

**WORK MEETING AGENDA OF THE CITY COUNCIL AND
THE PLANNING COMMISSION OF LAYTON, UTAH
January 16, 2014 – 5:30 PM**

Item:

1. Development Agreement and Rezone Request (Green and Green) – R-S (Residential Suburban) to PB (Professional Office) – Resolution 14-01 and Ordinance 14-01 – 836 South Angel Street

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 the 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.

Notice is hereby given that by motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that Chapter.

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

Item Number: 1.

Subject:

Development Agreement and Rezone Request (Green and Green) – R-S (Residential Suburban) to PB (Professional Office) – Resolution 14-01 and Ordinance 14-01 – 836 South Angel Street

Background:

On December 19, 2013, the Council held and closed the public hearing and directed that a joint work meeting with the Planning Commission be scheduled to review this rezone proposal. The joint work meeting is scheduled as part of the Council's work meeting on January 16, 2014. In preparation for the joint work meeting, the Planning Commission has received a packet for this rezone proposal with a history of Council proceedings over the last several months.

The property proposed for rezone from R-S to PB contains 0.79 acres located on the west side of Angel Street at 836 South. The subject property is located at the southwest corner of the intersection of Angel Street and Layton Parkway and consists of two lots (815 and 816) in Phase 8 of the Roberts Farms Subdivision (see attached Phase 8 subdivision plat). Phase 8 is currently under construction together with the extension of Layton Parkway. Subject to zoning approval, the applicant will combine the two building lots to create one parcel for a professional office building that fronts onto Angel Street.

The rezone area is surrounded by R-S (Residential Suburban) zoning on all four sides with an area of unincorporated county located further east of Angel Street.

In August, the Council tabled this rezone request to a date certain of October 3, 2013. As the October public hearing approached, the applicant requested that the public hearing be postponed to the November 21, 2013, Council meeting. At the November 21, 2013, meeting, Staff presented additional information regarding Angel Street improvements to address various safety-related issues as requested in the original motion to table the rezone request.

On November 21, 2013, the Council tabled this rezone to a date certain of December 19, 2013. The Council's motion to table the rezone request to December 19, 2013, left the public hearing open but limited to the review of three specific issues mentioned in the motion. The three specific issues were:

1. Provide additional time to review and digest the traffic studies;
2. Determine additional details about the dental practice and site/building design that can be incorporated into the Development Agreement; and
3. Conduct a meeting with Ed Green and the citizen group.

Additional information regarding the details of these three specific issues was provided in the Staff Report for this agenda item.

Alternatives:

N/A

Recommendation:

N/A

RESOLUTION 14-01

ADOPTING AN AGREEMENT FOR THE DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND GREEN AND GREEN LC. FOR PROPERTY LOCATED AT APPROXIMATELY 836 SOUTH ANGEL STREET.

WHEREAS, Owner, Green and Green LC., (hereafter "Owner") desires to develop certain property located at approximately 836 South Angel Street (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 site design, 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 Green and Green LC" 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 _____, 2014.

BOB J STEVENSON, Mayor

ATTEST:

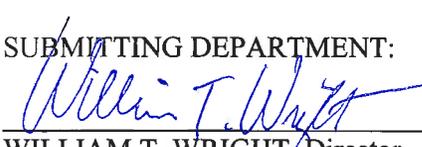
THIEDA WELLMAN, City Recorder

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 GREEN AND GREEN LC.

THIS AGREEMENT for the development of land (hereinafter referred to as this “Agreement”) is made and entered into this _____ day of _____, 2014, between LAYTON CITY, a municipal corporation of the State of Utah (hereinafter referred to as “City”), and GREEN AND GREEN LC. (hereinafter referred to as “Owner”), with City and Owner collectively referred to as the “Parties” and separately as “Party”.

RECITALS

WHEREAS, in furtherance of the objectives of the Layton City General Plan, City has approved an application for a zone change from R-S (Residential Suburban) to PB (Professional Office), of certain property located at approximately 836 South Angel Street in Layton City (hereinafter the “Subject Area”); and

WHEREAS, the Subject Area consists of approximately 0.79 acres and is depicted on Exhibit “A” attached hereto (hereinafter “Exhibit A”); and

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

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

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

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

**ARTICLE I
DEFINITIONS**

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

- 1.1 “Owner’s Property” shall mean that property owned by GREEN AND GREEN LC.

- 1.2 “City” shall mean Layton City, a body corporate and politic of the State of Utah. The principal office of City is located at 437 North Wasatch Drive, Layton, Utah, 84041.
- 1.3 “Owner” shall mean GREEN AND GREEN LC. The principal office for Owner is 2150 North Valley View Drive, Layton, UT 84040.
- 1.4 “Owner’s Undertakings” shall have the meaning set forth in Article IV.
- 1.5 “Subject Area” shall have the meaning set forth in the Recitals hereto.
- 1.6 “Exhibit A” shall have the meaning set forth in the Recitals hereto.

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 a PB zoning designation, to those listed herein.

ARTICLE III CITY’S UNDERTAKINGS

- 3.1 Subject to the satisfaction of the conditions set forth in Section Article IV, City shall approve the rezone of the Subject Area from its present zoning of R-S to PB, 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. All permits and site plan reviews and approvals shall be made pursuant to City ordinances. Nothing herein shall be construed as a waiver of the required reviews and approvals required by City ordinance.

ARTICLE IV OWNER’S UNDERTAKINGS

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

- 4.1. With this property being placed within the PB Zoning District, Owner agrees that not all uses allowed in that zone are compatible with this property.

4.1.1. Therefore, development on the property shall be limited, in that the following uses typically allowed in the PB zone shall **not** be permitted, or requested by the Owner:

1. Cemetery, Mausoleum
2. Charter School
3. Church/Temple/Rectory
4. College or University
5. Convent, Monastery or other Dwelling Group for Religious Community
6. Commercial School
7. Day Care Center
8. Home for Elderly, Elderly Apartment
9. Hospital (Acute Care)
10. Religious or Philanthropic Institution
11. Library, Art Gallery, Museum
12. Nursing Home
13. Park, Playground, Fairground
14. Private/Quasi-Public School
15. Private Country Club
16. Public Admin. Offices
17. Public School
18. Electric Substation
19. Fire Station
20. Gas Metering & Transmission Station
21. Radio, TV, or Microwave Tower
22. Railroad Tracks & R.O.W
23. Sewage/Water Pumping/Control Station
24. Water Wells, Reservoir, or Storage Tank
25. Telephone Business Office
26. Public/Private Utility, Other than Listed
27. Agriculture
28. Commercial Orchard Use
29. Crop Production for Sale
30. Home Use Orchard
31. Bank, Credit Union, or Savings & Loan w/ Drive-In
32. Mortuary
33. Reception Center
34. Dance or Drama Studio
35. Bed and Breakfast
36. Pre-School

- 4.1.2. Owner agrees to restrict development by relinquishing any right or interest in the above uses. If other uses are desired, that are not specifically enumerated by ordinance, Owner agrees to seek amendment of this Agreement before pursuing the development of those uses.
- 4.2. In addition to the requirements of the PB zone, Owner agrees that the site plan, building architecture and landscape plan will be reviewed by the Layton City Design Review Committee (DRC). The DRC will provide input and recommendations to the staff regarding basic design elements as presented in the final site plan.
- 4.3. The office building constructed on the Subject Area shall be situated on the development site in a manner that provides positive architectural and landscape features at the intersection of Angel Street and Layton Parkway. Owner agrees to develop the Subject Area such that:
- 4.3.1. The roof of the office building shall have a minimum of a 5/12 roof pitch.
- 4.3.2. The exterior of the office building shall be constructed of masonry materials with a brick or rock front with stucco or hardy board accents and at least three feet of brick on each side.
- 4.4. Vehicular access to the Subject Area shall occur at the southern portion of the Angel Street frontage to provide for an adequate and safe distance from the Angel Street/Layton Parkway intersection.
- 4.5. The office building constructed on the Subject Area shall be limited to a height of no more than thirty feet (30') and limited to a single-story.

ARTICLE V GENERAL REQUIREMENTS AND RIGHTS OF CITY

- 5.1. Issuance of Permits - Owner. Owner, or its assignee, shall have the sole responsibility for obtaining all necessary building permits in connection with Owner's Undertakings and shall make application for such permits directly to the Layton City Community and Economic Development Department and other appropriate departments and agencies having authority to issue such permits in connection with the performance of Owner's Undertakings. City shall not unreasonably withhold or delay the issuance of its permits.
- 5.2. Completion Date. The Owner shall, in good faith, diligently pursue completion of the development.
- 5.3. Access to the Subject Area. For the purpose of assuring compliance with this Agreement, so long as they comply with all safety rules of Owner and its contractor, representatives of City shall have the right of access to the Subject

Area without charges or fees during the period of performance of Owner's Undertakings. City shall indemnify, defend and hold Owner harmless from and against all liability, loss, damage, costs or expenses (including attorneys' fees and court costs) arising from or as a result of the death of a person or any accident, injury, loss or damage caused to any person, property or improvements on the Subject Area arising from the negligence or omissions of City, or its agents or employees, in connection with City's exercise of its rights granted herein.

ARTICLE VI REMEDIES

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

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

ARTICLE VII GENERAL PROVISIONS

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

To Owner: GREEN AND GREEN, LC.
ED GREEN
2150 North Valley View Drive
Layton, Utah 84040

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.

- 7.3 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.
- 7.4 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.
- 7.5 Integration Clause. This document constitutes the entire agreement between the Parties and may not be amended except in writing, signed by the Parties.
- 7.6 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.
- 7.7 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.
- 7.8 Termination. Except as otherwise expressly provided herein, the obligation of the Parties shall terminate upon the satisfaction of the following conditions:

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

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

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

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

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

LAYTON CITY CORPORATION

By:

BOB J STEVENSON, Mayor

ATTEST:

By: _____
THIEDA WELLMAN, City Recorder

Signed by

GREEN AND GREEN, LC.

ED GREEN

Subscribed and sworn to me this _____ day of _____, 2014.

Notary

APPROVED AS TO FORM:

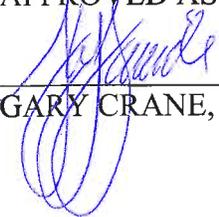
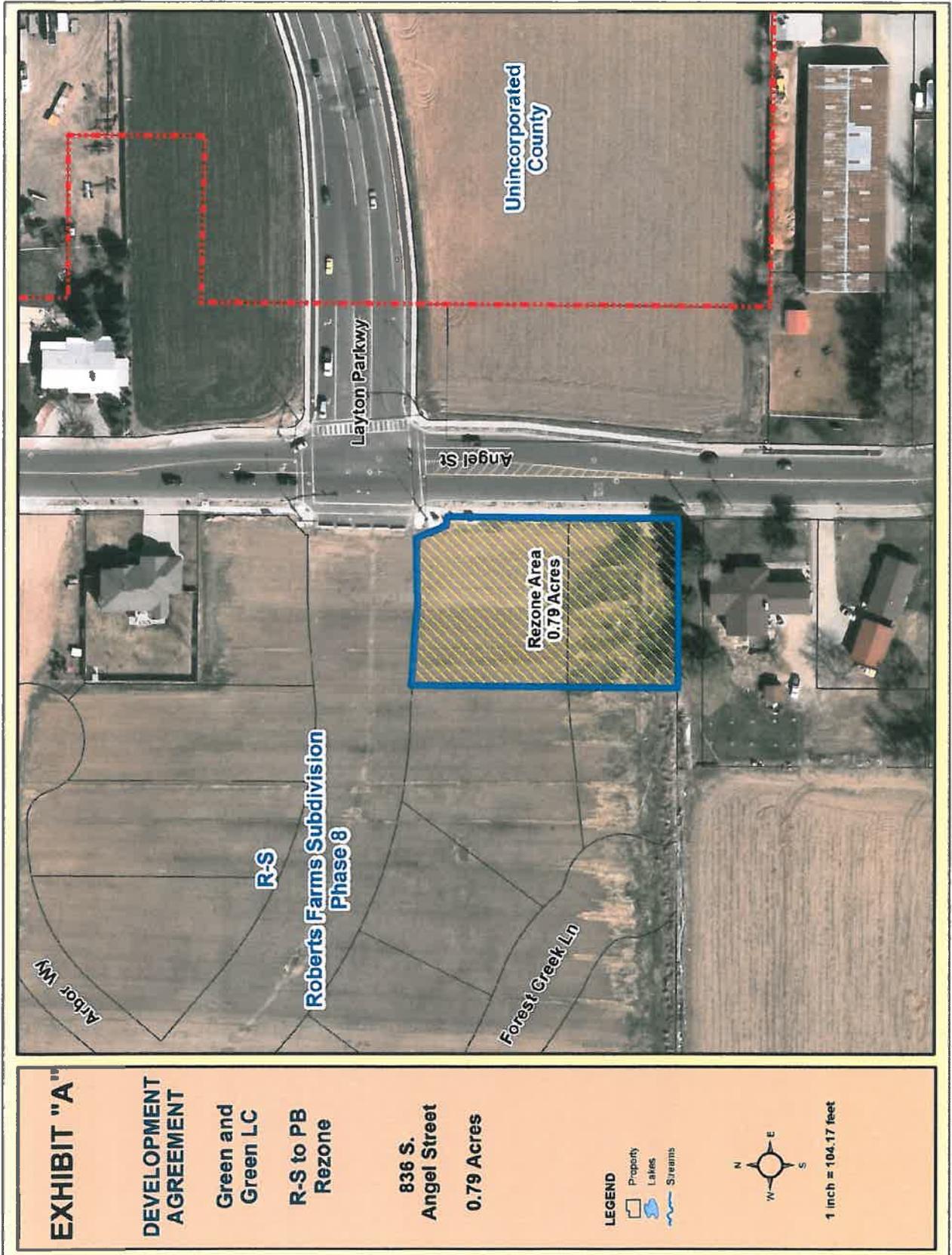

For GARY CRANE, City Attorney

EXHIBIT "A"



ORDINANCE 14-01
(Green and Green Roberts Farms 8 Rezone)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT APPROXIMATELY 836 SOUTH ANGEL STREET FROM R-S (RESIDENTIAL SUBURBAN) TO PB (PROFESSIONAL OFFICE) AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Planning Commission has reviewed the petition and has recommended that the petition to rezone said property from R-S to PB 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 R-S (Residential Suburban) to PB (Professional Office).

PART OF THE SOUTHEAST QUARTER OF SECTION 30, T.4N., R.1W., S.L.B.&M., U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF ANGEL STREET, SAID POINT BEING N00°12'40"E 693.68 FEET AND N89°47'20"W 33.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 30; THENCE S89°57'42"W 150.01 FEET; THENCE N00°12'40"E 235.25 FEET TO THE SOUTH RIGHT OF WAY LINE OF LAYTON PARKWAY; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES: (1) S84°39'19"E 41.86 FEET; (2) ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 46.96 FEET, A RADIUS OF 500.00 FEET, A CHORD BEARING OF S87°20'45"E, AND A CHORD LENGTH OF 46.94 FEET; (3) N89°57'50"E 43.36 FEET; (4) S22°31'32"E 26.07 FEET; AND (5) EAST 7.99 FEET TO THE WEST RIGHT OF WAY LINE OF ANGEL STREET; THENCE S00°12'40"W ALONG SAID WEST RIGHT OF WAY LINE, 205.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 34,264 SQUARE FEET OR 0.79 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 _____, 2014.

BOB J STEVENSON, Mayor

ATTEST:

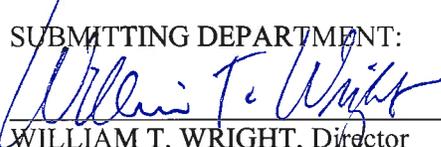
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

For 

GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

STAFF REPORT

To: City Council

From: Peter Matson, AICP - City Planner *PM* (FOR PETER M)

Date: January 16, 2014 City Council Work Meeting

Re: Joint Meeting of the City Council and Planning Commission to Discuss a Development Agreement and Rezone Request (Green and Green) – R-S (Residential Suburban) to PB (Professional Office) – Resolution 14-01 and Ordinance 14-01

Location: 836 South Angel Street (1200 West)
Lots 815 and 816 of Roberts Farms Subdivision Phase 8

Current Zoning: R-S (Residential Suburban)

Current Minimum Lot Size: 15,000 square feet

Proposed Zoning: PB (Professional Office)

Proposed Minimum Lot Size: 10,000 square feet

Description of Rezone Area:

The property proposed for rezone from R-S to PB contains 0.79 acres located on the west side of Angel Street at 836 South. The subject property is located at the southwest corner of the intersection of Angel Street and Layton Parkway and consists of two lots (815 and 816) in Phase 8 of the Roberts Farms Subdivision (see attached Phase 8 subdivision plat). Construction of Phase 8 was recently completed together with the extension of the full width of Layton Parkway to 1500 West and the ½ width to 1700 West. Subject to zoning approval, the applicant will combine the two building lots to create one parcel for a professional office building at Angel Street and Layton Parkway with access likely from Angel Street.

The rezone area is surrounded by R-S (Residential Suburban) zoning on all four sides with an area of unincorporated county located further east of Angel Street.

UPDATE – December 19, 2013 Motion to close the public hearing:

The Council motioned to close the public hearing and have a joint meeting of the City Council and Planning Commission to discuss the request.

UPDATE – November 21, 2013 Motion to table to December 19, 2013:

The Council's motion to table the rezone request to December 19, 2013 left the public hearing open for the review of three specific issues mentioned in the motion. The three specific issues are:

- Provide additional time to review and digest the traffic studies;
- Determine additional details about the dental practice and site design that can be incorporated into the Development Agreement; and
- Conduct a meeting with Ed Green and the citizen group.

Traffic Studies – Updated Information and Analysis:

The information provided below is copied directly from the latest Engineering Division memorandum provided by Alan Moss, Traffic Engineer. The memorandum addresses five general areas of concern related to traffic impacts and safety that originated from the first public hearing on August 15, 2013 and the Council's motion to table the rezone request.

1. Concerns: North Bound Left turns into the PB-zone property will conflict with the North Bound left turns onto Layton Pkwy.
 - a. The striping plan shows there is adequate room for the left turns into this business without obstructing the left turns onto Layton Pkwy (NB to WB). At 20 ft per vehicle there is 130' plus to enabling a queue of at least 6 vehicles. The north bound left turning vehicles onto Layton Pky have 170 or more feet enabling 8 vehicles to make this turn. The striping has been completed to allow for the necessary queuing. If there are additional conflicts at this location, additional control measures will be required.
 - b. The drive approach for a commercial business is required to be 200' from a signalized intersection. The drive approach for this development will meet this requirement on Angel Street.
 - c. The sight distance from a proposed driveway on Angel Street for northbound traffic is approximately 390 feet. The required site distance is 330 feet.
2. Concerns: Trip generation data for Dental Office and or General Office use.
 - a. Trip Generation manuals are prepared by "The Institute of Transportation Engineers, (ITE) from data gathered throughout the country. The manuals are used throughout the industry to estimate traffic volumes of future development and by communities to evaluate the implications of requests for zoning changes and of potential land use changes. When used the manuals are considered to be in accordance with "Best Engineering Practices" (BEPs).

- b. Table 1 shows the data from these manuals for a Dental Office, and General Office buildings. The data shows the average rates per 1000 SF, and also per employee. For example: This data shows that a General Office building of 9000 sf has an average rate of 1.55 vehicles per 1000 sf therefore the traffic impact from a business of 9,000 sf would be $1.55 \times 9 = 13.95$ or 14 veh. in pm peak hr., of which 88% would be entering or $(.88 \times 13.95) = 12$ vehicles per hour, and 2 vehicles exiting during pm peak hour.
 - c. Given a Dental office building of the same size the pm peak hour is the worst case scenario and the average rate of increased traffic would be $3.72 \times 9 = 34$ vehicles per hour of which 27% would be entering and 73% would be exiting.
 - d. The existing traffic during peak hours (as shown in Table 2) is around 600 vehicles per hour. The capacity of Angel Street is approximately 1200 vehicles per hour. The addition of another 34 vehicles during peak hour is not significant and should not affect the safety of other vehicles on this roadway.
 - e. I might add that the average rate for a single family detached house would be .77 vehicles for the am peak hour and 1.02 vehicles for the pm peak hour according to the ITE Manuals. For two houses the am peak would be $2 \times .77 = 1.54$ or 2 vehicles and for pm peak hour $2 \times 1.02 = 3$ vehicles rounded up for the peak hour.
 - f. Table 3 shows the number of vehicles entering and departing from two local dental offices in Layton City and two local businesses. Table 3 shows the actual counts taken at these businesses. Table 4 compares the actual data with the data estimates from the ITE manuals. As shown the additional traffic from the types of businesses suggested would not have any adverse affects in safety on Angel St. or Layton Parkway.
3. Concerns: Pedestrian Safety and School Routing Plan.
- a. School routing has been changed due to the continuation of Layton Parkway. The School Crosswalk by Angel and Weaver has been discontinued because there are not enough students to justify the crosswalk at that location. The flashing yellow lights remain and can be activated by a pedestrian button near the crosswalk for anyone at anytime wishing to cross at that location. The crossing guards turn the flashing yellow lights on in the morning and afternoons as requested by the Principal of Heritage Park Elementary School herein referred to as the Principal. The crossing guard has been moved to the Layton Parkway/Angel St. intersection, which is a much safer location eliminating the need for children crossing on the curvature of the roadway. There is now two crossing guards at this intersection to facilitate the students crossing Angel St. north of the Pkwy and again crossing the Pkwy on the west side of Angel St. Student Counts were completed on the lower crosswalk by Weaver Lane again to determine whether that crossing warranted a "School Crosswalk Zone" designation. Counts completed on Tuesday 11-19-2013 found 3

students crossing on bicycles and again on Wednesday 11-20-13 only one student crossed. The warrant requirement for a "School Crosswalk Zone" is 10 students crossing and has not been met. These changes were made with full knowledge of the Principal. The proposed rezone has no affect on the decision to reroute the students as shown.

- b. It is anticipated that when the construction is completed the school routing plan will change requiring the students to cross Angel St. and Layton Pkwy as stated above and then proceed on the south side of Layton Pkwy to Arbor way, crossing Arbor Way at the stop sign and then down the west side to the school. This change was suggested by the Principal. Stop signs have been placed on all streets intersecting Arbor Way for the safety of students using this route. We do not anticipate a mid block crossing for students to cross Layton Parkway at Arbor St. because of the inherent dangers related to a mid block crossing. The proposed changes are a result of the extension of Layton Parkway and would have been made with or without the proposed rezone.
 - c. If there is a concern about the students walking on the south side of Layton Pkwy to Arbor Way, students could still walk along Angel St. to Weaver Ln. without adversely affecting the safety of students. The main hazard is crossing Layton Pkwy on the west side which now has crossing guards to help students safely cross this roadway. The final decision on this matter will be up to the Principal and the School Community Council. The changes to the "Student Neighborhood Access Program" or SNAP plan are unrelated to the rezone and would have taken place regardless of the type of development within the two lots in question. This being said, however, it should be noted that rerouting the students along the south side of Layton Parkway and onto the west side of Arbor Way would eliminate any need for the students to cross in front of the businesses on these lots should the rezone be approved.
4. Concerns: Striping is closer to the east side of Angel St. and not centered.
- a. Striping on Angel Street has been redone to provide for a Two Way Left Turn Lane (TWLT) in the center of the roadway up to 500 North.
5. Concerns: Unimproved portion of Angel St. from 500 S. north to Gentile St.
- a. Layton City has prepared a design to widen Angel Street on the west side from Gentile Street to 500 S. This will provide one lane in each direction and a middle turning lane. This project will be constructed at some time in the future.

TABLE 1			
DENTAL OFFICE - AVERAGE VEHICLE TRIP ENDS PER 1000 SF			
ON A	AVG RATE	% ENTERING	% EXITING
WEEKDAY	36.13	50	50
PEAK HR (7-9 AM)	2.48	79	21
PEAK HR (4-6 PM)	3.72	27	73
DENTAL OFFICE PER EMPLOYEE			
WEEKDAY	8.91	50	50
PEAK HOUR (7-9 AM)	0.8	65	35
PEAK HOUR (4-6 PM)	0.97	39	61
GENERAL OFFICE BLDG PER 1000 SQ FT			
WEEKDAY	11.01	50	50
PEAK HR (AM)	1.55	88	12
PEAK HR (PM)	1.49	17	83
GENERAL OFFICE PER EMPLOYEE			
WEEKDAY	3.32	50	50
PEAK HR (AM)	0.48	88	12
PEAK HR (PM)	0.46	17	83

This data was obtained from the Trip Generation Manuals 7th Ed. Developed by the Institute of Transportation Engineers, (ITE) published 2011.

TABLE 2					
TRAFFIC DATA FOR THE INTERSECTION OF LAYTON PKWY AND ANGEL ST. (July 15-22, 2013)					
LOCATION	LANE	AADT	85% SPD	PM PEAK	AM PEAK
1100 W. LAYTON PARKWAY	WB	2458	38 mph	299	118
	EB	2366	37 mph	149	233
900 S. ANGEL ST. (July 2013)	SB	3037	28 mph	287	188
	NB	3541	28 mph	308	273
901 S. ANGEL ST. (11-21-13)	SB	2761	27 mph	270	227
	NB	2919	27 mph	311	266
400 S. ANGEL ST.	NB	3494	34 mph	371	195
	SB	3333	38 mph	308	204

TABLE 3**Christensen Dental Office Counts 700 N. Fairfield Rd. 8,000 sf**

AM COUNTS TAKEN ON 12-5-13			PM COUNTS TAKEN ON 12-5-13		
TIME	CARS ARRIVING	CARS DEPARTING	TIME	CARS ARRIVING	CARS DEPARTING
0700-0715	0	0	1600-1615	1	2
0715-0730	2	0	1615-1630	0	0
0730-0745	3	0	1630-1645	1	3
0745-0800	10	0	1645-1700	2	4
0800-0815	2	1	1700-1715	0	0
0815-0830	1	1	1715-1730	0	7
0830-0845	1	1	1730-1745	0	2
0845-0900	1	1	1745-1800	0	3

Macmillan Dental Office 70 W. Gordon Avenue north side of Gordon 2,700 sf

AM COUNTS TAKEN ON 12-9-13			PM COUNTS TAKEN ON 12-9-13		
TIME	CARS ARRIVING	CARS DEPARTING	TIME	CARS ARRIVING	CARS DEPARTING
0700-0715	1		1600-1615	5	2
0715-0730	1		1615-1630		2
0730-0745		1	1630-1645	1	
0745-0800	2		1645-1700		2
0800-0815	1	1	1700-1715	1	1
0815-0830	4	1	1715-1730		1
0830-0845			1730-1745		4
0845-0900	2		1745-1800		

Silver Peak Eng. 177 E. Antelope Dr. (North side of Antelope Dr.) 4,500 sf

AM COUNTS TAKEN ON 12-11-13			PM COUNTS TAKEN ON 12-11-13		
TIME	CARS ARRIVING	CARS DEPARTING	TIME	CARS ARRIVING	CARS DEPARTING
0700-0715	1		1600-1615	1	
0715-0730			1615-1630	1	1
0730-0745	2		1630-1645		3
0745-0800			1645-1700		2
0800-0815	2		1700-1715		2
0815-0830	1		1715-1730		1
0830-0845			1730-1745		
0845-0900			1745-1800		1

Prepared Heritage - 80 E. Antelope Dr. (south side of Antelope Dr.) 4,200 sf					
AM COUNTS TAKEN ON 12-12-13			PM COUNTS TAKEN ON 12-12-13		
TIME	CARS ARRIVING	CARS DEPARTING	TIME	CARS ARRIVING	CARS DEPARTING
0700-0715			1600-1615	1	
0715-0730			1615-1630		
0730-0745			1630-1645		
0745-0800			1645-1700		1
0800-0815			1700-1715		
0815-0830			1715-1730		2
0830-0845			1730-1745		1
0845-0900	1		1745-1800		1

TABLE 4 - COUNT SUMMARY AND COMPARISON PEAK HOUR DATA

BUSINESS SURVEYED	ITE ESTIMATES	ACTUAL
	AM (PM)	COUNTS AM (PM)
Christensen Dental (8,000 sf)	20 (30)	18 (17)
Macmillan Dental (2,700 sf)	7 (10)	10 (12)
Silver Peak Eng. (4,500 sf)	7 (7)	5 (9)
Prepared Heritage (4,200 sf)	7 (7)	1 (4)

6. **Conclusion:** As shown below the request for rezone should not be denied because of the added traffic from the types of development suggested. The additional traffic from either business type suggested would be minimal.

Development Agreement/Meeting with Ed Green

On Monday, December 9, 2013, Staff met with the citizen group to gain a better understanding of concerns that could be addressed in the Development Agreement prior to the meeting with Ed Green. Mr. Green, together with Dr. Harmon, met with the citizen group on Saturday, December 14, 2013 at 2:00 pm. The meeting resulted in changes to the Draft Development Agreement that focused on expanding the list of land uses not allowed on the Subject Area and the addition of design guidelines related to a minimum roof pitch and masonry building materials. The Draft Development Agreement is attached to this packet for the Council's review.

Staff Recommendation:

Based on the additional traffic analysis and updates to the Development Agreement, Staff recommends the Council adopt Ordinance 14-01 approving the rezone request from R-S to PB subject to approval of Resolution 14-01 approving the Development Agreement. This recommendation is also based on the following:

- The Land Use/Population Element of the General Plan provides recommendations and guidelines for small-scale professional offices to be located on arterial streets, to act as buffers between low-density areas and arterial streets, and to be located at entry streets into single-family neighborhoods. General Plan guidelines also state that professional and medical offices are examples of non-conflicting uses near and around elementary schools.
- The Zoning Ordinance states that the PB zoning district should be located along arterial or collector streets, and abutting adjacent residential neighborhoods which would patronize the uses in the zone.

Engineering D.R. Planning PM by AKing Fire JB

Background Information and Staff Review:

The City's Zoning Ordinance describes that the proposed PB (Professional Office) zoning district is intended to provide areas throughout the City for offices and institutional uses in which the intensity of the use, in terms of hours of operation and number of customers, is less than that of a commercial zone. It is further described that the PB zone should be located along arterial and collector streets, abutting residential neighborhoods, which would patronize these uses. Land uses typically found in the PB zone include medical and dental offices, and small businesses such as real estate and appraisal offices.

The design of Phase 8 of Roberts Farms Subdivision includes 21 lots and the extension of Layton Parkway from Angel Street to the west. Lots 815 and 816 are situated just south of Layton Parkway on the west side of Angel Street. These two lots combined create an opportunity for the applicant to utilize the PB zone and eventually build a neighborhood-scale office building. At .79 acres (34,412 square feet), the subject property meets the minimum 10,000 square foot lot area requirement of the PB zone. The subject property is approximately 150' x 235' with the 150' depth measured from Angel Street. All applicable setback, landscape buffer and parking requirements can be accommodated on the site together with the construction of a building that could accommodate a number of different professional and medical-related office users.

Although the applicant has no contract with a specific office user at this time, the applicant has been approached by a few different buyers interested in developing the site for a dental practice. One of the potential site users, Dr. Kyle Harmon, has provided a concept plan and building elevation sketch, which is attached to this report as an example of how the site could develop. If the proposed PB zoning is approved, the building, landscape and site design will be subject to the guidelines of the development agreement together with the site plan regulations of the zoning ordinance. These guidelines and recommendations will ultimately dictate the amount of parking, the amount and location of landscape buffers, and other regulations to insure neighborhood compatibility.

The Land Use/Population Element of the General Plan provides recommendations and general location criteria for two types of professional office categories, one for larger business parks (B-RP Zone) and one for smaller professional office developments (P-B Zone). Small-scale professional offices are recommended to be located on arterial streets, to act as buffers between low-density areas and arterial streets, and to be located at entry streets into single-family neighborhoods. General Plan guidelines also state that professional and medical offices are examples of non-conflicting uses near and around elementary schools. In addition, the Zoning Ordinance states that the PB zoning district should be located along arterial or collector streets, abutting adjacent residential neighborhoods which would patronize the uses in the zone.

The General Plan also recommends that professional businesses at a location such as this should take into account the adjacent neighbors and attempt to blend into the area through the appropriate use of architectural motifs, scale, height, and signage. The guidelines and regulations of the PB zone, together with the requirements of the Development Agreement, should ensure that development of the subject property is consistent with General Plan recommendations.

Neighborhood Issues and Concerns:

On July 16, 2013, a small group of residents from the Pheasant Place neighborhood, met with City Staff to discuss the proposed PB zoning further. The intent of this meeting was to allow these residents an opportunity to present issues of concern and to learn more about the proposed PB zoning, the land uses allowed in the zone, and the details of the draft development agreement. Although a variety of issues were discussed, most of the concerns focused on traffic impacts and pedestrian safety associated with the proposed change in use on the subject property. In response to these concerns, Exhibits "C" through "H" of this report provide supplemental information regarding the following:

- Existing and future neighborhood street and pedestrian connectivity;
- Professional Office (PB) zoning examples throughout the city;
- Site and building design alternatives for the subject property; and
- Traffic count and trip generation data and analysis.

Street and Pedestrian Connectivity:

The attached Neighborhood Connectivity Map (Exhibit "C") shows the Pheasant Place and Roberts Farms Subdivisions (air photo) with the plats for phases 1 and 2 of Kennington Parkway Subdivision and phase 8 of Roberts Farms Subdivision. The arrows on the map indicate existing and future connection for vehicle and pedestrian traffic between the existing and future subdivisions, and Heritage Elementary School. Roberts Farms Phase 8 is under construction, which will complete the west leg of the Angel Street/Layton Parkway intersection and provide a street/sidewalk connection from Layton Parkway to Heritage Elementary School.

As the area continues to build out and Layton Parkway is extended further to the west, connectivity will improve and trips will be distributed throughout the area on a system that is designed to handle growth and associated traffic.

City Council Public Hearing – August 15, 2013:

On August 15, 2013, the City Council tabled this rezone and development agreement request. The motion to table this item was so that:

"Staff could have a developed schematic of what Angel Street could look like and would look like; and a better fix on the potential business and what it would look like." With the "potential of three bays in this office; what was the potential volume." Given "safety concerns and some issues with Angel Street" the motion was to table "until the Council got that information, and also that the citizens have a chance to come in and review the information and give the Council input."

Angel Street Schematic (Striping Plan) – Weaver Lane to 500 South

Exhibit "I" includes four maps representing an updated striping plan for Angel Street from approximately Weaver Lane to 500 South, including the Layton Parkway intersection. With the recent improvements on the west side of Angel Street associated with the construction of Kennington Parkway Subdivision, a center turn lane can be striped for left turns with room for a travel lane in each direction and parking on each side of the street. The Public Works Department has completed the new striping. A memorandum from the Engineering Division is attached to this report explaining the striping plan and the safety concerns addressed.

Left turns into Subject Property

Exhibit "J" is a close-up version of the first map in Exhibit "I" showing the detail of the north-bound left turn lane at Layton Parkway. The Engineering Division memo indicates that there is plenty of room for left turns into the rezone property without obstructing the left turns that are north-bound to go west on Layton Parkway.

Pedestrian Safety and School Routing Plan

The attached Engineering Division memo also provides a summary of recent changes to the school routing plan now that the Layton Parkway signal is in place at Angel Street. It is anticipated that

once all public improvements, including sidewalk, are in place west of Angel Street through Roberts Farms Subdivision Phase 8, the school routing plan will likely be examined to determine if access to and from Heritage Elementary School from Layton Parkway and Arbor Way is a viable alternative. The final decision on this matter will be up to the School Community Council.

Unimproved Portion of Angel Street from 500 South to Gentile Street

The Engineering Division has prepared a design to widen Angel Street on the west side from 500 South to Gentile Street. This design will provide one lane in each direction and a middle turn lane. This project will be constructed in the future given the fact that much of the west side of Angel Street in this area is unimproved and still located in unincorporated Davis County.

Neighborhood Meeting

The Angel Street schematic maps and the Engineering Division memorandum were been shared with the neighborhood representatives that were present during the public hearing. Staff met with the neighborhood group on November 18, 2013 to review and discuss the traffic studies in more detail.

Potential Businesses to Occupy Site

In an attempt to gain a better understanding of potential businesses that could occupy the site, Staff met with Dr. Kyle Harmon, a local dentist who attended the first public hearing and provided comment to the Council. Dr. Harmon does not have a contract with the applicant to purchase the property; however, he is interested in doing so if the PB zoning is approved. As a potential developer and occupant of the site, Dr. Harmon has stated that he is not interested in allowing a competing practice to occupy any of the future business suites. Rather, he would like to explore having an additional practitioner who is a specialist and would compliment his practice. Dr. Harmon has indicated that he will be in attendance at the public hearing to provide additional information and input to the Council about his practice and potential use of the property.

Although the sketch plan in this packet shows a concept for a +-9,000 square foot building on the Subject Property, this is merely an example of one way the site could be developed and how parking, buffers and setbacks can be accommodated.

Staff Recommendation:

Staff recommends the Council adopt Ordinance 14-01 approving the rezone request from R-S to PB subject to approval of Resolution 14-01 approving the Development Agreement. This recommendation is also based on General Plan land use recommendations and Zoning Ordinance guidelines for small-scale professional offices in the PB zoning district adjacent to arterial and collector streets.

Engineering D.R. Planning pm by A King Fire OB

Planning Commission Proceedings and Recommendation:

The Planning Commission reviewed this rezone request on July 9, 2013, and recommended the City Council adopt Resolution 14-01 and Ordinance 14-01 approving the Development Agreement and the Rezone from R-S to PB. The Commission discussed the details of the draft Development Agreement and was of the opinion that the proposed PB zoning was a very workable alternative for this corner of the Layton Parkway and Angel Street.

One area resident from the Pheasant Place neighborhood, Mrs. Shirlee Dickson, expressed concern regarding traffic and pedestrian safety around the Layton Parkway/Angel Street intersection. She mentioned that Angel Street is a main school route to Heritage Elementary on Weaver Lane and she was concerned about the increased traffic that may accompany a professional or dental office building on the subject property.

List of Exhibits:

- Exhibit "A" - Roberts Farms Subdivision Phase 8 Plat – Lots 815 and 816 highlighted
- Exhibit "B" - Rezone Property – Site Photos
- Exhibit "C" - Neighborhood Connectivity Map
- Exhibit "D" - City-wide Professional Business Zoning Map
- Exhibit "E" - PB Zoning Dental Office Photo Examples
- Exhibit "F" - PB Zoning Office Building Photo Examples
- Exhibit "G" - Rezone Area – Site Plan/Building Elevation Example – Parking in Front
- Exhibit "H" - Rezone Area – Site Plan/Building Elevation Example – Parking in Rear
- Exhibit "I" - Angel Street striping plan (4 maps) – Approximately Weaver Lane to 500 North
- Exhibit "J" - Close-up view of Angel Street with north-bound left turn lane

City Council Meeting

January 16, 2014

Green and Green
Rezone

R-S to PB

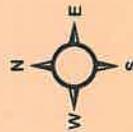
836 S.

Angel Street

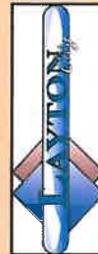
0.79 Acres

LEGEND

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



1 inch = 4,250 feet



South Weber

Hill Air Force Base

Clearfield

S.R. 193

Hill Field Rd.

Antelope Drive

Fort Lane

Church Street

Fairfield Road

89

King Street

Sugar Street

Angel Street

Gentle Street

2200 West

3200 West

Gordon Ave.

West Hill Field Rd.

Letton Parkway

Oak Hills Drive

Rezone Area
0.79 Acres

Kaysville

Fruit Heights

Map 1

Unincorporated County

Layton Parkway

Angel St

Rezone Area
0.79 Acres

R-S

Arbor Wy

Forest Creek Ln

City Council Meeting
January 16, 2014

Green and Green
Rezoning

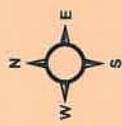
R-S to PB

836 S.
Angel Street

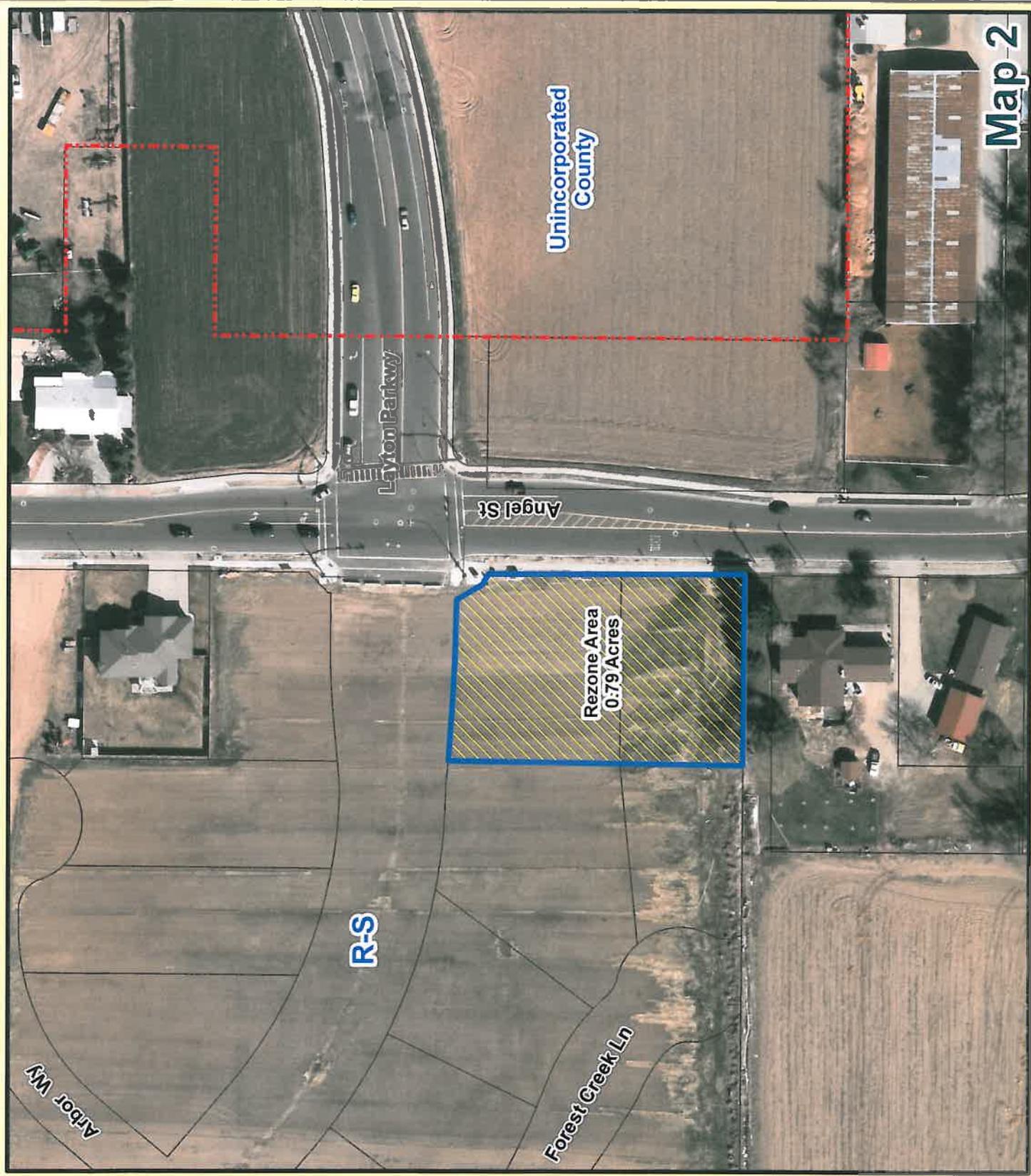
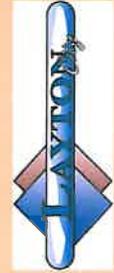
0.79 Acres

LEGEND

-  Property
-  Lakes
-  Streams



1 inch = 104.17 feet



Roberts Farms No. 8

PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
 LAYTON CITY, DAVIS COUNTY, UTAH
 FEBRUARY, 2013

TER OF SECTION 30, TOWNSHIP 4 NORTH,
 1 WEST, SALT LAKE BASE AND MERIDIAN,
 SURVEY, FOUND DAVIS COUNTY MONUMENT

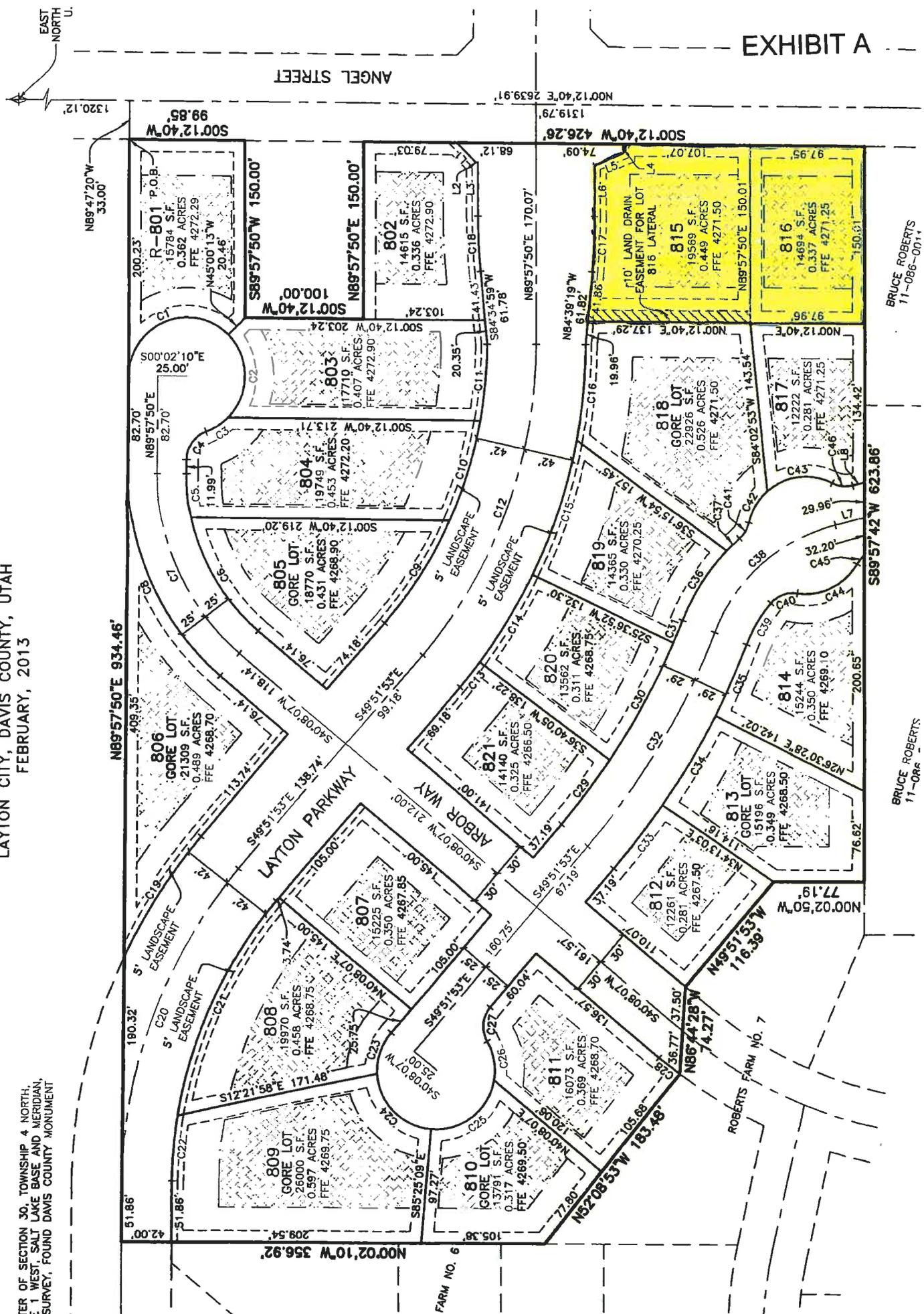


EXHIBIT A

EXHIBIT B

GREEN AND GREEN REZONE – R-S to PB

Rezone Property – Site Photos



NEIGHBORHOOD CONNECTIVITY MAP



EXHIBIT D

Fruit Heights

South Weber

Kaysville

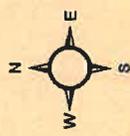
Hill Air Force Base

City-Wide Professional Business Zoning

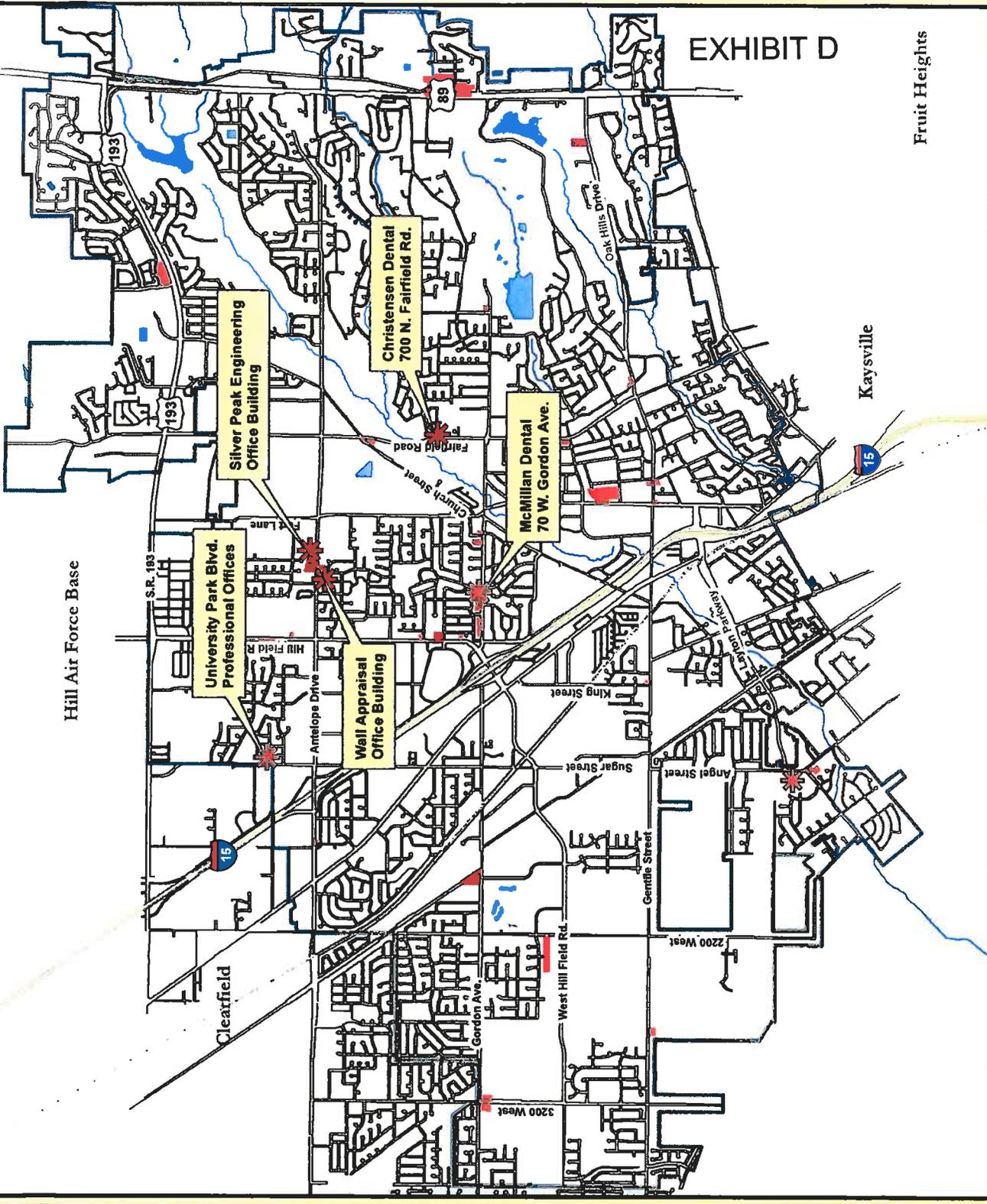
Specific Office Building Examples

LEGEND

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



1 inch = 4,250 feet



CHRISTENSEN DENTAL OFFICE

EXHIBIT E



MCMILLAN DENTAL OFFICE



SILVER PEAK ENGINEERING OFFICE BUILDING



WALL APPRAISAL OFFICE BUILDING

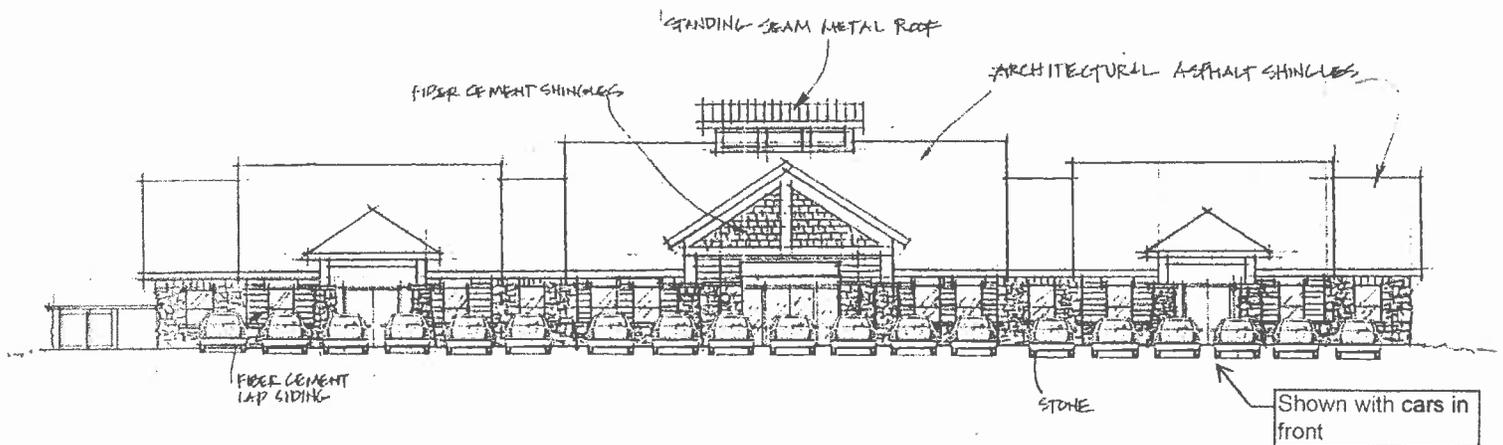
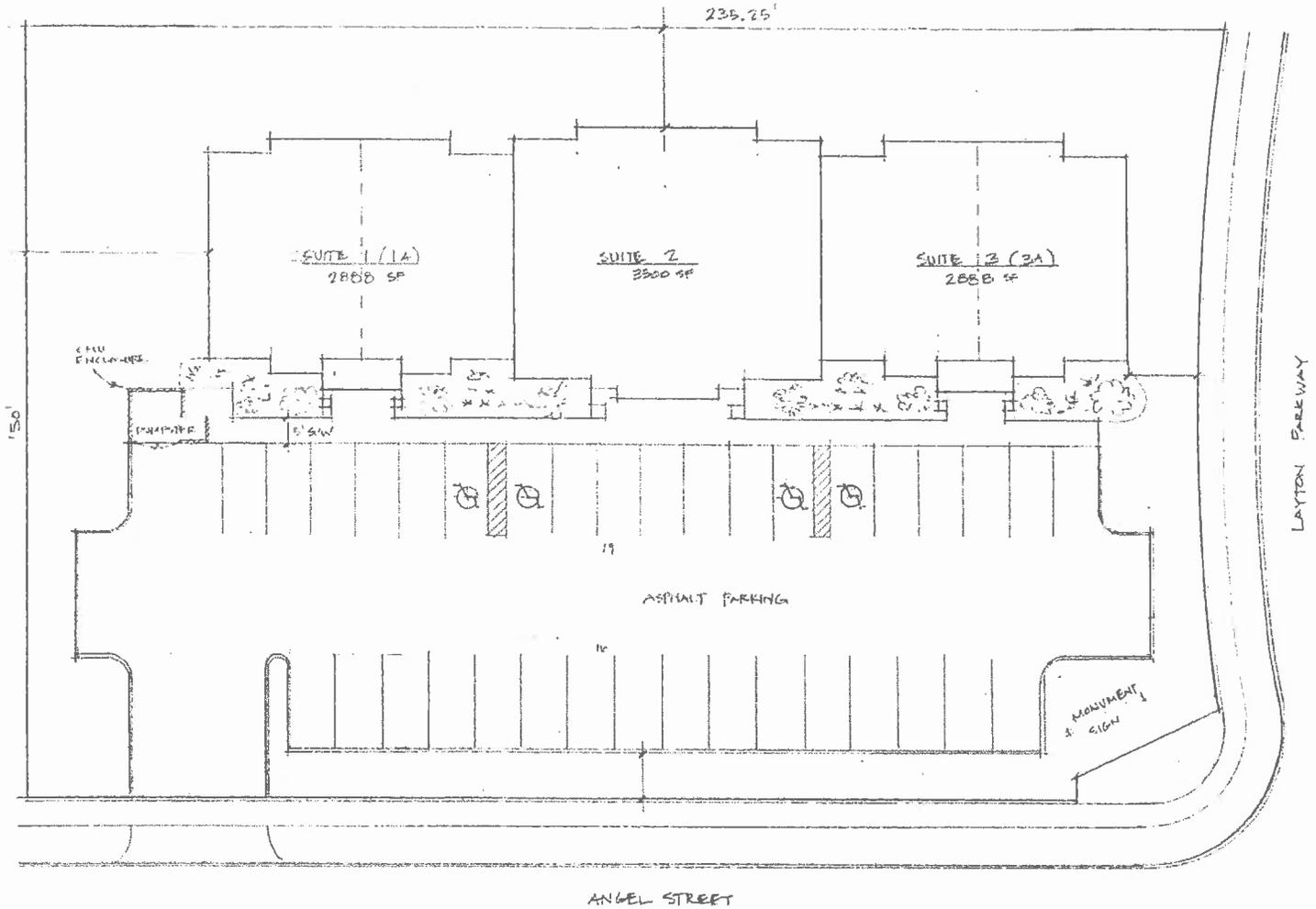


UNIVERSITY PARK BLVD. OFFICE BUILDINGS

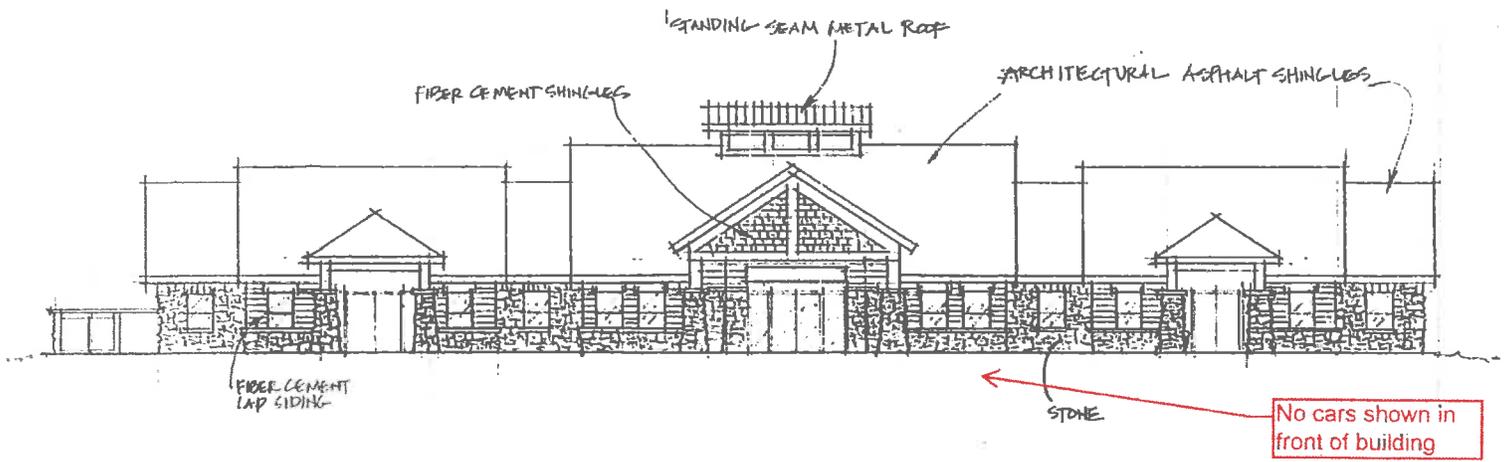
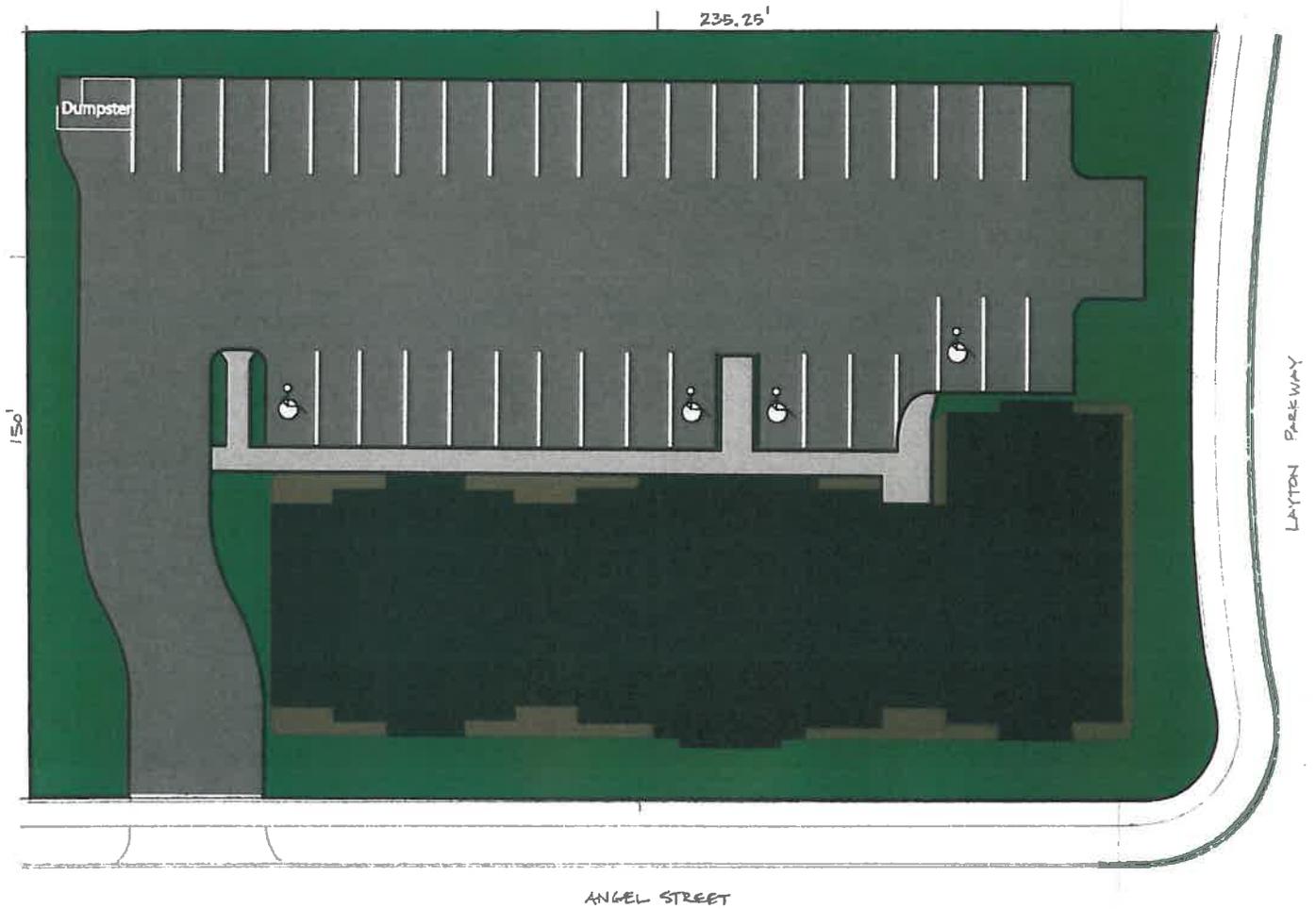


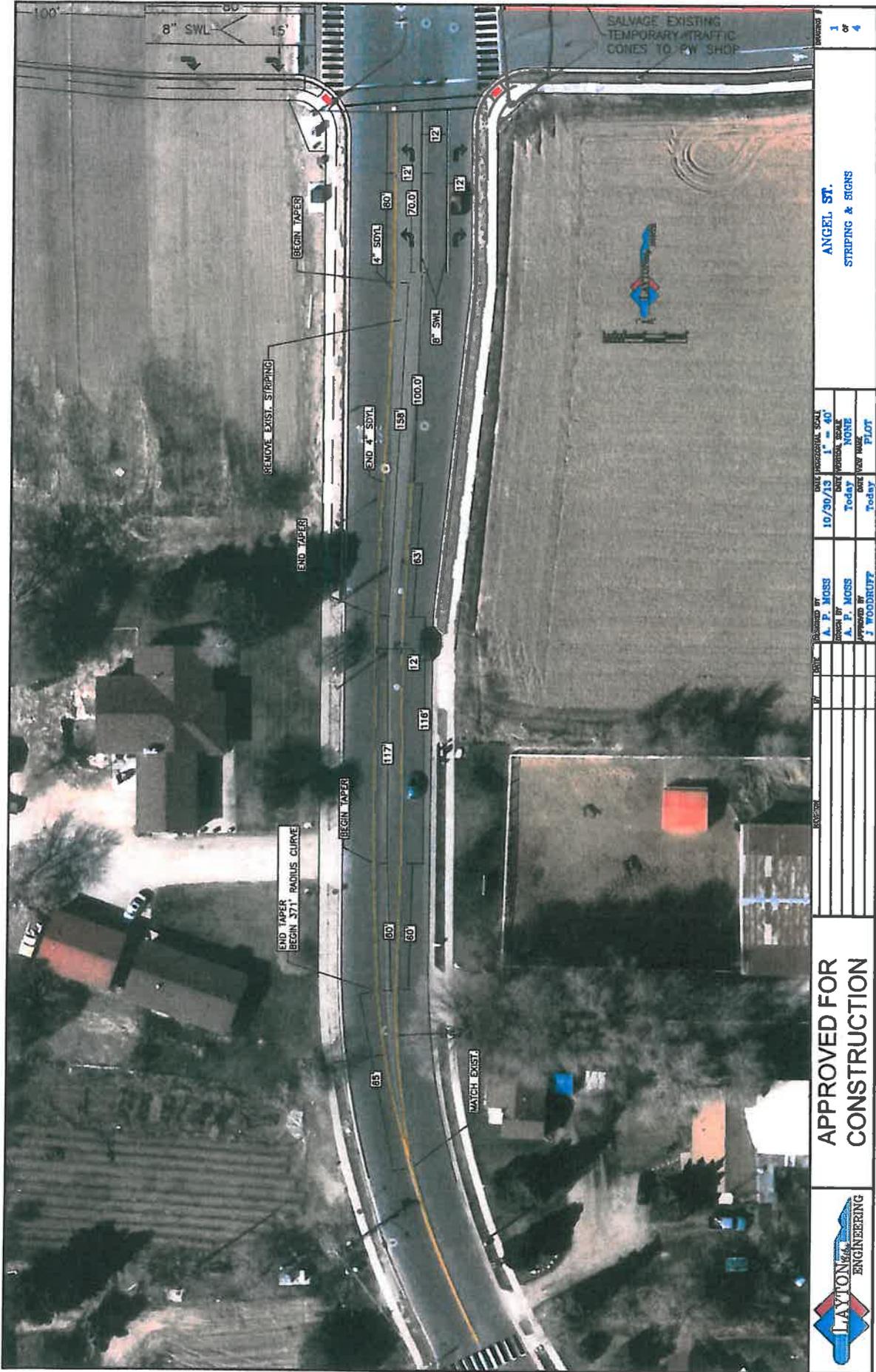
GREEN AND GREEN REZONE – R-S to PB

Sketch Plan Example – Parking in Front



GREEN AND GREEN REZONE – R-S to PB
Sketch Plan Example – Parking in Back





<p>APPROVED FOR CONSTRUCTION</p> 		<p>DATE PROPOSED SCALE 10/30/13 1" = 40'</p>	
		<p>DATE WORKED SCALE Today NONE</p>	
<p>DESIGNED BY A. F. MOSS</p>		<p>DATE WORK MADE Today</p>	
<p>CHECKED BY A. F. MOSS</p>		<p>DATE VERY MADE Today</p>	
<p>APPROVED BY J. WOODRUFF</p>		<p>PILOT</p>	

ANGEL ST.
STRIPING & SIGNS

REVISION 1
1
or
4



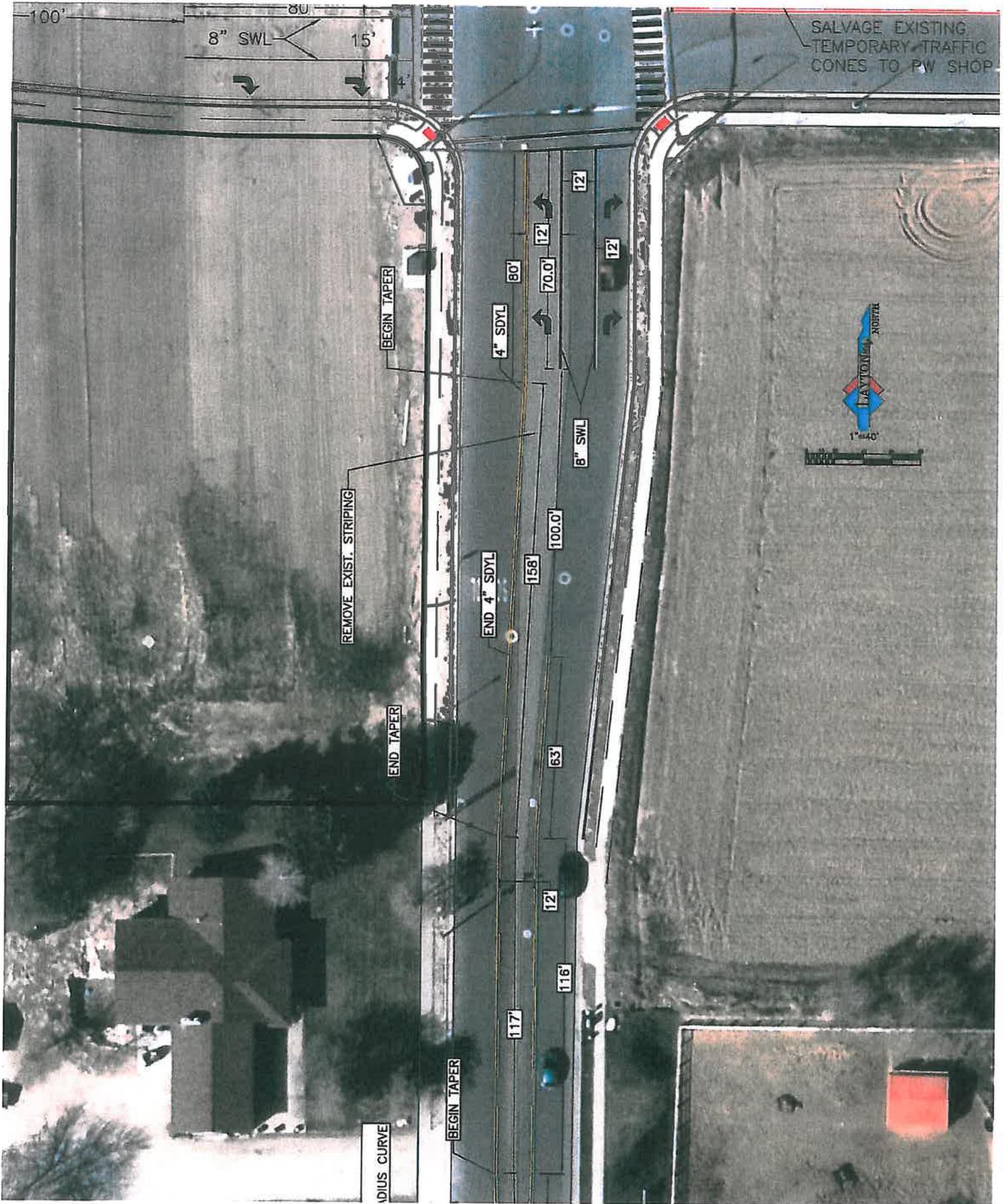
APPROVED FOR CONSTRUCTION		DATE		DESIGNED BY		DATE		REVISION	
		10/30/13		A. P. MOSS		10/30/13			
		Today		A. P. MOSS		Today			
		DATE VISIT MADE		APPROVED BY		DATE VISIT MADE			
		Today		J. TODDRUTT		Today			

ANGEL ST. STRIPING & SIGNS		DATE VISIT MADE		DATE VISIT MADE	
		Today		Today	
		DATE VISIT MADE		DATE VISIT MADE	
		Today		Today	

ANGEL ST. STRIPING & SIGNS		DATE VISIT MADE		DATE VISIT MADE	
		Today		Today	
		DATE VISIT MADE		DATE VISIT MADE	
		Today		Today	

APPROVED FOR CONSTRUCTION

EXHIBIT J



WORK MEETING AGENDA OF THE CITY COUNCIL OF LAYTON, UTAH
February 6, 2014 – 5:30 PM

Item:

1. Fiscal Year 2013-2014 Budget Amendment review and set the public hearing

2. Adoption of the 2013 Layton City Municipal Wastewater Planning Program Annual Report - Resolution 14-06

3. Storm Drain Improvements Payback Agreement - Ovation Homes - Cottages at Fairfield Subdivision
Resolution 14-05 - Fairfield Road and Church Street

4. Development Agreement and Rezone Request (Green and Green) – R-S (Residential Suburban) to PB
(Professional Office) – Resolution 14-01 and Ordinance 14-01 – 836 South Angel Street

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 the 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.

Notice is hereby given that by motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that Chapter.

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

Item Number: 1.

Subject:

Fiscal Year 2013-2014 Budget Amendment Review and Set the Public Hearing Date

Background:

Utah State Code Sections 10-6-127, 10-6-128, 10-6-113 and 10-6-114 provide that amendments may be made to any fund after advertising and holding a public hearing.

A summary of the proposed amendments to the Fiscal Year 2013-2014 budget is attached for the Council's review. After review of the amendments, it is proposed that the Council set a public hearing date of February 20, 2014, and order that notice of the public hearing be published at least seven days prior to the hearing.

On February 20, 2014, the Council should hear all interested persons regarding the amendments prior to adoption.

Alternatives:

Alternatives are to 1) Set the public hearing date for February 20, 2014, and order that notice of the public hearing be published at least seven days prior to the hearing; 2) Set the public hearing date for a date specified and order that notice of the public hearing be published at least seven days prior to the hearing; or 3) Do not set a public hearing and remand to Staff with directions.

Recommendation:

Staff recommends setting a public hearing for February 20, 2014, and ordering that notice of the public hearing be published at least seven days prior to the hearing.

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

Item Number: 2.

Subject:

Adoption of the 2013 Layton City Municipal Wastewater Planning Program Annual Report - Resolution 14-06

Background:

Resolution 14-06 authorizes the review and adoption of the 2013 Municipal Wastewater Planning Program Annual Report by the Council.

Alternatives:

Alternatives are to 1) Adopt Resolution 14-06 accepting the 2013 Wastewater Planning Program Annual Report; 2) Adopt Resolution 14-06 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 14-06 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-06 accepting the 2013 Layton City Municipal Wastewater Planning Program Annual Report and authorize the Mayor to execute the documents.

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

Item Number: 3.

Subject:

Storm Drain Improvements Payback Agreement - Ovation Homes - Cottages at Fairfield Subdivision
Resolution 14-05 - Fairfield Road and Church Street

Background:

Resolution 14-05 authorizes the execution of an agreement between Layton City and Ovation Homes for a payback of the costs to install storm drain improvements in Church Street. The developer will install the storm drain improvements in Church Street, northeast of Fairfield Road, with the construction of the Cottages at Fairfield Subdivision.

Alternatives:

Alternatives are to 1) Adopt Resolution 14-05 approving the storm drain improvements payback agreement; 2) Adopt Resolution 14-05 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 14-05 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-05 approving the storm drain improvements payback agreement and authorize the Mayor to execute the agreement.

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

Item Number: 4.

Subject:

Development Agreement and Rezone Request (Green and Green) - R-S (Residential Suburban) to PB (Professional Office) - Resolution 14-01 and Ordinance 14-01 - 836 South Angel Street

Background:

On December 19, 2013, the Council held and closed the public hearing and directed that a joint work meeting with the Planning Commission be scheduled to review this rezone proposal. The joint work meeting with the Planning Commission occurred on January 16, 2014. The attached Development Agreement includes the addition of a 7,500 square foot maximum footprint for the proposed office building.

The property proposed for rezone from R-S to PB contains 0.79 acres located on the west side of Angel Street at 836 South. The subject property is located at the southwest corner of the intersection of Angel Street and Layton Parkway and consists of two lots (815 and 816) in Phase 8 of the Roberts Farms Subdivision (see attached Phase 8 subdivision plat). Phase 8 is currently under construction together with the extension of Layton Parkway. Subject to zoning approval, the applicant will combine the two building lots to create one parcel for a professional office building that fronts onto Angel Street.

The rezone area is surrounded by R-S (Residential Suburban) zoning on all four sides with an area of unincorporated county located further east of Angel Street.

In August, the Council tabled this rezone request to a date certain of October 3, 2013. As the October public hearing approached, the applicant requested that the public hearing be postponed to the November 21, 2013, Council meeting. At the November 21, 2013, meeting, Staff presented additional information regarding Angel Street improvements to address various safety-related issues as requested in the original motion to table the rezone request.

On November 21, 2013, the Council tabled this rezone to a date certain of December 19, 2013. The Council's motion to table the rezone request to December 19th left the public hearing open but limited to the review of three specific issues mentioned in the motion. The three specific issues were:

1. Provide additional time to review and digest the traffic studies;
2. Determine additional details about the dental practice and site/building design that can be incorporated into the Development Agreement; and
3. Conduct a meeting with Ed Green and the citizen group.

Additional information regarding the details of these three specific issues is provided in the Staff Report for this agenda item.

Alternatives:

Alternatives to the First Motion: Alternatives are to 1) Adopt Resolution 14-01 approving the Development

Agreement; 2) Adopt Resolution 14-01 approving the Development Agreement with any amendments or modifications the Council deems appropriate; or 3) Not adopt Resolution 14-01 denying the Development Agreement.

Alternatives to the Second Motion: Alternatives are to 1) Adopt Ordinance 14-01 approving the rezone request from R-S to PB based on consistency with General Plan recommendations; or 2) Not adopt Ordinance 14-01 denying the rezone request from R-S to PB.

Recommendation:

The Planning Commission recommends the Council adopt Resolution 14-01 approving the Development Agreement and adopt Ordinance 14-01 approving the rezone request from R-S to PB based on consistency with General Plan recommendations.

Staff supports the recommendation of the Planning Commission.