

**MINUTES OF LAYTON CITY  
COUNCIL WORK MEETING**

**DECEMBER 19, 2013; 6:04 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

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

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,  
PETER MATSON, JAMES (WOODY) WOODRUFF,  
DEAN HUNT, ED FRAZIER, TERRY COBURN  
AND THIEDA WELLMAN**

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

Mayor Pro tem Francis opened the meeting and turned the time over to Alex Jensen, City Manager.

**MISCELLANEOUS:**

LT Weese indicated that the Military Task Force was interested in constructing a monument for Mayor Steve Curtis. He said they would like to make the presentation on June 21, 2014, which was the Mayor's birthday, as part of the Sounds of Freedom celebration. Mr. Weese said Steve was an honorary commander at Hill Air Force Base, and he was all about supporting the military. He said the design of the monument would include a 42" granite circle that would be similar to the Mayor's last campaign sign "Worth Keeping Around." Mr. Weese said there would be no cost to the City; the project would be funded through the Military Task Force.

Councilmember Francis indicated that there had been discussion about renaming Heritage Park to Mayor Curtis Park. He suggested that the monument could go in that Park.

Councilmember Freitag asked if they were looking for a place to put the monument.

Mr. Weese said that they were.

Councilmember Brown said she liked the idea of naming a park after Mayor Curtis, but she didn't know if Heritage Park was the right park. It wasn't a park that the public attended. She said Mayor Curtis was such a man of the people she would rather see a park named after Mayor Curtis that the people used.

Mr. Weese said the monument would be ready in June; there was plenty of time to make that decision. He said it would be good if they knew by April or May so that construction for setting the monument could be done in time for the June 21st date.

**AGENDA:**

**DEVELOPMENT PLAN APPROVAL – LEGACY COTTAGES – APPROXIMATELY 250  
NORTH ADAMSWOOD ROAD**

Bill Wright, Community and Economic Development Director, said on October 4, 2012, the Council approved the rezone request for Legacy Cottages located at approximately 250 North Adamswood Road. He said they went through a significant process for the rezone and there had been a lot of study. Bill said the developers, Tyler and Brad Miles were in attendance, and there were representatives of the property owners in attendance.

Bill said a development agreement accompanied the rezone that capped the maximum number of units at 155 units; the proposal was for 150 units. He said the development agreement also addressed the location of the building to the south to provide buffering to the residential area to the north. Bill said there would be 1 and 2 bedroom units that would range from 700 to 1,200 square feet. He said because of requirements in the development agreement, the development plan was being brought back to the Council for approval.

Councilmember Bouwhuis asked if there was a requirement that the development be a certain distance from a fuel storage facility at the Chevron Station.

Bill said no.

Councilmember Flitton asked if there had been discussion about moving the monument sign at the Bowden Chiropractic office.

Bill said it had already been moved to the north. He said it was a little higher, but it was moved out of the site distance area, which had caused issues for vehicles accessing Gentile Street off of Adamswood Road. Bill said there would also be a little work done on the crosswalk and alignment of Adamswood Road at Gentile Street in the spring.

Councilmember Flitton asked if the business would help pay for movement of the sign.

Bill said no.

Bill said a 4-way stop had been installed at the intersection to the north, and the land had been dedicated for the street widening. He said the developer had submitted architectural plans and landscaping plans. Bill discussed the community center building and indicated that colors for the project had been selected. He said the Staff report described some of the design requirements that had been incorporated in the design of the buildings. Bill said the Planning Commission recommended approval of the development plan, and Staff supported that recommendation.

Councilmember Bouwhuis said he worked with the developers to get a new rate with the North Davis Sewer Board for this type of use.

**BID AWARD – WIDDISON TURBINE SERVICES, LLC – GREENLEAF WELL REHABILITATION – RESOLUTION 13-61**

Terry Coburn, Public Works Director, said Resolution 13-61 was a resolution awarding a bid to Widdison Turbine Services for the Greenleaf well rehabilitation project. He said the well was located on Gordon Avenue just west of the railroad tracks. Terry said wells were one of the biggest, best assets of the City and rehabilitation projects helped protect those assets. He said the project included disinfection, cleaning and redevelopment of the well to improve performance of the well. Terry explained how the pump worked and the problems that could arise with scale buildup. He said the Fort Lane well was drilled in 1965 and at that time produced 2,200 gallons of water per minute. Before the rehabilitation project on that well it was producing 1,100 gallons a minute and after it was producing 2,500 gallons of water per minute. Terry said they anticipated similar results with this project.

Councilmember Freitag asked about the work being done on Gordon Avenue by the Sewer District. He asked if there was a date when it would be done.

Terry said most of the work in Layton had been done; most of the work taking place now was in Syracuse.

Councilmember Bouwhuis said the original projection was that it would be done by January 15th.

Woody Woodruff, City Engineer, said they were about 2 months behind schedule on the project. He indicated that the portion of the project on Antelope Drive would be done next year.

Councilmember Freitag asked how that would coordinate with other work being done on Antelope Drive next year.

Alex said Staff had talked to the State about coordinating the work.

**DEVELOPMENT AGREEMENT AND REZONE REQUEST (GREEN AND GREEN) – R-S (RESIDENTIAL SUBURBAN) TO PB (PROFESSIONAL OFFICE) – 836 SOUTH ANGEL STREET – RESOLUTION 13-35 AND ORDINANCE 13-18**

Alex said this proposal had been to the Council twice before where it was tabled. He indicated that Mr. Ed Green would not be here this evening, his mother had passed away, but Dale Green was here, as well as people from the neighborhood.

Bill Wright said this item had been tabled at the November 21st meeting to provide additional time for the residents to digest the traffic studies, determine if there were additional details that could be incorporated into the development agreement, and allow time for the citizens to meet with Ed Green about the development. He said all of those had been accomplished.

Bill said in earlier meetings, there were concerns raised about site distance relative to the curve on Angel Street and traffic accessing the business. He said the Public Works Department had restriped the road to allow for a center turn lane, and there was a staging area to allow for the left hand turning movement into the business and onto Layton Parkway. Bill displayed a map of the road that depicted the turning lane and the striping pattern to 500 North. He said the turning lane would continue north of 500 North once that portion of Angel Street was widened. Bill displayed a map of the connectivity in the area relative to Kennington Parkway Subdivision and Pheasant Place Subdivision. He explained the various walking patterns to the school.

Bill said additional work had been done since the November 21st meeting regarding trip counts. He displayed a chart of the national standards for trip generation based on the dental office use. Bill compared that information to actual counts taken of other example sites in the community to see if Layton's counts would be different than national standards. He said some were a little higher and some were a little lower. Bill said the Engineer's conclusion was that the rezone should not be denied based on traffic counts and the impact to the area. He said the traffic study information was shared with the citizen group on December 13th. Bill said the capacity of Angel Street was currently 600 cars in the p.m. peak travel time and the capacity of the road was 1,200.

Bill said Staff met again with the neighborhood group on December 9th, and the neighborhood group met with the developer on December 14th, but Staff did not attend that meeting. He said as a result of those meetings, there were some restrictive items added to the development agreement. Bill said 36 uses allowed in the PB zone were restricted in the development agreement, and additional information about the pitch of the roof and the types of building materials that could be used were added to the development agreement.

Dale Green, Developer, said the zoning would allow for a 9,000 square foot building and the residents requested that that be limited to 5,000 square feet. He said they compromised at 7,500 square feet. He said that wasn't included in the development agreement, but they were okay with that being added this evening.

Councilmember Bouwhuis asked if there was any discussion about restrictions on the basement space.

Mr. Green indicated that they wouldn't want any restrictions on the basement, but it wouldn't be finished at this point.

Gary Crane, City Attorney, said any use in the basement would have to be ADA accessible, or it would have to be a use that did not have the public accessing it.

Councilmember Brown mentioned that she had seen basement uses that utilized a ramp for access.

Gary said that could be a possibility.

Councilmember Brown said if this was approved tonight, the current draft of the development agreement, number 4, could be adopted to include the restrictions on the square footage.

Gary said that was correct.

Bill said Staff found no reason why this should not be considered as an appropriate use on the property.

Councilmember Flitton asked about the size of the lots.

Bill indicated that they were just under an acre; one was .45 and .437 with the corner lot being a little bigger.

Councilmember Francis asked for clarification of the General Plan relative to the PB zone.

Peter Matson, City Planner, displayed an overhead of the summary of the policy recommendations in the General Plan. He said it primarily spoke to arterial streets and there was a reference about PB zones being appropriate at the entries into single family neighborhoods. He said there were quite a few examples of that in the City. Peter said the recommendations also addressed neighborhood commercial centers being recommended at arterial and collector street intersections. He said although this wasn't a commercial center, those included uses such as a dentist office or medical practitioner. Peter said the primary reference to the PB zone was in the zoning ordinance, relative to collector streets, and not the General Plan.

Bill said there were plenty of examples throughout the community where the PB zone was located along collector roads. He said sometimes those were at intersections with arterial streets, and there were a few that were just on collector roads. Bill said this was certainly consistent with the practice for where these types of uses had been provided for. He said oftentimes there would be accesses that were off of a side road, which could be a local or residential street. Bill said the McMillan office building fronted onto Gordon Avenue, which was an arterial street, but access was off of a local street that had residential homes across the street. He showed other examples of PB zones where access was off of a local street. Bill said right now the conceptual drawings show this building fronting onto Angel Street, but it could front onto Layton Parkway and have access off of Angel Street.

Councilmember Bouwhuis said the ordinance didn't prescribe where the PB zone should go, but it gave generalized guidelines and allowances. There were no more prescriptive ordinances that dictated where it could and couldn't go.

Bill said there was. He said in the Code it indicated that the PB zone could only go on arterial and collector roads. Bill said if this was not a collector road, then it would only have the opportunity to take its frontage off of Layton Parkway. He said Staff felt that this was a reasonable opportunity for this use because this was an intersection of two roads that carried more traffic than was typical for a single family residential neighborhood.

Councilmember Freitag asked Bill to say that again.

Bill said if Angel Street was not a collector road then the use being proposed would have to front onto the Parkway; access could come off of the local road but it would have to front the arterial.

Councilmember Brown said if Angel Street was a local street, this use could go on the property if it fronted onto the Parkway.

Bill said that was correct.

Councilmember Brown said she had received emails stating that this was a commercial use; it was not a commercial use. She said the development agreement would apply to the property whether the dentist office was built or not.

Bill said that was correct.

Council and Staff discussed “general office” and what types of uses would be allowed, such as an appraisal office or CPA office.

Councilmember Brown indicated that an email she received expressed concerns that if this property was rezoned PB then all of the corners of the intersection would eventually be rezoned PB.

Councilmember Flitton asked if this development would set the precedent for additional PB zoning in the area.

Gary said each application had to be considered on its own and each one would have to stand on its own merits. He said just because PB was allowed on one corner wouldn't be justification for allowing in on another.

Councilmember Bouwhuis asked if the other corners would be eligible for the PB zone. Was the precedent set by this rezone to allow the owner across the street to immediately request that his property be rezoned PB?

Gary said it could always be requested. He said it wouldn't matter where it was in the City if it met the criteria in the General Plan and zoning ordinance.

Councilmember Flitton said if the other corners met the criteria it wouldn't matter what happened on this property.

Gary said that was correct.

Councilmember Brown said even if this proposal was denied, the other corners of the intersection could be rezoned PB.

Gary said that was correct.

Councilmember Bouwhuis said Councilmember Freitag had mentioned to him that the entire corridor should be planned; from the property to the north of the hospital property west to Angel Street.

Bill displayed a map of the area and explained the zoning on the property along the Parkway.

Councilmember Freitag said the City had found itself in a catch up situation with this development because of the development of the Parkway. He said because the road went through this area, the same thing could happen on other corners of Layton Parkway and Angel Street, and Layton Parkway and Flint Street, and further west. Councilmember Freitag said he struggled with this not being an area that was

discussed for anything other than residential, but because of the Parkway and the possible negative consequence of that, it was forcing Mr. Green to change the use of the property. He said the City failed to figure that out before the rezone proposal was before the Council. Councilmember Freitag said he didn't think that the proposed use of a dental office was the worst choice for this property, but he thought the City was starting something that would be tough to get out of all along the Parkway corridor. He said he didn't think that was what was intended when the road was constructed.

Gary informed the Council that whatever their decision was this evening to make sure they stated, for the record, their reasons for the decision.

**The meeting adjourned at 7:03 p.m.**

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Thieda Wellman, City Recorder