

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JANUARY 16, 2014; 5:36 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,
TOM DAY, JORY FRANCIS, SCOTT FREITAG
AND JOY PETRO**

**PLANNING COMMISSION MEMBERS
PRESENT:**

**DAWN FITZPATRICK, GERALD GILBERT, DAVE
WEAVER, ROBERT VAN DRUNEN, WYNN
HANSEN, TIM PALES AND BRIAN BODILY**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
PETER MATSON, TERRY COBURN, JAMES
(WOODY) WOODRUFF, KENT ANDERSEN, TORI
CAMPBELL AND THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and had everyone introduce themselves.

AGENDA:

**DEVELOPMENT AGREEMENT AND REZONE REQUEST (GREEN AND GREEN) – R-S
(RESIDENTIAL SUBURBAN) TO PB (PROFESSIONAL OFFICE) – 836 SOUTH ANGEL
STREET – RESOLUTION 14-01 AND ORDINANCE 14-01**

Mayor Stevenson said the new Council had sat through the many meetings about this proposal. He said this meeting was an opportunity for discussion about ideas and feelings on the project.

Commissioner Gerald Gilbert said the proposed rezone and development agreement was before the Planning Commission on July 9th. He said it seemed to be a proposal that was a workable rezone for the area, and it met the criteria of the General Plan and zoning ordinances. Commissioner Gilbert said in previous joint meetings there had been a lot of discussion about areas and streets that would be appropriate for PB zoning. He said their recommendation was that the rezone and development agreement be approved. Commissioner Gilbert said the development agreement had been reworked as a result of a lot of input from residents. He said the building had been whittled down so much he didn't understand why the applicant would want to build it.

Commissioner Gilbert said the Planning Commission's issue had been parking; the applicant was very limited on what they could do because of the limited available parking. He said the Planning Commission felt that this was a workable proposal and they were curious as to why the Council couldn't make a decision. Commissioner Gilbert said they didn't mind the discussion but they felt that they had done what they had been asked to do.

Mayor Stevenson asked if their stand was still solid on their previous decision.

Commissioner Tim Pales said they were more solid; the development agreement was more restrictive and there had been additional traffic studies. He said looking at the additional data and the General Plan, it was a cut and dry decision.

Commissioner Wynn Hansen said the Planning Commission looked at single stand alone issues; that was how they looked at this project. He said the Council looked at a broader, longer term picture; that wasn't the Planning Commission's job. Commissioner Hansen said other issues such as preserving the Parkway for traffic flow was not in their purview.

Mayor Stevenson said there were a few other corners that would fall into being able to be rezoned to PB. He said the Parkway was following residential areas; should they protect the Parkway and other corners. Mayor Stevenson said this was originally going to be homes. Angel Street would be gaining a lot of traffic in a very few years with all of the additional residential development in the area and in Kaysville. Should the other corners be protected?

Commissioner Dawn Fitzpatrick said this proposal had raised some questions that should be addressed moving forward. Mr. Green deserved an answer. The Planning Commission felt that the proposal met the zoning criteria.

Commissioner Dave Weaver said they tried to focus on the scope before them; they didn't make considerations for other areas.

Commissioner Brian Bodily said there needed to be business nodes throughout the City. He didn't know if that was Angel Street and the Parkway, but there needed to be services on the west side of the City. Commissioner Bodily said long term planning was something that needed to be addressed.

Councilmember Brown said in previous meetings Gary Crane had indicated that the Council should consider this decision separately and not consider other areas or corners. She said things could be changed later, but this decision should be based on what was in the General Plan right now.

Mayor Stevenson said builders fought all of the time with utility boxes. He said the corner lot contained a signal light box and a number of other boxes. Mayor Stevenson asked if that intersection was originally planned as a signalized intersection.

Bill Wright, Community and Economic Development Director, said early on it was going to be an intersection; the preliminary plat was not drawn as wide as it currently was. He said the intersection became a signalized intersection based on traffic volumes. With the signal came the boxes.

Commissioner Gilbert indicated that moving forward, future developments could access lots from the inside of developments.

Mayor Stevenson said 3200 West and Gordon Avenue had the Davis Family Clinic, but the Gentile Street intersection of 3200 West had homes that backed onto the road.

Commissioner Gilbert said if the lots had been accessed from inside of the development, they wouldn't be having this discussion; there wouldn't be a problem.

Mayor Stevenson asked the developer, Ed Green, from his experience could the lots be accessed from the inside of the Roberts Farms Subdivision.

Mr. Green said there would need to be 300 feet for a cul-de-sac or bubble. He said he would lose one lot.

Mayor Stevenson said having the lots back the street would be better.

Mr. Green said that was not necessarily true. He said when lots backed onto a street you were double fronting a lot with a street on the front side and a street on the back side. Mr. Green said the developer had the cost of developing two streets.

Mayor Stevenson asked if the lots were marketable.

Mr. Green said they were not as good and were harder to sell.

Commissioner Hansen said in the 1980s and 1990s one of their major struggles was with homes backing out onto collector streets or major arterial roads. He said he liked one business driveway instead of two residential drives backing onto Angel Street. Commissioner Hansen said there was a certain set of criteria in the General Plan and planning ordinances. He said he understood that the Council had an obligation to look at the longer view, but the rezone totally made sense. If the other corners were a concern then let's put things on hold and have Staff change the ordinance to address these issues. Commissioner Hansen said the City should move forward with the rezone and then take a time out to look at these issues.

Mayor Stevenson asked with hindsight, would Staff look at this development proposal differently.

Bill said the preliminary plat that was presented in 2004 for the entire Roberts Farms Subdivision was laid out pretty similar to what it was now; the homes were on the frontage at that time. He said at the 1700 West and Layton Parkway intersection homes to the south of the Parkway faced onto 1700 West, but homes on the northeast corner would access from inside the subdivision. Bill said with hindsight there might be more discussion and maybe it would be a little different, but either alternative was an acceptable use.

Mayor Stevenson said the shape of Roberts Farms Subdivision was not a nice square. He had heard that the residents were not only concerned about this corner but the other corners. Mayor Stevenson asked if the City looked at a way to protect the remaining corners of the intersection, would the residents consider going forward with this project and protecting the other corners.

Rick Smith, a representative of the citizen's group, said that would help but they wouldn't know if that was the final decision. There was no guarantee that the same thing wouldn't happen on the other corners.

Mayor Stevenson said unless they were protected through legislation by the City Council.

Councilmember Francis asked if that could be done.

Gary Crane, City Attorney, said if it was decided as part of the General Plan and the zoning ordinance that would be the Council's prerogative.

Commissioner Hansen said the landowners should be involved in that discussion. There was a definite argument for having these PB zones dispersed throughout the City so that they were not concentrated into one spot.

Councilmember Petro said that wasn't giving the residents what they wanted and it could impact land owners in the future.

Commissioner Gilbert said the Planning Commission didn't determine that this was the best land use; there was a request for the PB zone and it was within the guidelines of the General Plan and zoning ordinance. It might not be the best use but it was an appropriate use.

Councilmember Francis said the General Plan stated that the PB zone should be on an arterial street.

Commissioner Hansen quoted the zoning ordinance, which addressed the PB zone.

Councilmember Francis said he was talking about the General Plan.

Commissioner Gilbert said the PB zone could be dispersed throughout the City.

Councilmember Freitag said in the strategic planning meeting in July, this area was not one of the areas identified for business or commercial development.

Commissioner Bodily said you couldn't identify every single intersection in the City.

Commissioner Pales said there were no guarantees in life; the Planning Commission was looking at one particular issue that was brought forward by a property owner; this was an appropriate use.

Commissioner Bodily said if the Council's answer was no he didn't understand why the vote wasn't no. Mr. Green and the homeowners deserved an answer. It seemed that no one had the guts to make the motion; that was the Council's job and nobody did it.

Mayor Stevenson said he didn't disagree; the Planning Commission was asked to make a decision, which they did. He said when members of Council ran for elected positions, some of the decisions they were asked to make were hard. Mayor Stevenson said hopefully in the next few weeks the decision would be made. The situation was that if Mr. Green originally knew what the intersection would be like he would have left these lots out of the subdivision or he would have brought it in as PB from the beginning. He said this was the best use for the ground; it wasn't a good residential area.

Commissioner Pales said in eight years he couldn't recall a time that a PB zone was in an original plan; they came in as a rezone. He said the PB zone was a lot different than a commercial zone; this was much less of an impact.

Councilmember Brown said they weren't putting something there that would operate 24 hours a day. She said the dentist office would operate from 8 to 6 and would be a quiet neighbor with limited lighting. Councilmember Brown said she grew up on Antelope Drive when it was a two lane road that didn't get plowed. She said she couldn't imagine having to back onto Antelope Drive from a residence today; Angel Street would become like that. Councilmember Brown said she was concerned with two homes backing out near that intersection. She said 20 years ago Angel Street was a small two lane road. The original homeowners that lived on Angel Street hadn't changed the road, the road changed because of new development. Councilmember Brown said she was also concerned with the home going on the northwest corner that the City and School District were building.

Commissioner Hansen said reducing this to one driveway, further away from the intersection, and with traffic coming out forward facing made sense.

Commissioner Fitzpatrick said there was wording in the General Plan relative to land uses that allowed for PB zoning on this type of street, and there were circumstances in the City with similar uses.

There was discussion about other similar uses in the City.

Commissioner Hansen said the Parkway corridor should be preserved to move traffic east and west; in the future there should be some discussion about preserving that traffic flow.

Rick Smith said in 2004 Mr. Green built part of the Parkway. He said Mr. Green knew that the Parkway was coming through. Mr. Smith said he didn't believe that there were any restrictions for building a home on a collector street.

Bill Wright said there were no restrictions on a collector street, but there were some on arterial streets.

Peter Matson, City Planner, said it was discouraged particularly when there were other alternatives. He said if there were no alternatives the homes would be set back far enough to accommodate circular driveways.

Bill Wright said there were incentives to not having residential fronting an arterial. Developers were allowed additional density within subdivisions that backed onto arterial streets. Bill said there was a huge preference that subdivision lots back onto an arterial.

Rick Smith said there were several subdivisions in the City that followed that pattern. He said there were examples of that in Kayscreek Estates so that the lots didn't front onto Weaver Lane.

Ed Green said when they first bought the property they talked with Scott Carter about not putting lots on that street. He said when Phase 8 was ready to record, they were told that there would be an additional lane on the Parkway in each direction, which was not what they expected. Mr. Green said once they realized how big the intersection would be, and with all the boxes, they realized that they couldn't build homes on these lots. He said the liability would be huge after all of the discussion. Mr. Green said the location of the intersection changed and they had to redesign the project to accommodate the new location. In 2000 the Parkway didn't exist, but after they bought the property the Parkway was planned.

Councilmember Day said if this went through he felt that some of the residents' concerns should be addressed in the development agreement.

Councilmember Brown said it was discussed that the square footage of the building would be reduced to 7,500 square feet, which would be included in the development agreement.

Councilmember Day said the residents wanted it down to 5,000 square feet.

Councilmember Brown said that could be stipulated to in the motion.

Mr. Green said the Council could make it so small that he wouldn't have a user.

Councilmember Day said the residents had a few other concerns as well.

Rick Smith said they based the square footage on the size of the lot, which was .78 acres; 15% of that was 5,000 square feet. He said with occupants in the basement there was a potential of 10,000 square feet, which was a little too much for the area.

Shirley Dixon said Dr. Harmon indicated that he was considering something like the McMillan building, which was 2,800 square feet.

Dr. Harmon said the McMillan building used the basement space for clientele.

Rick Smith said they also wanted no electronic signs.

Mayor Stevenson said to define electronic signs, they were talking about the digital message boards.

Mr. Smith said that was correct. He said they would want the concrete wall and landscape buffer continued along the Parkway as well.

Councilmember Petro asked if the residents would be willing to allow use of the basement if it was limited to 5,000 square feet.

Mr. Smith said his understanding was that the PB zone should fit into the neighborhood; there was not a 5,000 or 6,000 square foot home in the area.

Councilmember Petro said in the last meeting the residents really tried to restrict the use in the basement; if the developer would come to an agreement on the square footage would the residents be willing to allow usage of the basement.

Mr. Smith said yes; they didn't want a 5,000 square foot footprint turn into 10,000 square feet of office space.

Mayor Stevenson said there had to be sufficient parking for the square footage.

Commissioner Bodily said the uses had been limited to a very few items; now they were reducing it to 2,500 square feet. It didn't allow the developer very many options.

Mayor Stevenson said this would be on the February 6th agenda and it would be voted on. He suggested that in the next couple of weeks the Council could take a recommendation from the Planning Commission in terms of looking at the other corners. Mayor Stevenson said he would be willing to sit down with the residents and Mr. Green to see if an agreeable plan could be reached. He said everyone had to be realistic; basements, which involved elevators, was not generally realistic in these types of uses. Mayor Stevenson said there were homes in the area that were 2,200 to 2,400 square feet, which was only the living space. When you added a three car garage the footprint was much larger.

Mr. Green said he was building homes in Kennington Parkway and Roberts Farms that were 2,200 square feet on the main level; doubling that was 4,400 square feet with an additional 1,000 square feet for a three car garage. He said that was on one lot; this building would be on two lots. Mr. Green said it was ridiculous to restrict a dentist office to less than a residential home. He said it wouldn't do any good to rezone the property to PB but make it so restrictive that you couldn't place a building on the property.

Councilmember Freitag said it was his motion to bring this group together to talk. The reason for the motion was to continue to have these discussions. He appreciated the input of the Planning Commission in the past with the joint strategic planning meetings. Councilmember Freitag said because there was enough consternation about this decision, he needed to hear what the Planning Commission said this evening. He said there were new Councilmembers and the City was dealing with a very bruising election process, and an experience that the City had never gone through before that had to do with land use. Councilmember Freitag said you could call it gutless, but it was necessary to have this conversation. He said he appreciated the work the Planning Commission had done and the extra burden they may have felt in reviewing this again. Councilmember Freitag said at the end, when the decision was made in two weeks it would be the best decision for the entire community. He said not everyone would be happy, but it wasn't the Council's job to make everyone happy, it was to make this a better community.

Councilmember Freitag said the job of a Commissioner was a thankless job. He expressed gratitude to the Planning Commission for the service they provided, and to Mr. Green and the residents for the civil engagement through this process. Councilmember Freitag said this was how the process was supposed to work.

Commissioner Fitzpatrick said she appreciated Councilmember Freitag's comments because the Planning Commission was a little confused. She said no one had a crystal ball. This discussion had been good in that it gave the City an opportunity to reopen the General Plan and address some of these issues.

Councilmember Freitag said he felt that that would happen.

Commissioner Gilbert said at the last meeting Councilmember Flitton had mentioned that he couldn't vote in favor of this because of the citizens that were speaking against it. He said in the very first meeting a representative of the HOA of Roberts Farms Subdivision spoke in favor of the rezone; at that meeting there were as many people in favor of the rezone as those against it. Commissioner Gilbert said this was bigger than the neighborhood; it would impact the entire City.

The meeting adjourned at 6:40 p.m.

Thieda Wellman, City Recorder