

**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 August 1, 2013.**

AGENDA ITEMS:

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- 1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION, APPROVAL OF MINUTES:**
Minutes of Layton City Council Work Meeting – June 20, 2013.....1
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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. September 2013 Attendance Awareness Month – Resolution 13-4018
 - B. Water Exchange Agreement between Layton City and Legacy Neighborhoods, LLC – Resolution 13-4220
 - C. Land Sale Agreement between Layton City and Katie’s Place, LLC – Resolution 13-3926
Approximately 1690 West 2000 North (Antelope Drive)
 - D. Amended Final Plat Approval – Pinehurst Place Subdivision Phases 2A and 2B – 425 North 1625 West35
- 5. PUBLIC HEARINGS:**
 - A. Rezone Request – Darrel Farr – A (Agriculture) to R-S (Residential Suburban) – Ordinance 13-2349
850 North 3200 West
 - B. Rezone Request – Rigby – A (Agriculture) to C-H (Highway Regional Commercial) – Ordinance 13-2261
770 South Main Street
 - C. Ordinance Amendment – Title 19, Chapter 19.12, Section 19.12.050 Parking Spaces for Commercial,72
Industrial and Institutional Uses – Ordinance 13-06
 - D. Ordinance Amendments – Amending Section 3 of the Layton City Development Guidelines and Design94
Standards Entitled Street Improvements; Amending Title 16, Section 16.04.010-D103.4 of the Layton Municipal Code Entitled Dead Ends; Amending Title 18, Section 18.24.070 Entitled Temporary Turnarounds; and
Amending Title 19, Section 19.07.120 Entitled Development Standards – Ordinance 13-17
- 6. PLANNING COMMISSION RECOMMENDATIONS:**
- 7. NEW BUSINESS:**
- 8. UNFINISHED BUSINESS:**
- 9. SPECIAL REPORTS:**
- 10. CITIZEN COMMENTS:**

ADJOURN:

Notice is hereby given that:

- A Work Meeting will be held at 5:30 p.m. to discuss miscellaneous matters. A closed meeting will be held at the end of Work Meeting to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares.
- 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.

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MINUTES OF LAYTON CITY COUNCIL WORK MEETING

JUNE 20, 2013; 5:44 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

ABSENT:

MICHAEL BOUWHUIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TRACY
PROBERT, KENT ANDERSEN, JIM MASON,
KEVIN WARD, DEAN HUNT, ED FRAZIER 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 reminded Council that the ribbon cutting ceremony for the splash pad would be June 29th at 11:00 a.m., and the fire training tower ribbon cutting would be on July 16th at 10:00 a.m.

Alex said Staff wanted to inform the Council of the fireworks restrictions in certain parts of the community that the City traditionally put in place through the Fire Department at this time of year. He said Staff intended to do that again this year but wanted to inform the Council and get feedback.

Kevin Ward, Fire Chief, handed out a draft copy of a press release that would be sent out. He said a few years ago the City took a real proactive approach by passing some bans on fireworks; one of those was a restriction east of Highway 89. Kevin said this was before aerial fireworks were allowed in the State. He said with the allowance of aerial fireworks within the State, last year the Council enacted a partial ban of aeriels within the City.

Kevin said based on the potential for fire danger this year, Staff was recommending to continue with the aerial ban in restricted areas that were identified last year. He said Staff would be sending out the press release and would like feedback from the Council. Kevin said they were working with the IT Staff to get an interactive map posted on the City's website so that residents could see if their home was in a restricted area.

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Kevin said the fireworks vendors had been great, in terms of being able to educate people. He said there were a record number of firework stand permits this year with 26 vendors.

Councilmember Freitag said Andy Adams and Sandridge Parks were open for residents to set off fireworks during the legal discharge period. He asked if the City made access available to water in those areas so that people could extinguish their fireworks before removing spent fireworks from the area.

Kevin said citizens were instructed to put their spent fireworks into a bucket of water.

Councilmember Freitag asked if water was provided.

Kevin said that could be done. He said Staff would make sure something was available.

Dean Hunt, Fire Marshall, said he received a lot of comments from the fireworks vendors and they appreciated what the City had done. He said Staff met with the vendors and provided maps for them to display explaining to citizens where the bans were in place. Dean said even though there were restrictions, they liked working within Layton.

Kevin said Staff was proposing changes to Title 9 of the Municipal Code relative to sky lanterns. He said citizens were told last year they were not allowed, but they had become quite popular. Kevin said HB 289 that was passed by the State legislature this last year specifically mentioned sky lanterns, but indicated that it was up to the local legislative body to make the decision on banning those. He said Staff was recommending a change in Title 9 that sky lanterns be prohibited anywhere in the City. Kevin said Staff viewed sky lanterns as flaming litter. He said the largest manufacturer of sky lanterns recommended that they should not be launched within five miles of an airport. He said Staff felt that with the City's proximity to Hill Air Force Base that it certainly was a concern. Kevin said several states had enacted statewide bans on sky lanterns. He said sky lanterns could go up to 1,000 feet high and travel several miles. Kevin said there were also recommendations by the manufacturers that they not be launched in winds in excess of 5 miles per hour. He said in this area that would be virtually never.

Councilmember Brown said the map would be on line and at the firework stands.

Kevin said yes; each stand was given numerous copies of the maps and the online map was interactive.

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Alex said Jim Mason was working with Lynn Arave on an article. He said Staff wanted to wait for a decision on sky lanterns before pushing the article out.

AGENDA:

INTERLOCAL AGREEMENT BETWEEN LAYTON CITY AND BRIGHAM CITY TO JOINTLY USE EACH OTHER'S DATA FACILITY TO PROVIDE FOR CONTINUITY OF OPERATION IN THE EVENT OF A MANMADE OR NATURAL DISASTER THAT DAMAGES ONE OF THE FACILITIES – RESOLUTION 13-33

Jim Mason, Assistant City Manager, said one of the concerns the City had relative to emergency management was the possibility of losing the building in the event of an emergency. Every night the City's computer data was backed up and those files were stored offsite, but it would be a big hardship if the City lost its computers. There were centers around the country that provided backup service, but it was very expensive. It would cost approximately \$1,400 a month to use one of these facilities.

Jim said as Staff was considering ways to deal with this, the cost of duplicate equipment was a concern. He said Staff had refurbished old equipment that could be used as back-up equipment. Jim said the City had enough equipment to provide for backup. He said the proposed agreement with Brigham City, which was a UTOPIA city, would allow for the City to put its equipment at their location for about \$50 a month. Jim said Layton City and Brigham City would have backup of data and hardware at each other's location, and the data could be transferred very quickly over UTOPIA lines. The interlocal agreement would formalize the way the cities would work together to accomplish this. Jim said there would be no compensation to Brigham City or Layton City; the compensation would be the reciprocal use of the facilities.

Councilmember Flitton asked about an alternate site away from the Wasatch Front; Brigham City was relatively close in the event of a natural disaster.

Jim said Staff felt that this was a good compromise for the money and the coverage. He said a major earthquake would probably not take down both facilities.

Councilmember Flitton said he thought that it was a good compromise but wondered if it might be wise to budget a larger amount of money to accommodate this type of backup system. He said years ago his company had a backup in Denver. Councilmember Flitton said the legalities of losing the data could

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become a big issue.

Jim said that was something that Staff could always be working toward; finding another option. He said there would be higher costs when hiring an outside company.

Councilmember Flitton said he wasn't suggesting going with a different company, but looking at it as an additional option.

Jim said another advantage of having it in Brigham City was that it would be close enough to easily send Staff up there to work on the equipment.

Councilmember Freitag said this was just for space; the City would provide its own equipment.

Jim said that was correct.

Councilmember Freitag asked if the City needed to budget for additional racks or servers.

Ed Frazier, IT Manager, said the City had retired servers, that had been refurbished, that would be moved to the Brigham City site. He said the City would need to purchase one switch, but that had already been budgeted.

Council and Staff discussed security of the data.

AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 13-20

Tracy Probert, Finance Director, said Ordinance 13-20 contained 3 proposed amendments to the Consolidated Fee Schedule; two related to the street lighting system. He said one of the proposed changes was for a new street lighting fee that was included in the proposed tentative budget. Tracy said the proposed fee was \$2 per month per single family residential unit; \$1 per unit per month in a multi-family unit; and for commercial properties it would be \$2 per month per equivalent residential unit. He said the equivalent residential unit was calculated based on frontage of the commercial property; 75 feet was set as one unit. Tracy said the Finance Department and GIS Division were working on mapping all of the commercial properties in the City and would have those rates set before the first billing date around August 1st.

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Councilmember Brown asked if commercial properties would be charged on two frontages if they were on a corner lot.

Tracy said it was calculated on the entire property; a corner business would be charged on two frontages. He said Staff had been working on this for a couple of months because there were several complicating factors depending on how a commercial property was subdivided or how the utilities were billed.

Councilmember Freitag asked about schools or nonprofit organizations.

Tracy said they were treated as commercial accounts and would be charged the fee; those types of uses were not exempt from utility fees.

Alex said Staff was trying to mirror the current standard for utilities and be consistent with the billings.

Councilmember Freitag asked about undeveloped land.

Tracy said if they were not currently receiving a utility bill they would not be billed. He said if there wasn't an occupant on the property that would benefit from the system, it would be difficult to assess a fee.

Councilmember Flitton said the property owner would be benefiting from the street lights even if the property wasn't developed.

Councilmember Brown said when property was developed, the developer had to pay a street lighting fee to have street lights installed in the subdivision. He said developers would not want to pay a fee and then pay an additional fee to have street lights installed in their subdivisions.

Council and Staff discussed amending the fee schedule at a later date to include vacant property if that was the decision of the Council.

Council and Staff discussed interior properties that did not front on public streets.

Tracy said the second part of the street lighting fee adjustments had to do with fees developers paid for fixtures. He said the adjustments were a pass through from suppliers.

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Tracy said the third proposed fee change related to North Davis Sewer District fees. He said the District was imposing a rate increase of \$1.50 per connection; for hotels and motels it would be 40% of that fee per room. Tracy said the excess usage was also going up \$.15 per 1,000 gallons of water. He said the rate increases would be passed through to utility customers.

Councilmember Freitag asked Tracy to remind him of the changes that were recently made to hotel utility rates.

Tracy said sewer rates were adjusted down significantly. He said hotel rates were previously charged 70% of the standard rate, per room. Tracy said after a study, that rate was reduced to 40%. He said these new increases from the District would be calculated at 40% as well.

Councilmember Flitton asked if the City had received any negative comments from the development community about the requirement to install street lights.

Alex said generally developers were like anyone else; they weren't happy when they had to pay for anything extra or new. He said there were a few of those types of comments followed by a comment that they appreciated the way the City was doing it and felt that it was fair. Alex said they appreciated the importance of street lights that benefited their developments and made them more attractive. He said they also appreciated the fact that the City was bidding for installers and that there would be a set price, which was less than what it was costing them individually to install street lights. Alex said one developer had indicated the fee was half of what it was costing him to install the lights. He said the feedback he had received had been very positive.

Alex said most of the comments he had seen on social media from the public had been positive about the street lighting fee if the system would be upgraded and street lights installed in older subdivisions that did not have street lights.

AMENDMENT TO TITLE 9 OF THE LAYTON MUNICIPAL CODE – ORDINANCE 13-21

Gary Crane, City Attorney, asked the Council if they had any questions about what they had read relative to the proposed changes to Title 9. He said most of the changes were a general cleanup of the Code and the big sections that were removed were now addressed in State code. Gary reviewed some of the language that was removed or updated in the Code.

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Gary said one section needed to be removed; Section 9.24.020, relative to pool halls. He said that was really dated and should be removed. Gary reviewed other language that was removed from the Code.

Gary said Section 9.44.080 was inserted to allow for provisions that Chief Ward discussed earlier on the prohibition of sky lanterns.

Councilmember Freitag said Section 9.08.040 indicated the unlawful use of a telephone. He asked why that wouldn't be stated to include all electronic devices.

Gary said electronic devices were addressed in State code; this would cover things Staff felt were not included in State code.

Councilmember Freitag said he was thinking of the recent trend of using social media for bullying. He said since it was covered in State code, it didn't need to be addressed in the City's Code.

Gary said that was correct because the City generally adopted State law.

Councilmember Freitag asked if the unlawful use of a telephone was not covered in State law.

Gary said it was, but there was a little nuance that the City wanted to clarify relative to using the telephone to lawfully obtain money. He said State law covered any type of bullying whether it was by phone or computer.

Gary mentioned changes the legislature made to State code relative to fireworks. He reviewed language added to the City's code relative to fireworks.

AMEND BUDGET FOR FISCAL YEAR 2012-2013 – RESOLUTION 13-32

Tracy Probert asked if there were any questions or concerns the Council had as they went through the information. He said this was typically a housekeeping procedure to bring the budget in line. Tracy said if an unanticipated expense was going to take one of the departments or funds over budget, the City would have to do an amendment during the year before the money was spent. He said the City was not in that situation during the year. Tracy said all of the proposed amendments had been discussed previously.

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ADOPT BUDGET AND CERTIFIED TAX RATE FOR FISCAL YEAR 2013-2014 – ORDINANCE 13-19

Tracy said there was one change to the tentative budget relative to the property tax revenue estimate. He said his original estimate adopted in the tentative budget was \$6,700,000. When the City received the certified tax rate and amount from the County it was \$6,245,000, which was \$454,000 less than indicated in the tentative budget. Tracy said part of that was a misinterpretation on his part; he was going off of collected versus budgeted property taxes. He said there was still a debate about why it wasn't based on the collected amount instead of the budgeted amount; it appeared that the law would penalize entities that were growing and favor entities that were in a decreasing value market.

Tracy said Staff felt comfortable distributing that difference with \$130,000 to delinquent property tax; adding \$100,000 to sales tax, which would still leave the sales tax estimate for next year below what was anticipated for this year; increasing building permits \$100,000; increasing building plan check fees \$50,000; and increasing the use of fund balance \$74,000.

Alex said Councilmember Bouwhuis had mentioned to him earlier in the week a discussion among some of the Council about trying to adjust the Community Action Council contribution from \$20,000 to \$25,000.

Councilmember Freitag said the Council was approached after the last meeting about that. He said he and Councilmember Bouwhuis provided some counsel to their representative indicating that even if there was some misunderstanding, the Council still held their same concerns. Councilmember Freitag said he hoped that their representative didn't have any anticipation that that change was being made tonight; it was made pretty clear to the representative that the Council would not be making that change.

Tracy said Staff would recommend that a change not be made tonight, and if an adjustment was made that it be done at some future time.

Councilmember Freitag said the representative was told that same thing.

The meeting adjourned at 7:01 p.m.

Thieda Wellman, City Recorder

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**MINUTES OF LAYTON CITY
COUNCIL MEETING**

JUNE 20, 2013; 7:05 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

ABSENT:

MICHAEL BOUWHUIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TRACY
PROBERT, JIM MASON, PETER MATSON, KENT
ANDERSEN, ALLEN SWANSON, DEAN HUNT,
DOUG BITTON AND THIEDA WELLMAN**

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

Mayor Curtis opened the meeting and excused Councilmember Bouwhuis. Boy Scout Braden Weidman with Troop 450 led the Pledge of Allegiance. Councilmember Flitton gave the invocation. Scouts from Troops 450 and 145 were welcomed.

MINUTES:

MOTION: Councilmember Flitton moved and Councilmember Freitag seconded to approve the minutes of:

**Layton City Council Work Meeting – May 2, 2013; and
Layton City Council Meeting – May 2, 2013.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown indicated that this Monday would be the first concert in the Davis Arts Council's summer concert series. She said the concert would begin at 8:00 p.m. in the amphitheater and would include Midlife Crisis and Code Blue. Councilmember Brown said the summer schedule was available on the Davis Arts Council website or there was a link from the City's website.

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Councilmember Brown said there would be a ribbon cutting ceremony on June 29th for the new splash pad. She said it would be at 9:00 a.m.

Councilmember Brown said tomorrow was the last day to nominate Hometown Heroes. She said this year heroes would be recognized that served in the Vietnam War. Councilmember Brown said applications were on the City website or they were available at any First National Bank.

Councilmember Brown said the July 4th celebration activities would begin on June 30th with a concert at 7:00 p.m. She said the concert would be Voices of Liberty, which was a patriotic concert. Councilmember Brown said the Hometown Heroes would be recognized that night at the concert. She said the activities on the 4th of July included a walk/run, breakfast, parade, flag raising ceremony, and Dutch oven cooking. Councilmember Brown said more information was available on the City's website.

Councilmember Brown said on July 24th Taste of the Town would be held in the park and that evening Riders in the Sky would perform a free concert in the amphitheater.

PRESENTATIONS:

RECOGNITION OF LAYTON CITIZEN CORPS COUNCIL VOLUNTEERS EARNING THE 2012 PRESIDENT'S VOLUNTEER SERVICE AWARD

Jim Mason, Assistant City Manager, said as the Council was aware, the City had wonderful volunteers. He said there was a heritage in the City of having volunteers that had served the citizens very well. Jim said the Layton Citizens Corps Council included CERT, Fire Corps, Volunteers in Police Service, Neighborhood Watch and amateur radio volunteers. He said volunteers from the Fire Corps and Volunteers in Police Service would be honored tonight. Jim explained the Presidential Service Award that was established in 2003 to recognize the contributions made by volunteers in communities. He turned the time over to Assistant Police Chief Allen Swanson.

Allen thanked the volunteers for their service. He introduced the Volunteers in Police Service, who came forward to receive their certificates of recognition and to shake hands with the Mayor and Council.

Dean Hunt, Fire Marshall, introduced the Fire Corps volunteers who came forward to receive their certificates of recognition and to shake hands with the Mayor and Council.

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CONSENT AGENDA:

INTERLOCAL AGREEMENT BETWEEN LAYTON CITY AND BRIGHAM CITY TO JOINTLY USE EACH OTHER'S DATA FACILITY TO PROVIDE FOR CONTINUITY OF OPERATION IN THE EVENT OF A MANMADE OR NATURAL DISASTER THAT DAMAGES ONE OF THE FACILITIES – RESOLUTION 13-33

Jim Mason said Resolution 13-33 was an interlocal agreement between Layton City and Brigham City to jointly use each other's data facility to provide for continuity of operations in the event of a manmade or natural disaster that caused damage to one of the facilities. He said we lived in a time when there were disasters and emergencies, and there could be unexpected events such as fires. Jim said data tapes were sent to offsite storage facilities on a nightly basis, but the City hadn't had computer equipment to run that data in the event that the equipment was damaged. He said the agreement allowed for Layton City and Brigham City to reciprocate with each other and share a small amount of space in each other's facility to house some equipment. Jim said the equipment that would be stored in Brigham City was older equipment that had been refurbished. He said in the event that there was a damaging problem at the City's facility, there would be equipment and data available in Brigham City to be able to backup the data operations. Jim said under the agreement each party was compensated for the use of the other's facility by the reciprocal agreement. He said the agreement continued for a period of 10 years unless terminated by the mutual consent of both parties. Jim said as both cities were involved in UTOPIA, they would be able to communicate the data very quickly by paying \$50 per month for a fiber optic line. He said Staff recommended approval.

Councilmember Brown said Staff had worked on this for several years and she appreciated Staff's efforts.

AMENDMENT TO TITLE 9 OF THE LAYTON MUNICIPAL CODE – ORDINANCE 13-21

Gary Crane, City Attorney, said Ordinance 13-21 was a general cleanup of Title 9 of the Layton Municipal Code. He said Title 9 dealt with public offenses, and was typically termed the criminal section of the City's Code. Gary said the City adopted, by reference, the entire State law in the criminal code; Title 9 contained things that were specific to Layton City or areas where the State code required that the City specifically adopt a provision of State code.

Gary said there were very few changes to the ordinance; a lot of things were removed because the State had preempted the field in a lot of areas, such as gambling, prostitution, and impounding of vehicles. He said those were removed from the Code and the City would simply refer to the State code when prosecuting those

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cases from this point forward. Gary said Staff recommended approval.

Councilmember Brown said this item was discussed in detail in the earlier work meeting. She said the City's Code was online if anyone wanted to read it.

Gary said this was discussed extensively in the work meeting. He said there were two provisions brought up in the work meeting that were not contained in the original draft included in the Council packet. Gary said one was the prohibition of juveniles in pool halls, and the other one was prohibition of sky lanterns in the City. He said sky lanterns were being prohibited because of the City's proximity to the Air Force Base; they did not want fiery lamps shooting into the sky with jets taking off, and with the severe dry conditions. Gary asked that the Council include those items in the ordinance.

ON-PREMISE BEER RETAILER LICENSE – SWAN LAKES GOLF COURSE – 850 N. 2200 W.

Peter Matson, City Planner, said this was an on-premise beer retailer license for the Swan Lakes Golf Course located at 850 North 2200 West. He said there was a change of ownership, which required a new license. Peter said the Swan Lakes Golf Course had had an on-premise beer license since 1994. He said the location met all buffer requirements and background checks had been completed by the Police Department. Peter said Staff recommended approval.

Councilmember Freitag asked if the buffer was measured from the point of sale and not necessarily from the point that it could be consumed on the golf course.

Gary said the buffer was measured from the building it was sold in.

FINAL PLAT APPROVAL – EVERGREEN FARMS PHASE 1 – NORTHEAST CORNER OF 2200 WEST AND LAYTON PARKWAY

Peter Matson said this was a final plat approval for Evergreen Farms Subdivision, Phase 1, located on the northeast corner of 2200 West and Layton Parkway. He said Phase 1 was located on the western edge and had frontage on 2200 West, and a portion of frontage on the future extension of Layton Parkway, which would run along the south edge of the Evergreen Farms project. Peter said the applicant was the Adams Company and this phase contained 19 acres that would be developed into 48 single family residential lots. He said the density was about 2.5 units per acre.

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Peter said a landscape buffer was required along Layton Parkway and would include an 8 foot masonry wall, which was along Layton Parkway in other areas. He explained how the landscaping buffer would wrap around to 2200 West. Peter said the half width of the Parkway would be constructed and dedicated to the City as part of the project.

Peter said the property was zoned R-S, and as with most west Layton subdivisions, this was a lot averaged project. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Freitag asked about the lighting ordinance and how it would apply to this development; and asked Peter to address the masonry wall being optional on 2200 West as it wrapped around from the Parkway.

Peter said the developer could choose to do a vinyl fence on 2200 West because it was a collector street and not an arterial. He said they could continue the masonry wall onto 2200 West if they wanted.

Councilmember Freitag said 2200 West was currently a collector street. In the event that 2200 West became an arterial street, whatever requirements associated with an arterial street wouldn't apply to developments that were already in place when it was a collector.

Peter said that was correct. He said vesting in the landscaping requirement took place at the time of plat approval.

Councilmember Freitag asked if access for the development would be off of 2200 West.

Peter said yes; Evergreen Way would connect into 2200 West, and there was one entrance off of Layton Parkway. He said there were a handful of homes that would front onto 2200 West as well.

Peter said relative to the street lighting question, the Layton Parkway section would require the same lights that were along other sections of the Parkway. The collector street standard was a typical acorn lamp that was taller than what was required within neighborhoods. He said an approved lighting plan would be submitted with the plat.

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AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 13-20

Tracy Probert, Finance Director, said Ordinance 13-20 would amend the Consolidated Fee Schedule. He said there were three areas being proposed for amendment. Tracy said in the adopted tentative budget the City established a street lighting utility fund and an associated street lighting fee. He said effective July 1st, a fee of \$2 per month or \$4 per billing cycle would be charged on single family residential bills; a multi-family unit would be \$1 per unit per month; and commercial properties would pay \$2 per month per equivalent residential unit. Tracy said an equivalent residential unit was defined by frontage of the commercial property; 75 linear feet was one unit. He said these were the fees being proposed to support the street lighting utility.

Tracy said the second proposed amendment was a change in the fees charged to developers for light fixtures; there was a price change from the supplier that would be passed on to developers.

Tracy said the third proposed change related to the sanitary sewer system. He said the North Davis Sewer District was raising their fees by \$1.50 per month, which would be passed on to Layton utility customers. Tracy said Staff recommended approval of Ordinance 13-20 amending the Consolidated Fee Schedule as proposed.

Councilmember Freitag said relative to the pass through expense on the light fixtures; in the agreement with the supplier, was there a cap or maximum that they could increase the charge to the City for those fixtures.

Alex Jensen, City Manager, said there was no built in escalation provision. The intention was to bid this on a yearly basis to keep the prices reasonable and to have the supplier be competitive. He said it would be highly unlikely that the supplier would try to pass through a significant fee because they would have a disadvantage at the next bidding cycle.

Councilmember Freitag asked what the percentage increase was over last year.

Tracy said he hadn't calculated the percentage increase, but for example, the teardrop pole and fixture went from \$4,000 to \$4,100, and others went from \$2,300 to \$2,500. The double light fluted pole went from \$5,100 to \$5,000, which was a reduction. He said in some of the cases it appeared that it could be a 5% to 10% increase.

Alex said the prices being amended were two year old prices; it had been two years since the lights were

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installed on the interchange.

Councilmember Francis asked if this would be rebid every year.

Alex said yes.

MOTION: Councilmember Freitag moved to approve the Consent Agenda as presented, including changes to Title 9 as explained by Gary Crane; striking Section 9.24.020 prohibiting pool halls and adding 9.44.080 prohibiting sky lanterns within all areas of the City. Councilmember Brown seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

AMEND BUDGET FOR FISCAL YEAR 2012-2013 – RESOLUTION 13-32

Tracy Probert said Resolution 13-32 would amend the fiscal year 2012-2013 budget. He said this was a housekeeping type of procedure where the budget needed to be brought in line with spending. Tracy said State law allowed the City to amend the budget following a public hearing. He said it was important to note that if spending in a department or fund would have gone over budget, the amendment hearing would have been held during the year. Tracy said it was good for the public to understand that the City was not overspending its budget and then coming back at the end of the year to amend things; the City did not overspend in a department or fund during the year.

Tracy said in the general fund the net additions and reductions proposed in the amendments totaled \$956,140.36. The funding source of \$540,000 from fund balance would be appropriated to cover the costs of fuel, salt, sand and other repairs due to the heavy snow fall this year; the West Layton Village election costs; the splash pad electrical costs in Ellison Park; UIA assessments; and a detention basin project near the conference center. He said there was also \$357,000 in police and fire special services revenue for which an estimation was not available at the beginning of the budget process. Tracy said there was \$27,000 in grant revenue that was not originally estimated; a \$30,000 transfer of B&C Road funds to the Streets Department for a crack seal program; and a \$179 sale of police evidence. He said there were also amendments to the B&C Road impact fee, Davis Metro capital project, E911 revenues and telecom infrastructure funds that were detailed in the schedule of amendments. Tracy said the Council had had an opportunity to review the amendments in the earlier work meeting. He said Staff recommended approval.

D R A F T

Mayor Curtis opened the meeting for public input. None was given.

MOTION: Councilmember Francis moved to close the public hearing and adopt Resolution 13-32 approving the budget amendments. Councilmember Flitton seconded the motion, which passed unanimously.

ADOPT BUDGET AND CERTIFIED TAX RATE FOR FISCAL YEAR 2013-2014 – ORDINANCE 13-19

Tracy Probert said Ordinance 13-19 would adopt the budget for fiscal year 2013-2014, adopt the schedule of compensation of elected and statutory officials and set the property tax levy rate. He said the tentative budget was adopted on May 2, 2013, and had been available since that time for public review. Tracy said there was one change to the tentative budget, that was now included in the final budget document. He said the change was a decrease in the budgeted property tax revenue estimate; his estimate for the tentative budget relative to property tax was \$6,700,000 based on current year collections and anticipated new growth. Tracy said the State allowed the City to adopt a property tax rate that was estimated to generate the amount of revenue equivalent to the previous year's budget, not the amount that was collected, which was the reason for the change. Upon receipt of the City's certified tax rate of .002046 from the Davis County Clerk/Auditor, it was noted that that estimate should be \$6,245,903, which was what was allowed without holding a Truth in Taxation hearing. Tracy said the difference was \$454,097 and Staff proposed to increase the following areas of revenue in order to offset that difference: 1) increase delinquent property tax from \$120,000 to \$250,000; 2) increase sales tax revenue from \$11,485,000 to \$11,585,000; 3) increase building permit revenues from \$650,000 to \$750,000; 4) increase building plan check fees from \$100,000 to \$150,000; and 5) increase use of fund balance from \$1,082,118 to \$1,156,215. He said based on current year collections and current forecasts, Staff felt that it was reasonable and justifiable to increase the other line items in order to offset the reduction in the property tax line item of the budget.

Tracy said the budget did not include a property tax rate increase. He said the budget included a merit increase for employees of approximately 2.5%, but that did not apply to the Mayor or Council. Tracy said the Utah Retirement System increased their rates and the budget covered those increases. He said the City's health plan was stable and there were no budgeted increases.

Tracy said budgeted revenues and expenditures for the City's entire budget totaled \$61,689,337 and was approximately 3.45% higher than the previous year. He said budgeted expenditures in the general fund, excluding transfers and uses of fund balance, totaled \$25,194,202, which was \$11,654 less than the previous year. Tracy said it was anticipated that unrestricted fund balance would be 15.48% at the end of fiscal year

D R A F T

2014, which was well above the State minimum of 5%. He said this year the State Legislature increased the maximum level of fund balance to 25%, which was significantly higher than the 18% maximum that had been allowed for a number of years.

Tracy said the budget also included increases in the sanitary sewer utility fee, and included the establishment of a street lighting fund and street lighting utility fee, which were discussed earlier as part of the consolidated fee schedule amendments. He said Staff recommended approval.

Mayor Curtis expressed appreciation to the Council and Staff for their work on the budget. He said Layton City was on very solid footing.

Councilmember Brown said the budget process began in February with several work meetings. The budget that was presented was 123 pages, and even though only the highlights were discussed this evening, it had been available for the public to review for a month. She said the budget document included information about the number of employees in each department, and how many employees there were per 10,000 residents. Councilmember Brown said the number of employees had gone down in relation to the population, but she didn't think the service that was provided had gone down at all. She said the City had done more with the same number of employees in the last few years and she appreciated that that was the case. Councilmember Brown said new employees had not been hired and employees had not received an official raise for quite a few years, but they had stepped up and provided the same level of service to the public.

Mayor Curtis opened the meeting for public input. None was given.

MOTION: Councilmember Flitton moved to close the public hearing and adopt Ordinance 13-19 adopting the budget and certified tax rate for fiscal year 2013-2014. Councilmember Brown seconded the motion, which passed unanimously.

The meeting adjourned at 8:03 p.m.

Thieda Wellman, City Recorder

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

Item Number: 4A

Subject: September 2013 Attendance Awareness Month – Resolution 13-40

Background: Layton City officials understand the vital service that the Davis School District and other area schools provide. These educational institutions make valuable learning opportunities available for students to obtain knowledge and become an integral part of our community. Student attendance at school is important and the City is supportive of the efforts of the schools to improve attendance. These efforts help to ensure that students are able to fully utilize the valuable learning opportunities available to them. Student absences can be significantly reduced when schools, parents, and the community work together to promote good attendance and help to address challenges that keep children from getting to and staying in school.

Alternatives: Alternatives are to 1) Adopt Resolution 13-40 proclaiming September 2013 as Attendance Awareness Month in Layton City; 2) Adopt Resolution 13-40 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 13-40 and remand to Staff with directions.

Recommendation: Staff recommends the Council adopt Resolution 13-40 proclaiming September 2013 Attendance Awareness Month in Layton City.

RESOLUTION 13-40

A RESOLUTION PROCLAIMING SEPTEMBER 2013 AS "ATTENDANCE AWARENESS MONTH" IN LAYTON CITY.

WHEREAS, Layton City officials understand the vital service that the Davis School District and other area schools provide. These educational institutions make valuable learning opportunities available for students to obtain knowledge and become an integral part of our community; and

WHEREAS, we recognize the importance of student attendance at school and are supportive of the efforts of our schools to improve attendance. These efforts help to ensure that students are able to fully utilize the valuable learning opportunities available to them; and

WHEREAS, Chronic absence – missing ten percent (10%) or more of school per year for any reason including excused and unexcused beginning in kindergarten – is a proven predictor of academic trouble and dropout rates; and

WHEREAS, it is critical for students, parents, and our community as a whole to be aware of the significance of regular school attendance. Good attendance is an essential part of student achievement and graduation; and

WHEREAS, student absences can be significantly reduced when schools, parents, and the community work together to promote good attendance and help to address challenges that keep children from getting to and staying in school.

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

1. That the Layton City Council and Mayor J. Stephen Curtis hereby proclaim September 2013 as "Attendance Awareness Month" in Layton City. We recognize the importance of regular school attendance and how this can strengthen our community.

2. That we encourage parents, family, friends, and community partners to support our local schools in their efforts by reaching out to students that have attendance challenges.

3. That we encourage parents, family, friends, and community partners to strive for less than one absence (excused or unexcused) per academic quarter for every student.

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

J. STEPHEN CURTIS, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY R. CRANE, City Attorney

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

Item Number: 4B

Subject: Water Exchange Agreement between Layton City and Legacy Neighborhoods, LLC Resolution 13-42

Background: Legacy Neighborhoods, LLC has purchased property in Kaysville City to be developed into a subdivision known as the Hill Farms Subdivision. The secondary water for the development will be serviced by the Davis Weber Canal Company. Legacy Neighborhoods, LLC has shares of Kayscreek Irrigation Company that cannot be used on the property in Kaysville but can be used in Layton City. Layton City has an equivalent number of shares of Davis Weber Canal Company that can be used for the property in Kaysville City. The Water Exchange Agreement will facilitate the exchange of equal acre-feet of Davis Weber Canal Company water owned by Layton City for Kayscreek Irrigation Company water owned by Legacy Neighborhoods, LLC. The exchange will ensure that the water from both companies can be put to beneficial use in Layton City and Kaysville City respectively.

Alternatives: Alternatives are to 1) Adopt Resolution 13-42 approving the exchange of water shares between Layton City and Legacy Neighborhoods, LLC; 2) Adopt Resolution 13-42 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 13-42 and remand to Staff with directions.

Recommendation: Staff recommends the Council adopt Resolution 13-42 approving the exchange of water shares between Layton City and Legacy Neighborhoods, LLC and authorize the Mayor to sign the necessary documents.

RESOLUTION 13-42

A RESOLUTION AUTHORIZING THE EXCHANGE OF WATER SHARES BETWEEN LAYTON CITY AND LEGACY NEIGHBORHOODS, LLC.

WHEREAS, Legacy Neighborhoods (hereinafter referred to as "Legacy") has certain water shares issued by the Kayscreek Irrigation Company (hereinafter referred to as "Kayscreek"); and

WHEREAS, Layton City has certain water shares issued by the Davis Weber Canal Company (hereinafter referred to as "Davis Weber"); and

WHEREAS, Legacy has need of water shares issued by Davis Weber for the Hill Farms Subdivision located in Kaysville City; and

WHEREAS, Layton City can use water shares from Kayscreek to meet the needs of the citizens within the City; and

WHEREAS, exchanging Davis Weber shares for Kayscreek shares would be mutually beneficial for Layton City and Legacy; and

WHEREAS, Legacy and Layton City have come to an agreement regarding the exchange of an equal number of acre-feet of Davis Weber water shares for Kayscreek water shares; and

WHEREAS, the City Council of Layton City determines it to be in the best interest of the City make the exchange.

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

1. That the Water Exchange Agreement, which is attached hereto and incorporated herein by this reference, be approved.
2. That the Mayor be authorized to execute all documents relating to this transaction.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 1st day of August, 2013.

J. STEPHEN CURTIS, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY R. CRANE, City Attorney

WATER EXCHANGE AGREEMENT

THIS WATER EXCHANGE AGREEMENT (this "Agreement") is entered into this _____ day of _____, 2013, by and between Legacy Neighborhoods, LLC ("Owner"), and Layton City, a municipal corporation of the State of Utah ("City").

RECITALS

- A. City owns 25 shares in the Davis Weber Canal Company, which represents the right to the use of approximately 150 acre feet of water.
- B. Legacy Neighborhoods, LLC owns 49.92 shares in the Kayscreek Irrigation Company, which represents the right to use approximately 150 acre feet of water.
- C. Owner and City desire to exchange, acre foot for acre foot, approximately 150 acre feet of water, represented by the corresponding number of shares (hereafter "the Shares") in the respective water companies.
- D. Such an exchange is expressly authorized under Utah's Constitution and is expressly agreed to by the parties under the terms and conditions contained herein.

AGREEMENT

- 1. **Agreement.** In consideration of the mutual promises and covenants set forth in this Agreement, which promises and covenants are hereby acknowledged to be adequate and legally sufficient, Owner agrees to exchange 49.92 shares of Kayscreek Irrigation Company water, that represents the right to use approximately 150 acre feet of water, with the City, for 25 shares in the Davis Weber Canal Company water, that represents the right to use approximately 150 acre feet of water.
- 2. **Conveyance of Water Shares.** Each party shall deliver to the other, share certificates in accordance with the above amounts, to the other party.
- 3. **Valid Shares.** Each party declares that the shares being transferred are valid shares in the respective water company.
- 4. **Closing.** The Closing of this exchange transaction as contemplated by this Agreement ("Closing") shall occur on or before _____, 2013.
- 5. **City's Representations.** City makes the following representations and warranties which are agreed to constitute a material part of the consideration hereunder, which Owner is relying upon in entering into this transaction, which are true and accurate as of the date of this Agreement, and will be true and accurate as of the date of Closing:

a. City is a municipal corporation which is duly formed, validly existing and in good standing under the laws of the State of Utah, has the legal power, right and authority to enter into this Agreement and the instruments to be executed by the City pursuant to this Agreement and to consummate the transaction contemplated hereby, and has ownership of the shares necessary to complete this transaction.

b. The individuals executing this Agreement and the instruments to be executed by the City pursuant to this Agreement on behalf of the City have the legal power, right and authority to bind the City to the terms and conditions of this Agreement and such instruments.

6. **Owner's Representations.** Owner makes the following representations and warranties that are agreed to constitute a material part of the consideration hereunder, which City is relying upon in entering into this transaction, which are true and accurate as of the date of this Agreement, and which will be true and accurate as of the date of Closing:

a. Owner is not a party to and is unaware of any existing, pending or overtly threatened legal or administrative action relating to the shares or Owner's interest therein.

b. To the knowledge of Owner, no person or legal entity has any right or option to acquire the shares or any portion thereof.

c. To the knowledge of Owner, no leases, subleases, licenses, or rental agreements grant any rights with regard to use of the shares, or otherwise affect the shares.

d. Owner does not owe any current or past due fee or assessment on the shares as of the date of this agreement.

e. Owner has authority to sell the shares.

7. **Termination.** Except for the obligations of the respective parties under the "Representations" under paragraphs 5 and 6 of this Agreement, this Agreement shall terminate upon the transfers of the respective shares to the respective party pursuant to the terms hereof. This Agreement may also be terminated at any time prior to the exchange of shares, by written notice to the other party.

8. **Attorney's Fees.** In any action arising out of a breach of this Agreement, the prevailing party shall be entitled to its costs and reasonable attorney's fees.

9. **Time is of the Essence.** Time is of the essence regarding the dates and time constraints set forth in this Agreement.

10. **Assignment.** This Agreement may only be assigned with written consent of the other party. Such written consent shall not be unreasonably withheld by either party.

11. **Notice.** All notices shall be in writing and shall be deemed to have been given on the date of personal service or, if by regular mail, on the date of post mark, addressed to the parties at the following addresses:

City:
Layton City
437 North Wasatch Drive
Layton, Utah 84041

Owner:
Legacy Neighborhoods, LLC

Any party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this paragraph.

12. **Captions.** The captions and headings in this Agreement are for convenience only and shall not be considered in construing any provision contained in this Agreement.

13. **Warranties to Survive the Closing.** All representations, warranties, covenants and indemnities of the parties contained herein shall survive the Closing and shall not be deemed merged in any document delivered pursuant hereto.

14. **Entire Agreement.** This Agreement and the documents referred to herein constitute the entire agreement between City and Owner. All negotiations, representations, warranties, and other agreements between the parties are merged herein.

15. **Governing Law.** This Agreement shall be subject to and governed by the laws of the State of Utah.

DATED this _____ day of _____, 2013.

City:
Layton City Corporation

Owner:
Legacy Neighborhoods, LLC

By: J. STEPHEN CURTIS
Title: Mayor

By: David Bailey
Title: _____

ATTEST:

By: Kami Marriott
Title: _____

THIEDA WELLMAN
City Recorder

Approved as to Form

By: [Signature]

Date: 7/23/13

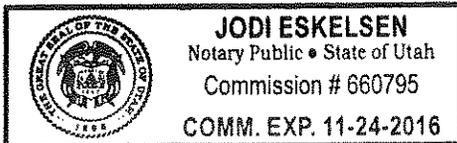
STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this _____ day of _____, 2013, personally appeared before me J. STEPHEN CURTIS, who duly acknowledged to me that he is the MAYOR of LAYTON CITY, and that the document was signed by him in behalf of said corporation, and J. STEPHEN CURTIS acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

PERSONALLY APPEARED before me David S Bailey this 17 day of July, 2013, who duly acknowledged to me that he/she is the signer of the above and foregoing and that the information contained therein is true and correct to the best of his/her knowledge.

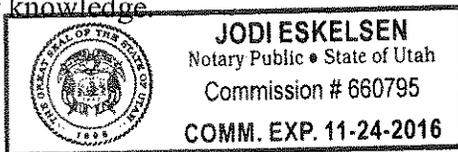


Jodi Eskelsen

NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

PERSONALLY APPEARED before me Kami Marriot this 17 day of July, 2013, who duly acknowledged to me that he/she is the signer of the above and foregoing and that the information contained therein is true and correct to the best of his/her knowledge.



Jodi Eskelsen

NOTARY PUBLIC

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

Item Number: 4C

Subject: Land Sale Agreement between Layton City and Katie's Place, LLC – Resolution 13-39
Approximately 1690 West 2000 North (Antelope Drive)

Background: The parcel of property the City owns is approximately 6,320 square feet in size. This property was historically a street connection for 1690 West onto Antelope Drive. However, the street was realigned in a joint UDOT/City project to make a four-way intersection at Antelope Drive with Robins Drive to the north. When this project occurred, 1690 West Street was abandoned as a public street between 2000 North (Antelope Drive) and 1960 North (Lancelot Lane). The property became a City owned parcel of property.

Corey D. Bowden, representing the purchaser, Katie's Place, LLC, approached Layton City earlier this year to inquire about purchasing the City owned parcel to combine it with a UDOT owned parcel to the west and a privately owned parcel to the east. The purpose of this property assemblage is to provide a development site for an office building. All three properties are zoned PB (Professional Office). UDOT is willing to sell their surplus property if Layton City will sell its surplus property. Katie's Place, LLC is now the owner of the property to the east of the City property.

The purchaser, Katie's Place, LLC, is willing to pay good value for the property, which will enable the purchaser to initiate the development of the office project. The property is encumbered with a utility easement and a water line and sewer line, which has reduced the value of the City property. The purchaser does have the right to relocate the sewer line to connect to the future office building and relocate the water line and utility easement to another location on the property as approved by the City.

As a matter of information, the selling of a portion of property this size does not meet the definition of "significant." Thus, the obligation of the City is to ensure the City receives good value and that the sale is in the best interest of the City. In reviewing the purchase price and the planned use of this property, Staff is confident that the value being paid is appropriate and the planned use is in furtherance of the City's General Plan, thus in the best interest of the City.

Alternatives: Alternatives are to 1) Adopt Resolution 13-39 authorizing the City to enter into a land sale agreement to sell a small parcel of property to Katie's Place, LLC; 2) Adopt Resolution 13-39 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 13-39 and remand to Staff with directions.

Recommendation: Staff recommends the Council adopt Resolution 13-39 authorizing the City to enter into a land sale agreement to sell a small parcel of property to Katie's Place, LLC and authorize the Mayor to sign the necessary documents.

RESOLUTION 13-39

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A LAND SALE AGREEMENT TO SELL A SMALL PARCEL OF PROPERTY (± 6,320 SQ. FT.) LOCATED AT APPROXIMATELY 1690 WEST 2000 NORTH (ANTELOPE DRIVE) FOR GOOD VALUE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, Layton City is the owner of a parcel of property located at approximately 1690 West and 2000 North, on the south side of Antelope Drive; and

WHEREAS, Katie's Place, LLC desires to purchase the whole City owned parcel, as mutually agreed to by the parties, to assemble UDOT and City owned parcels together with Parcel # 10-055-0016 to provide a development site for an office building; and

WHEREAS, that amount of property does not meet the definition of "significant", alleviating additional processes. The City will be receiving good and valuable consideration therefore, in the amount of Ten Thousand Dollars (approximately \$1.58 per square foot) for property purchased; and

WHEREAS, in reviewing this transaction, the City Council, has determined that selling this small City parcel to the adjacent property owner, is in the best interest of the City.

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

1. That the City enter into the Land Sale Agreement, which is attached hereto and incorporated herein by this reference.
2. That the Mayor is authorized to execute said Agreement, and attendant Quit-Claim Deed, and all other necessary documents pursuant hereto.

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

ATTEST:

J. STEPHEN CURTIS, Mayor

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY R. CRANE, City Attorney

LAND SALE AGREEMENT

Purchaser: KATIE'S PLACE, LLC
958 NORTH 3500 WEST
LAYTON, UTAH 84041

Seller: LAYTON CITY CORPORATION
437 NORTH WASATCH DRIVE
LAYTON, UTAH 84041

This Agreement between the Purchaser and Seller is entered into this ____ day of August, 2013.

WHEREAS, the Purchaser desires to purchase and the Seller is willing to sell certain real property located at approximately 1690 West 2000 North (Antelope Drive), Layton, Utah; and

WHEREAS, this Agreement constitutes an accurate understanding and a complete agreement of the parties.

NOW, THEREFORE, PURCHASER AND SELLER AGREES AS FOLLOWS:

1. Purchase: The Seller agrees to sell and the Purchaser agrees to purchase certain real property located at approximately 1690 West 2000 North (Antelope Drive), Layton City, Davis County, State of Utah, which property is more particularly described in the Quit Claim Deed (Exhibit "A") attached hereto.

2. The total award for the above-described property shall be Ten Thousand Dollars.

Total Sale Price - \$10,000

3. Deed Provision: The Quit Claim Deed shall be made out to the Purchaser with title vested as follows:

KATIE'S PLACE, LLC

4. Title Approval: Seller agrees to furnish, at Purchaser's option, an Owner's Standard Title Policy to purchaser for the amount of sale with the usual exceptions, or an abstract extending down to the date of the Deed showing good marketable title to Seller. Purchaser shall have a reasonable time to examine a title report before delivery of the Deed. The sale shall be subject to the approval of the preliminary title report by both parties. If title to the property is found defective, Purchaser shall specify in writing such defects that render the title unmarketable, and fourteen (14) days of additional time shall be given to Seller to perfect the same. Purchaser shall pay for the title report and the title insurance policy.

5. Closing Date: This transaction shall close and the Deed shall be delivered on or

before August 5, 2013 ("Closing Date"), and possession shall occur on or before that date. This date may be extended or shortened by agreement of the parties.

6. Approval: This sale requires approval by the Layton City Council. All documents are to have the approval of the City Attorney's office.

7. Expenses: Closing expenses, if any, shall be paid by the Purchaser.

8. Representations: Purchaser declares that the property has been personally inspected and the same is being purchased upon personal examination and judgment and not through any representation made by Seller, as to its location, value, future value, income therefrom, type or condition of improvements or construction, production, allowed usages or zoning. Purchaser will accept the property as is unless otherwise noted.

9. Attorney's Fees: If either party fails to comply with the terms of this Agreement, said party shall pay all expenses of enforcing the Agreement, or any right arising out of the breach thereof, including reasonable attorney's fees.

10. Special Provisions: Seller is selling the property to Purchaser at a reduced rate because there is currently a public utility easement on the property and utilities that run underground. Purchaser agrees to purchase the property subject to the public utility easement and agrees upon closing, to grant to Seller a public utility easement no smaller than the existing public street unless otherwise agreed upon by Seller. The public utility easement to be granted to Seller may be granted for the same location as the property or at a new location depending on the site design and as agreed upon by the parties. Purchaser shall be responsible for all costs associated with any relocation of public utilities if necessary.

11. Entire Agreement: The terms of this Agreement constitute the entire preliminary contract between the parties, and any modifications must be in writing and signed by both parties.

This is a legally binding document. If not understood, seek competent advice.

Purchaser

KATIE'S PLACE, LLC
By: _____
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this _____ day of _____, 2013, personally appeared before me

_____, who duly acknowledged to me that he/she is the _____ of KATIE'S PLACE, LLC. and that the document was signed by him/her in behalf of said limited liability company, and _____ acknowledged to me that said limited liability company executed the same.

NOTARY PUBLIC

SELLER

APPROVED AS TO FORM
BY *[Signature]* 7/29/2013

J. STEPHEN CURTIS, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this _____ day of _____, 2013, personally appeared before me J. STEPHEN CURTIS, who duly acknowledged to me that he is the MAYOR of LAYTON CITY, and that the document was signed by him in behalf of said corporation, and J. STEPHEN CURTIS acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

EXHIBIT "A"

QUIT CLAIM DEED

LAYTON CITY CORPORATION, of 437 North Wasatch Drive, Layton, County of Davis, State of Utah (GRANTOR), hereby **QUIT-CLAIM** to KATIE'S PLACE, LLC, of 958 North 3500 West, Layton, County of Davis, State of Utah (GRANTEE), for the sum of Ten Dollars (\$10.00) and/or other valuable consideration, the following described tract of land in Davis County, State of Utah:

Any interest in the following described property:

BEG AT A POINT S 89d 46'00" W, 2466.99 FT, TH SOUTH, 42.00 FT FROM THE NE CORNER OF SECTION 18, T4N, R1W, SLB&M; TH TO A POINT ON A 12.0' RADIUS CURVE TO THE LEFT, LENGTH 18.56 FT, CHORD BEARING S 44d 57'12" W, 16.76 FT, DELTA ANGLE 88d 35'31"; TH S 0d39'10" W, 105.87 FT TO A PT ON A 12.00 FT RADIUS CURVE TO THE LEFT, 19.02 FT, CHORD BEARING S 44d 40'34" E, 17.09 FT, DELTA ANGLE 90d48'55"; TH S 89d 57'51" W, 13.09 FT; TH TO A POINT ON A 219.94 FT RADIUS CURVE TO THE RIGHT 48.57 FT, DELTA ANGLE 12d 39'14", CHORD BEARING N 80d 12'00" W, 48.47 FT; TH N 0d 03'01" E, 108.25 FT TO THE BEG OF A 12.00 FT RADIUS CURVE TO THE LEFT, 19.08 FT, CHORD BEARING N 45d 30'35" W, 17.14 FT, DELTA ANGLE 91d 07'08"; TH N 88d55'53" E, 74.03 FT TO THE POINT OF BEGINNING. CONTAINS 6320.34 SQ FT.

WITNESS the hand of said Grantor, this _____ day of _____, 2013.

GRANTOR

J. STEPHEN CURTIS, Mayor

ATTEST:

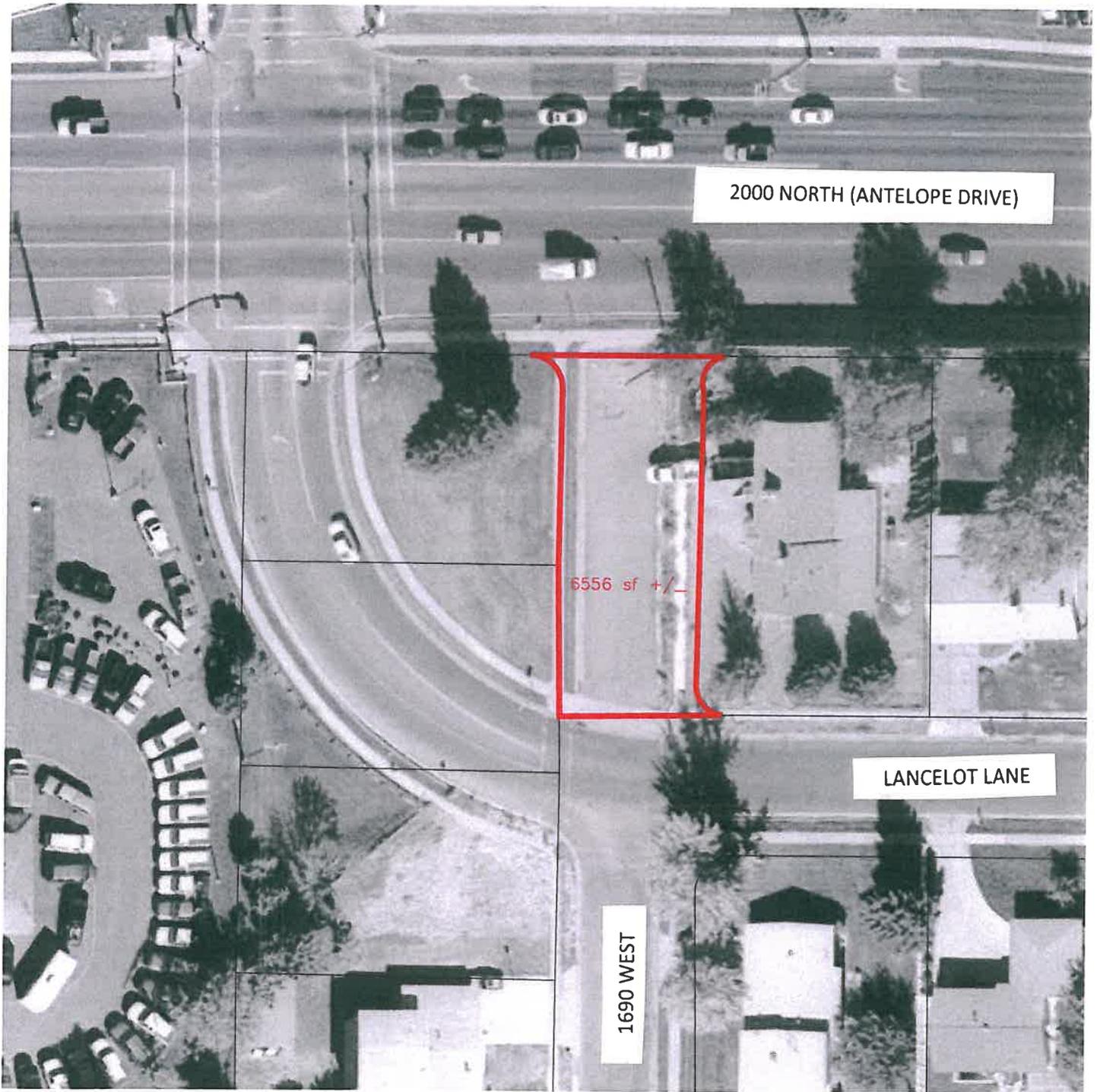
THIEDA WELLMAN, City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this _____ day of _____, 2013, personally appeared before me J. STEPHEN CURTIS, who duly acknowledged to me that he is the MAYOR of LAYTON CITY, and that the document was signed by him in behalf of said corporation, and J. STEPHEN CURTIS acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

MAP ILLUSTRATING THE DESCRIBED PARCEL



Mail filed copy to:

Layton City Corporation
437 North Wasatch Drive
Layton, Utah 84041

QUIT CLAIM DEED

LAYTON CITY CORPORATION, of 437 North Wasatch Drive, Layton, County of Davis, State of Utah (GRANTOR), hereby **QUIT-CLAIM** to KATIE’S PLACE, LLC, of 958 North 3500 West, Layton, County of Davis, State of Utah (GRANTEE), for the sum of Ten Dollars (\$10.00) and/or other valuable consideration, the following described tract of land in Davis County, State of Utah:

Any interest in the following described property:

BEG AT A POINT S 89d 46’00” W, 2466.99 FT, TH SOUTH, 42.00 FT FROM THE NE CORNER OF SECTION 18, T4N, R1W, SLB&M; TH TO A POINT ON A 12.0’ RADIUS CURVE TO THE LEFT, LENGTH 18.56 FT, CHORD BEARING S 44d 57’12” W, 16.76 FT, DELTA ANGLE 88d 35’31”; TH S 0d39’10” W, 105.87 FT TO A PT ON A 12.00 FT RADIUS CURVE TO THE LEFT, 19.02 FT, CHORD BEARING S 44d 40’34” E, 17.09 FT, DELTA ANGLE 90d48’55”; TH S 89d 57’51” W, 13.09 FT; TH TO A POINT ON A 219.94 FT RADIUS CURVE TO THE RIGHT 48.57 FT, DELTA ANGLE 12d 39’14”, CHORD BEARING N 80d 12’00” W, 48.47 FT; TH N 0d 03’’01” E, 108.25 FT TO THE BEG OF A 12.00 FT RADIUS CURVE TO THE LEFT, 19.08 FT, CHORD BEARING N 45d 30’35” W, 17.14 FT, DELTA ANGLE 91d 07’08”; TH N 88d55’53” E, 74.03 FT TO THE POINT OF BEGINNING. CONTAINS 6320.34 SQ FT.

WITNESS the hand of said Grantor, this _____ day of _____, 2013.

GRANTOR

J. STEPHEN CURTIS, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this _____ day of _____, 2013, personally appeared before me J. STEPHEN CURTIS, who duly acknowledged to me that he is the MAYOR of LAYTON CITY, and that the document was signed by him in behalf of said corporation, and J. STEPHEN CURTIS acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

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

Item Number: 4D

Subject: Amended Final Plat Approval – Pinehurst Place Subdivision Phases 2A and 2B – 425 North 1625 West

Background: On December 7, 2006, the Council approved the final plats for both Phase 1 and Phase 2 of the Pinehurst Place Subdivision. Phase 1 has had continuous progress since final plat approval. As to date, Phase 2 has had no progress since final plat approval other than the plat was recorded for this phase.

The applicant, Symphony Homes, is requesting an amended final plat approval to separate Phase 2 into two phases, which are to be titled as Phase 2A and 2B. The amendment allows the developer to add three lots to the overall Phase 2 by reconfiguring some of the larger lots to create additional lots. This creates a small change to the density of .18 units per acre. The amendment allows the developer to shorten the cul-de-sacs to create a more buildable area for cul-de-sac lots.

The two amended final plats combined propose a total of 41 lots. The frontage of each lot meets the frontage requirements of the lot-averaged R-S zone.

Alternatives: Alternatives are to 1) Grant amended final plat approval to Pinehurst Place Subdivision Phases 2A and 2B subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Deny granting amended final plat approval.

Recommendation: On July 9, 2013, the Planning Commission unanimously recommended the Council grant amended final plat approval to Pinehurst Place Subdivision Phases 2A and 2B subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II 

Date: August 1, 2013

Re: Pinehurst Place Phases 2A and 2B Amended Final Plat

Location: 425 North 1625 West

Zoning: R-S (Residential Suburban)

Background: On December 7, 2006, the City Council approved the final plats for Phase 1 and Phase 2 for the Pinehurst Place Subdivision. The final plats for Phase 1 and Phase 2 were recorded shortly after receiving City approval. Phase 1 has had continuous progress since receiving final plat approval. Phase 2 has had no progress made due to the impacts the economy has had on home building the last six years.

The applicant, Symphony Homes, is requesting that Phase 2 be amended by separating the phase into two smaller phases. The two smaller phases will be titled Phase 2A and Phase 2B. The two smaller phases combined propose 41 lots on 17.06 acres, which creates a density of 2.4 units per acre.

The amendment allows the developer to add three lots to the overall Phase 2 by reconfiguring some of the larger lots to create additional lots. The additional lots create a small change to the density of .18 units per acre. This is feasible due to the most northern lots in Phase 2B being within 300 feet from West Hillfield Road, which is classified as an arterial street in the City's Master Street Plan. This provision allows for an increase to a density similar to an R-1-10 zone. The smaller lots for the overall Phase 2 are in Phase 2B, which are located on 475 North.

The amendment also allows the developer to shorten the cul-de-sac streets to create a larger buildable area for cul-de-sac lots. The developer attempted to seek an easement from the adjacent property owner to the east for a temporary turnaround for 475 North. The property owner was not willing to give an easement. Rather than having to fire sprinkle six lots at the stubbed street or creating a cul-de-sac bubble in the middle of the block, the developer is proposing a different option. The future Lot 228 of the subdivision will temporarily be an open

space lot to accommodate a temporary turnaround. This option must have the approval of the City Engineer, who will dictate the final design of the drivable surface and curb and gutter. The remaining portion of Lot 228 is proposed as open space and may have a community garden. Symphony Homes will retain ownership of the lot until the street is extended east and the temporary turnaround is not required. Lot 228 will then be sold for development of a single family home.

There are minor corrections required on the plat that will need to be changed before a final mylar is submitted for recording.

Staff Recommendation: Staff recommends amended final plat approval Pinehurst Place Phases 2A and 2B be granted subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering D.R.

Planning [Signature]

Fire [Signature]

Planning Commission Action: On July 9, 2013, the Planning Commission voted unanimously to recommend the Council grant amended final plat approval for Pinehurst Place Phases 2A and 2B subject to meeting all Staff requirements as outlined in Staff memorandums.

The Commission asked for public comment. No public comments were given.



MEMORANDUM

TO: John Wheatley, Symphony Homes, jwheatley@symphonyhomes.com
Chris Cave, Reeves & Associates, Inc., ccave@reeve-assoc.com

CC: Community Development Department/Fire Department

FROM: Ashley Thoman, Layton City Public Works-Engineering Department

DATE: July 2, 2013

SUBJECT: **PINEHURST PLACE PHASES 2A & 2B – Final Review (2nd Submittal)**
425 North Blue Spruce Drive

I have reviewed the dedication plats and construction plans received June 24, 2013 for Pinehurst Place Subdivision Phases 2A and 2B located at approximately 425 North 1675 West. The plans have been stamped "Approved As Corrected". The following comments and corrections must be addressed and three sets of corrected plans signed and stamped by a licensed P.E. submitted to engineering prior to scheduling a pre-construction meeting. An electronic file in an AutoCAD format of the subdivision plans must also be submitted.

Bonding – A separate cost estimate for each phase must be submitted for review.

Title Report - The title report legal description is for Phase 2B only. Phase 2A must be included in the title report.

Dedication Plat - Phase 2A - The lot lines of Cold Water Estates along the west boundary must be shown.

Dedication Plat - Phase 2B -

1. The lot lines of Cold Water Estates along the west boundary must be shown and the words "construction in progress" removed.
2. The easement listed in the title report for Utah Power and Light, #14, Schedule B, Section 2, must be shown on the plat and a signature block provided for Rocky Mountain Power.
3. The centerline distance information shown on the north and south side of 475 North is off by .01'.
4. The north boundary of lots 233-236 extends .058' beyond the right of way of Pinehurst Drive.
5. The south boundary of lots 229 and 230 has segments with changed bearings that are missing lengths.
6. Per the Fire Department requirements the temporary turn around must have a minimum of 80 feet of drivable surface. The plat/plans show 67 feet of drivable surface due to the high back curb on the north side. This must be corrected.
7. The dedication plat must be corrected to note lot 228 as future lot 228R. The CCR's and plat must be amended to include the notes listed below referencing the R-designation:
 1. The homeowner's association or developer must own and maintain open space.
 2. Curb, gutter and sidewalk must be installed by lot owner when a building permit is issued and/or a future street connection is made.

Temporary Turn-Around - The City Engineer recommends using mountable curb and gutter along the front of lot 228R and the remainder of the turnaround behind the curb be asphalted. As noted above the drivable surface must be corrected to 80 feet.

Phasing - Subsequent phases will extend improvements and utility systems with minimal disturbance to previously completed work. Land drain and sanitary sewer lines can be stubbed and blocked as shown at phase lines since there are no laterals upstream of the last manhole in phase 2A.

A temporary 2-inch flushing hydrant must be added near the phase line.

Storm Drain/SWPPP - The developer must obtain a UPDES Storm Water Permit from the State. The permit may be obtained online at www.waterquality.utah.gov/UPDES/stormwatercon.htm. A copy of the permit must be submitted to Layton City prior to scheduling a pre-construction meeting.

Water & Sewer - The culinary water model calculates there is 3,860 gallons per minute of fire flow for this area with a pressure of 82 psi.

-A "water/sewer crossing table" must be submitted to Layton City for submittal to the Utah Division of Drinking Water. The table must include information for all locations where the culinary water main crosses the sanitary sewer main. The table must include the development name, sheet number showing the crossing, road name where the crossing is located, station of the crossing, whether the water line will cross over or under the sanitary sewer, and the clearance between the water line and the sanitary sewer. An example table is shown in the Layton City Development Guidelines and Design Standards, in the Culinary Water Systems section under part VII.F. <http://www.laytoncity.org/Downloads/pubworks/standards/Section4.pdf>

The water exaction for the original layout required 34.57 acre-feet compared with 34.37 acre-feet for the current layout of phases 2A and 2B. Therefore no additional water shares will be required.

Lighting - The Developer must pay for the lights and the installation prior to the pre-construction meeting. The city will order the lights and the City's contractor will install the underground power and the poles and lights. Street lighting must be connected to a transformer located in the public right of way or P.U.E. If an existing transformer is not available, the Developer must pay for one to be installed. The six lights are correctly shown on the plans. The cost for installation is \$9,322.00 and the cost for the lights is \$12,000.00 for a total of \$21,322.00.

Secondary Water - -An approval letter from Kayscreek Irrigation Company for the proposed secondary water system must be submitted for final approval. Scott Green can be reached at (801) 941-2010.



• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
FAX: (801) 546-0901

Mayor • J. Stephen Curtis
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason

MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Douglas K. Bitton, Fire Prevention Specialist 

RE: Pinehurst Place Phases 2A and 2B @ 425 North Blue Spruce Drive

CC: 1) Engineering
2) Chris Cave, ccave@reeve-assoc.com
3) John Wheatley, jwheatley@symphonyhomes.com

DATE: June 13, 2013

I have reviewed the site plat received on June 10, 2013 for the above referenced project. The Fire Department, with regards to the plat, does not have any comments at this time **and recommends granting final approval.**

These plans have been reviewed for Fire Department requirements only. Other departments may review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DB\Pinehurst Place Plat.kn
Plan # S13-075, District # 41
Project Tracker: #LAY 1306051371





• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
FAX: (801) 546-0901

Mayor • J. Stephen Curtis
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason

MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Douglas K. Bitton, Fire Prevention Specialist. 

RE: Pinehurst Place Phases 2A and 2B @ 425 North Blue Spruce Drive

CC: 1) Engineering
2) Chris Cave, ccave@reeve-assoc.com
3) John Wheatley, jwheatley@symphonyhomes.com

DATE: June 12, 2013

I have reviewed the site plan submitted on June 4, 2013 for the above referenced project. The Fire Prevention Division of this department has the following comments/concerns.

1. The minimum fire flow requirement is 1,000 gallons per minute for 60 consecutive minutes for residential one and two family dwellings. Fire flow requirements may be increased for residential one and two family dwellings with a building footprint equal to or greater than 3,600 square feet or for buildings other than one and two family dwellings. Provide documentation that the fire flow has been confirmed through the Layton City Engineering Division, Water Model.
2. Fire hydrants and access roads shall be installed prior to construction of any buildings. All hydrants shall be placed with the 4 1/2" connection facing the point of access for Fire Department Apparatus. Provide written assurance that this will be met.
3. In a telephone conversation with Chris Cave on the date of this letter, we discussed the need for additional fire hydrant protection along Blue Spruce Drive. It was determined that a fire hydrant will be placed near Lot #55 favoring Blue Spruce Drive.



4. Prior to beginning construction of any buildings, a fire flow test of the new hydrants shall be conducted to verify the actual fire flow available for this project. The Fire Prevention Division of this department shall witness this test and shall be notified a minimum of 48 hours prior to the test.
5. All fire apparatus access roads shall be a minimum all-weather, driveable and maintainable surface. There shall be a minimum clear and unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end roads created in excess of 150 feet in length shall be provided with an approved turn-around.
6. A submittal of site approved floor plan is required in a PDF format addressed to dbitton@laytoncity.org.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DKB#1 subdivision site plan:kn
Plan # S13-073, District #41
Project Tracker #LAY 130605137.1





Memorandum

To: Planning Commission
From: Scott Carter, Parks Planner
Date: June 6, 2013
Re: Pinehurst Place Subdivision Phases 2A & 2B Amended Plat, Final Approval –
425 North Blue Spruce Drive

There are no impacts on any existing or proposed Parks & Recreation facilities related to the amended plat for Pinehurst Place Subdivision Phases 2A & 2B.

Recommendation

Parks & Recreation supports final approval of the amended plat for Pinehurst Place Subdivision Phases 2A & 2B.

CITY COUNCIL

August 1, 2013

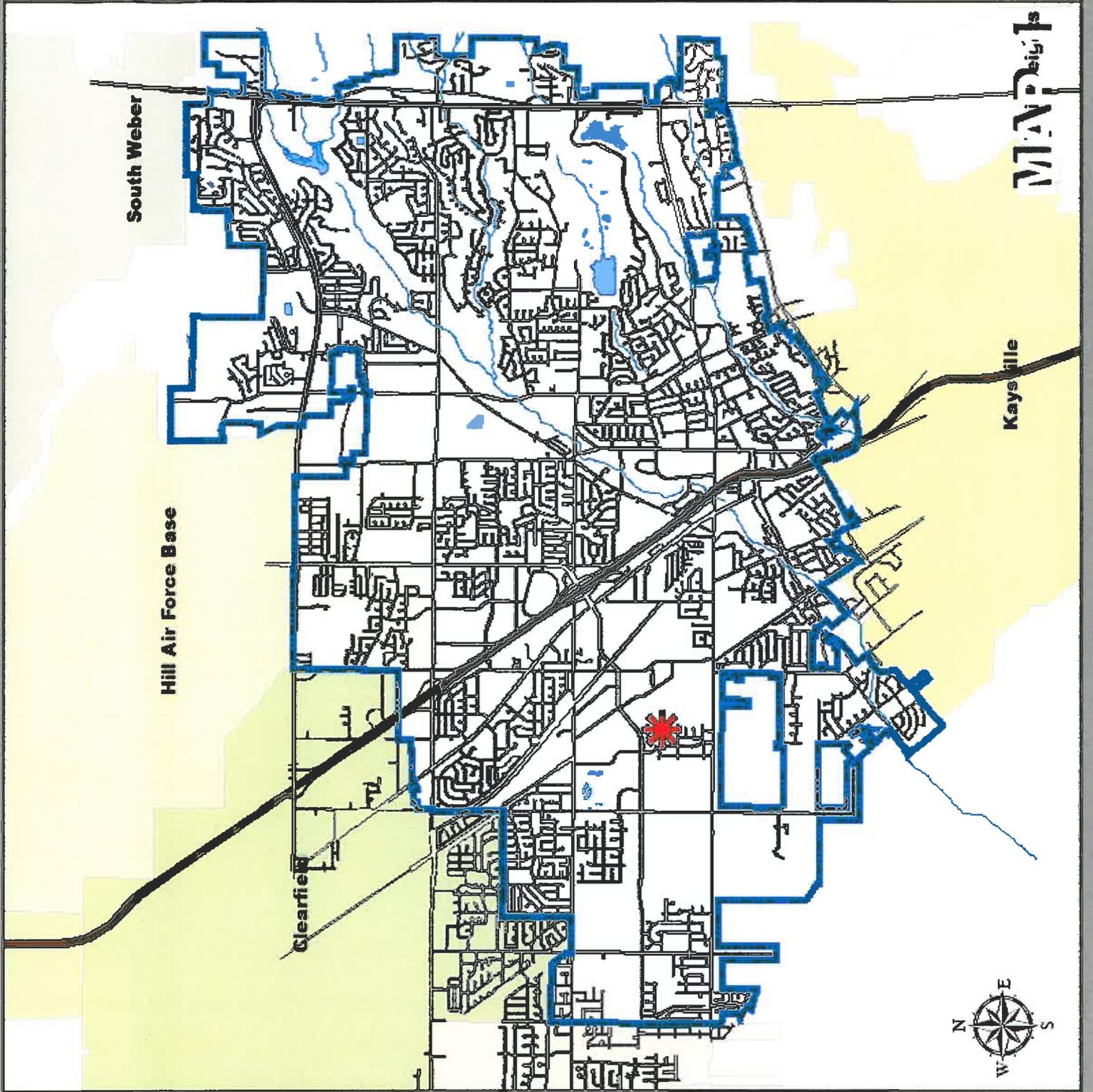
Pinehurst Place Phases 2A and 2B Final Plats

Legend

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

 - Project Site

1 inch = 5,000 feet



CITY COUNCIL

August 1, 2013

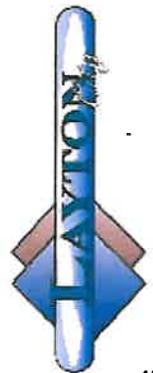
Pinehurst Place Phases 2A and 2B Final Plats

Legend

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

 - Project Area

 1 inch = 330 feet

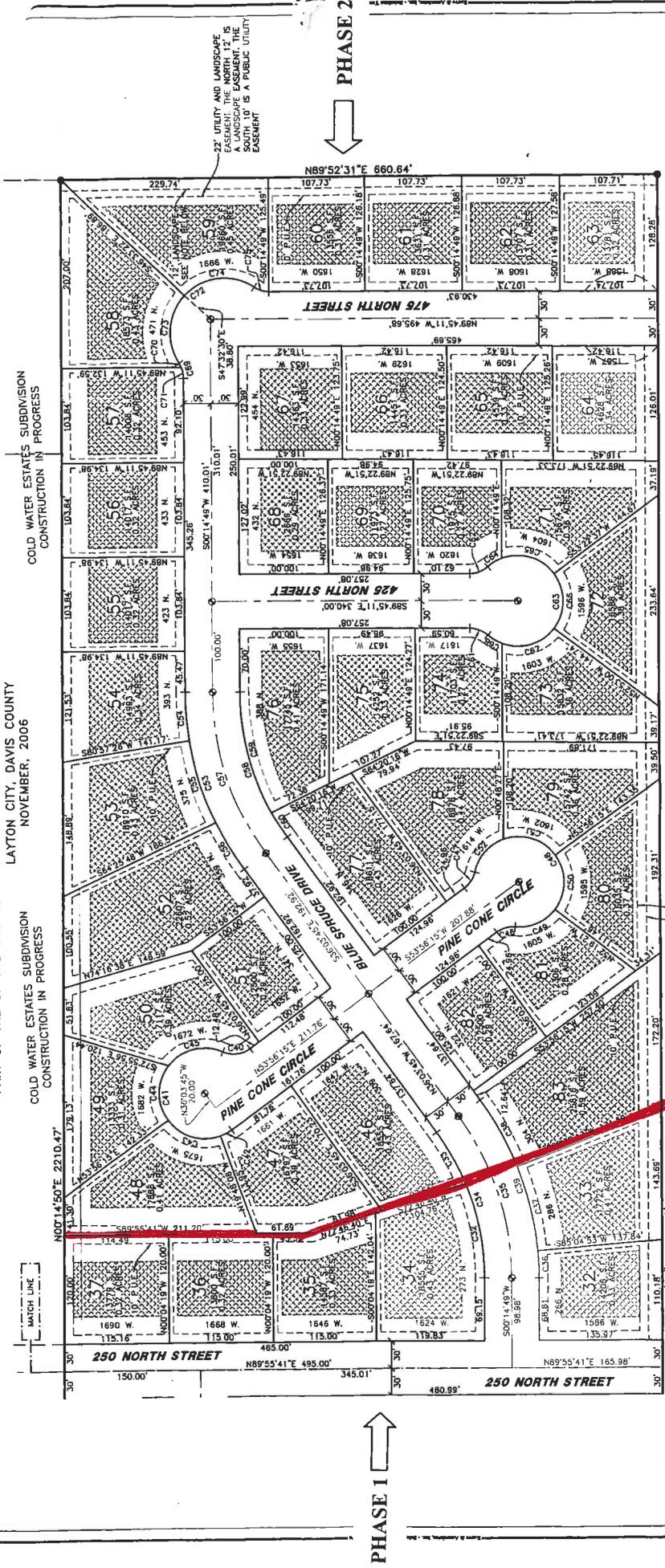


Pinehurst Place Subdivision

PART OF THE SOUTHEAST QUARTER OF SECTION 19, T.4N., R.1W., S.L.B.&M., U.S. SURVEY.
LAYTON CITY, DAVIS COUNTY
NOVEMBER, 2006

COLD WATER ESTATES SUBDIVISION
CONSTRUCTION IN PROGRESS

COLD WATER ESTATES SUBDIVISION
CONSTRUCTION IN PROGRESS



PHASE 2
↓

↑
PHASE 1

22' UTILITY AND LANDSCAPE EASEMENT. THE NORTH 10' IS A PUBLIC UTILITY EASEMENT.

15' PRIVATE IRRIGATION EASEMENT

25' UTILITY & IRRIGATION EASEMENT. THE EAST 15' IS A IRRIGATION EASEMENT.

ALL LOTS HAVE 10 FOOT PUBLIC UTILITY EASEMENTS ON THE EAST AND 10 FOOT PUBLIC UTILITY EASEMENTS ON THE SIDE LOT LINES UNLESS OTHERWISE SHOWN.
THE LANDSCAPING ALONG FULL-FIELD ROAD WHICH INCLUDES THE CURB AND GUTTER SHALL BE MAINTAINED BY THE PINEHURST PLACE HOMEOWNERS ASSOCIATION.
FOR LOTS 59-65, THE BERM ALONG THE REAR PROPERTY LINE HOWEVER BE LANDSCAPED. IN ADDITION, THE FENCE AT THE TOP OF THE BERM CANNOT BE CHANGED OR REMOVED, IT SHALL ALWAYS BE A SOLID VINYL FENCE.

Legend

- ◆ SECTION CORNER
- SET 5/8" REBAR AND PLASTIC CAP
- STAMPED "REEVE & ASSOCIATES"
- FOUND STREET MONUMENT
- BOUNDARY LINE
- LOT LINE
- CENTERLINE
- SECTION TIE LINE
- EASEMENT
- ADJOINING PROPERTY
- MATCH LINE
- PUBLIC UTILITY EASEMENT



Project Information

Project Name: **WINDMILL PARK SUBDIVISION**
 Number: **1984-43**
 Date: **1-1-06**
 Scale: **1"=60'**
 Drawn: **N. ANDERSON**
 Check: **N. ANDERSON**
 Date: **05-02-08**

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
 AND RECORDED IN BOOK _____ OF _____
 THE OFFICIAL RECORDS, PAGE _____

RECORDED FOR:

DAVIS COUNTY RECORDER
 DEPUTY



ORIGINAL PHASE 2 PLAT

DOCUMENT RECEIVED FROM OUTSIDE SOURCE

PINEHURST PLACE SUBDIVISION PHASE 2A

RESUBDIVISION OF ALL OF LOTS 46-53, 77, & 80-83 AND PORTIONS OF LOTS 54, 75-76, & 78-79 OF PINEHURST PLACE SUBDIVISION PART OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. LAYTON CITY, DAVIS COUNTY, UTAH MAY, 2013

BOUNDARY DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SAID POINT BEING N00°14'50"E 1480.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE N00°14'50"E 522.86 FEET; THENCE N81°07'10"E 141.95 FEET; THENCE N89°27'39"E 58.76 FEET; THENCE S89°45'11"E 98.08 FEET; THENCE S81°11'09"E 95.08 FEET; THENCE S89°46'04"E 269.80 FEET; THENCE S00°13'56"W 394.54 FEET; THENCE S68°30'13"W 171.59 FEET; THENCE S72°15'34"W 60.16 FEET; THENCE S72°46'40"W 179.49 FEET; THENCE S89°55'41"W 273.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 329,115 SQUARE FEET OR 7.555 ACRES

LEGEND

- SECTION CORNER
- SET STREET MONUMENT
- BOUNDARY LINE
- LOT LINE
- ADJOINING PROPERTY
- EASEMENTS
- SECTION TIE LINE
- BUILDABLE AREAS

NOTE

ALL LOTS HAVE 10 FOOT FRONT, 10 FOOT REAR, AND 5 FOOT SIDE PUBLIC UTILITY EASEMENT.

BUILDABLE AREAS FOR ALL LOTS EXCLUDING CORNER LOTS ARE 1 FEET ON SIDES, BUILDABLE AREAS FOR CORNER LOTS ARE 25 FEET ON FRONTS AND 10 FEET ON REARS.

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO RESUBDIVIDE ALL OF LOTS 46-53, 77, & 80-83 AND PORTIONS OF LOTS 54, 75-76, & 78-79 OF PINEHURST PLACE SUBDIVISION INTO LOTS AND STREETS. ALL BOUNDARY AND REAR LOT CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

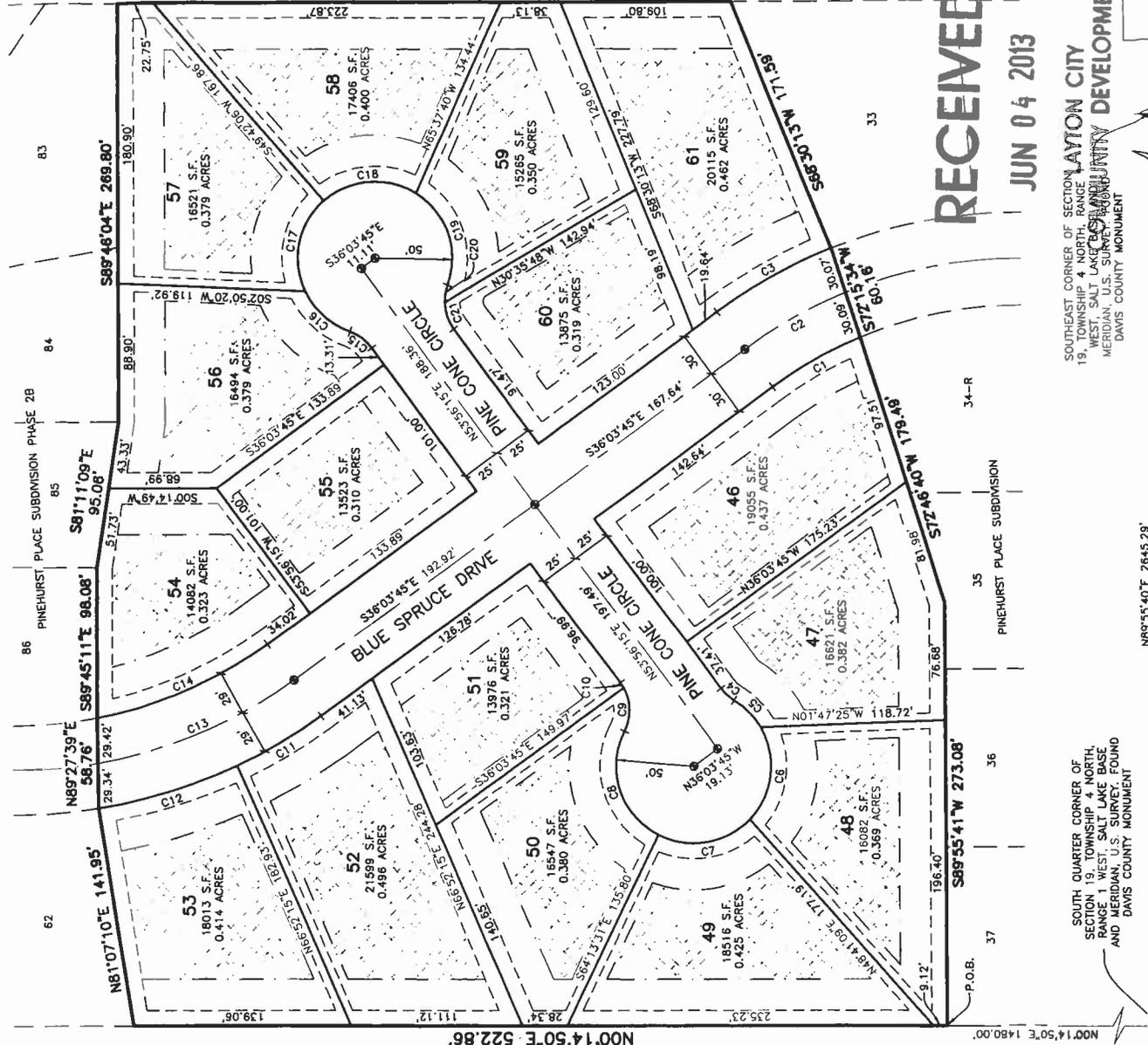
COLD WATER CONSTRUCTION IN PROGRESS



DOCUMENT RECEIVED FROM OUTSIDE SOURCE

CURVE TABLE

CHORD	ARC LENGTH	CHORD BEARING	TANGENT	CHORD BEARING	DELTA
0.00	64.70	64.35	32.51	N28°11'51"W	1343.47
0.00	74.30	74.11	37.04	N28°58'03"W	1411.23
0.00	83.89	83.67	42.07	N28°46'06"W	1431.58
0.00	11.57	11.30	5.86	S42°53'51"W	22.09/98
0.00	24.36	24.33	12.94	S43°55'42"W	26.09/50
0.00	64.35	60.00	37.50	N85°07'18"W	73.44/33
0.00	78.37	70.59	49.85	N85°22'46"W	89.48/41
0.00	29.15	28.02	15.84	N89°27'38"E	52.40/11
0.00	4.03	4.02	2.02	N57°46'34"E	10.53/16
0.00	62.54	62.44	31.36	N30°37'01"W	1053.28
0.00	93.55	93.23	47.09	N17°01'34"W	1617.28
0.00	138.07	136.85	70.28	N22°52'41"W	2622.08
1.00	20.04	119.06	61.02	S23°22'22"E	2522.46
0.00	17.95	17.68	9.25	N36°48'02"E	3416.27
0.00	39.51	38.49	20.85	N42°18'07"E	4516.36
0.00	64.35	60.00	37.50	S78°11'24"E	7344.23



SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, FOUND DAVIS COUNTY MONUMENT

SOUTHEAST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, FOUND DAVIS COUNTY MONUMENT

RECEIVED
JUN 04 2013

PINEHURST PLACE SUBDIVISION PHASE 2B

RESUBDIVISION OF ALL OF LOTS 55-74 AND PORTIONS OF LOTS 54, 75-76, & 78-79 OF PINEHURST PLACE SUBDIVISION
 PART OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.
 LAYTON CITY, DAVIS COUNTY, UTAH
 MAY, 2013

BOUNDARY DESCRIPTION

RT OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING N00°14'50"E 2002.86 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE N00°14'50"E 638.71 FEET; THENCE N89°52'31"E 660.64 FEET; THENCE S00°13'56"W 633.76 FEET; THENCE S91°04'04"W 269.80 FEET; THENCE N81°11'09"W 95.06 FEET; THENCE N89°45'11"W 114.12 FEET; THENCE S89°27'39"W 58.76 FEET; THENCE S81°07'10"W 141.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 414196 SQUARE FEET OR 9.509 ACRES

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO RESUBDIVIDE ALL OF LOTS 55-74 AND PORTIONS OF LOTS 54, 75-76, & 78-79 OF PINEHURST PLACE SUBDIVISION INTO LOTS AND STREETS. ALL BOUNDARY AND REAR LOT CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

OF BEARINGS

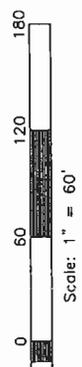
BEARINGS FOR THIS PLAT IS THE SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, FOUND DAVIS COUNTY MONUMENT

LEGEND

- = SECTION CORNER
- = SET STREET MONUMENT
- = BOUNDARY LINE
- = LOT LINE
- = ADJOINING PROPERTY
- = EASEMENTS
- = SECTION TIE LINE
- = BUILDABLE AREAS

NOTE

- ALL LOTS HAVE 10 FOOT FRONT, 10 FOOT REAR, AND 5 FOOT SIDE PUBLIC UTILITY EASEMENT.
- BUILDABLE AREAS FOR ALL LOTS EXCLUDING CORNER LOTS ARE 30 FEET ON FRONTS AND REARS AND 10 FEET ON SIDES. BUILDABLE AREAS FOR CORNER LOTS ARE 25 FEET ON FRONTS AND 10 FEET ON REARS.



DOCUMENT RECEIVED FROM OUTSIDE SOURCE

CURVE TABLE

NGTH	CHD	LENGTH	TANGENT	CHD BEARING	DELTA
1	52.36	26.26	S04°19'01"E	9°07'38"	57
2	51.98	26.09	S04°43'24"E	9°56'25"	57
3	51.62	25.93	S05°13'05"E	10°55'47"	57
4	5.24	2.53	N04°46'02"W	10°01'41"	57
5	6.99	4.55	N18°24'01"W	17°14'17"	57
6	64.29	38.07	S05°22'35"W	64°47'30"	57
7	65.91	39.44	S71°05'15"W	66°37'46"	57
8	13.70	6.89	N69°02'32"W	13°06'37"	57
9	14.14	7.28	S76°07'13"E	27°15'58"	57
10	28.28	20.00	S45°14'49"W	90°00'00"	57
11	23.72	12.91	N66°57'47"E	46°34'03"	57
12	22.46	11.52	S56°39'30"W	25°57'28"	57
13	60.00	37.50	N73°29'55"W	73°44'23"	57
14	60.00	37.50	N07°14'48"E	73°44'23"	57
15	50.00	37.50	N75°59'12"E	73°44'23"	57
16	22.46	11.52	S56°09'55"E	25°57'28"	57
17	23.72	12.91	N66°28'10"W	46°34'03"	57



SOUTH QUARTER CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, FOUND DAVIS COUNTY MONUMENT

SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, FOUND DAVIS COUNTY MONUMENT

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

Item Number: 5A

Subject: Rezone Request – Darrel Farr – A (Agriculture) to R-S (Residential Suburban) – Ordinance 13-23 – 850 North 3200 West

Background: The applicant, Darrell Farr, is requesting to rezone 2.19 acres from A to R-S. To the west and northeast are R-S zoned properties, to the north are PB (Professional Office) zoned parcels and to the east and south are agriculturally zoned properties.

The concept plan shows a proposal to develop five single-family lots. Each lot exceeds the minimum square footage of 15,000 square feet for the R-S zone and each lot meets the minimum frontage requirement of 100 lineal feet.

The General Plan gives a recommendation of 0 to 3 units per acre in this area of the City. The proposed concept plan has an overall density of 2.28 units per acre. Therefore, the R-S zone for the proposed development meets the General Plan requirements for this area.

Alternatives: Alternatives are to 1) Adopt Ordinance 13-23 approving the rezone from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Not adopt Ordinance 13-23 denying the rezone request.

Recommendation: On July 9, 2013, the Planning Commission voted 5 to 1 to recommend the Council adopt Ordinance 13-23 approving the rezone from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums.

The Planning Commission asked that consideration be given that driveways to each lot have a means for a turnaround so that a vehicle can enter 3200 West frontwards. The purpose is to address safety of children walking to and from school on 3200 West. This will be reviewed during the subdivision plat approval.

Staff supports the recommendation of the Planning Commission.

ORDINANCE 13-23
(Farr Rezone)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT 850 NORTH 3200 WEST FROM A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) 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 A to R-S 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 A (Agriculture) to R-S (Residential Suburban).

Being a Part of the Northwest Quarter of Section 24, T4N., R2W., SLB & M, US. Survey, Layton City, Davis County, Utah; described as follows:

Beginning at the Intersection of the South line of 1000 North Street and the East line of 3200 West Street, said intersection being S0°09'50"W along the Section Line 42.00 feet and S89°50'13"E 33.00 feet and S0°09'50"W 248.22 feet from the Northwest Corner of said Section 24, as monumented, and running:

Thence S89°50'13"E 178.20 feet; Thence S0°09'50"W 534.78 feet; Thence N89°50'13"W 178.20 feet to the East line of 3200 West Street; Thence N0°09'50"E 534.78 feet to the Point of Beginning.

Contains: 95,295 square feet or 2.19 acres

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

SECTION IV: 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 V: Effective date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day 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:

SUBMITTING DEPARTMENT:

for: _____
GARY CRANE, City Attorney

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 blue ink, appearing to read "Kem Weaver", written over a horizontal line.

Date: August 1, 2013

Re: Rezone Request – A (Agriculture) to R-S (Residential Suburban) – Ordinance 13-23

Location:	850 North 3200 West
Current Zoning:	A (Agriculture)
Proposed Zoning:	R-S (Residential Suburban)
Current Minimum Lot Size:	A (Agriculture) – 1 Acre
Proposed Minimum Lot Size:	R-S (Residential Suburban) – 15,000 Square Feet

Description:

The property proposed for Residential Suburban (R-S) zoning is 2.19 acres of vacant land presently zoned A (Agriculture) located at approximately 850 North 3200 West. The surrounding properties are zoned agriculture to the east and south, PB zoning to the north and R-S zoning to the west and northeast.

Background:

The applicant is requesting to rezone 2.19 acres from an agricultural (A) zone to an R-S single family zone. The attached concept plan shows a proposal to develop five single family lots, which provides for a density of 2.28 units per acre. The five lots are subdivided equally with four lots being 19,058 square feet and one lot being 19,063 square feet.

Each of the five lots will front onto 3200 West, which is classified as a collector street per the City's Master Street Plan. Each lot meets the frontage requirements of the R-S zone, which is a minimum 100 lineal feet. Each lot has approximately 106 feet of frontage. Before the property can be developed into single family lots, a developer will have to go through the subdivision process and record a final plat.

Street dedication for the widening of 3200 West will be required with the development of the subdivision. Street lighting will also be required along 3200 West.

The Land Use Element of the General Plan gives a recommendation of 0 to 3 units per acre in this area of Layton City. The proposed concept plan has an overall density of 2.28 units per acre.

Staff Recommendation:

Staff recommends approval of the rezone request from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering D.L.

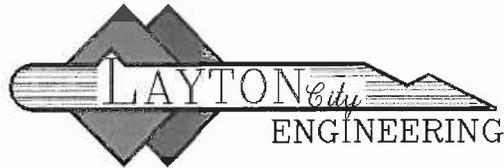
Planning lw

Fire OK

Planning Commission Action: On July 9, 2013, the Planning Commission voted 5 to 1 to recommend the Council grant approval of the rezone request from A to R-S subject to meeting all Staff requirements as outlined in Staff memorandums.

The Planning Commission asked that consideration be given that the driveways to each lot have a means for a turnaround so that the car can enter 3200 West frontwards. The purpose is to address safety of children walking to and from school on 3200 West. This will be reviewed during the subdivision plat approval.

The Planning Commission asked for public comment. No public comment was given.



MEMORANDUM

TO: Darrel Farr, darrelnlauri@gmail.com
Scott Nelson, scott.ceceng@comcast.net

CC: COMMUNITY DEVELOPMENT & FIRE DEPARTMENT

FROM: Debi Richards, Assistant City Engineer

DATE: June 26, 2013

**SUBJECT: DARREL FARR REZONE
984 NORTH 3200 WEST**

I have reviewed the Petition for Amending the Zoning Ordinance for a 2.19 acre portion of a parcel located at the southeast corner of Gordon Avenue and 3200 West. The applicant is requesting a rezone change from A to R-S. The engineering department has no comments or concerns regarding the approval of the rezone.

Preliminary plans for the proposed subdivision must be submitted for review and approval. Please refer to the Layton City Development Guidelines for information to be included with a preliminary plan submittal at: <http://www.laytoncity.org/public/Depts/PubWorks/downloads.aspx>

The following utility information is provided for informational purposes.

Street – 3200 West street improvements must be installed and include street widening and curb and gutter. The existing sidewalk may need to be replaced if it does not align or match elevations of the new improvements.

Water – There is an existing 10 inch water line on the west side of 3200 West. The Fire Marshall will determine the required fire flow and any fire protection requirements.

Storm Drain – There is an 18 inch storm drain pipe on the west side of 3200 West.

Lighting – Lighting will be required in the public right of way.

Sewer – There is an existing 8 inch sanitary sewer main on the east side of 3200 West. This parcel is in a sanitary sewer payback area.

Secondary Water – This property is part of a future secondary water service area. Dry lines will be required to service the subdivision in the future.

Irrigation – There is an existing irrigation pipe along the east side of 3200 West. The exact location and elevation of this pipe must be included on the plans.

Land Drain – A land drain system will be required.

Water Exactions - 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 subdivision review process.



• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
FAX: (801) 546-0901

Mayor • J. Stephen Curtis
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason

MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Dean Hunt, Fire Marshal

RE: Darrell Farr Rezone @ 984 North 3200 West

CC: 1) Engineering
2) Scott Nelson, scott.ceceng@comcast.net
3) Darrell Farr, darrellnlauri@gmail.com

DATE: July 1, 2013

I have reviewed the site plan received on June 19, 2013 for the above referenced project. The Fire Department, with regards to the rezone, does not have any comments at this time. However, for future development our concerns include but are not limited to the following:

1. A minimum fire flow requirement will be determined for buildings that are to be built on this property. The fire flow requirement must be determined by the Fire Prevention Division of this department and will be based upon the type of construction as listed in the building code and total square footage of the building. Prior to applying for a building permit, provide the Fire Prevention Division of this department the type and size of structure(s) to be built.
2. Designated fire access roads shall have a minimum clear and unobstructed width of 26 feet. Access roads shall be measured by an approved route around the exterior of the building or facility. If dead-end roads are created in excess of 150 feet, approved turnarounds shall be provided.
3. Where applicable, two means of egress may be required.
4. On site fire hydrants may be required.

These plans have been reviewed for Fire Department requirements only. Other departments may review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DBH/Darrell Farr RZ:kn
Plan # S13-081, District # 40
Project Tracker #LAY 1306191376





Memorandum

To: Planning Commission
From: Scott Carter, Parks Planner
Date: June 20, 2013
Re: Darrel Farr Rezone, A to R-S & Conceptual Subdivision – 984 North 3200 West

The Parks & Recreation Department sees no adverse impacts to existing facilities or the long-term plans of the department related to the proposed Darrel Farr rezone, A to R-S, or the accompanying conceptual site plan. The proposal is on the boundary of the Legacy Park service area. In the future, the proposed project will also be served by a park that will be constructed on the north side of Hill Field Road at approximately 2700 West.

Recommendation

Parks & Recreation supports approval of the rezone and conceptual subdivision plan.

CITY COUNCIL

August 1, 2013

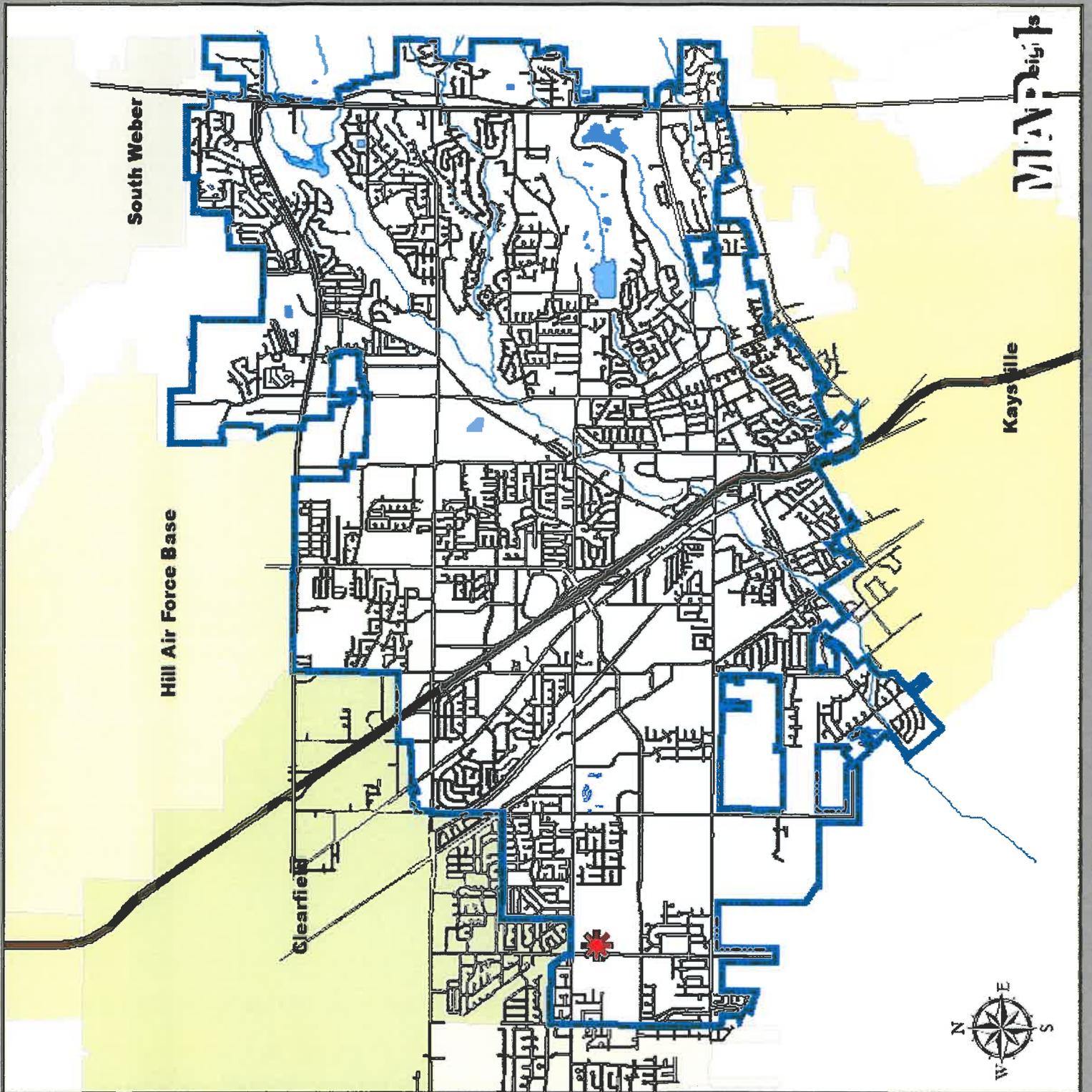
Farr Rezone

Legend

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

 - Project Site

1 inch = 5,000 feet



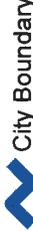
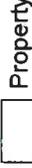
MAP

CITY COUNCIL MEETING

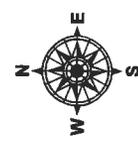
August 1, 2013

Farr Rezone A to R-S

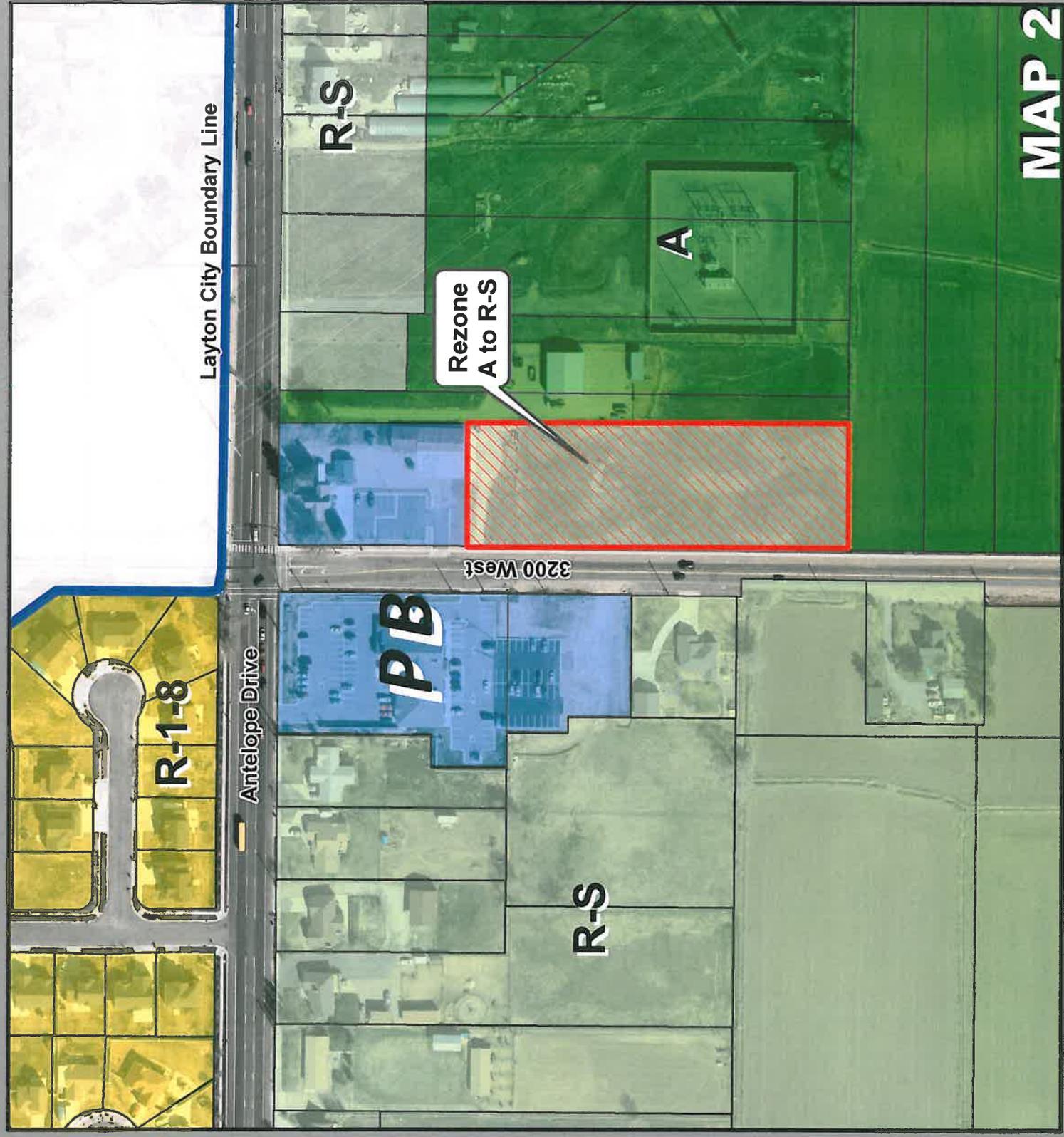
Legend

-  City Boundary
-  Property
-  Lakes
-  Streams

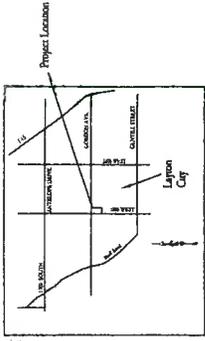
 - Project Area



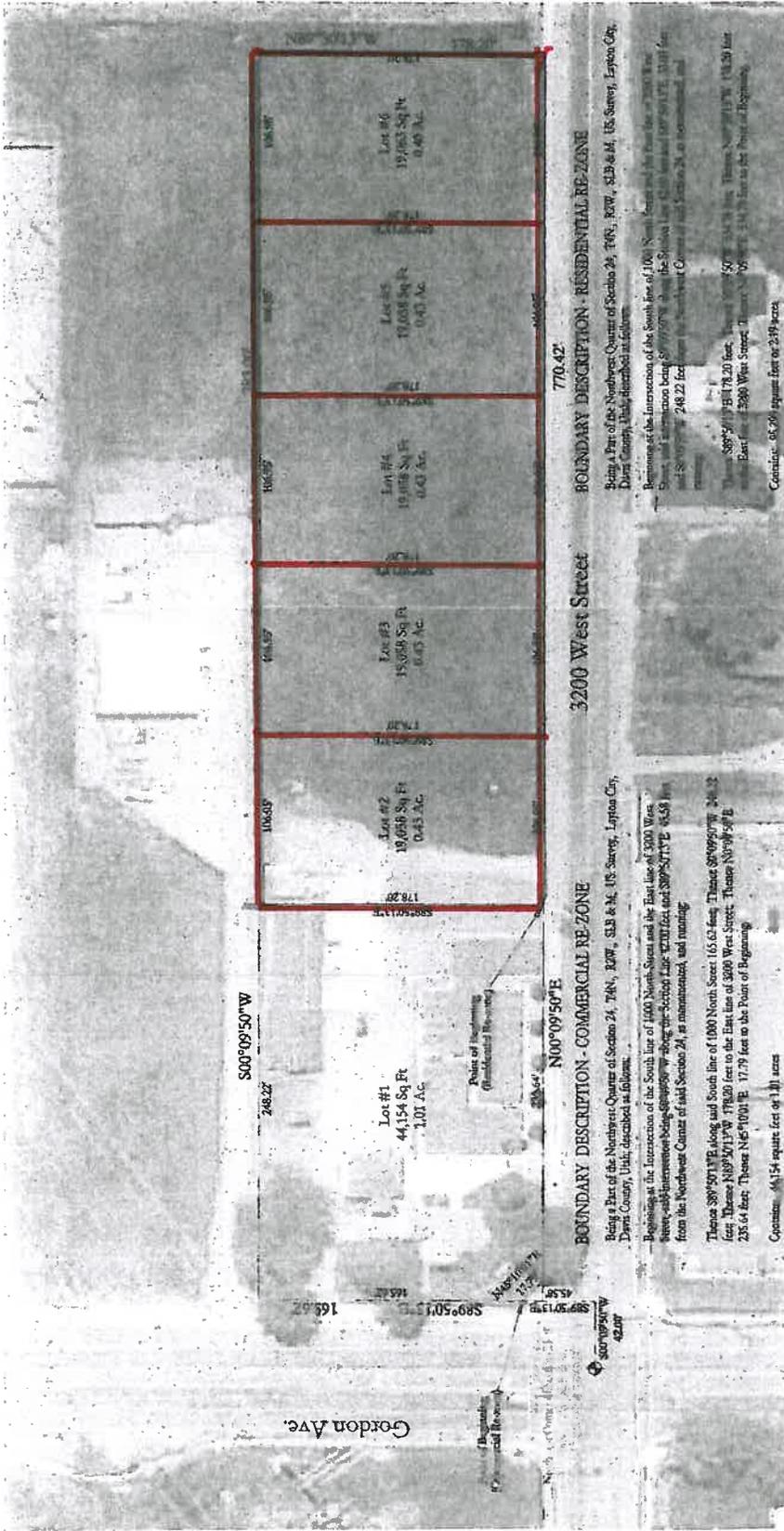
1 inch = 181.18 feet



st One-Half of Section 8, T4N, R2W,
rvey, Layton City, Davis County, Utah

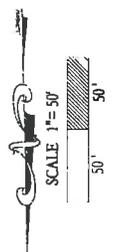


VICINITY MAP



BOUNDARY DESCRIPTION - COMMERCIAL RE-ZONE
 Being a Part of the Northeast Quarter of Section 24, T4N, R2W, S13 & 14, US Survey, Layton City, Davis County, Utah, described as follows:
 Beginning at the Intersection of the South line of 1000 North Street and the East line of 3200 West Street, Subdivision being S89°50'17"W 178.20 feet to the East line of 3200 West Street, Thence N0°09'50"E 25.04 feet, Thence N45°00'00"E 17.79 feet to the Point of Beginning.
 Contains: 44,154 square feet or 1.01 acres.

BOUNDARY DESCRIPTION - RESIDENTIAL RE-ZONE
 Being a Part of the Northeast Quarter of Section 24, T4N, R2W, S13 & 14, US Survey, Layton City, Davis County, Utah, described as follows:
 Beginning at the Intersection of the South line of 1000 North Street and the East line of 3200 West Street, Subdivision being S89°50'17"W 178.20 feet to the East line of 3200 West Street, Thence N0°09'50"E 25.04 feet to the Point of Beginning, Thence S89°50'17"W 178.20 feet, Thence N0°09'50"E 25.04 feet to the Point of Beginning.
 Contains: 66,279 square feet or 2.39 acres.



DOCUMENT RECEIVED FROM OUTSIDE SOURCE

QUESTAR
 This Plat, the easements offered herein, and the restrictions noted on this Plat are approved and accepted by Questar.
 This _____ day of _____ 2013.
 By: _____
 Acting as: _____
 For Questar.

CENTURY LINK
 This Plat, the easements offered herein, and the restrictions noted on this Plat are approved and accepted by Century Link.
 This _____ day of _____ 2013.
 By: _____
 Acting as: _____
 For Century Link.

ROCKY MOUNTAIN POWER
 This Plat, the easements offered herein, and the restrictions noted on this Plat are approved and accepted by Rocky Mountain Power.
 This _____ day of _____ 2013.
 By: _____
 Acting as: _____
 For Rocky Mountain Power.

City Attorney
 I hereby certify that the requirements of all applicable statutes and ordinances prerequisite to City Engineer's approval of the foregoing plat and dedications have been complied with.
 Signed this _____ day of _____ 2013.

 City Attorney

Layton City Engineer
 I hereby certify that the requirements of all applicable statutes and ordinances prerequisite to City Engineer's approval of the foregoing plat and dedications have been complied with.
 Signed this _____ day of _____ 2013.

 Engineer

Layton City Council
 This is to certify that this plat and the dedications of this plat, along with the dedications of all streets, easements and public improvements guarantee were duly approved and accepted by the City Council of Layton City, this _____ day of _____ 2013.

 Mayor

 Recorder

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 I, Dick N
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- Note:**
- A 10' utility easement along the front and rear of each lot property line is indicated by dashed lines unless All easements to be used for irrigation, culinary water, communication lines and other public utilities. All utility subdivisions are 10' in width.
 - ▲ Indicates survey monument to be set.
 - All property corners will be marked in the field with a cross with a pin in the top back of the cross & gutter at the center.
 - All building setbacks are: 25' front yard, 30' rear yard,

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

Item Number: 5B

Subject: Rezone Request – Rigby – A (Agriculture) to C-H (Highway Regional Commercial) Ordinance 13-22 – 770 South Main Street

Background: The property proposed for rezone from A to C-H contains 1.09 acres located on the west side of Main Street at 770 South. A single-family home on an agriculturally zoned parcel is located directly to the south on Main Street with the remainder of the west side of Main Street to the Kaysville border zoned C-H. C-H zoning is also located to the north (Wasatch Trailer), and on the east side of Main Street there are several multi-family projects that are zoned R-M1 (Low/Medium Density Residential).

The subject property includes a small single-family home adjacent to Main Street (see attached site photos). The remainder of the property is vacant with the exception of a few small agricultural structures, and it appears that there are a few horses on the property.

Alternatives: Alternatives are to 1) Adopt Ordinance 13-22 approving the rezone request from A to C-H based on consistency with the General Plan land use recommendations for this portion of Main Street; or 2) Not adopt Ordinance 13-22 denying the rezone request.

Recommendation: The Planning Commission recommends the Council adopt Ordinance 13-22 approving the rezone request from A to C-H based on consistency with the General Plan land use recommendations for this portion of Main Street.

Staff supports the recommendation of the Planning Commission.

ORDINANCE 13-22
(Rigby Rezone)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT 770 SOUTH MAIN STREET FROM A (AGRICULTURE) TO C-H (HIGHWAY REGIONAL COMMERCIAL) 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 A to C-H 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 A (Agriculture) to C-H (Highway Regional Commercial).

BEG AT A PT N 1277.28 FT & E 671.91 FT & S 48°28'00" W 12.48 FT FR THE SW COR OF THE SE 1/4 OF SEC 28-T4N-R1W, SLM; TH S 41°03'52" E 104.74 FT; TH S 48°28' W 250.66 FT, M/L, TO A PT N 48°28' E OF A PT N 111.75 FT & E 762.77 FT & N 24°50'25" W 700.46 FT & N 21°09'20" W 181.93 FT FR THE S 1/4 COR OF SEC 28-T4N-R1W SLM; TH S 48°28' W 162.18 FT M/L TO A PT N 111.75 FT & E 762.77 FT & N 24°59'25" W 700 FT; & N 21°09'20" W 181.93 FT FR THE S 1/4 COR OF SEC 28-T4N-R1W SLM; TH N 21°09'20" W 157.25 FT; TH N 58°21'10" E 109.08 FT M/L TO A PT N 1277.28 FT & E 671.91 FT & S 48°20' W 264.0 FT; & N 41°32' W 129.78 FT FR THE S 1/4 COR OF SEC 28-T4N-R1W SLM; TH N 58°45' E 134.15 FT; TH N 48°28' E 119.52 FT TO POB.

CONTAINING 1.091 ACRES

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

SECTION IV: 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 V: Effective date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day 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:

SUBMITTING DEPARTMENT:

FOR: _____
GARY CRANE, City Attorney

WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

STAFF REPORT

TO: City Council

FROM: Peter Matson, AICP - City Planner

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

DATE: August 1, 2013

RE: Rezone Request (Rigby) – A (Agriculture) to C-H (Highway Planned Commercial) – Ordinance 13-22

LOCATION: 770 South Main Street

CURRENT ZONING: A (Agriculture)

CURRENT MINIMUM LOT SIZE: 1 Acre (43,560 sq. ft.)

PROPOSED ZONING: C-H (Highway Regional Commercial)

PROPOSED MINIMUM LOT SIZE: 20,000 square feet

DESCRIPTION OF REZONE AREA

The property proposed for rezone from A to C-H contains 1.09 acres located on the west side of Main Street at 770 South. A single-family home on an agriculturally zoned parcel is located directly to the south on Main Street with the remainder of the west side of Main Street to the Kaysville border zoned C-H. C-H zoning is also located to the north (Wasatch Trailer), and on the east side of Main Street there are several multi-family projects that are zoned R-M1.

The subject property includes a small single family home adjacent to Main Street (see attached site photos). The remainder of the property is vacant with the exception of a few small agricultural structures, and it appears that there are a few horses on the property.

Background Information and Staff Review

The subject property and the property directly south are the last parcels along the west side of this stretch of Main Street that are not commercially zoned. The two parcels were an island of unincorporated county until annexed into the City in 1995. Given the residential and agricultural use of the parcels at the time, the owners did not request a zone change, and the parcels were zoned A (Agriculture) upon annexation.

The southern portion of Main Street from Fort Lane south to Kaysville City is characterized by a variety of land uses including commercial, office, multi-family, and a few single family homes. The General Plan land use recommendation for this portion of Main Street is "Mixed-Use". This General Plan recommendation recognizes the variety of land uses and zoning in the area, and zone changes over the years have typically been associated with new development on vacant or underutilized parcels. While the east side of Main Street through this area has transitioned to more of a medium density residential land use pattern, the west side of Main Street is primarily commercial within the C-H zoning district.

The proposed C-H zoning is consistent with the General Plan land use recommendation for the subject property. The 1.09 acre parcel meets the lot area requirement of the C-H zone (20,000 sq. ft.), and if the home and agricultural land use remain active on the property, the structures and uses will be considered legal-nonconforming until the property is developed under the regulations of the C-H zone. The applicant, Mr. Rigby, represents a family trust on the rezone petition, and he has no specific development proposal associated with the C-H rezone request at this time.

If the subject property develops prior to redevelopment of the residential property to the south, additional setbacks and buffers will be required along the common property line to insure proper site compatibility.

Staff Recommendation:

Staff recommends the Council adopt Ordinance 13-22 approving of the rezone request from A to C-H based on consistency with the General Plan land use recommendation for this portion of Main Street. The C-H zoning is consistent with adjacent zoning on the west side of this portion of Main Street. The recommendation for approval is also subject to meeting all Staff recommendations and requirements.

Engineering D.R. Planning EM Fire PK

Planning Commission Proceedings and Recommendation:

The Planning Commission reviewed this rezone proposal on July 9, 2013, and recommended the Council adopt Ordinance 13-22 approving the rezone from A to C-H based on consistency with the General Plan land use recommendation for this portion of Main Street.

There was no input or comments from the public regarding this rezone proposal.



MEMORANDUM

TO: Roger Rigby, ermonar@comcast.net

CC: COMMUNITY DEVELOPMENT /FIRE DEPARTMENT

FROM: Debi Richards, Assistant City Engineer

DATE: June 24, 2013

**SUBJECT: ROGER RIGBY REZONE
770 SOUTH MAIN STREET**

I have reviewed the Petition for Amending the Zoning Ordinance requesting a zoning change for a 1.09 acre parcel (tax #11-064-0171) from agriculture to C-H. The engineering department has no comments or concerns regarding the approval of the rezone. If there are any proposed changes to the site, including additional hard surface or utility changes, a site plan must be submitted for review and approval.

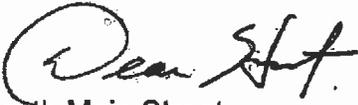


• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
FAX: (801) 546-0901

Mayor • J. Stephen Curtis
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason

MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Dean Hunt, Fire Marshal 

RE: Roger Rigby Rezone @ 770 South Main Street

CC: 1) Engineering
2) Roger Rigby, ermonar@comcast.net

DATE: July 1, 2013

I have reviewed the site plan received on June 19, 2013 for the above referenced project. The Fire Department, with regards to the rezone, does not have any comments at this time. However, for future development our concerns include but are not limited to the following:

1. A minimum fire flow requirement will be determined for buildings that are to be built on this property. The fire flow requirement must be determined by the Fire Prevention Division of this department and will be based upon the type of construction as listed in the building code and total square footage of the building. Prior to applying for a building permit, provide the Fire Prevention Division of this department the type and size of structure(s) to be built.
2. Designated fire access roads shall have a minimum clear and unobstructed width of 26 feet. Access roads shall be measured by an approved route around the exterior of the building or facility. If dead-end roads are created in excess of 150 feet, approved turnarounds shall be provided.
3. Where applicable, two means of egress may be required.
4. On site fire hydrants may be required.

These plans have been reviewed for Fire Department requirements only. Other departments may review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DBH/Roger Rigby RZ :kn
Plan # S13-080, District # 31
Project Tracker #LAY 1306191375
Tax ID# 11-064-0171





Memorandum

To: Planning Commission
From: Scott Carter, Parks Planner
Date: June 20, 2013
Re: Roger Rigby Rezone, A to C-H – 770 South Main Street

The Parks & Recreation Department sees no adverse impacts to existing facilities or the long-term plans of the department related to the proposed Roger Rigby Rezone, A to C-H.

Recommendation

Parks & Recreation supports approval of the rezone.

City Council Meeting

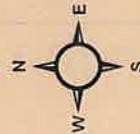
August 1, 2013

Rigby Rezone
A to C-H

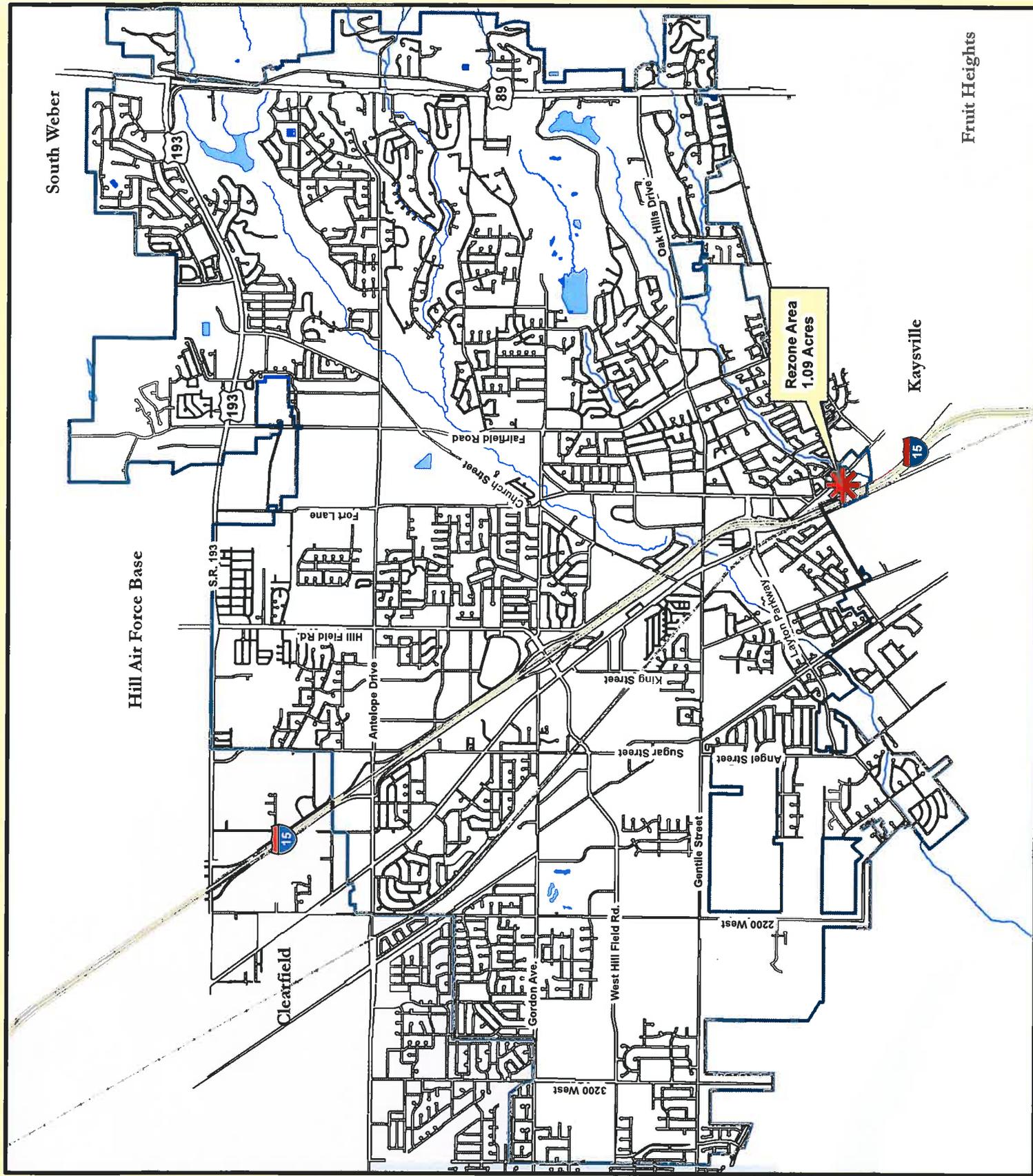
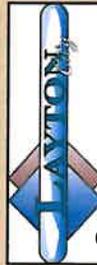
770 South
Main Street

LEGEND

- Rail Lines
- Interstate 15
- Layton City Boundary
- Rights of Way
- Lakes
- Streams



1 inch = 4,250 feet



South Weber

Hill Air Force Base

Clearfield

Gordon Ave.

West Hill Field Rd.

Gentle Street

Sugar Street

King Street

Fort Lane

Church Street

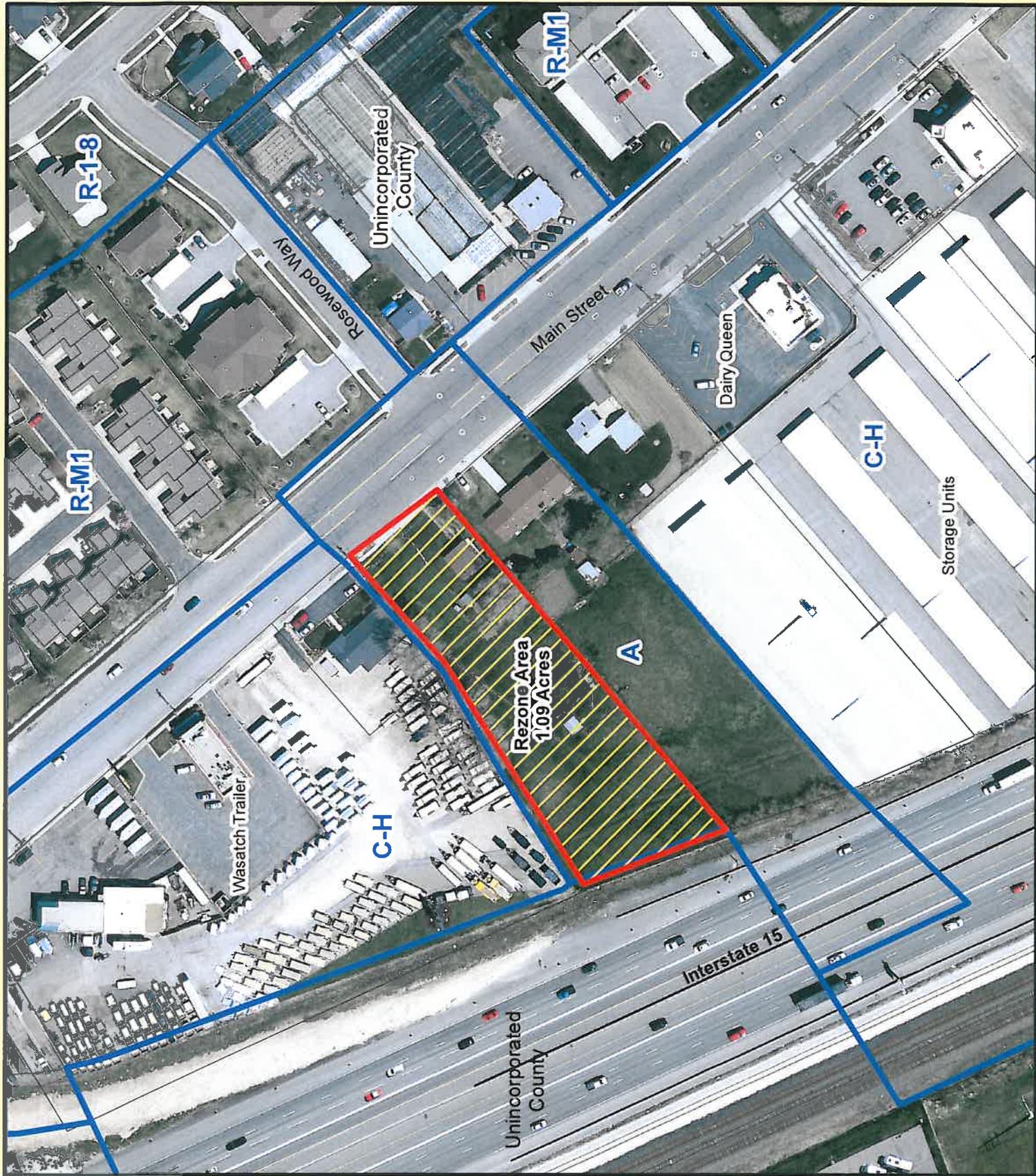
Fairfield Road

Oak Hills Drive

Kaysville

Fruit Heights

Rezoning Area
1.09 Acres



City Council Meeting

August 1, 2013

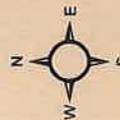
Rigby Rezone

A to C-H

770 South Main Street

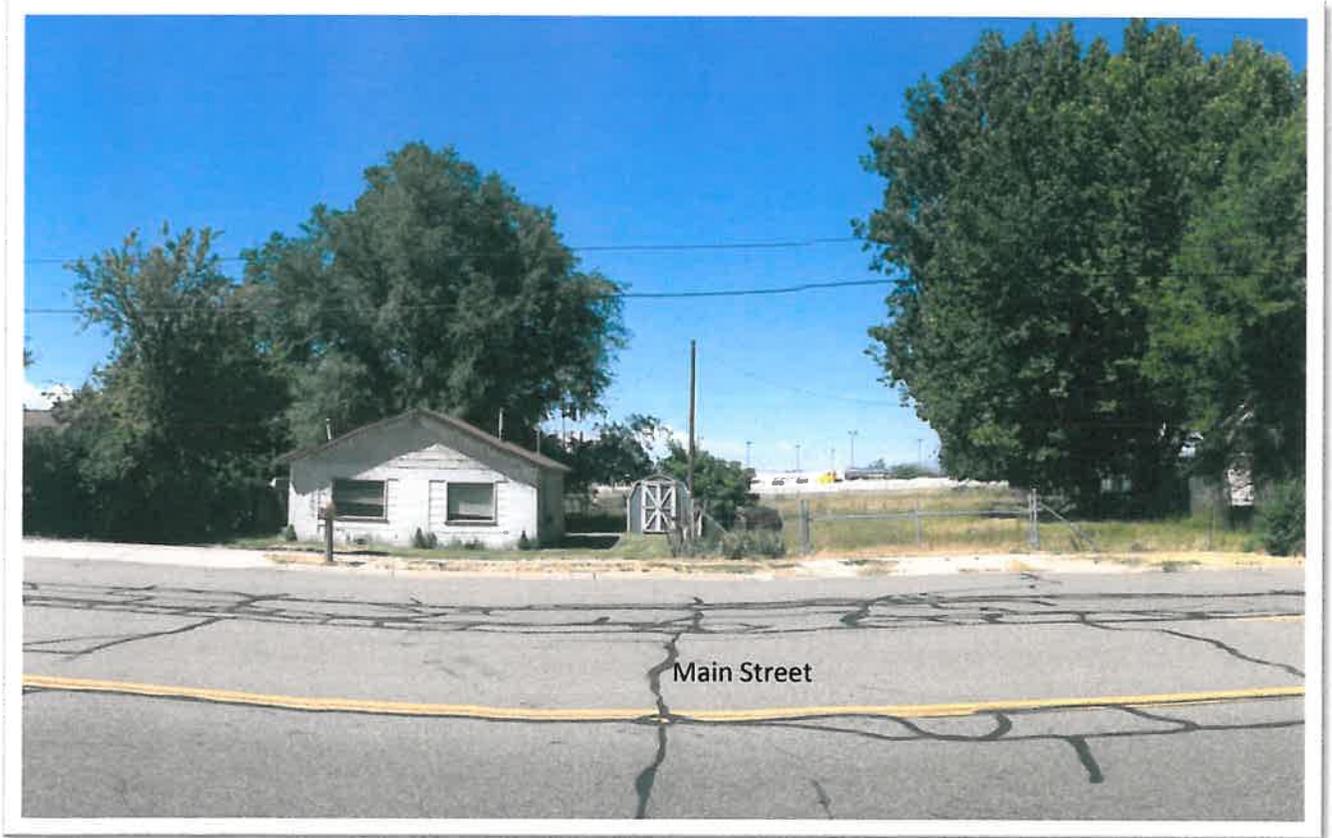
LEGEND

- Zoning
- City Boundary
- Property
- Lakes
- Streams



1 inch = 125 feet

Rezone Area Photos



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

Item Number: 5C

Subject: Ordinance Amendment – Title 19, Chapter 19.12, Section 19.12.050 Parking Spaces for Commercial, Industrial and Institutional Uses – Ordinance 13-06

Background: In December 2012, Layton City received a text amendment application to reduce the parking requirement for home improvement retail uses (i.e. Lowe’s and Home Depot). The application was accompanied by a Lowe’s Parking Study completed by Hales Engineering. The initial Lowe’s Parking Study submitted by the applicant was reviewed by the Planning and Engineering Staff and an updated Study was submitted in February 2013. The updated Lowes Parking Study included more specific information about the Lowe’s building and peripheral businesses as well as a refined parking stall count verified by the City Traffic Engineer.

The applicant is pursuing the reduced parking requirement based on the desire to eventually create a retail pad towards the northeast corner of the Lowe’s parking area. To allow for a new retail pad site, the parking requirement needs to be met for both the Lowe’s store and the proposed retail pad site.

Based on current parking ordinance requirements that dictate the amount of parking needed for the Lowe’s store, there are not enough parking spaces for both Lowe’s and the proposed retail pad site. The current ordinance requires one space per 200 square feet of net floor area or five parking spaces per 1,000 square feet of net floor area. Net floor area removes square footage that does not count towards parking spaces, which includes warehousing, storage, docks and restrooms. In addition, an associated seasonal garden area under the current ordinance requires the same ratio of parking spaces to net floor area as the main retail business.

On March 12, 2013, the Planning Commission reviewed the applicant’s request together with analysis and data from Hales Engineering. Through research of common home improvement uses in similar sized cities, it was indicated that the parking demand for home improvement uses in Layton does not equate to the required parking spaces provided. The demand for parking is less than what is required by City ordinance. The Planning Commission reviewed the information presented and discussed the parking data and the need for parking data to be collected during summer months when more customers buy products from home improvement stores. Following further discussion, the Planning Commission tabled the parking ordinance amendment proposal and asked the applicant and Staff to collect additional parking data during the month of May to more accurately reflect the peak hour use of Lowe’s and similar uses.

On June 25, 2013, the Planning Commission reviewed the updated Lowe’s Parking Study from Hales Engineering, which is attached for review. The updated Lowe’s Parking Study is provided in support of the proposed additions to the City’s parking ordinance as noted on page two of Ordinance 13-06. Based on the additional parking data and analysis, the applicant is requesting that a category for Home Improvement Retail (40,000 square foot building or greater) be added to the code with a parking ratio of two spaces per 1,000 square feet of gross floor area, plus one space per 1,000 square feet of gross floor area for an associated season garden retail area. Page four of the Lowe’s Parking Study provides a breakdown of the parking inventory on the overall Lowe’s property with a ratio of 2.0 stalls per 1,000 square feet, which provides a total site surplus of 87 parking stalls with the proposed 6,800 square foot outparcel building.

With the additional parking data and analysis provided by the applicant, Staff is of the opinion that the addition of the Home Improvement Retail category to the parking regulations is necessary to accurately assess parking demand for large stores such as Lowe's and Home Depot. The applicant's request for a ratio of 2.0 parking stalls per 1,000 square feet of gross retail floor area works well for the Lowe's property and the proposed new building on the site. The Planning Commission discussed the merits of the 2.0 stalls per 1,000 square feet compared to the alternative of 2.5 parking stalls per 1,000 square feet of gross floor area. Although the 2.5 ratio assigns more stalls to Lowe's (317), it only provides a surplus of 23 stalls while accommodating the proposed 6,800 square foot building.

Alternatives: Alternatives are to 1) Adopt Ordinance 13-06 amending Section 19.12.050 Parking Spaces for Commercial, Industrial and Institutional Uses with a ratio of 2.0 stalls per 1,000 gross square feet for Home Improvement Retail; 2) Adopt Ordinance 13-06 with any amendments the Council deems appropriate; or 3) Not Adopt Ordinance 13-06 and leave the existing parking standards in place.

Recommendation: The Planning Commission recommended the Council adopt Ordinance 13-06 amending Section 19.12.050 Parking Spaces for Commercial, Industrial and Institutional Uses with a ratio of 2.0 stalls per 1,000 gross square feet for Home Improvement Retail. The Planning Commission's recommendation is based on the notion that this parking ratio provides adequate parking for a large Home Improvement Retail business, and in the case of the Layton Lowe's site, the surplus of 87 stalls provides flexibility for the uses occupying the buildings on the overall development site.

Staff supports the recommendation of the Planning Commission.

ORDINANCE 13-06

**AN ORDINANCE AMENDING TITLE 19, SECTION 19.12.050 ENTITLED
“PARKING SPACES FOR COMMERCIAL, INDUSTRIAL, AND
INSTITUTIONAL USES”; PROVIDING FOR REPEALER; SEVERABILITY;
AND AN EFFECTIVE DATE**

WHEREAS, a reduction in required parking for home improvement uses of 40,000 square feet of gross floor space or greater creates a more efficient use of property; and

WHEREAS, a reduction in required parking for an associated seasonal garden retail use to the home improvement use provides a more efficient use of the property; and

WHEREAS, the parking demand for a home improvement use and associated seasonal garden retail use is less than that of a typical big box retail use.

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. Title 19, Chapter 19.12, Section 19.12.050 is amended to read as follows:

19.12.050. Parking space for commercial, industrial, and institutional uses.

For new buildings, changes in occupancy, enlargement or increase in seating capacity, floor area, or guest rooms of any existing building, a minimum number of parking spaces shall be provided as follows:

Auditorium, stadium or theater: One space per four seats provided in areas of assembly.

Automobile and machinery sales and service garages: Two spaces plus one space for each four hundred square feet of floor area.

Main office bank, savings and loans, drive-in banking: Minimum of thirty spaces with ten additional spaces for every teller cage over three. For drive-in windows, one space in use, plus three in each approach lane.

Branch banks, savings and loans, finance companies, drive-in banking: One space per employee at the highest shift plus one space per two hundred square feet of main floor area and one space per five hundred square feet of basement or second floor area.

Barber shop/Beautician shop: Three spaces per chair.

Boarding and rooming houses, clubs (w/rooms), hotels, dormitories, fraternity and sorority houses: One and one-half parking spaces for every two guests such building is designed to sleep.

Cafes, cafeterias, restaurants, lounges, night clubs, private clubs or taverns: One (1) space for each one hundred (100) square feet of gross floor space, or one stall for every 3 seats, whichever is greater.

Car wash: Three spaces in each approach lane to each wash bay.

Churches/Temples: One space for every four seats in the auditorium; however, where a church/temple building is designed with the intention to be used by two congregations at the same time, one and one-half parking spaces shall be provided for every four seats in the auditorium.

Commercial recreation, i.e., billiard halls, bowling alleys, golf courses, swimming pools, etc.: One space for each two persons such place is designed to accommodate including participants and spectators.

Dance halls, exhibition halls, assembly halls, except when associated with a church/temple: Three spaces for every one hundred square feet of assembly or dance floor area.

Day care center, children's nursery or pre-school: Four spaces plus one space per five hundred square feet of floor area.

Drive-in, fast food establishments: One space per one hundred square feet of floor area but not less than ten spaces. For drive-up windows, one space in use plus four in the approach lane.

Dry cleaner: One space per employee plus five spaces for customer use.

Home Improvement Retail (40,000 square foot building or greater): Two (2.0) spaces per 1,000 square feet of gross floor area, plus one space per 1,000 square feet of gross floor area for an associated seasonal garden retail area.

Hospitals, sanatoriums, convalescent hospitals, nursing homes: One space for each two bed capacity, plus one space for every employee at the highest shift.

Laboratory research: One space per employee on the highest shift.

Laundromat: One space for each 200 square feet of floor area.

Library: Twenty spaces for each floor open to public uses.

Liquor store: A minimum of twenty spaces.

Medical clinics, i.e., doctors, dentists, optometrists, psychiatrists, etc.: A minimum of ten spaces plus three spaces for every practitioner over three.

Mortuary: One space for each forty square feet of floor area in assembly rooms.

Motel/Hotel: One (1) parking space for each unit and one (1) space for every 200 square feet of assembly area.

Museum: As determined by the Planning Commission.

Post office: One space per vehicle used by the operation plus one space per employee at the highest shift plus ten spaces for customers.

Professional office, i.e., legal, employment insurance, travel, photo, real estate, etc.: One space for each two hundred (200) square feet of floor area on the main floor, except that in a P-B zone, one space for each three hundred (300) square feet of main floor area; plus one space for each four hundred (400) square feet on any other floor excluding storage area.

Reception center and wedding chapels: A minimum of thirty spaces or as outlined for auditoriums, whichever is greater.

Retail stores and shops: One space for each two hundred square feet of retail floor space.

Schools:

Elementary and Junior High: Two spaces for each class room.

Senior High: One space for each four seats provided in the auditorium or stadium, whichever is greater.

Shopping centers (regional): One space for each two hundred square feet leasable floor space.

Warehousing/Manufacturing: Three spaces for every four employees at the highest work shift plus one space for every vehicle used in conducting the business.

Wholesale business: Three spaces for every four employees at the highest workshift, plus one space for every vehicle used in conducting the business. In addition, there shall be a minimum of five spaces for customer use.

Uses not listed above, or commercial units with undetermined occupants at the time of construction: To be assigned by the planning director and approved by the Planning Commission being guided by the requirements set forth herein for uses which are similar to the proposed use.

(Ord. No. 97-19, Enacted, 04/17/97; Ord. No. 97-75, Amended, 12/02/97)

SECTION III: 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 this ordinance.

SECTION IV: Effective Date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting, or the 30th day after final passage as noted below, or whichever of said days is the most remote from the date of passage thereof.

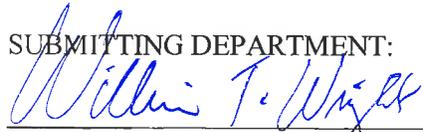
PASSED AND ADOPTED by the City Council of Layton, Utah, this ____ day of _____,
_____.

ATTEST:

THIEDA WELLMAN, City Recorder

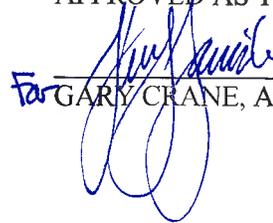
J. STEPHEN CURTIS, Mayor

SUBMITTING DEPARTMENT:



WILLIAM T. WRIGHT, Director
Community and Economic Development

APPROVED AS TO FORM:



For GARY CRANE, Attorney



June 24, 2013

Sent VIA EMAIL (mfriedman@net3re.com)

Matthew A. Friedman
Net³ real Estate, LLC
2803 Butterfield Road, Suite 310
Oak Brook, IL 60523

RE: Lowes Center – Petition for Amending the Zoning Ordinance
1055 Antelope Drive, Layton, Utah

Mr. Friedman,

Lowes HIW, INC, the owner of the subject property, has been involved in the above process whereas we requested Layton City amend the current text in their Zoning Ordinance to allow for a reduction in the required parking spaces at our specific Lowes Center, as well as other similar use properties, per the Petition dated December 3, 2012, submitted by Net³ Real Estate, LLC to Layton City.

We reviewed several parking studies, the last of which is dated June 21, 2013, prepared by Hales Engineering, the parking consultant retained by your firm. Based on the evidence contained therein it is apparent there is sufficient surplus parking on the property, and if a reduction in the required parking were adopted allowing the outlot parcel / development to occur, Lowes would retain sufficient parking on it's property to be able to operate it's facility in the same manner as it currently does at this time.

Thank you and should you desire to discuss this matter further, please do not hesitate contacting me.

A handwritten signature in blue ink, appearing to read "Mark Stoner".

Mark Stoner
Real Estate Director West

MEMORANDUM

Date: June 21, 2013
To: Matt Friedman, Net³ Real Estate, LLC
From: Ryan Hales, P.E., PTOE, AICP
Kordel Braley, P.E., PTOE
Subject: Layton – Lowes Parking Study

UT12-404

Purpose

This memorandum addresses the existing and anticipated parking demand for the Lowes Shopping Center in Layton, Utah. The existing site includes Lowes, Tunex, and Big-O Tires and is located south of Antelope Drive (2000 North) and west of Woodland Park Drive. The proposed land use would include a 6,800 square foot retail building to be constructed on the Lowes parking lot in the northeast corner of the property.

The following is an outline of this study:

- Existing Land Use and Parking Supply
- Existing Parking Demand
- Proposed Land Uses and Parking Supply
- ITE Parking Generation
- Discussion of Layton City Code
- Queuing Analysis of Antelope Drive / Woodland Park Drive
- Conclusions/Recommendations

Existing Land Use and Parking Supply

The current existing land uses include the following:

- | | |
|--|----------------|
| • Lowes (Home Improvement Superstore): | ~126,800 sq ft |
| o Lowes Garden Center | ~ 32,700 sq ft |
| Total | ~159,500 sq ft |
| • Tunex (Auto Repair): | ~3,000 sq ft |
| • Big-O Tire (Tire store and Auto Repair): | ~3,000 sq ft |

The current parking supply on the property includes approximately 474 parking stalls, the majority of which are located in front of the building, with 25 stalls located on the east and 56 stalls are located on the southwest side of the existing building.

Lowes has indicated that at their maximum season of the year (Spring / Summer) they will have 45 employees at this location at one time of the day; therefore, employee parking could range from 38 to 45 stalls depending on how many carpool and / or use the mass transit available directly adjacent to the property.

The outparcels (Tunex and Big-O Tires) require a parking supply of 17 vehicles combined for both buildings of approximately 3,000 square feet.

Existing Parking Demand

Parking demand data was collected hourly on Saturday, November 10, 2012, and on both Saturday, May 4th and May 18th, 2013 by Hales Engineering. The May dates were selected at the request of Layton City staff as this time was identified as the peak season and month of the year. Saturday was chosen for analysis because national data from the Institute of Engineers shows that the Saturday peak is higher than the weekday peak for parking demand at a Home Improvement Superstore. The City also completed parking study counts on Monday, May 13th and Tuesday, May 14th.

The following is a snapshot of the data collected, these results show the average daily demand and peak motor vehicle parking demand for each of these dates:

TOTAL Parking Stalls – 474 each

Date / Day	Average Demand	Peak Demand/ Time	Peak Demand Stall Surplus
Nov. 10, 2012 / Sat.	n/a	144/ 2:00 p.m.	330
May 4, 2013 / Sat.	133	236 / 2:00 p.m.	238
May 13, 2013 / Mon.*	134	165 / 2:00 p.m.	309
May 14, 2013 / Tues.*	142	177 / 1:30 p.m.	297
May 18, 2013 / Sat.	109	168 / 2:00 p.m.	306

* - Counted by Layton City

From the above data, the peak parking demand occurred at 2:00 P.M., May 4th, and it included 236 occupied parking stalls (49.79%) occupied, leaving a total of 238 stalls (50.21%) unoccupied by motor vehicles. **This results in the actual peak parking demand being 1.43 cars per 1,000 square feet (236 stalls occupied by motor vehicles divided by the total square feet of the Lowes / Tunex / Big O Tires).** Regarding the use of the excess parking stalls by Lowes (typical of all large box home improvement and retail stores) for outdoor display of materials, during the May 2013 counts Lowes used 61 stalls for such purpose (in November the use of excess stalls were significantly less, 38 stalls). Taking this peak use of the excess stalls and incorporating it into the occupied parking counts would equate to a total number of stalls in use at the peak demand time of 297 each. This equates to a 62.66% occupancy, leaving the total of 177 stalls (37.34%)

unoccupied by motor vehicles or outdoor display. This results in the overall peak parking and display demand being 1.79 cars per 1,000 sf.

Parking data for the Layton Home Depot was also collected in May 2013 by Hales Engineering. The Home Depot has a supply of 531 parking spaces and a motor vehicle parking demand of 334 spaces at their peak hour for a total of 62.90% occupied stalls and 197 parking stall surplus (37.10%).

Proposed Land Use and Parking Supply and Future Parking Demand

In addition to the existing land use previously identified, the proposed retail development to be located in the NE corner of the Lowes parking lot will add a 6,800 square foot retail building to the property.

This additional square footage and site development would reduce the net available parking stall count to 424 total parking spaces for the entire property from a supply of 474 parking stalls.

Using the results of the parking studies completed and the code required parking for the proposed retail building, the future parking demand would be as follows:

TOTAL Parking Stalls – 424 each

Description	Peak Demand	Peak Demand Stall Surplus
Lowes / Existing Outparcel Peak Parking Demand	236 stalls	
Lowes Excess Parking Peak Outdoor Display	61 stalls	
Proposed Outparcel 6,800 sf Retail Building*	34 stalls	
TOTAL PEAK PARKING DEMAND	331 stalls	93 stalls

* - Calculated per City code at 5 stalls per 1,000 sf building area

Conclusions / Recommendations

Based on the existing peak motor vehicle parking demand, and the use by Lowes of certain parking stalls for outdoor display, there is a parking surplus at the Lowes Center of 177 parking stalls. The development of a 6,800 square foot building at the NE corner of the Lowes parking lot reduce the parking surplus once constructed to a parking surplus of 93 stalls, and as such it is our opinion that this out parcel would not negatively impact the on-site parking and or traffic flow on or adjacent to the property.

Accordingly, it would be our opinion Layton City could use the following as a guideline in reducing the parking requirements at the Lowes without negative impact.

Home Improvement Store – 40,000 SF or larger	2.00	Per 1,000 sf floor area
Home Improvement Garden Center (Covered / Enclosed)	1.00	Per 1,000 sf floor area
Auto Repair / Tire Stores	1.00	Per 400 sf floor area + 2 spaces
Retail	1.00	Per 200 sf floor area

In doing so, the following would apply to the Lowes property

TOTAL Parking Stalls – 424 each

Area	SF	Cars / 1000 SF	Total	Surplus
Lowes – Retail Floor Area	126,800	2.00	254	
Lowes – Covered / Outdoor Garden Area	32,700	1.00	33	
Existing Outparcel – Tunex / Big O	6,000	2.5 (plus 2)	17	
Proposed Outparcel	6,800	5.00	34	
Total			337	87 stalls

Layton Lowes Parking Study

Presented to:
Layton City Planning Commission
June 25, 2013

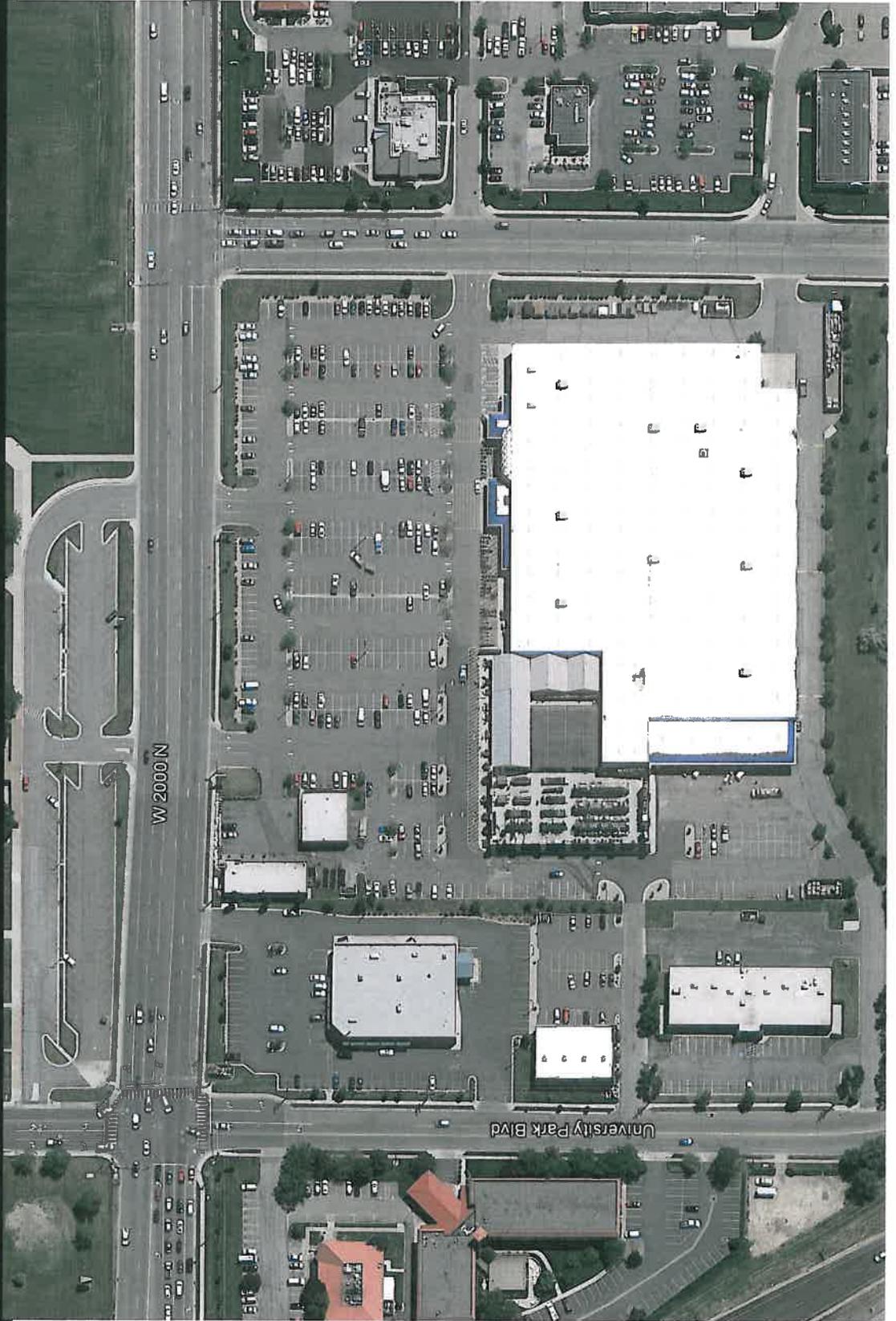
Ryan Hales, P.E., PTOE, AICP

HALES  **ENGINEERING**
innovative transportation solutions

Outline

- Project Location
- Existing Land Uses and Parking Supply
- Existing Parking Demand
- Proposed Land Use / Parking Supply
- Future Parking Demand
- Recommended Parking Rate
- Application of Recommended Rates to Lowes
- Conclusions

Project Location



Existing Land Uses

- Lowes ~126,800 sq. ft.
- Lowes Garden Center ~ 32,700 sq. ft.
- Total ~159,500 sq. ft.

- Tunex ~3,000 sq. ft.
- Big-O Tire ~3,000 sq. ft.

Parking Supply



Existing Parking Demand

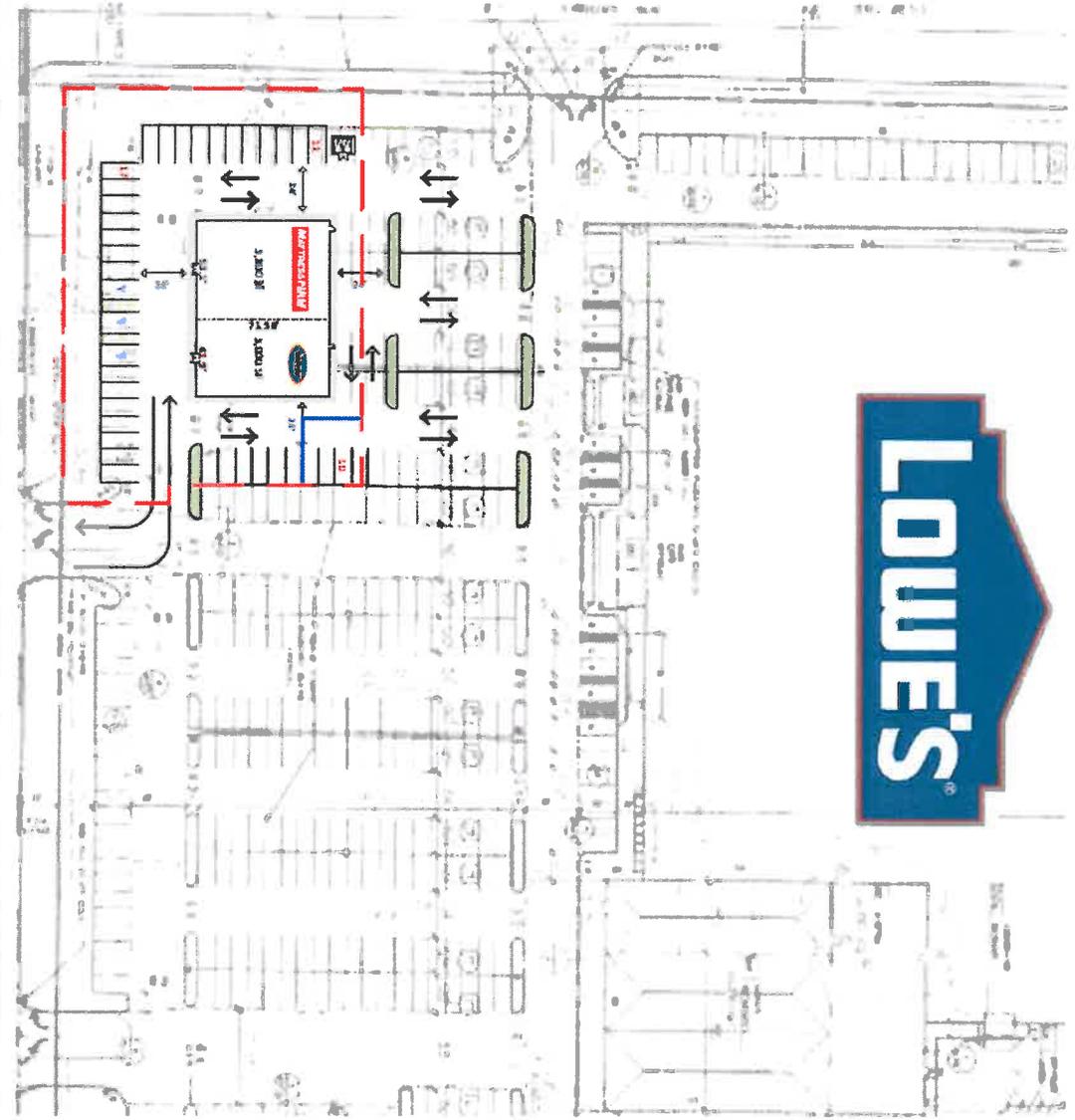
TOTAL Parking Stalls – 474 each

Date / Day	Average Demand	Peak Time	Demand/	Peak Surplus	Demand	Stall
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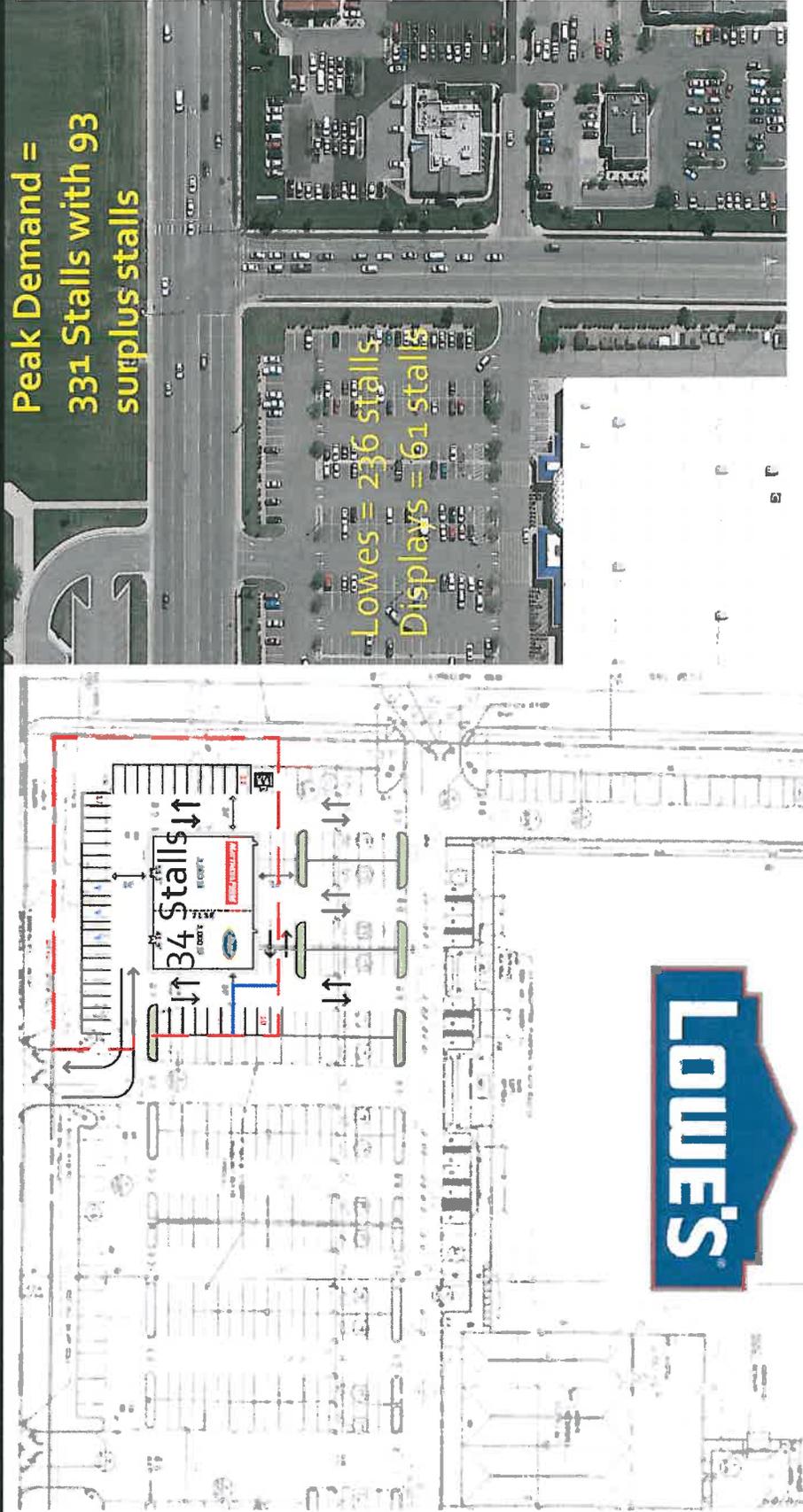
* - Counted by Layton City

Occupied Stalls (49.79%), Unoccupied Stalls (50.21%) = 1.43 cars / 1,000 sq. ft.

Proposed Land Use (Site Plan)



Future Parking Demand



Recommended Parking Rate

Home Improvement Store – 40,000 SF or larger	2.00	Per 1,000 sf floor area
Home Improvement Garden Center (Covered / Enclosed)	1.00	Per 1,000 sf floor area
Auto Repair / Tire Stores	1.00	Per 400 sf floor area + 2 spaces
Retail	1.00	Per 200 sf floor area

Application of Recommended Rate

Area	SF	Cars / 1000 SF	Total	Surplus
Lowes – Retail Floor Area	126,800	2.00	254	
Lowes – Covered / Outdoor Garden Area	32,700	1.00	33	
Existing Outparcel – Tunex / Big O	6,000	2.5 (plus 2)	17	
Proposed Outparcel	6,800	5.00	34	
Total			337	87 stalls

Conclusions

- A reduction in parking to 2.00 stalls per 1,000 square feet for the Lowes retail floor space will leave sufficient parking for the existing outparcels (Tunex and Big-O Tires), the proposed outparcel (6,800 sq. ft.) and still provide a parking surplus of 87 stalls.

Questions?

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

Item Number: 5D

Subject: Ordinance Amendments – Amending Section 3 of the Layton City Development Guidelines and Design Standards Entitled Street Improvements; Amending Title 16, Section 16.04.010-D103.4 of the Layton Municipal Code Entitled Dead Ends; Amending Title 18, Section 18.24.070 Entitled Temporary Turnarounds; and Amending Title 19, Section 19.07.120 Entitled Development Standards – Ordinance 13-17

Background: Layton City has initiated a text amendment to address temporary turnarounds that are required and installed at the end of stubbed streets in residential developments. In order to make sure all possible issues will be addressed, Staff has met with developers who develop in Layton City to make them aware of the proposed change to temporary turnarounds.

The temporary turnaround is required when a stubbed street is extended more than 150 feet from an intersection or extended the distance of one typical single-family lot length. The current system of requiring the developer to bond for the removal of the temporary turnaround when the street is eventually extended is problematic. In some cases the bond for removal of the temporary turnaround has been released and there is no financial source to remove the temporary turnaround when new development occurs on adjacent property. In addition, a fairness issue arises if the developer extending the street right-of-way is encumbered to remove the temporary turnaround at their cost.

Another significant cost associated with the removing of the temporary turnaround is the repairing of landscaping, irrigation, sidewalks and driveways on private property. These repairs may leave driveways that will not meet the grade or slope to the street right-of-way, and with hillside lots the driveway grade change may leave the driveway too steeply sloped.

A portion of developers will request a “letter in lieu” to finance the improvements of a development instead of providing an escrow bond. The letter in lieu only requires a bond for the one-year warranty period or 10 percent cost of the installed improvements of the development. The 10 percent bond is required to be submitted to the City before a plat is recorded. An escrow bond requires a bond up front for the full cost of the improvements, which includes the 10 percent for the one-year warranty period. A problem can occur because the letter in lieu request does not provide a bond for the removal of the temporary turnaround as would an escrow bond.

With the economic down turn when some escrow bonds were foreclosed on and because the current system is problematic to provide for the removal of temporary turnarounds, Staff is requesting a change to engineering standards and ordinances that address temporary turnarounds.

Ordinance 13-17 proposes three alternatives in dealing with temporary turnarounds in the City as shown in Appendix 8 Standard and Temporary Cul-De-Sac. The first graphic is a typical cul-de-sac that is not temporary. The second graphic is the first option for developers to use for a temporary turnaround. This first option will require the developer to ask for an easement on an adjacent undeveloped piece of property to install a temporary turnaround at the end of a dead end street. The temporary turnaround would require a minimum of road base.

The second option, not shown on Appendix 8, is to require the developer to phase the development to where a stubbed street is not longer than either 150 feet or two residential lots. If phasing the development with this requirement is difficult, then the stubbed street can extend further than 150 feet or two residential lots. However, the residential units in this situation will be required to install a fire suppression system in each home.

The third option is the third graphic in Appendix 8. This option will allow for a temporary turnaround on the developers property as part of the street right-of-way and a neck for the connection of a future street right-of-way extension. The temporary turnaround becomes permanent and residential lots fronting onto the turnaround will have to be designed with the turnaround being permanent and the lots meeting front setbacks. This option will be considered as a last resort if the first two options cannot be utilized.

Alternatives: Alternatives are to 1) Adopt Ordinance 13-17 amending Section 3 of the Layton City Development Guidelines and Design Standards entitled Street Improvements; amending Title 16, Section 16.04.010-D103.4 of the Layton Municipal Code entitled Dead Ends; amending Title 18, Section 18.24.070 entitled Temporary Turnarounds; and amending Title 19, Section 19.07.120 entitled Development Standards; or 2) Not Adopt Ordinance 13-17 and keep the current process to remove improved temporary turnarounds in place.

Recommendation: On June 25, 2013, the Planning Commission recommended the Council adopt Ordinance 13-17 amending Section 3 of the Layton City Development Guidelines and Design Standards entitled Street Improvements; amending Title 16, Section 16.04.010-D103.4 of the Layton Municipal Code entitled Dead Ends; amending Title 18, Section 18.24.070 entitled Temporary Turnarounds; and amending Title 19, Section 19.07.120 entitled Development Standards.

The Planning Commission asked for public comment. A citizen that resides on a temporary turnaround with curb gutter and asphalt commented that the expectation was for the temporary turnaround to be removed and the street straightened with future adjacent development. It was explained to the citizen that each of the existing temporary turnarounds that have curb gutter and asphalt are being addressed on a case by case basis by Layton City and that contact should be made with the Layton City Engineering Department.

Staff supports the recommendation of the Planning Commission.

ORDINANCE 13-17

AN ORDINANCE AMENDING THE DESIGN STANDARDS FOR TEMPORARY TURNAROUNDS BY AMENDING SECTION 3 OF THE “LAYTON CITY DEVELOPMENT GUIDELINES AND DESIGN STANDARDS” ENTITLED “STREET IMPROVEMENTS”; AMENDING TITLE 16, SECTION 16.04.010-D103.4 OF THE LAYTON MUNICIPAL CODE ENTITLED “DEAD ENDS”; AMENDING TITLE 18, SECTION 18.24.070 ENTITLED “TEMPORARY TURNAROUND”; AMENDING TITLE 19, SECTION 19.07.120 ENTITLED “DEVELOPMENT STANDARDS”; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, the City has determined that the existing standard of bonding for the removal of temporary turnarounds in existing subdivisions with stubbed streets that are to be extended with new development is inefficient, ineffective, and overly burdensome; and

WHEREAS, existing standards have resulted in occasions where removal of temporary turnarounds have placed undue responsibility on the City, developers and property owners; and

WHEREAS, upon review, evaluation and input from the development community, the City has determined that new developments and developers should have reasonable alternatives when creating stubbed street connections for future development while meeting City Fire Code requirements; and

WHEREAS, reasonable alternatives and clear guidelines will allow the City and developers to design the residential street system, which limits vehicle turnarounds in neighborhoods where subdivisions, or subdivision phases connect; and

WHEREAS, the City Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposed updates to the guidelines and regulations for temporary turnarounds; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council has determined that these amendments are rationally based, are reasonable, are 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: **Enactment.** Development Guidelines and Design Standards, Section 3 is amended to read as follows:

Section 3 Street Improvements

...
X

Temporary Turn-Around

- A. A temporary turn-around shall be required on any dead end (stub) street that is more than 150 feet or two lot lengths (maximum of 200 feet) from an intersection. All distances in this section are measured from the face of the curb of the intersection.
 - 1. An off-site temporary turn-around with a minimum 80 foot diameter drivable surface may be located on abutting property with proper easements (see ST-ST-14).
 - 2. If a street extends more than 150 feet or two lot lengths (maximum of 200 feet) from an intersection and the Developer is not able to obtain an easement for a temporary turn-around from the adjacent property owner, the Developer will be required to install a fire suppression system meeting the requirements of the currently adopted

NFPA 13(d) standard in all of the homes located greater than 150 feet or two lots from an intersection. All lots with fire suppression systems must be identified on the final site plan and plat.

3. The City Engineer and Fire Marshal may approve a permanent cul-de-sac with a future street tie in as shown in standard drawing ST-ST-14, for a street that extends more than 450 feet from an intersection and is planned to be extended in the future.

....

~~X. Existing Temporary turn around Standard~~

- ~~A. A temporary turn around shall be provided where the streets extend more than 150 feet from an intersection.~~
- ~~B. The temporary turn around may be located on the developed subdivision with proper easements or may be located abutting the development with proper easements.~~
- ~~C. The developer will place in escrow, the cash amount determined to be necessary for the removal of the temporary turn around.
 - ~~1. Where the turn around is located on developed lots, the escrow shall be sufficient to remove the existing improvements and construct the new improvements necessary to change the street from a turn around to a through street.~~
 - ~~2. Where the turn around is located on un-improved property, the escrow shall be sufficient to remove the existing improvements.~~~~

SECTION II: Enactment. Title 16, Appendix D, Section D103.4 is amended to read as follows:

Section D103.4 Dead Ends

Dead-end fire apparatus access roads in excess of one hundred fifty feet (150') shall be provided with width and turnaround provisions in accordance with Layton City Development Guidelines and Design Standards Manual, Street Improvements, Section IX Cul-de-sac/Turn-around Requirements and Section X Temporary turn-around.

SECTION III: Enactment. Title 18, Chapter 18.24, Section 18.24.070 is amended to read as follows:

18.24.070 Temporary Turnaround

(1) A temporary turn-around is required on any street which is anticipated to be extended at any time in the future, but, for the time being said street is a dead end street. A temporary turn-around shall be required on any dead end (stub) street that is more than 150 feet or two adjacent lots from an intersection and shall meet the provisions as outlined in the Layton City Development Guidelines and Design Standards Manual, Street Improvements, Section X. Temporary turn-around. ~~(1) Temporary turnarounds may be required on any street which is anticipated to be extended at any time in the future, but, for the time being said street is a dead end street. Temporary turnarounds shall be required on any dead end (stub) street that is one hundred fifty feet (150') or more in length.~~

~~(2) Any developer who is required to construct a temporary turnaround on a stub street shall bond for the entire amount of construction and removal of any improvements considered to be temporary. The construction of the improvements may be bonded as prescribed in Section 18.36.041. However, bonding for the removal of the improvements shall only be in the form of cash deposited with the City. All bond amounts are to be approved by the City Engineer.~~

(2)(3) Where a temporary turnaround is required by the City, said turnaround shall be clearly indicated on the subdivision plat.

(3)(4) When a temporary turnaround is required, the nature of that turnaround shall be clearly disclosed by the seller to all lot buyers within the subdivision.

SECTION IV: Enactment. Title 19, Chapter 19.07, Section 19.07.120 is amended to read as follows:

19.07.120 Development Standards

...
(6)(c) Cul-de-sacs shall not exceed six hundred feet (600') in length and shall have a turn-around with a radius of fifty feet (50'). Stub streets that are longer than the width or length of one hundred fifty feet (150') or two adjacent lots, whichever is less, shall have an approved temporary turn-around at the end thereof as prescribed in section 18.24.070.

....
SECTION V: Enactment. Title 19, Appendix A-16 is added to read as follows:

Title 19, Appendix A-16 Temporary Turnarounds

“See attachment”

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

SECTION VII: 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 this ordinance.

SECTION VIII: Effective Date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting, or the 30th day after final passage as noted below, or whichever of said days is the most remote from the date of passage thereof.

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

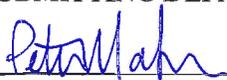
ATTEST:

THIEDA WELLMAN, City Recorder

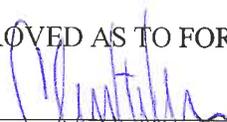
J. STEPHEN CURTIS, Mayor

SUBMITTING DEPARTMENT:

APPROVED AS TO FORM:

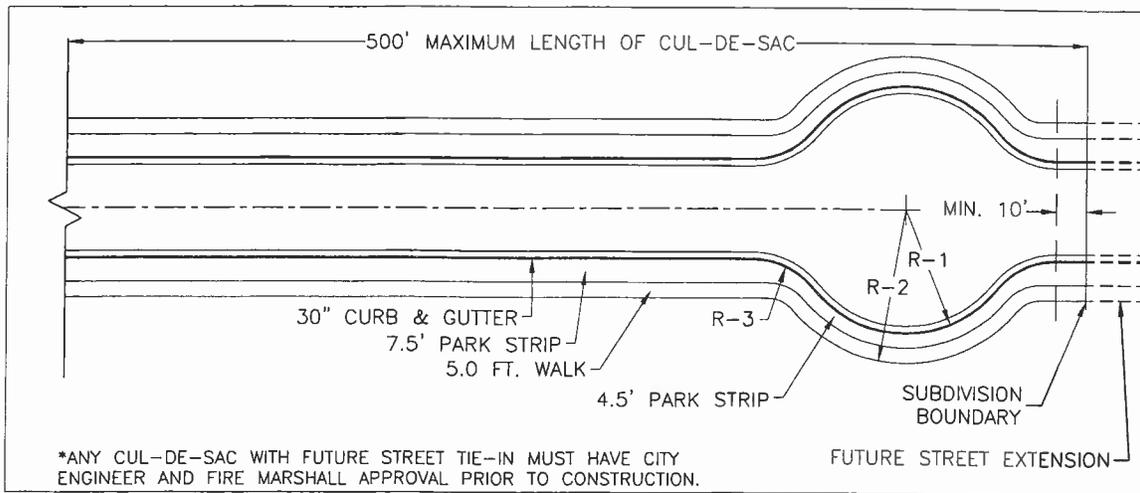
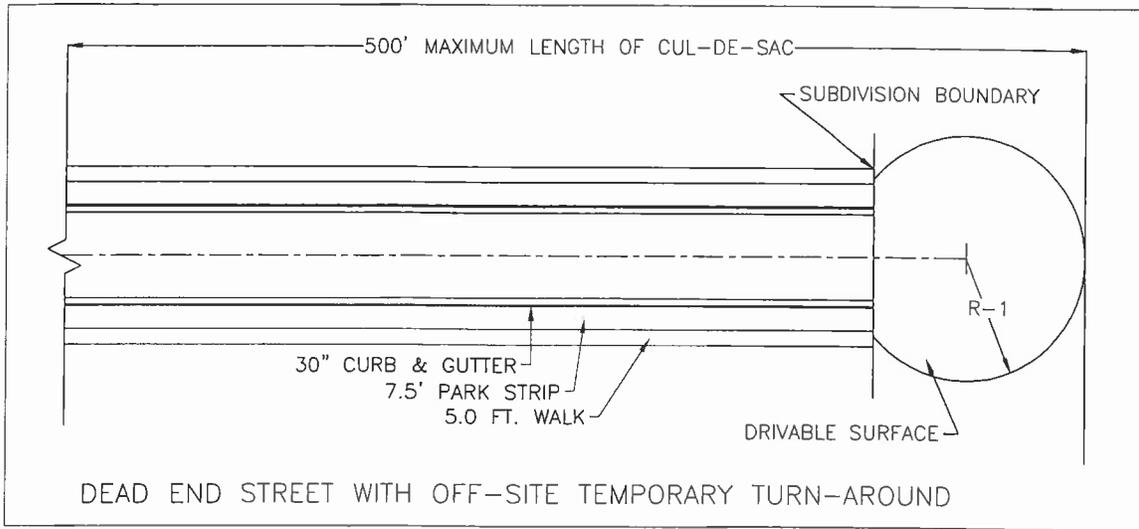
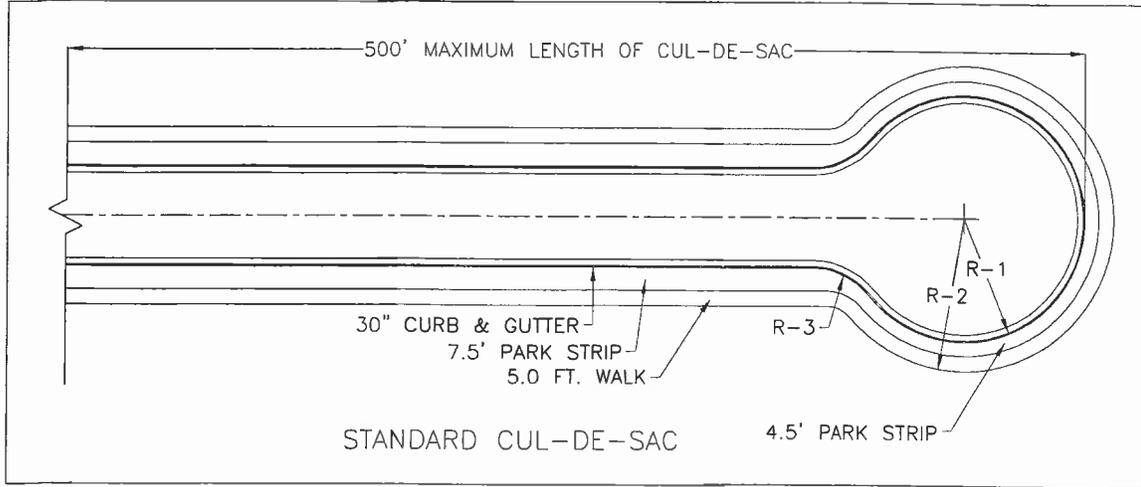
for 

WILLIAM T. WRIGHT, Director
Community and Economic Development

FOR! 

GARY CRANE, Attorney

STANDARD AND TEMPORARY CUL-DE-SAC



DRAWN BY
DHR
SCALE
NONE
DATE
3/96
REVISIONS
4/10



STANDARD
DRAWING
CUL-DE-SAC
ST-ST-14

RADIUS (FT.)	
R-1 CENTER TO FACE OF CURB	40
R-2 CENTER TO RIGHT-OF-WAY	50
R-3 BACK OF CURB RADIUS	25