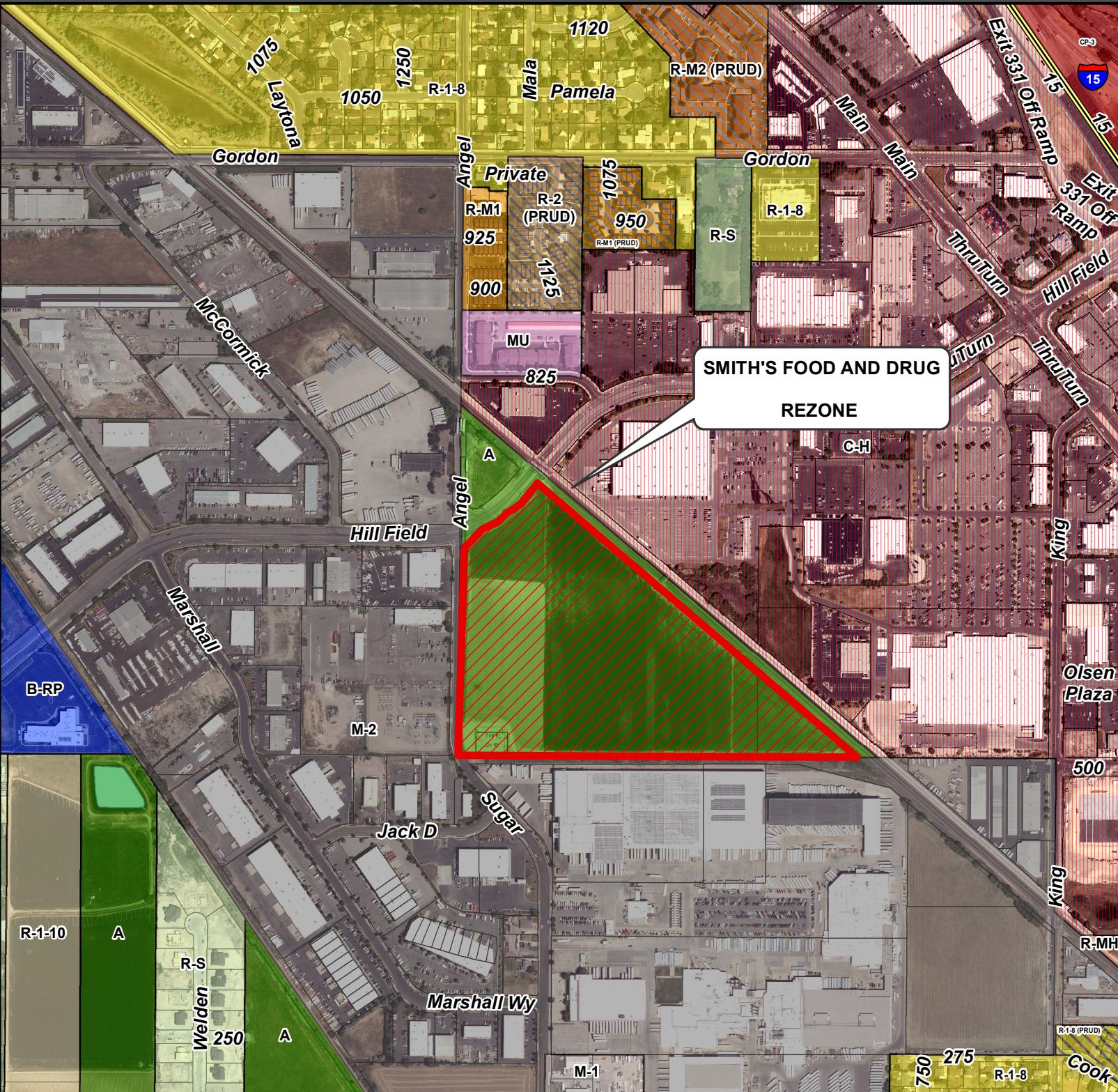
### Legend

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

 - Project Area



Map 2



The logo for Layton City, featuring the word "Layton" in a large, bold, white, sans-serif font. Above the letter "t", there is a white graphic element consisting of a circle with several intersecting lines, resembling a stylized globe or a network.

# SMITH'S FOOD AND DRUG

# 282 WEST HILL FIELD ROAD

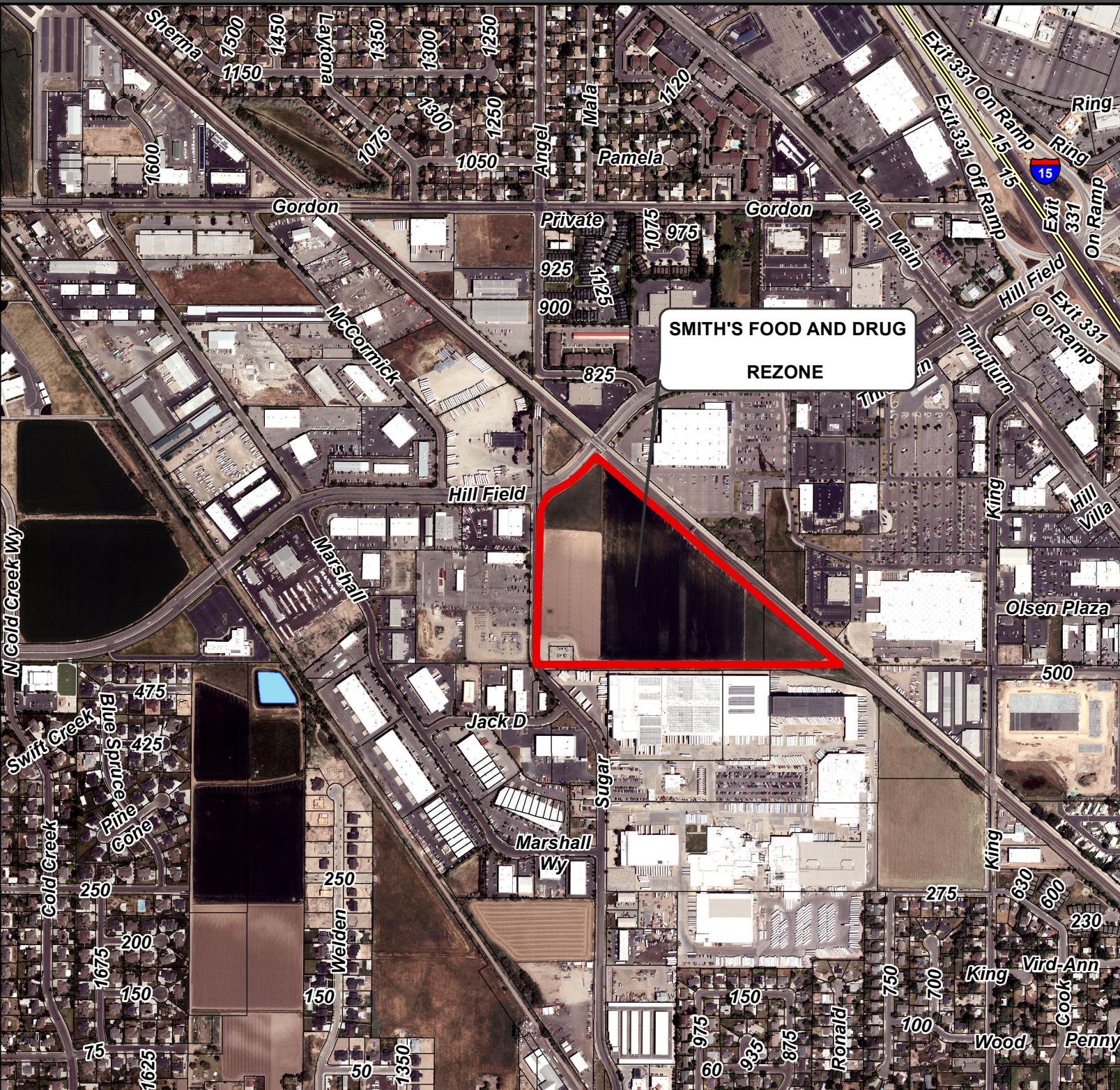
## REZONE

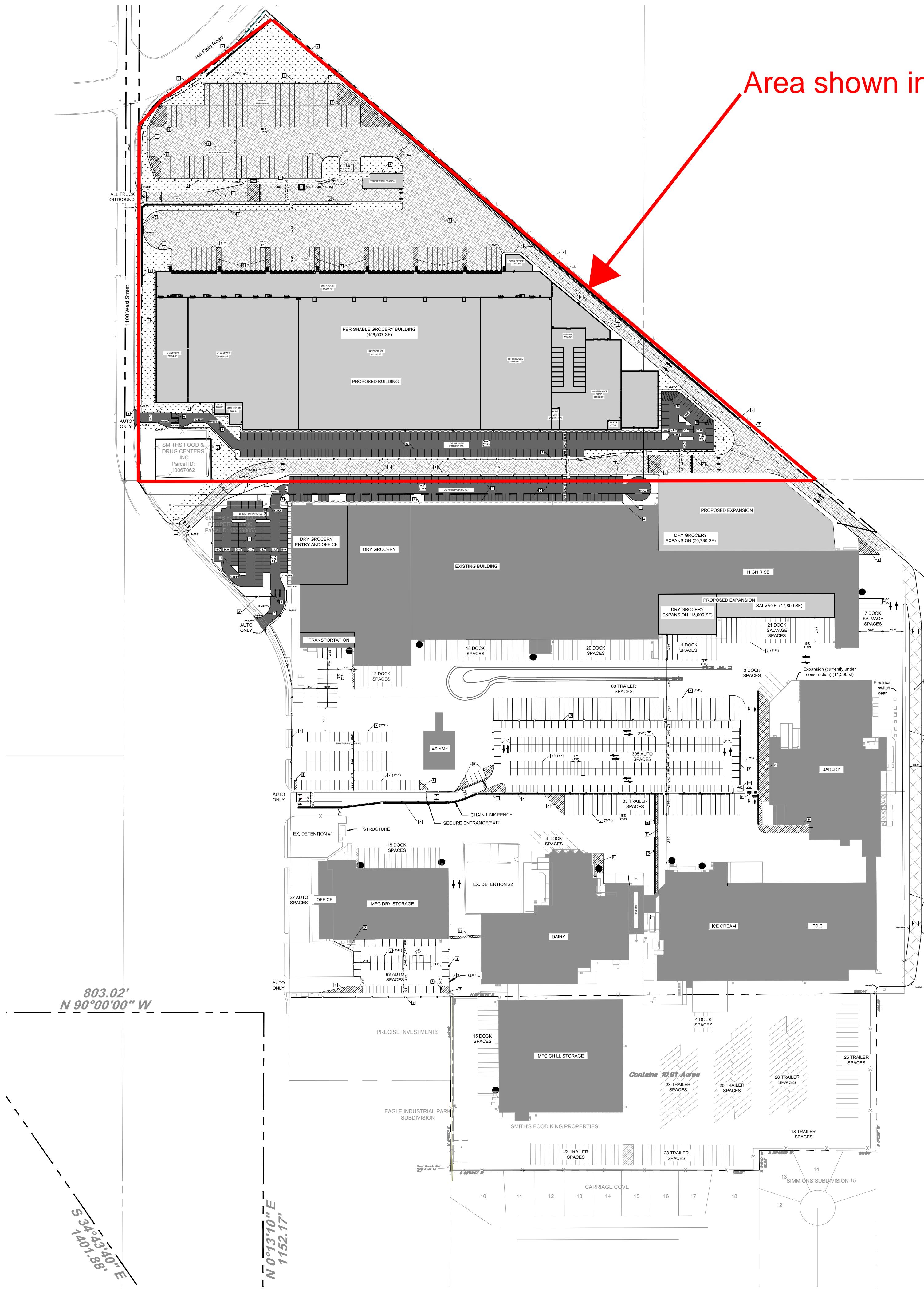
## Legend

## - Project Area



# Map 3





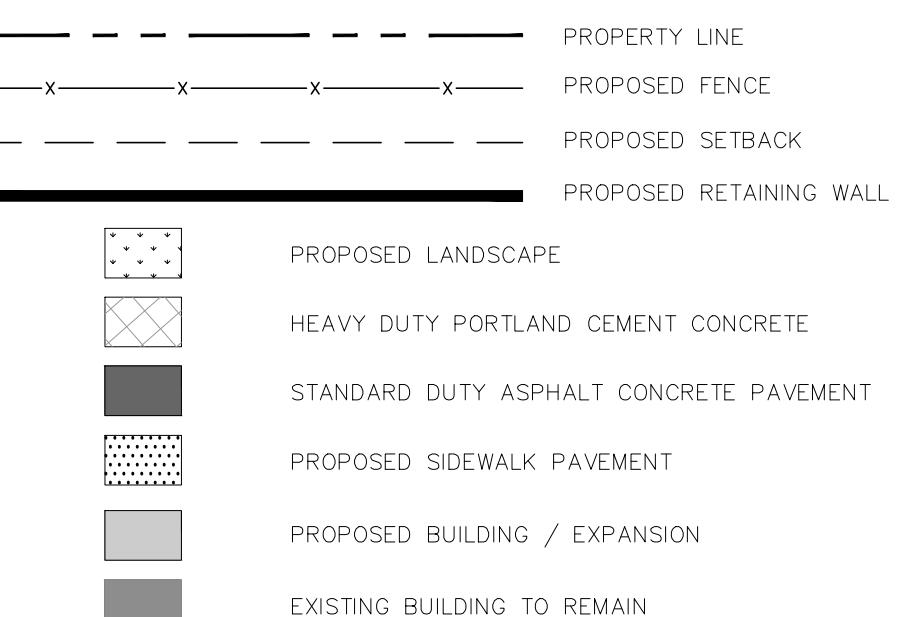
## GENERAL NOTES

1. CONTRACTOR TO VERIFY EXISTING IMPROVEMENTS SHOWN ON THE PLAN.
2. CONTRACTOR TO PROTECT IN PLACE, DURING DEMOLITION AND CONSTRUCTION, ALL EXISTING IMPROVEMENTS THAT ARE TO REMAIN AS NOTED ON THE PLAN.
3. ANY EXISTING STRUCTURE, IMPROVEMENT OR APPURTENANCE TO REMAIN THAT IS DAMAGED DURING DEMOLITION OR CONSTRUCTION SHALL BE IMMEDIATELY REPAIRED OR REPLACED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.

## CONSTRUCTION NOTES

- 1 PROPOSED 30" CURB AND GUTTER
- 2 PROPOSED RETAINING WALL
- 3 PROPOSED FENCE
- 4 PROPOSED CONCRETE SIDEWALK
- 5 CONSTRUCT STANDARD DUTY ASPHALT CONCRETE PAVEMENT PER DETAIL ON SHEET XX
- 6 CONSTRUCT HEAVY DUTY PORTLAND CEMENT CONCRETE PAVEMENT PER DETAIL ON XX
- 7 PAINT 4" WIDE WHITE PARKING STRIPING.
- 8 PROPOSED 45' PARKING STRIPING.
- 9 PROPOSED FENCE GATES
- 10 PROPOSED JERSEY BARRIERS
- 11 PROPOSED CROSSWALK STRIPING
- 12 PROPOSED ADA TURNSTILE

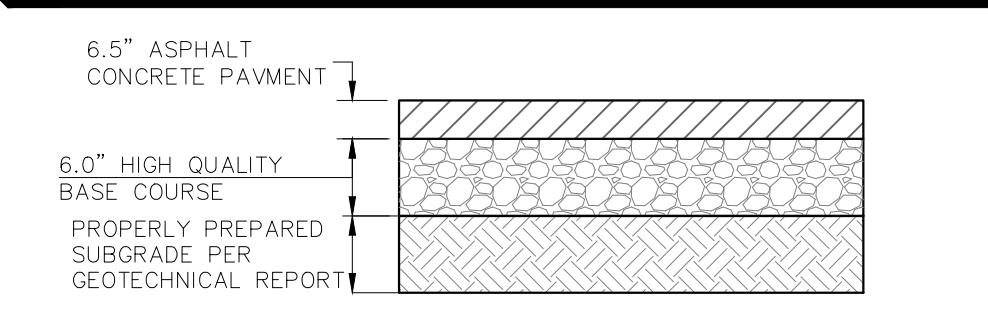
## LEGEND



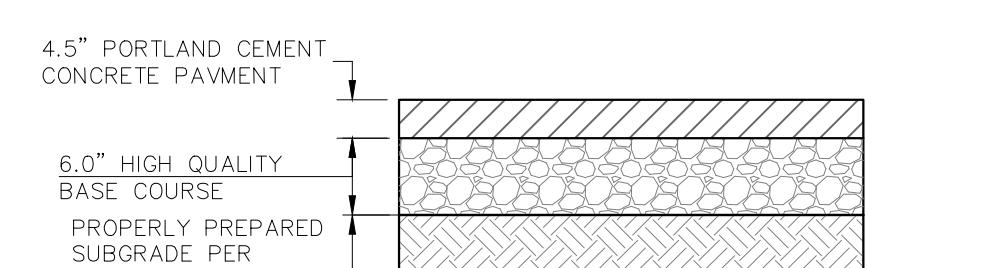
## PARKING SUMMARY - OPTION 1

AUTO SPACES REQUIRED BY LAYTON CITY CODE*	= 1189 SPACES
AUTO SPACES PROVIDED	= 1043 SPACES
TRACTOR SPACES REQUIRED BY KROGER	= 90 SPACES
TRACTOR SPACES PROVIDED	= 133 SPACES
TRAILER SPACES REQUIRED BY KROGER	= 390 SPACES
TRAILER SPACES PROVIDED	= 357 SPACES
EXISTING K SPACES	= 114 SPACES
PROPOSED DUCK SPACES	= 88 SPACES
TOTAL DOCK SPACES	= 191 SPACES
TOTAL TRAILER PARKING AND DOCK REQUIRED BY KROGER	= 547 SPACES
TOTAL TRAILER PARKING AND DOCK PROVIDED	= 548 SPACES

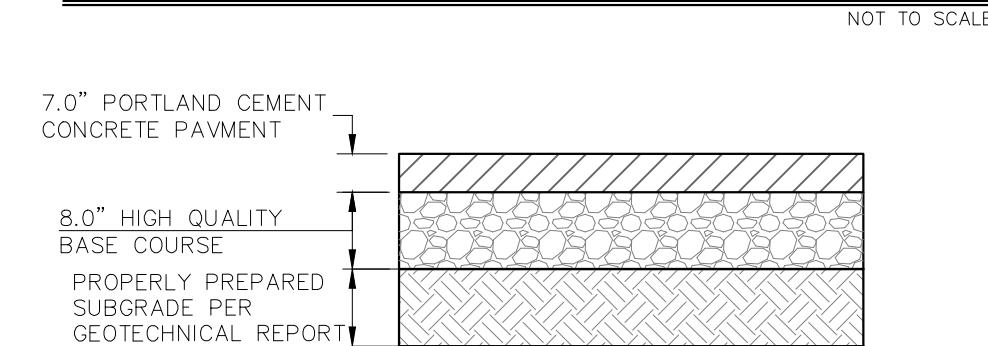
\*CALCULATED ASSUMING EXISTING PARKING OF 609 STALLS + PARKING REQUIRED FOR NEW SQUARE FOOTAGE AT RATE OF  $\frac{1}{100}$  SF (ASSUMING 580,000 SF ADDITION + 580 STALLS)



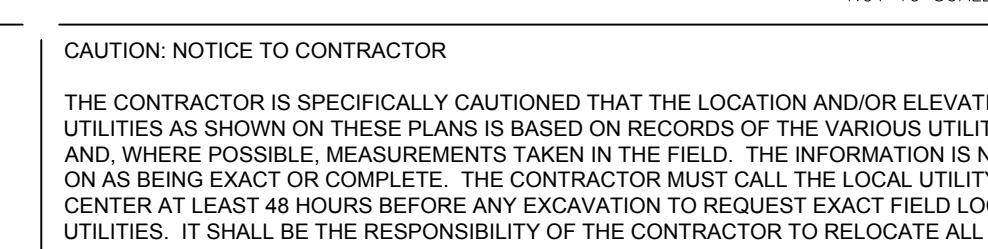
## STANDARD DUTY ASPHALT CONCRETE PAVEMENT SECTION



## HEAVY DUTY ASPHALT CONCRETE PAVEMENT SECTION



## HEAVY DUTY PORTLAND CEMENT CONCRETE PAVEMENT SECTION



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

**Item Number:** 6.B.

**Subject:**

General Plan Map Amendment, Rezone Request, and Development Agreement – Double J Investments, LTD – General Plan Map Amendment from (Agriculture) to (Light Manufacturing/Industrial), Rezone Request from A (Agriculture) to M-1 (Light Manufacturing/Industrial) – Ordinance 24-09, Ordinance 24-08, and Resolution 24-13 – 445 East Antelope Drive

**Background:**

The applicant, Robert Love, representing Double J Investments, LTD, is requesting a General Plan Map Amendment of approximately 5.2 acres and a rezone of approximately 3 acres from the A zone to the M-1 zone. The proposed rezone area encompasses the northeast corner of the Antelope Drive and Fort Lane intersection and is located in the Accident Potential Zone (APZ). Properties to the north, east, and south are in the A zone, and properties to the west are in the M-1 zone.

A portion of the property and two parcels to the west (approximately 2.4 acres), also owned by the applicant, are currently zoned M-1. These parcels would be included in the future development of the subject property. A Development Agreement will accompany this rezone request and will guide the future development of the properties.

**Alternatives:**

Alternatives to the First Motion are to: 1) Adopt Ordinance 24-09, approving the General Plan Map Amendment from Agriculture to Manufacturing; 2) Not adopt Ordinance 24-09, denying the General Plan Map Amendment.

Alternatives to the Second Motion are to: 1) Adopt Ordinance 24-08, approving the rezone request from A (Agriculture) to M-1 (Light Manufacturing/Industrial); or 2) Not adopt Ordinance 24-08, denying the rezone request.

Alternatives to the Third Motion are to: 1) Adopt Resolution 24-13, approving the Development Agreement between Layton City and Double J Investments LTD; 2) Adopt Resolution 24-13, approving the Development Agreement with modifications; or 3) Not adopt Resolution 24-13, denying the Development Agreement.

**Recommendation:**

On March 12, 2024, the Planning Commission voted unanimously to recommend the Council approve the General Plan Map Amendment from Agriculture to Manufacturing, the rezone request from A (Agriculture) to M-1 (Light Manufacturing/Industrial), and the Development Agreement between Double J Investments, LTD and Layton City.

Staff supports the recommendation of the Planning Commission.

**ORDINANCE 24-09**  
(General Plan Amendment, Approximately 445 East Antelope Drive)

**AN ORDINANCE AMENDING LAYTON CITY'S GENERAL PLAN MAP FOR APPROXIMATELY 5.2 ACRES LOCATED AT APPROXIMATELY 445 EAST ANTELOPE DRIVE, CHANGING THE GENERAL PLAN MAP RECOMMENDATION FOR THE AREA FROM "AGRICULTURE" TO "MANUFACTURING"; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE**

**WHEREAS**, the owner of property located at approximately 445 East Antelope Drive (hereafter "Subject Area") wishes to develop a manufacturing/industrial uses on the Subject Area; and

**WHEREAS**, the proposed development requires a rezone of the Subject Area from A (Agriculture) to M-1 (Light Manufacturing/Industrial); and

**WHEREAS**, in order to rezone the Subject Area, an amendment to the General Plan Map is required; and

**WHEREAS**, the current General Plan land use recommendation for the property is Agriculture and the current zoning for the property is A; and

**WHEREAS**, the property is identified in the General Plan as located at one of the two intersections around/within the Accident Potential Zone (APZ) where a low intensity industrial use could be permitted; and

**WHEREAS**, given the close proximity to one of the City's drinking water wells a development agreement is included with the rezone restricting gasoline sales and/or the storage of gasoline/petroleum products and other uses; and

**WHEREAS**, the proposed uses are consistent with the Hill Air Force Base Compatible Use Plan; and

**WHEREAS**, the proposed uses are consistent with the existing street classifications, surrounding land uses, and orderly growth outlined within the General Plan; and

**WHEREAS**, the Layton City Planning Commission has recommended that the General Plan Map be amended for the Subject Area and that the General Plan Map recommendation for the area be changed from Agriculture to Manufacturing per the attached Exhibit A; and

**WHEREAS**, the 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 Council has determined that this amendment is rationally based, reasonable, and 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 1. Repealer.** If any provisions of the City's General Plan heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION 2. Map Amendment.** That the City's General Plan Map is hereby amended to reflect the amendment adopted herein.

TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF THE LAYTON CITY CORPORATION PARCEL AS DESCRIBED IN WARRANTY DEED ENTRY NUMBER 1103040, BOOK 1724, PAGE 760, RECORDED MARCH 11, 1994 IN THE DAVIS COUNTY RECORDER'S OFFICE, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ANTELOPE DRIVE, LOCATED SOUTH 89°14'00" EAST 569.04 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TO THE EAST LINE OF SAID PARCEL AND NORTH 00°46'00" EAST 18.69 FEET ALONG SAID EAST LINE; RUNNING THENCE NORTH 87°21'48.5" WEST 486.80 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL AND THE NORTH RIGHT OF-WAY LINE OF ANTELOPE DRIVE TO THE SOUTHEASTERLY CORNER OF THE DOUBLE J INVESTMENTS LTD PARCEL DESCRIBED IN SPECIAL WARRANTY DEED ENTRY NUMBER 3506396, BOOK 8128, PAGE 228, RECORDED NOVEMBER 4, 2022 IN THE DAVIS COUNTY RECORDER'S OFFICE, THENCE NORTH 00°46'00" EAST 224.33 FEET ALONG THE EAST LINE OF SAID PARCEL AND THEN THE EAST LINE OF THE ROBERT LOVE FAMILY LIMITED COMPANY PARCEL DESCRIBED IN QUIT CLAIM DEED ENTRY NUMBER 1008761, BOOK 1566, PAGE 819, RECORDED DECEMBER 18, 1992 IN THE DAVIS COUNTY RECORDER'S OFFICE, TO THE NORTHEASTERLY CORNER OF SAID PARCEL, THENCE NORTH 89°14'00 WEST 184.72 FEET ALONG THE NORTH LINE OF SAID PARCEL; THENCE NORTH 11°18'51" WEST 108.94 FEET; THENCE NORTH 00°07'30" WEST 58.80 FEET TO AN INTERSECTION POINT WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF THE PARCEL DESCRIBED IN WARRANTY DEED ENTRY NUMBER 857361, BOOK 1291, PAGE 505, RECORDED MAY 5, 1989 IN THE DAVIS COUNTY RECORDER'S OFFICE, THENCE SOUTH 89°14'00" EAST 694.98 FEET ALONG SAID WESTERLY EXTENSION LINE TO THE NORTHWEST CORNER OF SAID PARCEL, THENCE SOUTH 00°46'00" WEST 405.54 FEET ALONG THE WEST LINE OF SAID PARCEL TO THE NORTHEASTERLY RIGHT-OF-WAY OF ANTELOPE DRIVE AND THE POINT OF BEGINNING.

CONTAINING 226,567 SQUARE FEET OR 5.201 ACRES MORE OR LESS

**SECTION 3. Severability.** If any part of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining language shall remain in full force and effect.

**SECTION 4. Effective Date.** This ordinance amendment shall become effective immediately upon posting.

**PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL 4<sup>th</sup> day of April, 2024.**

	AYE	NAY	ABSENT	ABSTAIN
Joy Petro	_____	_____	_____	_____
Zach Bloxham	_____	_____	_____	_____
Clint Morris	_____	_____	_____	_____
Tyson Roberts	_____	_____	_____	_____
Bettina Smith Edmondson	_____	_____	_____	_____
Dave Thomas	_____	_____	_____	_____

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JOY PETRO, Mayor

ATTEST

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KIMBERLY S READ, City Recorder



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CLINTON R. DRAKE, City Attorney

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CHAD WILKINSON, Community & Economic Development Director



**ORDINANCE 24-08**  
(Approximately 445 East Antelope Drive)

**AN ORDINANCE AMENDING THE ZONING ORDINANCE; CHANGING THE ZONING CLASSIFICATION OF PARCEL 09-048-0072, AT APPROXIMATELY 445 EAST ANTELOPE DRIVE, FROM "A" (AGRICULTURE) TO "M-1" (LIGHT MANUFACTURING/INDUSTRIAL); PROVIDING FOR SEVERABILITY, REPEALER, AND 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 M-1 be approved; and

**WHEREAS**, the 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 Council has determined that this amendment is rationally based, reasonable, and 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 1. Repealer.** If any provisions of the City's Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION 2. Enactment.** The zoning map is hereby amended by changing the zone classification of the following property from A to M-1:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF THE LAYTON CITY CORPORATION PARCEL AS DESCRIBED IN WARRANTY DEED ENTRY NUMBER 1103040, BOOK 1724, PAGE 760, RECORDED MARCH 11, 1994 IN THE DAVIS COUNTY RECORDER'S OFFICE, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ANTELOPE DRIVE, LOCATED SOUTH 89°14'00" EAST 569.04 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TO THE EAST LINE OF SAID PARCEL AND NORTH 00°46'00" EAST 18.69 FEET ALONG SAID EAST LINE FROM THE SOUTH QUARTER CORNER OF SAID SECTION;

RUNNING THENCE NORTH 87°21'48.5" WEST 322.58 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL AND THE NORTH RIGHT-OF-WAY LINE OF ANTELOPE DRIVE TO AN INTERSECTION POINT WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE PROPERTY DESCRIBED AS ZONE M-1 IN LAYTON CITY ORDINANCE 827; THENCE NORTH 00°46'00" EAST 336.22 FEET ALONG SAID PROJECTION AND THEN EAST LINE TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE 89°14'00" WEST 371.65 FEET ALONG THE NORTH LINE OF SAID PROPERTY; THENCE NORTH 00°07'30" WEST 58.80 FEET TO AN INTERSECTION POINT WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF THE PARCEL DESCRIBED IN WARRANTY DEED ENTRY NUMBER 857361, BOOK 1291, PAGE 505, RECORDED MAY 5, 1989 IN THE DAVIS COUNTY RECORDER'S OFFICE, THENCE SOUTH 89°14'00" EAST 694.98 FEET ALONG SAID WESTERLY EXTENSION LINE TO THE NORTHWEST CORNER OF SAID PARCEL, THENCE SOUTH 00°46'00" WEST 405.54 FEET ALONG THE WEST LINE OF SAID PARCEL TO THE NORTHEASTERLY RIGHT-OF-WAY OF ANTELOPE DRIVE AND THE POINT OF BEGINNING.

CONTAINING 150,932 SQUARE FEET OR 3.465 ACRES MORE OR LESS

ROTATE ALL BEARINGS IN THE DESCRIPTION ABOVE 00°21'00" CLOCKWISE FOR UTAH COORDINATE SYSTEM 1983 NORTH ZONE BEARINGS.

**SECTION 4. Severability.** If any part of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining language shall remain in full force and effect.

**SECTION 5. Effective Date.** This ordinance amendment shall become effective immediately upon posting.

**PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL 4<sup>th</sup> day of April, 2024.**

	AYE	NAY	ABSENT	ABSTAIN
Joy Petro	_____	_____	_____	_____
Zach Bloxham	_____	_____	_____	_____
Clint Morris	_____	_____	_____	_____
Tyson Roberts	_____	_____	_____	_____
Bettina Smith Edmondson	_____	_____	_____	_____
Dave Thomas	_____	_____	_____	_____

JOY PETRO, Mayor

ATTEST

KIMBERLY S READ, City Recorder



CLINTON R. DRAKE, City Attorney  
Layton City

CHAD WILKINSON, Community  
Development Director,  
Layton City

RESOLUTION 24-13

**A RESOLUTION ADOPTING AN AGREEMENT FOR DEVELOPMENT OF  
LAND BETWEEN LAYTON CITY AND DOUBLE J INVESTMENTS LTD**

**WHEREAS**, Owner, Double J Investments LTD (hereinafter individually referred to as "Owner") is developing certain property located at approximately 445 East Antelope Drive ("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 with restricting gasoline sales and/or the storage of gasoline/petroleum products and restricting other uses; and

**WHEREAS**, the 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. That the agreement entitled "Agreement for the Development of Land Between Layton City and Double J Investments LTD", which is attached hereto and incorporated herein by this reference, be adopted and approved.

2. This Resolution shall become effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **4th day of April, 2024**.

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JOY PETRO, Mayor

ATTEST:

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KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:

  
CLINTON R. DRAKE, City Attorney

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CHAD WILKINSON, Community & Economic  
Development Director

## **AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND DOUBLE J INVESTMENTS LTD**

THIS AGREEMENT for the development of land (hereinafter referred to as "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, between LAYTON CITY, a municipal corporation of the State of Utah (hereinafter referred to as "City"), and property owner DOUBLE J INVESTMENTS LTD (hereinafter referred to as "Owner"), with City and Owner collectively referred to as "Parties" and separately as "Party".

### **RECITALS**

WHEREAS, in furtherance of the objectives of the Layton City General Plan, City has considered an application for a General Plan Amendment of approximately 5.2 acres and a zone change of approximately 3 acres of a certain property located at approximately 445 East Antelope Drive in Layton City (hereinafter the "Subject Area") (Tax ID 090480053 (now identified as 090480072 and 090480071) from A (Agriculture) to M-1 (Light Manufacturing/Industrial) as depicted on Exhibit A attached hereto; and

WHEREAS, Parties desire to enter into this Agreement to provide for the development of the Subject Area consisting of approximately 5.2 acres (depicted on Exhibit A), in a manner consistent with the City's General Plan and the intent reflected in that Plan; and

WHEREAS, City is willing to grant approval of M-1 zoning on the Subject Area, subject to Owner agreeing to certain limitations and undertakings described herein, which Agreement will provide protection to surrounding property 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 the 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 "City's Undertakings" shall mean the obligations of the City set forth in Article III.

1.2 "Owner's Undertakings" shall have the meaning set forth in Article IV.

1.3 "M-1" zoning shall mean a manufacturing and industrial development with less intensive use. The largest portion of these types of use shall be contained inside of structures. The use, maximum density, site and building design standards of the M-1 zoning are regulated by Table 5-1 and 5-2 of the Zoning Regulation Chart and Chapter 19.08 of the Layton Municipal Code. These zoning districts are further restricted by the provisions set forth in Article IV.

## **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 M-1 zoning consistent with Exhibit A is a condition precedent to Owner's Undertakings in Article IV.

## **ARTICLE III** **CITY'S UNDERTAKINGS**

3.1 Subject to the satisfaction of the conditions set forth in Article IV, City shall approve the rezone of a portion of the Subject Area from its present zoning A to M-1, as depicted on Exhibit A, with an effective date of no sooner than the effective date and adoption of this Agreement by the City Council. Any zoning amendment shall occur upon a finding by the City Council that it is in the best interest of the health, safety, and welfare of the citizens of Layton City to make such a change at this time. All permits and site plan reviews and approvals shall be made pursuant to City ordinances. Nothing herein shall be construed as a waiver of the required reviews and approvals required by City ordinance.

3.2 The proposed zoning changes are as reflected on Exhibit A for the overall area.

## **ARTICLE IV** **OWNERS' UNDERTAKINGS AND RIGHTS**

After the Effective Date, and conditioned upon City's performance of its undertakings set forth in Article III, and provided Owner has not terminated this Agreement pursuant to Section 7.8, Owners agree to the following:

4.1 **Zoning.** Zoning and development of the Subject Area shall comply with the requirements listed herein. Once the Subject Property is zoned in accordance with Article II, development of the Subject Area shall comply with all applicable City rules, regulations, and codes.

4.2 Owner agrees to comply with all the requirements of the City Code prior to the approval of any site plan, preliminary plat, final plat, and/or building permit.

4.3 Any proposal to rezone the Subject Area from M-1 as depicted on Exhibit A to another zone shall require a General Plan amendment petition, rezone petition, and amendment to this Agreement.

4.4 **Land Use Regulations.** In addition to the land uses restricted by any easement recorded with the property, the following land uses shall be prohibited within the entire Subject Area (Tax ID 090480072) as depicted in Exhibit A: gasoline sales (wholesale); gasoline retail (no repairs); gasoline, petroleum products storage, Recreational Uses, Retail and Related Uses and Commercial and Related Services as specified in the Layton City Municipal Code 19.06.000 Tables 6-1 and 6-2 identified in Exhibit B.

4.5 Development Requirements. Before any development occurs and/or building permit(s) are

issued, the subject property, Tax ID: 090480053 (now identified as 090480072 and 090480071) shall be legally subdivided through a preliminary plat application with Layton City, which shall create a separate parcel for the approximate 5.2 acres depicted in Exhibit A from the remaining parcel.

4.5.1 The preliminary plat application shall be completed and recorded with Davis County within one year of the date the rezone is approved by the City Council.

4.6 **Precedence of this Agreement.** This agreement shall take precedence over any contrary provisions of any City Staff memorandums or representations.

4.7 **Not Considered Approvals.** Except as otherwise provided herein, these enumerations are not to be construed as approvals thereof, as any required approval process must be pursued independent hereof.

4.8 **Amendments.** Owner agrees to limit development to the uses and requirements provided herein unless any of the Subject Area is rezoned. In such event, City and Owner mutually agree to amend this agreement in writing to reflect such rezoning.

4.9 **Conflicts.** Except as otherwise provided, any conflict between the provisions of this Agreement and City's standards for improvements, shall be resolved in favor of the stricter requirement.

## **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.** Owner shall, in good faith, diligently pursue completion of the development of any portion of the subject area where construction is commenced. The completion of the subdivision process shall occur within one year of the date of approval for this agreement.

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 attorney's 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 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 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 Party in default or breach of its obligations;
- 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 City harmless for such reversion of the zoning from M-1 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 30 days.

6.5 **Appeals.** If 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 business days after deposit in the mail if mailed. The initial addresses of the Parties shall be:

To Owner: DOUBLE J INVESTMENTS LTD  
161 Haven Court  
Kaysville, UT 84037  
801/940-7342

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 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 Attorney’s 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 of Owner's Undertakings as set forth herein.
- 7.8.2 With regard to City's Undertakings, performance 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: \_\_\_\_\_  
JOY PETRO, Mayor

**ATTEST:**

By: \_\_\_\_\_  
KIMBERLY S READ, City Recorder

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
CLINT DRAKE, City Attorney

## **CITY ACKNOWLEDGEMENT**

STATE OF UTAH )  
: ss.  
COUNTY OF DAVIS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared before me \_\_\_\_\_, who being duly sworn, did say that he/she is the Mayor of LAYTON CITY, a municipal corporation of the State of Utah, and that the foregoing Agreement was signed in his/her capacity as Mayor on behalf of the City for approval of the Agreement.

## Notary Public

## **OWNER SIGNATURE AND ACKNOWLEDGMENT**

Robert Love

STATE OF UTAH )  
: ss.  
COUNTY OF DAVIS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared before me Robert Love, who being duly sworn, did say that they are the Manager of the DOUBLE J INVESTMENTS LTD as the legal property owner of record of the property subject to this Agreement and that he has executed this Agreement with full authority to do so.

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## Notary Public



# Exhibit B

## TABLE OF LAND USE REGULATIONS

TABLE 6-1

TABLE 6-2

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD	
RESIDENTIAL / DOMESTIC																							
Accessory Farm Bldg.	P	C										P											
Accessory Dwelling Unit (ADU)	P	P	P	P	P																		
Accessory Bldg.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P			
Boarding/Rooming House	C							C	C	C										C			
Dormitory								C	C	C													
Dwelling, Multiple Unit								P	P	P											P	P	
Dwelling, 2 Unit								P	P	P	P									C	C		
Dwelling, 1 Unit Attached (SF-A)	P <sup>1</sup>			P	P	P	P										P	P					
Dwelling, 1 Unit Detached (SF-D)	P	P	P	P	P			P	P	P	P									C	C		
Fraternity/Sorority House								C	C	C										C			
Household Pets	P	P	P	P	P	P	P	P	P	P	P										P	P	
Mobile Home Park							C																
Off-Street Parking Inc. To Main Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Residential Unit													P	P	P	P	P	P	P	P	P	P	
Model homes	P	P	P	P	P	P	P	P	P	P	P												
Temporary Sales Office	P	P	P	P	P	P	P	P	P	P	P										P	P	
INSTITUTIONAL/CIVIC AND SPECIAL SERVICES																							
Airport, Heliport																				C	C		
Assisted Living								C	C	C	C		P	P	P	P	P	P			P	P	
Cemetery, Pet Cemetery, Mausoleum	C	C	C	C	C	C	C	C	C	C	C			C									
Charter School	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Church/Temple/Rectory	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	
College or University	C	C	C	C	C	C	C	C	C	C	C		C	C		C							
Commercial School													C	C	P	P	P	P			P	P	
Community Center								C	C	C			P	P	P	P	P	P			P	P	
Community Use	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	P	P	C	C	
Convent, Monastery or other Dwl. Group for Religious Community	C	C						C	C	C	C		C	C	C	C	C	C		C	C		
Day Care Center								C	C	C	C		P	P	P	P	P	P			P	P	
Foster Home	C	C						C	C	C	C				C								
Fraternal/Benevolent Society								C					C	P	P	C							
Halfway House or Similar Facility for Alcoholic, Narcotic, Psychiatric, Patients, or Felons and Delinquents																C	C						
Home for Elderly, Elder Apartment								C	C	C	C			P	P	P					P	P	
Hospital (Acute Care)									C				C	C	C	C	C	C			C		
Religious or Philanthropic Institution	C	C	C	C	C	C	C	C	C	C	C		C	P	P	P	P	P			P	P	
Library, Art Gallery, Museum													C	P	P	P	P	P			P	P	
Nursing Home								C	C	C			P	P	P	P	P	P			P	P	
Park, Playground, Fairground	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	
Private/Quasi-Public School	C	C	C	C	C	C	C	C	C	C	C		C	C							C		
Private Country Club	C	C						C	C	C			C	C	C	C	C	C	C	C	C	C	
Pubic Admin. Offices	C	C	C	C	C	C	C	C	C	C	C		P	P	P	P	P	P	P	P	P	P	
Public School	C	C	C	C	C	C	C	C	C	C	C		C	C							C		
Residential Facility for Elderly	C	C	C	C	C	C	P	P	P	P	P										C		
Residential Facility for Persons w/ a Disability - Large							C	P	P	P	P										C	C	
Residential Facility for Persons w/ a Disability - Small	P	P	P	P	P	P	P	P	P	P	P									C	C		

1. SF-A units are only permitted if approved through a PRUD Overlay rezoning and concept plan public review process (see

Chapter 19.08 Planned Residential Unit Development (PRUD) Overlay Zone.)

P = Permitted C = Conditional L# = Permitted with Specific Limitation(s) (See Table 6-3)

# TABLE OF LAND USE REGULATIONS

TABLE 6-1

TABLE 6-2

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	CH	M-1	M-2	MU	MU-TOD	
UTILITY RELATED SERVICES																							
Commercial Radio or TV Trans. Station												C			P	P	C	P	P				
Electric Power Plant															C	C	P	C	C	P	P		
Electric Substation	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	P	C	P	P	C	C	
Fire Station	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	P	P	P	P	C	C	
Gas Metering & Transmission Station	C	C	C	C	C	C	C	C	C	C		C	P	C	P	P	P	P	P	P	C	C	
Local Utility Distribution Line	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	
Radio, TV, or Microwave Tower	C											C	C	C	C	C	P	P	P	P	C	C	
Railroad Tracks & R.O.W	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	
Sewage/Water Pumping/Control Station	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	
Telecommunications Facility at Community Uses	C	C	C	C	C	C	C	C	C	C		C						P	P				
Telecommunications Antenna, Roof Mounted at Community Uses	C	C	C	C	C	C	C	C	C	C		C				P	P	P					
Telecommunications, Antenna, Wall Mounted at Community Uses	C	C	C	C	C	C	C	C	C	C		C			P			P					
Telephone Business Office													P	C	C	P	P	P	P	P	P	C	C
Telephone Switching, Relay & Transmission Equipment	C	C	C	C	C	C	C	C	C	C		C	C	C	C	P	P	P	P	P	P		
Public/Private Utility, Other than Listed	C											C	P	C	C	P	P	P	P	P	P	C	C
Utility Shops, Storage Yards & Bldgs.															C	C	P	P				C	
Water Treatment Plant	C	C										C		C	P	P	C	P	P	C	P	C	C
Water Wells, Reservoir, or Storage Tank	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	P	P			
RECREATIONAL USES																							
Indoor Commercial Amusement															P	P	P	P	P	P	L3	L3	
Outdoor Limited Comm. Amusement												C		C	C	C	C	C	C	C	C	C	
Outdoor Commercial Amusement													C	C	C	C	C	C	C	C			
Athletic/Tennis/Swim Club											C		C	P	P	P	C				C	C	
Golf Course	C	C	C	C	C	C	C	C	C	C		C					C	C					
Theater, Indoor													P	P	P	C			C	C			
Theater, Live												C	P	P	P					C	C		
Theater, Outdoor													C	C	C								
AGRICULTURE AND RELATED USES																							
Accessory Agricultural Uses	P																						
Agriculture	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P	
Animal Keeping	P	P										P						P	P				
Beekeeping	P	P	P	P	P	P						P						P					
Breeding or Raising of Animals for Food or Sale	P											P								P			
Crop Production for Sale	P	P										P		P	P	P	P	P	P	P	P	P	
Dairy	P	C										P						P					
Family Food Production	P	P										P						P	P				
Farm Industry, or Ranch	C	C										P						P					
Fur Farm	C											C						P					
Home Use Orchard	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	
Commercial Use Orchard	P	P										P		P	P	P	P	P	P	P	P	P	

P = Permitted C = Conditional L# = Permitted with Specific Limitation(s) (See Table 6-3)

## TABLE OF LAND USE REGULATIONS

TABLE 6-1

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
AUTOMOBILE RELATED USES																						
Major Auto Repair																		C	C	P	P	
Car Wash																	C	P	C	C	C	
Comm. Parking Structure, Auto Only																C		C	C		C	C
Dealership																		C	C		C	
Dealership, Small																	P	P	P	P	P	
Gasoline Sales (Wholesale)																	C	C	C	C	C	
Gasoline Retail (No Repairs)																C	P	P	P	P	C	
Gasoline, Petroleum Products-Storage																	C	C	C	C	C	
Muffle or Brake Shop																	C	C	P	P	P	
New & Reconditioned Auto Parts, Indoor																C	P	P	P	P	P	
Paint and Body Shop																C	C	C	C	C	C	
Seat Cover or Upholstery																P	P	P	P	P	P	
Service Station, Minor Repairs																C	P	P	P	P	P	
Storage of Autos, Travel Trailers																			C	C		
Tire Sales																	P	P	P	P	P	
Tire Recapping and Retreading Shop																	C	C	P	P		
Towing Services																		C	C	C		
Outdoor Truck Storage																			P	P		
Truck/Trailer Rental																C	C	C	C	C		
Used Auto Parts Sales, Indoor																C	C	C	P	P		
Wrecking or Salvage Yard for Auto Parts																			C			
INDUSTRIAL AND RELATED USES																						
Animal or Fowl Slaughter																P			P			
Cannabis Production																		P				
Chemical & Plastic Manufacturing																		P				
Contractor Storage Yard																		P	P			
Dairy Processing or Ice Cream Plant																	C	P				
Extraction of Soil, Sand, Gravel, Minerals, Gas, Petroleum, or Similar																		P				
Junk Yards																		C	C			
Heavy Equipment Rental/Sales, Repair, and Storage																		P	P			
Light Commercial Flex Manufacturing															L1		L1	L1	L1	P	P	L2
Manufacturing/Industrial Services															L1 C			L1 C	P	P		
Metallic Products Manufacturing																		C				
Outdoor Storage																		P	P			
Petroleum Products Manufacturing																		C				
Recyclable / Salvage Yard																		C				
Self-Storage Facility (i.e. Climate Controlled, Indoor Storage, Mini-Storage)																		P	P			
Storage of Sand, Gravel, Earth or Stone																		P				
Trucking Terminal																		P	P			
Warehouse and Distribution																		P	P			
Waste Transfer Station																		P	P			
Wood & Paper Manufacturing																		P				
Welding or Machine Shop																C	C	P	P			

P = Permitted C = Conditional L# = Permitted with Specific Limitation(s) (See Table 6-3)

## TABLE OF LAND USE REGULATIONS

TABLE 6-1

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	CH	M-1	M-2	MU	MU-TOD	
RETAIL AND RELATED USES																							
Bank, Credit Union, or Savings & Loan w/ Drive-In												C	C	P	P	P	P			C <sup>2</sup>	C <sup>2</sup>		
Barber or Beauty Shop												P	C	P	P	P	P	P	P	P	P	P	
Big Box Retail														C	C	C							
Convenience Store														C	C	C	C	C	C	C <sup>2</sup>	C <sup>2</sup>		
E-commerce Retail & Fulfillment												P		P	P	P	P	L4	L4	L2	L2		
Fast Food Eating Establishment												P <sup>2</sup> L4		P	P	P	P	L4	L4	P <sup>2</sup>	P <sup>2</sup>		
Furniture/Appliance Store														C	C	P	P	P	P	P	C	C	
Garden Shop & Plant Sales, Nursery	C													C	P	P	C			C	C		
Grocery Store														P	P	P	P			P	P		
Kennels, Boarding														C	C	C	C	P	P				
Kennels, Daily Boarding & Extended Care	C																						
Kennels, Private	C	C												P	P	P	P	P	L4	L4	P	P	
Laboratory, Medical or Dental														P	P	P	P	P	L4	L4	P	P	
Laundry/Laundromat														P	P	P	P	P	L4	L4	P	P	
Locksmith or Key Shop														P	P	P	P	P	P	P	L2	L2	
Medical/Dental Clinic														P	P	P	P	P			P	P	
Mortuary														C	C	P	C			C			
Music Store														P	P	P	P	L4	L4	L3	L3		
Office, Professional or General Business														P	P	P	P	P	P	P	P	P	
Package Liquor Store														C	P	P	P			C	C		
Pawn Shop														C	P	C							
Pet Services, Indoor	C													C	C	C	C	P	P				
Pet Services, Indoor/Outdoor	C													C	C	C	C	P	P				
Pet Shop, Small Animals, Birds & Fish														P	P	P	P	L4	L4	L3	L3		
Reception Center												C		C	C	P	P	P		C	C		
Repair for TV, Radio, Appliance or Similar																		P	P	P			
Restaurant														L4		P	P	P	P	L4	L4 C	P	P
Retail Sales and Commercial Services														L4		P	P	P	P	L4	L4	P <sup>2</sup>	P <sup>2</sup>
Retail Tobacco Specialty Business																		C					
Studio - Art, Photo														P	P	P	P	P	L4	L4	L2	L2	
Studio - Health, Exercise, Dance, Music, Drama, or Similar														P	P	P	P	P	L4	L4	L3	L3	
Studio - Decorate & Display														P	P	P	P	P	L4	L4	L2	L2	
Swap Meets																		C	C	C	C		
Tavern, Bar, Private Club w/ Alcohol Sales															C	C				C	C		
Title Loan, Payday Loan, Deferred Deposit Lending and Similar Business														C		C							

2. Drive-throughs in the MU, MU-TOD and B-RP zones are only permitted on the rear or side of a building. (See Sections 19.25.060 and 19.26.060)

P = Permitted C = Conditional L# = Permitted with Specific Limitation(s) (See Table 6-3)

## TABLE OF LAND USE REGULATIONS

TABLE 6-1

TABLE 6-2

	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH	A-2	B-RP	P-B	CP-1	CP-2	CP-3	CH	M-1	M-2	MU	MU-TOD	
COMMERCIAL AND RELATED SERVICES																							
Bakery, Wholesale															L2	P	P	P	P	P	P	L2	L2
Bed & Breakfast	C	C					C	C	C	C			C					C			C	C	
Building Materials Sales Wholesale															L2	L1		L1	P	P			
Cleaning, Laundry or Dyeing															L1	L1	L1	P	P	P	L2	L2	
Dance Hall or Night Club																	C	C			C	C	
Food Cart, Food Truck***	P	P	P	P	P							P		P	P	P	P	P	P	P	P	P	
Hotel or Motel												C				C	C			C	C		
Kiosk														P	P	P	P	P	P	P	P		
Laboratory, Scientific or Research												P				P	P	P	P	P	P		
Lumber Yard														C	C	C	P	P					
Milk Depot														P	P	P	P	P	P	C	C		
Mixed Use Buildings																				P <sup>2</sup>	P <sup>2</sup>		
Office and Indoor Storage												L1		L2	L2	L2	L1	P	P	P	L2		
Pre-School												C	C	C	P	P	P	P	P	P	P		
Railroad or Bus Passenger Station												C		C	C	C	P	P	C	C			
Railroad Team Tracks, Freight Depot or Docks												C				C	C	P	P				
Seasonal Outdoor Vendor														P	P	P	P						
Single Event														P	P	P	P			P	P		
Snow Shack														P	P	P	P			P	P		
Street Vendor*														P	P					P	P		
Tattoo Parlor																C							
Tent Vendor**														P	P	P	P			P	P		
Trailer or Mobile Home Sales														P	P	P	P	P	P				
Transfer Storage Terminal														C	C	P	P						
Travel Trailer Park														C	P	P	C			C			

P = Permitted C = Conditional L# = Permitted with Specific Limitation(s) (See Table 6-3)

\* Special requirements for businesses in this zone are available in 19.21.040

\*\* Special Provisions for locations of each type of Tent Vendor are available in 19.21.050

\*\*\* Special requirements for businesses in these zones are available in 19.21.045

## TABLE OF LAND USE REGULATIONS

TABLE 6-3

L1	Land use limited to an interior building area of no more than 15, 000 s.f.
L2	Land use limited to an interior building area of no more than 6,000 s.f.
L3	Use not permitted directly below multi-family residential uses in MU and MU-TOD zoning districts
L4	Uses are subject to the standards and limitations provided in Section 19.06.170



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

## STAFF REPORT

**To:** City Council

**From:** Curtis Poole, Planner II *Curtis Poole*

**Date:** April 4, 2024

**Re:** General Plan Map Amendment and Rezone Request – Double J Investments, LTD – General Plan Map Amendment from (Agriculture) to (Light Manufacturing/Industrial), Rezone Request from A (Agriculture) to M-1 (Light Manufacturing/Industrial) – Ordinance 24-09, Ordinance 24-08, and Resolution 24-13 – 445 East Antelope Drive

---

**Location:** 445 East Antelope Drive

**Current General Plan Map:** Agriculture  
**Current Zoning:** A (Agriculture)

**Proposed General Plan Map:** Manufacturing  
**Zoning Requested:** M-1 (Light Manufacturing/Industrial)

### Description and Background:

The applicant, Robert Love, representing Double J Investments, LTD, is requesting a General Plan Map Amendment of approximately 5.2 acres and rezone of approximately 3 acres from the A zone to the M-1 zone. The proposed rezone area encompasses the northeast corner of the Antelope Drive and Fort Lane intersection and is located in the Accident Potential Zone (APZ). Properties to the north, east, and south are in the A zone, and properties to the west are in the M-1 zone.

A portion of the property and two parcels to the west (approximately 2.4 acres), also owned by the applicant are currently zoned M-1. These parcels would be included in the future development of the subject property. A Development Agreement will accompany this rezone request and will guide the future development of the properties.

### Staff Review:

#### General Plan

During each decade since 1970, there has been moderate growth of industrial uses within the APZ area as outlined below in Table 1. Between 2020 and 2022, the City approved roughly

the same amount of building space within the APZ than what was approved for the 50 years prior (see Table 2). All of this growth occurred within properties that were zoned M-1 before 2020.

**Table 1 Leasable Area – Growth within the APZ Identified by Decade**

Years	Acres	Leasable Area (Sq. Ft.)
1970-1979	5.27	40,150
1980-1989	0.00	0
1990-1999	13.99	13,423
2000-2009	15.77	40,297
2010-2019	9.77	50,528
2020-2022	34.86	142,320
<b>1970-2022 TOTAL</b>	<b>79.66</b>	<b>286,718.00</b>

**Table 2 Leasable Area – Growth within the APZ from 1970 to 2019 vs 2020 to 2022**

Years	Leasable Area (Sq. Ft.)
1970-2019	144,398
2020-2022	<b>142,320</b>

The APZ contains 80 acres and 286,718 square feet of industrial space, the growth of development within the APZ was heavily examined during the General Plan process. The General Plan states, “Layton recognizes the need to limit any future APZ land development and uses to continue supporting the critical mission and aircraft operations of Hill Air Force Base.”

Historically, properties located within the APZ have generally been restricted from specific uses and development due to easements that have been established for decades. The General Plan states that “limited portions of land near Antelope Drive and Fort Lane, and Fairfield Road and State Highway 193 are recognized as Manufacturing and Industrial-flex.”

Rezoning the property from A to M-1 and amending the General Plan map from Agriculture to Manufacturing, is consistent with the General Plan as it is near the intersection of Antelope Drive and Fort Lane. A similar rezone on the southwest corner of the Antelope Drive and Fort Lane intersection was approved by the City Council in July of 2022 (see highlighted area in map below).



Based on the zoning of all other parcels within the APZ, the proposed rezone would constitute the last parcel on the north east corner of the Antelope Drive and Fort Lane intersection where a rezone from Agriculture to Industrial would be compliant with the General Plan.

#### Government Easements

From the 1970's through the 1990's, the Federal and State governments purchased easements from property owners within the current APZ boundaries. These easements restricted the expansion of residential uses and limited the type of commercial and industrial development that could occur on the properties. Compensation for those easements was given to the property owners at the time the easements were established.

The easements provide a list of uses that would be acceptable to Hill Air Force Base (HAFB); however, these uses would still need to be compliant with City zoning ordinances as the easements themselves did not convey any land use rights. The easements also limited the concentration of people in a given area, specifying that no more than "one [person] per three hundred square feet within a building or outdoor facility," or "an overall density greater than ten [persons] within a building or buildings or outdoor facilities per acre," or "a number greater than twenty-five [persons] per building or outdoor facility."

#### HAFB Compatible Use Plan

At the beginning of 2022, HAFB, in partnership with Layton City and a number of other municipalities and government agencies, completed a Compatible Use Plan (CUP). The CUP states, "Some land uses may be either compatible or incompatible depending on the density or intensity of the use that are determined through the respective city and county general plans". In February of 2022, the Council adopted Resolution 22-17 in good faith to implement the strategies identified within this plan.

#### Development Agreement

In addition to the easements described above, a Development Agreement (attached to the Staff Report) will accompany the rezone request. The Development Agreement will provide guidance to the future development of the property. The agreement will prohibit uses relating to gasoline sales and storage, recreational, and any commercial or retail related uses. The purpose of these exclusions are to ensure the property does not develop a retail/commercial presence at this intersection or potentially increase the number of persons working or visiting the area beyond those numbers contemplated in the CUP.

The agreement further specifies the property shall be "legally subdivided through a preliminary plat application" with the City, which would separate the portion of property currently being considered with the rezone request from the larger parcel.

### **Fort Lane Safety Concerns**

The adjacent properties to the west, which are also owned by the applicant, are currently occupied by a vehicle repair business. The business has been parking and storing cars along Fort Lane, causing safety concerns especially where Fort Lane narrows. The applicant has indicated one of the purposes for the rezone would be to expand the area for the business, increasing the parking and vehicle storage onsite, which would remove the vehicle storage along Fort Lane.

### **Conclusion**

As the property is located near the intersection of Antelope Drive and Fort Lane identified in the General Plan for rezone consideration, and as the Development Agreement and existing easements will guide future development of the property, Staff supports the request for rezone at this location. In addition, Staff supports the amendment to the General Plan Map to match the text and intent of the General Plan.

### **Recommendation:**

On March 12, 2024, the Planning Commission voted unanimously to recommend the Council approve the General Plan Map Amendment from Agriculture to Manufacturing, the rezone request from A (Agriculture) to M-1 (Light Manufacturing/Industrial), and the Development Agreement between Double J Investments, LTD and Layton City.

Staff supports the recommendation of the Planning Commission.



**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 15 business days of a preliminary submittal and within 20 business days of a final submittal. Thank you.

## MEMORANDUM

**TO:** Double J Investments, LLC; robertlove1297@gmail.com

**CC:** CED Department/Fire Marshal

**FROM:** Shannon Hansen, Assistant City Engineer - Development

**DATE:** February 21, 2024

**SUBJECT:** Love Rezone  
445 East Antelope Drive

I have reviewed the Rezone Petition for a portion of one parcel of ground containing approximately 5.201 acres at 445 East Antelope Drive. The applicant is requesting a zoning change from A and M-1 to M-1 to develop the parcel. The Engineering Department has the following comments regarding the rezone of the property.

Approximately 2.2 acres of the area encompassed in the provided legal description are already zoned M-1 leaving approximately 3 acres to be rezoned from A to M-1.

The legal description of the rezoned area will need to be tied to a section corner.

**The following is provided for informational purposes only and may not be inclusive.**

**Street** – Property will need to be dedicated for Fort Lane. 7-foot PU&DEs will need to be established along Fort Lane and Antelope Drive upon development. These will be accomplished through a dedication plat.

Street improvements will need to be installed along the frontage of Fort Lane.

The existing drive approach on Antelope will need to be removed if not used for the development. Any broken sidewalk or curb and gutter will need to be replaced with development.

**Sanitary Sewer** –There is a 12-inch City sewer line on the south side of Antelope and an 8-inch City sewer line on the west side of Fort Lane.

**Culinary water** – There is an 8-inch main and a 12-inch main on the south side of Antelope. Any new connections will need to be made to the 8-inch main. No connections will be allowed to the 12-inch line.

There is a 10-inch on the east side of Fort Lane.

Based on the city water model, the fire flow in the intersection of Fort Lane and Antelope is 2,600 gpm and 95 psi. The fire flows will be further refined upon receipt of a site plan. The Fire Marshal will determine the required fire flow as well as the need for any additional hydrants.

**Storm Drain** – There is a 21" storm drain in Antelope Drive. Detention with a maximum release rate of 0.2 cfs per acre will need to be incorporated in the development. The storm drain system may need to be designed to address the storm water run-off from the parcels to the north. This could include a storm drain extension in Fort Lane from Antelope Drive.

The development will need to comply with Low Impact Development requirements in Section 6 of the City Guidelines and Design Standards. Items of note for the LID:

- 1) This area is within two Drinking Source Protection Zone 3.
- 2) An infiltration test will not be required if infiltration is deemed technically infeasible due to a drinking water protection zone, contaminated soil, soil classification and/or ground water depth. Any infiltration test will need to comply with the standards outlined in Section 8.16 of the same design standards

**Miscellaneous –**

1. Street lights on public streets will required.
2. This property is located in the Weber Basin secondary water service area. They will need to be contacted to determine if secondary water is available to service this development. A will serve letter will need to be provided with the site plan application.
3. Water exaction requirements will need to be met for all new connections. Water exaction amounts in commercial developments are based on meter size. Water shares from Kays Creek Irrigation, Holmes Creek Irrigation, or DWCCC will need to be submitted at the final stage of development.
4. The power/overhead utilities along Antelope Drive will need to be buried upon development.
5. The irrigation ditch along Fort Lane will need to be piped.



Community • Prosperity • Choice

Mayor • Joy Petro  
City Manager • Alex R. Jensen

• 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.**

## M E M O R A N D U M

TO: Community Development  
FROM: Gavin Moffat, Deputy Fire Marshal   
RE: 445 E Antelope Drive (Love) Rezone  
CC: 1) Engineering  
2) Double J Investments, LLC, [robertlove12972@gmail.com](mailto:robertlove12972@gmail.com)  
DATE: February 28, 2024

I have reviewed the rezone application received on February 7, 2024 for the above referenced project. The Fire Department, with regard 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.

GM\#4ANNEX/REZONE:sh

Plan #S24-016 District #12

Project Tracker #LAY2402073331

ERS# BMI





**Parks & Recreation Department**  
JoEllen Grandy • City Landscape Architect  
Telephone: 801.336.3926  
Email: [jgrandy@laytoncity.org](mailto:jgrandy@laytoncity.org)

## Memorandum

**To:** Double J Investments, LLC – Robert Love  
**CC:** Community Development, Fire, & Engineering  
**From:** JoEllen Grandy, City Landscape Architect – Parks & Recreation  
**Date:** February 9, 2024  
**Re:** 445 E. Antelope Dr. (Love) Rezone, Rezone – 445 E. Antelope Dr.  
**Review:** 1<sup>st</sup> Cycle, 1<sup>st</sup> Submittal

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445 East Antelope Drive lies within the City's existing Woodward Park service area. The applicant's proposed rezone from A (3 acres) & M1 (2.2 acres) to M1 (5.2 acres) would not impact the Parks & Recreation Department.

The Parks & Recreation Department has reviewed the petition submitted and has no comments or concerns regarding approval of the rezone.

**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.



# Layton City

DOUBLE J  
INVESTMENTS LTD  
GENERAL PLAN MAP  
AMENDMENT  
AND REZONE

445 E ANTELOPE DR

REZONE  
AGRICULTURE (A)  
TO LIGHT  
MANUFACTURING/  
INDUSTRIAL (M-1)

APPROXIMATELY  
3 ACRES

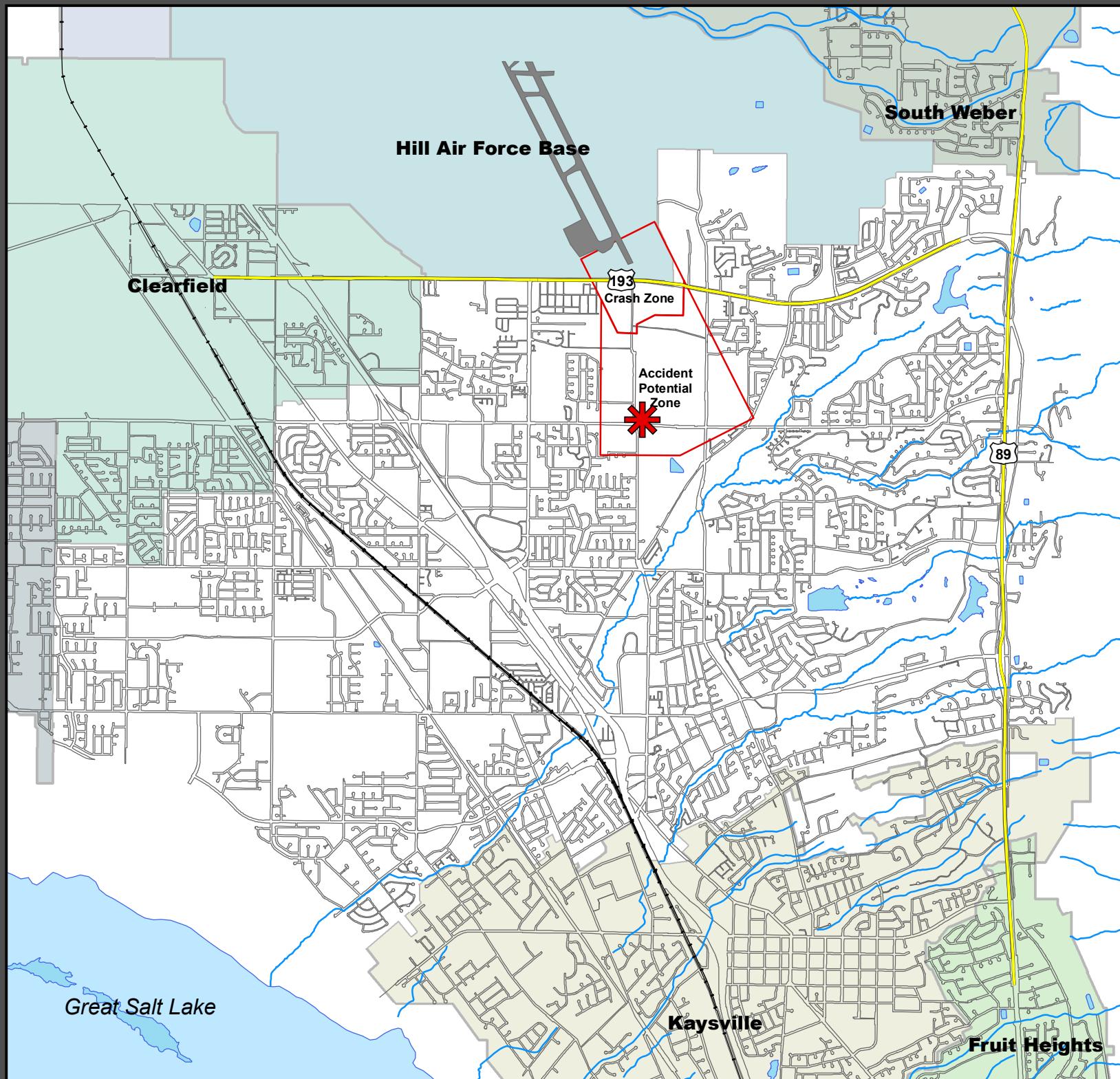
## Legend

- Rail Lines
- APZ
- Interstate 15
- Lakes
- Streams

\* - Project Site



Map 1



# Layton City

## DOUBLE J INVESTMENTS LTD GENERAL PLAN MAP AMENDMENT AND REZONE

445 E ANTELOPE DR

REZONE  
AGRICULTURE (A)  
TO LIGHT  
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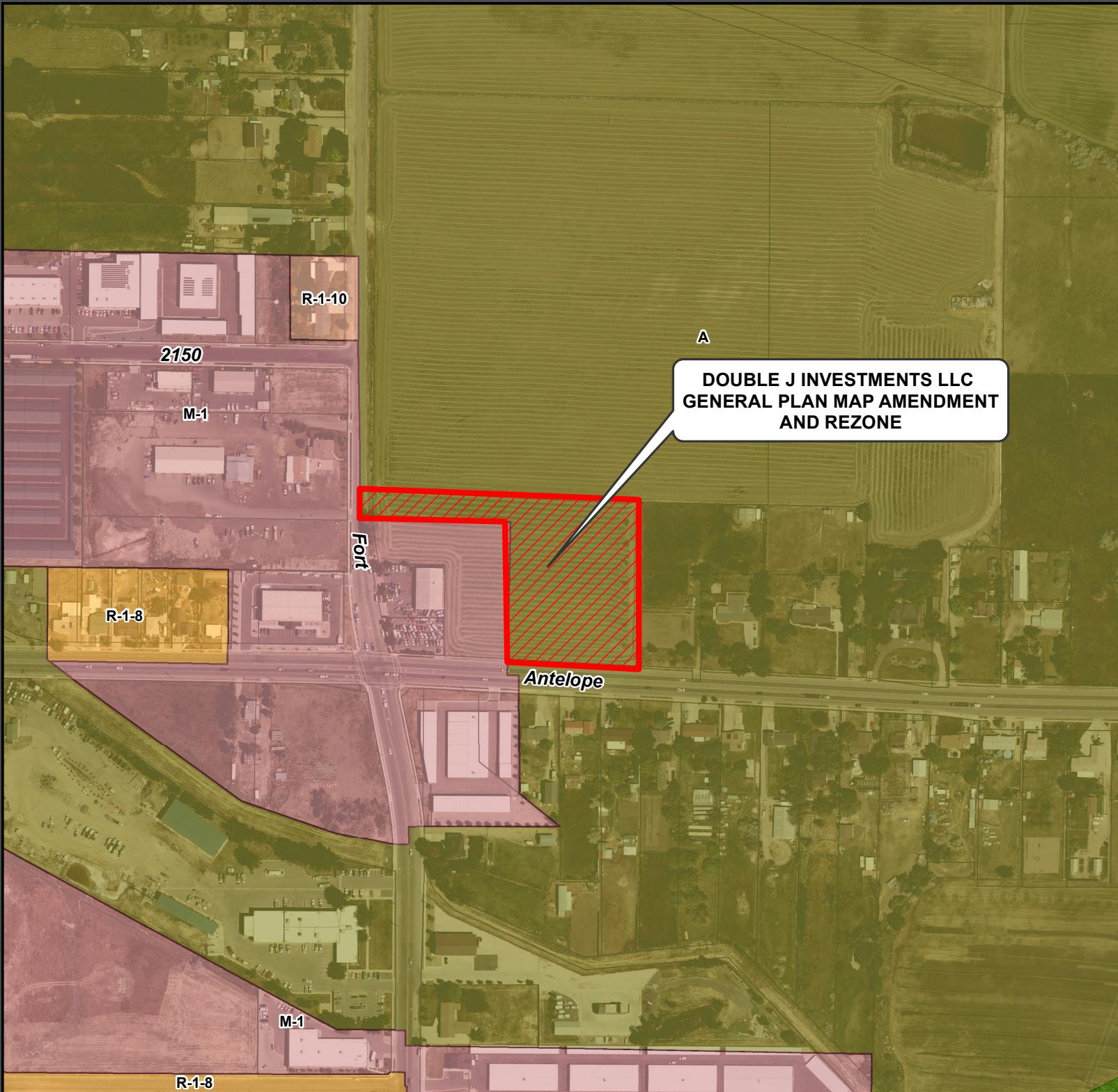
### Legend

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

 - Project Area



Map 2





DOUBLE J  
INVESTMENTS LTD  
GENERAL PLAN MAP  
AMENDMENT  
AND REZONE

445 E ANTELOPE DR

REZONE  
AGRICULTURE (A)  
TO LIGHT  
MANUFACTURING/  
INDUSTRIAL (M-1)

APPROXIMATELY  
3 ACRES

**Legend**

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

  - Project Area



**Map 3**



**ADDITIONAL**

**PACKET**

**ATTACHMENTS**



April 4, 2024

# City Council Meeting



# 5A. Record Appeals Board Member Appointments Resolution 24-12



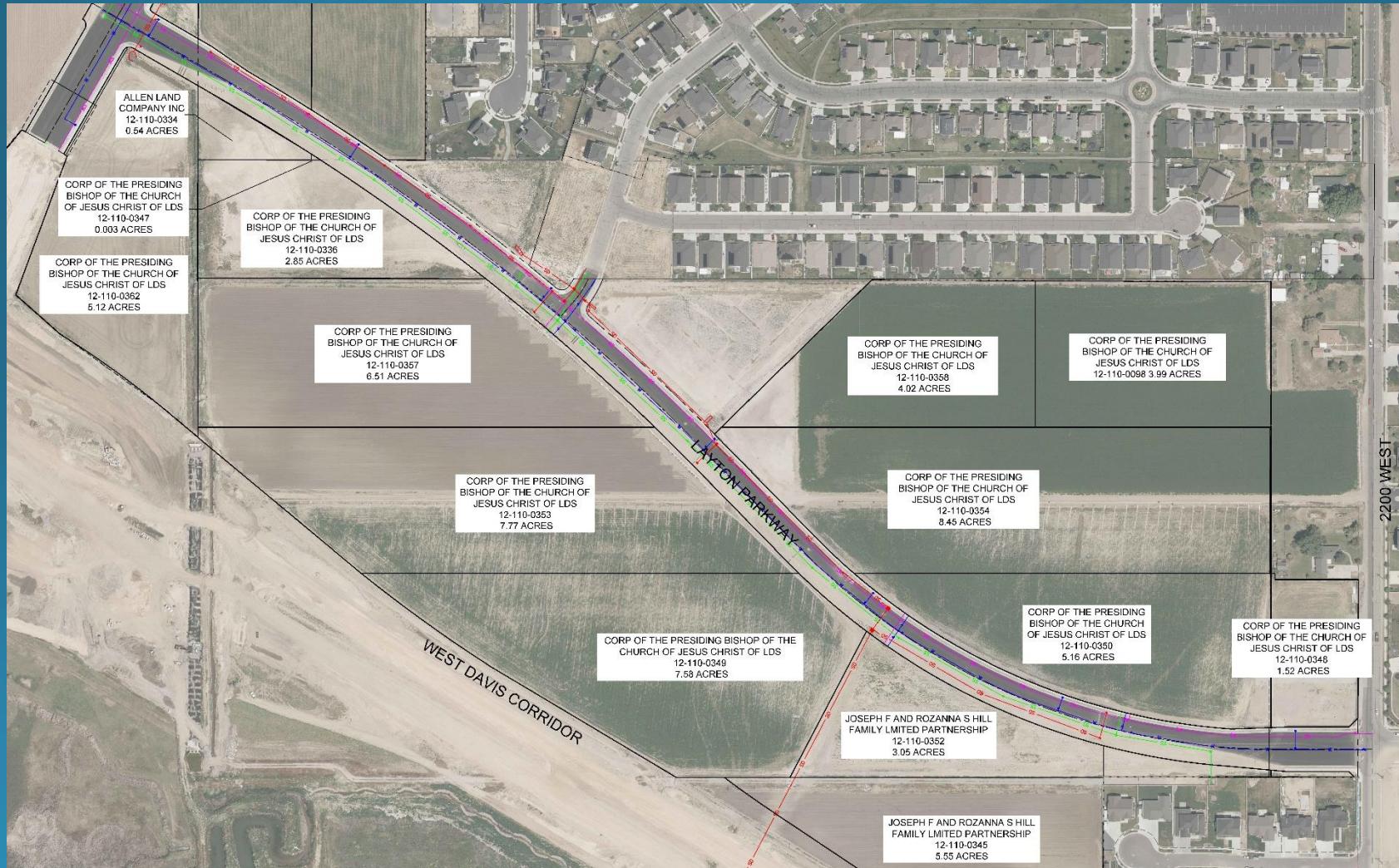




# 5B. Project Improvements Resolution 24-14

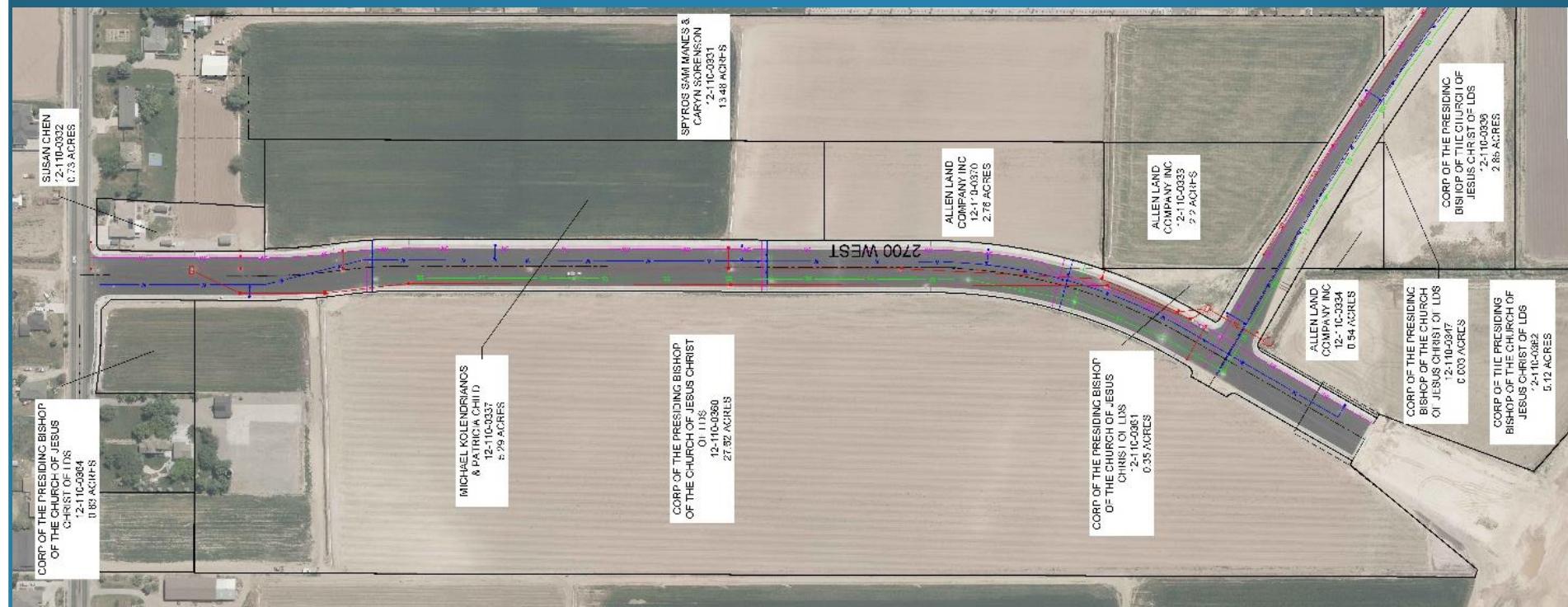
# Layton Parkway

Purchased full 84 foot wide right-of-way and constructed half width roadway and utilities.



# 2700 West

- Purchased full 105 foot wide right-of-way and constructed full width roadway and utilities.
- Received Davis County COG funding for a portion of the improvements.



# Layton City Municipal Code

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## **12.24.060 Recoupment Of Costs By The City For Improvements**

- The City shall be entitled to collect from new development, prior to the issuance of any permit or approval, the costs of any improvements for which the City has paid for and constructed, that would constitute a project improvement to the development activity.
- The project improvements shall include any improvement that specifically benefits the development activity by providing improvements that have to be installed by the developer or property owner prior to development.

# Project Improvements

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Project improvements are based on  $\frac{1}{2}$  of a 60 foot cross section.

## Right-of-Way

- 30 feet of property

## Street and Street Lighting

- 18 feet of asphalt (3" thick)
- 8" thick roadbase
- Standard Curb and Gutter
- 5 foot wide sidewalk
- SL-04 Street Lights

## Utilities

- 8" Culinary Water
- 8" Secondary Water
- 8" Sanitary Sewer
- 15" Storm Drain

# Project Improvement Costs

<b>Layton Parkway</b>	
	<b>Payback</b>
ROW	\$612,397.91
Street and Street Lighting	\$281,428.74
Utilities	\$1,091,756.61
<b>Layton Parkway Total</b>	<b>\$1,985,583.26</b>

<b>2700 West</b>	
	<b>Payback</b>
ROW/Easements	\$702,818.10
Street and Street Lighting	\$624,980.30
Utilities	\$446,805.71
DAVIS COG Funding Credit	\$ (533,526.11)
<b>2700 West Total</b>	<b>\$1,241,078.00</b>

<b>Combined Project Total</b>	<b>\$3,226,661.26</b>
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# Payback Amounts - Tax ID

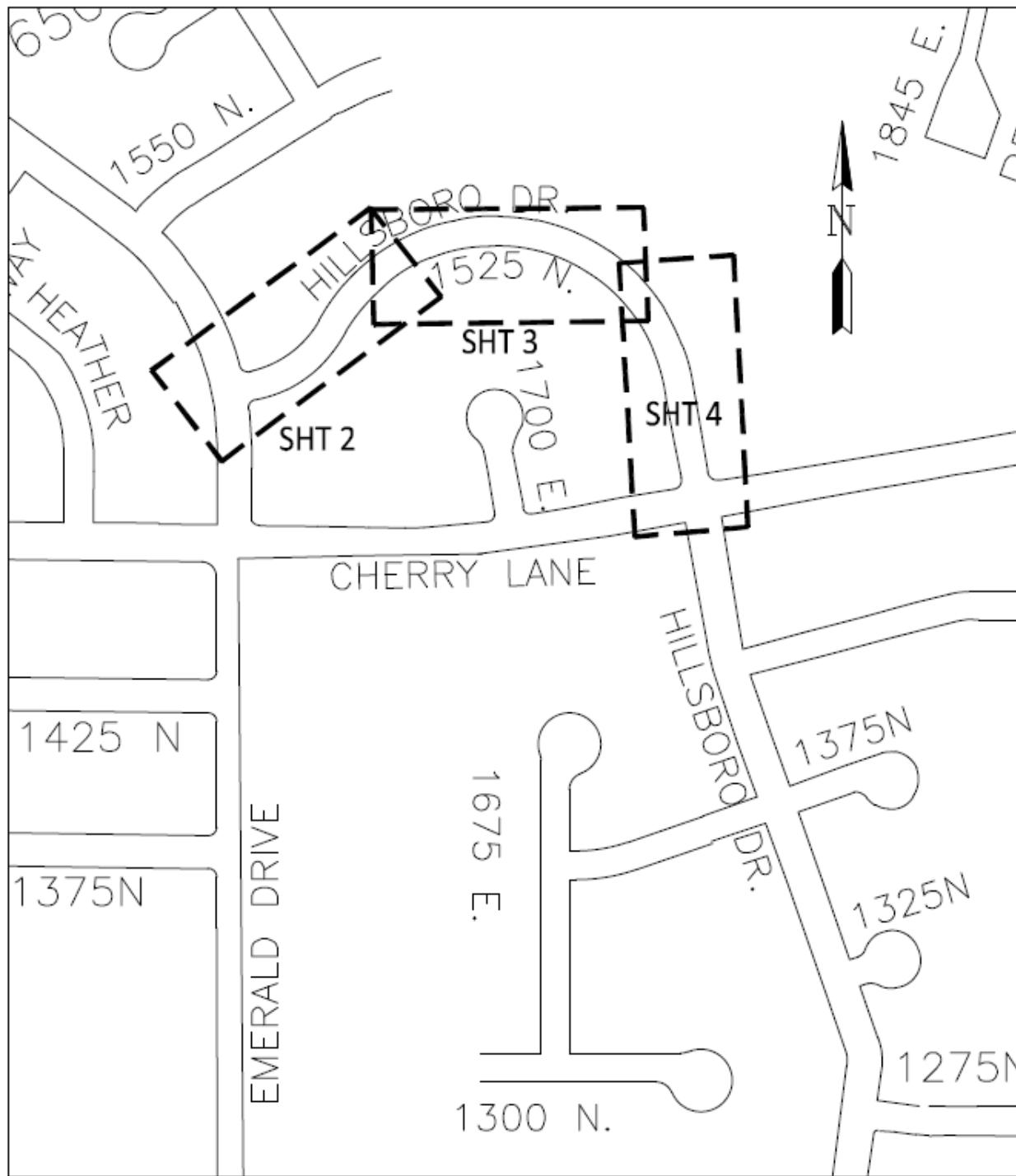
Owner	Tax ID	Total Acres in Area	
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0098	3.99	\$88,564.09
SPYROS SAM MANES AND CARYN SORENSEN	12-110-0331	13.48	\$341,400.90
SUSAN CHEN	12-110-0332	0.73	\$62,975.84
ALLEN LAND COMPANY INC.	12-110-0333	2.2	\$104,010.94
ALLEN LAND COMPANY INC.	12-110-0334	0.54	\$49,025.04
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0336	2.85	\$75,551.52
MICHAEL KOLENDRIANOS AND PATRICIA CHILD	12-110-0337	5.29	\$279,988.53
JOSEPH F AND ROZANA S HILL FAMILY PARTNERSHIP	12-110-0345	5.55	\$107,998.68
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0347	0.003	\$3,150.48
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0348	1.52	\$67,783.24
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0349	7.58	\$174,282.74
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0350	5.16	\$283,367.72
JOSEPH F AND ROZANA S HILL FAMILY PARTNERSHIP	12-110-0352	3.05	\$170,268.96
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0353	7.77	\$101,914.09
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0354	8.45	\$188,489.80
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0357	6.51	\$100,722.52
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0358	4.02	\$89,229.98
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0360	27.62	\$586,842.27
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0361	0.35	\$46,225.06
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0362	5.12	\$93,964.28
CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LDS	12-110-0364	0.83	\$31,406.29
ALLEN LAND COMPANY INC.	12-110-0370	2.76	\$142,492.44
VILLAS AT HARMONY PLACE POND	12-110-0359	3.81	\$37,005.85

**\$3,226,661.26**





# 5C. Hillsboro Drive Water Line Improvements Bid Award Resolution 24-15







# 6A. Smith's Food and Drug Rezone Ordinance 24-07

# Layton City

SMITH'S FOOD  
AND DRUG

282 WEST  
HILL FIELD ROAD  
REZONE

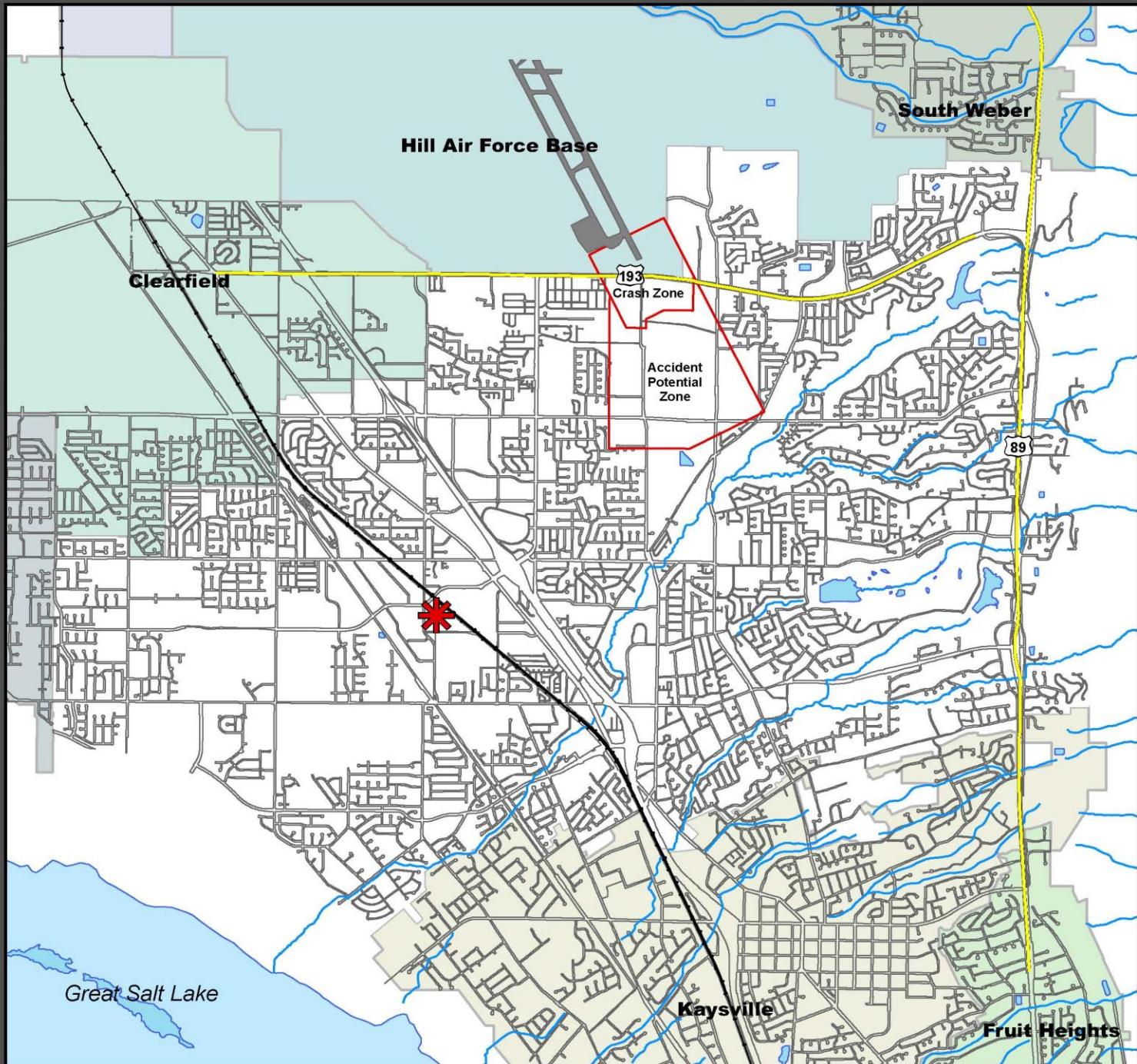
## Legend

-  City Boundary
-  Rail Lines
-  APZ
-  Interstate 15
-  Lakes
-  Streams

 - Project Site



Map 1



# Layton City

## SMITH'S FOOD AND DRUG

282 WEST  
HILL FIELD ROAD

REZONE

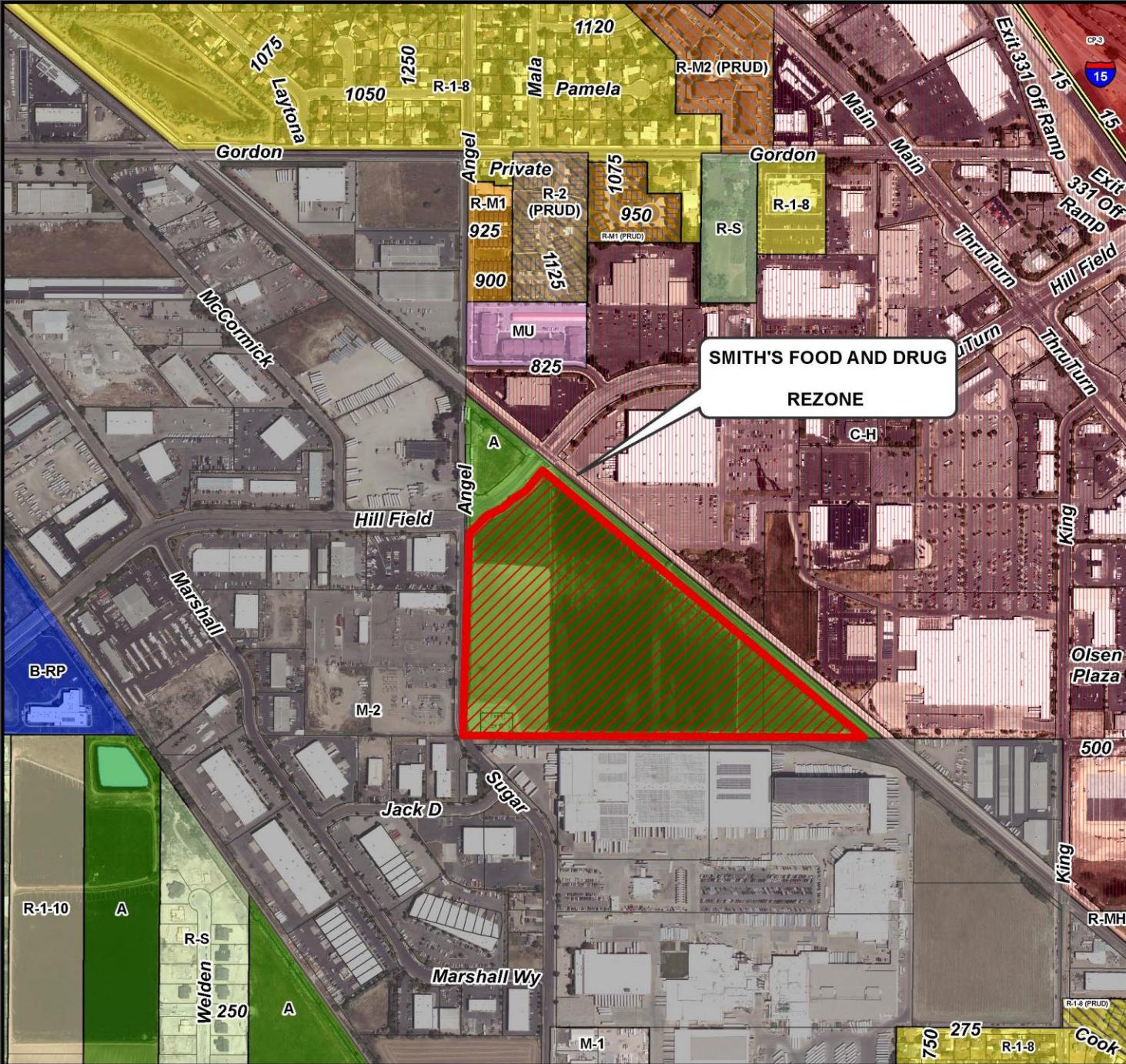
### Legend

- Interstate Highways
- City Boundary
- Highways
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- Streams

 - Project Area



Map 2



**SMITH'S FOOD  
AND DRUG**  
**282 WEST  
HILL FIELD ROAD**  
**REZONE**

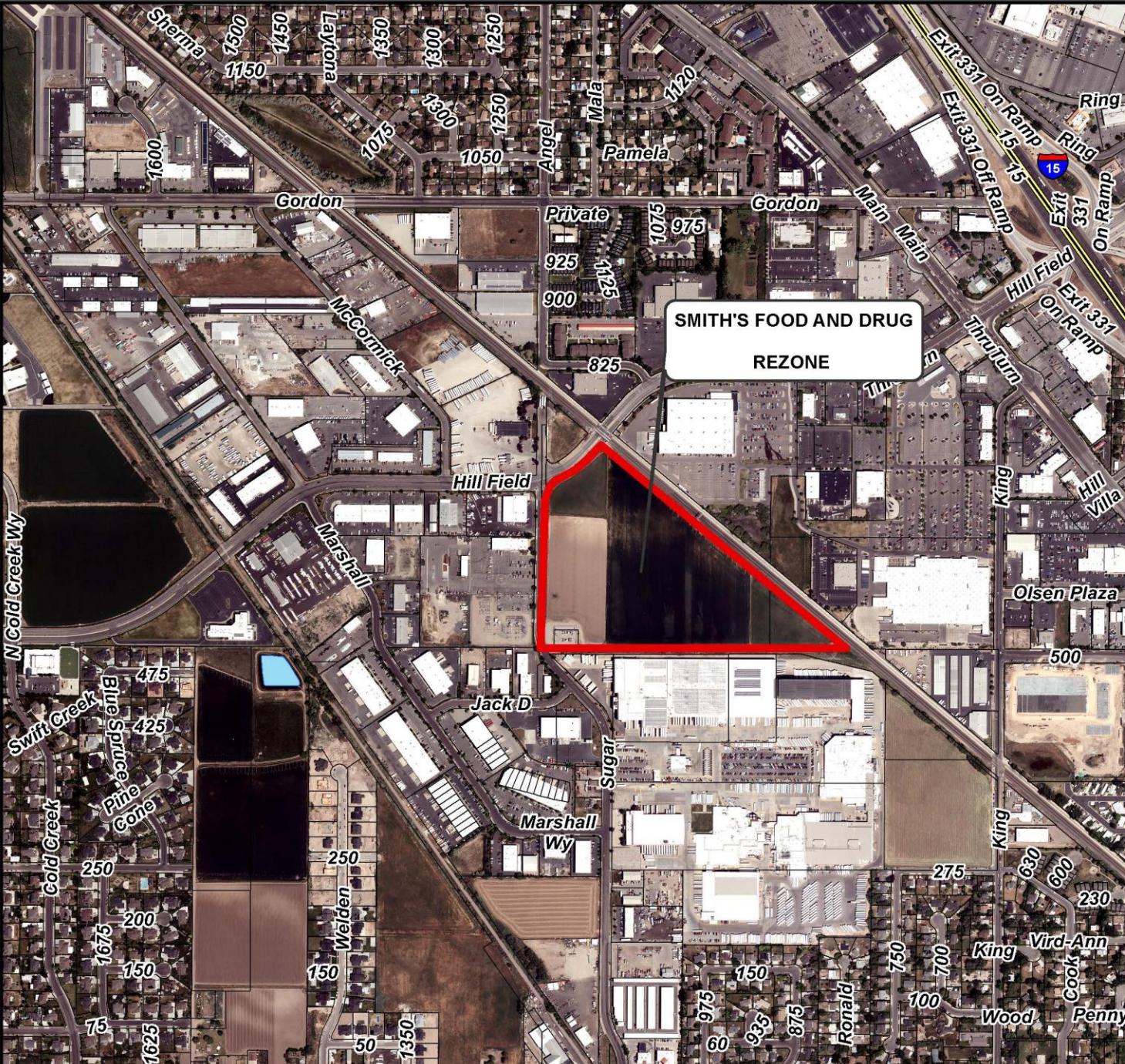
**Legend**

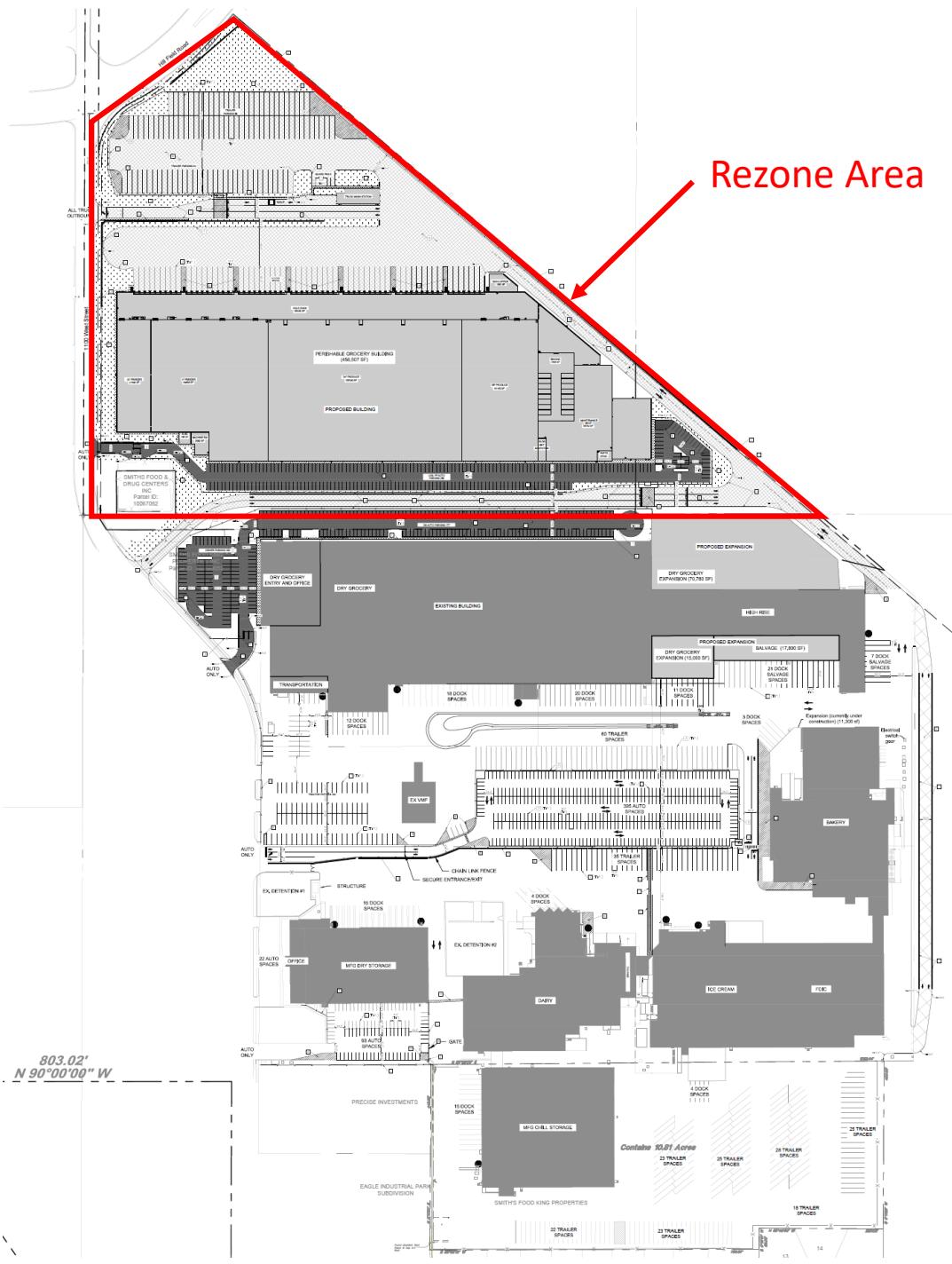
- Interstate Highways
- City Boundary
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- Streams

- Project Area



**Map 3**









# 6B. Double J Investments General Plan Map Amendment, Rezone, and Development Agreement Ordinance 24-08

# Layton City

DOUBLE J  
INVESTMENTS LLC  
GENERAL PLAN MAP  
AMENDMENT  
AND REZONE

445 E ANTELOPE DR

REZONE  
AGRICULTURE (A)  
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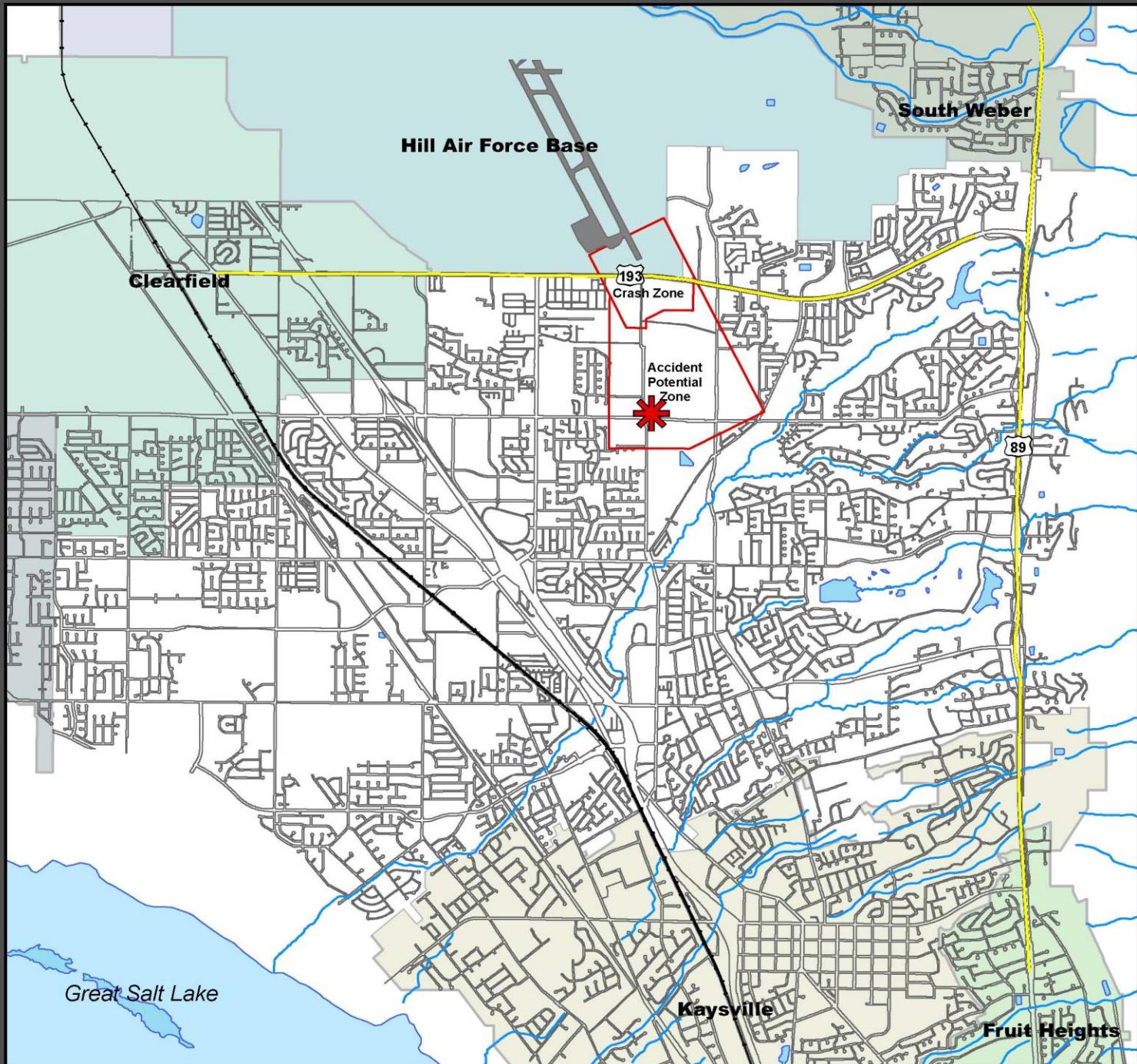
## Legend

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 - Project Site



Map 1



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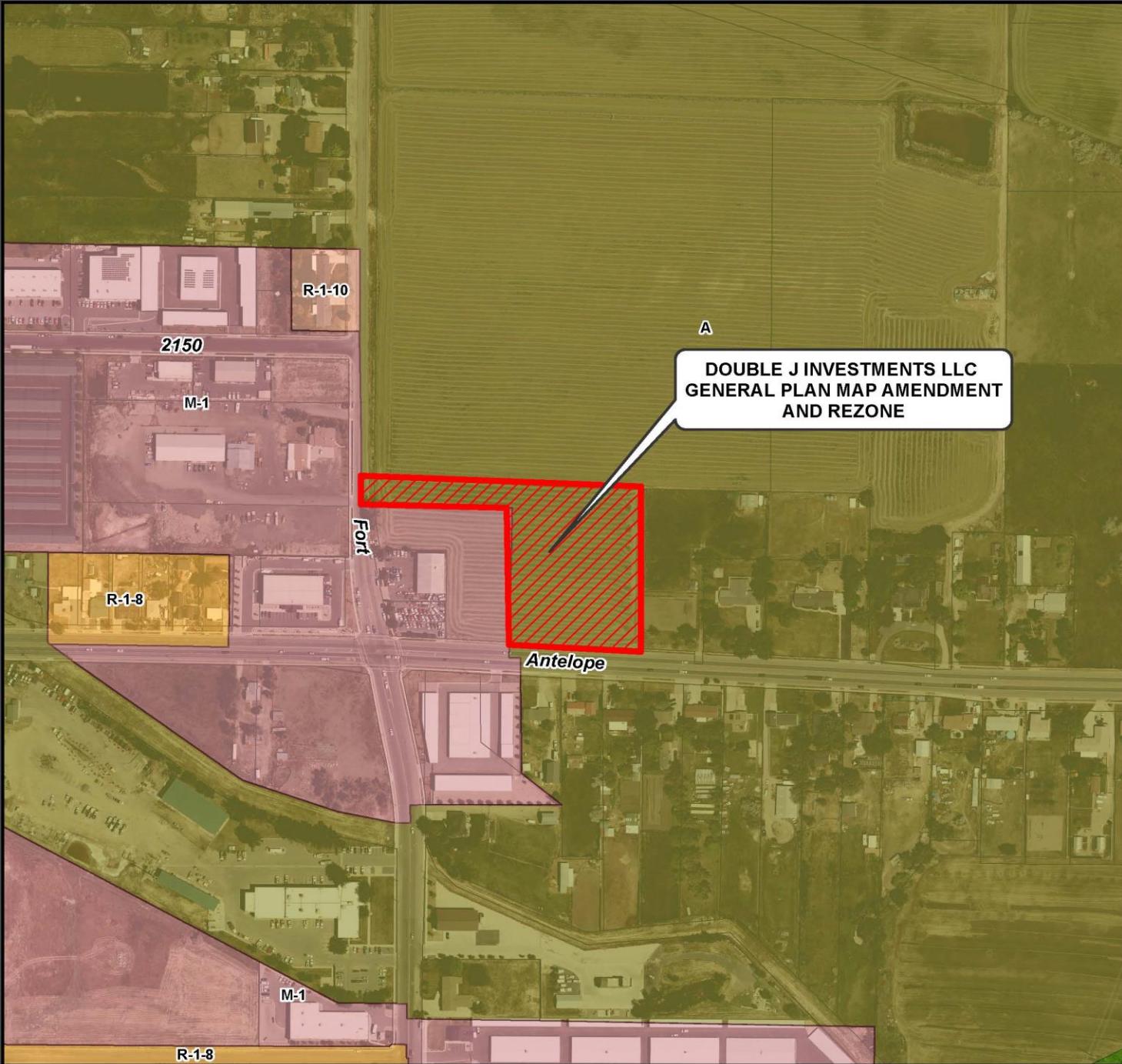
## Legend

- Interstate Highways
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- Streams

 - Project Area



Map 2



# Layton City

## DOUBLE J INVESTMENTS LLC GENERAL PLAN MAP AMENDMENT AND REZONE

445 E ANTELOPE DR

REZONE  
AGRICULTURE (A)  
TO LIGHT  
MANUFACTURING/  
INDUSTRIAL (M-1)

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3 ACRES

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Map 3







## Layton 12.24.060 Recouptment Of Costs By The City For Improvements

The City shall be entitled to collect from new development, prior to the issuance of any permit or approval, the costs of any improvements for which the City has paid for and constructed, that would constitute a project improvement to the development activity. The project improvements shall include any improvement that specifically benefits the development activity by providing improvements that have to be installed by the developer or property owner prior to development. The costs shall be calculated by the City Engineer, based on the City's cost of design and construction. The City shall then, by resolution of the City Council, require that those costs be paid by the development. The City may withhold the issuance of a permit or final approval, until such time as the costs are paid.

### HISTORY

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 02-47, Enacted, 7/18/2002

## Layton Parkway/2700 West Construction Project

Stephen Jackson <sjackson@laytoncity.org>

Mon, Apr 1, 2024 at 3:14 PM

To: Mike Kolendrianos [REDACTED]

Cc: Pattie Child [REDACTED] Ryan Bankhead <rbankhead@laytoncity.org>

Mike and Pattie,

The costs for the payback were calculated on the acreage of benefitted property using the minimum project improvements required for a development based on a 60 foot right of way. This was broken down into three categories; the purchase of right-of-way, street and street lighting improvements, and utilities (culinary water, secondary water, sanitary sewer, storm drain). Because we received funding from the Davis County Council of Governments (COG) for 2700 West, there is also a credit to reduce the payback on the benefitted properties on 2700 West. The costs for each category are detailed below.

### Right-of-Way

The right-of-way calculation is for 30 feet of property or a half width of the 60 foot right-of-way. The average cost to acquire property on 2700 West was \$4.50 per square foot. The total calculated area for your property is 34,019.40 square feet. The total payback for right-of-way on your property is \$153,087.30.

### Street and Street Lighting Improvements

The street and street lighting improvements are based on the standard development for a half width street of 18 feet of asphalt (3 inches thick), 8 inches of roadbase, 5 foot wide sidewalk, curb and gutter, and SL-04 street lighting. The cost per acre for properties benefitted by the improvements on 2700 West is \$14,636.54. The total payback on your property for the street and street lighting improvements is \$77,427.30.

### Utilities

The utilities are based on the minimum size required for each utility (8 inch culinary water, 8 inch secondary water, 8 inch sanitary sewer, 15 inch storm drain). The cost per acre for properties benefitted by the improvements on 2700 West is \$21,847.11. The total payback for the utilities on your property is \$115,571.19

### Credit from COG Funding

A credit of \$12,494.76 per acre from the COG Funding to benefitted properties on 2700 West was applied. The total credit from the COG Funding for your property is \$66,097.26.

The total payback amount summarized is as follows:

Right-of-Way = \$153,087.30

Street and Street Lighting Improvements = \$77,427.30

Utilities = \$115,571.19

Credit from COG Funding = -\$66,097.26

**Total Payback = \$279,988.53**

If you have additional questions, we would be happy to meet with you and discuss the breakdown.

[Quoted text hidden]