FARMINGTON CITY
PLANNING COMMISSION MEETING
November 14, 2013

WORK SESSION

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

David Petersen advised the Commission that the following agenda items may need to be reordered on the agenda:

- Combine Item #4 – Farmington City is requesting approval of a two-lot metes and bounds subdivision and Item #7 – Farmington City is requesting approval for Zone Change.
- Combine Item #5 – Henry Walker Homes (HWH) is requesting recommendation for Preliminary Plat approval for The Avenues at Station Park and Item #8 – HWH is requesting a recommendation for Project Master Plan approval for The Avenues at Station Park.
- Move Item #10 – Jerry Preston is requesting special exception to establish a live/work unit on Main Street before Item #6 – Norm Frost/Ovation Homes is requesting recommendation for Schematic Plan approval.

Item #3. Chris Ensign – Requesting Schematic Plan approval for the Farmington Bungalows

Eric Anderson explained this item was tabled so the applicant would have a chance to speak with more neighbors to find an alternate solution to the subdivision's access road. The developer has purchased or will be purchasing additional property from surrounding neighbors to allow for the access road coming off of 300 West, which clears most concerns brought up by residents in prior Planning Commission meetings. The developer also has possible plans to tear down and replace the home located on the northern parcel of the property which is currently owned by Michael White.

Item #4. Farmington City – Requesting Approval for Two-Lot Metes and Bounds
Item #7. Farmington City – Requesting Recommendation for Approval for Zone Change

David Petersen explained the City would like to sell a portion of this property and only maintain approximately half of it as to expand the public works storage and staging area. Typically, as part of the condition of a sale, a buyer would like a zone change. Since the property's underlying zone is A (Agricultural), the City is requesting a BP (Business Park) zone as it is consistent with the General Plan.

Item #5. HWH – Requesting Recommendation for Preliminary Plat Approval
Item #8. HWH – Requesting Recommendation for Project Master Plan Approval

David Petersen provided a quick summary of when the Schematic Plan was before the City Council; it passed on a split vote. Also, as a result of that meeting and complaints received by residents, the City mailed notices within 500 feet of the proposed location in lieu of the City's standard which is 300 feet. During this meeting, the applicant will be asking permission to aggregate open space, as well as providing new elevations for the homes. Kris Kaufman asked if the Commission will be approving building heights as the new wording in the Ordinance left the 3 stories as a discretionary item for the City to approve. David Petersen will confirm when the appropriate time is to approve the building heights.

Item #10. Jerry Preston – Requesting Special Exception to Establish Live/Work Unit

Staff explained the applicant wants to have the ability for flex work space, although in the near future he will not be using it. The applicant has agreed to maintain his historical status on the home and will hire an architect, who specializes in historic preservation, to help with any renovations/changes he plans to make to the home. He also agreed to meet all home occupation rules the City has in place.

Item #6. Norm Frost/Ovation Homes – Requesting Recommendation for Schematic Plan Approval

David Petersen walked through the applicant's new development plans for the area. He also provided the specific average number of units per acre of the neighboring developments for the Commission to review. Ovation Homes is proposing 3.4 units per acre. David Petersen also reviewed the steps of review a PUD must go through with the Planning Commission and the City Council. He provided and reviewed in detail a handout summarizing residents' concerns (under 3 categories: Same, Better or Worse) with the previous development's plans to help the Commission better focus the meeting.

Item #9. Farmington City – Requesting Amendments A-J to the Zoning and Subdivision Ordinance

David Petersen referred to Item J – Amending Section 11-28-230 of the Zoning Ordinance to require performance bonds for demolitions (ZT-9-13). He feels, per discussions the City has recently had with developers, now is a good time to include this amendment.

REGULAR SESSION

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

Chairman Bob Murri welcomed the public and advised of the technical difficulties taking place. Due to the large community turn-out, he asked that all public comments be kept to 3 minutes. He also stated all written/emailed comments received by the Commission and/or staff have been entered into the record.

#1. Minutes

Brett Anderson made a motion to approve the Minutes of the October 24, 2013 Planning Commission meeting. **Mack McDonald** seconded the motion which was unanimously approved.

#2. City Council Report

Eric Anderson provided a report from the City Council meeting on October 29, 2013. He said Brigham Mellor's skate park idea was passed on being reviewed until the City's next budget appointment. He also said the City Council was unhappy with the proposed Davis County Jail Expansion and will be working to ensure that does not happen.

Motion to Re-Align Agenda Items:

Mack McDonald made a motion that the Planning Commission re-align the agenda items as follows: combine agenda items #4 and #7, combine #5 and #8 and address agenda item #10 right after items #5 and #8. **Rebecca Wayment** seconded the motion which was unanimously approved.

SUBDIVISION APPLICATION

#3. Chris Ensign (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan approval for The Farmington Bungalows Subdivision (10 lots) on 3.1 acres located at approximately 50 South and 300 West in an OTR one. (S-15-13)

Eric Anderson said the applicant came before the Commission on October 10, 2013. The item was tabled so the applicant would have an opportunity to work with neighbors on the State Street access road or to pursue an alternate route on 300 West. The applicant has revised the Schematic Plan to include the access road from 300 West as he has purchased or is purchasing additional property from neighbors. The applicant is also considering replacing the home on State Street that is currently owned by Michael White. Before the applicant does so, he will obtain a Certificate of Historic Appropriateness from the Historic Preservation Commission as the home is located in the Clark Lane Historic District.

Chris Ensign, 4468 Zarahemla Dr., Salt Lake City, said he took all the concerns and preferences of the residents and discussed options with them. They concluded that an access road from 300 West would resolve many, if not all concerns expressed. He said later, if they decide to demolish Mr. White's home on State Street, they would build a home that would match and/or align with the surrounding historical area. With the additional property that has been or will be purchased, it has increased the subdivision from 7 lots to 9, or 2 additional lots. Most lots are approximately 10,000 square feet and the larger lots are approximately 14,000 square feet.

Brett Anderson asked if the developer had any concerns with building a historic home comparable to the others along State Street if they do decide to demolish Mr. White's home that is currently on the property. **Chris Ensign** said no, he feels it would be a great opportunity for possibly later on, but for now the subdivision is the first priority. Once Mr. White's property is purchased, the applicant said he is in no rush to remove the home and would allow the current resident to remain in the home.

Bob Murri opened the public hearing at 7:32 p.m.

Jerry Johnson, 335 W. State St., said the new Schematic Plan addresses a lot of the concerns he previously expressed. His concern now is where his back property line is actually located. He said he has talked with the developer and they will work it out. He also feels the current home along State Street is an eye sore; anything will be an improvement there.

Clark Sonzini, 367 W. State St., said most of his concerns have been addressed; however, at the previous Planning Commission meeting, the developer was advised to have a meeting with the neighbors. He said, to his knowledge, there has not been a formal meeting yet; he would like to see one take place.

Clark Bently, son of Ruth Bentley that lives at 393 W. State St., expressed concerns about where the exact back property line is located. There is a large garden in the back; they would like to continue maintaining it, but are working with the developer on the issue. He also agrees the home on State Street is in rough shape.

Nathan Main, 59 S. 300 W., said he lives just east of the proposed development. He said one of the things that attracted him to his home was that it was located in a small cul-de-sac that is relatively quiet, except during sporting seasons. As there are no sidewalks on 300 West, he is concerned about all the children that use the street for their activities.

Bob Murri closed the public hearing at 7:38 p.m.

Michael Nilson said he is pleased that concerns regarding homes becoming corner lots has been resolved. He also mentioned that the traffic report that was originally completed for the proposed State Street access road stated the subdivision would not have any effect on current traffic.

Bob Murri would like the developer to still have a formal meeting with the neighboring property owners, as previously requested.

Brett Anderson clarified, and **David Petersen** agreed, that property lines are private matters and is not something the Planning Commission has authority to address.

Motion for Item #3:

Michael Nilson made a motion that the Planning Commission recommend that the City Council approve the Schematic Plan for the Farmington Bungalows 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 Schematic Plan, including but not limited to conforming with required lot widths of the underlying OTR zone and storm drainage;
2. Street width cross-section must be 56';
3. The applicant must receive a Certificate of Historic Appropriateness from the Historic Preservation Commission to demolish the existing home prior to consideration of the Preliminary Plat;
4. If the applicant replaces the existing home on State Street, then the proposed dwelling on State Street receives a recommendation for approval from an ad hoc architectural

review committee as established by the City Council or the Farmington City Historic Preservation Committee;

5. The proposed dwellings on Lots 1-9 must be consistent with the surrounding OTR Zone as determined by staff in cooperation with the Historic District Commission.

Brett Anderson seconded the motion which was unanimously approved.

Findings for Approval:

1. The property is identifies as Low Density Residential on the General Plan, and the proposed schematic plan is consistent with that designation;
2. The General Plan also states that the City should "recognize and preserve Farmington's heritage of pioneer buildings and traditions for the enrichment of its present and future citizens." The property is in the Clark Lane Historic District, and the applicant will receive a Certificate of Appropriateness before demolition of the existing home takes place;
3. Specific to the schematic plan only; and the recommended conditions of approval, the plan complies with all Zoning and Subdivision Ordinance requirements, and other appropriate regulations;
4. Staff will ensure that the homes will fit in with the historic character of the underlying Clark Lane District.

SUBDIVISION APPLICATION

Item #4. Farmington City (Public Hearing) – Applicant is requesting approval of a two-lot metes and bounds subdivision on property (approximately 2.3 acres) located at 42 North and 650 West. (S-19-13)

ZONE CHANGE APPLICATION

Item #7. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval for a Zone Change on property (approximately 2.3 acres) located at 42 North and 650 West. The proposed change is from A (Agricultural) to BP (Business Park). (ZT-4-13)

David Petersen showed the Commission an aerial picture of the property. The City has made a trade with the property owner of where the future regional park will be with a portion of this property that will be subdivided, if approved by the Planning Commission, and some cash. The City is also requesting the property be rezoned to BP as it will allow the future property owner greater flexibility on the types of uses he can attract for the parcel.

Bob Murri opened the public hearing at 7:44 p.m.

No comments were received.

Bob Murri closed the public hearing at 7:44 p.m.

David Petersen clarified that since the agenda items were combined, there is only one public hearing, but still separate motions for each item. He asked that the motion for agenda item #7 be passed first.

Motion for Item #7:

Kris Kaufman made a motion that the Planning Commission recommend that the City Council rezone the property as requested. **Michael Nilson** seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed rezone is consistent with the General Plan;
2. It will allow the future owner of the southerly portion of the property to pursue a use consistent with the BP zone whereas the Agriculture zoning does not;
3. The remaining northerly portion of the property will also receive the BP zone designation, and this is consistent with City plans because "public uses" are also conditional use in this zone.

Motion for Item #4:

Rebecca Wayment made a motion that the Planning Commission approve the metes and bounds subdivision for the Old City Shop Site, subject to all applicable Farmington City ordinances and subject to the City Council rezoning the property to a BP Zone. **Kris Kaufman** seconded the motion which was unanimously approved.

Finding for Approval:

1. The property is identified as OBP (Office Business Park) and PPR (Public/Private Recreation) on the General Plan, and contingent on a zone change, the BP zoning designation is a consistent use. The PPR General Plan designation is intended to apply to the Legacy Trail, which runs adjacent to the eastern portion of the property.

SUBDIVISION APPLICATION

Item #5. Henry Walk Homes (Public Hearing) – Applicant is requesting a recommendation for Preliminary Plat approval for The Avenues at Station Park Subdivision (128 lots) on 12.11 acres located at the southwest corner of Clark Lane and 1100 West in an RMU zone. (S-10-13)

PROJECT MASTER PLAN APPLICATION

Item #8. Henry Walker Homes (Public Hearing) – Applicant is requesting a recommendation for Project Master Plan Approval for The Avenues at Station Park Subdivision (128 lots) on 12.11 acres located at the southwest corner of Clark Lane and 1100 West in an RMU zone. (S-10-13)

Eric Anderson said the Planning Commission reviewed the Schematic Plan on September 17, 2013 and was recommended for approval by the City Council, which they subsequently did on October 1, 2013. Now before the Commission is the Preliminary Plat. It is very similar to what was proposed at the schematic plan level due to the issues surrounding the large petroleum/gas line running through the property and because this is the first development in the RMU zone so more detail was required during the Schematic Plan than what is normally requested. Additionally, under Chapter 18 of the Zoning Ordinance, if any one of four criteria listed is met, the applicant is required to complete a Project Master

Plan (PMP). Under this circumstance, HWH is planning to aggregate open space, resulting in the need for a PMP that must be reviewed and approved by the Planning Commission.

Leslie Mascaro, 14547 S. Hedgerose Dr., Herriman, explained that as they listened to the Boards, the Commission, the Council and the public, they have incorporated suggestions and have transformed the project into something more traditional. She walked through the 3 different product types: the "City" series which is located along the major corridors and will include the flex living space, the "Silver Meadows" series which is the town homes located on the interior of the project and the "Envision" series which are the single family homes along the west side of the development. She provided revised pictures of the projects; each product offers a more traditional/time-less look with pitched-roofs, hardy-board, brick and other additional architectural features. She also showed samples of the building materials and possible color schemes to the Commission and the public.

Bob Murri mentioned that although it is not the standard, the City sent public notices within a 500 foot radius of the project to incorporate more input from the community.

Bob Murri opened the public hearing at 7:58 p.m.

Matthew Brown, 151 S. 1150 W., expressed concerns that this development does not appropriately "fit" with the surrounding developments. He feels the "City" series is not as conservative as he would like to see. He also stated that he feels the developer was considering the 3-story buildings as a result of not being able to build a basement; he feels this should not be a concern as his home and many others in his community have basements. He expressed concern with the increase in traffic on 1100 West and Clark Lane; there is already a significant traffic problem with all events currently taking place at the fairgrounds.

Bob Murri closed the public hearing at 8:03 p.m.

Brett Anderson asked if building height concerns are being addressed in the current application. **David Petersen** provided a copy of the new ordinance regarding building heights that was passed by the City Council. He explained the Project Master Plan is more of an overview of the project, but the detailed site design falls under the next step which is the Development Plan Review. The Development Plan Review is not a public hearing though. **David Petersen** suggested if the Commission chooses, they could have a separate, stand-alone agenda item specifically for building heights at the next meeting so the developer knows the outcome going into development plans. Based on the ordinance, it does not specify if the Development Plan Review is a public hearing. He thinks the Commission could possibly make it one if they feel it appropriate. **Michael Nilson** feels that as this is the third time this item is before the Commission, he feels the public has had adequate time to comment. Commissioners discussed various options for approving the building height, but concluded the best time to discuss it is during the Development Plan Review as they will already be reviewing all the other "nitty-gritty" details of the development during that time.

Kris Kaufman said he received an email from a resident expressing concern about the flex space units that will allow retail on the bottom level. She would like it better defined as to what will be permitted in the flex space as residents are opposed to retail, but are more comfortable with office space. **David Petersen** said that as a Commission, the permitted use table found in the ordinance must be followed; however, the developer is willing to restrict some uses, like a restaurant in the CC&Rs. **Leslie Mascaro** clarified that as part of the business license process, a business must be approved by several departments to ensure it's an appropriate use within the building uses. **David Petersen** also said that the Commission

will be able to see the CC&Rs as part of the Final Plat. The Commission only reviews the CC&Rs; they do not approve them.

Motion for Item #5:

Michael Nilson made a motion that the Planning Commission approve the Preliminary Plat for the proposed Avenues at Station Park subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The placement of public improvements in relation to gas lines which traverse the property must be approved by the City Engineer, public works, Central Davis Sewer and shall be acceptable to the respective gas companies, which acceptance must be received by the City in writing;
2. The applicant must dedicate r.o.w. and expand the southwest corner of the round-about to enable two lanes instead of one;
3. The applicant ensures that "Applicable Survey Exceptions" are not active easements or rights-of-way that will negatively affect the layout or design of the proposed subdivision and the applicant shall provide proof as such or show the exceptions on the plat;
4. Subject to PMP approval;
5. All public improvement drawings, grading and drainage plans, must be reviewed and approved by members of the DRC;
6. A soils report is reviewed and approved by the City Engineer and Staff;
7. Subject to development plan review as set forth in Chapter 18;
8. Follow zone lot standards in Chapter 18.

Kris Kaufman seconded the motion which was unanimously approved.

Findings for Approval:

1. The property is identified as mixed-use on the General Plan, and the proposed preliminary plat is consistent with that designation;
2. The DRC has reviewed the plan and the last significant unresolved issues which may impact the overall layout of the plan are set forth as conditions of approval;
3. The proposed preliminary plat is consistent with the regulating and other street, block size and building form standards in the ordinance;
4. Specific to the preliminary plat only, and the recommended conditions of approval, the plan complies with all Zoning and Subdivision Ordinance requirements, and other appropriate regulations;
5. The round-about at 1100 West and Clark Lane is consistent with the City's Master Transportation Plan. Elements of the expansion of the southwest area of the round-about are a system improvement and should be paid for by transportation impact fees.

Motion for Item #8:

Kris Kaufman made a motion that the Planning Commission approve the Project Master Plan for the proposed Avenues at Station Park subject to all applicable Farmington City ordinances and development standards with the condition that they follow zone lot standards in Chapter 18. **Mack McDonald** seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed PMP is consistent with the regulating and other street, block size and building form standards in the ordinance;
2. The number of parking stalls and location thereof meets city standards. Chapter 32 of the Zoning requires 243 residential parking stalls, and the develop is providing 294 parking stalls with additional room for another 92 on-street parking stalls within the interior of the project;
3. The open space requirement is 35% in an RMU zone, the applicant provided 38.8% of aggregated open space.

OTHER BUSINESS

Item #10. Jerry Preston (Public Hearing) – Applicant is requesting a special exception to establish a live/work unit as an adaptive reuse in order to preserve the historic home at 177 North Main. No new structure or building is proposed for the site.

David Petersen provided a brief background about the historic nature of this home as well as the site plan for the applicant's remodels. He explained the applicant is looking to create a flex space within his home that could be later used as an office, although in the foreseeable future it will remain living area. He said for historic homes, this is a great way to ensure homes are preserved. The applicant has agreed to comply with all the City's home occupation standards. Mr. Preston has also contracted with an historic preservation architect for the remodels/additions he would like to make to the home to ensure the home maintains its status on the National Historic Register.

Jerry Preston, 347 E. 100 N., said his intention is to restore and move into the home. He said down the road when he retires, he would like to maintain a small office in his home if he chooses to do a little work on the side. He said the "office space" would be the current front room of the home, which is approximately 14x12 feet. **Mack McDonald** asked if the home itself would be changed at all. **Jerry Preston** said the home is built in 3 different sections, with the 3 front rooms as the original home. The rest of the home, with the help of the historic preservation architect, will be improvements to the existing home.

Bob Murri opened the public hearing at 8:28 p.m.

No comments were received.

Bob Murri closed the public hearing at 8:28 p.m.

Mack McDonald thanked the applicant for choosing to preserve this historic home. All Commissioners agreed.

Motion for Item #10:

Rebecca Wayment made a motion that the Planning Commission approve the special exception as requested subject to all applicable Farmington City development standards and ordinances and the following:

1. The adaptive re-use or live work residential use must comply with all standards of Chapter 35 regarding home occupations;
2. As per Section 11-3-045, the building must always remain eligible for, or on the National Historic Register.

Mack McDonald seconded the motion which was unanimously approved.

Findings:

The special exception will enhance the area and not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity:

1. An historic building will be preserved consistent with the goals, objectives and policies of the General Plan;
2. Any use of the home must comply with Chapter **35** of the Zoning Ordinance to ensure neighborhood compatibility.

Item #6. Norm Frost/Ovation Homes (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan approval for the proposed Cottages at Rigby Road Planned Unit Development (P.U.D.) consisting of 80 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 said the applicant came before the Planning Commission at the last meeting proposing a development on the Tanner property, which is 23 ½ acres located just north of the Farmington City border. The developer originally proposed an assisted living facility and an "empty-nester" housing type development. Staff showed the yield plan to the public and explained this is created to set the threshold for the number of lots possible within a development. Based on the yield plan for the LR zone, the threshold is 67 lots or just under 3 units per acre. **David Petersen** walked through the new proposed plan for the public to see. He provided the Commission with the standards of a PUD found in Section 11-27-070. He explained that although these are reviewed in more detail during the Preliminary (PUD) Master Plan Review, it is still appropriate for Commissioners to review the standards at this level. **David Petersen** also provided a summary and reviewed all previous public comments based on the PUD standard subsection (a) a proposed layout will provide a more pleasant and attractive living environment than a conventional development.

Michael Nilson asked what the benefit of a PUD is versus a conventional subdivision. **David Petersen** said as a PUD, they would be able to have 80 lots compared to the 67 as shown in the yield plan. In return for the PUD, the City would benefit from the open space, including the Haight Creek access, the sidewalk/buffer area along 1800 North and the HOA will maintain the yard areas.

Brad Frost, 534 Anita Dr., Kaysville, is the co-applicant with Norm Frost and has been building active adult communities for over 15 years. Since the last meeting, Ovation Homes hosted an open house and invited all 240 names that appeared on the previous petition. Of those 240 names, 15 attended the meeting, which was a great exchange of ideas and suggestions. Some of the features of the new proposed plan includes 80 units, a 22 foot buffer zone along 1800 N. with landscaping and a meandering sidewalk, 21% open space, a trail system of approximately ¾ of a mile and many lots equal or larger than 10,000 square feet. The applicant presented a video showing many of the features of the new plans. He also passed out and reviewed information with the Commission and public showing the average units per acre, average lot size and percentage of open space of neighboring developments to show that their proposed development's density is comparable. He emphasized that fact that compared to other nearby subdivisions, the homes within the

proposed community will sell for significantly more; also over 50% of their clients pay cash for the home and 85% have less than a $50,000 mortgage. **Brad Frost** said that their site plans have been proven to work, but they are willing to look at amending elevations and home exteriors if it is important to the neighbors. He feels they have listened to the community and have taken relevant points into consideration to make this community a great addition to Farmington.

Kris Kaufman asked the developer if they are open to addressing the safety and sidewalk concerns that many have expressed. **Brad Frost** explained the plan as shown has been well received by residents. The community typically generates 50% less traffic than a normal subdivision so the roads are safer. It is not a main thoroughfare. He is willing to possibly add sidewalk to one side of the road.

Brad Frost said if residents are interested in viewing similar subdivisions "Chapel Park" in located on the corner of Chapel St. and Gentile St. in Layton, another in Syracuse called "Trailside Park" and two being developed in Kaysville and Layton. The development underway in Layton has 30 lots and a waiting list of 120 people.

Brett Anderson asked if the CC&Rs would govern residents from renting their homes. **Brad Frost** said the CC&Rs do regulate homes being rented. Since the HOA is comprised of the residents, they do well to govern themselves, especially in the case of renters.

Bob Murri opened the public hearing at 9:27 p.m.

Reuben Renstrom, 1332 Rigby Rd., Kaysville, provided pictures to the Commission of the other Ovation Homes subdivisions to show the architectural design for the PUD does not match the surrounding neighborhoods. He expressed frustration with the proposed public parkway directly adjacent to his backyard. He also said sidewalks are a big concern as there are many kids within the community.

Kevin Stinger, 963 Mary Margaret Dr., Kaysville, expressed concerns that at times developers' plans can be altered to suit new desires of those development as is the case with the Rosecove and Farmington Crossing developments. Currently, the developer is proposing a senior living community governed by an HOA with a restriction of occupants. He stated as the development ages, current residents within the HOA, by a community vote, could eliminate the restriction of the number of occupants from the CC&Rs. Additionally, vigilant enforcement and monitoring of the HOA and the CC&Rs can wane resulting in residents no longer being contractually bound by the CC&Rs under the legal principle of waiver and/or estoppel. He asked the Planning Commission to not approve the plan, but to require more home styles be built and to increase the lot sizes within the development.

Scott Moulton, 966 E. Mary Margaret Dr., Kaysville, expressed concern that the proposed Rigby Rd. may be used as a "short-cut" from Main St. in Kaysville down to 1800 N. in Farmington as a way to quickly access Shepard Lane. He also agrees with Mr. Stinger's comments about the evolution of developments over time.

George Chipman, 433 S. 10 W., is in attendance representing the City's trails commission. He stated that he is impressed with the developer's desire to preserve the beautiful hollow in Haight Creek by allowing public access to it; he feels it will be a great amenity to the community. He explained that one of the best things a community can do is provide opportunities for residents to exercise, as well as trails increase the connectivity of a neighborhood. He approves the project as presented.

Mark Taylor, 1499 Hanks Cir., said he is a professional engineer and a professional traffic operations engineer. He expressed frustration that traffic will negatively impact the community as anything will be a large burden since there is no impact as the property currently stands. His main concern is there are no possible traffic mitigation strategies available given the surrounding area, including traffic signals. Since there is a signal already near the Main St and 1875 W. intersection, an additional traffic light will never be approved. Although senior living communities generate fewer trips per day, there is no way to enforce senior living long-term so it is important to assume a higher number of trips per day. The proposed land use of this property will degrade the overall traffic safety and operations of the neighborhood.

Brooke Bouwhuis, 958 Doris Pl., Kaysville, agrees with Mr. Taylor's comments regarding the traffic concerns. She went to Ovation Homes' oldest development, Harrisville. She said there are beautiful trees lining the streets, there is lots of open space, including an area with a pavilion, as well as lots of additional lighting for safety. She spoke with residents' of the community; they stated the biggest drawback was the high turnover for the area. She expressed concerns with the lack of sidewalks and feels the trail along Haight Creek will not be adequately used as it is not safe or convenient to use.

Bart Kellett, 952 Mary Margaret Dr., Kaysville, also suggested additional lighting within the development. He also feels sidewalks are a concern; if residents do not drive a lot, then it is important for them to have a way to access mailboxes, especially in the winter. He also feels the density is too high as it looks as though approximately 32 of the lots are 1/8 of an acre.

Larry Olsen, 1289 W. 1875 N., said he feels his property will be the most affected by the increase in traffic flow that this development will bring. He expressed concern that the east side of the development is significantly denser than the west side. He does not like that his 40,000+ square foot lot will be across from the east side lots that are approximately 5,000+ square feet as he feels it will negatively affect his property value.

Bryan Carling, 1623 S. Haight Creek Dr., Kaysville, said he served on the Kaysville Planning Commission for 4 years. He referenced the Section 11-27-070, which states, "Approval of the Preliminary (PUD) Master Plan shall be made only after the Planning Commission makes the following findings..." which includes that the development be more attractive and pleasant than a conventional development. He does not feel this PUD would be better. He lives along the hollow and does not want the public to have unlimited access to his property, which is in essence what the trail would be allowing.

Brian Garlock, 1313 W. 1800 N., expressed frustration that he was not invited to the open house, but would have like to have gone. Although a lot of statistics were provided regarding density of neighboring developments, he feels it's more important to get out and see the surrounding area to get a better feel of how this development does not fit within the community.

Bryce Huff, 780 E. 1475 S., Kaysville, said he has respect for the developers and landowners as he feels it is important to maintain the freedom to develop property that one owns. His concern, however, is that developer has the obligation to make an architectural design of a PUD more pleasant. He feels the proposed homes are still not continuous with the surrounding area and does not like that the community still has no understanding of what the large home styles will be along Rigby Rd. He feels that Farmington is being pressured by

developers to put in many more high density developments, which would be appropriately located in a more congruent area.

Brian Diewart, 1444 Cheever Ln., is concerned that just north of the development, Rigby Rd. is much wider, but then significantly narrows as it enters the subdivision. He provided pictures of the "Chapel Park" development, which emphasized his concerns of lack of sidewalks and the monotony of the community. He is grateful this property will be developed someday and hopes the property owners, developers and residents can all win with something that works for everyone.

Mark Chamberlain, 923 Doris Pl., Kaysville, lives on the corner of Main St. and Rigby Rd. He feels the development has come a long way, but feels there is more work to be done. He expressed concerns with the increase of traffic along Main St. and Rigby Rd. as it is difficult already to make a turn as well as concerns with Rigby Rd. becoming a thoroughfare down to Shepard Ln. He would like to honor the original Mr. Tanner's vision of what this property would become, which would include a significant amount of open space.

Peter and Rosemary Iles, 1247 Haight Creek Dr., Kaysville. Mrs. Iles explained her father was a Rigby and her mother was Mary Margaret. They decided to sell property to Ivory Homes because they agreed to build large lots and beautiful homes which is what makes Farmington so wonderful. Mr. Iles expressed frustration that his previous concerns were not addressed in the summary of comments presented by staff. This includes the impact on the school system, public safety resources (development is closer to Kaysville police and fire departments, where would the burden be placed?) and the environmental impact, especially if public access is allowed along the hollow.

Sam Paget, 1328 W. Sweetwater Ln., appreciates the improvements the developer has made, specifically along 1800 N. He feels that although the developer is graciously giving the community the walkway and the trail along the creek, these can't be developed due to the easements/stipulations surrounding the underlying pipeline. He also clarified that the lot sizes within Oakridge Village are larger than indicated on the handout provided by the developer. He feels this plan does not fit the area and would like to see something that is more consistent with the General Plan.

Jared Edgmon, 947 Mary Margaret Dr., Kaysville, said he moved to this home 3 months ago, but would not have done so had he seen the plans for this development. He referenced Section 11-27-070 (b) which states the PUD will not create a detriment to surrounding neighbors. He feels removing sidewalks, in an effort by the developer to maximize profits, creates a significant detriment to the surrounding community. As a result, he feels the Commission is required to reject the proposed plan.

Chris Roybal, 1267 W. 1875 N., lives on a one acre lot directly across the street from this development. He emphasized **David Petersen's** comment that with regards to a PUD, the developer is required to give something back to the community in exchange for higher density. Since the developer could not develop on the pipeline or on the creek bed, the only thing the developer would be "giving back" is the buffer along 1800 N. He feels the developer needs to give something else to fully qualify for a PUD. He is also concerned with the increase in traffic and the density of the development. He would like to see a development closer to 60 units that has significant open space to give back to the community in addition to the buffer along 1800 N.

Larry Coates, 1372 W. Sweetwater Ln., clarified that "senior adults" create just as much traffic as any others contrary to the developer's comment that "senior adult" residents

don't generate as much traffic. Now that he and many of his neighbors are retired, traffic flow has significantly increased with the flexibility to go many more places and the amount of family that is coming and going.

Kristy McRoberts, 1417 Haight Creek Dr., Kaysville, said her yard goes down to Haight Creek and is uncomfortable with a trail along it. She does not want the public walking through her backyard, especially because she cannot fence her yard. She also does not feel the homes of this development will fit with the homes in her neighborhood.

Wayne Korth, 785 E. 1475 S., Kaysville, loves his private access to the hollow. He is against putting a trail along the hollow as it will take away from the privacy of his yard.

Brandon Ross, 1507 Haight Creek Dr., Kaysville, said he lives along the hollow, but he paid a premium to do so. He feels opening the hollow to the public will drop the premium of his property and will be an overall detriment to the community.

David Chidester, 1644 St. Andrews Dr., said he currently lives in an area with smaller lots. Based on the Master Plan, he has been waiting for this area to become available because he is ready to move into a bigger home on a bigger lot. Since Farmington does not have anything like that coming available, he knows many people like himself that are moving to other cities. He would like to see a development that has more variety as he feels that is what is called for by the Master Plan.

Maren Paget, 1328 W. Sweetwater Ln., is frustrated that still only 35 of the 80 lots are 10,000 square feet. She feels everyone envisions Farmington as a city with conventional homes. She feels the surrounding area has its share of higher density housing already and also believes the hollow is better maintained by individual property owners.

Jeff Clark, 1771 N. 1500 W., lives across from the development and his family owns approximately 20 acres of property in Farmington. He expressed frustration that the developers are trying to get the most out of what they can in a development. He does not feel the City should "make a deal" and go with a PUD over a conventional subdivision. He stated he is uneasy about a project when the developer doesn't even have room for something as basic as sidewalks.

Benjamin Shaw, 1642 Stayner Dr., is also concerned about the development not having sidewalks and the high density. He does not feel the development would be a benefit to the surrounding area.

Trevor Manser, 551 E. 1400 S., Kaysville, is excited about the sidewalk along 1800 N., but is very upset with the lack of sidewalks within the community. He would like to see large lots throughout the entire development.

Bob Murri closed the public hearing at 10:39 p.m.

Brad Frost clarified sidewalks will be along Rigby Rd., which is a standard size road although Farmington roads are smaller than Kaysville. The pipeline is developable; the easements are the same through the Montibella development. The smallest lots are 6,500 square feet up to 14,000 square feet, not 5,000 square feet as referenced in many public comments. He also reiterated that they are willing to look at adding sidewalks to the development.

Greg Bell, 744 Eagle Way, Fruit Heights, is the former Mayor of Farmington, Utah's former Lieutenant Governor and that Brad Frost is his nephew. He said property owners do have a right to develop their property, however, they do want something that is consistent with the neighbors to avoid any negative impacts it could have on the community. He said the former City Manager Max Forbush always said "development brings opportunity." This development is an opportunity to improve 1800 N. as it is in great need of repairs and improvements. As for Rigby Rd., he expressed that it is a legitimate concern as to whether or not it will become a thoroughfare for traffic; it will be adequately reviewed. He provided a brief background around the 750 acres of Buffalo Ranches being developed. Instead of requiring large lots that many people would not adequately maintain, the City allowed the developer to aggregate lot sizes, allowing for a variety of small to large lots. This is what Ovation Homes is trying to do; currently, the average lot size is 12,750 square feet. As for the concerns regarding the sidewalks, he pushed the Commission to have the developers work something out. The developer has taken all aspects into great consideration to make a quality development that is consistent with the surrounding area.

David Petersen suggested the Commissioners may want to consider gathering all information presented and carry the item until another evening the following week. It would be the only item discussed; the public could come listen to the discussion. That would also give the Commissioners a chance to listen to the City's traffic engineer and to measure the distance of the hollow. After a brief discussion, the Commissioners agreed to continue the item's discussion and not postpone it to a later date.

Mack McDonald wanted to know if staff is ok with the flag lot, lot 53 and wondered if flag lots ever appear in newer developments. **David Petersen** said it does meet the flag lot standard and is allowed under the ordinance. Flag lots still appear in many new developments. **Mack McDonald** would like to see some kind of community amenity to help develop a sense of community. He agrees with many of the public comments that the east side of the development feels too dense and the need for sidewalks. He would also like to know more about what would go into developing a trail for the hollow to make it usable.

Rebecca Wayment feels the current development is split into two communities, one with bigger lots and the other with smaller. Also, she mentioned that a similar project was recently before the Commission; the Commission required sidewalks be put into the development and she would like to see the same thing happen with this development. She is concerned that Rigby Rd could become a major thoroughfare; she would like the City's traffic engineer to review what the impact would be to the community.

Michael Nilson said the Planning Commission is governed by Section 11-27-070 as this is a PUD. He walked through each standard and provided his opinion. He concluded he feels that this development is not better than a conventional subdivision. He would like every street to have a landscaped parking strip and sidewalk which may result in a lower density, but it may make the community happier.

Kris Kaufman asked the applicants who the developer will be for the non-senior living/larger lot portion of the development and if those homes will be governed by the HOA. The applicants would rather not disclose the developer at this time, but it is a local developer for higher end homes. As for the HOA, the large lot homes will be governed under a separate section of the HOA, with the major difference being how much they contribute each month to the HOA. The large lot homes along Haight Creek will not have a restriction on the number of occupants living within the home.

Kris Kaufman also wanted further clarification on concerns with a trail neighboring private property and wondered if the City will be maintaining the public portion of the trail. **David Petersen** explained exact details are still being worked out as to who will maintain the trail, but continued that there are many trails along private property within the City. He said many residents have expressed concerns in the past about potential "activities" or safety concerns with the trails along private property, but the police and trails commission have never had anything come to fruition.

Kris Kaufman continued that he is still undecided on the development as he feels many of the residents' concerns did not persuade him to deny it. Per the yield plan, the developer has the property right to develop 67 lots under a conventional subdivision with no restrictions on the number of occupants living in the homes. Currently, the developer is requesting an additional 13 lots with the number of occupants restricted. Under a conventional subdivision, he is not persuaded that traffic will be less, the impact on schools will be less, and the animal population will be higher. His biggest concerns are the sidewalks, the monotony of the development and the standards applied to the PUD. He is also unsure on what is best as to the preservation of the hollow, whether it is best to open it to the public or to keep it as private property. **Kris Kaufman** asked the best way to pass a motion on it, approve the recommendation to City Council with conditions or deny it so the developer creates a new plan. **David Petersen** said it can be done either way.

Brett Anderson asked if the corridor preservation limit could ever be amended based on a current use to allow for a possible traffic light at the Main St. and 1875 N. intersection. **David Petersen** said he did not know.

If the applicant chose to pull his application and return with a conventional subdivision, **Brett Anderson** asked what requirements the Commission holds the developer to as far as open space. **David Petersen** said under a conservation subdivision, lot sizes begin at 10,000 square feet with a 15% requirement for open space which includes a 10% density bonus bump for that open space. The PUD allows the flexibility with lots sizes and widths to allow for different types of home sizes. Also, under a conservation subdivision, garages have restriction to ensure they are not protruding out but remain at least flush with the rest of the home. **Brett Anderson** also clarified that under a conventional subdivision, all 1800 N. treatments and improvements may be lost. **David Petersen** also added the Commission has a lot more "say" in a PUD than a conventional subdivision.

Brett Anderson also feels traffic is a wash compared to a conventional subdivision. **David Petersen** added that a recent traffic study on a similarly proposed development showed local roads are able to handle up to 5,000 trips per day; he feels 1800 N. may still be at an adequate level of service from a traffic engineer standpoint.

Brett Anderson provided his opinions on the PUD standards under Section 11-27-070. He would like to see less monotony within the development and better compensation in the means of increased amenities or more open space.

Bob Murri thanked the public for providing input to ensure the best development will be going into the area. He agreed that sidewalks need to be included and is also concerned that Rigby Rd. could become a thoroughfare. He is appreciative of the changes the developer has already made, especially with the improvements along 1800 N. He would like to see a few more changes take place.

Commissioners agreed that they would like to see changes made before they recommend approval of the plans to the City Council instead of approving based on specific

conditions. After a discussion with staff, the developer and the Commission, the Commission agreed to provide specific suggestions as to what changes need to be made to the plans (if the developer chooses to do so) in the motion as well as move the date of the next Planning Commission meeting up to December 5, 2013 to allow enough time for the applicant to make the City Council meeting on December 17, 2013.

A motion was proposed, but was struck down as Commissioners had differing opinions on the specific changes the developer needs to make to the plan. The following motion passed.

Motion for Item #6:

Brett Anderson made a motion that the Planning Commission table this item for Schematic Plan approval and LR designation until the Dec 5, 2013 Planning Commission meeting to allow time, if the developer so chooses, for the following revisions to the developmental plans:

1. Sidewalks throughout the entire development;
2. Parking strips and trees throughout the development;
3. Right size lots along the periphery of the northeast corner and 1800 N.;
4. Improve the monotony of the development by better home designs.

Michael Nilson seconded it. The following Commissioners approved the motion: Mack McDonald, Michael Nilson, Kris Kaufman and Brett Anderson; Commissioner Rebecca Wayment denied it.

ZONE TEXT CHANGE APPLICATION

Item #9. Farmington City (Public Hearing) – Applicant is requesting the following amendments to the Zoning and Subdivision Ordinances (ZT-9-13 and ZT-8-93):

1. Clarifying direct access (driveway) standards of building lots in Section 11-32-106(1)(e);
2. Modifying correctional/detention facilities, drug or alcohol rehabilitation facilities, etc. as a "not permitted" use in Section 11-18-105;
3. Removing all residential uses in the Office Mixed Use District (OMU) in Section 11-18-105;
4. Changing the City's local street cross-section standard in Section 12-7-040;
5. Reconsidering PUDs as a conditional use in Section 11-27-030 and appropriate zone districts where PUDs may be allowed and other chapter references related thereto;
6. Adding an historic preservation standard in lieu of the 10% common open space requirement for PUDs in 11-27-120(g);
7. Amending Sections 11-30-105(7)(e) and 11-32-106(1)(d) regarding driveway slope;
8. Deleting the word "minimum" in Section 11-28-070;
9. Providing a "rear of dwelling" standard for accessory buildings in 11-11-060(a);
10. Amending Section 11-28-230 of the Zoning Ordinance to require performance bonds for demolitions (ZT-9-13).

Bob Murri opened the public hearing at 12:24 a.m.

No comments were received.

Bob Murri ended the public hearing at 12:24 a.m. for this meeting, but continued it until the next meeting on December 5, 2013.

Motion:

Michael Nilson made a motion that the Planning Commission continue this item to the December 5, 2013 meeting. **Mack McDonald** seconded it which was unanimously approved.

ADJOURNMENT

Motion:

At 12:24 a.m., **Michael Nilson** made a motion to adjourn the meeting which was unanimously approved.

Bob Murri, Chairman
Farmington City Planning Commission