

FARMINGTON CITY COUNCIL MEETING

October 2, 2012

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, Associate Planner Christy Alexander, and City Recorder Holly Gadd. Council Member Jim Talbot was excused.

The **Mayor** and the City Council took a tour of several new parks in the City and Forbush Park where the City has discussed installing a stage cover.

Schematic Plan and Preliminary PUD Master Plan Approval – Kestrel Bay Townhomes PUD Subdivision

The Council discussed various details regarding this Subdivision, including two letters received from the owners of an 8-plex which is adjacent to the subject property.

Check Approval Process

Keith Johnson said staff has been studying the check approval process to see if there is a more efficient way for the process to occur. In most cities the City Council does not review or approve the checks. State law requires the Department Heads and the Finance Director to review and sign the invoices before they are paid which is the method Farmington currently uses. He recommended that a check register be printed each week after the checks are cut and given to the **Mayor** and City Council to review, and there was discussion about the proposal.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate Planner Christy Alexander, and City Recorder Holly Gadd. Council Member Jim Talbot was excused.

CALL TO ORDER

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Mayor Harbertson welcomed those in attendance and offered an invocation. The Pledge of Allegiance was led by Vance Ferrin, Garrett Bowman, and Devin Walke of Troop 3104.

PUBLIC HEARINGS

Schematic Plan and Preliminary PUD Master Plan Approval – Kestrel Bay Townhomes PUD Subdivision

Christy Alexander said this is a request for 11 multi-family townhomes on property located at approximately 123 West 620 South (.775 acres) in an R-8 zone which will be leased initially and sold in the future. The Planning Commission recommended approval of the Schematic Plan and the Preliminary PUD Master Plan with several conditions which the applicant has met: (1) additional windows on the frontage road elevations; (2) offsetting units on the 620 South elevations; (3) storage of recycling cans inside the garage; and (4) the revised placement of trees. Staff would still like to have the garages in the rear of the townhomes, and other concerns included the side yard and front yard setbacks, the number of curb cuts and asphalt, parking and spaces between driveways, and traffic safety. The Council should add a condition that the site will need to be removed from the flood plain.

Scott Balling, 1995 North 100 East, Centerville, made several changes to the units which will add value: the frontal appearance, garage doors, wider fascia trim, staggered setbacks in the middle units, open park spaces, and landscaping/trees in the park strip. Staff suggested turning the building sideways with a courtyard in the middle and having off-street parking behind the units, but there is not enough room. The buildings would encroach onto the sidewalk with no setbacks, and there would be environmental impacts, a 21% increase in storm water runoff, a need for long-term maintenance of the pavement by an HOA and for additional fill because of the natural front to back slope of the property. His goal is to provide family-friendly units which will offer privacy and covered patios, a tot lot, and grow boxes. The current plan includes 46% open space (the ordinance requires 10-15%). Each unit is close to 2000 square feet in size, and he plans to use hardy board and rock facing on the front.

Public Hearing opened at 7:25 p.m.

Lorraine Flood, 524 South Glen Hill Court, lives two blocks away from this project and complained about the City's noticing area—she did not receive notification. Her husband was on the City Council in 1980, and she knows the history of this property. The City did not follow through on decisions that were made, and two units—an 8-plex and a 4-plex—were approved. She asked the Council not to approve this high density project. If they do approve it she wants the garages/parking to be behind the units. Her \$400,000 home will be affected by this development.

Shannon Hicks, 511 South 111 West, said her family has owned this property for many years, and her father fought for three years to get this rezoned to an R-8 zone. He proposed a development, Woodland Park Subdivision/Comely Meadows, and covenants were put into place and recorded. She is grateful that the City has a limited noticing area, because years ago people throughout Farmington signed petitions to keep this area from being zoned R-8.

Robert Leavitt, 511 South 111 West, agreed with the comments made by his sister and said he likes this proposal which is family friendly and looks nice.

Public Hearing closed at 7:50 p.m.

The **Mayor** said the City's noticing area is 500 feet which can be expanded if necessary. The maximum number of lots in an R-8 zone is 15 units per acre (originally 21 units per acre). This property is a 2-lot platted subdivision which allows 5.3 units per lot, but as a PUD, 11 units are allowed. He lived in this area 30 years ago and realizes the importance of home values. However, zoning regulations are in place, and the Council cannot be scared or intimidated by the

comments and/or actions of residents. They must determine if the plan fits within the guidelines of the ordinance. The City received two letters from the owners of the 8-plex which will be added to the record. The first letter dealt with the 5-foot setback which is a moot point. In the second letter, the owners asked for a higher fence, and **Mr. Balling** said he spoke with the owners prior to the meeting, and he will work with them to decide on a mutually agreeable fence.

The City Manager explained that a PUD is a “planned-unit development”, and it is a label attached to project that would like more flexibility than is allowed under the ordinance. This subdivision has two lots, and by eliminating the lot lines and making one parcel, it qualifies as a PUD. Whatever the Council approves for this site will likely determine what will happen on the property to the north. He advised the Council against implementing an owner occupied restriction. The Council discussed various aspects of the elevations and the site plan, the size of the units, and the amenities.

Lorraine Flood said she would rather have 10 units/individual lots on this site. She is a real estate broker and pointed out that FHA financing cannot be obtained when the area has more leased property than sold properties. It will be difficult to sell these units after they are leased. She would like the units to be modular looking rather than red, pink, or purple. The square footage of the units ranges from 1630 to 1925 square feet which are tiny.

The **Mayor** pointed out that the zoning is what it is—that decision was made by a previous City Council many years ago, and these units could be a lot smaller. **David Petersen** agreed and said the Council made a zone text change at some point in the past, but he has not been able to find it in the record. He shared further details from the State Code regarding plat amendments.

Motion:

Cory Ritz made a motion to approve the Schematic Plan and Preliminary PUD Master Plan for the Kestrel Bay Townhomes PUD Subdivision (11 units), located at approximately 123 West and 620 South, subject to the same conditions and findings established by the Planning Commission on September 13, 2012 and with the following additional conditions:

1. The applicant will break up the front with additional undulating setbacks of 1-2 units.
2. The applicant will add a window to the 2nd floor bedroom exterior wall.
3. The recycling can will also be stored inside the garage.
4. The applicant will work with staff regarding the number and size of trees that were posing problems to the utility pipes running underneath the property.
5. The applicant will work with the adjoining property owner to install an upgraded fence (minimum 6’ vinyl) of mutual satisfaction at the applicant’s cost.
6. The applicant will provide a LOMR to remove the property from the flood plain.

The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

PRESENTATION OF PETITIONS AND REQUEST

Consideration of Ordinance amending the Zoning Ordinance and the Scenic Byway Overlay Zone regarding Electronic Message Signs

Dave Millheim explained that the City promised Lagoon that they could review the final version of the Ordinance prior to approval. Staff received a letter from Lagoon today saying they received three different versions of the proposed amendments and would like additional time to review the documents.

Motion:

Nelsen Michaelson made a motion to table the Ordinance amending the Zoning Ordinance and the Scenic Byway Overlay regarding Electronic Message Signs until the October 16, 2012 City Council Meeting. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Approval of Minutes from September 18, 2012
2. Ratification of Approvals of Storm Water Bond Logs
3. Ordinance Amending, Renumbering and Recodifying Title 5 of the Municipal Code
4. Century Link Easement Request

Motion:

Jim Young made a motion to approve the items on the Summary Action List. It was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

Executive Summary for Planning Commission meeting held September 13, 2012

The Planning Commission recommended approval of the Schematic Plan and Preliminary PUD Master Plan for the Kestrel Bay Townhomes PUD Subdivision and the Spring Creek Estates Phase 6 Subdivision. They approved a Conditional Use and Site Plan for Phase 2 of the Farmington Bay Storage Units, a Conditional Use permit for a dance studio, and amendments to the Zoning Ordinance and the Scenic Byway Overlay Zone regarding electronic message signs.

Retreat Format and Topics List

Dave Millheim said the Retreat is scheduled for October 26-27 and referred to the list of topics for discussion. He asked for further input from the Council, and **John Bilton** suggested that the use of technology be added to the list of topics.

GOVERNING BODY REPORTS

City Manager – Dave Millheim

1. The Building Activity Report for August was included in the staff report.

2. The City received two requests regarding the old church (Maughan home) on North Main Street: (1) To approve a one-year extension of the agreement which expires in November; and (2) To move forward with the demolition of the building. The Council directed the City Manager to prepare the necessary documents for both requests.
3. The 22-mile D&RG trail was never completed in Centerville, Farmington, and a portion of Davis County (the original estimate was \$1,020,000). A meeting with Centerville, Davis County and UTA will be held on October 15 to negotiate an agreement to complete the trail. The City Manager asked for direction on how to move forward and said \$700,000 was already earmarked to complete the trail. The Mayor and Council suggested that UTA pay for half of the trail and the other three entities split the other half into thirds.
4. An apartment building was built near the Old Rock Mill many years ago with a private lane for access. There were many issues with the lane, and in 2001 the City decided to change it to a public road. Through a cooperative agreement, the City obtained the right-of-way, and a property owner, **Mr. Owens**, agreed to create a landscaping buffer on the east side of the road. He spent \$8,000 and planted numerous trees; however, the trees are on a very narrow public right-of-way, and third of them died. The residents in the area want a better barrier and suggested a chain link fence with vines. The cost of the fence (\$3500-\$7000) will be paid by the City, and all future maintenance will be the residents' responsibility. The Council agreed with the approach, and the City Manager will follow through with the needed agreement which will be brought back to the Council later.
5. The City has an opportunity to possibly obtain surplus equipment from the Tooele Army Depot, and the Council must appoint a person to represent the City.

Motion:

Jim Young made a motion to authorize the **Mayor** to sign Resolution 2012, as drafted, designating the City Manager, **Dave Millheim**, as the City's representative and authorizing him to obtain surplus equipment from the Tooele Army Depot. **John Bilton** seconded the motion which was approved by Council Members **Bilton Ritz**, and **Young**.

Mayor Scott Harbertson

- The City received a check in the amount of \$8,588.00 from Comcast for the day of service which was held earlier in the year.
- He encouraged the Council to attend a meeting on October 17, 2012 with the Davis School District and representatives from the Farmington area schools. He asked for suggestions of issues they may want to discuss.
- He expressed appreciation for the Council's support as he served in a leadership role with the Utah League of Cities and Towns during the past year.

City Council

Nelsen Michaelson

- The ribbon cuttings for various new businesses in Station Park went well.
- He asked if the trails committee has a representative on the DRC, and the City Manager said no, but they are very involved in the process.

Cory Ritz

- He expressed concern regarding comments which were made about “tiny” size of 1600-2000 square foot townhomes. The City needs smaller homes also, and he cautioned against having an elitist attitude towards various types of housing.
- He received a call from resident **Chad King** who is a member of the Army/Air Force Band. They performed in Farmington several years ago and would like to perform during Festival Days 2013.

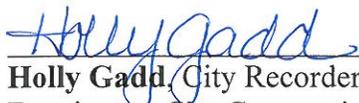
Jim Young

- He has many neighbors who walk the trails in the City often, and they asked when the Lagoon Trail closes for the winter. **Dave Millheim** said the City does not plow any of the trails, but they do not close any of them.

ADJOURNMENT

Motion:

Cory Ritz made a motion to adjourn the meeting. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**. The meeting was adjourned at 9:30 p.m.



Holly Gadd, City Recorder
Farmington City Corporation