

**FARMINGTON CITY
PLANNING COMMISSION MEETING
July 11, 2013**

WORK SESSION

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

Mark Morris, a consultant with the City's Site Plan & Architectural Review Committee, gave a presentation on developing a walkable community and the many benefits of it.

Commissioners discussed agenda item #4, the new Schematic Plan for Kestrel Bay Estates PUD subdivision. The new plan removed the 620 South connection to the development, but added a connection through the development to 450 South and 75 West.

Commissioners expressed frustration of the change as many felt it was clearly communicated to the developer to add the 450 South connection as a third entrance/exit, but not to remove 620 South. There was also discussion about recommending speed bumps, stop signs and electronic radar speed limit signs to help 450 South remain a safe road for children to travel.

REGULAR SESSION

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

#1 – Minutes

Motion:

Michael Nilson made a motion to approve the Minutes of the June 27, 2013 Planning Commission meeting. **Brett Anderson** seconded the motion which was unanimously approved.

#2 – City Council Report

David Petersen gave an update on the City Council's July 2, 2013 meeting. He stated Richard's Rock Mill will be placed on the Farmington City Historic Landmark register as requested by the property owner. He also stated the Council reviewed the wetlands study that was previously brought before the Commission at the last meeting.

SUBDIVISION APPLICATION

#3. Jared Darger – Applicant is requesting a recommendation of a revised Final Plat approval for the Meadow View Conservation Subdivision (19 lots) on property on 11.01 acres located at approximately 1525 West and Spring Meadow Drive in an AE zone. (S-10-11)

Christy Alexander explained this item came before the Commission in August 2012 to receive Final Plat Approval, but was placed on hold. If the Transfer of Developmental Rights Ordinance is passed (as presented in agenda item #4), the developer would be able to create additional lots in the subdivision, as shown in his previous Final Plat. In this revised Final Plat, the developer moved all open spaces to the northeast corner of the subdivision. Staff sees no problem approving this item as the developer is simply moving the open space, not adding additional lots.

This item was not a public hearing, the applicant was not present and the Commissioners did not have any questions or concerns to discuss.

Motion:

Brigham Mellor made a motion that the Planning Commission recommend that the City Council approve the Final Plat for the Meadow View Conservation Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to the revised Final Plat;
2. The applicant must receive approval of the Final Plat from the City Council in order to record the proposed subdivision;
3. The development agreement must be amended to include the revised Final Plat.

Rebecca Wayment seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed Final Plat revision is consistent with the previously approved Schematic Plan, Preliminary Plat and Final Plat.
2. The proposed subdivision meets all the requirements for approval of a Final Plat.

Motion:

Michael Nilson made a motion that the Planning Commission move agenda item #6 (Farmington City's request to amend the Zoning Ordinance regarding TDR) to item #4. Kris Kaufman seconded the motion which was unanimously approved.

ZONING TEXT CHANGES

#4. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 12 of the Zoning Ordinance regarding transfer of development rights (TDR). (ZT-2-13)

David Petersen explained the City is trying to develop a regional park. Currently, the City has a park space of 20 acres, but they would like to at least double that in order to have a significant gathering spot for the City's recreational needs. Staff had the idea to transfer a

development's open space to this regional park. By doing so, the lots that would be displaced by the park on the potential development ground could then be transferred to a development since the developers transferred their open space to the City. By amending this ordinance, the City is able to help offset the costs of this regional park in lieu of raising taxes. The proposed ordinance calls for a developer to transfer at least one acre, it is 100% discretionary based on the City's decision and an agreement must be in place before the transfer takes place. Also, staff recommends to strike the entire Conservancy Lot ordinance as it has caused problems within the community in the past.

Bob Murri opened the Public Hearing at 7:24 p.m.

Scott Balling, 1995 N 100 E, asked if this TDR ordinance will affect those that already have Schematic Plan approval. **David Petersen** yes, it can affect them if the developer and the City would like to pursue it. He also stated it only applies to conservancy lots and not a PUD.

Bob Murri closed the Public Hearing at 7:26 p.m.

Brett Anderson suggested that since the Conservancy Lot ordinance will be struck, it would be important to clarify this ordinance only applies to properties that are already planned to be a conservancy lot to avoid property owners from carving up existing properties that already have an existing conservancy easement over it. **David Petersen** agreed; once a property has a conservancy easement over it, it must remain that way.

Kris Kaufman feels like the money the City receives for a transfer should be set aside for the parks and not put into the City's general fund.

Brigham Mellor feels it would be appropriate to put a mileage limitation on where the transferred funds could be used so those giving up open spaces in their area would benefit by having a park in their area. **David Petersen** explained that it had not been discussed as the regional park would benefit the community, but explained it would be good to have more clarification in the future if funds are to be used for other parks outside of the regional one. **Brett Anderson** suggested if the transferred money is for the regional park, the City could have sole discretion; however, if money from an open space is for a local park, then the park needs to remain in the area where the open space would have been.

Brett Anderson suggested it would be important to also include in the amended ordinance that the City is able to re-designate an area for the regional park if another location becomes more desirable. He does not want the City to be "boot-strapped" into a location. He would also like sub-part c reworded for better clarification.

Motion:

Brett Anderson made a motion that the Planning Commission table this item. **Brigham Mellor** seconded the motion which was unanimously approved.

SUBDIVISION APPLICATION

#5. Scott Balling – (Public Hearing) – Applicant is requesting a recommendation of Schematic Plan approval for the Kestrel Bay Estates PUD subdivision (51 lots) on property on 8.68 acres located at 500 South 200 West in AE & R-8 zones. (S-5-13)

Christy Alexander explained at the last Planning Commission meeting the Commission recommended the City Council deny the Applicant's plan. The Applicant withdrew his application and resubmitted it with a new plan, which included the connection to 450 South as the Planning Commission suggested. The new plan also removed 620 South connection, but added in a pedestrian trail to 620 South. She stated the City's Public Works agencies would also review the plans, if approved, to determine what safety measures would be appropriate for 450 South. She also clarified the Planning Commission and City staff did not request the connection at 620 South be removed.

Scott Balling, 1995 N 100 E Centerville, stated the City's Engineer, Paul Hirst, gave the Applicant a sketch of how the City would like the connection, which included the connection on 450 South. **Christy Alexander** clarified Paul Hirst said he provided the 450 South connection with a road down the property line as an option, but did not state it was the official opinion of the City. The Applicant continued to explain he does not want a lot of entrances as he loses the security of the development. **Rebecca Wayment** asked the applicant to clarify if he intends to have an age requirement in the CC&R's? He stated no. He was worried it could create problems for the Homeowners Association down the road, but he would like to heavily market the subdivision to the "empty-nesters."

Bob Murri opened the Public Hearing at 7:42 p.m.

Wes Holmes, 39 W 620 S, stated he supports the Schematic Plan as presented by the Applicant. He also presented 19 additional signatures to the previous petition asking the City to enforce the City's Master Transportation Plan.

Shannon Hicks, 511 S 111 W, is one of the current owners of the Leavitt property which the Applicant is purchasing for the Kestrel Bay Estates PUD subdivision. She stated she does not like the connection on 450 South. She feels it will create dangerous circumstances for children.

Rich McKenna, 62 E 450 S, is opposed to the Schematic Plan. He stated he believes in connectivity; however, he feels 450 South, combined with 75 West, is already a road that majorly connects the community. He stated when the Master Transportation Plan was created, the City wanted to connect all streets to the Frontage Road; however, there are already 8 streets doing so between State Street and Centerville. He would like the City to preserve 450 South as a safe haven for the children to walk.

Matt Tittle, 65 E 450 S, stated the bottom line for him is safety. He stated 450 South is crowded with children going the elementary and junior high schools. Increasing the traffic on 450 South would be a disaster as it creates a big hazard to the children.

Lance Drollinger, 450 S 100 E, also stated keeping the 450 South will greatly increase traffic as it would be an attractive route for drivers to take. The resident provided a map showing the narrowness of the road on 450 South. He also provided a letter to the Planning Commission regarding his opinion on the connection of 450 South.

Logan Peterson, 68 E 450 S, stated he is against the presented plan. He feels it does not meet typical standards for a road as it measures 35 feet wide asphalt to asphalt. He stated the 450 South would provide the shortest route for drivers to get to 200 East, which would heavily increase commuter traffic. 450 South also provides a considerable risk compared to 620 South as 60% of 620 South road is a "buffer zone" for pedestrians.

Jenny Brown, 161 E 450 S, stated that on the opposite side of the street from her home, there is no sidewalk, gutter or parking strip. She stated depending on where you measure, the street is approximately 27 to 29.5 feet wide asphalt to asphalt. She is very concerned about the width of the street as it does not provide any buffer for children or others using it. She also expressed concern regarding the road's steepness as there are regularly accidents on 450 South during the winter.

Kathy McGill, 446 S 200 E, stated she is opposing connecting 450 South to the Frontage Road as it will greatly increase traffic and will compound all current problems. She stated there are numerous accidents that take place during the winter on this road. She also feels there should be a cross-walk on 200 East to 450 South for the children to use.

Shirley Morris, 10 E 450 S, stated the amount of children that cross 450 South is unbelievable. She stated she is always calling to cars to slow down to help protect the children. She said the curve down the road helps to slow the vehicles, but if the road is a through street to the Frontage Road, she doesn't know what will slow the vehicles down.

Carolyn Toronto, 47 E 450 S, stated that since everything keeps coming back to the City's Master Transportation Plan, then why not change it. She brought an application she is submitting to change it. She expressed frustration of the problems they have seen that no formal traffic study could show as she has lived on 450 South for 33 years. She feels as it stands, this plan is the least desirable situation.

Ken Hamilton, 24 W 620 S, stated he is in favor of the current plan. He feels 450 South should share the load of traffic that is currently coming down 620 South. There is currently a stop sign on 620 South that drivers are already running. Adding additional traffic will only worsen the circumstance.

Kim Farr, 82 E 620 S, questioned the Commission regarding whether the Frontage Road is a city or UDOT road. **David Petersen** answered it is a hybrid as it is a state roadway, but the City maintains the road. She continued to ask if the Applicant could put an entrance from the Frontage Road into the subdivision, then a median with an exit on the other side so all traffic would be directed onto the Frontage Road. She also suggested decreasing the speed limit down to 25 to 30 miles per hour on the Frontage Road near the development's entrance.

Cindy Anderson, 442 S 10 W, said in the 19 years she lived there, which included raising little kids, she would get very upset with the speed of drivers coming down from 200 East. She stated she was always asking for additional assistance from the police department to help monitor the speeds of cars. She wondered if speed bumps or even a 3-way stop could be put in on the 450 South and 200 East intersection, but the City said they couldn't.

Brandon Halliday, 517 S 10 W, stated he has a lot of concerns with the road on 450 S and was also here to represent his parents, Paul and Diane Halliday that live on 448 S 75 W. He stated if the Commission saw an accident where a child was injured, the decision would already be made and this connection on 450 South would not be created. He also stated that his parents feel the value of their home may decrease if the road is built. If there is a desire to have a connector road, why not move Kestrel Bay Drive over to approximately Lot 116? That would make the 450 South road less of a straight through road to the Frontage Road which will slow traffic down. He also suggested that there needs to be a 3-way stop on the 450 South and 75 West intersection.

Jim Fiacco, 36 E 620 S, feels that a good compromise for residents on both 450 South and 620 South would be to put the street in the middle of the development on Frontage Road as explained by **Brandon Halliday**. This would allow for residents on both sides to be content.

Bob Murri closed the Public Hearing at 8:26 p.m.

Scott Balling stated he does not have an economic advantage to either plans, but has tried to match the guidelines as provided by the City. When he initially presented his plans, there was an island (see **Kim Farr's** comment) on the Frontage Road, but was told by the City's Traffic Engineer and Public Works department that it needed to be removed.

Brigham Mellor asked the Applicant his feelings were about moving Kestrel Bay Drive to Lot 116. **Scott Balling** stated he would prefer the entrance from the Frontage Road to remain where it is as to increase the security by limiting the amount of cars driving through the entire development. Commissioners also asked resident **Wes Holmes** his opinion on the compromise. **Wes Holmes** said he feels it does make sense to move the entrance to approximately Lot 116. He also said he feels it would also help to relieve traffic from 620 South.

Rebecca Wayment wanted to know if the City has looked at putting a cross walk on 200 East and 450 South. **David Petersen** said staff will look into it. She continued to also ask if stop signs and a cross walk be put in at the proposed connection of 450 South and 75 West to also protect the children when walking to school. **Rebecca Wayment** also expressed frustration with the current plan because she feels the development needs to have a compromise for residents on 450 South and 620 South to share the traffic burden.

Brett Anderson and **Bob Murri** would like to see 3 access roads coming out of the development to help better distribute traffic.

David Petersen stated the Applicant has used the Fairways of Oakridge PUD as a pattern for his development. **Scott Balling** presented the Plats of the Fairways PUD for the Commissioners to review and compare.

Commissioners felt that although the Fairways is a good standard, it also is a destination whereas the Kestrel Bay Estates PUD connects two major neighborhoods. **Scott Balling** stated he is trying to eliminate multi-family housing in this area, but expressed frustration with the many requests as it ruin the overall goals he's trying to create for the development.

Michael Nilson was disappointed the entrance on 620 South was removed, but is very sensitive to property rights. He explained the Commission has to look out for the overall good of the community. In determining what's best for the community, the Commission has to remove the "what if's" because we don't have control over them. He still feels connectivity is the best situation for a City. He also feels making a 3-way stop at 450 South and 75 West would be appropriate as it will create an effective control point. He also believes that the Applicant has followed the City's Master Transportation Plan so although he is disappointed 620 South entrance was removed, he is still supportive of the current plan as he wants to support the Applicant's property rights.

Kris Kaufman agrees connectivity is important, but was still frustrated 620 South was removed. He feels a fair compromise would be to have 3 access roads into the development. He also feels the 3-way stop at 450 South and 75 West is a good idea. He does not feel we

should compare this development to that of the Fairways of Oakridge PUD as Kestrel Bay Estates is part of a larger subdivision. **Bob Murri** agreed with his comments.

Brad Dutson stated if it makes the residents feel better, he is comfortable with moving the Frontage Road entrance to approximately Lot 116 and is also in favor of a connection to 620 South. He believes stops signs are critical to help drivers slow down.

Rebecca Wayment said she would also like to see an entrance on 620 South. She believes having those connections will not de-rail this development as there are still many interested in coming to Farmington.

Bob Murri asked if moving Kestrel Bay Drive over to approximately Lot 116 will make a significant difference in traffic patterns. **David Petersen** said as the plan currently shows, the City's Traffic Engineer stated 450 South will not significantly attract more traffic. **David Petersen** continued saying he also believes the Traffic Engineer would agree that moving the road to Lot 116 would not make a difference either.

Brett Anderson suggested making a condition for the Applicant to put in a speed limit sign with a built-in radar. He feels this will help slow traffic, as well as the 3-way stop on 450 South and 75 West.

Brad Dutson also stated there were several emails received by staff from the residents of these areas.

A motion was proposed that the Planning Commission deny recommendation of the Schematic Plan to the City Council. **David Petersen** provided a brief background of this property, stating many developers looked at it, but would not pursue it. He explained the Applicant listened to the residents' desire of not having multi-family housing so he created a development that appropriate blends the R-8 zone. **David Petersen** suggested making the motion positive by approving the Plan based on certain conditions instead of simply denying it. He also explained adding recommendations for things like stop signs to a motion will mean the City police department will immediately review it.

Motion:

Rebecca Wayment made a motion that the Planning Commission recommend that the City Council approve the Schematic Plan for the Kestrel Bay Estates subdivision subject to all applicable Farmington City ordinances and development standards with the following conditions 1-7, as well as add conditions 8-12:

1. The applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to the Schematic Plan prior to Preliminary PUD Masterplan and Preliminary Plat approval;
2. The applicant obtain a rezone from AE to R for that portion of the proposed subdivision concurrent with Schematic Plan approval;
3. The applicant obtains a CLOMR for the entire property previous to Preliminary Plat approval;
4. The applicant must come to agreement with the Davis County Flood Control on the treatment of the water on this property prior to Preliminary Plat approval;
5. Applicant must receive approvals of the Preliminary Plat/Preliminary PUD Master Plan from the Planning Commission and Final Plat/Final PUD Master Plan from the City Council to record the proposed subdivision;

6. The applicant must obtain and record a cross-access agreement for the two drive aisles when the plat is recorded;
7. Any additional conditions that the Planning Commission deems appropriate for the PUD;
8. The applicant create a road to connect the Kestrel Bay development and 620 South;
9. A 3-way stop sign be put in at 75 West and 450 South;
10. A stop sign be placed at the Frontage Road into the Kestrel Bay development;
11. A speeding sign with a built-in radar be put in on 450 South for drivers coming from east to west to help slow traffic as they come closer to the school zone;
12. And the applicant include a sidewalk along the small connection from the Kestrel Bay development to 620 South road.

Kris Kaufman seconded the motion. **Michael Nilson** stated he does not disagree with the 620 S connection, but is still sensitive to the desires of the Applicant. The motion was unanimously approved.

Findings for Approval:

1. The proposed schematic subdivision is in substantial compliance with all subdivision and zoning requirements for the schematic subdivision approval including;
 - a. A completed application;
 - b. Minimum lot sizes as set forth in the R-8 & proposed R zone;
 - c. Description and preliminary layout of utilities and other services required.
2. The proposed subdivision is desirable in that the platting of the property in this area will provide a cleaner description and record of the properties and residences in the subject area.
3. The proposed Schematic Plan submittal is consistent with all necessary requirements for a Schematic Plan as found in Chapter 3 of the City's Subdivision Ordinance.

ZONE CHANGE APPLICATION

#6. Scott Balling – (Public Hearing) – Applicant is requesting a recommendation to rezone the Leavitt property (6.54 acres) located at approximately 500 South 200 West from AE (Agricultural Estates) to R (Residential) concurrent with his application for schematic plan for the Kestrel Bay Estates PUD subdivision. (Z-2-13)

Christy Alexander explained the 6.54 acres of the approximate 8.68 acres of the development is currently zoned as AE but Applicant would like it to be rezoned as R. Staff recommends the Commission give the same recommendation to this agenda item as was given to the last item.

Scott Balling, 1995 N 100 E, explained that previous requests have been made to rezone all the property to an R zone; however, he does not have authority to make that change as the current property owners would like to leave it as it is currently zoned. Once he purchases the property upon Final Plat Approval, he will pursue making the property an R zone.

Bob Murri opened the Public Hearing at 9:28 p.m.

Wes Holmes, 39 W 620 S, asked what the benefit of changing the zone from AE to R at this meeting. Commissioners discussed that if conditions are not met by the Applicant, than the Commission would have already given the R zone, which includes higher density housing than the AE zone, to the property owner. Staff recommended tabling the zone change until the Preliminary Plat is presented.

Brandon Halliday, 517 S 10 W, feels it would be in the best interest of the residents and the Planning Commission to hold off on the rezone until the development is ready to move forward.

Christy Alexander clarified that a City cannot down zone a property without just compensation as it would be a taking and would devalue the property. She also clarified that the Applicant is allowed 10 more lots than currently shown on the plan so it is very rare that a developer is not maximizing the number of lots allowed on a property.

Robert Leavitt, 511 S 111 W, expressed frustration with the Applicant's current plans.

Lance Drollinger, 450 S 100 E, feels the builder has good intentions so he is not against the rezone.

Shannon Hicks, 511 S 111 W, is in favor of this development so apartments are not developed on the R-8 zone; however, she does not want to lose the R-8 zone until it is purchased.

Bob Murri closed the Public Hearing at 9:38 p.m.

Commissioners discussed the zone change; they feel it would be appropriate to wait on "up-zoning" the property until the Applicant is ready for Final Plat Approval. **David Petersen** suggested if this item is tabled to still move the Schematic Plan on to City Council. The zoning of the property can still be done together in the Applicant's next steps.

Motion:

Brett Anderson made a motion that the Planning Commission table this item until staff determines the appropriate course of action in moving this project forward and until the City Council approves the Schematic Plan. **Rebecca Wayment** seconded the motion. Commissioners Brad Dutson, Brett Anderson, Brigham Mellor, Kris Kaufman and Rebecca Wayment approved the motion. Commissioner Michael Nilson denied the motion as he feels the property owner has the right to petition for a zone change as the ordinance does not require the property owner to follow through on presented plans.

ZONING TEXT CHANGES

#7. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Section 11-28-180 (a)(9) of the Zoning Ordinance regarding roof pitch to enable flat or flatter roofs. (ZT-3-13)

David Petersen stated the City can apply reasonable standards for all dwellings, which is why the additional 9 standards included in the ordinances were created, including requirements for roof pitches. Staff discussed the many designs now that include a flat roof so conversations started to take place to determine if it is time to change the ordinance.

Under paragraph b), staff has authority to approve flat roofs. **Michael Nilson** does not feel it appropriate for the City to tell a property owner what they are able to build on their property.

Staff would like to know if the Commissioners would like them to pursue changing the ordinance or to leave it as is currently reads.

Bob Murri opened the Public Hearing at 9:55 p.m.

No comments were received.

Bob Murri closed the Public Hearing at 9:55 p.m.

Kris Kaufman and **Rebecca Wayment** feel it is premature to change the ordinance, but **Michael Nilson** would like to pursue it based on property owners' rights.

Motion:

Rebecca Wayment made a motion that the Planning Commission recommend that the City Council not amend Section 11-28-180 of the Zoning Ordinance. **Brigham Mellor** seconded the motion. Commissioners **Brett Anderson**, **Brigham Mellor**, **Kris Kaufman** and **Rebecca Wayment** approved the motion. Commissioners **Brad Dutton** and **Michael Nilson** denied the motion.

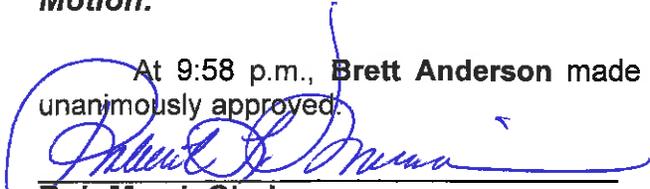
Finding:

1. Housing types indicative of flatter roofs are not yet prevalent enough to warrant a change.

ADJOURNMENT

Motion:

At 9:58 p.m., **Brett Anderson** made a motion to adjourn the meeting which was unanimously approved.



Bob Murri, Chairman
Farmington City Planning Commission