

FARMINGTON CITY PLANNING COMMISSION

Thursday, January 27, 2005

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Cory Ritz, Commission Members Keith Klundt, John Montgomery, Kevin Poff, Cindy Roybal, and Jim Talbot, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission Member Annie Hedberg was excused.

Chairman Ritz called the meeting to order at 7:15 P.M. **Cindy Roybal** offered the invocation.

APPROVAL OF MINUTES

John Montgomery moved that the Planning Commission approve the minutes of the January 13, 2005, Planning Commission Meeting as amended. **Keith Klundt** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: WOODSIDE HOMES REQUEST FOR A RECOMMENDATION TO REZONE 111.15 ACRES LOCATED AT APPROXIMATELY 1650 WEST 950 NORTH FROM A TO AE AND A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION CONSISTING OF 202 LOTS AT THE SAME LOCATION (Z-1-05) (Agenda Item #2)

Background Information

Most of the property is master planned for rural residential uses and therefore may be considered for the AE zone designation. However, the southeast part of the subject property is master planned for Class A Business Park uses. The Farmington City General Plan for this area was updated in July of 2004. Lines on the Future Land Use map are not intended to be “hard and fast” like zone boundary lines. Nevertheless, should the Planning Commission recommend that the AE zone encroach deep into the area designated for Class A Business Park uses?

The schematic plan prepared by the applicant is not consistent with Farmington City ordinances for a number of reasons including, but not limited to, the following:

1. Constrained lands, such as wetlands, are not identified on the yield plan prepared for the property, which directly effects the total number of lots available for development.
2. The schematic plan shows an 80 foot wide major collector street crossing the property from west to east. Meanwhile, a new alignment for this road was recently

established by the City Council further west as part of the schematic plan approval given to the Woodside Homes' Hunter's Creek development.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He reviewed the background information and stated the developers and property owners had met previously to discuss issues of concern.

Public Hearing

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

Garrett Sealy (representing Woodside Homes) stated that the wetlands on the property had not been designated by the Army Corp of Engineers as official wetlands under their jurisdiction.

Lyle Stowell said he had recently purchased a lot on Burke Lane. At that time there were plans to have a road to the north of their property. He asked that the Planning Commission table the issue because the transportation plan currently in place was not sufficient to manage the increase of traffic that will be produced by the subdivision. There were several areas of dangerous curves on the small road that would cause safety problems for the area.

Lane Sweat (696 North 1875 West) stated there should not be any developments approved until the infrastructure was in place to support the huge increase of population. There had not been any planning for parks and other necessary amenities. Open space in the area was a concern because of the weed problem.

Daryl Clark (682 North 1875 West) stated that if the developer was going to take out the current road it would cause serious safety problems for those living in the area. Roads should be built before any more land was developed

Mike Romney (1451 Burke Lane) felt that all options with UTA had not been studied. There needed to be a better transportation planning. The current plan would eliminate good options. He felt that the long term residents had been promised they would be given preferential consideration and that promises had been broken.

Betty Bangeter (712 North 1875 West) asked that the City put forth more effort with UTA to better plan the area for safety and for the convenience of the current citizens.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members briefly discussed the issues.

Mr. Sealy was asked several questions by the Planning Commission members. He said that the citizens were responding to a development previously approved by the City Council (the new schematic plan for the Hunter's Creek Subdivision). He said UTA had required that two rail crossings must be closed before another crossing was constructed. Horrocks Engineers had been commissioned to study a corridor for the Legacy Highway through the area. There was a discussion with the neighbors in a previous meeting during the evening. Mr. Sealy also stated that the wetlands in the area were artificially created, therefore, the Army Corp of Engineers would not consider the water way as a designated wetlands. The creek could be used as an amenity for the development.

Mr. Petersen explained the change suggested by the City to circumvent the UTA rail crossing problem. People who will be impacted by the changed road route were the ones that were opposed to the development. He agreed that traffic would be a great concern, however, the infrastructure cannot be constructed until homes are being built. The situation will become worse if something is not done. Kaysville traffic comes through the area and uses the roads to get to main connectors. Whether the developer believed the wetlands were designated as such by the Army Corp of Engineers or not, development cannot move forward until the Corp has given their official word. The schematic plan had been increased from 172 to 179 lots. Mr. Petersen explained that he had suggested the developer work with the citizens to work out an acceptable transportation plan. There may be an appeal process to have UTA reconsider their requirement for the double crossing closures.

Chairman Ritz stated that he did not like the road alignment that took the major collector in front of the existing homes. He liked the plan that took the collector further south.

Mr. Poff was concerned that the Legacy North corridor had not been planned as part of the transportation plan for the area. Neither had connections to the potential Legacy Highway been given proper study.

Mr. Petersen said that the Legacy North Highway would be a Bangeter Highway type of road. However, even that type of road must limit the number of intersections. Depending on the results of the pending UDOT study, there may be an interchange for Legacy North at Shepard Lane and I-15.

Ms. Roybal expressed her concern about the number of unanswered questions and wanted to make sure that everything was done with proper consideration.

Mr. Sealy expressed the developer's frustration with the delays because of the transportation difficulties. He asked that the zoning be approved and then the developer could move forward with what the City would allow.

Motion

John Montgomery moved that the Planning Commission recommend the City Council rezone 111.15 acres located at approximately 1650 West 950 North from A to AE as requested and further recommend that the Planning Commission table consideration of the schematic plan until a yield plan and schematic plan are prepared in accordance with Farmington City ordinances and the Master Transportation Plan for the area. **Keith Klundt** seconded the motion, which passed by unanimous vote.

Findings

1. The zone change is consistent with the Master Plan for the area disparte that the future land use map designates the southeast portion of the rezone area for "Class A Office/Business Park" uses.
2. The action taken will allow time for the developer to work with City Staff and local residents to design an acceptable and safe transportation plan for the area.
3. The action will allow time for the developer to resolve outstanding issues such as wetland designation, railroad crossings issues with UTA, an overall traffic design for the entire area, and potential Legacy Highway ramifications.

In discussion of the findings, Planning Commission members stated that by consensus they felt the developer should consider planning for park improvements in the subdivision and not rely on the City's park plan for those amenities. They also indicated there was no support for having the new collector road located in front of the existing homes.

PUBLIC HEARING: GARBETT HOMES REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY SALES OFFICE IN A TRAILER LOCATED AT APPROXIMATELY 975 NORTH SHEPARD CREEK PARKWAY IN A C ZONE (TU-1-05) (Agenda Item #3)

Background Information

A sales office for residential property is typically not allowed in a trailer unless an exemption is received from the City Council in writing. The applicant received this exemption from the Council on January 19, 2005.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. The City Council had granted an exemption allowing a sales trailer on the property. They had done so in writing as required by ordinance.

Public Hearing

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

Jacob Baldstead (representative of Garbett Homes) described the project and its location. He stated it would take 2 to 3 months to get the infrastructure in place and 8 to 9 months to get the offices, club house, and models built. There were concerns by the City Council regarding the port-a-john. That facility originally shown on the site plan would not be included on the property. Instead there would be a restroom in the trailer. Sewer and water lines would be hooked up to the trailer. The trailer would not be occupied until the utilities were connected.

Mr. Petersen reported that Merry Dean (president of the Homes at Shepard Creek HOA) had written a letter regarding the application. The letter was read to the Commission.

The **developer** stated they wanted to have use of the trailer for one year.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. Commission members briefly discussed the issues to make sure the site would be properly maintained and that the area would be reclaimed after the use was discontinued.

Motion

Keith Klundt moved the Planning Commission approve conditional use and site plan to establish a temporary sales office in a trailer located at approximately 975 North Shepard Creek Parkway as requested subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant must met all terms of the agreement between Garbett Homes and Farmington City entered into in January 2005.

2. Permanent signs are prohibited. The size and location of the sign shall be in compliance with applicable provisions of the zoning ordinance in which the use shall be conducted. All signs shall be removed when the activity ends.
3. No loud speaker or amplifying sound devices shall be used in conjunction with the Temporary Use.
4. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located and directed, so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.
5. The conduct of the Temporary Use shall be limited to the hours between 8 a.m. and 8 p.m.
6. The temporary office in the trailer may exist up until a certificate of occupancy permit is issued for the model home or twelve months, or the sooner of the two.
7. No port-a-john type restroom facilities are allowed on site. However, a restroom facility for public use may be allowed inside the trailer.

John Montgomery seconded the motion, which passed by unanimous vote.

Findings

1. The action facilitated a previously approved project.
2. The approval was consistent with plans for the area.
3. The developer had been cooperative with all City requirements.

PUBLIC HEARING: RAINEY HOMES REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY SALES OFFICE IN A MODEL HOME LOCATED AT APPROXIMATELY 1625 SOUTH 200 EAST IN AN LR-F-ZONE (TU-2-05) (Agenda Item #4)

Background Information

On January 8, 2004, the Planning Commission approved a sales office in a model home on a parcel adjacent to the southern boundary of the subject property. Now the applicant desires to discontinue use of the previous sales office and model home in order to establish a new sales office and model home adjacent to the original site.

END OF PACKET MATERIAL.

Mr. Petersen said that the developer wished to discontinue use of the previous sales office and sell it as a residential unit. They wanted to establish a model home on an adjacent property. There was an historic root cellar on the property which the developer proposed to preserve.

Public Hearing

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

Chris Balling (representative of Rainey Homes) said that the access to the homes had been designed so that the public could egress facing the road. The reason there was a need for a new model home was to show the kind of homes which would be available in up-coming developments. The developer would like to have permission to move forward so that the home could be entered into the Parade of Home next summer.

Mickaela Grace (1605 South 200 East) said she lived on property adjacent to the existing model home. A great deal of the zoning in the area has been changed. The changes had devalued her property. She had purchased her property as horse property and the development had been a detriment to the area. The development above the Frodsham home had caused mud slides and created danger to existing residents. There were no access to trails or the mountains as had been promised. There had been trash on her property from the development. The development had negatively affected her in-home business. She felt City officials had acted irresponsibly and allowed the area to be changed, which in turn ruined the character of the City. Ms. Grace wanted to know what the long term goals of the City were for the area and if all the historic nature of the City was going to be destroyed. She also wanted to know if environmental studies had been conducted.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing.

John Montgomery said he had noticed there was a negative impact on the neighbors by those coming to the model home in previous showings.

Mr. Balling said they would be grading and installing gravel so traffic could be handled on site. He thought there would be room for 15 to 20 cars off the road. Mr. Balling also reported that he was aware Ms. Grace had hired an attorney. Mr. Balling had contacted that attorney and had indicated he wanted to work out problems and/or issues. In reference to the conditions of

approval, Mr. Balling stated that requirement #5 was irrelevant to the model home being built. He would rather be allowed to show the model home while the new properties were being developed. He asked that the requirement allow him the use of the model home for 12 months. If he needed it longer, he could come back and reapply.

Motion

John Montgomery moved that the Planning Commission approve conditional use and site plan approval to establish a temporary sales office in a model home located at approximately 1625 South 200 East subject to compliance with all applicable Farmington City development standards and ordinances and the following:

1. Permanent signs are prohibited. The size and location of the sign shall be in compliance with applicable provisions of the Sign Ordinance for the zone in which the use shall be conducted. All signs shall be removed when the activity ends.
2. No loud speakers or other amplifying sound devices shall be used in conjunction with the Temporary Use.
3. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located and directed, so as to eliminate glare and minimize reflection of light into neighboring properties. Search lights shall not be permitted.
4. The conduct of the temporary uses in residential zones shall be limited to the hours between 8 a.m. and 8 p.m.
5. The temporary office of the model home may exist up to 12 months from the date that the homes receives final inspection approval from Farmington City.
6. The City Council must provide an exemption to the applicant in writing to allow the temporary office to be located off-site (outside the boundaries of the Tuscany Cove subdivision.)
7. If the office is located in an area of the home intended for a garage, any alternations made to accommodate the office shall be removed and the space shall be converted to function as a garage upon termination of the temporary office.
8. The sales office in the model home located on a parcel adjacent to the south boundary of the subject property shall be removed and the Conditional Use Permit for said sales office shall be terminated and the garage and any alterations made to

accommodate the office shall be converted to their intended functions before the applicant opens a sales office in the new home.

9. On-site parking shall be provided acceptable to City staff to meet the parking needs of visitors so long as the dwelling continues to function as a model home. Thereafter, the site shall be fully restored to its original condition and/or landscaped in a manner all together acceptable to City staff.
10. Sidewalks for the property must be constructed concurrently with the installation of storm drain facilities planned for the parcel and greater neighborhood.

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

Findings

The action was consistent with what had been approved for the area.

PUBLIC HEARING: GUY HASKELL REQUEST FOR A RECOMMENDATION TO ANNEX 2.05 ACRES OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF LUND LANE AND THE FRONTAGE ROAD. APPLICANT IS FURTHER REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR AN 8 LOT SUBDIVISION AND TO ZONE THE PROPERTY R (RESIDENTIAL) (A-4-04) (Agenda Item #5)

Background Information

The subject property is located in Farmington City's expansion area and should be annexed, however, the schematic plan for the project is inadequate for a number of reasons, including, but not limited to, the following:

1. The width of the cul-de-sac is not identified on the plan.
2. The small and shallow 7,000 square foot lots are less than 80 feet from front to back which may leave an impossible building envelope for constructing a single-family home.
3. It is anticipated that Farmington City will receive an annexation petition consisting of unincorporated land adjacent to the north boundary of the property. How will this property be developed? And is a cul-de-sac for the subject property the best street configuration for the most advantageous development of adjoining areas and the entire neighborhood or district?

4. Chapter 10 of the General Plan states, “residential areas should be buffered from the visual lighting and noise impacts that can result from living next door to a commercial, institutional, transportation, or industrial use.” Recommendation number 10 of Chapter 8 of the General Plan states, “noise abatement policy as established by UDOT shall be adhered to for all land uses prescribed in the General Plan next to freeways (high speed highways with full access control such as I-15), expressways (high speed highways with limited access control such as US 89), the Legacy Highway, and any major retro-fit project along these or other similar corridors. Noise abatement options include, but are not necessarily limited to , distance, landscaping, and earth berms. Due to negative visual impacts and other degrading qualities, sound-walls should not be considered for traffic noise abatement.” The developer is proposing a limited amount of space for a sound-wall adjacent to the I-15 corridor. This is inconsistent with the recommendations of the General Plan.

END OF PACKET MATERIAL.

Mr. Petersen described the location of the proposed annexation property. The property was within the proposed annexation area for Farmington. He said Staff had a few concerns with the schematic plans. The lots were small and may not be buildable if done within City requirements. Sound wall uses were addressed in the General Plan. Sound mitigation alternatives must include landscaping, etc. There was not enough property to allow for those requirements. The subdivision had not been planned with adjacent developments in mind.

Public Hearing

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

Guy Haskell wanted to have the property annexed and rezoned, and he wanted to have the schematic plan approved. He said the schematic plan was a rough draft. He also stated he wanted to have the City’s input before planning the development.

FJ Parker and Duane Smit objected to the application. It was their opinion that the proposed development would make the Parker property inaccessible. It would increase the tax burden on the Parkers. They had no wish to have their property annexed to Farmington City. They felt the proposed density was much too high for the area. The area was rural and was one of the last such areas in the City. Mr. Parker and Mr. Smit would like the road designed so that the Parker property had access. There were currently horses on the property so there were safety issues involved. They also wanted a privacy fence to protect their safety and privacy and the

protection of the agricultural use of the Parker land. They asked that the zone be approved prior to the annexation.

Mr. Ritz explained that the zone could not be changed until the property was within the City limits.

Mr. Petersen stated that the current City Council could not bind any future City Councils. It was also possible that the Parker property could be brought into the City if more than 50 percent of the property owners of the entire unincorporated area north of Lund Lane and east of I-15 wanted to be annexed.

Dee Evans (Lund Lane) said the zoning allowed 8 homes on 2 acres of property. Because of the rural area, such high density would be harmful to the neighbors. There was no water connections to the property. The water level was very high on that land. Lund Lane itself was in very poor condition and could not handle an increase in traffic. Mr. Evans was opposed to the development.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. In discussion of the issues, Commission members discussed the possibility of planning transportation needs for the entire parcel. It would be beneficial to have a developer present such a plan. They also commented that property owners in the area were beginning to show an interest in developing their property. The rural nature of the area was likely to be changed.

Motion

Cindy Roybal moved that the Planning Commission recommend that the City Council annex property located on the northeast corner of Lund Lane and the Frontage Road as requested, but delay a decision to approve a schematic plan and zone the property until after the subject property is annexed. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

The subject property was within the planned annexation area for Farmington City. It was appropriate to delay consideration of zoning and schematic plans until after the property is annexed.

In discussion of the issues, **Mr. Talbot** suggested that Mr. Haskell work with the City and others to design roads so that no property is left land locked.

Chairman Ritz also stated that the City strongly suggests that developers include buffer zones between large animal properties and residential units in their planning.

FARMINGTON CITY REQUEST FOR A RECOMMENDATION REGARDING TEXT FOR THE PROPOSED NEIGHBORHOOD MIXED USE ZONE (NMU) (ZT-8-04) (Agenda Item #6)

Mr. Petersen reported the results of the meeting held to discuss the Neighborhood Mixed Use zoning draft. The meeting was a productive, open meeting with representatives from all interested parties. The main issue was focused on building size for potential commercial single use tenants. Development of a larger single commercial use depended on UDOT allowances for access to the property. The committee wanted more information before they made a final decision. One of the items needed was a detailed study of future traffic models. There may be a need for one or two more meetings. City staff had been directed to approach UDOT officials to see if access for the north main property could be increased. It may be well to extend the NMU designation to the Pilcher property

RAINEY HOMES WAIVER REQUEST (Agenda Item #7)

Chris Balling stated that Randy Rigby had approached Rainey homes to build homes in Miller Meadows. Mr. Balling had found that conservation subdivisions (Miller Meadows was a conservation subdivision) require set backs different from non-conservancy subdivisions. However, the conservation subdivision ordinance did provide for a waiver of set back requirements when appropriate. The purpose of the conservancy requirement was to provide for open space preservation. Mr. Balling detailed the homes that were planned for each lot and which ones would encroach on the rear yard and by how much. Mr. Balling asked for a variance for 7 lots, none of which would exceed 6 feet.

ADJOURNMENT TO CLOSED SESSION

John Montgomery moved that the Planning Commission adjourn to closed session to discussion issues as allowed by law. **Cindy Roybal** seconded the motion, which was passed by unanimous vote. The Planning Commission adjourned to closed session at 9:40 P.M.

MEETING RECONVENED

John Montgomery moved that the Planning Commission reconvene at 9:50 P.M. **Keith Klundt** seconded the motion, which passed by unanimous vote.

Chairman Ritz stated that the Planning Commission had concerns with some of the lots. To the rear of lots 105 through 109 there was a conservancy lot preserved in perpetuity which

provided for visual open space regardless of the rear set back on those properties. However, that was not the case for lots 103 and 104.

Mr. Montgomery noted that lots 103 and 104 through boundary line adjustments could be made to comply with the ordinance. He felt the waiver could be granted with no negative impact for lots 105 through 109 but was not inclined to grant a waiver for lots 103 and 104.

Motion

John Montgomery moved that the Planning Commission recommend that the City Council grant a waiver for the rear set backs of lots 105 through 109 and that the developer receive approval for a lot line adjustment for lots 118 and 119, thereby allowing the rear set backs to become consistent with the ordinance. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Findings

The action was consistent with the intent of conservation subdivision ordinance. Lots 105 through 109 abut a conservancy lot in the rear which provides for the visual effects of open space. The intent of the conservation subdivision ordinance is also to provide flexibility by allowing smaller lots so more open space is made available. The reason lots 103 and 104 were not recommended for the waiver was because an acceptable solution is possible through a lot line adjustment.

FITNESS CENTER EXPANSION PLANS (Agenda Item #8)

Mr. Henderson (owner of the Fitness Zone fitness center currently housed in the Kmart Building in northern Farmington) discussed remodeling plans for the Fitness Zone property with the Planning Commission.

The Planning Commission asked questions about the plans and reminded Mr. Henderson that all City ordinances must be followed and all easements must be observed. By consensus and without indication or promise of any future approvals, the Planning Commission indicated conceptual commendation for the remodeling plans.

CITY COUNCIL REPORT AND MISCELLANEOUS

Cindy Morrow/Larry Alsup Construction Update

Mr. Petersen reported that Ms. Morrow and Mr. Alsup had submitted an updated site plan for their property. Mr. Petersen had redlined the plans and found there were a few more issues of

concern. One such concern was the status of the southwest corner of the property where the old home was located before it was destroyed. Resolution of that issue was still pending.

Mr. Montgomery felt there should be mitigation by the property owner which was the same elevation as the destroyed structure. Such mitigation could be landscaping such as trees or another structure.

Chairman Ritz stated that since the house which was destroyed which was of historic value he felt the Historic Preservation Commission should give a recommendation regarding the mitigation.

Bus Rapid Transit Meeting

Mr. Petersen reported the meeting held by City officials to discuss the possibility of having a bus rapid transit (BRT) system connected through Farmington. He said the meeting was lively and that several citizens expressed negative responses to the proposal. Greg Scott from the Wasatch Regional Council presented information regarding the BRT. Citizens were especially curious why the route through the City had not been directed along the frontage road instead of on 200 East. Mr. Petersen stated that the rationale behind the 200 East route was so that stops would be placed where users were located. Three elements create a successful BRT system: the speed of the transport, the convenience and restricted number of stops, and the effectual planning of routes.

City Council Report

Mr. Petersen reported that the City Council approved the schematic plan for the McKittrick property. They also spent time discussing the BRT possibilities.

Morrow/Alsup Discussion

Richard Jones (attorney for Cindy Morrow and Larry Alsup) requested permission to address the Planning Commission.

Chairman Ritz granted permission and asked that Mr. Jones keep his comments to 5 minutes. The Chairman also reminded Mr. Jones that the Planning Commission had already appropriately taken action regarding Mr. Alsup's application at a previous meeting. The property owners were within their legal rights to appeal that action.

Mr. Montgomery stated an appropriate process had been put in place and that the property owners should move forward within the guidelines of that process.

Ms. Roybal stated that the Planning Commission had not taken previous action in haste. There had been a great deal of discussion. It was an important issue both to the property owner and to the City. Action taken had been done after a great deal of careful consideration.

ADJOURNMENT

John Montgomery moved that the Planning Commission adjourn at 10:45 P.M.

Cory Ritz, Chairman
Farmington City Planning Commission