

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

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a special public meeting in the Council Chambers in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 p.m. on June 27, 2013.**

AGENDA ITEMS:

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

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2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

4. 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. Interlocal Agreement between Layton City and Davis County to Share Program Funds Provided by the37
2013 Edward Byrne Memorial Joint Justice Assistance Grant Number 2013-H3972-UT-DJ – Resolution 13-34
- B. Appointment to the Board of Adjustment – Amber L. Cypers – Resolution 13-2342
- C. Re-Appointments and Appointment to the Planning Commission – Wynn Hansen, Dawn Fitzpatrick and46
Robert Van Drunen – Resolution 13-31

5. PUBLIC HEARINGS:

- A. Development Agreement and Rezone Request (Brighton Homes, LLC) – R-1-10 (Single Family Residential) and49
R-M1 (Low/Medium Density Residential) to R-1-10 PRUD (Single Family Residential with the Planned
Residential Unit Development Overlay) and R-M1 (Low/Medium Density Residential with the Planned
Residential Unit Development Overlay) – Resolution 13-30 and Ordinance 13-16
Approximately 2100 East Oakridge Drive

6. PLANNING COMMISSION RECOMMENDATIONS:

7. NEW BUSINESS:

8. UNFINISHED BUSINESS:

9. SPECIAL REPORTS:

10. CITIZEN COMMENTS:

ADJOURN:

Notice is hereby given that:

- No Work Meeting will be held.
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Members at remote locations may be connected to the meeting telephonically.
- By motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that chapter.

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

Citizen Comment Guidelines

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

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

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

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

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

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

Thank you

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

MAY 16, 2013; 5:32 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR PRO TEM JORY FRANCIS, MICHAEL
BOUWHUIS, JOYCE BROWN, BARRY FLITTON
AND SCOTT FREITAG**

ABSENT:

MAYOR J. STEPHEN CURTIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
KEVIN WARD, TRACY PROBERT AND THIEDA
WELLMAN**

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

Mayor Pro Tem Francis opened the meeting and excused Mayor Curtis. He turned the time over to Gary Crane, City Attorney.

Gary indicated that Alex Jensen, City Manager, was running a little late.

AGENDA:

PRESENTATION – COMMUNITIES THAT CARE

Scott Quinney with Communities That Care (CTC) gave the Council copies of their budget information. He requested that the City provide a \$30,000 contribution to CTC. Mr. Quinney said he thought that Alex Jensen had added it to the City's budget.

Mr. Quinney said in the past Layton City had contributed \$10,000 to \$20,000; in the beginning approximately 75% of their budget came from the City.

Councilmember Flitton arrived at 5:35 p.m.

Mr. Quinney said the \$30,000 would constitute about 20% of their budget. He said for every dollar they received they could turn it into about \$5 in service to the community, and that didn't include volunteer hours. Mr. Quinney said they were trying to get the Boys and Girls Club off the ground and they were taking on suicide prevention.

Mr. Quinney said they were much more successful in obtaining funding, but they needed help from the

City to stabilize their budget. He mentioned all the work Karlene Kidman did for the community and indicated that part of the money would be used to provide health insurance for Karlene. Mr. Quinney said he had had several conversations with Alex Jensen about trying to make Karlene a Layton City employee so that she could get health benefits, but Alex was not in favor of that approach. He said there were also several programs they were trying to get off the ground, including the Boys and Girls Club. Mr. Quinney said the \$30,000 would be a good investment for the community.

Councilmember Bouwhuis asked if the other funding sources were solid.

Mr. Quinney said they were waiting for some grants to come back; the Davis County Gala funding would go to the Boys and Girls Club. He said the additional \$30,000 from the City, along with the \$20,000 dollars they already received from the City, would really help in stabilizing their budget; they wouldn't have to worry about administrative costs.

Councilmember Brown said the Boys and Girls Club had a separate Board and did their own fund raising. She asked what the CTC role would be in the Boys and Girls Club.

Mr. Quinney said that was the Weber and Davis County Boys and Girls Club. He said this would be for a Layton Boys and Girls Club.

Karlene Kidman said the CTC had members on the Weber/Davis Board. She said her understanding was that they would have to come up with funding to support the Layton Boys and Girls Club. Ms. Kidman said they needed \$100,000.

Mr. Quinney said they were targeting to start up in the fall.

Councilmember Freitag asked if the requested \$30,000 was in addition to the \$20,000 they already received.

Mr. Quinney said yes; the \$30,000 was only for Communities That Care. The other \$20,000 went to the Community Action Council.

Councilmember Flitton said he had asked Karlene Kidman for a list of their accomplishments over the years. He said it was amazing what Communities That Care and the Your Court had accomplished. Councilmember Flitton said there had been over 400 kids participate in Youth Court over 15 years; 95% of the kids went on to college; 16 had masters degrees; 7 were attorneys; 1 was in med school and 1 was a physicians' assistant.

Mr. Quinney said they wanted to reach out to more kids and more families; that was what Communities That Care was doing. He said he thought the \$30,000 would provide a lot for a little amount of money.

Mayor Pro Tem Francis asked if Mr. Quinney had talked with Alex about putting that in the budget.

Mr. Quinney said he had; Alex had indicated that it would be discussed at a budget work meeting.

Councilmember Flitton said Alex had mentioned it but had indicated that Mr. Quinney would be providing more detailed information.

Mr. Quinney said that was the packet of information he provided.

Councilmember Brown asked Mr. Quinney to remind the Council what money the City had provided in the past.

Mr. Quinney said for Communities That Care, the City provided \$10,000 in startup funding 3 years ago.

Councilmember Brown said the City also gave money to the Youth Court.

Mr. Quinney said that was correct; \$20,000 was given to the Layton Community Action Council, which helped fund the Youth Court. He said they were asking for an additional \$30,000 for Communities That Care.

Gary said Staff would look at this further if the Council wanted to proceed. He said all CDBG funds for this year had already been allocated.

DISCUSSION – VOTE BY MAIL ELECTION OPTION

Thieda Wellman, City Recorder, indicated that she had given the Council historical voter turnout information and vote by mail information from the County. She indicated that the State had asked the counties to study vote by mail and wanted information back by 2015. Thieda said the County had asked cities if they would be interested in participating in that study.

Thieda said there had been several articles in the newspaper where various cities had indicated that they did not want to participate. She said the study was to see the benefits of vote by mail; see if the voter turnout would be what everyone was anticipating. Thieda said the states of Washington and Oregon

conducted all of their elections by mail and their turnout was substantially higher. She said in an earlier meeting today, Justin Lee with the Attorney General's office had indicated that Duchesne County conducted the 2012 presidential election entirely by mail and their voter turnout was 30% higher.

Thieda said vote by mail had been used in the State for many years with absentee voting. She said for the presidential election in 2012, Davis County processed 20,000 vote by mail ballots. Thieda said the County was promoting vote by mail because it helped relieve pressure at the polls, particularly in a presidential election.

Thieda said the City's voter turnout history showed extremely low turnout. She said the County would like to see what the turnout would be using vote by mail. Thieda said the County anticipated a 50% to 60% voter turnout with vote by mail, which would be phenomenal.

Thieda said the cost for the 2011 election was \$31,900 for the primary and general election. She said to vote by mail would be substantially higher, however, this year the County would cover the difference in the cost because they wanted it studied. Thieda said the City would only pay the cost of a normal election.

Thieda said with the low voter turnout, the cost per ballot in the 2011 election was almost \$5.00; the cost per ballot for vote by mail would be \$1.50 per ballot plus an additional \$.50 for every ballot returned. Thieda said a ballot had to be sent to every registered voter in the City, or approximately 39,000 people. She said if the City had to pay the full cost of the election, with a 60% voter turnout, the cost would be approximately \$70,000 each for the primary and general election. Thieda said the County would be studying to see if those costs could be reduced.

Thieda said the advantages for the City would be a higher voter turnout. She said voters liked to vote by mail because they could do it in their home and didn't have to go to a polling place. Thieda said the ballots were mailed out 28 days before the election giving the voters ample time to make their decision.

Thieda said the disadvantage was the cost, but this year that would not be an issue. She said it could also change the dynamics of an election. Thieda said she didn't know if a higher voter turnout would be an advantage or disadvantage for a candidate.

Mayor Pro Tem Francis said he felt that it would be an advantage.

Thieda explained the flow chart provided by the County. She said there had been discussion about concerns of higher voter fraud with vote by mail. Thieda said that wasn't an issue because every ballot envelope had a barcode that was tied to a specific voter, and every signature was verified with the voter

registration signature.

Councilmember Brown asked if it could be done for the general election but not the primary.

Thieda said it could. She said her opinion was to not do that because the major struggle with voters was change. Thieda said it was hard for voters to do something different. She said that would be another concern for the future. Would the City be able to afford to continue using vote by mail in the future if the State did not go to an entirely vote by mail process.

Councilmember Brown asked if anyone could request to vote by mail.

Thieda said yes. She said with a vote by mail process, ballots would be mailed to everyone and they would not need to request a ballot.

Councilmember Brown said with the primary election being August 13th, it wouldn't allow much time to inform the voters of a change in the process.

Alex Jensen arrived at 6:00 p.m.

Mayor Pro Tem Francis said the concept was awesome, but it was such a major change to the process in a very short time period; and then there was the possibility of having to shift that back.

Councilmember Freitag and Councilmember Bouwhuis said they felt that the County should study this in 2014.

Discussion suggested that the time frame was too short to educate the voters of a major change and the City would not participate in the vote by mail process.

Alex said Staff would communicate the Council's decision back to the County.

AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 13-15

Tracy Probert, Finance Director, said Ordinance 13-15 was proposed amendments to the consolidated fee schedule. He said the City consolidated most fees into the schedule so that they were easy to refer to. Tracy said there were four proposed amendments; the first being a street light installation fee. He said there were already fees in the schedule related to the cost of the fixtures installed in neighborhoods. The City had a contractor that installed fixtures to maintain uniformity of the installation and to make sure the

approved poles and fixtures were being used. Tracy said the schedule included in the packet indicated the costs for those installations.

Councilmember Bouwhuis asked if the costs were wholesale costs that would be passed on to the developers.

Tracy said that was correct.

Councilmember Flitton asked if there were complaints from developers about this.

Alex said in discussions with developers, they had indicated that this would cut their costs in half, and relieve a lot of their headaches.

Bill Wright, Community and Economic Development Director, said several developers had indicated that they were having difficulty finding independent contractors to install their street lights, and with the quality of their work. He said he didn't think there were any contractors that spoke against the idea of a fee and having the City do all of the installations.

Council and Staff discussed the benefits of purchasing the system from Rocky Mountain Power, and improvements that could be made to the system.

Tracy said in the ordinance there was a proposed credit card surcharge fee of 2% on transactions over \$75. He said the City was charged a fee when customers transacted with a credit card, not a debit card. Tracy said in the case when someone used a credit card, the City was currently paying over 2%. The proposal was to charge a 2% fee on transactions over \$75; the \$75 threshold was set in order to avoid charging people that wanted to participate in recreational youth activities. Tracy said multiple transactions for recreational activities that were over \$75 would not be charge the fee as well.

Councilmember Brown asked how many people paid their water bill with a credit card.

Tracy said there were a number that did. He said the online payment process would notify customers of the fee if they were using a credit card. Tracy said the major costs to the City came when developers were paying development fees with credit cards, where the bills were very large.

Councilmember Flitton said most people recognized and understood that they would be paying a fee when using a credit card. He said this shouldn't be hard for anyone to accept.

Councilmember Brown said normally there was a fee when purchasing tickets, but retail items were usually not charged a fee.

Councilmember Flitton said that was correct; the fee was included in the cost of the retail item.

Councilmember Freitag said there were a number of places charging a fee.

Mayor Pro Tem Francis asked if 2% was the average between Visa, MasterCard and American Express.

Tracy said the settlement required that the lowest fee be charged; the City's lowest was a little above 2%.

Councilmember Flitton asked when it would go into effect.

Tracy said once it was approved.

Councilmember Flitton asked when American Express would go away.

Tracy said that had already happened.

Tracy said the Engineering Division, Finance Department and Legal Department were involved in a study related to hotel sanitary sewer fees. He said the Engineering Division reviewed the fees that were charged per room per month. Currently the City charged 70% of the standard residential charge per room. Tracy said the purpose of the study was to determine if hotel usage per room was equivalent to a single family residential usage and to establish an equivalent residential unit by which the City could charge. He said the detailed review of water usage patterns at four local hotels over the past 10 years was completed. Tracy said the review determined that a hotel room used approximately 40% of a single family residence. He said the 40% rate was in line with State standards as well as North Davis Sewer District standards. Tracy said it was proposed that the fee schedule be adjusted to a rate that was equivalent to 40% of a standard single family residence, or \$6.38 per room per month; currently the fee was \$10.86.

Councilmember Brown said the City would not consider room occupancy.

Tracy said the study over a 10 year period took that into consideration. He said it did lower the amount they would be paying by approximately 30%.

Councilmember Bouwhuis said he had spoken to the Director of the Utah Hotel Association and they were elated with the change.

Tracy said from the City's financial point of view, this could potentially reduce revenue by approximately \$55,000 in the sewer fund. He said hopefully this wouldn't cause rates for everyone to increase to maintain a solid operation. Tracy said at this point, that wasn't anticipated.

Tracy said there was a proposed fee for the fire training tower rental. He said there were two fees associated with use of the training tower by outside agencies. Tracy said one fee was training without live fire, which would be \$75 per hour, and would include one instructor from the Fire Department, use of the theater smoke machine and the generator. A second fee was for training with live fire, which would include use of the burn rooms, generator and three live fire instructors from the Fire Department. The outside department would be required to provide burn materials. That fee would be \$1,000 for a four hour session.

Councilmember Freitag asked what the fees would be if police departments or swat teams wanted to use the facility.

Kevin Ward, Fire Chief, said it would probably be at the \$75 per hour level because there would need to be an instructor from the Fire Department there. He said if the City was hosting a joint training activity there would not be a charge, and there was already an MOU in place with the DATC so there would not be a charge for their training classes.

Councilmember Freitag asked about the cost of water.

Chief Ward said the water wasn't metered, but the cost was factored into the proposed fees.

Alex said that should be monitored going forward. The City wanted to be accommodating but wouldn't want to subsidize other parties' interests.

Councilmember Flitton said he felt the \$75 was quite reasonable.

Councilmember Flitton said Tracy had indicated that the \$4 per billing cycle fee for the street lighting fund would allow for the cost of buying the system from Rocky Mountain Power, and could be paid off in a 4 year period of time. Councilmember Flitton asked if the City could put a limit on that fee, or a sunset clause, so that when the debt was paid the fee would go away. He said it was a fee but a lot of people would consider it a tax; once it was initiated it would never go away.

Councilmember Freitag said the fee would be used for more than buying the system; it would be used to

expand and maintain the system.

Councilmember Flitton said he understood that. He said currently the City was paying \$205,000 a year to rent the system from Rocky Mountain Power. Councilmember Flitton said certainly the system could be maintained for that amount.

Councilmember Brown said she would imagine that the street lighting fund would be treated like any other enterprise fund; if there was an excess, rates would be lowered. She said the City didn't have a large reserve in any of the enterprise funds.

Councilmember Flitton said if it could be presented to the public that this was a short term fee, it would be more palatable. He said it was a no brainer for him to purchase the fixtures because of the tremendous savings the City would recognize. Councilmember Flitton said the fee was obviously needed to purchase the system, but if the Council could tell their constituents how long it would last, even if it was six years, it would be more acceptable.

Tracy said the only problem with doing that would be if the fee couldn't go away because of the cost of maintenance and improvements.

Councilmember Flitton said those costs could be forecast out into the future.

Tracy said the City didn't know how much it would cost to maintain the system going forward. He said Rocky Mountain Power didn't provide information about how much time they were spending maintaining the system. Tracy said currently the City was planning on using current employees to maintain the system, but if that wasn't the case and additional employees were required, there would be additional expenses.

Councilmember Brown said once citizens knew the City owned the light poles, there would be a lot more people requesting improvements and repairs in their areas. She said funding would be needed to make those repairs.

Councilmember Flitton said that could be projected; the savings was a known amount.

Councilmember Brown said the savings was known, but the City wouldn't know the cost of maintaining the system.

Councilmember Flitton said if it was going to cost more than the savings to maintain the system, then it

maybe wasn't worth going there.

Tracy said the other part of a utility fee was that the utility should be self sustaining. He said there was generally a fee associated with that. The savings would be a general fund operation; the general fund was paying those utility bills. The utility should generate its own revenues and cover its own costs.

Councilmember Freitag said the City hadn't studied the expansion of the system. He said right now the City had a good idea of what future water line needs would be based on a review that was done; the City had a good idea of the need for roads. He said the extent of the study for the street lighting system had been the existing infrastructure, and that it would take approximately four years to pay for the system. Councilmember Freitag said he didn't think the City had come up with a plan on what would be done going forward for expansion; would it be based strictly on request, would certain neighborhoods be identified, would it be done along arterial streets first, etc. He said in his mind, part of selling this to the public was not only saving money, but also the aesthetic and safety value of expanding the street light system within Layton. Councilmember Freitag said a policy would have to be established with engineering and Staff on how that would be tackled once revenue was available for expansion after the debt was paid off. He said if expansion was not part of the system, then he would agree with Councilmember Flitton and look at limiting the length of time the fee was imposed. Councilmember Freitag said in his mind that was just the first piece; getting the system from Rocky Mountain Power. How would the City afford to put improvements into neighborhoods that did not have street lights; how would the City afford to bring everyone to the same level.

Councilmember Brown said maybe in the future there would be a standard indicating that every so many feet there would be a street light, and that would require funding.

Councilmember Bouwhuis said the fee should be looked at closely in the future. He said the City shouldn't take a fee from the public if it wasn't needed; if it was needed, as Councilmember Freitag demonstrated, what should it be. Maybe the fee should be \$1, but maybe it should be \$5. Councilmember Bouwhuis said he felt that this was a great move by the City.

Councilmember Freitag said the City's challenge would be determining a plan going forward. He said in his mind it was to start the expansion process as soon as possible.

Councilmember Brown said the worn out poles that Rocky Mountain Power hadn't replaced should be replaced.

Councilmember Flitton said if a fee was being charged, there had to be a benefit. He said it was certainly

evident that there would be a benefit. Councilmember Flitton said once the system was paid for, what would the City show for the \$205,000 that had been budgeted for renting the system from Rocky Mountain Power that was no longer needed.

Councilmember Brown asked what the estimated revenue was for the \$2 fee.

Tracy said he didn't have that number in front of him.

Councilmember Brown said the City did have a good track record of only charging what was absolutely needed in the water fund, sewer fund, refuse fund, etc. She said the City didn't try to have an enormous amount of money set aside and money wasn't taken from the enterprise funds to support the general fund. Councilmember Brown said the City would look at the street lighting fund in the future and determine what that fee needed to be. She said the City had a good record of reducing fees if a fund had surplus revenues.

Councilmember Flitton said he understood that. He had a hard time wrapping his mind around the \$205,000 that the City was currently paying Rocky Mountain Power. What would happen to that money once the City didn't have to pay Rocky Mountain Power.

Councilmember Brown said the money would remain in the general fund and could be used for roads, or anything the City needed.

Councilmember Flitton said that was nebulous. He said he couldn't tell a constituent that the money would be swallowed up and used in other areas.

Tracy said the general fund budget already budgeted a deficit and use of fund balance. By eliminating a cost the amount of fund balance being used would be reduced.

Councilmember Flitton said if that was what he could tell constituents, he was okay with that.

Alex said he didn't think there would be a time when there wouldn't be any cost associated with street lighting. He said if the idea was to expand the network, there was probably not a significant portion of the system that was up to standard. Alex said the City was not only buying the poles, but it was taking on complete responsibility for not only changing the lamps, but all of the underground wiring, and all of the unseen, unknown pieces of the electrical system. He said over time, more employees would be needed, and the City would need to purchase lift trucks.

Councilmember Brown said emergencies could arise, such as an east wind that could knock down a bunch of poles that the City would be responsible for.

Mayor Pro Tem Francis said the Council would have to be diligent in monitoring the fee.

Councilmember Flitton said a fee that never went away was essentially a tax.

Alex said the Council's track record had been very good. Tonight a fee was being reduced in the sewer fund by 30%, because of an analysis that was done. Alex said fee reductions had been done several times in the past.

Councilmember Freitag said that was done with garbage cans a couple of years ago.

Councilmember Flitton said hopefully in four years the City would know where it stood.

Alex said he thought that in a shorter time period than that the City would get an idea of what the expansion and maintenance costs would be.

GENERAL PLAN AMENDMENT AND REZONE REQUEST (TAYLOR/HAWKES-KAYS CREEK VILLAS) – LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL OVER 16 UNITS PER ACRE AND B-RP (BUSINESS AND RESEARCH PARK) TO R-H PRUD (HIGH DENSITY RESIDENTIAL PLANNED RESIDENTIAL UNIT DEVELOPMENT) – APPROXIMATELY 312 WEST GENTILE STREET – ORDINANCES 13-12 AND 13-13

Alex said this item was a General Plan amendment and rezone request for the property on Gentile Street across from Layton Elementary. He said Staff would address it in the regular meeting.

Bill Wright said the Council was generally aware of the proposal. He said the Planning Commission was sending a recommendation to deny the General Plan amendment and rezone request.

Alex said, referring to the first item on the agenda, Tracy had indicated that there might have been an inference that he had been involved in discussions and a suggestion that money had been set aside for Communities That Care. Alex said he wanted to make sure the Council understood that that was not accurate. He said he had explained that there was money in the budget, which was traditionally provided to Communities That Care, but there wasn't any additional money in the budget, and that was a decision that would have to be presented to the Council. Alex said Mr. Quinney asked his personal opinion, which was that it needed to be the decision of the Council. He said he wanted to make sure the Council knew

that from the Staff's perspective there had been no money set aside.

Councilmember Brown asked what the amount was that they had received in the past.

Alex said \$20,000 had been given to the Community Action Council, which included Communities That Care and the Youth Court. He said each organization received \$10,000.

Councilmember Brown said they were asking for an additional \$30,000 above the \$20,000 they already received.

Alex said that was correct. He said he thought the end game of the request was to fund a full time position with benefits.

The meeting adjourned at 7:03 p.m.

Thieda Wellman, City Recorder

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

MAY 16, 2013; 7:07 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR PRO TEM JORY FRANCIS, MICHAEL
BOUWHUIS, JOYCE BROWN, BARRY FLITTON
AND SCOTT FREITAG**

ABSENT:

MAYOR J. STEPHEN CURTIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, JIM MASON,
TRACY PROBERT, TERRY COBURN, BILL
WRIGHT, PETER MATSON AND THIEDA
WELLMAN**

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

Mayor Pro Tem Francis opened the meeting and excused Mayor Curtis. Boy Scout Greg Romney with Troop 596 led the Pledge of Allegiance. Sue Smedley gave the invocation. Scouts from Troops 525, 596 and 462 were welcomed.

MINUTES:

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

**Layton City Council Work Meeting – March 21, 2013;
Layton City Council Meeting – March 21, 2013;
Layton City Council Meeting – April 4, 2013;
Layton City Council Work Meeting – April 18, 2013; and
Layton City Council Meeting – April 18, 2013.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said each year, during the July 4th celebration, the City recognized Hometown Heroes. She said this year residents had the opportunity to nominate Vietnam Veterans. Councilmember Brown said applications were available on the City website or at a First National Bank branch.

Councilmember Brown indicated that she had flyers from the Davis Arts Council with information about the performances in the amphitheater this summer.

Councilmember Brown said the Family Recreation Program activity for the month was this Monday. She said it was a family golf night at Swan Lakes Golf Course. Councilmember Brown said the activity would run from 4:00 p.m. to 8:00 p.m. and included discount rates for miniature golf, 9 holes of golf, the putting course, batting cages and food.

Councilmember Brown said on June 1st Layton would be joining with other cities that have trails that connect to the D&RG trail in celebrating National Trail Day. She said there would be activities at Ellison Park, including prizes and giveaways.

Councilmember Brown said June 8th was free fishing day in the State. She said there would be activities at Andy Adams pond. Councilmember Brown said a fishing license was not required to fish on that day.

Councilmember Brown said the Parks and Recreation Department had vouchers available for Salt Lake Bees games for \$7.

Councilmember Brown said in conjunction with the new splash pad being constructed at Ellison Park, children could go online to the City's website and submit a name for the dragon that was part of the splash pad. She said the City Council, in conjunction with the Parks and Recreation Commission, would be selecting the winner. Councilmember Brown said the winner would be involved in the ribbon cutting ceremony.

Mayor Pro Tem Francis said the naming contest could also be accessed through Facebook.

Councilmember Bouwhuis said the North Davis Sewer District Board recently approved a major 5.3 million dollar improvement of the sewer line along Gordon Avenue from Main Street to 2200 West. He said the pipe would go from 12 inches to 36 inches. Councilmember Bouwhuis said there would be some bypasses that would cause traffic issues on Gordon Avenue.

PRESENTATIONS:

WEST DAVIS CORRIDOR DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) UPDATE

Alex Jensen, City Manager, introduced Randy Jeffries, with UDOT. He said Mr. Jeffries would be presenting

information associated with the EIS.

Mr. Randy Jeffries indicated that the draft EIS was released to the public today, which indicated that alternative B1, or the Glovers Lane option, was the recommended alignment. He said the EIS had been a 3-year process. Mr. Jeffries said the West Davis Corridor would meet transportation needs through 2040. He said it was anticipated that in Davis County the population would increase 63%, housing would increase 90%, travel delays would double and congestion would quadruple. Mr. Jeffries said the West Davis Corridor would improve regional mobility and enhance peak period mobility.

Mr. Jeffries reviewed the EIS process. He indicated that they started the process with 46 different alignment alternatives. He said that was narrowed to 3 alternatives that minimized impact, which was further refined to 2 alternatives. Mr. Jeffries said the draft EIS was released today, which would begin a 90 day comment period. He said they would be working on the final EIS through the remainder of the year.

Mr. Jeffries said the B1 alternative was selected because it provided better transportation and avoided relocating the railroad and commuter rail lines; there were no historic properties involved; it avoided the Haight Creek corridor; 11 fewer homes would be impacted in Farmington; it avoided impacts to Oak Hills Golf Course; 25 fewer homes would be impacted in Syracuse; and there were fewer impacts to farm lands.

Mr. Jeffries said the estimated cost was \$587,000,000 and the project would be similar to Legacy Parkway. He said the next steps in the process included neighborhood meetings, public hearings, a 90 day comment period and the final EIS in December. Mr. Jeffries said maps could be viewed on the UDOT webpage.

Councilmember Flitton expressed appreciation for the ability to be involved. He asked if they anticipate opposition like there had been with the Legacy Parkway.

Mr. Jeffries said this was a draft EIS, which was designed for input. He said they would evaluate anything that was brought forward by the public.

Councilmember Flitton asked when construction would begin.

Mr. Jeffries said currently there was no funding for construction. He said that would depend on legislative funding priorities.

Councilmember Flitton asked why they didn't call it the extension of Legacy Parkway.

Mr. Jeffries said it would tie into Legacy Parkway and I-15, but it wasn't an extension even though it may

end up being similar to the Parkway.

Councilmember Bouwhuis asked if it would be similar to the Mountain View Corridor in the West Valley and Provo areas.

Mr. Jeffries said that corridor was actually designed to be much bigger; four and five lanes in each direction. He said because of the scope of that project, they constructed the frontage roads and at grade signals, but left the center area open so that when future growth required expansion, the right of way was available.

URMMA (UTAH RISK MANAGEMENT MUTUAL ASSOCIATION)

Alex Jensen introduced Dean Steele and Carl Parker with URMMA.

Dean Steele expressed appreciation for Alex Jensen's involvement with URMMA. He said URMMA was an organization created by cities to provide third party liability coverage and to group purchase some other insurance coverage on behalf of the participating cities. Mr. Steele said their staff of seven worked together with member cities to provide those services. He said they had the opportunity to work with Layton's excellent Staff; it was always a pleasure to be in Layton and work with its very professional Staff. Mr. Steele said work was always done to the highest quality in Layton.

Carl Parker said he was the Lost Control Manager with URMMA. Mr. Parker explained that URMMA established inspection criteria to help limit loss. He said Layton City received the highest score in the organization; Layton was the beacon in the State for risk management. Mr. Parker said this was the 8th or 9th year in a row that Layton had achieved this honor. He presented a plaque to Mayor Pro Tem Francis.

CONSENT AGENDA:

AGREEMENT WITH WEBER BASIN WATER CONSERVANCY DISTRICT FOR A TURNOUT CONNECTION – 1200 NORTH EAST SIDE DRIVE – RESOLUTION 13-22

Gary Crane, City Attorney, said the City entered into an agreement with Weber Basin to assist them in repairing one of their major pipes. He said Layton provided water for one week to allow them time to repair the pipe. Gary said this was an urgent action that had already taken place. He said the City allowed Weber Basin to make a connection near Eastside Drive and 2100 West to allow them to bypass their pipe that needed repair. Gary said the advantage to the City was that Weber Basin paid for the connection and in the future the City would need to construct a tank at this approximate location. He said the connection would provide the City with the opportunity to be able to draw water from Weber Basin at this location in the

future. Gary said Weber Basin would also pay for the water that would be used in the bypass operation. He said Resolution 13-22 would ratify that action. He said Staff recommended approval.

BID AWARD – HUNT ELECTRIC, INC. – FAIRFIELD ROAD AND CHERRY LANE TRAFFIC SIGNAL – RESOLUTION 13-24

Terry Coburn, Public Works Director, said Resolution 13-24 authorized the execution of an agreement with Hunt Electric for the Fairfield Road and Cherry Lane traffic signal project. He said the project included the construction of a traffic signal, radar and associated items. Terry said the project met the warrant for a traffic signal under the Federal Highway Administration regulations and would help mitigate traffic congestion and improve traffic flow at this intersection. He said three bids were received with Hunt Electric submitting the lowest responsive, responsible bid of \$81,499.68; the engineer's estimate was \$85,000. Terry said Staff recommended approval.

Councilmember Brown asked when the signal would be constructed.

Terry said it would be this summer.

BID AWARD – PRECISION CONCRETE CUTTING, INC. – SIDEWALK TRIP HAZARD REMOVAL – RESOLUTION 13-25

Terry Coburn said Resolution 13-25 authorized the executive of an agreement with Precision Concrete Cutting for the sidewalk removal project. He said the project included the cutting of all sidewalk hazards in the work area with displacement issues. Terry said the project would help improve pedestrian safety and help meet compliance with URMMA standards. He said three bids were received with Precision Concrete Cutting submitting the lowest responsive, responsible bid of \$59,750; the engineer's estimate was \$80,000. Terry said Staff recommended approval.

Councilmember Flitton asked who made the determination for what would be repaired.

Terry said a sidewalk inventory was completed every year.

Councilmember Freitag expressed appreciation for the work done by the Public Works Department and the great job they did maintaining the City's roads.

AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 13-15

Tracy Probert, Finance Director, said Ordinance 13-15 would amend the consolidated fee schedule. He said there were four fees being proposed for consideration of implementation or change. Tracy said a street lighting fee was being proposed for installation of street lights. He said the City had a contractor to install those fixtures; the fees being proposed were for the costs of those installations. Tracy said this would help developers reduce their costs associated with installation of street lights and provide more conformity throughout the City.

Tracy said a credit card surcharge fee was being proposed. He said the City currently allowed customers to use credit cards to pay for services. Tracy said it was determined that the City was paying over 2% in credit card fees in each of those transactions. He said based on a settlement of a class action lawsuit, the City, as well as others, were now able to charge a surcharge on credit card transactions. Tracy said it was proposed that the City adopt a 2% surcharge on all credit card transactions over \$75. The \$75 limit was established so that those wanting to participate in youth, City sponsored, recreational activities would not incur an additional cost. He said additionally, someone registering for multiple youth activities that were over \$75 would not be required to pay the 2% surcharge.

Tracy said there was a proposed change to a fee relative to hotel sanitary sewer fees. He said City Staff reviewed the fees that were charged per room, per month, to hotels and motels in the City. Currently the City charged 70% of the residential rate per room. The purpose of the review was to determine what the equivalency rate was to a single family residence, which was the standard unit rates were based on. Tracy said the detailed review studied water usage patterns at four local hotels over the past 10 years. The review found that a hotel room used approximately 40% of the water of a single family residence. He said the 40% rate was in line with the State standard as well as the North Davis Sewer District standard. Tracy said it was Staff's recommendation that hotel and motel rooms be charged 40% of the standard residential rate, or \$6.38 per month, per room; currently that fee was \$10.86.

Tracy said the final fee for the Council's consideration related to the new fire training facility rental fees. He said the Fire Department recommended that fees be established for rental and use of the fire training tower facility by outside agencies. Tracy said two fees were being proposed; one fee of \$75 per hour for training without live fire, which would include one instructor from the Fire Department; and a second fee for training with live fire for use of the burn rooms and actual fire at the facility. He said outside agencies would be required to provide their own burn materials and the fee would be \$1,000 for a four hour session. During that session the Fire Department would provide three live fire instructors.

Tracy said Staff recommended that the Council adopt Ordinance 13-15 amending the consolidated fee schedule as presented.

Councilmember Freitag said he was concerned that the fire training tower fees were not high enough. He said we didn't know what the usage of gas and water would be. Councilmember Freitag said he was willing to approve the rate but asked that it be watched closely and that the actual costs be monitored.

Alex said Staff had had that same discussion internally. He said the City wanted to cover costs but not generate additional revenue. Alex said the City wanted to encourage other cities in the area to utilize the facility, as a community service, to promote training. He said the City was very sensitive in making sure Layton residents were not inadvertently subsidizing the costs for another entity to use the facility, at the same time wanting to make it available and have it used so that the fire protection of everyone was improved.

Alex said with regard to the credit card surcharge fee; the reason for doing that was not to capture a few dollars that may be being paid on a utility bill. There was an increasing practice where those in the development community were using credit cards to pay very large impact fees or development fees that were sometimes in the hundreds of thousands of dollars because there were other benefits of using certain credit cards, such as travel incentives. Alex said after an analysis of that, it was discovered that it was costing the City a large amount in fees to provide that benefit, which was being paid by the taxpayers of Layton. He said the City didn't feel that that was appropriate.

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

PUBLIC HEARINGS:

GENERAL PLAN AMENDMENT AND REZONE REQUEST (TAYLOR/HAWKES-KAYS CREEK VILLAS) – LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL OVER 16 UNITS PER ACRE AND B-RP (BUSINESS AND RESEARCH PARK) TO R-H PRUD (HIGH DENSITY RESIDENTIAL PLANNED RESIDENTIAL UNIT DEVELOPMENT) – APPROXIMATELY 312 WEST GENTILE STREET – ORDINANCES 13-12 AND 13-13

Bill Wright, Community and Economic Development Director, said there were two ordinances associated with this public hearing; Ordinance 13-12 and 13-13. He said the first ordinance involved a General Plan amendment to change the zoning on approximately five acres of property from a low density residential designation to a high density residential designation.

Bill said the second ordinance was a request to rezone the property from a B-RP zone that had an accompanying development agreement, to R-H PRUD. He said the property was located at 312 West Gentile Street, just west of the tracks on the north side of Gentile Street across from Layton Elementary. Bill said the surrounding neighborhood was zoned single family; the northeast side of the property abutted the railroad track with adjacent downtown properties.

Bill said the proposal was for a 168 unit senior housing project. He said the property was vacant property; the property was historically occupied by Tanner Clinic, which was later converted to a daycare center and then a church. Bill said in 2009 the existing buildings were demolished.

Bill said there had been several different development proposals for the property over the years. He said the current proposal was to place 2 three-story apartment buildings, 2 4-story apartment buildings and a two-story community center building on the property. Bill said the Planning Commission held a public hearing on April 23, 2013, and unanimously recommended that the General Plan amendment and rezone request be denied believing that there was not an error in the General Plan calling for this property to be in a low density residential designation and that significant changes had not occurred in the land uses surrounding the property that would cause a need to change the General Plan. He said the Planning Commission also recommended that the Council not change the zoning on the property to a high density residential zone believing that the B-RP zone and development agreement in place on the property provided for viable development options on the property and that it allowed for a mix of uses that could be compatible yet provide for a transitional land use along the frontage of Gentile Street.

Bill said prior to 2008 the property was zoned R-S with a little bit of B-P zoning on the front portion of the property that accommodated the daycare and church that had been located on the property. He said the back portion of the property had been vacant. Bill said in July 2008 there was a request and an approval of an R-2 PRUD rezone for a proposed townhome project to accommodate a 56 unit townhome project. He said that project never moved forward to the development stage. Bill said following that proposal there was an R-M1 proposal that the Planning Commission recommended denial of, which the applicant decided not to pursue with the City Council.

Bill said in October 2009 there was consideration of a partial non-residential use with the B-RP zone that included a development agreement that restricted the intensity of size and traffic impact allowed on the property. He said that zoning would also allow for an assisted living facility on the back portion of the property. Bill said in order to keep the use compatible with the surrounding area, the development agreement restricted the trips generated from the development to a maximum of 800 average daily trips per day by whatever uses ended up on the site, whether they were medical offices, general offices or assisted living.

Bill said the property had since gone through a foreclosure and had been purchased by new owners. The new owners wanted to look at the opportunity of doing a high density development on the property. He said they first pursued a transit oriented development, but were informed that that zone was only available in the downtown area and was not compatible at this location. Bill said they then focused on a senior housing project that still had a density of 32 units per acre, which was a very high density that would require density bonus options for the property. He said a conceptual plan was included in the Council packet.

Bill said some of the concerns brought forward in the Planning Commission hearing dealt with compatibility and the size of the three and four story buildings. He said it was a significantly higher density project that was being proposed and there was a concern of compatibility with surrounding single family homes. Bill said there was also a concern about services that were generally needed to be provided to senior housing communities, including grocery stores or convenient neighborhood retail services, which were not located close to this location. He said there were many comments from citizens in the area about noise and vibration from the railroad tracks impacting the development. Bill said the Staff presented a recommendation to the Planning Commission to not approve the General Plan amendment and rezone, and the Planning Commission agreed with that recommendation.

Councilmember Brown said the Council recently approved a senior apartment project off of Rosewood Lane. She asked how much acreage was involved in that project.

Bill said it included 6 acres.

Councilmember Brown said this would be more units on fewer acres.

Bill said that was correct, and that was a different setting from the City's perspective in terms of the commercial development in the area and other high density residential adjacent to that property. He said the Planning Commission also pointed out the size of the roads in that area that were able to handle more traffic than Gentile Street on the west side of the tracks. Bill said there wasn't any opportunity to widen Gentile Street west of the tracks to accommodate more traffic.

Councilmember Brown said one of her concerns with the other senior housing project was with evacuation in the event of an emergency. She said the other project was connected to the facility on Fairfield Road and would have access to their buses to move residents in the event of an emergency. Councilmember Brown asked if this project would have a similar way of moving residents in the event of an emergency.

Bill said not that he was aware of. He said with a similar question, Mr. Hawkes had indicated that there would be a bus to transport residents to appointments or for shopping, but not likely for a mass evacuation.

Councilmember Brown said the proximity of the railroad tracks could create hazards that could cause the need for evacuation.

Councilmember Bouwhuis expressed concerns with the proximity to Layton Elementary.

Mayor Pro Tem Francis opened the meeting for public input.

Mr. Jeff Hawkes, 4309 Foothill Drive, Bountiful, said Hawkes Development had been hired by the landowners who were the lenders on the property that ended up foreclosing on the property. He said they thought the project was a good land use for the area. Mr. Hawkes indicated that they had looked at several options for the property, including projects under the current approved use.

Mr. Hawkes gave a brief history of their company. He reviewed the need and demand for this type of senior housing. Mr. Hawkes said the current B-RP zone would provide for greater impacts to the area than their proposal. He said they were willing to forego the four story building, which would lower the density to 154 units. The height would be 35 feet; the height in a single family residential zone was 30 feet and the current B-RP zone would allow 35 feet. Mr. Hawkes said senior housing projects were typically low impact housing projects.

Mr. Hawkes discussed Gentile Street and a deceleration lane requirement included in Staff notes to allow for access into and out of the project. He indicated the proximity of the project to the FrontRunner station and the new Kays Crossing project. Mr. Hawkes mentioned some of the amenities they would provide to their residents on site. He said they were within 300 feet of the highest density allowed in the City in the downtown area. Mr. Hawkes said this proposal would provide the lowest impacts to the area, including Layton Elementary. He said under the B-RP zone and the development agreement in place, it would be very difficult to limit the trips per day to 800.

Mr. Hawkes quoted some statistics about office space vacancies in Davis County. He discussed why a residential use would be a better use of the property, and the low impacts of senior housing. Mr. Hawkes explained the impacts of previously approved projects for the property, including the townhome project, which he explained would create higher impacts than their proposed senior project.

Councilmember Flitton said a letter from Debi Richards, Assistant City Engineer, indicated that one of the criteria would be to widen Gentile Street 12 feet to the north to provide acceleration and deceleration lanes for the two proposed entrances into the site. He said that concerned him because that was directly across the street from Layton Elementary. Councilmember Flitton asked Mr. Hawkes if that would be a concern to him.

Mr. Hawkes said he would view that widened area to provide a deceleration area so that the residents could get onto and off of Gentile Street more safely. He said it was not designed to be an acceleration lane.

Delanie Nalder, 600 West Gentile Street, expressed concerns with the impact of traffic specifically in relation to Layton Elementary. She said she did not want three story buildings in her neighborhood. Ms. Nalder said seniors would not want to live that close to the tracks with the noise from the trains.

Linda Mullany indicated that she lived in the house to the west of the proposal. She said no one would want to live on the second and third floors of a building that close to the railroad tracks. Ms. Mullany said the freight trains shook the homes in the area.

Bob Bennett, 418 West Gentile Street, expressed concerns with underground water in the area and with the train tracks.

Cynthia Gardner, 562 West Gentile Street, expressed concerns with an emergency and trying to get residents out of the development and children out of the school at the same time.

Adam Workman, 88 Ellison Street, said he felt that the current B-RP zone was the best use for the property. He expressed concerns with the slow response of older drivers. Mr. Workman recommended that the Council follow the advice of the Planning Commission and deny the proposed rezone.

Councilmember Brown said in the Staff information it indicated that the General Plan recommended that the R-H zone should accommodate no more than 5% of the City's housing stock. She said currently the City had 4.8%; this project would take the City above the recommended 5%. Councilmember Brown said she didn't think Layton City needed additional senior housing with what had already been approved.

Councilmember Freitag said with the history on the property, there was not a lot that made sense on the property. He said with his recent move, he traveled Gentile Street every day and had a greater appreciation for the traffic issues on that street. Councilmember Freitag said it would be difficult for the Council to find something that would be appropriate for the property that wouldn't be detrimental to the surrounding uses, particularly Layton Elementary. He said in reviewing land use issues, the Council had to look at the health, safety and welfare of the change. Councilmember Freitag said whether a proposal was economically viable or not, or whether it was needed or not, was not something the Council took into consideration on a zone change. He said looking at the narrow scope of what the Council could review as it pertained to the health, safety and welfare of the community, this particular proposal did not improve the health, safety or welfare of the area, and may in fact be a detriment to it.

MOTION: Councilmember Freitag moved to close the public hearing and deny the General Plan amendment and rezone request. Councilmember Flitton seconded the motion, which passed unanimously.

CITIZEN COMMENTS:

Bob Newton, 949 West Gordon Avenue, expressed concerns with the Red Dot Shooting Range, which was 600 feet from his home. He said it made enough noise to be an issue at his home. Mr. Newton said when the project was approved by the Planning Commission, the owners indicated that the noise level would be almost nonexistent. He said he could hear the noise at his home all day long. Mr. Newton said Mr. Wright and Mr. King came to his home last Friday and were aware of the noise. He said the owner came to his home today, and with the windows closed and the air conditioner running, he could hear the noise. Mr. Newton asked Mr. Wright what the status was of the noise problem.

Bill Wright said Staff had met with Mr. Newton at his home and the owner had been given until next Tuesday to provide a sound attenuation plan. He said there was technology available to do that. Bill said this new building was functioning worse than the redesigned building used by the Salvo gun range on Antelope Drive and Main Street. He said some of the differences between the two buildings were insulation and sound attenuation. Bill said it was clear that there was technology available to sound attenuate this new building, it simply wasn't installed. He said Staff would continue to pursue this on a conditional basis and a business license basis, but Staff felt it was fair to give the owner some time to work with a consultant and resolve the problem. Bill said the owner was informed that if it was an extended period of time before the work could be done, they may have to reduce the use of the gun range. He said he would keep the Council and Mr. Newton informed.

Adam Workman, 88 Ellison Street, said he had used the vouchers available for the Salt Lake Bees games. He said you could get the vouchers today and then use them to pre-purchase tickets for a future game allowing for better seats. Mr. Workman said relative to the sidewalk trip hazard issue, on Park Street in his neighborhood there was a segment of sidewalk that was almost gone. He said it was on the corner of Park Street and Ellison Street. Mr. Workman suggested that this area should be on the list of repairs.

Mayor Pro Tem Francis said the City would be sure to follow up on that.

Jamie Prather-Newton, 949 West Gordon Avenue, said last May during the conditional use permit process for the Red Dot Shooting Range, she didn't understand that that process did not require the Council's approval. She said the Planning Commission, an appointed group, was making decisions on the citizens' behalf that were detrimental to health and benefit. Ms. Prather-Newton suggested that the City Council, an

elected body, should be making those decisions.

Gary Crane said there were two types of uses in each zone, permitted and conditional. He said permitted uses were uses that were, as a matter of right, able to be granted over the counter. Gary said conditional uses were a little more intense and they were uses identified as needing specific mitigating factors to be imposed in order to get rid of the negative impacts of whatever the use was. He said conditional uses were specifically appealable to the City Council. Gary said if there was a condition that was unacceptable to either the neighbors or property owners it was appealable to the City Council, but it was an administrative determination that was made by the Planning Commission. He said the Planning Commission was an advisory committee in the case of a legislative decision; the Council was the legislative body, but typically didn't make administrative decisions.

Mayor Pro Tem Francis said the City would definitely follow up on the noise attenuation problem.

The meeting adjourned at 9:17 p.m.

Thieda Wellman, City Recorder

D R A F T

MINUTES OF LAYTON CITY COUNCIL WORK MEETING

JUNE 6, 2013; 5:34 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

**MAYOR J. STEPHEN CURTIS, MICHAEL
BOUWHUIS, JOYCE BROWN, BARRY FLITTON,
JORY FRANCIS AND SCOTT FREITAG**

STAFF PRESENT:

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

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

Mayor Curtis opened the meeting and turned the time over to Alex Jensen, City Manager.

MISCELLANEOUS:

Alex indicated that there were four ribbon cutting ceremonies coming up in the next month. He indicated that the ceremony for the splash pad was tentatively scheduled for June 29th, which was a Saturday. Alex said the fire training tower ceremony would be coming in July, as well as the new water tank on Oakridge Drive. Alex said Staff was working with Kim Buschard on a ribbon cutting ceremony for the park by the Conference Center to coordinate it with their Night Out festivities.

Alex said previously there had been discussion about initiating a Master Traffic Plan. He said Staff would like to put together a committee that would include a couple of Councilmembers. Alex said the committee would be involved in the creation of the framework and reviewing the proposals that may come back. He said there was also discussion about holding open houses with the public. Alex said at the June 20th meeting, Woody would present more information about that.

Councilmember Bouwhuis asked if there had been any decision by UDOT.

Alex said no; they were working on funding options.

D R A F T

AGENDA:

CLOSED DOOR:

MOTION: Councilmember Bouwhuis moved to close the meeting at 5:40 p.m. to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, and pending litigation. Councilmember Flitton seconded the motion, which passed unanimously.

MOTION: Councilmember Brown moved to open the meeting at 6:57 p.m. Councilmember Francis seconded the motion, which passed unanimously.

The meeting adjourned at 6:58 p.m.

Thieda Wellman, 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 **6th day of June, 2013**, was to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, and pending litigation.

Dated this 27th day of June, 2013.

ATTEST:

J. STEPHEN CURTIS, Mayor

THIEDA WELLMAN, City Recorder

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

JUNE 6, 2013; 7:03 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR J. STEPHEN CURTIS, MICHAEL
BOUWHUIS, JOYCE BROWN, BARRY FLITTON,
JORY FRANCIS AND SCOTT FREITAG**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
KEVIN WARD, JIM MASON, KENT ANDERSEN
AND THIEDA WELLMAN**

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

Mayor Curtis opened the meeting. Boy Scout Cade Herget with Troop 432 led the Pledge of Allegiance. Dawn Fitzpatrick gave the invocation. Scouts from Troops 432, 145 and 41 were welcomed.

MINUTES:

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

**Layton City Council Budget Work Meeting – March 4, 2013; and
Layton City Council Strategic Planning Work Meeting – April 25, 2013.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said this Saturday was free fishing day in Utah. She said the Parks and Recreation Department had an activity planned at Andy Adams Park from 10:00 a.m. to noon. Councilmember Brown said there would be free samples of Dutch oven cooking and a class on cooking fish. She said free fishing would be available at Andy Adams pond.

Councilmember Bouwhuis said Sounds of Freedom would be this Saturday as well. He said activities would include a car show, music and helicopter rides.

Councilmember Flitton said at a recent Davis Chamber meeting UDOT presented additional information on the West Davis Corridor. He said there would be additional public meetings, including a meeting on June 11th at the Legacy Event Center in Farmington and June 12th at West Point Elementary School. Councilmember Flitton encouraged everyone to attend the meetings and give input about the Corridor.

PRESENTATIONS:

RECOGNITION OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) GRADUATES

Kevin Ward, Fire Chief, explained the CERT program. He mentioned some of the emergencies that had recently happened across the nation. Kevin said citizens would be called on to help in an emergency. He said there were 2,100 CERT trained residents in the City. The recent graduates were introduced and came forward to shake hands with the Mayor and Council.

CONSENT AGENDA:

REQUEST TO MODIFY EXISTING SPRINT SPECTRUM WIRELESS COMMUNICATION FACILITY – 1925 NORTH FORT LANE (LAYTON CITY PUBLIC WORKS BUILDING) – RESOLUTION 13-26

Gary Crane, City Attorney, said cell towers were located in various places around the City. He said most of the towers were located on public property and the cell companies paid to lease the property. Gary said this particular cell tower was located on the Public Works Shop property and the cell company wanted to make some minor changes to the equipment at that location, particularly to run new fiber to the tower. He said the lease agreement required approval from the City to make those changes. Gary said Resolution 13-26 would authorize those changes. He said Staff recommended approval.

Councilmember Flitton asked if this would be UTOPIA fiber.

Gary said no, it was specifically for the wireless service and was their fiber.

FIRST AMENDMENT TO THE 2002 TREATMENT CONTRACT WITH NORTH DAVIS SEWER DISTRICT – RESOLUTION 13-28

Gary Crane said when the North Davis Sewer District did bonding, the bonding companies reviewed the contracts the Sewer District had with the cities the Sewer District served. He said the bonding companies

wanted those contracts to be consistent, time wise, with the term of a bond. Gary said this change would extend the current agreement 50 years into the future. He said Staff recommended approval.

Councilmember Bouwhuis said the Sewer District discovered this as they had gone into the bond market. He said the bonding companies refused to give a rating or extend bonds unless those contracts were in place. Councilmember Bouwhuis said unless a city wanted to build a \$200,000,000 sewage treatment plant, these agreements were necessary to protect the Sewer District and allow them to bond to pay for new infrastructure and improvements.

Gary said the City appreciated Councilmember Bouwhuis' service on the Sewer District Board.

PLAT AMENDMENT REQUEST – VILLAS ON MAIN – 1425 NORTH MAIN STREET

Bill Wright, Community and Economic Development Director, said this was a plat amendment request for the Villas on Main located at 1425 North Main Street. He said the plat amendment would add .96 acres of property to the project. Bill said the property was located on the south side of the project. Bill said the Council recently approved the rezone of this property to allow for one additional building with 24 units to be constructed. He said the Planning Commission recommended approval and Staff supported that recommendation.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUPPORT FOR THE HAVE A HEART PROGRAM TO CONSTRUCT A HOME – 415 W. WEAVER LN. – RESOLUTION 13-29

Kent Andersen, Economic Development Specialist, said Resolution 13-29 would approve CDBG support for Have a Heart construction of one home located at 415 West Weaver Lane. Kent explained the program the City participated in with the Davis School District in constructing homes for needy families, specifically a police officer, firefighter or school teacher. He said the home on lot 2 of Weaver Lane, a two lot subdivision, was completed and the plan was to move forward with a home on lot 1 this coming school year. Kent said unfortunately the School District would be unable to proceed with development this coming year, but did want to continue to partner with the City in the following year.

Kent said the Have a Heart group had need of a lot to build a home. He said the Have a Heart organization was a partnership between the Northern Wasatch Homebuilders Association and the Northern Wasatch Association of Realtors. Kent said they used contractors that donated their time and materials to build a home for a needy family. He said Have a Heart would meet the same intent the City had with the School District. Kent said Resolution 13-29 would transfer the property, lot 1 of the subdivision that was returned from the School District, to the Have a Heart program to construct a home for a needy family this upcoming program

year.

Kent said Layton City would still participate in verifying income for the selected applicant, but it was the Have a Heart Board that would select the individual family. He said they typically tried to find a family that had a disability or some pressing need and then design the home around that need. Kent said Staff would also have input on the home design. He said Staff recommended approval.

Councilmember Flitton asked if there would be the same criteria relative to restrictions for selling the home within a certain period of time.

Kent said yes; the only difference was that Have a Heart would be selecting the applicant for the home and it could go beyond a police officer, firefighter or teacher. He said there would be the same program requirements with the payback period, the secondary silent note the City carried, and income restrictions.

Councilmember Francis asked if it would be a Layton resident.

Kent said it could be a resident from outside the City.

Mayor Curtis said they would become a Layton resident.

Councilmember Brown said some of the other homes have not necessarily been a Layton resident; they might have worked for the City as a firefighter or police officer, or worked for the School District, but they moved into the community that they served. She said lot 2 that was recently completed went to a police officer and his family that had a child with special needs. Councilmember Brown said the spouse also worked for the School District.

Councilmember Bouwhuis said approximately six years ago this group worked with the City in building homes. He said they were very nice homes consistent with the School District homes.

MOTION: Councilmember Bouwhuis moved to approve the Consent Agenda as presented. Councilmember Flitton seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED PLAN 2013-2017
AND ANNUAL ACTION PLAN 2013-2014 – RESOLUTION 13-27**

Kent Andersen said Resolution 13-27 was for approval of the CDBG Consolidated Plan for 2013-2017 and the Annual Action Plan for 2013-2014. He said the first required public hearing for this was held in February; this was the second and final public hearing. Kent said the CDBG was administered by the Department of Housing and Urban Development (HUD). He said Layton City was an entitlement community and received an annual allocation. Kent said part of that allocation requirement was to develop a five year consolidated plan and an annual plan that correlated with the five year plan.

Kent explained the requirements of the Consolidated Plan and the Annual Action Plan. He explained the need to support public service entities and the proposed activities and funding. Kent explained why the City was receiving an additional \$30,000 allocation in the 2013 fund year.

Councilmember Freitag asked if there were other options in the downtown area besides the rehabilitation of a building; particularly at the corner of Main Street and Gentile Street.

Mayor Curtis said that property was owned by UDOT.

Kent said CDBG funding would be limited on that property to putting in a small park or providing a loan to a business.

Councilmember Freitag said he didn't know that cleaning up that corner was more or less important than redoing a building. He said the building on that corner had been upgraded, but you had to look through the weeds to get to it. Councilmember Freitag said if part of the CDBG funding could be used to renovate the downtown area, could it be used on this property.

Bill Wright said the City had multiple strategies for the downtown area, and different funding sources. He said the City continued to work with UDOT to move that property out of their ownership and into private ownership so that development could occur. Bill said one opportunity that the City might employ would be the use of RDA funds to help with a building on that property. He said the rehabilitation of some of the existing buildings might be a better fit for some of the CDBG funds; the RDA funds would be a good source of funding for that.

Councilmember Freitag said he just wanted UDOT to clean up the lot.

Bill said they would get an email tomorrow about the weeds on the lot. He said the City would really like UDOT to get the property into private ownership so that it could be developed.

Councilmember Flitton asked if the funding amounts were based on history and were they negotiable between the different entities.

Kent said all of the funding amounts were subject to Council approval, but there were caps on some of the activities. He said some did follow traditional models that the City had previously followed, specifically for the public services, administration and the home buyer assistance program. Kent said the funds could be reallocated.

Councilmember Flitton said the Layton Community Action Council involved a lot of youth, including the Youth Court. He said he would like to see more funding for that program.

Kent said their director, Val Stratford, had requested \$8,000, which was what was funded.

Alex Jensen, City Manager, said the amount of funding that could go to public service agencies was capped at \$46,500. He said if the Council wanted to give more money to one agency, it would need to be taken from another agency.

Mayor Curtis opened the meeting for public input.

Danene Adams, Assistant Executive Director with Family Connection Center, thanked the Mayor and Council for their consideration. Ms. Adams said Family Connection Center had been located in Layton since 1985. She said approximately 22% of the clients they served resided in Layton. Ms. Adams said part of the \$25,000 they received would go for their family support program, which included child abuse prevention. She explained some of the other programs they provided.

Ms. Adams said in their 2010/11 fiscal year they saw a \$40,000 cut from State funding. She said Davis County had the highest death rates due to child abuse. She said they had great staff and they were able to find funding so that no families were dropped from service. Ms. Adams said for the 2013/14 year they were seeing a \$110,000 cut in funding from the State, specifically toward their parent education program. She said they truly appreciated the City's support.

Nicole Nance, Safe Harbor Crisis Center, explained the services they provided to domestic violence and

sexual assault victims in Davis County, with a lot in Layton. Ms. Nance said in the last year they provided 1,332 protective shelter nights to mothers and children from Layton. She said that was a lot of service provided for the \$10,000 they received from the City. Ms. Nance said clients were provided with shelter, food, clothing and case management. She said they could enroll in classes where they learned more about the cycle of violence and positive parenting so that they could overcome the impact. Ms. Nance said there was an intergenerational impact of violence on children; where they were exposed to violence at home they were more likely to grow up and bring violence into their lives as adults.

Ms. Nance said the funding was very important for Safe Harbor to be able to provide those services to empower women to protect their children and stop the cycle of violence, which would help the community as a whole. She said they appreciated past support and hoped to be able to continue to receive that support in the future.

Matt Minkovitch, Team Member at the Road Home, thanked the Council for their support. Mr. Minkovitch said they served over 6,700 individuals over the course of a year; and last year they served 700 families. He said they were focusing most of their efforts on getting people into housing and out of shelters. Mr. Minkovitch thanked the City for the \$3,500 funding amount.

Scott Quinney, representing the Layton Community Action Council, asked if the maximum amount of \$46,500 awarded to the public service agencies could be increased.

Alex Jensen, City Manager, said federal law would not allow that to be increased.

Mr. Quinney said that amount should be doubled and taken from other areas of the Plan. He said that would be a much better use of the money. Mr. Quinney thanked the Council for their continued support.

MOTION: Councilmember Freitag moved to close the public hearing and adopt Resolution 13-27, approving the CDBG Consolidated Plan and Annual Action Plan. Councilmember Francis seconded the motion, which passed unanimously.

CITIZEN COMMENTS:

Dr. Wynn Stanger, 1418 East 800 North, thanked the Council for their service. Dr. Stanger mentioned the condition of the tennis courts at Andy Adams Park. He said the accident potential was a consideration, and waiting too long to make the repairs could require additional funding to replace the courts. Dr. Stanger said the courts at Andy Adams Park received a lot of use and they needed to be repaired.

Mayor Curtis said every year the Recreation Department resurfaced a court in the City. He said he wasn't sure if Andy Adams would be resurfaced this year, but it was a high possibility.

Alex said Councilmember Flitton did raise this issue in the earlier work meeting and he would follow up on it. He said he would get back with Dr. Stanger.

The meeting adjourned at 7:57 p.m.

Thieda Wellman, City Recorder

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

Item Number: 4A

Subject: Interlocal Agreement between Layton City and Davis County to Share Program Funds Provided by the 2013 Edward Byrne Memorial Joint Justice Assistance Grant Number 2013-H3972-UT-DJ Resolution 13-34

Background: Layton City and Davis County are submitting a joint application for the 2013 Edward Byrne Memorial Justice Assistance Grant in the amount of \$16,945.00 of which Layton City's portion is \$15,245.00. The grant requires the governmental entities to enter into an interlocal agreement regarding the distribution and use of the Federal funds. The City will use its portion of the funds to buy equipment for patrol vehicles.

Alternatives: Alternatives are to 1) Adopt Resolution 13-34 approving the interlocal agreement between Layton City and Davis County to share program funds provided by the 2013 Edward Byrne Memorial Joint Justice Assistance Grant Number 2013-H3972-UT-DJ; 2) Adopt Resolution 13-34 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 13-34 and remand to Staff with directions.

Recommendation: Staff recommends the Council adopt Resolution 13-34 approving the interlocal agreement between Layton City and Davis County to share program funds provided by the 2013 Edward Byrne Memorial Joint Justice Assistance Grant Number 2013-H3972-UT-DJ and authorize the Mayor to execute the necessary documents.

RESOLUTION 13-34

AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN LAYTON CITY AND DAVIS COUNTY, PERTAINING TO THE 2013 EDWARD BYRNE MEMORIAL JOINT JUSTICE ASSISTANCE GRANT NUMBER 2013-H3972-UT-DJ FUNDS

WHEREAS, Layton City and Davis County are submitting a joint application for the allocated United States Department of Justice, 2013 Edward Byrne Memorial Joint Justice Assistance Grant Number 2013-H3972-UT-DJ funds in the amount of \$16,945.00; and

WHEREAS, Layton City has been designated as the administering agency for the grant funds allocation, and has met all of the requirements in regards to, public advertising of the proposed uses of the funds, E.E.O. regulations, auditing regulations; and

WHEREAS, the City Manager and Police Chief recommend the expenditure of the \$15,245.00 grant funds allocated as Layton City’s share of the grant as proposed as being in the best interest of the public safety for Layton City; and

WHEREAS, the City Council of Layton City does hereby determine that it is in the best interest of the health, safety, and welfare of the citizens of Layton City for Layton City to enter into the Interlocal Agreement and to expend the grant funds as proposed;

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

1. That the execution of the Interlocal Agreement and expenditure of funds known as “2013 Byrne JAG” is hereby approved for the purposes set forth in Attachment “A”, which is made a part hereof.
2. That the Mayor be authorized to execute said agreement.

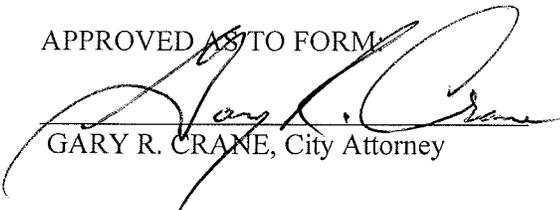
PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 20__.

J. STEPHEN CURTIS, Mayor

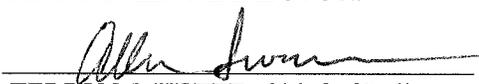
ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:


GARY R. CRANE, City Attorney

DEPARTMENT DIRECTOR:

 A/C
TERRY M. KEEFE, Chief of Police

ATTACHMENT A

AN INTERLOCAL AGREEMENT BETWEEN LAYTON CITY AND DAVIS COUNTY FOR THE PURPOSE OF DISTRIBUTING THE 2013 EDWARD BYRNE MEMORIAL JOINT JUSTICE ASSISTANCE GRANT NUMBER 2013-H3972-UT-DJ FUNDS

RECITALS

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, of the Utah Code Annotated 1953, as amended, in order to permit local governmental units to make the most efficient use of their powers to provide the benefit of economy of scale, authorizes public agencies of the State of Utah including counties and municipalities to enter into agreements with one another for the purpose of exercising on a joint and cooperative basis any powers, privileges, and authority exercised or capable of exercise by such public agencies; and

WHEREAS, Layton City Corporation, a Utah municipal corporation, (hereinafter "Layton City"), and Davis County, a body politic and political subdivision of the State of Utah, (hereinafter "Davis County"), mutually desire to cooperate in applying and distributing grant proceeds described herein; and

WHEREAS, Layton City intends to make a joint application for the 2013 Edward Byrne Memorial Joint Justice Assistance Grant (hereinafter 2013 Byrne JAG) offered by the Office of Justice Programs, U.S. Department of Justice, on behalf of Layton City and Davis County; and

WHEREAS, Layton City and Davis County, (hereinafter jointly "Participants") anticipate a 2013 Byrne JAG joint application award amount of \$16,945.00, which amount the Participants intend to divide and distribute amongst themselves in the manner set forth in this agreement; and

WHEREAS, the Participants have negotiated the terms of this Agreement and determined that this Agreement is mutually beneficial to each Participant;

NOW THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the Participants hereto do hereby agree as follows:

**ARTICLE ONE
TERM**

1.01 This Agreement shall be effective for a term beginning October 1, 2012, and ending September 30, 2016.

**ARTICLE TWO
APPLICATION AND DIVISION OF 2013 BYRNE JAG PROCEEDS**

2.01 Layton City will: (a) make application for the 2013 Byrne JAG grant award on behalf of the Participants, (b) act as grant manager on behalf of the Participants, and (c) distribute 2013 Byrne JAG grant proceeds to the Participants in the manner set forth herein.

2.02 It is anticipated that the Participants will be awarded a 2013 Byrne JAG joint application award amount of \$16,945.00. Participants agree that Layton City shall manage the grant proceeds:

ATTACHMENT A

- 2.03 The Participants agree that Layton City shall distribute the joint application award amount amongst the Participants as follows:
- 2.03.1 **Layton City:** Layton City shall receive \$15,245.00 in 2013 Byrne JAG funds. Layton City agrees to: (a) use the \$15,245.00 to buy new equipment for patrol vehicles.
- 2.03.2 **Davis County:** Davis County shall receive \$1,700.00 in 2013 Byrne JAG funds. Davis County agrees to: (a) use the \$1,700.00 to purchase a Panasonic laptop, and computer monitor.
- 2.04 All 2013 Byrne JAG funds distributed shall be expended by the Participants for the purposes described herein during the term of this Agreement.
- 2.05 In the event the Participants receive a 2013 Byrne JAG joint application award of a total or incremental amount equaling more or less than \$16,945.00, the 2013 Byrne JAG funds shall be distributed amongst the Participants on a pro-rata basis, in the same proportion and for the same purposes as described above.

**ARTICLE THREE
MISCELLANEOUS**

- 3.01 **No Separate Entity.** It is the intent of the Participants that this Agreement not create a separate legal entity to provide for its administration. It shall be administered by the Executive of each of the Participants. Participants shall not jointly acquire, hold or dispose of real or personal property pursuant this Agreement, except as specifically set forth herein.
- 3.02 **Privileges and Immunity.** All privileges and immunities which surround the activities of governmental officers and employees shall continue in full force and effect.
- 3.03 **Amendment.** This Interlocal Agreement may be changed, modified or amended only by written agreement of the Participants, upon adoption of a resolution by each of the Participants when approved as to form by each respective entity's attorney, and upon meeting all other applicable requirements of the Interlocal Cooperation Act.
- 3.04 **Effective Date.** This Interlocal Agreement shall become effective immediately upon the execution of an appropriate resolution, if required by law, approving this Agreement by each of the Participants. Per section 11-13-209 of the Interlocal Cooperation Agreement Act provides that "a[n] agreement made under this chapter does not take effect until it is filed with the keeper of records of each of the public agencies that are parties to the agreement."
- 3.05 **Governing Law.** This Agreement shall be governed by the laws of the State of Utah.
- 3.06 **Entire Agreement.** This Agreement shall constitute the entire agreement between the Participants and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon any Participant except to the extent incorporated in this Agreement.
- 3.07 **Indemnification.** Each Participant to this Agreement agrees to hold harmless, defend and indemnify the other, for and against any negligent or wrongful acts committed by its officers, employees or agents in relation to this Agreement.

3.08 **No Third Party Beneficiaries.** The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

LAYTON CITY

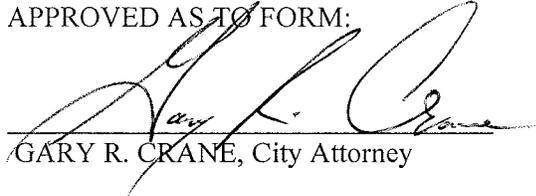
Dated this _____ day of _____, 20____.

J. STEPHEN CURTIS, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY R. CRANE, City Attorney

DEPARTMENT DIRECTOR:

TERRY M. KEEFE, Chief of Police

DAVIS COUNTY

Dated this _____ day of _____, 20____.

COUNTY COMMISSIONER/Chairperson

ATTEST:

APPROVED AS TO FORM:

DAVIS COUNTY CLERK/Auditor

DAVIS COUNTY ATTORNEY/Deputy

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

Item Number: 4B

Subject: Appointment to the Board of Adjustment – Amber L. Cypers – Resolution 13-23

Background: The need has arisen to appoint a member of the Board of Adjustment to a term to expire on July 1, 2016. Board of Adjustment Member, Chad Harward resigned from the Board of Adjustment and was appointed to the Planning Commission on February 12, 2013, leaving a vacancy on the Board of Adjustment. The Mayor has recommended that Amber L. Cypers be appointed to fill this vacancy.

Alternatives: Alternatives are to 1) Adopt Resolution 13-23 confirming the appointment of Amber L. Cypers to the Board of Adjustment to a term to expire on July 1, 2016; or 2) Not adopt Resolution 13-23 and remand to Staff with directions.

Recommendation: Mayor Curtis recommends the Council adopt Resolution 13-23 confirming the appointment of Amber L. Cypers to the Board of Adjustment to a term to expire on July 1, 2016.

RESOLUTION 13-23

APPOINTING TO THE BOARD OF ADJUSTMENT, AMBER L. CYPERS AS A NEW MEMBER WITH A TERM EXPIRING JULY 1, 2016.

WHEREAS, pursuant to Layton City Ordinance, there are to be five members of the Board of Adjustment and alternate members as deemed necessary; and

WHEREAS, the Board of Adjustment meets on an as needed basis; and

WHEREAS, one position is vacant, creating a need for this position to be filled with a new member; and

WHEREAS, the Mayor has recommended that Amber L. Cypers be appointed as a member of the Board of Adjustment; and the City Council consents to said appointment.

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

That Amber L. Cypers is appointed to the Board of Adjustment to a term ending July 1, 2016.

PASSED AND ADOPTED by the City Council of Layton, Utah this **27th day of June, 2013.**

ATTEST:

J. STEPHEN CURTIS, Mayor

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

SUBMITTING DEPARTMENT:



for GARY CRANE, City Attorney



for WILLIAM T. WRIGHT, Director
Community and Economic Development

Amber L. Cybers, P.E.

1917 Dan Drive, Layton, Utah 84040 (801)557-0831 alhcypers@hotmail.com

Personal Profile

I am a highly motivated, licensed professional with a wealth of experience in the field of transportation. At work, I am best known for my easy but direct communication style and commitment to completing projects on time and within budget. I am a mother of four girls, 3 of whom attend East Layton Elementary. I love traveling, skiing, and hiking with my family. While I am not a Davis County native, Layton City has become my home.

- ◆ 10-year Layton City resident
- ◆ Technical background
- ◆ Strong desire to contribute to my community

Education

East High School – Salt Lake City, Utah
Graduated 1994

University of Utah – Salt Lake City, Utah
Bachelors of Science, Civil & Environmental Engineering

Professional Experience

H.W. Lochner Engineers and Planners, June 2000-Present

Engineer-in-Training/Project Engineer/Project Manager

As a transportation engineer, I have had experience in all aspects of project development, from planning through environmental documentation, public involvement, design, and construction management. I have been involved in all types of projects, from small local government work to large-scale Design/Build UDOT projects. I am proficient in MicroStation, AutoCAD, InRoads, Microsoft Excel, and Microsoft Word. I am well-versed in all aspects of design: horizontal and vertical alignments, superelevation, noise and retaining walls, modeling, pedestrian ramps, freeway interchange design, signing and striping, multi-use trails, cost estimating, alternative analysis, quality control, and limited experience with bridge, drainage, and lighting design. I have recently specialized in design of bicycle and pedestrian facilities. Some of my project highlights are listed below:

- ◆ 2300 East; I-80 to 3900 South Categorical Exclusion (Salt Lake County) – As project engineer for this environmental phase, I assisted with public involvement efforts and oversaw alternative development and analysis. I also evaluated right-of-way impacts and developed bicycle/pedestrian facilities for this project.
- ◆ Legacy Parkway Project (UDOT) – As a design engineer on this project, I oversaw development of erosion control design and plans for this environmentally sensitive Design/Build project.
- ◆ 400 North; 800 West to 1100 West (West Bountiful City) – As project engineer for this federally-funded local government project, I oversaw most of the design, including signing and striping and

quality control. I also verified environmental commitments were met, and assisted as the project underwent a federal audit to verify compliance with regulations.

- ♦ 4800 South; State Street to Van Winkle (Murray City) – I managed this project to develop a design for bike lanes as part of a resurfacing project on an existing roadway. Making use of the flexibility within the standards and innovation in bicycle facilities, we were able to add bike lanes without widening the roadway.

Activities

- ♦ Women’s Transportation Seminar
- ♦ American Society of Civil Engineers
- ♦ Association of Pedestrian and Bike Professionals
- ♦ Davis County Chamber of Commerce Transportation Committee

References

- ♦ Tyler Robirds, PE
H.W. Lochner
Principal-in-Charge, Senior Vice President
(801)415-5800
trobirds@hwlochner.com
- ♦ Shane Marshall, PE
Utah Department of Transportation
Region Director
smarshall@udot.gov
(801)227-8000
- ♦ Andrea Pullos, PE
Salt Lake County
Transportation Manager
(801)661-1441
apullos@slco.org

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

Item Number: 4C

Subject: Re-Appointments and Appointment to the Planning Commission – Wynn Hansen, Dawn Fitzpatrick, and Robert Van Drunen – Resolution 13-31

Background: The need has arisen to re-appoint two members of the Planning Commission to terms to expire on July 1, 2016. Commissioner Hansen was first appointed as a member of the Planning Commission on February 28, 2012, to a term to expire on July 1, 2013. Commissioner Fitzpatrick was first appointed as a member of the Planning Commission on July 1, 2012, to a term to expire on July 1, 2013. Commissioner Jeremy Davis resigned from the Planning Commission on February 12, 2013, leaving a vacancy on the Planning Commission. The Mayor has recommended that Robert Van Drunen be appointed to fill this vacancy to complete Mr. Davis' term to expire on July 1, 2015.

Alternatives: Alternatives are to 1) Adopt Resolution 13-31 confirming the re-appointment of Wynn Hansen and Dawn Fitzpatrick as members of the Planning Commission to terms to expire on July 1, 2016, and confirming the appointment of Robert Van Drunen as a member of the Planning Commission to a term to expire on July 1, 2015; or 2) Not adopt Resolution 13-31 and remand to Staff with directions.

Recommendation: Mayor Curtis recommends the Council adopt Resolution 13-31 confirming the re-appointment of Wynn Hansen and Dawn Fitzpatrick as members of the Planning Commission to terms to expire on July 1, 2016, and confirming the appointment of Robert Van Drunen as a member of the Planning Commission to a term to expire on July 1, 2015.

RESOLUTION 13-31

A RESOLUTION CONFIRMING THE RE-APPOINTMENTS OF WYNN HANSEN AND DAWN FITZPATRICK, AS MEMBERS OF THE LAYTON CITY PLANNING COMMISSION FOR THREE-YEAR TERMS BEGINNING JULY 1, 2013; AND CONFIRMING THE APPOINTMENT OF ROBERT VAN DRUNEN AS A MEMBER OF THE LAYTON CITY PLANNING COMMISSION FOR A TWO-YEAR TERM BEGINNING JULY 1, 2013.

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

WHEREAS, Commissioner Jeremy Davis resigned on February 12, 2013, leaving a vacancy on the Planning Commission; and

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

WHEREAS, the Mayor has recommended that Wynn Hansen and Dawn Fitzpatrick be re-appointed as members of the Planning Commission; and

WHEREAS, the Mayor has recommended that Robert Van Drunen be appointed as a member of the Planning Commission.

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

1. That Commissioner Wynn Hansen and Commissioner Dawn Fitzpatrick serve as members of the Layton City Planning Commission to terms that will end July 1, 2016.
2. That Robert Van Drunen serve as a member of the Layton City Planning Commission to a term that will end July 1, 2015.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **27th day of June, 2013.**

J. STEPHEN CURTIS, Mayor

ATTEST:

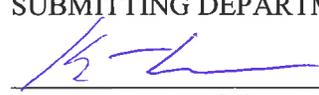
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



For GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



For WILLIAM T. WRIGHT, Director
Community & Economic Development

Robert Van Drunen

87 South Fort Lane Layton, Utah 84041

Phone: 801-543-3374 E-Mail: rvandrunen@mac.com

Objective

I would like to be considered for a position on the Planning Commission. My family and I have owned a home on Fort Lane in Layton for 13 years. With the Layton Parkway and Fort Lane Village projects I developed an interest in city planning issues and as a result obtained an Urban Planning degree from the University of Utah. My experience of previously owning a small business and researching planning related issues I think I would be an asset to the Planning Commission.

Experience

University of Utah, Metropolitan Research Center

Jan 2012 – Jan 2013

Research Assistant. Completed research on water usage, transportation, public transit, and mixed-use developments. Member of a team that was developing an application for HUD.

Vredes, Inc (Salt Lake City, Utah)

Feb 2001 – Feb 2011

Network Manager. Maintained a satellite IP network for 150 mobile and fixed satellite sites.

Awhen Computers (Layton, Utah)

March 1997 – Feb 2001

Manager. Managed a computer retail store and designed, setup, and implemented an ISP.

The Beat (Salt Lake City, Utah)

June 1991 – Feb 1997

Owner. Started and operated a retail store that sold music products.

Education

B.S., Urban Planning

2012

University of Utah, Salt Lake City Utah

B.S., Economics

2012

University of Utah, Salt Lake City Utah

Dean's List

Skills

Familiar with Mac and IBM PC operation. Experienced with Microsoft Office (Word, Excel, and PowerPoint), Internet, Adobe Photoshop, Adobe Illustrator, Adobe InDesign, Google SketchUp, and GIS.

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

Item Number: 5A

Subject: Development Agreement and Rezone Request (Brighton Homes, LLC) – R-1-10 (Single Family Residential) and R-M1 (Low/Medium Density Residential) to R-1-10 PRUD (Single Family Residential with the Planned Residential Unit Development Overlay) and R-M1 (Low/Medium Density Residential with the Planned Residential Unit Development Overlay) – Resolution 13-30 and Ordinance 13-16 – Approximately 2100 East Oakridge Drive

Background: The applicant, Brighton Homes, is requesting to rezone 2.59 acres from R-1-10 to R-1-10 PRUD and 2.83 acres from R-M1 to R-M1 PRUD. The applicant is under contract to purchase 2.83 acres of R-M1 zoned property and redesign the 2.59 acres of Phases 3 and 5 of the Foothills at Cherry Lane plat to create a proposed 5.42 acre PRUD project for a patio home type development.

The concept plan shows a proposal to develop 28 single family patio home building lots. The concept plan shows 17 patio home building lots that will front onto private streets, five lots on a private drive, and six lots on Oakridge Drive. The concept plan proposes 37 percent open space, which meets the base open space requirement for detached single family homes under the PRUD guidelines.

The base density for the R-1-10 zone in a PRUD is 3.5 units per acre (u/a). This density would allow for nine total units. The R-M1 zone has a base density in the PRUD ordinance of 14 u/a. This density would allow for 39 total units. By combining the zones, the proposed development could yield 48 total units as a base density. The 28 proposed total number of units is significantly less than what could be allowed in the two zones combined under the PRUD ordinance.

The General Plan provides a recommendation of two to four units per acre in this area of Layton City; however, the existing R-M1 zoning significantly exceeds the General Plan recommendation. The proposed concept plan has an overall density of 5.16 units per acre with the PRUD overlay. Therefore, the R-1-10 PRUD and R-M1 PRUD zones for the proposed development, with the accompanying Development Agreement, more closely aligns with the low density residential designation. Although the density on the subject property is higher than what is recommended for the area, combining the proposed PRUD with the four phases of Foothills at Cherry Lane produces a density of 3.08 units per acre.

Given the unique circumstances associated with zoning and layout of the subject property, a Development Agreement is attached that addresses the maximum density, fencing, open space, architectural plans and materials, size of homes and the requirement for a homeowners association.

Alternatives to the First Motion: Alternatives are to: 1) Adopt Resolution 13-30 approving the Development Agreement; 2) Adopt Resolution 13-30 approving the Development Agreement with any amendments or modifications the Council deems appropriate; or 3) Not adopt Resolution 13-30 denying the Development Agreement.

Alternatives to the Second Motion: Alternatives are to 1) Adopt Ordinance 13-16 approving the rezone from R-1-10 to R-1-10 PRUD and R-M1 to R-M1 PRUD subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Not adopt Ordinance 13-16 denying the rezone request.

Recommendation: On June 11, 2013, the Planning Commission, by a 4:2 vote, recommended the Council adopt Ordinance 13-10 to rezone from R-1-10 and R-M1 to R-1-10 PRUD and R-M1 PRUD subject to meeting all Staff requirements as outlined in Staff memorandums and subject to approval of the Development Agreement.

Staff supports the recommendation of the Planning Commission.

RESOLUTION 13-30

ADOPTING AN AGREEMENT FOR THE DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND BRIGHTON HOMES UTAH, LLC. FOR PROPERTY LOCATED AT APPROXIMATELY 2100 EAST OAKRIDGE DRIVE.

WHEREAS, Owner, Brighton Homes Utah, LLC, (hereafter "Owner") desires to develop certain property located at approximately 2100 East Oakridge Drive (hereafter "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 appropriate density, land uses, landscaping and design to enhance the general area; and

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

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

1. The agreement entitled "Agreement for the Development of Land between Layton City and Brighton Homes Utah, LLC" is hereby adopted and approved.
2. The Mayor is authorized to execute the Agreement, which is attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2013.

J. STEPHEN CURTIS, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

Fof: _____
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

Fof: _____
WILLIAM T. WRIGHT, Director
Community & Economic Development

**AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND
BRIGHTON HOMES UTAH, LLC.**

THIS AGREEMENT for the development of land (hereinafter referred to as this “Agreement”) is made and entered into this _____ day of _____, 2013, between LAYTON CITY, a municipal corporation of the State of Utah (hereinafter referred to as “City”), and BRIGHTON HOMES UTAH, LLC (hereinafter referred to as “Owner”), with City and Owner collectively referred to as the “Parties” and separately as “Party”.

RECITALS

WHEREAS, in furtherance of the objectives of the Layton City General Plan, City has approved an application for a zone change from R-1-10 (Single Family Residential) to R-1-10 PRUD (Single Family Residential-Planned Residential Unit Development) and from R-M1 (Low/Medium Density Residential) to R-M1 PRUD (Low/Medium Density Residential-Planned Residential Unit Development), of certain property located at approximately 2100 East Oakridge Drive in Layton City (hereinafter the “Subject Area”); and

WHEREAS, the Subject Area consists of approximately 5.42 acres and is depicted on Exhibit “A” attached hereto (hereinafter “Exhibit A”); and

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

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

WHEREAS, City has granted R-1-10 PRUD and R-M1 PRUD zoning approval on the Subject Area, subject to Owner agreeing to certain limitations and undertakings described herein, which Agreement will provide protection to surrounding property values and will enable the City Council to consider the approval of such development at this time; and

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

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

**ARTICLE I
DEFINITIONS**

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

- 1.1. “Owner’s Property” shall mean that property owned by BRIGHTON HOMES UTAH, LLC.
- 1.2. “City” shall mean Layton City, a body corporate and politic of the State of Utah. The principal office of City is located at 437 North Wasatch Drive, Layton, Utah, 84041.
- 1.3. “Owner” shall mean BRIGHTON HOMES UTAH, LLC. The principal office for Owner is 320 West 500 South, Suite 210, Bountiful, Utah, 84010.
- 1.4. “Owner’s Undertakings” shall have the meaning set forth in Article IV.
- 1.5. “Subject Area” shall have the meaning set forth in the Recitals hereto.
- 1.6. “Exhibit A” shall have the meaning set forth in the Recitals hereto.
- 1.7. “Exhibit B” shall mean the concept plan for the proposed zoning.

ARTICLE II CONDITIONS PRECEDENT

- 2.1. This Agreement shall not take effect until City has approved this Agreement pursuant to a resolution of the Layton City Council.
- 2.2. Owner agrees to restrict the uses permitted under R-1-10 PRUD and R-M1 PRUD zoning designations, to those listed herein.

ARTICLE III CITY’S UNDERTAKINGS

- 3.1. Subject to the satisfaction of the conditions set forth in Article IV, City shall grant final PRUD plan and subdivision approval of the Subject Area. This approval shall occur upon a finding by the Planning Commission and City Council that it is consistent with the General Plan, and is in the best interest of the health, safety and welfare of the citizens of Layton City to grant such an approval at that time.
- 3.2. City shall evaluate Oakridge Drive for potential safety improvements. Said improvements shall be based on traffic analysis and data that will result in traffic calming techniques that include, but are not limited to, physical improvements, streetscape enhancements, and regulatory techniques. The goal of said improvements and/or techniques shall be to implement the most efficient and effective approach, or approaches, that are designed to reduce accidents, decrease traffic speeds and volumes, enhance pedestrian safety and increase the residential quality of the neighborhood.

ARTICLE IV OWNER'S UNDERTAKINGS

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

- 4.1. Development on the property shall be limited to the following uses, which shall be properly approved as required under Layton City's Ordinance; specifically, detached single-family residential homes and open space as required.
- 4.2. Owner agrees to construct a single family residential planned residential unit development (PRUD) substantially similar to the concept plan as depicted on Exhibit "B" with a maximum of 28 single family detached lots.
 - 4.2.1. The streets and utilities within the PRUD shall be private. The private streets shall meet the City's standard private street cross section of 28 feet of asphalt and 2.5 feet wide curb and gutter on each side.
 - 4.2.2. The private street extending south from 1200 North providing access to five (5) lots, as depicted on the concept plan on Exhibit "B", may be constructed as a private lane of not less than 20 feet of clear pavement width and having additional drivable surface of at least 6 feet.
- 4.3. Street dedication on Oakridge Drive will be required with the development of the Subject Area. All Oakridge Drive improvements including street widening, curb, gutter and sidewalk, and utility relocation shall be installed with development of the Subject Area.
- 4.4. Owner agrees to install a minimum of a 6-foot solid vinyl fence along the west, north, and east boundaries of the Subject Area.
- 4.5. The architectural features and building materials shall be similar to those used on the single-family residential structures constructed by Brighton Homes Utah in the Foothills at Cherry Lane Subdivision, which is located to the north and west of the Subject Area. The following materials shall be used for exterior construction: brick, rock, stucco, and hardy board. Vinyl siding will not be allowed. The maximum height for the homes shall be 30 feet.
- 4.6. The homes shall include an attached two car garage as a minimum. The minimum finished square footage of the homes shall be no less than 1,200 square feet with a majority of the homes being no less than 1,400 square feet. In the case of a home that is between 1,200 and 1,400 square feet, said home shall have a basement and may not be slab-on-grade construction. The calculation of square footage shall only be for finished living space and shall not include the garage or basement areas.

- 4.7. A landscape plan for the PRUD shall be submitted, reviewed and approved based on the guidelines of the Chapter 19.08 (PRUD Overlay Zone) of the Layton Municipal Code. Said landscape plan shall show the types and sizes of all plant materials and their locations, decorative materials, trails, recreation equipment, special effects, and sprinkler irrigation systems.
 - 4.7.1. The landscape plan shall include a detailed design of the open space area covered by the petroleum pipeline easements located along the eastern boundary of the Subject Area. All landscape materials, plantings and amenities shall be in compliance with guidelines of the respective easements in this area.
 - 4.7.2. Owner shall make every reasonable effort to preserve any large, mature trees on the Subject Area and integrate said trees into the final landscape design and plan.
- 4.8. Owner shall provide for and record enforceable covenants, conditions and restrictions (CCRs) providing architectural design consistency among all parcels with the Subject Area. Owner shall cause a Homeowners Association (HOA) to be constituted as part of CCRs with the duties of maintaining common area open space and any amenities delineated in an approved final PRUD plan. The HOA shall be required to be managed by a professional management company to ensure efficient, timely and complete administration of HOA duties and responsibilities. The CCRs shall establish the City with a controlling interest in the HOA for the matter of voting to dissolve the HOA.
 - 4.8.1. The homeowners within the development may elect to have the HOA maintain other portions of their private property, specifically the side and rear yards.
- 4.9. The total number of single-family detached lots for the 5.42 acre Subject Area shall not exceed 28 lots; unless an alley-fed development plan is approved by the Planning Commission and City Council in the PRUD approval process which plan shall not exceed 31 lots

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

- 5.1. Issuance of Permits - Owner. Owner, or its assignee, shall have the sole responsibility for obtaining all necessary building permits in connection with Owner's Undertakings and shall make application for such permits directly to the Layton City Community and Economic Development Department and other appropriate departments and agencies having authority to issue such permits in connection with the performance of Owner's Undertakings. City shall not unreasonably withhold or delay the issuance of its permits.

- 5.2. Completion Date. The Owner shall, in good faith, diligently pursue completion of the development.
- 5.3. Access to the Subject Area. For the purpose of assuring compliance with this Agreement, so long as they comply with all safety rules of Owner and its contractor, representatives of City shall have the right of access to the Subject Area without charges or fees during the period of performance of Owner's Undertakings. City shall indemnify, defend and hold Owner harmless from and against all liability, loss, damage, costs or expenses (including attorneys' fees and court costs) arising from or as a result of the death of a person or any accident, injury, loss or damage caused to any person, property or improvements on the Subject Area arising from the negligence or omissions of City, or its agents or employees, in connection with City's exercise of its rights granted herein.

ARTICLE VI REMEDIES

- 6.1. Remedies for Breach. In the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party or any permitted successor to such Party shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within thirty (30) days after receipt of such notice. In the event that such default or breach cannot reasonably be cured within said thirty (30) day period, the Party receiving such notice shall, within such thirty (30) day period, take reasonable steps to commence the cure or remedy of such default or breach, and shall continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to:
 - 6.1.1. Cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the Party in default or breach of its obligations; or
 - 6.1.2. Owner agrees not to contest the reversion of the zoning by the City Council to the previous zoning on the property, and hereby holds the City harmless for such reversion of the zoning from R-1-10 PRUD and R-M1 PRUD to R-1-10 and R-M1.
- 6.2. Enforced Delay Beyond Parties' Control. For the purpose of any other provisions of this Agreement, neither City nor Owner, as the case may be, nor any successor in interest, shall be considered in breach or default of its obligations with respect to its construction obligations pursuant to this Agreement, in the event the delay in the performance of such obligations is due to unforeseeable causes beyond its fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, acts of the other Party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes or unusually severe weather, or

delays of contractors or subcontractors due to such causes or defaults of contractors or subcontractors. Unforeseeable causes shall not include the financial inability of the Parties to perform under the terms of this Agreement.

- 6.3. Extensions. Either Party may extend, in writing, the time for the other Party's performance of any term, covenant or condition of this Agreement or permit the curing of any default or breach upon such terms and conditions as may be mutually agreeable to the Parties; provided, however, that any such extension or permissive curing of any particular default shall not eliminate any other obligations and shall not constitute a waiver with respect to any other term, covenant or condition of this Agreement nor any other default or breach of this Agreement.
- 6.4. Rights of Owner. In the event of a default by Owner's assignee, Owner may elect, in its discretion, to cure the default of such assignee; provided, Owner's cure period shall be extended by thirty (30) days.
- 6.5. Appeals. If the Owner desires to appeal a determination made hereunder by Staff, said appeal shall be to the Planning Commission, whose decision shall be final. If the appeal is regarding the interpretation of this Agreement the appeal shall be to the City Council with a recommendation from the Planning Commission and Staff.

ARTICLE VII GENERAL PROVISIONS

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

7.8.1. With regard to Owner’s Undertakings, performance by Owner of Owner’s Undertakings as set forth herein.

7.8.2. With regard to City’s Undertakings, performance by City of City’s Undertakings as set forth herein.

7.8.3. 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:

J. STEPHEN CURTIS, Mayor

ATTEST:

By: _____
THIEDA WELLMAN, City Recorder

Signed by:

NATHAN W. PUGSLEY
BRIGHTON HOMES UTAH, LLC.

Subscribed and sworn to me this _____ day of _____, 2013.

Notary

APPROVED AS TO FORM:

Gary Crane

For GARY CRANE, City Attorney

EXHIBIT "A"

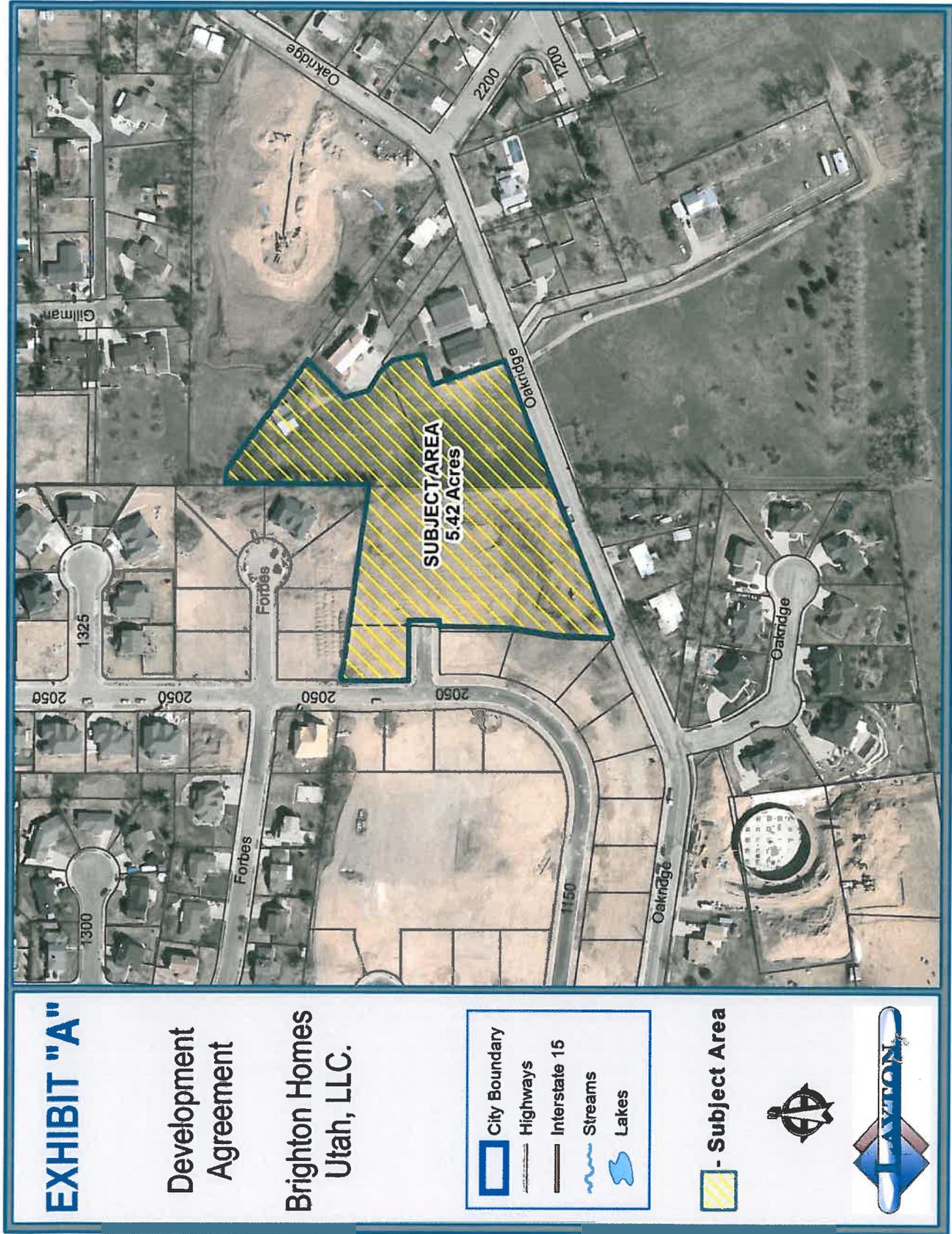
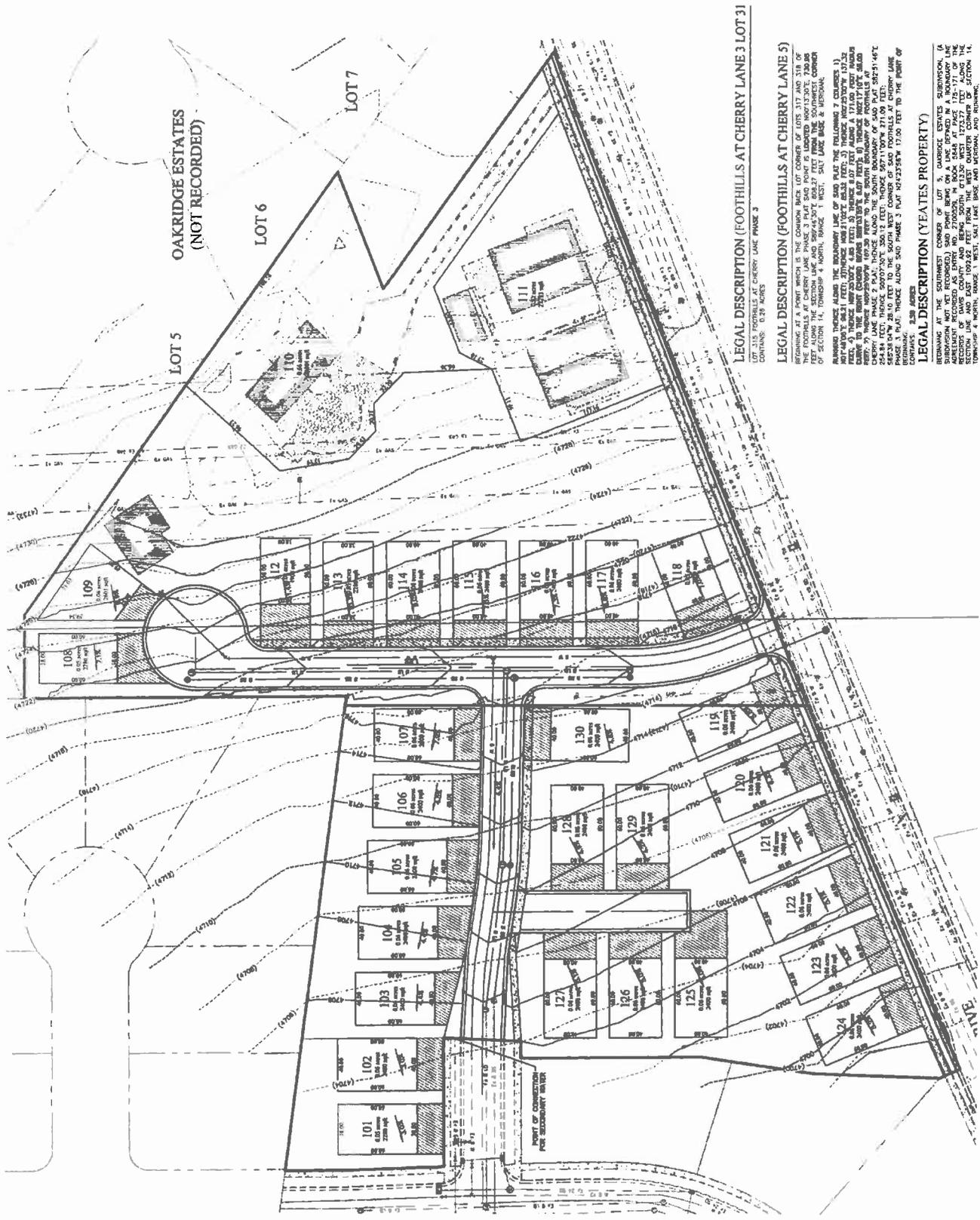


EXHIBIT "B"



ORDINANCE 13-16

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT APPROXIMATELY 2100 EAST OAKRIDGE DRIVE FROM R-1-10 (SINGLE FAMILY RESIDENTIAL) AND R-M1 (LOW/MEDIUM DENSITY RESIDENTIAL) TO R-1-10 PRUD (SINGLE FAMILY RESIDENTIAL PLANNED RESIDENTIAL UNIT DEVELOPMENT) AND R-M1 PRUD (LOW/MEDIUM DENSITY RESIDENTIAL PLANNED RESIDENTIAL UNIT DEVELOPMENT) AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Planning Commission has reviewed the petition and has recommended that the petition to rezone said property from R-1-10 AND R-M1 TO R-1-10 PRUD AND R-M1 PRUD be approved; and

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

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

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

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

SECTION II: Enactment. The zoning ordinance is hereby amended by changing the zone classification of the following property from R-1-10 (Single Family Residential) to R-1-10 PRUD (Single Family Residential Planned Residential Unit Development). The legal description is as follows:

BEGINNING AT A POINT WHICH IS N00°13'30"E 715.50 FEET ALONG THE SECTION LINE AND S89°46'30"E 815.37 FEET FROM THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N24°23'56"W 17.00 FEET; THENCE N01°48'06"E 96.21 FEET; THENCE N08°21'02"E 85.32 FEET; THENCE N00°25'00"W 137.32 FEET; THENCE S89°34'22"E 12.91 FEET; THENCE N02°17'10"E 58.00 FEET; THENCE NORTHWESTERLY 10.82 FEET ALONG THE ARC OF A 246.46 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS N89°03'55"W 10.82 FEET); THENCE S89°35'00"W 86.78 FEET; THENCE N02°16'42"W 65.38 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A 571.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS N01°20'51"W 18.55 FEET); THENCE N00°25'00"W 36.41 FEET; THENCE S82°51'45"E 355.73 FEET; THENCE S00°07'30"E 349.71 FEET; S66°57'31"W 299.35 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.84 ACRES

SECTION III: Enactment. The zoning ordinance is hereby amended by changing the zone classification of the following property from R-M1(Low/Medium Density Residential) to R-M1 PRUD (Low/Medium Density Residential Planned Residential Unit Development). The legal description is as follows:

BEGINNING AT A POINT WHICH IS N00°13'30"E 833.74 FEET ALONG THE SECTION LINE AND S89°46'30"E 1090.38 FEET FROM THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N00°07'30"W 349.71 FEET; THENCE S82°51'46"E 7.23 FEET; THENCE N00°25'00"W 245.47 FEET; THENCE EAST 63.55 FEET; THENCE S54°46'00"E 213.10 FEET; THENCE S42°21'04"W 96.23 FEET; S09°38'44"E 53.19 FEET; THENCE S46°32'52"E 29.43 FEET; THENCE N86°00'30"E 20.71 FEET; THENCE S46°32'52"E 32.70 FEET; THENCE S02°32'17"E 66.36 FEET; THENCE S68°32'30"W 59.11 FEET; THENCE S21°41'08"E 129.83 FEET; THENCE S68°27'44"W 263.61 FEET; THENCE S67°11'00"W 3.01 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.57 ACRES

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

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

SECTION VI: Effective date. This ordinance shall go into effect immediately after final passage as noted below or whichever of said days is more remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Layton, Utah, this ____ day of _____, 2013.

J. STEPHEN CURTIS, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:


GARY CRANE, City Attorney

Fok.

SUBMITTING DEPARTMENT:


For: WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II

A handwritten signature in black ink, appearing to read "Kem Weaver", written over a horizontal line.

Date: June 27, 2013

Re: Development Agreement and Rezone Request (Brighton Homes, LLC) – R-1-10 (Single Family Residential) and R-M1 (Low/Medium Density Residential) to R-1-10 PRUD (Single Family Residential with the Planned Residential Unit Development overlay) and R-M1 PRUD (Low/Medium Density Residential with the Planned Residential Unit Development overlay) – Resolution 13-30 and Ordinance 13-16

Location:	Approximately 2100 East Oakridge Drive
Current Zoning:	R-1-10 (Single Family Residential) and R-M1 (Low/Medium Density Residential)
Proposed Zoning:	R-1-10 PRUD (Single Family Residential with the Planned Residential Unit Development) and R-M1 PRUD (Low/Medium Density Residential with the Planned Residential Unit Development overlay)
Current Minimum Lot Size:	R-1-10 (Single Family Residential) – 10,000 square feet and R-M1 (Low/Medium Density Residential) – 8,000 square feet for the first two units and 2,500 square feet for each additional unit
Proposed Minimum Lot Size:	R-1-10 PRUD (Single Family Residential with the Planned Residential Unit Development overlay) and R-M1 PRUD (Low/Medium Density Residential with the Planned Residential Unit Development overlay) – Determined by approved PRUD plan

Description:

The property proposed for R-1-10 PRUD and R-M1 PRUD zoning is 5.42 acres located at approximately 2100 East Oakridge Drive. The surrounding properties are zoned single family residential with existing residential parcels zoned R-S (Residential Suburban) and recently developed single family subdivisions that are zoned R-1-10.

Background:

The applicant is requesting to rezone 2.59 acres from R-1-10 to R-1-10 PRUD and 2.83 acres from R-M1 to R-M1 PRUD. The applicant is the current owner of Phase 3 and Phase 5 of the Foothills at Cherry Lane, which is zoned R-1-10 and is under contract to purchase the Yeates property to the east, which is zoned R-M1.

The attached concept plan shows a proposal to redesign Phase 3 and Phase 5 of Foothills at Cherry Lane and incorporate the majority of the R-M1 property to create a patio home type development. The remaining R-M1 property would continue under the Yeates ownership with the existing single family home and two four-plexes. The concept plan proposes 28 building pads for single family detached units. The land surrounding the building pads would be common area. The development would meet the required base open space of 25% by having 37% open space. The large portion of the proposed open space will be located over the petroleum transmission lines that run through the eastern portion of the proposed development. The plan proposes one private drive that would accompany the frontage of 5 units; 17 units will front onto private streets, and 6 units will front onto Oakridge Drive.

The base density for the R-1-10 zone in a PRUD is 3.5 units per acre (u/a). With the 2.59 acres, the base density would allow for 9 total units. The R-M1 zone has a base density in the PRUD ordinance of 14 u/a. With 2.83 acres the base density would allow for 39 total units. By combining the zones the proposed development could yield 48 total units as a base density. The 28 proposed total units is significantly less than what could be allowed in the two zones combined under the PRUD ordinance.

The applicant's proposal for a small lot PRUD is an attempt to achieve a quality development that will blend in with the existing single family neighborhoods. The applicant has likely maximized the number of units at 28 due to constraints with the petroleum pipelines and easements, the shape of the property, required setbacks, and topography. Staff's opinion is that the proposed concept plan and use of the PRUD ordinance is a positive solution for development of the R-M1 zoned property. The original Yeates development proposal of multi-family residential structures and higher densities is removed by developing single family, detached, patio homes at a lower density and a third of the property being used as open space.

Given the unique circumstances associated with zoning and layout of the subject property, a Development Agreement is attached that addresses the maximum density, fencing, open space, architectural plans and materials, size of homes and the requirement for a homeowners association. The Agreement also addresses the City's efforts to examine and implement appropriate design and possible improvements on Oakridge Drive to enhance vehicular and pedestrian safety.

The Land Use Element of the General Plan provides a recommendation of 2 to 4 units per acre in this area of Layton City. The proposed concept plan has an overall density of 5.16 units per acre with the PRUD overlay. Although the density on the subject property is higher than what is recommended for the area, combining the proposed PRUD with the four phases of Foothills at Cherry Lane produces a density of 3.08 units per acre.

Staff Recommendation:

Staff recommends approval of the Development Agreement and rezone request from R-1-10 to R-1-10 PRUD and R-M1 to R-M1 PRUD subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering D.R. Planning [Signature] Fire [Signature]

Planning Commission Proceedings and Recommendation:

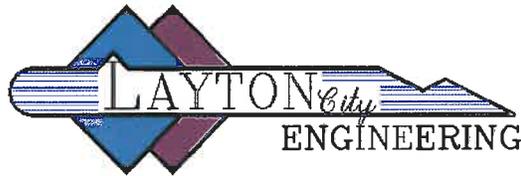
Much of the discussion among Commissioners focused concerns associated with the six lots that front onto Oakridge Drive. Although fronting homes onto a collector street such as Oakridge Drive is consistent with City guidelines, several Commissioners were of the opinion that the applicant should explore design options that reduce or eliminate direct access on Oakridge Drive. The applicant and Staff committed to explore options as the project moved through the development review and approval process.

A good portion of the public comments and input were similar to the Planning Commission discussion items regarding the six lots fronting on Oakridge Drive and traffic safety issues on Oakridge Drive. However, several public comments also expressed appreciation to both property owners for working together to present an improved development proposal compared to apartments on the R-M1 portion of the site (see attached "Draft" minutes from the June 11, 2013 Work and Regular Planning Commission Meetings).

Since the Planning Commission meeting, the applicant has examined an alley-fed or rear-loaded concept for the six lots along Oakridge Drive as well as an alternative to design the entire project

in a rear-loaded fashion. Upon completion of their design analysis, the applicant has concluded that all rear-loaded design alternatives considered resulted in a decrease in the overall number of lots as well as a reduction in required open space. In the event that an alternative design can be accommodated, the Development Agreement notes that the applicant still has the option to pursue an alley-fed development, in which case the total lot count is not to exceed 31 (see Section 4.9 of the Agreement).

On June 11, 2013, the Planning Commission, by a 4:2 vote, recommended the Council approve the rezone request from R-1-10 to R-1-10 PRUD and R-M1 to R-M1 PRUD subject to the approval of the Development Agreement.



MEMORANDUM

TO: Patrick Scott, patrick@beightonhomes-utah.com
Greg Day, gday@foculutah.com
Jared Yeates, jared@compassgroupre.com

CC: COMMUNITY DEVELOPMENT DEPARTMENT/FIRE DEPARTMENT

FROM: Debi Richards, Assistant City Engineer

DATE: June 3, 2013

**SUBJECT: BRIGHTON HOMES REZONE
2100 EAST OAKRIDGE DRIVE**

I have reviewed the Petition to Amend the Zoning Ordinance and conceptual plan for a 5.52± acre parcel at approximately 2100 East Oakridge Drive. The applicant is requesting a P.R.U.D. overlay over the existing R-M1 and R-1-10 zoning to develop a private residential subdivision. We understand lots 110 and 111 shown on the conceptual plan are not part of the petition to rezone. The engineering department recommends approval of the rezone and conceptual plan subject to the following comments and corrections.

1. The dedication plat for Phase 3 of Foothills at Cherry Lane must be amended to remove lot 315.
2. The sidewalk along the frontage of lots 101 and 102 should be removed.
3. The existing fire hydrant along the frontage of lot 101 may need to be relocated to accommodate the driveway for this lot.
4. The plan must note what the hatched area of each lot is.
5. Abutting sidewalk should be extended around the bubble of the cul-de-sac to the west subdivision boundary.
6. Street dedication on Oakridge Drive will be required with the development of this parcel. All Oakridge Drive improvements including street widening, curb, gutter and sidewalk must be installed with the development.
7. SL-04 lights will be required in the public right of way on Oakridge Drive.
8. The typical street cross section must be corrected to meet the standard private street cross section of 28 feet of asphalt and 2.5 ft. wide curb and gutter on each side.
9. Based on the proposed street layout this subdivision will be private with private streets and utilities which will be owned and maintained by a Home Owner's Association.

10. A handicap ramp should be shown at the east end of lot 130 and between lots 116 and 115.
11. This parcel is in the Kays Creek Irrigation Company secondary water service area. Secondary water lines must be shown on the future plans.
12. The water system for a private residential subdivision must be master metered at each connection to the public water system and include a backflow assembly in a separate vault at each connection.
13. An inlet box should be added at the BCR east of lot 107.
14. An inlet box should be added on the upstream side of the entrance on Oakridge Drive.
15. Layton City passed a water exaction ordinance on November 4, 2004 requiring all developments to purchase and bring a quantity of water (3 acre-feet per “developed” acre) based on a modified total square footage of lots plus any additional open space. The exact amount of water to be dedicated to Layton City will be determined at the final review stage of the potential development. The water exaction requirement can be reduced by $\frac{2}{3}$ with the use of secondary water.
16. An approval letter from the two petroleum companies with easements on this property must be submitted for preliminary approval.
17. A geotechnical report must be submitted.
18. Based on the city water model the available fire flow in Oakridge Drive at this location is 2,400 GPM at 57 psi.
19. A preliminary title report must be submitted.

CITY COUNCIL

June 27, 2013

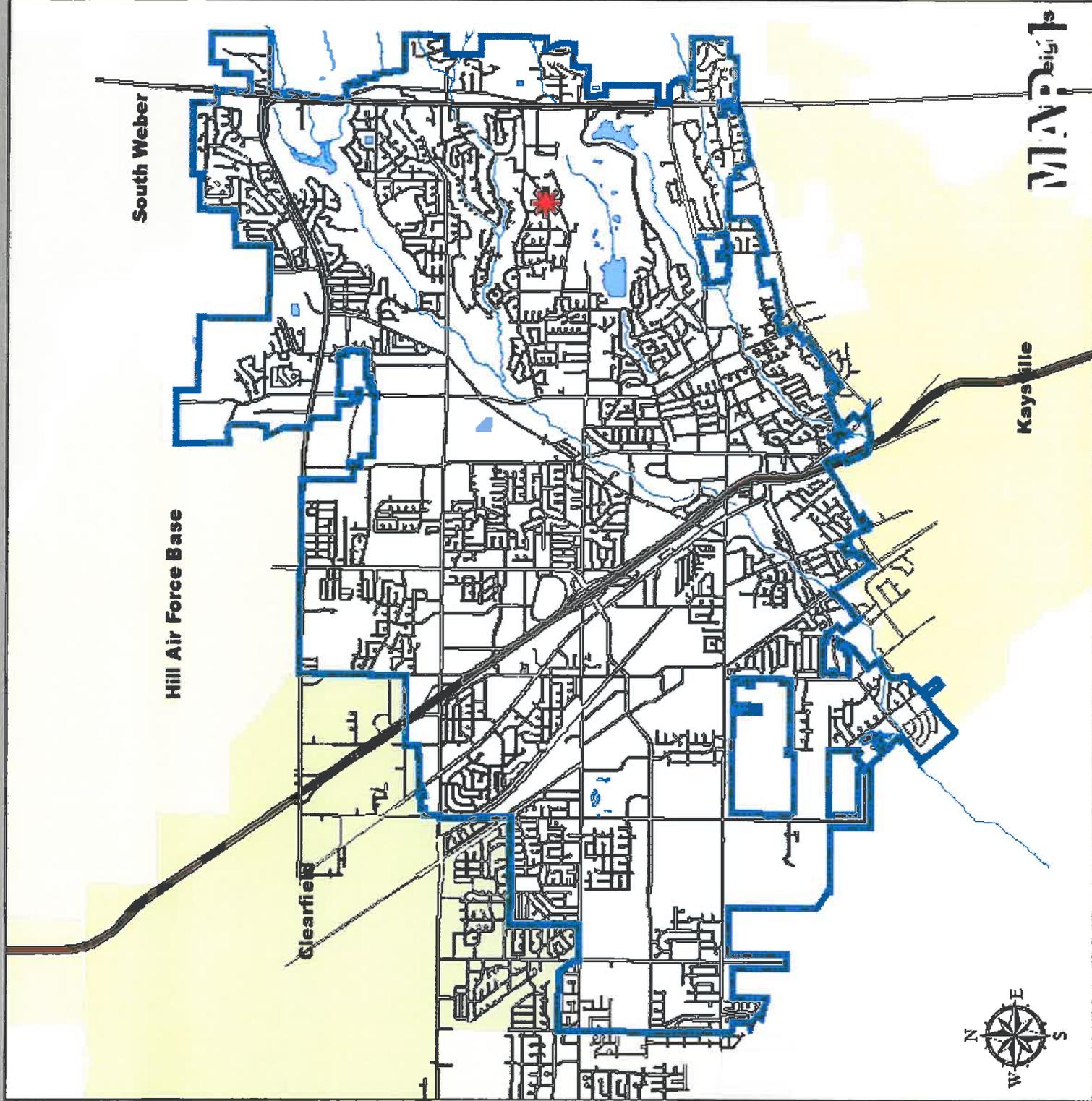
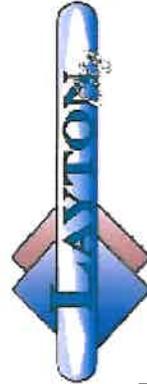
Brighton Homes -
Yeates Rezone

Legend

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

 - Project Site

1 inch = 5,000 feet



CITY COUNCIL

June 27, 2013

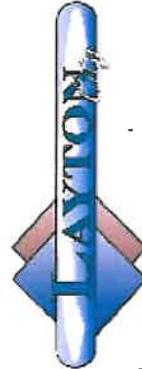
Brighton Homes - Yeates Rezone

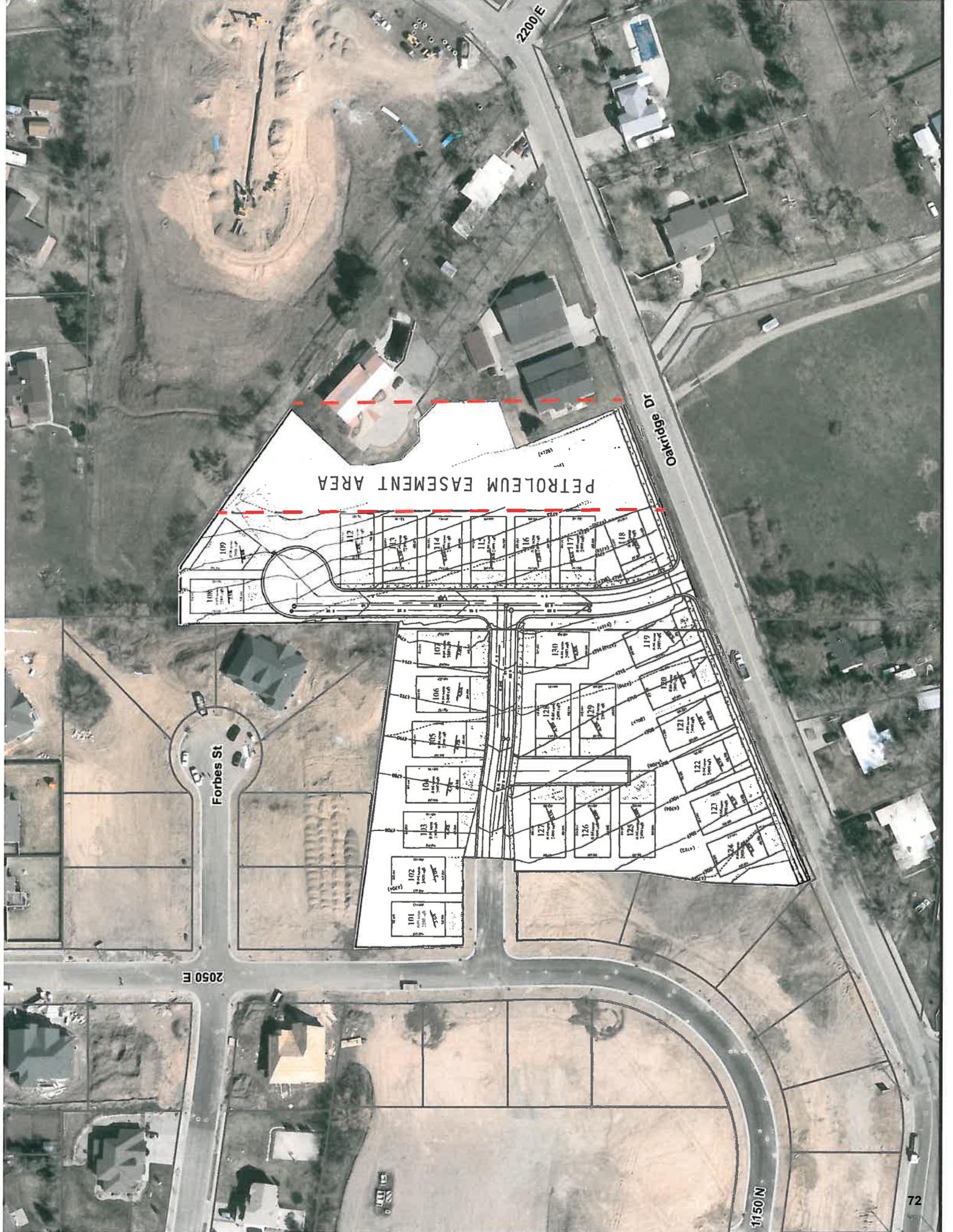
Legend

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

 - Project Area

 1 inch = 330 feet





PETROLEUM EASEMENT AREA

2200 E

Oakridge Dr

Forbes St

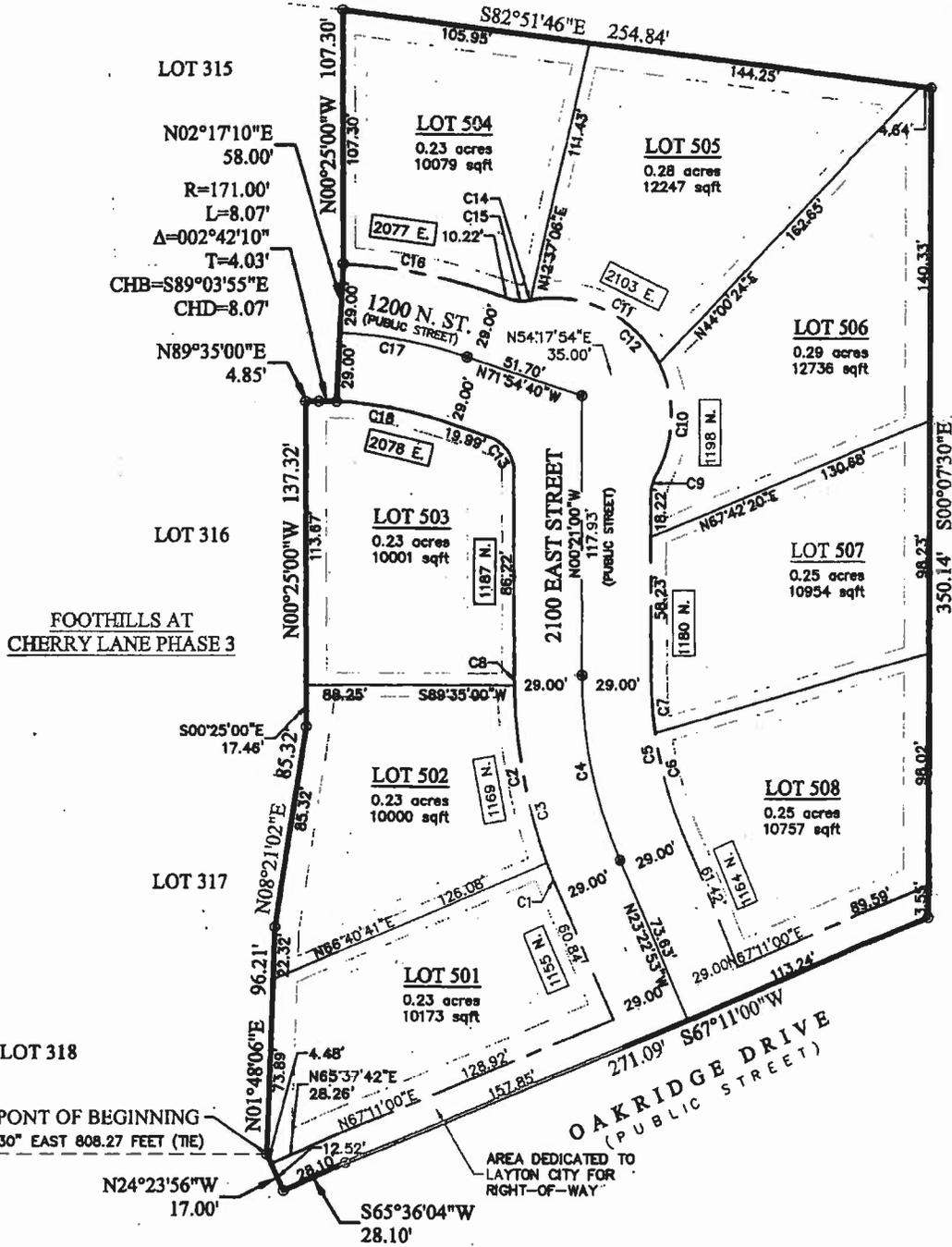
2050 E

1150 N

FOOTHILLS AT CHERRY LANE PHASE 5

PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
LAYTON CITY, DAVIS COUNTY, UTAH

FOOTHILLS AT CHERRY LANE PHASE 2



R.H. 3)

BASIS OF BEARING
SOUTH 00°13'30" WEST 2697.00' (RECORD)
SOUTH 00°13'30" WEST 2697.42' (MEASURED)
NORTH 00°13'30" EAST 730.95 FEET (TIE)

WYLIE & SAMMY
ASBURY
090870172

JULIE WRIGHT
090870173

DOCUMENT RECEIVED FROM OUTSIDE SOURCE



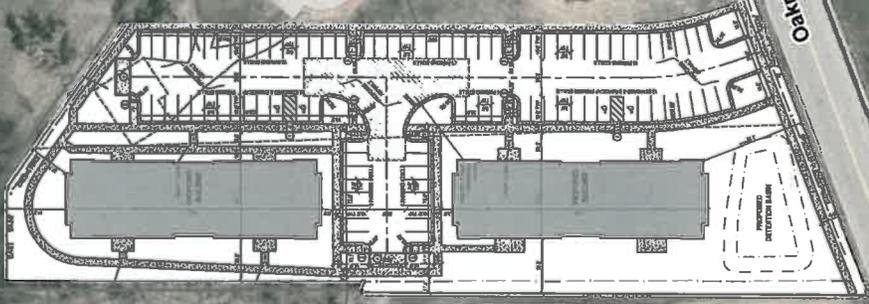
2200 E

Oakridge Dr

Forbes St

2050 E

1150 N



LOT 504
1/4 ac
0.23 acre
10074 sq ft
1277 sq ft
CIR

LOT 505
1/4 ac
0.23 acre
10284 sq ft
1224 sq ft
CIR

LOT 506
1/4 ac
0.23 acre
10274 sq ft
1224 sq ft
CIR

LOT 507
1/4 ac
0.23 acre
10454 sq ft
1224 sq ft
CIR

LOT 508
1/4 ac
0.23 acre
10714 sq ft
1224 sq ft
CIR

LOT 503
1/4 ac
0.23 acre
10004 sq ft
1187 sq ft
CIR

LOT 502
1/4 ac
0.23 acre
10004 sq ft
1187 sq ft
CIR

LOT 501
1/4 ac
0.23 acre
10714 sq ft
1175 sq ft
CIR

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
JUNE 11, 2013**

MEMBERS PRESENT: Brian Bodily, Sharon Esplin, Dawn Fitzpatrick, Chad Harward, Gerald Gilbert, Tim Pales, Dave Weaver

MEMBERS ABSENT: Wynn Hansen

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Julie Jewell, and Councilmembers Jory Francis and Barry Flitton

The Commission asked Staff to look into a situation with trucks staying overnight in the parking lot by the former Hollywood Video store on the southeast corner of Fairfield Road and Gordon Avenue. Staff will report the issue to the Police Department.

City Planner, Peter Matson, presented the Commission with training materials. He said that Assistant City Attorney, Clint Drake, would make presentations to the Commission from the handbooks from time to time.

PUBLIC HEARING:

1. BRIGHTON HOMES REZONE AND DRAFT DEVELOPMENT AGREEMENT– R-1-10 (Single Family Residential) **AND R-M1** (Low/Medium Density Residential) **TO R-1-10 PRUD** (Single Family Residential Planning Residential Unit Development) **AND R-M1 PRUD** (Low/Medium Density Residential Planned Residential Unit Development).

This 5.42 acre property is located at approximately 2100 East Oakridge Drive. The property owners are Brighton Homes Utah LLC represented by Patrick Scott and Chateaux at Oakridge LLC represented by Jared Yeates.

Mr. Matson presented the request for rezone with a draft development agreement. He said Patrick Scott from Brighton Homes was present at the work meeting to answer any questions. He said the property zoned R-M1, had been purchased by Jared and Matt Yeates. The Yeates originally considered had proposed two 24 unit buildings on the western side of the R-M1 property to try to maximize the number of units but avoid the petroleum pipeline easements on the property.

Commissioner Gilbert mentioned the public concerns with the plat for the Chateaux at Oakridge for the apartments.

Mr. Matson pointed out the rezone area, which includes the Yeates' property, Phase 5 of the overall Foothills at Cherry Lane Subdivision, and one lot in Phase 3 of the Foothills at Cherry Lane. He said the two four-plex buildings and the home on the eastern portion of the R-M1 property were not part of the rezone description.

Mr. Matson said the current proposal is an effort by Brighton Homes and Jared and Matt Yeates to resolve a controversial issue with the neighborhood. He said the R-M1 zoning has been on the property for many years. He said Brighton Homes has a contract to purchase 2.83 acres from Jared and Matt Yeates. The Brighton Homes portion of the property is 2.59 acres.

Mr. Matson said the conceptual plan contains 28 single family lots or building pads and shows 17 patio home building lots that will front onto private streets, five lots on a private drive, and six lots on Oakridge Drive.

Community & Economic Development Director, Bill Wright, said the proposed apartments were for about 45 or 46 units. He said the current proposal is a significant reduction in units at 28 units, and the format of a single family lot versus a walk up apartment is a benefit to the property.

Mr. Matson said that the base density with no density bonus could be 48 units over the combined areas. He said the proposal will keep a detached product that will blend in with the neighborhood and be similar to the larger single family homes in the other phases and will cater to smaller families and empty nesters. Mr. Matson said the lots all have the potential to have basements.

Mr. Matson said the base density for the R-1-10 zone in a PRUD is 3.5 units per acre (u/a). With the 2.59 acres, the base density would allow for 9 total units. He said the R-M1 zone has a base density in the PRUD ordinance of 14 u/a and with 2.83 acres the base density would allow for 39 total units. By combining the zones the proposed development could yield 48 total units as a base density. He said the 28 proposed total units is significantly less than what could be allowed in the two zones combined under the PRUD ordinance.

Mr. Matson said most people are appreciative of the efforts of the property owners. He read a statement from an area resident who called the office public expressing concerns that the infrastructure couldn't handle the traffic. He gave the statement to Chairman Esplin to read into the record during the regular meeting.

Commissioners Gilbert and Fitzpatrick expressed concerns with the lots fronting on Oakridge Drive and backing onto Oakridge Drive. Commissioner Gilbert mentioned the traffic and asked if there was any consideration to putting a private street in front of the homes fronting on Oakridge Drive. Commissioner Fitzpatrick suggested hammerhead turnarounds or circular drives. She expressed concerns that if the homes are marketed as patio homes, owners will be older with slower reflexes. Mr. Wright said the homes are a different design than the Ovation Homes and are not being marketed just to seniors.

Mr. Matson said he was not aware of any alternatives for the homes fronting on Oakridge. He said that with the proposal, there would be a connection to Cherry Lane which would not have been provided with the apartment proposal. He said there would be dedication of roadway to widen Oakridge Drive.

Patrick Scott, from Brighton Homes, said they had several two-story plans. All the homes will have three bedrooms and there may be a rambler design with four bedrooms.

Commissioner Weaver expressed concern that several vehicles could be parked per home and asked if parking was allowed on Oakridge Drive. Mr. Matson said parking on Oakridge Drive was allowed except during the restricted winter hours.

Commissioner Bodily asked if there was an alternative. Mr. Scott said that several layouts were explored and the proposed layout is the best design to maximize the property and make a single family development work.

Mr. Wright mentioned that many homes front on Oakridge Drive including one lot of the new Ivory Homes development to the east of the proposed development. Mr. Wright said that in a perfect world, the homes wouldn't front onto Oakridge Drive. However, Oakridge Drive is not an arterial street, so it is not a requirement that no homes front onto Oakridge Drive.

Commissioner Gilbert said he preferred one entrance to facilitate all the homes and said he felt fronting onto Oakridge Drive would be a problem for the safety and welfare of the citizens.

Commissioner Fitzpatrick objected to having the landscape buffer stop on Oakridge Drive. Mr. Matson said the developer chose to put in the landscape buffer on Oakridge Drive but it was not a requirement.

Mr. Wright said it was not a requirement to rear load the homes on Oakridge Drive or to install the fencing and landscape buffer. Brighton Homes chose to do so because of a market issue. What they are trying to resolve with this proposal is a long standing zoning conflict to which the community would like to have a solution. He said the Commission must be careful in saying that an unsafe condition is being created with people backing onto roads because the City has miles and miles of collector streets with homes fronting on the collector streets.

Commissioner Gilbert said he voted for the Ivory development because the homes wouldn't front on to Oakridge Drive. He asked about the fencing between the new area and the properties to the north. Mr. Scott responded that the draft development agreement requires a six foot privacy fence along the property lines.

Mr. Scott said it was not the ideal layout for Brighton Homes to have the homes front on to Oakridge Drive. However, given the shape and easements and the purchase price of the property, which was more than they would normally pay for a similar property, and in order to make the project work and create a single family home community versus the apartments, he said it was important for Brighton to maximize the home yield. He said there was large buffer on the east side where cars won't back out and on the west where it curves, cars will not be backing out. He said there were relatively few locations where the people would be backing out. He said they tried other options, but the lots didn't fit as well. He said another issue is the proximity to the other access of the development on Oakridge Drive.

Commissioners Gilbert asked how many lots would be lost by putting a small private drive in front of the homes on Oakridge Drive. Mr. Scott said they would lose two to three homes. He said the landowners of that part of the proposal feel beaten up badly and are trying to salvage a bad situation. He said Brighton Homes had fought hard to get the price they got. He said the 28 lots are necessary to make the project feasible.

There was a discussion about driveway sharing so that cars could turn and pull out facing forward.

Commissioner Fitzpatrick reiterated that the health and welfare of the individuals who face onto Oakridge Drive must be protected because it is a busy street. She expressed concerns about children playing on Oakridge Drive or the reduced reflex time of older people backing onto Oakridge Drive.

The Commissioners expressed concerns about bumpers hanging over the sidewalk from the driveways. Mr. Scott said there would be a 20-foot setback from the back of the walk to the garage door or 15 feet to a porch. He said they had one plan with a third car tandem garage. He said they are developing two other products for this development. He said with 20 feet, bumpers shouldn't hang over the sidewalk.

Mr. Wright said that undeveloped land on both sides of Oakridge Drive gives people the feeling they can drive faster. He said the development may help to slow traffic.

Mr. Matson reviewed the draft development agreement and said the outside of the homes would have masonry materials with no vinyl siding allowed. Two car garages would be required.

Mr. Scott asked if there could be flexibility on the 1400 square foot requirement for the homes and allow 1200 square feet with the possibility that the basement could be finished. He said they are going through the design process and realistically, there won't be homes as small as 1200 square feet. He said they hadn't had time to do all the market research they needed to do to determine the final square footage of the homes.

Commissioner Fitzpatrick asked if there could be a requirement that any home under 1400 square would be required to have a basement. Mr. Scott said he preferred that the draft development agreement not require a basement in every home in case a buyer does not want a basement.

Commissioner Harward asked about speed signs, and there was a discussion on traffic calming methods. Commissioner Fitzpatrick mentioned the striping on Kayscreek Drive, and Mr. Wright said striping the road is

one of the least expensive traffic calming methods. He said if the travel lane is narrowed, the speed will drop, and striping would make the road look narrower, and as the trees mature, they will have a traffic calming effect.

Commissioner Fitzpatrick suggested that data from Kayscreek Drive be reviewed to see if the striping was effective.

Mr. Matson will add in section 4.3 of the draft development agreement relative to Oakridge Drive improvements and that traffic calming methods would be explored.

Commissioner Harward asked if the decision could be delayed to solidify traffic calming methods.

Mr. Wright explained that there is a time frame issue in vesting into the new zoning before closing on the property. As an effort on behalf of the City, to find a resolution, the City Council, Mayor and City Manager will review the rezone request on the June 27 Strategic Planning Meeting night, since the July 4 City Council meeting was cancelled. Brighton Homes will not proceed to buy this land if the zoning is not approved.

Commissioner Harward asked how the Planning Commission's discussion and concerns could be integrated particularly the traffic slowing techniques. Mr. Wright advised him to make them a part of the recommendation to the City Council.

Mr. Matson said a statement could be added that the Planning Commission would have the opportunity to review traffic calming methods during the preliminary and final subdivision review. He said the draft development agreement commits to 28 lots.

Commissioner Pales reminded the Commission that if the rezone request is not approved, then someone could build the apartments as previously proposed. He said that would be the alternative if the Commission does nothing.

Commissioner Weaver asked why they would be allowed to build three story apartments.

Mr. Matson said there would be a 35-foot height limit and the topography would allow the three story apartment buildings on the west end where they would be visible to the neighborhood.

Mr. Wright said the apartment buildings had to be pushed in the direction of the single family homes because of the pipe line easements. One of the compatibility issues was the mass and height of the buildings compared to the single family homes.

Commissioner Weaver said the future residents of Layton should be given the best opportunity and asked again why the apartment buildings would be three stories.

Mr. Wright said the three-story apartment buildings are allowed in the R-M1 zone and the owners are vested. Mr. Matson said it is a height that would be allowed in the R-M1 zone.

Commissioner Pales said that in the R-1-10 piece, the way it is currently configured, some homes would still have to front on Oakridge Drive.

Mr. Wright said that at one time an opportunity existed for townhomes, but it was still a compatibility issue. The blending of the R-M1 PRUD and R-1-10 PRUD was explored as a more compatible solution. While it would be a different market niche than what Brighton has experienced, it will provide a broader range of single family detached options.

PUBLIC REVIEW:

2. EVERGREEN FARMS PHASE I – FINAL APPROVAL

This 19.01 acre property is located at the northeast corner of Layton Parkway and 2200 West in an R-S (Residential Suburban) zoning district. The applicant and owner, The Adams Company, represented by Dave and Stuart Adams, is proposing 48 single family residential lots.

This item was not discussed due to lack of time.

3. FERNWOOD PLACE – FINAL APPROVAL

This 1.91 acre property is located at approximately 3200 East Fernwood Drive in an R-S (Residential Suburban) zoning district. The applicant and owner, Colin Brown, is proposing five (5) single family residential lots.

Mr. Matson explained that although the preliminary approval for this subdivision occurred in 2009, the preliminary approval didn't expire because the developer submitted and resubmitted for final approval.

4. OLD FARM AT PARKWAY PHASE 2 – FINAL APPROVAL

This 6.88 acre property is located at approximately 815 West Layton Parkway in an R-1-8 (Single Family Residential) zoning district. The owner, Owen Fisher, represented by Phil Holland of Henry Walker Homes, is proposing 22 single family lots.

This item was not discussed due to lack of time.

Julie Jewell, Planning Commission Secretary

**LAYTON CITY PLANNING COMMISSION MEETING MINUTES
JUNE 11, 2013**

MEMBERS PRESENT: Brian Bodily, Sharon Esplin, Dawn Fitzpatrick, Chad Harward, Gerald Gilbert, Tim Pales, Dave Weaver

MEMBERS ABSENT: Wynn Hansen

OTHERS PRESENT: Staff Members: Bill Wright, Peter Matson, Clint Drake, Julie Jewell, and Councilmembers Jory Francis and Barry Flitton

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:09 p.m.

The Pledge of Allegiance was recited, and an invocation was given by Commissioner Weaver.

APPROVAL OF THE MINUTES: Chairman Esplin called for a motion to approve the May14, 2013 Planning Commission and Work Meeting Minutes. There were no additions or corrections to the minutes. Commissioner Weaver moved to accept the minutes as written. Commissioner Gilbert seconded the motion, and the voting was unanimous.

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

PUBLIC HEARING:

1. BRIGHTON HOMES REZONE AND DRAFT DEVELOPMENT AGREEMENT– R-1-10 (Single Family Residential) **AND R-M1** (Low/Medium Density Residential) **TO R-1-10 PRUD** (Single Family Residential Planning Residential Unit Development) **AND R-M1 PRUD** (Low/Medium Density Residential Planned Residential Unit Development).

This 5.42 acre property is located at approximately 2100 East Oakridge Drive. The property owners are Brighton Homes Utah LLC represented by Patrick Scott and Chateaux at Oakridge LLC represented by Jared Yeates.

City Planner, Peter Matson, said Planner II, Kem Weaver was on vacation, but that he had prepared the agenda items.

Mr. Matson presented the request to approve a draft development agreement with the rezone of 5.42 acres on the north side of Oakridge Drive at approximately 2100 East. He said the property would be accessed through a stub street access through the Foothills at Cherry Lane being developed by Brighton Homes, which also has access off Oakridge Drive.

Mr. Matson said the rezone area covers a lot in Phase 3 of Foothills at Cherry Lane and all of the future Phase 5 of the Foothills at Cherry Lane Subdivision (2.59 acres) and 2.83 acres of property located to the east presently owned by Jared and Matt Yeates. An adjacent property owned by the Yeates contains two four-plex buildings and a home on a flag lot. The vacant 2.83 property will be combined with the 2.59 acres for rezoning. The portion owned by the Yeates is zoned R-M1 (low/medium density), and the Brighton Homes property is zoned R-1-10. The underlying R-M1 and R-1-10 zoning will be left in place with a PRUD overlay added for a total rezoning of 5.42 acres.

Mr. Matson said the conceptual plan contains 28 single family lots or building pads and shows 17 patio home building lots that will front onto private streets, five lots on a private drive, and six lots on Oakridge Drive.

Common area constitutes approximately 37 percent of the area and will be maintained as landscaped open space, which is the open space for the PRUD in the R-1-10 and R-M1 base zones.

Mr. Matson said with this PRUD covering two zoning districts, there are two different based densities. The R-1-10 zone has a density of 3.5 units per acre. With the PRUD overlay, there could be up to a 40 percent density bonus. He said the base density in the R-M1 zone is 14 per units per acre with a 40 percent density bonus possible. To avoid the possibility of the three-story apartments and blend the two housing types into a smaller lot single family project, there will be 28 lots providing an overall density of 5.16 units per acre. Mr. Matson said that the east side of Layton has a General Plan recommendation for low density 2-4 units per acre typically produced by the R-1-8, R-1-10, and R-S zones. Although the density falls outside the 2-4 units per acre, it is much more in harmony with the General Plan than a multi-family development. The overall Foothills at Cherry Lane Subdivision combined with R-1-10 PRUD and R-M1 PRUD zoning would yield 3.08 units per acre, which is within the guidelines of the City's General Plan.

Mr. Matson reviewed points of the draft development agreement from Article 4, Owner's Undertakings, to be approved with the rezone. He said all lots and units must be single family detached and no more than 28 lots will be allowed. The streets will be private streets that must meet City standards for private streets. Mr. Matson explained the standards for private streets and lanes. He said street dedication, widening and other improvements will be required along Oakridge Drive.

Mr. Matson said that based on a discussion during work meeting about the concern for traffic speeds on Oakridge Drive, a section will be added that traffic calming techniques for the section of Oakridge Drive adjacent to this project be explored during the PRUD conceptual and preliminary review processes.

Mr. Matson said a six-foot vinyl fence would be required along the periphery of the west, north and east boundaries. He said architectural materials would be similar to the Foothills at Cherry Lane project with no vinyl siding and a maximum height of 30 feet. Each home would have a two-car garage. The square footage of 1400 square feet does not include the garage or basement, however, the applicant is still in the design stage and may have a need for a 1200 square foot floor plan in some cases, although it is not anticipated. The Commission recommended that 1200 square foot homes be required to have a basement.

Mr. Matson said City ordinance requires a general landscape plan with a detailed plan submitted prior to final approval. The plan for this property would require a design of the open space over the petroleum pipeline easement area. He said the draft development agreement states that every reasonable effort must be made to keep the trees located on the northeast portion of the property.

Mr. Matson said the Home Owner's Association (HOA) must be managed by a professional management entity or Brighton Homes Utah. The City would be a member of the HOA so that they would have a vote if ever the HOA wanted to disband.

Mr. Matson reviewed the previously proposed building configuration for two 24-plex buildings and compared the layout to the current proposal for 28 single family homes.

Mr. Matson said Staff is recommending that the Planning Commission forward a positive recommendation to the City Council to approve the rezone from R-1-10 and R-M1 to R-1-10 PRUD and R-M1 PRUD with the associated draft development agreement and additions discussed in the Work Meeting.

Commissioner Weaver asked if the property would have secondary water. Mr. Matson said the property would have Kayscreek Irrigation, and lines would be shown on subsequent drawings.

Commissioner Fitzpatrick asked if the structure next to lot 109 would be removed. Mr. Matson said it would be removed.

Commissioner Harward asked for specifics on traffic slowing methods. Commissioner Weaver asked about the speed limit on Oakridge Drive, which Mr. Matson said was 30 miles per hour. He said one of the lots of Oakridge Estates will front on Oakridge Drive, and he said many homes front on Oakridge Drive, and the landscaping improvements for these homes provides traffic calming. Mr. Matson explained traffic calming methods such as the replacement of open space with homes and mature street trees as well as striping such as done on Kayscreek Drive, which slows people down and helps them to understand they have a constrained location. Staff will check on Police Department data from Kayscreek Drive before and after striping to determine if it is effective. He said the Design Review Committee would be involved with the traffic calming measures as well as they make a recommendation to the Planning Commission.

Commissioner Gilbert asked Mr. Matson to identify the zoning in the area, which he said was primarily R-1-10. Commissioner Gilbert asked if the pipeline continues south across Oakridge Drive into an open parcel. Mr. Matson said that it did continue in that direction through the Barlow family property. Commissioner Gilbert asked if that would leave the property open to be rezoned to R-M1. Mr. Matson said that patio homes have been contemplated by the property owner but the constraints are quite high. Layton City Engineering wants a public road through that section to connect with Gordon Avenue when it is extended. He said getting a reasonable design on the property is challenging. This property is not, nor is it anticipated to be, zoned R-M1.

An audience member, Brad Eggington, 2245 East Cherry Lane, said he was opposed to building homes in the area because he felt the infrastructure wasn't adequate to handle additional traffic.

Chairman Esplin asked Mr. Eggington if he realized the property was already zoned R-M1, which would generate even more traffic than what was proposed. Commissioner Gilbert said the property had been zoned R-M1 as far back as when the property was in East Layton City. He said the proposal is an alternative to the apartments that were proposed.

Mr. Eggington asked if the R-M1 could be retracted. Chairman Esplin said that changing the zoning from R-M1 is the process currently before the Commission to find a zoning that is mutually agreeable to the property owners and to the buyers. He said Brighton Homes is willing to buy the property and combine it with their adjacent properties that are already platted to protect the value of those properties.

Commissioner Gilbert reiterated that the R-M1 zoning is already approved and 45 apartments could be built on the property with three story buildings up to 35 feet in height. He said the proposal is an alternative to this scenario, which is why the rezone is before the Planning Commission for review and recommendation to the City Council.

Councilmember Barry Flitton, 2660 East 1700 North, Layton, Utah, said there had been a meeting at the East Layton Elementary School approximately a month previous during which 60-70 residents approached the owners of the R-M1 zoned property, Jared and Matthew Yeates and asked them to "do what is right" and not put the apartments at that location. He expressed accolades to the Yeates and Brighton Homes for coming together and addressing the neighborhood concerns about the apartments, since the proposal is not financially beneficial to either party. He felt they had gone the extra mile for the community and the neighbors.

Assistant City Attorney Clint Drake clarified that the meeting at the elementary school was not a City sponsored meeting and was a meeting of the developers and property owners.

Patrick Scott from Brighton Homes said his company was excited about the project and said they feel like they can build a nice product in the neighborhood. He said that it will be a well maintained neighborhood that East

Layton residents will be proud of. He said the architectural designs haven't been finished but per the draft development agreement some of the homes could be 1200 square feet but most likely will be 1400 to 2400 square feet of finished space plus the basement.

Chairman Esplin said the draft development agreement had been modified to allow for 1200 square foot homes to provide the developer some flexibility, but 1200 square foot homes will be required to have basements.

Mr. Eggington asked the size of the homes in the current Foothills at Cherry Lane Subdivision, and Mr. Scott said the homes were 1800 square feet and up to 5400 square feet if the basement is finished.

Mr. Eggington asked if there could be larger homes instead of smaller homes, which he felt would have a negative economic impact.

Commissioner Pales reminded Mr. Eggington that if nothing was done to change the zoning, the 45 apartment units could be built on the property. The proposal is an alternative to the apartments.

Mr. Eggington asked again for larger homes. Mr. Scott said a variety of layouts had been explored to maximize what could be built on the property. He said there were 55 units proposed on the same space and the current proposal is for 28 units, which is a dramatic reduction in density. He said in order to accommodate the reduction in density, he felt the proposal was a good balance to what will sell and add value to the neighborhood. He said they could not have less density and make the project work.

Councilmember Jory Francis, 230 North 2975 West, said he supported the proposal. He said he has heard it said not to let the perfect be the enemy of the good. He felt the alternative to the current proposal would be an unmitigated disaster. He said he would take the small pitfalls to the Council and work with Staff in the meantime to make sure the pitfalls are addressed to make the project work. He said he knew the property was under contract and if the Planning Commission would move forward with the rezone, he would help to mitigate the issues.

Eric Fox, 1760 East 1150 North, said that while he would like to see R-1-10 zoning, what is being proposed is definitely an improvement over the previous proposal. With those being the neighborhood's two options, he said he would be supportive of what is currently being proposed. He asked that the Council and Planning Commission mitigate the traffic effects of the road. He said his back yard is against the road, and the things he heard suggested were not going to decrease the volume. He asked that something be done in future planning to lead some of the traffic off Oakridge Drive to reduce the pedestrian and car traffic around the schools. He thanked Brighton Homes and the Yeates for working together to bring a better proposal for the neighborhood.

Commissioner Gilbert said that when Gordon Avenue is extended to Highway 89, it would help the traffic flow. He also said he was not happy with the homes fronting on Oakridge Drive. He said because of the time constraints, had the rezone not been recommended by Councilmembers, he would have voted against it. He asked if there could be a percentage of 1200 square foot homes specified as in a previous development. He also asked if a configuration could be explored so that homes wouldn't front on Oakridge Drive.

Commissioner Fitzpatrick echoed Commissioner Gilbert's comments and said health and safety is what is taken into consideration. She said alternatives should be explored for homes not to front on Oakridge Drive and if none are found, the City will have to take measures to make Oakridge Drive safer. She said the situation was not ideal but felt it was better than apartments next to large homes. She felt the PRUD would give opportunity to make the development blend into the neighborhood.

Lisa McBride, 2180 Oakridge Drive, said her major concern was with homes facing Oakridge Drive. She said she put in a turn through drive to be able to access Oakridge Drive. She said visitors park on the street. She mentioned the blind curves and speed as a cause of accidents. She said she was happy with the patio homes but concerned with those fronting on Oakridge Drive.

Commissioner Fitzpatrick asked if driveways could be shared with a turnaround to come out on Oakridge Drive.

There were no other questions or comments from the Commission or the audience.

Chairman Esplin called for a motion on the item.

Commissioner Harward moved that the Planning Commission forward a positive recommendation to the City Council to adopt Ordinance 13-16 approving the rezone from R-1-10 and R-M1 to R-1-10 PRUD and R-M1 PRUD based on consistency with the General Plan recommendations for single family residential in this portion of the City and subject to the attached draft development agreement to include the recommendation that Layton City make extensive efforts to create traffic slowing methods on Oakridge Drive to maximize traffic safety. Commissioner Weaver seconded the motion, which passed 4-2 with Commissioners Fitzpatrick, Harward, Pales and Weaver voting in favor and Commissioners Bodily and Gilbert opposed.

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

PUBLIC REVIEW:

2. EVERGREEN FARMS PHASE I – FINAL APPROVAL

This 19.01 acre property is located at the northeast corner of Layton Parkway and 2200 West in an R-S (Residential Suburban) zoning district. The applicant and owner, The Adams Company, represented by Dave and Stuart Adams, is proposing 48 single family residential lots.

Mr. Matson presented the request for final approval for Phase I of Evergreen Farms located at the northeast corner of 2200 West and the future extension of Layton Parkway. He showed the layout of the 48 lots on 19.01 acres. He said that from the preliminary approval, the roundabout at the entry has been eliminated. Previous versions had Foxtail Drive as a cul-de-sac, but due to guidelines for maximum block lengths, the street had to be connected through to White Pine Drive. He said that memos from the Engineering Department indicate the designs are approved with corrections required prior to the pre-construction meeting.

Mr. Matson said Staff is recommending the Planning Commission forward a positive recommendation to the City Council to approve the final plat for Evergreen Farms Phase 1 subject to meeting all Staff requirements as outlined in Staff memorandums to the applicant.

Commissioner Fitzpatrick asked if access to the subdivision will access off 2200 West until Layton Parkway is extended. Mr. Matson replied in the affirmative. Commissioner Fitzpatrick asked about the extension of Layton Parkway with the development of Roberts Farms 8 and Kennington Parkway. Mr. Matson said the developers would construct half the width of Layton Parkway with two travel lanes. Street lighting is installed whenever frontage on Layton Parkway is developed.

Commissioner Weaver asked about secondary water for Evergreen Farms, and Commissioner Fitzpatrick pointed out a note in the Engineering memo that drawings are required for secondary water, which is Kayscreek Irrigation.

There were no further questions or comments from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Bodily moved that the Planning Commission forward a positive recommendation to the City Council to approve the final plan subject to meeting the

requirements in Staff memorandums and the Planning Commission discussions. Commissioner Weaver seconded the motion, and the voting was unanimous.

3. FERNWOOD PLACE – FINAL APPROVAL

This 1.91 acre property is located at approximately 3200 East Fernwood Drive in an R-S (Residential Suburban) zoning district. The applicant and owner, Colin Brown, is proposing five (5) single family residential lots.

Mr. Matson said since preliminary approval was granted in 2009, the developer has kept the project active with final plat submittals and corrections and responses to geotechnical report studies to make sure notes and requirements on the plat are accurate.

Mr. Matson said the development consists of five single family lots with four lots accessed from the lower portion of the property. Lot 3R will access off Fernwood Drive with a private drive. Lots 2R and 3R are labeled as restricted due to specific requirements regarding geotechnical and topographical issues that must be mitigated before building on the lots. Lot 2R has an easement for a rock wall berm to be constructed to detain any debris if the wall fails. He said there is a Weber Basin easement through the property. He said the dashed line is the estimated or mapped location of the Wasatch Fault. The setback requirements from the fault for buildable areas will be established based on final basement depth.

Mr. Matson said there is a private lane to the existing home, which will be widened to 26 feet to City standard. The new homes will need to be fire sprinkled.

Mr. Weaver said that based on this information and the specifics in the geotechnical report, Staff memos, and notes on the plat, Staff recommends the Planning Commission forward a recommendation to the City Council to approve the final plat subject to meeting all Staff requirements as outlined in Staff memorandums to the developer.

Commissioner Fitzpatrick asked if Lot 4 will join the Home Owner's Association.

The property owner and developer, Colin Brown, 3193 Fernwood Drive, said that Lot 4 contains the existing home and all five will be in the Home Owner's Association. He said Lot 5 contains a garage that will be demolished.

Commissioner Fitzpatrick addressed Mr. Drake and stated she was not on the Planning Commission when Fernwood Springs received preliminary approval. She said she had concerns with some of the lots and asked if she should abstain or vote negative. Mr. Drake said it was her choice.

There were no further questions or comments from the Commission or the audience.

Chairman Esplin called for a motion on the item. Commissioner Pales moved that the Planning Commission forward a positive recommendation to the City Council for final plat approval subject to meeting all Staff requirements. Commissioner Harward seconded the motion, which passed by a margin of five to one with Commissioners Bodily, Gilbert, Harward, Pales and Weaver voting in favor and Commissioner Fitzpatrick opposed.

4. OLD FARM AT PARKWAY PHASE 2 – FINAL APPROVAL

This 6.88 acre property is located at approximately 815 West Layton Parkway in an R-1-8 (Single Family Residential) zoning district. The owner, Owen Fisher, represented by Phil Holland of Henry Walker Homes, is proposing 22 single family lots.

Mr. Matson presented the request for final approval for Old Farm at Parkway Phase 2. He pointed out Phase I and said the homes are being built by Henry Walker Homes. Phase 2 is zoned R-1-8 and will have 22 lots on 6.88

acres. He said lot sizes range from 8,000 to 15,500 square feet with each lot meeting the minimum requirements regarding frontage, lot size, setbacks and buildable areas for the R-1-8 zone. He said Kays Creek affects lots 220-222, which are restricted due to requirements to meet FEMA approvals before building permits can be issued. He said there was a Kayscreek Trail easement on the rear of the lots.

He said the associated annexation agreement has a requirement for an eight-foot wall the same as the wall on the north side of Layton Parkway. The agreement specifies landscaping installation and maintenance requirements and there are also guidelines associated with the location of Kayscreek Trail.

Mr. Matson said the Engineering report states the development is approved as corrected with corrections to be resubmitted, reviewed and marked approved before the pre-construction meeting. He said the Engineering memo on Page 2 indicates FEMA is in the process of surveying, establishing and adjusting the flood plain along the Kayscreek channel. He said a memo from Planner II, Kem Weaver, states how the trail will be located in relationship to the top of the creek bank and the lots. He said the trail will have to be shifted to the south to stay out of the buildable area of the lots.

Mr. Matson said Staff recommends the Planning Commission forward a positive recommendation to the City Council to grant final approval to Old Farm at Parkway Phase 2 subject to meeting all Staff requirements.

Commissioner Fitzpatrick asked about the distance from the trail to the buildable area on the lots adjacent to the creek.

Mr. Matson said the lots in Old Farm at Parkway are deeper than the lots at Weaver Meadows where the closeness to the trail occurs. He said the easement is to be 20 feet from the north edge of the creek bank and the trail will be in the easement. He said the drawing must be shifted so the trail is outside the buildable area.

There were no other questions or comments from the Commission or audience.

Chairman Esplin called for a motion on the item. Commissioner Weaver moved that the Planning Commission forward a positive recommendation to the City Council to grant final approval subject to the applicant meeting all Staff requirements as outlined in Staff memos. Commissioner Harward seconded the motion, and the voting was unanimous.

Chairman Esplin called for a motion to close Public Review and adjourn the meeting. Commissioner Gilbert moved to close Public Review and adjourn the meeting. Commissioner Bodily seconded the motion, and the voting was unanimous.

The meeting was adjourned at 8:30 p.m.

Julie Jewell, Planning Commission Secretary