FARMINGTON CITY PLANNING COMMISSION

Thursday, May 27, 2004

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Cory Ritz, Commission Members Keith Klundt, John Montgomery, Cindy Roybal, and Jim Talbot, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission Members Bart Hill and Jordan White were excused.

Chairman Ritz called the meeting to order at 7:05 P.M. **Jim Talbot** offered the invocation.

APPROVAL OF MINUTES

Keith Klundt moved that the minutes of the May 13, 2004, Planning Commission Meeting be approved. **John Montgomery** seconded the motion. Commission members voted unanimously in favor. Mr. Talbot abstained due to his absence during the May 13th meeting.

PUBLIC HEARING: RK BUIE CO., REQUEST FOR A RECOMMENDATION TO REZONE 6.8 ACRES LOCATED AT APPROXIMATELY 850 NORTH SHEPARD CREEK PARKWAY FROM R-4 AND BP TO C FOR PURPOSES OF ESTABLISHING A MULTIPLE-FAMILY DEVELOPMENT (Z-2-04) (Agenda Item #2)

Background Information

The Planning Commission tabled this item on May 14, 2004, to allow time to resolve issues regarding the Master Development Agreement and property owner consent. The First Amendment to the Development Agreement, dated July 1, 1998, provided for "Modifications of Use Restrictions" within the project area. In accordance with Sections 3.1 and 3.2 of this amendment other non-residential zones within the project area may be used for residential purposes so long as the use in question is "(a) Authorized and implemented in accordance with the requirements of said Section 3.1; and (b) consented to in writing by the Owner Association governing the entire R-4 Residential Zone A and by SCH if SCH owns any interest in the R-4 Residential Zone A at the time that such consent is requested." (The agreement was included in the packet.)

Apparently the condo association, and the two other HOA's west of the Shepard Creek Parkway, do not have a direct vote regarding residential uses under Section 3.2 of the First Amendment. The Farmington City Attorney, Mike Mazuran, concurs with this statement.

The Planning Commission recently recommended that the City Council amend the General Plan including changing the future land use designation of the applicant's property to

Commercial Mixed Use (CMU). The City has also hired a consultant, Bear West, to prepare a CMU zone language for the Zoning Ordinance. This may be completed as early as late summer.

The developer is proposing the rezone request and accompanying zone text amendment to entitle him to begin the application and development review process for a proposed multi-family development. If the City adopts a new CMU zone later this summer, it may be possible to rezone the property "C" now subject to the developer agreeing to rezone the property to "CMU" later this year. However, it is difficult to contemplate such a legislative action for a zone text change. Once the text is changed, it may have ramifications on other General Commercial property throughout the City. Furthermore, what will prevent a future City Council from not amending the Commercial zone text back to its previous form after Mr. Buie's property is zoned CMU.

On the other hand the City may loose an economic development opportunity if it chooses to wait on Mr. Buie's multi-family proposal until the CMU is officially adopted.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He covered the background information. There had been a mailing to inform appropriate property owners of public hearings. He briefly commented on issues regarding owners' consent needed in order to change the use of parcels from commercial use to residential use pursuant to a previous Development Agreement.. The application had been tabled by the Planning Commission during their last meeting to allow time for the City's Attorney to offer an opinion regarding legal questions. Mr. Petersen reviewed the Development Agreement and the elements impacting the application. He stated that it appeared that consent had been obtained according to legal requirements. It was now for the Planning Commission to determine whether or not the rezone and proposed text change would be good for the community.

Mr. Petersen referred to the amendment to the General Plan now under consideration by the City Council. This amendment will be considered by the City Council on June 2. Mr. Buie's proposal would be within an area that is being recommended for the CMU zone. CMU language has not yet been drafted. The developer does not want to wait for final approval of the CMU and the General Plan amendment because of current economic potential. The developer felt that his proposal will comply with what is being considered by the City.

Mr. Petersen presented petitions from residents of Homes at Shepard Creek and Estates at Shepard Creek who were opposed to the project.

Public Hearing

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

Kent Buie (developer) addressed the Planning Commission and offered to give a quick overview of the project. The project had been in the works for several years. After studying several options, it was decided that if a project was done that would help add roof tops to the area it would promote retail development. The project under consideration was a unique apartment/condominium development that would bring in dwelling units that would help the residential numbers and provide housing for Farmington in a market area not yet provided. The project is phased. Phase 1 would be 180 apartments; the second phase would be an owner-occupied town home project.

Dan Lofgren (developer of the housing prposal) talked about the design of the project. He had been working to create solutions for living unites within mixed use projects. The goal was to create an urban-scape design with a sense "neighborhood." Most residents will have garaged parking on the interior of the apartment units. Visitor parking will be on the street. It is intended that there will be two parking places for most units. A great deal of care had been taken to plan for longevity and quality. He discussed street standards with the Planning Commission and stated that he would be open to input from the City.

Mr. Buie distributed information on traffic studies and the impact of increased density that would be created by the project.

Bruce Richards (attorney for nearby residents of Homes at Shepard Creek Homeowners' Association–1184 North 1500 West) said that the consent received did not represent the residents of either the Homes at Shepard Creek or the Estates at Shepard Creek. He contended that both those residential groups must give consent before the project can go forward. Mr. Richards distributed a letter stating the contention of the residents in opposition to the project. He rehearsed the history of the development. It had been originally decided that a density of 8 units per acre would be acceptable. The project under consideration was a much higher density. Mr. Richards argued that the reasons the developer had given for the necessity of the project were not justified by facts. It was not necessarily true that economic development will follow if the apartment project is built. He asked that the Planning Commission deny the application.

Larry Elkins (368 East 850 North) had talked to long time residents of Farmington. It was a fact that the area will develop. The developer has a reputation of doing quality work. This kind of development is needed in Farmington. It was Mr. Elkins' feeling that Mr. Buie would stay with the development and make sure it succeeded. Mr. Elkins stated that it was the first time he had ever heard of people opposing residential development in opposition to commercial. He

also felt that the apartment units being proposed would have a positive impact on commercial growth for the area.

Brent Frasier (1052 Prestwick Circle) stated he wanted to be a good neighbor and have Farmington development in a way that would be good for all the citizens. He lived in the area under consideration and had talked to the residents. The people who live there know each other through the HOA. They meet together frequently and discuss issues of common concern. In his opinion the Planning Commission had allowed one person, Peter Cooke, to represent the residents. Mr. Cooke had not asked any of the residents about how they felt about the project. The residents felt that the size of the project was more than that small parcel could handle. When Mr. Fraiser moved in, he was told it would be a residential area. The use and the design plans had been changed three times without his consent. He was against the change without being represented. He felt that paragraph 3.2 of the development agreement stated he could speak but he had not been allowed to do so.

Public Hearing Closed

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

- Mike Mazaran (City Attorney) had responded concerning the legality of the signed consent forms received by the City granting permission for the residential units to be built. Mr. Mazaran's opinion was that the consent was valid.

- Mr. Petersen spent time to explain the details of the development agreement, ownership of the property in question, and the legal opinion rendered by Mr. Mazaran. He referred to paragraphs 3.1 and 3.2 of the Development Agreement. Paragraph 3.1 outlined the process whereby any modifications could be made. Two requirements were set forth in 3.1: a) any modifications must be approved by the City and in accordance with the City 's standard approval processes; and b) any modifications must comply with all applicable laws and ordinances. Further, paragraph 3.1 states that "Any modification to the Use Restrictions for any portion of the project that satisfies the foregoing requirements ("a" and "b") shall be effective without the need for any further consents, approvals or amendments to the Governing Documents or documents related thereto." In other words, the City has the final say on what is approved and what is not approved. Paragraph 3.2 related to the requirement for consent to certain use changes, wherein was stated that the business park zone, the commercial zone and the portion of the property referred to as "the church parcel" may be used for residential development if a) it is authorized and implemented in accordance with the requirements of said Section 3.1; and b) consented to in writing by the Owner Association governing

the *entire* R-4 residential zone "A" and by SCH if SCH owns any interest in the R-4 residential zone "A" at the time that such consent is requested. Mr. Petersen then detailed the parcels in question and listed the owners of each. It was noted that the owner association, Residential Zone Owner Association, was the legally recognized association which governed the *entire* area. Consent documents had been signed and submitted to the City by Peter Cooke (representing the Residential Zone Owners Association) and by SCH. It was therefore the opinion of the City Attorney that legal consent had been obtained for the residential use.

- Some members of the Planning Commission felt that past experience with Mr. Cooke had not been satisfactory and that citizens of the development had been promised certain actions not yet forthcoming.

- The main objection to the residential use was the proposed density. The Buie Company planned to construct apartment buildings and town homes that would have a density of about 20 units per acre.

- Some Planning Commission members were also concerned that citizens of the area had not been given a chance to voice their opinions to the developer and give their input regarding density, designs for development, and changes to the what they had understood would be the use of the land.

- Questions were asked regarding how action taken on the application would impact forthcoming consideration of the General Plan amendments by the City Council and the CMU text. The General Plan amendments is before the City Council currently. CMU text will probably come before the Planning Commission and the City Council by late Summer.

- The application before the Planning Commission currently is for the rezone of property, not for conditional site plan approval. The Planning Commission was asked to review the rezone on its own merits, regardless of the actions of past developers.

- It was suggested that the Planning Commission hear input on Agenda Item #3 before any decisions are made for Agenda Item #2.

Motion

John Montgomery moved that the Planning Commission closed discussion of Agenda Item #2 and hear public comment on Agenda Item #3 and to discuss both agenda items simultaneously. **Keith Klundt** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: R.KENT BUIE REQUEST FOR A RECOMMENDATION TO AMEND THE ZONING ORDINANCE BY ALLOWING MULTIPLE-FAMILY DWELLING GROUPS AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL ZONE–CHAPTER 16 (ZT-1-04) (Agenda Item #3)

Mr. Petersen reviewed the agenda item. The proposed residential requirements for General Commercial zoning were very similar to those within the Business Park zone. The item could be considered as anticipatory of the forthcoming CMU zone creation. Mr. Petersen detailed the changes suggested by Kent Buie to the proposed text. He stated that "Apartment" is not currently a defined term in the Zoning Ordinance.

Mr. Talbot questioned some language suggested by Mr. Buie. He wanted to make sure that the addition of the word *average* (when referring to density) would not allow future developers to place a few dwelling units on one parcel and increase units on other parcels beyond what would be desirable or comfortable for Farmington residents.

Commission members discussed the advantages and disadvantage of waiting until the City Council had given full consideration to forthcoming drafts of the CMU zone.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Planning Commission. He stated that the Planning Commission would only take input on Agenda Item #3 regarding the request for a recommendation on an amendment to the zoning ordinance.

Kent Buie (applicant) made what he stated were points of clarification. The project he was currently proposing would be constructed in two residential phases, each with different uses. They would be multi-family and rental units. Average units per acre would not exceed 20.

Bruce Richards stated that he had been in contact with Mr. Mazaran. Mr.Richards recognized the position of the developer. He stated, however, that if what Mr. Cooke had represented when giving consent to change the property use to residential was incorrect then there was a problem. The HOAs for the Homes and Shepard Creek and the Estates at Shepard Creek have in the past been signatories to the different amendments to the Development Agreement. Mr. Richards discussed his position that the owner association giving consent (Residential Zone Owner Association) was not the single representative for the residents in the area.

Public Hearing Closed

Chairman Ritz reminded those present that the Planning Commission was only taking comments for Agenda Item #3. With no forthcoming comments on Agenda Item #3, he closed the public hearing and requested consideration by the Planning Commission members. The Planning Commission discussed the following points:

Mr. Petersen stated that good city planning practices require that rezone and text changes need to be consistent with the General Plan. The current General Plan amendment is not complete. If the rezone and text change were to be passed during the current meeting, then the Planning Commission would be making a recommendation to the City Council regarding the amendment. The Planning Commission did not have the advantage of having input regarding CMU language before them nor did they know how the City Council would respond to any drafted CMU language. The rezone is not currently consistent with the General Plan because the amendment has not been passed. Also, action to rezone and make text changes would not be tantamount to approval of the conditional use of the project. Mr. Petersen stated that it would be possible to consider both the CMU draft and the Buie proposal simultaneously. The City Council will be holding a joint meeting with the Planning Commission to consider the General Plan amendment and CMU language.

CONTINUANCE OF AGENDA ITEM #2

Motion

Keith Klundt moved that the Planning Commission recommend that the City Council rezone 6.8 acres located at approximately 850 North Shepard Creek Parkway as requested subject to an agreement with the applicant that the property shall be rezoned CMU upon the preparation and adoption of the CMU zone text by the City. **Jim Talbot** seconded the motion. Results of a roll call vote indicated: Jim Talbot, in favor; Keith Klundt, in favor; John Montgomery, in favor; Cindy Roybal, opposed, Chairman Ritz, in favor. The motion passed 4 to 1.

Findings

Ms. Roybal stated reasons for her opposition as follows: She felt the action to approve the request by Mr. Buie could have waited until the City formally approved the General Plan amendment and the CMU zone language. Approving Mr. Buie's request at this point will likely impair citizen trust and cooperation with both the City and with developers.

Those in favor of the motion found that the proposed project was a desirable use for the property and that it would be completed in an attractive and quality manner.

Whereas the timing of the request could possibly have been better, the application may present an opportunity to have a concrete example of CMU zoning, giving the City a laboratory case for the CMU text.

The developer has proven to the City in the past that he is dependable and does quality work. The motion accommodates the developer in his stated goal to bring economic development to the City. The developer has assured the City the project will be rezoned CMU when the zone is approved.

CONTINUANCE OF AGENDA ITEM #3

Motion

Keith Klundt moved that the Planning Commission recommend the City Council adoption of the draft zone text change as presented during the meeting, noting that the word *average* will not be included when discussing density. **John Montgomery** seconded the motion, which passed by unanimous vote.

Findings

1. Recognizing the fact that development will unavoidably eventually encroach on Farmington's rural nature, the Planning Commission recommended that the City's consultants, Bear West, be directed to carefully consider language governing density in the CMU zone, noting the propensity of Farmington citizens towards opens space, larger lots, and low density developments.

2. The zone text change affects only the Commercial zones of the City.

3. Future approvals for Mr. Buie's proposed development hinge on the City Council's approval of CMU language.

3. The location of Mr. Buie's project is unique in that it falls between two major roads (I-15 and U.S. 89). The high density apartment use may be ideal for that location.

PUBLIC HEARING: KIM DUNN REQUEST FOR PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY PLAT APPROVAL FOR A PLANNED UNIT DEVELOPMENT CONTAINING 6 LOTS ON 3.945 ACRES LOCATED AT APPROXIMATELY 275 EAST 100 NORTH IN AN LR-F ZONE (C-15-03) (Agenda Item #4)

Mr. Petersen introduced the agenda item. He stated that the developer had worked diligently with the neighbors and that the neighbors had worked hard to cooperate with reasonable requests from the developer. Differences appeared to be reconciled. Mr. Petersen reviewed the schematic plan which had already been approved. He showed the preliminary development plan and noted differences between the two. The trail that had been proposed was on land that was far too steep. Another alignment was presented which offered a much better trail and was in an area that would not impact the privacy of homes.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited the applicant to address the Commission, but Mr. Dunn felt all the facts were before the Planning Commission.

Gary Goodrich (member of the Farmington Trails Committee, resident at 283 Glen Drive) stated he appreciated the Planning Commission and their conscious effort to keep trails in the City plans. Trails will make a difference to the life style of the community.

John Bradshaw (259 East 200 North) stated there had been many neighborhood meetings. He said that the process works wherein citizens and developers are asked to work together to come to compromises. The issues have been resolved. Mr. Bradshaw said that Mr. Dunn had agreed to work with the neighbors regarding the siting of houses in places which would protect the privacy of existing homes. He recommended approval of the application.

Todd Adams (112 North 300 East) appreciated Mr. Dunn and the manner in which he worked with the neighbors. He had two areas of concern. The first involved lots 5 and 6 and the potential for flooding and mud slides off the hillside during unusually heavy rain storms. He wondered if a detention basin should be required. He asked that the City make sure the drainage is carefully planned. He also had a concern about the trail system running through lot 3 and 4. He felt there may potential privacy problems with the trail running so close to private property.

Public Hearing Closed

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

The Planning Commission briefly discussed the agenda item, specifically in relation to the drainage issues.

Motion

Jim Talbot moved that the Planning Commission grant preliminary development plan and preliminary plat approval for a planned unit development located at approximately 275 East

100 North as requested subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. Public improvement drawings, including a grading and drainage plan, and a plan showing best management practices consistent with the Farmington City Storm Drainage Master Plan, shall be reviewed and approved by the City Engineer, Public Works Department, Fire Chief, Farmington Storm Water Official, Farmington Area Pressurized Irrigation District, and Central Davis sewer District. The City Engineer shall review possible need for check damming east of the subdivision and the developer shall install such devises as determined by the City Engineer.

2. The development proposal is subject to all conditions of schematic plan approval including the preparation of design drawings as part of the improvement drawings whereby the applicant shows how he plans to mitigate potential hazards for mud slides and other debris.

3. The developer shall grub the initial location of the trail and provide stakes along the center line of the trail and other key stakes at property corners and right-of-way lines in preparation for another field trip by City staff and the Trails Committee. This field tirp must be completed prior to the consideration of final plat approval by the Planning Commission.

4. The final plat must show two zero-lot line lots proposed for Lot 5 and two zero-lot line lots proposed for Lot 6; even though these parcels are considered as “one dwelling” each for purposes of meeting dead-end street requirements.

5. The proposed 56' wide roadway cross section on the preliminary plat must be updated to match the City’s 55' foot local street right-of-way cross section standards.

6. The developer must show the names and numbers of adjacent sub divisions and the names of owners of adjacent unplatted land on the preliminary plat.

7. The applicant shall provide preliminary indication of needed storm drainage facilities size, and outlets of the drainage system.

8. A soils report must be prepared for the development based upon adquate test borings and excavations prepared by civil engineers specializing in soil mechanics and registered by the State of Utah.

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

Findings

1. The Planning Commission commended the neighbors and the developer for the hard work and effort which had gone into achieving compromise and consensus regarding the subdivision. It seemed that agreements reached served both parties.

2. The motion met the established use for the property.

3. The action was in compliance with the General Plan and was consistent with current property use.

Commission Members wished to commend Mr. Dunn for his cooperative efforts and for his attempts to satisfy the existing home owners.

PUBLIC HEARING: MIKE BROWN, ET. AL., REQUEST FOR A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL TO DEVELOP A SUBDIVISION LOCATED ON 475 SOUTH WEST OF 1100 WEST IN AN AE ZONE (S-9-05) (Agenda Item #5)

Background Information

The 475 South area has long been a blighted area in Farmington. The street used to be a private drive providing limited access for agricultural purposes only to approximately 16 parcels. In an effort to clean up the area and to provide opportunities for property owners to receive building permits for single family homes, 475 South Street was dedicated as a public right of way and a special improvement district (S.I.D.) was established to pay for the public improvements. In order to allow property owners to subdivide their properties to be better able to pay for their fair share of the improvements under the S.I.D., the properties were annexed and the area, at the recommendation of the Planning Commission, was zoned AE (Agricultural Estates.) Now the City has met with three property owners desiring to subdivide their properties. Since, 475 South Street is a long non-conforming dead-end street, City staff has asked the property owners to consider stubbing streets to the north and to the south to increase public safety in the area. Eventually the areas around 475 South will be developed and the long dead-end street will conform to City standards if stub streets are provided now by the property owners. Long-term fire and emergency response to the area will improve and traffic circulation will be enhanced.

The property owners are requesting more lots than originally anticipated to help pay for the stubbed streets. Nevertheless, minimum lot size standards in Chapter 10 and 12 are still being met. A half acre yield plan on the property resulted in 23 lots. Based on this, it may be possible for the property owners to develop 28 lots, if a 20% bonus is approved by the City; however, the

developer is requesting only 26 lots where the average lot size is approximately .58 acres with the smallest lot at 15,180 sq. ft. and the largest lot well over an acre in size.

Timing is critical regarding the approvals for the subdivision because work on the S.I.D. has been delayed in order to add these stub streets to the district. It was hoped the City Manager would be able to attend the meeting to answer any questions that the Planning Commissioners may have regarding this proposal.

END OF PACKET MATERIAL.

The City Planner discussed the agenda item. He stated that in order to pay for the stub streets going to the north and the south, it would be necessary to allow property owners to subdivide a minimum amount of lots. It would be possible to add the stub streets in the S.I.D. but only if action was taken quickly. The contractor has been asked to delay work on the roads in order to gain approval for this application. The City has requested that the Planning Commission approve the request. Mr. Petersen distributed a memo from the City Manager regarding the application. The proposal will make it possible to some day eliminate a long dead end street for the parcel and enhance safety and traffic circulation.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Ken Williams (344 South 1100 West) stated he did not believe that proper notification had been given citizens in the neighborhood. When anything of significance happens along 1100 West, all property owners should be notified because of the high degree of public interest. Mr. Williams stated his opinion that the original reason for the S.I.D. had been overlooked. It was the public who had asked for the S.I.D. in order to protect the area and maintain minimum 1-acre lots. The public does not want half acre lots, especially in the vicinity of 1100 West. The citizens told the City that the long dead end road would be a problem from the very start. This should have been taken care of before the road was paved. Developers are not helpful to the citizens in the area. The citizens have to fight to keep the open space for their neighborhoods. Mr. Williams stated that he wanted the City to leave 1100 West the way it was. He was also very concerned about the negative impact that development would have on the County Fairgrounds. If development is allowed to surround the Fairgrounds they will lose the facility because the property will become so expensive they will have to sell it to residential development. Mr. Williams felt strongly that the residents wanted to protect their open space and the Fairgrounds facility.

Gary Goodrich (member of the Farmington Trails Committee) stated that the trail easement crossed one corner of the property in question. The trail in that area represent an eventual continuation of the single most popular trail the City has.

Mr. Petersen stated that the trail had been located on the north side of Farmington Creek and it would be preserved.

Glen Schimmelpfennig (387 South 1100 West) was opposed to the idea of having side streets branching off of the road through the subdivision. Doing so would bring more traffic and higher density than the property owners wanted. Mr. Schimmelpfennig felt the City had promised in prior meetings that they would preserve the large lot concept. Now they are coming out against the zoning they had approved. The proposal went against everything the citizens wanted and against what the City had promised.

Char Farnsworth (287 South 1100 West) stated she felt the stub streets would not help with any safety issues because they don't go anywhere. The only thing the stub streets would do is attract more traffic and more homes. The neighbors had been trying to protect open space and privacy and to limit the area to one acre lots. If the City keeps adding smaller lots, then everything the neighbors were fighting for would be lost. She asked that the Planning Commission listen to the community and not just developers.

Heidi Ritz (903 West 500 South) wanted to see the City carefully study traffic patterns before they approve the application. The roads are currently not handling the traffic from the freeway going through the neighborhood. She felt that the addition of more smaller streets would just bring more unwanted traffic through the rural areas.

Mr. Petersen stated that traffic planning indicates a need to allow for interior traffic access on more than just 1100 West. He also stated that the property owners at the end of the cul-de-sac has not been cooperative regarding putting the road through to provide a second access. The current plan would provide an assured secondary access for the future.

Ms. Ritz felt that the stub streets would open up the opportunity for more homes and more traffic. She was comfortable with the long dead end street and felt that would be a safe place for children, pedestrians, equestrians and other uses of a quiet, rural nature.

Lyn Gee (property owner) stated that his neighborhood (one of the potential stub street developers) had not told him of the plan and he was adamantly opposed to the stub street. He did not want half acre lots adjacent to his horse property. And he did note want more traffic in the area.

Diane Williams (344 South 100 West) expressed concerned about the existing farm easement which traversed part of the property. She wanted to know if the easement would remain in place and what impact the easement would have on the road. Ms. Williams commented on the wetlands which exist to the west of the cul-de-sac. She did not support the application.

Dan Cook (resident of Kaysville, owner of lots in the area) stated his concern about how long the process to complete the S.I.D. was taking. He stated that property owners were being negatively impacted by the long wait. He commended the City Manager and the City Planner for all the work they had done in bringing the S.I.D. into effect. Several property owners had made the process very difficult. The longer it takes to complete the S.I.D., the more expensive it will be because interest rates are increasing. Every change being made will delay the process even further. Mr. Cook asked that the City move the process along as quickly as possible.

Don Hart (367 South 1100 West) was very opposed to the creation of smaller lots in the area. He felt that the City had broken promises and that citizens could not longer rely on what they had been told. He wanted the area to be restricted to large-lot development.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing The Planning Commission discussed the following points:

- Mr. Petersen stated that the motivation of City staff in presenting the plan was public safety. The goal of the S.I.D. was to clean up this area of town. It was a way to be able to let the property owners get building permits.

- For the area to become a safety problem, the area would have to develop into 32 lots, which the community does not want to happen.

- The water line through the subdivision is a dead-end line. It would be best for the public if that water line were looped through.

- Ms. Roybal stated she had lived on the other end of 1100 West, which at that time was also a dead end. After the road was opened, it seemed that it was more dangerous than when it only had one access. She preferred the dead end for the sake of the children. With circulation you invite more traffic. She suggested the roads not be stubbed until future development requires the action. In the meantime, she felt it did not make sense to stub the roads and add density to the neighborhood.

- Mr. Talbot asked about the wetlands and the opinion of the Army Corps of Engineers, to which Mr. Petersen stated that according to a consultant in the Corps felt the wetlands in the area were high quality and should be preserved.

- Mr. Petersen discussed briefly other possible options. However, City Staff felt the current plan was the best option considering timing of the S.I.D. and the unreliable nature of future events.

- Some Commission members asked if a right-of-way easement could be established for future use if needed. Mr. Petersen stated there were several problems with an easement because of the impact on buildable property and the fact that the subdividers would still have to make enough money off lots to pay for the street–eventually at a higher cost.

Motion

John Montgomery moved that the Planning Commission deny the request for a recommendation for schematic plan approval to develop a subdivision located on 475 South west of 1100 West in an AE zone. **Cindy Roybal** seconded the motion.

In discussion of the motion, Mr. Talbot stated that it was a fact that the west side of Farmington was going to develop. It would, in the long run, be very hard to keep one-acre lots. The pressure to develop in higher density would continue. It would ultimately be very important to create a looped road through the subdivision. He did wonder if all possibilities had been considered. Whereas the City has a valid concern about safety and traffic circulation, the citizens also have a valid point about wanting to maintain the open space and quiet nature of the area.

Mr. Ritz felt that because of the pending General Plan amendment, the plan came at a bad time. A vote was taken indicating an unanimous affirmative vote.

Mr. Petersen stated that the City Council would be hearing the agenda item on June 2nd.

Findings

1. The request was not consistent with the pending General Plan amendment for the area under consideration.

2. Despite City concerns for safety and improved access, the application was contrary to citizen/property owners' input regarding the General Plan and desired future use plans for the area.

3. The Planning Commission commended City Staff for working for the future safety and potential transportation needs of the area and for trying to take every opportunity to improve the situation.

Mr. Talbot commented that if indeed the situation was a safety issue, the City may have to consider condemnation and funding property acquisition and road improvements.

PUBLIC HEARING: WAYNE & SHERIDEN HANSEN REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO VACATE A PORTION RIGHT-OF-WAY ON THE NORTH SIDE OF 600 NORTH STREET LOCATED AT 23 EAST IN AN OTR ZONE (STR-1-04) (Agenda Item #6)

Mr. Petersen briefly reviewed the request for a recommendation to the City Council to vacate a portion of the right-of-way on the north side of 600 North. He outlined the site plan of the existing home and the location of the suggested vacation property. Mr. Petersen stated that it would be well for the Planning Commission to take a field trip to fully understand the location and ramifications of the vacation. He suggested that the item be tabled until such a field trip could be taken. A utility easement runs through the property.

Public Hearing

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

Wayne Hansen (23 East 600 North) said he was opposed to the plan to develop the Haugen property. He discussed the property that he would like vacated and said he would maintain the land in a proper manner. He would not construct a building of any kind on the property and would comply with easement requirements.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Planning Commission briefly discussed the issue and agreed with Mr. Petersen that they should see the site before making a decision.

Motion

Jim Talbot moved that the Planning Commission table consideration of the agenda item until June 2nd at 5 P.M. when all available Planning Commission members will meet on site to consider the issues. If a quorum was not available to meet on June 2nd, then the agenda item will

be placed on the next agenda as the first item of business. **Keith Klundt** seconded the motion, which passed by unanimous vote.

CITY COUNCIL REPORT AND MISCELLANEOUS

On May 19, the City Council tabled consideration of a proposed boundary line adjustment with Fruit Heights to allow time for consideration of an interlocal agreement with Fruit Heights and set up ad hoc committee consisting of Rick Dutson, Sid Young, members of the Farmington City staff, representatives of Fruit Heights, and the developer for the purpose of resolving issues regarding the contested emergency access easement, open space, drainage, utility fees, road improvements, trail location, and other related issues.

Because there would not be a quorum available for the June 10th meeting, it was decided the next meeting would be held on June 24, 2004.

ADJOURNMENT

Cindy Roybal moved to adjourn at 11:30 P.M.

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Cory Ritz, Chairman
Farmington City Planning Commission