

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JULY 21, 2022; 5:30 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

MAYOR JOY PETRO, ZACH BLOXHAM, CLINT MORRIS, TYSON ROBERTS, BETTINA SMITH EDMONDSON, AND DAVE THOMAS

STAFF PRESENT:

ALEX JENSEN, GARY CRANE, STEVE GARSIDE, CHAD WILKINSON, TERRY COBURN, STEPHEN JACKSON, ED FRAZIER, AND KIM READ

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

Mayor Petro opened the meeting.

AGENDA:

COUNCILMEMBER REPORT

Councilmember Smith Edmondson informed the Council the CTC (Communities That Care) would be having a strategic planning workshop on Monday, August 1, 2022, from 1:00 p.m.-5:00 p.m. at the Davis County Library in Layton for all invested participants. She mentioned the Council would receive a flyer with the specifics and an RSVP would be required by Wednesday, September 27, 2022, since lunch would be provided. She mentioned this was taking the place of the monthly board meeting. Mayor Petro encouraged the Council's participation in this worthwhile program for the community.

Councilmember Thomas informed the Council of the positive feedback he received regarding City employee, Kelly Whitesides, and expressed his desire to acknowledge him for the service he recently rendered to a resident.

Councilmember Roberts mentioned a resident had informed him of an issue along Angel Street near the Kays Creek Trail and suggested signage should be placed for a pedestrian crossing near Hill Farms.

Councilmember Morris expressed appreciation to City Staff responsible for park strip improvements near Fairfield and Church Street.

Councilmember Smith Edmondson also mentioned the Davis Arts Council had identified a decrease in attendance this year at the free Sunday evening concerts and Friday night movies and encouraged support of that programming.

AUTHORIZE THE DISPOSITION OF 3.05 ACRES OF REAL PROPERTY – RESOLUTION 22-46 – APPROXIMATELY 2400 WEST LAYTON PARKWAY

Steve Garside, Assistant City Manager, shared an illustration which identified a remnant parcel of property created by the extension of the Layton Parkway near 2200 West. He explained the City had purchased a larger portion of property than what was needed for the road, at the request of the property owner, as it would result in an odd configuration of unusable property. Now that the road project was nearing completion, the City determined the best use would be to assemble the property with another parcel to create a more efficient use. After meeting with the property owners to the south, the Joseph F. and Roseanna S. Hill Family Limited Partnership (Hill Family), an agreement was made, based upon an appraisal, for them to purchase the parcel for the appraised price. He explained some minor adjustments could potentially be made to the contract with regard to square footage based on the location of easements. He stated this resolution would authorize Staff to complete negotiations and authorize the

Mayor to execute appropriate documents.

Mr. Garside mentioned the additional adjacent parcels would be considered insignificant parcels of property which wouldn't require a public hearing; however, City Council action would still be required. A discussion followed regarding the locations of the parcels and their respective zoning.

GENERAL PLAN AMENDMENT, REZONE REQUEST, AND DEVELOPMENT AGREEMENT – ADAMS LOVE REZONE AND GENERAL PLAN AMENDMENT – GENERAL PLAN AMENDMENT FROM AGRICULTURE TO MANUFACTURING, REZONE FROM A (AGRICULTURE) TO M-1 (LIGHT MANUFACTURING/INDUSTRIAL) – ORDINANCE 22-12, ORDINANCE 22-13, AND RESOLUTION 22-49 – 320 EAST ANTELOPE DRIVE

Mr. Wilkinson announced the next two rezone requests were for separate properties located within the APZ (Accident Potential Zone). He assured the Council, Staff had exercised appropriate and serious consideration and stated there was compelling public interest in supporting HAFB (Hill Air Force Base) and its mission with the continued protection of the APZ. He also pointed out both the State and Federal Governments had entered into private agreements with property owners to further restrict uses.

He shared a visual illustration which identified both the APZ and Crash Zone and oriented the Council to the roads within those zones. He informed the Council the land use in that area was guided by two documents: the General Plan and the most recently adopted Compatible Use Plan, which committed the City to implement components of that Plan, which in this case was specific to development. He emphasized neither of those documents changed the zoning and clarified zoning could only be changed by legislative action of the Governing Body, which applied to both requests.

He identified the location of the parcel, 320 East Gentile, and reviewed the proposed rezone and adjacent uses. He referred to the General Plan which designated the use of the parcel as Agriculture and informed the Council of a previous application for the property with the intent to construct a gas station. Staff was willing to support the zone change with a development agreement prohibiting the gas station use based on concerns over potential impacts by underground tanks to the City's existing drinking water well. This request came before the Planning Commission which voted unanimously to deny both the General Plan amendment and rezone request.

He reported the applicant amended the application and was now requesting a rezone to M-1, Manufacturing, to allow some commercial uses: car wash, drive-through drink business, or a landscape/contractor's yard. He mentioned the request had been reviewed by HAFB in compliance with an existing easement agreement and indicated it was comfortable with the proposed uses. He indicated a development agreement had been drafted which identified the restricted uses, including the gas station. He stated the request had been reviewed by the Planning Commission during its meeting on Tuesday, June 26, 2022 and forwarded a recommendation with a vote of 3-1 to the Council. Staff also recommended approval.

Mayor Petro asked if there were any questions and a discussion took place regarding outdoor storage requirements associated with the landscape contractor use. Mr. Wilkinson responded to questions from the Council addressing the General Plan designation and a possible Conditional Use Permit (CUP). Alex Jensen, City Manager, also clarified a retail nursery would be prohibited at this location via the proposed zoning and the discussion continued regarding the proposed commercial activities. Mr. Wilkinson emphasized HAFB didn't have any land use authority respective to the property; rather, it had purchased easements in order to restrict development and allowed the local governing authority to determine development and use.

Gary Crane, City Attorney, suggested HAFB's influence on the proposed zoning or use was a similar circumstance with a subdivision's zoning designated by the City Council, yet the developer's CC&R's (Covenants, Codes, and Restrictions) could be more restrictive or more liberal. He clarified these were private agreements, in this case between the property owner and either the Federal Government or State

and the discussion continued. He suggested the Council consider these zone changes just as any other request; considering surrounding uses, changing circumstances, and the General Plan. The discussion continued specific to other uses and previous decisions regarding parcels within the APZ.

Mr. Jensen suggested the Council consider impacts associated with zoning and believed Staff desired the highest and best use of the properties within the City. He reminded the Council of the existing private arrangements agreed upon years ago and spoke to the implication that certain rights which weren't given then, should be considered or granted in 2022. He believed the reasons for distinction should be based on wise land use and whether the rezone made sense and was appropriate.

The Council requested the next item be discussed as they were so similar in nature.

GENERAL PLAN AMENDMENT AND REZONE REQUEST – CARLSRUH REZONE AND GENERAL PLAN AMENDMENT – GENERAL PLAN AMENDMENT FROM AGRICULTURE TO COMMERCIAL, REZONE FROM A (AGRICULTURE) TO M-1 (LIGHT MANUFACTURING/INDUSTRIAL) – 801 EAST ANTELOPE DRIVE

Mr. Wilkinson identified the parcel on a visual illustration and stated the 2019 General Plan hadn't identified this parcel for another use or zone. He shared statistics associated with growth within the APZ identified by decade and concluded previous Council's had identified a concern specific to development within the APZ. In 2017, the Council adopted an Ordinance temporarily prohibiting land use zone changes within the APZ until further direction could be provided; which resulted in completion of the Compatible Use Study. He emphasized the existing zoning and uses were granted prior to 2017 and identified the locations of other storage unit developments in the general area.

He pointed out Staff was responsible for identifying all constraints associated with every zone change request and determined the highest and best use of the parcel was the current existing agriculture use, which was compliant with the Compatible Use Study and the APZ with consideration of the current easements and restrictions. He shared the findings and conclusions with the Council and emphasized the easement didn't change the underlying zone of the property and no rights were guaranteed with the easements.

Mr. Wilkinson addressed questions specific to the noticing process associated with adoption of the most recent General Plan and reviewed those with the Council. He also identified the additional noticing completed by the City which went above and beyond what was required via state statute.

Staff recommended denial of the General Plan amendment and rezone and emphasized the recommendation was made based upon the General Plan and Compatible Land Use Plan. He asked if there were any additional questions.

Councilmember Bloxham requested clarification whether HAFB had expressed any concern or comments regarding development within the APZ. Mr. Wilkinson emphasized development of the existing storage units within the area were zoned prior to the 2017 moratorium. He also clarified these were the first applications received after the moratorium and as Staff had been approached regarding property within the APZ it was pointed out the City would be waiting until completion of the Compatible Use Plan and a discussion took place. Mr. Jensen stated the development of storage sheds on property within the APZ were previously zoned for that use and emphasized these new requests were for property designated with agriculture rights. He shared some examples associated with other parcels within the City and the discussion continued.

Mr. Crane stated the Council could request additional information from the property to assist in making a decision on a rezone in order to identify appropriate uses and shared some examples. The discussion continued and Mr. Wilkinson explained several factors were considered for this particular zone change and pointed out many uses allowed within the M-1 zone wouldn't be appropriate for this property and

mentioned there were a wide variety of reasons why Staff recommended denial of the request, previously identified.

Mr. Crane pointed out once the Council approved a zone change it didn't have authority for any future administrative decisions as the uses were already settled and shared an example. Mr. Wilkinson indicated Staff's consideration relative to its recommendation was whether the request was consistent with the City's General Plan and the discussion continued.

MAYOR'S REPORT

Mayor Petro reminded the Council of the Electric Light Parade for Saturday, July 23, 2022.

She reminded the Council, the City had designated Saturday, September 10, 2022, as a Day of Service to memorialize the events of September 11 and encouraged participation. She indicated the designated service project had been coordinated by the Interfaith Council.

The meeting adjourned at 6:51 p.m.

Kimberly S Read, City Recorder