

# FARMINGTON CITY PLANNING COMMISSION

Thursday, February 23, 2005

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## PLANNING COMMISSION REGULAR SESSION

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

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

## APPROVAL OF MINUTES

**Kevin Poff** moved that the Planning Commission approve the minutes of the February 10, 2005, meeting. **John Montgomery** seconded the motion. The Commission voted unanimously in favor.

## LARRY ALSUP AND CINDY MORROW–CONSIDERATION OF A MODIFICATION OF A CONDITIONAL USE PERMIT APPROVAL TO CONSTRUCT AN ATTACHED GARAGE LOCATED AT 139 EAST 400 NORTH IN AN OTR ZONE (C-8-04) (Agenda Item #2)

### Background Information:

On January 13, 2005, the Planning Commission held a public hearing regarding the potential revocation or modification of Conditional Use Permit C-8-04. The Planning Commission received public comment regarding the proposed revocation or modification and the property owners were provided an opportunity to present evidence as to why the Conditional Use Permit should not be revoked or modified. After taking the public comment and hearing from staff and the property owners and having fully considered the matters and arguments raised, the Planning Commission voted to affirm the Conditional Use Permit as issued for the subject property. The Planning Commission also directed the property owners to come back to the Planning Commission with an acceptable and satisfactory resolution of the screening issues created by the demolition of an existing structure. The property owners were required to comply with the terms and conditions of the approved Conditional Use Permit and site plan for the property and return to the Planning Commission with acceptable remedies on or before February 24, 2005. The motion passed by a unanimous vote of 6 to 0.

The property owners appealed the Planning Commission's decision by letter of appeal dated January 28, 2005, as submitted by the property owners' legal counsel, Richard W. Jones of Helegsen Waterfall & Jones, Ogden, Utah. After reviewing the evidence and the record of the Planning Commission proceedings and taking and hearing public comment and holding an

appeal hearing on the matter, the City Council affirmed the Planning Commission's decision on a 5 to 0 vote on February 16, 2005.

Enclosed for Planning Commission review is a copy of the revised site plan prepared by Larry Alsup and received by the Planning Department on January 26, 2005. The revised site plan does not comply with City ordinances for a number of reasons including, but not limited to, those reasons set forth in a letter to Larry Alsup and Cindy Morrow from David Petersen dated January 31, 2005. (See enclosure.)

Rules and regulations to amend or modify or revoke a conditional use permit are set forth in Chapter 8 of the Farmington City Zoning Ordinance. A copy of this chapter is enclosed for Planning Commission review.

END OF PACKET MATERIAL.

**Mr. Petersen** introduced the agenda item. Mr. Petersen had been in contact with the City Attorney. Procedural deadlines had been met within acceptable limits. Mr. Petersen and Mr. Forbush had met with Mr. Alsup and discussed possible resolutions. There were still issues needing to be addressed. Mr. Petersen commented that if Mr. Alsup did not feel ready to have the Planning Commission review the request, the Planning Commission may consider an extension of time. .

**Ms. Morrow** said that she and Mr. Alsup would like to move ahead. She explained that it was the garage which had been considered out of compliance. She and Mr. Alsup proposed that the porch of the home be moved out to where it would be in line with the garage thus bringing construction into compliance with City ordinances. She discussed the proposed new design with Commission members.

**Ms. Roybal** commented that the porch design was good. She asked if the other issues of non-compliance were being addressed and if there were resolutions being proposed.

**Ms. Morrow** showed her proposed landscape plan that she felt would mitigate the screening eliminated when the old home was demolished. The old house had been 16 feet to the top of the roof. Ms. Morrow said a landscaper had suggested a berm to assist with the height needed for mitigation. She wanted to put in 10 foot high trees with a 4 foot berm which would initially provide a 14 foot high screen.

Commission members asked for input from the Historic Preservation Commission, who were in attendance. **Ms. Revell** (Chairperson of the Historic Preservation Commission) said that her only interest was to have the site meet the requirements of the OTR zone. She noted that set

backs were still a problem and that the size and scale of the home were way out of proportion for the surrounding properties.

**Mr. Petersen** said the ordinance was structured in such a way that the Commission had the ability to ask for a recommendation from the Historic Preservation Commission and others. When a contested issue was involved, getting the recommendations would be a safe way to go. It may be prudent regarding this issue to get a recommendation from the Historic Commission and to send some members of the Planning Commission to the site to see what resolutions could be worked out. By bringing the porch out so that it was even with the garage, Ms. Morrow and Mr. Alsup would meet the letter of the law. It was for the Planning Commission to determine if the resolution was appropriate.

**Ms. Revell** said that the three-car garage was a problem. She reiterated that the mass and scale of the house and garage did not fit the intention of the OTR zone.

**Mr. Montgomery** stated that since the house was built, the scale, at this point, was past consideration.

**Ms. Morrow** said that the site was exceptional for the downtown area because it was a full acre in size.

**Mr. Montgomery** stated that it was a beautiful home and was obviously a large financial investment. The mitigation should be done correctly.

When asked if there were still problems with the fence, **Mr. Petersen** stated that the situation was possibly in compliance because the fence was located on the rear yard of the neighbor. If Ms. Morrow and Mr. Alsup could get an appropriate letter from the neighbor stating approval of the fence, the fence problem could be considered resolved. Mr. Petersen stated that the building department may need to review and approve an updated building plan. He suggested that if the Planning Commission wanted to lift the “stop work” order on the garage they may wish to do so subject to the building department’s approval. The Planning Commission may also wish to receive a recommendation from the Historic Preservation Commission regarding the southwest corner of the property (the location of the demolished old home).

### **Motion**

**John Montgomery** moved that the Planning Commission table consideration of whether or not to modify or revoke Conditional Use Permit C-8-04 to construct an attached garaged located at 139 East 400 North until March 10, 2005, to allow time for the applicants to resolve all issues as stated in Mr. Petersen’s letter dated January 31, 2005. He further moved that the “stop work” order on garage construction be temporarily lifted until March 10, 2005, to allow the

applicant to move forward with work which would bring the construction into compliance with City ordinances and stated requirements, subject to approval of the new building plans by the City's Building Department. The "stop work" order may be reimposed if the applicant does not comply with the requirements set forth in the January 31, 2005, letter and all other applicable City ordinances and standards. Also, the Planning Commission requested that the Historic Preservation Commission review the plans and give a recommendation to the Planning Commission, especially regarding landscape mitigation for the southwest corner of the property where an old home was demolished. **Annie Hedberg** seconded the motion. **Chairman Ritz** called for a roll call vote. All members of the Planning Commission, including the Chairman, voted in favor of the motion.

### **Findings**

The Planning Commission found that the action was essentially a "table" to provide a way to find reasonable solutions to the issues. The "stop work" order had been temporarily lifted in order to allow the applicant to begin steps in resolving the non-compliance issues. The "stop work" order would be reimposed if compliance was not forthcoming in a timely manner.

### **OAKRIDGE COUNTRY CLUB REQUEST FOR APPROVAL TO MODIFY AN EXISTING CONDITIONAL USE PERMIT FOR A NEW CLUB HOUSE LOCATED AT 1492 WEST SHEPARD LANE IN AN LR ZONE (C-12-04) (Agenda Item #3)**

### **Background Information:**

The applicant desires to modify the approved site plan for the new Oakridge Country Club by decreasing the size of the parking area at the north end of the parking lot. The reasons for this, as explained to City staff, are two-fold:

1. It is not desirable for the Country Club to have parking adjacent to the number one tee box.
2. A smaller parking lot in this area will provide more room for the driving range which will help decrease the number of golf balls that are hit into neighboring properties.

Standards for an amendment/or modification of a conditional use are set forth in Section 11-8-106 of the Zoning Ordinance. Paragraph 3 of this section states that "The City Planner may review and approve requests for modification of a Conditional Use Permit. Amendment requests which are determined to constitute a significant change to the approved use shall be heard by the Planning Commission. A revised Conditional Use Permit shall be filed by the City Planner and replace the previously approved permit." After reviewing this with other planning staff members, the City Planner has determined that this is NOT a significant change to the approved

site plan. The Oakridge Country Club enjoyed a total of 192 parking spaces prior to construction of the new Club House. Meanwhile, 201 parking stalls are shown in the new site plan approved by the Commission. The proposed modification to the site plan would result in 15 fewer parking spaces bringing the total number of parking spaces to 186. The Oakridge Country Club assured planning staff that their parking needs will still be met under the revised site plan. Nevertheless, modifications to an approved site plan also require input from the Building Inspector and the City Engineer. The Building Inspector stated that the reduced parking area constituted a minor change to the site plan, but wanted the opinion of the Fire Chief. The City Engineer was unavailable for comment at the time the staff report was written, therefore, this item is on the agenda for Planning Commission review pending comments from the City Engineer and Fire Chief.

END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the agenda item. All staff, including the Fire Chief, had reviewed the plans and had found them acceptable.

**Kent Forsgren** said that the plans presented were somewhat conceptual. The applicant would actually like to move the parking lot back even further to the south. There were times when golf balls would land in the neighborhood yards. Mr. Forsgren said the facility was one third smaller than the original building Activities that would bring large volumes of cars to the Club had been eliminate. The layout and design of the club house would accommodate the needs of the members.

### **Motion**

**Kevin Poff** moved that the Planning Commission modify the site plan portion of the conditional use permit for a new club house located at 1492 West Shepard Lane, moving the parking lot to the south, as requested by the applicant. All provisions of the conditional Use permit shall still be in full force and effect and subject to the existing conditional use permit/ refer additional to staff. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

### **Findings**

The potential impact on the neighborhood of the modified plan was negligible. There was very little change to the original plan. The applicant had demonstrated great effort in working with and cooperating with City officials. The new plans were acceptable to all City staff.

### **DAVIS COUNTY REQUEST FOR REVIEW COMMENTS REGARDING A CONDITIONAL USE/SITE PLAN APPLICATION TO EXPAND THE COUNTY JAIL LOCATED AT 800 WEST STATE IN A BP ZONE (C-2-02) (Agenda Item #4)**

### **Background Information**

In a joint Farmington City Council and Planning Commission meeting held on March 14, 2002, the Planning Commission held a public hearing and considered a motion for conditional use approval to expand the County Jail. The Commission elected to table the application until a number of issues are resolved including, but not limited to an agreement executed between the City and the County regarding amendment to a previous interlocal agreement regarding the jail expansion, and until site plan approval is granted by the Planning Commission. An amendment to the interlocal agreement has been reached and now the County desires to proceed forward with site plan approval. City planning staff have distributed six full sets of the site plan to various reviewing agencies and, at the recommendation of City staff, it was suggested that the architect for the Jail re-introduce the project to the Planning Commission before the Commission decides to hold a public hearing and further consider the conditional use and site plan. The site plan, stamped February 16, 2005, is similar to the color site plan reviewed by the Planning Commission in 2002, however, this time the site plan involves a parcel owned by Davis County contemplated for the future site of the DMV. Elevations for the Jail Expansion are also included in the Planning Commission packet.

END OF PACKET MATERIAL.

**Mr. Petersen** gave the Planning Commission background information. The County had originally come to the City in 2002 to discuss the possible expansion of the jail. City officials reacted somewhat negatively because of the impact on the City through the increased jail size and the increased number of inmates. In the 2002 meeting regarding the expansion held by the Planning Commission, Commission members tabled consideration of the conditional use approval until an agreement could be reached between the City and the County regarding the amendment to the inter-local agreement. There had been six suggestions for inclusion in the amended inter-local agreement. Those six items were:

1. The County should submit a site plan for the expanded jail system..
2. The County should submit a transportation plan.
3. The County should work with the School District regarding a bussing program for children in west Farmington.
4. The County should develop an action plan which addresses citizen notification of security breaches and which includes appointment of a Farmington liaison with the Jail Council and/or the Sheriff's Council.

5. The County should create a complaint hot line for citizens.
6. The County should create a buffer zone between the Justice Complex and residential areas.

Mr. Petersen stated that it would be very important not to disrupt plans and transportation designs for the new DMV office on the adjacent property.

**Mr. Shuttleworth** (representative of Edwards & Daniels Architects) discussed the architectural design of the expansion. He explained reasons for the design including safety, security, functionality, and cost effectiveness.

**Kent McCleod** (Chief Deputy in charge of the facility) discussed the contract by the County system to house federal inmates. He said that it had been a financial benefit to the jail to contract with the federal agency to accept pre-trial federal prisoners. However, the contract to do so would lapse in about 5 ½ years, at which time the contract would not be renewed. Currently, 125 beds are contracted to be available for federal prisons if the need arises. There are not that many federal prisoners at the facility.

**Mr. Ritz** stated that the Planning Commission was under an obligation to approve the request. However, the six items discussed must be addressed. The Commission and the citizens in the neighborhood were not as concerned with the use, site plans, and elevations of the project as they were with the impact the jail had on surrounding areas. One issue of great concern was that school children walked past the facility. School buses drive past the area to pick up elementary children, but refuse, because of School District policy, to pick up junior high students.

**Deputy McLeod** stated he had been in contact with the School District regarding the issue. The School District had a limited budget. The District also felt that as the population grows, the bus service will be altered and the problem will likely be eliminated.

**Mr. Ritz** suggested the School District may respond to further efforts by the Sheriff's Department in amending the busing policies immediately.

**Mr. Montgomery** asked if the busing issue could be tied to current negotiations with the School District regarding the bus compound proposed for west Farmington.

**Mr. Ritz** also raised a question about UTA and their current bus routes. Would there be a way to encourage UTA to loop out to the jail facility and pick up released inmates rather than having them walk all the way into the center of the town to get transportation?

**Ms. Hedberg** reported the questionable actions of some inmates working on the grounds when she and friends were in the area riding horses. The citizen hotline would be very helpful in such circumstances.

**Deputy McLeod** asked her to call him whenever that happened. His phone number was 451-4108. His cell phone was 643-3993.

**Ms. Roybal** stated that the safety of the children and residents in the area was of prime importance. The Planning Commission was soliciting help from the Sheriff's Department in finding solutions to the problems existing because of the facility.

**Deputy McLeod** explained the policies in place at the facility that restricted the life of the inmates. Violent offenders do not meet the requirements for those who are allowed to work outside.

**Mr. Poff** felt that care should be taken not to impact the use of the County Fair Grounds nearby. Traffic routes and sight impact should be considered so as not to detract from the Fair Ground uses.

**Mr. Shuttleworth** discussed the elevation designs of the expansion. The building was plane for specific reasons. There could be no hiding places; everything had to be visible; no building materials could be combustible. It would not be possible to construct a two story facility because of local soil conditions. The building would be about 500 feet in length. It would house an additional 400 inmates. The facility had a reputation of being clean and well run. Mr. Shuttleworth discussed the escape of one prisoner from the facility in the past. The circumstances of that escape were evaluated and have been rectified. It was planned that the building would be completed by October of 2006.

**Ms. Roybal** asked specifically that the Sheriff's Office write a letter to the School Board requesting a review and change of the busing policies for west Farmington, especially for children impacted by the proximity of the jail facility.

**Deputy McLeod** stated that it would be even more affective for Farmington City to write a letter to the Committee for Safe Schools and Communities.

**LEWIS NORD REQUEST FOR A RECOMMENDATION TO AMEND THE FARMINGTON DOWNS SUBDIVISION BY VACATING ALL OF LOT 4 FOR FUTURE DEVELOPING PURPOSES (S-1-05) (Agenda Item #5)**

**Background Information**

Farmington City has received a petition from Lewis Nord to vacate Lot 4 of the Farmington Downs Subdivision for future developing purposes. According to State Law, the responsible body in this case, the Farmington City Council, cannot consider the petition until they receive a recommendation from the Planning Commission.

END OF PACKET MATERIAL.

**Mr. Petersen** showed the vicinity map and stated that a portion of the property was within a platted subdivision.. There were several options when considering plat amendments. State law allowed a provision which would allow amendment without the signature of all property owners. The applicant had chosen to take advantage of that provision. The request must go before the Planning Commission for a recommendation, the public must be given notification and a specific amount of time for response, and the City Council must hear the request within a set amount of time. Mr. Petersen referred to the schematic plan which had been included in the packet. The plan was not acceptable according to City ordinances. However, the applicant had made some changes to the plan which improved it to an extent. Mr. Petersen said there were also wetlands on the property that would require mitigation.

**Mr. Montgomery** asked how the surrounding property owners had responded to the development design.

**Mr. Petersen** stated that the existing residents want to have the area developed into large horse property-type lots.

**Chairman Ritz** had talked to three of the neighboring property owners. Those property owners reported to the Chairman that they were satisfied Symphony Homes would do a quality job. However, the design was unacceptable. There needed to be a graduating lot size design (similar to the technique used in Farmington Greens) which provided for large lots next to existing large lot owners. There would also need to be a road connection to 475 West to allow development of nearby properties. Transportation plans needed to take the entire area into consideration. Chairman Ritz felt that if the applicant was not sensitive to the concerns of current residents, the hard work of citizens and City officials done in west Farmington over the last 5 years would be disregarded. The applicant had to implement open space buffering and creativity and sensitivity to the existing rural atmosphere of the community.

**Ms. Hedberg** felt the applicant had to be sensitive to the nearby horse properties. There could be significant safety problems involved if the subdivision was not carefully designed. Farmington City was committed to protecting the rights of horse property owners, and developers needed to respect that way of life.

**Motion**

**Kevin Poff** moved that the Planning Commission recommend that the City Council amend the Farmington Downs Subdivision by vacating all of Lot 4 for future development. **John Montgomery** seconded the motion, which passed by unanimous vote.

**Findings**

By amending the Farmington Downs subdivision, the Planning Commission was allowing the developer to redesign the proposed subdivision in a more acceptable manner. It was commented that the west Farmington area had sidewalks on the east of the streets and open shoulder for equestrian use on the west side of the streets (in most areas).

Regarding another issue raised by the developer, Tony Combs of Symphony Homes,, **Mr. Petersen** explained that the General Plan states there shall be development restrictions on property below the 4218 foot elevation mark. Any yield plan for areas below the 4218 mark shall be limited to 1 building per 5 acre lot. Symphony Homes had requested information on land east of the I-15 corridor which falls below the 4218 foot elevation mark. They wanted to know if there could be mitigating factors, such as bringing in a foot of fill to raise the elevation. Mr. Petersen reminded Commission members that the text of the General Plan outweighs the General Plan Map. The applicant brought a contour map of the area in question which showed a majority of the property was below the 4218 mark. Whether or not the property was on the west side or the east side of I-15, the impact was the same. The area was likely in a flood plain.

**Mr. Coombs** stated that the developer was planning to create a regional detention basin on a portion of the property which would be beneficial to the City.

**Mr. Petersen** stated he had anxiety over the request and that he felt there needed to be more information from the County about the flood potential of the property.

**Mr. Montgomery** suggested that he had no problem if the property was raised by fill to a level above the 4218 mark. However, there should be no leniency regarding the development on property below the 4218 foot mark. A public hearing would be helpful regarding the development of the property.

**CITY COUNCIL REPORT AND MISCELLANEOUS**

Mr. Petersen reported that the City Council had heard the appeal of Planning Commission action regarding the Cindy Morrow and Larry Alsup home. The City Council had upheld the decision of the Planning Commission.

Barring any problem with the General Plan, the City Council approved an ordinance amending the zoning map to show a change of zone for property located south of Shepard Lane, west of 1525 West, north of Burke Lane, and east of the Utah Transit Authority (UTA) railroad tracks from A to AE. The “hatched” area designated for Class “A” office on the General Plan map was excluded from the motion.

[Chairman Ritz was excused from the meeting at 9:00 P.M.]

Commission members asked for clarification regarding transportation plans for the west side of the City. Mr. Petersen reviewed portions of the City’s Master Transportation plan. A discussion ensued wherein some members of the Commission expressed concern that not enough detailed planning had been done to provide for adequate traffic control, especially in light of forthcoming commercial development. Mr. Petersen explained the procedures of the City in achieving transportation planning and the work that had been done by Horrocks Engineers.

**ADJOURNMENT**

**John Montgomery** moved that the Planning Commission adjourn at 9:40 P.M. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

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*Cory Ritz, Chairman*  
*Farmington City Planning Commission*