

FARMINGTON CITY PLANNING COMMISSION

Thursday, January 22, 2004

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Cory Ritz, Commission Members Bart Hill, Keith Klundt, John Montgomery, Cindy Roybal, Jim Talbot, and Jordan White, City Planner David Petersen, and Deputy City Recorder Jeane Chipman.

Chairman Ritz called the meeting to order at 7:00 P.M. **Jim Talbot** offered the invocation.

APPROVAL OF MINUTES

Jim Talbot moved that the minutes of the January 8, 2004, Planning Commission Meeting be approved with corrections as noted. **John Montgomery** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: BLAKEWOOD DEVELOPMENT REQUEST FOR PRELIMINARY PLAT APPROVAL FOR THE FARMINGTON CREEK ESTATES PHASE II PLANNED UNIT DEVELOPMENT CONSISTING OF 57 LOTS ON 33.6927 ACRES LOCATED SOUTHEAST OF COUNTRY LANE, NORTH OF GLOVERS LANE, AND WEST OF THE OLD DRGW RR TRACKS IN AN AE (PUD) ZONE (S-8-98) (Agenda Item #2)

Background Information:

The Master Development Plan for the Farmington Creek Estates, Planned Unit Development Phase II was originally approved on September 1, 1999. A few years later on May 2, 2003, the Planning Commission reviewed proposed changes to the master Plan and recommended that the City council approve the same subject to the conditions outlined in the enclosed letter dated June 6, 2003. Shortly thereafter the City Council approved the Planning Commission's recommendation. The applicant submitted a preliminary plat several months ago but has not been permitted on the Planning Commission agenda due to the requirements outlined in condition #9 of the June 6, 2003, letter on January 7, 2004. The City Council agreed to amend the Development Agreement to change the requirements of condition #9 thereby allowing the developer to proceed with preliminary plat consideration.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the issues regarding the agenda item. He summarized the

background information. Mr. Petersen emphasized the flood plain issues as discussed in a letter recommending amendment of the development Master Plan on June 6, 2003. Since that time, Davis County has determined to reroute Farmington Creek and do some landscaping techniques that will significantly reduce the flooding potential in the area. The action will provide flood control for areas around the Farmington Creek and likely remove the property from FEMA flood plain designation.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Planning Commission.

The applicant declined the invitation but said he would be available if the Planning Commission wished to ask questions.

Carl Asay (850 South 650 West) asked about previous policies agreed upon between the City and the current property owners. He wanted to know if the policy was still enforced regarding informing those moving to the area that they were coming to a rural community with farms and large animals. Mr. Asay was hoping to keep the area friendly towards agricultural uses.

Chairman Ritz confirmed that those who move in will be notified of the areas' propensity towards large animal owners and farming uses, etc. The notification is supposed to be placed on the recorded plat.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and asked the Planning Commission for their consideration. He asked about the status of the modular home in the first phases of construction which is located near the property in question. The rebar that is exposed on the partially poured foundation is a safety concern to the neighbors.

Mr. Petersen gave the Planning Commission a report of why the home had been started but construction was currently at a standstill. The builder and the property owner are currently in court over the situation. Mr. Petersen stated that the City would contact the property owner to have the rebar capped. He will also contact the County to see about removing the trailer that is on the property.

Motion

Jim Talbot moved that the Planning Commission grant preliminary plat approval subject to all applicable Farmington City Development standards and ordinances and the following conditions:

1. The preliminary plat shall be subject to all the conditions of Master Plan approval, including but not limited to:
 - a. The applicant shall enter into a Development Agreement with Farmington City amending a previous agreement with the City dated September 15, 1999, and subsequent amendments thereto dated July 19, 2000, and January 7, 2004. Upon execution of the amended Development Agreement, developer shall comply with all provisions thereof.
 - b. Review and approval of improvement drawings by the City Engineer, Public Works Department, Weber Basin Conservancy District, and the Fire Department.
 - c. The developer shall prepare a grading and drainage plan for approval by the City. The plan shall show among other things that the proposed lots will drain in a reasonable manner.
2. The developer shall prepare a storm water management plan for the subdivision implementing recommended Best Management Practices identified in Farmington City's overall Storm Water Master Plan.
3. The name of the subdivision shall be changed from "Farmington Creek Subdivision" to "Farmington Creek Estates, Phase II, Planned Unit Development."
4. The preliminary plat shall identify any proposed lands to be reserved in private ownership for community use.
5. The developer shall show on the subdivision plat or on a vicinity map as appropriate the location of off-site utility improvements that shall be required to be constructed beyond the boundaries of the subdivision (i.e., off-site culinary water line looping back to 650 West and the off-site sewer line in Glover's Lane).
6. The words "preliminary plat – not to be recorded" shall be shown on the plat.
7. A soil report based upon adequate test borings and excavations must be prepared

pursuant to City ordinances and submitted to the City. The soils report must be noted on the plat.

- 8. The developer shall not begin work on the property until after a Conditional Letter of Map Revision (CLOMR) has been issued by FEMA. No site work will be done until the FEMA letter is in hand.

Cindy Roybal seconded the motion, which passed by unanimous vote.

Findings

- 1. The developer had gone beyond the recommended actions of the Planning Commission, meeting with citizens and changing the design of the subdivision to accommodate neighbor wishes.
- 2. Pre-fabricated houses were originally planned and the developer is proposing “stick built.” The quality of homes planned by the current developer is a significant improvement.
- 3. Mr. Matthews had been very accommodating to the neighborhood and the results will be a benefit to the area.
- 4. All City ordinances and standards have been met. The project meets with the intent of the General Plan.

PUBLIC HEARING: HERALD AND BARBARA RICE REQUEST FOR APPROVAL TO DEVELOP A TWO LOT SUBDIVISION (LOT SPLIT) BY METES AND BOUNDS CONSISTING OF 3.71 ACRES LOCATED AT THE SOUTH END OF DAVIS CREEK DRIVE (50 EAST) AT APPROXIMATELY 1025 SOUTH IN AN A ZONE (S-13-03)

And

PUBLIC HEARING: HERALD AND BARBARA RICE REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO VACATE THE SOUTHERN END OF DAVIS CREEK DRIVE (50 EAST) IN CONJUNCTION WITH APPLICATION #S-13-03 FOR A LOT SPLIT (STR-4-03) (Agenda Item #3)

Background Information:

The subject property abuts the southwest boundary of the Creekside Planned Unit Development (PUD) and the majority of land within the property is also located in the Davis

Creek floodway. Section 11-31-102 (13) of the Zoning Ordinance defines a floodway as “the channel of a river or other water course and those portions of the adjoining flood plain required to provide for the passage of the 100-year flood without cumulatively increasing the water service elevation more than one foot. Section 11-31-108 of the Zoning Ordinance titled “floodways” further states:

“Located within areas of special flood hazard established in Section 11-31-103(2) area areas designated as floodways. Since the floodway is an extremely hazardous area, due to the velocity of flood waters which carry debris, potential projectile and erosion potential, encroachments including fill, new construction substantial improvements or other development shall not be permitted except at bridges, culverts, or other public improvements which comply with the provisions of this chapter may be allowed with site development approval.

In the late 1990's the developer of the Creekside PUD received approval to shift the northern Davis Creek floodway dike south thereby narrowing the overall width of the floodway. This approval was subject to the result of a study performed by Reeve & Associates, Inc. The limits of this study extended beyond the Creekside PUD to include the subject property. (See enclosed letter from Reeve & Associates, Inc., dated January 6, 2004.) The study demonstrates that the City may issue building permits for certain portions of the subject property. The subdivision proposed by the applicant, Harold Rice, logically divides the buildable area within the two proposed lots.

Harold Rice is requesting that the subdivision receive access from the south end of 50 East. Presently a dedicated one lot deep but unimproved stub street dead ends south to the Rice property between lots 105 and 107 of the Creekside Estates PUD. Mr. Rice is requesting that the City vacate the 50 foot wide right of way to allow him to develop two flag lots as illustrated in his subdivision proposal. Access to the two lots is achieved via a “common” private drive initially straddling the two lots liens. If approved, the private drive must meet the requirements of the fire code. Hence, the applicant has provided a turnaround with a 40 foot radius on his property.

The private drive is located in the FEMA floodway. This is not contrary to City and FEMA ordinances because the private drive does not constitute a building or structure. Furthermore, the developer consulted with the Fire chief regarding the proposed access plan for the subdivision.

Prior to the preparation of the staff report, representatives from the Creekside PUD Homeowners Association (HOA) met with City officials to discuss the issues related to the proposed subdivision. It was noted that over the years the owners of Lots 106 and 107 have landscaped and maintained the unimproved stub street. Concerns were expressed that the

appearance of this area may decline if portions of the right of way outside the paved, private drive area vacated to the two flag lots. The HOA representatives reasoned that there may be no incentive for homeowners deep inside the Harold Rice Subdivision to provide long-term upkeep of their entry way landscaping. Meanwhile, the owners of adjacent lots 106 and 1-7 have a much greater interest in maintaining their area in an attractive manner.

Representatives of the Creekside PUD recommended the City vacate the unimproved portions of the right of way to the adjacent property owners. In Farmington all building lots must have access to a fully improved public street. This standard may be compromised if the required flag lot entry or “stem” width is narrower than 20 feet. Notwithstanding this, options may exist to accomplish the recommendation of the HOA. They include:

1. The City could improve an alternative private street. Section 12-7-030 of the Subdivision Ordinance states in part: “Private streets shall not be permitted unless the Planning Commission finds that the most logical development of the land requires the lots to be created which are served by a private street or other means of access and make such findings in writing with the reasons stated therein.” It must be noted that this provision in the ordinance has rarely been implemented.
2. The Rice subdivision could be approved as a PUD thereby allowing the property owner and the City to deviate from the standards of the underlying zone.

Whether or not either of the two alternatives are recommended, the Planning Commission may choose to recommend that the City require that the quality of construction and landscaping of a single-family home that will eventually be built within the proposed subdivision meet the CC&R standards of the Creekside PUD as a condition of vacating the right of way.

A trail is identified on the City’s Trail Master Plan connecting 200 East along the Davis Creek floodway to the frontage road. The applicant is providing a trail easement along the southern boundary of the subdivision. Should the developer provide a local access to this easement through the central portion of the property along the lot line that separates Lot 1 from Lot 2?

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He reviewed the issues impacting the request as expressed in the background information and discussed alternatives that could be used to resolve the problems.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Planning Commission.

Todd Rice (Harold Rice's son) stated some of his concerns had been raised by the City Planner. He would like to be a good neighbor to the adjacent property owners. The builders of the new homes would like to have a unique entrance to the property and do not want to have too great a restriction on the access. Mr. Rice also raised a concern about liability regarding others coming across the property and using a trail. The homes have been planned to be high quality. He was unsure about being part of the HOA of the Creekside Estates. He said he would like to have information about the CC&Rs before committing.

Glen Talbot (President of the Creekside Estates PUD HOA, 951 Creekside Court) said he had suggestions about the proposal. He felt the vacated area of the access stem should go to the owners of lots 106 and 107. The lots being created should be assigned to the Creekside Estates Subdivision and become a part of the HOA. The new owners would then become members of the HOA and under the CC&Rs of the HOA. If the owners of the two lots wanted to own horses, they could amend their CC&Rs to state that any lot over 1 acre could have horses. They also wanted to restrict any commercial business activity on the new lots.

Jim Larkin (adjacent property owner–Lot 107 Creekside Estates PUD) stated he planned to buy one of the new lots. He had questions regarding the proposed trail through the new lots. He wanted to have his privacy protected. He wanted to work with owners of lots 106 and 107 regarding the landscaping of the areas on the sides of the access side.

Kevin Bullock (128 Creekwood Lane) said that the project seemed to be an unusual site plan. He wanted to know what the original intent of the property was.

Mr. Petersen said that at the time Creekside was developed, the Rice family had no stated intentions for the property. There had been recommendations by staff regarding the property to protect the floodway, but no definite plans were made.

Anna Lee Marsden (92 East Shady Creek Lane) wanted to make sure that standards were in force to assure the homes were of the same quality that existed in the Creekside Subdivision.

Curtis Marrs (99 South Davis Creek Lane) said he was opposed to the trail and to horses and the associated smells. He was also concerned about the trees that would be eliminated for the access turn-around. Hopefully the greenery could be preserved.

Mat Bandertunlen (**spelling needs to be checked**) did not want to have the road connected through and have it access a trail. He thought there would be traffic and parking

issues. He felt it would impact the safety of his children and privacy of the neighborhood.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and turned the meeting back to the Planning Commission for consideration of the issues. A discussion ensued, including the following points:

- The City can stipulate to whom the land will be deeded if vacated.
- Mr. White was hesitant about co-easement agreements and possible problems in the future. He felt that it would be a good idea for the new lot owners to be members of the existing HOA.
- Mr. Petersen discussed the advantages of having the paved area of the stems be encumbered with joint access easements so that it did not become too wide. Maintenance and other issues could cause problems.
- There were some feelings that the trail may impact the privacy of the home owners.
- There was a suggestion that upon vacation, the access stub be deeded to the HOA and the HOA would then be responsible for maintenance.
- This Planning Commission has been very hesitant about approving flag lots. Mr. Petersen reported that the application did meet the standards set for approval of flag lots.
- The turnaround and extended access road would need to be paved.
- The existing rock dike has a proposed trail easement across the top. Mr. Petersen stated there may be a remnant piece of property that may impact the placement of the trail between Cave Hollow Plat "K" and the subject property.

Motion

Jim Talbot moved that the Planning Commission table the agenda item to allow interested parties time to work out issues regarding trail placement, HOA membership, review of the CC&Rs, maintenance, and other issues. Mr. Talbot also asked that the time be used to have the City Planner address the flag lot issue with the City Council. It was commented by the City

Planner that two trail issues exist: One is where the trail will be placed, the other is if the turn around should include a connection to the trail. **John Montgomery** seconded the motion, which passed by unanimous vote.

Chairman Ritz suggested that prior to the next meeting wherein the application is considered, the land owners submit to the Planning Commission their preference regarding ownership and maintenance of the stem property if vacated.

PUBLIC HEARING: JERRY PRESTON REQUEST FOR APPROVAL TO DEVELOP A TWO LOT SUBDIVISION (LOT SPLIT) BY METES AND BOUNDS LOCATED 245 NORTH 200 EAST IN THE OTR ZONE (S-2-04) (Agenda Item #4)

Background Information

The applicant, Jerry Preston, is proposing to create a two-lot subdivision on the front half of a vacant parcel on the east side of 200 East between 200 North and 300 North. The parcel is zoned OTR (Original Townsite Residential). The minimum lot width in the OTR is 85 feet and the minimum lot size is 10,000 square feet. The two lots proposed by Jerry Preston are 15,682 square feet in size, much larger than the minimum. However, regarding lot width as is typically found in the original townsite area, the subject parcel is only 165 feet in width, thus each proposed lot is only 82.5 feet in width.

In consideration of the narrower but deep lot size characteristics in the OTR Zone, the City recently enacted a special exception for lot widths. (See enclosed Section 11-17-040(4).) No homes are presently planned for the two proposed lots.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He briefly covered the background information.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. The applicant was not present.

Mark McSwain (245 East 200 North) said that the developer had been trying to decided what to do with the property for many years. The current design solves many problems. He asked that the Planning Commission approve the request.

Mark Solberg (278 North 100 East) asked for clarification regarding the lot width requirements. He said that when the S.I.D. had been done several years ago, there were no plans

to install sidewalk, curb, and gutter. He was in favor of the developer's request and planned to buy a parcel.

Todd Adams (120 North 200 East) said the design would work well for the neighborhood. He asked that the curb and gutter issues be studied.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and asked the Planning Commission for their consideration.

Motion

After a brief discussion, **Jordan White** moved that the Planning Commission grant a special exception decreasing the lot width from 85 feet to 82.5 feet and approve the subdivision as proposed subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. As building permits are issued for the two lots, the property owners must enter into extension agreements to provide for any public improvements along 200 East not now in place, such as sidewalks.
2. Any use or building proposed for the lots shall be compatible with the character (including provisions outlined in Chapter 29 of the zoning Ordinance) of the site, adjacent properties, surrounding neighborhoods ;and other existing and proposed development.

Bart Hill seconded the motion, which pass by unanimous vote.

Findings

1. The application complied with zoning standards and met with General Plan guidelines.
2. The application seemed to have the unanimous support of the neighborhood.
3. The motion provided for improvements in the area and eliminated flag lot potential.

PUBLIC HEARING: GARY GINES REQUEST FOR A RECOMMENDATION TO THE

CITY COUNCIL TO REZONE APPROXIMATELY 3.78 ACRES LOCATED ON THE NORTHWEST CORNER OF 1100 WEST AND 475 SOUTH FROM A TO AE AS A RESULT OF IMPACTS RELATED TO THE SPECIAL IMPROVEMENT DISTRICT APPROVED FOR THE AREA (Z-1-04) (Agenda Item #5)

Background Information

The applicant is a participant in the special improvement district now being implemented to construct the public improvements for 475 South Street beginning at 1100 Wets and extending west several hundred feet. The Gines' property is of the eastern edge of this improvement district. Almost all the rest of the property in the improvement district are zoned "AE." This was done when they were annexed to enable the property owners to subdivide their property to help pay for the improvement district assessment costs. The Gines' property was already located in the City and was inadvertently not rezoned with the other properties. Now Mr. Gines is requesting that the City rezone his property "AE" so that he can receive the benefits that others have obtained by participating in the district. No schematic plan for his property has been submitted for review by the City at this time.

END OF PACKET MATERIAL.

Mr. Petersen presented the agenda item. He rehearsed the procedure that had been undertaken to get the S.I.D. in placed at the time the area was annexed. The recently annexed property surround the Gines property had been zoned AE in part so that the lots could be divided and the cost of the S.I.D. would be more palatable. The Gines property had been annexed previously and was not part of the annexation at the time surrounding properties were zoned AE. Because the Gines property was involved in the S.I.D., Mr. Petersen felt it would be fair to allow the property to be likewise zoned AE.

Public Hearing

The **Chairman** opened the meeting to a public hearing.

Gary Gines addressed the Planning Commission. There had not been any intentions to develop the property in the past. He said that he was willing to donate property to the City for the public right of way. Mr. Gines stated that the use of the property would change.

Mr. Petersen stated there were other property owners along the old private lane who would like to do a conservation subdivision. He reviewed requirements for such a subdivision. The City Planner felt the application to have the property rezoned AE was probably a matter of fairness.

Ken Williams (344 South 1100 West) asked if the applicant was going to do a one acre split? Mr. Williams asked for a clarification about lot size requirements in the AE zone.

Mr. Petersen stated that if a schematic plan was drawn for the Gines property, under AE it could be developed into 6 lots. Under “A” in a conventional subdivision scenario, Mr. Gines could not even get a lot split. In order to go to ½ acre lots, the subdivision would have to go to a conservation subdivision.

Mr. Gines stated that he had no immediate intentions to develop his property into ½ acre lots.

Maureen Benson (332 South 1100 West) stated she was opposed to ½ acre lots.

Public Hearing Closed

With no further forthcoming comments, **Chairman Ritz** closed the public hearing. The Planning Commission discussed the issues, including the following points:

- Mr. Gines’ neighbors have been zoned AE and therefore can currently develop in ½ acre lots. The number of lots on the dead end street is limited. Those who develop first would have the first chance at developing their desired number of lots. (Ms. Roybal raised a concern regarding the ordinance allowing that policy. In discussion, the Planning Commission, by consensus, agreed that policy should probably be reviewed.)
- The current property owners have expressed their desire to remain in a rural area with open space and large lots.
- If the applicant wants to develop the property further, he would have to come into the Planning Commission before a public hearing.
- The rezone application, if approved, would probably not impact density plans for those who are current property owners in the area.
- There are no guarantees that there will not be a developer in the future who will want to develop to the fullest density.

Motion

Bart Hill moved that the Planning Commission recommend that the City Council approve the application to rezone property located on the northwest corner of 1100 West and 475

South from “A” to “AE” as requested. **Keith Klundt** seconded the motion, which passed by unanimous vote.

Findings

1. The action brings zoning for the Gines property into line with adjacent properties.
2. The action facilitates the S.I.D. in the area.
3. The rezone complies with the General Plan for the area and meets all ordinance requirements.

CITY COUNCIL REPORT AND MISCELLANEOUS

General Plan Amendment Discussion/West Farmington

Mr. Petersen discussed issues regarding proposed General Plan amendments for areas in west Farmington. Zoning at the time of annexation in the west Farmington area had come in as either AA, A or AE. Mr. Petersen had discussed the issues involved with the City Attorney. Because of the work load of the City Planner, a citizen had volunteered to help complete the proposed General Plan amendment which would provide new guidelines for lower density zoning (between A and AA) and ordinance restrictions in portions of the west part of the City.

General Plan Amendment Discussion/U.S. 89 Corridor

Mr. Petersen had organized a steering committee to consider the General Plan amendment for the U.S. 89 corridor. He asked for names of people who could be invited to be a part of the committee as members at large which would help bring balance to the committee. Several names were suggested.

Conservation Subdivision

The City Planner reviewed what was required in a conservation subdivision, especially for the new Planning Commission members. The ordinance had been in place since 1999. Mr. Petersen reviewed the process through which developers must go before they can gain final City approval for projects. He led a discussion about cluster ordinances which other communities have initiated. The Planning Commission asked for the City Planner to do some research and bring back information for them to consider regarding such cluster ordinances.

Rich Haws Meeting: February 12, 2004

Mr. Petersen stated that there would be a joint City Council and Planning Commission meeting held to consider the Rich Haws proposals for development in the west part of Farmington. The joint meeting would begin at 5 P.M. and go until 6:30 P.M. on February 12th. The regular Planning Commission meeting would begin at 7 P.M. after a meal break.

CITY COUNCIL REPORT

The City Council hosted a public hearing and scoping meeting at the request of the U.S. Forest Service. The hearing was held with the purpose of learning public opinion regarding 1) a prescribed burn between Steed Canyon and Davis Canyon within Forest Service boundaries, and 2) fire break road improvements from Bountiful to Farmington Canyon.

The City Council listened to information regarding the proposed multi-family housing project on the south end of the Excel/Legacy property north of Burke Lane, west of U. S. 89, and east of the Rose Cove Senior housing project. They were not opposed to having Mr. Buie make an official application.

The City Council approved the exemption to allow the temporary office to be located off-site outside the boundaries of the Tuscan Cove Subdivision as requested by Rainey Homes subject to conditions set forth by the Planning Commission.

The City Council voted to wait between 6 and 8 weeks, depending the weather, before directing the City Manager to move forward with the installation of a four-way stop at 1075 West/Shepard Lane.

ADJOURNMENT

Bart Hill moved to adjourn at 10:30 P.M. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Cory Ritz, Chairman
Farmington City Planning Commission