

FARMINGTON CITY PLANNING COMMISSION

Thursday, March 24, 2005

PLANNING COMMISSION REGULAR SESSION

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

Chairman Ritz called the meeting to order at 7:00 P.M. following a field trip to the Alsop/Morrow property referenced in Agenda Item #6. **Annie Hedberg** offered the invocation.

APPROVAL OF MINUTES

Cindy Roybal moved that the Planning Commission approve the minutes of the March 10, 2005, Planning Commission Meeting. **Kevin Poff** seconded the motion. The Commission voted unanimously in favor. Chairman Ritz abstained due to his absence at the last meeting.

PUBLIC HEARING: DANVILLE LAND INVESTMENTS L.L.C. REQUEST FOR APPROVAL FOR AN AMENDED PRELIMINARY PLAT FOR THE HUNTER'S CREEK SUBDIVISION CONSISTING OF 143 LOTS ON 130.025 ACRES LOCATED AT APPROXIMATELY 200 WEST 800 NORTH IN AE AND AA ZONES (S-4-03) (Agenda Item #2)

Commission Member Annie Hedberg declared a conflict of interest and recused herself from discussion of the agenda item.

Background Information

The applicants previously received preliminary plat approval and final plat approval for the first phase of this subdivision. The first final plat consisted of 36 lots and was recorded at the office of the Davis County Recorder. The applicant previously entered into an Improvements Agreement regarding access and the construction of off-site roads, and the developer has also entered into a Development Agreement with the City. The existing Improvements Agreement called for a road alignment sometimes known to the parties as Segments A, B, & C. Both the developer and the City mutually agreed to amend the Improvements Agreement to establish a new road alignment sometimes known as X, Y, and Z to replace the existing road alignment due to the reluctance of UTA's unwillingness to create another crossing at the old Denver & Rio Grande western railroad tracks east of the property until two other railroad crossings are permanently closed down and also due to the on-going planning efforts by UDOT and the Wasatch Front Regional Council to study the feasibility of accommodating an interchange in the Shepard Lane area. This Improvements Agreement was approved by the City Council on March 16, 2005.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He explained the suggested road plans for the area using a map and other information illustrating the proposed master transportation plan for the northwest area of the City. Both the McKittrick and the Hunter's Creek Subdivisions were doing conservation subdivisions. Some of the phases in each subdivision had received preliminary plat approval. Danville Land Investments were now in the process of asking for preliminary plat approval for the remainder of the development. Before the previous preliminary plat approval, a transportation plan and improvements agreement were already in place. Mr. Petersen reviewed general information regarding traffic management throughout the City. The potential for a Legacy North connection to be located abutting the property had impacted the traffic design through the subdivision. Railroad crossings also impacted the design. It was not possible to open a railroad crossing until two other crossings had been closed. The City had looked at the existing crossings and current road routes and had tried to come up with a way to provide efficient routes for current residents, safe conditions at each of the crossings, and adequate new roads for the future needs of development growth. Mr. Petersen detailed the road improvement plans and the phases that the transportation construction would need to go through.

Mr. Petersen stated that a second change being suggested for the amended plat was a revised wetland plan that allowed the developer to go from 172 to 179 lots. The Army Corp of Engineers had not yet approved the new wetland plan.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Commission. The applicant wished to wait to the end of the public hearing in order to respond to any questions.

Kyle Stowell (1764 West Burke Lane) addressed his concern regarding the build up of the railroad crossing. He wondered how the build up would impact the nearby residents.

Mr. Petersen invited Mr. Stowell to the City Offices to have the plans explained in detail.

Mr. Stowell had concerns about having 1525 West a major collector. He felt that improving the crossings would be very expensive. If the transportation plan was followed, the Burke Lane crossing would not be needed. He suggested that the City eliminate that crossing.

Joe Judd (representing the Farmington Trail Committee) stated there had been a trail planned for the Hunter's Creek subdivision. He asked if that trail had been property indicated on the plat.

Mr. Petersen wanted text about the trail placed on the plan. One of the conditions of the suggested motion required that action.

Mr. Judd asked if the details of the trail had been negotiated.

Mr. Petersen said the existing development agreement addressed the details of the trail. The City would maintain the trail and own it by fee title.

Steve Flanders (1525 West) stated he lived near one of the crossings under consideration. He had serious concerns regarding options being considered. The options discussed would impact his business and would likely eliminate his livelihood. The only viable option for him was to leave the crossing alone and lower the speed limit on 1525 West.

Mr. Petersen said that the City had responded to the concerns of Mr. Flanders. They had looked at making the 1525 crossing as safe as possible with signs and perhaps a little asphalt extension.

Public Hearing Closed

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

- The plans suggested by staff would allow for access to Mr. Flander's business.
- Mr. Petersen reviewed City plans for the eventual costs, impact fees, and funding for capital improvements, including the road improvements.
- Mr. Montgomery wanted to have it clarified that the two developers were obligated to improve the roads in cooperation with each other. If either goes forward, they will have to complete the roads.
- Mr. Poff wanted assurance that the roads had been designed to adequately handle the traffic that will eventually use them. Mr. Poff also suggested that the developer design the egress and ingress on lots fronting collectors to accommodate vehicles entering traffic moving forward not backward. Mr. Petersen stated that traffic engineers had designed the roads in response to future needs.

Motion

Cindy Roybal moved that the Planning Commission approve an amended preliminary plat for the proposed Hunters Creek Subdivision located at approximately 200 West 800 North subject to all Farmington City development standards and ordinance requirements and the following conditions:

1. Review and approval of the plat and improvement drawings by the City Engineer, Public Works Department, Fire Department, Central Davis County Sewer District, Farmington Area Pressurized Irrigation District (FAPID) and the Planning Department, including the Farmington City Storm Water Official.
2. Review and approval by the City Engineer and City Storm Water Official of a grading plan showing by appropriate graphic means the proposed grading of the subdivision and a storm water drainage facility plan showing the needed storm drainage facilities with runoff calculations and location size and outlets of the drainage system all in accordance and consistent with Farmington City storm water plan and storm water management plan incorporating best management practices as set forth in the Farmington City Development Standards.
3. Show all lots are capable of accommodating a single family home to the satisfaction of the Farmington City Zoning Administrator, including but not limited to, Lots 524, 213 and 220, 305 and 314, 321, and 433.
4. Update the legend on the preliminary plat due to a change in conditions by the recordation of Phase 1 of the Subdivision. Update the note on the plat identifying total number of single family lots at 179, not 190.
5. Identify the FEMA 100-year flood plain on the preliminary plat.
6. Clearly identify all trails on the preliminary plat and show how they will connect to the Great Salt Lake Shoreline Trail, and prepare a preliminary trail easement for said trails for review by the City.
7. The developer shall enter into an improvements agreement with Farmington City to provide adequate access to serve the project. Correctly identify all road cross sections on the preliminary plat and show the right-of-way width for all streets proposed within the preliminary plat.
8. The developer shall enter into a written development agreement for the project with the City prior to final plat approval.

9. Obtain wetland permits from the U.S. Army Corps of Engineers for the project. If for any reason the proposed wetlands delineation is not approved by the U.S. Army Corps of Engineers or if it is approved by the U.S. Army Corps of Engineers but results in a loss or change of lots and/or streets, the preliminary plat approval shall be null and void.
10. Ingress and egress for all lots fronting major collectors must have cars moving forward and not backward.

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

Findings

1. There had been a great deal of work put into the transportation plans for the area, including input from the developer, Staff, and City engineer.
2. Safety concerns for the railroad crossings had been addressed.
3. The plan complies with the General Plan.
4. The plan helps resolve transportation obstacles on the west side of the City.

PUBLIC HEARING: SLI COMMERCIAL REAL ESTATE CO., HOWARD KENT, REQUEST FOR PRELIMINARY PLAT APPROVAL FOR A SUBDIVISION ON REMAINING PORTIONS OF THE MCKITTRICK PROPERTY CONSISTING OF 103 LOTS ON ABOUT 73 ACRES AT APPROXIMATELY 675 NORTH 1800 WEST IN AN AE ZONE (S-11-04) (Agenda Item #3)

Annie Hedberg declared a conflict of interest and recused herself from discussion of the agenda item.

Background Information

The Planning Commission has previously granted preliminary plat approval for portions of the McKittrick property including 28 lots to the north and 31 lots to the south comprising altogether about 20.5 acres. Now that an Improvements Agreement has been reached between the developer and the City, the applicant is requesting preliminary plat approval for the remaining 103 lots on 73 acres. The Improvements Agreement with Howard Kent identifies the same road segments “X, Y, and Z” identified in the Improvements Agreement with Woodside Homes.

END OF PACKET MATERIAL.

Mr. Petersen stated that the agenda item was very similar to the previous agenda item and should be handled in the same manner. One difference, however, was that the City had not entered into a previous improvements agreements.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Mr. Petersen distributed a letter from Dick Moffat. Mr. Moffat's primary concern was that seepage may occur flowing towards the Hess property from a large detention basin located on the McKittrick Subdivision adjacent to the eastern border of the Hess property.

Howard Kent (applicant) said he would be happy to answer any questions the Planning Commission had. He responded to the concern regarding the detention basin. Mr. Moffat was trying to dry out his property. Mr. Kent believed there would be no flow from his property to the Moffat property. Mr. Kent said the sewer line would be installed around the Moffat property even though it would be more beneficial to both property owners to run it across the Moffat property. Mr. Kent had met with LeLand Meyers who had indicated approval of the proposed sewer line location.

Public Hearing Closed

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

Motion

John Montgomery moved that the Planning Commission approve an amended preliminary plat for the proposed McKittrick property located at approximately 675 North 1800 West subject to all Farmington City development standards and ordinance requirements and the following conditions:

1. Review and approval of the plat and improvement drawings by the City Engineer, Public Works Department, Fire Department, Central Davis County Sewer District, Farmington Area Pressurized Irrigation District (FAPID) and the Planning Department, including the Farmington City Storm Water Official.
2. Review and approval by the City Engineer and City Storm Water Official of a grading plan showing by appropriate graphic means the proposed grading of the

subdivision and a storm water drainage facility plan showing the needed storm drainage facilities with runoff calculations and location size and outlets of the drainage system all in accordance and consistent with Farmington City storm water plan and storm water management plan incorporating best management practices as set forth in the Farmington City Development Standards.

3. Show all lots are capable of accommodating a single family home to the satisfaction of the Farmington City Zoning Administrator.
4. Update the note on the plat identifying total number of single family lots at 162.
5. Identify the FEMA 100-year flood plain on the preliminary plat.
6. The developer shall enter into an improvements agreement with Farmington City to provide adequate access to serve the project.
7. Correctly identify all road cross sections on the preliminary plat and show the right -of-way width for all streets proposed within the preliminary plat.
8. The developer shall enter into a written development agreement for the project with the City prior to final plat approval.
9. Obtain wetland permits from the U.S. Army Corps of Engineers for the project. If for any reason the proposed wetlands delineation is not approved by the U.S. Army Corps of Engineers or if it is approved by the U.S. Army Corps of Engineers but results in a loss or change of lots and/or streets, the preliminary plat approval shall be null and void.
10. The applicant shall prepare a soils report to accompany the preliminary plat.
11. Ingress and egress for all lots fronting major collectors must have cars moving forward and not backward.

Kevin Poff seconded the motion, which passed by unanimous vote. Annie Hedberg abstained.

Findings

1. There had been a great deal of work put into the transportation plans for the area, including input from the developer, Staff, and City engineer.

2. Safety concerns for the railroad crossings had been addressed.
3. The plan complies with the General Plan.
4. The plan helps resolve transportation obstacles on the west side of the City.

PUBLIC HEARING: RAINEY HOMES REQUEST FOR A RECOMMENDATION TO REZONE 2.86 ACRES LOCATED AT APPROXIMATELY 1600 SOUTH TUSCANY COVE DRIVE FROM A-F TO LR-F AND A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION CONSISTING OF 6 LOTS AT THE SAME LOCATION (Z-2-05) (Agenda Item #4)

Background Information

The requested zone designation is consistent with the Farmington City General Plan and the number of lots proposed is compatible with the lot sizes found in the area. In fact, many lots in the vicinity are smaller in size. Nevertheless, in order to achieve the number of lots proposed, the applicant has submitted a conservation subdivision application and must follow the standards set forth in Chapter 12 of the Zoning Ordinance, such as submitting a “sensitive area plan” which identifies all constrained and sensitive lands within the property boundaries and within 400 feet outside the property boundaries. The subject property may contain wetlands, a spring, and a fault line. An historic building also exists on the property. Furthermore, is Lot 6 a buildable lot?

In order to receive the six lots shown on the plan, the developer must set aside at least 10% of the property as open space, or in this case a parcel of land 12,458 feet in size. Lot 1 may qualify for a conservancy lot if approved by the City Council after receiving a recommendation from the Planning Commission.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. He presented the site plan as requested by the applicant. There may be wetland issues on the property. The development to the north of the applicant’s property is the site of a fault line. It was unclear if the fault line runs into the applicant’s property. The eastern most lots may not be buildable because of the fault line. The soils conditions would determine whether or not construction could take place and the type and placement of construction if allowed. The applicant would have to get soils reports for the land.

Public Hearing

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

Chris Balling (applicant) said there was a spring that runs 50 feet behind the home site on Lot 2. He said he would not be developing the property until sewer has been brought to the land. He wanted to have the Planning Commission review the plans to see if there would be conceptual approval before they move forward with plans to acquire land from a property in the Tuscany Cove Subdivision (If the Planning Commission did not give conceptual approve, the design of the subdivision would change.) Mr. Balling said he had talked to some adjoining property owners to see if there was interest in extending a road through to the north which would affect plans for development. The road he was proposing would be the only way the backs of the properties along 200 East could obtain access. He was asking for conceptual approval only.

Frank Frodsham (Lund Lane) wanted to commend those who had worked on Tuscany Cove. The new proposal under current consideration had some problems. There would need to be a buffer between residential property and horse property.

Public Hearing Closed

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

Ms. Roybal felt the plan was a positive move for the larger area involved. The City and developers needed to be sensitive to the horse property and make adjustments accordingly. The buffer would be necessary.

Mr. Poff felt that many of the lots in Tuscany Cove were on such a slope that he would not have approved them.had he been involved. He wast uncomfortable about subdivisions on hillsides. There had already been erosion on the development in existence. He thought the road improvements were a good idea but the top three lots may not be a good idea.

Mr. Petersen said he thought the zone changes were appropriate. A soils report would direct the appropriateness of development.

Mr. Balling addressed the slope of the land and the buildability of the lots. If the lots were approved, the lots would not need much retaining wall work. Lot 6 may be problematic. The Frodshams have expressed an interest in purchasing that property and have said they would leave it open space. Other abutting property owners may also be interested. However, others had expressed they wanted the ability to build another home there if possible. The construction would have to take into consideration the slope of the property.

Keith Klundt thought the rezone would be good. The conceptual approval may be acceptable since the City would not be obligated in any way until the applicant comes back to the Planning Commission with specific plans and applications.

Ms. Hedberg agreed that since the City would not be giving a commitment for approval to any future subdivision at this point, the rezone would be appropriate.

Motion

John Montgomery moved that the Planning Commission recommend that the City Council rezone the property located at 1600 South Tuscany Cove Drive from A-F to L-R-F as requested. **Keith Klundt** seconded the motion, which passed by a 5 to 1 vote.

Findings

1. The rezone complied with the General Plan.
2. The conceptual plan for the construction of a road through the property provided a viable option for development to the north.
3. The conceptual plan would provide a long term benefit to the citizens of Farmington.
4. A soils report must be provided prior to any development approvals.
5. Mr. Poff explained his negative vote. He had no objections to the rezone, but he had significant concerns regarding construction of any dwelling on steep slopes.

PUBLIC HEARING: DAVIS COUNTY REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO EXPAND THE COUNTY JAIL LOCATED AT 800 WEST STATE STREET IN A BP ZONE (C-2-02) (Agenda Item #5)

Background Information:

This agenda item was reviewed by the Planning Commission as a discussion item on February 23, 2005. Most of the issues discussed related to off-site impacts from the expansion of the jail such as a citizen complaint hot line and school busing issues regarding children in west Farmington. According to Steve Welch with the Davis County School District, there are reasons why busing students from west of the jail to Farmington Jr. High would not be feasible, "The suggestion that a half full bus is being used for transporting children to and from Eagle Bay

Elementary and could be filled with Jr. High students would not work because the Jr. High starts at 8:10 a.m. and ends at 2:55 p.m. The elementary school starts at 8:55 a.m. and ends at 3:25 p.m. This time difference would not allow the same bus to be used for the students.”

Mr. Welch also said, “Hazardous walking situations are evaluated on a point basis and the areas with the highest number of points are eligible for the limited funding that is available, elementary school-aged children receive higher points than Jr. High aged-children for the same hazard. There are always more hazardous situations where busing could be used than there is money to pay for it. Jr. High students walking in front of the jail, would have to have a very high point value assigned to it in order to give it higher priority than hazardous situations that are currently being bused. Therefore, it is very unlikely that a separate bus route for the area that is within a two- mile limit for secondary schools would be approved.”

END OF PACKET MATERIAL.

Mr. Petersen reviewed the agenda item, including all the plans for the jail expansion. All plans and building elevations were included in the packet. Mr. Petersen reviewed the conditions of the suggested motion and the reasoning behind each.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Kent McLeod (Chief Deputy representing the Davis County Sheriff’s Office) explained the policy of the Sheriff’s Office regarding an escape from the jail. Farmington City Police would be notified. He said that if there was a need, a phoning system would be enacted that would send out 40 calls per minute to the appropriate areas informing citizens of potential danger. There would be on-going communication with community leaders through the currently established Jail Community Council. Deputy McLeod said the School District was unaware of any school children who walked past the jail at this point. If that situation arises, the officials would respond. As concerns arise, the Sheriff’s Office would respond.

Joe Judd (representing the Farmington Trail Committee and the Farmington Historic Preservation Commission) distributed a letter by the joint committees. The letter requested amenities along the heavily used trail, including a fence and landscaping.

Alysa Revell (208 State Street) was concerned about the released prisoners who cause disturbance to the community. She and her neighbors wanted assurances that the Sheriff’s Office would protect the citizens from such released persons. She had a picture of herself being approached by such a person, and she said that those situations happen frequently and are of great

concern. She asked that the Planning Commission place a condition on approval of the site plan that the Sheriff's Office would ensure the safety of residents and the livability of neighborhoods surrounding the jail.

Public Hearing Closed

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

Chairman Ritz stated that the concern of parents was for students walking over the overpass to and from school who must mix with the released prisoners.

Deputy McLeod stated that according to the law when a person is released from jail they are no longer a criminal. The Sheriff's Office has no control over those people, where they go or when. He and his officers were sympathetic to the concerns of the neighbors. However, it would not be possible to direct released people where to go. Officers do encourage released person to go to the bus stop to get transportation out of the area.

John Montgomery stated that it seemed there were not solutions to the problems and that all that could be done was to add to the problem by expanding the jail.

Deputy McLeod said he hoped that when the commuter rail station was built, the released people will have a good option to leave the area.

Chairman Ritz asked about the hot line which had been discussed in previous meetings.

Deputy McLeod stated the Jail Community Committee could address that option of a hot line.

Mr. Montgomery stated that the problems must be acknowledged and mitigated if not changed. The establishment of a hotline would be of help.

Deputy McLeod stated that if there were problems that arose, citizens could call 911 and get a quick response.

Ms. Hedberg stated she had experience riding horses near the jail when inmates made her and those with her feel very uncomfortable. She would not use the 911 emergency number to get help. She would, however, use a hot line number and be very grateful for it.

Deputy McLeod stated that officers at the jail give instruction to those released not to go in to Farmington, but to catch a bus and go home.

Ms. Roybal felt strongly that City Officers were not getting a good enough response from the School District regarding the bussing system. She was convinced that it would be possible to have students on the west side picked up so that they would not have to walk on the same routes as the released inmates. The safety of the children was a great concern and ranked with protecting the children from crossing Highway 89.

A discussion of the fencing around the facility ensued. **Deputy McLeod** stated the fencing was in place to keep people away from the facility. It would not be possible for inmates to escape through the secure building.

The Planning Commission discussed the value of saving the historic barn, owned by the County, which was located along the trail skirting the jail.

Alysa Revell stated the barn was of historical significance. It was the old Whitaker barn built in 1918. The barn represents Farmington history and it's agricultural beginnings. The barn adds to the ambiance of the trail. There had not heretofore been problems with animals or graffiti in the barn. If the structure was stabilized it would be safe and a great addition to the historic nature of the City. An architect who specializes in such structures had looked at the barn and stated it would be possible to make it stable. There was a great value to saving the historic structure.

Joe Judd (representing the Farmington Trail Committee) stated the barn could possibly be sealed thus eliminating the possibility for people to enter it.

Mr. Daniels (architect) briefly discussed the facade design of the proposed jail expansion.

Motion

John Montgomery moved that the Planning Commission grant conditional use and site plan approval to expand the County Jail located at 800 West State Street subject to all applicable Farmington City development standards and ordinances and the following:

1. The site plan and related improvement drawings must be reviewed and approved by the Farmington City Engineer, Public Works Department, Fire Department, Central Davis Sewer District, Weber Basin Water Conservancy District, and the Farmington City Planning Department, including the Farmington City Storm Water Official.
2. The applicant shall comply with all provisions set forth in Inter-local Agreement

2002-08 between Farmington City and Davis County, including but not limited to, the requirement that the Jail expansion shall not exceed 400 beds.

3. The applicant shall receive a truck haul route permit from Farmington City if necessary.
4. The applicant shall follow all Farmington City ordinances regarding prevention of off-site storm water runoff and tracking in Farmington City streets. The applicant shall post all customary bonds as part of the building permit process to ensure that storm water runoff regulations are followed.
5. No additional facilities or buildings shall be constructed or placed by the County between the existing Justice Complex and jail expansion area and Farmington Creek. This area must serve as a buffer for residential development south and east of the site.
6. The developers shall address the Farmington City Engineer's concerns regarding ingress and egress of the proposed driveway spacing on Clark Lane.
7. The County shall resolve the following issues to the satisfaction of the Planning Commission:
 - a. Security breach action plan.
 - b. Complaint hot line for citizens.
 - c. Busing program for children in west Farmington.
8. The County in consultation with Farmington City Historic Preservation Commission, shall provide for the stabilization and preservation of the historic Whittaker barn in a timely fashion no more than one year from the issuance of the conditional use permit.
9. The County shall provide long term regular care, maintenance and upkeep of the Whitaker Barn and surrounding grounds.
10. The County shall ensure that the buffer zone between the Jail and Farmington Creek, which includes the barn, is regularly maintained, including but not limited to such things as cleaning, trimming, and mowing.

Annie Hedberg seconded the motion, which passed by unanimous vote.

Findings

1. The project was a necessity for the good of the greater community.
2. The building is as esthetic as it can possibly be considering the security requirements in place.
3. The applicant had been cooperative with the wishes of the City officials.
4. A hot line would be an improvement in communication over what had been the case.
5. Further negotiations need to take place with the School District regarding the bussing of school children living on the west side who are affected by the presence of the jail and released inmates.

LARRY ALSUP AND CINDY MORROW/CONSIDERATION OF A MODIFICATION OR REVOCATION 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 #6)

Background Information

The Planning Commission considered this agenda item on March 10, 2005, and voted to table action for the reasons set forth in the draft minutes included with this packet and in the letter to Mr. Alsup and Ms. Morrow from David Petersen, dated March 16, 2005. Thus far, no new information has been received from the applicant regarding the March 10th motion. However, Mr. Alsup has requested that the Planning Commission conduct a field trip to his property on March 24 and to further discuss the issues related to his application in a study session prior to the Planning Commission meeting.

END OF PACKET MATERIAL

Mr. Petersen stated that the packet contained a review of the past actions by the Planning Commission. The Commission had taken a field trip to the site. The remaining issue seemed to be resolution of screening on the south west corner of the property.

Larry Alsup presented a letter to the Planning Commission which described his financial situation and demonstrated why he could not place or build a structure in the southwest corner of the property. He said he would like to have the City approve the site plan with the condition that landscaping could be used to mitigate the screening issues.

In response to questions, Alysa Revell (Farmington Historic Preservation Commission) said that the Historic Commission wanted the site plan to come into compliance with the zoning ordinance. The only issue left was the set back problem which had been caused by the illegal demolition of the Hinman house. The addition of screening would bring the site into compliance, even though the screen was not the basic issue. The building did not fit the surrounding nature of the neighborhood. The Historic Commission felt that a structure would be more appropriate than landscaping. It would enhance the looks of the street scape.

Mr. Petersen stated that within the regulations set forth by law, a person should have the right to demolish a structure on his own property. The demolition had not been done within legal guidelines. But because the building had been demolished, it must be addressed at this point. He stated that staff felt the landscaping proposed would be sufficient.

Ms. Roybal said she had visited the site and had seen other large new homes in the neighborhood. The house did not fit with the street but it did fit with the block because of the other houses in the area.

Mr. Petersen stated there were still two other historic structures on the property which soften the looks of the larger house in the back. He asked what would keep a future owner from taking those two buildings down. Mr. Petersen suggested the Planning Commission should require the property owners to get a facade easement to protect those buildings. There would be no charge to the property owner. In fact, the property may receive a substantial deduction on his taxes. That way if the owner sells the property, those two buildings would be protected and maintained.

Mr. Klundt felt the Planning Commission should move forward and consider the modified site plan with a requirement to gain a facade easement on the two existing buildings on the property.

Ms. Hedberg stated it would be a huge burden to the applicant to have to replace the Hinman home with another historic home. She would like to see landscaping match existing trees.

John Montgomery felt that the burden had been caused by the actions of the applicant.

Chairman Ritz said the Planning Commission must also take into consideration the personal property rights of a citizen. He also said that the Planning Commission had no real problem with what had been done, the problem was with the way it had been done. At this point, actions cannot be redone.

Mr. Montgomery felt there was a danger in setting a undesirable precedent. The issue involved whether or not the applicant complied with the approved site plan or not. Was the site plan approval reasonable in the first place or not.

Mr. Petersen stated that if the original row of buildings had not been present at the time of the original site plan review it probably would have been looked at differently.

Chairman Ritz stated that if the house had come down by accident, would the Planning Commission have looked more favorably on site plan modification? Another question was, how would the Commission have voted if the demolition permit had been requested as required by ordinance. Also, how will this demolition affect the protection of the City's existing historic structures. The Planning Commission would need to take care not to set a precedence that would encourage other developers to tear down historic homes and build massive structures in the OTR.

Mr. Petersen stated that the OTR should possibly be reviewed again in response to the current experience. There may be flaws in the ordinance that could be amended to prevent this from happening again.

Mr. Alsup stated that when he purchased the property the OTR was not in existence. His only desire was to preserve the property and the historic nature of the neighborhood.

In response to a question, **Mr. Petersen** stated that the OTR was in existence when the site plan had been reviewed.

Motion

Keith Klundt moved that the Planning Commission modify the site plan, which was part of Conditional Use Permit C-8-04 issued by the City to construct an attached garaged located at 139 East 400 North. The motion to modify the site plan was subject to the following:

1. The site plan was approved as presented subject to any final modifications deemed necessary by City staff, including but not limited to an acceptable landscape plan to provide screening in the southwest corner of the property.
2. The applicant must grant a facade easement (or conservation easement) acceptable to the City to the Utah Heritage Foundation (or some other nonprofit group acceptable to the City) to preserve in perpetuity the two remaining buildings in the front yard area of the property adjacent to 400 North Street.

3. The applicant must remove the section of the rock wall, which runs parallel to 400 North Street, in the southwest area of the property not in compliance with City ordinances.

Cindy Roybal seconded the motion.

Chairman Ritz called for a roll call vote. Commission Members Keith Klundt, Annie Hedberg, Kevin Poff, and Cindy Roybal voted in favor of the motion. Commission Member John Montgomery voted in opposition to the motion. Chairman Ritz voted in favor. The motion passed 5 to 1.

Ms. Roybal stated that the vote in no way indicated approval of the demolition of the historic home, and it should not be understood that the Planning Commission was setting a precedent which would allow such demolition.

Mr. Montgomery stated that was the very reason he voted no on the motion. He did not want the public to think there had been a unanimous vote in favor of the modification. The message should be clear that the Planning Commission granted the modification with great trepidation.

Mr. Klundt stated that if the public were to review the events associated with the modification they would realize that the process had been extremely difficult. In the long run, it was necessary to look at the overall results and what would benefit the community. He noted the Planning Commission should revisit the OTR ordinance to ensure this situation does not arise again.

Findings

1. The action was sensitive to the recommendations made by the Farmington Historic Preservation Commission.
2. The action provided for the preservation of the remaining two historic structures on the property.
3. The action provided for screening on the southwest corner of the property which would mitigate the visual impact on the historic neighborhood.
4. No precedence for the haphazard destruction of historic structures had been set.
5. The action complied with City ordinances and with the General Plan for the area.

6. It was noted that the OTR zone ordinance text should possibly be reviewed.

MOTION TO CONTINUE MEETING

Cindy Roybal moved that the Planning Commission continue business past the hour of 10 P.M. **Keith Klundt** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: LARRY ALSUP AND CINDY MORROW REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO VACATE A PORTION OF THE 400 NORTH STREET RIGHT-OF-WAY AT 139 EAST (STR-1-05) (Agenda Item #7)

Mr. Petersen reviewed the agenda item. The applicant wanted to have 15 feet of City right-of-way vacated and dedicated to him as the property owner. The 15 feet was in the front of the property. Vacations are usually done for public improvements or to make driveways work. Mr. Petersen did not see a compelling reason to vacate the property as requested. The property involved was a City asset and thus there was usually some kind of reimbursement or exchange for the vacation.

Public Hearing

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

Mr. Alsup stated the historic barn was located right on the property line. Past experience had shown that if the street was narrowed it would impact the building negatively. It would be a benefit to the City to vacate the land because it would mean more tax money for them. It would be a benefit to the applicant because it would provide a better access to the property. He also stated that he felt all the property owners along the street would like to have the land vacated. There were even some property owners who did not maintain the land because they knew it belonged to the City.

Public Hearing Closed

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

Motion

After a brief discussion, **John Montgomery** moved that the Planning Commission table consideration of the request to vacate a portion of the 400 North Street right-of-way at 139 East to allow the property owner time to explore the feasibility of expanding the petition to include

other property owners along the street and to make sure there were no utilities in the right-of-way. **Keith Klundt** seconded the motion, which passed by unanimous vote.

BRAD BULLARD REQUEST FOR A BOUNDARY ADJUSTMENT (M-03-05) (Agenda Item #8)

Background Information:

Brad Bullard desires to purchase Lot 215 from Lynn Summerhays. Mr. Bullard proposes to adjust the boundary line between lots 214 and 215 to accommodate the construction of a new home on Lot 215. Both property owners of the respective lots are willing to accommodate this request.

END OF PACKET MATERIAL.

Mr. Petersen briefly reviewed the background information and suggested the Planning Commission approve the application.

Motion

John Montgomery moved that the Planning Commission approve the boundary adjustment between Lots 214 and 215 of the Pointe of View Subdivision, Phase II, as requested and authorize the Planning Commission Chairman to sign the enclosed Notice of Approval of Boundary Adjustment. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Findings

1. The motion made sense for the proper development of the subdivision.
2. The lot line adjustment was a matter of only a few feet.
3. The lot line adjustment does not negatively impact the neighborhood.

RUSSON BROTHERS MORTUARY BUILDING FACADE DISCUSSION REGARDING FARMINGTON ROCK REQUIREMENTS (SP-1-04) (Agenda Item #9)

Scott Wilkinson (architect for the mortuary) discussed the design for the building, especially the facade materials. The Russon Brothers' builder wanted to use a mix of real Farmington stone and a concrete engineered stone that would be created to replicate Farmington stone. They proposed building a monument sign of the real stone, and then using real stone on

the front of the building (near the entry) and the engineered stone on the other sides of the building. The other option was to use real stone and stucco. If they could mix the real stone and the engineered stone, more of a stone look could be used on the building. The cost of the real stone was prohibitive.

Mr. Russon liked the look of the real stone and wanted to use as much of it as possible.

Cindy Roybal felt that if well done, most people would not be able to distinguish between the real stone and the engineered concrete facade. She would rather see the look of the rock than the rock of the stucco. She wanted to make sure the pattern was not obvious in the fake rock.

Chairman Ritz stated that the City was in favor of the real rock. It would be best to use as much real stone as possible. The ordinance called for an element of the Farmington stone but it was a judgement call how much would be required. It needed to be done according to good taste.

TRAILS COMMITTEE/CITY STAFF/DISCUSSION REGARDING A TRAILS REVIEW CHECKLIST (Agenda Item #10)

Mr. Petersen explained that the City had lost ideal situations for trail locations because of mistakes and misunderstandings by developers and property owners. Even when stakes and surveys had been done correctly there had been problems. The Farmington City Trail Committee had approached staff and recommended a system where they could become involved and help take the burden off City staff and assist the City in preserving approved trail corridors. There had been times that when the Trail Committee members had walked proposed trails, the corridors had been improved. The proposal was that a checklist be created that would be part of the site plan and subdivision review and would be included in the building permit process. The checklist would help clarify the City's policies regarding trails for developers.

Chairman Ritz stated that if the process protects the trails and unburdens staff and the Planning Commission and places responsibility on the developer with the help of the Farmington Trails Committee, it would be a benefit to the City.

Mr. Petersen said that the Trail Committee had been very responsive and were usually readily available for trail inspections.

On a separate subject, **Cindy Roybal** asked that staff look at the possibility of have an ordinance in place that would protect the trees in the City.

MISCELLANEOUS, CORRESPONDENCE, CITY COUNCIL REPORT, ETC. (Agenda Item #11)

Mr. Petersen reviewed the options that had been presented by Horrocks Engineers regarding the eventual connection of Legacy to the I-15 corridor. The connection will likely happen within Farmington City boundaries. The City had tried to protect the residential neighborhoods near the connection. The Federal government usually does not approve funding for interchanges if they do not have full access. He covered advantages and impacts of each of the options.

Mr. Petersen reviewed the current standing of the bus rapid transit plan.

ADJOURNMENT

John Montgomery moved that the Planning Commission adjourn at 11:00 P.M.

Cory Ritz, Chairman
Farmington City Planning Commission