

FARMINGTON CITY PLANNING COMMISSION

Tuesday, July 13, 2004

PLANNING COMMISSION FIELD TRIP AND STUDY SESSION

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

The study session began at 6:15 P.M. after the Commission members had visited property on Glover Lane. The following items were discussed:

Davis County School District request for conditional use and site plan approval to establish a bus compound located at approximately 500 South Glovers Lane. This issue was the reason for the Planning Commission field trip. Concern was raised about the location and its impact on the west Farmington residents and the increased traffic on the City in general. The City Attorney had been consulted. He said it was appropriate for the Planning Commission to ask questions regarding safety, noise, odor, lighting, pollution, oil spills, and the appropriateness of the industrial type use. Other issues, such as compliance with the General Plan, were also suitable for the Planning Commission to consider.

Background Information, agenda item #1. Mr. Petersen stated that he would like to review the history and intent of the annexation of properties in west Farmington prior to consideration of several agenda items. Doing so would explain recent actions taken by the City to the Commission and citizens living in the area.

Consideration of the amendment to the General Plan. Mr. Petersen requested that agenda item #5 be considered before agenda item #2. It would require a motion by the Commission to amend the agenda.

Symphony Development request for a recommendation to rezone 16.39 acres located at approximately 275 South 2200 West. Mr. Petersen stated the schematic plan for this agenda item did not meet ordinance requirements. He reviewed the alternatives open to the Planning Commission in regard to this issue.

Agenda Items #3, #4, #6, #7, #8, and #9 were all briefly discussed.

R.K.Buie request for conditional use approval for a multiple family residential development consisting of 161 condominiums located at approximately 850 North Shepard Creek Parkway.

A brief discussion ensued regarding the issue of consent by the home owners' associations and who was considered to have the right to legal consent for changes in property uses.

PLANNING COMMISSION REGULAR SESSION

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

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

BACKGROUND INFORMATION (Agenda Item #1)

Mr. Talbot commented that the audience should possibly be sensitive to the time element of the meeting and to keep their comments to a minimum. If their information had already been given during the meeting it might be that they would not have to repeat it.

Mr. Petersen covered information regarding the annexation of west Farmington to the City. Development was occurring along the Wasatch Front faster than at any other time in the history of Utah. Building lots kept getting bigger and bigger and family sizes kept getting smaller. The infrastructure was very expensive and bringing services to the larger lots was a burden on the financial resources of cities. Mr. Petersen talked about a different and more recent approach to land use planning which attempted to design developments in a way to give the feeling of open space. Conventional development would place dwellings on large lots, where the more recent approach would allow developers to increase density and condense the area being used for housing while preserving open space and green areas. He showed the examples used in west Farmington, such as that used on the Wheeler Farm property. Compromise planning on the west side of Farmington provided for larger lots to buffer between subdivisions and horse-owner property. The emphasis of the process was to preserve open space.

MOTION TO AMEND AGENDA

Cindy Roybal moved that the Planning Commission consider Agenda Item #5 prior to Agenda Item #2. **Keith Klundt** seconded the motion, which passed by unanimous vote.

FARMINGTON CITY REQUEST FOR CONSIDERATION OF A RECOMMENDATION TO AMEND THE GENERAL PLAN BY REDESIGNATING SEVERAL ACRES IN SOUTHWEST FARMINGTON FROM “RRD” TO “AG” AND TO FURTHER ADD TO, OR CHANGE, ANY RELATED TEXT (MP-1-04) (Agenda Item #5)

Mr. Petersen reviewed the agenda item. The 4218 foot elevation line in west Farmington was the boundary for AA zoning. AA zoning allowed one dwelling unit per 5 acres. Anything east of that line to I-15 in southwest Farmington was designated Rural Residential (RR). The proposal of Agenda Item #5 was to master plan the south portion of the West Farmington area to AG (which sets a threshold of one acre building lots). There were some problems with adopting that strategy for the entire area under consideration. Zoning prior to annexation for a large part of

this area was AE while it was in the County. The General Plan for west Farmington called for the area to be RR, which had been adopted in June 1993. The City did not have the AE zoning prior to annexation. The City adopted the AE zoning concurrent with annexation. When the property was brought into the City, a portion was zoned AE because it was that way in the County. The 4218 line goes through part of that AE portion. That fact was unfortunate because it was not consistent with the General Plan. It should, however, be remembered that the General Plan is a recommendation. If the entire area were to be rezoned A, there will be several property owners who will feel they are having their property rights taken away.

Chairman Ritz opened the meeting for discussion by the Planning Commission. The following issues were discussed:

- One alternative was to table the agenda item and request that Bear West study the issues and make a recommendation.
- Cindy Roybal and Bart Hill were members of the committee who worked on recommendations for the Highway 89 corridor. Ms. Roybal felt there would be a benefit to having the revisions on Chapter 10 before the Commission made a decision on the issues. If there was no real reason to take action on the agenda item because of time limitations, Ms. Roybal felt the Planning Commission should take the time to gather all information.
- Chairman Ritz stated the current application needed to be revised to match the current zoning requirements.
- Mr. Petersen stated it would be a good thing to tweak the AE zone to make it more reasonable for everyone.

Motion

Cindy Roybal moved that the Planning Commission table consideration of a recommendation to amend the General Plan by redesignating several acres in southwest Farmington from “RRD” to “AG” and to further add to, or change, any related text in the Master Plan until the Planning Commission could review a report from Bear West regarding their revision of Chapter 10, at which time appropriate notification will be posted and public hearings will be conducted. **Jordan White** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: SYMPHONY DEVELOPMENT REQUEST FOR A RECOMMENDATION TO REZONE 16.39 ACRES LOCATED AT APPROXIMATELY 275 SOUTH 1100 WEST FROM A TO AE, AND A RECOMMENDATION FOR

SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION RELATED THERETO
(Agenda Item #2)

Background Information

The subject property was annexed into the City on December 20, 1993. It was part of a much larger annexation encompassing some 849.28 acres. At the time the property was zoned A. The minimum lot size in the A zone was 1 acre, consistent with the previous A-1 acre zoning designated by Davis County. Prior to annexation, Farmington City approved an ordinance adopting an amended General Plan on June 16, 1993, whereby the area was master planned for rural-residential uses. The first recommendation of Chapter 10 of the 1993 plan established 2 dwelling units per acre as the minimum residential density for the Rural Residential Density Classification. Recommendation 4 of Chapter 10 further stated (and still states):

The designation of "rural residential density" (½ acre minimum lot size) should generally be applied to all land between I-15 and elevation 4218 in West Farmington in order to reflect and preserve the existing development pattern and character of that area.

The 1993 one acre minimum lot size in the A zone certainly meets these standards.

The majority of the 1993 annexation area was zoned AE (Agriculture Estates). The minimum lot size in the 1993 AE zone was ½ acre which also was consistent with the 1993 General Plan and the previous ½ acre zoning which existed in the County. Therefore, in 1993, the A and the AE designation were both consistent with the General Plan for the area.

In 1999 the City adopted Chapter 12 of the zoning ordinance and the minimum lot size for the A and the AE zone was changed to 2 acres and 1 acre respectively. Nevertheless, under the provisions set forth in Chapter 12 of the Zoning Ordinance two more lot sizes are available in each zone depending upon the amount of open space or conservation land set aside by the Developer. Notwithstanding this, as in 1993, both A and the AE designations remain compatible with the General Plan.

At least two alternative interpretations of the General Plan may be available to the Planning Commission: 1) All property in the rural residential area can be rezoned AE and a property owner should be able to pursue any of the three lot sizes available in the AE zone and Chapter 12 of the Zoning Ordinance, or 2) Some property in the rural residential area should be zone A and not AE based upon the circumstances unique to a given area.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the agenda item. The applicant did not meet some of the requirements of the applicable ordinance. However, there was a waiver provision in the ordinance, and the Planning Commission could consider recommending a waiver and move forward with approval. It may also be possible for the Planning Commission to deny the plan and encourage the developer to work with the neighbors before coming back to the Commission.

Public Hearing

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

Bruce Robinson (526 West 400 West, Salt Lake City) wanted to know if the previous action taken by the Planning Commission would have an impact on his application.

Chairman. Ritz said that because the previous action could have impact on all of west Farmington, it may indeed have an impact on the application.

Mr. Petersen stated that Agenda Item #5 was moved forward on the agenda so that background information could be covered in order to help with knowledge about west Farmington.

Mr. Robinson explained the development as planned. Property owners of the parcel in question were interested in being able to develop their land the way they wanted to. Surrounding properties had been developing. The design of the site plan was restricted because of the narrow shape of the parcel. The lot width was smaller than the ½ acre lot neighbors but the depth was the same. The lots included in the application had been pushed further to the east to provide for an open space parcel to the west. The homes would be quality and would sell for around \$300,000 and more. Mr. Robinson felt that his project could be used as a buffer between the subdivisions and the horse property owners who want to keep the land for rural use.

Cheryl Farnsworth (287 South 1100 West) lived directly across the street from the subdivision. The reason others from her neighborhood were not in attendance was because they attended City Council meeting the previous Wednesday and were very discouraged. She felt that the west Farmington residents had plead their case time and time again, and their voices were not being heard. Her neighbors were disheartened. This subdivision did not fit in with what was being done just to the north. She felt she was trying to preserve the rural nature of the west Farmington area.

Bob Murry (851 Cannon Crest Drive, Bountiful) stated he was in favor of the Symphony homes project. He was the owner of the property. He felt the design was a good one. He felt he was being attacked because the atmosphere of Farmington was changing due to development. He

had purchased Miller Flower where the junior high is currently located. He had been active in developing Farmington for many years. He had been instrumental in getting the sewer system to the west part of the City. He didn't like being characterized as the villain. Some of the lots in the proposed subdivision were very small and he felt that it was a reasonable request to provide a good buffer for larger lot owners. He felt he was a pioneer in developing west Farmington.

Kyle McMullen (1204 South 120 East) said that he was a citizen who was tired of paying taxes and that the City had raised taxes time and again. There were only two solutions to the problem: 1) the City could stop spending, or 2) the City could increase revenues. The obvious solution was to increase revenues. The way to do that was to bring commercial activity to the City. Commercial development was his profession. Whenever retail considers an area for investment, they look at the number of roof tops. To the extent the City can do anything to increase roof tops it should be done. There are appropriate planning tools that can be used to make such development palatable. For one thing, the City will need mass transit. Mass transit will not happen for areas that are developed in 5 acres lots. It will only happen when there is high density development. People enjoy close neighbors. Open space is only good if it can be maintained.. Open space is good if it can be maintained. The cost of improvements, infrastructure, and maintenance is very expensive for cities. When higher density is allowed it is cheaper for the cities.

George Deminti (Bountiful resident) stated his family owned property in Farmington for almost 50 years. He had been a member of the Davis County Advisory Commission which worked on the jail recommendations. He had not recognized previous to that experience how precious a resource land is in Davis County. Whenever land uses are considered, it should be done with consideration for the very best of what will happen in 15 to 20 years. Where are children going to live when they grow up. Is development in 5 acres lots really the best use of the land for the future of Farmington. There is little land left in Davis County. It is a very limited resource.

Terry Cathcart (350 South 1100 West) stated there was a division of opinion. Developers and land owners wanted to do one thing and the current residents who have to live with it want to do another. This is possibly the fourth or fifth developer who had looked at this property. Ms. Cathcart felt Symphony Homes had an inconsiderate approach to developing the land. They just want to purchase the land, comply with zoning, develop, and then leave. She asked that the request be denied.

George Chipman (433 South 10 West, representative of the Farmington Trails Committee) stated he had been very interested in the presentation made by the City Planner. The City had been progressive in planning for open space and amenities that would add to the pleasant life style of Farmington citizens. The approach to development on the west side of the City was progressive and included a trail system that would connect those open spaces and

amenities. It was important to preserve the trail system that had been master planned by the City.

Public Hearing Closed

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

The City Planner stated that because of the parcel configuration of the property, the developer may need a waiver in order to comply with ordinance requirements. The developer is already proposing to provide conservation land but there are other issues. Mr. Petersen suggested that as a compromise and in recognition of the difficulty of the parcel, the development may wish to come back to the Planning Commission with a planned unit development rather than a conservation subdivision development.

Chairman Ritz stated he had been involved with work on the Farmington Greens PUD. That development used small lots in the middle but then had a graduation of lot sizes until the outside lots were large enough to buffer the larger property owners on the south side. The plan was designed with the purpose to protect the large animal owners in the area. It would have been good to keep this property as part of the buffer. He felt many recent proposals seemed to be reversing the trend to protect the rural nature of the area. It was something that needed to be kept in mind by the Planning Commission when considering the agenda item.

Bruce Robinson reported the lots would be from 15,500 square feet to 17,500 square feet in size. He felt there were not a lot of options in developing the parcel of ground.

In response to a question from Ms. Roybal, **Mr. Petersen** explained that City ordinances provided for the development of small and awkward parcels by allowing a waiver. Mr. Petersen also reported there were wetlands just off site where the drainage could be retained. He felt the developer could do something more creative with the plat design. However, Symphony Homes had a reputation of being a quality builder. It may be wise to see what they could do with a PUD design.

John Montgomery wanted to know exactly what the yield plan needed to be in order to make the subdivision economically sound. He also asked what had been done with respect to working with the neighbors and their concerns. He felt the developer could be much more creative in the design of the subdivision.

Jim Talbot felt the Planning Commission had to be careful about being consistent. There was a need for compromise because of the development that would inevitably come to Farmington. He felt the City needed to be fair to property owners, developers, and to the neighbors. He did not feel the subdivision should be developed in less than ½ acre lots

Motion

John Montgomery moved that the Planning Commission table the application to allow time for the developer to prepare an acceptable schematic plan. Input and cooperation from the nearby property owners was strongly encouraged. **Jim Talbot** seconded the motion. The schematic plan was deficient for a number of reasons including, but no limited to, the following:

5. Buffer from Road. All new dwellings shall be arranged and located a minimum of eighty (80) feet from all external roads with a functional classification higher than a local street (11-12-100(b)).
6. Abut Conservation Lands. At least half of the lots shall directly abut conservation land or face conservation land across a street (11-12-100(e)).
7. Pedestrian Access. Developer shall provide adequate pedestrian access to conservation land which is open to public or resident use (11-12-130(h)).

Commission members discussed the motion. They felt a need to have the developer work on the design to make it more compatible with the surrounding property.

Mr. Petersen reported other communities were not having success with large lot developments because over time the larger lots became neglected.

The vote was unanimous in the affirmative.

PUBLIC HEARING: GARY AND KENT GINES REQUEST A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A PROPOSED 6 LOT SUBDIVISION LOCATED ON THE NORTHWEST CORNER OF 475 SOUTH AND 1100 WEST IN AN AE ZONE (S-13-04) (Agenda Item #3)

Background Information

The applicant's yield plan illustrates that the property can accommodate 5 half acre lots. A 20% bonus under option 2 of the Conservation Subdivision Ordinance allows for a six lot subdivision if the applicant agrees to set aside 30% of the property as open space. The City may approve a Conservancy Lot as set forth in Section 11-12-110 of the Zoning Ordinance.

END OF PACKET MATERIAL.

Mr. Petersen explained the agenda item and the schematic plan. The applicant had suggested a conservancy lot in the middle of the project.

Public Hearing

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

Gary Gines (89 South 350 West, Bountiful) was the owner of the lot along with his son. He and his son had a difference of opinion regarding the development. His son wanted to retain the property in larger lots. Mr. Gines wanted to develop it into smaller lots to make it possible to pay for road improvements. He said it was the intent of the current design to provide for a large-lot buffer. He would be donating enough property for curb and gutter and the additional property for the 80-foot right-of-way. He appreciated the suggestion made by City Staff.

Kyle McMullen (1204 South 120 East) questioned who was going to maintain the open space lot.

Charlene Tachaggeny owned the one-acre lot to west. She felt there were two inequities in allowing the development by Mr. Gines. First, he had not participated in the cost of the road improvements and he had not allowed the road to go through his property which meant it had to jog taking up more of his neighbors land. All other property owners along 475 South had to pay for S.I.D. improvements. She asked how the City was going to make it fair to the rest of the property owners in the area. Ms. Tachaggeny wanted a substantial fence between the park and her property.

Chairman Ritz stated the configuration of the road was set and could not, at this point, be changed. However, the property owners to the south of Mr. Gines had received just compensation for the improvements. He also explained there would not be a park located on the property. A conservation lot is an open space lot preserved through perpetuity. Fencing would be an issue between property owners. The Chairman also reported the Gines are currently participating in the S.I.D.

Public Hearing Closed

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

Mr. Petersen explained conservancy lot requirements as provided by ordinance. If there was not some restriction in perpetuity on lot 6, owners could subdivide it in the future. Lot 5 could not be divided because it was designated as a conservancy lot. In order to change the easement across the back of lot 6, all property owners affected would have to agree.

Motion

Keith Klundt moved that the Planning Commission recommend that the City Council approve the application as requested subject to all applicable development standards and

Farmington City Ordinances and the following conditions:

8. The Applicant shall dedicate right-of-way running the full length of the property from north to south along the eastern boundary thereof (the street dedication shall be at least 7 feet in width) sufficient to widen and improve the western half of 1100 West Street to eventually accommodate an 80 foot right-of-way for this street.
9. The Applicant shall dedicate and improve right-of-way including but not limited to the installation of sidewalk running the full length of the property from east to west along the souther boundary thereof. The right-of-way dedication shall be at least 11.5 feet in width sufficient to widen the northen half of 475 West Street to accommodate a 55 foot right-of-way for this street.
10. A note shall be placed on the final plat (or final plats if the property is developed in phases) acceptable to the City Attorney indicating that owners of the individual lots shall receive an annual assessment regarding the special improvement district and that impact fees will be paid at the time the City issues a building permit.
11. One of the larger lots (at least one acre in size) shall be a conservancy lot meeting the standards as set forth in Section 11-12–110 of the Zoning Ordinance.

John Montgomery seconded the motion.

The Planning Commission discussed the motion. When asked, the property owner stated he did not want to declare Lot 6 a conservation lot.

Mr. Talbot felt it would not be fair to burden the property owner with a further conservation lot because they had not studied all possibilities. Also, there was an easement on a portion of the property which may restrict the use anyway. The conservation lot given was likely sufficient.

A vote was taken. The motion passed 6 to 1. The Chairman cast a negative vote, stating that it was important to try to protect the rural environment of west Farmington and to make a statement in support of the existing residents.

Findings

1. The application met requirements of the ordinance.
2. Consideration had been given to information represented in City Council minutes

with respect to use of the land and an agreement regarding the appropriate use of the land once all requirements were met.

3. Chairman Ritz was fundamentally opposed to this type of development being located just off 1100 West. He felt it was too big a burden on surrounding neighbors.

PUBLIC HEARING: WINFIELD LLC, TOM MORGAN, REQUEST FOR A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A PROPOSED 3 LOT SUBDIVISION LOCATED AT APPROXIMATELY 200 NORTH COMPTON ROAD IN AN LR ZONE (S-12-04) (Agenda Item #4)

Background Information

The applicant recently acquired this property from Davis County which is located adjacent to the north side of the Shepard Creek Flood Way. The Farmington City Master Trails Plan identified a trail head at this location. The property owner is willing to participate in a trail but in recommending that the City establish the trail head for the area further east at the north end of Bella Vista Drive on National Forest Service property.

Lot 3 of the proposed subdivision appears to be a flag lot as defined by the Farmington city Code. Section 12-1-040(17) states “Flag lot means a lot that has been approved by the City with access provided to the bulk of the lot by means of a narrow corridor.” Section 11-2-020(56) further states that a flag lot is “lot in the shape of a flag with the staff portion having frontage on a public street with less than the minimum lot width as defined in the zone in which the lot is located.” The minimum lot width in the LR zone is 85 feet. Notwithstanding this, the Zoning Ordinance allow for a building lot to have “frontage on a public street equal to at least 50% of its minimum required width.” (Section 11-2-020(52)). The developers provided a 50 foot wide “flag lot” and has limited the length of “staff” portion of the lot to 150 feet consistent with standards set forth for flag lots in Section 12-7-030(10) of the Zoning Ordinance. The Planning Commission may recommend approval of flag lots only where, due to unusual parcel dimension configuration or topographic conditions, traditional lot design is not feasible. Tom Morgan’s subdivision proposal is consistent with the flag lot standards contained in the subdivision ordinance.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. The building pad on some of the lots were restricted because of topography. A trail corridor runs through the area. Switch backs on the trail needed to be stabilized. The developer had committed to do that work and dedicate a trail along the eastern half of the property. Fruit Heights had agreed to connect a trail through on their side

of the boundary. The intent of the trail was to provide for equestrians to take a route to the canyon without going through the Shepard Heights Subdivision. The design lacks a trail head as provided for in the Master Trail Plan.

Public Hearing

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

Tom Morgan (developer and Farmington resident) stated the land was a unique piece of property. He had wanted to purchase it from the County before but had to wait because the County was reluctant to sell it. The property provided a link to connect North Compton to Fruit Heights. The roads through the adjacent subdivision had been non-conforming but had been allowed believing that the connection would someday be made. Public safety concerns would be resolved by allowing this subdivision. This connection was also required by Fruit Heights City. The Hawkins development could not move forward without the road connections. The trail head issue was no longer of interest because it was no longer on public land. The City had the opportunity to buy the property before he purchased it. They did not do so, therefore losing their option to locate the trail head. If a trail head is needed in the area, it could be placed at the north end of Bella Vista. Bella Vista was a dead end road that lead onto forest service property. City Staff concurred that would be a good place for the trail head. Mr. Morgan stated that the project did not do anything to negatively impact the trail connection as planned. He agreed to fix some of the problems with the trail through his development. He also stated that he was being generous on lot sizes. He discussed the flag lot issue in response to questions from the Planning Commission. Mr. Morgan felt there would be no privacy issues created by the flag lot because of the topography of the land.

George Chipman (433 South 10 West, member of the Farmington Trails Committee) stated there were three issues to address on behalf of the Farmington Trails Committee (FTC): 1) principles, 2) specifics about the parcel in question, and 3) recommendations for solutions. First, principles: Mr. Chipman explained that many years ago a foresighted City Council and Planning Commission developed a City sidewalk and Trails Master Plan to achieve a beautiful city with islands of green, walkable community pathways, and refreshing open space for the benefit of the citizens. Interconnecting trails were planned to join the green spaces and parks to allow a network of access throughout the City. The public overwhelmingly supported this plan. Mr. Chipman felt that it was important that the City support this vision by using the Master Plan as a roadmap. The Master Plan looked good on paper but if it was not implemented on the grounds that the benefits would be lost. He cautioned that the City should not give away too quickly the inter-related elements of the Plan. The Plan had been published and available to developers. As developers come in to develop land in Farmington, they should be made aware of the Trails Master Plan. Developers must be required to honor the effort and foresight that had gone into the

Plan by accommodating the trails and trail heads shown on the map. This will require give and take on everyone's part but in the end, the results would be worth it to achieve the quality of life envisioned by City governing bodies past and present. 2) Specifics about the parcel in question: Mr. Chipman reviewed the Master Plan which indicated a trail head with parking on the Morgan property. It was the only parking trail head in the north section of the City. Trail users, especially equestrians, needed a place to park in order to walk and ride along the trail. This was a delightful walk next to a creek along a wooded path. The plans for the trail head had been in existence for a while. The trail head was critical because it provided access to four sections of trails that connect at this point. Mr. Chipman said a section of trail had already been lost to development further to the east because the City was not diligent about the Master Plan when development occurred. It became a sidewalk which was not much of a trail and totally unsuitable for equestrians. Parking was needed large enough for horse trailers to provide for equestrian access going north and south. The developer wanted to move the parking trail head further up the mountain on Forest Service property. The FTC did not support this change to the Master Plan. If the trail head were placed as proposed at the north end of Bella Vista Drive, equestrians would have to wind their horse trailers up tight turns through the Shepard Heights neighborhood to the extreme northeast of Farmington. The City cannot plan for a trail head on Forest Service property. Federal officials have not concurred and, based on past experience, would not approve use of their property. The City would essentially lose the only parking trail head in this section of town. Mr. Chipman emphasized that the Trail Master Plan needed to be preserved and that the Planning Commission should not give away what had been a long time in the planning and critical for access to trails. The developer was aware of the trail head when he bought the property and the responsibility attendant thereto. The requirements for a trail head did not end when the land became the property of Mr. Morgan, rather the responsibility to provide a trail head became his. 3) Recommendations for solutions: Mr. Chipman recommended the trail head be required where planned. He suggested using part of the flood plain or designing the landscaping and lot layout to accommodate some parking. However, the FTC was not insensitive to the developer. Mr. Morgan had been up front with the FTC and had offered good off-site improvements on switch backs. There were other possible options if the planned parking simply will not work, such as a pull through instead of stalls. Mr. Chipman thanked the Planning Commission and especially the City Planner for their support of the Trails Master Plan developed years ago and felt that it had already given increased quality of life to residents.

Carolyn Bray (1943 North Compton Road) expressed concern about the development. She had lived in the neighborhood for 5 years and had seen considerable development and major construction. There had been construction trucks through the area, which posed safety and other problems. She asked what route the construction trucks would take. She also requested, would the bridge impair access to the trails in the area? Ms. Bray asked about the flag lot and stated she had requested flag lot development and had been denied. Ms. Bray felt the neighbors had not been sufficiently informed about the proposal.

David Hale (1664 West 1410 North) reported that when he was a member of the Planning Commission there had been a great deal of concern regarding the 1000 foot dead end street problem in the Shepard Heights area. The streets in adjacent subdivisions had been constructed as non-conforming roads because through access had not been accomplished. Davis County finally consented to sell the needed property, and Mr. Morgan will now make road improvements that will connect important transportation corridors to allow for conforming streets, improved public safety, and looping water lines. Mr. Hale wanted to make sure citizens had access to their trails, but the trails in the area are very steep. Mr. Morgan had consented to improving the switch backs off site which will be a great benefit to the citizens. Mr. Hale recommended approval of the subdivision.

Paul Hayward (1663 West 1410 North) stated he was a consultant to the fire department. Flag lots were problematic because of the poor access for emergency vehicles. State law provided for local ordinance amendments requiring sprinkler systems in certain areas. Because of this, fire issues no longer seem to be the major problem they used to be. Mr Morgan had private property rights. Things change. Mr. Hayward questioned the rights of equestrian users. If the application meets ordinance requirements then Mr. Morgan should be able to gain approval for his project.

Jack Lierman (575 Eastborne Court) asked if there was horse property in this area.

Mr. Petersen stated that most zones in Farmington allowed horses if lots meet a minimum size.

Mr. Lierman asked how the City intended to enforce having the bridge built to standards to assure safety and quality. He was against having the trail head used by equestrians because he felt it would be a nuisance to have the large trailers in the area. He was also concerned about drainage during flooding seasons.

Mr. Petersen stated that part of the road was still on County property. Both City and County engineers will have to approve the bridge and road design and construction. There will also be flood control in place because the developer will have to gain a flood permit prior to construction.

Carolyn Bray stated there were 100 year old cottonwoods on the property which she felt should be preserved.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The following items were discussed:

- Mr. Montgomery felt the developer could easily provide for some type of parking

as required in the Trails Master Plan. He felt some compromise could be reached without impacting the building lot.

- Mr. Petersen stated the flag lot was justified because of the topography of the parcel and because the developer was not designing the flag lot for only economic gain.
- The transportation connection was very important. There was no other road coming from the west. Fruit Heights roads were wider than Farmington roads. If the parking for the trail head was critical, it may be possible to build the Farmington road to match the Fruit Heights roads and use the shoulders for parking.
- Ms. Roybal felt it was important to have looked at the land. She felt the trails were very steep and would need to be stabilized as suggested by the developer. She also felt that since the City did not buy the property for the trail head then it was no longer a possibility and should not be placed on the developer as a burden. Ms. Roybal felt the developer was going beyond his duty in making off-site trail improvements. She was also concerned about having horse trailers in the neighborhood and thought the trail head would be more appropriate further to the north. The bridge would be built to accommodate drainage. The flag lot could be designed to enhance the area and because there was no other way to develop, it should be allowed.
- Without the proposed subdivision the development by Hawkins would not be able to move forward. The Planning Commission discussed road connections through to Fruit Heights.

Motion

Cindy Roybal moved that the Planning Commission recommend that the City Council approve the proposed schematic plan subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The applicant shall provide off-site improvements to the Shepard Creek Trail acceptable to Farmington City including, but not limited to, reconfiguring the trail switchbacks just east of the subdivision and providing retaining walls and other improvements to the switchbacks.
2. The applicant shall dedicate a 10 foot wide trail in fee title on the east side of Lot 1 running the full length from south to north along the property line.

3. Any building on Lot 3 shall be consistent with the Farmington City Fire Code. And the nearest fire hydrant shall be located no further than 150 feet from the nearest corner of the proposed building on the lot.

Bart Hill seconded the motion. The vote was 6 to 1 in favor. Mr. Talbot opposed the motion.

Findings

1. The subdivision will provide road connections through to Fruit Heights, improving safety and other beneficial community improvements such as looping water connections.
2. The developer will provide off-site trail improvements and on-site easements which would not otherwise be provided.
3. The flag lot in the design will not provide economic benefit for the developer and may be the only way the property can be developed into building lots.
4. Mr. Talbot's opposition vote was because he felt it may be too soon to approve the application. He was not opposed to the Hawkins development but felt there should be more public input. It may also be that the flag lot configuration was not the only resolution to development on that specific parcel.
5. The City Planner stated that because there was a trail head called for in the Master Plan, City officials would have to have good reasons for not requiring the trail head in the location indicated. If good reasons were not established prior to approval, it may set a very unpalatable precedence.

PUBLIC HEARING: WOODSIDE HOMES REQUEST FOR A RECOMMENDATION TO AMEND THE GENERAL PLAN ON PROPERTY LOCATED WEST OF 8-15, SOUTH OF SHEPARD LANE, EAST OF THE OLD DRG&WRR TRACKS AT APPROXIMATELY 950 NORTH FROM RURAL RESIDENTIAL DENSITY (RR) TO LOW DENSITY RESIDENTIAL AND TO REZONE THE SAME PROPERTY FROM A TO LR (Z-10-04) (Agenda Item 6)

Background Information

The second page of the Farmington City General Plan provides the following language:

“The importance of the General Plan as a policy document to guide future development in the City should be emphasized. The plan sets the direction which the City should take but should be flexible enough to adapt to changing conditions. It should be understood that once adopted the plan is not static but should evolve as the community evolves. The economy, new administrations, and unforeseen events may affect the plan, for this reason it should be reevaluated from time to time to ensure its relevancy.”

Perhaps the last significant change in the General Plan that affected the subject property occurred in 1998 when the City Council adopted the Master Transportation Plan for Farmington City. It appears there have been no major changes since then that affect the far north west corner of the City.

END OF PACKET MATERIAL.

Mr. Petersen briefly reviewed the agenda item.

Public Hearing

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

Nate Pugsley (developer) gave a brief history of the project. It consisted of 94 acres and was a unique piece of property surrounded on four sides by undesirable features such as the railroad tracks, I-15, and the future Legacy highway. Because of these features it was felt that the property would be best developed into multi-family dwellings. However, neighbors in the area expressed strong opinions that the land be used for single family housing. The developer agreed to the single family dwellings and was not asking for higher density because of the site location. There are about six acres of wetlands on the property. There will be about 21 % open space. Trails have been planned for the development.

Bruce Richards (1184 North 1500 West) complimented the developer for deciding that single family residents were best for the property. However, he felt the City should not allow the development to deviate from the density in surrounding areas. Farmington Ranches was developed in two units per acre. That would allow 188 homes on the property, which Mr. Richards felt would be enough. Surrounding areas include quality homes. The new subdivision needs to be kept in the same general feeling as the rest of the neighborhood. The high density development cannot be put on Shepard Lane because the road cannot handle the increased traffic.

[Jordan White was excused at 9:50 P.M.]

John Sheets (1368 Fairway Circle) stated that traffic is a real problem. The subdivision would increase the problem. The Planning Commission should seriously consider denying the application.

Paul Hayward (1663 West 1410 North) said his homes is east of the proposed subdivision. He had several concerns and reviewed the history of development on Hess Farms. The property was allowed to develop in high density housing and has since lost its property value. There was already a development going in on adjacent property in Kaysville. These new subdivisions will put a lot of pressure regarding traffic in this area. There was a critical need for a satellite fire department in the vicinity. That should be looked at along with how to get Kaysville to improve their roads.

Joseph Cook (1123 North 1420 West) stated he and his family had lived in areas where this kind of development had been built. Such developments become tremendous problems for police. He asked about opportunities for recreation and plans for schools. He felt developers were not concerned with these types of problems. The 225 lots would generate at least 450 cars which would be dumped onto Shepard Lane each day. The Lane cannot handle the increased traffic.

Mr. Petersen stated it was not an easy issue. The majority of traffic on Shepard Lane comes from Kaysville. Farmington officials had met with Kaysville officials and suggested that both cities create a special district whereby homes in Kaysville and Farmington could be charged and extra fee to help pay for a “western frontage road” to Park Lane. Kaysville denied the request, leaving Farmington with the burden to provide relief for Shepard Lane. In order to have Woodside carry the burden of the cost of the new road, they need a certain amount of rooftops. They will be developing at 2.74 units per acre. The developer was trying to provide a second access for the parcel.

Nate Pugsley stated that the road will cost 1 million dollars. His company had agreed to provide a relief by building a road to funnel people south to Park Lane. The subdivision would contain 21 acres of parks and trails. This would not be a low-income housing development.

George Chipman (433 South 10 West) said that the development was along Haight Creek, which was a lovely area and a great place to use open space for the benefit of citizens. The trail through the subdivision would be a good amenity for the City.

Paul Hayward stated that Woodside was a good builder.

Public Hearing Closed

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

Cindy Roybal complemented Mr. Pugsley for changing the project into single family development. The developer had listened to the public. The biggest problem with the design as it stood was that it was not compatible with surrounding developments. She felt the developer should look at the positive elements of the property and realize that it was a very attractive piece of land with a lot of potential. The density being proposed was still too high. Ms. Roybal expressed concern with the SAMP and wondered if it would be able to provide open space if necessary.

Mr. Petersen stated he would meet with the consultant about the SAMP. He would also meet with Woodside and try to work out a resolution to traffic concerns that would benefit the City. The lots sizes were due to the open space being preserved.

John Montgomery felt there could be a creative way to design the subdivision that would satisfy neighbors and yet meet the needed threshold for road improvements. He stated he was not ready to amend the General Plan to allow the subdivision at this point.

Motion

John Montgomery moved that the Planning Commission table the application until an acceptable schematic plan could be submitted for review. **Jim Talbot** seconded the motion.

In discussion of the motion, the Planning Commission asked the City Planner to get a recommendation from the consultant regarding the SAMP.

The vote was taken resulting in a 6 to 1 affirmative vote. Cindy Roybal opposed the motion.

MOTION TO AMEND THE AGENDA

John Montgomery moved that the Planning Commission continue business past the hour of 10 P.M. **Jim Talbot** seconded the motion, which passed by unanimous vote.

RECESS

Chairman Ritz called a recess at 10:25 P.M.

RECONVENE

The Chairman reconvened the meeting at 10:35 P.M.

DAVIS COUNTY SCHOOL DISTRICT REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A BUS COMPOUND LOCATED AT APPROXIMATELY 500 SOUTH GLOVERS LANE IN AN AE ZONE (C-5-04) (Agenda Item #7)

Mr. Petersen stated that the “Background Information” had been reviewed in two previous meetings.

Chairman Ritz stated the agenda item had been through the public hearing process. The evening’s meeting was not a public hearing. He asked the Planning Commission members for their consideration.

John Montgomery felt the proposal was at odds with the health, safety, and welfare of the Farmington public. He reviewed “Conditional Use Standards” as defined in City ordinances and felt the bus compound did not comply with several of the standards, including 11-8-105 (1), (3), (4) and (6). He stated he was not in favor of allowing the compound in west Farmington.

Bart Hill felt the only reason the Davis School District was considering putting the compound on the west Farmington lot was because they owned it for future development as a high school. The use is an industrial use and should not be placed on rural, sensitive property which was not planned for industrial uses. The compound needed to go where it would be compatible with surrounding properties. Also, the increased traffic would heavily impact City streets and neighborhoods. He ran on the streets in question and stated that safety on those roads was questionable as it was.

Cindy Roybal felt her biggest concern was the safety of the area. The large number of bus trips and increased traffic would be very detrimental to the area. The compound needed to go where it would be surrounded by other industrial uses.

Gary Payne (Davis School District representative) stated several other options had been considered. The School District was not in a position to buy more property. Parcels already owned by the District were simply not big enough. It cost the District \$20,000 a month every time the Planning Commission tabled the agenda item. The District was in dire need of the compound and time was a huge factor. He felt the compound needed to be approved, constructed in west Farmington, and done right. It needed to be on property owned by the District. When questioned by the Planning Commission, Mr. Payne stated there would be a high school built on the property probably in the next 10 to 15 years.

Keith Klundt stated that since the high school was not being considered for some time the compound would be very out of place. He felt the School District should purchase property

elsewhere because west Farmington was not the right place.

Jim Talbot felt his comments and concerns had been expressed.

Motion

John Montgomery moved that the Planning Commission deny the Davis County School application for a bus compound. **Keith Klundt** seconded the motion, which passed by unanimous vote.

Findings

1. The proposed use is not compatible with the character of the site, adjacent properties, surrounding neighborhoods, and/or existing proposed development.
2. No high school presently exists next to or on the site, and it is contemplated that if the high school is not constructed the property will be developed for residential uses which are not compatible with the bus compound use.
3. A bus compound of this size would house up to 100 buses which is a huge impact on all facets of life in Farmington. The roads in the area are not capable of handling the extra traffic. The inordinate number of bus trips would create significant safety hazards for citizens along the bus routes in and out of the City.
4. The bus compound was not in compliance with 11-8-105 (1), (3), (4), and (6) referring to the conditional use standards of City ordinances as follows:
 - (1) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;
 - (3) The proposed use shall conform to the goals, policies, and governing principles of the Comprehensive Plan for Farmington City;
 - (4) The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;
 - (6) Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:
 - (a) If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
 - (b) If it will unreasonably interfere with the lawful use of surrounding

property; or
(c) If it will create a need for essential municipal services which cannot be reasonably met.

PUBLIC HEARING: S. DAVID PLUMMER REQUEST CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH AN ACCESSORY LIVING QUARTERS LOCATED AT 37 WEST BUFFALO RANCH ROAD IN AN AA ZONE AND APPROVAL TO MODIFY THE ORIGINAL CONDITIONAL USE PERMIT FOR THE BUFFALO RANCH BY ENLARGING OR DIMINISHING SOME STRUCTURES SHIFTING THE LOCATION OF OTHER STRUCTURES AND BY MOVING THE APPROVED OFFICER USE WITHIN THE CONFINES OF THE RIDING ARENA (C-6-04) (Agenda Item #8)

Jim Talbot removed himself from discussion of the agenda item.

Mr. Petersen reviewed the agenda item. He reported that the City Planner was allowed by ordinance and in conjunction with the City Engineer and City Manager to make minor changes to site plans. Once having done so, the City Planner, by ordinance, was to report such changes to the Planning Commission. Mr. Petersen reported having made a minor change to the site plan for the Buffalo Ranches project. Offices, which were originally in a separate building, had been combined with the riding arena in order to relocate the arena 60 feet from the nearest building.

Public Hearing

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

Public Hearing Closed

With no forthcoming comments, **Chairman Ritz** closed the public hearing and asked the Planning Commission for their consideration.

Ms. Roybal asked the developer why the facade of the bunkhouse had been redesigned.

The developer stated there was no specific reason. It was just a western design motif.

Ms. Roybal expressed the concern that one of the biggest reasons Farmington had approved the project was because it would preserve open space for the surrounding areas. There had been many buildings added to the original site plan which lessen the open feeling of the area. She also stated that the new design of the bunk house did not seem to fit the rest of the project.

A discussion of the new facade design ensued. Most Commission members felt it did not match the rest of the buildings and were concerned that it would devalue the property.

Motion

John Montgomery moved that the Planning Commission grant conditional use and site plan approval for the accessory living quarter subject to all applicable development standards of Farmington City ordinances and the following conditions:

1. The accessory living quarters shall meet all Farmington City Building code requirements including an appropriate separation between the riding arena and said living quarters.
2. The applicant shall meet all fire code requirements for the accessory living quarters.
3. The site plan for the accessory living quarters including all public improvements including a grading and drainage plan, must be reviewed and approved by the Farmington City Engineer and by the Public Works Department.. The building shall be designed to be compatible with existing buildings.

Keith Klundt seconded the motion, which passed by unanimous vote. Jim Talbot abstained.

Findings

The Planning Commission felt the motion was justifiable due to the success and quality of the Buffalo Ranches projects thus far. They also felt that if the bunkhouse was constructed to be compatible with existing buildings the project would remain viable.

PUBLIC HEARING: SAM BRADY ARCHITECTS REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A BUILDING FOR THE DIVISION OF MOTOR VEHICLES (DMV) LOCATED APPROXIMATELY A BLOCK WEST OF 200 WEST AT 200 SOUTH IN A BP ZONE (C-10-04) (Agenda Item #9)

David Petersen reviewed the proposed site plan for the Division of Motor Vehicles (DMV) building to be located on 200 South in the south part of Farmington. There were some wetlands on the property that were mitigated and others that would have to remain. Details of the site plan along with engineering documents and elevations were not available. The DMV officials are in somewhat of a hurry to get approval so that construction could begin soon. Officials of the DMV wanted to have the department stay in the County Seat. The DMV was a

public entity and attracted a large number of vehicles to the City. DMV officials wanted to get a general feeling from the Planning Commission regarding the proposal and then they would return with details of the application.

Public Hearing

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

Sam Brady (representative of the DMV) stated that the facility would remain in generally the same vicinity and therefore would not be increasing traffic within the boundaries of Farmington. Parking for the building had been mandated by the State because the DMV was a State entity.

Public Hearing Closed

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

Mr. Petersen asked if there was a possibility the building could have access off the frontage road.

Mr. Talbot stated that if the building could gain access off the frontage road it would be ideal for the City and for the facility. The Lagoon Corporation had access off that road and it would mean traffic would not be going through neighborhoods and near the junior high. He stated he was not opposed to the building, he was opposed to the traffic pattern that would provide access to the building off 200 West. If access was on the frontage road, the building would be easy to find and the frontage road could easily handle the traffic.

Paul Hirst stated there would be a question regarding access from Lagoon Drive (the frontage road). The City only owns a portion of that road. The rest is a UDOT street. UDOT has a no access policy along the street.

Mr. Talbot stated that it may be worth a try to get permission for access off the frontage road because of the advantages and because the DMV was a State facility.

The architect for the project stated there was a deadline that had to be met. The amount of parking for the facility had been mandated by the State. The property was zoned for the facility. It would be highly unfortunate if getting permission for the access off the frontage road were to delay construction. The State will not own the building; they will only be leasing it. The building will only contain the DMV. No other use and no other tenets will be in the building.

Chairman Ritz stated the Planning Commission appreciated the situation of the State but the City needed to consider traffic impact and accessibility and keep the use of the land as beneficial for citizens as possible.

Mr. Petersen discussed options the Planning Commission could consider. Because the DMV was planning to include a larger than normal parking lot the impervious ground would be a great concern to the City. It was a concern that the State was not being environmentally conscientious.

Motion

John Montgomery moved that the Planning Commission grant conditional use approval for the DMV facility subject to all applicable Farmington City development standards and ordinances and conditions of site plan approval as reviewed and approved by the Planning Commission. The DMV shall also conduct a traffic and circulation study for the site and submit it to the Planning Commission for their review. The City shall not issue a conditional use permit until the application has received site plan approval. If the site plan for the site is not approved by the City, then this conditional use approval shall be considered null and void. It is also strongly encouraged that the DMV pursue access for the building along the frontage road. It is understood that the building will be occupied solely by the DMV facility.

Cindy Roybal seconded the motion, which passed by unanimous vote.

AGENDA ITEM #10

The Planning Commission had taken public input and had considered the application for several months. The project had been delayed in order to consider General Plan amendments and then to determine whether or not a dispute regarding legal consent should influence the decisions of the body. **Mr. Petersen** stated there had been numerous letters sent to the City Offices regarding the proposal. He reviewed several (attached herewith). The latest letter by Mr. Bruce Richards had been briefly reviewed by Farmington City's Attorney, who stated it may have merit. The City Attorney needed time to adequately review the issue. Mr. Petersen also briefly discussed traffic issues for the area. A round about had been proposed and may be sufficient for the traffic flow. However, not all conclusions were final.

Paul Hirst reported he had talked to Mr. Buie (the developer) regarding transportation issues. Funding would be secured from UDOT to improve Shepard Lane and 1075 West. In discussion of the proposed round about, it may be that the traffic device would fail. The data was incomplete. The traffic flow from the entire area had to be a part of the study before it was valid. Mr. Hirst stated he would be working with the developer to find a resolution in the event the project was approved.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited Mr. Buie to address the Planning Commission.

Kent Buie (developer) introduced a presentation. He referred to the issue of consent and stated he would be more than willing to sit down with residents to discuss the project. He was in favor of the round about for the project. However, it may not be able to handle the volume. He referred to the letter sent by Maxine Kerr and felt that issue would be between her and Davis County. Mr. Buie would be agreeable to allowing Davis County an easement for flood control. Mr. Buie stated that his project was not the cause of the problem but he could facilitate a solution to the problem. He discussed density, traffic, construction quality, the need for roof tops in Farmington, location, having a good mix of housing, and what a benefit the project would be to the community.

The project architect reviewed the site plan and stated it was different than what had been seen in previous meetings. There were three units types. They were trying to create a community feel.

Bruce Richards (1184 North 1500 West) stated he was legal counsel for the Homes at Shepard Creek Home Owners' Association. He was there to discuss the consent issue. He referred to the letter he submitted to the City earlier in the day. The HOA was contesting the consent given and stated that the City could not grant approval without legal consent. Farmington City was being asked to take action that violates the rights of the home owners. The home owners were not in opposition to the project, although they have grave concerns regarding the traffic increases.

Larry Elkins (57 East 300 North) stated he drove Deer Valley Road several times a week. The road had a round about that handled a great deal of traffic very efficiently. The issue of consent was going to become mute in 2009, but by then the quality developer would not be interested in doing the project. The City would lose the advantage of having one of the best developers do a quality project.

Teresa Scott (1028 East Prestwick, secretary for the HOA) stated that it was news to the HOA that Peter Cooke could give governing consent without the knowledge of the property owners. They had never been notified about this situation. They wondered how many other documents had been signed without their knowledge or consent.

Kevin Needham (1039 West Turnberry Circle) referred to his letter. He was against the project at this point. He felt it was important to have correct and legal representation in place before the project was considered. He had met with Mr. Buie and had voiced his concerns at that

point. He subsequently found out that it had been approved without the knowledge of the property owners. The HOA members were generally interested in the condos but not in the rental units. They had some concerns about the density and the increased traffic.

Gary Petersen (1065 West Prestwick) stated he was opposed to the project because of the increased traffic.

Ron Ashton (resident of Shepard Creek Estates) agreed with Mr. Needham. He stated that people in the neighborhood were very concerned about density and were very opposed to the rental units. In general, those who rent do not take the same approach to property as home owners. Those in this area have no need for apartments. The property owners feel they should have a say before it goes further.

Dave Wright (923 Kings Crossing) wanted to encourage the Planning Commission to table the agenda item on the grounds that the issues run deeper than what has been discussed. He felt the Commission did not have all the facts about the HOA headed by Peter Cooke. There were concerns about multi-family apartments, density, and the traffic increase. Mr. Wright felt his property would lose value if the project were to move forward.

Public Hearing Closed

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

- Mr. Klundt felt the Planning Commission was not the forum to decide which organization had the authority to give consent. He felt the Planning Commission had received an opinion from the City Attorney and they acted on that opinion.
- Ms. Roybal had spent years on the project and felt the reticence of the public was the result of not being heard for years. The City's Attorney had given a more recent opinion that Mr. Richard's comments may have merit. He, the City Attorney, had not had time to complete his review of the issues.
- Mr. Buie felt he had invited the home owners to meet with him and they had refused to do so. He felt he had given them ample opportunity to give their input and to let their voices be heard.
- Ms. Roybal stated the home owners felt they had not been legally or fairly represented. She also felt there were a great many unresolved issues, such as traffic and density.

- Mr. Montgomery stated the Commission needed to take action on the request. They could do so subject to resolution of the consent issue. He felt the Commission could move forward with the rezone request independent of the others issues. The Planning Commission was not the body to make a decision regarding representation of the HOAs.
- Mr. Petersen stated the City had signed an agreement that they would not allow residential development unless consent was given. It was likely the agenda item should be tabled to allow time for a more detailed site plan, possibly subject to resolution of the issue of consent.
- Mr. Talbot was uncomfortable with the letters which came in to the Offices at such a late date. He felt the project was a good project and that the legal issues should be resolved between lawyers and then have the application come back to the City. The situation was not fair to the developer or the home owners. Nor was it fair to the Planning Commission to have them guess whether the consent was valid or not.

Chairman Ritz requested a motion to table until the Planning Commission could get a concrete opinion from the City Attorney. The legal issues should be settled before they come before the Commission. He strongly encouraged the property owners to meet with Mr. Buie to give him their input regarding the project. There were quality high density developments that may be appropriate for Farmington. It would be well for the citizens to get involved with the developer and then come to the City with a positive proposal.

Motion

John Montgomery moved that the Planning Commission table the agenda item until a written opinion could be obtained from the City Attorney including how the Planning Commission should proceed for the benefit of the City to make the best resolution possible. **Bart Hill** seconded the motion. The motion passed by a 5 to 1 vote. Jim Talbot voted in opposition.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen reminded Planning Commission members that the next meeting would be on Tuesday, July 20th at 7 P.M. They would be considering the Farmington Station development.

The Planning Commission discussed the possible purchase of a timer to help citizens remain within a 3-minute time allotment when giving comments.

ADJOURNMENT

Jim Talbot moved to adjourn at 12:40 A.M.

Cory Ritz, Chairman
Farmington City Planning Commission