

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

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a regular public meeting in the Council Chambers in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 PM on February 6, 2014.**

AGENDA ITEMS:

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

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

4. CONSENT ITEMS:(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

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

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

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

D. Amended Plat Approval – H.I.P. Commercial Condominiums – 400 North Main Street

E. Final Plat Approval - Estates at Mutton Hollow Phase 5 - Approximately 1800 East 150 South

F. Final Plat Approval – Oak Hills PRUD – Approximately 2500 East Oak Hills Drive

5. PUBLIC HEARINGS:

A. Community Development Block Grant Annual Action Plan for Fiscal Year 2014-2015

6. PLANNING COMMISSION RECOMMENDATIONS:

7. NEW BUSINESS:

8. UNFINISHED BUSINESS:

A. 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

9. SPECIAL REPORTS:

10. CITIZEN COMMENTS:

ADJOURN:

Notice is hereby given that:

- A Redevelopment Agency Meeting will be held at 5:30 p.m. A Work Meeting will be held at 5:30 p.m. to discuss miscellaneous matters.
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Members at remote locations may be connected to the meeting telephonically.
- By motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that chapter.

Date: _____

By: _____

Thieda Wellman, City Recorder

LAYTON CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify Layton City eight or more hours in advance of the meeting. Please contact Kiley Day at 437 North Wasatch Drive, Layton, Utah 84041, 801.336.3825 or 801.336.3820.

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

Item Number: 4.A.

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.

Budget Amendments Fiscal Year 2013 - 2014

Fund:		
Department/Division	Description	Increase (Decrease)
General Fund:		
Expenditure:		
Administration		
	Appropriate fund balance for Council packet software program	\$6,100.00
Management Services - Administration		
	Appropriate funds collected from drug testing for UTOPIA	130.00
Management Services - Information Technology Services		
	Appropriate fund balance for installation of WIFI - Layton Lightspeed - in parks	25,500.00
Management Services - Facilities Maintenance		
	Appropriate additional funding for Municipal Building entrances	14,028.00
	Appropriate additional funding for Council chambers chairs	3,214.00
Police - Administration		
	CIT (crisis intervention team) class expenses	1,200.00
	Police special services overtime and supplies - support of events and DARE	1,576.00
	Appropriate fund balance for hate crimes training funds from prior years	1,000.00
	Appropriate fund balance to carry over CIT academy class fees	4,445.00
Police - Patrol		
	Appropriate refund on personal protective clothing	398.00
	Appropriate DOJ Edward Byrne Memorial grant for vehicle equipment	16,945.00
	Police special services overtime and supplies - support of events and DARE	18,521.78
Police - Support Services		
	Equipment for support services secretary	2,370.00
	SAFG grant 14N60 for FY14	10,728.14
	ICAC grant for FY14	24,000.00
	Police special services overtime and supplies - support of events and DARE	60,933.11
	Appropriate trade in value of old UFED tool per agreement for new UFED tool	2,000.00
Fire		
	Recognize private donation to fire department	80.00
	Extractor at the Fire Training Facility	30,000.00
Community & Economic Development		
	Appropriate developer payments for geotechnical review services	1,350.00
Street lighting		
	Reduce the amount budgeted for street lighting and poles to transfer to street lighting utility fund	(94,725.00)
Parks & Recreation Administration		
	Appropriate donations received for Christmas lighting display	1,242.00
Recreation		
	Appropriate funds for purchase of Bee's tickets program	1,710.00
Parks		
	Appropriate funds for NURPA luncheon	77.00
	Appropriate donation for 3D animal Christmas displays	500.00
Non-departmental		
	Transfer to street lighting fund from the general fund of funds originally budgeted in GF	94,725.00
	Transfer to the debt service fund for change in the UTOPIA debt reserve payment	5,000.00
	Transfer to the capital projects fund for land settlement on Bud Willey property	59,720.57
	Transfer to Athletic fund for purchase of tickets in scholarship program	684.00
Total General Fund Expenditure		\$ 293,452.60

Budget Amendments Fiscal Year 2013 - 2014

Fund:		Increase (Decrease)
Department/Division		
Description		
Revenue:		
	Fund balance for Equipment for support services secretary	\$ 2,370.00
	Fund balance to reappropriate unused Crisis Intervention Team funds from prior years	4,445.00
	Fund balance to reappropriate hate crimes training funds from prior years	1,000.00
	Fund balance for bees tickets sales in FY13 for FY14 event	1,596.00
	Fund balance from donations collected the prior year for Christmas light display	1,242.00
	Fund balance to cover cost of City Council packet/agenda software	6,100.00
	Fund balance to cover cost of installing WIFI - Layton Lightspeed - in parks	25,500.00
	Fund balance to cover overruns on municipal building entrances and Council chamber chairs	17,242.00
	Fund balance to cover the cost of the settlement of the Bud Willey land case	59,720.57
	Fund balance to cover change in UTOPIA debt reserve reimbursment transfer	5,000.00
	Recognize refund of personal protective clothing	398.00
	Recognize drug testing revenue from UTOPIA	130.00
	Recognize revenue from fire special services - wildland fire	30,000.00
	Recognize reimbursement for NURPA luncheon	77.00
	Recognize private donation to fire department	80.00
	Recognize ICAC grant award for FY14	24,000.00
	Recognize developer payments for geotechnical review services	1,350.00
	Recognize DOJ Edward Byrne Memorial grant for patrol vehicle equipment	16,945.00
	Recognize private donation to Christmas 3D light displays	500.00
	Recognize CIT class fees	1,200.00
	Recognize police special services revenue	81,030.89
	Recognize SAFG 14N60 grant for FY14	10,728.14
	Recognize sale of asset proceeds from Police UFED tool	2,000.00
	Recognize ticket sales for Bee's game tickets	798.00
	Total General Fund Revenue	\$ 293,452.60
E911 Dispatch Fund:		
Expenditure:		
	EMS supplies per capita grant	\$ 660.00
Revenue:		
	EMS per capita grant	\$ 660.00
Davis Metro Narcotic Strike Force Fund:		
Expenditure:		
	Appropriate prior year carryover for HIDTA grant overtime	\$ 2,930.03
	NADDI grant - overtime, training and supplies	\$ 5,000.00
		\$ 7,930.03
Revenue:		
	Recognize grant award for HIDTA from prior year	\$ 2,930.03
	NADDI (National Association of Drug Diversion Investigators) grant	\$ 5,000.00
		\$ 7,930.03
Debt Service Fund:		
Expenditure:		
	Increase debt reserve replenishment reserve account - fiscal year end difference	\$ 5,000.00
Revenue:		
	Recognize transfer from the general fund	\$ 5,000.00
Capital Projects Fund:		
Expenditure:		
	Appropriate developer payments toward fencing on Layton parkway	\$ 44,334.00
	Appropriate funds to pay settlement on Bud Willey land case	59,720.57
		\$ 104,054.57
Revenue:		
	Recognize developer payments - Layton parkway fence	\$ 44,334.00
	Recognize transfer from the general fund to cover settlement on Bud Willey land case	59,720.57
	Total Revenue	\$ 104,054.57

Budget Amendments Fiscal Year 2013 - 2014

Fund:		
	Department/Division	Increase
	Description	(Decrease)
Water Operations Fund:		
	Expenditure:	
	Change in wage and benefit allocation between Utility funds based on updated personnel assignments	\$ 214,908.00
	Total Expenditure	\$ 214,908.00
	Revenue:	
	Appropriation of net assets	\$ 214,908.00
	Total Revenue	\$ 214,908.00
Sewer Operations Fund:		
	Expenditure:	
	Change in wage and benefit allocation between Utility funds based on updated personnel assignments	(\$239,335.00)
	Total Expenditure	(\$239,335.00)
	Revenue:	
	Return to net assets	\$224,179.00
	Appropriate net assets	\$15,156.00
	Total Revenue	\$239,335.00
Athletic Fund		
	Expenditure:	
	Purchase of Bee's tickets under scholarship program	\$ 684.00
	Revenue:	
	Transfer from general fund for tickets sales for Bee's ticket program	\$ 684.00
Emergency Medical Services Fund		
	Expenditure:	
	Appropriate additional funds for refurbishing Medic Engine	\$ 4,115.71
	Revenue:	
	Appropriation of net assets	\$ 4,115.71
Storm Water Operations Fund		
	Expenditure:	
	Change in wage and benefit allocation between Utility funds based on updated personnel assignments	\$ 35,882.00
	Total Expenditure	\$ 35,882.00
	Revenue:	
	Appropriation of net assets	\$ 35,882.00
	Total Revenue	\$ 35,882.00

**Layton City Corporation
FY2013-2014 Budget Amendment Summary**

General Fund

\$	293,452.60	Net additions and reductions of the budget
\$	124,215.57	Appropriation of fund balance <i>Bud Willey land settlement, WIFI in parks, Municipal building entrances, Carryover revenues from prior years</i>
\$	115,563.89	Revenue received for which a preliminary estimate was not available <i>Police and fire special services, donations and recreation event revenues</i>
\$	51,673.14	Grant revenue that was unanticipated or for which a preliminary estimate was not available
\$	2,000.00	Sale of assets - Police UFED device/tool
\$	293,452.60	

**Layton City Corporation
FY2013-2014 Budget Amendment Summary**

Other Funds

E911	\$	660.00	Appropriate EMS grant revenue received
Davis Metro	\$	7,930.03	Appropriate grant revenue received and carryover
Debt service	\$	5,000.00	Change in amount due to UTOPIA debt service reserve
Capital projects	\$	104,054.57	Developer payment for Layton parkway fence, Willey property settlement
Water	\$	214,908.00	Reallocation of budget based on employee primary assignments
Storm Water	\$	(239,335.00)	Reallocation of budget based on employee primary assignments
Sewer	\$	35,882.00	Reallocation of budget based on employee primary assignments
Athletic	\$	684.00	Transfer collected revenue for scholarship program
EMS	\$	4,115.71	Overrun on Medical Engine refurbishment

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

Item Number: 4.B.

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.

RESOLUTION 14-06

A RESOLUTION AUTHORIZING THE ADOPTION OF THE 2013 LAYTON CITY MUNICIPAL WASTEWATER PLANNING PROGRAM

WHEREAS, the State of Utah, Department of Environmental Quality, Division of Water Quality requires Layton City to complete the 2013 Municipal Wastewater Planning Program Annual Report; and

WHEREAS, the State requires that the Annual Report be adopted by a Layton City resolution.

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

That the City Council of Layton City, Davis County, State of Utah, has reviewed and accepted the 2013 Municipal Wastewater Planning Program Annual Report.

PASSED AND ADOPTED by the City Council of Layton, Utah this **6th day of February, 2014.**

ATTEST:

THIEDA WELLMAN, City Recorder

ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



TERRY COBURN, Public Works Director

STATE OF UTAH

MUNICIPAL WASTEWATER PLANNING PROGRAM

SELF-ASSESSMENT REPORT

FOR

LAYTON

2013



Resolution Number 14-06

MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION

RESOLVED that *LAYTON* informs the Water Quality Board the following actions were taken by the *CITY COUNCIL*

1. Reviewed the attached Municipal Wastewater Planning Program Report for 2013.
2. Have taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit (If Applicable).

Passed by a (majority) (unanimous) vote on

(date)

Mayor/Chairman

Attest:

Recorder/Clerk

Municipal Wastewater Planning Program (MWPP) Financial Evaluation Section

Owner Name: *LAYTON*

Name and Title of Contact Person:

Greg Harrah

Water Supervisor - Certificate #01898E260120

Phone: (801) 336-3720

E-mail: gharrah@laytoncity.org

PLEASE SUBMIT TO STATE BY: March 1, 2014

Mail to: MWPP - Department of Environmental Quality
c/o Paul Krauth, P.E.
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4346

NOTE: This questionnaire has been compiled for your benefit by a state sponsored task force comprised of representatives of local government and service districts. It is designed to assist you in making an evaluation of your wastewater system and financial planning. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance please call, Emily Cantón. Utah Division of Water Quality: (801) 536-4342.

I. Definitions: The following terms and definitions may help you complete the worksheets and questionnaire:

User Charge (UC) - A fee established for one or more class(es) of users of the wastewater treatment facilities that generate revenues to pay for costs of the system.

Operation and Maintenance Expense - Expenditures incurred for materials, labor, utilities, and other items necessary for managing and maintaining the facility to achieve or maintain the capacity and performance for which it was designed and constructed.

Repair and Replacement Cost - Expenditures incurred during the useful life of the treatment works for obtaining and installing equipment, accessories, and/or appurtenances necessary to maintain the existing capacity and the performance for which the facility was designed and constructed.

Capital Needs - Cost to construct, upgrade or improve the facility.

Capital Improvement Reserve Account - A reserve established to accumulate funds for construction and/or replacement of treatment facilities, collection lines or other capital improvement needs.

Reserve for Debt Service - A reserve for bond repayment as may be defined in accordance with terms of a bond indenture.

Current Debt Service - Interest and principal costs for debt payable this year.

Repair and Replacement Sinking Fund - A fund to accumulate funds for repairs and maintenance to fixed assets not normally included in operation expenses and for replacement costs (defined above).

Part I: OPERATION AND MAINTENANCE

Complete the following table:

Question	Points Earned	Total
Are revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs <u>at this time</u> ?	YES = 0 points NO = 25 points	0
Are the projected revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs for the <u>next five years</u> ?	YES = 0 points NO = 25 points	0
Does the facility have sufficient staff to ensure proper O&M?	YES = 0 points NO = 25 points	0
Has a dedicated sinking fund been established to provide for repair & replacement costs?	YES = 0 points NO = 25 points	25
Is the repair & replacement sinking fund adequate to meet anticipated needs?	YES = 0 points NO = 25 points	25
TOTAL PART I =		50

Part II: CAPITAL IMPROVEMENTS

Complete the following table:

Question	Points Earned	Total
Are present revenues collected sufficient to cover all costs and provide funding for capital improvements?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next five years</u> ?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next ten years</u> ?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next twenty years</u> ?	YES = 0 points NO = 25 points	0
Has a dedicated sinking fund been established to provide for future capital improvements?	YES = 0 points NO = 25 points	25
TOTAL PART II =		25

Part III: GENERAL QUESTIONS

Complete the following table:

Question	Points Earned	Total
Is the wastewater treatment fund a separate enterprise fund/account or district?	YES = 0 points NO = 25 points	0
Are you collecting 95% or more of your sewer billings?	YES = 0 points NO = 25 points	0
Is there a review, at least annually, of user fees?	YES = 0 points NO = 25 points	0
Are bond reserve requirements being met if applicable?	YES = 0 points NO = 25 points	NA
TOTAL PART III =		0

Part IV: PROJECTED NEEDS

Estimate as best you can the following:

Cost of projected capital improvements (in thousands)	2014	2015	2016	2017	2018
	505	280	420	330	150

Point Summation

Fill in the values from Parts I through III in the blanks provided in column 1. Add the numbers to determine the MWPP point total that reflects your present financial position for meeting your wastewater needs.

Part	Points
I	50
II	25
III	0
Total	75

Municipal Wastewater Planning Program (MWPP) Collection System Section

Owner Name: LAYTON

Name and Title of Contact Person:

Greg Harrah

Water Supervisor - Certificate #01898E260120

Phone: (801) 336-3720

E-mail: gharrah@laytoncity.org

PLEASE SUBMIT TO STATE BY: March 1, 2014

Mail to: MWPP - Department of Environmental Quality
c/o Paul Krauth, P.E.
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4346

Form completed by

Shannon Hansen

Part I: SYSTEM AGE

A. What year was your collection system first constructed (approximately)?

Year 1945

B. What is the oldest part of your present system?

Oldest part 69 years

Part II: BYPASSES

A. Please complete the following table:

Question	Number	Points Earned	Total Points
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater in the system due to rain or snowmelt?	0	0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	0
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater due to equipment failure? (except plugged laterals)	1	0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	5
TOTAL PART II =			5

B. The Utah Sewer Management Program defines sanitary sewer overflows into two classes:

Number of Class 1 SSOs in Calendar year 2013 0

Number of Class 2 SSOs in Calendar year 2013 1

Class 1- a Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that:

- (a) effects more than five private structures;
- (b) affects one or more public, commercial or industrial structure(s);
- (c) may result in a public health risk to the general public;
- (d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
- (e) discharges to Waters of the state.

Class 2 – a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.

Part II: BYPASSES (cont.)

C. Please specify whether the bypass(es) was caused a contract or tributary communities, etc.

NA

Part III: NEW DEVELOPMENT

A. Please complete the following table:

Question	Points Earned	Total Points
Has an industry (or other development) moved into the community or expanded production in the past two years, such that either flow or wastewater loadings to the sewerage system were significantly increased (10 - 20%)?	No = 0 points Yes = 10 points	0
Are there any major new developments (industrial, commercial, or residential) anticipated in the next 2-3 years, such that either flow or BOD ₅ loadings to the sewerage system could significantly increase (25%)?	No = 0 points Yes = 10 points	0
TOTAL PART III =		0

B. Approximate number of new residential sewer connections in the last year

302 new residential connections

C. Approximate number of new commercial/industrial connections in the last year

13 new commercial/industrial connections

D. Approximate number of new population serviced in the last year

990 new people served

Part V: FACILITY MAINTENANCE

A. Please complete the following table:

Question	Points Earned	Total Points
Do you follow an annual preventative maintenance program?	Yes = 0 points No = 30 points	0
Is it written?	Yes = 0 points No = 20 points	0
Do you have a written emergency response plan?	Yes = 0 points No = 20 points	0
Do you have an updated operations and maintenance manual	Yes = 0 points No = 20 points	0
Do you have a written safety plan?	Yes = 0 points No = 20 points	0
TOTAL PART V =		0

Part VI: SUBJECTIVE EVALUATION

This section should be with the system operators.

A. Has your system completed it's the Utah Sewer Management Program.

Yes _____ NO X

B. Describe the physical condition of the sewer collection system: (lift stations, etc. included)

Most are gravity flow systems with approximately 202 miles of gravity flow and 0.41 miles of pressurized main. The City has one sewer lift station.

C. What sewerage system improvements does the community have under consideration for the next 10 years?

The City has hired a consultant to develop a Master Plan and Management Plan. The

Consultant will also model major trunklines in the City to determine CIP projects

and better address future improvement needs.

Part VI: SUBJECTIVE EVALUATION (cont.)

D. Explain what problems, other than plugging have you experienced over the last year
None

E. Is your community presently involved in formal planning for system expansion/upgrading? If so explain.

No

F. Has your system completed it's *System Evaluation and Capacity Assurance Plan* As defined by the Utah Sewer Management Program.

Yes _____ NO X

G. Does the municipality/district pay for the continuing education expenses of operators?

ALWAYS X SOMETIMES _____ NO _____

If they do, what percentage is paid?

approximately 100 %

H. Is there a written policy regarding continuing education and training for wastewater operators?

YES X NO _____

POINT SUMMATION

Fill in the values from Parts II through V in the blanks provided in column 1. Add the numbers to determine the MWPP point total that your wastewater facility has generated for the past twelve months.

Part	Points
II	5
III	0
IV	0
V	0
Total	5

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

Item Number: 4.C.

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.

RESOLUTION 14-05

A RESOLUTION ADOPTING AND APPROVING AN AGREEMENT BETWEEN OVATION HOMES AND LAYTON CITY, ENTITLED STORM DRAIN IMPROVEMENTS PAYBACK AGREEMENT.

WHEREAS, Ovation Homes (hereinafter "Developer") has constructed and installed certain improvements pursuant to the approval of Cottages at Fairfield Subdivision located at the northeast corner of Fairfield Road and Church Street; and

WHEREAS, the benefits of those improvements constructed and dedicated to the City by Developer, provide for storm sewer in Developer's Subdivision, which is identified as the Cottages at Fairfield Subdivision and Church Street; and

WHEREAS, the City desires to enter into an agreement with Developer providing for proportioning obligations relating to costs for the construction of these improvements between the Developer and the City; and

WHEREAS, the City Council of Layton City and the Developer have determined that responsibility for the costs for certain improvements within the Developer's Subdivision should be distributed in the manner designated in this Agreement; and

WHEREAS, the Developer and the City have agreed that the agreement entitled Storm Drain Improvements Payback Agreement represents the entire agreement between the parties; and

WHEREAS, the City Council of Layton City deems it to be in the best interest of the City to adopt and approve the above mentioned Agreement.

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

1. That the Improvement Payback Agreement between Ovation Homes and Layton City, which is attached hereto and incorporated herein by this reference, be adopted and approved.
2. That the Mayor be authorized to execute said Agreement.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **6th day of February, 2014.**

ATTEST:

THIEDA WELLMAN, City Recorder

ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

SUBMITTING DEPARTMENT:



GARY CRANE, City Attorney



TERRY COBURN, Public Works Director

STORM DRAIN IMPROVEMENTS PAYBACK AGREEMENT
(COTTAGES AT FAIRFIELD SUBDIVISION)

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between Ovation Homes, a Corporation located in Davis County, Utah hereinafter called “Developer” and LAYTON CITY, a Municipal Corporation of the State of Utah, hereinafter called “City”.

WITNESSETH:

WHEREAS, Developer will install storm drain improvements constructed in connection with Cottages at Fairfield Subdivision at its own expense in Church Street that exceed the typical residential subdivision storm drain requirements, said storm drain improvements are located in Layton City, Davis County, State of Utah, and:

WHEREAS, land other than that owned by the Developer benefits from the installation of the storm drain improvements, and:

WHEREAS, the Developer created the need for the improvements, but will dedicate and construct improvements that will benefit other properties, and:

WHEREAS, the City desires to provide for the reimbursement to the Developer for the costs of the storm drain improvements that would benefit other properties and costs that exceed the Developer’s proportionate share attributable to their subdivision;

NOW, THEREFORE, in consideration of the promises, the covenants and conditions herein contained, and the sums of money to be paid, it is hereby agreed as follows:

1. Cost – Developer will pay for the construction work, a total sum of \$59,349.02, which represents the cost of constructing the storm drain improvements in Cottages at Fairfield Subdivision. The breakdown of costs is identified in a spreadsheet attached hereto as “Exhibit A.”
2. Reimbursement to Developer – The reimbursement part of the project is as follows:
 - a. \$59,349.02 for storm drain improvements constructed in connection with Cottages at Fairfield Subdivision (see “Exhibit A”).
 - b. Less \$16,017.00 for storm drain improvements associated with the Cottages at Fairfield Subdivision Project (see “Exhibit B”).
 - c. The City shall reimburse the Developer a total of \$43,332.02 for the exceeded storm drain improvements constructed in Church Street as part of the Cottages at Fairfield Subdivision. (see “Exhibit C”) The City’s payment for the exceeded storm drain improvements may be made through a credit to the impact fees of the developer for the Cottages at Fairfield Subdivision or the collection of impact fees anywhere within the City, or any other revenue source deemed appropriate by the City. Costs shall be collected up to, but not exceed \$43,332.02. The streets subject to this Payback Agreement are identified on a map attached hereto as “Exhibit D”.
 - d. Reimbursement of costs to the Developer shall be based on the actual costs as demonstrated by the Developer and approved by the City Engineer.

3. Ownership, Maintenance, and Inspection – Ownership of all the storm drain improvements, which are the subject of this Agreement, shall be with the City. The City will assume full responsibility of maintenance of said storm drain improvements in a time and manner consistent with the maintenance policies and ordinances of the City.
4. Limitation of Collection Period – It is further agreed that the City will collect fees under paragraph 2, for a period of ten (10) years from the date of this Agreement and the Developer specifically agrees to accept the fees in fact collected during said ten year period as full and final payment under this Agreement. Further, the Developer agrees to hold Layton City harmless for any fees, which for any reason are not collected.
5. Nonappropriation Clause – Developer acknowledges that if the Layton City Council fails, refuses, or otherwise determines to not appropriate funds for the purposes of this Agreement, that the City will be excused from performance hereunder, and not be subject to recourse hereunder. The City represents that it will exercise good faith in obtaining funding herefor.
6. City Council Approval – This agreement is subject to City Council approval.
7. Modifications – Any changes or modification of this Agreement by either party shall be in writing and signed by the City Manager.
8. Binding Affect of Agreement – This Agreement is binding on and shall inure to the benefit of the executors, administrators, heirs, successors, and assigns of the parties.
9. Third Parties – Nothing in this Agreement shall be construed to confer any rights upon any third party.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS Agreement on the date first written above.

LAYTON CITY CORPORATION

By: _____
Robert J Stevenson, Mayor

ATTEST

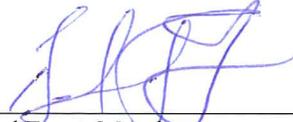
Thieda Wellman, City Recorder

APPROVED AS TO FORM



City Attorney

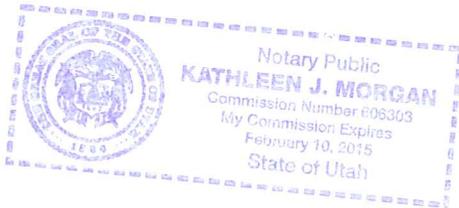
Norm Frost, Member

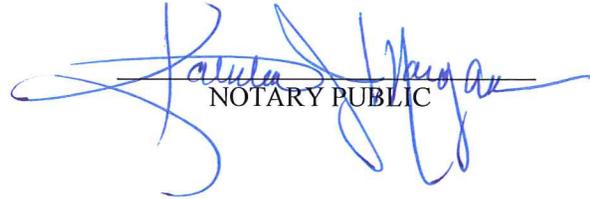


Brad Frost, Member

STATE OF UTAH)
): Ss.
COUNTY OF DAVIS)

On the 4th day of January, 2014, personally appeared
before me Brad Frost, the signer(s) of the
foregoing instrument, who duly acknowledged to me that he, executed the same.





NOTARY PUBLIC

Exhibit A

The Cottages at Fairfield
Storm Drain Cost Estimate (Complete Subdivision Improvements)

<u>Description</u>	<u>Item</u>	<u>Unit</u>	<u>Unit Price</u>	<u>\$Amount</u>
Storm Drain				
24" RCP Pipe	17	LF	\$32.86	\$558.62
15" RCP Pipe	1336	LF	\$23.40	\$31,262.40
Type IV Catch Basin	6	EA	\$1,250.00	\$7,500.00
6' Diameter Manhole	1	EA	\$4,880.00	\$4,880.00
5' Diameter Manhole	1	EA	\$1,498.00	\$1,498.00
Manhole Collars	2	EA	\$375.00	\$750.00
Control Box	1	EA	\$4,050.00	\$4,050.00
Plug & Block Ex. Storm Drain	1	EA	\$350.00	\$350.00
Connection to Existing	1	EA	\$5,000.00	\$5,000.00
Excavation of Detention Basin	1	LS	\$3,500.00	\$3,500.00
			Total	\$59,349.02

Exhibit B

The Cottages at Fairfield
Storm Drain Cost Estimate (Subdivision/Developer Improvements)

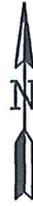
<u>Description</u>	<u>Item</u>	<u>Unit</u>	<u>Unit Price</u>	<u>\$Amount</u>
Storm Drain				
15" RCP Pipe	255	LF	\$23.40	\$5,967.00
Type IV Catch Basin	2	EA	\$1,250.00	\$2,500.00
Control Box	1	EA	\$4,050.00	\$4,050.00
Excavation of Detention Basin	1	LS	\$3,500.00	\$3,500.00
			Total	\$16,017.00

Exhibit C

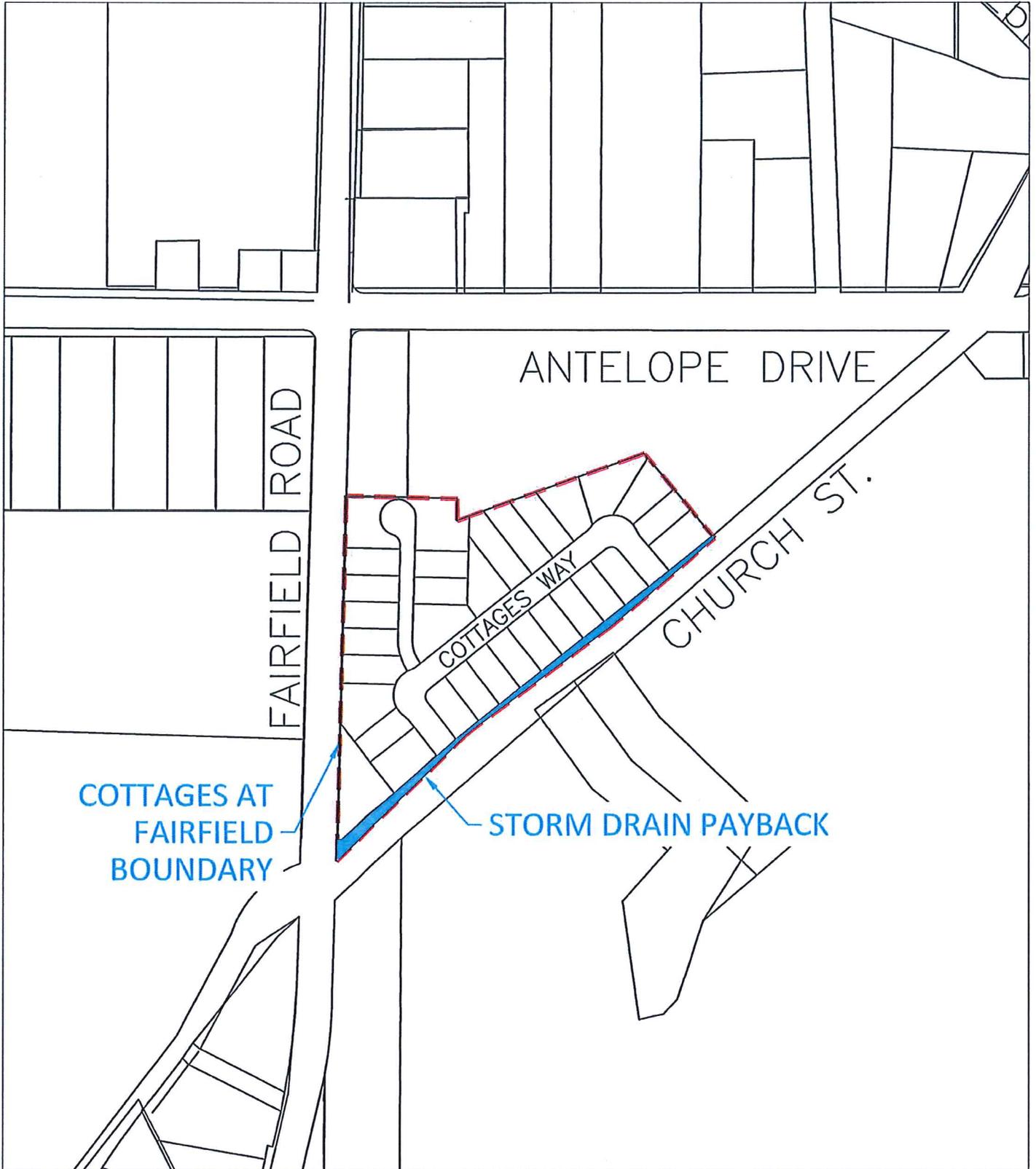
The Cottages at Fairfield
Storm Drain Cost Estimate (Church Street Improvements)

<u>Description</u>	<u>Item</u>	<u>Unit</u>	<u>Unit Price</u>	<u>\$Amount</u>
Storm Drain				
24" RCP Pipe	17	LF	\$32.86	\$558.62
15" RCP Pipe	1081	LF	\$23.40	\$25,295.40
Type IV Catch Basin	4	EA	\$1,250.00	\$5,000.00
6' Diameter Manhole	1	EA	\$4,880.00	\$4,880.00
5' Diameter Manhole	1	EA	\$1,498.00	\$1,498.00
Manhole Collars	2	EA	\$375.00	\$750.00
Plug & Block Ex. Storm Drain	1	EA	\$350.00	\$350.00
Connection to Existing	1	EA	\$5,000.00	\$5,000.00
			Subtotal	\$43,332.02

EXHIBIT "D" COTTAGES AT FAIRFIELD PAYBACK AREA



1"-300'



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

Item Number: 4.D.

Subject:

Amended Plat Approval – H.I.P. Commercial Condominiums – 400 North Main Street

Background:

The applicant, G42 LLC, is requesting to amend the H.I.P. Commercial Condominium plat. The amendment would remove a 1.4 acre parcel from the plat, leaving 1.15 acres for the remainder of the plat. The 1.4 acre parcel contains four storage unit buildings, which are being purchased by the applicant. This 1.4 acre parcel will be purchased and combined with the applicant's property to the north.

The remaining 1.15 acres will continue to contain the Cantina Southwestern Grill restaurant, Pace's Dairy Ann and the H.I.P. office building.

Alternatives:

Alternatives are to 1) Grant amended plat approval for H.I.P. Commercial Condominiums subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Deny granting amended plat approval.

Recommendation:

On January 14, 2014, the Planning Commission unanimously recommended the Council grant amended plat approval to H.I.P. Commercial Condominiums subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II 

Date: February 6, 2014

Re: H.I.P. Commercial Condominiums Amended Plat

Location: 400 North Main Street

Zoning: CH (Highway Regional Commercial)

Background:

The applicant, G42 LLC, is requesting to amend the H.I.P. Commercial Condominium plat. The amendment would remove a 1.4 acre parcel from the plat, leaving 1.15 acres for the remainder of the plat. The 1.4 acre parcel contains four storage unit buildings, which are being purchased by the applicant. The remaining 1.15 acres will continue to contain the H.I.P. office building (Building A), Pace's Dairy Ann (Building B) and the Cantina Southwestern Grill restaurant (Building C).

The 1.4 acre parcel to be vacated from the H.I.P. Commercial Condominium plat will be purchased and combined with the property to the north. The storage units will remain and be used by the applicant for the storage of vehicle parts until future development is completed on the adjacent property north of the storage units.

Current cross access easements will need to remain on the plat to give a second access for fire safety for the storage units. In the future, the main access for the storage units will be through the applicant's property to the north.

Staff Recommendation:

Staff recommends amended plat approval be granted subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering 

Planning 

Fire 

Planning Commission Action: On January 14, 2014, the Planning Commission voted unanimously to recommend the Council grant amended plat approval subject to meeting all Staff requirements.

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



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

MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Douglas K. Bitton, Fire Prevention Specialist 

RE: H.I.P. Commercial Subdivision (Amended) @ 400 North Main Street

CC: 1) Engineering
2) Dave Whittaker, dave@pjfcorp.com
3) Scott Argyle, sargyle@hillargyle.com
4) Garth Robinson, garthlr@youngkia.com

DATE: January 8, 2014

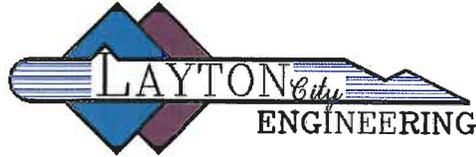
I have reviewed the site plan received on December 23, 2013 for the above referenced project. The Fire Department, with regards to the amended plat, does not have any comments at this time. However, for future development our concerns include but are not limited to the following:

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

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

DB/H.I.P Commercial:kn
Plan # S14-004, District # 45Project Tracker: #LAY 1312231418





MEMORANDUM

TO: Dave Whittaker, dave@pjfcorp.com
Scott Argyle, sargyle@hillargyle.com
Garth Robinson, garthlr@youngkia.com

CC: COMMUNITY DEVELOPMENT/FIRE DEPARTMENT

FROM: Debi Richards, Assistant City Engineer

DATE: January 7, 2014

RE: **H.I.P. COMMERCIAL CONDOMINIUMS - AMENDED**
400 NORTH MAIN STREET
(Final review – 2nd submittal)

I have reviewed the H.I.P. Commercial Condominiums - Amended plat received January 2, 2014. The plat has been stamped "Approved as Submitted". A title report must be submitted with the final mylar. Any easements in the title report must be shown on the amended plat.



Memorandum

To: Planning Commission
From: Scott Carter, Parks Planner
Date: December 27, 2013
Re: H.I.P. Commercial Subdivision Amended – 400 North Main Street

The proposed amendment to the H.I.P. Commercial Subdivision does not impact the Parks & Recreation Department.

Recommendation

Parks & Recreation supports approval of the H.I.P. Commercial Subdivision Amended Plat.

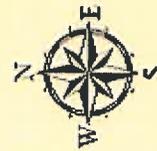
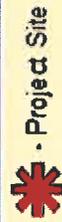
CITY COUNCIL

February 6, 2014

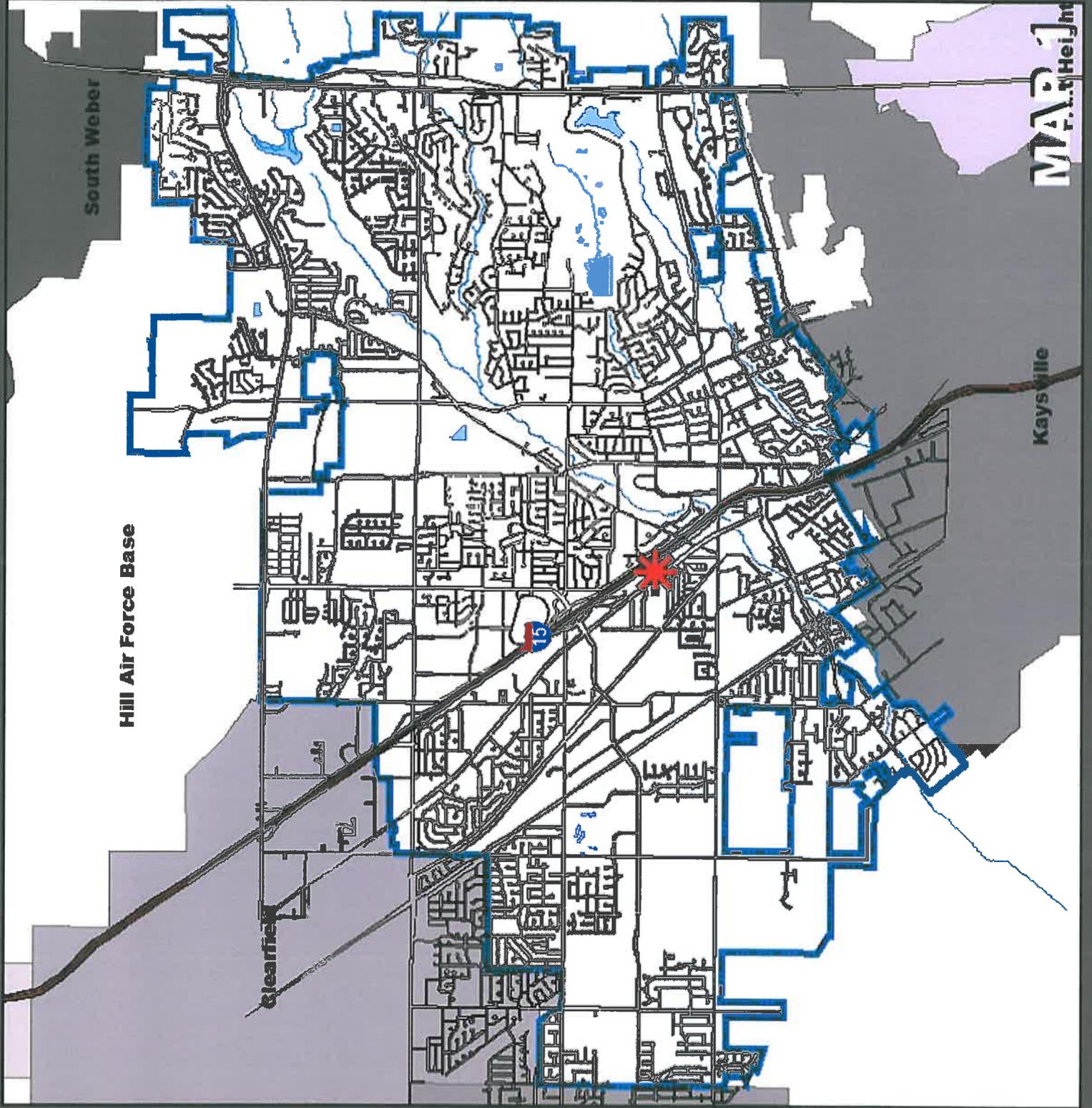
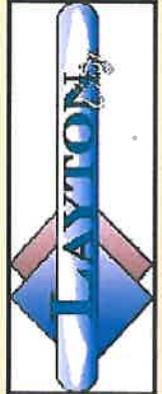
H.I.P. Commercial Condominium Plat Amendment

Legend

- Rights of Way
- City Boundary
- Interstate 15
- Highways
- ☪ Lakes
- ~ Streams



1 inch = 4,602 feet



CITY COUNCIL

February 6, 2014

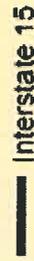
H.I.P. Commercial Condominium Plat Amendment

Legend

Centerlines



City Boundary



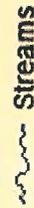
Interstate 15



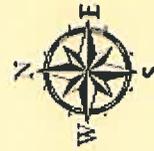
Highways



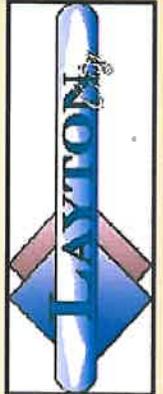
Lakes



Streams



1 inch = 161 feet



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

Item Number: 4.E.

Subject:

Final Plat Approval - Estates at Mutton Hollow Phase 5 - Approximately 1800 East 150 South

Background:

Estates at Mutton Hollow Phase 5 is zoned R-1-10 and contains 22.42 acres, which creates a density of 2.09 units per acre. All 47 of the proposed lots within the phase meet the frontage and area requirements of the zone. The density is 2.60 units per acre for the area minus the 4.37 acres dedicated for the public park.

The development of this subdivision is required to adhere to the associated annexation agreement that was approved with the annexation of property into Layton City by the City Council. The annexation agreement includes the dedication of approximately an eight acre park with a regional storm detention basin. When the property was annexed into the City, the City purchased 3.5 acres for a future park. The remaining 4.37 acres is deeded to Layton City with the subdivision without monetary compensation from the City.

This is the final phase of the Estates at Mutton Hollow, a subdivision of single family detached homes.

Alternatives:

Alternatives are to 1) Grant final plat approval to Estates at Mutton Hollow Phase 5 subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Deny granting final plat approval.

Recommendation:

On January 14, 2014, the Planning Commission unanimously recommended the Council grant final plat approval to Estates at Mutton Hollow Phase 5 subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II

Date: February 6, 2014

Re: Estates at Mutton Hollow Phase 5 Final Plat

Location: Approximately 1800 East 150 South

Zoning: R-1-10 (Single Family Residential)

Background:

Estates at Mutton Hollow Subdivision Phase 5 is located at the eastern end of the subdivision and is zoned R-1-10. This phase is surrounded by single family development to the east and west with agricultural land uses in the unincorporated county to the north and south. The preliminary plat for phases 3, 4 and 5 was approved by the Planning Commission on July 26, 2011 and has been developed consistent with the annexation agreement.

The proposed final plat will consist of 47 lots on 22.42 acres of vacant property, which creates a density of 2.09 units per acre. To give an accurate density, the 4.37 acres for the remaining park property must be subtracted from the 22.42 acres. This would give a true density of 2.60 units per acre. The density easily meets the density range of 2 to 4 units per acre for the R-1-10 zone. All of the 47 proposed lots meet the frontage and area requirements of the R-1-10 zone.

The development of the subdivision will have to adhere to the associated annexation agreement that was approved with the annexation of the property into Layton City by the City Council. An important component of the agreement is the dedication of land for the City park / storm water detention pond. When the proposed subdivision property was annexed into the City the developer sold 3.5 acres to Layton City. The remaining 4.37 acres of property for the park is dedicated to Layton City without monetary compensation.

The park will be approximately 8 acres in size and will have street frontage on both Boynton Road and the future subdivision street of 75 South street. The developer is responsible for the street improvements on both streets, which include utilities, street widening for Boynton

Road and the full street width for 75 South street. Layton City will be responsible for the sidewalk, landscaping and irrigation for the park strips and the fronting along the roads.

Staff Recommendation:

Staff recommends final plat approval be granted subject to meeting all Staff requirements as outlined in Staff memorandums.

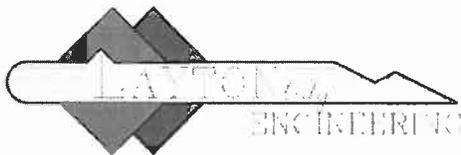
Engineering D.R.

Planning [Signature]

Fire [Signature]

Planning Commission Action: On January 14, 2014, the Planning Commission voted unanimously to recommend the Council grant final plat approval subject to meeting all Staff requirements.

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



MEMORANDUM

TO: Howard Kent; hk@slicom.net
Greg Day; gday@focusutah.com

CC: Community Development
Fire Department

FROM: Shannon Hansen, Staff Engineer

DATE: December 6, 2013

RE: **Estates at Mutton Hollow Phase 5, Final Plans (4th Submittal)**

I have reviewed the dedication plat and construction drawings submitted on November 27, 2013 for the proposed Estates at Mutton Hollow Phase 5, located at approximately 1700 East and 250 South. The plans have been stamped "APPROVED AS CORRECTED."

Per a memo I wrote on February 17, 2012, the park parcel will need to be dedicated to the city no later than December 31, 2013. It is anticipated that the plat will not be recorded prior to this date, therefore this will need to be done by recording a separate deed.

Items to address prior to scheduling a pre-construction meeting:

- **Bonding** - A cost estimate will need to be submitted for review.
- **Lighting** – The developer will be required to pay a total of \$25,690.00 prior to the pre-construction meeting for the purchase of seven SL-02 lights (\$14,000.00) and the installation of the lights by the City's contractor (\$11,690.00). See note 6 under Site Plan for locations.
- A Notice of Intent (NOI) from the State of Utah, Department of Environmental Quality, Division of Water Quality will need to be submitted before scheduling a preconstruction meeting. The NOI may be obtained via the Internet at <http://waterquality.utah.gov>. (Click on the heading "Online Construction Stormwater Permit Issuance System" and follow the instructions). The existing NOI can be updated with the new phase by calling the state to update the acreage.
- Based on the lot configuration seen in the dedication plat and the use of secondary water which reduces the rate by 2/3, the water exaction required for Phase 5 is 10 acre feet. Layton City accepts shares from Kays Creek Irrigation, Holmes Creek Irrigation, and Davis & Weber Canal Company. Each company can tell you a price per share and verify the amount of acre-feet of water included in a share or partial share.
- A copy of the receipt for payment of any required Weber Basin fees will also need to be submitted.
- An electronic file of the drawings in AutoCAD format will need to be submitted.
- An electronic PDF and paper copy of the construction plans on 11x17 sheets will need to be submitted for submittal to the Utah Division of Drinking Water and will need to include a "water/sewer crossing table". See Section 4 – Culinary Water Section item VII (F) located at

<http://laytoncity.org/public/Depts/PubWorks/downloads.aspx>

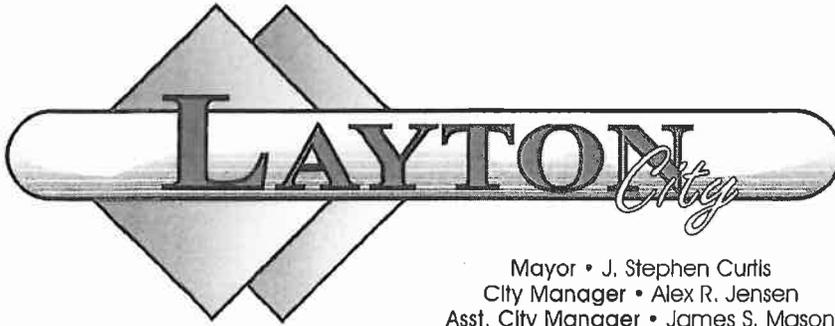
- Submit 5 complete sets of drawings that have been stamped and signed by a Professional Engineer and have the following items corrected/addressed.

Construction Drawings –

1. Street lights will need to be added to the construction drawings at the following locations: Shared lot line 501/502, Shared lot line 507/508, Shared lot line 523/524, Shared lot line 529/530, northeast corner lot 535, and southeast corner lot 542.
2. Tom Winegar has expressed concerns regarding the drainage from the subdivision crossing the access road and causing flooding. We recommend a ditch be cut along the east side of the access road to prevent water run-off from the subdivision flooding the adjoining properties.
3. Sheet PP01, the catch basins on the northeast corner of the intersection are labeled as combination boxes rather than catch basins (SD Combo #501 and #502).
4. Sheet PP02, the catch basins on the northeast corner of the intersection are labeled as combination boxes rather than catch basins (SD Combo #503 and #504).
5. Sheet PP02, the new 6" secondary water lines are too close to the storm drain manhole (#504) and will need to be looped to provide 3' of horizontal clearance with the outside wall of the manhole.
6. Sheet PP04, the notes for LDMH #502 and a storm drain catch basin are overlapping.
7. Sheet PP05, the size of the culinary lateral for the park parcel will need to be noted on the plan.
8. Sheet PP05, lot lines will need to be added to the plan view.
9. Sheet PP06, the catch basin on the southeast corner of the intersection is labeled as a combination box rather than a catch basin (SD Combo #519).
10. Sheet PP07, the leader for the secondary water 4" flow off will need to be pointed at the fixture.
11. Sheet PP08, "Water" will need to be removed from the note concerning the laterals for lots 505 and 506. All laterals will need to connect to the mains in Maple Way.
12. Sheets PP09 and PP10, notes indicating the street cross slope will need to be added to the plan view.
13. Sheets PP09 and PP10, the new 8" secondary water lines are too close to the storm drain manholes (#508 and #506) and will need to be looped to provide 3' of horizontal clearance with the outside wall of the manhole.

Dedication Plat –

1. The note for the easement for Michael Gold near lot 543 will need to be expanded to include the purpose of the easement (secondary water) and will need to be 10' rather than the indicated 10".



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

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

MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Douglas K. Bitton, Fire Prevention Specialist 

RE: Estates at Mutton Hollow Phase V (Final) @ 1700 East 250 South

CC: 1) Engineering
2) Greg Day, gday@focus.utah
3) Howard Kent, hk@slicom.net

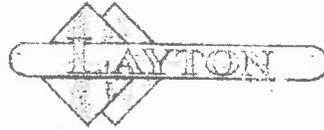
DATE: November 21, 2013

I have reviewed the site plan submitted on November 18, 2013 for the above referenced project. The Fire Prevention Division of this department has no further comments or concerns at this time and **recommends granting final approval for this project.**

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

DKB\Estates At Mutton PH 5 Finalkn
Plan # S13-159, District # 33
Project Tracker #LAY 1308141395





Memorandum

To: Planning Commission
From: Scott Carter, Parks Planner
Date: November 20, 2013
Re: Estates at Mutton Hollow Phase 5 – Final, Update #2 – 1700 East 250 South

The updated construction drawings for this phase of Estates at Mutton Hollow do not show any culinary water or sanitary sewer connections to the park property. The drawings appear to specify two standard secondary water connections at the property line between the two City parcels. Standard sized secondary water connections, which we assume to be not larger than one-inch, are not of sufficient size to serve the park.

A minimum 4 inch sewer lateral and 1 inch culinary water connection for the park are to be provided on 75 South Street toward the lower end of the park property. The minimum secondary water connection shall be a 4 inch and may be constructed at the same location as shown for the two connections on the current plans.

Recommendation

Parks & Recreation recommends that the above noted changes be made to the construction drawings. With those changes final approval may be granted to Estates at Mutton Hollow Phase 5.

CITY COUNCIL

February 6, 2014

Estates at
Mutton Hollow
Phase 5
Final Plat

Legend

 City Boundary

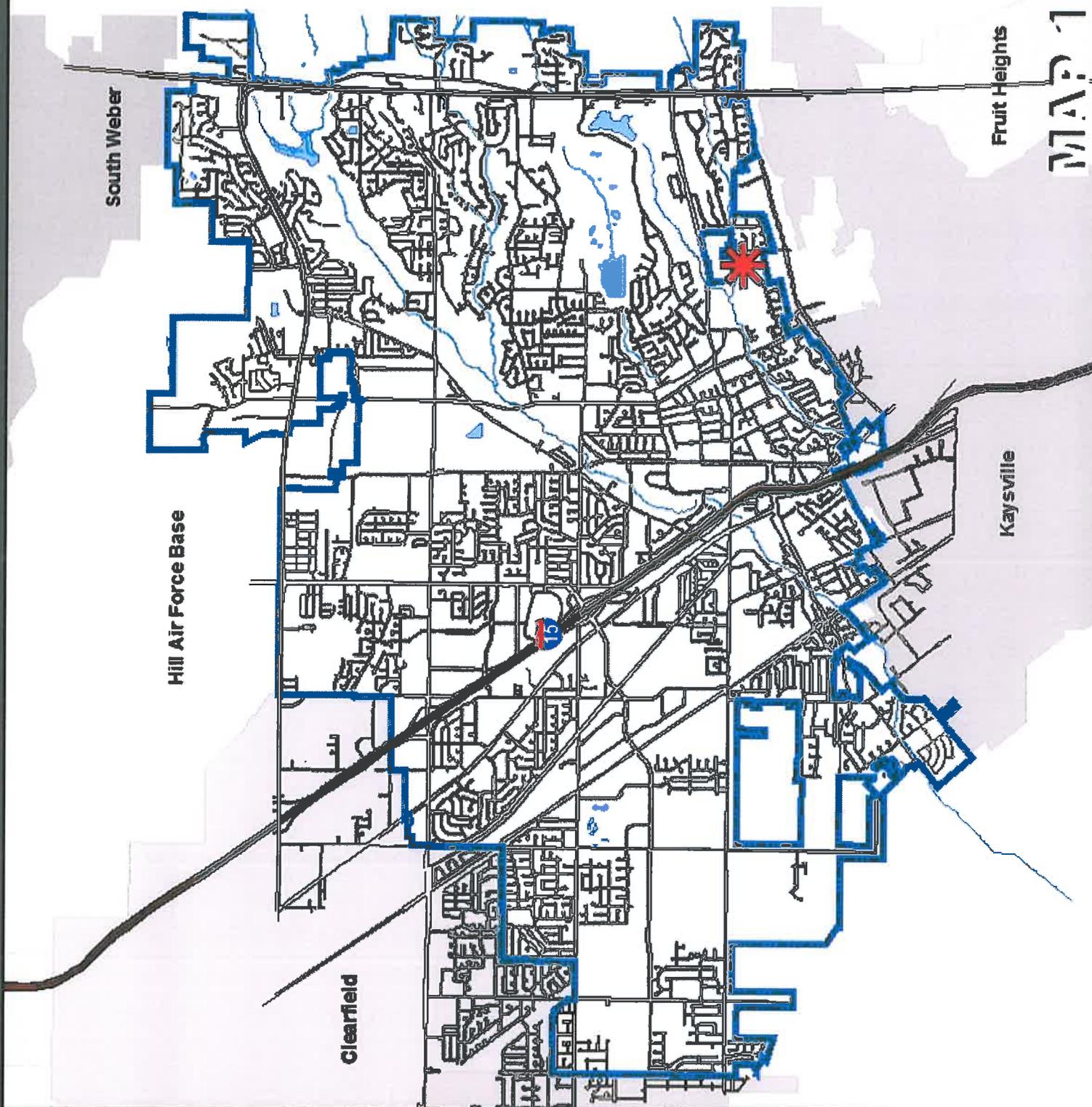
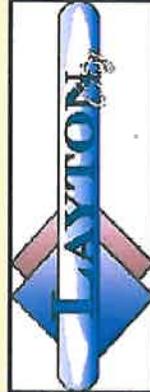
 Interstate 15

 Highways

 Lakes

 Streams

 Project Site



CITY COUNCIL

February 6, 2014

Estates at Mutton Hollow Phase 5 Final Plat

Legend

Centerlines



City Boundary



Interstate 15



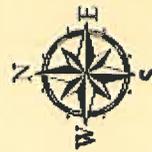
Highways



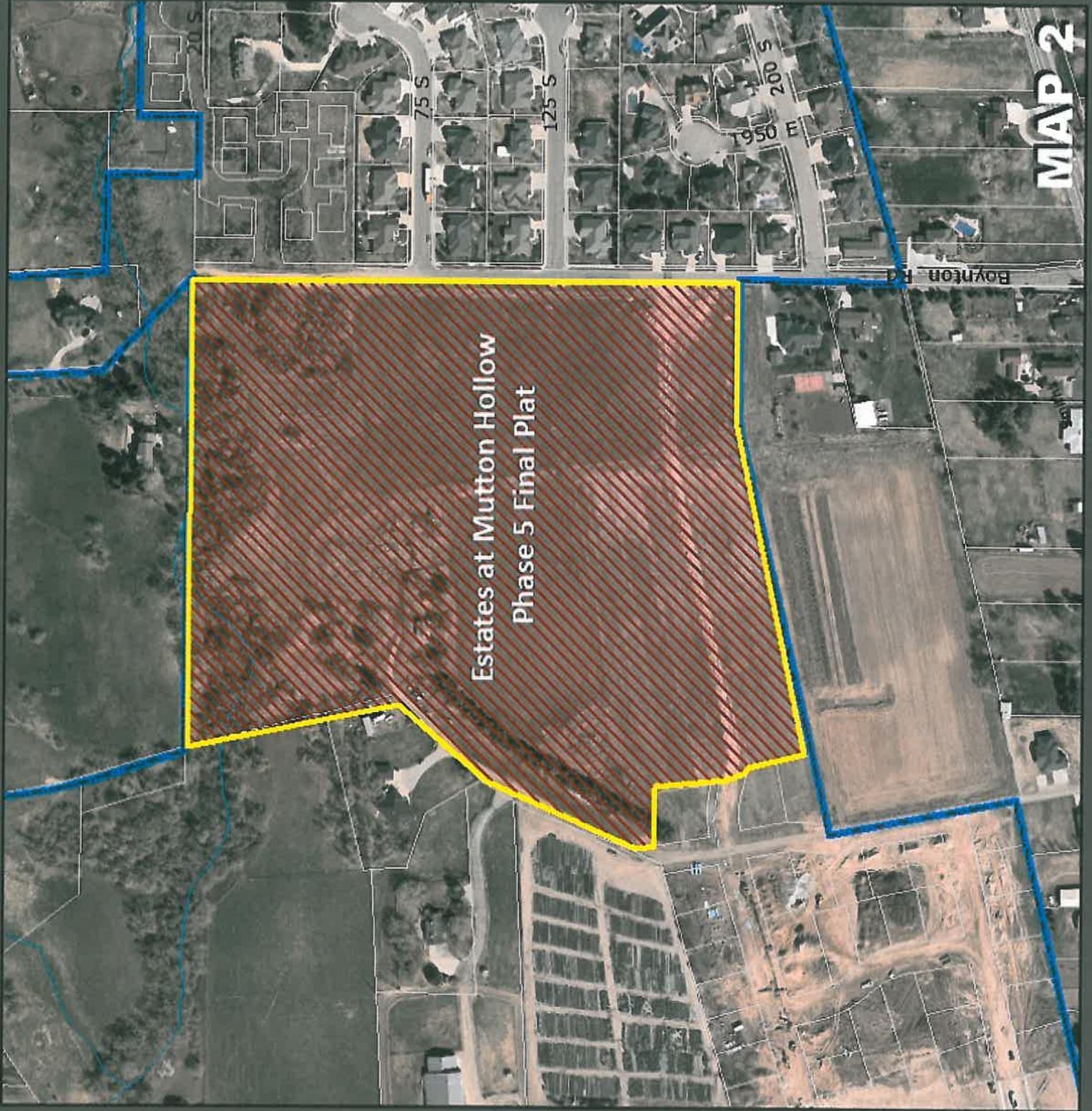
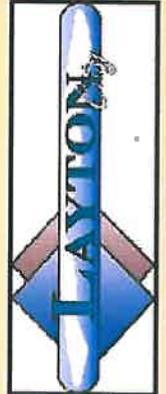
Lakes



Streams



1 inch = 269 feet



MAP 2

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

Item Number: 4.F.

Subject:

Final Plat Approval - Oak Hills PRUD - Approximately 2500 East Oak Hills Drive

Background:

The applicant, Jerry Preston, is requesting final plat approval for the Oak Hills Planned Residential Unit Development (PRUD) to be developed on 7.35 acres of vacant land. Single-family residentially zoned subdivisions surround this proposed development.

The development will consist of eight patio home lots on the flatter east end of the property and then two single-family lots will be further west. This proposed development is regulated under the guidelines of the sensitive land ordinance.

The patio home portion of the PRUD is 3.5 acres. The base density of the R-S zone is 2.5 units per acre. This would allow the development to have nine patio homes and the developer is only proposing eight patio homes. The development is not seeking any density bonus credits. The two single-family lots combined are 3.85 acres and easily meet the zoning requirements for frontage and area of the R-S zone.

Alternatives:

Alternatives are to 1) Grant final plat approval to Oak Hills PRUD subject to meeting all Staff requirements as outlined in Staff memorandums; or 2) Deny granting final plat approval.

Recommendation:

On January 14, 2014, the Planning Commission unanimously recommended the Council grant final plat approval to Oak Hills PRUD subject to meeting all Staff requirements as outlined in Staff memorandums.

Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II

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

Date: February 6, 2014

Re: Oak Hills PRUD Final Plat

Location: Approximately 2500 East Oak Hills Drive

Zoning: R-S PRUD (Residential Suburban with the planned residential unit development overlay)

Background:

On September 19, 2013, the City Council approved the preliminary plat. This proposed development is regulated under the sensitive land ordinance. The development will consist of eight patio home lots on the east end of the property and two single-family lots will be further west.

The proposed PRUD has 3.5 acres where the patio homes are located. The base density of the R-S zone is 2.5 units per acre. This would allow the developer 9 units; however, the developer is proposing 8 units, thus the project is not seeking any bonus density credits. The Design Review Committee reviewed the proposed PRUD and determined it was well designed considering the constraints of the topography. The open space will be concentrated around the patio homes with additional natural open space terrain, incorporating some trails and sitting areas.

The DRC had the following recommendations that were approved with the preliminary plat.

- Install privacy partitions or fencing between units 1 through 4.
- Make minor changes to the front elevation and use different colors on the two-story units.

The two single-family lots will be more difficult to develop based on the steep slopes on the rear of the property. However, the final geotechnical engineer recommendations state that the lots meet the factors of safety and very little mitigation will be necessary. Staff would encourage the developer to keep the buildable areas off the 30% slopes unless mitigated by

the geotechnical recommendations. The patio homes are predominately outside the 30% slope areas.

The development will require its own private drive because UDOT will only allow one access point from Oak Hills Drive, which will be aligned with the Red Fox Ridge Subdivision across the street to the north. Between the UDOT right of way and the private drive there is a landscape buffer requirement, which will include fencing.

The utilities for the development will be directed into Oak Hills Drive where existing utilities are located.

Staff Recommendation:

Staff recommends final plat approval be granted subject to meeting all Staff requirements and DRC recommendations as outlined in Staff memorandums.

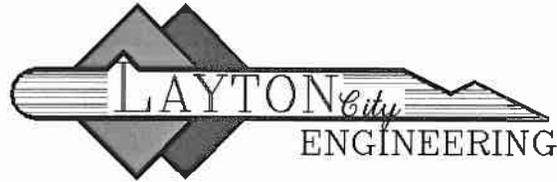
Engineering DR

Planning W

Fire DR

Planning Commission Action: On January 14, 2014, the Planning Commission voted unanimously to recommend the Council grant final plat approval subject to meeting all Staff requirements.

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



MEMORANDUM

TO: Jerry Preston - jerry@elitecrafthomes.com
Derek Lloyd - dlloyd@wildingengineering.com

CC: Community Development Department
Fire Department

FROM: Stephen Jackson, Engineering Department

DATE: December 26, 2013

SUBJECT: Oak Hills Patio Homes PRUD – Final Review (2nd submittal)
2650 East Oakhills Drive

I have reviewed the dedication plat, final plans, and CCR's submitted on December 20, 2013 for the proposed Oak Hills Patio Homes PRUD project located at 2650 East Oak Hills Drive. The plans have been stamped "Approved as Corrected." The following comments and corrections must be addressed prior to scheduling a pre-construction meeting:

Utilities

1. Street lighting will be required along Oak Hills Drive. The developer will be required pay for four (4) SL-04 lights and the installation. Layton City will order and install the lights. The light locations shown are acceptable. The cost for the four (4) SL-04 light will be \$10,000 and the installation will be \$22,130. The street lights must be paid prior to scheduling a pre-construction meeting.

General

1. Five (5) plan sets signed and stamped by a professional engineer must be submitted for the Engineering Department prior to scheduling a pre-construction meeting.
2. A cost estimate for the improvements must be submitted for review. The bonding amount will be determined after the cost estimate has been reviewed.
3. Every new development within Layton City is required to provide irrigation water shares to meet projected culinary water demand. Based on area to be landscaped, the water exaction requirement for this development is 5.0 acre-feet. Layton City accepts Davis-Weber Canal Company, Kays Creek Irrigation, and Holmes Creek Irrigation water shares. The stock certificate must be submitted prior to scheduling a pre-construction meeting.
4. A sanitary sewer/waterline crossing table must be submitted with clearances between the sewer and water crossings and locations listed. This will be forwarded to the State Division of Drinking Water for approval. See Section 4 – Culinary Water – VII (E) of the Development Guidelines at: <http://www.laytoncity.org/public/Depts/PubWorks/downloads.aspx>
5. A copy of the encroachment permit from UDOT must be submitted prior to the pre-construction meeting.

Erosion Control/SWPPP

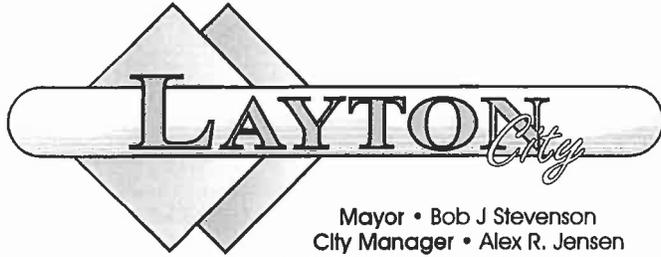
1. This development will require a NOI permit from the Division of Water Quality. A copy of the permit must be submitted prior to scheduling a pre-construction meeting.
2. The steep slopes will require extra protection for erosion control. There is a possibility that the inspector may require more control measures than are shown on the plans based on field conditions.

CCR's

1. Article II paragraphs 2.2(A) and (B) must include wording indicating that Layton City will own and maintain only the water meter and boxes for lots 1 and 2 and the master meter and vault for units 1-8. The ownership and maintenance of the 8" fire line, 3" service line, and all service laterals will be by the HOA. The ownership and maintenance of these utilities must be addressed in the CCR's.
2. The CCR's must address the ownership and maintenance of the private utilities (Sanitary Sewer lines, Water line, Storm Drain lines, Land Drain lines) and must clearly identify who is responsible for maintenance of the utility mains and laterals. If the individual unit owners are to maintain the service laterals and the HOA is to maintain the mains, this must be clearly indicated in the CCR's.

Dedication Plat

1. A title report must be submitted.
2. All easements shown on the title report must be shown on the plat and a signature block provided for the easement owner.
3. The property owner of Lot 74 of Fernwood Hollow #6 must sign the dedication plat or a lot line adjustment must be completed and a copy must be submitted prior to scheduling the pre-construction meeting. This is required to resolve the boundary issue with Fernwood Hollow.
4. The gap between Oak Hills Patio Homes and the Hofstetter property to the east must be resolved by a quit claim or boundary line agreement.



Mayor • Bob J Stevenson
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason

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

MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Douglas K. Bitton, Fire Prevention Specialist

RE: Oak Hills PRUD @ 2500 East Oak Hills Drive

CC: 1) Engineering
2) Derek Lloyd, dloyd@wildingengineering.com
3) Jerry Preston, jerry@elitecraftthomes.com

DATE: January 8, 2014

I have reviewed the site plan submitted on January 7, 2014 for the above referenced project. The Fire Prevention Division of this department has the following comments/concerns.

1. Ensure that all requirements are met on previous review letters dated April 24, 2013 and November 15, 2015 by Fire Marshal Dean Hunt.
2. Referring to the Layton City Municipal Code 16.10.010 which is the adopted 2006 International Wildland Urban Interface Code. The following notes shall be added to the construction note section and general note section of the site plan

"A site specific wild fire risk assessment shall be conducted by ownership with the assistance of the Layton City Fire Department at the time of survey markings and the beginning stages of grading work. Contact the Fire Prevention Division at 801-336-3940."
3. All proposed existing fire notes 31, 32 and 33 appear to be acceptable at this time, as well as the positioning of the proposed fire hydrants.

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

DKB\Oak Hills PRUD:kn
Plan # S14-003, District # 33 Project Tracker #LAY 1304101360





Memorandum

To: Planning Commission
From: Scott Carter, Parks Planner
Date: November 15, 2013
Re: Oakhills Patio Homes PRUD – Final – 2500 East Oakhills Drive

The Parks & Recreation Department will not be adversely impacted by the proposed Oakhills Patio Homes PRUD.

Note #11 on the plat identifies the maintenance responsibilities of the project HOA. That note should also include all of the common area and any street buffer improvements including landscaping, irrigation and fencing or walls.

Recommendation

Parks & Recreation supports final approval of the proposed Oakhills Patio Homes PRUD with the additional language included in Note #11 on the plat.

CITY COUNCIL

February 6, 2014

Oak Hills Patio Homes PRUD

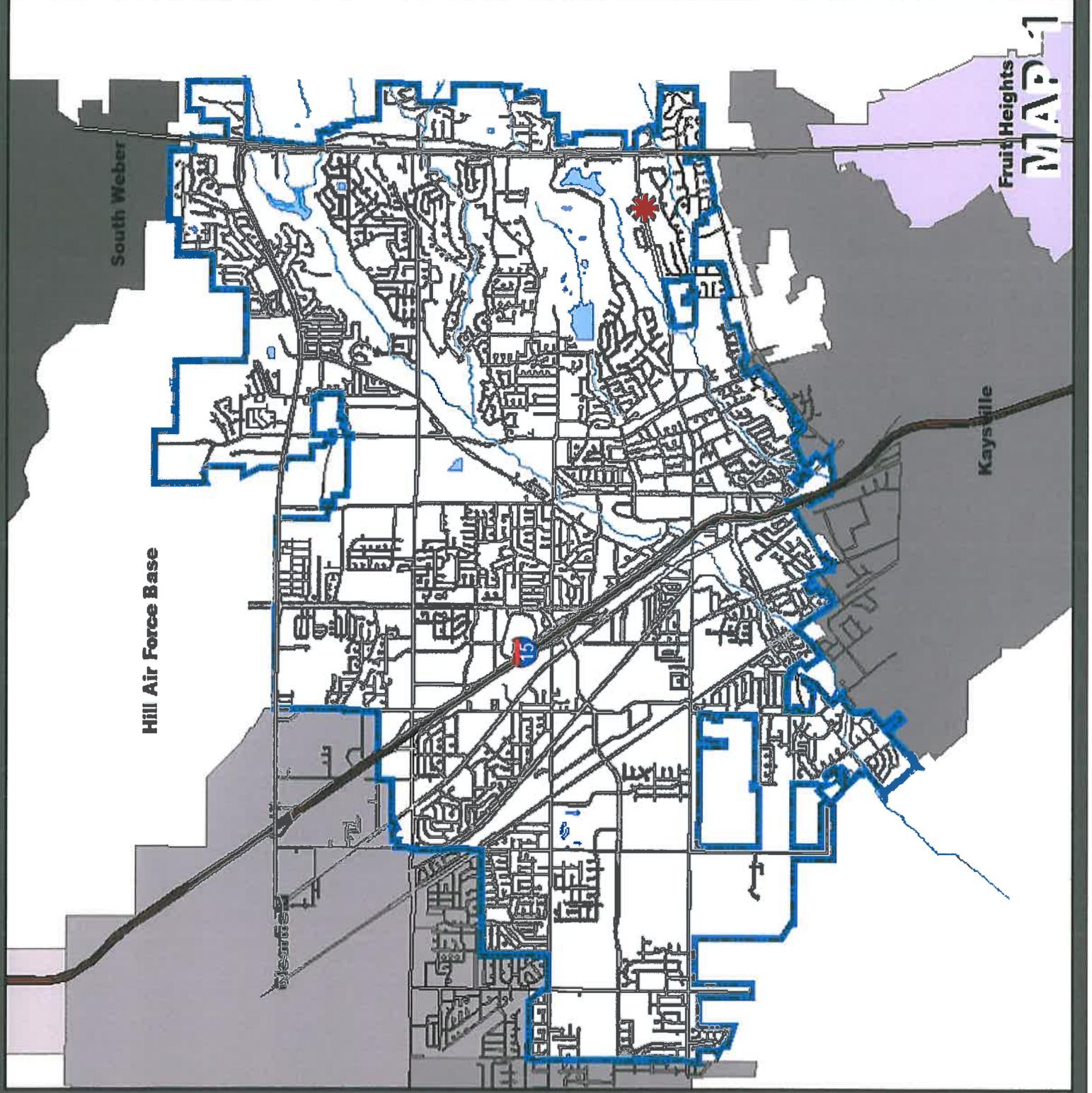
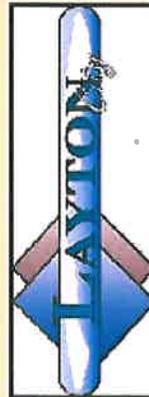
Final Plat

Legend

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



1 inch = 5,000 feet



CITY COUNCIL

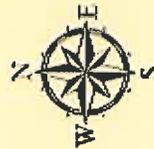
February 6, 2014

Oak Hills Patio Homes PRUD

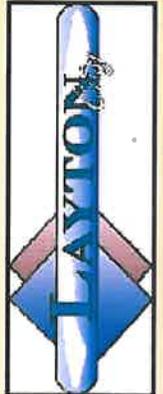
Final Plat

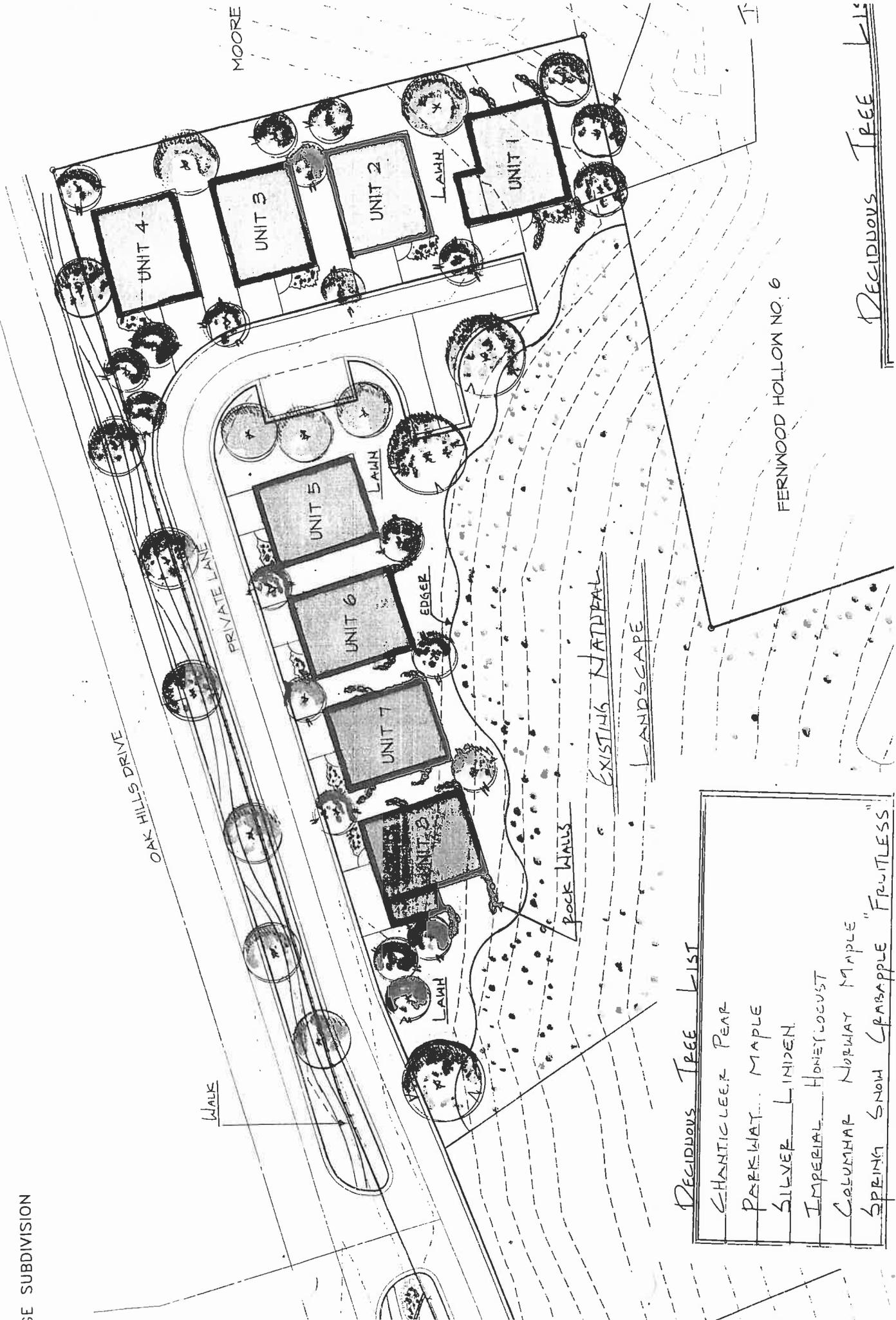
Legend

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



1 inch = 208 feet





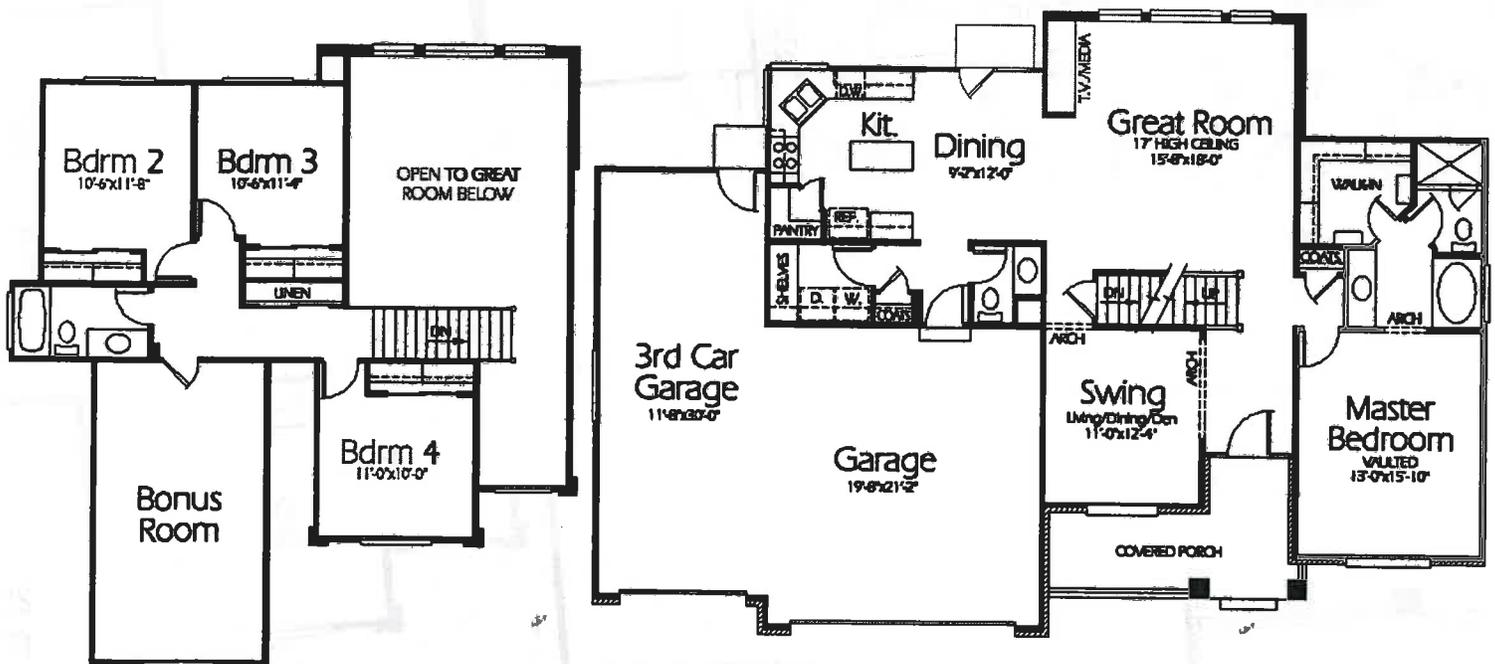
DECIDUOUS TREE LIST

SHANTICLEER PEAR
PARKWAY MAPLE
SILVER LINIDEN
IMPERIAL HONEYLOCUST
COLUMBIAN NORWAY MAPLE
SPRING SNOW GRABAPPLE "FRUITLESS"

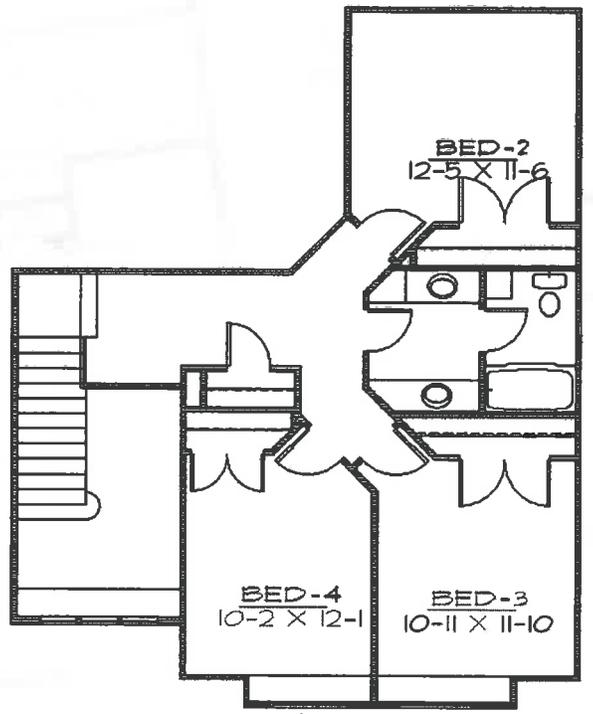
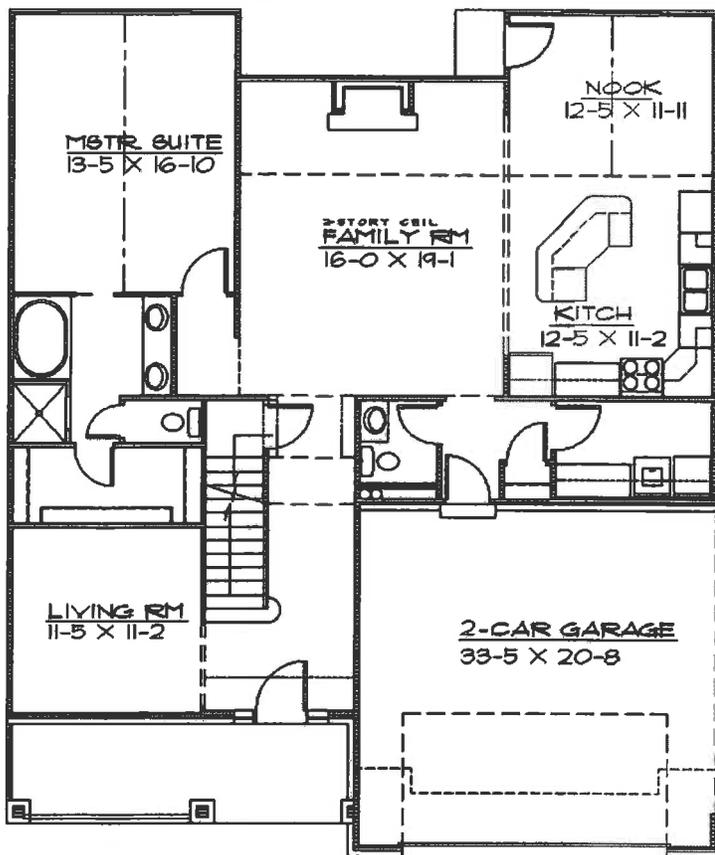
DECIDUOUS TREE LIST

Two Story • 2,002c Sq. Ft.
 Finished with 3 Car Garage

Elite **CRAFT**
HOMES

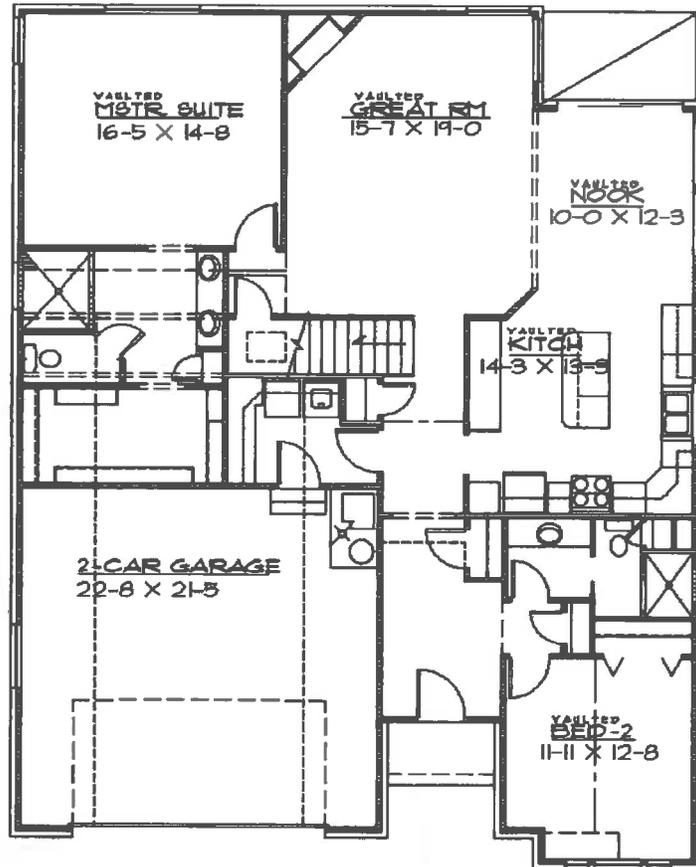


PUD • 2,259 Sq. Ft.
Finished with 2 Car Garage



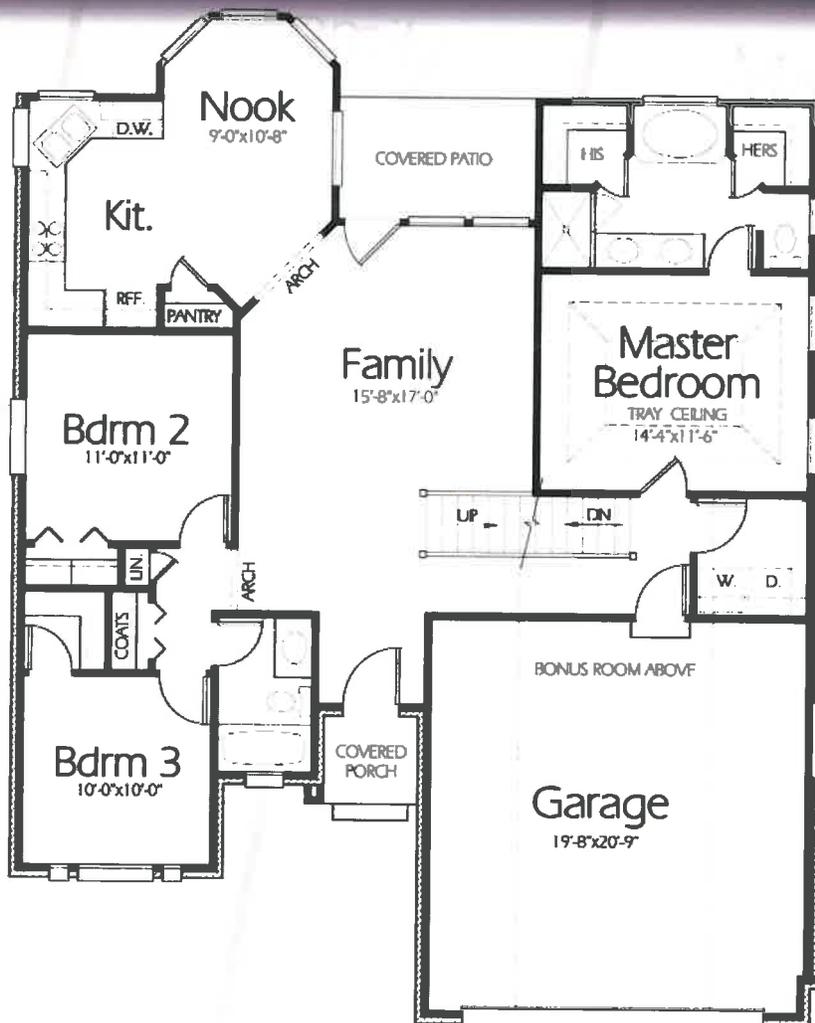
PUD • 1,654 Sq. Ft. with Bonus Room
Finished with 2 Car Garage

Elite CRAFT
HOMES



PUD • 1,388a Sq. Ft.
Finished with 2 Car Garage

Elite **CRAFT**
HOMES



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

Item Number: 5.A.

Subject:

Community Development Block Grant Annual Action Plan for Fiscal Year 2014-2015

Background:

As an entitlement Grantee of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG), Layton City is required to develop an Annual Action Plan. The Plan outlines how the City will allocate its allotment of CDBG funds during the upcoming Program Year, July 1, 2014 to June 30, 2015. HUD regulations require two public hearings during the preparation of the Plan.

This is the first public hearing which is being held to gather information from the public concerning the needs within Layton City. Community organizations may present requests for assistance with their operational costs. There is no action required on this item. The finalized Plan will be presented to the Council in May.

Alternatives:

N/A

Recommendation:

N/A

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

Item Number: 8.A.

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.

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.

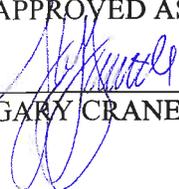
PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2014.

ROBERT J STEVENSON, Mayor

ATTEST:

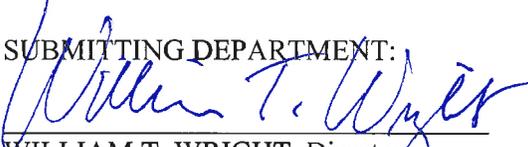
THIEDA WELLMAN, City Recorder

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.
- 4.3.3. The footprint of the office building shall not exceed 7,500 square feet.
- 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:

ROBERT 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"

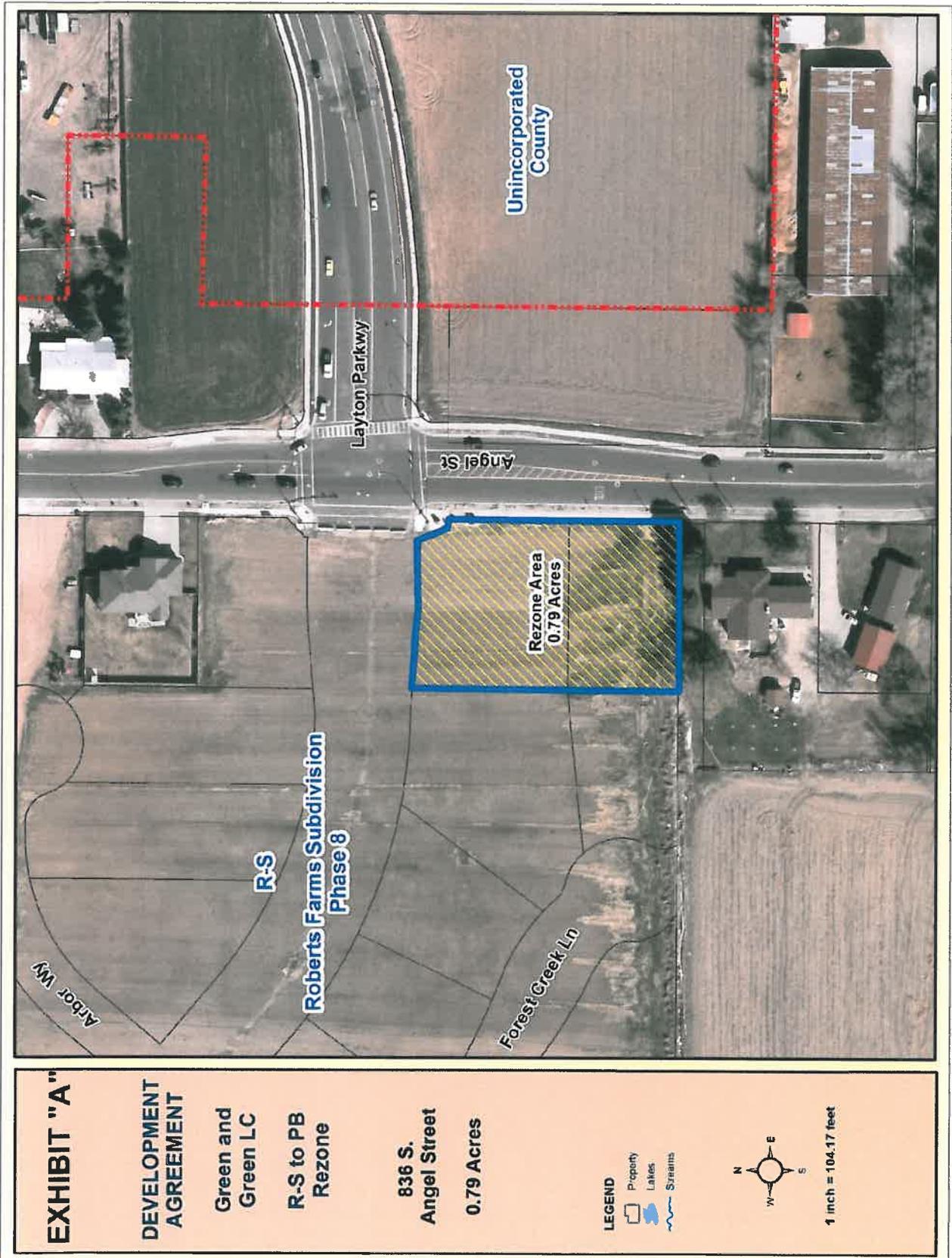


EXHIBIT "A"

DEVELOPMENT AGREEMENT

Green and Green LC

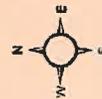
R-S to PB Rezone

836 S. Angel Street

0.79 Acres

LEGEND

- Property
- Lakes
- Streams



1 inch = 104.17 feet

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.

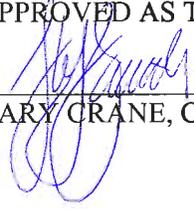
PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2014.

ROBERT J STEVENSON, Mayor

ATTEST:

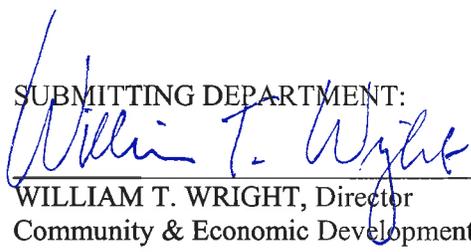
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

STAFF REPORT

To: City Council

From: Peter Matson, AICP - City Planner 

Date: February 6, 2014 City Council Meeting

Re: 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 – January 16, 2013 Joint Meeting of the City Council and Planning Commission:

The City Council and Planning Commission held a joint work meeting on January 16, 2014 to review and discuss the issues associated with the rezone request and the draft development agreement.

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 Parkway 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 $2 \times 1.02 = 2.04$ 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

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 Fire [Signature]

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 Fire [Signature]

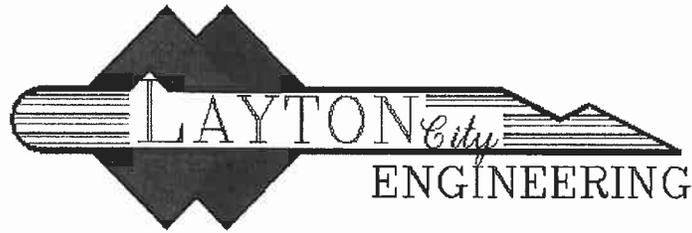
Planning Commission Proceedings and Recommendation:

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



MEMORANDUM

To: Ed Green – edgontherun@comcast.net
Chris Cave – ccave@reeve-assoc.com

From: Stephen Jackson, Engineering Department

CC: Building/Community Development/Fire Department

Date: June 25, 2013

RE: **Roberts Farms Phase 8 Rezone – Lots 815 and 816**

I have reviewed rezone application submitted on June 18, 2013 for the Roberts Farms Subdivision Phase 8 – Lots 815 and 816 located at approximately 750 South Angel Street. The Engineering Department recommends that the rezone be approved subject to the following comments.

General

1. The Engineering Department has no issues with the proposed zoning change from R-S to PB
2. Drive approaches must be 20 feet from property lines on commercial sites and must be at least 200 feet from intersections where traffic signals are present. The location of the drive approach to this parcel will be reviewed with the site plan submittal.



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

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

MEMORANDUM

TO: Community Development, Attention: Julie Jewell

FROM: Douglas K. Bitton, Fire Prevention Specialist 

RE: Green and Green Rezone Roberts 8 @ 750 South Angel Street

CC: 1) Ed Green, edgontherun@comcast.net
2) Chris Cave, ccave@reeveassoc.com

DATE: June 26, 2013

I have reviewed the site plan received on June 18, 2013 for the above referenced project. The Fire Department, with regards to the rezone, does not have any comments at this time.

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

DB\Green and Green RZ:kn
Plan # S13-077, District # 42
Project Tracker: #LAY 1308181377





Memorandum

To: Planning Commission
From: Scott Carter, Parks Planner
Date: June 20, 2013
Re: Green & Green Rezone, R-S to PB – 750 South Angel Street

The Parks & Recreation Department sees no adverse impacts to existing facilities or the long-term plans of the department related to the proposed Green & Green Rezone, R-S to PB.

Recommendation

Parks & Recreation supports approval of the rezone.

City Council Meeting

February 6, 2014

Green and Green
Rezone

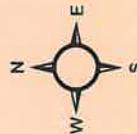
R-S to PB

836 S.
Angel Street

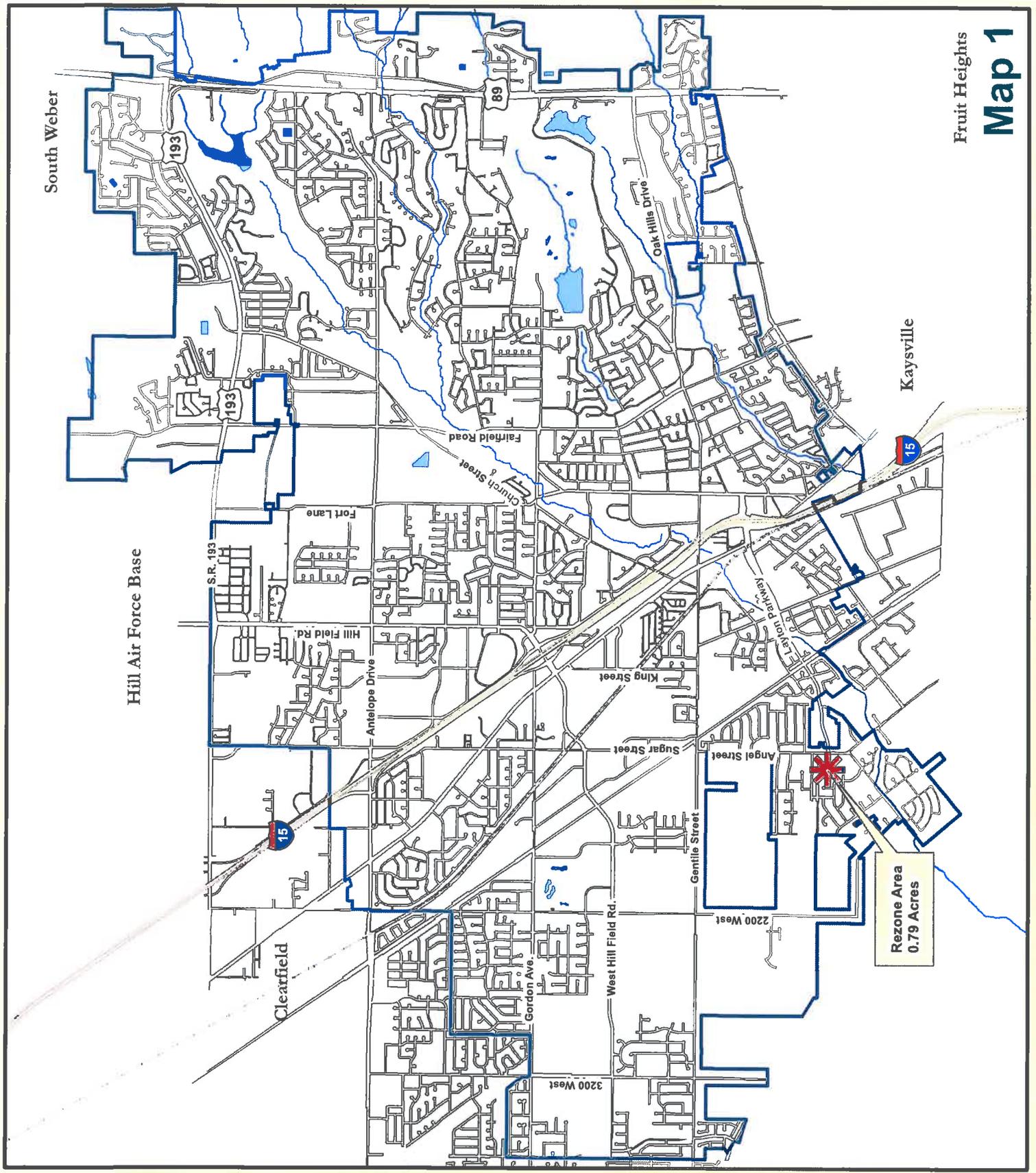
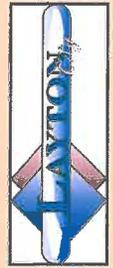
0.79 Acres

LEGEND

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



1 inch = 4,250 feet



City Council Meeting

February 6, 2014

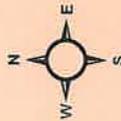
Green and Green Rezone

R-S to PB

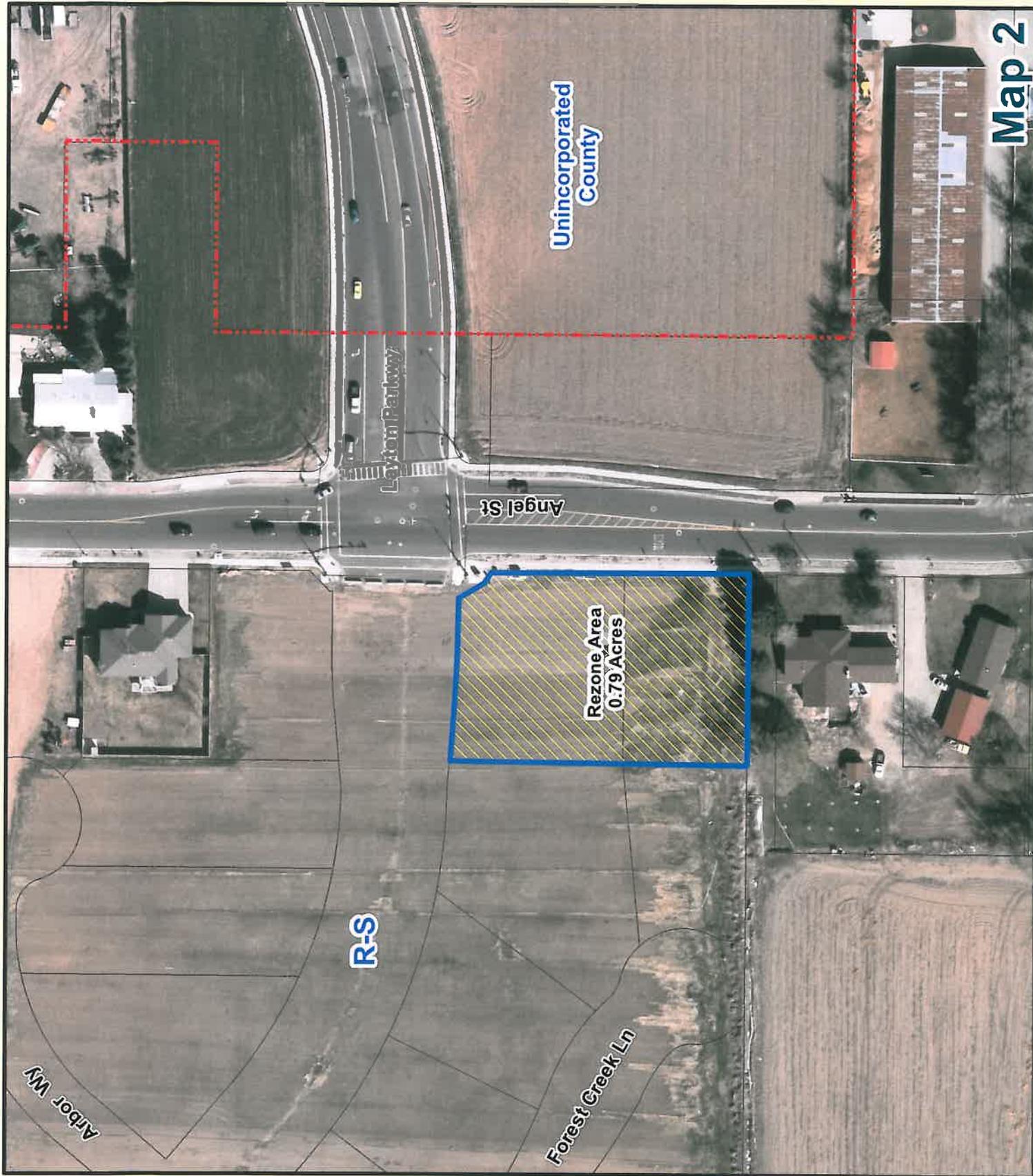
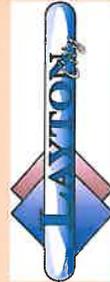
836 S. Angel Street
0.79 Acres

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

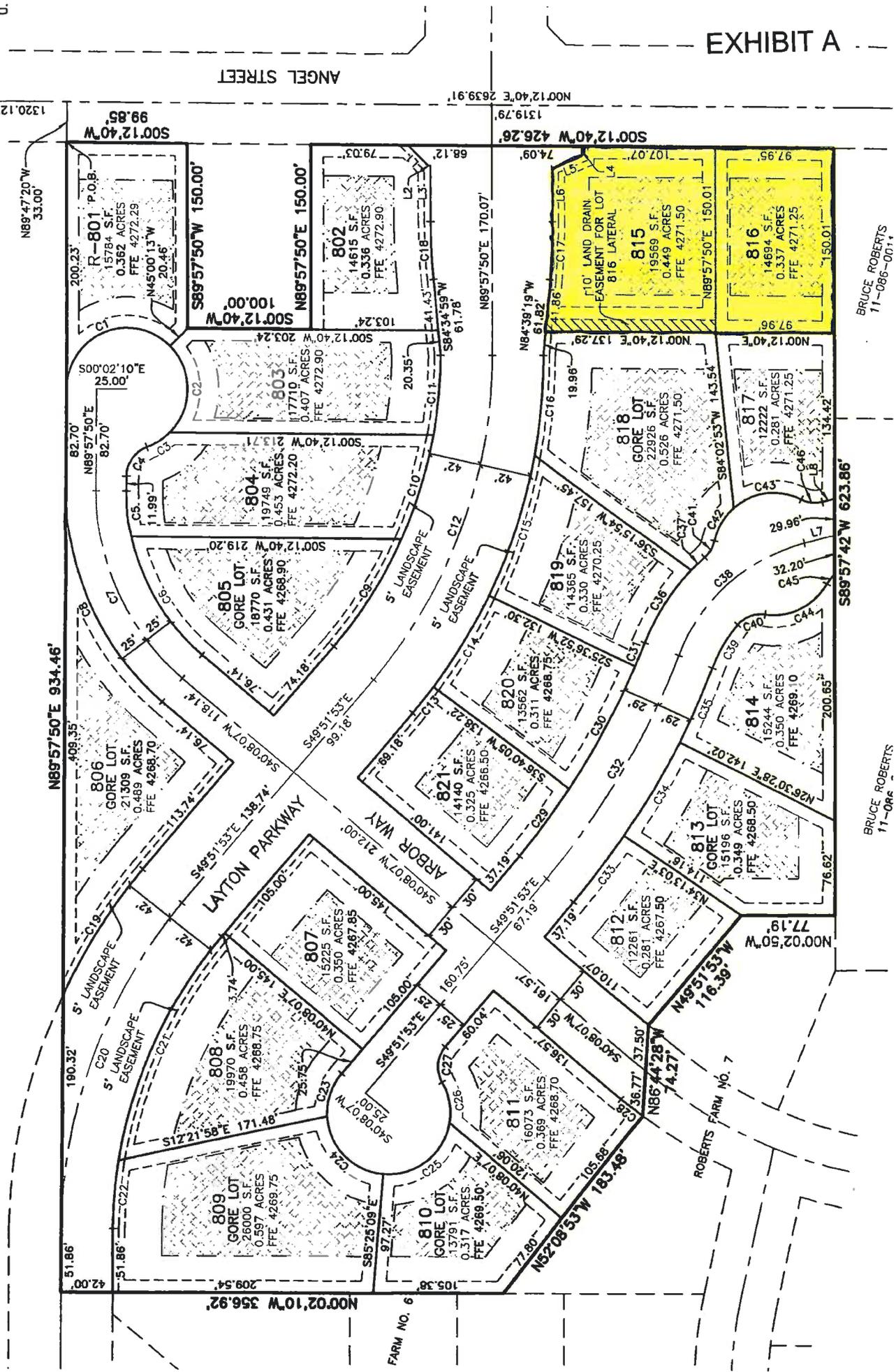
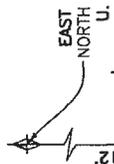


EXHIBIT A

BRUCE ROBERTS
 11-086-001

BRUCE ROBERTS
 11-086

GREEN AND GREEN REZONE -- R-S to PB

Rezone Property -- Site Photos

EXHIBIT B



NEIGHBORHOOD CONNECTIVITY MAP

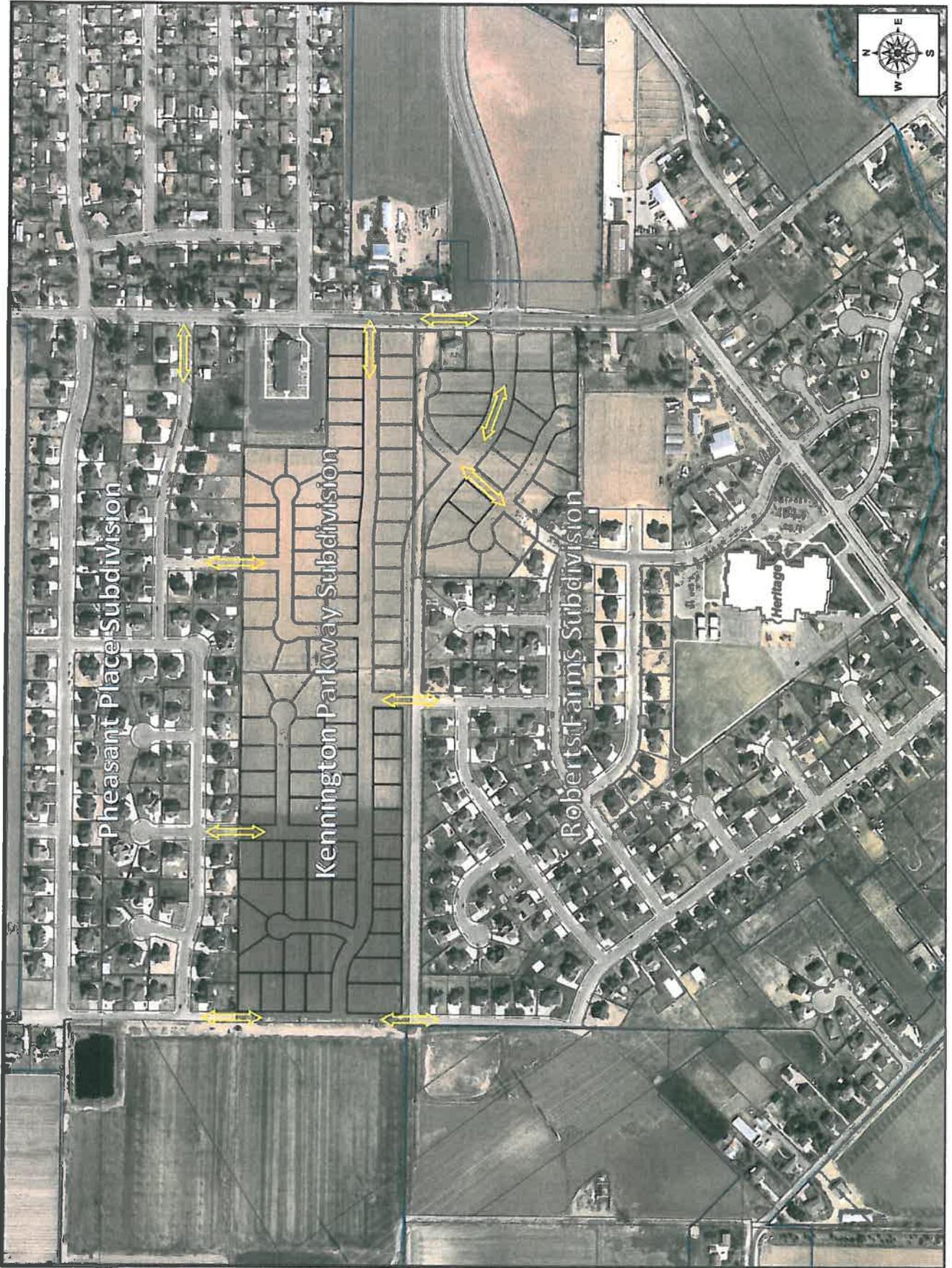


EXHIBIT D

South Weber

Fruit Heights

Kaysville

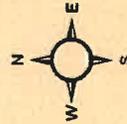
Hill Air Force Base

City-Wide Professional Business Zoning

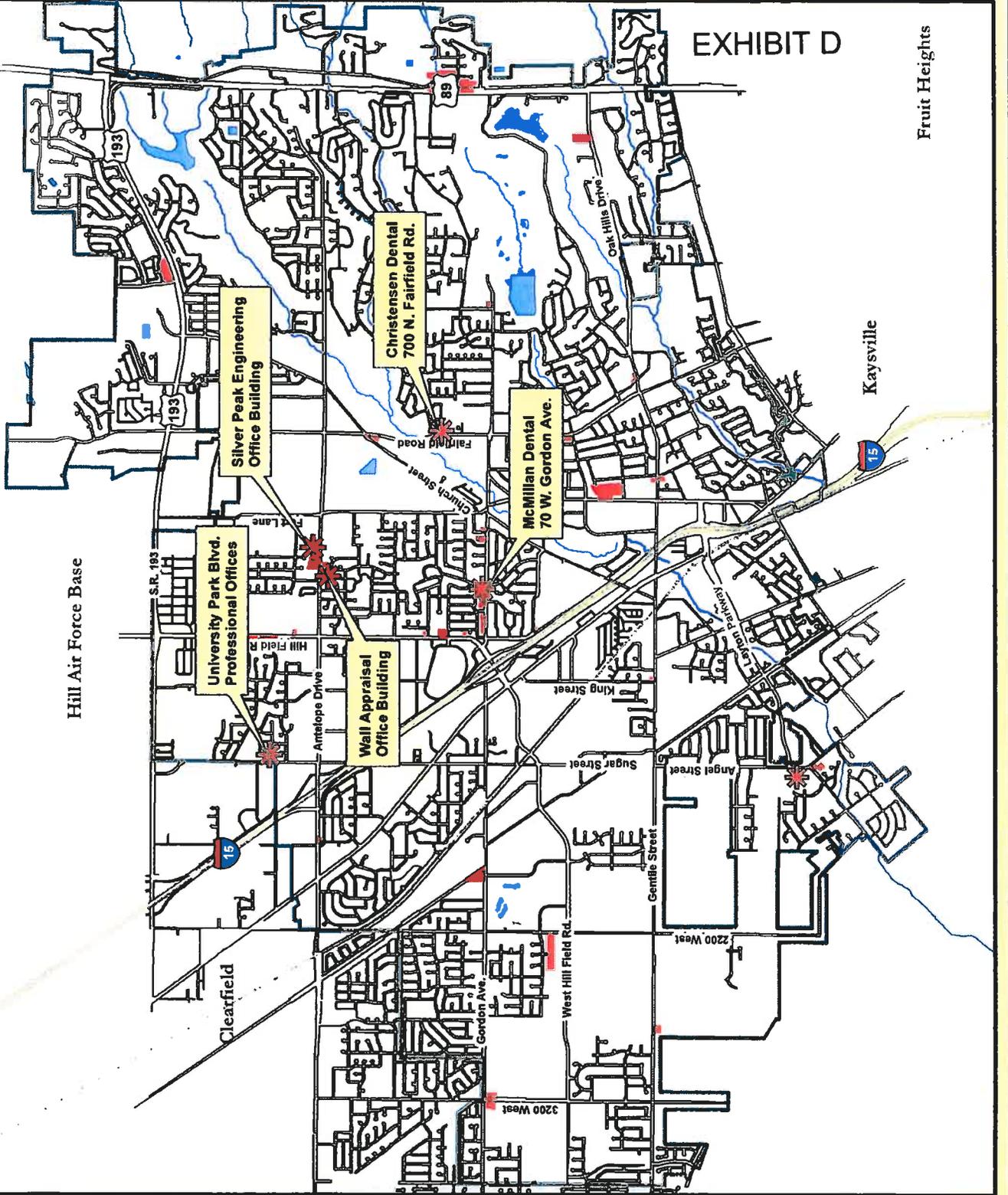
Specific Office Building Examples

LEGEND

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



1 Inch = 4,250 feet

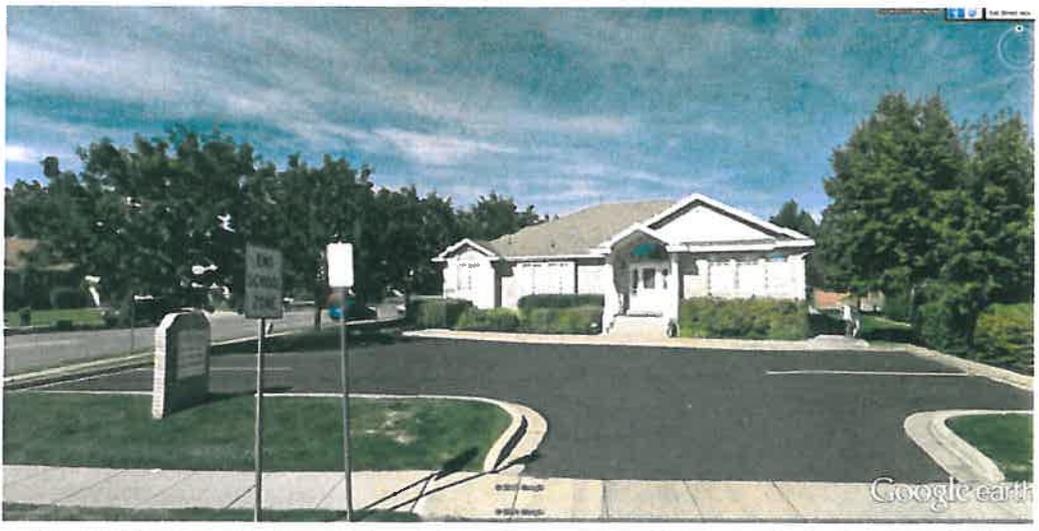


CHRISTENSEN DENTAL OFFICE

EXHIBIT E



MCMILLAN DENTAL OFFICE



SILVER PEAK ENGINEERING OFFICE BUILDING



WALL APPRAISAL OFFICE BUILDING

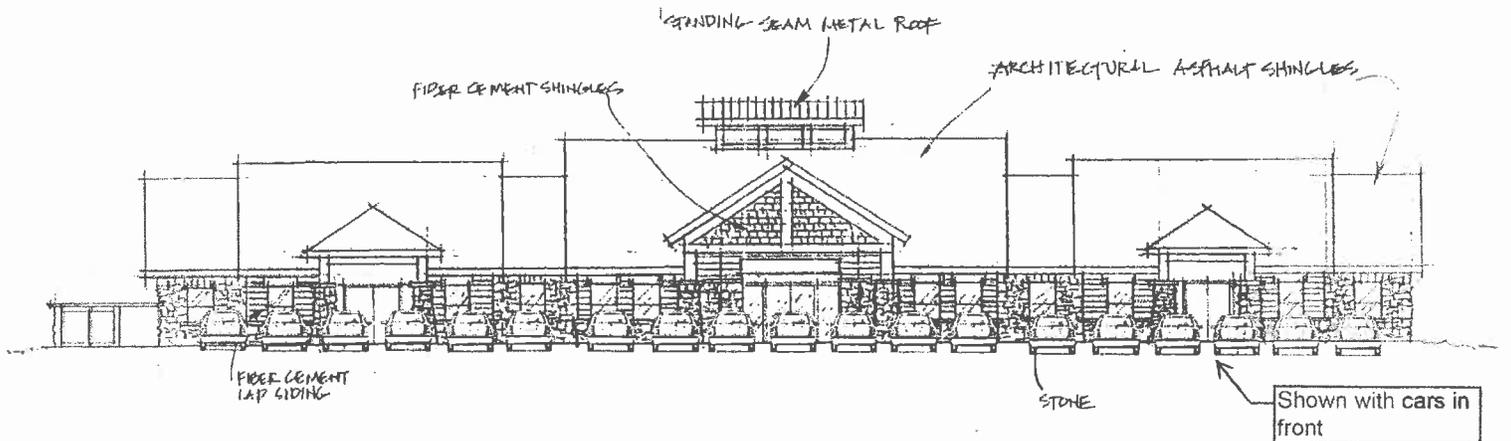
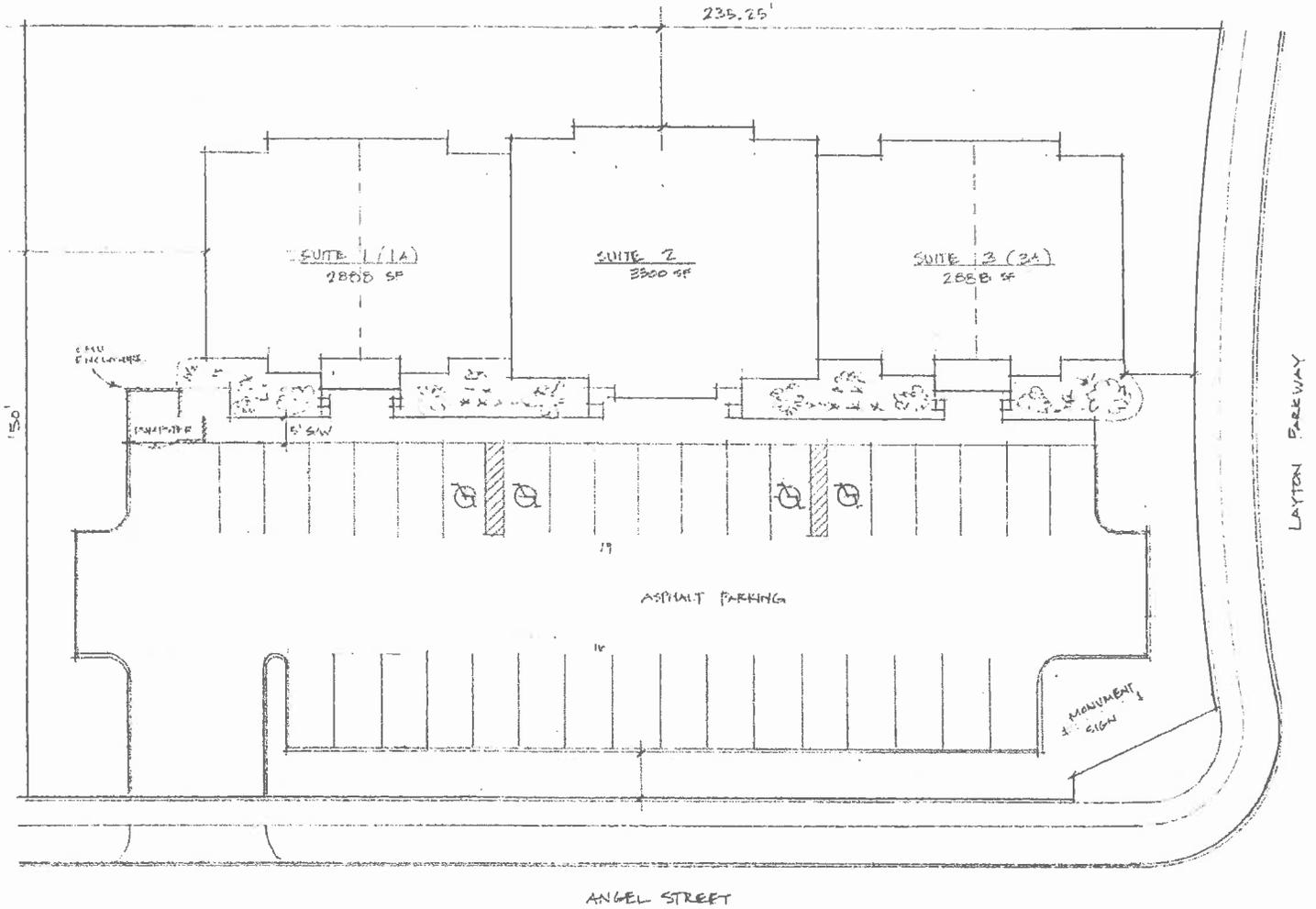


UNIVERSITY PARK BLVD. OFFICE BUILDINGS

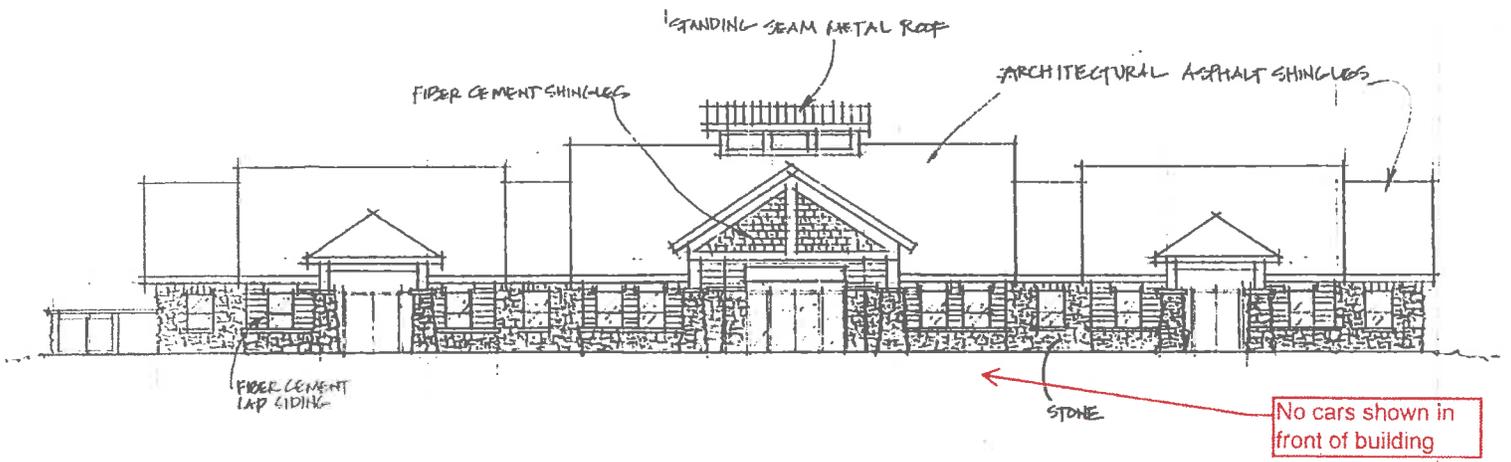
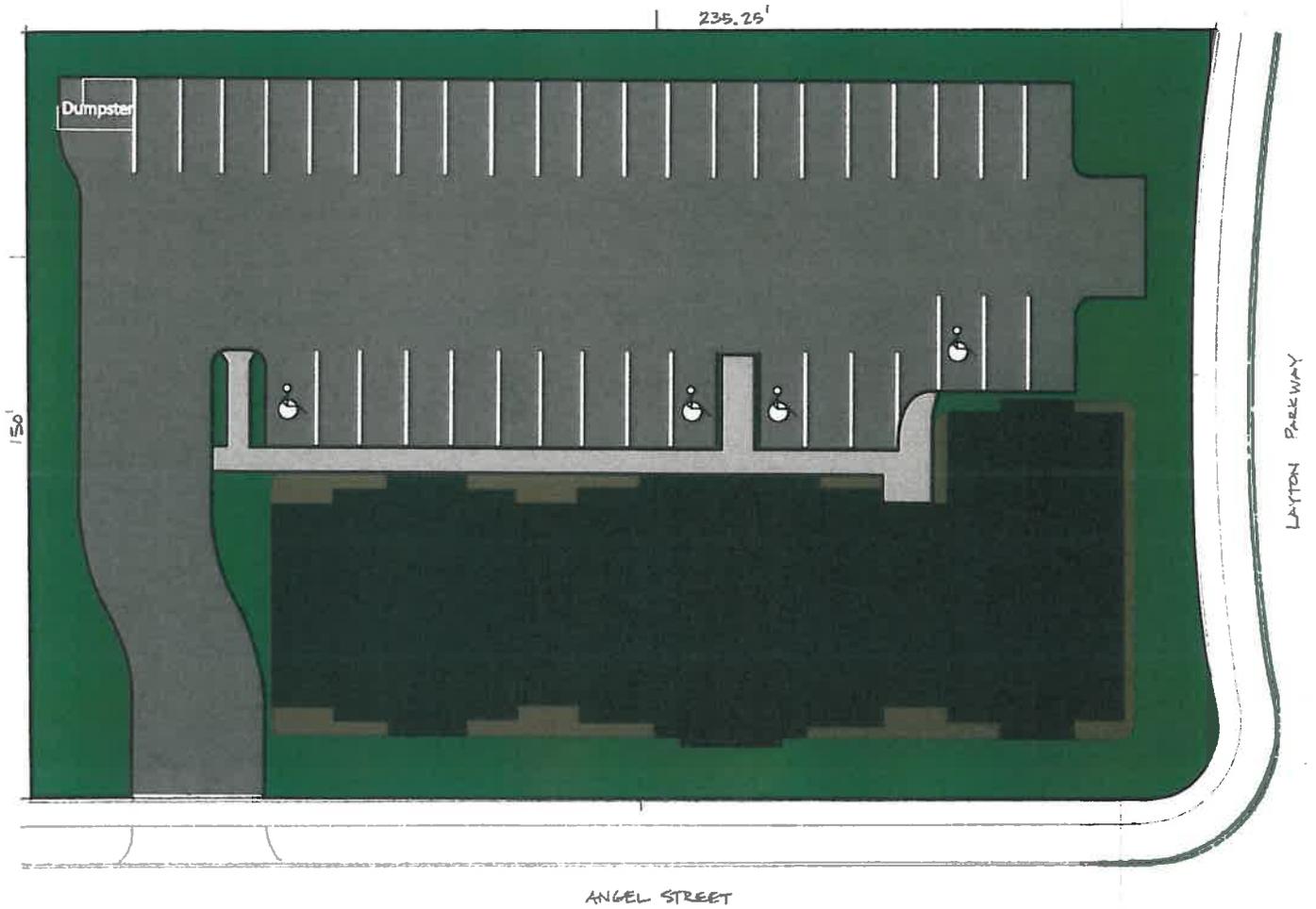


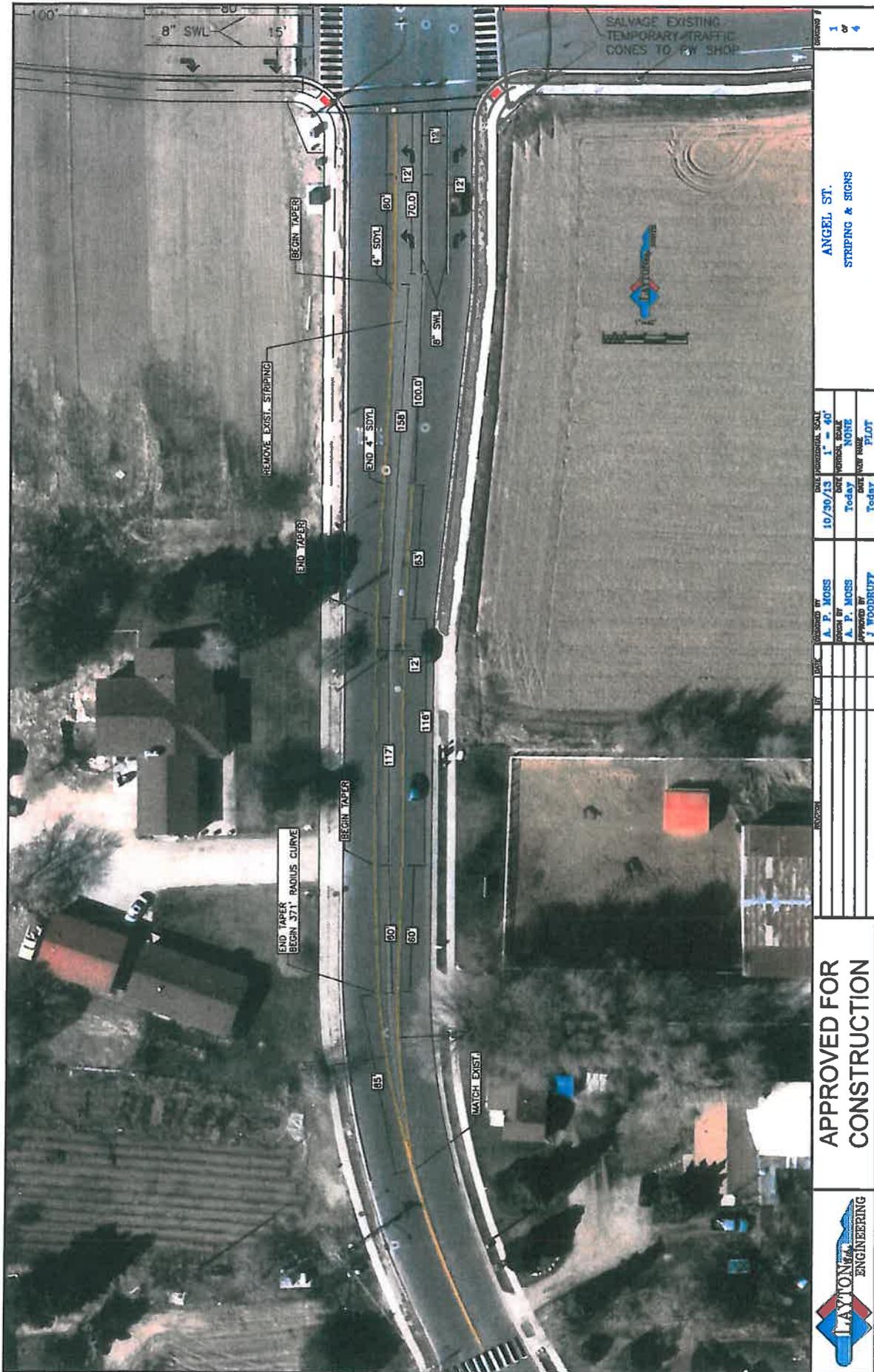
GREEN AND GREEN REZONE – R-S to PB

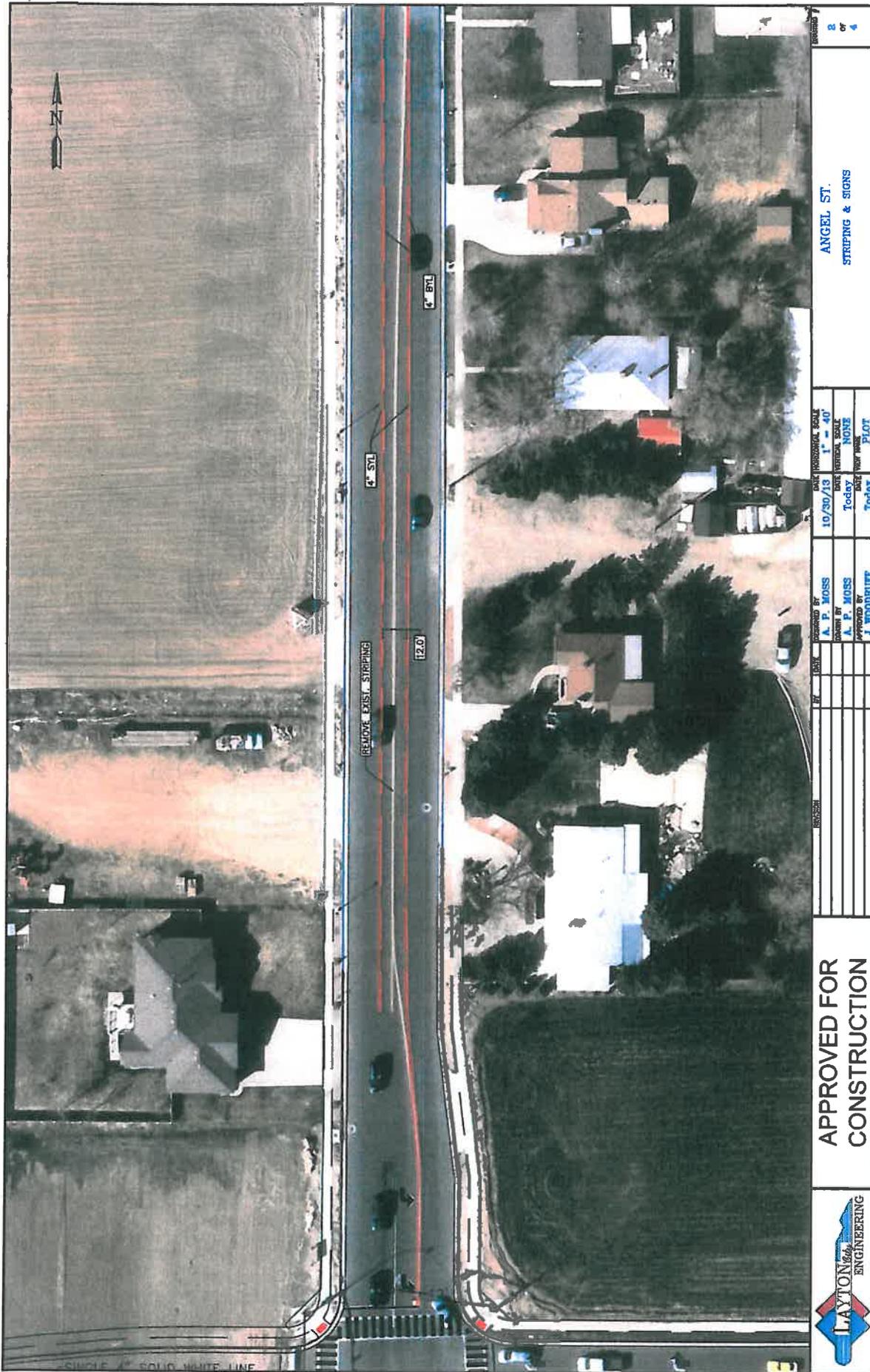
Sketch Plan Example – Parking in Front



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









**APPROVED FOR
CONSTRUCTION**



NO.	DATE	BY	REVISION

DESIGNED BY
A. P. MOSS
DATE
10/30/13

CHECKED BY
A. P. MOSS
DATE
Today

APPROVED BY
J. WOODRUFF
DATE
Today

DATE
10/30/13

HORIZONTAL SCALE
1" = 40'

VERTICAL SCALE
NONE

DATE
Today

BY
PJL

**ANGEL ST.
STRIPING & SIGNS**

DRAWING NO.
3 & 4



		<p>APPROVED FOR CONSTRUCTION</p>		<p>DATE: 10/30/13</p>	<p>DATE: Today</p>	<p>DATE: Today</p>	<p>DATE: Today</p>
				<p>SCALE: 1" = 40'</p>	<p>SCALE: NONE</p>	<p>SCALE: NONE</p>	<p>SCALE: PLOT</p>
<p>DESIGNED BY: A. P. MOSS</p>	<p>APPROVED BY: J. WOODRUFF</p>	<p>PROJECT: ANGELO ST. STRIPING & SIGNS</p>	<p>DATE: 10/30/13</p>	<p>DATE: Today</p>	<p>DATE: Today</p>	<p>DATE: Today</p>	<p>DATE: Today</p>

EXHIBIT J

