

**FARMINGTON CITY
PLANNING COMMISSION MEETING
May 30, 2013**

WORK SESSION

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

The previous minutes from the Planning Commission meeting on May 16, 2013 were discussed. A correction to the motion on item #3 was requested as the letter to the applicant was dated November 29, 2012 in lieu of November 29, 2013 as currently listed in the motion.

Commissioners discussed agenda items #3 and #5, the Kestrel Bay Estates PUD subdivision located at 500 South 200 West, regarding the Schematic Plan approval and applicant's request to rezone the Leavitt property (6.54 acres) concurrent with this application. Commissioners also discussed residents' concerns with the potential increase in traffic this subdivision may bring on 620 South, as well as residents' concerns with developing a road on 450 South to help alleviate the 620 South traffic.

There was also a brief discussion regarding the creation of a Transfer of Development Rights (TDR) ordinance, but determined the item would be further discussed at another time.

REGULAR SESSION

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

#1 – Minutes

Motion:

Mack McDonald made a motion to approve the Minutes of the May 16, 2013 Planning Commission meeting with changes as discussed in the work session. **Brigham Mellor** seconded the motion which was unanimously approved.

#2 – City Council Report

Christy Alexander reported on the last City Council meeting on May 21, 2013. She stated the Haws Company pulled their application, but will come back with a possible application revision. A

Farmers' Market is being created; the Market Manager is currently looking for a location. UTA has announced they will be developing a possible 400 unit Multi-Family Housing structure at the commuter rail station at Station Park. The City Council also approved an ordinance exemption to allow a seasonal stand, Agi's Raw Foods, at the Haws Companies' red barn which will sell healthy snacks to trail users.

SUBDIVISION APPLICATIONS

Bob Murri changed Item #3 (Scott Balling – Kestrel Bay Estates PUD subdivision) to Item #4 and Item #4 (Bob Hawkes – approval of a two lot subdivision) to Item #3 so corresponding Kestrel Bay Estate PUD subdivision application agenda items are discussed together.

#3. Bob Hawkes – (Public Hearing) – Applicant is requesting approval of a two lot subdivision by metes and bounds (lot split) located at 151 and 155 East 300 North on .96 acres in an OTR zone. (S-6-13)

Christy Alexander presented background information on location 151 and 155 East 300 North. She stated the zoning ordinance requires a dwelling to be maintained on a separate building lot; however, this location has two dwelling units on one lot. The building permit from 1966 met all the requirements of the zoning ordinance and it appears that the property owner's intentions were to have the lot split into two. The building official, however, never checked to see if it was recorded before a building permit was issued. This request is to rectify the situation. The applicant must also apply for a variance from the Board of Adjustment (BOA) to get the minimum lot width to be shorter than what the ordinance currently requires. The BOA meeting is scheduled for Tuesday, June 4, 2013.

Mark Nelson, 2316 East 5950 South Ogden, was present to represent the sellers and the applicant **Bob Hawkes**.

Bob Murri opened the Public Hearing 7:12 p.m.

No comments were received.

Bob Murri closed the Public Hearing at 7:12 p.m.

Motion:

Kris Kaufman made a motion that the Planning Commission approve the subdivision by metes and bounds (lot split) subject to all applicable Farmington City development standards and ordinances and the following conditions 1-4 based on Findings as stated in 1-6.

1. The applicant must receive a variance from the BOA to decrease the width of the proposed easterly lot below 70 feet (approximately 57 to 61 feet as measured from the existing fence east of the newer dwelling (see also condition 3 below)).
2. Both lots must meet the minimum lot standard of 10,000 square feet for the OTR zone.
3. Side setbacks of 10 feet shall be established for each dwelling.

4. Concurrent with the recordation of the subdivision survey, the property owner must record a reciprocal access easement over the common drive.

Brett Anderson seconded the motion which was unanimously approved.

Findings:

1. The building permit issued by the City in 1966 showed that the owner constructed, or intended to construct, the newer dwelling on its own lot. This lot does not now exist. The current property owner is attempting to establish a lot as per the original building permit.
2. A variance from the Board of Adjustment will enable the proposed subdivision of property and bring the site in compliance with the requirement that each dwelling must be established on its own lot.
3. Approximately half the parcels in the OTR zone are less than 85 feet in width, and a large percentage of these are below 65 feet in width. The resulting narrower lot is compatible with many parcels in the OTR zone.
4. The new lots meet the minimum size of 10,000 square feet for parcels within the OTR zone.
5. The dwellings on the newly created lots meet all front, side and rear setbacks.
6. The reciprocal access easement will help minimize conflicts in the future if either lot is sold to a different property owner.

#4. 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 provided information on the applicant Scott Balling and the Kestrel Bay Estates subdivision (Items #4 and #5). Applicant is requesting a recommendation of approval of his Schematic Plan, as well as approval to rezone the Leavitt property (see Item #5) located at approximately 500 South 200 West from AE (Agricultural Estates) to R (Residential). The applicant has amended the plan to include a trail connection from 450 South to the Frontage Road. Residents have expressed concerns with the applicant's plans. First, the Master Transportation Plan calls for a connection of 450 South to the Frontage Road which would allow for adequate vehicle percentages on all road ways. The City's Traffic Engineer stated, however, a connection from 450 South to the Frontage Road would not be merited based on current traffic counts. The residents on 620 South provided a petition for the City's Master Transportation Plan to be enforced regarding the 450 South connection. Second, the applicant is not proposing sidewalks due to the size of the development, the development's open space and the planned trail system. Christy Alexander recommended the decision for this item be the same for Item #5.

David Balling, 198 East Shadowbrook Lane Kaysville, is the brother of applicant Scott Balling. David Balling explained the purpose of this subdivision would be to appeal to "empty-nester" residents. The applicant also expressed concerns regarding a connection on 450 South to the

Frontage Road as it is highly trafficked by children and the road is not built to sustain large amounts of traffic unlike the 620 South collector style road.

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

Jeff Tolman, 433 South 200 West Farmington, does not support building a connection from 450 South to the Frontage Road. Also, the proposed trail would increase traffic next to his property, raising additional liability concerns for him. **Jeff Tolman** stated he has plans to build a barn on his property, but the current City's ordinances do not allow for one 100 feet from a residential dwelling. Building the subdivision may prevent him from building it. Also, the sound wall that is proposed for the development may amplify the freeway noise to his property; he would like a Sound Engineer to inspect this concern before the wall is built. Lastly, he expressed concern that in the event the property is not fully developed, rezoning the property may allow higher density housing to be developed at a later time.

Mike Maudsley, 403 South 75 West Farmington, expressed concerns with the 450 South connection as lots of children frequently use this road to travel to school. He also stated that if the zoning change does take place, he is concerned higher density housing could still be built if the developer decides to change his plans.

Wes Holmes, 39 West 620 South Farmington, provided a history of the collector road being built on 620 South to 200 West. He stated the City promised that when the Leavitt property is developed, the City would create a connection from 450 South to the Frontage Road as outlined in the City's Master Transportation Plan. **Wes Holmes** provided and read a petition of 40 residents (with more signatures to come) which calls for the City to enforce their Master Transportation Plan and create a connection from 450 South to the Frontage Road.

Jerry Wood, 621 South 200 West Farmington, is in favor of the trail on 450 South in lieu of the road. He expressed concerns regarding the number of lots on the small piece of property and if the Covenants, Conditions and Restrictions (CC&R's) would include an age requirement of the residents to ensure it remains an "empty-nester" community.

Brigham Mellor asked the applicant to clarify on their intentions of an age requirement in the CC&R's. **David Balling** stated yes, their intention is to have an age requirement.

Michael Overton, 59 West 620 South, feels that the development will increase traffic on 620 South, but does not know if a connection on 450 South is the right decision either. He also expressed concern with the density of the homes on the small piece of property.

Bob Murri ended the Public Hearing at 7:41 p.m. for this meeting, but left it open to be continued when the application is brought back to the Planning Commission.

In regards to the resident's concerns, **Christy Alexander** clarified with a zone change, the applicant could build 62 homes on the property, but is opting to only build 51 with the current plans. Without a zone change, the developer could build 32 multi-family housing units in the R-8 zone and 6 one acre lots in the AE zone.

Brett Anderson and **Brigham Mellor** asked staff for further clarification on higher density housing if the property is rezoned, if the Utah law allows for age restrictions, if a sound wall is in the

development's plans, if a barn is allowed on **Jeff Tolman's** property if the subdivision is built and if sidewalks are required if a roadway on 450 South is built.

Christy Alexander explained under the R zone, the main use is Single Family Homes. With regards to the age requirement, she stated the City cannot restrict, but a PUD could include it in the CC&R's. She also stated the applicant would like a sound wall for the development, but it is not currently listed in the plans. She will do more research regarding the exact terms in the ordinance restricting a barn 100 feet of a home. **Christy Alexander** also clarified that a roadway on 450 South would require sidewalks and since the applicant is the first developer, the entire road would be located on the applicant's property.

Brett Anderson asked the applicant to clarify his concern with building a connection on 450 South, whether it be for the children's safety or for ensuring a good return on his investment. **David Balling** stated it's both, especially as roads are very expensive and it would require him to increase the density of the subdivision.

Commissioners also viewed **Jeff Tolman's** home on the route of the proposed 450 South roadway. They are not sure how feasible the 2009 Master Transportation Plan is given the current units on the site.

Wes Holmes proposed a compromise roadway that would connect the subdivision in the Phase 3 cul-de-sac, allowing traffic to flow through 450 South. **Rebecca Wayment** felt the compromise on 450 South through the subdivision would be a good fit; it would provide another small feeder street to the Frontage Road.

David Balling feels it would be in their best interest to table the motion so they can work with the neighbors to come to a better solution before the motion is passed.

Mack McDonald understands the safety issues with the children, but is in favor to have the applicant work with the property owners to develop a compromise roadway through the subdivision.

Commissioners and staff discussed a time table for the applicant to resubmit their application to the Planning Commission after discussions with the neighbors take place. It was determined a month was adequate time.

Motion:

Brett Anderson made a motion that the Planning Commission table the application until such time as the applicant resubmits and moved that the public hearing portion of this application remain open until it is brought back to the Planning Commission. **Kris Kaufman** seconded the motion which was unanimously approved.

GENERAL PLAN MAP AMENDMENT APPLICATIONS

#5. 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 needs to be rezoned as R.

Bob Murri opened the Public Hearing at 8:10 p.m.

No comments were received.

Bob Murri ended the Public Hearing at 8:10 p.m. for this meeting, but left it open to be continued when the application is brought back to the Planning Commission.

Motion:

Mack McDonald made a motion to table this item. **Rebecca Wayment** seconded it which was unanimously approved.

CONDITIONAL USE APPLICATIONS

#6. Yesco/Maverik – (Public Hearing) – Applicant is requesting conditional use approval to establish a new electronic sign (digital pricing) when the addition is built to the Maverik Gas Station at 957 West Shepard Lane. (C-8-13)

Christy Alexander explained the applicant is requesting a conditional use for their new sign which will have digitalized gasoline pricing. The sign complies with the City's sign ordinance.

Todd Myers, Maverick, Inc., 880 West Center St. North Salt Lake, explained the numbers are mechanical so the numbers can be changed from inside the building. It is not your typical digital sign, but is more mechanical.

Christy Alexander clarified the conditional use that is being requested is for the sign's two ground poles; a sign typically has one ground pole. She stated Condition #2 needs to be amended to allow for two ground poles instead of the electronic pricing.

Bob Murri opened the Public Hearing at 8:16 p.m.

No comments were received.

Bob Murri closed the Public Hearing at 8:16 p.m.

Motion:

Brigham Mellor made a motion to approve the proposed conditional use subject to all applicable City codes, development standards and ordinance with the following conditions 1 and 3, and that condition 2 be amended as follows.

1. Illumination of the sign, 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;
2. Allow for two vertical support poles for this particular sign;

3. All other City sign regulations shall be followed for the sign.

Mack McDonald seconded the motion which was unanimously approved.

Findings:

1. The propose use of the particular location is necessary and desirable and provides a service which contributes to the general wellbeing of the community. The Maverik gas station is a great asset to the community and provides a convenient location to fuel vehicles traveling throughout the county and the signage will help market that use;
2. The proposed use complies with all regulations and condition in the Farmington City Zoning Ordinance for this particular use as it is a sign for the gas station only;
3. The proposed use conforms to the goals, policies and principles of the Comprehensive General Plan;
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development as it will be a much needed upgrade to the signage and facilities that are currently existing in the area;
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
6. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
 - a. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 - b. Unreasonable interference with the lawful use of surrounding property; and
 - c. A need for essential municipal services which cannot be reasonably met.

OTHER BUSINESS

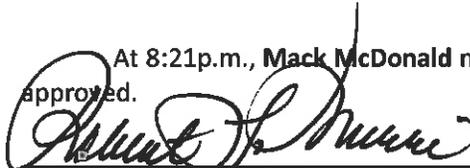
#7. Miscellaneous, correspondence, etc. A) TDR Ordinance Discussion B) Other.

Christy Alexander asked if there are further TDR questions as the ordinance comes forth. Commissioners stated they would like to review the TDR ordinance once it is finalized.

ADJOURNMENT

Motion:

At 8:21p.m., Mack McDonald made a motion to adjourn the meeting which was unanimously approved.



Bob Murri, Chairman
Farmington City Planning Commission