

FARMINGTON CITY PLANNING COMMISSION

Thursday, August 10, 2006

PLANNING COMMISSION STUDY SESSION

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

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

David Petersen reported on the proceedings of the City Council meeting which was held on August 1, 2006.

Agenda Item #3: Asay Miller - Applicants are Requesting a Recommendation for Minor Plat Approval for a 2 Lot Subdivision of the Commercial Property Now Occupied by Bukoos (formerly K-Mart) located on the northwest corner of Shepard Lane and U.S. 89 in a C Zone (S-8-06)

David Petersen passed out a colored rendering of the proposal for the Commission's review. The Planning Commission members discussed the landscaping issues. They agreed that it would be appropriate to reduce the applicant's landscaping requirement for Lot 1 from 15% to 7% since a portion of the landscaping was removed due to UDOT's Highway 89 project. If the building is remodeled in the future, the Planning Commission shall determine whether the landscaping requirement should return to 15%.

The Planning Commission discussed the fact that the parking area is being used to park vehicles that do not belong to the tenants or the customers. The City Planner said he would determine whether the City has the authority to enforce the parking issues since it is a private parking lot.

Agenda Item #4: PCI#1 LLC - Applicant is Requesting a Recommendation for Final Plat Approval for Phase 1D of the Farmington Greens PUD which Consists of 21 Lots on 8.03 Acres Located at Approximately 1400 West Clark Lane in an AE (PUD) Zone (S-1-06)

David Petersen passed out a copy of the Plat for Phase 1D. He said the item is not a public hearing, even though it was posted as such on the Planning Commission Agenda.

Agenda Item #5: Public Hearing: Farmington City - Consideration of Rezoning Approximately 5.5 Acres of Property Located East of 200 East in the General Vicinity of 200 North and 300 North from OTR-F to LR-F (Z-10-06)

David Petersen passed out a copy of the zoning map. He explained that the nine petitioners would like to be removed from the OTR zone since they were not aware their

properties were included in the zone. The Mayor met with a few of the residents and was not opposed to the properties returning to the LR-F zone so long as the proper process is followed.

Agenda Item #9: Public Hearing: Farmington City - Applicant is Requesting a Recommendation to the City Council regarding a Text Change to Chapter 23 of the Zoning Ordinance (Office Professional Zone) regarding Marriage and Family Counseling Services (ZT-9-06)

David Petersen said it was the City Attorney's recommendation that the following text be struck from the Ordinance since it would be difficult to enforce:

(e) Marriage and family counseling services excluding counseling for alcohol, drug, and sex related problems.

The meeting adjourned at 6:55 P.M.

PLANNING COMMISSION REGULAR SESSION

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

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

APPROVAL OF MINUTES

Kevin Poff moved that the Planning Commission approve the minutes of the July 27, 2006, Planning Commission Meeting. **Andrew Hiller** seconded the motion. The Commission voted unanimously in favor. **Chairman Talbot** and **John Bilton** abstained since they were not present at the July 27, 2006, meeting.

CITY COUNCIL REPORT

The City Council Report was given during the Study Session.

PUBLIC HEARING: ASAY-MILLER PROPERTIES - RECOMMENDATION FOR MINOR PLAT APPROVAL FOR A 2 LOT SUBDIVISION OF COMMERCIAL PROPERTY NOW OCCUPIED BY BUCKOOS (FORMERLY K-MART) LOCATED ON THE NORTHWEST CORNER OF SHEPARD LANE AND U.S. 89 (S-8-06) (Agenda Item #3)

Background Information

The applicant, after receiving a recommendation from the Planning Commission, received schematic plan approval from the City Council on May 3, 2006. The applicant also received conditional use and site plan approval from the Commission on April 13, 2006. However, the applicant has not yet resolved all issues related to the site plan approval but this need not necessarily hold up the recordation of the plat.

END OF PACKET MATERIAL.

David Petersen said the parking and landscaping issues were resolved during the Study Session. The overall landscaping for the site is 11%. It is up to the Planning Commission to determine whether they will allow the northerly portion of the project to have 7% landscaping.

Public Hearing

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

The applicant declined since the issues were addressed in the Study Session.

In response to a question from **Chairman Talbot**, **David Petersen** said it was his recommendation that the Planning Commission recommend minor plat approval.

Public Hearing Closed

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

The Planning Commission discussed the landscaping issue and agreed to the reduction of the landscaping requirement since it was a result of the Highway 89 construction. If the building is remodeled in the future, it is up to a future Planning Commission to determine whether the landscaping requirement should be increased.

Motion

Kevin Poff moved that the Planning Commission approve a conventional two-lot, zero lot line subdivision subject to all applicable City standards and ordinances, and requirements and standards set forth in a conditional use permit, including an approved site plan for the project and subject to the following:

1. The applicant must demonstrate that reciprocal access and parking easements are

recorded on the two properties, as well as reciprocal utility easements if necessary.

2. The plat may be recorded immediately. However, no building permit may be allowed for the southerly lot until a site plan is approved by the Planning Commission. In accomplishing this the applicant, among other things, must demonstrate that the landscaping plan for both lots complies with City ordinances.
3. No certificate of occupancy may be permitted for the southerly lot until all conditions of the building permit and conditional use permit are complete to the satisfaction of the City.

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

Motion

Rick Wyss moved that the Planning Commission place a condition on the conditional use permit (which shall be recorded against the property) that if the building undergoes a modification that requires approval of the Planning Commission, the property owner shall appear before the Commission to determine whether the landscaping plan for the northerly lot is sufficient. **John Bilton** seconded the motion, which passed by unanimous vote.

Findings

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

Jim Talbot said the landscaping requirement is not meant to be a hardship for the

property owner since the development met the landscaping requirements prior to the UDOT construction.

PCI#1 LLC - FINAL PLAT APPROVAL FOR PHASE 1D OF THE FARMINGTON GREENS PUD LOCATED AT APPROXIMATELY 1400 WEST CLARK LANE (S-1-06) (Agenda Item #4)

Background Information

After receiving a recommendation from the Planning Commission, the City Council approved an amended Master Plan for the entire Farmington Greens Subdivision which includes an additional connection to Clark Lane from Phase 1D and a site for a church. The above referenced conditions are similar to the conditions set forth by the Planning Commission in 2001 for approval of the original plans.

On February 23, 2006, the Planning Commission approved a preliminary plat for Phase 1D with several conditions similar to those above, including a requirement to update the preliminary plat to include required changes identified on the preliminary plat checklist. These changes to the preliminary plat have been made.

The final plat and improvement drawings have gone through several reviews with reviewing agencies, and the proposed set of plans have been accepted by the reviewing agencies as complete. It is felt that the final plat is ready for acceptance by the Planning Commission, but final recording should not take place until the conditions are met.

END OF PACKET MATERIAL.

David Petersen displayed a map and explained where the property is located. The final plat for Phase 1D is similar to that of previous phases. The Army Corp is requiring that a conservation easement be placed over the wetlands that exist in the large open space area. City staff recommends approval of the “suggested motion”.

Chuck Akerlow (PCI#1, Salt Lake City) said the application is in conformance with the master plan and with the Development Agreement that was entered into between PCI#1 and Farmington City. The majority of the wetlands will be left in their natural state.

Motion

Andrew Hiller moved that the Planning Commission approve the final plat for the Farmington Greens PUD Plat 1D subject to all applicable Farmington City development standards and ordinances and the following:

1. The setbacks and preliminary elevations or perspectives of all building types proposed for this phase of the Farmington Greens Planned Unit Development shall be submitted to the City by the developer. The setbacks and building elevation shall be consistent with the Development Agreement between the developer and Farmington City for this project.
2. The developer shall prepare and submit a consistent street lighting plan, fencing plan, and illuminated house addressing system for review and approval by the City.
3. The developer shall provide landscaping plans acceptable to the City for the open space area.
4. Fully executed declaration of covenants, conditions and restrictions together with open space easements and other bonds, guarantees or easement agreements shall be provided to the City as required by the Planned Unit Development Chapter of the zoning Ordinance and/or the City Attorney.
5. This final plat approval shall be subject to the Development Agreement made and entered into this 19th day of July 2000, by and between Farmington City and Claims, Inc., and any amendments related thereto.
6. All conditions of preliminary plat approval must be met.
7. Developer shall record a permanent open space easement acceptable to the City encompassing all of Parcel A concurrent with or prior to recordation of the final plat. Additionally, a permanent open space easement as per the development agreement and master plan must be recorded at the same time as the parcel A easement.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

- The final plat for Phase 1D is consistent with the previous proposal and site plan.
- The project will contribute to improving the area near Clark Lane.
- Phase 1D is in compliance with the Development Agreement between PCI#1 LLC and Farmington City.

PUBLIC HEARING: FARMINGTON CITY - CONSIDERATION OF REZONING PROPERTY LOCATED EAST OF 200 EAST IN THE GENERAL VICINITY OF 200 NORTH AND 300 NORTH FROM OTR-F TO LR-F (Z-10-06) (Agenda Item #5)

Background Information

Several weeks ago, some (and maybe all) of the owners identified in the petition dated July 23, 2006, met with the Mayor and requested that their properties be removed from the OTR zone. Apparently, they were not aware that their land was rezoned OTR in 2003. The Mayor and the City Council are willing to accommodate their request and have directed staff accordingly. It is the understanding of staff that the Mayor presented the attached tables to the property owners which show the differences between the two zones and that they prefer the requirements of the previous zone, which was LR-F.

END OF PACKET MATERIAL.

David Petersen displayed a zoning map and pointed out where the OTR zone is located. He reviewed the "Background Information" and the tables which outline the differences between the OTR and LR zone. He also reviewed the "Suggested Motion" and the "Findings" which were included in the Planning Commission packets.

In response to a question from **Chairman Talbot**, **David Petersen** said 8 of the 9 property owners signed the petition requesting that their properties be zoned LR-F. The individual who owns the vacant lot was not represented. It is the opinion of City staff that the lot should be included in the rezone.

Paul Barker read the following paragraph from the letter that was sent to the Mayor by the 8 petitioners:

"By unanimous consent and attested by the signatures below we are requesting that the City Council by whatever actions necessary remove our neighborhoods from the Farmington OTR and reinstate our residences to the R2 zoning."

Mr. Barker questioned whether the Petition of Removal was actually intended to rezone the properties R-2, rather than LR-F.

David Petersen said the City Attorney counseled that the properties be returned to their original zone, which is LR-F. The petitioners would need to pay an application fee if their intent is to zone their properties R-2.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission and to state whether their intent is to rezone their properties LR-F or R-2.

Mark McSwain (245 East 200 North) said the petitioners are long-term residents who do not want to be a part of the conflicts that occur in the OTR zone. They are accepting of the LR-F zone if that is how their properties were previously zoned. He said the vacant lot discussed in staff's presentation is a steep property that has been vacant for 20 years.

In response to a question from **Chairman Talbot**, **Mark McSwain** verified that the 8 petitioners are requesting that their properties be rezoned from OTR-F to LR-F.

Boyd Slagowski (256 North 200 East) said he is opposed to the vacant lot being developed with a multi-family use. He asked if Jim Stewart's property will be rezoned LR-F.

Mr. Stewart said his property abutting the north boundary of the Slagowski parcel is not included in the proposed rezone.

Greg Jones (215 East 200 North) expressed appreciation to the Mayor for his efforts in rectifying the zoning problem.

Todd Adams (242 North 200 East) said his lot is split between two different zoning districts. He would like his entire property zoned LR-F and asked that the Planning Commission consider his request.

David Petersen said **Mr. Adams'** request would probably need to come under a separate petition.

Public Hearing Closed

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

David Petersen said it is an option for the Stewart's to be included in the LR zone. He suggested that they meet with him to discuss the pros and cons of the zone since it may be beneficial as they carry out their plans for their property.

Chairman Talbot questioned why the Adams property can not be included in the rezone since the applicant is Farmington City.

David Petersen said he would need to seek the advice of the City Attorney since the petition and acreage did not include Mr. Adam's property.

Mr. Adams said he is willing to meet with Mr. Petersen to discuss the possibility of rezoning his entire property LR-F.

Boyd Slagowski said he would also like to have his property rezoned LR-F if the Adams property is zoned LR-F.

David Petersen said the proposed rezone is intended to reduce the number of multi-family units allowed. The properties included in the petition are located near the foothills so they are better suited for the LR-F zone.

Motion

Kevin Poff moved that the Planning Commission rezone the properties as requested from OTR-F to LR-F. **Paul Barker** seconded the motion, which passed by unanimous vote.

Findings

- The properties are located in a foothill area and the larger lot (20,000 square feet vs. 10,000 square feet) and/or conservation subdivision restrictions of the LR zone are more consistent with this area. This will enable the City to preserve open space in the foothill area for such purposes as enhanced aesthetic values, recreation purposes, etc.
- Individual property owners within the affected area have reviewed standards in both zone districts and prefer the land uses and other requirements set forth in the LR zone as opposed to the OTR zone.
- The rezone is still consistent with the goals, policies, and governing principles of the Comprehensive Plan for Farmington City.

David Petersen explained that there is consistency in the way the properties in the area are zoned since the lots fronting 200 East are zoned OTR-F, while the foothill properties are zoned LR-F.

PUBLIC HEARING: JEFF SMITH - SITE PLAN APPROVAL TO DEVELOP SELF STORAGE UNITS AND AN ACCESSORY LIVING QUARTERS LOCATED AT APPROXIMATELY 325 WEST 1050 SOUTH WEST OF THE UNION PACIFIC RAILROAD TRACKS AND SOUTH OF GLOVERS LANE (C-16-05) (Agenda Item #6)

Background Information

The City Council “rezoned” the property to LM&B subject to a condition that the property owner dedicate a right-of-way the entire length of the east side of the property. The right-of-way has been dedicated.

The Planning Commission approved a Conditional Use Permit for the storage units on October 13, 2006, with the requirement that the site plan be approved by the City and be incorporated as part of the CU permit with any conditions related thereto. The site plan has been reviewed and accepted by all reviewing agencies.

END OF PACKET MATERIAL.

David Petersen displayed a Vicinity Map and pointed out where the property is located. He also displayed an overhead of the proposed site plan and of the facade which includes on-site living quarters. The development will include a detention basin with landscaping in the front. The water from the property is traveling across UDOT's property to Steed Creek. **Mr. Pack** informed **Mr. Petersen** that he is concerned that when the stream channel is relocated on to Pack property due to the construction of Legacy Highway, it may cause excessive run off down the stream channel. The City Engineer said he is confident the detention basin will handle the water from the development and will meter it out at the appropriate flow. He suggested that the Planning Commission's motion include a condition stating that the units shall not be used or sublet for any use other than self-storage.

Public Hearing

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

Scott Argyle (Jeff Smith's Engineer - 3035 West 150 North, Layton) said he is available to answer any questions the Commission may have.

Brad Pack (580 East 400 North, Bountiful) said his comments represent those of the property owners to the south and to the west of the subject property. He is concerned about the water run off and questioned whether **Jeff Smith** has obtained permission from UDOT to direct the water across their property. He said he also owns a self-storage facility in the area.

Scott Argyle said UDOT has agreed to the easement which will allow the drainage pipe to travel across their property. The easement is in the process of being recorded. Efforts are being made to prevent water from draining to the Pack property.

Public Hearing Closed

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

The Planning Commission discussed whether a berm should be required to screen the facility from the residential areas that will likely develop to the north and west of the property.

Scott Argyle said he did not recommend a berm to provide screening since it would create a dead space between the storage unit facility which could collect debris and cause other safety issues. If the property were developed with a different commercial use, it would likely generate more traffic than that of a storage unit facility. He said the issue of screening the building would need to be addressed with the property owner.

Chairman Talbot recommended that the applicant submit a color board or an elevation illustrating how the wall will appear when the structure is complete.

Motion

Rick Wyss moved that the Planning Commission grant site approval subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. All conditions of site plan approval shall also become conditions of the conditional use permit.
2. The applicant must meet all requirements of the Fire Marshall, including a paved access way from Glovers Lane, an acceptable turn-around area for fire trucks and fire hydrants, as approved by the Fire Department.
3. The applicant shall enter into an extension agreement with the City whereby he agrees to provide improvements in the future as determined by the City for those portions of the right-of-way abutting the property; including but not limited to underground utilities, storm water facilities, curb, gutter, sidewalk, and asphalt paving.
4. Concerns addressed in a letter from Central Davis Sewer District dated August 3, 2006, about one connection to a public line are addressed..
5. Approval of landscaping plan and lighting plan by City staff.
6. *The use of the facility shall be self-storage only. No other use is allowed.*

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

Findings

- The location is appropriate for a storage unit facility.
- The facility will provide a buffer between the highway and the residential areas.

[Cory Ritz arrived at 8:15 P.M.]

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION TO THE CITY COUNCIL REGARDING TEXT CHANGES TO THE ORIGINAL TOWNSITE RESIDENTIAL ZONE (OTR) CHAPTER 17 OF THE ZONING ORDINANCE (ZT-7-06) (Agenda Item #7)

David Petersen said the original OTR zone text was adopted concurrently with the rezone in 2003. It has since been found that there are certain items that need to be amended so a committee was created to consider those amendments. He reviewed the proposed text amendments and said the most significant change was to the section relating to “pop tops” and building and roof forms. He presented a slide show relating to “Pop-tops/Inline Second-Story Additions”. Exhibits were added to the text to provide a visual explanation of how the roof lines should be constructed.

Public Hearing

Chairman Talbot opened the meeting to a public hearing.

Ralph Reaves (139 South 300 East) thanked the committee for their efforts regarding the OTR zone. He questioned whether the proposed amendments would allow him to add a garage on the side of his home. He also questioned whether the ordinance allows additions that double the foot print of the existing dwelling.

David Petersen said he is willing to meet with **Mr. Reaves** to discuss the issues pertaining to his property. He said the ordinance allows for additions that are larger than the existing home.

Scott Ezula said his home is located in the OTR zone. He is accepting of the proposed amendments since it will make the zone less restrictive.

Public Hearing Closed

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

Kevin Poff said the issues that generated the most discussion were those that pertain to personal preferences.

Andrew Hiller said the Appendix is a positive addition to the text since it helps to visually clarify the issues.

Motion

Cory Ritz moved that the Planning Commission recommend that the City Council approve the amendments to Chapter 17 - Original Townsite Residential Zone (OTR) as presented by staff. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

- Input was received from the committee and OTR residents.
- The Appendix will help to clarify issues relating to the OTR zone.
- The text review has helped to educate residents as to what is allowed in the OTR zone.

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION TO THE CITY COUNCIL REGARDING A TEXT CHANGE TO THE SUBDIVISION ORDINANCE RELATED TO RESIDENTIAL LOTS ON DEAD-END STREETS (ZT-8-06) (Agenda Item #8)

David Petersen said at a previous meeting, the Planning Commission members interpreted the ordinance to restrict living units, not residential lots.

Public Hearing

Chairman Talbot opened the meeting to a public hearing.

Eric Rossi (1396 South 35 East) said the ordinance pertains to the number of residents in an area rather than the number of parcels. The ordinance is also intended to provide adequate egress in the event of an emergency.

Don Robinson (1372 South 200 East) said if the ordinance is amended to refer to “residential units”, the OTR zoning structure will also need to be amended.

David Petersen read the definition for a “dwelling”, “dwelling units”, and “lot”. Under the current scenario, it is possible for there to be 24 duplexes on a dead-end street in the R-2 zone. He said Farmington has the most liberal dead-end street requirements in Davis County.

Dana Kendrick (139 East South Temple, Suite 400, Salt Lake City) said his intent is to provide a gated, empty-nester community. Empty nesting housing will generate less traffic than a single family dwelling development. If the nearby residents are opposed to the possible traffic congestion, he may purchase the Robinson property which would eliminate the dead-end street issue by providing an additional ingress/egress. He is willing to accommodate the needs of the City and the residents.

Public Hearing Closed

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

At the request of **Commissioner Bilton, David Petersen** said he would research how dead-end streets are addressed in other communities.

Motion

Kevin Poff moved that the Planning Commission recommend the text change to the Subdivision Ordinance related to residential lots on dead-end street. **Andrew Hiller** seconded the motion, which passed by a 5 to 1 vote.

PUBLIC HEARING: FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION TO THE CITY COUNCIL REGARDING A TEXT CHANGE TO CHAPTER 23 OF THE ZONING ORDINANCE (OFFICE PROFESSIONAL ZONE) REGARDING MARRIAGE AND FAMILY COUNSELING SERVICES (ZT-9-06) (Agenda Item #9)

David Petersen reviewed the history of the Office, Professional (OP) Zone. The City Council recommended that paragraph (e) pertaining to permitted uses, read as follows:

- (e) *Marriage and family counseling services excluding counseling for alcohol, drug, and sex related problems.*

The City Attorney recommended striking the text “*excluding counseling for alcohol, drug, and sex related problems*” since it may be difficult to enforce. City staff recommends that the Planning Commission follow the advice of the City Attorney and strike the text.

Public Hearing

Chairman Talbot opened the meeting to a public hearing.

Public Hearing Closed

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

As per the request of **Chairman Talbot** during the Planning Commission study session,

Mr. Petersen said he would contact the City Attorney to determine whether it would be appropriate to prohibit overnight or extended stays.

In response to a question, **Rick Wyss** said it may be redundant to include a statement pertaining to overnight/extended stays since it is not allowed in the zoning ordinance.

Motion

Rick Wyss moved that the Planning Commission recommend a text change to Chapter 23 of the Zoning Ordinance (Office Professional Zone) regarding marriage and family counseling services. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

- The amendment will eliminate text that may be controversial and difficult to enforce.
- The amendment follows the recommendation given by the City Attorney.

PUBLIC HEARING: DANA N. KENDRICK - APPLICANT IS REQUESTING A RECOMMENDATION TO RESOLVE DEAD-END STREET ISSUES IN ORDER TO DEVELOP TOWNHOUSES ON VACANT PROPERTY (1.5816 ACRES) LOCATED BETWEEN 1340 SOUTH AND 1420 SOUTH WEST OF 200 EAST IN AN R-2 ZONE (S-16-06) (Agenda Item #10)

David Petersen displayed an aerial photo and pointed out where the property is located. There are 18 single family dwelling units on 1420 South. According to the Subdivision Ordinance, a dead end street can not have more than 24 lots. At a previous discussion regarding the issue, the Planning Commission was wary of recommending duplexes in the area until they learned that the development would be a high-end, empty-nester, gated community. They questioned whether that type of development would be marketable since the homes in the existing neighborhood are valued for less than the proposed housing type. **Mr. Petersen** displayed an overhead of the rendering and the proposed lot lay out. He said the Fire Chief has approved the proposed layout.

Public Hearing

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

Dana Kendrick (139 East South Temple, Suite 400, Salt Lake City) reiterated his comments from the public hearing pertaining to the proposed text change to the Subdivision

Ordinance related to residential lots on dead-end streets. He said the twin homes will generate less occupants and traffic than that of a single-family development.

Eric Rossi (1396 South 35 East) said the application states that the property owner is Travis Bell but according to the records at the County Recorder's office, the property owner is Phillip T. Jessee.

David Petersen said **Travis Bell** said he can provide proof that he owns the property outright. According to the City Attorney, if the Planning Commission so desires, they can make a recommendation subject to the property ownership being verified.

Eric Rossi said the proposed drive is only 30' wide which may not be adequate for emergency vehicles, snow removal or garbage removal. He is opposed to multi-family dwellings in the area since all of the abutting properties are single family dwellings. Of the 40 existing structures in the R-2 area, 36 are single family dwellings so he does not think it is appropriate to allow multi-family housing. Many of the multi-family units that exist in the area have become "eyesores" since the landlords do not provide adequate maintenance to the property, thus lowering the values of the surrounding properties.

Dustin Davis (119 East 1420 South) discussed a few of the City's goals as listed on the City's website. He is in favor of single family dwellings in the neighborhood. He does not think the proposed location would be an attractive site for the twin homes since their view would be of his rear yard. He is concerned that in the future, the HOA will not have adequate funds to maintain the sewer and roads so it will become the responsibility of the City and the tax payers.

Leslie Rossi (1396 South 35 East) said she is opposed to a variance allowing more than 24 homes on a dead end street. She is concerned that the City does not have the authority to enforce the requirements of a homeowner's association. She said one of the documents pertaining to the property ownership is not notarized and may not be credible. If Travis Bell is the property owner, he should be responsible to comply with the City's weed ordinance. She had the following concerns regarding the proposed subdivision a dead-end street: the water will drain downhill, sidewalks and guest parking stalls are not included in the proposal, there is not a turn-around at the end of the street, the existing homes would have a road in the front and rear of their properties, and the development will generate additional traffic in the area. She was also concerned that the developer will develop something other than the housing types he has proposed.

Justin Roadhouse and **Taunya Ramirez** withheld their comments since they were stated by other residents.

Bill Abrahms (165 East 1420 South) said the subdivision would be more viable if the road entered the subdivision from the middle of the street and included a cul-de-sac. He was

concerned about the storm water drainage since the area has experienced drainage issues in the past. He questioned who would be responsible to pave 150 East in the event the subdivision is approved. He recommended that the property be developed with two-story, single family housing. He also recommended that any development be limited to six family units.

Matthew Nielsen (134 East 1420 South) said the proposed pricing does not seem realistic when compared to other similar housing types in the City. He is concerned about what type of development may occur if the current proposal does not come to pass.

Rob Lee (1372 South 35 East) said he is in favor of the proposal but he is opposed to the units being used as rental properties after they have been purchased. He asked if the development will be overseen by a HOA and asked if the street will be public or private. He also asked that the developer address all of the sewer and drainage issues.

Mr. Kendrick said the water will drain the same regardless of the housing type. There will also be traffic issues regardless of the housing type but the proposed use will generate less traffic. He has researched the market and feels the development will be a great asset to the community. He does not want to cause conflict with the residents or the City. He recommends that any one interested visit the Cottonwood Heights project which is similar to the proposed project. He addressed the following issues that were brought up by the residents:

- There will be a homeowner's association.
- The streets will be private but will be built to public street standards. He is willing to provide public streets, if the City so desires.
- Front and rear landscaping will be provided.
- He is willing to provide sidewalks and guest parking.
- Phil Jessee was the previous property owner. Travis Bell is the current property owner. Any questions relating to ownership will be resolved prior to the property being recorded.

Public Hearing Closed

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

Cory Ritz asked if there is another access point that could be pursued.

Dana Kendrick said he is under a time constraint to close on the proposed property. He is currently negotiating with **Mr. Robinson** to purchase his home which would allow access from 200 East. It would also make it possible for him to construct a fence around the entire property.

Don Robinson said he is not opposed to the proposal but they have not yet addressed all

of the issues.

Cory Ritz asked if it would be an option to configure the street down the middle of the property.

Dana Kendrick said a 40' B.O.R. easement exists on the property so that a portion of the property is not buildable.

Chairman Talbot questioned whether there is a market for this type of a development since there is limited ground surrounding the property.

Mr. Kendrick said the units will be priced at approximately \$300,000 which will meet the market for the area.

Cory Ritz said he was concerned about the existing property owners having streets in the front and rear of their property but felt the situation could be mitigated with landscaping and fencing. It was his opinion that the neighbors would approve of the development in the future and would have less problems with the proposed development than that of single-family housing.

Rick Wyss said the public sentiment is clearly against the proposal. He asked that the public raise their hands if they are opposed to the development. Not as many hands were raised as anticipated. The majority of the residents said their answer would be dependent upon how many homes are allowed.

David Petersen said based on the Planning Commission's interpretation of the ordinance, a development could have 6 more dwelling units without a second point of access. Dead-end streets have an exception clause so the developer's proposal would be over by two units. In this type of development, it may be detrimental to eliminate the 2 units because an economies of scale is needed for the H.O.A.

In response to a question, **Dana Kendrick** said he does not want to go against the public sentiment but wants to make sure the public understands what he is proposing. If the residents visited a comparable development, they would not likely be opposed to the concept. It is possible for him to develop a subdivision of four homes, but the homes will not be the same high quality he is currently proposing.

Chairman Talbot recommended that the applicant meet with the neighbors so they can better understand the proposal.

John Bilton said he thinks the project would be an asset to the community. The housing alternatives could be far less desirable. He would be more likely to recommend the proposal if

the applicant were to purchase the Robinson property and provide a second point of access.

In response to a question, **Rick Wyss** said the application was submitted prior to the Planning Commission recommending the Subdivision Ordinance text amendment. Therefore, the applicant does not have vested rights.

Motion

Rick Wyss moved that the Planning Commission table consideration of the issue to allow the developer to meet with the residents in the area in an effort to gain public support.

Andrew Hiller suggested that the public become educated regarding the current proposal since the alternative uses could be worse.

Dana Kendrick said he will not likely have the time to meet with the residents since his contract expires in four days.

Andrew Hiller seconded the motion, which passed by a 5 to 1 vote.

ADJOURNMENT

Paul Barker moved that the Planning Commission adjourn at 10:00 P.M.

Jim Talbot, Chairman
Farmington City Planning Commission