

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

SEPTEMBER 3, 2020; 7:01 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, TIM WATKINS, 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. Councilmember Bloxham led the Pledge of Allegiance. Councilmember Fitzpatrick offered the invocation.

MINUTES:

MOTION: Councilmember Bloxham moved and Councilmember Morris seconded to approve the minutes of:

**Layton City Council Work Meeting – May 21, 2020; and
Layton City Council Meeting – August 6, 2020.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Thomas announced a production by Jaks Production Company would be performed at the Kenley Amphitheater at 6:00 p.m. on Thursday, October 1, 2020. He stated performances from several familiar Broadway plays would be performed. Mayor Petro pointed out masks and social distancing would take place and indicated this was a free event.

Councilmember Fitzpatrick inquired if a “free” ticket was required for admission Councilmember Thomas didn’t believe that was applicable to this performance and clarified any performance associated with the Davis Arts Council required an admission ticket.

Mayor Petro pointed out the event was sponsored by an outside entity not affiliated with the City. She mentioned it had received some RAMP funding to assist with its programming and emphasized this was a free event to the public.

PRESENTATIONS:

There were no presentations.

CITIZEN COMMENTS:

William Connett, 286 North 1500 East, expressed concern regarding the construction and development taking place near his home. He informed the Council there were a significant number of construction trucks using the City roads and believed they had been damaged, in addition to infrastructure beneath the roadway such as sewer and waterlines. He stressed his concern regarding the integrity of the current conditions of his street and expressed his opinion the needed repairs should be more than pavement maintenance. He also reported there were residents within the neighborhood which were in violation of City ordinances needing to be addressed by Code Enforcement. He also inquired about the timeline for reconstruction of his street.

Mayor Petro requested Mr. Connett forward any photos he had illustrating his concerns. She also mentioned the Council had directed Staff in the previously held Work Meeting, to move forward with certain items placed “on hold” in the 2021 Budget. Approved positions for Code Enforcement had been included in those items “on hold”. She added the City had also completed an inventory and condition of City streets and indicated she would identify when this specific street was intended for upgrades.

Terry Rettenberger, 318 North 1500 East, voiced agreement with Mr. Connett’s remarks and also expressed concern regarding the road. He couldn’t recall any major work being completed since 1986 but 1550 East had been completed twice. He reported he had contacted Code Enforcement at the Mayor’s urging and the Officer informed him the City couldn’t require residents to “maintain” landscaping once it was established. He suggested the City should require watering and maintenance of existing landscaped yards. He also expressed concern with the drainage from the LDS Church and requested the City help him with that situation.

Mayor Petro reported she had spent time with the residents from this area and had witnessed the standing water Mr. Rettenberger alluded to. Mr. Rattenburger further explained the topography in conjunction with the recently installed drain and mentioned problems incurred by other neighbors specific with the drainage and water. He pointed out the grass on the church property was so wet with standing water it couldn’t be mowed. He reported his basement had been flooded as well as adjacent properties due to the water and drainage issues.

Michael John Clay, 294 North 1500 East, reported he had lived in his home three years and had no flooding problems until recently. He stated he had placed a camera in the line which extended to the distance that it connected to the drain and believed the sewer line problems were the City’s. He believed the flooding problems were directly related to the number of trucks using the road which had damaged the sewer lines and further explained issues associated with the sewer line. He also expressed his opinion regarding the current maintenance and condition of roads within the City and suggested the Council be cautious in appropriation of tax dollars for road maintenance compared to an actual re-build of the road. He requested direction from the City with how he should address the sewer issue specific to his property.

Mayor Petro announced Staff would look into Mr. Clay’s concerns and get back with him. She requested Mr. Clay leave his contact information.

David Neil, 264 North 1500 East, requested the City’s assistance regarding Code Enforcement issues within the neighborhood. He also mentioned the three underground springs which filled a nearby pond by the previous landowner and suggested the City consider utilizing the resource.

Mayor Petro pointed out there was a good map at the Heritage Museum which identified the old existing streams which might be beneficial in addressing some of the concerns expressed by these residents.

CONSENT AGENDA:

There was no consent agenda.

PUBLIC HEARINGS:

REZONE REQUEST – 1458 NORTH FORT LANE REZONE – A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL) – ORDINANCE 20-28 – 1458 NORTH FORT LANE

Chad Wilkinson, Community and Economic Development Director, reviewed the proposed rezone with the Council. He identified the location of the parcel and pointed out the portion proposed for the rezone. He explained only the property with the one existing home was requesting to be rezoned for the purpose of selling the residential home, separating it from the larger agricultural parcel. Additionally, some property line adjustments were needed in order for the larger parcel to maintain the required acreage to maintain the green belt status with Davis County. He shared a visual presentation which illustrated the parcel proposed for the

rezone and the lot line adjustments for the agricultural parcel. He explained in addition to the rezone request, the applicants had applied for the subdivision application which was conditionally approved, contingent on the rezone, by the Planning Commission during its meeting on Tuesday, August 25, 2020. He added the General Plan supported the change in designation from Agriculture to R-1-10 for this property.

There were no questions from the City Council.

Mayor Petro opened the public hearing at 7:36 p.m.

Mayor Petro called for public comment.

There were no public comments.

Mayor Petro announced the public hearing would remain open to allow for any comments submitted by the public via web feedback.

AMEND LAYTON MUNICIPAL CODE – TITLE 19, CHAPTER 19.11, MOBILE HOME PARKS AND TRAVEL VEHICLE PARKS; AND CHAPTER 19.12, OFF-STREET PARKING – ORDINANCE 20-29

Mr. Wilkinson reminded the Council this item was briefly discussed during the previously held Work Meeting. He explained the purpose in amending the code and shared a visual presentation with the Council. He pointed out the City wanted to apply best practices and industry standards based on parking standards completed by transportation engineers and other professionals. Additionally, the City desired to “right size” parking ratios and dimensions based on current data for developments within the City. He announced the need for Staff to continue in making refinements to the proposed ordinance and requested feedback and direction from the Council specific to garage/carports and electric vehicle charging station/parking language.

He announced Staff was recommending to open the public hearing, accept any public comments, answer any questions and accept any direction from the Council, then continue the public hearing until the next City Council meeting scheduled for Thursday, September 17, 2020.

Mayor Petro opened the public hearing at 7:40 p.m.

Mayor Petro called for public comment.

Councilmember Fitzpatrick expressed appreciation to Staff for spending time with her earlier today responding to concerns and questions. She expressed concern with the carport issue and informed the Council carports were not being constructed as the single source of a garage space in single family residential developments. She clarified they were still being allowed in condominium/townhome and apartment developments. She reported she recently had the opportunity to ride with Code Enforcement throughout the City and believed many of these complaints and/or violations were directly related with carports used to shelter all types of things with the exception of vehicles. She remarked not only were carports an aesthetic issue, but a safety issue as well in that it contributed to neighborhood crime. She expressed concern with carports being allowed as the main parking source associated with construction of new homes compared to an enclosed garage. She clarified she wouldn't be opposed to the construction of a carport if the existing home had an enclosed garage or for an accessory structure. She also expressed concern with the size consistency of garages and contradictions in different sections of City code and suggested those two sections should be consistent with each other and recommended the 12 feet minimum width.

She pointed out the proposed ordinance didn't include any language which would prohibit the parking of RV's (Recreational Vehicle) anywhere in the front yard while loading up to 24 hours. She recalled discussing the allowance of commercial vehicles being allowed to park on personal property but didn't remember the outcome with how it was addressed in the proposed ordinance and requested clarification.

Mr. Wilkinson responded off-street semi-truck parking was prohibited in residential zones and was specified in this particular section of the City Code. He continued to explain another section addressed the on-street parking; however, that wasn't being addressed with the proposed text in the proposed ordinance.

He mentioned Staff was aware of the discrepancy between the proposed ordinance and another section of code which required a 12-foot minimum width garage and indicated that issue would be addressed during the future discussion on Thursday, September 17, 2020.

He informed the Council the RV parking provision already existed in City Code and explained it was being moved from the RV Park Standards to be included in this proposed ordinance. He pointed out the difficulty with residents locating this provision and Staff believed including the provision in this code section was more logical. He clarified a portion of the parking standard did include a provision allowing residents to temporarily park the RV on the property for loading and unloading purposes without any identified restrictions. A discussion followed and Councilmember Thomas stated he didn't understand why the City would want to limit a resident from temporarily parking on the grass for loading/unloading purposes. He expressed his opinion that provision was sensible and it shouldn't be changed. Mr. Wilkinson reminded the Council that was currently allowed and Staff wasn't proposing any changes to part of the ordinance.

Councilmember Morris inquired if the City had any parking restrictions associated with home based businesses or limiting the number of employees that can work at a home based business. He believed the working from home and home based businesses was becoming more acceptable and asked if these issues had been considered. Mr. Wilkinson responded the limits were specific to commercial vehicles, which were defined in code specific to sizes and weights, not personal vehicles for employees. He added this issue could be part of a broader discussion pertaining to home occupation standards. He clarified the proposed ordinance would limit the parking of commercial vehicles in residential areas.

Councilmember Thomas inquired if Staff was proposing the electric vehicle stalls be located near handicap parking usually located near entrances to buildings and Mr. Wilkinson responded that had been the consultant's recommendation.

Councilmember Bloxham believed the proposed text changes to the ordinance was very technical and based on the professional expertise of Staff. He expressed concern with the sizing or minimizing the dimension standards of parking stalls. Mr. Wilkinson responded the dimensions and engineering standards identified from several sources, the length of 18 feet was a consistent standard in other city's codes. He mentioned that was the current length of the existing stalls in the parking lot of the City building. He clarified a key element to the size of parking stalls was to properly size the aisle width and emphasized no changes to the width were proposed. He emphasized the stall size accommodated the majority of vehicles and suggested the ordinance should provide for that standard, recognizing there would always be exceptions. Councilmember Bloxham inquired if the parking stall standards in Layton City were different than those of Salt Lake City or Park City and Mr. Wilkinson responded the City had made comparisons with cities of similar size along the Wasatch Front. He stated he would provide data from the comparisons during a future meeting.

Councilmember Day inquired if the proposed ordinance would address the excessively sized parking lots similar to Target. Mr. Wilkinson responded in the affirmative and explained parking for new development would be limited and suggested the proposed ordinance would provide a more efficient use of land for future development.

Councilmember Fitzpatrick requested clarification if the width of the parking stalls for grocery stores and big box stores would remain at nine feet compared to requirements for a hair salon and Mr. Wilkinson responded there were provisions for those higher intense uses.

Councilmember Day pointed out proposed changes to the ordinance didn't address the industrial uses. Mr. Wilkinson shared some illustrations specific to semi-trucks parking along Sugar Street and explained there was a section in the existing ordinance which was specific to loading area requirements and reviewed the text from the current code with the Council. He pointed out there was a significant use of on-street parking along

the street and reported this was due to the staging of the trucks, which was more of an operational issue and believed the City's standards were sufficient. He announced it would be Staff's recommendation not to make changes to the off-street parking code to address this particular issue; rather the issue could be addressed by reviewing the on-street parking standards limits or other enforcement methods.

Councilmember Day clarified his concerns were with semi-trucks parked on the road, in the lane of traffic, blocking the road. Councilmember Thomas shared a personal experience he had specific with a similar circumstance and the trucks parking on the street and blocking traffic. Mr. Wilkinson expressed agreement the issue needed to be addressed; however, this ordinance wouldn't address these circumstances being described. Councilmember Fitzpatrick believed this was more of an operations issue and should be enforced through business licensing. She also expressed concern with the size of the loading dock in conjunction to the sidewalk at the State Liquor Store and Mr. Wilkinson responded these specific standards need to be clarified during the review portion of the approval process.

Councilmember Morris suggested the City authorize the Police Department to enforce the current parking standards as opposed to allowing the use. Alex Jensen, City Manager, responded this had been an ongoing issue for several years. He mentioned one of the challenges associated with that enforcement is that the parking spills over into the industrial area followed by the adjacent residential areas within the local area. He also informed the Council of previous conversations which had taken place with Staff regarding the issue and indicated Staff would again initiate discussions and expressed his desire for an agreeable solution. A discussion followed and Mr. Wilkinson pointed out there was adequate on-site space which could accommodate the trucks and the discussion continued.

Councilmember Fitzpatrick suggested including language prohibiting the queuing of trucks in City streets, similar to how the City prohibited queuing for a fast food restaurant in the street. Mr. Wilkinson believed there was language in the current ordinance which addressed this and read from the text. He also explained the challenges associated with identifying a specific stacking standard for this particular type of use. She suggested the City look to cities which have these large distribution centers to see how the queuing has been address in their respective ordinances and Mr. Wilkinson believed the language would be similar to Layton's.

Mayor Petro called for comments from the public.

There were no public comments.

MOTION: Councilmember Day moved to close the public hearing at 8:25 p.m. and approve the Rezone Request – 1458 North Fort Lane Rezone – A (Agriculture) to R-1-10 (Single Family Residential) – as presented, Ordinance 20-28; and continue the public hearing regarding amendments to Layton Municipal Code – Title 19, Zoning, Chapter 19.11, Mobile Home Parks and Travel Vehicle Parks; and Chapter 19.12, Off-Street Parking – Ordinance 20-29, until Thursday, September 17, 2020. Councilmember Thomas seconded the motion, which passed with the following vote: **Voting AYE – Councilmembers Thomas, Morris, Fitzpatrick, Bloxham and Day. Voting NO – None.**

UNFINISHED BUSINESS:

There was no unfinished business.

The meeting adjourned at 8:28 p.m.

Kimberly S Read, City Recorder