

**FARMINGTON CITY**  
**PLANNING COMMISSION MEETING**  
December 5, 2013

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**WORK SESSION**

*Present: Chairman Bob Murri, Commissioners Brigham Mellor, Kris Kaufman and Mack McDonald, Alternate Commissioner Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Brad Dutson, Brett Anderson, Michael Nilson and Alternate Commissioner Nate Creer were excused.*

**Item #3. Rich Cook – Schematic Plan for the Spring Creek Subdivision**

David Petersen said this item and the public hearing needs to be continued to the December 12, 2013 Planning Commission meeting.

**Item #4. Norm Frost/Ovation Homes – Recommendation/Approval of the Preliminary (PUD) Master Plan, Schematic Plan and LR Zone Designation**

David Petersen explained under Chapter 11, the applicant can apply for 3 subdivision options for the LR zone, a base and 2 alternatives as outlined in detail in the staff report. Staff calculated yield plans for each option. The base allows 40 (20,000 s.f.) lots. Option #1, a conservation subdivision, allows for 67 lots with a total of 4.862 acres of open space. Option #2, also a conservation subdivision, allows for an increase in density as bonus for additional open space, which would result in 73 lots and 5.883 acres of open space. The applicant is proposing 77 lots with 4.09 acres of open space under a PUD. Staff provided the yield plans to the applicant; the applicant still wants to move forward with the proposed plan despite the discrepancies from the yield plans. David Petersen reminded the Commissioners that 3 items are before them, the Zone Designation, Schematic Plan and the Preliminary (PUD) Master Plan.

**Item #7. Utah School Development/Tyler Brodrero – Conditional Use Permit & Site Development Application for Ascent Academy Charter School**

David Petersen explained this is a joint effort on the City and the applicant's part as a way to build out the City's new regional park. The City will have joint use of the school's parking areas and indoor basketball courts, when available. School will be grades K-9 and will open August 2014. As for the increase in traffic at the 650 W. and State St. intersection, the City is reviewing the options of installing a traffic light or building a roundabout. The City Engineer is still working on resolving drainage issues, but feels onsite retention may be the best option. Also, 650 W. is a very wide road at State Street. David Petersen discussed utilization options for the space.

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**REGULAR SESSION**

*Present: Chairman Bob Murri, Commissioners Brett Anderson, Brigham Mellor, Kris Kaufman and Mack McDonald, Alternate Commissioner Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording*

*Secretary Lara Johnson. Commissioners Brad Dutson, Michael Nilson and Alternate Commissioner Nate Creer were excused.*

## **#1. Minutes**

**Mack McDonald** made a motion to approve the Minutes of the November 14, 2013 Planning Commission meeting. **Rebecca Wayment** seconded the motion which was unanimously approved.

## **#2. City Council Report**

**Eric Anderson** provided a report from the City Council meetings on November 19 and December 3, 2013. He said the following items were passed, as recommended by the Planning Commission: Silver Leaf Schematic Plan, Villa Susanna Preliminary (PUD) Master Plan, Eastwood Cove Final Plat and the Farmington Bungalows Subdivision Schematic Plan.

## **SUBDIVISION/ZONE CHANGE APPLICATIONS**

**#3. Rich Cook (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan approval for the Spring Creek Subdivision (102 lots) on 8 acres located at approximately 700 North and 400 West. Applicant is also requesting a zone change from LS (Large Subdivision) to CMU (Commercial Mixed Use) related thereto. (Z-3-12) (S-12-12)**

Staff requested this item be continued until the next Planning Commission meeting on December 12, 2013.

### ***Motion:***

**Brigham Mellor** made a motion that the Planning Commission continue this item and the public hearing to December 12, 2013. **Kris Kaufman** seconded the motion which was unanimously approved.

**Item #4. Norm Frost/Ovation Homes (Public Hearing) – Applicant is requesting a recommendation/approval for a Preliminary (PUD) Master Plan and a Schematic Plan for the proposed Cottages at Rigby Road Planned Unit Development (PUD) consisting of 77 lots on 23.5 acres located at approximately 1350 West and 1800 North. The applicant is also requesting a recommendation for an LR Zone designation related thereto. (A-2-13; S-18-13)**

**David Petersen** provided background information of this item and what has transpired over the prior two Planning Commission meetings. During this time, the developer improved the plans in four different areas, as recommended. Since much of the detail was being provided already, the developer and staff felt it would be appropriate for the developer to submit an application for the Preliminary (PUD) Master Plan, in addition to the Schematic Plan and the Zone Designation. All three items are before the Commission this evening.

Based on Chapter 11, **David Petersen** shared with the public the permitted yield plans and open space thresholds. He explained the property would be allowed 40 lots, each lot must be 20,000 s.f. Under the LR zone, however, there are two other permitted options under the Conservation

Subdivision chapter. He walked through the yield plans for the base and the two options, as provided in the staff report. Based on the permitted yield plans, there was a significant discrepancy with the developer's current PUD plan and the allowable lots under the plans. However, the developer still wanted to move forward with the proposed PUD plan.

Also, since the developer is seeking a recommendation/approval of a Preliminary (PUD) Master Plan, the Commission needs to complete a more thorough analysis of the PUD standards as listed in Chapter 27 of the Zoning Ordinance. Staff provided their comments as listed in the staff report.

With regards to the proposed motions, **David Petersen** explained that the Planning Commission could recommend that the City Council deny the Preliminary (PUD) Master Plan, Schematic Plan and requested Zone Designation based on the Findings in the staff report. The alternative motion would be to recommend the LR Zone Designation, recommend the Schematic Plan approval for a permitted conservation subdivision alternative and disapprove or not recommend a PUD. He explained the biggest things the developer has to gain from a PUD would be the flexibility of lot sizes and setbacks.

**Kris Kaufman** asked for further clarification under proposed Motion (A) Findings (3) where it states, "The density of the proposed PUD is more than the density allowed in 2 of the 3 alternatives allowed conventionally..." Per **David Petersen's** discussion on the permitted options, he feels it should read the density is higher than all 3 alternatives allowed. **David Petersen** agreed; proposed Motion (A) Finding (3) was amended to read "The density of the proposed PUD is more than the density allowed in all of the 3 alternatives allowed conventionally..."

**Kris Kaufman** also wanted further clarification on the conservation subdivision option; if the developer were to choose to ask for a waiver of the open space that is required, but the density could not be increased from the yield plans, where would that property go. **David Petersen** explained it would be absorbed in larger lot sizes to mirror a similar plan, but with 4 less lots. He also mentioned that since the TDR ordinance has passed, it is possible the City Council could increase the developer's allowable lot count to the proposed 77 if the developer transfers 4 lots back to the City.

**Brad Frost**, 534 N. Anita Dr., Kaysville, questioned the staff why there is such a push toward a conservation subdivision. **David Petersen** explained as per one of the PUD standards as listed in Chapter 27 of the Zoning Ordinance, it asks if the proposed layout is more pleasant than what is permitted in the underlying zone. He stated it forces the Commission to look at what is permitted in the underlying zone, which includes a conservation subdivision. **Brad Frost** said they are not interested in discussing a conservation subdivision, but would like to discuss how the proposed PUD fits within the community. He continued to explain that the proposed plan has been decreased from 214 units to 77 and addressed all listed items of concern from the previous Planning Commission meeting, including sidewalks, parking strips, lot sizes around the periphery and the monotony of the development. He feels the proposed plan complies with the neighboring properties and provides unique features that all of Farmington can enjoy.

**Brad Frost** walked through how the proposed plan meets the 5 PUD standards as outlined in Chapter 27:

(A) A more attractive and pleasant living environment – It would be a tree-lined community. There is a trail system that provides interconnectivity with neighbors. They have decreased lot density and increased lot sizes. There will be major landscaping and other improvements along 1800

N. The open space would be improved. He emphasized that the purpose of the conservation subdivision was for preserving open space in West Farmington. He explained that in a conservation subdivision, the open space is not improved and listed some of the permitted uses, including pasture land for livestock. Under a PUD, the Commission has the ability to regulate what the permitted uses are for the open space. Also, it provides CC&Rs that monitor specifics for building materials and design, as well as provides a spot for the active adult segment markets. The architectural design of the homes are unique; they will add to the abutting community, not detract from it. As a result in the change of elevations, home values will also be higher. Also, the trail around the subdivision will be increased from 4' to 15' in width with additional trees along lots 13 and 14.

(B) No detriment to adjacent property – They have increased lot sizes along the periphery, including, although not required per the previous Planning Commission's request, lots sizes along the church parking lot. The flag lot was removed and lots were made larger in its place. There are at least 33 lots that are 10,000+ s.f., several lots that are 8-9,000 s.f. and very few lots that are in the 6-7,000 s.f. range. **Brad Frost** showed pictures of the Haight Creek Draw and where the trail system has been staked. A few property owners on the opposite side have gone over the property boundary by 100-200'. As a result, the proposed trail system has been considerably pulled back to allow for those property owners to continue to use the property. He also explained the proposed sidewalks are not a detriment, but will allow for interconnectivity within the development. The trail in the middle of the development will also allow for a second access for the residents.

(C) More efficient use of the land – **Brad Frost** emphasized that the development will have improved open space versus the alternative of non-improved open space in a conservation subdivision. He explained under a conservation subdivision, there is no requirement to make the open space usable; the proposed plan will allow all open space to be usable and accessible to all. Also, with the help of George Chipman, chairman of the Farmington Trails Committee, crusher fines was determined to be the best surfacing for the trail. **Kris Kaufman** asked the developer that although the development would be giving less open space than the conservation subdivision options would require, if he feels the development's open space would be more valuable because it is usable. **Brad Frost** said yes; the open space requirements were created to preserve natural land for farmers and their livestock so subdivisions could leave their open space unimproved. **David Petersen** clarified that there are many permitted uses listed in the ordinance; livestock is an option, but not the only option. The developer chooses which permitted use they want, but are not required to make specific improvements to the open space. **Brad Frost** continued that often a developer begins with a conservation subdivision, but then requests waivers for specific things which will basically turn the conservation subdivision into a PUD anyways.

(D) Increased density compensated with better site design – The developer walked through neighboring subdivisions units per acre; he pointed out these subdivisions have not contributed any open space. He would like to create a new market segment for Farmington as an active adult community like this is in very high demand. The homes would sell for \$300,000-\$500,000 and will be very beautiful. **Brigham Mellor** asked the developer what the average lot size is in the proposed plan. **Brad Frost** said the average lot size is approximately 9,000 s.f., but over 33 lots that are 10,000 s.f. or bigger. There are now only 7 lots that are 6,450 s.f.

(E) PUD will not increase hazards to health, safety or general welfare – Although it was determined traffic was not an issue in the last Planning Commission meeting, **Brad Frost** said he understands there is still a concern with increased traffic on Rigby Road. The new plan includes a raised crosswalk along Rigby Road, as well as a potential stop signs at the top of Rigby Road to help slow traffic flow in and out of the development.

**Brad Frost** feels they have listened to the Commission and the public and have addressed all items of concern. He is not interested in applying for a conservation subdivision, but would like to know whether or not the proposed PUD is accepted.

**Bob Murri** opened the public hearing at 8:17 p.m.

**Ron Robinson**, 92 N. Country Bend Rd., is a representative from the Farmington Trails Committee. He addressed the concern that crime could be introduced as an element into a community by putting a trail through “personal spaces.” To his knowledge, he has not heard of any crime taking place on the Farmington neighborhood trails. He also did some research regarding crime and trails across the nation; research shows that more right kind of use by the right kind of people generally detracts trouble as those causing trouble seek for seclusion and anonymity.

**Diane Ogilvie**, 615 S. 150 E., said her husband is also on the trails committee. She has seen how great the quality of life is in Farmington and the trails contribute to its success. Many groups, such as scouts, young men/young women, families, mothers and more, enjoy and care for the trails. She was surprised many people were opposed to the trail as the trails are such a great asset to our community.

**George Chipman**, 433 S. 10 W., is the chairman of the Farmington Trails Committee. He has been developing trails for over 15 years and understands that it is very common that residents can be fearful that a trail will bring unwanted changes. In his experience, the changes are never as bad as residents think it will be. He explained he walked the proposed trail with the developer; he suggested moving the trail to the east side behind the mature trees as to shield the current residents’ homes. He applauded the developer for providing and paying for something of value to the community.

**Terence Moores**, 978 Kings Crossing Dr., is speaking on behalf of Randy Kline who was unable to attend this meeting. He asked that if the proposal is accepted to please allow the proposed trail corridor easement. He has seen many kids playing in the draw for many years; improving this area would be an amenity as well as increase public safety. Studies have also shown there have been fewer crime and vandalism problems when trails have been created in other parts of the country.

**Lani Shepard**, 720 Somerset St., said she is an avid trail user and that although she is typically opposed to developments, she supports this development and the proposed trail. She understands the concerns of many residents; she has talked with many residents surrounding current trails and all residents would prefer a trail over anything else. She explained the material the developer will be using on the trail, crusher fine, can be used by those in wheelchairs, strollers, joggers, etc. It is not pavement or concrete, but is easily accessible for anyone.

**Rosemary Iles**, 1247 S. Haight Creek Dr., said her family owned the property adjacent the Tanner property so she grew up playing down along the Haight Creek. When her family sold to Ivory Development, Kaysville wanted to put a trail along it, but they were very opposed to that because of some of the crimes that have taken place along trails in the past. She does not feel it fair to ask people to open their backyards to these crimes. She is also opposed to the developer using her grandfather’s name, Rigby, in association with this development.

**Diane Williams**, 1792 Stayner Dr., lives on the corner of 1800 N. and Stayner Dr., directly across from the development. She feels the current neighborhood has a great mix of older, middle-aged and younger families. Bringing this type of development into the community would be out of

sync with the rest of the neighborhoods. She explained she is not opposed to trails, but feels this trail would be too steep and very unusable in the winter.

**Mike Hoer**, 1873 Bella Vista Dr., said he wanted to address the merits of the trail. He explained one of his main reasons for moving to Farmington is because of the trail system. During this year alone he has hiked over 900 miles on the Farmington trails. He does not know anyone that does not contribute to the safety and cleanliness of the trails when using them. He has never lived in UT, but the trails of Farmington was one of the key attributes to moving here.

**Chris Roybal**, 1267 W. 1875 N., is representing all current residents that live along 1800 N. He said he feels based on **David Petersen's** comparisons of the alternative underlying options for the LR zone that a PUD does not provide a more pleasant option. He emphasized that for the approximately 23 acres, 4 acres of proposed open space is considerably small considering the 4 homes across 1800 N. cumulatively, albeit private land, have 2 acres of open space. He does not feel the developer is "giving back" any additional open space as the proposed open space is property over a gas line and the creek, neither which could ever be developed. He expressed that the residents feel frustrated that they have asked/begged the developer for additional amenities, including lower density, more open space, larger lot sizes, sidewalks, landscaping and more.

**Sam Paget**, 1328 W. Sweetwater Ln., is representing the residents of Oakridge Village which is located south of the development. The residents are concerned that although the Planning Commission asked the developer to put sidewalks throughout the development, he only completed the request half-way as most of the development only has sidewalks on one side of the street. They have talked with the Farmington Post Office; the Post Office said all new developments will have centralized mail boxes. He expressed concern on how the residents will be able to retrieve their mail with the lack of sidewalks. They would like to see this property developed as one of the underlying options, either the base or a conservation subdivision. He does not feel they are being unreasonable requesting additional open space either. Also, the community is not opposed to trails, but there are still questions as to who will maintain the trail, remove the snow, be liable for injuries and provide parking for trail users. They do not feel this development is the most suitable purpose of this property.

**Bryce Huff**, 780 E. 1475 S., Kaysville, recently moved his family, including four sons, to a ¾ acre lot along the creek. He looked at other Ovation Homes developments and the adjacent properties. Each development is located in already high density housing areas and/or in close proximity to a commercial district. If the PUD is supposed to be more pleasant than the surrounding area, other Ovation Homes developments have met that criteria for those areas, but not for this one. He expressed concern that the Planning Commission provided 4 recommendations on what they wanted to see in the development and the developer did not completely address each item.

**Brian D'Ewart**, 1443 Cheever Ln., is concerned that the Commission, public and developer are operating in haste. Although in each meeting, some progress is made, he feels there is still a long way to go. After the first meeting, he took off two days of work to visit and discuss with residents to find out what they wanted in this development. He explained no one is opposed to the property being developed, but all would like a development that fits the surrounding neighborhoods. He said he owns a home near the Ovation Homes development in Layton; that development has helped increase his property values there because it fits there. He does not feel this development fits here.

**Mark Chamberlain**, 923 Doris Pl., Kaysville, is representing the residents of the Monte Bella subdivision. He explained they are not opposed to the trail system, but would like this property

developed the right way. He expressed concerns with Rigby Road as the width will be decreased approximately 18' from the Kaysville side to the Farmington Side. It is not advantageous to narrow this road. Many residents are still concerned that the trail system abuts many of their vinyl fencing as the fences are only 7' high.

**Steve Burton**, 1387 S. Haight Creek Dr., Kaysville, said he lives along the Haight Creek, but his property significantly drops off at the top of the ravine. He placed a fence at the top of this ravine, not along his property line, to avoid children falling over the edge. He cautioned the Commission that many parts of the ravine are not safe to open to the public. He is still very concerned about the density levels of the development as only 33 of the lots are a ¼ of an acre. He also spoke on behalf of his friend Trevor Mansford, the man in the wheelchair that attended the previous Planning Commission meeting. Although progress has been made with sidewalks and the rest of the development, he feels the developer is not where he needs to be yet.

**Darlene Elgren**, 1198 Rigby Rd., Kaysville, said her father is Mr. Rigby. He does not want his name associated with this development. She would like to see the housing types to remain the same in North Farmington. Although she loves the trails, she is uncomfortable using some as they are so close to peoples' homes. She feels traffic is still an issue, but feels the biggest issue is the high density of the housing.

**Jeff Clark**, 1771 N. 1500 W., expressed frustration that he feels the developer did not meet all criteria the Commission asked him to do. He feels that not having sidewalks on both sides of the road is a big safety issue. He also would like to see more standardized lot sizes so the subdivision looks more unified instead of feeling like two separate developments. He is still cautious about the monotony of the development. He would also like to know who will maintain the open space and be liable for it.

**Maren Paget**, 1328 Sweetwater Ln, said she is frustrated that many people are assuming residents don't like trails when the real concern is trails going through individuals' backyards. She also is in favor of larger lots and does not want lots that are 6,000 s.f.

**Chris McRoberts**, 1417 Haight Creek Dr., Kaysville, is the property owner that has improved his area down to the creek and added the bridge crossing the creek, as shown in the picture by the developer. He explained that approximately 5 to 10 times a year, the bottom area around the creek is completely washed out. Property owners' have even suffered water damage as a result of the large flooding the creek has caused. He is concerned that any trail added to this area will be destroyed; the trail would need to be something that can survive these floodings.

**Benjamin Shaw**, 1642 Stayner Dr., stated the developer mentioned the trail will replace the need for the 2<sup>nd</sup> side of the sidewalk along the streets. He feels the absence of sidewalks will not be replaced by trails as people use sidewalks for very different purposes than trails. He also does not like that the east side, by the LDS church parking lot, is being excluded from having larger lots as previously required by the Commission around the rest of the development's periphery.

**Scott Ogilvie**, 615 S. 150 E., stated he feels trails add a lot to the community as it is like a park system that connects the community together. Trails can be made durable. He also feels winter maintenance will not be an issue as many trails within Farmington are not plowed or shoveled. He feels trails improve the quality of life of the community.

**Craig Hill**, 1447 Brown Ln., expressed concern about the financial impact a development like this will have on the resale value of his home. He said the developer is stating these homes could sell for up to \$500,000, but is unsure how the developer reached that number. He also said, per discussion from the previous Planning Commission meeting, the developer has not provided any home elevations that include a recessed garage. He is concerned that approving a PUD could also open doors for the developer to add/change the proposed plan.

**Jeff Lynn**, 1334 Haight Creek Dr., Kaysville, lives across from the proposed development and hears all of what goes on in the area. The flooding of the creek is a huge problem; a trail would not last. He is still concerned about the amount of traffic such a dense development would bring.

**Bob Murri closed the public hearing at 9:41 p.m**

**Bob Murri** also stated several emails have been received by residents; these have been entered into the public hearing and included for the record.

**Rebecca Wayment** asked for further clarification on what the improvements are under the PUD versus what improvements are required under the conservation subdivision options. **David Petersen** explained the base option would allow for 40 lots with a minimum of 20,000 s.f. The developer could choose to increase the lots to 67, but would need 4.862 acres of open space, which is Option #1. Option #2 would increase lots to 73, but with an increase of open space to 5.883 acres. Under the base and 2 alternative options, homes along streets larger than a local road (which is 1800 N.), homes have to be setback 80' from the road. Also, at least 50% of lots must abut or be directly across the street from a conservation lot. The 67 lots is not a guarantee as a developer still has to meet these requirements for a conservation subdivision. There are also many "mays" or various waivers that can be obtained within a conservation subdivision. The main focus for the decision is about the density and the open space.

**Brigham Mellor** asked if there are any requirements/stipulations for home elevations in a conservation subdivision like there are under a PUD. **David Petersen** said under a conservation subdivision, architectural design is only a discretionary item and not a must. There are penalties if the garage projects out, but a developer could make all garages flush with the homes if he wanted.

**Brett Anderson** asked if the developer is in compliance with all developmental standards as found in Section 11-7-101 and what is the City's definition of open space. **David Petersen** stated the only variance would be the sidewalks; all other standards, including street widths, curb and gutter, etc., are all in compliance. As for open space, he explained it is constrained land or unconstrained land that has been placed under an easement. This does not include side yards or backyards.

**Brett Anderson** stated based on the definition of a PUD, its very nature is to allow for higher density, but there is supposed to be some benefit for that higher density. Based on the code, the purpose of a PUD allows for flexibility in site design, as well provides a mix of housing types which this development does with the smaller and larger lot sizes. A PUD is to preserve the natural features of the property, which this development also does with the trail along the Haight Creek. Based on the conservation subdivision ordinance, **Brett Anderson** said he did not read anything that addresses the Commission's ability to control what types/look of homes that will be developed. **David Petersen** agreed; the only control the Commission has is with regards to the garage placement. **Brett Anderson** continued that at least a PUD gives the Commission a voice to ensure they are happy with the way the development looks. He does like the idea of improving the land as much as possible, including improving the trail. He feels with regards to PUD standard (c), a PUD is an efficient use of

the land as he does not see any waste or misuse of the land. He feels that sometimes density could be viewed as being too efficient. **Brigham Mellor** added that he feels high density becomes inefficient when it's too congested and traffic is too high for the area. In reference to PUD standard (d), **Brett Anderson** asked what amenities the City is looking for in the site design. **David Petersen** said a pool, clubhouse, park, tennis courts, etc. He feels the trail can be interpreted as an amenity, but is not on par as other amenities provided in other PUDs.

**David Petersen** asked where the Planning Commission is at as for desire to approve or deny the item. If the Commission is leaning toward approving it, then staff can help guide through Motion B. If the Commission is leaning toward denial, then it needs to stay with Motion A.

The Commissioners are still unsure as to which decision to make. **Kris Kaufman** said he still feels unsure as to what the City is actually getting out of the development as he understands there should be a tradeoff for the higher density. Although many are for and against the trail, it is one of the main factors that is being given in return for the higher density. He is still deciding if what is being offered as the trail is sufficient enough to qualify for an adequate tradeoff.

**Bob Murri** expressed concern that the conservation subdivision options are very loose as there are very few strict guidelines outside of the minimum lot sizes and the open space requirements. He feels a conservation subdivision could be a risk to the community. **David Petersen** also said the setbacks and sidewalks are required, however, sidewalks on both sides of a subdivision could still be waived. **Brigham Mellor** added that although the requirements may be loose, it is still in the developer's best interest to create an appealing subdivision with nice open space so ensure he is still able to sell his lots. With regards to a lot of the current open space within the City, **Brett Anderson** said much of it is very ugly and many residents are unhappy with it so he is in favor of making open space usable for the community. **Kris Kaufman** still questioned though if the trail is enough of a viable use of open space to justify the give and take of the higher density.

**Rebecca Wayment** stated that in many other PUDs within the City, there is some kind of park that makes it feel more like a community. She does not feel the trail around the periphery is enough. She also feels the density of the development does not fit with the surrounding area. **Mack McDonald** agrees; he feels the developer is just utilizing an area of undevelopable property with the trail.

**Brigham Mellor** asked what options the City has to put a trail in without the developer. **David Petersen** said during the platting process, the City can ask the developer to allow them to put a trail in. The City would use its park impact fees to pay for the trail. **Brigham Mellor** continued that if the trail could still be put in, paid for by the City, and the residents would be happier if the developer came back with a conservation subdivision, then he feels it is best to recommend this item for denial.

**Brett Anderson** asked if the Commission needs to address liability on the trail and if there are any code or regulations that set trails back from habitations. **David Petersen** said no, the liability issue is beyond the Commission's purview and there are not any setback requirements for trails to people's property.

Regarding the water level of the Haight Creek, **Kris Kaufman** asked how viable it is that the trail could be washed out. **David Petersen** said the hollow is susceptible to flooding, but the developer would put the trail up on the shelf. A major catastrophe would need to take place to reach that shelf, however, the developer does have the ability to take precautions to detain it.

**Mack McDonald** mentioned that it was discussed in the study session that trees cannot be placed along the gas line; he asked for further clarification. **David Petersen** said yes, the petroleum company watches the vegetation very carefully as it can disrupt the line. **Brett Anderson** added he has a gas line through his yard and he cannot place trees within 6' of either side of it.

**Mack McDonald** asked if the decrease in street width from Rigby Road in Kaysville down to Farmington will cause problems. **David Petersen** said no; the street widths are not that different and the change can be made to be very subtle.

With regards to the entire development, **Mack McDonald** does not feel it is compatible or enhance the surrounding properties.

**Kris Kaufman** asked the developer if he is 100% certain he can extend the trees across lots 38-39 and lots 13-14 and to also explain what else he feels he is "giving" beyond the grading, weed mat and alternative gravel with the trail. **Brad Frost** said yes; there is a 20' landscape easement from lots 38-39 and a 14' easement from lots 13-14. The trees would be beyond those easements. As for the trail, **Brad Frost** said they will have to bring in dirt for areas to level the trail, build some kind of retaining wall for the steeper sections and remove/cutback some of the surrounding trees. He also said he highly respects **George Chipman's** opinion and is willing to make additional improvements based on his suggestions. Commissioners asked about benches, waste receptacles and lighting along the trail. **Brad Frost** thinks all those are great and workable options.

**Brett Anderson** said that although many people are against an HOA, he feels an HOA can better maintain a more desirable appearance for a development as time goes on. He recognizes CC&Rs can change, but an HOA does make it a little harder for the development to fall apart. As for Ovation Homes, once the development is completed, it is **Mack McDonald's** understand that the HOA is turned over to the residents. He added that in the development where he lives, the developer still maintains the HOA and can shift the CC&Rs in a way that fits his best interest. He feels HOA's function better when it is self-regulated by the residents.

***Motion:***

**Brigham Mellor** made a motion that the Planning Commission recommend that the City Council deny the Preliminary (PUD) Master Plan and the Schematic Plan and requested zone designation related thereto based on the findings 1-3 as listed below.

**Findings:**

1. The proposed layout does not provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the LR zone because it results in more dwellings but in 2 of the conventional permitted alternatives it provides less open space. Sidewalks are required in conventional subdivisions; meanwhile, some of the streets proposed by the applicant do not have sidewalks. Moreover, the applicant is proposing street trees, but these are also required in conventional subdivisions. Under a PUD, the City may require developers to meet landscape maintenance standards. However, conservation subdivisions also have maintenance and landscaping standards that must be followed. Greater architectural standards may be required in PUDs; however, some architectural standards also exist in conservation subdivisions.

2. That the proposed PUD does not provide more efficient use of the land and more usable open space than the conventional development in the LR zone. The proposed PUD provides less usable open space than is provide in 2 of the 3 conventional permitted alternatives.
3. The density of the proposed PUD is more than the density allowed in all of the 3 alternatives allowed conventionally, but the plan does not significantly compensate for this increased density in other ways more than a permitted conservation subdivision alternative.

**Mack McDonald** seconded the motion.

**Kris Kaufman** is concerned with the lack of sidewalks, but is pleased that the developer is willing to provide additional features with the trail. **Bob Murri** stated he lives in a subdivision with only one sidewalk and it is not an issue or safety concern at all. **Rebecca Wayment** feels the trail will be developed one way or the other, but does not feel the proposed development is providing enough of a better site design or increased amenities for the community in return for the higher density. **Brett Anderson** added that there are many things he likes about this development that he feels the community may lose if a developer goes the standard route. **Bob Murri** feels this type of development would bring something of value to Farmington as the City is in need of this type of product.

**Brigham Mellor, Mack McDonald and Rebecca Wayment** approved the motion. **Brett Anderson and Kris Kaufman** denied it. **Bob Murri** abstained from voting. The motion passed.

**Item #5. Nick Mingo/Ivory Development – Applicant is requesting approval for Preliminary Plat approval for the Westwood Cove Conservation Subdivision (7 lots) on 4.057 acres located at the northwest corner of 650 West and Glover Lane in an AE zone. (S-3-13)**

**Eric Anderson** said the applicant is requesting Preliminary Plat approval for a 7 lot conservation subdivision. A road stubbing to the north will be built to accommodate future subdivisions. The detention basin will be a project improvement because it does not accommodate future development. Future developments will need to construct their own detentions. The applicant is requesting a waiver for approximately 34,000 s.f. The City Manager will determine what just compensation is for that property. The applicant is also asking for a waiver for the 80' buffer from the road and for the access requirement, which are determined by City Council.

**Nick Mingo, 978 E Wood Oak Ln.,** said they will also be improving and adding sidewalk along 650 W. and Glover Ln. **Mack McDonald** asked what the box is in the middle of the proposed sidewalk. **Nick Mingo** said it a gas structure that comes above ground. Staff brought a picture of the structure up on Google Maps to show how large it is. **Nick Mingo** said he will work with the City Engineer and the Public Works Department to determine the best way to work around the structure to ensure safety for those traveling along the sidewalk.

***Motion:***

**Mack McDonald** made a motion that the Planning Commission approve the Preliminary Plat for the Westwood Cove Conservation Subdivision, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The City Manager determines what just compensation is for the waiver of the 34,203 s.f. of open space, and the City Council approves the waiver prior to Final Plat approval;

2. The City Council approves the waiver of Sections 11-12-10 (b) and (d) of the Farmington City Zoning Ordinance;
3. The applicant must dedicate an expansion of the width of Glovers Lane by 7 feet, taking the total right-of-way to 80’;
4. Final improvement drawings, including a drainage and grading plan, shall be reviewed and approved by Public Works, City Engineer, Fire Department, Central Davis Sewer District, Weber Basin Water and the Community Development Department of the City.
5. Staff will work with the developer to have the sidewalk go in front of gas line instead of behind it, if possible.

**Brigham Mellor** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. The proposed subdivision conforms to all of the development standards as set forth in Section 11-10-040;
2. The proposed Preliminary Plat shows a dedicated right-of-way expansion of Glover’s Lane by 7’ and has street cross sections for both Glover’s Lane and 650 West that conform to the City’s Development Standards.

**Item #6 Scott Balling – Applicant is requesting a recommendation for Final Plat approval for the Kestrel Bay Townhomes (PUD) Subdivision (11 units) on .78 acres located at 145 West 620 South in an R-8 zone (S-11-12).**

**Eric Anderson** said the applicant is requesting Final Plat and Final (PUD) Master Plan approval for a multi-family, 11 unit PUD subdivision consisting of townhomes. There have been some concerns regarding storm water and how to get it across the freeway. Most issues have been or are in the process of being resolved. Since the subdivision is so small, it is not a large concern. The applicant is required by the Federal Emergency Management Agency (FEMA) to complete a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) to remove the townhomes out of the flood plains. The applicant has received the CLOMR and the LOMR is pending. Staff recommends this item for approval.

**Scott Balling**, 1995 N. 100 E., Centerville, said they have received their CLOMR and are now waiting for their LOMR. They are ready to move forward.

**Mack McDonald** asked if during this final step of approval, if the Commission is supposed to be looking at landscaping and trees. **Eric Anderson** explained the applicant has provided the landscaping plan, but the plan did not make it into the staff report. **Scott Balling** had a copy of the Final Plat that he showed to the Commissioners. **Mack McDonald** is comfortable still approving the item if staff has reviewed and approved the plans.

***Motion:***

**Kris Kaufman** made a motion that the Planning Commission recommend that the City Council approve the Kestrel Bay Townhomes PUD Final Plat and Final (PUD) Master Plan subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant will continue to work with the City and other agencies to address any outstanding issues remaining with regard to the Final Plat prior to recordation;
2. Finished Floor Elevations shall be a minimum 4258.00 feet (B.F.E + 1.0 foot), or existing Finish Floor (4256.50) based upon CLOMR and LOMR approval and installation of FEMA required improvements prior to granting final approval of plans;
3. A note shall be placed on the Final Plat indicating all culinary water lines and sewer lines will be private lies within the project property prior to recordation;
4. A note shall be placed in the Final Plat indicating all recycling and garbage cans will be stored in the garage prior to recordation;
5. Applicant shall receive UDOT approval for drainage requirements and ROW improvements on the Frontage Road prior to construction;
6. All conditions of Preliminary Plat and Preliminary (PUD) Master Plan approval;
7. Review and approval of final improvement drawings by Public Works, City Engineer, Benchland Water, Central Davis Sewer District, Fire Department and the Community Development Department of the City.

**Mack McDonald** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. The proposed Final Plat submittal is consistent with all necessary requirements for a Final Plat as found in Chapter 6 of the City's Subdivision Ordinance;
2. The project is consistent with the Final (PUD) Master Plan for the area.

**CONDITIONAL USE/SITE PLAN APPLICATIONS**

**Item #7. Utah School Development/Tyler Brodrero (Public Hearing) – Applicant is requesting approval for a Conditional Use Permit and Site Development Application for the Ascent Academy Charter School on property (approximately 5 acres) located on the southwest corner of 650 West and State Street in an AE zone. (C-11-13)**

**David Petersen** said that during the study session, the staff and commissioners discussed the wide parking strip the City will get because the street is so wide. It has been suggested that, in lieu of a 5' sidewalk, the City use the additional space as a multi-use trail up to 12' wide for the length of the charter school property and the City regional park property. The City would put the multi-use trail in over and above the project costs for the developer.

**Tyler Brodrero**, 3248 S. 750 W., Syracuse, is representing Ascent Academies of Utah. He said they are looking forward to coming to Farmington to fill the need of the growing community by providing public education through the charter that has been written and approved by the state.

**David Petersen** explained the City is under contract to sell the 5 acres to Ascent Academy so Farmington City is part of the application. The charter school is a joint partnership; they will be building soccer fields for the City as part of the regional park, as well as allowing joint use of their parking lot when available.

**Bob Murri** opened the public hearing at 11:28 p.m.

**Matt Gore**, 2668 Silver Spur Way, explained his children currently attend a charter school and have for the last 8 years. He is excited to finally have a charter school here in Farmington. He

reviewed the site plan and feels the school has made improvements based on other charter schools' mistakes. His only concern is who is responsible for snow removal.

**Bob Murri closed the public hearing at 11:29 p.m.**

**David Petersen** clarified that the City would be responsible for removing snow from their parking lots and the school would be responsible for removing the snow on their parking lots.

**Bob Murri** asked for specifics on enrollment and when they plan to open. **Tyler Brodrero** said enrollment begins January 2014; classes begin August 2014. Maximum enrollment capacity will be 540 students K-9 with about 2 classes per grade.

**Mack McDonald** asked the applicant why there were not windows along the back of the school. **Tyler Brodrero** said the tan area is the kitchen storage area for the school, but he is not sure about the darker grey area. If that area is classrooms, there should be windows.

**David Petersen** recommended that the landscaping plan be delegated to staff for review and approval. The applicant has also agreed to work with staff to continue the overall theme of the regional park throughout the school's landscaping.

***Motion:***

**Brigham Mellor** made a motion that the Planning Commission grant Conditional Use and Site Plan approval for the Ascent Charter School, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. SWPPP Corrections and storm water permit and bond must be done before construction begins;
2. A soil report is provided that includes road and sidewalk recommendations and a detailed water table analysis;
3. All street cross section and improvements for 650 West must be shown on the final plan with final design approval by staff, including all changes and modifications affecting public utilities;
4. School will control access of northernmost egress/ingress point, through the use of traffic cones;
5. Approval is subject to mutual resolution of storm drain to City and the Applicant's satisfaction;
6. Final Approval of the Site Plan consistent with all requirements set forth in Chapter 7 of the Zoning Ordinance shall be delegated to City Staff and any conditions of the Site Plan or Landscaping approval should be listed as conditions for the Conditional Use permit;
7. A boundary adjustment must be approved creating the 5 acre parcel;
8. The City Council must approve the proposed street cross-section for 650 West;
9. The design must include Farmington Rock either on the exterior of the building or as architectural elements in the landscape;
10. A lighting plan shall be provided which illustrates the type and location of lighting proposed for structures, walkways and parking lots prior to final plan approval;
11. The sidewalk shall be widened up to 12' for a multi-use path.

**Brett Anderson** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. The proposed charter school is an integral component in the City's plan for its future regional park;
2. A charter school will fill a growing need for additional educational opportunities for the City and its growing population;
3. The proposed use of the charter school is compatible with the surrounding community, including Station Park, the Davis County Justice Center and Fairgrounds, Farmington Public Works building and the Future Regional Park;
4. State Law (Code 10-9a-305) exempts chart schools from having to conform to municipality land use ordinances, which in this case includes the City's requirement for a conditional use. However, the applicant has been amenable to going through the conditional use approval process because of the partnership nature of this project and wanting to be transparent throughout the process;
5. The ordinance allows for flexibility on approving this site plan and conditional use in that the Planning Commission can approve this project and leave final approval to City Staff. In this way, the City can ensure that all outstanding issues are resolved and the approval for the Site Plan conforms to City ordinances and Development Standards.

**Item #8. Dennis Greenhalgh (Public Hearing) – Applicant is requesting approval for a Conditional Use Permit to increase the height of an accessory building to be located on property (.46 acres) at 1477 North 410 West in an LR-F zone. (C-12-13)**

**Eric Anderson** explained the applicant is requesting a Conditional Use Permit as he would like to increase the height of his accessory building from 15' to 20'. The applicant is building a home on the lot and would like to also build a 2-story garage with a bonus room on the 2<sup>nd</sup> story.

**Dennis Greenhalgh**, 212 E. 2300 S., Kaysville, said since its new construction, he has invited his architect to explain a little about the home plans.

**Ken Lindway**, 143 W Canyon View Dr., is the architect for the applicant. He stated he submitted an addendum to staff to show the relationship to the existing grade and the anticipated height limitation. The ordinance reads a height measurement can be taken from the highest adjacent grade around the structure, which means the applicant is only requesting 1 additional foot of height.

**David Petersen** clarified that the 2<sup>nd</sup> story bonus room will not be an apartment, but will be above the detached garage.

**Bob Murri** opened the public hearing at 11:45 p.m.

**Jim Rumpsa**, 429 Welling Way, abuts the backyard of the applicant's property. He is also speaking on behalf of the other 3 adjoining property owners; they were unable to make the public hearing. He explained the previous property owners would dispose of additional soil into the property which has raised the natural elevation of the property by 4'. Adding a 2<sup>nd</sup> taller structure impedes on the neighbors view and brings an imposing presence next to neighbors' yards, especially as the elevation has already been significantly raised. He also expressed concerns regarding the usage of the bonus room as the applicant is a member of a rock band; neighbors do not want their peace disrupted. Additionally, the CC&Rs for the applicant's property limits the height of the eve of the 2<sup>nd</sup> building to 12'. He and his neighbors do not feel this situation warrants a conditional use permit.

**Dennis Greenhalgh** clarified that the original owners of the property was a contractor and did bring fill in, however, based on the grade layout of the plat, the 2-story detached garage will be 4' down from the home resulting in it being only 1' taller than the home. Also, the garage is in compliance with all CC&R restrictions.

**Bob Murri** closed the public hearing at 11:53 p.m.

**Brett Anderson** stated he does not feel it is within the Commission's purview to review the property owner's usage of a structure when reviewing a conditional use permit for a building. **David Petersen** agreed, property owners have the right to use the building as they choose. The only restrictions come into play if it were to be a dwelling unit.

***Motion:***

**Rebecca Wayment** made a motion that the Planning Commission approve the conditional use request subject to all applicable codes, development standards and ordinances as per the enclosed site plan and building elevations, including the vacation and abandonment of any public utility easements, and other easements, where necessary. **Mack McDonald** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. The height of the proposed accessory building is subordinate to the height of the proposed residence as set forth in section 11-11-060(a) and is proposed at 20';
2. The proposed accessory building is at least 15' away from any dwelling on an adjacent lot;
3. The proposed accessory building does meet all of the requirements set forth in Section 11-11-060(a), such as setback standards and occupies less than 25% of total area of the rear yard.

**OTHER BUSINESS**

**Item #9. Henry Walker Homes – Applicant is requesting approval to increase the building height in the proposed Avenues at Station Park Subdivision in an RMU Zone from 2 stories to 3 stories as per Section 11-18-106. (S-10-13)**

**Eric Anderson** said this item is for the increase in building height from 2 stories to 3 for the Avenues at Station Park. On October 1, 2013, the City Council adopted a zone text change to 11-18-106 which allowed for this height increase under certain circumstances as shown in the staff report. Even under these circumstances, it is still under the sole discretion of the City to allow the height increase to 3 stories not to exceed 33'. "The City" can be interpreted as staff, the Planning Commission and/or the City Council. Staff feels it appropriate to fully vet the applicant's request through the Planning Commission and City Council. As the applicant meets all 4 criteria as outlined in the amendment, staff is recommending that the Planning Commission recommend approval of the building height increase to the City Council. **David Petersen** added that the applicant interprets "the City" as just the Planning Commission for this amendment as this is a step in the development design phase, however, City Council approved it with the understanding that they would be the final say on the building height increase.

**Leslie Mascaro**, 14547 S. Hedgerose Dr., explained that in reviewing the City's Chapter 18 of the Zoning Ordinance, the Planning Commission can give an approval or denial of all decisions made

for anything within Chapter 18. Additionally, under Farmington's municipal code, it states "Farmington City or the Staff..." but since all processes within Chapter 18 are associated with the Planning Commission, they feel it is appropriate to have a decision reviewed and made by the Planning Commission. She walked through the text amendments and how the development completes each of the criteria.

**Leslie Mascaro** also added their desire to have a decision at this meeting to ensure a certain level of entitlement as HWH will be closing on the property in the next week and a half. **Mack McDonald** asked why this decision would affect their product since they would still be allowed the same level of density. **Leslie Mascaro** stated it would drastically change their product type, specifically the value and square footage of their higher-end series resulting in possibly re-approving the project for additional townhomes in the single-family dwellings' place.

***Motion:***

**Kris Kaufman** made a motion that the Planning Commission recommend that the City Council approve the additional height increase for dwelling along local streets in the proposed Avenues at Station Park subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The distance of 300' must be established between the proposed development and any adjacent housing in a rural residential neighborhood;
2. Additional landscaping must be provided on the mixed use site, including medium to large size trees every 20' along the entire length of the buffer;
3. At least three different housing types (i.e. detached single family, town homes, live-work units, etc.) shall be provided in the mixed use site for every 10 acres of development;
4. The proposed uses in the mixed use area shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing and proposed development.

**Mack McDonald** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. A distance of at least 300' is proposed as a buffer between adjacent rural residential sites and the proposed development;
2. Additional landscaping has been proposed in the buffer area with large trees placed at 20' on center along the entire length of the buffer;
3. Three different housing types are proposed throughout the development including, single family housing, town homes and condominiums.
4. The proposed uses and architectural design have been altered, particularly in the single family housing, to be compatible with the adjacent properties, surrounding neighborhoods and other existing and proposed developments.

**Item #10. Miscellaneous, Correspondence, Etc. – Dog Grooming Business – Mural/Sign Discussion**

**Bob Murri** deferred this item to the next Planning Commission meeting as the business owner was not in attendance of the meeting.

**ADJOURNMENT**

***Motion:***

At 12:16 a.m., Kris Kaufman made a motion to adjourn the meeting which was unanimously approved.

A handwritten signature in cursive script, appearing to read "Bob Murri", written in black ink.

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**Bob Murri, Chairman  
Farmington City Planning Commission**