

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

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a special public meeting in the Council Chambers in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **5:30 p.m. on September 5, 2013.**

AGENDA ITEMS:

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

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2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

4. CONSENT ITEMS: (These items are considered by the City Council to be routine and will be enacted by a single motion.

If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

A. Bid Award – Romero Construction, Inc. – Project 13-55 – 2013 Sidewalk, Curb and Gutter Replacement	27
Resolution 13-50 – Various Locations throughout the City	
B. Parcel Split Approval – Freedom Commercial Plaza – 2056 North Hill Field Road	31

5. PUBLIC HEARINGS:

A. Development Agreement and Rezone Request (Smithing) – A (Agriculture) to M-1 (Light Manufacturing).....	39
Resolution 13-46 and Ordinance 13-26 – 2102 North Fairfield Road	

6. PLANNING COMMISSION RECOMMENDATIONS:

7. NEW BUSINESS:

8. UNFINISHED BUSINESS:

9. SPECIAL REPORTS:

10. CITIZEN COMMENTS:

ADJOURN:

Notice is hereby given that:

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

D R A F T

MINUTES OF LAYTON CITY COUNCIL WORK MEETING

JULY 18, 2013; 5:33 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

ABSENT:

SCOTT FREITAG

STAFF PRESENT:

ALEX JENSEN, GARY CRANE, BILL WRIGHT, PETER MATSON, TERRY COBURN, TERRY KEEFE AND THIEDA WELLMAN

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

Mayor Curtis opened the meeting and excused Councilmember Freitag. He introduced Shalie Reich and Dawn Fitzpatrick. Mayor Curtis turned the time over to Alex Jensen, City Manager.

AGENDA:

Alex said a revised agenda was sent out. He indicated that there was a previous item on the agenda having to do with a plat approval for the Old Farms at Parkway Subdivision, Phase 2 that had been pulled from the original agenda. The developer submitted a new concept plan at the last minute that was a sufficient enough of a change that it needed to be reviewed. Alex suggested that the Mayor make that announcement at the beginning of the regular meeting in the event that the public missed the notice of that change.

PRESENTATION – YOUTH OF PROMISE

Alex said this was a presentation from the Youth of Promise. He turned the time over to Karlene Peart.

Karlene said Davis County Youth of Promise would be dissolved once the memorial was taken care of. She said the Layton CTC youth group would be taking on the project to get the memorial completed. Karlene introduced Hailey Tommy and Conner Roach.

Conner Roach explained Youth of Promise. He indicated that they were building a memorial at the Botanical Gardens in Kaysville to recognize those that died in the 9/11 attacks. He explained the memorial that would be completed at the Botanical Gardens.

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Hailey Tommy said the City had previously made a pledge to donate \$2,500 when the memorial was completed. She asked that the City honor that pledge.

Mayor Curtis said he remembered discussing the memorial.

Councilmember Brown said she remembered that a commitment was made once the memorial was completed.

Mayor Curtis indicated that the money could be taken from the contingency fund.

Consensus was to make the donation of \$2,500.

MISCELLANEOUS:

SMART 911 SYSTEM

Alex said there was a discussion item on the last work meeting agenda to discuss a Smart 911 system. He said because of time issues, that item was deferred. Alex said he had asked Chief Keefe to come this evening and talk about the Smart 911 system, which was a system the City was moving forward to implement. He said it had some very exciting features that would help the City improve public safety emergency response with the changing telecommunications environment. Alex said Layton would be one of the first cities in the State to implement the system. He said Chief Keefe had been at the forefront of looking at ways to use technology to improve the City's services. Alex said the system could be funded out of existing 911 fees.

Terry Keefe said Smart 911 was a new concept that rolled out in 2010. He said several agencies across the country were using the system. Terry said Layton would be the first agency in Utah to use the system. He said it was a subscriber system that allowed residents to register their phone numbers through the Smart 911 system at no cost to the citizens. Terry said residents could determine what information they wanted to provide to dispatch that would allow the dispatchers to display the information across a screen. That information could include the name, address, allergy information, information about small children including a photograph, or handicap information. Terry said the information was at the subscriber's discretion. He said information could be sent out to computers in patrol cars and fire trucks so that emergency responders had the information before arriving on scene.

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Terry said when a subscriber registered information in Layton, it would be available anywhere that uses the system. He said there was no cost for the citizens to participate in the program. Terry said funding was available through current 911 funds. He said the system could roll out by the end of August. Terry said currently AT&T was working on the backend equipment that was needed to facilitate the importation of the information from the 911 servers. He said the information entered into the system by residents would not reside in Layton; it would be located at the Smart 911 offices back east. Terry said without the express written consent by the subscriber, the City could not search the database. He said privacy rights were protected. Terry said a subscriber would be required to update their information every six months. He said this would be a great benefit to the citizens of Layton, but it would take some marketing on the City's part to get this information out to the community. Terry said it was a great system and he was excited about having it in Layton.

Alex asked Terry to talk about the language and hearing impaired aspect of the system.

Terry said as the community became more diverse, there were individuals that moved into the community that made communication more difficult. He said currently a dispatcher had to determine what language a person was speaking to get help on the language line. Terry said most dispatchers recognized Spanish, but if it was Laotian or Taiwanese, it was very difficult for the dispatchers to recognize the language. He said if a subscriber had registered that information, the dispatcher would be able to get the appropriate help on the language line in advance. Terry said for the deaf, all that was needed would be for them to dial 911; the dispatcher would know that they needed to communicate via text messaging.

Councilmember Flitton asked if there would be ongoing subscription costs.

Terry said yes, but the City had a five-year lock in cost of \$16,000 per year. He said the money was available in the 911 budget.

Councilmember Flitton asked if the subscriber information was prompted by a form.

Terry said he hadn't seen the registration form yet.

Councilmember Bouwhuis said this was a great use of funds.

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Councilmember Brown said the City already had a way to register phone numbers; this would expand what was already available.

Terry said that was correct.

Councilmember Brown asked what the response had been with the existing system.

Terry said it had been very good; approximately 85%.

Councilmember Francis asked how they would get the word out.

Terry said they anticipated sending flyers to every home, and using the website. He said hopefully there would be media coverage.

Councilmember Flitton said this was a no brainer; the benefit far outweighed the cost.

Consensus was to move forward with the system.

AMENDMENT TO TITLE 4 OF THE LAYTON MUNICIPAL CODE – CITY’S RECORDS ACCESS AND MANAGEMENT ACT – ORDINANCE 13-11

Gary Crane, City Attorney, said this amendment would bring the City’s Code up to date with what was passed during the last legislative session. He said most of the amendments were identifying new records that needed to be designated in a certain fashion. Gary said the Council’s personal telephone numbers or email addresses were not public information if they designated another one they had specifically for work. He said personal notes or communications were not considered public record. Gary said if there was a private record in question, the City Manager had the opportunity to release that private record.

Gary said one change was made at the request of the City Recorder. He said retention of tape recordings of meetings was changed by the State Archive Office to three years. Gary said the retention had always been a one year retention, but approximately two years ago it was changed to three years. He said there was no purpose in extending it to three years. Gary said the retention was three years unless the City designated a different period of time. He said the amendment would designate the retention back to one year. Gary said the permanent record was the written minutes of a meeting.

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BID AWARD – ORMOND CONSTRUCTION INC. – PINWOOD STORM DRAIN PROJECT – APPROXIMATELY 2500 EAST TO 2825 EAST PINWOOD ROAD – RESOLUTION 13-37

Terry Coburn, Public Works Director, said this was a bid award for a storm drain project in the Fernwood Hollow area just off Highway 89 on Pinewood Road. He said because of the way the City budgeted funds, they were now able to go into subdivisions and repair localized flooding problems. Terry said every time there was a big storm, there were problems in this area. He said this repair was important to the City and the citizens in that area.

Alex asked Terry to give the Council an update on the new water tank.

Terry said the two million gallon tank on Oakridge Drive had been completed for a while and it had been in use since June 15th. He said there would be a ribbon cutting ceremony in the near future. Terry said a lot of cities and irrigation companies were having water problems and were rationing waters. He said Layton City was not under any rationing or in any kind of trouble delivering culinary water to its customers. Terry said the City did monitor abuse and dealt with that. He said the new tank came online at a very opportune time with all the 100 degree days.

APPROVAL OF POLLING LOCATIONS AND APPOINTMENT OF POLL WORKERS – RESOLUTION 13-38

Thieda Wellman, City Recorder, said this was routine in nature. She said State code required that the governing body approve the polling locations and appoint poll workers. Thieda said Vote Centers would be used again this year, which allowed residents to vote at any location. She said a list of poll workers was included in the Council packet. Thieda said State code indicated that an immediate family member of a candidate could not work at the candidate's home precinct.

FINAL PLAT APPROVAL – JARED AND MATT YEATES – 2078 EAST CHERRY LANE

Bill Wright, Community and Economic Development Director, said this was a parcel split request from Jared and Matt Yeates for property located at 2078 East Cherry Lane. He said the property fronted onto Cherry Lane and contained just less than 2 acres. Bill said there was a single family home located near the road, which would remain, and the proposal was to build an additional home on a flag lot. He said the Foothills at Cherry Lane was located to the west.

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Bill said the property also contained a gas line. He said the proposal was a fairly simple lot split. Bill said the home on the front of the property contained a circular driveway; the flag lot was very deep and would utilize a portion of the existing driveway and widen it for access to the home on the flag lot. He said the property was zoned R-S. The north parcel contained 15,000 square feet and all of the required setbacks would be maintained. Bill said because of the depth of the flag lot, there would need to be special considerations for fire protection. He said they would be installing a fire suppression system in the home. Bill said the Planning Commission unanimously recommended approval.

UPDATE – PARKING REQUIREMENTS FOR BIG BOX STORES

Alex said this was a discussion regarding parking requirements for home improvement buildings. He said the City received a request from one of the businesses in the community to reexamine the parking requirement for their specific type of use. Alex said Staff wanted to review the analysis that had been done and what conclusion Staff had reached. He said Staff wasn't asking the Council to adopt anything this evening; this would be brought back at a future meeting.

Bill Wright said this would be on the August 1st meeting agenda. He said the Planning Commission and Staff had spent quite a bit of time on this request. Bill said the request came from a corporation working with Lowe's on Antelope Drive. He said they had identified that there was a lot of surplus parking on that site. Bill said they did some studies about how other communities had been treating these large home improvement centers, in terms of parking requirements. He said they were requesting a change to the required parking for larger home improvement retailers.

Bill said Lowe's had contracted with Ryan Hales, a traffic engineer, who was here this evening. He said Mr. Hales had done a lot of work in the community dealing with traffic, parking and a variety of different studies. Bill said Staff asked Mr. Hales to prove that there was excess parking at this location. He said Staff also studied how other cities were regulating parking for these types of uses. Bill said the City didn't want to over-park a site; there should be an efficient use of land.

Bill said the parking studies were done in November and presented to the City in February. He said the information was presented to the Planning Commission in March. Bill said the Planning Commission raised some concerns at that time. He said it was determined that the peak season for these types of uses was May and June; Staff was suspect that doing the count in the winter months was not as accurate as they could be for the peak season. Bill said based on sales tax revenue generated, the peak was May and

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June. He said the Planning Commission wanted more information after the March meeting with additional traffic studies done during the peak season.

Bill said counts were done by Mr. Hales in May on two different Saturdays. He said Staff did some counts during the weekday because they were noticing a lot of parking on the fringes of the parking lot. Bill said Staff felt that it might be commuters using the parking lot, but discovered that it was mostly employees of Lowe's parking there instead of to the rear of the building. He said the studies corroborated that there was excess parking provided on the site.

Bill said a 6,800 square foot pad site was factored in, which was what the property owner wanted to develop, and the conclusion was that there was excess parking. He displayed a map of the site, and a conceptual map with the proposed new building. Bill said there were 474 stalls on the site.

Bill said Mr. Hale's study showed a peak need of 1.43 stalls per 1,000 square feet. He said after some analysis, the Planning commission was recommending 2.0 stalls per 1,000 square feet.

Bill displayed a conceptual drawing of the proposed new retail building on the site. He said the building would likely not be a restaurant because the parking requirements for restaurants were much higher. Bill said the property owner would probably proceed with the new retail development if the Council approved the parking requirement.

Bill said currently the City's Code indicated 5 stalls per 1,000 square feet. He said the new proposal of 2 parking stalls was based on gross square footage; previously the 5 stalls was based on net square footage, which removed the storage areas, bathrooms, break rooms, or anything that was not a retail area. Bill said based on the net calculation, the new proposal would be approximately 3.2 stalls per net 1,000 square feet.

Councilmember Flitton asked if Lowe's owned the land.

Bill said that they did. He said he believed the arrangement was that they were going to sell the property.

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MISCELLANEOUS: (continued)

BUILDING PERMITS

Alex asked Bill to provide the Council with an update on building permits for the year.

Bill said at the end of June, the City had issued about 160 single family residential permits for the first six months of the year. He said that equaled the yearly total 2 years ago. Bill said last year 265 permits were issued; if the trend continued this year it would be similar to what was issued in 2005. He said in 2005 there were very few multi-family permits issued. Bill said relative to multi-family permits, there were 156 issued with the Kays Crossing project; 24 at the Villas on Main Street, and 150 in the Cottages, which was the senior housing project on Adamswood Road.

Councilmember Bouwhuis asked if subdivisions approved in 2005 and 2006 were starting to populate with homes.

Bill said most of them were moving fairly quickly. He said Staff was seeing strength in the subdivisions, which meant that the land was being prepared for homebuilders. Bill said a few months ago Staff attended a Homebuilders Association luncheon and they brought in an expert that feeds information to builders and developers. He said the bottom line of all the information he shared about the Wasatch Front was that if builders were not building in Layton City, they were not building. They were told they should be building in Layton City. Bill said he thought the City was experiencing that; once subdivisions were developed, lots were being sold very quickly.

STRATEGIC PLANNING WORK MEETING

Alex said Staff wanted direction from the Council about holding a strategic planning meeting in July. He said the next scheduled date would be on the 25th, right after the holiday. Alex said Staff assumed that the Council would probably not want to do that.

Consensus was to not hold a meeting.

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Council discussed recent positive feedback from citizens about the July 4th celebration and the splash pad.

The meeting adjourned at 6:48 p.m.

Thieda Wellman, City Recorder

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**MINUTES OF LAYTON CITY
COUNCIL MEETING**

JULY 18, 2013; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

ABSENT:

SCOTT FREITAG

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
PETER MATSON, TERRY COBURN, TERRY
KEEFE, DAVE THOMAS AND THIEDA
WELLMAN**

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

Mayor Curtis opened the meeting and excused Councilmember Freitag. Northridge High School Junior Air Force ROTC posted the colors and led the Pledge of Allegiance. Shalie Reich gave the invocation.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said this Wednesday, July 24th, the Davis Chamber of Commerce would be hosting Taste of the Town in Commons Park. She said this was a great activity where residents could sample food from various restaurants from the area. Councilmember Brown said that evening, Layton City was sponsoring Riders in the Sky, which was a free concert. She said the concert started at 8:00 p.m. and the gates opened at 7:00 p.m.

Councilmember Bouwhuis gave an update on the progression of the repairs North Davis Sewer District was making in the Gordon Avenue area. He said they would begin repairs on Antelope Drive sometime next winter.

Councilmember Brown expressed appreciation to Staff for making July 4th such a great event. She said she had received a lot of positive feedback from citizens.

Mayor Curtis said Riders in the Sky did the sound track for Toy Story. He said the concert was a very fun family event that was free.

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PRESENTATIONS:

YEARS OF SERVICE AWARDS

Alex Jensen, City Manager, said without a doubt, the City's most important asset was its employees. He said twice a year, in five year increments, the City recognized employees for their years of service to the City. Alex said employees with less than 20 years of service were recognized in their department meetings; employees with more than 20 years of service were recognized at a Council meeting.

Alex recognized Scott Maughan, Battalion Chief with the Fire Department for 20 years of service; Jared Sholly with the Fire Department for 20 years of service; Gary Crane, City Attorney, for 20 years of service; Merlynn Miya with the Parks and Recreation Department for 20 years of service; Joanne Manning, a Crossing Guard at Heritage Elementary with 20 years of service; and Debbie Pettijohn with the Police Department for 20 years of service. Those employees in attendance came forward to receive plaques and to shake hands with the Mayor and Council.

Alex said the City had tried to be very efficient when hiring employees. He said the City had a very low and very consistent number of employees per 1,000 population. Alex said employees were expected to perform their duties in a very efficient manner. He said the City was proud that with the downturn in the economy, the City didn't have to lay off any employees. Alex said even though the City had not been able to give salary increases consistent with past practices, employees did not complain but were thankful for being able to work for the City. He said this was a very vivid reminder of how special the employees of Layton City were.

CONSENT AGENDA:

APPROVAL OF POLLING LOCATIONS AND APPOINTMENT OF POLL WORKERS – RESOLUTION 13-38

Thieda Wellman, City Recorder, said Resolution 13-38 would approve the polling locations for the upcoming primary election, and appoint the polling judges that would be working at those locations. She said this item was fairly routine in nature, but State code required that the elective body approve the polling locations and appoint the poll workers.

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Thieda said the City would be using Vote Centers again this year. She said there were six Vote Center polling locations in the City and residents could vote at any polling location regardless of where their precinct was assigned. Thieda indicated that the poll workers could not be an immediate family member of any of the candidates in their home polling location. She said Staff recommended approval of Resolution 13-38.

Councilmember Flitton asked Thieda to identify the six polling locations.

Thieda said the six Vote Center polling locations were Valley View Golf Course, Northridge High School, Layton High School, Heritage Elementary, Ellison Park Elementary and Mountain View Elementary.

Councilmember Brown asked when the primary election would be held.

Thieda said the primary election was scheduled for August 13, 2013, and there would be early voting two weeks before the primary election at the City Center building. She said the dates and times of early voting were available on the City's website.

AMENDMENT TO TITLE 4 OF THE LAYTON MUNICIPAL CODE – CITY'S RECORDS ACCESS MANAGEMENT ACT – ORDINANCE 13-11

Gary Crane, City Attorney, said Ordinance 13-11 was an amendment to the Government Records Access Management Act, fondly known as GRAMA. He said every year the legislature made changes to the GRAMA law, and these amendments would bring the City Code in line with those changes. Gary said many of the changes were technical changes, and changes to the types of records that were covered by GRAMA.

Gary said personal notes made by the Council were not generally subject to GRAMA. Personal telephone numbers or email addresses were not subject to GRAMA, but elected officials did have to have an email address or phone number available for the public to contact them. Gary said relative to appeals, the City Manager or Chief Executive Officer of the City was able to determine whether a private record should be released or not.

Gary said the City retained records for as long as the State indicated that they should be retained. He said there were certain opportunities the State allowed for cities to set retention for a record if the city did not want to follow the recommendation of the State. Gary said traditionally recordings of public meeting had

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been retained for one year; a few years ago that was changed to three years. He said this amendment indicated that the City would retain meeting recordings for one year, which was more than adequate. Gary said the written record of the meeting was the permanent record and would be retained forever. He said Staff recommended approval of Ordinance 13-11.

BID AWARD – ORMOND CONSTRUCTION, INC. – PINEWOOD STORM DRAIN PROJECT – APPROXIMATELY 2500 EAST TO 2825 EAST PINEWOOD ROAD – RESOLUTION 13-37

Terry Coburn, Public Works Director, said Resolution 13-37 authorized the execution of an agreement with Ormond Construction for the Pinewood Storm Drain project. He said the project included the construction of approximately 1,500 linear feet of 15 inch to 18 inch storm drain pipe, and other items. Terry said the project would improve storm drainage in the area and refurbish the asphalt for better traffic safety and flow. He said four bids were received with Ormond Construction submitting the lowest responsive, responsible bid of \$219,583.41; the engineer's estimate for the project was \$250,000. Terry said Staff recommended approval.

ON-PREMISE CLUB LIQUOR LICENSE – LINDA LOU'S TIME FOR TWO – 2981 NORTH 350 WEST

Bill Wright, Community and Economic Development Director, said this was a request for an on-premise club liquor license for Linda Lou's Time for Two, which was an existing private club located at 2981 North 350 West, on the northern portion of Hill Field Road close to the intersection of Highway 193. Bill said there was a change in ownership, which required a new license. He said the location met all of the buffering requirements and background checks had been completed by the Police Department.

Bill said this private club did have a nonconforming right to continue its operation at this location. He said the club was located outside of the commercial superblock designations that were put in place years ago, but the use was already established. Bill said as a part of the nonconforming right, ownership of the property could change. He said Staff recommended approval of the on-premise club liquor license.

Councilmember Flitton asked if there was a buffering violation, would the new owner be able to get a license.

Bill said there was a public hearing process that would allow that to happen, if it was approved by the Council.

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FINAL PLAT APPROVAL – FERNWOOD SPRINGS PRIVATE SUBDIVISION – APPROXIMATELY 3200 EAST FERNWOOD DRIVE

Bill Wright said this was a final plat approval for the Fernwood Springs Private Subdivision located at approximately 3200 East Fernwood Drive. He said the subdivision was approved in February 2009 as a preliminary plat because of some geotechnical and sensitive lands issues that required the Council review the preliminary plat. Bill said since that time there had been a downturn in the economy and the applicant had not advanced the subdivision to the final plat approval. He said all of the engineering and technical requirements had been completed.

Bill said this would be a private subdivision with a private drive off of Fernwood Drive, and private utility systems that would service the five lots. He said there was an existing home on the property that would remain and there would be development opportunities on the remaining four lots. Bill said there were geotechnical issues and fairly steep slopes on the property that had been reviewed for buildable area. He said a part of the Wasatch Fault had been identified as crossing this property, but did not cross any of the buildable areas. Bill said there would be setback requirements for any structures from the fault line.

Bill said the property was zoned R-S, and all of the lots met the minimum requirements in the R-S zone. He said there would be an HOA that would care for maintenance of the private drive and some of the utilities. Bill said one lot would take access from Fernwood Drive. He said the Planning Commission recommended approval of the final plat, and Staff supported that recommendation.

Councilmember Brown indicated that the applicant was Collin Brown, but she was not related to the applicant.

FINAL PLAT APPROVAL – WEAVER MEADOWS SUBDIVISION, PHASE 4A – APPROXIMATELY 500 WEST 650 SOUTH

Bill Wright said this was final plat approval for seven lots in the Weaver Meadows Subdivision, Phase 4A, located on the south side of Layton Parkway at approximately 650 South. He said the applicant was Perry Homes. Bill said the subdivision was consistent with the zoning. He said the subdivision was providing for a stub-street access into property owned by Rulon Weaver, which would allow for future development. Bill said because of the length of the stub-street, the four homes on the stub-street would require a fire suppression system.

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Bill said there were some restrictions on the lots to the south that fronted onto Kays Creek. He said the City was in the process of studying the flood plain designation for Kays Creek. Bill said FEMA did a flood plain study of Kays Creek and showed a fairly significant change in the flood plain width throughout that area and the City had countered with another study to make sure it was correct. He said because that study had not been finalized, those lots would not be issued a building permit until such time as the final designation relative to the flood plain had been made.

Bill said the study would show whether flood insurance would need to be provided for the owners of those lots and at what elevation the occupied floor level would need to be. He said the developer wanted to move forward with the subdivision because they needed lots. Bill said there would be additional phases to the subdivision to the south across Kays Creek. He said the Planning Commission recommended approval and Staff supported that recommendation.

PARCEL SPLIT REQUEST – JARED AND MATT YEATES – 2078 EAST CHERRY LANE

Bill Wright said this was a parcel split request submitted by Jared and Matt Yeates for property at 2078 East Cherry Lane. Bill said this was approximately two acres of property located directly east of the Foothills at Cherry Lane Subdivision. He said there was an existing home on the property; the proposal was to develop a flag lot for an additional home. Bill said all of the standards for a flag lot were being met, and a fire suppression system was being installed in the home on the flag lot. He said the Planning Commission recommended approval and Staff supported that recommendation.

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

The meeting adjourned at 7:42 p.m.

Thieda Wellman, City Recorder

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MINUTES OF LAYTON CITY COUNCIL WORK MEETING

AUGUST 1, 2013; 5:33 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

ABSENT:

MICHAEL BOUWHUIS AND JORY FRANCIS

STAFF PRESENT:

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

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

Mayor Curtis opened the meeting and excused Councilmembers Bouwhuis and Francis. He turned the time over to Alex Jensen, City Manager.

AGENDA:

FINANCIAL UPDATE

Tracy Probert, Finance Director, said sales tax revenue for May was \$947,000, which was \$75,000 above what was budgeted for May, and about \$50,000 above the previous year. He said for the year, sales tax revenue was up about \$482,000, or 4.82%. Tracy said a number of other revenues were up for the year as well. He said total revenues were about \$1,000,000 above what was budgeted.

Tracy said Staff was working on finalizing expenditures for the last fiscal year. He said sales tax and property tax revenues were up, and permit revenues were up substantially. Tracy said Staff did a comparison of building permits for June/July of 2012, and June/July 2013, and they were down a little. He said that was anticipated because permits issued in June/July of 2012 were very large permits. Tracy said the number of permits was not down, but with the substantial multi-unit complexes in 2012 the value of the permits was down.

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WATER EXCHANGE AGREEMENT BETWEEN LAYTON CITY AND LEGACY NEIGHBORHOODS, LLC – RESOLUTION 13-42

Gary Crane, City Attorney, said cities were not allowed to sell, lease or get rid of water under the constitution of the State, because municipal use of water was very important. He said the only way the City could deal in water was through an exchange. Gary said Layton was fortunate to have secondary water reservoirs in the City that belonged to secondary water companies. He said those secondary water rights were some of the oldest in the State, especially in the Kays Creek Irrigation Company.

Gary said Kays Creek Irrigation Company was becoming more and more a Layton delivery oriented company. He said Kays Creek irrigation Company delivered secondary water to east Layton, and parts of west Layton, and there was a possibility in the future that they may deliver more. Gary said the City had obtained a considerable number of shares in Kays Creek Irrigation Company, and the two entities complimented each other.

Gary said as a result of the City's exaction ordinance, the City had a number of shares of Davis and Weber Counties Canal Company (Davis/Weber) shares. He said Davis/Weber exclusively serviced an area that included the western portion of the City. Gary said at this time, with their resources and piping, they were serving as much area as possible in the western part of the City. He said the City didn't anticipate any expansion by Davis/Weber at this time in the west, but they did anticipate some expansion on the part of Kays Creek Irrigation Company.

Gary said the city of Kaysville was entirely serviced by Davis/Weber. He said there was a new subdivision, Hill Farms, being developed in Kaysville City by Legacy Neighborhoods, LLC. Gary said they had a lot of Kays Creek Irrigation Company shares that they could not use, and the City had some Davis/Weber shares it could not use. He said Staff was recommending an exchange of an equal amount of acre feet of water with that development. Gary said this would give the City ownership of Kays Creek Irrigation Company shares in exchange for Davis/Weber shares. He said this was a good situation for the City. It was another step forward in obtaining water for the City through build-out. Gary said Layton City was very well set for water and wanted to make sure they were planning well for the future.

Council and Staff discussed the City's culinary water system and water the City purchased from Weber Basin Water Conservancy District.

D R A F T

LAND SALE AGREEMENT BETWEEN LAYTON CITY AND KATIE'S PLACE, LLC – APPROXIMATELY 1690 WEST 2000 NORTH – RESOLUTION 13-36

Bill Wright, Community and Economic Development Director, said a few months ago the City was approached by Cory Bowden about property the City owned at 1690 West and Antelope Drive. He said 1690 West previously intersected with Antelope Drive, but many years ago UDOT and the City realigned that street and made a four-way connection at Robins Drive. Bill said 1690 West was abandoned and a barrier was put up to remove the connection to Antelope Drive. He said this left a remnant piece next to some UDOT property.

Bill said Mr. Bowden was interested in purchasing the home to the east, which was zoned PB (professional business). He said Mr. Bowden wanted to acquire the property to the west from UDOT, along with the City's property, and develop a medical office building on the site. Bill said UDOT was willing to sell their property. He said the City's property contained approximately 6,320 square feet and had utilities running through it. Bill said the sewer line could easily be changed to provide service to a new building, but an existing water line easement would need to remain or be relocated. He said it was highly probable that the water line would be relocated.

Councilmember Brown asked if the water line would be relocated at Mr. Bowden's expense.

Bill said yes, and the property would still be encumbered by that utility easement. He said it would likely be moved to the east side of the property.

Bill said Mr. Bowden would be paying good value for the property, and realized the encumbrance of the easement. He said the property did not meet the definition of significant, therefore the City was able to dispose of it in this manner. Bill said the PB zone required a minimum lot size of 10,000 square feet; on its own the property could not be developed as a separate parcel.

Gary Crane indicated that when making a motion, the Council would need to make a definite finding that it was not a significant parcel of property.

Bill said the value for the property had been set at \$10,000, and Staff would recommend approval.

D R A F T

Councilmember Flitton said that seemed like a low price.

Bill said Clint Drake was involved in most of the negotiations. He said Staff found other properties that were of a similar value. Bill said it didn't meet the minimum lot size so that by itself nothing could be built on it. He said the encumbrance of the easement also reduced the value of the property by approximately 50%.

Councilmember Flitton asked if UDOT was asking the same price for their property.

Bill said UDOT had indicated that they would follow the price set by the City.

REZONE REQUEST – DARREL FARR – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – 850 NORTH 3200 WEST – ORDINANCE 13-23

Bill said this was a request to rezone property on the east side of 3200 West; south of Gordon Avenue, from A to R-S. He said there was PB zoning on the corner that contained a medical building, and there was a small PB use on the adjacent corner; this property was just south of that PB zoned property. Bill said the proposal was to develop a five-lot residential subdivision. He said the proposal met all General Plan requirements for the area. Bill said at the Planning Commission meeting there was discussion about backing onto 3200 West, which would be a residential collector street. He said with the width of the lots, the Planning Commission recommended circular driveways to allow for forward access onto 3200 West.

Councilmember Freitag asked if the circular driveways would be a requirement.

Bill said that could be handled at the subdivision level approval. He said it could be a requirement, but it didn't mean that it would be a circular driveway; it might be a hammerhead turn. Bill said it was not typical, but with the width of the lots it could be accomplished through the subdivision process.

Councilmember Freitag asked if there were other examples in the City where that was required.

Bill said not that he could think of. He said it could be expressed as a desire.

D R A F T

Councilmember Freitag said he wouldn't want to start a precedent where this would be required since it had not been thoroughly studied or considered.

Councilmember Brown suggested that the buyers of the lots be informed that the street would be a collector street, but that a circular drive was available. She said she would not want circular driveways required.

Bill said something could be placed on the plat indicating that it would be a collector street.

REZONE REQUEST – RIGBY – A (AGRICULTURE) TO C-H (HIGHWAY REGIONAL COMMERCIAL) – 770 SOUTH MAIN STREET – ORDINANCE 13-22

Bill said this property was located on the southern portion of Main Street just south of Wasatch Trailer. He said the property was annexed into the City in 1995. When the property was annexed the owners preferred to leave the property in the agricultural zone because it had open land that was being farmed. Bill said Mr. Rigby was representing a family trust that owned the property and they were ready to proceed to market the property for development and wanted the zoning in place. He said the C-H zone was consistent with the area and met the General Plan for the area.

Councilmember Brown asked what would be put on the property.

Bill said he didn't believe they had a specific business in mind.

ORDINANCE AMENDMENT – TITLE 19, CHAPTER 19.12, SECTION 19.12.050 – PARKING SPACES FOR COMMERCIAL, INDUSTRIAL & INSTITUTIONAL USES – ORDINANCE 13-06

Alex said this was a revisiting of an issue that was previously discussed regarding the parking standard for commercial, industrial and institutional uses, which came forward as a request from Lowe's.

Bill asked if Council had any additional questions. He said this was thoroughly vetted by the Planning Commission with two different studies and two public hearings. He said it was bringing the market demand for larger home improvement stores in line with parking requirements. Bill said the Planning Commission and Staff agreed that the parking requirement should be 2 parking spaces per 1,000 square feet of gross floor area; outside seasonal gardening areas should be 1 parking space per 1,000 square feet.

D R A F T

Bill said currently the requirement was 5 parking stalls per 1,000 square feet of net retail space. He said the net retail space excluded things like restrooms, storage spaces, loading docks, and office space. Bill said for a comparison in the Lowe's building; that would be approximately 3.2 parking spaces per 1,000 square feet of gross floor space. The 3.2 stalls would be lowered to 2 stalls, plus 1 stall per 1,000 square feet for the gardening area. Bill said through very detailed studies, it was proven that this was sufficient parking for off-peak and high-peak times.

Councilmember Brown said during the summertime they sometimes put items in the parking area. She asked if that was addressed in the study.

Bill said that it was. He said in the study they counted any parking space that was occupied by anything.

Councilmember Brown asked if on a very large sale day, with all of the parking stalls taken, would parking be allowed on the surface streets.

Bill said no parking was allowed on Antelope Drive; Woodland Park Drive was not marked as no-parking.

Councilmember Brown said one citizen had expressed concerns with cars parking on Antelope Drive, which could cause problems for access into Lowe's.

Bill said the study showed that even at peak times there would be parking available.

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

Alex said this was previously discussed and was a proposed ordinance amendment dealing with temporary turnarounds when subdivisions were phased.

Bill said turnarounds were discussed in several sections of the code. He said Staff became aware of some

D R A F T

issues with temporary turnarounds that had been approved many years ago that needed to be corrected into through streets as new development was occurring. Bill said in a few occasions Staff found some instances where escrow monies either hadn't been placed in an escrow account or the escrow funds had been released when the subdivision was completed. There were some escrow accounts in banks that had failed. Bill said Staff discovered that the way of handling this in the past was probably not the most effective way; particularly when there was a lag in development.

Bill said there were three alternatives being proposed by the development committee. He said the first alternative was a standard cul-de-sac with a maximum length of 500 feet. Bill said there were times when a standard cul-de-sac could not be built because the street would eventually extend into another phase or abutting property. He said a second alternative was for a temporary drivable surface turnaround, with a maximum length of 500 feet, on abutting property under an easement or in the next phase of the project. Bill said this could be a gravel or road base turnaround.

Bill said another option could be used when the developer couldn't acquire the easement for a temporary turnaround on abutting property. He said the street could be stubbed with a maximum of two lots on the street from an intersection, or more than two lots could be constructed if there was fire suppression in the homes beyond the two homes from the intersection or 150 feet.

Bill said the third option, which was not encouraged, would be a knuckle or bulb in the street that would provide a permanent turnaround right before the stub into adjacent property. He said this would be a permanent bulb in the street with curb, gutter and sidewalk, with appropriate setbacks from the bulb. Bill said in this instance the bulb would be permanent and not removed at a later date.

Bill said the major problem the City had with these semi-permanent turnarounds was that when it was time to take them out, it was not as simple as extending the gutter and sidewalk. He said it impacted the grade of driveway approaches; landscaping; etc.

Councilmember Brown asked if permanent turnarounds were allowed to put an island in the middle that could be landscaped.

D R A F T

Bill said that had not been allowed. He said at these levels of local streets it could become an issue for trucks or snow plows.

Councilmember Freitag asked if this had any impact on existing stubs.

Bill said property owners have been told that existing situations would be dealt with on a case by case basis. He said Staff was currently working on two.

Councilmember Freitag said there was a lot of debate between fire officials and builders on fire suppression systems within homes. He said one issue was the expense of fire suppression systems and they needed to be maintained; and they didn't work if there was no water. Councilmember Freitag said fire suppression systems have been allowed in some areas of the City where there were very long driveways or locations that were difficult to access because of topography. He said looking at normal, flat access, he felt that the City was applying an expensive safety net that was at risk of not doing what it was suppose to do to fix another problem. Councilmember Freitag said there was a lot of debate about this; there were 40 states that had banned residential fire sprinklers that didn't meet some of the other criteria. He said the introduction of fire sprinkling systems into areas that were normally covered by fire apparatus was the debate.

Councilmember Freitag identified his home on an overhead map, which was adjacent to a temporary turnaround. He said with the current alignment of the street, if the street were to continue into the adjacent property, the people across the street from him would be left with additional property, but his driveway/property would be reduced significantly. Councilmember Freitag asked who would bear the responsibility for the cost of redoing the landscaping, curb, gutter and sidewalk in these areas. He said on top of that, utilities were placed within the right-of-way.

Councilmember Freitag said looking at the three proposed options, these homes would have less fire protection because there wouldn't be a temporary turnaround, and it was less than 150 feet so fire suppression wasn't required.

Bill said that was correct. He said the 150 foot standard within the fire code was used to determine when a fire suppression system was required. Bill said the Fire Department had indicated that they could provide fire protection up to a second lot if the first lot was not over 150 feet into the stub street. He said he didn't think that the Fire Department wouldn't be able to fight a fire in the second house; they might

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have to manage their apparatus better or make a backing movement.

Councilmember Freitag said the fire code, which was adopted by the City, indicated 150 feet. He said he wasn't debating whether or not they could put out a fire; that was the code. Councilmember Freitag said in order to meet the code, the City was requiring a turnaround or a fire sprinkling system; except in this case. He said he didn't know how the City kept with the fire code by giving exceptions on what people could do.

Bill said he couldn't speak to it relative to the fire code, other than to say that the Fire Department had been involved in developing the standards.

Councilmember Freitag said a fire sprinkling system would be required in the third, fourth or fifth home from an intersection.

Bill said that would be an option if the developer didn't want to provide one of the turnaround options. He said Staff would work with developers in keeping stub roads as short as possible; maybe they would only do the home on the corner and include the remaining lots in a separate phase when connection into the abutting property was better known. Bill said the goal was to provide options for the developer to choose from.

Alex said in discussions with the development community, they appreciated options. He said most developers had the preference of working with the abutting owner and getting a temporary easement that would be a gravel turnaround. Alex said they recognized that in some cases that would not be available, but they wanted flexibility. He said Staff would try to catch these issues at the design phase and take away those longer dead-ends or cul-de-sacs. Alex said developers felt that a sprinkling system was a viable option, as was the permanent bulb. He said the City was trying to be flexible with the developers, given that the current system was not working, but provide adequate fire protection.

Councilmember Freitag said he understood the idea of giving developers options, but he didn't know if he was comfortable with that particular option as a trade off for what had typically been required. He said he understood the funding issue.

Bill said staying on the current path did not seem like a good way to go, and it disrupted the property owner after many years had gone by and they had to deal with the cul-de-sac being removed.

D R A F T

Alex said he didn't think the Fire Department saw this as a lessening of the standard, but they saw it as something within their discretion. He said the Fire Department took a very conservative view of this.

Council and Staff discussed areas in the City where these situations existed, particularly Councilmember Freitag's area. They discussed solutions to deal with homeowners that would want the temporary cul-de-sacs removed where there wasn't bonding money available to cover the cost.

Alex said there might be other options that hadn't been considered that they would be happy to look at, if the Council had some additional thoughts on that.

Councilmember Freitag asked Gary Crane if the City had the right to adopt an ordinance that was not in line with the standard.

Gary said the City's current ordinance exceeded what was required in the fire standards. He said a few years ago the City had the opportunity to grandfather some standards that were in place before the State made changes. Gary said he didn't know if this was one of those instances, but he would be happy to look at it.

Councilmember Freitag said he was satisfied with it being an option, but he was not sure that the City could do it and be in compliance with the fire code adopted by the State, which was then adopted by the City.

Gary said he would review the 150 foot requirement to see if there was any flexibility for providing for something other than the standard. He said he thought the City was allowed to select other options that may accommodate the same thing. Gary said he would review it.

Councilmember Freitag said his concern was not so much about the fire fighting ability, because a fire engine could access these situations. He said for the safety of fire fighters and citizens, he recalled that at some point they felt that over 150 feet was too far to back a fire apparatus, so a turnaround had to be provided. Councilmember Freitag said he didn't think it necessarily had to do with fighting a fire. He said putting a fire sprinkling system in a home did not resolve the issue of backing a fire engine.

Discussion suggested that this item should be tabled at the regular meeting to allow Gary time to review the fire code.

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CLOSED DOOR:

MOTION: Councilmember Flitton moved to close the meeting at 6:38 p.m. to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares. Councilmember Freitag seconded the motion, which passed unanimously.

MOTION: Councilmember Brown moved to open the meeting at 6:59 p.m. Councilmember Flitton seconded the motion, which passed unanimously.

The meeting adjourned at 6:59 p.m.

Thieda Wellman, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **1st day of August, 2013**, was to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares.

Dated this 19th day of September, 2013.

ATTEST:

J. STEPHEN CURTIS, Mayor

THIEDA WELLMAN, City Recorder

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

Item Number: 4A

Subject: Bid Award – Romero Construction, Inc. – Project 13-55 – 2013 Sidewalk, Curb and Gutter Replacement – Resolution 13-50 – Various Locations throughout the City

Background: Resolution 13-50 authorizes the execution of an agreement between Layton City and Romero Construction, Inc. for the 2013 Sidewalk, Curb and Gutter Replacement, Project 13-55. This project includes the removal and replacement of 5,000± lineal feet of sidewalk; 250± lineal feet of curb and gutter; handicap ramps; and associated work items. This project will help improve pedestrian safety and maintain compliance with URMMA standards, as well as correct several sunken curb and gutters that pose a threat to undermine the integrity of roads throughout the City

Seven bids were received, with Romero Construction, Inc. submitting the lowest responsive, responsible bid in the amount of \$126,200. The engineer's estimate was \$150,000.

Alternatives: Alternatives are to 1) Adopt Resolution 13-50 awarding the bid to Romero Construction, Inc. for the 2013 Sidewalk, Curb and Gutter Replacement, Project 13-55; 2) Adopt Resolution 13-50 with any amendments the Council deems appropriate; or 3) Reject all bids and remand to Staff with directions.

Recommendation: Staff recommends the Council adopt Resolution 13-50 awarding the bid to Romero Construction, Inc. and authorize the City Manager to execute the agreement between Layton City and Romero Construction, Inc. for the 2013 Sidewalk, Curb and Gutter Replacement, Project 13-55.

RESOLUTION 13-50

**AUTHORIZING AN AGREEMENT WITH ROMERO CONSTRUCTION, INC.
FOR THE 2013 SIDEWALK, CURB AND GUTTER REPLACEMENT, PROJECT
13-55**

WHEREAS, Layton City has elected to conduct sidewalk improvements to be known as the 2013 Sidewalk, Curb & Gutter Replacement, Project 13-55; and

WHEREAS, the City received bids for the construction of the referenced project on August 22, 2013, with the results of these bids attached hereto, for the Council's review; and

WHEREAS, City Staff has reviewed and evaluated each response to the Advertisement for Bids and has found it to be in the best interest of the City and citizens of Layton City to conditionally select Romero Construction, Inc. as the contractor for the 2013 Sidewalk, Curb & Gutter Replacement, Project 13-55.

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

1. Romero Construction, Inc. (hereafter referred to as Romero) is conditionally selected as the lowest responsive and responsible bidder with whom the City Manager should conduct negotiations for the 2013 Sidewalk, Curb & Gutter Replacement, Project 13-55.

2. The City Manager is directed to conduct negotiations for an agreement (herein the "Agreement") with Romero for the 2013 Sidewalk, Curb & Gutter Replacement, Project 13-55. The terms of the Agreement shall address the terms and conditions of the Advertisement for Bids as well as the price and other responses to the Advertisement for Bids contained in the proposal submitted by Romero that are consistent with the intent of the Advertisement for Bids. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an Agreement for the 2013 Sidewalk, Curb & Gutter Replacement, Project 13-55.

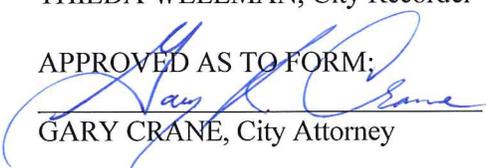
3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after Romero has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Romero shall constitute Romero's offer for the 2013 Sidewalk, Curb & Gutter Replacement, Project 13-55, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of Romero's offer and the formal award of the contract to Romero Construction, Inc. for the 2013 Sidewalk, Curb & Gutter Replacement, Project 13-55, pursuant to the terms and conditions of the Agreement.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **5th** day of **September, 2013**.

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

J. STEPHEN CURTIS, Mayor



SUBMITTING DEPARTMENT:

TERRY COBURN, Public Works Director

LAYTON CITY CORPORATION

2013 SIDEWALK, CURB and GUTTER REPLACEMENT, Project 13-55

Bid Opening August 22, 2013, @ 2:00 p.m

Engineer's Estimate: \$150,000

DESCRIPTION	QTY	Unit	1		2		3		4	
			Romero Const. Inc. (\$) Per	TOTAL (\$)	Yarbrough Const. Inc. (\$) Per	TOTAL (\$)	Leon Poulsen Const. (\$) Per	TOTAL (\$)	R. L. Shaw & Co. (\$) Per	TOTAL (\$)
Bid. Items										
1. R&R the ext. 4' sidewalk	4000	LF	\$17.80	71,200.00	\$24.00	96,000.00	\$24.40	97,600.00	\$23.00	92,000.00
2. R&R the ext. 5' sidewalk	100	EA	\$25.00	2,500.00	\$25.50	2,550.00	\$29.40	2,940.00	\$28.75	2,875.00
3. R&R the ext. 6' sidewalk	200	LF	\$30.00	6,000.00	\$26.00	5,200.00	\$34.25	6,850.00	\$34.50	6,900.00
4. Construct 4' sidewalk	50	LF	\$16.00	800.00	\$13.00	650.00	\$20.50	1,025.00	\$17.00	850.00
5. Construct 5' sidewalk	50	LF	\$20.00	1,000.00	\$14.00	700.00	\$24.25	1,212.50	\$21.25	1,062.50
6. Construct 6' sidewalk	50	LF	\$24.00	1,200.00	\$15.00	750.00	\$27.75	1,387.50	\$25.50	1,275.00
7. R&R the ext. C&G	250	LF	\$30.00	7,500.00	\$25.00	6,250.00	\$31.85	7,962.50	\$26.00	6,500.00
8. R&R the ext. Dr. approach	50	LF	\$30.00	1,500.00	\$28.50	1,425.00	\$47.20	2,360.00	\$30.50	1,525.00
9. Grind tree roots for new C&G/Sdwlk	10	EA	\$200.00	2,000.00	\$60.00	600.00	\$229.00	2,290.00	\$275.00	2,750.00
10. R&R ext. curb & handicap ramp	20	EA	\$1,500.00	30,000.00	\$1,250.00	25,000.00	\$1,540.00	30,800.00	\$2,267.00	45,340.00
11. R&R ext. concrete waterway	50	LF	\$50.00	2,500.00	\$40.00	2,000.00	\$87.00	4,350.00	\$55.00	2,750.00
PROJECT TOTAL				\$126,200.00		141,125.00		158,777.50		163,827.50

LAYTON CITY CORPORATION

2013 SIDEWALK, CURB and GUTTER REPLACEMENT, Project 13-55

Bid Opening August 22, 2013, @ 2:00 p.m

Engineer's Estimate: \$150,000

DESCRIPTION	QTY	Unit	5		6		7	
			(\$) Per	TOTAL (\$)	(\$) Per	TOTAL (\$)	(\$) Per	TOTAL (\$)
Bid. Items								
1. R&R the ext. 4' sidewalk	4000	LF	\$25.32	101,280.00	\$28.00	112,000.00	\$43.60	174,400.00
2. R&R the ext. 5' sidewalk	100	EA	\$37.95	3,795.00	\$34.00	3,400.00	\$48.40	4,840.00
3. R&R the ext. 6' sidewalk	200	LF	\$45.54	9,108.00	\$36.00	7,200.00	\$52.10	10,420.00
4. Construct 4' sidewalk	50	LF	\$20.24	1,012.00	\$23.00	1,150.00	\$29.90	1,495.00
5. Construct 5' sidewalk	50	LF	\$25.30	1,265.00	\$25.00	1,250.00	\$34.10	1,705.00
6. Construct 6' sidewalk	50	LF	\$30.36	1,518.00	\$28.00	1,400.00	\$36.30	1,815.00
7. R&R the ext. C&G	250	LF	\$38.00	9,500.00	\$38.50	9,625.00	\$55.60	13,900.00
8. R&R the ext. Dr. approach	50	LF	\$48.00	2,400.00	\$47.00	2,350.00	\$55.90	2,795.00
9. Grind tree roots for new C&G/Sdwik	10	EA	\$300.00	3,000.00	\$400.00	4,000.00	\$352.00	3,520.00
10. R&R ext. curb & handicap ramp	20	EA	\$1,518.00	30,360.00	\$1,750.00	35,000.00	\$1,540.00	30,800.00
11. R&R ext. concrete waterway	50	LF	\$100.00	5,000.00	\$68.00	3,400.00	\$86.60	4,330.00
PROJECT TOTAL				168,238.00		180,775.00		250,020.00

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

Item Number: 4B

Subject: Parcel Split Approval – Freedom Commercial Plaza – 2056 North Hill Field Road

Background: The applicant, Jack Reel, is requesting a parcel split of commercial property north of Antelope Drive on the east side of Hill Field Road at 2056 North. The proposed parcel split will create another commercial parcel by splitting an existing parcel nearly in half.

Lot 1 will be left with 24,937 square feet of area or .572 acres and Lot 2 will be left with 25,934 square feet of area or .595 acres. Both lots will meet the minimum area requirements of the CP-2 zone.

Alternatives: Alternatives are to 1) Grant parcel split approval for Freedom Commercial Plaza subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Deny granting parcel split approval.

Recommendation: On August 13, 2013, the Planning Commission unanimously recommended the Council grant parcel split approval for Freedom Commercial Plaza subject to meeting all Staff requirements as outlined in Staff memorandums.

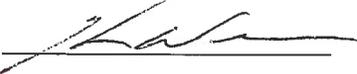
Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II 

Date: September 5, 2013

Re: Freedom Commercial Plaza Parcel Split

Location: 2056 North Hill Field Road

Zoning: CP-2 (Planned Community Commercial)

Background:

The applicant, Jack Reel, is requesting a parcel split of commercial property named Freedom Commercial Plaza. The commercial site has existing commercial buildings that contain two restaurants and a carwash that has been remodeled into an auto detail shop.

The proposed parcel split would separate the commercial parcel into two lots. Lot 1 (auto detail shop) will have 24,937 square feet of area or .572 acres. Lot 2 is proposed to have 25,934 square feet of area or .595 acres. The CP-2 zone requires a minimum commercial lot size of 20,000 square feet or .459 acres.

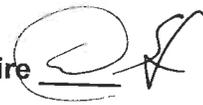
The auto detailing business is in operation and has a current business license. Because the applicant is purchasing the .572 acres from the current property owner, it is required that the parcel be split and have a separate tax identification number. Cross access easements are recorded on each proposed lot to ensure that both lots can be accessed through each property.

Staff Recommendation:

Staff recommends parcel split approval be granted subject to meeting all Staff requirements as outlined in Staff memorandums.

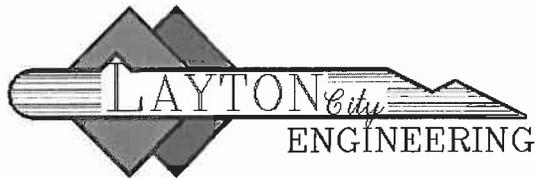
Engineering 

Planning 

Fire 

Planning Commission Action: On August 13, 2013, the Planning Commission voted unanimously to recommend the Council grant parcel split approval subject to meeting all Staff requirements.

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



MEMORANDUM

TO: Jack Reel, jack.reel38@gmail.com
Keith Russell, keith@ensignutah.com
Danny Bridenstine, dan@usdevelopment.com

CC: COMMUNITY DEVELOPMENT & FIRE DEPARTMENT

FROM: Debi Richards, Assistant City Engineer

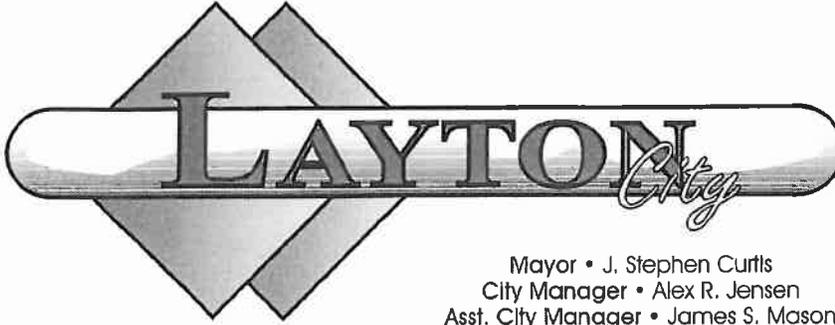
DATE: July 26, 2013

**SUBJECT: FREEDOM COMMERCIAL PLAZA PARCEL SPLIT
2056 NORTH HILLFIELD ROAD**

I have reviewed the request for a parcel split at 2056 North Hillfield Road received on July 17, 2013. The engineering department recommends approval of the parcel split subject to the following comments:

The written legal description on the boundary survey for the cross access easement has two calls that do not match the drawing and appear to be incorrect.

- 1) The description length along the south boundary of lot 1 shown as "S 89D52'30" E 97.87" does not match the drawing "S 89D52'30" W 97.86".
- 2) The description length near the northeast corner of lot 1 shown as "N 24D25'59" E 18.01" does not match the drawing "18.00".



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

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

MEMORANDUM

TO: Community Development, Attention: Julie Jewell
FROM: Dean Hunt, Fire Marshal 
RE: Freedom Commercial Plaza @ 2056 North Hill Field Road
CC: 1) Engineering
DATE: July 18, 2013

I have reviewed the site plan submitted on July 17, 2013 for the above referenced project. The Fire Prevention Division of this department has no comments or concerns at this time **and recommends granting approval of this project.**

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

DBH\Freedom Commercial Plaza :kn
Plan # S13-095, District #10
Project Tracker #LAY 1307171386



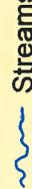
CITY COUNCIL

September 5, 2013

Freedom Commercial Plaza

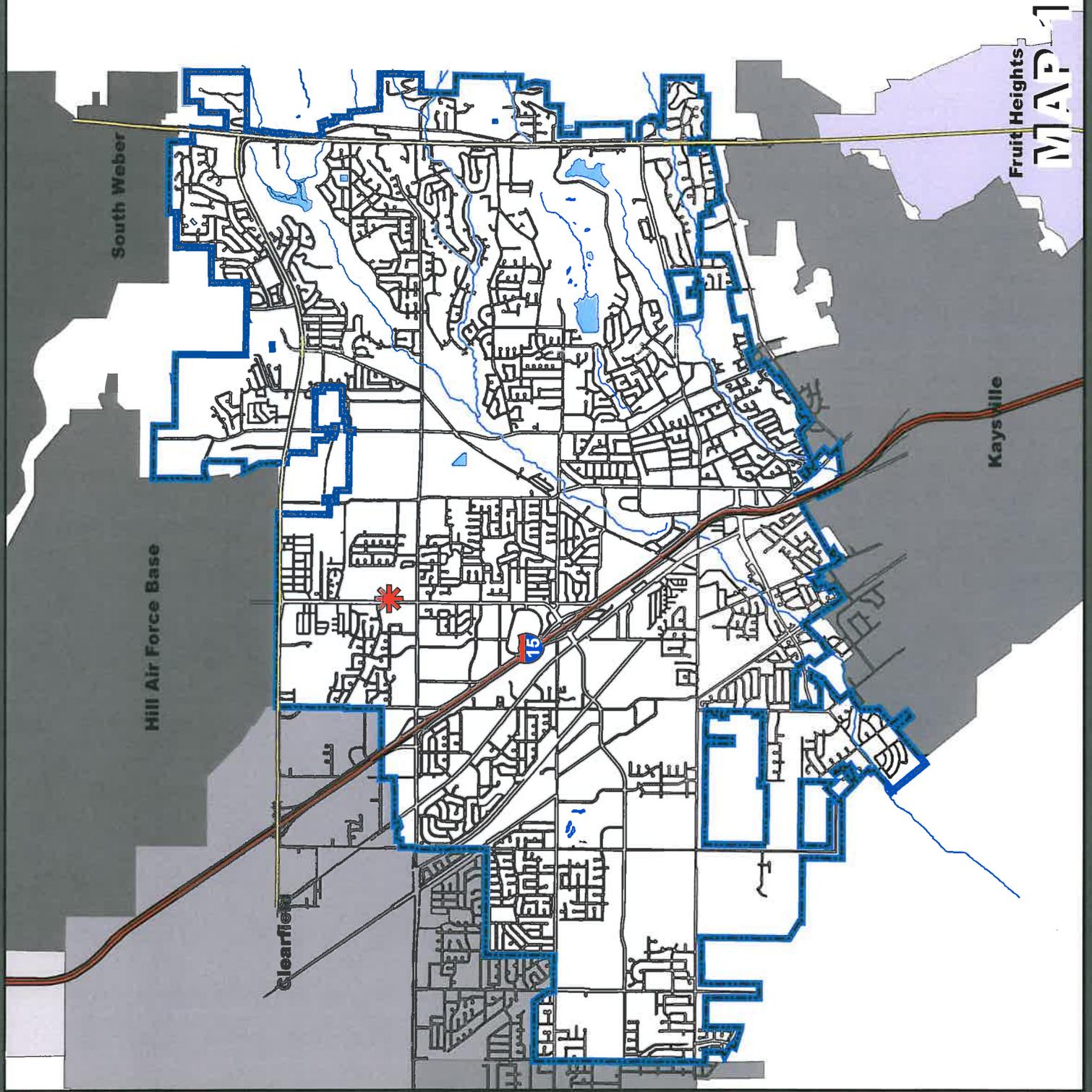
Parcel Split

Legend

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



1 inch = 5,000 feet



CITY COUNCIL

September 5, 2013

Freedom Commercial Plaza Parcel Split

Legend

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



1 inch = 67 feet



RECEIVED

JUL 17 2014

CIVIL ENGINEER



HORIZONTAL GRAPHIC SCALE

VICINITY MAP

SITE

ANTELOPE DRIVE (2000 NORTH)

HILLFIELD ROAD 400 WEST
SR-232

PRIVATE RIGHT OF WAY
(2075 NORTH)

GSA PROPERTIES LLC
(QUAIL COVE APARTMENTS)

MAVERICK INC.

LOT 1

EXISTING BUILDING

LOT 2

EXISTING BUILDING

DISTRICT OF COLUMBIA
REC-100
CP-S-19-10387-E
C-78.00'

DISTRICT OF COLUMBIA
REC-100
CP-S-19-10387-E
C-60.00'

DISTRICT OF COLUMBIA
REC-200
L-51.42
CP-SR-10-0438-E
C-78.75'

S 89°25'30" W 30.00'

N 77°00'00" E 121.00'

S 89°25'30" W 175.00'

N 77°00'00" E 222.51'

S 0°00'00" W 130.23'

N 77°00'00" E 121.00'

S 89°25'30" W 175.00'

N 77°00'00" E 222.51'

225.00'
S 89°25'30" W 2034.24' (REC)

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

Item Number: 5A

Subject: Development Agreement and Rezone Request (Smithing) – A (Agriculture) to M-1 (Light Manufacturing) – Resolution 13-46 and Ordinance 13-26 – 2102 North Fairfield Road

Background: The property proposed for rezone from A to M-1 contains 0.89 acres located on the east side of Fairfield Road at 2102 North. The subject property is located just north of the Five Star Storage Unit business, which is located on the northeast corner of Antelope Drive and Fairfield Road. There is a single-family home on the subject property that will be demolished to make room for the expansion of the storage unit business.

The rezone of the subject property will facilitate the expansion of the Five Star Storage Unit business to the south. A new development agreement has been prepared to replace the original development agreement on the Five Star Storage Unit property and will also include the 0.89 acres proposed for rezone. The two parcels covered by the new development agreement total 2.83 acres.

The rezone area is primarily surrounded by A zoning except for the two acres of M-1 zoning (Five Star Storage) located directly to the south.

Alternatives to the First Motion: Alternatives are to 1) Adopt Resolution 13-46 approving the Development Agreement; 2) Adopt Resolution 13-46 approving the Development Agreement with any amendments the Council deems appropriate; or 3) Not adopt Resolution 13-46 denying the Development Agreement.

Alternatives to the Second Motion: Alternatives are to 1) Adopt Ordinance 13-26 approving the rezone request from A to M-1 based on consistency with General Plan recommendations; or 2) Not adopt Ordinance 13-26 denying the rezone request from A to M-1.

Recommendation: The Planning Commission recommends the Council adopt Resolution 13-46 approving the Development Agreement and adopt Ordinance 13-26 approving the rezone request from A to M-1 based on consistency with General Plan recommendations.

Staff supports the recommendation of the Planning Commission.

RESOLUTION 13-46

ADOPTING AN AGREEMENT FOR THE DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND BRADEN SMITHING FOR PROPERTY LOCATED AT APPROXIMATELY 2102 NORTH FAIRFIELD ROAD.

WHEREAS, Owner, Braden Smithing., (hereafter "Owner") desires to develop certain property located at approximately 2102 North Fairfield Road (hereafter "Subject Area") in Layton City; and

WHEREAS, Owner and Layton City have entered into an agreement setting forth the responsibilities of both parties relative to various aspects of the development of the Subject Area to accommodate development with appropriate land uses, landscaping and architecture to enhance the general area; and

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

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

1. The agreement entitled "Agreement for the Development of Land between Layton City and Braden Smithing" is hereby adopted and approved.

2. The Mayor is authorized to execute the Agreement, which is attached hereto and incorporated herein by this reference.

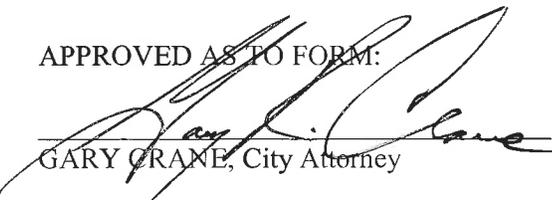
PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2013.

J. STEPHEN CURTIS, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



WILLIAM T. WRIGHT, Director
Community & Economic Development

**AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN
LAYTON CITY AND BRADEN SMITHING.
(Approximately 2102 North Fairfield Road)**

THIS AGREEMENT for the development of land (hereinafter referred to as this "Agreement") is made and entered into this ___ **day of** _____, **2013**, between LAYTON CITY, a municipal corporation of the State of Utah (hereinafter referred to as "City"), and BRADEN SMITHING (hereinafter referred to as "Owner"). City and Owner collectively referred to as the "Parties" and separately as "Party".

RECITALS

WHEREAS, in furtherance of the objectives of the Layton City General Plan, City has considered an application for a zone change from A (Agriculture) to M-1 (Light Manufacturing), of certain property located at approximately 2102 North Fairfield in Layton City (hereinafter the "Subject Area"); and

WHEREAS, the Subject Area consists of approximately 2.83 acres belonging to BRADEN SMITHING and is depicted on Exhibit "A" attached hereto (hereinafter "Exhibit A"); and

WHEREAS, Owner is the owner of the above described property and has presented a proposal for development of the Subject Area to the City, which provides for development in a manner consistent with the overall objectives of Layton City's General Plan; and

WHEREAS, City has considered granting M-1 zoning approval for the Subject Area (as shown on Exhibit "A"), subject to Owner agreeing to certain limitations and undertakings described herein, which Agreement will further define and execute the objectives of the General Plan, specifically regarding the surrounding property and will enable the City Council to consider the approval of such development at this time; and

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

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

**ARTICLE I
DEFINITIONS**

The following terms have the meaning and content set forth in this Article 1, wherever in this Agreement:

1.1 "Owner's Property" shall mean that property owned by Owner, as depicted on Exhibit "A".

1.2 "City" shall mean Layton City, a body corporate and politic of the State of Utah. The principal office of City is located at 437 North Wasatch Drive, Layton, Utah 84041.

1.3 "City's Undertakings" shall mean the obligations of the City set forth in Article III.

1.4 "Owner" shall mean BRADEN SMITHING. The principal mailing addresses for Owner is listed in paragraph 6.2. Except where expressly indicated in this Agreement, all provisions of the Agreement shall apply to the Owner.

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

1.6 "Subject Area" shall have the meaning set forth in the Recitals hereto.

1.7 "Exhibit A" shall have the meaning set forth in the Recitals hereto.

ARTICLE II CONDITIONS PRECEDENT

2.1 This Agreement shall not take effect until City has approved this Agreement pursuant to a resolution of the Layton City Council.

2.2 Owner agrees to restrict the uses permitted under an M-1 zoning designation, as set forth herein.

ARTICLE III CITY'S UNDERTAKINGS

3.1 Subject to the satisfaction of the conditions set forth in Section 2.2 and Article II, City shall amend the Zoning Ordinance and approve the rezone of the Subject Area from its present zoning of A to M-1, with an effective date of no sooner than the effective date and adoption of this Agreement by the City Council. Any zoning amendment shall occur upon a finding by the City Council that it is in the best interest of the health, safety and welfare of the citizens of Layton City to make such a change at this time.

3.2 The proposed zoning changes are as reflected on Exhibit "A", in that the property located at approximately the northeast corner of Fairfield Road and Antelope Drive is proposed for M-1 zoning, which constitutes approximately .89 acres of the 2.83-acre Subject Area.

ARTICLE IV OWNER'S UNDERTAKINGS

Conditioned upon City's performance of its undertakings set forth in Article III with regard to zoning of the Subject Property and provided Developer has not terminated this Agreement pursuant to Section 6.8, Developer agrees to the following:

4.1 Development on the property shall be limited to the following uses, which shall be properly approved as required under Layton City's Ordinance:

4.1.1 Uses allowed under the M-1 zoning designation as outlined in Table 6-2 of the zoning ordinance. With this property being placed within the M-1 Zoning District, Owner agrees that not all uses allowed in that zone are compatible with this property. Therefore, development on the property shall be limited, in that the following uses shall not be permitted, or requested by the Owner:

- a. Open storage and sales of machinery and appliances;
- b. Junk yards;
- c. Fabricated textile products;
- d. Industrial services;
- e. Convenience Store;
- f. Amusement, commercial indoor;
- g. Amusement, limited commercial outdoor;
- h. Amusement, commercial outdoor;
- i. Car Wash;

- j. Trucking Terminal;
- k. Electric Power Plant;
- l. Electric Substation;
- m. Secondary Residential Unit;
- n. Charter School;
- o. Church/Temple/Rectory;
- p. Private Country Club;
- q. Sewage/Water Pumping Control Station;
- r. Water Treatment Plant;
- s. Theater, Outdoor/Indoor; and
- t. Restaurant.

- 4.1.2 Uses as restricted pursuant to the APZ Land Use Easement; and
- 4.1.3 In the event of conflict between Table 6-2 and the APZ Land Use Easement, the more restrictive shall apply.

- 4.2 Developer agrees to limit development to the above uses and if other uses are desired, agrees to seek amendment of this Agreement before pursuing the development of those uses.
- 4.3 All development proposals on the property submitted to the City shall be coordinated with HAFB for review and interpretation of the "APZ Land Use Easement" relative to the proposed development.
- 4.4 Developer agrees to abide by the regulations and requirements of the M-1 zoning designation, with the following exceptions:
 - 4.4.1 The minimum landscape strip along Fairfield Road shall be at least 15' in width, the minimum landscape strip along Antelope Drive shall be at least 20' in width, and the minimum landscape percentage for a development site shall be 10%;
 - 4.4.2 Any off-street parking along the street frontage shall be screened by a berm, landscaping or both,
 - 4.4.3 The maximum height of any building shall be 35 feet;
 - 4.4.4 The roof of each main structure fronting a public street shall have a minimum pitch of 4':12".
 - 4.4.5 Exterior building design shall include masonry materials (brick, stucco, rock, etc.) on the front and side facades visible from a public street;
 - 4.4.6 For the purpose of buffering and site compatibility with surrounding development, projects may require additional landscaping and architectural integration. Landscaping percentages and buffer strips may be increased to ensure compatibility with adjacent properties.

**ARTICLE V
REMEDIES**

5.1 Remedies for Breach. In the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party or any permitted successor to such Party shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within thirty (30) days after receipt of such notice. In the event that such default or breach cannot reasonably be cured within said thirty (30) day period, the Party receiving such notice shall, within such thirty (30) day period, take reasonable steps to commence the cure or remedy of such default or breach, and shall continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to:

5.1.1 Cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the Party in default or breach of its obligations; and

5.1.2 If the remedy of reversion is pursued, the defaulting Owner agrees not to contest the reversion of the zoning on undeveloped portions of the Subject Area, by the City Council to the previous zoning on the property, and hereby holds the City harmless for such reversion of the zoning from M-1 to A.

5.2 Enforced Delay Beyond Parties' Control. For the purpose of any other provisions of this Agreement, neither City nor Owner, as the case may be, nor any successor in interest, shall be considered in breach or default of its obligations with respect to its construction obligations pursuant to this Agreement, in the event the delay in the performance of such obligations is due to unforeseeable causes beyond its fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, acts of the other Party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes or unusually severe weather, or delays of contractors or subcontractors due to such causes or defaults of contractors or subcontractors. Unforeseeable causes shall not include the financial inability of the Parties to perform under the terms of this Agreement.

5.3 Extension. Any Party may extend, in writing, the time for the other Party's performance of any term, covenant or condition of this Agreement or permit the curing of any default or breach upon such terms and conditions as may be mutually agreeable to the Parties; provided, however, that any such extension or permissive curing of any particular default shall not operate to eliminate any of any other obligations and shall not constitute a waiver with respect to any other term, covenant or condition of this Agreement nor any other default or breach of this Agreement.

5.4 Rights of Owner. In the event of a default by Owner's assignee, Owner may elect, in his/her discretion, to cure the default of such assignee, provided, Owner's cure period shall be extended by thirty (30) days.

ARTICLE VI GENERAL PROVISIONS

6.1 Successors and Assigns of Owner. This Agreement shall be binding upon Owner and his successors and assigns, and where the term "Owner" is used in this Agreement it shall mean and include the successors and assigns of Owner, except that City shall have no obligation under this Agreement to any successor or assign of Owner not approved by City. Notwithstanding the foregoing, City shall not unreasonably withhold or delay its consent to any assignment or change in ownership (successor or assign of Owner) of the Subject Area. Upon approval of any assignment by City, or in the event Owner assigns all or part of this Agreement to an assignee, Owner shall be relieved from further obligation under that portion of the Agreement for which the assignment was made and approved by City.

6.2 Notices. All notices, demands and requests required or permitted to be given under this Agreement (collectively the "Notices") must be in writing and must be delivered personally or by nationally recognized overnight courier or sent by United States certified mail, return receipt requested, postage prepaid and addressed to the Parties at their respective addresses set forth below, and the same shall be effective upon receipt if delivered personally or on the next business day if sent by overnight courier, or three (3) business days after deposit in the mail if mailed. The initial addresses of the Parties shall be:

To Owner:	BRADEN SMITHING 3690 North 2350 East Layton, Utah 84040 801-771-2827, 801-771-2625 (FAX)
-----------	---

To City: LAYTON CITY CORPORATION
437 North Wasatch Drive
Layton, Utah 84041
Attn: Alex R. Jensen, City Manager
801-336-3800; 801-336-3811 (FAX)

Upon at least ten (10) days prior written notice to the other Party, either Party shall have the right to change its address to any other address within the United States of America.

If any Notice is transmitted by facsimile or similar means, the same shall be deemed served or delivered upon confirmation of transmission thereof, provided a copy of such Notice is deposited in regular mail on the same day of such transmission.

6.3 Third Party Beneficiaries. Any claims of third party benefits under this Agreement are expressly denied, except with respect to permitted assignees and successors of Owner.

6.4 Governing Law. It is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance. Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Utah.

6.5 Integration Clause. This document constitutes the entire agreement between the Parties and may not be amended except in writing, signed by the City and the Owner affected by the amendment.

6.6 Exhibits Incorporated. Each Exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.

6.7 Attorneys' Fees. In the event of any action or suit by a Party against the other Party for reason of any breach of any of the covenants, conditions, agreements or provisions on the part of the other Party arising out of this Agreement, the prevailing Party in such action or suit shall be entitled to have and recover from the other Party all costs and expenses incurred therein, including reasonable attorneys' fees.

6.8 Termination. Except as otherwise expressly provided herein, this Agreement may only terminate as follows:

- 6.8.1 If by Owner, said termination must be done prior to the completion of the project and Owner agrees to the reversion of the zoning classification to "A".
- 6.8.2 If by the City, said termination must be done prior to effective date of the ordinance which changes the zoning classification to "M-1".
- 6.8.3 By mutual agreement of the parties as long as said agreements are congruent to the General Plan and protective of the health, safety, and welfare of the citizenry.

Upon an Owner's request (or the request of Owner's assignee), the other Party agrees to enter into a written acknowledgment of the termination of this Agreement, or part thereof, so long as such termination (or partial termination) has occurred.

6.9 Recordation. This Agreement shall be recorded in reference to the property, and shall run with the land and be binding upon all successors in interest of the property.

6.10 Applicable Regulations. Owner is vested in the applicable City zoning and development regulations in effect on the ____ day of ____, 2013.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

LAYTON CITY CORPORATION,

Mayor J. Stephen Curtis

ATTEST:

Thieda Wellman, City Recorder

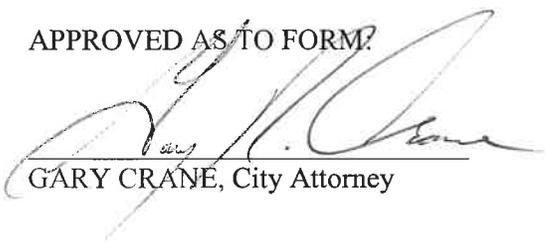
BRADEN SMITHING

Signed by _____
Braden Smithing, Owner

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

Notary

APPROVED AS TO FORM:



GARY CRANE, City Attorney

EXHIBIT "A"



EXHIBIT "A"

Smithing
Development
Agreement
and Rezone

A to M-1

2102 North
Fairfield Road

LEGEND

- Layton City Boundary
- Property
- Lakes
- Streams



1 inch = 141.67 feet



ORDINANCE 13-26
(Smithing Rezone)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT 2012 NORTH FAIRFIELD ROAD FROM A (AGRICULTURE) TO M-1 (LIGHT MANUFACTURING/INDUSTRIAL) 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 M-1 be approved with a development agreement, which provides for development of the rezone area in a manner consistent with the General Plan; 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 M-1 (Light Manufacturing/Industrial).

BEG S 27.06 FT & N 89[^]10' E 151.48 FT & N 0[^]57' W 387.52 FT FR SW COR OF
SEC 10-T4N-R1W, SLM: & RUN TH N 0[^]57' W 154.75 FT; TH S 89[^]10' W 281.50 FT;
TH S 0[^]57' E 154.75 FT; TH N 89[^]10' E 281.50 FT TO POB.

CONTAINING .89 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.

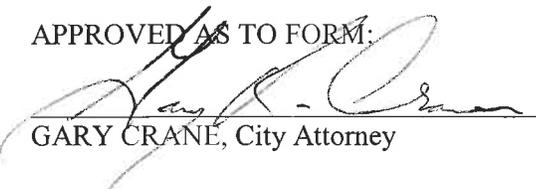
PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2013.

J. STEPHEN CURTIS, Mayor

ATTEST:

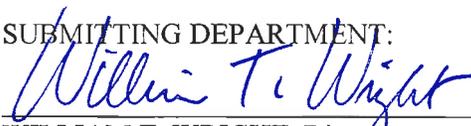
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



WILLIAM T. WRIGHT, Director
Community & Economic Development



STAFF REPORT

TO: City Council

FROM: Peter Matson, AICP - City Planner 

DATE: September 5, 2013

RE: Development Agreement and Rezone Request (Smithing) – A (Agriculture) to M-1 (Light Manufacturing) – Resolution 13-46 and Ordinance 13-26

LOCATION: 2102 North Fairfield Road

CURRENT ZONING: A (Agriculture)

CURRENT MINIMUM LOT SIZE: 1 Acre (43,560 square feet)

PROPOSED ZONING: M-1 (Light Manufacturing)

PROPOSED MINIMUM LOT SIZE: N/A

Description of Rezone Area:

The property proposed for rezone from A to M-1 contains 0.89 acres located on the east side of Fairfield Road at 2102 North. The subject property is located just north of the Five Star Storage Unit business, which is located on the northeast corner of Antelope Drive and Fairfield Road. There is a single family home on the subject property that will be demolished to make room for the expansion of the storage unit business.

The rezone area is primarily surrounded by A (Agriculture) zoning except for the two acres of M-1 zoning (Five Star Storage) located directly to the south.

Background Information and Staff Review:

The subject property is located within the Hill Air Force Base (HAFB) Accident Potential Zone (APZ) area. The State of Utah holds an easement on the property that limits land uses and densities to keep the flight path area clear of new housing and intense commercial development. The Land Use/Population Element of the General Plan recommends this area for land uses that are compatible with the APZ land use guidelines. The HAFB Planning Staff has been briefed on the zoning and land use proposal and have indicated their support for the applicant's proposal to

remove the residential dwelling and expand the storage unit project, which is an APZ-compatible land use. Removal of the single family home is a positive outcome of this zoning and development proposal because it decreases the full time (permanent) population within the APZ and replaces the residential dwelling with a compatible, low density land use.

The single family home on the subject property will be demolished if the rezone to M-1 is approved to make way for the expansion of Five Star Storage. The applicant has prepared a concept plan (see attached) indicating how the .89-acre parcel will be combined with the parcel to the south and how the expanded storage unit site will function.

The Five Star Storage site was zoned M-1 in 2006. The rezone was approved with a development agreement that addressed:

- Land uses allowed in the M-1 zone that are not appropriate on the site;
- Limits on land uses and densities pursuant to the APZ Land Use Easement; and
- Additional landscape, architecture and site design standards to improve compatibility with surrounding development.

With the rezone of the subject property facilitating the expansion of the storage unit development to the south, the original development agreement for the south parcel should either be amended to include the subject property or a new development agreement should be prepared covering both parcels. Staff has prepared, and is recommending, a new development agreement be adopted that replaces the original agreement and covers the entire 2.83 acres. The original agreement was between the City and the applicant's parents. The applicant, Mr. Braden Smithing, now owns both parcels. Resolution 13-46 would approve a new development agreement between Layton City and Braden Smithing, which includes the same development requirements from the original development agreement. The portion of the development agreement with guidelines for development of the rezone area is Section IV "Owner's Undertakings".

Staff Recommendation:

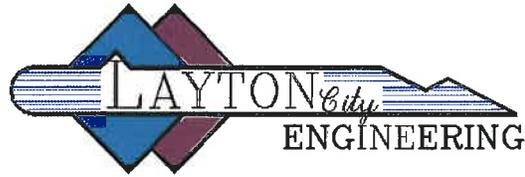
Staff recommends the Council adopt Ordinance 13-26 approving the rezone request from A to M-1 subject to approval of Resolution 13-46 approving the Development Agreement. This recommendation is also based on consistency with General Plan recommendations for land uses compliant with APZ guidelines for this area.

Engineering JA Planning PM Fire OS

Planning Commission Proceedings and Recommendation:

The Planning Commission reviewed this rezone request on August 13, 2013 and unanimously recommended the City Council adopt Resolution 13-46 and Ordinance 13-26 approving the Development Agreement and the Rezone from A to M-1. The Commission discussed the details of the draft Development Agreement and requested that 12 additional land uses in the M-1 zone be added to the list of land uses not permitted on the subject property. The additional land uses are noted as items "i" through "t" in Subsection 4.1.1 of the Development Agreement.

The Commission asked for input and comments from the public. No public comments were given.



MEMORANDUM

TO: Braden Smithing, braden@fivestarstorage.net
CC: COMMUNITY DEVELOPMENT & FIRE DEPARTMENT
FROM: Debi Richards, Assistant City Engineer
DATE: July 30, 2013
SUBJECT: BRADEN SMITHING REZONE
2102 NORTH FAIRFIELD ROAD

I have reviewed the Petition for Amending the Zoning Ordinance for a 0.89 acre parcel located at 2102 North Fairfield Road. The applicant is requesting a rezone change from A to M-1. The engineering department has no comments or concerns regarding the approval of the rezone.

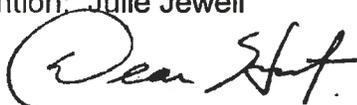
A site plan for the proposed development must be submitted for review and approval. Please refer to the Layton City Development Guidelines for information to be included with a commercial site plan at: <http://www.laytoncity.org/public/Depts/PubWorks/downloads.aspx>



• 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: Braden Smithing Zoning Amendment @ 2102 North Fairfield Road
CC: 1) Engineering
2) Braden Smithing, braden@fivestarstorage.net
DATE: July 29, 2013

I have reviewed the site plan submitted on July 10, 2013 for the above referenced project. The Fire Prevention Division of this department has the following comments/concerns.

1. An additional fire hydrant will be required to be installed at the south side of the drive approach to this project.
2. Prior to beginning construction of any buildings, a fire flow test of this new hydrant shall be conducted to verify actual fire flow 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.

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

DBH\Braden Smithing Zoning:kn
Plan # S13-099, District # 12
Project Tracker #LAY 1307221388





Memorandum

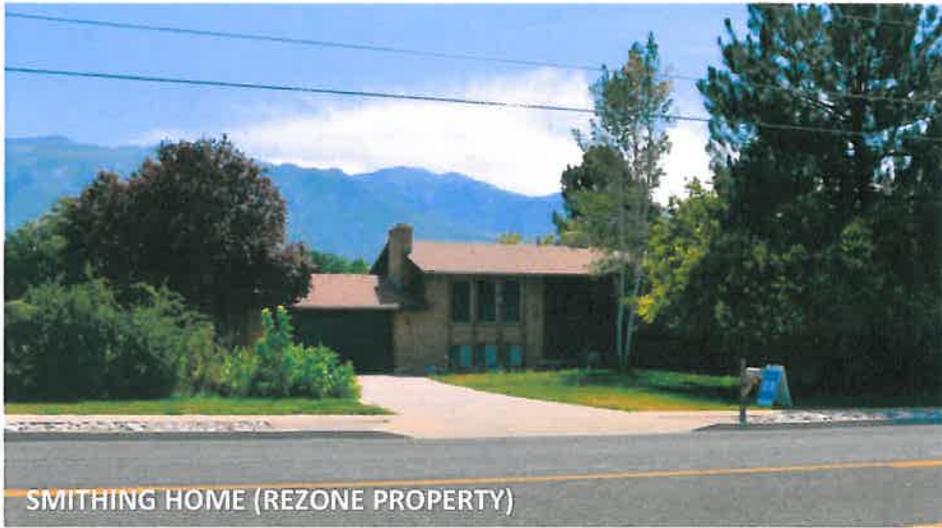
To: Planning Commission
From: Scott Carter, Parks Planner
Date: July 26, 2013
Re: Braden Smithing Rezone, A to M-1 – *2102* North Fairfield Road

The proposed Braden Smithing Rezone does not impact the Parks & Recreation Department.

Recommendation

Parks & Recreation supports approval of the Braden Smithing Rezone located at 2012 North Fairfield Road.

SITE PHOTOS



City Council Meeting

September 5, 2013

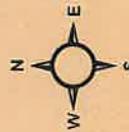
Smithing Rezone

A to M-1

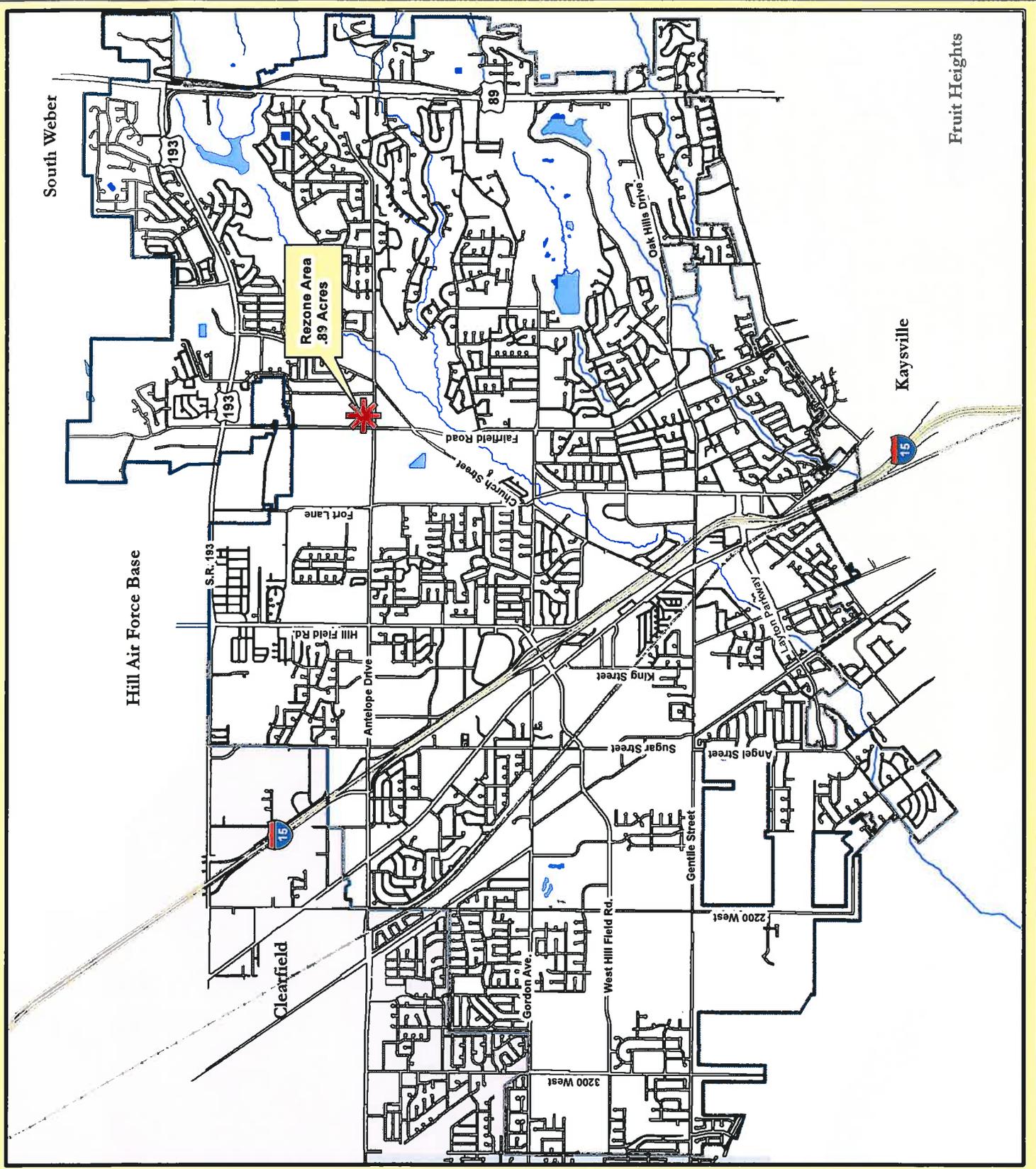
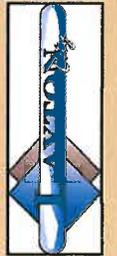
2102 North
Fairfield Road

LEGEND

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



1 inch = 4,250 feet





City Council Meeting

September 5, 2013

Smithing Rezone

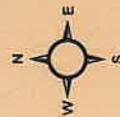
A to M-1

**2102 North
Fairfield Road**

0.89 Acres

LEGEND

-  Layton City Boundary
-  Zoning
-  Property
-  Lakes
-  Streams



1 inch = 141.67 feet



