

# FARMINGTON CITY PLANNING COMMISSION

Thursday, April 13, 2006

---

## PLANNING COMMISSION STUDY SESSION

**Present:** Chairman Jim Talbot, Commission Members Andrew Hiller, Kevin Poff, Paul Barker, John Bilton, Rick Wyss, Zoning Administrator Ken Klinker (City Representative), and Planning Secretary Melissa Jackson (taking meeting minutes).

**Chairman Talbot** called the meeting to order at 6:30 P.M. **Ken Klinker** is filling in for Dave Petersen. Ken Klinker states he did not attend the City Council meeting Tuesday, April 4, 2006. Dave Petersen will report at Planning Commission meeting April 27, 2006.

### **Agenda Item #3 - Farmington Ranches Phase 8**

Discussion regarding bringing in fill and whether it be left to the homeowner or if it should be the Developers responsibility. Developer, Dick Moffit said it would be 2' maximum to bring up to build, and he estimated the cost to be approximately \$2,500 per lot. Paul Hirst said they estimate it to be much higher, in order to bring it up 1' above the new FEMA flood plain, the cost would be closer to \$12,000-\$15,000 per lot.

Chairman Talbot asked the Developer what the cost of these lots are? Mr. Moffit stated these lots are \$200,000 +. He also said that it is legal to build in a flood plain, but that the homeowner would have to acquire flood insurance.

The City is recommending that Bareback Way be developed in the future versus now and that the Developer put up a cash bond. Developer, Dick Moffit said that he would rather not put up a cash bond and would rather build the road. Ken Klinker suggested this issue be resolved with City staff prior to final plat.

### **Agenda Item #4 - Asay-Miller Properties, 2 lot subdivision of commercial property**

Ken Klinker summarized and showed proposal, stated that the concerns are parking, making sure they meet all building codes and they have separate utilities. Discussion over a common warehouse area, Chairman Talbot suggested a Party Wall Agreement. Eric Miller, Building Official stated they would need a 3 hour fire wall. Chairman Talbot said they would speak with the applicant and clear up access and warehouse issues. Ken Klinker stated that it is schematic plat approval only at this time.

The meeting adjourned at 7:00 P.M.

**PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Jim Talbot, Commission Members, Andrew Hiller, Kevin Poff, Paul Barker, Rick Wyss [excused himself at 7:35 p.m.] John Bilton, Cory Ritz [arrived at 7:20 p.m.] City Zoning Administrator Ken Klinker (filling in for Dave Petersen) and Planning Secretary Melissa Jackson (taking meeting minutes).

**Chairman Talbot** recognized Ken Klinker as a representative of the City and excused Dave Petersen. Also recognized and welcomed new commission member John Bilton, who is replacing Keith Klundt, who left his post, and John will fill out his term of about 2 years.

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

**APPROVAL OF MINUTES**

**Kevin Poff** moved that the Planning Commission approve the minutes of the March 23, 2006, Planning Commission Meeting. **Andrew Hiller** seconded the motion. The Commission voted unanimously in favor, with one exception that would be the new member John Bilton.

**CITY COUNCIL REPORT**

**Ken Klinker** is filling in for Dave Petersen. Ken Klinker stated he did not attend the City Council meeting Tuesday, April 4, 2006. Dave Petersen will report at Planning Commission meeting April 27, 2006.

**PUBLIC HEARING: BOYER WHEELER FARM LC - APPLICANTS ARE REQUESTING PRELIMINARY PLAT APPROVAL FOR FARMINGTON RANCHES 8 CONSISTING OF 74 LOTS ON 98.727 ACRES LOCATED AT APPROXIMATELY 2000 WEST 400 SOUTH IN THE AE AND AA ZONES (S-5-06)**  
**(Agenda Item #3)**

**Background Information**

The applicant has applied for Phase 8 of the Farmington Ranches Subdivision, which is the last phase of the previously approved Farmington Ranches overall plan. A development agreement has been approved by the City.

The City Engineer still has issues with the storm drainage plan for this phase, but the resolution should not affect the road or lot layout.

There are issues with a Conditional Letter of Map Revision which the applicant is attempting to get as a step for taking lots out of the flood plain. The City Engineer will meet the

Developer to try to work through the issues on a staff level. Staff recommends the resolution of these issues be a condition of preliminary plat approval.

Staff recommends Bareback Way, which heads south from the subdivision, be developed in the future instead of now. The final plat should show a road easement through lots that abut. A written easement should also be recorded. The owners of these lots could then landscape and maintain the property until such time that the land is developed to the south. The applicant should provide a cash bond acceptable to the City to improve Bareback Way which shall be replaced with a recorded road easement and agreement that it will be built by the future Developer of property to the south and/or the City. That new Developer and/or the City would be responsible for using the bond for building the road and improvements as well as providing a new fence for the two lots at the time of development. The reasoning for this is the unlikely chance that a subdivision will ever be developed to the south, so there is a good chance the road will not be needed.

#### Supplementary Information

1. Vicinity Map
2. Preliminary Plat Farmington Ranches Phase 8

END OF PACKET MATERIAL.

**Ken Klinker** reviewed the background information on this subdivision, stated it is approved in the overall master plan, and that this is the last phase of this subdivision. Ken related that the staff report indicates the suggested motion is to recommend approval of the preliminary plat with several conditions including that it be subject to all applicable development standards. Addressed a few issues; one is the conditional letter of map revisions and the fill. Since the staff report went out City staff has meet with the City Engineer, Paul Hirst, and addressed the issue of the building pad elevations in this phase. It is determined this issue should not be a requirement of the motion to approve, it should not affect the preliminary plat. The second issue is related to storm drain issues. The Developer and the City Engineer are working them out and it does not affect the layout of the roads or the lots, but should be a condition to address and resolve by final plat. The Developer is to comply with all conditions of the original development agreement for Farmington Ranches. Ken Klinker stated that Dave Petersen, Community Development Director, recommends that Bareback Way not be built at this time; instead we get a cash bond from the Developer. However this issue has not been addressed between the City and the Developer. This should be another condition to address before final plat.

#### Public Hearing

**Chairman Talbot** opened a public hearing and invited the applicant and any citizens to address the Commission.

**Dick Moffit** with The Boyer Company, addressed the Planning Commission stating that this was in fact the final phase of the Farmington Ranches subdivision. He stated it is consistent with the development agreement in all aspects and he realizes there are two issues we need to resolve, including that we address the CLOMAR fill application and also discuss the extension of Bareback Way. Those are things the Developer states he will work with staff to resolve. Dick Moffit said that since this is their final phase he noted he probably would not have the opportunity to come before the Planning Commission again and reported that he has enjoyed working with the City and Staff in Farmington City.

**Mr. Chipman**, of the Trails Committee, addressing trails in Farmington Ranches Phase 8. The trail involves Buffalo Ranch and the eastern loop of this property with a connection to the east of 1525 West.

**Ken Klinker**, explains there is a 20' wide public trail for pedestrian access along parcel 8B which is along the power line corridor.

**Dick Moffit**, discussed the Shoreline Trails and pointed out on an overhead map where the connections are located.

**Ken Klinker** said City staff would also be following up on trails as we work on final plat.

### **Public Hearing Closed**

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

The Planning Commission discussed the present flooding issues out in that area, the Developer and City Engineer assured the Commission that flooding problems were due to grading done by the homeowners and improper placement of down spouts. The Developer also reviewed their disclosure practices, including a special addendum for those in the flood plain.

**Paul Hirst**, City Engineer, discussed that due to the width of the lots in Phase 8 there is plenty of room to handle run off, and if we require 4,218 as lowest finished floor we have a very good safety factor.

**Ken Klinker** stated that the City is recommending that Bareback Way not be built at this time because the land on the south side is wetlands and we are unsure that there is ever going to be a road going through the wetlands. Paul Hirst, City Engineer, stated that we may need that corridor for the sanitary sewer. The Developer objected to not building the road at the time of development.

**Chairman Talbot** summarized that if they approve preliminary plat it will be subject to working through the conditions listed prior to final plat approval.

### **Motion**

**Kevin Poff** moved that the Planning Commission recommend approval of the preliminary plat for Farmington Ranches Phase 8 subdivision subject to all applicable development standards and the following items:

1. Applicant must resolve issues with the application for the Conditional Letter of Map Revision Based on Fill (CLOMR-F) from FEMA for lots that are in the flood plain in a manner acceptable to the City.
2. All concerns of City departments and utilities, including but not limited to storm drain issues, are addressed.
3. The development must comply with all conditions of the development agreement for the project.
4. The status of Bareback Way shall be finalized after hearing recommendations from staff.

**Cory Ritz** seconded the motion, which passed by unanimous vote.

### **Findings**

- It follows the overall development of the City with regards to that phase
- It is in line with the Master Development Agreement for the entire project and Developer has disclosed this area to be a flood zone.
- Developer has worked with the City staff to solve any issues.

**PUBLIC HEARING: ASAY-MILLER PROPERTIES - APPLICANTS ARE REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A 2-LOT SUBDIVISION OF THE COMMERCIAL PROPERTY (7.481) NOW OCCUPIED BY BUKOOS (FORMERLY K-MART) LOCATED ON THE NORTHWEST CORNER OF SHEPARD LANE AND U.S. 89 IN A C ZONE (S-8-06)**  
**(Agenda Item #4)**

Chairman Talbot wants it noted that it should be a recommendation for **schematic plan**, not a minor plat approval.

**Background Information:**

The applicants own Bukoos which now occupies the old K-Mart store. They are proposing a neighborhood commercial center at the south-end of the building including expanding the building into the old garden center area. The landscaping and parking lot areas will not change. To implement these plans the applicants are proposing to subdivide the property down the middle of the building thereby creating a zero lot line set back as shown on the attached minor plat. This may be problematic because utilities may have to be separated and major modifications may need to be made to bring the building into compliance with the building code. The K-Mart building was approved under one site plan and conditional use permit for the entire property. Will the northern lot comply with landscaping standards consistent with the ordinance and previous approvals if the subdivision is platted as proposed? Is the access and the existing number of parking stalls sufficient for each lot independent of the other lot as shown or must the Developer establish shared parking and access easements between the lots? As an alternative to the proposed subdivision, staff recommends a commercial condominium plat (see suggested motion).

**Supplementary Information**

1. Vicinity Map.

2. Minor Plat.

END OF PACKET MATERIAL

**Ken Klinker** explained this is a two lot subdivision of the Kmart building. The Developer is proposing that the property be split into a 2+ acre lot and a 5+ acre lot. The Developer would like to create some retail space where the garden center is located as well as the front of the building. They also want to create warehouse space on both sides of the lot line split.

Ken discussed some of the issues; 1) parking requirements, 2) utilities, 3) whether the Developer wants to do the lot split or if there should be condominiums created so there could be shared utilities. In doing a lot split, the utilities could not be shared and they would need to have separate service coming in both sides of the building.

**Public Hearing**

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

**Doug Assay** - Applicant explained that they thought this would be a good opportunity to bring business to the area. He explained his first preference would be to divide the property since it is two different owners. Utilities could be easily broken off.

**Public Hearing Closed**

The Planning Commission discussed the request and agreed something is needed for the area due to the development of Farmington Crossing. They are not concerned with the parking, Chairman Talbot suggested locating the parking to the front of the retail space and reconfiguring the existing landscaping. Paul Hirst, City Engineer, brought up the future roundabout on Shepard Lane and 1075 West which might effect the approach and exit of the parking lot.

Eric Miller, Building Official, said that if they do a lot split they need to meter out the utilities. Chairman Talbot suggested no shared access due to safety issues.

Russ Naylor, Nichols Naylor Architects, added that all signage would be on the retail store front only.

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

### **Motion**

**Paul Barker** moved that the Planning Commission recommend that the City Council approve a **schematic plan** whereby the footprint of the building will be subdivided but the remainder of the property, including but not limited to loading areas, drainage facilities, on-site utilities, parking lots, pedestrian ways, and landscaped areas, will be held in common owned and maintained by an owners association subject to requirements and standards set forth in a conditional use permit for the project. The subdivision must be recorded concurrently with the conditional use permit. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

### **Findings**

- The proposed use of the particular location is desirable to provide a service or facility which will contribute to the general well-being of the community;
- The proposed use conforms to the goals, policies, and governing principles of the Comprehensive Plan for Farmington City;
- The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;
- Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available to the site.

- It represents an acceptable adaptive reuse of a commercial site.

**PUBLIC HEARING: ASAY-MILLER PROPERTIES - APPLICANTS ARE REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL TO REDEVELOP (PROVIDE SMALLER INDIVIDUAL COMMERCIAL SHOP SPACE) WITHIN, AND AN ADDITION THERETO, THE BUILDING NOW OCCUPIED BY BUKOOS (FORMERLY K-MART) LOCATED AT THE NORTHWEST CORNER OF SHEPARD LANE AND U.S. 89 IN A C ZONE (C-4-06) (Agenda Item #5)**

**Background Information**

The City issued conditional use permit #C-10-90 on May 15, 1991, prior to commencement of construction of the K-Mart project (see enclosed). The Developer should comply with all conditions of this building permit. In addition, the applicant must comply with the site development standards for commercial uses set forth in Section 11-7-107 of the Zoning Ordinance:

- *Architectural Plans*

The applicant provided color renderings of the proposed elevations of the remodel portion of the building. How do these match the existing building particularly, among other things, with regards to color?

Does the “Farmington Rock” on the remodel match the existing Farmington Rock?

Does the west elevation remain unchanged?

- *Landscape Plans*

These remain unchanged.

- *Outdoor Lighting*

This remains unchanged, but should the Developer provide more lighting on the west side by the new commercial shops?

- *Service Yards*

Unchanged.

- *Screening*

Unchanged

- *Sign Plans*

Will signing for the project change? If so, should this be approved later?

- *Transportation and Circulation Plans*

The Zoning Ordinance requires 4 parking spaces per 1000 square feet of floor area for “Intensive Commercial Businesses, Retail Stores and Shops”. Even though the overall site probably meets this requirement (3.9 stalls per 1000 s.f.), only 21 stalls are located directly in front of the proposed new retail space. This space requires 42 stalls. Is this sufficient in that the other 21 stalls are east of the new retail space?

- *Water and Sewer Plans*

Specific water and sewer plans were requested for review and approval by the Public Works Department and the Central Davis Sewer District (CDS&D).

### **Supplementary Information**

1. Vicinity map.
2. Conditional Use Permit #C-10-90.
3. Section 11-8-105 Conditional Use Standards.
4. Site plan, building elevations and other information provided by the applicant.

END OF PACKET MATERIAL

**Ken Klinker** reviewed suggested conditions 1 through 4, and added that they must show they meet all building codes. Additional issues may be to make sure architecture matches the existing building, the Farmington rock be incorporated, and possible signage questions.

### **Public Hearing**

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

**Russ Naylor**, Nichols Naylor Architects, is the architect working with Asay-Miller Properties on this project. Previous projects Nichols Naylor has worked on consist of West Bountiful Commons, the new El Matador Restaurant, and the Sugar House Commons. He feels this makes good use of the square footage of the big block store building. Acknowledged they did not think out the separation of utilities, but said it could be easily done. Did expect the 3 hour fire wall.

### **Public Hearing Closed**

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

### **Motion**

**Kevin Poff** moved that the Planning Commission recommend granting conditional use and site plan approval as requested subject to all applicable standards and ordinances and the

following:

1. The applicant must receive site plan approval from the City. All conditions of site plan approval must be conditions on the conditional use permit.
2. The applicant must comply with conditional use permit #C-10-90 previously approved by the City for the K-Mart center.
3. Issues set forth in the staff report must be resolved with the Planning Commission by the applicant prior to the issuance of the conditional use permit.
4. A commercial condominium plat must be recorded for the property prior to issuance of any building permit.
5. Must show that they meet all building codes.

**Paul Barker** seconded the motion, which passed by unanimous vote.

### **Findings**

- The proposed use of the particular location is desirable to provide a service or facility which will contribute to the general well-being of the community;
- The proposed use conforms to the goals, policies, and governing principles of the Comprehensive Plan for Farmington City;
- The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;
- Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available to the site.

- It represents an acceptable adaptive reuse of a commercial site.

**MISCELLANEOUS, CORRESPONDENCE, ETC.**

**Ken Klinker** states the amended agenda has Tuscany Cove lot #17 to be addressed and comments and suggestions to be given. The issue at hand is a proposed retaining wall 15'-20' in height, made out of interlocking block, located behind the house on the property line in order to create a more level backyard. Mr. Klinker showed photos taken of the said lot and also the house next to it; the house next to it has put in two tiers of rock wall. Mr. Klinker turned the time over to the homeowner.

**Ken Nelson** is the representative on this subject, the homeowner was not able to attend. Mr. Nelson showed a landscape plan and explained they are trying to avoid water issues with the home. Explained that it is an engineered interlocking block wall, he went over the installation process. He stated that the sides would be 15'.

The Planning Commission recommended the homeowner notify the neighbors and obtain their feedback. It was also suggested they tier, keeping consistent with those around them. The concern was raised of how the 15' sides tie in with the neighboring yards. Conclusion was the homeowner should take the suggestions of the Planning Commission and then work with City staff and bring forward again. Ken Klinker to email directions to Tuscany Cove lot #17 to Planning Commission members.

**ADJOURNMENT**

**Kevin Poff** moved that the Planning Commission adjourn at 8:45 P.M.

---

*Jim Talbot, Chairman*

*Farmington City Planning Commission*