

FARMINGTON CITY PLANNING COMMISSION

Thursday, June 22, 2006

PLANNING COMMISSION STUDY SESSION

Present: Vice-Chairman Kevin Poff, Commission Members John, Bilton, Andrew Hiller, Paul Barker, Ken Klinker and Recording Secretary Jill Hedberg. Chairman Jim Talbot, Cory Ritz, Rick Wyss and City Planner David Petersen were excused.

Vice-Chairman Poff called the meeting to order at 6:30 P.M. The following items were reviewed:

Agenda Item #3: Public Hearing: Robert Aamodt - Applicant is requesting a recommendation to rezone property located at 633 North Compton Road (.42 acres) from LR to BP or some special zone (i.e. OP). Farmington City staff further request a recommendation to rezone abutting City property and adjacent right of ways (3.02 acres) from OTR, LR, and B to BP or OP (Z-7-06)

Ken Klinker reviewed the applicant's request and the "Suggested Motion".

John Bilton said he was concerned that if approval is granted, another user in the future would have the option of using the property for a more commercialized use.

Ken Klinker said the rezone request could be granted contingent upon the site plan being approved by the Planning Commission. It could then be up to the City Attorney to decide whether the City Council can grant approval subject to certain conditions such as the historic building being preserved or prevent a more commercial use in the future. It was suggested a setback variance could also be exchanged for a conservation easement. Concerns were expressed about ensuring historic building is preserved. A conservation easement was discussed.

Agenda Item #4: Public Hearing: Woodside Homes/Farmington City - Applicant is requesting a recommendation to rezone approximately 2 acres of property south of Shepard Lane, west of I-15 and east of Haight Creek from LR to R-4 (Z-8-06)

Ken Klinker informed the Commission that **David Petersen** recommended that the item be tabled until the Preliminary Master Plan is approved.

Kevin Poff pointed out that the property being considered does not match the plans that were previously submitted by Woodside Homes.

Ken Klinker said the actual property outline will be determined prior to the applicant receiving Final Master Plan approval.

Agenda Item #5: Public Hearing: Nixon & Nixon, Inc., Dan Nixon - Applicant is requesting conditional use and site plan approval for a Class A Self Storage facility located at 549 West Bourne Circle adjacent to the north side of Park Lane on 3.011 acres in a CMU zone (C-5-06)

Ken Klinker said **Mr. Nixon** would like input from the public and from the Planning Commission as to what types of improvements they would like the developer to do. Class A Storage is allowed in the CMU zone, so long as it is in a planned center development.

Agenda Item #6: Public Hearing: Mike & Selina Heberling - Applicant is requesting conditional use and site plan approval to construct and establish a fitness facility in the old Security Title building at 23 North Main in a BR zone (C-6-06)

Ken Klinker said a representative from HHI Construction submitted a letter stating that they are concerned there will not be adequate parking space if the fitness facility is approved.

Agenda Item #7: Public Hearing: Aaron Johnson - Applicant is requesting conditional use and site plan approval to construct and establish an accessory dwelling located at 1189 North Main Street in an LR zone (C-7-06)

Ken Klinker reviewed the applicant's request. He passed out an e-mail he received he received from an adjacent property owner who would also like the option to construct an accessory dwelling. He suggested that the motion include a condition that the setback for the accessory dwelling must be at least 7 ½' from the property line to accommodate both requests. He also suggested that the motion require the applicant to resolve any sewer lateral issues with the Sewer District.

Doug Welling Sidewalk Waiver Request

Kevin Poff said **Mr. Welling** approached the Planning Commission in the past regarding the sidewalk waiver. The Planning Commission was against granting the waiver since it would not be consistent with the other sidewalks in the area.

The meeting adjourned at 6:55 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Vice-Chairman Kevin Poff, Commission Members John, Bilton, Andrew Hiller, Paul Barker, Cory Ritz, Ken Klinker and Recording Secretary Jill Hedberg. Chairman Jim Talbot, Rick Wyss and City Planner David Petersen were excused.

Vice-Chairman Poff called the meeting to order at 7:00 P.M. **Paul Barker** offered the

invocation.

APPROVAL OF MINUTES

John Bilton moved that the Planning Commission approve the minutes of the June 8, 2006, Planning Commission Meeting. **Andrew Hiller** seconded the motion. The Commission voted unanimously in favor. **Paul Barker** abstained due to his absence at the previous meeting.

CITY COUNCIL REPORT

Ken Klinker reported the proceedings of the City Council meeting which was held on June 20, 2006. He covered the following items:

- The City Council adopted the FY 07 Municipal Budgets.
- The City Council adopted an Ordinance enacting Chapter 23 of the City's Zoning Ordinance title Office Professional (OP) Zone.
- The City Council adopted an Ordinance to amend the City's General Plan by designating the area in the vicinity of north Main Street and the intersection of Northridge Road and Mountain Road and the Pilcher property from Public/Private Recreation Open Space and/or Parks Very Low Density and Low Density Residential to Office Business Park and to further rezone the area from LR-F and A-F to OP-F.
- The City Council adopted an Ordinance amending Chapter 34 of the Zoning Ordinance pertaining to Sexually Oriented Businesses.
- The City Council discussed Helge Nilsen's request to amend the City's General Plan north of Park Lane and South of Burke Lane in west Farmington to permit residential single family development. They were not in favor of allow the residential development at this time.

PUBLIC HEARING: ROBERT AAMODT - APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE PROPERTY LOCATED AT 633 NORTH COMPTON ROAD (.42 ACRES) FROM LR TO BP OR SOME SPECIAL USE ZONE (I.E. OP). FARMINGTON CITY STAFF FURTHER REQUEST A RECOMMENDATION TO REZONE ABUTTING CITY PROPERTY AND ADJACENT RIGHT OF WAYS (3.02 ACRES) FROM OTR, LR, AND B TO BP OR OP (Z-7-06) (Agenda Item #3)

Background Information

Robert Aamodt has purchased property at the corner of 600 North and Compton Road, which include a small residential structure. He would like to convert the residence in to an insurance office. The house is located in the OTR zone. This zone does not allow professional

offices by Conditional Use Permit, so a zone change is required. Property across the street and slightly to the north is zoned BP. Extending this zone to include the house would allow the professional office use.

The home is on an isolated island between Compton Road, Park Lane, and 600 North. Property on either side of the residence is owned by Farmington City and is used for a storm water detention basin. This property, as well as sections of the two roads would be included in the rezone to make a continuous connection to the existing BP zone.

There was some discussion about changing the zone to the new OP (Office, Professional) zone. However, this zone requires a minimum area of 5 acres. In order to get five acres of property included in the zone, property on the corners of Park Lane and Main Street would have to be included. These properties are currently zoned BP, and it is unlikely the owners of these properties would agree to change to the more restrictive OP zone.

In a letter from the Farmington Historic Preservation Commission dated April 19, 2006, it was stated that the site has “become a poor residential location” because of its isolation between the three roads. It also states “it is, however, an excellent location for a small office” and the residence is “an outstanding candidate for adaptive reuse”. They did have some concern that the house could be torn down in the future and replaced with something more commercial. They would like to see some kind of restrictions to prevent this from happening.

The property owned by Mr. Aamodt (.42 acres) is less than 1.00 acre in size, and therefore, his proposed office use would be a permitted use in the BP zone, not a conditional use. The Planning Commission may wish to recommend that the City Council approve the rezone subject to certain conditions to prevent a more commercial use next to the residential neighborhood, and preserve the historic building, in the event for some unforeseen reason the applicant chooses not use the parcel for an office use.

The proposed use of the property for an office would include traffic from four employees, the owner, and approximately two clients per day. Access is available off of Compton Road or Main Street. Offices require three parking spaces per 1000 square feet. It is anticipated the expanded structure will be 2000 square feet, requiring six parking spaces.

END OF PACKET MATERIAL.

Ken Klinker pointed out where the property is located and reviewed the “Background Information”. He suggested that the historic structure somehow be protected in order to prevent the property from having a more intense commercial use in the future. He displayed an overhead of the site plan. The applicant plans to add an additional 1,000 square feet to the existing 1,000 square foot home so six parking spaces will be required. The traffic in the area will not likely increase since the home will be used as an insurance office. A more detailed site

plan will need to be approved by the Planning Commission prior to a building permit being issued.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing and invited the applicant to address the Commission.

Shirley Aamodt (1067 Compton Road) said the proposed office will be used as a financial planning office. Farmington rock will be used on the exterior of the structure in order to match the existing home.

Shawn Smith (662 North Compton Road) said he is concerned the Shipley building does not have adequate parking so he is concerned that the office use will generate additional traffic and parking issues. He requested that the zoning remain OTR because he does not want the business district in front of his property.

Public Hearing Closed

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

John Bilton said the location of the property is not ideal for a residential use. If the property is rezoned, he would like it to have a historic preservation element. **Mr. Aamodt** is attempting to preserve the OTR nature of the property. The traffic will be limited to approximately 2 appointments per day. There will be a total of four parking stalls for employees.

Andrew Hiller said the property is not appropriate for a residential use. The proposal appears to have a limited amount of traffic. He suggested that the parking issues in the area be resolved.

The Planning Commission discussed the parking problems that are occurring due to the employees at the Shipley building parking north facing on the west side of the street.

Ken Klinker said the traffic engineers and police department can review the situation. If the parking situation is creating a safety hazard, signage could be placed restricting parking on the street.

Motion

Paul Barker moved that the Planning Commission recommend that the City Council rezone the property at the intersection of 600 North and Compton Road, including part of Compton Road and 600 North from OTR, B, and LR to BP contingent upon the Planning Commission reviewing and approving the site plan. **John Bilton** seconded the motion, which passed by unanimous vote.

Findings

- The proposal will preserve a historic structure
- The property is no longer appropriate for a residential use.
- The adjacent properties are zoned BP.
- The zone will not take effect until an appropriate site plan is approved.
- The approval is consistent with the Master Plan for the area which allows BP/commercial zoning.

PUBLIC HEARING: WOODSIDE HOMES/FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE APPROXIMATELY 2 ACRES OF PROPERTY SOUTH OF SHEPARD LANE, WEST OF I-15 AND EAST OF HAIGHT CREEK FROM LR TO R-4 (Z-8-06) (Agenda Item #4)

Background Information

On May 25, 2006, the Planning Commission reviewed a request from Woodside Homes for Preliminary (PUD) Master Plan approval for the Cottages at Station Park, which development included higher density housing comprising some 39 acres, but only 37.1 acres is zoned R-4. It may make sense to rezone the remaining 2.7 acres to match the development proposal but not until the developer has adequately addressed several unresolved issues including, among other things, the overall density of the project and providing an acceptable street cross-section (i.e. pavement, curb & gutter, park strip, sidewalks and building setbacks) as requested by a special subcommittee of the Planning Commission. Due to notice requirements, it is recommended that the Planning Commission hold a public hearing now to enable this request to be considered concurrently with the Preliminary (PUD) Master Plan.

END OF PACKET MATERIAL.

Ken Klinker displayed an aerial photo and pointed out where the property is located. He reviewed the "Background Information". There are unresolved issues regarding the density, parking, etc. The public hearing is to receive comments on how the Preliminary Master Plan should be developed.

Public Hearing

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

Thane Smith (39 East Eagleridge Drive) said as a result of meetings that have been held with certain Planning Commission members, the development boundaries will be slightly reconfigured to accommodate wider street widths. He pointed out which road will act as a jugular for right on right off interchange, as requested by the City. They are in the process of working with the Fire Marshall to resolve certain issues.

Public Hearing Closed

With no comments forthcoming, **Vice-Chairman Poff** closed the public hearing. The Commission members discussed the issues, including the following points:

Thane Smith said the property boundaries were adjusted for engineering purposes. The remaining property adjustments will occur at the same time the Preliminary Master Plan is approved.

Motion

John Bilton moved that the Planning Commission continue this request in order to consider it concurrently with Woodside's request for Preliminary (PUD) Master Plan approval for the proposed Cottages at Station Park development. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

Motion

Paul Barker moved that the Planning Commission consider Agenda item #8 concurrently with Agenda Item #5. **John Bilton** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: NIXON & NIXON, INC., DAN NIXON - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A CLASS A SELF STORAGE FACILITY LOCATED AT 549 WEST BOURNE CIRCLE ADJACENT TO THE NORTH SIDE OF PARK LANE ON 3.011 ACRES IN A CMU ZONE (C-5-06) (Agenda Item #5)

PUBLIC HEARING: NIXON & NIXON, INC., DAN NIXON - APPLICANT IS REQUESTING A RECOMMENDATION TO CONSIDER TEXT CHANGES TO THE ZONING ORDINANCE REGARDING CLASS A SELF STORAGE (ZT-3-06) (Agenda Item #8)

Ken Klinker said the developer submitted language that could be used in the zoning ordinance. **David Petersen** drafted text for Section 11-28-220 regarding Class A Self Storage. He would like the input of the public and the Planning Commission regarding the possibility of a Class A Self Storage facility being located in the CMU zone.

Public Hearing

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

Dan Nixon said he is aware that there are design standards that they will need to exceed, but he would first like to consider the public input and that of the Planning Commission. He passed out the proposed renderings for the storage unit facility for the audience members review. He displayed an overhead of the Site Plan. He said he would like the elevation and roof line to meet the needs of the community. Because the property to the north is not zoned CMU, he will provide a 20' landscaping buffer.

Brad Pack (580 East 400 North, Bountiful) said he plans to further study the proposal if the applicant's request is tabled.

Ken Klinker said the official public hearing will be closed but it is up to the Planning Commission to decide whether they will allow public input at a later date.

Public Hearing Closed

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

John Bilton referred to the CMU Ordinance text which indicates that Class A Storage should be located within a planned center development. He would like the proposal to be consistent with the overall plan for the parcel.

Dan Nixon said he was unaware that the facility needs to exist within a planned center development. He will continue to work with **Mr. Hunsaker** and **Mr. Bell** to create a comprehensive plan for the 4-lot subdivision. He plans to improve and mitigate the wetlands parcel that **Mr. Bell** deeded to him.

Paul Barker suggested that the area in front of the exposed walls be landscaped, as was done with the Farmington sound wall. He suggested that a berm also exist along the south side of the property. He prefers that the exterior be constructed of a masonry material rather than metal.

Andrew Hiller suggested that Farmington rock be incorporated into the design.

Dan Nixon said they plan to use Hardy Board/Arts and Craft. They will attempt to blend the Farmington rock, so long as it is architecturally appealing.

Paul Barker suggested that the facility “set the tone” for Farmington since it is a major entrance into the City.

Dan Nixon suggested that the members of the Planning Commission visit the storage unit facility in Bountiful where they have redesigned an old facility to include impressive landscaping and waterfalls.

Kevin Poff suggested that the mailing notice be expanded since there are not many residential properties near the proposed property. He also suggested that the public hearing be reopened to consider additional public comment. He recommended that the roof area be screened since it would otherwise be visible from a higher elevation. He said the first set of drawings that were submitted by the developer were more compatible for the area.

The Planning Commission discussed the landscaping requirement and agreed that it is not unreasonable to require developers to landscape 20% of the gross area.

Motion

John Bilton moved that the Planning Commission table consideration for conditional use and site plan approval for a Class A Self Storage facility to allow the mailing notice to be sent to a larger area as deemed appropriate by City staff. The public hearing will be reopened to allow any additional public comment. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

Motion

Paul Barker moved that the Planning Commission table consideration of the text changes to the Zoning Ordinance regarding Class A Self Storage to allow time to review the entire zone, as well as Class A Self Storage standards. It should also be determined whether the zone text allows Class A Self Storage separate from a planned center development. **John Bilton** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: MIKE & SELINA HEBERLING - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT AND ESTABLISH A FITNESS FACILITY IN THE OLD SECURITY TITLE BUILDING AT 23 NORTH MAIN IN A BR ZONE (C-6-06) (Agenda Item #6)

Background Information

Mike and Selina Heberling are requesting a conditional use permit and site plan approval to locate a fitness facility in the old Security Title building at 223 North Main Street. The property is currently zoned BR. Athletic clubs are allowed in this district by conditional use permit.

The business will have workout equipment, group classes, personal training, nutrition classes, cooking classes, and a nutrition store. It has been suggested that the cooking classes could be held in the Farmington Community Center initially.

The Planning Commission must resolve the issue as to whether or not a fitness center is a good use at the proposed location. Until this issue is resolved and because the proposal is for an adaptive reuse of an existing building on an existing site, with no existing impervious surface for landscaping, City staff did not initially ask for submittal of detailed exterior architecture plans, a landscape plan, screening proposals for dumpsters, etc., grading and drainage plans, transportation and circulations plans, and water and sewer plans. Nevertheless, the Planning Commission may wish to consider the following:

Parking and Circulation. It is anticipated the busiest hours of operation will be from 4 am to 9 am and 5 pm to 9 pm. There are four parking spaces on Main Street in front of the building and 30 parking spaces in the parking lot behind the building which is shared with Wells Fargo Bank. There are entrances to the parking lot from both Main and State Street. Regarding parking requirements, Section 11-32-104 of the Zoning Ordinance states, "The Planning Commission shall determine which listed use is most nearly similar. In special cases where it is determined that there is not a similar use, the Planning Commission, in consultation with the developer, shall establish the minimum parking space requirement." A similar use identified in this chapter is "commercial recreation, such as golf courses, bowling alleys, etc." However, the parking requirement for this use shall be determined by the Planning Commission. What is a reasonable parking requirement? Hopefully parking ratios from Bountiful's fitness centers will be presented at the Planning Commission meeting.

Access from Main Street is via a 15' to 16' wide driveway between two buildings. A light pole exists in the right-of-way at Main Street effectively reducing this width by 2 to 3 feet. Minimum widths of driveways shall not be less than sixteen (16) feet for one-way traffic or twenty-four (24) feet for two-way traffic (11-32-106 (1) ©). The light pole should be relocated

away from the driveway area and the curb cut on Main Street may need to be widened.

Architecture Elevations. The exterior of the building will be painted and double doors will be installed on the east and west sides of the building. What are the blue ovals outlining the Main Street side of the building? What are the shapes above the windows supposed to represent?

Landscaping. A large sidewalk exists on the Main Street side of the building covering the complete distance between the exterior wall and the back of curb (approximately 17.5 feet). Meanwhile, Wells Fargo Bank on property adjacent to the south side of the building has provided a 9 foot wide park strip, a 5 foot wide sidewalk, and a 3.5 foot wide planter area next to their building. Should the Planning Commission require the same of the applicant?

In 1996, the City adopted a master plan for downtown. This plan recommended, among other things, an improved streetscape for the west side of Main Street between State and 100 North along with specifications for a Main Street “Living Room” which included street trees park benches, landscaped areas, etc . The applicant should follow the Master Plan for the Area.

END OF PACKET MATERIAL.

Ken Klinker reviewed the “Background Information”. He was told by **David Petersen** that there are several issues that need to be addressed in order for the applicant’s request to be approved. Other fitness centers in the County require one parking space per 200 square feet. He referred to an e-mail that was submitted by **Don Hokanson** of HHI Corporation which is a construction company that is located adjacent to the proposed facility. **Mr. Hokanson** expressed concerns regarding traffic and parking issues.

Mr. Klinker reviewed the “Suggested Motion” and displayed photos of the property.

Public Hearing

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

Selina Heberling said fitness facilities generally provide 10 parking spaces per 1,000 square feet. She said she met with a Wells Fargo representative who is accepting of the parking access. According to the property plat, there is an easement to cross Wells Fargo on the State Street side. There is also an easement between the two buildings. If additional parking is needed, patrons could park on the street or across the street (so long as the other businesses are not open). She said she is willing to meet the OTR landscaping requirements, as well as the lighting requirements. She said she does not have the ability to control whether the dumpster is screened since it is on Wells Fargo’s property.

The Planning Commission discussed whether the 5,300 square foot facility would have adequate parking. There are currently 30 parking spaces, not including street parking.

Don Hokanson (HHI - 49 North Main) asked how many parking spaces would be required for the facility.

Ken Klinker said it is up to the Planning Commission to determine how many stalls will be required.

Don Hokanson said he is concerned that the property does not have enough parking spaces for the amount of customers that will be generated. He said the alley connecting the property to Main Street is a safety hazard.

Eugene Mann (36 North Main and 56 North Main) said he is concerned there is not adequate parking in the area to accommodate a fitness facility. Parking issues already exist in the area since his parking area is used by downtown employees, as well as Lagoon patrons. Residential parking should only be used by the homeowner and their guests. He is working with City staff to try to rectify the problem. He is opposed to the fitness facility if adequate parking can not be provided.

Brent Checketts (864 South Mountainside Drive) said the applicant's proposal will be a benefit to the community and may also revitalize the west side of Main Street. The fitness facility would likely have different peak hours than that of the school district so there could be an agreement reached between the two parties. The parking issue is valid but can be resolved if the local businesses work together.

Public Hearing Closed

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

John Bilton said he is in favor of redeveloping the downtown area but he understands the concerns of the citizens in the area. He suggested that City staff work with the Mann's to resolve the parking issues that currently exist. He suggested that the applicant work with the nearby residents and businesses, as well as the City, in an attempt to resolve the parking issue.

[Cory Ritz arrived at 8:37 P.M.]

Paul Barker said he would welcome the facility in the City but he is also concerned about the parking issues. He would like City staff to work with the Manns to resolve their parking problems.

Selina Heberling said she has met with the City Manager, City Planner and Wells Fargo in an attempt to reach an agreement. She is willing to do what she can to be a part of the community. She is willing to limit membership and to create classes at times that will not create parking issues. Wells Fargo and HHI do not want the parking alignment to be reconfigured.

Don Hokanson said the easement that exists on the Wells Fargo easement is vague. He does not think additional stalls could be created, even if the parking stalls were realigned.

Paul Barker said the Planning Commission has limited information regarding fitness facilities. He suggested that research be done to determine any many parking spaces are provided at other fitness facilities.

Kevin Poff asked why the property was not required to meet OTR landscaping requirements in the past.

Ken Klinker said the landscaping requirement was adopted in 1996. The existing tenants were “grand-fathered” so the requirement is only for new tenants..

Motion

John Bilton moved that the Planning Commission table consideration of the conditional use and site plan application for the specific site at 23 North Main until the following issues are resolved and/or plans are prepared for review by the Commission:

1. The applicant must provide information to the Planning Commission regarding parking ratios which meet acceptable industry standards for fitness centers. The Commission, in consultation with the applicant, thereafter shall determine an adequate parking requirement, and/or whether or not off-site shared parking arrangements must be made.
2. The alley access between HHI and the proposed fitness center should be further studied. The commission recommends that it be a one way - preferably an entrance rather than an exit. A circulation plan must be prepared by the applicant and reviewed by the City Engineer and planning staff regarding the substandard access from Main Street. It must address several issues including but not limited to which way the one-way access will be directed, and site distance and left turn issues.
3. The applicant must provide an architectural elevation(s) drawn to scale with a recommendation from an architect under contract with the City.
4. Street scape plans should be implemented consistent with the Downtown Master Plan.
5. Where is the dumpster (garbage container) located? Should this area be screened?

6. Are there any resolved water, grading or drainage issues which should be addressed at this time?
7. Will the proposed wall sign be lit at night?
8. What are the reasonable hours of operation for facilities such as this?

Andrew Hiller seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: AARON JOHNSON - APPLICANT IS REQUESTING
CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT AND
ESTABLISH AN ACCESSORY DWELLING LOCATED AT 1189 NORTH MAIN
STREET IN AN LR ZONE (C-7-06) (Agenda Item #7)**

Background Information

The applicant would like to build an accessory dwelling behind their house at 1189 North Main. His mother is in failing health, and he would like to be close to her to help around the house. This will be a living facility for her.

There will be no rent charged for the facility.

Zoning for this property is LR (the back of the lot is zoned A). Accessory dwellings are allowed in the LR zone with a Conditional Use Permit.

Definition of Accessory dwelling:

Dwelling, Accessory. A dwelling unit within an accessory building which is subordinate to a single-family dwelling located on the same lot and which, together with the single family dwelling, is used exclusively for the occupancy of one (1) family. A maximum of one (1) accessory dwelling shall be allowed per lot and no rent or other compensation may be charged for occupants of the accessory dwelling. No conditional use permit issued for an accessory dwelling shall be assignable or transferrable upon sale of the lot or otherwise and the conditional use permit shall expressly state such termination of the permit upon the sale or transfer of the property. Any conditional use permit issued hereunder shall be recorded with the Davis County Recorder's Office.

11-11-060 Accessory Buildings and Structures.

(a) Accessory buildings, except those listed in Subsection (b), shall be located at least six (6) feet to the rear of the dwelling, shall not encroach on any recorded easement, shall not occupy more than twenty-five percent (25%) of the rear yard, and shall be located at least fifteen (15) feet from any dwelling on an adjacent lot. Such buildings may be located within one (1) foot of the side or rear property line. Accessory buildings shall, without exception, be subordinate in height and area to the main building.

END OF PACKET MATERIAL.

Ken Klinker displayed an aerial photo and pointed out where the property is located. He also displayed an overhead of a site plan. He reviewed the “Background Information” and “Suggested Motion”. He referred to an e-mail that he received from **Les Roberts**, whose property is adjacent to the applicants. **Mr. Roberts** is interested in constructing an accessory dwelling on his property and asked that the applicant’s accessory dwelling be located 7 ½’ from the property line in order to accommodate both dwellings. He also requested that the City verify that the sewer lateral is capable of supporting the additional accessory dwellings.

Mr. Klinker recommended that the applicant contact the Sewer District regarding the sewer lateral capacity. The applicant should submit a more detail site plan which includes a 7 ½’ setback.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing and invited the applicant to address the Commission.

Aaron Johnson said he has reached an agreement with **Mr. Roberts** and is willing to meet the 7 ½’ setback requirement.

Les Roberts (1199 North Main) said a 4" sewer line running horizontally in a residential application will carry 160 fixture units. He is not opposed to the applicant’s request but he does not want it to effect his ability to construct an accessory dwelling in the future.

Aaron Johnson said he is flexible and is willing to work to accommodate both parties.

Les Roberts said he would like a formalized agreement stating what each party is allowed to do. He would also like an agreement stating that both parties will be allowed to use the same sewer lateral.

Public Hearing Closed

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

Cory Ritz asked why the sewer lateral is shared by three properties.

Les Roberts explained that the property was originally owned by one property owner. As the owner divided the property with their children, they shared the existing lateral. The

lateral is located on his property so he has the ability to deed an easement to the lateral from one property to the other.

Motion

John Bilton moved that the Planning Commission approve the conditional use permit and site plan to allow the construction of an accessory dwelling at 1189 North Main in Farmington subject to all applicable City development standards and ordinances and the following conditions:

1. The structure will not be used as a rental unit.
2. Only members of the family living in the main building related by blood, marriage or adoption shall occupy the accessory dwelling.
3. The Conditional Use Permit will terminate upon sale or transfer of the property.
4. A 7 ½' setback will be applied to the Johnson and Roberts properties.
5. The sewer lateral capacity must be reviewed and approved by the Sewer District.

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

Findings

- The request is consistent with the Ordinance that pertains to accessory dwellings.
- The 7 ½' foot setback will accommodate both property owners who wish to construct accessory dwellings.
- Any sewer issues that may exist will be addressed by the Sewer District.

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION TO CONSIDER TEXT CHANGES SECTION 12-2-045 OF THE SUBDIVISION ORDINANCE REGARDING THE ISSUANCE OF BUILDING PERMITS (ZT-4-06) (Agenda Item #9)

Ken Klinker said the City would like to amend Section 12-2-045 Building Permits which would allow building permits for building foundations to be issued prior to completion of the roads within a project so long as a bond is provided acceptable to the City ensuring the adequate installation of required public improvements and utilities.

The Planning Commission discussed the amendment to paragraph (b) and agreed to strike “except for footings and foundations.”

John Bilton suggested that text be added stating that construction for items other than footings and foundations shall not be allowed ahead of schedule unless approval is given by the Planning Commission or Community Development Director.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing and invited the applicant to address the Commission.

Noel Balstaedt (8501 South Tallis Drive, Sandy) said if the amendment is approved, it will be an advantage to the contractors since it will allow them to pour foundations without damaging curbs and gutters. It will also allow them to expedite the construction process. He referred to paragraph (b) and asked if the redlined section should read, “*including footings and foundations.*” He said he was in favor of additional construction being allowed so long as it is approved by the Community Development Director/Planning Commission.

Public Hearing Closed

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

John Bilton suggested that footing/foundation permits only be given so long as the developer has provided the City with a Certificate of Survey for the foundation, and so long as all public safety concerns have been addressed by the appropriate parties.

Cory Ritz said the proposed text will be a benefit to the developers, as well as the City. He referred to a subdivision near his home that could have been spared hardship had the text been in place.

Motion

Paul Barker moved that the Planning Commission forward the draft text to the City Council after the recommended changes have been made and the document has been reviewed and approved by the City Attorney. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Brad and Destenee Hartley Accessory Building Location Request

Ken Klinker reviewed the applicant’s request to construct a detached garage with a functional game room upstairs on the north side of their lot. The request needs to be considered by the Planning Commission since the building will not be located 6’ behind the existing home due to circumstances such as lot configuration and a high pressure water line that is located behind the home. He displayed an overhead aerial photo and pointed out where the proposed

garage will be located. He also displayed an overhead of the proposed site plan. City staff recommends that the Planning Commission verify that the building will not exceed the 15' height requirement. They also recommended that the applicant receive approval from Benchland since the dwelling will have to be built into the hill.

Brad Hartley (188 Pointe of View Circle) said the height of the mid-roof will be 22'6" based on a measurement from the back edge where it meets the ground. Due to the incline, the building will not exceed the 15' height requirement. According to a Benchland representative, the proposed construction will not likely come near the water line.

In response to a question, **Mr. Hartley** said there are not CC&R's that need to be considered. The majority of the residents in the area are aware of his plans and are accepting of it.

Kevin Poff asked if the dwelling will meet zoning and setback requirements.

Ken Klinker said in order for the applicant to obtain a building permit, the requirements will have to be met.

Motion

John Barker moved that the Planning Commission approve the accessory building location request contingent upon the building requirements being met during the building permit process. **Paul Barker** seconded the motion, which passed by unanimous vote.

Doug Welling Sidewalk Waiver Request

Ken Klinker displayed an overhead and pointed out where the property is located. He said the new Hidden Meadows Subdivision requires that a 6' sidewalk be installed along the length of the property to the corner where the Welling property is located. He explained the applicant's request to eliminate the requirement of providing a sidewalk adjacent to their frontage.

Kevin Poff said the configuration was not the plan that the Planning Commission originally approved. When **Mr. Welling** initially approached the Planning Commission regarding the sidewalk waiver, he was told they were in favor of sidewalks on both sides of the street.

[The Planning Commission took a five minute recess at 9:45 P.M. to allow **Ken Klinker** to obtain the Hidden Meadows Subdivision Plat.]

The Planning Commission analyzed the sidewalk and park strip configurations that were found on the Hidden Meadows Subdivision plat.

Kevin Poff said he was opposed to granting the sidewalk waiver because he did not think pedestrians should be forced to walk in the road or have to cross the street to walk on a sidewalk.

Paul Barker asked if 6' sidewalks exist on other properties in the area.

Kevin Poff said the 6' sidewalk may not be consistent with the area but it should be required since it is adjacent to the curb.

Doug Welling (388 West Welling Way) said his property is not incorporated into the Hidden Meadows Subdivision. On the west side of the road there will be a 20-30' strip of land developed into park/walkway. With the steep bank, it seems reasonable for pedestrian traffic to travel on the walkway rather than on his side of the street. The property that is north east of his home will be developed with 6-8 lots so there will not be heavy traffic in the future. He would like to preserve as much of his yard as possible and would prefer eliminating the sidewalk. His secondary request would be to narrow the sidewalk to 4' rather than 6'.

Kevin Poff said he thinks it would be a mistake to completely eliminate the sidewalk. He would be willing to compromise by allowing a 4' sidewalk with a 2' park strip.

Cory Ritz said he is not in favor of eliminating the sidewalk but would allow a 4' sidewalk against the back of the curb since there is not heavy foot traffic in the area and the other sidewalks in the area are 4'.

Andrew Hiller said the sidewalks should have been consistent throughout the neighborhood. He is willing to lower the sidewalk requirement to 4' back of curb but he would like the same sidewalk configuration to be used on the other side of the street.

Paul Barker said eliminating two feet of the sidewalk would not likely make a difference. He is supportive of Mr. Welling's position since his property was developed before the subdivision. He is comfortable allowing a 4' sidewalk since it will not likely be a highly used pedestrian area.

Motion

Cory Ritz moved that the City Council recommend the City Council adjust the Hidden Meadows Phase 2 Subdivision Plat as pertains to Doug Welling's request to reduce the sidewalk on the east side of Cherry Blossom Drive abutting the Welling property to a 4' sidewalk

immediately behind the curb and gutter. **John Bilton** seconded the motion, which passed by a 4 to 1 vote.

Findings

- The Welling property was developed prior to the Hidden Meadows subdivision so it is not appropriate to significantly impact their side yard.
- Other sidewalks in the area are 4' back of curb.
- It is not inappropriate to have a different sidewalk configuration on one side of the street.

Motion

Cory Ritz moved that the Planning Commission recommend that the City Council require the developer to repair any damage that may have been caused to the existing property owner's landscaping. **Paul Barker** seconded the motion, which passed by unanimous vote.

Findings

- Residents should not be adversely impacted by development.

ADJOURNMENT

Andrew Hiller moved that the Planning Commission adjourn at 10:12 P.M.

*Kevin Poff, Vice-Chairman
Farmington City Planning Commission*