

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**NOVEMBER 6, 2014; 7:08 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

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

**ABSENT:**

**JORY FRANCIS**

**STAFF PRESENT:**

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

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

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

**MINUTES:**

Councilmember Day made a correction to the September 18, 2014, Work Meeting Minutes; page 5, changing “said” to “asked.”

**MOTION:** Councilmember Brown moved and Councilmember Freitag seconded to approve the minutes, with the correction noted by Councilmember Day, of:

**Layton City Council Work Meeting – September 18, 2014;  
Layton City Council Meeting – September 18, 2014; and  
Layton City Council Meeting – October 2, 2014.**

The vote was unanimous to approve the minutes as corrected.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Brown said this Tuesday the Veterans Day program would begin at 11:00 am at the Central Davis Junior High gymnasium. She said the program would include speakers, an orchestra, a children’s choir and a luncheon. Councilmember Brown said this was always a very nice program to recognize veterans.

Councilmember Brown said on November 22nd Family Recreation would host their annual Turkey Bowl at Davis Lanes. She said the cost was \$3.50 per person for one hour of bowling, and prizes would be awarded.

Councilmember Brown said the annual Christmas Lighting Ceremony would be held on Monday, November 24th.

**CITIZEN COMMENTS:**

Michael Kolendrianos, 2601 West Gentile Street, expressed concerns for public safety as there was no sidewalk on the south side of Gentile Street from about 2400 West to 3600 West; pedestrians had to cross the street for sidewalk. Mr. Kolendrianos said it was especially a concern for children walking to school.

Mayor Stevenson said the City had been in the process of preparing to put a crosswalk in that area. He said there was an indication that the School District would not be bussing children from that area, but that had changed.

Mr. Kolendrianos said his understanding was that junior high school students were not bussed.

Alex Jensen, City Manager, said Mr. Kolendrianos was correct; there was only sidewalk on the north side of Gentile Street in that area.

Mr. Kolendrianos said a recent police pursuit in the area had highlighted the concern of no sidewalk. He also suggested that the Police Department review their pursuit policy.

Mr. Kolendrianos said a few years ago he asked the Council to review the PRUD ordinance relative to open space, and front yards being considered open space. He asked the Council again to review the PRUD ordinance.

Fred Murray, 138 West Golden Avenue, said he had emailed Councilmember Day asking about bee keeping in residential areas in the City, and he had talked to Mr. Jensen about it a few weeks ago. He asked if that had been considered.

Alex Jensen said Staff had done some research. He said Staff wasn't in a position to bring a recommendation to the Council yet. Alex said Staff could bring the information that had been gathered to a Work Meeting for further discussion by the Council.

**CONSENT AGENDA:**

**RATIFICATION AND ACCEPTANCE OF A PERPETUAL RIGHT-OF-WAY EASEMENT FROM PACIFICORP, DBA ROCKY MOUNTAIN POWER – WEST EXTENSION OF LAYTON PARKWAY – RESOLUTION 14-69**

Gary Crane, City Attorney, said Resolution 14-69 reflected an agreement between the City and Rocky Mountain Power for a right of way easement on Layton Parkway. Gary said the City needed the easement in order to cross the power line corridor and continue extension of the Parkway to the west. He said Rocky Mountain Power granted the easement in September for approximately \$16,000. Gary said Resolution 14-69 would ratify that acquisition. He said Staff recommended approval.

**OFF-PREMISE BEER RETAILER LICENSE – 7-ELEVEN STORE #23550 C – 1998 NORTH MAIN STREET**

Kent Andersen, Deputy Director of Community and Economic Development, said this was an off-premise beer retail license for the 7-Eleven Store located at 1998 North Main Street. Kent indicated that there were new owners, which required a new license. He said the location met all buffer requirements and background checks had been approved by the Police Department. Kent said Staff recommended approval.

**ON-PREMISE RESTAURANT LIQUOR LICENSE – RED LOBSTER HOSPITALITY LLC, RED LOBSTER (LAYTON) #0674 – 979 NORTH 400 WEST**

Kent Andersen said this was an on-premise restaurant liquor license request for the Red Lobster located at 979 North 400 West. Kent said there had been a management change, which required a new license. He said the location met all buffer requirements and background checks had been approved by the Police Department. Kent said Staff recommended approval.

**FINAL PLAT – OLD FARM AT PARKWAY SUBDIVISION, PHASES 3 AND 4 – APPROXIMATELY 850 WEST 850 SOUTH**

Bill Wright, Community and Economic Development Director, said this was final plat approval for the Old Farm at Parkway Subdivision, Phases 3 and 4, located at approximately 850 West 850 South. Bill said Phases 1 and 2 of the subdivision had already been constructed and had many homes constructed and under construction. He said the subdivision was granted preliminary plat approval in January 2012.

Bill said Phase 3 contained 15 lots on 4.5 acres and Phase 4 contained 7 lots on 2 acres. He said Phase 4 had rear yards along Kays Creek, which would be classified as restricted and would have to meet FEMA guidelines for approval. Bill said the Kays Creek Trail easement would also continue along the rear property lines along the creek. He identified a detention basin in the area for the subdivision. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Day said when this was before the Planning Commission he asked about the fence. He said since then he had had additional comments from Tyson Roberts and another landowner in the area. Councilmember Day asked, with new development, was a fence required along an existing residential area.

Bill said not against existing residential; it had to be farmed agricultural property.

### **DEVELOPMENT PLAN – WINCO FOODS – APPROXIMATELY 200 SOUTH FORT LANE**

Bill Wright said this had been a long time coming. He said this was a development plan submitted by WinCo Foods for property located in the interior of the Fort Lane Village Shopping Center at 200 South Fort Lane. Bill said this development was approved in October 2010, but because of a slower economy, WinCo Foods had decided not to proceed with development of a store at that time. He said since then WinCo had made some modifications to the development plan and had brought it back to the City for approval.

Bill displayed conceptual drawings of the development. He said the building had been reduced by approximately 10,000 square feet from what was approved previously. Bill said the current proposed size was 85,125 square feet. He said parking had been reduced to 340 stalls. He said having a smaller building and lowering the number of parking stalls allowed for an additional building site. Bill said the intersection at Wasatch Drive and Gentile Street would be completed and Gentile Street would be widened to allow for a right turn into the development at Wasatch Drive and midway between Wasatch Drive and Fort Lane.

Bill described truck travel into the site and landscaping on the site, including a detention basin. He indicated that the Design Review Committee (DRC) had reviewed the architecture of the building and the landscaping, and had made some recommendations. Bill said the City anticipates other development to occur on the site following this anchor tenant. He said the Planning Commission approved the conditional use for the building, which was required for any building over 80,000 square feet. Bill said the development agreement approved in 2010 required approval of the development plan. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Freitag said the number of parking stalls was reduced because the size of the store was reduced. He asked how many parking stalls were illustrated in the drawing; was it more than the 340 required of WinCo.

Bill said yes; there were 394 stalls that were included in the development plan. He said 54 of the stalls were to support the additional site. Bill said the desire was to build those stalls now instead of leaving an undeveloped piece of land between the parking lot and the Zions Bank site.

Councilmember Freitag asked if 54 stalls were enough for what could possibly go into the three available building sites.

Bill said yes; it was consistent with the development agreement and the conceptual plan approved at that time.

Councilmember Freitag asked if Staff had any concerns with interest in the eastern spot where the parking wasn't very close.

Bill said no; that pad would include parking for the use.

Councilmember Freitag asked if the City's new lighting plan was incorporated in this development.

Bill said no; the subdivision was approved prior to the new lighting plan.

Councilmember Freitag asked Staff to encourage the developer to work with the City's current lighting plan.

Bill said that would likely come with development of the fringe properties. He said WinCo Foods' obligation was the connection at Wasatch Drive.

Councilmember Petro asked about sidewalks from Gentile Street into WinCo Foods.

Bill said the development plan showed some sidewalk from Gentile Street along the west side of the Wells Fargo building, which would be installed as part of the roadway improvement. He said from there the concern was that if sidewalk was installed now, it would likely not be in the right place for future development. Once a building was established in that area, a sidewalk would be constructed. Bill said there would certainly be an area for walking, but it would not be a developed sidewalk at this time.

Councilmember Brown expressed appreciation to Staff for working with WinCo for many months on this. She said it was exciting to see a smaller building and less parking.

**MOTION:** Councilmember Freitag moved to approve the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

**PUBLIC HEARINGS:**

**ANNEXATION REQUEST – ERIC MARTZ – ANNEXATION OF PROPERTY AND ANNEXATION AGREEMENT – 1242 EAST PHEASANT VIEW DRIVE – ORDINANCE 14-21 AND RESOLUTION 14-70**

Bill Wright said this was a request from Eric Martz, who was part of the ownership group of the Pheasant View Land Company LLC, requesting annexation of a piece of landlocked property located at approximately 1242 East Pheasant View Drive. Bill said Ordinance 14-21 would provide for the annexation, and Resolution 14-70 would adopt an annexation agreement that provided for additional restrictions for the use of the property.

Bill said the annexation was for .43 acres of property that had been located in Kaysville City, but was de-annexed from Kaysville because it had no way to be developed with frontage in that community. He said the property was owned by the company that operated an assisted living facility adjacent to the property. Bill indicated that the Council had been given an updated annexation agreement that included the change in ownership to the Pheasant View Land Company LLC, and changes in the fencing from earth tone to white to be consistent with existing fencing.

Bill said the annexation agreement included restrictions on the maximum number of units for the entire facility at 36 units, and there was a maximum number of units in the addition of 17. He said the new units were limited to memory care residents. Bill said the addition would be attached to the existing building to allow for staff and facilities in the existing building to support the memory care units. He said the addition would also provide for additional parking that would be required, and a demolition of two existing units to allow for an access driveway.

Bill said this type of annexation did not require Planning Commission approval; it came directly to the Council. He said Staff recommended approval of Resolution 14-70 adopting the annexation agreement, and Ordinance 14-21 approving the annexation.

Councilmember Freitag asked if the zoning change would come in a future meeting.

Bill said yes. The procedure in annexations was that the default zone was agriculture. Upon annexation any

and all properties were immediately zoned agriculture. He said in this case, the petition that had been filed was to rezone the property to R-S, which was the same zone as the existing facility. Bill said the surrounding area was zoned R-1-8. He said the rezone request would go to the Planning Commission this coming week, and he anticipated it being back to the Council for the next meeting.

**Mayor Stevenson opened the meeting for public input.**

Eric Martz, representing the ownership group, said in Section 4.3 of the annexation agreement, it stated that all 17 units of the addition would be limited to memory care. Mr. Martz said the intention of the 17 units was to result in a net gain of 15 units. He said they were required to remove 2 existing units and the intent was to replace those with 2 of the 17 new units. Mr. Martz asked that the agreement be changed to 15 units dedicated to memory care.

Bill Wright said that was consistent with the development plan that was shared in earlier meetings. He said 2 existing units had to be removed to accommodate the driveway. Bill said 15 units in the new addition would be for memory care. He said that was probably an error by Staff and Staff would support the change.

Councilmember Freitag asked what the number of other units would be.

Bill said there would be 21 assisted living units and 15 memory care units.

Councilmember Freitag asked who made the determination of memory care residences; were there specific diseases that fit into that category.

Mr. Martz said they were called memory care facilities because of all the diseases that affected someone's memory could be covered with this type of unit. He said the main intent of a memory care unit was the ability to lock down the doors; residents in assisted living had the freedom to come and go as they pleased. In a memory care unit, because of the memory loss, one of the effects was that they tend to wander off the premises and be a danger to themselves. Mr. Martz said according to State Health Department guidelines, under certain restrictions, the facility was allowed to have a lockdown on all exit and entry doors. He said dementia, in general, covered all memory impairments; Alzheimer's was one form of dementia.

Chris Stevenson said he lives on Pheasant View Drive, directly north of the facility. He expressed concerns with the dumpster, which was located adjacent to his back yard. Mr. Stevenson asked if something could be done with that. He asked if there were parking requirements per residence in these facilities. Mr. Stevenson said he thought the requirement was 2 to 4 stalls per unit. He said there was already a problem with cars parking on the street.

Bill said the parking requirement for these types of facilities was being met with the existing building, and would be met with the new addition.

Mr. Martz said parking with assisted living was hard to define because none of the residents drove. He said the flow of visitors was also hard to predict. Mr. Martz said with the vast majority of time, their parking lot had five or fewer cars in it. He said at times they had a lot of visitors that showed up at the same time. Mr. Martz said with the addition, to help with some of the on street parking, staff parking would be moved to the back of the facility. He said this would free up a large area in the front. Mr. Martz said they also planned to move their transportation van off-site; it would only be at the building when it was needed to transport a resident.

Mr. Martz said relative to the dumpster concerns; they were working to make sure the dumpster area stayed clean. He said they had an agreement with the company that they would not pick up trash before 7:00 a.m. Mr. Martz said he would revisit that concern with the company.

Councilmember Brown asked if this facility was similar to other facilities in that no overnight guests were allowed. Visitor parking was typically through the daytime hours.

Mr. Martz said yes. He said technically they could have visitors 24 hours a day, but visitors were not allowed to camp out.

Mayor Stevenson asked Mr. Stevenson if this type of facility was a pretty good neighbor.

Mr. Stevenson said he felt that they were a pretty good neighbor; his concerns were with the dumpster and occasionally parking overflowing onto the street. He said in the summertime the flies from the dumpster were bothersome.

Councilmember Day asked if there was an option for the dumpster to be placed somewhere else.

Mr. Martz said they were surrounded on all sides by homes. He said if they moved the dumpster to another location, it would abut another neighbor's yard, which would cause them the same concerns. Mr. Martz said he would address the pickup time, and they were addressing fly control through additional exterminator sprayings.

**MOTION:** Councilmember Freitag moved to close the public hearing and adopt Resolution 14-70 approving the annexation agreement, and Ordinance 14-21 approving the annexation of an island of real property within the City, including the changes to the annexation agreement mentioned by Staff; changing the ownership name, changing the color of fence or type of fence, and correcting Section 4.3 of the agreement going from 17 to 15 for a total of 36 units. Councilmember Petro seconded the motion, which passed unanimously.

Councilmember Freitag said there had been a lot of proposals for development in the City for different types of specialty care facilities. He said he felt that it was important that developers and the Council were addressing a need in the community that was unfortunately growing. Councilmember Freitag said in order to keep family or loved ones in the community, these types of facilities were important. He said he was glad that they were making an effort to be good neighbors and that there were a variety of healthcare facilities within Layton.

Mayor Stevenson said in talking to people that had family members at this facility, they felt that it was more personal. He said Legacy Village was a great, larger facility, but these smaller facilities were more personal.

Councilmember Brown said they were probably a little more affordable than Legacy Village would be as well.

**ANNEXATION REQUEST – DANIEL’S CANYON – ANNEXATION AND REZONE – APPROXIMATELY 1300 NORTH 3300 EAST – ORDINANCES 14-23 AND 14-24**

Bill Wright said Ordinances 14-23 and 14-24 were an annexation and rezone request for an area on the east side of the community. He said the property was located at approximately 1300 North 3300 East and was commonly referred to as Daniel's Canyon. Bill said the proposal was to annex 2.13 acres of property that was located in three areas of the Daniel's Canyon Subdivision. He said this came to the City's attention recently when the subdivision was being recorded by the County. Bill said it was determined that the three parcels were located in unincorporated Davis County. He said the original annexation took place in 1998 and development of the subdivision was approved in 2002. Bill said since that time the improvements of the subdivision had been put in and lots were ready to be sold. He said when the plat was being recorded, it was discovered that these fringe pieces of property were left out of the original annexation. Bill said it didn't change the layout of the subdivision, the number of lots or the configuration of the lots; it simply put all of the subdivision boundaries within Layton City. He said the Planning Commission recommended approval and Staff supported that recommendation.

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

**MOTION:** Councilmember Brown moved to close the public hearing and approve the annexation and rezone request, Ordinances 14-23 and 14-24. Councilmember Day seconded the motion, which passed unanimously.

**UNFINISHED BUSINESS:**

Mayor Stevenson said approximately 110 days ago, a three-month extension was granted to Brian Lamano for the Tuscany Villas development. He asked the status of that extension.

Bill said the extension was granted until the October 16, 2014, meeting. He said Mr. Lamano was invited to come back to explain to the Council if there was cause to grant an additional extension due to financing. Bill said Mr. Lamano did not present any additional information to Staff. He said Staff had a meeting with Mr. Lamano to make sure he understood that if he was going to submit something for the Council he had to do it within a certain time for it to be placed on the agenda. Bill said Mr. Lamano did not submit anything and that extension had expired. This would need to go back through the final plat approval process when Mr. Lamano was ready to do that.

Mayor Stevenson thanked Staff.

**The meeting adjourned at 8:07 p.m.**

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Thieda Wellman, City Recorder