

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

NOVEMBER 19, 2020; 5:31 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, TIM WATKINS, BRANDON
RYPHEN, LON CROWELL, AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Thomas announced all City Recreation Programs had been cancelled due to the Governor's suggestion. He mentioned the City's annual Christmas Lighting Program for Commons Park scheduled for Monday, November 23, 2020, would be significantly scaled back this year.

COUNCIL TRAINING

Gary Crane, City Attorney, shared an illustration and announced the training would be specific to development agreements. He shared the example specific to "Lion's Back" in Moab. He stated the Legislature would take action on development agreements this coming year and referred to a handout. He pointed out the importance of staying within the ordinance and reviewed the different ways in which development agreements would come before the Council for approval. He cautioned the Council in exceeding what the ordinance allowed the Council to mandate or enforce relative to development agreements.

He asked if there were any questions from the Council.

Councilmember Fitzpatrick requested clarification with certain language reflected in the handout and Mr. Crane continued to explain and share examples of circumstances which illustrated the point the City couldn't stipulate or require anything greater than the normal via development agreement.

SENATE BILL 34 – AMEND MODERATE INCOME HOUSING PLAN REPORT

Chad Wilkinson, Community and Economic Development Director, informed the Council as part of Senate Bill 34, the City was required to adopt a Moderate Income Housing element to the General Plan. He reported it had been included with the General Plan which was adopted by the Council last year. He added the state law also required an annual report be presented to the Council identifying how the City was accomplishing the identified goals and policies of the Plan. He reviewed the 23 Strategies identified by the State which required the City to implement at least three or more and indicated the City had completed more than that; however, he was prepared to report on four. He mentioned following the report to the City Council, the City would forward the report to the Department of Workforce Services, Wasatch Front Regional Council (WFRC), and others required by statute. He reviewed the following:

- Strategy 1 – Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers, etc. He reported one of the

projects approved this past year was a 20-unit studio apartment building located at Valeria and Gordon Avenue.

- Strategy 2 – Continue to promote investments near transit in RDA (Redevelopment Area) and Opportunity Zone areas. He reminded the Council of the Kays Crossing development and mentioned other developments were located close to the transit and specifically mentioned Layton Parkway Apartments which was also approved last year. He also mentioned the Winkle property consolidation would contribute to achieving that goal.
- Strategy 3 – Parking reduction and spoke to the recently adopted parking ordinance specific to multi-family parking based on actual use demand changes the Council recently adopted. He mentioned these areas were those in which someone could live without the need for vehicle ownership.
- Strategy 4 – Coordination with WFRC (Wasatch Front Regional Council), UDOT (Utah Department of Transportation), and UTA (Utah Transit Authority) to work with them regarding multi-jurisdictional land use and transportation strategies. He added those agencies were involved with the General Plan update and identified the collaboration specific to funding contribution and collaboration between the agencies.

He reported the other piece of the report was to report on the 5-year projections for affordable housing needs and reviewed those statistics with the Council.

He shared 5-year projections for affordable housing needs and reviewed them with the Council. He complimented Brandon Rypien, Planner, and Tim Watkins, City Planner, for their efforts and analysis for both the Moderate Income Housing Plan and on the Report. He reviewed the estimate of the City's rental housing needs, provided by the Department of Workforce Services based on projections and explained how the information was gathered. He pointed out based on the calculations, the City was 600 housing units short specific to the 30% of the county's adjusted median family income and indicated these units were considered subsidized housing.

He concluded the report to Council and emphasized Staff wasn't looking for any changes to City policy or the General Plan and asked if there were any questions.

Councilmember Fitzpatrick asked what was the City doing to increase affordable rental options for the low income residents and expressed her opinion it was directly related to homelessness within the community. She also requested clarification pertaining to the text in the actual report which reflected the City had approved 500 units since adopting the reduced parking requirements in September. Mr. Wilkinson responded the revision for the development of the Jaques property and the proposed Layton Parkway Apartments. He expressed agreement with Councilmember Fitzpatrick's comments regarding housing options for low income residents and believed those needs should be addressed and indicated it would be a collaborative effort in conjunction with the county and state. He announced this report would be forwarded to the Department of Workforce Services, as required.

PROPOSED AMENDMENTS TO LAYTON MUNICIPAL CODE – TITLE 19, ZONING; CHAPTER 19.02, DEFINITIONS; CHAPTER 19.06, LAND USE REGULATIONS; SECTION 19.06.030, HOME OCCUPATION

Mr. Wilkinson informed the Council the proposed text amendment had advanced through the Planning Commission and their requested changes had been included in this packet. He stated the Planning Commission was scheduled to review this final version during its meeting on Tuesday, November 24, 2020, before forwarding a recommendation to the Council. He reviewed the following:

- low impact home occupation (allows for one additional non-resident employee)
- high impact home occupation (allows for two additional non-resident employees and/or clients on site)
- high impact (barbers, consultants, contractor – no yard storage, in-person counseling, home instruction)
- high impact review process

- applicant collects neighbor signatures, or participates in Planning Commission Conditional Use review
- Conditions may limit hours, visitors, require parking, etc.
- Unlimited off-site employees which would never come to the home such as consultants (for low and high) – not currently allowed and some changes would be proposed. He stated these would be reviewed annually through the business license approval process and a discussion took place.

Mr. Wilkinson pointed out home occupations were reviewed annually as part of the business license review. Councilmember Fitzpatrick asked if equipment associated with the home occupation was also being considered in conjunction with the approvals. Mr. Wilkinson responded in the affirmative and indicated there were use limitations also proposed in the text amendment and briefly reviewed the following with the Council:

- No noise, dust, odors, fumes, glares or other nuisances
- Hours of operations
- No sales displays – incidental sales only
- No structural alterations to commercial building format

He also identified and reviewed those businesses which would be restricted from obtaining home occupation use. He reported the Planning Commission had specifically requested information on equipment which would be allowed and Mr. Wilkinson shared an illustration which identified these specific use limitations and indicated the proposed ordinance would allow up to two vehicles 10,000 pounds gross vehicle weight or less (Class 1 or Class 2 vehicle), or one vehicle between 10,001 to 14,000 pounds (Class 3). He mentioned some food trucks might meet that rating and would be allowed to store the food truck at the residence and some would have to store the vehicle off-site. He also identified some vehicles which would be excluded.

Mr. Wilkinson continued to review other Use Limitations with the Council:

- No business which would be hazardous to public health, safety, morals, or welfare
- No excessive demand for public utilities
- Neighborhood disruptions not permitted
- No excessive impact of delivery vehicles

He stated the proposed ordinance addressed outdoor storage and stated the home occupation shall not involve the use of any outdoor yard space for storage, or display of materials, supplies, inventory, inoperable vehicles or equipment unless it was specifically stored in an enclosed vehicle, trailer, or within an accessory structure.

He asked if there were any other questions.

Councilmember Morris asked if the signature process with neighbors was an industry standard and inquired how well it was received in other communities. Mr. Wilkinson responded it worked well for reasonable uses and expressed his opinion this process prohibited violators. He asked about a specific use of a Snap-On tool truck and Mr. Wilkinson responded that use would probably continue to be prohibited due to the size of the vehicle and it being stored in a residential area.

Councilmember Day requested Mr. Wilkinson provide the definition of a “neighbor” and Mr. Wilkinson responded it would be any adjacent property owners. Councilmember Bloxham expressed concern some people might disagree with what the neighbor was proposing; however, they didn’t feel comfortable in objecting to the signature and would like to rely on City ordinance to either allow or disallow the use.

Mr. Wilkinson clarified the neighbors wouldn’t be granting approval; rather, it was a way to streamline the process. He emphasized any issues regarding the home occupation would then have specific conditions applied for the business to continue to operate.

Mr. Wilkinson indicated the proposed text amendment would come to the Council for approval during a

future City Council Meeting.

AMEND LAYTON MUNICIPAL CODE – TITLE 19, ZONING; CHAPTER 19.02, DEFINITIONS; CHAPTER 19.06, LAND USE REGULATIONS; TABLES 6-1 AND 6-2 – TABLE OF LAND USE REGULATIONS; CHAPTER 19.25, MIXED-USE (MU) ZONING DISTRICT; AND CHAPTER 19.26, MIXED-USE/TRANSIT ORIENTED DEVELOPMENT (MU-TOD) ZONING DISTRICT – ORDINANCE 20-38

Mr. Wilkinson reminded the Council it had discussed the proposed amendment during a previous Work Meeting and the Planning Commission had forwarded a recommendation of approval. He reported the Council had provided feedback and requested modifications and indicated the recommended changes had been made.

Tim Watkins, City Planner, announced he was prepared to review highlights and recommended modifications for the proposed ordinance. He mentioned the following:

- Mixed-Use development could apply to not Mixed-Use Areas, but Commercial Areas as well
- As this could be applied, much of the focus was on the sound in terms of what would be an appropriate level of intensity for Mixed-Use settings or Commercial settings. He shared an illustration which identified different sounds and their respective decibel level and reviewed it with the Council. He pointed out a vacuum cleaner had been identified at an 85 decibel level.

He presented an example of a new use of Light Commercial Flex Manufacturing and identified the different zones in which it could be allowed. He explained it would have a storefront where manufactured items could be displayed for sale, with production taking place in the back.

He explained the proposed modifications for Council's consideration was Mixed-Use Consistency between MU and MU-TOD requirements. He pointed out Mixed-Use buildings along Main Street were required to have a 12' floor to floor ceiling height and suggested consistency with that height for buildings along the Mixed-Use corridor would be important for commercial potential. He clarified the consistency in language would be applicable to units fronting Main Street.

He shared an illustration which reflected the language specific to noise emission limitations and reviewed it with the Council. He indicated this was reviewed with the Planning Commission and included in the Council's packet. He pointed out the following:

- maximum decibel level would be 85
- maximum sound levels could not occur between the hours of 9:00 pm and 7:00 am, Monday through Saturday, and not allowed on Sunday.
- non-residential uses with adjoining walls and/or ceilings, maximum sound levels could not occur on Saturday and Sunday, on weekdays between 6:00 pm and 8:00 am.

Mayor Petro asked about a request in which some type of "sound barrier" or "sound proofing" would be implemented by the requestor. Mr. Watkins responded the limitation was identified in the Mixed-Use Ordinance and there were also limitations identified in the land uses which allowed for the mitigation of sound; however, the limited hours would still apply.

Councilmember Fitzpatrick believed a conflict existed with the current Land Use Table and believed some of the permitted use within these areas couldn't be confined to a "building" such as a school wouldn't exist without a playground. She suggested some wording should be modified. Mr. Watkins responded the "primary use" was the "indoor use" and would prevail and the outdoor use would be secondary or considered an "accessory use".

Mr. Wilkinson expressed agreement with Mr. Watkins and pointed out the City would recognize the primary use was taking place inside the building with the outdoor use considered secondary. He stated some additional comprehensive changes to the Mixed-Use Ordinance within the next few months and suggested this circumstance could be addressed at that time. He indicated Mixed-Use zones would need to

operate differently with the changes made to the Home Occupation Ordinance due to live-work units.

A discussion took place regarding the allowed decibel level and Mr. Wilkinson emphasized that was specific to the machinery, as well as any detectable migration beyond the boundary of the property. He also pointed out the difference between having a hobby and business endeavor.

REZONE REQUEST – 1370 WEST GENTILE STREET – CP-1 (PLANNED NEIGHBORHOOD COMMERCIAL) TO M-2 (HEAVY MANUFACTURING/INDUSTRIAL) – APPROXIMATELY 1370 WEST GENTILE STREET

Councilmember Bloxham announced he was under contract for a home in the Mary's Meadow subdivision and declared a conflict; therefore, he would be recusing himself from participating in the discussions regarding this item. He left the room at 6:25 p.m.

Councilmember Day disclosed he personally knew the applicant and had conducted business with him; however, the specific parcel had nothing to do with his business affiliation and expressed his opinion he didn't have any conflict to declare. He also disclosed he had participated in discussions specific to procedure for the rezone request with the applicant.

Mr. Wilkinson stated this item would also be discussed during the City Council meeting. He identified the location of the parcel and its current zone and reviewed the allowed uses pointing out M-2 was designated as the City's heavy industrial zone. He stated the request was reviewed by Staff and Planning Commission. He pointed out the surrounding agriculture use over the years and mentioned the General Plan had since designated that surrounding property as residential use. He also indicated the General Plan had also designated the parcel for residential development. He emphasized that although the General Plan identified a different use, the existing zoning could remain as long as the applicant desired; however, if any zone change should be made, it should transition to residential, as reflected in the General Plan.

Mr. Wilkinson reviewed the current permitted uses in the CP-1 zone and referenced the Table of Land Use Regulations. He pointed out the Table also included uses which Staff was proposing to add to the CP-1 zone and suggested it would expand the types of uses for the property, and specifically mentioned the Light Commercial Flex Manufacturing and e-commerce fulfillment.

He shared an illustration of the City's General Plan and stated it was a determining factor in Staffs' analysis of the request. He pointed out the land use designation reflected the transition of the property to residential use and weighed the request for the zone change, which Staff believed wasn't compatible with the existing and proposed uses for that area. He mentioned Staff further believed the CP-1 zone could remain compatible to those uses and recommended denial of the zone change. He reported the Planning Commission reviewed this item during its meeting on Tuesday, October 27, 2020, and also forwarded a recommendation of denial for the zone change to the City Council.

He asked if there were any questions.

Councilmember Day announced he had some questions and would bring them during the regular meeting.

Councilmember Morris clarified the applicant/owner of the property desired to have some type of "storage" associated with the use and asked if that was the crux of the issue. Mr. Wilkinson responded different users had approached the City for business license approval for "uses" which wasn't allowed in that particular zone. He reported outdoor storage was a use which had been mentioned a lot during the public hearings and emphasized outdoor storage wasn't a default use; rather, it was an established use and called out as a special use within the code and has never been approved for this property.

Councilmember Morris believed this particular business had been operating forever and was sympathetic to the property owner's desire. Mr. Wilkinson pointed out the businesses which had operated in that particular building had changed over time and emphasized the most current approval prohibited outdoor

storage. Councilmember Morris believed the General Plan was a living document and Mr. Wilkinson expressed agreement; however, land use decisions for the surrounding property would lend to it not having a heavy industrial use.

Councilmember Thomas requested Mr. Wilkinson clarify the proposed changes to the CP-1 zone. Mr. Wilkinson responded the proposed changes would actually increase the possible uses to the CP-1 zone, not taking anything away.

MAYOR'S REPORT

Mayor Petro reported during the most recent COG (Council of Government) Meeting a discussion took place regarding the animal shelter and announced a designation of it becoming a special district would not be taking place. She indicated alternatives were still being considered for how to replace the building and provide added services.

Councilmember Bloxham returned at 6:39 p.m.

DISCUSSION – DOWNTOWN DEVELOPMENT

Mr. Wilkinson shared an aerial illustration of the downtown area and stated Lon Crowell, Economic Development, would speak to future downtown redevelopment.

Mr. Crowell shared the history associated with the Downtown RDA area.

He reported approx. \$82 million had been reinvested in the area and identified those businesses which had added value to the area. He reviewed the RDA tax increment collection and announced it wasn't what was anticipated and believed the recession had impacted that deficiency. He pointed out the proposed projects which he believed would contribute to the area and reviewed them with the Council.

He shared a concept plan of the Moda Parkway Development which consisted of 248 housing units and pointed out that although they weren't located in the RDA area, it was close enough to contribute to the area's success. He mentioned the location of the pedestrian overpass for the railroad tracks had been identified.

He shared an illustration of the Winkel Site and reviewed the history associated with acquisition, environmental remediation, demolition of structures, property removal, and the mobile home park. He mentioned Bill's Comfort Systems would be vacating this location once the business could be established in the new building.

Councilmember Fitzpatrick inquired if there were plans to provide any financial assistance to relocate the residents currently living in the mobile home park. Mr. Crowell responded that would be the property owner or developer's responsibility and emphasized the City wouldn't be involved in that aspect of the development.

Councilmember Thomas inquired about the environmental issues at that site and Mr. Crowell responded it had taken several years for remediation to take place and reported the City had received a Letter of No Further Action from the DEQ (Department of Environmental Quality) specific to the site.

He shared an illustration which identified the amount of work involved with the property since 2002 which also identified those items requiring completion by the Developer. He mentioned the Davis School District's continued participation in the Project Area until 2029 and indicated its contribution was now fifty percent. He also identified remaining benchmarks on behalf of the developer and announced they had entered into a development agreement with a prominent developer and expressed optimism with the progress of the development.

He reviewed a conceptual plan of what Main Street might look like upon completion of the downtown area emphasizing it was attainable if anticipated investment figures were recognized. He shared the budget and information which was presented to Davis School District and believed the goal would be met in order to complete improvements.

Mayor Petro suggested in the interest of time, holding the Closed Meeting following the Council Meeting.

The Work Meeting adjourned at 6:52 p.m.

The Work Meeting reconvened at 9:17 p.m.

REZONE REQUEST – 1370 WEST GENTILE STREET – CP-1 (PLANNED NEIGHBORHOOD COMMERCIAL) TO M-2 (HEAVY MANUFACTURING/INDUSTRIAL) – APPROXIMATELY 1370 WEST GENTILE STREET

Alex Jensen, City Manager, requested clarification regarding the Council's direction for Staff regarding Mr. Hine's rezone request and a discussion followed. Councilmember Day believed there were some businesses which weren't allowed in the CP-1 zone but which were allowed in the M-1 zone, which could be accommodated at that location, with stipulations identified in a Development Agreement. He also expressed agreement some of the uses allowed in the Heavy Manufacturing Zone wouldn't be conducive at this location. Mr. Jensen pointed out everyone could potentially have a different definition of acceptable uses and a discussion followed. He cautioned the Council regarding spot zoning and emphasized zones were identified in order to provide limitations and privileges for property. He indicated Staff would do its best to propose something which the Council could approve and which would also benefit the City.

CLOSED DOOR:

MOTION: Councilmember Fitzpatrick moved to close the meeting at 9:32 p.m. to Discuss Purchase, Exchange, or Lease of Real Property, Including any Form of a Water Right or Water Shares. Councilmember Bloxham seconded the motion, which passed unanimously.

MOTION: Councilmember Bloxham moved to open the meeting at 10:00 p.m. Councilmember Thomas seconded the motion, which passed unanimously.

The meeting adjourned at 10:00 p.m.

Kimberly S Read, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **19th day of November, 2020**, was to Discuss the Purchase, Exchange, or Lease of Real Property, Including any Form of a Water Right or Water Shares.

Dated this 4th day of February, 2021.

ATTEST:

JOY PETRO, Mayor

KIMBERLY S READ, City Recorder