

# SPECIAL FARMINGTON CITY COUNCIL MEETING

Tuesday, April 10, 2007

---

## SPECIAL CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

**Mayor Harbertson** called the meeting to order at 7:00 P.M. **David Hale** offered the invocation. The Pledge of Allegiance was led by **Larry Haugen**.

### **PUBLIC HEARING: THE GARDNER COMPANY IS SEEKING SCHEMATIC PLAN APPROVAL TO AMEND A PREVIOUSLY APPROVED PLAN FOR A MIXED USE DEVELOPMENT KNOWN AS THE VILLAGE AT OLD FARM ON 34 ACRES LOCATED AT APPROXIMATELY 1700 NORTH MAIN STREET, EAST OF U.S. 89 AND NORTH OF SMITH'S FOOD KING (C-2-07 AND S-8-07) (Agenda Item #1)**

\_\_\_\_\_ According to packet material, the applicant initially received approval from the City Council on January 25, 2006, for a preliminary development plan which showed fewer dwellings but more commercial area. The Council's motion for approval at that time was subject to a number of conditions recommended by the Planning Commission. The applicant is proposing a modified plan where the ratio of residential uses to non-residential uses is substantially different (for example, the lot areas between the two plans vary by more than 10% (see Section 11-27-090 of the Zoning Ordinance). The new plan represents a significant departure from the old plan, especially with regards to storm drainage, and therefore, City staff asked the developer to submit a new application.

The applicant is proposing to subdivide the property. In preparation for Preliminary Master Plan approval and Preliminary Plat approval, a schematic plan shall be required of all Subdividers. This provides the Subdivider with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the subdivision for property and facilitates resolution of problems and revisions before the preparation of a preliminary plat" (see Section 12-3-010 of the Subdivision Ordinance). The Subdivider, "shall distribute copies of the plan to such government departments and other agencies or advisors as in the opinion of the Department and the Planning Commission may contribute to a decision in the best interest of the public." (Section 11-3-050(1)). Apparently, the applicant distributed plans to several City departments and/or reviewing agencies (i.e. City Engineer, Public Works, Fire, CDS, Benchland Water) as directed by City staff, but has returned very few comments to the Planning Department. Nevertheless, the applicant has already prepared detailed drawings for the residential area of the project and a public hearing is scheduled before the Planning Commission on April 26, 2007, to consider a recommendation for Preliminary Master Plan approval.

It appears that the applicant meets most schematic plan requirements for the residential but not commercial portion of the project. However, thus far, without the advantage of more detailed

plans, it also appears that the schematic plan for the project conceptually does meet major tenets of Chapter 20 of the Zoning Ordinance, including but not limited to: the North Main Street Restriction and density and dimensional standards for non-residential development.

With regards to residential development, the overall density cannot exceed 9 units per acre. The proposed development is approximately 4.84 units per acre which meets this standard. However, it appears that the land area devoted to each single family dwelling is less than the 10,000 square foot standard set forth in the Ordinance.

\_\_\_\_\_ **David Petersen** displayed an aerial photo and pointed out where the property is located. He reviewed the “Background Information” and “Possible Motions” from the Planning Commission Staff Report dated March 29, 2007. He displayed an overhead of the original schematic plan, as well as the revised schematic plan. He pointed out where the different housing types are located within the plan. He passed out a copies of the landscaping plan for the Council’s review. He explained that the residential portion of the development meets the conditions for schematic plan approval, but the commercial portion does not. The Planning Commission recommends that the City Council grant schematic plan approval to amend the applicant’s previously approved schematic plan.

**Mr. Petersen** asked that the City Council consider the following:

1. Should the project be considered as one master plan or two?

*The Planning Commission recommends that the project be considered as one master plan, which means that the proposal can not yet be considered for preliminary master plan approval.*

2. The overall density of the residential development cannot exceed 9 units per acre. The proposed development at approximately 4.84 units per acre meets this standard. However, it appears that the land area devoted to each single family dwelling is less than the 10,000 square foot standard set forth in the Ordinance. The City Council must decide if detached lower density owner occupied homes in a planned unit development setting in lieu of attached higher density owner occupied dwellings is worth compromising the 10,000 square foot standard.

*The Planning Commission accepted the applicant’s request for 4.84 units per acre.*

3. Should the schematic plan be approved by the City Council as recommended by the Planning Commission.

**David Petersen** stated that the Planning Commission Chairman, **Jim Talbot**, does not think it is warranted to require the applicant to provide an updated traffic study since they are proposing less commercial density which will likely generate less traffic. **Ron Mortimer** (Horrocks Engineers)

agreed with **Mr. Talbot** since the projections have not been revised and there is less density in the commercial area. He passed out a copy of the Economic Impact Report dated February 15, 2007.

**Mr. Petersen** referred to the City Council minutes dated January 25, 2006, where the City Council granted preliminary development plan approval. He reviewed the conditions that were given by the City Council at that time and pointed out which conditions are applicable for this application. He recommended that the Council include an additional condition requiring that the residential setback conform to the City standard which is 30 feet. He recommended that the Council also consider whether it is aesthetically attractive if a large mass of concrete is created as a result of the home spacing in the circle or “island” area of the project.

### **Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Dave Dixon** (1047 North 100 West) reviewed the amendments which were made to the schematic plan, which include suggestions that were made during previous public hearings:

- They doubled the size of the residential area and substantially reduced the size of the commercial area. The size of the grocery store was reduced to 30,000 square feet and will include a 5,000 square foot credit union.
- The number of mansion-style homes was reduced from 11 to 6. He pointed out where the different housing types will be located.
- Due to the fact that the commercial area was relocated, it is appropriate to follow the City plan and connect 900 West which is a dead-end street.
- They will market the residential area to empty-nesters instead of to families. The residential area will include a swimming pool, clubhouse and park.
- The Leonard homes are not part of the project so they will be preserved. They are awaiting a response from the Historic Preservation Commission regarding the old Potter home.
- They have submit their applications to UDOT and are awaiting a response. The access was relocated further to the south as requested by UDOT.

**Mr. Dixon** displayed color renderings of the different housing types. He addressed the concern given by **Mr. Petersen** by stating that the cul-de-sac has a larger diameter than typical cul-de-sacs and a portion of the garages will be side-loaded so there should not appear to be a “concrete mass”. He displayed the concept drawing for the open courtyard area that will provide a connection between the residential and commercial area. The area will be a pleasant space and will not have the feeling of a back alley area.

**Mr. Dixon** stated that they are focusing their efforts on the residential portion of the project, which will be done in two phases. The developer will build all of the homes so it will be a quality project. The designs for the commercial area have not changed since their previous application.

**Rulon Gardner** (12 South 400 West, Salt Lake City) explained that the model home driveway will allow motorists to enter Main Street forward facing. The two areas will be separated by a precast stone fence. There will be a wooden split-rail fence along main street. Some of the architectural elements have been softened, including the color scheme. They will not place an age restriction on the housing product but they will restrict the number of occupants in each dwelling.

**Mr. Gardner** stated that they have a tenant for the grocery store but they have not yet announced the tenant's name. As they continue to work with City staff, they would like to proceed with the residential component, realizing it is part of the overall master plan. They are in the process of advancing the commercial component, as directed by City staff. He asked for direction from the City Council as to whether a road should be provided to circulate traffic between the two areas. He also asked for direction from the Council regarding the future of the Potter home since it will be costly to restore the home and may be difficult to find a tenant.

**Drew Neil** (1454 North 900 West) recommended that 900 West be closed off which will reduce the amount of traffic on the narrower street and will allow the residents to live in a cul-de-sac. He said the applicant should still be required to meet the conditions given by the City Council on January 25, 2006. The development should not be allowed to progress until the applicant has received approval from UDOT. He stated that the applicant should be required to provide a larger detention basin since they are already experiencing constant drainage on 900 West. The City should be interested in what types of tenants the developers are working with to ensure they are businesses that are appropriate for the area.

**Matt Poulsen** (1732 North Main) said he is disappointed that the residents were not officially informed about the public hearing. He has a personal motto which is "If it can't be done right - don't bother". He suggested that the developer follow this motto. He has never meant to offend other residents by expressing his concerns at the public hearings.

**Dorene Poulsen** (1732 North Main) said she received an e-mail from Ms. Williams on April 10, 2007, which states that the applicant has not complied with the necessary requirements to receive access approval for the Village at Old Farm. She has received many other letters from UDOT stating that the applicant must comply with the non-access line requirements. This matter should be resolved before any approvals are given to The Gardner Company.

**Matt Bess** (1422 North 900 West) said he is concerned about the amount of traffic that will be generated on 900 West. He is also concerned about the potential safety hazard that exists since there is not a deceleration lane on the Frontage Road. If the 900 West drainage is not properly addressed, there could be an issue in the future.

**Ron Dunn** (420 Quail Flight) said the City should take steps to determine the types of tenants that would be appropriate for the commercial area. He recommended that the Council create a Non-SOB zone for this area. He questioned whether the City will allow liquor licenses at this location.

**Zacharie Guillaume** (1444 North 900 West) recommended that the applicant request an additional access point from UDOT so 900 West does not become a through street. If the applicant can not obtain approval for an additional access, the residential and commercial area should share the access that is obtained. He is concerned about the safety of the children and other residents in the area due to the narrow width of 900 West.

**Patricia Andersen** (671 Somerset Street) gave the members of the Council a list of the following five questions that she hoped to have answered before preliminary master plan approval is given to the revised “Old Farm” development:

1. Why are they being allowed to continue in this process when this is more than 10% change, and what is the approval process going to be?
2. Is the housing density and division of the land in keeping with the current definition of an NMU, including public spaces and right-of-ways?
3. What, in the zoning ordinance, prevents the developer from raising the proposed commercial square footage?
4. Who are the tenants and are their letters of application or intent? Can a development be proposed and fit into all that is required for the NMU without clarity on the issue?
5. Doesn't this plan constitute two separate developments, with the 10,000 square foot commercial restriction applicable on the commercial property which is now less than 30 acres?

**Sharon Treu** (931 West Northridge Road) said she appreciates the direction the proposal is going but questions why the developer has not been required to follow the process that is outlined in the NMU text (which she read to the Council). The City should be assured that the developer is able to obtain tenants that can sustain the project over the long-term. She was told by an Associated Foods representative that they do not have a relationship with the Gardner group. She asked that the City require an audit of the Impact Report to verify that the project is economically viable.

**Tom Owens** (700 Rock Mill Lane) said he is pleased that a professional, experienced company is making the proposal but he is concerned about the visual image that will be portrayed to people entering the City as a result of the housing that is located along Main Street. He recommended that the multi-family units be relocated further into the development.

**David Mulholland** (434 Welling Way) suggested that a stop light also be added at the bottom of 1400 North. He said he would like to see a drawing illustrating what the residential area

would look like if the density were 9 units per acre. If the old Potter home is preserved, it should be restored in an acceptable manner.

### **Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing.

**David Dixon** responded to the following comments that were made by the public:

*Drainage:* The drainage problem was created as a result of the Frontage Road construction. They will create an access pipe as part of their project which will have the capacity to carry the water. They still need to resolve the issue regarding the water that flows onto their property without an easement.

*Application Requirements:* The developer submit a new application for the City to consider the entire development. They are willing to remove the rock wall if it gives the appearance that there are two separate developments.

*Residential Units on Main Street:* **Mr. Dixon** displayed a rendering of what the development will look like from Main Street. They have provided landscaping that is more than generous. The rear of the homes will have an attractive residential feel. Due to the drop-off of the land, the multi-family units on Main Street will not appear as tall.

As requested by **Council Member Dutson**, **David Dixon** pointed out where the guest parking is located. The roads meet the City standard so there is room for parking on the streets. He will verify that the street is wide enough to accommodate a fire truck.

**Larry Haugen** pointed out that on the new plan, the homes appear to be closer to the road than they were on the old plan.

**David Dixon** responded by saying that the location of the road has not changed.

In response to a question from **David Hale**, **David Dixon** said it will likely take 6 to 8 weeks to receive a response from UDOT since the application also needs to be approved by the Federal government. They are aware that they need approval from UDOT but they are anxious to proceed.

**Sid Young** asked if this is the only application the developer has officially submitted to UDOT.

**David Dixon** said they were initially told that UDOT controls the road. After they submit their previous proposal, they were informed that Federal funds were involved.

**Mayor Harbertson** stated that as a condition of the first schematic plan approval, the developer was required to receive approval from UDOT and provide access to the one-way frontage road/on-ramp adjacent to US 89. That condition will also apply to the current application.

In response to a question from **Sid Young**, **David Dixon** stated that the driveways will be large enough to park two cars. There will also be garage and street parking available.

**Rick Dutson** stated that although the size of the commercial area has decreased, the number of residential units has increased. He recommended that developer's traffic engineer address the issue specifically as it relates to the impact of the intersection of Main Street and 1400 North.

**David Dixon** stated that they did not plan to have the traffic study re-evaluated since the size of the commercial area decreased but they will have the traffic engineer re-evaluate the intersection that will receive the most impact.

**Rick Dutson** said many of the residents expressed concern about the confidentiality of tenants.

**David Dixon** explained that during their previous application, they published the names of tenants. As a result, those tenants were contacted by several residents. They plan to keep the names of the tenants confidential at this time because they need liberty to market their project.

**Mayor Harbertson** responded to the concerns of **Ron Dunn**, but stating that sexually-oriented businesses are only allowed in the LM&B zone under certain conditions. The City has already issued all of the allowable liquor licenses. Any additional licenses would have to be approved as a conditional use.

**David Dixon** said those types of issues could also be addressed in the Development Agreement between the City and The Gardner Company. He responded to a question from **David Hale** by stating that they want to pursue one master plan. Although the commercial area does not meet the requirements for preliminary master plan, it does meet the requirements for schematic plan.

**Sid Young** asked what the total square footage is in the commercial area.

**David Dixon** said there will be 141,000 square feet of commercial space (30,000 square feet of office) which is less than is allowed by the City ordinance. The previous plan included 174,000 square feet of retail space plus 210,000 square feet of office. They eliminated a small strip mall and reduced the size of the big box.

**Rick Dutson** said he is concerned about the lighting of the pedestrian walkway. He suggested that the Police Department be involved to assist in creating safe, well-lit space rather than an alleyway which may attract individual's with bad behavior.

**Mayor Harbertson** said he is concerned that the developer doubled the size of the residential area. There was better spacing on Main Street before the applicant added an additional dwelling unit.

**David Dixon** pointed out that the five dwelling units used to be two-story units. They are now single family buildings.

**Sid Young** asked that **Mr. Dixon** address the concerns of the residents who live on 900 West.

**David Dixon** said he would have the same concerns if he lived on 900 West but the City always intended for the dead-end street to continue.

**Sid Young** questioned whether the developers are willing to consider the possibility of not connecting the project to 900 West.

**David Dixon** stated that the City could provide a gate to limit the access to the project but the developers think the connection is an amenity to both sides.

In response to an earlier question from **Mayor Harbertson**, **David Petersen** said 900 West was left as a stub street because they intended for the road to go through.

**David Dixon** responded to a question from **Sid Young** by stating that the length of the street before the cul-de-sac is over 1,000 feet.

**Paula Alder** asked if the architecture in the residential area will be varied.

**David Dixon** stated that they will offer different models and four different color schemes. They will also be using Farmington stone on certain buildings. He displayed the color palettes for the Council's review.

The members of the Council discussed whether the darker color schemes are appropriate for Main Street. It was suggested that the developer replace the hardy plank on the lower portion of the retail buildings with a harder surface.

**Sid Young** expressed concern about granting approval without considering the drainage plan and prior to the applicant receiving access approval from UDOT and the Federal government.

**Mayor Harbertson** expressed concern about the number of units the developer is proposing. He asked that the developer consider eliminating five of the single family homes (one from each area) in order to provide additional spacing.

**David Dixon** stated that they could have done more multi-family housing but chose not to. He thinks there is a strong market for the product they are proposing.

**Mayor Harbertson** stated that he is aware this is a popular product, but the lot footprints were supposed to be 10,000 square feet. He asked if they would consider opening the areas up to provide a more open feel.

**David Hale** stated that he likes the proposal and is impressed that the developer has considered the input given by the City and the residents.

**Larry Haugen** suggested that the developer modify the plan by replacing the triplexes that are located on Main Street with duplexes.

**David Dixon** stated that they attempted to create neighborhoods by locating the same housing types in the same area.

**Paula Alder** indicated that it may not be a negative to mix the housing types since buyers will not own the lots.

**Rulon Gardner** said he is not saying they can not eliminate a few of the units, but their proformas (which were turned into their bank) were based on this proposal.

**David Dixon** pointed out that the density of the residential area was actually higher on their previous proposal. They will consider the possibility of providing additional spacing between the units.

As requested by **Rick Dutson**, **David Dixon** stated that the clubhouse will be approximately 2,500 square feet and will include a large meeting room, a serving kitchen and restrooms. It will look as good or better than the actual homes.

**Mayor Harbertson** asked if the developer has received comments from the reviewing agencies regarding the street widths.

**David Dixon** stated that those comments will be given during the preliminary plat process. They have received comments from the Fire Chief who was more concerned about the access to the cul-de-sac than the street width.

**Rulon Gardner** agreed to provide a traffic assessment on the critical intersection, as requested by **Council Member Young**.

**Larry Haugen** suggested that the mansion homes be located along the cul-de-sac to allow the single-family homes to be located on Main Street.

**David Dixon** said he would consider the suggestion since it would not change the proposed density. He referred to the old Potter home and said the Historic Preservation Commission is in the process of determining the priority of this home compared to other historical homes in the City. It may be an issue to find a tenant based on the close proximity to Main Street and the extensive restoration that will be required.

**Drew Neil** said there will likely be 100 vehicles traveling on 900 West when the development is complete. He suggested that 900 West become a cul-de-sac since there will still be access out of Main Street and Fox Glove.

**Mayor Harbertson** explained that according to the City code, a street that is longer than 1,000 feet can not dead-end.

**Drew Neil** said he does not think the City planned for the road to be connected or for houses to be built on both sides of the street. He is concerned that vehicles will be damaged if residents park their cars on the street. He suggested that 900 West be used only as an exit from the development.

### **Motion**

David Hale moved that the City Council grant schematic plan approval to amend a previously approved plan for a mixed use development known as the Village at Old Farm. The motion for approval of schematic plan is subject to all applicable Farmington City development standards and the following:

1. The applicant must provide the following regarding the commercial area of the project including among other things:
  - a. A description of the type of culinary and irrigation system(s) proposed; also, documentation of water rights and secondary water shares.
  - b. A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage.
2. The applicant must update the traffic impact analysis (and Community and Economic Impact Analysis) for the new plan.
3. In preparation for preliminary development plan approval, the applicant should meet the conditions of the previous preliminary development plan approval where applicable.
4. The City and the applicant must decide together what is the most appropriate future use or scenario for the historic Potter home.

5. The residential setback must conform to City Ordinances.
6. The developer must receive and comply with all conditions of preliminary plat approval required for certain portions of the project.
7. The applicant must receive approval from UDOT and provide access to the one-way frontage road/on-ramp adjacent to U.S. 89.
8. The new middle turn lane on Main Street is recommended as proposed, but in order to reduce the aesthetic impact of the road improvements in the area, the developer must narrow the width of the shoulders and middle turn lane as approved by the City's traffic engineer without compromising the integrity of the traffic volume capacity of the road.
9. All storm water must be detained on site. Storm water facilities must be designed to City standards to meet the 25 year/10 hour storm. The landscaping for the site must meet the approval of the governing body.
10. Final improvement drawings, including grading and drainage plans and a storm water pollution prevention plan (SWPPP) must be reviewed and approved concurrently with the final plat(s) and/or final development plan for the project by the Farmington City Public Works Department, City Engineer, Fire Department, Planning Department, FAPID, and CDS.
11. The U.S. Army Corp of Engineers must approve activity of the developer that may disturb any wetlands on or adjacent to the site.
12. Issues regarding the use of the historic Potter home must be resolved prior to or concurrent with final site plan and/or final plat approval for that portion of the project.
13. The master or final development plan for the project and all matters related thereto must be memorialized as part of a development agreement between the developer and the City. This agreement must be recorded against the property prior to or concurrent with final plat approval of the project (or the first phase of the project) or site plan approval.
14. The residential and commercial phasing must be approved by the governing body.
15. The northern portion of the development must include a buffer that provides a residential-type feel such as a single-story mansion home.

16. The traffic evaluation should carefully evaluate the area to make sure pedestrian safety is provided.
17. The developer shall work with City staff regarding the number of homes along Main Street.
18. The developer shall work with the Fire Department to create a safe environment between Buildings A and B.

**Rick Dutson** seconded the motion, which passed by unanimous vote.

## **MISCELLANEOUS**

### **Bond Bids**

**Mayor Harbertson** passed out a copy of the bond bids and reviewed the information with the Council. After discussing the issue, the Council conceptually agreed to proceed with Keith Morgan, so long as the rate remains under 4.08.

### **Wasatch Front Regional Council**

The Wasatch Front Regional Council will receive public comment on a draft version of the Regional Transportation Plan on April 11, 2007.

### **Child Abuse Prevention Awareness**

        **Rick Dutson** reported that he attended a Child Abuse Prevention luncheon. The City received a certificate acknowledging their efforts to protect children.

### **Leisure Services Board**

**Paula Alder** reported that she and Viola Kinney interviewed **Jasmine Sessions** and recommend that she serve on the Leisure Services Board. The City Council conceptually agreed to the recommendation, which will be ratified at the next City Council meeting.

## **ADJOURNMENT**

**David Hale** moved that the meeting adjourn at 9:40 P.M.

---

Margy Lomax, City Recorder  
Farmington City