

**FARMINGTON CITY
PLANNING COMMISSION MEETING
June 27, 2013**

WORK SESSION

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

Christy Alexander advised moving agenda item #6 (Scott Balling rezone of Leavitt Property for Kestrel Baby Estates PUD Subdivision) to agenda item #4 and agenda item #4 (Symphony Homes Schematic Plan & Preliminary Master Plan approval for Chestnut Farms Phase 3 PUD subdivision) to agenda item #6 so corresponding items could be discussed together.

Commissioners discussed the residents' concerns with the Kestrel Bay Estates PUD subdivision located at 500 South 200 West in depth. A petition for a road on 450 South and petition against a road on 450 South were reviewed. Per the City's traffic engineer, neither road is currently reaching full traffic capacity which is 5,000 cars per day.

Agenda item #6 (previously #4) was discussed regarding Phase 3 of the Symphony Homes Chestnut Farms PUD subdivision. The application was clean and there should not be any problems.

An additional condition was added to the motion for agenda item #5 for Harv Jeppsen's Schematic Plan approval for a minor subdivision which was the home on the flag lot must face south.

The Davis County Legacy Events Center additions will now be taking place in two phases. As a result, conditions #2, #3, #4, #6 and #8 were removed from the motion as shown in the staff report.

David Petersen also discussed the preliminary wetlands study the City authorized for planning purposes for approximately 78.4 acres located on the east side of U.S. Highway 89 and the north side of Park Lane. The results are summarized in the staff report.

The Transfer of Developmental Rights (TDR) ordinance will be completed by the next meeting in July.

REGULAR SESSION

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

#1 – Minutes

Motion:

Mack McDonald made a motion to approve the Minutes of the May 30, 2013 Planning Commission meeting. Brigham Mellor seconded the motion which was unanimously approved.

#2 – City Council Report

There was no report for this meeting.

SUBDIVISION APPLICATIONS

#3. 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 stated Scott Balling is presenting the same plan that came before the Commission on May 30, 2013 for the Kestrel Bay Estates PUD subdivision (agenda items #3 & #4). Applicant is requesting a recommendation of approval of his Schematic Plan, as well as approval to rezone the Leavitt property (see item #4) located at approximately 500 South 200 West from AE (Agricultural Estates) to R (Residential). The last meeting brought a lot of discussion from residents regarding a roadway being developed on 450 South connecting to the Frontage Road based on the Master Transportation Plan. The City's traffic engineer is in favor of the pedestrian trail (as currently shown on the Applicant's Schematic Plan), but is also in favor of the 450 South road based on the Master Transportation Plan. The City's developmental review agencies are also in favor of the 450 South road to be developed as show on the Plan. Christy Alexander also stated that petitions for and against the 450 South road were received.

Scott Balling, 1995 N 100 E Centerville, stated the rezone of the 6.54 acres from AE to R was recommended by the staff and he has no additional concerns regarding the rezone. The applicant has met with many residents and all expressed desire to not pursue a multi-family development in the R-8 zone next to 620 South. Applicant wants to market this as an "empty-nester" community, but will not require an age requirement. Scott Balling hand delivered the plans to as many residents as possible within 500 feet of the development which resulted in many helpful comments and suggestions. He feels the only outstanding concerns are those from the residents living on 620 South which are concerned about the increase in traffic to 620 South as a result from the development and because he is not proposing a westerly extension of 450 South street. He read a statement from Tim Taylor, the City's traffic engineer from May 17, 2013 stating he felt a pedestrian trailway would be an appropriate option to increase community connective in lieu of a roadway extending 450 South to the Frontage Road. Scott Balling expressed further concern and provided informal statistics about the number of school children that cross 450 South each day. Extending 450 South to Frontage Road would destroy the idea of the development and put these children at risk.

Bob Murri opened the Public Hearing 7:25 p.m.

Kelly Brown, 161 E 450 S, stated his biggest concern with extending 450 South to the Frontage Road is that 450 South was not developed as a major street that could handle large amounts of traffic that this development could bring. He stated his family has lived on 450 South since the

1960's; he provided a small history on the 450 South road. The road was not built as a major artery, but as a small connection to minor streets. He stated during the winter there are many accidents as the intersection with 200 East is very steep. He feels an increase in traffic will cause significant harm. He also expressed concern with the number of school children that travel that road.

Diana Halliday, 448 S 75 W, has lived in her home for 23 years. She explained how dangerous the road is in the winter, which at times has resulted in 50 cars stuck on her property that can't make the turn. She also said the size of 450 South does not allow for two cars to pass by if additional cars are parked on the side of the road. She expressed concern with the overall vision of drivers with the potential stop at 450 South as the road creates blind spots.

Carolyn Toronto, 47 E 450 S, has lived in her home for 34 years. She emphasized **Diana Halliday's** comments on 450 South being a hazard during the winter. She also stated that continuing to the Frontage Road to 450 South does not allow enough time to straighten out the car in time to be ready to stop. She also explained that making that potential turn could cause traffic to significantly back-up.

John Anderson, 442 S 10 W, began the petition against extending 450 South to the Frontage Road. The petition includes 84 names excluding 3 minors that signed it. He recently measured between two parked trucks on 450 South. The space between the two trucks was 15 feet, which is not enough room for two cars to safely pass through. He also explained there is no sidewalk on the south side of street.

Jeff Tolman, 433 S 200 W, feels this issue has the potential to divide the community, but wants to ensure there is safety for all. He expressed his disregard about the density of the development being built next to his property, as well as the Applicant not requesting a rezone of the last two acres from R-8 to an R zone, which would ensure no apartments could ever be built on the property. With regards to the extension of 450 South to the Frontage Road, he has had personal tragedy with the roads in Farmington and thus he cannot support something that has the potential to endanger another person's child. He feels the City, by default, gave up any right to build the 450 South road when they allowed homes to be built there.

Shannon Hicks, 511 S 111 W, is the daughter Wendell and Glenna Leavitt and an executor member of the Leavitt Estate and Leavitt Properties, LLC. She provided documents which explained a brief history on the 450 South and 620 South roads. She explained an agreement her family had with another property owner to each give 25 feet of property to the building of a road on 450 South. This agreement was not pursued by the City. Her biggest concern was her family gave property to the road on 620 South and feels like the City had its chance to build on 450 South, but didn't take it.

Mike Overton, 59 W 620 S, proposed a connection from 450 South through the development's Phase 3 cul-de-sac. He clarified that residents on 620 South do not want a road to go all the way through 450 South as a direct connection, with no turns, to the Frontage road. He feels that is a bad idea for the development and safety of the children. He proposed the connection as an alternative to 620 South, not as the main roadway. He also expressed frustration as the Applicant has not discussed alternatives or a compromise with any residents that live on 620 South.

Trevor Hinesley, 526 S 10 W, stated he is not directly affected by either option; however, he feels that the proposed compromise would not send a lot of traffic to the interstate so it would be a safer alternative. He would also like to see better studies take place to determine real results as to

the number of children that cross both roads. He also agrees that 450 South is not a wide enough road.

Ali Overton, 59 W 620 S, expressed concerns regarding the density of the development as well as the privacy of it. She would like to see the development integrated with the rest of the community. She feels the 450 South connection through the development is a good alternative to allow some sort of access somewhere else in the development besides 620 South

Logan Peterson, 68 E 450 S, shared his results of his informal study counting cars on 925 South. He feels this road is under-utilized. He understands the concerns of those that live on 620 South and that people are often driving very fast to get to the freeway. He feels that more innovation should take place to help direct traffic to alternate routes.

Wes Holmes, 39 W 620 S, shared a brief history on the development of 620 South and the promise the City made in 1998 to extend 450 South to the Frontage Road when the Leavitt Property would be developed. He provided an additional 60 signatures to the petition he presented in the May 30, 2013 Planning Commission meeting which calls for the City to enforce the Master Transportation Plan in extending 450 South to the Frontage Road. He would like all studies presented to be reviewed by the City's traffic engineer, but in the end, he doesn't care about the studies as feels there is too much traffic right now. He stated all residents on 620 South are asking is that the traffic burden be shared consistent with the City's Master Transportation Plan. He also expressed frustration that the Applicant did not contact him after the previous Planning Commission meeting.

Lorraine Flood, 524 S Glynhill Court which is right off 620 S, clarified the path many children take to school and explained many more children are traveling on 620 South than previously discussed by the Applicant. She also stated that 620 South is just as steep as 450 South so there are still problems in the winter. She explained that she used to live on the corner of 620 South and 200 East. She said the residents did not complain when 620 South was built in 1998 despite the significant increase in traffic. They were grateful the City made a promise to extend 450 South to the Frontage Road. She emphasized the connection of 450 South through the development would help alleviate additional traffic on 620 South.

Robert Leavitt, 511 S 111 W, expressed frustration with the potential of 450 South road being built. He also feels if an access from 450 South be built through the development it will cause problems for the school children.

Brandon Banz, 58 W 620 S, expressed frustration that the Applicant has not spoken with the residents on 620 South since the Applicant passed out the initial plans for the development. His biggest concern is the density of the development and would like to see a development that fits the neighborhood a little more.

Brady Butterfield, 180 E 450 S, feels there is not enough room to add additional traffic to the road on 450 South. He said when there are cars parked alongside the road, there is no buffer for kids to walk behind the cars without walking into the middle of traffic. He does not have any concerns with the development and feels it is a better alternative than apartments because it will bring stability.

Jason Quail, 466 S 10 W, stated as a father of 3 small kids, his biggest concern is traffic on 450 South. He would like it as difficult as possible for cars to travel on 450 South to reduce the traffic. He would like the City to leave 450 South as it is and not add any additional thru streets.

Bob Murri closed the Public Hearing at 8:12 p.m.

Brigham Mellor asked the Applicant why none of the drawings of the development that were provided included the 450 South compromise that connects 450 South through the Phase 3 cul-de-sac as was previously discussed in the last Planning Commission meeting? **Scott Balling** stated if the Planning Commission request him to tie the 450 South down, he is agreeable to that from a monetary standpoint. He still has major concerns about the safety of the children and is getting significant push back from residents regarding a road on 450 South. **Brigham Mellor** explained he felt like we discussed the compromise and would have liked to see plans for it. **Scott Balling** stated he is okay to explore that option, but is getting so much objection from the residents so he decided not to pursue it for this meeting.

David Petersen explained the 1998 Master Transportation Plan was the first big plan the City ever had; 450 South to the Frontage Road was listed on the 1998 Plan. **Scott Balling** stated, on the Leavitt's behalf, they paid for all costs for 620 South and offered several times to build 450 South. **David Petersen** stated, based on the documentation **Shannon Hicks** provided, Mr. Leavitt only agreed to build 620 South to the Frontage Road if the City increased his property to an R-8 zone adjacent to this street, which would allow for higher density housing. Building 620 South was not a gift, but it actually provided a large increase in the value of his property. **David Petersen** continued that although it was portrayed that Mr. Leavitt came to the City to give property for the building of 450 South, in the documentation provided, he did so only on the conditions, among other things, that the remainder of the property be zoned for condominiums and all City engineering and other fees be waived. The City Council was uncomfortable with the many conditions. Also, Mr. Leavitt was only willing to dedicate half of the street width, or 25 feet, and the other property owner had to dedicate the other half.

David Petersen also clarified the street terms for planning purposes, including: local street, important local, minor collector and major collector. He stated it used to be standard for local streets to be 60 feet in width. The width for local streets was later changed to 50 feet, but the City has since decreased the asphalt width an additional two feet as these narrower streets are safer because people drive at lower speeds. He stated that although 450 South is a narrow street, it is actually safer.

Mack McDonald asked the Applicant why there are no sidewalks within the development. **Scott Balling** clarified there are not any sidewalks along the roadway, but would like to produce a nice walkway toward the interior of the subdivision.

Bob Murri asked for further clarification on the type of community and if age restrictions will be included. **Scott Balling** said there will not be any age or child restrictions for the development. He would like to create a gated-type subdivision feel that can be marketed as a senior community.

Scott Balling will look at the 450 South compromise through the community, although he knows the residents are against it and he is still concerned about the safety of the children.

Michael Nilson stated he feels everyone is still concerned about the safety of children; however, proper city planning allows for as many connection to a neighborhood as possible for social aspects as well as life safety. He is in favor of connecting the community through the small 450 South connection through the subdivision.

Brett Anderson asked **David Petersen** what creative options does the Planning Commission have control over to assist in traffic patterns, visibility and congestions if 450 South road is built. Some suggestions he mentioned were speed bumps, traffic signs, restrictions on parking, etc. **David Petersen** said we can only recommend things to the City, but the City's traffic engineer and police chief would review to help clarify what would be effective.

Kris Kaufman and **Bob Murri** asked what the official position of the City's traffic engineer regarding the 450 South road and if any official traffic studies have been done. **Christy Alexander** stated the Applicant has hired someone for an official study, but the traffic engineer has not yet reviewed the report. Initially, the traffic engineer felt the trailway was a good option, but in reviewing the Master Transportation Plan, he also felt a road going through would be ok as well. She also stated that in reviewing these important local roads, he is only seeing 500 trips a day although the roads can handle up to 5,000.

Commissioners expressed frustration that this is the same conversation the Planning Commission had a month ago at the previous meeting. They wanted the Applicant to bring potential plans for the compromise, as well as have communication with the community regarding it. They feel neither happened although it was the main reason for tabling the item.

Motion:

Michael Nilson made a motion that the Planning Commission does not recommend that the City Council approve the Schematic Plan for the Kestrel Bay Estates subdivision. **Mack McDonald** seconded the motion which was unanimously approved.

Findings for Denial:

1. The proposed Schematic Plan submittal is not consistent with the City's Master Transportation Plan which is part of the General Plan.

Scott Balling asked the Commissioners if they would approve a plan with the compromise of 450 South through the development. Commissioners asked staff what options the Applicant has from here with his plans. **Christy Alexander** clarified the Applicant can proceed to City Council or can pull the application and come back to the Planning Commission with a new design. She also stated if the Applicant wishes to pull the application, the resubmittal can take place the next day. A review of bi-laws took place to explore the option of reversing the motion to table the item to allow for the Applicant to revise his plans without having to resubmit a new application. Commissioners concluded they would prefer the applicant reapplies than to revise the motion to ensure all procedures are followed accurately.

Motion:

Michael Nilson made a motion that the Planning Commission move agenda item #6 (Scott Balling rezone of Leavitt Property for Kestrel Baby Estates PUD Subdivision) to agenda item #4. **Kris Kaufman** seconded the motion which was unanimously approved.

#4. 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 could be rezoned as R. She also referred to **Jeff Tolman's** comment earlier regarding the final two acres being rezoned from R-8 to R. She clarified the City typically does not down zone as it may be a taking. Staff recommends this item be tabled until the next meeting.

Bob Murri opened the Public Hearing at 9:01 p.m.

Jeff Tolman, 433 S 200 W, emphasized his previous comments that if the 6.54 acres be rezoned, then the remaining 2.14 acres be rezoned to R as well. It would be consistent with the development's plan and would also give assurance to the residents that they will not have higher density housing happening later.

Shannon Hicks, 511 S 111 W, stated as owners of the property, they would like to keep the 2.14 acres zoned as R-8. If the development is not approved and the agreement fails with the Applicant, another developer may want the R-8 zone. **Scott Balling** stated if the development's plans are approved, he would like to talk with staff to find out if one zone will work for the entire development.

Wes Holmes, 39 W 620 S, expressed concern that a rezone takes place based on one plan and then plans change to something undesirable.

Robert Leavitt, 511 S 111 W, would like the property to remain zoned as R-8 next to 620 South street.

Lorraine Flood, 524 S Glynhill Court, wanted to state that she is in favor of R zone for the whole area. She does not want the higher density housing. R zone would be a much better solution for the community.

Bob Murri ended the Public Hearing at 9:11 p.m. for this meeting, but left it open to be continued when the application is brought back to the Planning Commission at July 11th, 2013.

Motion:

Michael Nilson made a motion that the Planning Commission continue this item for the zone change of the Leavitt property for the next Planning Commission meeting. **Rebecca Wayment** seconded it which was unanimously approved.

Bob Murri clarified that agenda item #4 (Symphony Homes Schematic Plan & Preliminary Master Plan approval for Chestnut Farms Phase 3 PUD subdivision) is now agenda item #5.

#5. Symphony Homes – (Public Hearing) – Applicant is requesting a recommendation of Schematic Plan and Preliminary Master Plan approval for he Chestnut Farms Phase 3 PUD subdivision (14 lots) on property on 7.8 acres located at 300 South 1400 West in an AE zone. (S-7-13)

Christy Alexander explained the development is now moving onto the next phase, which is Phase 3. Staff doesn't see any issues with the new phase.

Robert Miller, 8780 Parley's Lane Summit County, stated they are just looking to add a new phase. The plan includes 14 lots and the master plan conforms to all City requirements.

Bob Murri opened the Public Hearing at 9:15 p.m.

No comments were received.

Bob Murri closed the Public Hearing at 9:15 p.m.

Motion:

Brigham Mellor made a motion that the Planning Commission recommend that the City Council approve the Schematic Plan and Preliminary PUD Master Plan for the Chestnut Farms Phase 3 P.U.D. Subdivision subject to all applicable Farmington City ordinances and development standards and the follow conditions:

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 Plat approval;
2. The applicant must show documentation of secondary water shares prior to Final Plat approval;
3. Applicant must receive approvals of the Preliminary Plat from the Planning Commission and Final Plat from the City Council to record the proposed subdivision.

Mack McDonald seconded the motion which was unanimously approved.

Findings:

1. The proposed schematic subdivision is in substantial compliance with all subdivision and zoning requirements for a schematic subdivision approval including;
 - a. A completed application;
 - b. Minimum lot sizes as set forth in the AE (PUD) 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.

Motion:

Mack McDonald made a motion that the Planning Commission move agenda item #7 (Symphony Homes rezone of 7.8 acres from A (Agricultural) to AE) to agenda item #6. **Michael Nilson** seconded it which was unanimously approved.

#6. Symphony Homes – (Public Hearing) – Applicant is requesting a recommendation to rezone property (7.8 acres) located at approximately 300 South 1400 West from A (Agricultural) to AE (Agricultural Estates) concurrent with their application for schematic plan for the Chestnut Farms Phase 3 PUD subdivision. (Z-3-13)

Christy Alexander stated said the Applicant just has a small portion that needs to be rezoned to allow for the completion of Phase 3. Staff sees no issue with the zone change.

Bob Murri opened the Public Hearing at 9:17 p.m.

No comments were received.

Bob Murri closed the Public Hearing at 9:17 p.m.

Motion:

Rebecca Wayment made a motion that the Planning Commission recommend that the City Council approve the requested zone change from A (Agricultural) to AE (Agricultural Estates) on approximately 7.8 acres of property located at approximately 300 South 1400 West. Brigham Mellor seconded the motion which was unanimously approved.

Findings for Approval:

1. The requested zone change is consistent with the General Plan for the area.
2. The requested zone change is associated with the requested subdivision application for Chestnut Farms Phase 3 PUD Subdivision. The schematic plan as submitted was consistent with the requested zone.
3. Staff feels that granting this zone change would allow proportionate sized single family homes on all the property consistent with previous phases of the development.
4. It has been common practice that all Agricultural land east of the 4218 line will be rezoned to AE.

Bob Murri stated that agenda item #5 (Harv Jeppsen's Schematic Plan approval for a minor subdivision) is now agenda item #7.

#7. Harv Jeppsen – (Public Hearing) – Applicant is requesting a recommendation of Schematic Plan approval for a minor subdivision (5 lots) on property on 1.351 acres located at 1530 North Main Street in an R zone. (S-9-13)

David Petersen explained the history of the property. Applicant would like to create a flag lot. If the Applicant did two conventional lots, one lot would be behind the other. David Petersen also told the Applicant, per the study session, a condition to the motion is being added which is the home on the flag lot must face south.

Harv Jeppsen, 727 Leonard Lane, owns both homes. He is alright if the Commission includes the added condition. He feels the flag lot is best circumstance for his property. He is not planning on selling the lots, but would like them to stay in the family. Each lot is just over .25 acres.

Bob Murri opened the Public Hearing at 9:24 p.m.

No comments were received.

Bob Murri closed the Public Hearing at 9:24 p.m.

Motion:

Mack McDonald made a motion that the Planning Commission recommend that the City Council approve the enclosed Schematic Plan for the Jeppsen Minor subdivision subject to all applicable Farmington City development standards and ordinances and the following:

1. Obtain a waiver from the City Council. Comparable compensation shall be determined by the Council.
2. The applicant shall enter into an extension agreement for property abutting Leonard Lane in the event this r.o.w. ever becomes public.
3. Meet the requirements of each reviewing entity of the City's DRC (Development Review Committee) related to the schematic plans.
4. All requirements related to flag lots must be met, included but not limited to standards required by the Fire Department.
5. The home on the flag lot must face south.

Rebecca Wayment seconded the motion which was unanimously approved.

Findings for Approval:

1. Lot dimensions comply with the standards set forth in the Zoning and Subdivision ordinances.
2. All lots front an existing fully improved public r.o.w. (Main Street).
3. The City will receive comparable compensation for lost open space, which enables the creation of the smaller lot size.

CONDITIONAL USE AND TEMPORARY USE APPLICATIONS

8. Davis County – (Public Hearing) – Applicant is requesting conditional use approval to add parking lots for the soccer fields, expand RV parking, install a RV Sanitary Sewer Dump Station, develop a loop road at the Legacy Event Center and add a greenhouse adjacent to the Sheriff's Office Justice at 100 North 1100 West. (C-9-13)

Christy Alexander said Davis County needs to amend their conditional use permit as Applicant wants to add a few things to their plans. The County wants to add/pave parking lots, add RV parking stalls, add a RV dump station, convert the barn into a bowery, add some restrooms and add a greenhouse. The Applicant has decided to make all changes in two phases. In the next year, they will come back with Phase 2 which will include paving the parking lot next to Clark Lane and 1100 West. When they do, staff will add a condition that will require the Applicant to add sidewalks and a parking strip on 1100 West. **Christy Alexander** explained since there will be two phases, conditions #2, #3, #4, #6 and #8 need to be removed from the motion as shown in the staff report.

Tony Thompson (Davis County Property Manager) and **Dave Hansen (Legacy Events Center Manager)**, 61 S Main Street, explained the events center has become more of a family gathering event place and not just an equestrian facility. They stated the center is currently only used for approximately 40-50% equestrian events. The County would like to continue to make it more of a community amenity. They would also like to add a greenhouse that will be used to grow flowers that can be used on the County's campuses.

Bob Murri opened the Public Hearing at 9:33 p.m.

No comments were received.

Bob Murri closed the Public Hearing at 9:33 p.m.

Motion:

Brett Anderson made a motion that the Planning Commission approve the conditional uses subject to all applicable ordinances and development standards and with the following conditions:

1. The greenhouse building, bowery and restrooms shall comply with all International Building Codes and receive a building permit as deemed necessary by the City's Building Department.
2. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted.
3. No other future uses or structures outside of what is approved today shall be permitted as a conditional use on this property unless it is brought before the Planning Commission.

Mack McDonald seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed use of the particular location is not necessary but is desirable and provides a service which contributes to the general well-being of the community because it will provide upgrades to the Event Center.

#9. Olympus Fireworks – (Public Hearing) – Applicant is requesting temporary use approval for an outdoor firework sales tent at 151 South 1100 West. (TU-2-13)

Christy Alexander explained the Applicant would like to establish outdoor firework sales. They are requesting to work from June 27 to July 27, 2013. The sales will be under a 30'x60' tent. All fireworks will be held in a 20' secure container overnight.

Monica Romney, 2858 N 725 W Layton, would like to fireworks to help people celebrate July Holidays.

David Petersen wanted to know if the sale of fireworks is consistent with the Fairgrounds' other vendors since the Fairgrounds operates under a conditional permit to allow retail in an Agricultural zone. **Dave Hansen**, Legacy Events Center Manager, said yes. The firework sales are required to sign the same agreement as other vendors, but are also required to carry \$1,000,000 more in liability coverage. **David Petersen** asked how sales tax is captured for vendors at the Events Center. **Dave Hansen** said the state tax commission comes down to ensure each vendor has their own tax ID number.

Bob Murri opened the Public Hearing at 9:41 p.m.

No comments were received.

Bob Murri closed the Public Hearing at 9:41 p.m.

Mack McDonald wanted to know if the firework sales tent will be a safe distance from state facilities for fire code. **Christy Alexander** stated they have a strict inspection list before they can operate.

Motion:

Brigham Mellor made a motion that the Planning Commission approve the temporary use subject to all applicable ordinances and development standards and with the following conditions:

1. Permanent signs on the site of the firework display tent are prohibited. The size and location of signs must be in compliance with provisions of the zoning ordinance in which he use is located. All signs must be removed when the activity ends.
2. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary use.
3. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted.
4. Conduct of the temporary use shall be limited to hours between 8:00 am to 12 am Sunday through Saturday.
5. No portable restroom facilities are allowed on site. Restrooms must be provided at the fairpark.
6. The use granted is solely for purposes of temporary outdoor fireworks sales, and no other commercial activities of any kind shall be associated with this use permit.

7. Any alterations made to the site to accommodate the use shall be removed and space shall be converted back to its original conditions upon termination of the temporary sales tent.
8. Parking areas for the temporary use will be appropriate hard surfaces.

Mack McDonald seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed use of the particular location is desirable and provides a service which contributes to the general wellbeing of the community because it will contribute to the success of Garbett Homes' marketing of units within the project.
2. Other similar uses have been approved at this location in previous years.
3. If the conditions of approval are met, the proposed use will comply with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
4. Signage inconsistent with the sign ordinance is not compatible with goals, policies and principles of the Comprehensive General Plan, and associating compliance of all signs surrounding the temporary use will ensure that the goals of the General Plan are met.
5. The proposed use is compatible other uses in the area.

OTHER BUSINESS

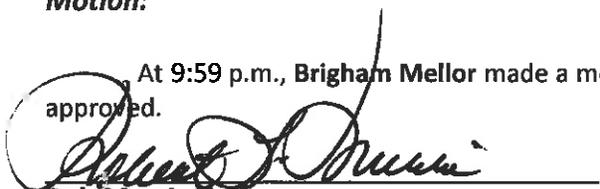
#10. Miscellaneous, correspondence, etc. A) Uses in BR Zone B) TDR C) Wetlands Study D) Flexibility in Mixed-Use Districts E) Other.

David Petersen showed five different earlier plans for Station Park. He explained that tenants have a lot of power in the developmental process. It can be challenging for a developer because they need flexibility in their master plans to allow for the various changes tenants require. Currently, the process right now is the zone change and schematic plan for a subdivision are merged together, preliminary plat and then final plat approval follow. As the process goes up the ladder, the regulations are tighter, not allowing for room to change; however, the developer needs the flexibility to have it changed. Staff is proposing the ordinance change to allow the developer to modify the schematic plans as much as needed, but the zone change will not take place until tenants are locked into place so the City can maintain control while allowing the flexibility the developer needs.

ADJOURNMENT

Motion:

At 9:59 p.m., **Brigham Mellor** made a motion to adjourn the meeting which was unanimously approved.



Bob Murri, Chairman
Farmington City Planning Commission