

# FARMINGTON CITY PLANNING COMMISSION

Thursday, April 26, 2002

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## PLANNING COMMISSION REGULAR SESSION/DAVIS SCHOOL DISTRICT AUDITORIUM

**Present:** Chairman Linda Hoffman and Commissioners Kent Forsgren, Bart Hill, Larry Jensen, Cory Ritz, and Cindy Roybal, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Commissioner Sid Young was excused.

**Chairman Hoffman** called the meeting to order at 6:40 P.M. and **Kent Forsgren** offered the invocation.

### APPROVAL OF THE MINUTES (Agenda Item # 1)

**Larry Jensen** *MOVED* that the minutes of the April 11, 2002, Planning Commission Meeting be approved as corrected. **Kent Forsgren** seconded the motion. The Commission voted unanimously in favor.

### MOTION TO AMEND AGENDA

**Larry Jensen** *MOVED* that agenda item #2 be considered after agenda item #3 in order to allow the applicant more time to arrive to the meeting. **Kent Forsgren** seconded the motion, which passed by unanimous vote.

### PUBLIC HEARING: PAUL AND REBECCA HAYWARD REQUEST FOR CONDITIONAL USE APPROVAL TO EXCEED THE FENCE HEIGHT LIMIT AND SPORTS COURT SETBACK REQUIREMENTS FOR A PROPOSED SPORTS COURT AND A RELATED 12 FOOT FENCE LOCATED AT 1663 WEST 1410 NORTH IN AN 4-2 ZONE (C-4-02) (Agenda Item #3)

#### **Background Information:**

In Farmington, sports courts or other similar playing surfaces must be set back at least five feet from the rear and side property lines. In addition, any fence surrounding a sports court cannot exceed a certain minimum height. Any deviation from the setback requirements or fence standards contained in the ordinance requires a conditional use permit. Specifically, the applicant is requesting an increase in height for a small portion of a rear yard fence from 8' to 12' and an increase in height for a small portion of the side corner yard fence from 6' to 12'. Furthermore, the applicant is proposing an approximate 2 to 3 foot setback distance from side and rear property lines instead of the five feet as required by ordinance.

END OF PACKET MATERIAL.

**David Petersen** reviewed the background information for the Planning Commission. He stated notices had been sent to all neighbors within 300 feet of the property being considered. Mr. Hayward had provided pictures of the location, which Mr. Petersen distributed to the Commission.

**Chairman Hoffman** opened the meeting to a *PUBLIC HEARING* and invited the applicant to address the Commission.

**Paul Hayward** (applicant) said he wanted to install a concrete pad next to his garage to be used as a basketball court. In researching City ordinances, it was found a fence that would be high enough for basketball was not allowable. Mr. Hayward initiated an amendment to the ordinance which the City Council did approve. Mr. Hayward wanted to increase the fence height from 8 feet to 12 feet. He had checked with engineers to make sure that the fence would be durable. The proposed fence would not obstruct the view of any neighbors. He felt it would be an asset to the neighborhood. Mr. Hayward also said he had talked to all of his neighbors, all of which responded favorably to the proposal.

**Becky Hayward** (applicant) said several of her neighbors had approached her and her husband during the preparation of the ground for the project and asked what was being done. When informed that it would be a basketball court which would likely be used by many of the youth in the area, none of the neighbors objected.

With no further comments, **Chairman Hoffman** *CLOSED* the public hearing and asked the Commission for their consideration.

When questioned, **Mr. Petersen** stated no neighbors had called him with comments regarding to the request.

**Larry Jensen** *MOVED* that the Planning Commission approve the application as requested subject to all applicable Farmington City development standards and ordinances and the applicant providing a black vinyl coated chain link fence. **Kent Forsgren** seconded the motion which passed by unanimous vote.

**PUBLIC HEARING: SUSAN HOLBROOK REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY NURSERY RETAIL SALES BUSINESS IN THE PARKING LOT OF THE FOXGLOVE COMMERCIAL SHOPPING CENTER LOCATED AT APPROXIMATELY 1316 NORTH U.S. HIGHWAY 89 IN A "C" ZONE (TU-4-02)**

**Background Information:**

Applicant is requesting temporary use approval for a retail nursery business to sell such

products as bedding plants, hanging baskets, vegetable starts, vines, etc. (See enclosed application.) The applicant has been working with Smith's over the last several months to establish this business and has apparently received approval. However, the property owner (Smith's) has not signed the affidavit provided with the application. If the affidavit is not signed and submitted by April 25, then this application should be tabled until such time as the property owner provides its signature.

The applicant proposes to place a "greenhouse pavilion" on the site. Section 11-28-120(g)(3) states: "Tents, stands, trailers, mobile equipment and other similar temporary structures may be utilized provided they are clearly identified on the submitted plan and it is determined by the City Planner they will not impair the parking capacity, emergency access, or safe and efficient movement of pedestrian vehicle traffic on or off the site." It does, however, appear that the temporary structures and the location for the business itself are located in the path of a future U.S. 89 frontage road. Construction on this road will commence very soon, and this business should not delay or impact UDOT's efforts to provide for these public improvements.

Most of the service and retail establishments in the area open for business at 10:00 a.m. and close anywhere from 6:00 p.m. to 9:00 p.m. Monday through Saturday and some are closed on Sunday. Smith's operates 24 hours a day. Meanwhile, the ordinance states the hours of operation for temporary uses in commercial and industrial zones shall be established at the time the use is approved.

Also the ordinance states: "The applicant shall provide to the City Planner proof of liability insurance for the requested use if necessary. This proof shall be submitted with the application." (Section 11-28-120(g)(12).

END OF PACKET MATERIAL.

**Mr. Petersen** stated that it was not necessary for the applicant to be present for the Planning Commission to consider the request. He said adequate notification had taken place resulting in no objections. Necessary signatures mentioned in the staff report had been obtained.

**Chairman Hoffman** opened the meeting to a *PUBLIC HEARING*. With no forthcoming comments, she *CLOSED* the public hearing and asked the Commission for their input.

**Larry Jensen** asked how impending UDOT construction would impact or be impacted by the requested project.

**Mr. Petersen** stated that conditions for approval could include instructions that placement of the temporary use could not delay U.S. 89 reconstruction.

**Matt Hirst** (City Engineering Office) stated that UDOT officials planned to begin work on the west side of U.S. 89 around June 17<sup>th</sup>, likely giving time for the applicant to complete her

**Cindy Roybal** stated she felt that Ms. Holbrook had a good reputation and would do a quality job with the project.

**Kent Forsgren** *MOVED* that the Planning Commission approve the application as requested subject to all applicable Farmington City development standards and ordinances, the site plan and architectural information included in the application submitted to Farmington City, and the following conditions:

1. Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the sign ordinance of the zone in which the use will be located. All signs shall be removed when the activity ends.
2. No loudspeakers or other amplifying sound devices shall be used in conjunction with the temporary use.
3. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light in neighboring properties. Search lights shall not be permitted.
4. The conduct of the temporary use business shall be limited to day light hours.
5. The temporary nursery sales business may exist up and until the last day of June 2002.
6. Permanent changes to the site are prohibited. When the temporary use ends, the applicant shall restore the site to its original condition, including such clean up, washing and replacement of facilities as may be necessary.
7. The placement of the temporary use shall not cause any delay to the U.S. 89 reconstruction project. In the event UDOT proceeds forward with the U.S. 89 reconstruction project before June 30, 2002, reasonable steps shall be made by the applicant in consultation with the Planning Commission, to accommodate the highway reconstruction project.
8. The applicant shall provide for the adequate conveyance of water from the site. No excessive ponding shall be allowed due to over watering of the plants or for any other reason. business.

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

**PUBLIC MEETING TO RECEIVE CITIZEN INPUT REGARDING THE FEASIBILITY OF ESTABLISHING A HERITAGE NEIGHBORHOOD PLAN AND OVERLAY ZONE**

**FOR THE AREA LOCATED IN THE VICINITY OF THE OLD FARMINGTON ROCK CHURCH BETWEEN MAIN STREET AND 200 EAST (Agenda Item #4)**

Approximately 50 people were present for the public meeting. **Mr. Petersen** opened discussion by stating that previous proposals regarding infill development in downtown Farmington had not been well accepted. However, a new idea had been proposed which may help protect the important and unique character of the old Farmington township area. The meeting was being held to receive citizen input regarding what is being called the Farmington City Heritage Neighborhood Overlay Zone (HN). It was hoped that a way could be found to help property owners do what they wanted with their property within guidelines set by themselves and their neighbors in cooperation while preserving important characteristics of an area.

**Arlo Nelson** stated the overlay proposal required ultimate citizen participation and “ownership” by the citizens of the ordinance they help to create for their own area. He explained what an overlay zone means.

Mr. Nelson reviewed criteria for selection of a potential overlay zone area, which include:

1. 50 percent of an area must already be developed into residential use.
2. The area must be at least 10 acres in size.
3. Housing development must have begun at least 50 years previously.
4. The City must adopt the neighborhood conservation plan.

There are three ways an overlay application can be initiated: 1) by a neighborhood, 2) by the Planning Commission, or 3) by the City Council.

Public comment to this point included the following:

- ⌞ The purpose of the proposal seemed to some to negate existing ordinances.
- ⌞ The exact location of the neighborhood under consideration was not clear. Citizens stated they wanted to have a clear definition of the neighborhood being included before they would consider any of the proposals.
- ⌞ The question was asked, how will the overlay zone effect the BR zone?
- ⌞ Citizens expressed a great deal of concern about the details of the proposal and some expressed opposition, stating they felt they would be forced into compliance.

**Mr. Nelson** stated citizens were still unclear about what was being proposed and asked

that he be allowed to present more information. He discussed preparation of the neighborhood plan review standards which could include such things as building heights, rear and side yard setbacks, front yard setback, and garage and accessory structure locations. He also explained that in order to create a Neighborhood Conservation Plan, the following steps must be taken: 1) public hearings must take place to gather input from property owners; 2) the Planning Commission would then consider citizen concerns; and 3) if the plan moves forward, then the following takes place:

- ↯ A citizen input committee is organized. At this point, no set numbers or membership have been established.
- ↯ Scheduling of meetings and goal dates would be established.
- ↯ The citizen committee would then present their plan to the City Council for final approval.

Mr. Nelson and Mr. Petersen emphasized the necessity of citizen input for the plan to be accepted by the City Council and for the plan to be successful. The people in the neighborhood create the plan. If they are not supportive of the plan, it will not succeed.

Discussion ensued regarding the following points:

- ↯ At this point there is no set minimum or maximum for the number of people who could be members of the citizen committee. It is possible that such a committee will consist of anyone who wants to participate. Several citizens wanted the committee to be permanent and not “ad hoc.”
- ↯ Larry Jensen explained covenants, conditions and restrictions (CC&Rs) and suggested that the neighborhood plan could be likened to CC&Rs being placed on existing property as written by the property owners. He also discussed creating an oversight committee for the enforcement of the plan.
- ↯ Citizen concerns were again raised that a plan could be imposed against their collective or individual will. Some citizens cited Special Improvement Districts, which they had opposed and yet had to pay for. Mr. Petersen stated safeguards could be written into the plan as directed by the neighborhood which would prevent that.
- ↯ The old town site is not a legal subdivision with CC&Rs. It is largely unplatted property without CC&Rs to protect it.
- ↯ Chairman Hoffman said the Planning Commission is very aware of Farmington City citizens and their strong feelings about the City. In the past, it was organized so that the citizens were really at the mercy of the Planning Commission and the City Council. This plan would help citizens become more involved in their own

destiny. Citizens have voiced concerns about encroaching businesses and high density. City officials need to help resolve these issues in a way citizens can be comfortable. However, citizens must be willing to give their input regarding all their issues, including transportation, open space, density, building appearance, walkability, business encroachment, flag lots, etc. Citizens need to say what limitations they would like in place and what their neighborhood should look and sound like in 20 or 50 years.

[The Chairman had to be excused at 8:10 P.M.]

- ↯ In response to a question regarding developability of property that may have features outside set restrictions, Mr. Petersen stated there are always way to consider hardship cases by requesting variances through the Board of Adjustments.
- ↯ One of the first things that would be done is to take a survey of what exists and what is desired.
- ↯ It may be well to have Chapter 23 adopted in conjunction with the Neighborhood Plan so that it will be possible to adjust Chapter 23 where necessary.
- ↯ One citizen asked what provisions would be in place to provide for future needs and changes. Mr. Petersen responded that one suggestion was to have a standing neighborhood committee which would address issues as they came along.
- ↯ Property owners expressed concern about restrictions that may limit his ability to build what he wanted to on the lot he owns.
- ↯ The citizens wanted to be empowered to make decisions for themselves and were not convinced that would be the case.
- ↯ One suggestion was to include entire blocks in the neighborhood area so that abutting back yard neighbors on the same block were in the same group.
- ↯ One citizen was in favor of the proposal. She liked having a say in the way her neighborhood would be developed. She liked the safety her children enjoyed, the unique qualities of downtown Farmington, and the great neighbors she enjoyed. She was concerned that the neighbors would truly have the influence talked about.
- ↯ One citizen said the proposal would mean the neighborhood could be “modern day pioneers” and help lay the foundation of a great idea. He was unsure why others were resistant.
- ↯ Another citizen responded that their fears were founded in history, especially as experienced in recent S.I.Ds. He said the City would need to ensure

neighborhood empowerment before property owners could move forward with confidence.

- ▭ A comment was made that by law elected officials in the City Council had the obligation to stipulate certain regulations. As citizens, we are all obliged to follow the law.

**Mr. Forsgren** suggested that drafts of Chapter 23 be mailed to interested property owners who could suggested changes and send it back to Mr. Petersen. All changes could be considered before the next meeting.

**Mr. Petersen** stated the ordinance is in a state of flux and felt that the initial input received had been very good. He suggested that there be 2 to 3 more meetings prior to June 30<sup>th</sup>. By consensus, the Planning Commission authorized Mr. Petersen to move ahead with the project. The neighborhood committee should be opened to as many people as possible with advanced notice. A notification letter could include information regarding how to obtain a copy of the draft ordinance if desired. It was decided to hold the next meeting on May 14, 2002.

#### **MISCELLANEOUS, CORRESPONDENCE, CITY COUNCIL REPORT (Agenda Item #5)**

##### **Interlocal Agreement with Davis Council Regarding Jail Expansion**

**Mr. Petersen** stated there was a final draft of the Interlocal Agreement regarding jail expansion in the packet for the information of the Planning Commission. The County will be coming before the Planning Commission to request a final plat approval. Mr. Petersen reported the County had passed a resolution which support a rail stop in Farmington City. The Planning

Commission discussed the importance and imminent nature of the decisions concerning the location of commuter rail stops in Davis County.

##### **City Council Report**

On April 17, 2002, the City Council decided to hold a public hearing about whether or not to allow wedding receptions in Woodland Park.

Mr. Petersen explained the care that the City Council had taken to go over every detail of the recently approved Interlocal agreement regarding the jail expansion. The City Council had allowed for citizen input, to which the County listened and responded. The City Council felt that all issues had been or will be resolved appropriately.

The City Council heard concerns regarding a closed trail area within the Hughes Estates Development. Recent negotiations provided the trail would be open to pedestrian traffic. Property owners in the area shared concerns about motorized vehicles eroding the hillsides. A sign will be posted restricting traffic to pedestrians and not allowing motorized vehicles.

The City Council accepted for study an annexation petition from the LDS Church and McKittrick family consisting of approximately 443 acres in west Farmington adjoining Kaysville City's south boundary.

Mr. Petersen spent time discussing a new technique to provide property owners with salable assets while preserving open space in perpetuity. A transfer of development ordinance (TDR) gives city's the option to designate "sending" and "receiving" areas. The receiving area would receive allowances for high density development while the sending area would be held for open space conservation. Part of the philosophy behind the ordinance was to help developers provide cities with ways to get high density products while maintaining citizens' desire for open space and low density.

### **Flood and Erosion Problems**

**Mr. Forsgren** asked if anything had been done about the Killey flooding problem, the DeCoursey erosion problems, or the Alice Lane drainage problems.

**Mr. Petersen** gave a brief report.

A discussion regarding drainage design standards ensued. Commission members felt strongly that all ordinances regulating drainage and related issues should be studied. Most standards call for 10 to 20 year storms. In recent history it has been proven that storms are getting more and more severe and that the 10 to 20 year standard is way below adequate.

### **ADJOURNMENT**

**Kent Forsgren** *MOVED* to adjourn at 9:45 P.M.

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*Linda Hoffman, Chairman*  
*Farmington City Planning Commission*