

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

MAY 20, 2021; 5:30 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, ED FRAZIER,
DAVID PRICE, AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Bloxham stated he had attended the Davis Arts Council's quarterly meeting and reported it had recognized a 98% renewal rate for season ticket holders. David Price, Parks and Recreation Director, mentioned the amphitheater's rentals would surpass last year's rental numbers, which experienced the highest number of rentals in the history of the amphitheater. He pointed out rentals were benefitting local community groups which fulfilled the initial intent of the facility.

COUNCIL TRAINING

Gary Crane, City Attorney, reported on what took place during the Special Session at the Legislature on Wednesday, May 19, 2021. He mentioned the following and each was discussed by the Council:

- ARPA (American Rescue Plan Act) funding from Federal Government
- Local matching funds
- Incentive to rezone commercial properties to multi-family residential
- HB98 – Design Review and Inspection bill
- HB201 – Noticing Requirements specific to election noticing

He expressed appreciation to the Council for its support with the necessary and positive changes.

**BID AWARD – WASATCH WEST CONTRACTING – ELLISON PARK PICKLEBALL
COMPLEX AND RESTROOM, PROJECT 20-2 – RESOLUTION 21-25 – 700 NORTH 2200
WEST**

David Price, Parks and Recreation Director, announced the resolution would approve an award of bid for the Ellison Park Pickleball Complex consisting of eight courts, restroom facilities, court lighting, sidewalks, shade structures, benches, landscaping, and irrigation. He reminded the Council the project had been included in the 2021/2022 Tentative Budget and reviewed the funding sources. He stated the City received three bids through the RFP (Request for Proposal) process with Wasatch West Contracting submitting the lowest responsive responsible bid in the amount of \$1,374,112.41. He explained when the amount of the bid was added to the expenses of the project to date, there was a funding deficit of \$124,842.81. He stated Staff proposed increasing the 2021-2022 RAMP budget request in the amount of \$125,000. He reported the request was presented to the RAMP Commission during its meeting on Monday, May 17, 2021 and indicated it was supportive of both the project and increase of the fund expenditure. He also mentioned it had requested Staff try to minimize the need to use RAMP funds to

cover these types of overages in the future. He explained the overage in costs was directly related to the increase costs associated with construction materials. Mr. Price also suggested if the Council was in favor of approving the funding increase, it should also amend the Tentative Budget in order to complete the project in a timely and cost effective manner. He stated Staff recommended amending the current budget to transfer \$481,000 from the Park Impact Fee Fund to the Capital Improvement Fund, allowing Staff to execute the contract which would allow the contractor to begin ordering product.

Alex Jensen, City Manager, clarified how the accounting and funding could be accomplished so the project wouldn't be delayed and a discussion followed.

Mayor Petro asked how soon work could begin and Mr. Price responded once the Council approved the bid award Staff would issue the notice to proceed the following day and the discussion continued. Mr. Jensen clarified the Council would be approving the contract during tonight's City Council Meeting and approval of the budget amendment would come before the Council during its meeting on Thursday, June 3, 2021.

REZONE REQUEST – 1482 AND 1513 NORTH HILL FIELD ROAD REZONE – B-RP (BUSINESS AND RESEARCH PARK) AND CP-3 (PLANNED REGIONAL COMMERCIAL) TO MU (MIXED-USE) – ORDINANCE 21-11 – APPROXIMATELY 1482 AND 1513 NORTH HILL FIELD ROAD

Chad Wilkinson, Community and Economic Development Director, identified the parcel and explained the current zoning and use for the parcels. He explained the proposed rezone was for a Mixed-Use Zone to allow for a town home development. He reported the Planning Commission reviewed the request and recommended approval.

Councilmember Fitzpatrick pointed out the parcels were located in an urban district and a significant number of townhomes had been approved during the past year. She expressed concern the City was being asked to rezone property with a business/commercial use, along a major corridor, in an urban district for townhomes. She believed townhome developments with a Mixed-Use Zone should have a commercial component within the townhome development, otherwise it should be developed as multi-family townhomes. She continued to express concern whether this development would meet the designated design standards identified for an urban center, as nothing identified the townhomes would connect to the trail in the urban district. She also expressed concern some of the recently approved townhome developments were designated as owner occupied homes and she pointed out those developments were now being leased or rented. She stated she was opposed to giving up commercial zoning for mixed-use, townhome, or multi-family projects.

Mr. Wilkinson responded the lower level of these types of development were designed to accommodate commercial use and suggested the commercial component would be market driven. Councilmember Fitzpatrick asked if there was an example of a development in which the commercial use had successfully been implemented.

Mr. Wilkinson responded the City had given much thought to the General Plan and the mixed-use corridors were placed in areas which made sense and now the City was recognizing the realization of the plan. He reported the City regularly protected certain commercial areas from Mixed-Use Zone or multi-family use and the discussion continued.

Mr. Wilkinson pointed out mixed-use didn't have to be specific to the property but could also be in the general area and identified the surrounding commercial uses of these parcels. He believed the rezone of these parcels made sense and the property was appropriate for a mixed-use development. Councilmember Fitzpatrick pointed out the parcels were located along Hill Field Road, which was prime commercial property. She also pointed out the surrounding area was compatible to the current zoning and suggested the City consider opportunities in an urban area, along a transportation corridor that was walkable for affordable housing. Alex Jensen, City Manager, mentioned the boarded-up home had been vacant for

years and concluded commercial development had never materialized. He pointed out most property owners had a desire to maximize development opportunities and suggested the property owner had the right to successfully develop their respective property; and in this case if the commercial zone had been appropriate, it would have successfully been developed under that zone. He expressed his opinion the request made sense and shared a circumstance in which a zoning change from commercial to multiple family housing, similar to this, had been successful.

Councilmember Bloxham requested clarification regarding housing density between the Mixed Use and Townhome Zoning and the discussion continued. He reported the concerns expressed to him by residents, similar to Councilmember Fitzpatrick's perspective and comments. Councilmember Fitzpatrick suggested the City take a pause and evaluate the number of multi-family and/or rental units until the City could identify the impact to the City.

Mr. Wilkinson reminded the Council of the time and effort completed in conjunction with the most recently adopted General Plan which reflected the request as an appropriate use and a discussion followed specific to the General Plan.

Councilmember Bloxham expressed his opinion this particular parcel wasn't commercially viable and believed the rezone request made sense.

Mayor Petro requested Staff address the concern expressed regarding the units becoming leased as opposed to owner occupied. Mr. Wilkinson spoke to the analysis which concluded the rezone request was an appropriate use and the discussion continued specific to how a townhome development was compliant with the General Plan. Mr. Jensen cautioned the Council in using a development agreement to supersede underlying ordinances.

Councilmember Day pointed out there were other uses which could be developed or allowed in the Mixed-Use Zone; however, not allowed in the residential zone. Councilmember Fitzpatrick pointed out the Mixed-Use Zone specifically called out for affordable housing in this designated area.

LANDSCAPING AND FENCING ORDINANCE

Mr. Wilkinson reported the Planning Commission had been instrumental in contributing to the text of the ordinance and it had been reviewed at several Planning Commission meetings before recommending approval to the City Council. He complimented Tim Watkins, City Planner, and his team for their collaborative efforts in re-writing the landscape ordinance.

Mr. Watkins acknowledged the attendance of Jon Parry, Weber Basin Water Conservancy District.

Mr. Watkins shared illustrations of landscaping concepts consisting of groupings of plants, trees with very little lawn area, and plantings in park strips which contributed to lower water use. He also shared the benefits to urban forestry and shared an illustration. He reviewed the following highlights from the proposed ordinance with the Council which included the following:

- The dollar amount of construction costs which would trigger modification from traditional to water wise landscaping.
- The criteria for exceptions of the percentage requirements.
- Completion of Required Improvements applicable to commercial, industrial, mixed-use, multi-family, townhome, community use, PRUD (Planned Residential Unit Development), and common areas managed by a homeowner's association.
- Time period landscaping requirements specific to single family dwellings.
- Submission of Landscape plans, bonding, and approval.
- Plant material specification (water-wise plants) and installation and maximum turf allowed.
- Irrigation design standards including irrigation controllers, use of bubblers, pop-up spray heads, and sprinklers.

Councilmember Morris inquired if the proposed ordinance would be consistent with what other cities were requiring or would Layton City be an outlier. He also asked if the City would be held to the same standards and expectations. Mr. Wilkinson responded most cities required a landscape architect to be part of the landscape planning, etc., but believed the City would be the leader with the reduction of turf requirement. He mentioned language in the proposed ordinance was patterned after other entities' landscaping ordinances.

Councilmember Fitzpatrick expressed concern regarding the requirement of watering between the hours of 6 p.m and 10 a.m. since studies were currently taking place regarding that specific issue and suggested the language allow flexibility. Mr. Parry added Weber Basin was a contributor to the study and although there would be outliers believed those hours would be appropriate for the majority of secondary water users.

Councilmember Thomas asked who would be responsible for enforcement of the ordinance during the development process and Mr. Wilkinson responded the City would rely on the landscape architect plan. He also mentioned the bond held by the City and explained how its implementation contributed toward compliance.

Councilmember Morris inquired about discussions at the state level which might circumvent what the City was trying to accomplish with the proposed ordinance. Mr. Crane mentioned that was always a possibility and shared an example. Mr. Jensen pointed out water conservation was cyclical and believed the information obtained by the State would come from those with expertise, like Mr. Parry or Weber Basin Water Conservancy District, and suggested the City's ordinance would be similar to requirements implemented by the State because Staff had consulted with water experts prior to drafting the proposed ordinance.

Mr. Wilkinson continued to share some examples of water-wise landscaping illustrations.

MAYOR'S REPORT

Mayor Petro informed the Council an outdoor sport complex had been proposed for vacant property south of the North Davis Sewer District (NDSD) in Syracuse City. She continued the NDSD Board was considering the request and she indicated she would forward any comments or concerns by the Council. She believed there was a good possibility of approval.

Mr. Jensen mentioned the previously approved paramedic agreement would come back to the Council for approval. He explained the County requested two changes to the agreement: language identifying the contribution to provide for the Sheriff's office coverage during the interim for those entities which currently didn't provide any paramedic services; and the change of the finalization date allowing all cities to complete the Truth In Taxation process. He pointed out both changes didn't impact Layton City.

The meeting adjourned at 6:59 p.m.

Kimberly S Read, City Recorder