

FARMINGTON CITY COUNCIL MEETING

Wednesday, October 20, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, David Hale, City Planner David Petersen, City Finance Director Keith Johnson and Recorder Margy Lomax.

Keith Johnson reported that Jo-Ann Callahan had submitted a letter of resignation as Farmington City's Arts Director. She is resigning due to health reasons. A process for choosing a new director will need to be determined.

Keith Johnson also reported that the City had received two bids from Big Boy Properties on the City's "Brass Comb" property. The one bid was for \$100,000 and the other was for \$110,000 with \$10,000 being paid as a down payment with a request that the City finance them for 18 months at which time they would pay off the balance.

It was the feeling of Mayor Connors and Keith Johnson that the City could not legally extend credit to anyone and also that the City has an obligation to pay back money to the Community Development Block Grant Program who helped fund the restoration effort on the Brass Comb. Because of these two factors, it was decided to reject both offers and make a counteroffer for \$110,000 with regular financing.

Council Member Hale reported that the Planning Commission felt that the size of the lots for the Gines Subdivision were fine and that the neighbors to the subdivision were not concerned with adding an extra 15 feet to the four lots.

David Petersen reported that the Transit Oriented Development Zone text scheduled on the agenda was ready for approval, but that there were just one or two issues that need to be discussed. He passed out a memo from Bear West, the City's consultant, to the Mayor and Council Members in which Bear West expressed concern regarding a couple of problem areas.

The Council discussed the fact that if the City is against a certain size of "box" store that now is the time before the ordinance is passed to let their wishes be known. Susan Holmes reported that some box stores will leave an area after eight or nine years and that they bring in a lot of traffic.

Regarding the appeal of the Department of Motor Vehicles, David Petersen stated that he had toured their facility in South Salt Lake which is more like the one planned for Farmington.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, David Hale, City Planner David Petersen, City Finance Director Keith Johnson and Recorder Margy Lomax.

Mayor Connors called the meeting to order at 7:10 p.m. An invocation was offered by Sid Young with the Pledge of Allegiance led by David Hale.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the City Council meeting held October 6, 2004, were approved unanimously upon motion of **Sid Young** and a second by **David Hale** all Council Members voting in favor.

PLANNING COMMISSION REPORT

David Petersen gave a report on the Planning Commission meeting held October 14. Gary and Kent Gines received approval for a six-lot subdivision located on the northwest corner of 475 South and 1100 West in an AE zone. They also received a recommendation for final plat approval for a proposed four-lot subdivision at this same location.

The Planning Commission heard a request from George Haddad requesting schematic plan approval for the Mountainside Plat F Subdivision consisting of 19 lots on 7.523 acres located at approximately 775 South 350 East in an LR-F zone. They are recommending approval of the request.

Approval was given for Farmington City to amend the Oakridge Park Estates Phase II Planned Unit Development located at approximately 1190 West Oakridge Park Drive to add one lot to the subdivision. (Lot is located on the north side of Heritage Park.)

Greg Bell had appeared before the Planning Commission to request a rezone of 12.16 acres of property located at approximately 400 West and 675 North from "BP" to "CMU". The Planning Commission is okay with it but they tabled the request in order to obtain more information. They are concerned about the proposed auto repair business in the CMU zone.

Approval had been given for schematic plan approval for R. K. Buie Company and Garbett Homes for a multiple family residential development consisting of 159 residential dwelling units. These dwellings will be on 11.74 acres located at approximately 850 North Shepard Creek Parkway in a "C" zone.

Mr. Petersen reported that Clark Jenkins is working on completing the items listed in Mr. Petersen's letter to him dated July 22, 2004, regarding retaining walls, landscaping and drainage issues in the Farmington Station Condominium project. At the present time he has completed two of the items.

Denis Butler was given an extension of time regarding a conditional use permit to expand a church parking lot located at 825 South 50 East.

The Planning Commission had a first reading of the text for the proposed Commercial Mixed Use Zone (CMU).

The Planning Commission also is recommending annexation for the remnant pieces on Clark Lane. This annexation request will be on the City Council agenda on November 3, 2004.

The Rose Cove Conditional Use Permit revocation was never discussed at the Planning Commission meeting. Mr. Peterson will meet with Peter Cooke on Monday, October 25, 2004.

PUBLIC HEARING: (Continued from October 6 meeting) CONSIDERATION OF ORDINANCE ENACTING TRANSIT ORIENTED DEVELOPMENT ZONE TEXT

David Petersen introduced this agenda item stating that the first reading of this zone text had been accomplished at the last meeting. A “working” committee comprised of Council Members Susan Holmes and Sid Young; Rich Haws and Mike Haws, developers; David Dixon, architect for developers, City Manager Max Forbush, and City Planner David Petersen; and had met last Thursday to discuss the text.

Mr. Petersen said that Bear West had prepared a memo with comments for suggested changes to the text. He then read from their memo. Their first recommendation is that the maximum square footage of a single tenant, retail commercial structure within the “Core” area remain at 60,000 square feet in order to foster pedestrian, rather than auto-oriented, commercial activity in the vicinity of the UTA light rail stop.

The memo also stated that the Core zone should not be a perfect 1/4 mile semicircle centered on the transit stop, due to topographic and physical characteristics of the ground. The Core TOD zone should not apply in areas where it doesn’t make sense. The 1/4 mile is a guideline.

Bear West also recommends that commercial retail structures larger than 60,000 square feet be conditional in the Secondary district and that the conditional use process be utilized to determine the maximum size of such structures based on parcel size, traffic generation, adjacent uses, off-site impacts and the other usual criteria for deciding whether a specific development application is appropriate for a particular parcel of property.

Their final recommendation dealt with landscaping stating that Farmington should utilize its conditional use authority to review and recommend conditions for one proposal for development adjacent to Clark Lane, depending on the character and intensity of the development proposed.

Mr. Petersen pointed out that even the secondary area is just a general line; that the creek is the boundary area. The location of box stores had been discussed in the committee meeting as had building heights.

Mayor David M. Connors opened the meeting to a public hearing at 7:40 p.m.

Rich Haws, developer of the Station Park, addressed the Council. He asked that Farmington City's General Plan be referenced regarding this area, that the General Plan be reviewed as part of any future building that is done in this area. He referenced areas of the zone text that he felt should be changed. He stated that he felt 60,000 square feet should stay in the Core area and suggested going to 65,000 - 75,000 as a conditional use. Square footages for the Core area were discussed.

David Hale stated that it is the goal to make sure any development "fits" with the commuter rail stop.

Susan Holmes said that the committee tried not to be so specific that the City would not be able to take advantage of opportunities when they come along. She felt the City would tie itself down if it didn't have some kind of flexibility.

Mayor David M. Connors felt that buildings in the Core area should not get too big that only 100,000 square feet uses should be in the Secondary area and that the City should stick to 60,000 to 65,000 square feet in the Core area.

Rick Dutson stated he felt square footage would be better controlled by conditional use; that the City doesn't want to get so tied to numbers it can't make deals.

With no further public input, the public hearing closed at 8:00 p.m.

It was suggested that there is a need to set thresholds -- 65,000 Core, 75,000 Secondary, and 75,000 and over in the Secondary as a conditional use were suggested.

Susan Holmes stated that there are several factors which determine the size and type of a building, such as the ground, liquid faction, resident uses, commercial uses, etc. She also stated that the Sewer District is concerned about the density of people coming to this area that there aren't a lot of sewer lines there. Also, with 6 or 7 storey buildings there is the issue of adequate fire protection.

Motion:

Susan Holmes moved to adopt the ordinance enacting Chapter 18 of the Farmington City Zoning Ordinance titled "Transportation Oriented Development (TOD) Zone" with changes to the zone text including adding the letter "c" under Definitions to read: *"All square footages referred*

to in this ordinance refer to the main floor footprint area.” Also, to change the square footage in the Core zone to 65,000 square feet; 75,000 in Secondary; and anything above 75,000 in the Secondary area only would have to get a conditional use permit. Building heights are to be changed in #7 on page 5 to correct the height number. Number 7 on page 12 is to be deleted. Changes in #6 on page 11 includes changing “20 foot buffer zone” to “30-50 foot buffer zone” with a statement that it could be adjusted up or down depending on the situation and to change “single family” to “residential”. Other changes are to renumber page 4, paragraph 5; adjusting the numbering of items on pages 3 and 4; and to include in the General Plan an exhibit showing the type of development the City is looking for in this zone. The final zone text is to be reviewed by the City Attorney and then brought back to the City Council for final review. The motion was seconded by **Sid Young**. The motion passed with all Council Members voting in the affirmative.

Susan Holmes thanked everyone for working on the TOD that it had taken a lot of time and effort by David Petersen, Max Forbush, Sid Young and Rich Haws and others to bring it to fruition.

Mayor Connors also thanked Susan Holmes who had been an integral part of the TOD Zone ordinance.

PUBLIC HEARING: Appeal of Planning Commission denial of request for approval from Sam Brady Architects for a Conditional Use/Site Plan to construct a Utah State Division of Motor Vehicles Facility at 200 West/200 South.

Dave Petersen introduced this agenda item and recounted appearances of applicant before the Planning Commission. The Planning Commission’s letter of denial of the request was included in the City Council packets. The Planning Commission had determined the request did not match the purposes in the Business Park Zone that it did not seem like a fit.

The request was first heard before the Planning Commission in July 2004. He displayed a map which showed the drainage plan and the access easement to the property. The site is designed to have 78 parking spaces with 18 employee parking spaces. The proposed building, a two-story building, would have a foot print of 5,000 square feet. Traffic is a major issue regarding this application. He stated that the Planning Commission is worried about the number of trips that will be generated to the facility due to the proximity of Farmington Elementary and Farmington Jr. High. The Planning Commission had requested the applicant submit a transportation study of the area, but the study had never been done. A letter had been submitted to the Planning Commission from Wilber Smith Associates regarding trips generated by the facility and the distribution of those trips. The letter stated that in their professional analysis, it was determined there would be negligible traffic impact. The data used for this analysis was based on the Division of Motor Vehicle’s recent historical data. The graph showed a consistent amount of traffic throughout the day without having any traffic peaks.

Mr. Petersen had visited the Division of Motor Vehicle's facility in Ogden to gain insight into the amount of traffic generated and how far into the street the cue would spill, because he felt that facility may be a good representation of where Farmington would be in 20 years. He was told by employees there that when that facility is busy, traffic spills out into the street and backs to the viaduct.

Mr. Petersen had also toured the DMV facility in South Salt Lake, at the request of applicant, because it was built from the ground up like what is proposed for the Farmington facility.

A letter from Brad Simpson of the Division of Motor Vehicles, which had been hand-delivered that afternoon to the City Hall, was presented to the Mayor and Council. The letter had been prepared to provide additional information about the Motor Vehicle function in Davis County, but because of the late delivery to the Council, they did not have time to review it.

Mayor Connors opened the meeting to a public hearing at 8:40 p.m.

Robert Henry, representing Tom Stuart Construction, addressed the Council. He stated they feel that the Department of Motor Vehicles would be a the best fit for this site. He stated that if an office building were constructed on this site, it would have more of a traffic impact than the DMV facility will. He also stated that the Drivers License Division had been housed in a building right next to this site and that the DMV would not generate any more traffic than the Drivers License facility did. He pointed out that the traffic peak for the DMV, which begins at 9:00 a.m. and has a level flow during the day, doesn't coincide with the Jr. High peak at 8:00 a.m.

Brad Simpson of the Department of Motor Vehicles addressed the Council pointing out that Farmington is the County seat and that the DMV would prefer to keep their office in Farmington. Their office is now housed in the Davis County Courthouse. The County notified them two years ago that they would need to vacate the space. He stated that there had been two RFP's and that their first site was in west Farmington but they did not go forward with that proposal because of environmental issues. A site on Lagoon Lane close to the Drivers License building was also considered but abandoned because of traffic with the close proximity to the light. He explained that it is possible to renew on line over the internet so people don't have to come into the office only for certain transactions. He stated there were fewer visits to their Davis County facility in 2004 than in 2002. There are plans to place kiosks at malls and banks to enable people to renew at these locations. He also stated that renewals for ATV's and boats are now staggered throughout the year in order to level out traffic peaks.

At 8:55 p.m. Mayor Connors closed the public hearing.

Discussion among the City Council Members and the Mayor then took place. It was pointed out by Susan Holmes that the Planning Commission had given other reasons in their denial of the request, that traffic wasn't the only issue. The Planning Commission had wanted a traffic study

done, but a complete study had never been accomplished. The only thing submitted for review to the Commission was the letter from Wilbur Smith Associates with data regarding traffic peaks and trips related to the DMV.

Rick Dutson stated that it seemed like the Planning Commission had had a difficult time getting information from the applicant. He pointed out that the Council had only received the letter from Brad Simpson of the DMV at the meeting and that it had been hand-delivered to the City offices late this afternoon.

Susan Holmes felt the Council needed more information before a decision could be made or that it should be sent back to the Planning Commission to hear the new information.

David Petersen reported that 70% of the traffic coming to the DMV comes from the north and that if the site were located south of the Jr. High, traffic would need to come either through downtown or go down the frontage road in front of Lagoon and then pass by Farmington's Historic District on west State Street.

David Hale stated that he would love to see this facility in the Farmington area, but at a site where there is not a traffic or safety issue.

Brad Simpson of the DMV stated that the Utah Legislature had allocated funds in 2003 for the construction of a new facility in Farmington. He expressed concern that if the money is not committed to construction of a structure before the beginning of the year with a new Governor and Legislature the funding could possibly be taken away. He stated that they had tried to obtain property in west Farmington near 1100 West and Clark Lane, but the owners weren't willing to sell. He told the Council that their Request For Proposal is a fixed-price bid. A company finds the site, designs the building, constructs it, and then leases the building to the DMV. It is done this way so that the local jurisdiction can receive property tax revenue.

David Petersen stated that he had spoken with Barry Burton of Davis County Planning and that the County may wholeheartedly support a DMV facility near the Fairgrounds. It was suggested that City personnel, along with County Commissioners and State officials, work together to come up with a suitable site.

Mayor Connors stated that he would be happy to talk with the County Commissioners that it would be a win-win situation for everybody to find a site that would work to everyone's advantage. He said that the City wants the facility in Farmington and asked for the chance to see if there is another option for a different location.

MOTION:

Susan **Holmes** moved to table this agenda item pending discussion and other information that might be considered which could cause the request for approval of a conditional use/site plan to

construct a Division of Motor Vehicles facility to be re-evaluated and that a committee, comprised of Mayor David M. Connors, Council Member David Hale, Max Forbush, the City Manager, and David Petersen, the City Planner, be set up to investigate possible sites for the location of a Division of Motor Vehicle building. The motion was seconded by **Rick Dutson** and with all Council Members voting in favor, the motion passed.

PUBLIC HEARING: SCHEMATIC PLAN APPROVAL CONSIDERATION FOR 159 UNIT CONDOMINIUM PROJECT (GARBETT HOMES) TO BE LOCATED SOUTH OF SHEPARD LANE ADJACENT AND WEST OF U.S. 89 AND EAST OF ROSE COVE - R.K. BUIE COMPANY

David Petersen reported that the Planning Commission had given conditional use approval for this project as reflected in his letter which was included in the City Council packet. He recommended that the Council approve the schematic plan for this project.

Mayor Connors opened the meeting to a public hearing at 9:20 p.m.

Kent Buie addressed the Council stating that this project is the first phase which will include a 159 condominium project of town homes – two stories with no basements. He had a power point presentation showing the project. A pond currently exists on the property, and they have been working with Davis County and the Division of Wildlife Resources to turn it into a fishing pond. The fishing pond would then be managed by Davis County and stocked with fish by Wildlife Resources. Access to the pond would be by the frontage road. Mr. Buie stated that there will be 22 acres left for commercial development after this project is completed.

The public hearing was closed at 9:35 p.m.

MOTION:

A motion was made by **Rick Dutson** for schematic plan approval for a 159 unit condominium project (Garbett Homes) to be located south of Shepard Lane adjacent and west of U.S. 89 and east of Rose Cove. The motion was seconded by **David Hale**. The motion passed by all Council Members voting in the affirmative.

PUBLIC HEARING: SCHEMATIC PLAN APPROVAL CONSIDERATION FOR MOUNTAINSIDE SUBDIVISION, PLAT "F"

Dave Petersen recommended approval of the schematic plan for Plat "F" of Mountainside Subdivision which consists of 19 lots. This had been previously approved back in 1993 and has now been resubmitted by the developers of Hughes Estates as part of a contractual obligation. He also reported that the road is now in and the improvements are there. The Planning Commission recommends approval.

Mayor Connors opened the meeting to a public hearing at 9:40 p.m., but due to the fact that no one spoke to this issue, the public hearing was closed.

MOTION:

Sid Young moved to approve the schematic plan for Mountainside Subdivision, Plat “F” for 19 lots on property located at approximately 775 South 350 East in the LR-F zone subject to compliance with all applicable ordinance requirements and development standards. The motion was seconded by **David Hale**. The motion passed with all Council Members voting in favor.

FINAL PLAT APPROVAL CONSIDERATION FOR GARY GINES 4-LOT SUBDIVISION AT 475 SOUTH 1100 WEST

Mr. Petersen reviewed a letter he had sent to Gary Gines (who was in the audience, but did not address the Council) regarding the Planning Commission’s recommendation for final plat approval. The Planning Commission recommended that the north to south lot line distance of the four lots abutting 475 South Street be 140 feet in length that they did not see the need for extending the lots by 15 feet. The final plat of the subdivision was shown to the Council. A conservation easement will be placed over the area as shown with “hatch” marks on the schematic plan. The subdivision is limited to six (6) lots only, there is to be no further subdivision.

MOTION:

A motion was made by **Rick Dutson** to grant final plat approval for the first phase of a six-lot subdivision located at approximately 475 South 1100 West to specifically include items listed in a letter to Gary and Kent Gines dated October 15, 2004, outlining conditions in granting preliminary plat approval which included:

- (1) The applicant shall comply with all conditions of schematic plan approval as set forth in the August 4, 2004, City Council minutes and the July 13, 2004 Planning Commission minutes.
- (2) The north to south lot line distance of the 4 lots abutting 475 South Street shall be 140 feet in length.
- (3) The applicant shall prepare and submit a soils report to Farmington City as required by the Subdivision Ordinance.

The motion also includes conditions listed in another letter to Gary Gines dated October 15, 2004, recommending final plat approval as follows:

- (1) The applicant shall comply with all conditions of preliminary plat approval.

- (2) The final plat shall not be recorded until all improvement drawings related thereto are reviewed and approved by the City Engineer, Public Works Department, Fire Department, Central Davis County Sewer District and Weber Basin Water Conservancy District.
- (3) A note shall be placed on the final plat which note shall be acceptable to the City, indicating that the future owners of the platted lots are purchasing property in a rural area, and noise and odors associated with adjacent or nearby agriculture uses are customarily appropriate in these areas.

The motion was seconded by **Larry Haugen** with all Council Members voting in favor.

GENERAL DISCUSSION WITH MEMBERS OF CITY ARTS COUNCIL AND LEISURE SERVICES BOARD RELATIVE TO UPCOMING RAP TAX VOTE AT NOVEMBER ELECTION

Discussion was held regarding the Recreation Arts and Parks (RAP) tax issue which will be on the November 2nd ballot. It is proposed to increase sales tax revenue by 1/10 of 1% from point of sales in any Davis County business. Families spending \$15,000 per year in Davis County on taxable goods or services would pay an additional \$15 for the RAP tax. The City Manager estimates that if the RAP tax passes, it could mean as much as \$90,000 per year for various projects in the City. The City would still need to compete for art money funding, but would be competing against cities of the same size.

The funds will be divided into three categories -- the arts program, building program, and start-up programs. Part of these funds could be used to see that quality and new programs are provided through Farmington's Arts Program. City funds cannot be used in promoting this issue, but a letter stating the Mayor's and Council's endorsement and support of the RAP tax could be issued.

MOTION:

David Hale moved that a letter be issued stating the Mayor's and City Council's support and endorsement of the Recreation Arts and Parks tax, that an information sheet be prepared showing the benefits it would bring to the City if it passes. The motion was seconded by **Rick Dutson**. The motion carried with all Council Members voting in favor.

It was recommended that brochures be obtained from the Davis Arts Council for distribution, along with the letter of support and information from the City Council. It was felt people involved in the Farmington Arts Program, the Youth City Council, and other volunteers could distribute the flyers.

MINUTE MOTION APPROVING BUSINESS OF CONSENT

A motion to approve the items of consent as listed herein was made by **David Hale** and seconded by **Larry Haugen** with all Council Members voting in favor.

- 10-1. Ratification of Approval of Construction Bond Agreements.
- 10-2. Approval of Eagle Creek Development & related S.I.D. Agreements.
- 10-3. Approval of November's *Newsletter*.
- 10-4. Approval of 475 South S.I.D. Change Order

RESOLUTION RECEIVING AN ANNEXATION PETITION FROM JAMES B. KENNARD FOR CONSIDERATION BY FARMINGTON CITY

Mr. Kennard is seeking annexation into Farmington City of .671 acres in order to build a single-family residence on his property located at approximately 450 East State Street.

Motion:

David Hale moved to accept for study the petition of James B. Kennard for annexation of .671 acres of property into the Farmington City limits. The motion was seconded by **Larry Haugen**. The motion carried by all Council Members voting affirmatively.

AMENDMENTS TO AGREEMENTS WITH FARMINGTON GREENS AND FARMINGTON RANCHES DEVELOPERS PERTAINING TO THE WIDENING OF THE SOUTH SIDE OF CLARK LANE

MOTION:

Susan Holmes moved to approve in concept the amendments to the Agreements for Farmington Greens Subdivision and Farmington Ranches Subdivision pertaining to the widening of the south side of Clark Lane. The motion was seconded by **David Hale**. The motion passed with all Council Members voting in favor.

The amendments will be shown to the developers of Farmington Greens and Farmington Ranches and if acceptable, the City will move forward with the widening of the south side of Clark Lane.

MISCELLANEOUS:

Utah League of Cities & Towns

Susan Holmes reported that the Utah League of Cities & Towns has information put together to help educate citizens on what services are provided by whom. They have information that will help train people in the City.

Signs

Sid Young expressed concern about different kinds of signs around the City. He felt the way-finding signs could work and that businesses listed on the signs should help pay for them. They would look a lot nicer than the signs he is seeing around town. Also, he stated that banners used to advertise upcoming events look tacky hanging from trees and attached to fences.

It was reported that Chief Hansen had spoken with the Post Master regarding the parked vehicles for sale on their property west of the Post Office. The Post Master had assured him they will not let “for sale” vehicles be parked there.

Jo-Ann Callahan Letter of Resignation

Jo-Ann Callahan has submitted a letter of resignation as the Art Director for Farmington City effective November 1, 2004. **Susan Holmes** reported that a gift will be purchased and presented to Jo-Ann Callahan at a future Council Meeting. It was suggested that a scrapbook of “thank you/remembrance” letters be obtained from former students and associates of Jo-Ann’s.

There being no further business, and upon motion by **Susan Holmes** with a second by **Rick Dutson** the meeting was adjourned at 10:20 p.m.

Margy L. Lomax, City Recorder